

12468

No. _____

Supreme Court of Illinois

Egan

vs.

^O
~~P~~aland & Henry

John Egger
vs
Patrick Poland

46

12468

1857

United States of America }
State of Illinois } 28.
County of Cook }

Alias before the Honorable
John M. Wilson, Judge of the Cook County
Court of Common Pleas at a regular
term of said Cook County Court of
Common Pleas, within and for the
County of Cook and State of Illinois
begun and holden at the Court House
in the City of Chicago in said County & State on
the Second Monday being the tenth day of
September, in the year of our Lord one
thousand Eight Hundred and fifty five
and of the Independence of the United
States the Eightieth

In and the Honorable John M. Wilson, Judge
Daniel Mc Arty Prosecuting Attorney
James Andrew Sheriff
attest Walter Kimball Clerk

Be it remembered that here-
before to wit, on the 29th day of August
A.D. 1855, came Patrick Poland & John
Henry, by their attorneys Sarneword &
Burgess filed in the office of the Clerk
of the said Court a precept and security
for costs in the ~~Records~~ words & figures
following viz:

Court County Court of Common Pleas
Patrick Poland }
& John Henry } Debt
vs
John Egan, William }
B. Smith & Thomas Walsh }

We do hereby enter our-
selves security for costs in this cause &
acknowledge ourselves bound to pay or
cause to be paid all costs that may
accrue herein, either to the opposite party
or to any of the officers of the Court
Sarneword & Burgess

Endorsed as follows: Filed August 29th 1855.
W. Kimball Clerk

Court Common Pleas
Patrick Poland & John Henry }

vs
John Egan, William B. Smith }
and Thomas Walsh } Clerk used
Summons in this cause for Debt of \$800.

Dameyis for detention \$300 - returnable
September Term

Dameyis to R. B. B. B.
for R. B. B.

Entered as follows: Filed August 29th 1855

Wm. H. Hall C. D.

State of Illinois

County of Cook ss. The People of the State of Illinois
do the Sheriff of said County - Greeting: We
command you that you summon John Egan
William R. Smith, and Thomas Walsh, if
they shall be found in your County, personally to
be and appear before the Cook County Court
of Common Pleas of said County, on the first
day of the next term thereof, to be holden
at the Court House, in the City of Chicago, in
said County, on the 2^d Monday of September
next, to answer unto Patrick Poland and
John Henry in a Plea of debt of Eight
hundred Dollars to the damage ~~as they~~
of the said Plaintiffs as they say in the
sum of three hundred Dollars.

And have you then and there
this writ, with an endorsement thereon, in what
manner you shall have executed the same.

Witness Walter Kimball Clerk of said
Court, and the Seal thereof, at the City of
Chicago, in said County, this 29th day of
August A.D. 1855. Walter Kimball Clk

* Any other person who is issued out of said County office under the
Seal thereof a summons of following writ:

which on the 18th September 1855, was filed in
said Office, endorsed and returned as
follows - Served by reading to the within named
John Egan, August 29th 1855, the other de-
fendants not found in my County - service
50¢ 1 mile 5¢ 1 Return 10¢ = 65¢ This paid by
Attorney - Jas Andrew. Sheriff, by Mr Norton
Deputy -

And that on the 30th day of August 1855
said Poland and Henry filed their De-
claration in said suit as follows viz:

In the County Court of
Common Pleas of September
Term A.D. 1855.

State of Illinois

County of Cook J.B. = Patrick Poland and John
Henry, Plaintiffs in this suit by James W. Norton
and George their Attorneys come & complain
of Thomas Walsh and John Egan and
William B. Smith who were summoned
&c of a plea that they render unto ^{the} said
Plaintiffs the sum of eight hundred Dollars
which they owe to and unjustly detain from
them

For that whereas heretofore to wit on the
1st day of February in the Year four Lord
one thousand eight hundred & fifty four
to wit at Chicago in said County the said
Plaintiffs sued out of this Court under the

and thereof a writ of the people commonly
called a Capias ad Respondendum to the Sheriff
of said County directed commanding
him that he take the said Thomas Walsh
by his body if to be found in his County &
him safely keep so that he be and appear before
the said Court on the first day of the then next
term thereof to be holden at the Court House in
the City of Chicago on the first Tuesday of
June next ensuing to answer unto the said
Patrick Poland and John Henry in a plea
of trespass on the case upon promising to their
damages three Hundred Dollars, as it was
said and to have then and there that writ
which writ bore date the day and year first
above written in this Court mentioned and
endorsed by the Clerk of said Court with a
direction to said Sheriff to take said John the
Defendant in the sum of two hundred & one
Dollars & forty seven cents being sum sworn to,
which writ so endorsed afterwards and on the
2^d day of February 1854 came into the hands
of James P. Bradley then being Sheriff of said
County to execute in due form of law, to wit
in the County aforesaid, and the said Bradley
so being and Sheriff of said County after-
wards and before the return day of said
writ to wit on the 2^d day of February 1854
arrested & took the said Thomas Walsh

by his body & held him in custody under &
by virtue of said writ until a Chisep of
said until the tenth day of April 1854 when
the said Bradley, so being such Sheriff of said
County as aforesaid & holding said Thomas
Walsh in custody under and by virtue of
said writ as aforesaid took from the said
Defendant bail for his appearance at the
return day of said writ according to the
force form and effect of the Statute in
such case made and provided - and
upon that occasion the said John Egan
and William B. Smith & the said Thomas
Walsh made executed & delivered to the
said Sheriff this certain writing obligat-
ory commonly called a Bail Bond in the
words and figures following to wit:

"Know all men by these presents, that
we Thomas Walsh, John Egan, & William
B. Smith of the County of Cook & State of
Illinois are held and firmly bound unto
Cyrus R. Bradley, Sheriff of Cook County, ^{in the} &
State of Illinois in the sum of four hun-
-dred dollars lawful Money of the United
States, for the payment of which sum, well
and truly to be made to the said William
L. Church, ^{Sheriff} as aforesaid or his successors
in office, executors, administrators, or assigns
we hereby jointly and severally bind our-

22elves, our heirs, executors & administrators,
Witness our hands and seals this tenth
day of April eighteen hundred & fifty
four.

The condition of this obligation is such
that whenas Patrick Doland and John
Henry have lately sued out of the
Cook County Court of Common Pleas of
the County of Cook a certain writ of
Capias ad respondendum in a certain
 plea of Trespass on the Case on promises
against Thomas Walsh returnable to
the next term of the said Court, to be
holden at the Court House, in the City
of Chicago, in said County, on the first
Monday of June next.

Now if the said Thomas Walsh
shall be and appear at the said Court
to be holden at Chicago aforesaid on
the said first Monday of June next,
and in ~~and~~ case the said John Egan
and William B. Smith shall not be
served as Bail in the said action,
shall put in good and sufficient
bail, which shall be received by the
Plaintiff, or shall be adjudged sufficient
by the Court or the said John Egan &
William B. Smith being accepted as
bail shall pay and satisfy the costs

and condemnation money, which may be
rendered against the said Thomas
Malsh in the plea aforesaid, or sur-
render the body of the said Thomas
Malsh in execution, in case the said
Thomas Malsh shall not pay to satisfy
the said costs and condemnation money
or surrender himself in Execution
when by Law such surrender is re-
quired, then this obligation to be void:
otherwise to remain in full force &
effect.

In presence of

Thomas Malsh (seal)

John Egan (seal)

William Bonith (seal)

and thereupon the said Thomas Malsh
was discharged out of custody by said
Sheriff, & with at Chicago aforesaid, which
said with the said Sheriff returned to
said Court with his return thence
that he had taken the body of said
Thomas Malsh and discharged him
from custody upon his giving bail &
on the 14th day of April A.D. 1854 filed
said bail bond with the clerk of said
Court as by said with and the Sheriff's
return thence and the said bond now
on file in the office of the Clerk of the
Court to which the said Plaintiffs bring
now her into Court reference being

thence had well more fully appear.

And the said Plaintiffs in fact further say that such proceedings were afterwards had in said Court in said suit, that the said plaintiffs of & afterwards took at the time thereof began and held at the place of said on the 29th second Monday of September A.D. 1854, by the Judgment & Concurrence of said Court recovered against the said Thomas Walsh the sum of two hundred and nine dollars & fifty three cents for their damages & by them sustained by occasion of the premises therein mentioned as also their costs of suit as by the record & proceedings therein now remaining of record in said Court well more fully & at large appear reference being thence had —

And the said Plaintiffs further aver that so having recovered Judgment against the said Thomas Walsh, afterwards took on the 27th day of October A.D. 1854, they caused an Execution to be issued on their said Judgment to the sheriff of said County, dated the day and year last aforesaid, under the seal of the Court commanding him that of the Goods & Chattels, Lands & Tenements

of the said Thomas Walsh he should cause
to be made the sum of two hundred
and nine dollars and fifty three cents
which the said Polack & Henry then lately
in said Court by the Judgment & consid-
eration thereof recovered against said
Thomas Walsh for their damages and
also the sum of eleven dollars and
sixteen cents for their costs of suit which
the said Thomas Walsh was convicted as
appendant of Record, and to have those
moneys ready to render in ready days
from the date thereof to the said Plain-
tiffs for their damages & costs aforesaid
and to make return of that writ which
said writ of execution was duly endorsed
with a direction to collect Interest from the
29th day of September AD 1854 being the
day of actual rendition of said Judg-
ment which said writ so endorsed
afterwards and on the 28th day of October
1854 and before the return day thereof
came into the hands of James Andrew
then acting such Sheriff of said County as
aforesaid to execute in due form of Law,
and afterwards and on the 16th day of Jan-
uary 1855, was by him returned to the
Office of the Clerk of said Court with his
return thence that he could find no

property in this county, whereon to levy and make the same as by the said writ of execution and the said return thereto now on file in the office of said Clerk of said Court referred being thereto had will more fully appear.

And the said Plaintiffs in fact further say that afterwards and after the return of said writ of execution the said Plaintiffs filed in the office of the Clerk of said Court an affidavit as follows to wit:

State of Illinois County of Cook ss - I, J. Hamworth being duly sworn on oath depose and say that Patrick Poland and John Henry received a Judgment against Thomas Walsh in the Court County Court of Common Pleas on the 29th day of September A.D. 1854, for the sum of two hundred and one dollar and fifty three cents, besides costs of suit - That on the 27th day of October 1854, an execution issued out of the office of the Clerk of said Court against the said Thomas Walsh upon and for the collection of said judgment and was delivered to the Sheriff of said County, to execute - which said execution was on the 16th day of January A.D. 1855, returned by said Sheriff so properly found and affiant further says that the said Thomas Walsh refused and

still refuses to surrender his estate lands
tenements, goods & chattels for the satisfaction
of the Execution so issued as aforesaid
and that this affiant is Attorney for
said Poland & Henry

Sworn to & subscribed before me } J. J. Farnsworth
this 29th day of May A.D. 1855. }
W. Kimball Clk }

And thereupon the said
Plaintiff sued out of said Court a writ
of habeas ad satisfaciendum upon said
Judgment dated the 30th day of May A.D.
1855, directed to the Sheriff of said County
commanding him that he take the body of
said Thomas Walsh if he might be found
in ~~the~~ his County and him safely keep so
that he have his body to satisfy said Poland
& Henry in the sum of two hundred and
nine Dollars and fifty three cents which
said Poland & Henry lately in the said
Court at the September term thereof A.D.
1854 recovered against said Walsh for
their damages and also twelve dollars &
fifty six cents for their costs of suit when
said Defendant was convicted as appeared
of record in ninety days from thereof &
thereof and then make due return of said
writ which said writ afterwards and
more than ten days before the return day

thereof writ on the 31st day of May 1855,
at Chicago aforesaid came into the hands
of James Andrew then and since and
now being Sheriff of said County to
execute in due form of Law, which said
writ so having been in the hands of said
Sheriff to execute two days and upwards
was ~~for~~ ^{before} the commencement of this writ
on the 29th day of August 1855; and
thereof returns by him to the office of the
Clerk of said Court with his return there-
-to made that he received said writ on the
31st day of May 1855, and that the said
Thomas Walsh could not be found in
his County as by said writ and the said
return thereon then and endorsed now on
file in the office of the Clerk of said
Court will more fully appear reference
being thereunto had —

And the said Plaintiffs in fact
further say that the said Thomas Walsh or
said Egan or Smith have not paid the
said Judgment or any part thereof and that
the same remains in full force not vacated
reversed satisfied or in any manner
discharged nor hath the said Thomas
Walsh surrendered himself in execution
or been by this said writ the said Smith
and Egan surrendered in execution

things to such surrender hath been required
according to Law in manner from aforesaid
but so to do they have hitherto wholly re-
sisted & refused, of all which said sum-
mons said Defendants have had notice
brought at Chicago aforesaid, by reason
whereof the condition of said Bond hath
become forfeited and an action hath
accrued to said Plaintiffs to demand
and have of and from said defendant
the said sum of four hundred dollars
principal of said sum above demanded.

And for that Thomas also heretofore
to wit on the 1st day of February in the year
of our Lord one thousand Eight hundred &
fifty four to wit at Chicago in said County
the said Plaintiffs sued out of this Court
under the seal thereof a writ of the People
commonly called a ~~Capias~~ ^{Respondendum}
to the Sheriff of said County directed, com-
manding him that he take the said Thomas
Walsh by his body if to be found in his
County and him safely keep so that he be
and appear before the said Court on the
first day of the then next term thereof to be
holden at the Court House in the City of
Chicago on the first Monday of March
next ensuing to answer unto the said
Patrick Poland & John Henry in a plea

of trespass on the case upon promises
to their damage three hundred dollars
as it was said and to have then and
there that writ, which writ bore date
the day and year first above in this
Court mentioned and was endorsed
by the clerk of the said Court with a
direction to said Sheriff to take back from
the defendant in the sum of two hun-
dred and one dollar & forty seven
cents which writ so endorsed afterwards
and on the second day of February 1854
came into the hands of Lewis P. Bradley
then being Sheriff of said County to execute
in due form of law writ in the County
of said and the said Bradley as being
such Sheriff of said County afterwards
and before the return day of said writ
took on the 2^d day of February 1854
in said County arrested and took said
Thomas Walsh by his body & held him
in custody under and by virtue of said
writ took at Chicago of said until
the second day of February in the year
of said, when the said Bradley so
being such Sheriff of said County as
aforesaid and holding said Thomas
Walsh in custody as aforesaid under
and by virtue of said writ took from

said defendants bail according to the
exigency of said writ & the force and
effect of the Statute in such case made
and provided, and upon that occasion
John Cooney and the said John Egan
and Thomas Walsh made, executed
and delivered to the said Sheriff
their certain writing obligatory, commonly
called a Bail Bond in the words and
figures following - viz:

Know all men by these presents that we
Thomas Walsh, John Cooney and John Egan
of the County of Cook and State of Illinois
are held and firmly bound unto Cyrus P
Bradley Sheriff of Cook County, in the State of
Illinois in the sum of four hundred Dollars
lawful money of the United States, for the pay-
ment of which sum well and truly to be
made to the said Cyrus P. Bradley Sheriff
as aforesaid, or his successors in office
Executors, Administrators or assigns, we
hereby jointly and severally bind ourselves
our heirs Executors and Administrators.
Witness our hands and seals this second
day of February eighteen hundred & fifty
five.

The condition of this obligation is such:
that whereas Patrick Poland and John Henry
have lately run out of the Cook County

Const of Common Pleas of the County of Cook a certain writ of Habeas ad respondendum, in a certain Plea of Inquest on the case on promising against Thomas Walsh returned to the next term of the said Court, to be holden at the Court House, in the City of Chicago, in said County on the first Monday of March next.

Now if the said Thomas Walsh shall be and appear at the said Court to be holden at Chicago aforesaid on the said first Monday of March next, and in case the said John Cooney and John Egan shall not be received as bail in the said action, shall put in good and sufficient Bail which shall be received by the Plaintiff, or shall be adjudged sufficient by the Court, or the said John Cooney and John Egan being accepted as Bail, shall pay and satisfy the costs and condemnation money which may be rendered against the said Thomas Walsh in the Plea aforesaid or surrender the body of the said Thomas Walsh in execution, in case the said Thomas Walsh shall not pay and satisfy the said costs and condemnation money or surrender himself in execution

where by Law such surrender is required
then this obligation to be void, otherwise
to remain in full force and affect
In presence of

Thomas Walsh (seal)
John ^{his} Cooney (seal)
^{James}
John Egan (seal)

And thereupon the said Thomas Walsh was
discharged out of custody by said Sheriff both
at Chicago aforesaid which said writ
the said Sheriff afterwards took on the se-
cond day of February aforesaid returned
to said Clerk Office with said Bail Bond
with his return thence that he had taken
the said Thomas Walsh into custody and
arrested him by tender said writ & on his
giving bail had discharged him there-
from as by said writ and said bail
bond and the said return of said Sheriff
thereon now on file in said office of
said Clerk reference being thereunto had
will more fully appear.

And said Plaintiff in fact further
says that afterwards the said John Cooney
being desirous of surrendering the said
Thomas Walsh into the custody of said
Sheriff procured from the Clerk of said
Court on the 10th day of April A.D. 1854, a duly
certified copy of said bail bond & which said copy
so certified is as follows to wit:

Know all men by these presents, that we Thomas Walsh, John Cooney & John Egan of the County of Cook & State of Illinois are held & firmly bound unto Cyrenus P. Bradley, Sheriff of Cook County, in the State of Illinois in the sum of four hundred dollars, lawful money of the United States, for the payment of which sum, well & truly to be made to the said Cyrenus P. Bradley, Sheriff as aforesaid, or his successor in office, executors, administrators or assigns we hereby jointly & severally bind ourselves our heirs executors & administrators. Witness our hands & seals this second day of February, eighteen hundred fifty four

The condition of this obligation is such - That whereas Patrick Polans & John Henry have lately sued out of the Cook County Court of Common Pleas of the County of Cook, a certain writ of capias ad respondendum, in a certain plea of trespass on the case on promises against Thomas Walsh returnable to the next term of the said Court, to be holden at the Court House, in the City of Chicago, in said County, on the first Monday of March next:

Now if the said Thomas Walsh shall be & appear at the said Court, to be holden at Chicago aforesaid on the first Monday of March next, & in case the said John Cooney & John Egan shall not be received as bail in the said action, shall put in good & sufficient bail, which shall be received by the Plaintiff or shall be adjudged sufficient by the Court, or the said John Cooney & John Egan being accepted as bail, shall pay and satisfy the costs & condemnation money, which may be rendered against the said Thomas Walsh in the plea aforesaid, or surrender the body of the said Thomas Walsh in execution in case the said Thomas Walsh shall not pay & satisfy the said costs & condemnation money, or surrender himself in execution, when, by Law such surrender is required, then this obligation to be void; otherwise to remain in full force and effect -

In presence of

Thomas Walsh seal
John ⁱⁿ Cooney seal
John Egan seal

State of Illinois
County of Cook P. J. Walter Kimball Clerk of
the Cook County Court of Common Pleas

within for the County and State aforesaid
do hereby certify that the within is a
true copy of a Bail Bond now on file
in my Office in the suit of Patrick Do-
-laub and John Henry Plaintiffs and
Thomas Walsh Defendant.

In testimony whereof I have
hereunto set my hand and seal of said
Sd. Court this 20th day of April A.D. 1804

Walter Penball cl^{er}
and thereupon on the 10th day of April 1804
in vacation. Produced the body of said
Thomas Walsh with said certified copy
of said Bail Bond and surrendered said
Walsh into the custody of said Sheriff who
thereupon took said Walsh into his custody
and endorsed on said copy of said Bail Bond
an acknowledgment of such surrender in
the words and figures following to wit

Recd April 10th 1804 of John Dooney the
within named Thomas Walsh into my
custody.

Ezra P. Bradley Sheriff
by M. Regan Deputy

which said certified copy of said Bond with said
acknowledgment of surrender was afterwards
on the 14th day of April A.D. 1804 duly filed in
said office of said Clerk - and the said Thomas
Walsh so being in the custody of the said
Sheriff upon such surrender. The said Thomas

Walter John Egan & William B. Smith
to procure his discharge therefrom after-
wards to wit on the tenth day of April A.D.
1804 in vacation, at Chicago aforesaid made
executed and delivered to said T. Bradley
so being such Sheriff as aforesaid their
certain writing obligatory in the words
figures to wit

"Know all men by these Presents, that
we Thomas Walter John Egan William
B. Smith of the County of Cook and State of
Illinois are held and firmly bound unto
Cyrus P. Bradley, Sheriff of Cook County
in the State of Illinois in the sum of four
hundred dollars lawful money of the
United States, for the payment of which
sum, well and truly to be made to said
Cyrus P. Bradley, Sheriff as aforesaid or his
successors in office, executor administrator
or assigns we hereby jointly & severally
bind ourselves our heirs executors and
administrators. Witness our hands and seals
this tenth day of April eighteen hundred
and fifty four -

The condition of this obligation is such
that whereas Patrick Poland and John Henry
have lately sued out of the Cook County
Court of Common Pleas of the County of
Cook, a certain writ of Habeas ad Res-

-respondendum, in a certain Plea of Trespass
on the case on promises, against Thomas
Walsh returnable to the next term of the
said Court to be holden at the Court House
in the City of Chicago, in said County, on the
first Monday of June next.

Now if the said Thomas Walsh shall be
and appear at the said Court, to be holden
at Chicago ^{said} on the first Monday of
June next, and in case the said John Egan
and William B. Smith shall not be received
as Bail in the said action, shall put in good
and sufficient Bail, which shall be received
by the Plaintiff, or shall be adjudged sufficient
by the Court, or the said John Egan and
William B. Smith being accepted as bail
shall pay and satisfy the costs & condemnation
money which may be rendered against the
said Thomas Walsh in the plea aforesaid
or surrender the body of the said Thomas
Walsh in execution in case the said Thomas
Walsh shall not pay and satisfy the said cost
and condemnation money or surrender
himself in execution when by Law such
surrender is required, then this obligation
to be void; otherwise to remain in full
force and effect

In presence of

Thomas Walsh (seal)
John Egan (seal)
William B. Smith (seal)

And thereupon the said Thomas Walsh was discharged from custody - and the said Sheriff on the 14th day of April AD 1854, filed and bond in the office of said Clerk as by said Bond now shown to the Court remaining on file in said cause will more fully & at large appear -

And the said Plaintiff in fact further says, That such proceedings were afterwards had in said Court in said suit that the said Plaintiff afterwards took at the term thereof began and held at the place aforesaid on the second Monday of September AD 1854, by the judgment and consideration of said Court recovered against the said Thomas Walsh the sum of two hundred and nine dollars and fifty three cents for their damages by them sustained by reason of the premises therein mentioned as also their costs of suit as by the Record and proceedings thereof now remaining of Record in said Court will more fully & at large appear reference being thereto had.

And the said Plaintiff further avers that so having recovered judgment against the said Thomas Walsh afterwards took on the 27th day of October AD 1854 they caused an Execution to be issued on

then said Judgment to the Sheriff of said
County, dated the day and year last afore-
said under the seal of the Court commanding
him that of the Goods & Chattels, Land
and tenements of the said Thomas Walsh
he should cause to be made the sum of
two hundred and nine dollars & fifty
three cents which the said Poland and
Murray then lately in said Court by the Judg-
ment & consideration thereof, recovered against
said Thomas Walsh for their damages & also
the sum of eleven dollars and six cents
for their costs of suit whereof the said Thomas Walsh
was convicted as appellant of record and to have
those moneys ready to render in ninety days
from the date thereof to the said Plaintiffs
for their damages & costs aforesaid & then to make
return of that writ, which said Writ of Execution
was duly endorsed with a direction to collect
interest from the 29th day of September
AD 1854 being the day of actual rendition
of said Judgment which said writ so
endorsed afterwards and on the 28th day
of October 1854, and before the return day
thereof came into the hands of James Andrew
then being Sheriff of said County to execute
and afterwards and on the 16th day of Jan-
uary 1855, was by him returned to the office
of the Clerk of said Court with his return

thinks that he could find no property in
in his county, whereon to levy & make the
same, as by the said writ of execution &
the said returns thereto now on file in the
office of said Clerk of said Court reference
being thereto had will more fully appear.

And the said plaintiffs in fact further say
that afterwards and after the return ~~say~~ of
said writ of execution, to wit on the 29th day
of May 1855, the said plaintiffs filed in
said cause in the office of the Clerk
of said Court an affidavit as follows to wit:

State of Illinois, Cook County, ss.

J. J. Farnsworth being duly sworn
on oath deposes and saith that Patrick Po-
land and John Murray recovered a Judgment
against Thomas Walsh in the Cook County
Court of Common Pleas on the 29th day of
September AD 1854 for the sum of two
hundred and nine dollars fifty three cents
less costs of suit. That on the 27th day of
October 1854 an execution issued out of the
office of the Clerk of said Court against the
said Thomas Walsh upon and for the collec-
tion of said Judgment and was delivered
to the sheriff of said county to execute, which
said execution ~~was~~ was on the 16th day of
January AD 1855, returned by said
sheriff as property found, and affiants further

says that the said Thomas Walsh refused & still refuses to surrender his estate land
instruments goods & chattels for the satisfaction
of the execution so issued as aforesaid &
that this affiant is attorney for said Poland
and Henry -

Sum to subscribed before me S. J. Hameworth
this 29th day of May A.D. 1855.

Winnhall, Ct. - and thereupon the said
Plaintiffs and out of said Court a writ of
Capias ad satisfaciendum upon said Judgment
dated the 30th day of May A.D. 1855, directed to
the Sheriff of said County commanding him
that he take the body of said Thomas Walsh
if he might be found in his County & bring
safely, keep so that he have his body to satisfy
said Poland and Henry in the sum of two
hundred and nine dollars and fifty three
cents which said Poland & Henry lately in
said Court at the September term thereof
A.D. 1854 recovered against said Walsh
for their damages and also twelve dollars
and fifty six cents for their costs of suit
whereof said defendant was convicted as
appeared & record in ninety days from the
date thereof and then there made due return
of said writ - which said writ afterwards
and more than ten days before the return
day thereof brought on the 31st day of May

1855. at Chicago aforesaid came into the hands of James Andrew then and since now being Sheriff of said County to execute in due form of law, which said writ so having been in the hands of said Sheriff to execute two days & upwards was before the commencement of this suit on the 29th day of August A.D. 1855, filed & returned by him to the office of the Clerk of said Court, with his return thereto made that he received said writ on the 31st day of May 1855, and that the said Thomas Walsh could not be found in his County as by said writ and the said return thereto thereon endorsed now on file in the office of the Clerk of said Court will more fully appear reference being thereto had.

And the said Plaintiffs in fact further say that the said Thomas Walsh or said Egan or Smith have not paid the said Judgment or any part thereof & that the same remains in full force not vacated ~~reversed~~ ^{reversed} satisfied or in any way manner discharged, nor hath the said Thomas Walsh surrendered himself in execution or been by this said Bail the said Smith & Egan or either of them surrendered in execution though such surrender hath been required

according to Law in manner and form
aforesaid, but so to do they have hitherto
wholly neglected & refused - of all which
said promises said defendants have had
notice, both at Chicago aforesaid - by
reason whereof the condition of said Bond
has become forfeited and an action
has been brought by the said plaintiffs to
demand and have of & from said de-
fendants the said sum of four hundred
dollars or the parcel of said sum above
demanded -

Yet the said defendants although
often requested so to do have not as yet paid
said plaintiffs said sum of eight hundred
dollars above demanded or any part
thereof, but they to do this have wholly neg-
lected & refused to the damage of the
plaintiffs three hundred dollars & therefore
they bring suit &c

James W. Thompson
for Plffs -

Endorsed. Filed August 30th 1855 - W. Kimball Clk

2 And afterward and on the
day of A. D. 1855, being one of the
days of the said September Term, the
following proceedings were had
and entered of Record, to wit:

Patrick Soland & John Henry

^{vs.}
John Egan, William P. Smith Debt.
and Thomas Walsh

And now comes the
said Plaintiffs by Farnsworth & Burgess
their Attorneys and it appearing to the
Court that ~~the~~^{due} personal service of process
of summons issued in this cause, has
been had on the said defendant, John
Egan only and he being three times
Solemnly called in open Court, comes
not nor does any person for him,
~~and he is in default~~^{which is on motion of said Plaintiffs}
orders to be taken and entered of
Record. Wherefore the said Plaintiffs ought
to have and recover of the said defend-
-ant, John Egan, in plaid with the
said William P. Smith and Patrick Walsh
their debt in their said Declaration
mentioned and also their damages
sustained by reason of the detention
thereof - and on motion of said Plain-
-tiffs it is ordered that a jury be summoned
to inquire of the said Plaintiffs debt &
damages.

And on the 27th Sept 1858, said Egan by
Harvie and Sulley his attorneys filed the
following motion and accompanying
Affidavits—

State of Illinois

In Cook County Court of Common Pleas

September Term 1858.

John Egan complainant with
Thomas Walsh & William B Smith
vs.
Patric Poland & John Henry

And now comes the said
John Egan and by Harvie & Sulley his attorneys
moves said court to set aside the default hereto-
fore entered in the above entitled cause, said
motion being founded on the affidavits on file
and the file & record in said cause

Harvie & Sulley

attys for Egan

In Cook County Court of Common Pleas—

John Egan complainant
with Thomas Walsh &
William B Smith
vs.
Patric Poland & John Henry

Cook County, Ill.

John Egan

defendant in the above entitled suit being
duly sworn says that he believe he has a good
defense to said suit on the merits, that said
suit is brought as he is informed & believes

on a certain alleged Bail Bond whereby
this affiant and the above named
William B. Smith became bail as is
alleged for the above named Thomas Walsh
who had been arrested as a fugitive
and respondent at the suit of the
above named Plaintiffs; that as this affiant
is informed by his counsel & believes the
arrest of the said Walsh was illegal &
the said Bail Bond is void, that the said
Walsh has been resident in the City of Chi-
cago County of Illinois ever since the com-
mencement of the original suit in which
he was arrested as aforesaid till now,
that from the month of April till about
the middle of the month of July last past
he was employed at the Livery Stables of
Albion Howard on Randolph Street in said
City that from the said middle of July he has
till now been employed at the warehouse
of Sanford Hall & Co on the north End of Lake
Street Bridge in said City & as this affiant
is informed and believes has been em-
ployed at either of the above ^{named} places every
week day, that the said Thomas Walsh
is well known in the said City, and could
have been easily found upon reasonable
search and inquiry. And this affiant
further says that he, although well known

to the Sheriff of said County and his deputies
was never applied to by the said Sheriff
or his Deputies, nor by any other person
informed him or them whether the said
Malsh could be found; and this affiant
further says that on or about the 30th
August last past, he was served with
process in the above entitled suit; that
thereupon he requested Patrick Coffey
to take the necessary steps in the matter
and employ counsel, that the said
Coffey agreed to do so and this affiant
trusting that his said request would be
complied with knowing that the said Malsh
was in this city thought no more of said suit
until he was informed on yesterday that a
default had been taken against him
in said suit; and this affiant further
says that he has never received any
money property security indemnity or
thing whatsoever from the said Malsh or
from any other person in consideration
of his becoming or being Bail for the said
Malsh

Subscribed & sworn to before me John Egan
this 26th day of September A.D. 1855.
Patrick Lamb P.P. Seal

State of Illinois

In LaSalle County Court of Common Pleas -

John Egan impleaded with

Thomas Walsh & William B Smith

vs

Patrice Poland & John Henry } Cross County

Thomas Walsh

one of the above named defendants being
duly sworn says that he has not been served
with process in the above entitled suit, that
as he is informed & believes the said suit is
brought on a certain alleged bail bond ex-
ecuted by this affiant as principal, and
the above named John Egan & William B.
Smith as Bail - that the said Egan & Smith
became bail for this affiant as is alleged
when he this affiant was under arrest
by virtue of a capias ad respondendum
~~for~~ at the suit of the above named plaintiff
on or about the tenth day of April A.D.
1804, and this affiant further says that
for more than one year next preceding
this date he has constantly been a resident
of the city of Chicago, County of Cook, that
from the month of April last past till the
first day of August last or thereabouts he
was employed at Plate & Howe's livery stable
on Randolph Street in said city, & was at
said Stable about his ordinary business

every day during the space of time last
aforesaid, that during such time from
April till August the Sheriff of the
County aforesaid, and also his deputies
were very frequently in the living stable
of Platt & Son aforesaid & had opportunities
of seeing & did see this affiant, And this
affiant further says that about the be-
ginning of August last he left Platt
& Son's employment and went down
in the warehouse of Sanford Hall and
Company at or near the north end
of La Salle Street bridge in said city, where
he has been employed till now. And this
affiant further says that he has, ever since
his arrest on the capias above mentioned
aforesaid been ready and willing to surrender
himself or to be surrendered by his bail
aforesaid for the protection of his said bail
that the said Egan & Smith have never
received any consideration, security or en-
dorsement whatsoever for becoming or being
Bail for this affiant, and this affiant
further says that he has sent a resident
of Chicago aforesaid for three years, & could
have been easily found at any time from
the 29th day of May last to the 29th day of August
August last upon any slight inquiry

Subscribed & sworn to before me this Thomas Walsh
26th day of September 1855. J.A. Worthington J.P. #

entered "Relief Sept 27th 1855"

Mineral Co. Cal.

21246-12

3

And afterwards and on the twentieth day of October A. D. 1838, being one of the days of the said September Term, the following proceedings were had and entered of Record to wit:

4

5

Patrick Poland & John Henry

vs.

John Egan, William P. Smith } Debt.
and Thomas Walsh }

This day comes the said Defendant John Egan, by Harve and Tuley his Attornies and moves the Court to set aside the default entered therein against him and the Court after hearing said Motion overrules the same

And afterwards on the 10th day of November A.D. 1838, being one of the days of the said September Term, the following proceedings were had and entered of Record to wit:

Patrick Poland & John Henry

vs.

John Egan, William P. Smith & Thomas Walsh } Debt.

This day again come the said Plaintiffs by Sameworth & Burgess their Attornies and on their motion it is ordered that the order heretofore entered

herein, for a writ of inquiry, ⁱⁿ this cause be
vacated and set aside, And the default
of the said Defendant John Egan having
been entered in this cause, the Court
now here after hearing the allegations &
proofs submitted by said Plaintiffs
being now fully advised in the
premises, finds the said Defendant John
Egan impleaded as aforesaid, indebted
unto said Plaintiffs in the sum of four
hundred dollars, as charged in their
said Declaration and assesses the said
Plaintiffs damages by occasion of the
premises to the sum of two hundred
and thirty six dollars and eighty
nine cents - Therefore it is ~~ordered~~ ^{consequently} that
the said Plaintiffs do have and recover
of the said Defendant John Egan
impleaded as aforesaid their debt of four
hundred dollars in their said Declaration
mentioned and also their damages
of two hundred and thirty six dollars
and eighty nine cents in form aforesaid
by the Court here assessed and also
their costs and charges by them about
their suit in this behalf expended, and
have execution therefor said Execution
to be endorsed to be satisfied on payment
of damages interest and Costs.

Debt \$400
Damages \$236.89

And that on the 24th day of November A.D. 1855, being one of the days of the said September Term, the following proceedings were had and entered of record, to wit:

Patrick Poland & John Henry }
vs. }
John Egan, William B. Smith } Debbt
and Thomas Walsh }

And now comes the said Defendant John Egan, by Harney and Tuley his attorneys and enters his Exceptions to the opinion of the Court herein and prays an appeal to the Supreme Court of the State of Illinois, which is allowed by the Court on his filing his appeal bond herein, in the sum of five hundred dollars, with A. J. Rose as surety by the first day of December next, & twenty days time is given said defendant to prepare and file herein his Bill of Exceptions.

And that afterwards on the 7th day of December A.D. 1855, said John Egan filed with the Clerk of said Court his bond in the words and figures following to wit:

Know all men by these presents that we John Egan and Orrin A. Rose of the County of Cook and State of Illinois are held and firmly bound unto Patrick Poland and John Henry of in the penal sum of five hundred dollars, which payment well and truly to be made & performed we do hereby bind ourselves, our heirs Executors and administrators jointly and firmly, by these presents

Witness our hands and seals this twenty fourth day of November A.D. 1855-

The condition of the above obligation is such that whereas at the November term of the Cook County Court of Common Pleas A.D. 1855, a judgment was by said Court rendered in favor of said Poland and Henry against Thomas Walsh, John Egan and William B. Smith in the sum of four hundred dollars debt to be released upon the payment two hundred & thirty six dollars & eighty nine cents damages \$236.89 & costs of suit, and whereas the said Egan has taken an appeal from said judgment of said Court to the Supreme Court of the State of Illinois

Now then if the said Egan his heirs executors ~~and assigns~~ or administrators shall well and truly pay or cause to be paid said judgment costs interest & damages in case said judgment shall be affirmed by said Supreme Court and ~~also~~ shall also duly prosecute his said appeal then this obligation to be null & void

otherwise to remain in full force and
virtue

(seal)
O. J. Rose (seal)
John Egan (seal)

time extended to full bond in days
Nov 30th / 55 James W. B. & Co

Endorsed - Filed Dec 7th 1855,
W. Kimball Clk

And on the 12th day of December A.D.
1855, said Egan filed his Bill of exceptions
in the words and figures following viz:

"And afterwards built on the
day of ~~September~~^{December} in the year
eighteen hundred and fifty five comes the
said Defendant John Egan by his attorney
& files herein his certain Bill of exceptions
which is in the words and figures following
to wit:

State of Illinois
Cook County ss.

In the Cook County Court
of Common Pleas of the County
Term A.D. 1855.

Patrick Poland & John Henry

vs
Thomas Walsh John Egan } Debt
and William Bennett } upon Bond

Be it remembered
that upon the assessment of the Plaintiffs
damages by the honorable Judge of said court
the following files of the cause of Patrick
Poland and John Henry against said
Defendant Thomas Walsh were submit-
ted to the court subject however to all legal
objections and exceptions of both parties
as to the admissibility of said files as
evidence, the Plff reading only such of
~~them~~^{them} as were necessary for him to recover

and excepting to the others, which said
files are as follows to wit:

The affidavits
upon which the capias ad respondendum
issued in said suit as said Walsh is
in the words and figures following to wit:

State of Illinois

Cook County ss. Court County Court of Common

Pleas, March Term AD 1854.

John Henry being ~~sworn~~ sworn doeth
depose and say that Thomas Walsh is justly
indebted unto Patrick Poland & John
Henry (doing business under the name
and style of Poland & Henry at Cincinnati
Ohio) in the sum of two hundred and one
dollar and forty seven cents \$201.47 for
~~said~~ merchandise sold and delivered unto
the said Walsh and that the same will be
in danger of being lost & the benefit of
whatever judgment may be obtained
will be in danger unless the said Walsh
be held to bail

Subscribed before me John Henry
this first day of February
AD 1854 - Walter Kimball Clk -

which said affidavits
was filed 1st February AD 1854. The capias
ad respondendum issued in said suit
which is in words figures following to wit:

affidavit for capias ad res.

State of Illinois }
County of Cook

Seal = The People of the State of
Illinois to the Sheriff of said
County. Greeting: We com-

mand you that you take the body of Thomas
Waltch, if he shall be found in your County,
and safely him keep so that he be & appear
before the Cook County Court of Common Pleas
of said County on the first day of the term
thereof to be holden at the Court House in
Chicago in said County on the first Monday
of March next to answer unto Patrick
Poland & John Henry in a plea of trespass
on the case on promises to the damage
of said Plaintiffs as they say in the sum
of three hundred dollars, And have
you then and there this writ with an
endorsement thereon in what manner
you shall have executed the same.

Witness Walter Kimball Clerk of said
said Court and the seal thereof at Chi-
cago in said County this 1st day February
A.D. 1884

Walter Kimball Clerk

Upon the back of which said writ of capias
is the endorsement of the said Clerk in the
words and figures following to wit "The
Sheriff will hold ^{as a defendant} bail in the sum of
two hundred and one dollars forty seven
cents" \$201.47 -

Kimball Clerk

and also on the back of said writ of Habeas
ad Rec. is the endorsement & return of the
Sheriff in the following words and figures
to wit: "Executed by arresting the within named
Thomas Walsh and on his request brought
him before the County Judge of Coos County
this 1st day of February 1854, and by an
endorsement on this writ the County Judge re-
manded said Walsh back to the Sheriff
and on their giving bail to Sheriff I
have discharged them from custody this
2^d day of February 1854

C. P. Bradley Sheriff

by Wm. Ryan Deputy -

upon the back of said writ is the order of
said Judge which is as follows to wit: The
defendant having failed to satisfy the
Court on his application for discharge after
fairness of his Schedule and proceeding
his discharge is refused

February 2^d 1854

W. S. Rucker County Judge
which said writ of Habeas ad Rec. was filed
in the office of the Coos County Court of Com-
mon Pleas on the 2^d day of February 1854.

Attached to said writ was a bond taken
by the said Sheriff which bond is in the words
and figures following to wit:

Know all men by these presents, that we
Thomas Walsh, John Cooney and John Egan

Sheriff

County Judge

of the County of Cook and State of Illinois
are held and firmly bound unto Legue
P. Bradley, Sheriff of Cook County, in the
State of Illinois, in the sum of four hun-
dred dollars, lawful money of the
United States, for the payment of which
sum, well and truly to be made to the
said Legue P. Bradley, Sheriff as aforesaid,
or his successors in office, executors, ad-
ministrators or assigns, we hereby jointly
and severally bind ourselves, our heirs,
executors and administrators, Witness
our hands and seals this second day of
February eighteen hundred and fifty
four.

The condition of this obligation is such,
that whereas Patrick Polack and John
Hearney have lately sued out of the Cook
County Court of Common Pleas of the
County of Cook a certain writ of capias
ad Respondendum, in a certain plea of
trespass on the case or promises
against Thomas Walsh returnable to the
next term of the said Court, to be holden
at the Court House, in the City of Chicago,
in said County, on the first Monday of
March next.

Now if the said Thomas Walsh
shall be and appear at the said Court

to be holden at Chicago aforesaid, on the
said first Monday of March next, and in
case the said John Cooney and John
Egan shall not be received as bail in
the said Action, shall put in good and
sufficient bail, which shall be received
by the Plaintiff, or shall be adjudged
sufficient by the Court, or the said John
Cooney and John Egan being accepted
as bail, shall pay and satisfy the costs
and condemnation money, which may be
rendered against the said Thomas Walsh
in the Plea aforesaid, or surrender the
body of the said Thomas Walsh in ex-
ecution in case the said Thomas Walsh
shall not pay and satisfy the said costs
and condemnation money, or surrender
himself in execution when by Law
such surrender is required, then this
obligation to be void; otherwise to remain
in full force and effect.

In presence of

Thomas Walsh (seal)

John ^{his} Cooney (seal)

John ^{man} Egan (seal)

also a certified copy of the said Bond of
said Walsh Cooney & Egan, which said
Bond certified by the Clerk of
the said County Court of Common
Pleas in on the words and figures

following to wit:

Know all men by these presents that we Thomas Walsh John Cooney & John Egan of the County of Cook State of Illinois are held and firmly bound unto one P. Bradley, Sheriff of Cook County, in the State of Illinois in the sum of four hundred dollars, lawful money of the United States, for the payment of which sum well and truly to be made to the said one P. Bradley Sheriff as aforesaid or his successors in office, executor, administrator or assigns, we hereby jointly and severally bind ourselves our heirs, executors and Administrators. Witness our hands and seals this second day of February Eighteen Hundred and fifty four.

The Condition of this obligation is such that whereas Patrick Polack and John Henry have lately sued out of the Cook County Court of Common Pleas of the County of Cook, a certain writ of capias ad respondendum in a certain Plea of trespass on the case on promises and against Thomas Walsh returnable to the next term of the said Court to be holden at the Court House in the City of Chicago in said County on the first Monday of March next.

Now if the said Thomas Walsh,
shall be and appear at the said Court
to be holden at Chicago aforesaid, on the
said first Monday of March next; and
in case the said John Cooney and John
Egan shall not be received as bail in the
said action, shall put in good & sufficient
Bail, which shall be received by the plaintiff
or shall be adjudged sufficient by the Court
or the said John Cooney and John Egan
being accepted as bail, shall pay & satisfy
the costs and condemnation money which
may be rendered against the said Thomas
Walsh in the plea aforesaid, or surrender
the body of the said Thomas Walsh in
Execution in case the said Thomas Walsh
shall not pay and satisfy the said costs
and condemnation money, or surrender
himself in execution when, by law, such
surrender is required, then this obligation
to be void; otherwise to remain in full
force and effect

In presence of

Thomas Walsh (seal)

John ^{his} Cooney (seal)

John ^{mano} Egan (seal)

upon the basis of which is found the certifi-
cate of the Clerk of the said County Court
of Common Pleas in the words & figures
following to-wit

State of Illinois
County of Hancock. I Walter Kimball clerk
of the above County Court of Common Pleas &
for the county and State aforesaid do hereby cer-
tify that the within is a true copy, of a
Bail Bond now on file in my office in the
suit of Patrick Poland and John Herring
plaintiffs and Thomas Walsh defendants
In testimony whereof I have hereunto set
my hand and seal of said Court this 10th
day of April AD 1854

L.S. Walter Kimball Ck
and upon the back of said ~~certificate~~ cer-
tified copy of the bail bond is found the
receipt of said Sheriff which is as follows to-wit:

Received April 10th 1854 of John Cooney
the within named Thomas Walsh into
my custody
Cyrus B. Bradley Sheriff
By M. Ryan Deputy

which certified copy of said bail bond was
filed upon 14th day of April AD 1854—
Also the bail bond upon which this suit is
founded taken by the ~~Sheriff~~ upon the
delivery of said Walsh to him by said
John Cooney, and which bail bond is in
the words and figures following to-wit:

I know all men by these presents that
we Thomas Walsh, John ^{Egan} and
William Berrieth of the County of Hancock

Certificate of Clerk

Sheriff's receipt

and State of Illinois, are held and firmly
bound unto Cyrus P. Bradley Sheriff of said
Cook County in the State of Illinois, in the
sum of four hundred dollars lawfully
money of the United State for the payment
of which sum well and truly to be made to the
said Cyrus P. Bradley Sheriff as aforesaid
or his successors in office executors ad-
ministrators or assigns, are hereby jointly
& severally held ourselves our heirs suc-
cessors and administrators. Witness our
hands and seals this tenth day of April
eighteen hundred and eighty four.

The Condition of this obligation is such
that whereas Patrick Poland & John
Herry have duly sued out of the Court
County Court of Common Pleas of the
County of Cook a certain writ of capias
ad respondendum in a certain plea of
trespass on the case on promises against
Thomas Walsh returnable to the next term
of the said Court to be holden at the
Court House in the city of Chicago, in said
County on the first Monday of June
next.

Now if the said Thomas Walsh shall
be and appear at the said Court to be
holden at Chicago aforesaid, on the said
first Monday of June next, and in case

John Egan and William B. Smith
shall not be received as bail in the said
action, shall put in good and sufficient
bail, which shall be received by the
plaintiff or shall be adjudged sufficient
by the court, or the said John Egan &
William B. Smith, being accepted as bail
shall pay and satisfy the costs & condemna-
tion money, which may be rendered against
the said Thomas Walsh in the plea afore-
said, or surrender the body of the said Thomas
Walsh in execution, in case the said Thomas
Walsh shall not pay and satisfy the said
costs and condemnation money, or surrender
himself in execution, when by Law, such
surrender is required. If then this obliga-
tion to be void, otherwise to remain in
full force & effect. Thomas Walsh seal
In presence of John Egan seal
William B. Smith seal

which said bail bond was filed on April
14th A.D. 1854.

It was then upon admitted by counsel
for Plaintiffs and the counsel for defendants
that the said Plaintiff did at the September
term A.D. 1854 of this Court recover a Judg-
ment in due form of Law against the
said Thomas Walsh for the sum of two
hundred and nine dollars and fifty

three cents besides costs of suit which and
entire amount to damages assessed by
the court. That on the 27th day of October
in the year A.D. 1854 an execution in due
form of law issued out of the office of
the Clerk of the court against said
defendant Thomas Walsh upon said
Judgment for the collection of said
Judgment and that the Sheriff of said
County did on the 16th day of January
return said Execution declaring his
return upon the same of no property
found.

And thereupon an affidavit for a
Capias ad satisfaciendum was made
which was in the words and figures following
to wit:

State of Illinois /
Cook County P. J. H. Hamerworth being duly
sworn on oath deposes & says that Patrick
Poland and John Henry received a Judg-
ment against Thomas Walsh in the
Cook County Court of Common Pleas on
the 29th day of September A.D. 1854 for the
sum of two hundred & nine dollars &
fifty three cent besides cost of suit
That on the 27th day of October 1854 an
execution issued out of the office of the Clerk
of said court against the said Thomas

marsh upon and for the collection of said
Judgment & was delivered to the Sheriff of
said County to execute, which said Ex-
ecution was on the 16th day of January
AD 1855, returned by said Sheriff "no
property found - and affiant further
says that the said Thomas Walsh refused
and still refuses to surrender his Estate
lands Immovable Goods & Chattels for the
satisfaction of the execution so issued as
aforesaid and that this affiant is Attorney
for said Poland & Henry

sworn and subscribed

J. F. Farnsworth

before me this 29th day

of May AD 1855 - W. Marshall, Clk CO," which said
affidavit was filed May 29th 1855 -

It was further admitted that a
capias ad satisfaciendum, issued out of
said Court upon the filing of said affidavit
which said Capias bore date, May 3rd
1855, and was delivered to the said Sheriff
on that day, by whom it was returned to
said Court upon 29th of August 1855, with
the following indorsement and return of
said Sheriff upon the back of said Capias
writ: "The within named Thomas Walsh
is not to be found in my County, August
29th 1855 -

James Andrew Sheriff
by A. B. Buckley, deputy

The foregoing evidence being all the evidence submitted to the said Court the said Judge thereupon assessed the damages of the said Plaintiff in this cause at the sum of two hundred & thirty six dollars and eighty nine cents

To which decision of the Court in regard to the said assessment of the plaintiff damages by the said Judge the defendant by his counsel thereupon excepted for the following reasons - 1st That the decision was contrary to the evidence

2nd The evidence adduced before the Court was insufficient and inadmissible in Law

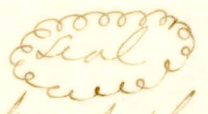
3rd That the decision of the Court was contrary to the Law of the case

Which exceptions were thereupon overruled by the said Court and the Jt by his counsel then and there excepted to the overruling of the said & filed his bill of exceptions thereto which said bill of exceptions was thereupon signed ^{& sealed} by the said Judge

Judgment was thereupon rendered by the said Court in favor of said Plaintiff vs. said defendants for the sum of four hundred dollars, doct to be discharged upon the payment of two hundred & thirty six dollars and

eighty nine cents damages and costs of suit
as appears of Record -

And inasmuch as the matter of appeal
does not appear by the record of the decision & judgment
of appeal the counsel on behalf of said defendants
John Egan prays that the said Judge would
set his hand and seal to this bill of exceptions
containing the several matters so moved and
given in evidence as aforesaid according to
law and thereupon the said Judge hath set
his hand and seal thereto this the twelfth day
of December AD 1855,

Robert M. Wilson 
Judge of the County Court of
Adams County, Ill.

Endorsed - Filed Dec 12, 1855. W. Kimball, Clerk

State of Illinois }
County of Cass } J. S. Walter Kimball, Clerk of
the said Cass County Court
of Adams County, do hereby certify that the
 foregoing transcript, is a full, true, & complete
copy of the record, proceedings & judgment in
a certain cause lately pending in said
Court, wherein Patrick Dolan and John
Henry were Plaintiffs and John Egan,
William B. Smith & Thomas Walsh were
Defendants and of the whole thereof, as
the same now remain of record in my

2124.1-23

Office

In witness whereof I have hereunto set
my hand and seal of said Court, this
23^d day of October A.D. 1836.

Walter Kimball Clerk



48
Sup Court
John Egan
vs

Poland & Henry.

Transcript.

To be filed in Ct
Filed Feb. 24 1857

L. Selous
Clerk

Chicago Oct. 23 1856.
Hon. W. B. Seaton
Sir

Inclosed with this you
have transcript of Record in the case
of ~~Yan~~ ~~W. B. Seaton~~ & Henry -

Also the letters of Clerk of Sup.
Ct at Ottawa - a copy of a letter
in this day handed to Mr. Harris
Yan's atty -

We are anxious to have this case
disposed of - If the prop^r is to be named
that we may try it once again - or if not
to have our money - It is no default
of ours that the case was not in a con-
dition to be heard. As far as in
our power we have supplied the
lost record -

Respectfully &c.

Fansworth Henry

In Sup Court

John Egan Esq

vs

Palau & Henry

} Appeal from
the Pleas

To Messrs Harvie & Chelley
Gents:

We have
caused to be made out another
transcript of the Record of the Lower
Court in this cause, and shall submit it
to the Sup. Court on 2^d Monday of ~~next~~
Apr^x next. We expect you will
have our ^{assignment} ~~assignment~~ ~~papers~~
ready at that time

We have written to the
Clerk at Ottawa for the original
record prepared by you and
it cannot be found
respectfully

Farnsworth & Burges

Delivered copy of this notice
to Andrew Harris, Oct 23^d 1886
Richmond

Ottawa Sept. 27, 1856

Messrs Furnsworth & Burgess

Dear Sirs

I received
a letter from you some ten days ago, in
which you requested me to search for the
record in the Case of Egan vs Poland.

I did so but was unable to find it. I wrote
you to that effect. The record is not to be found in
the Clerk's office & I am unable to find it in
any of Atty's offices in the town.

Yours Truly
S. Leland
By J. B. Rice

Egan
us

Poland

Letter of Clerk Sup. Ct.

Ottawa Sept. 23. 1856.

Me^{rs}. Farnsworth & Burgess

Dear Sirs

The record in the case of Egan vs Poland was taken from the files sometime before the adjournment of the Court & I have been unable to find it. I do not know by whom it was taken or when it was taken.

I searched for it at the time the Court were in conference without finding it, and I have this morning searched for it but did not find it.

Yours Truly

L. Seland

By J. B. Rice