

8419

No. _____

Supreme Court of Illinois

George Y. McClure

vs.

Lewis Wells

71641  7

State of Illinois  sct.
Perry County 

Deas and Proceedings had
in the Circuit Court in and for
the County of Perry and State
of Illinois in a certain Cause
heretofore pending in said Court
between Lewis Wells, Plaintiff
and, Willis Deas James Stille, Geo-
rge W. M. Clure, and George
L. M. Greery, Defendants:

Be it remembered that the said plaintiff
by his Counsel on the 16th day of June A. D. 1858.
filed in the office of the Clerk of the Perry Circuit
Court their Preceipe for a Summons in said
Cause and Summons was issued in words
and figures as follows to wit:

State of Illinois  sct. The People of the State of Illinois
Perry County  To the Sheriff of said County Greeting:
We command you to summon Willis D
Deas, James Stille, George W. M. Clure, and
George L. M. Greery, if they shall be found in
your County, to be and appear before the
Circuit Court of said County on the first
day of a Special Term thereof to be holden
at the Court house in the Town of Puckney-
ville, on Tuesday the 30th day of July next to
answer Lewis Wells of a plea of Trespass on

the case on promises to the damage of him
the said plaintiff one thousand dollars as
he says, and hereof make due return to our
said court as the law directs

E. B. Rushing

Witness Evan B. Rushing clerk
of our said circuit court and
the judicial seal thereof affixed
this 16th day of June A.D. 1858
E. B. Rushing Clk.

And afterwards to wit on the 17th day
of June 1858 D. M. Hoge Sheriff, ^{returned} said
sums with the following endorsement
thereon to wit "Executed by reading
the within sum to the within named Geo. J. Mc
Clure Willis D. Sears & James Stille June 17th
1858: The within named Geo. J. McCreery not
found June 29th 1858: D. M. Hoge Shf."

And afterwards said summons
was marked. "Filed June 26th 1858
E. B. Rushing Clk.

And afterwards to wit upon the 10th
day of July 1858: plaintiffs by their
counsel filed a declaration in said
cause which is words & figures to wit,

State of Illinois ss. Of the July Special Term of the
Perry County Perry County Circuit Court A.D. 1858:
Lewis Wells the plaintiff in this

suit by Lewis Wammack his attorney complains of Willis S. Fears James Stilly George Y M^cClure & George S. M^cCreery defendants in this suit who have been summoned to answer the plaintiff of a plea of trespass on the case on promises.

For that whereas the said defendants by and under the names and abbreviations of W. S. Fears of Stilly George Y M^cClure and George S M^cCreery heretofore to wit on the first day of July A. D. 1857. at the County of King made their certain joint & several promissory note in writing bearing date a certain day and year therein mentioned to wit the day and year aforesaid and Thirdly then and there promised to pay on or before the first day of October next that is to say. on or before the first day of October A D 1857. to the said plaintiff or order the sum of five hundred and eighteen and $\frac{50}{100}$ Dollars for value received and then and there delivered the said promissory note to the said plaintiff by means whereof and by force of the Statute in such case made and provided the said defendants then and there became liable to pay to the said plaintiff the said sum of money in the said promissory note specified according to the tenor and effect of the said promissory note.

and being so liable they the said defendants in consideration thereof afterwards to wit on the day and year aforesaid. at the County aforesaid undertook and then and there faithfully promised the said plaintiff to pay him the said sum of money in the said promissory note specified according to the tenor and effect thereof

And whereas also the said defendants afterwards to wit on the first day of July A D 1857 at Perry County made their certain promissory note in writing bearing date a certain day and year therein mentioned to wit the same day and year aforesaid and thereby then and there jointly and severally promised to pay on or before the first day of October next that is to say on or before the first day of October A D 1857. to the said plaintiff or his order five hundred and eighteen and $\frac{50}{100}$ dollars for value received and the said defendants then and there delivered the said promissory note to the ^{said} plaintiff by reason whereof and by force of the Statute in such case made and provided the said defendants then and there become liable to pay the said plaintiff the said sum of money in the said promissory note specified according to the tenor and effect of the said promissory note and being so liable the said defendants in consideration

thereof afterwards to wit on the day and year
aforesaid at Perry County aforesaid undertook
and then and there faithfully promised the
said plaintiff to pay him the said sum
of money in the said promissory note specified
according to the tenor and effect thereof

Nevertheless the said defendants
not regarding his said several promises and
undertakings but contriving and fraud-
ulently intending craftily and subtly to
deceive and defraud the said plaintiff in
this behalf hath not as yet paid the several
sums of money or any or either of them or
any part thereof to the said plaintiff alth-
ough they the said defendants afterwards
to wit on the day and year aforesaid at the
County of Perry aforesaid were requested by
the said Plaintiff so to do, but the said defend-
ants to pay him the same hath hitherto wholly
neglected and refused and still doth neg-
lect and refuse. To the damage of the
said plaintiff of one thousand dollars (\$1000.00)
and therefore he brings his suit &c.

Gervio Hammack: atty for plff

Copy of note sued on

\$518.50

This July the first 1857: On or
before the first day of October next me,

or either of us promise to pay Lewis Mills)
or order the sum of five hundred and eighteen
dollars and fifty cents for value received

W. S. Hears

J. Stilly

George J. McClure,

George J. McCreery

And upon the foregoing declaration
is as follows "Filed July 10th A.D. 1858.

E. V. Rushing, Clerk)

And afterwards to wit upon the 23rd day
of July A.D. 1858 the defendants by their
counsel interposed a demurrer to the
plaintiffs declaration in words and
figures as follows to wit

Lewis Mills

vs

James Stilly

Willis Hears

George J. McClure

and George J. McCreery

Chely Special Term of the Perry
Circuit Court A.D. 1858;

And the said defendant George
J. McClure comes and defends the wrong
wrong and injury when &c and says that
the 1st & Second Counts of said plaintiffs decl-
aration and each of them and the matters

and things contained in them respectively
are not sufficient in law. wherefore he
prays judgment &c

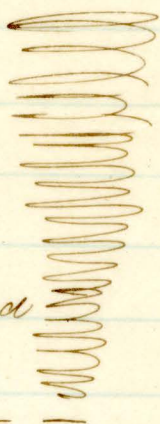
Duff & Mulkey

Attys for defts.

And afterwards to wit on Monday
the 26th day of July in the year of
our Lord one thousand eight
hundred and fifty Eight the following
Order of Court was made to wit,

Lewis Wells

vs
Willis S. Fears
James Stillee
George G. McCreary and
George L. McCreary
= = = = =



Assumpsit

Comes this day the plaintiff by
Kammack his Attorney. and it appearing
to the satisfaction of the Court that the said
Willis S. Fears, James Stillee, and George G.
McCreary have been duly served with pro-
cess according to law. and the said defen-
dants Except George L. McCreary being three
times solemnly called comes not but makes
default It is therefore Considered by the
Court, that the said plaintiff do recover
of and from the said Willis S. Fears,

James Stille and George J. M. Clure
the damages in his declaration mentioned
but in as much as it is uncertain what
the damages are therefore let the clerk as-
sess the same and report to the Court in
writing, and the Clerk having reported
the plaintiffs damages to be one hundred
and ninety three dollars and thirty cents
It is thereupon considered by the Court that
the said plaintiff do recover of and from
the said last mentioned defendants the
said sum of \$193.30 for his damages
aforesaid, together with his costs and charge-
es, by him the said plaintiff about his said
suit in this behalf expended, and may hereof
have execution &c.

And on the day last aforesaid
the following note was filed to wit

\$578.50.

This July the first 1857

On or before the first day
of October next we or either of us promise to pay
Lewis Wells or order the sum of five hundred and
eighteen dollars and fifty cents, for value received

W. S. Wells

J. Stille

George J. M. Clure

George S. M. Clure

And upon the Back of the
foregoing note is the following
endorsement to wit:

\$225.86: January 1st A D 1858:

Received on the within note
by J. G. McClure two hundred & twenty five dollars
 $\frac{86}{100}$ cents

\$110.00: March 30th Rec^d from J.
G. McClure note on Haggard and Throop for
Security for One hundred and ten dollars

And upon the back

Filed July 26th A D 1858
E. N. Rushing cl^k

State Of Illinois ss.
Perry County J. Evan B. Rushing Clerk
of the Circuit Court of said County and
State aforesaid do hereby Certify That the
foregoing Record, contains a true and
Correct Copy of Summons, Declaration,
Demurrer, Order Of Court, & Note. in
the above styled Cause.

In testimony whereof I have
hereunto set my hand and
affixed my official seal of
Office this 29th day of Oct^r 1858

E. N. Rushing cl^k

State of Illinois }
Supreme Court } } November Term
AD 1857

George G. McClure }
vs } In Error
Lewis Wells }

And afterwards towit
on the 11th day of November AD 1857
at this Term of the Court before the Justices then of Comes
the said George G. McClure by Buff & Mulkey
his attorneys and says that in the Record and pro-
ceedings aforesaid and also in the rendition of the
judgment aforesaid, there is manifest error in
this Towit A default was taken and judgment
rendered thereon when the several answers of
George G. McClure was on file and undisposed of
and the said George G. McClure prays that the judgment
aforesaid for the error aforesaid may be reversed
and that he may be restored &c

Buff & Mulkey
for plaintiff in Error

State of Illinois:

Having inspected the foregoing copy
of Record the wit of Error to be put

Thereon will be made a supersedeas
on said Recd. in Error executing a
bond in the penalty of three hundred and
fifty dollars with L. E. Willis his surety
conditioned according to Law. Cady
Nov. 22. 1858

Very Respectfully
J. P. Cook

18
Record from
Perry Co.

Recd. Nov. 20.

1858

Chas. J. McClure

Att.

Subm.

George Y. McClure

Wit in error

m

Severin Wells

Wit in error

Filed Nov. 27. 1858.

J. P. Cook

Paid \$500.-

clerk to court

1818

1859.

Geo. Y. McClure
my

Levin Wells

Emm to Perry -

8449

Dismissed by agreement -

See Rema Book "B" Page 66 -

Cont bill in Page 366 -

Copy of final order sent down
Jan'y 2^d. 1860 -
[8449-11]

San Juan Is
Nov 18th 1858

Hon. Sidney Bruce }
Cochise Is }

Dr Sir - herewith
please find Copy of Record in the
Case of Lewis Welles vs Geo Y Mollise
and others Which is presented for
your examination for the purpose of
getting a supersedeas in the case
Please look into it at your very
earliest convenience

Very Respectfully Yours

Leff & Mulvey

Know all men by these presents
that We George G. McClure & E. Willis
are held
and firmly bound unto Lewis Wells in the sum
of three hundred and fifty dollars good
and lawful money &c for the payment
of which well and truly to be made we
bind ourselves heirs executors and Adminis-
trators jointly and severally and firmly
by these presents Witness our hands
and seals this 18th day of Nov 1858

The Condition of the above
obligation is such that whereas the above
named Lewis Wells did at the July Special
Term of the Perry County Circuit Court
A.D. 1858 before the Hon William E. Ponder
Judge presiding recover a judgment
against the above bounden George G.
McClure ^{vs} Willis, Heirs and James Stacey
for the sum of one hundred and ~~thirty~~^{thirty}
~~three~~ dollars and thirty cents damages
together with Costs of suit and whereas
the above bounden George G. McClure is
about suing out and prosecuting a writ
of Error in the Supreme Court of the
State of Illinois for the reversal of said
judgment Now if the said George G. McClure
shall duly prosecute his said writ of error
and in case the said judgment shall be
affirmed, shall well and truly pay to
the said Lewis Wells the said judgment Costs
interest and damages then the above obligation
to be void otherwise to remain in full force and
effect

George G. McClure *Seal*
E. Willis *Seal*

We hereby Certify that the security given by George
McClure in and to the within bond is perfectly
good and altogether sufficient
Suff. & Mulvey

18
Lewis Wells

Bond

per

George H. McClure et al

John More 27. 1858

A. Johnston atty

State of Illinois,
SUPREME COURT,
First Grand Division.

} SS

The People of the State of Illinois,

To the Clerk of the Circuit Court for the County of Perry Greeting:

Because, In the record and proceedings, as also in the rendition of the judgment of a plea which was in the Circuit Court of Perry county, before the Judge thereof between Senis Wells

Stelly, Miller S. Sears, George G. McClure plaintiff and James
and George L. McClure

defendants it is said manifest error hath intervened to the injury of the aforesaid George G. McClure

as we are informed by his complaint, and we being willing that error, if any there be, should be corrected in due form and manner; and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distinctly and openly without delay send to our Justices of our Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at **Mount Vernon**, in the County of Jefferson, on the first Tuesday after the Second Monday of November next, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

WITNESS, the Hon. John D. Eaton Chief Justice of the Supreme Court and the seal thereof, at MOUNT VERNON, this twenty seventh day of November in the year of our Lord one thousand eight hundred and fifty eight

Josh. Johnston
Clerk of the Supreme Court.

18
SUPREME COURT.
First Grand Division.

George F. McCallum

Plaintiff in Error,

VS.

Lucas Wells

Defendant in Error.

WRIT OF ERROR.

Wm. D. Meade a

Superior Clerk

and FILED Nov. 27/1858

C. F. Schuster Clerk



This writ of Error is granted a Supremacy, and is to be changed accordingly. Mark Schuster Clerk

State of Illinois,
CLERKS OFFICE OF THE SUPREME COURT, } SS
First Grand Division.

I hereby certify that a writ of error hath issued
from this Office for the reversal of a Judgment obtained by
Erwin Wells

Against *John S. Hearn, James Staley and George J. McCallum*
in the Circuit Court of *Perry* County at the
July Term, in the year of our Lord one thou-
sand eight hundred and *fifty eight* in a certain action of
Assumpsit for which writ of error
is to operate as a Supersedeas, and as such is to be obeyed by all
concerned!

Given under my hand, and the seal of the
said Supreme Court, at MOUNT VERNON, this
twenty fourth day of *November*
in the year of our Lord one thousand
eight hundred and *fifty eight*
Noah Johnston
Clerk of the Supreme Court.

SUPREME COURT.

First Grand Division.

Geo. W. McLean

Lewis Wells

WRIT OF SUPERSEDEAS.

Executed by reading the within Supersedeas to Darius McLean Sheriff and no other names the Supreme Court is December 1st A.D. 1838

Service
14 miles

50
70
100

Dec 1st 1838
FILED.

Geo. W. McLean

George Y. McCluer } Peff in Error
 Lewis Mills }
 Error to Perry.

It is this day mutually agreed by and
 between the parties in the above entitled
 cause now pending in the Supreme Court
 of the State of Illinois for the 3^d Judicial
 Division that the same shall be dismissed
 and the costs in the Supreme Court be
 equally divided between them. The debt
 in error agrees to pay all the costs of the
 Circuit Court of Perry County.

Witness our hands this 14th day
 of Jan'y 1859.

Geo

George Y. McCluer
 Lewis Mills

18

McLennan

Wells

Agreement

Taken April 17 1883
A. Schuster

State of Illinois,
SUPREME COURT,
First Grand Division.

} ss

The People of the State of Illinois,

To the Sheriff of Perry County.

Because, In the record and proceedings, and also in the rendition of the judgment of a plea which was in the Circuit Court of Perry county, before the Judge thereof between Sewer Mills

S. Sears, James Hilley, George Y. McClure plaintiff and Mills
and George L. McClure

defendant's it is said that manifest error hath intervened to the injury of said George Y. McClure as we are informed by his complaint, the record and proceedings of which said judgment, we have caused to be brought into our Supreme Court of the State of Illinois, at Mount Vernon, before the justices thereof, to correct the errors in the same, in due form and manner, according to law; therefore we command you, that by good and lawful men of your county, you give notice to the said Sewer Mills

that he be and appear before the justices of our said Supreme Court; at the next term of said Court, to be holden at **Mount Vernon**, in said State, on the first Tuesday after the second Monday in November next, to hear the records and proceedings aforesaid, and the errors assigned, if he shall think fit; and further to do and receive what the said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said Sewer Mills notice together with this writ.

WITNESS, the Hon. John D. Catron Chief
Justice of the Supreme Court and the seal
thereof, at MOUNT VERNON, this twenty seventh
day of November in the year of
our Lord one thousand eight hundred
and fifty eight

Noah Johnston

Clerk of the Supreme Court.

SUPREME COURT.
First Grand Division.

Geo. F. McArthur

Plaintiff in Error,

VS.

Lewis Holt

Defendant in Error.

Scire fac
12 miles

30
60

per

Dec 11th 1838 J. J. Hagerst

SCIRE FACIAS.

FILED.

Executed by reading the within scire facias to
~~reading~~ To the within named Lewis Will Dec 10th
1838 J. J. Hagerst

The first of error which has been shown and filed
in this case, is more a Supremacy - and
as such is 2nd in degree by all concerned.
A. Johnston M