


No. 13934

Supreme Court of Illinois

Russell

vs.

Whitson

71641  7

At the April Term of the Randolph County
 Circuit Court the following case was certified
 to the Supreme Court of the State of Illinois
 under the following agreement of Parties
 Timothy J. Russel vs
 Thomas Whitson impleaded &c

Randolph Circuit
 Court April term 1845

Certified Case

We the undersigned J. L. D. Morrison Atty
 for Russel and J. J. Baker Atty for Whitson
 agree upon the following case for the decision
 of the Supreme Court:

A Summons was brought upon
 the following instrument and Judgement against
 Clendennin at the last term by default; & a process
 issued to make Whitson a party -

Perry County to ~~make~~ Oct 1842

On the 8th instant we promise to pay T. J.
 Russel at the house of Thomas Whitson in
 Jackson County two hundred and fifty dollars
 in good merchantable property - property
 to be appraised by appraisers jointly chosen
 by T. J. Russel and ourselves

Thos Whitson
 E. H. Clendennin

Defendant pleaded non Assumpsit
 and tender: on the trial evidence was given
 tending to show that the consideration
 of the note in question was a bet on a horse
 race; after the hearing of the evidence the
 Court left more the Court to instruct the Jury
 that if the Jury believe from the evidence
 that a bet upon a horse race was the sole and
 only consideration of the note sued on and

offered in evidence in this case they must find
for the defendant: which instruction was
given by the Court to the giving of which the
Plff by his Counsell excepted

The Plff then moved the Court to
instruct the Jury that if the Horse Race for
which the note was given was actually run
by the plff and that he won the race then
the Jury must find for the plff. which
instructions the Court refused to which
opinion in refusing this instruction the
Plff excepted at the time

And therefore by agreement saving the
above exceptions Judgement is entered by the
Court in favour of the defendant

J. G. Morrison Atty for Plff

State of Illinois }
Randolph County } ss

David Baker Attorney
for said defendant Thomas Watson
impleaded as aforesaid

I James H Quinn Clerk of the Circuit
Court in and for the County aforesaid do
hereby certify that the foregoing is a true
copy of the agreement in the above mentioned
Case as appears from the papers on file in
my office

Witness my hand and the Seal
of said Court affixed at office
this 24th day of November AD 1845

James H Quinn Clerk

J. J. Russell } appeal from
J. Whitson & Co } Randolph



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E. Peck Esq
Clerk of the Supreme Court
Springfield
Illinois

Timothy J. Russell
vs
Thomas Whitson & Co

agreed case

Filed 10th Dec 1865

Peck
clerk

1374

