

13025

No. _____

Supreme Court of Illinois

McKindley et al

vs.

Rising

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division.

No. 298.

McKendry
vs

Rising

3825

1862

Prepared

UNITED STATES OF AMERICA,

STATE OF ILLINOIS, COUNTY OF COOK, SS.

11-
 Pleas, before the Honorable, the Judges of the Superior Court of Chicago, within and for the County of Cook and State of Illinois, at a regular Term of said Superior Court of Chicago, begun and holden at the Court House, in the City of Chicago, in said County and State, on the first Monday, being the seventh day of April in the year of our Lord One Thousand Eight Hundred and Sixty two and of the Independence of the United States of America the Eighty fifth

Present, The Honorable John McWhorter Chief Justice of the }
 Superior Court of Chicago. }

Van H. Higgins }
And Grant Goodrich } Judges.

Charles Warren Prosecuting Attorney.

Anthony O'Sullivan Sheriff of Cook County.

Attest, Thomas B. Carter Clerk.

Be it remembered that heretofore to wit, on the Twenty fourth day of October in the year of our Lord One Thousand Eight Hundred and Sixty, there issued out of the office of the Clerk of the Superior Court of Chicago in said County, the Process Writ of Summons which said Writ with the Sheriff return thereon endorsed as in words and figures following to wit:

State of Illinois
 Cook County

To the People of the State of Illinois,
 To the Sheriff of Winnebago County; Greeting—
 We Command You that you summon
Henry T. Meador & Nathaniel Rising

if they shall be found in Your County, personally to be
and appear before the Superior Court of Chicago of
said County, on the first day of the Court term thereof
to be holden at the Court House in Chicago in said
County, on the first Monday of November next to
answer unto James McRindley, George Chack for
& Charles W Church of a plea that they render to
the said Plaintiffs five hundred Dollars and no
Cents - which they owe to and unjustly detain from
them to the damage of the said Plaintiffs as is said,
in the sum of Five hundred Dollars

And have You then and then the Writ with an sudor-
munt thereon, in what manner You shall have executed
the same

Witness, Walter Kimball, Clerk of the
said Court and the Seal thereof at Chicago
afore said the 24th day of October A.D. 1860
Walter Kimball Clerk

I have served the within writ by making the same to the
within named Nathaniel Rising the 23rd day of October
1860 The within named Henry T. Meador is not found
in my County Oct 24th 1860

R. H. Miller

Shuff Win Co M

And afterwards to wit on the Twenty Ninth day
of October in the year aforesaid, James McRindley

George Church Jr & Charles W Church by D.C. and J. F. Nichols, their Attorneys filed in the office of the Clerk of said Court their Certain Declaration in words and figures following to wit:—

Superior Court of Chicago
Of the November Term A.D. 1860

State of Illinois
Cook County

James W. McKinley, George Church Jr and Charles W. Church, Plaintiffs in this Suit by D.C. and J. F. Nichols their Attorneys Complain of Henry T. Masler and Nathaniel Rising Defendants in this Suit who are summoned &c of a plea that they tender to the said Plaintiffs the sum of nine hundred dollars lawful money of the United States of America which they owe to and unjustly detain from the said Plaintiffs for that whereas the said Plaintiffs herebefore writ on the twenty first day of August in the year of our Lord One Thousand Eight hundred and fifty nine said and promulgated out of the Clerk's office of the Superior Court of Chicago in the said County of Cook, a Certain writ of ad Respondendum in a Certain plea of Trespass on the Case against the said Henry T. Masler and in favor of the said Plaintiffs and directed to the Sheriff of said Cook County by which said writ the said Sheriff of said Cook County was commanded to take the body of the said Henry T. Masler if he should be found in

his County, and have safely kept so that he be and
 appear before the said Superior Court of Chicago at said
 County on the first day of September then to be holden
 at the Court House in Chicago in said County on the
 first Monday of October then next to answer unto the
 said Plaintiff in a plea of trespass on the Case, to the
 damages of the said Plaintiff as they claimed in the sum of
 Five hundred Dollars, and that the said Sheriff should
 have then and there that Writ with an endorsement thereon
 in what manner he should have executed the same and
 which said Writ before its delivery to the said Sheriff as
 hereinafter mentioned. To wit, on the said thirty first
 day of August A D 1859 was duly endorsed an order
 made by Walter Kimball the Clerk of said Court directing
 the said Sheriff to hold the said defendant Henry T
 Mosler to bail in the sum of four hundred and eighty
 dollars and eighty cents, which said Writ so endorsed
 afterwards and before the said return thereof to wit on the
 said thirty first day of August in the year aforesaid to wit
 at the City of Chicago in the said County of Cook aforesaid
 was delivered to John Gray who then and from thence until
 and at and after the time of the arrest and the making
 of the writing obligatory hereinafter mentioned was Sheriff
 of the said County of Cook in due form of Law to be
 executed by virtue of which said Writ the said John Gray
 so being Sheriff as aforesaid afterwards and before the
 said return of the said Writ to wit on the day and year
 last aforesaid and within his bailiwick as such Sheriff

Went at the City of Chicago in the County of Cook aforesaid took and arrested the said Henry T. Mauler by his body, and then and there had and detained him in his Custody as such Sheriff at the suit of the said Plaintiffs for the Cause aforesaid.

And the said Henry T. Mauler being so arrested and in Custody of the said John Gray, he being Sheriff as aforesaid by virtue of the said Writ at the suit of the said Plaintiffs as aforesaid the said John Gray aforesaid and before the said return of the said Writ, to wit on the day and Year last aforesaid and within his bailiwick as such Sheriff to wit, in the City of Chicago in the County of Cook and State of Illinois aforesaid took bail for the appearance of the said Henry T. Mauler at the return of the said Writ according to the form of the Statute in such Case made and provided, and on that occasion the said Henry T. Mauler and the said Nathaniel Rising as bail and surety for the said Henry T. Mauler then and there to wit, on the day and Year last aforesaid at the City of Chicago in the County of Cook aforesaid by their Certain writing obligatory Concerning Called a bail bond sealed with the seals of the said Henry T. Mauler and Nathaniel Rising respectively and now shown to the Court show the date whereof is the same day and Year last aforesaid made in the name and style of H. T. Mauler and N. Rising acknowledged themselves to be fully and finally bound to the said John Gray so being then Sheriff as aforesaid of said County of Cook as such Sheriff by

the name descriptine and additine of John Gray
 Sheriff of Cook County in the State of Illinois in the
 penal sum of Nine hundred dollars lawful money of
 the United States for the payment of which sum well and
 truly to be made to the said John Gray Sheriff as afore-
 said or his Successor in office executors administrators
 or assigns they the said Henry T. Wheeler and Nathaniel
 Rising thereby jointly and severally bound themselves
 their heirs executors and administrators with and under
 a Condition thereunto written in words and figures follow-
 ing to wit: "The Condition of this obligation is such
 "that Whereas James McKindley George Church Jr
 "and Charles W. Church have lately paid out of the Superior
 "Court of Chicago of the County of Cook a Certain Writ
 "of Habeas ad Respondendum in a Certain plea of
 "Trespass on the Case against Henry T. Wheeler 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 October next"

"Now if the said Henry T. Wheeler shall be and
 "appear at the said Court to be holden at Chicago
 "aforesaid on the said first Monday of October next
 "and in Case the said N. Rising shall not be received
 "as bail in the said action shall put in good and
 "sufficient bail which shall be received by the Plaintiffs
 "or shall be adjudged sufficient by the Court, or the
 "said N. Rising being accepted as bail shall pay and
 "satisfy the Cost and Condemnation money which may

"be bound against the said Henry T. Muler in the plea
 "aforesaid, or surrender the body of the said Henry T.
 "Muler in execution in Case the said Henry T. Muler
 "shall not pay and satisfy the said Costs and Condem-
 "nation 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
 "as by the said writing obligatory, and the Conditions thereof
 "reference being thereunto had may more fully and
 "at large appear

And afterward such proceedings were had
 in the said Superior Court of Chicago at the suit
 of the said Plaintiff against the said Henry T.
 Muler commenced and prosecuted as aforesaid, that
 the said James McKimley, George Church Jr and Charles
 W. Church in the said Superior Court of Chicago on
 the fifth day of October A.D. 1859 recovered a judg-
 ment against the said Henry T. Muler in said action
 of torts on the Case for the sum of Four Hundred
 and fifty two dollars and eighty Cents which said
 sum last aforesaid said Plaintiff recovered against
 the said Henry T. Muler for his damages at a term
 of the said Superior Court of Chicago of said County of
 Cook begun and held at Chicago in said County of Cook
 on the first Monday of October A.D. 1859 and also the
 further sum of six dollars and twenty Cents which was
 adjudged to the said Plaintiff in said suit for his Costs and
 Charges in that behalf expended whereof the said Henry

~~T. Muel~~ was Committed as appears from the records of
Said Court

That afterwards to wit on the Sixteenth day
of November A.D. 1859 a writ of Habeas Corpus was
issued out of Said Court to the Said Sheriff of Said Cook
County on Said judgment against the Said Henry T. Muel
bearing date the day and year last aforesaid and returnable
in twenty days from the date thereof which Said writ of
Habeas Corpus was returned into the Clerk's office of Said
Superior Court of Chicago on the 13th day of March A.D.
1860 with the endorsement therein "The writs
" Granted not found in my County and no property found
" Whereon to levy. Return the writs in part satisfied
" this 14th day of February 1860"

"John Gray Sheriff"
By A.C. Merriam Deputy"

That afterwards to wit on the 26th day of March A.D.
1860 a Capias ad Satisfaciendum was issued out
of the Said Superior Court of Chicago directed to
the Said John Gray Sheriff of the Said County of Cook
by which Said writ to the Said John Gray Sheriff as aforesaid
Said was Commanded to take the Said Henry T. Muel
if found in his County and him safely keep so that
he the Said Sheriff should have his Said Henry T. Muel
body to satisfy Said James McKimbley George Church
and Charles W. Church in the sum of Four hundred and
Eighty two dollars and eighty cents which the Said

James B. Knidley George Church Jr and Charles W. Church
 there lately in the said Superior Court of Chicago of the
 said County of Cook at a term thereof begun and held
 in the City of Chicago in said County of Cook on the
 first Monday of October three last last past rendered against
 the said Henry T. Mauler for their damages and the further
 sum of eight dollars for the Costs and Charges of the said
 Plaintiffs about the said Plaintiff's suit in that behalf
 expended whereof the said Henry T. Mauler was convicted
 as appears from the records of said Court in County days
 from the date of said writ and that the said Sheriff
 should then and there have that writ with an endorsement
 thereon in what manner he should have executed the same
 that the said writ of Capias ad satisfaciendum was
 afterwards writ in the same day and year last aforesaid
 delivered to the said John Gray Sheriff of said Cook County
 as aforesaid and that afterwards writ on the 25th day
 of June A.D. 1860 said writ was duly returned by the
 said Sheriff with a return endorsed thereon that "The
 person named Defendant not found in my Co" to wit
 the said Henry T. Mauler was not found in the County of
 said Sheriff

And the said Plaintiffs aver that the said
 Henry T. Mauler has not paid the Costs and Condemnations
 money nor any part of the same which was rendered
 against the said Henry T. Mauler in the aforesaid suit. And
 the judgment aforesaid nor has the said Henry T. Mauler
 surrendered his body in execution nor has the said Nathaniel

Reising paid the said Costs and Condemnation Money but the judgment aforesaid nor has he surrendered the body of the said Henry T. Mulw in execution, nor have the said defendants Henry T. Mulw and Nathaniel Reising or either of them paid the said Costs and Condemnation money to wit the judgment aforesaid or any part of the same. nor have the said defendants or either of them surrendered the body of the said Henry T. Mulw in execution but in the behalf have failed to comply with the Conditions of said bond and the same has become forfeited.

By reason whereof and by force of the Statute in such Case made and provided an action hath accrued to the said Plaintiffs to demand and have of and from the said defendants the said sum of nine hundred dollars above demanded yet the said defendants although often requested so to do have not nor hath any or either of them as yet paid the said sum of nine hundred dollars above demanded or any part thereof to the said Plaintiffs or either of them but have hitherto wholly neglected and refused so to do and still do neglect so pay the same or any part thereof to the said Plaintiffs to the damage of the said Plaintiffs of nine hundred Dollars, and therefore they bring suit &c

D. C. and J. Nichols
Attys for Plffs

p. 11.

And afterwards to wit on the second day of April in the Year of our Lord one thousand eight hundred and Sixty one - the defendant by James Anderson his attorney filed herein his Sixth and Seventh Pleas in Words and figures following to wit: -

And for a further plea in this behalf to Said declaration Said Defendant says Actio non because he says that Said order endorsed on Said Chasps A D Respondence mentioned in Said declaration was unauthorized by the laws of this State & that Said order so endorsed as aforesaid upon the back of Said writ by virtue whereof Said Henry T. Meeker was arrested & to free himself from the arrest thereof Said bail bond was made & executed as also in Said declaration mentioned, was made by Said Clerk solely and entirely upon an affidavit then made & filed in Said Court of Cause & upon no other grounds facts or reasons whatsoever, and said affidavit is in the words and figures following to wit:

State of Illinois }
Cock Co } J. S. James McKendley of Said County
being duly sworn deposes & says that he was a member of the firm of McKendley Church & Co during the Year 1857 and that said firm during said Year was composed of the then defendant George Church Jr and Charles McKendley and that on the fourth day of September in said Year Henry T. Meeker and John Doyle who were doing business

under the firm name of Mesler & Boyle was indebted to said firm of McKimley Church & Co for goods before that time sold and delivered to said Mesler & Boyle in the sum of Five hundred & eight & 1/100 Dollars and that said amount was past due and payable at that time and that said Henry T Mesler by the intent of defrauding said firm of McKimley Church & Co falsely & fraudulently represented to this deponent that he had a good and valid note signed by his brother Mortimer M Mesler who was known and reputed to be a responsible man which said note was in the words and figures following to wit

\$508¹/₁₀₀

Rockford Sept 9th 1867

On day after date I promise to pay to the order of Mesler & Boyle Five hundred and eight & 1/100 Dollars for Value received

M M Mesler
per H T Mesler

And on the back of said note was an endorsement in the words following to wit

"Pay McKimley Church & Co or order Mesler & Boyle"

Which said note the said Henry T Mesler did falsely & fraudulently represent to this deponent to be a good and valid note and to be executed by the said Mortimer M Mesler and the said Henry T Mesler did then and there deliver the said note note so endorsed to this deponent in payment of said debt owed as aforesaid by said

6th Nov
McCarber & Boyle & the said firm of McKindley Church & Co
and the deponent further says that the said McKindley
Church & Co brought suit on said note & endorsed as afore-
said against said Mortimer M. Mealer in the Circuit Court
Court of Common Pleas in said County of Cook and State
of Illinois and that said Mortimer M. Mealer filed a
plea and an affidavit in said case denying the the
signature of said note and denying that he authorized
said H. T. Mealer or any other person to sign said note
for him and said suit so commenced against said Mor-
timer M. Mealer was decided against said McKindley
Church & Co on account thereof, and the said McKindley
Church & Co were compelled to pay the costs and expenses
incurred in consequence thereof to the amount of about
two dollars. And the deponent further says that
the signature to said note was fraudulent and that
the said note was fraudulent and void and that the
signature of said M. M. Mealer was signed to said note
without his authority and known to be so by said
Henry T. Mealer at the time of the delivery thereof to the
deponent as aforesaid.

And the deponent further says by means
of the promises and of the false and fraudulent repre-
sentations aforesaid the said Henry T. Mealer became
liable to the McKindley Church & Co in the sum of
\$308.00 and said costs of said suit and interest
thence since date except the sum of One hundred dollars
which has since been paid by said Henry T. Mealer to said

McKendry & Church & Co and still a liable for said
 amount and this defendant further says the benefit of
 whatever judgment may be obtained by said McKendry
 Church & Co against said Henry T Meador will be in danger
 of being lost unless the said Henry T Meador be held to bail
 and also that a Capias ad Respondendum issue in favor
 of said James McKendry George Church & Charles W
 Church against the said Henry T Meador for said
 amount in an action of trespass on the Case
 Subscribed & sworn to before me
 On this 31st day August A.D. 1851
 1851 John J. Nichols
 Notary Public } James McKendry

And said defendant further says that said order so
 made as aforesaid was manifestly by the allegations
 of said Affidavit Contained & Contrary to the Laws of the
 State and that said Bail Bond by reason thereof is null
 and void

And that the said defendant is ready to verify
 wherefore he prays judgment of the said plaintiffs ought
 further to have and maintain their aforesaid action thereof
 against him &c

4th And for a further plea in this behalf said defen-
 dant impleaded as aforesaid, said says action now
 because he says that the said order endorsed on said
 Capias ad Respondendum in said declaration mentioned
 fixed the sum of four hundred and eighty dollars

7/15/15

and eighty Cents as the amount of Bail to be
taken on said writ, but the said Sheriff arrested said
Henry T. Meeker and had him under arrest and instead
of taking the said Bail Bond in said declaration
mentioned in the final form of Eight Hundred and
thirty five dollars and thirty five Cents as by law required
unlawfully Compelled and Contrary to the Statutes in
such Case made and provided took and made said Bail
Bond in the final form of Nine Hundred thirty rendering
said Bail Bond signed by the defendant illegal void.

And that the said defendant is ready to verify
Wherefore prays judgment if the said plaintiffs ought
further to have and maintain this action aforesaid against
him &c

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And afterwards to wit, on the Third day of July in the Year last aforesaid the Plaintiff by their Attorneys D C & J Nichols, filed herein this Certain Answer in words and figures following to wit:—

Superior Court of Chicago
Of the July Term A. D. 1861

James McKindley
George Church and Charles W Church
vs
Nathaniel Rising, impleaded with
Henry T. Weston } Debt

And the said Plaintiffs as to each of the said several pleas of the said Defendant Nathaniel Rising impleaded &c by him firstly, thirdly, fourthly, fifthly, sixthly, seventhly and eighthly, severally above pleaded, say that the same and each of them and the Answers contained in each of them severally, in manner and form as the same are severally above pleaded, and set forth, are Answer of them sufficient in law to bar and preclude them the said Plaintiffs from having or maintaining their aforesaid Action thereof against him the said Defendant impleaded &c and that they the said Plaintiffs are not bound by law to Answer the same And the the said Plaintiffs are ready, willing and lawfully bound to maintain the said first and fourth fifth sixth seventh and eighth plea in the behalf, the

Said Plaintiff's doing judgment and then debt affirmed together with the same damages by them sustained on occasion of the detention thereof to be adjudged to them &c.

And the said Plaintiff according to the form of the Statute in such Case made and provided States and shews to the Court that the following Causes of Demurrer to the said Eighth plea, that is to say

First That the said eighth plea is not responsive to the said Plaintiff's declaration

Second That said Eighth plea does not traverse or deny, Confess or admit material allegations in the said Plaintiff's declaration

Third That the said Plaintiff's Declaration that the judgment in which said Case issued was in Case and the said Defendant alleges that the said judgment was in Assumpsit without denying the allegations in said Plaintiff's Declaration that the same was in Case

Fourth That the said Eighth plea is bad for duplicity and for that the said Eighth plea is in other respects uncertain informal and insufficient

And the said Plaintiff, as to the said plea of the said Defendant by him secondly above pleaded, wherein he puts himself upon the Country doth the like

D. C. & J. J. Nichols Atty. for Plffs
And said debt imp'd or join in demurrer
Garrison & Anderson

b. 18

And afterwards to wit on the fourteenth day of April
in the Year of our Lord One thousand eight hundred and
Eighty Two. Said day, being one of the days of the April
Term of said Court the following among other proceedings
was had in said Court and entered of record to wit

James McKimley, George
Church Jr. and Charles W. Church

vs
Henry T. Muder & Nathaniel Rising

Debt on Bond

And now at the day
Comes the said Plaintiff by D.C. & J. Nicholas their attorneys
and the said Nathaniel Rising one of the Defendants in
above entitled Cause impleaded with Henry T. Muder by
Garnier and Anderson his attorneys also Comes, and
the Cause coming on for hearing upon the Demurrer of
said Plaintiff to each of the several pleas of the said
defendant Nathaniel Rising impleaded &c by him
firstly, thirdly fourthly fifthly seventhly and
eighthly severally pleaded to the plaintiffs declaration
in this Cause and Cause being heard and the Court
being fully advised in the premises are of the opinion
that the plea of said defendant impleaded &c eighthly
above pleaded and the matter therein set forth are
sufficient in law, and that the plea of said defendant
seventhly above pleaded and the matter therein set forth
are not sufficient in law, the demurrer is therefore sustained
as to said seventh plea of said defendant impleaded as
aforesaid and overruled as to said eighth plea of said defendant

implied as aforesaid, and said defendant Rising having withdrawn all his other pleas

It is Considered by the Court that said defendant implied as aforesaid has judgment of the Demurrer to his said fifth plea for Costs in the behalf of said plaintiffs therefor. To which ruling of the Court said plaintiffs accept and thereupon enter a caption herein to ruling of the Court in overruling this demurrer to said fifth plea of said defendant and in entering judgment for Costs herein

State of Illinois }
County of Cook } S.S.

I Thomas B. Carter Clerk of the Superior Court of Chicago. within and for the County & State aforesaid. do hereby certify that the above and foregoing is a full true and complete transcript of the records, Declaration, Sixth & Seventh Pleas, Demurrer, ^{on file in my office} and Order of Judgment entered of Record in said Court, in a certain suit wherein James McKindley et al are plaintiffs and Henry T. Mesler & Nathaniel Rising defendants.

In testimony whereof I hereunto subscribe my name, and affix the seal of said Court, at the City of Chicago, in said County this 17th day of March A.D. 1862

Thomas B. Carter Clerk



Supreme Court

James M. Hindley George
Church Jr & Charles W. Church

vs.
Nathaniel Rising impleaded
with Henry T. Mepler

In Error

Of the April Term
A. D. 1862

Afterwards to wit on the first Tuesday after the third Monday of April in this same April Term of said Court at the city of Ottawa come the James M. Hindley, George Church Jr and Charles W. Church by D. G. & J. Nicholas their attorneys and say that in the record and proceedings aforesaid and also in giving the judgment aforesaid there is manifest error in this to wit that the said sixth plea of the said defendant aforesaid is not sufficient in law to bar the said plaintiffs from having and maintaining their action aforesaid against the said Nathaniel Rising impleaded &c. there is also error in this to wit, that by the record aforesaid it appears that the demurrer of the said James M. Hindley, George Church Jr & Charles W. Church to the said sixth plea aforesaid of the said Nathaniel Rising impleaded &c. was overruled Whereas by the law of the land the said demurrer to the said sixth plea of the said Nathaniel Rising impleaded &c. should have been sustained. And also there is manifest error in this to wit that by the record aforesaid it appears that the judgment aforesaid in form aforesaid given was given for the said Nathaniel Rising impleaded &c. against the said James M. Hindley, George Church Jr & Charles W. Church whereas by the law of the land the said judgment ought to have been given for the said James M. Hindley, George Church Jr & Charles W. Church against the said Nathaniel Rising impleaded &c. And the said James M. Hindley, George Church Jr and Charles W. Church pray that the

judgment aforesaid for the errors aforesaid may be reversed an-
nulled and altogether held for nothing and that they may
restored to all things that they may have lost by occasion of
said judgment &c

D. C. & J. Nicholas

Attys for Plff. in Error.

And hereupon to wit on the same day & time
aforesaid the said Nathan Rising by A. Garrison
his Attorney Comes hither to Court & says that
there is no error in the record & proceedings aforesaid
or in giving the judgment aforesaid And he
prays the Supreme Court now here may proceed
to examine ^{well} the record and proceedings aforesaid
as the matters aforesaid above assigned for error
& And that the judgment aforesaid inform
aforesaid given may be in all things affirmed
&c

Justice W. Windett

agreed with Def. in Error.

A. Garrison
Att. for Def.
in Error

Nathan Rising
advs. unpleaded re
James McMurtry
et al

Of April Term Ad 1862

Afterwards to wit on the first Tuesday in
the April Term of said Court at the City of Ottawa
Comes the said Nathan Rising unpleaded re deft
in Error by A Garrison his attorney And
affirms the following as Corp Error - that
the Court below Erred in sustaining the
demurrer to the defendants in Error 7th
plea - And that the judgment thereon
should have been in favor of defendant
Such demurrer should have been overruled
Such plea sustained

Arthur W. Windett
Plaintiff in
Corp Error -

A Garrison

Atty for
defendant

And now Comes the said James McMurtry
et al Plffs in Error And prays the said
Court now here to examine the matters
aforesaid - & ^{to} judge the said 7th plea insufficient
& in all things affirm the decision of said Court
below in regard to said 7th plea & judgment thereon
said Plffs in Error herein deny such Error & pray
for thereon

Ed. & W. Nichols

Atty for

plffs in error

154 278
Supreme Court
April Term 1862

James M. Kindley et al

^{vs}
Nathaniel Rising
imprisoned &c

Recd

L. C. & J. F. Nicholas
Attys for Plffs

Nichols

Fees \$5.00 paid

J. B. Carter Clerk