

No. 13049

Supreme Court of Illinois

C
McLure

vs.

Jackson

STATE OF ILLINOIS,

SUPREME COURT.

Third Grand Division.

No. 25.

McCune
vs
Jackson

1860

130

STATE OF ILLINOIS, } ss. The People of the State of Illinois,
SUPREME COURT,

To the Sheriff of the County of

McHenry

Greeting :

Because, In the record and proceedings, and also in the rendition of the judgment of a plea which was in the *County* Court of *McHenry* County, before the Judge thereof, between *William Jackson*

plaintiff, and *Henry Petrie, John McBlure & William H. Murphy*

defendants, it is said that manifest error hath intervened, to the injury of the said

John McBlure and William H. Murphy

as we are informed by *their* 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 Ottawa, 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

William Jackson

that *he* be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State, on the first Tuesday after the third Monday in April next, to hear the records and proceedings aforesaid, and the errors assigned, if *he* shall see fit; and further to do and receive what said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said *William Jackson*

notice, together with this writ.

Witness, The Hon. JOHN D. CATON, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this *23* day of *October* in the Year of Our Lord One Thousand Eight Hundred and Fifty-*eight*.

L. Leland

Clerk of the Supreme Court.

J. D. Rice Deputy

John McBlair another
or 25
William Jackson

Sei fu.

• Verred by reading
to the within name
William N Jackson
This 27th day of
Octob AD 1858

John Eccles Sw
By C. J. Smith Dep

Fees Sum 50
My v^l 45
1.15

Filed Oct. 29. 1858.
Leland atty
by J. B. Rice depy

Know all Men by These Presents, That

Mr. William H

as principal, and
as security, are held and firmly bound unto

penal sum of

and lawful money of the United States, for the payment of which, well and truly to be made, the said

bind themselves their heirs, executors, and administrators, jointly, severally, and firmly by these Presents.

Witness, our hands and seals

this 15th day of October A. D. 1858

The Condition of the above Obligation is such, That, whereas, the above named
did, at the Term of the Court,
held in and for the County of in the State of Illinois, A. D. 1858 recover a
judgment against the above bounden

for the sum of
to reverse which said judgment, the said
have sued out a Writ of
Error from the Supreme Court, within and for the Third Grand Division of said State. Now if the said
shall duly prosecute said Writ of Error, and pay, or cause to be paid, all judgments, costs, interest and
damages which the said Supreme Court shall adjudge against them — and pay or cause to
be paid said judgment and abide the order and judgment of said
Supreme Court in this behalf, then this obligation is to be void, otherwise to remain in full force and effect.

in presence of
T. Murphy

Wm. H. Murphy [SEAL.]
John McClure [SEAL.]
F. T. Mansfield [SEAL.]

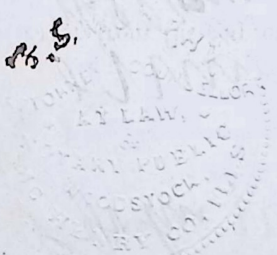
State of Illinois }
McHenry County } J. J. Mansfield

the within Bond being duly sworn says, that he
is worth one thousand Dollars over & above all liability
& further saith not

Subscribed & sworn
To before me this 16th
day of October 1858

J. J. Mansfield

J. S. Murphy
Notary Public



John McTear 25
07
William Pickman
Super Bond

Filed Oct. 22. 1858
J. S. Murphy
Notary

STATE OF ILLINOIS,
SUPREME COURT,

To the Clerk of the

Circuit

ss.

The People of the State of Illinois,

Court for the County of Mc Henry

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 Mc Henry County, before the Judge thereof, between William Jackson

plaintiff, and Henry Petrie, John McBlane & William H. Murphy

defendants, it is said manifest error hath intervened, to the injury of the aforesaid John McBlane William H. Murphy

by their complaint as we are informed and we being willing that error should be corrected, if any there be, 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 the Supreme Court the record and proceedings of the plea aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at Ottawa, in the County of La Salle, on the first Tuesday after the third Monday in April 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. Caton, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 23^d day of October in the Year of Our Lord one thousand eight hundred and fifty-eight.

J. Deland

Clerk of the Supreme Court.

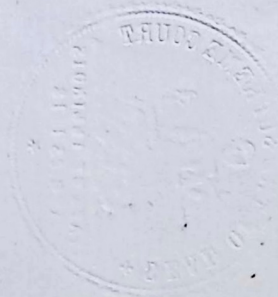
by J. B. McHenry

John McBlair & another
vs 25
William Jackson

Writ of Error

This writ of Error is
made a Supersedeas
and as such is to be
obeyed by all concerned
1 Leland Clerk
by J. B. Thurman Deputy

Filed Oct. 23. 1838
L. Leland
Clerk



Tuesday April 20. A.D. 1858
 United States of America
 State of Illinois }
 McHenry County }
 Pleas before the Hon-
 orable Isaac G. Wilson
 Judge of the thirteenth Judicial Circuit of
 the State of Illinois and Presiding Judge of
 the McHenry County Circuit Court at a
 Circuit Court begun and held at the Court
 House in Woodstock in said County on
 Tuesday the twentieth day of April in the
 year of our Lord Eighteen hundred and fifty eight
 Present the
 Attest Hon Isaac G. Wilson
 Judge
 Geo. S. Kapon Ck. John Eddy Sheriff

And hitherto to wit on the 10th day of
 June A.D. 1857 then issued from the Office
 of the Clerk of said Court a writ of summons
 which said Summons was in the words
 and figures following to wit;

State of Illinois }
 McHenry County }
 The People of the
 State of Illinois to the
 Sheriff of said County Greeting:
 We command you that
 you summon William H. Murphy &
 John M. Chew & Henry Petrie if they
 shall be found in your County personally
 to be and appear before the Circuit Court of
 said County, on the first day of the next
 Term thereof, to be holden at the Court House
 in Woodstock in said County on the 20th
 day of October next. to answer unto William
 Jackson in a plea of debt of two hundred

dollars to the damage of said Plaintiff as he says in the sum of One hundred and seventy two dollars

And have you then and then this writ with an endorsement thereon as to the manner in which you execute the same

Witness George D. Kaffen Clerk of our said Court and the seal thereof at Woodstock in said County this 10th day of June A.D. 1857
Geo. D. Kaffen Clerk.

(Seal)
(Endorsed.)

Said the within by Wm. N. Murphy accepting service this 17th day of June A.D. 1857

Also by reading to John McClure this 1st day of July A.D. 1857

John Eddy Shiff
By E. J. Smith Dpty.

Fees. 2 Lev. 1.00.

Mlge. 45
Rtn 10
\$ 1.55

And thereafter to wit on the 4th day of October A.D. 1857 was filed in this Office a declaration in the above case, which said declaration is in the words and figure, following to wit:

McHenry County Circuit Court
October Term 1857.

William Jackson Plaintiff in this Suit by Joslyn & Van Wick's his attorneys complaining of William N. Murphy John McClure & Henry Petrie, who have been summoned of a plea that they rendered to the said William Jackson the sum of two hundred dollars lawful money which they owe to and unjustly detain from him for that

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whereas at the November Term of the Mc.
Henry County Circuit Court in the year of
Our Lord One thousand eight hundred and
fifty four by the considering and judgement
of said Court recovered against the said
defendants the said sum of two hundred
dollars above demanded which in and by
the said Court, were then and there adjudged
to the said Plaintiff for his damages which
he had sustained as well by reason of the
non-performance by the said defendant
of certain promises and undertakings
then lately made by the said Defendants
to the said Plaintiff as for his costs and
charges by him about his suit in that
behalf expended which the said Defendants
were convicted as by the records and proceedings
thereof remaining in said Court will more
fully show, which said judgement still
remains in full force and effect, not reversed
satisfied or otherwise vacated and the said
plaintiff hath not obtained any execution
or satisfaction of or upon the said judgement
so recovered as aforesaid, whereby an action
hath accrued to the said Plaintiff to demand
and have of and from the said defendants
the said sum of two hundred dollars
above demanded yet the said defendants
although after request so to do, hath not as
yet paid the said sum of two hundred
dollars above demanded or any part thereof
to the said Plaintiff, But they to do this
hath hitherto wholly refused and still do
refuse, to the damage of the said Plaintiff
of one hundred and seventy two dollars
and therefore he brings his suit &c.

(Endorsement). Made October 7. 1857 J. S. & T. M. Hickle
C. P. Kason etc. Plffs. Attys.

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And thereafter to wit on the 23^d day of April A.D. 1858 it being one of the days of the April Term of said Court for the year last aforesaid the following among other proceedings were had to wit:

William Jackson	} Debt.	And now comes the Plaintiff by Jaslyn his Attorney
or		
Henry Petrie		
John McClure		
Wm H. Murphy		and on his motion it is ordered that the Plaintiff have judgement for his damages for want of a plea on the part of the Defendants.

And thereafter to wit on the 24th day of April A.D. 1858 it also being one of the days of the April Term of said Court for the year last aforesaid the following further proceedings were had in this cause to wit:

William Jackson	} Debt.	And now comes the Plaintiff by Jaslyn his Attorney
or		
Henry Petrie		
John McClure		
William N. Murphy		and the Court being fully advised upon the proofs submitted herein doth order and adjudge that the Plaintiff have and recover of the Defendants the sum of One hundred and seventy three dollars and twenty three cents his debt and the sum of sixty eight dollars and fifty

5-

Six cents his Damages as also his costs
and Charges herein expended and that he
have execution therefor, the debt to be
discharged upon the payment of the
damages.

State of Illinois }
McHenry County } J. George D. Rapson
Clerk of the Circuit Court
in and for said County in the State aforesaid
do hereby certify that the above and
foregoing is a true copy of the files
and proceedings of this Court in a
cause wherein William Jackson is
Plaintiff and Henry Petrie, John McClure
and Wm. H. Murphy Defendants as appears
by a diligent examination of the Same.
In Witness whereof I have
hereunto set my hand and the
Seal of said Court at Woodstock
this 4th. day of August
A.D. 1858
G. D. Rapson C.W.



State of Illinois Supreme Court

William H. Murphy }
John McClure } pffs in Error
William Jackson } Opt in Error

Q And now comes the said plaintiffs
J. S. & H. S. Murphy by their attorneys
And for Error assign the following
as causes -

first That the Circuit Court Erred
in rendering judgment against all
three of the defendants when in fact
and as appears by the record only two
were served with process

And for other causes apparent
upon the face of the record
J. S. & H. S. Murphy
attys for pffs

Set a supersedeas issue. Bond \$500. 7 7
Manusfeld Surety

J. S. Barton

John McClure
etal vs 25

William Jackson
~~assignment of~~
Record & Errors

Filed Oct. 23. 1858
L. Deland
clerk