

MATSON, et. al., }
 vs. } Appeal.
 CONNEALLY. }

In the case of Flinn vs. Barlow, which was an appeal from a Justice of the Peace in an action of trespass, the jury found "in favor of the plaintiff," and exception taken that it was informal, the Court sent out the jury to correct the verdict under instruction. Held to be right.—16 Ill. 40.

In Howell et. al, vs. Barrett, the action was in debt and verdict and judgment in damages for which, among other things, the case was reversed.—3 Gill. 434.

In Wilcoxon vs. Roby, the action was in debt and verdict in damages. The Court says it was not responsive to the issues and could not be corrected after the jury were discharged. Judgment reversed.—3 Gill. 476.

In State Bank vs. Batty, the Supreme Court decide that if the party has lain by and does not take exception to the form of the verdict, it is too late to do so afterwards.—4 Scam. 200.

In the case of Schlencker vs. Risley, the Court merely decide that if the objection is not made in the Court below it is too late in the Supreme Court.—3 Scam. 488.

Parmalee et. al. vs. Smith was an action of assumpsit, verdict guilty and damages assessed. The Court says that the verdict is informal, and had the attention of the Court been called to the verdict, the clerk would have been required to reduce it to form, &c. But no objection was taken to the verdict on the motion for a new trial in the Court below, and the objection comes too late when made for the first time in this Court.—21 Ill. 622.

In the case under consideration the attention of the party and Court was called to the verdict on the motion, so plaintiffs have not waived any right in the matter.

M. WILLIAMSON, for Plaintiffs.

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Matson et al
vs
Connally
Brief

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