

13952

No. \_\_\_\_\_

# Supreme Court of Illinois

Merrill

---

vs.

Curyea

---

71641  7

State of Illinois - In the Sup-  
reme Court of said State, Central  
Grand Division, January Term  
A.D. 1877

John W. Merrill  
appellee

vs  
George Curzon  
appellant

In Assumpsit

Now comes said John  
W. Merrill, appellee in said above  
entitled cause by

and prays said  
Supreme Court to dismiss ~~the~~  
appeal in said cause above entitled  
for the reasons assigned and  
stated in the affidavit hereto  
attached, and contains and states  
in the notice herewith presented to  
the Honorable Court and further  
prays that he be reimbursed his reasonable  
costs and damages in this re-  
spectfully explained  
John W. Merrill

Wm W. Merrick

vs

George Conyn

Motion to Dismiss

State of Illinois  
County of Monticello

In the supreme  
Court of said State, Central Circuit  
Division thereof, in the matter  
of appeal from the Circuit Court  
of said Monticello County, Illinois, in the  
Cause of John W. Merrill, appellee  
against George Cuyler, appellant  
on a motion to dismiss said  
appeal &c

John W. Merrill brings  
only sworn averment to law upon  
oath that he was the plaintiff  
in said cause of himself against  
said George Cuyler in said Circuit  
Court of Monticello County and that  
he affiant is appellee in said  
cause in said supreme court; that  
no Bill of Exceptions were  
by said defendant Cuyler or by  
any person or persons or by any  
attorney or attorney for or in behalf  
of said defendant and appellee  
Cuyler made, presented or  
filed in said cause within ten days  
from the 35th day of April 1886

nor at any other time whatever  
before the filing or making of this  
affidavit herein by affiant

And affiant further  
says on oath as aforesaid that  
no motion in writing or of record  
was made or filed of record  
in said cause at any time by  
said George Conyers, his attorney  
or attorneys for a new trial of  
said cause and that the minutes  
made by the Honorable judge be-  
fore whom said cause was heard  
and tried is the only place where  
said motion appears in writing

And affiant further says  
that no statement or presentation  
whatever in writing was made  
to the or before the said circuit  
court of the reason or grounds  
for a new trial of or in said cause

John H. Merrill

Subscribed and sworn  
to before me by John  
H. Merrill this 23<sup>d</sup>  
day of August  
A.D. 1870

J. A. Waggoner

Clerk Cir. Court

John W. Morris

appellee

vs

George Curryea

appellant

---

affidavit

13952 ✓