

Know all men by these presents that
we Hazell Mortimer and Hazell Mortimer Jr
are held and firmly bound unto John
Parron in the penal sum of five hundred
Dollars lawful money of the United States
which payment well and truly to be made
we bind ourselves and each of our heirs and
several heirs executors and administrators
jointly severally firmly by these presents
as witness our hands and seals this 1st
day of February ~~in~~ the year of our Lord
1822

The condition of this obligation
is such that whereas the above signed
Hazell Mortimer did ^{judgment of the} appeal from the Circuit
Court of Gallatin County rendered against
him on the second Monday of November 1821
and whereas on the trial of said appeal judgmen-
-ent was rendered against the said Mortimer
in favour of the said Parron at the Decem-
-ber term of the Supreme Court of the
State of Illinois held at Vandalia in the year
of our Lord one thousand eight hundred and
-by one and whereas at the said term of
said Supreme Court a rehearing was
granted the said defendant on condi-
-tion of his entering into bond with
additional security within two months
from the sitting of said Court now if
the said Hazell Mortimer shall duly prosecute
the said appeal, and the final judgment
of the Supreme Court shall be in his
favour, then this obligation to void, else to
remain in full force and virtue in law
In Testimony whereof they hereunto set
their hands and seals the day and year first
above written
Hazell Mortimer and Senior
Hazell Mortimer Junior

Witness my hand and seal
A-11

Northland }
to } Bond
Person }

Filed Feb 1. 1822

Jm Duncan

Hugh McClellan In the Supreme Court
John P. Pison vs. John P. Pison 1820

The P'tt by his counsel
Comes into Court and assigns the
following ~~causes of damage~~ ^{errors} to the Court

1st The Court erred in overruling the last
demands to ~~the~~ ^{the} amount to the P'tt and
an declaration

2^d The Court erred in rendering judg-
ment for a greater amount than the
jury found

3^d The Court erred in rendering
judgment for interest beyond the time
at which judgment was given

4 The Court erred in excluding from
the jury the deposition of Enoch
Burr

5. The Court erred in excluding
from the jury the deposition of Bar-
ra Melroy &

The Reynold also
for P'tt in error

Mordland
as
Purson 3 of 4
Endow

Warren of all people

A suit was commenced in the Gallatin County Circuit Court Illinois, by John Pearson against Hazle Moreland Senior for the price of a Negro woman; the case was decided against the defendant, and by him taken up to the Court of Appeals. The Court of Appeals affirmed the judgment below; but on the motion of Moreland's council agreed to grant him a re-hearing on condition that he would give some good and solvent man as his security, the plaintiffs Council having represented to the Court that the security in the appeal Bond was insolvent: And that the bond should be given at Vandalia. — The defendant and his friends being unknown to the Clerk at Vandalia has called upon persons known to the Clerk to state the goodness & solvency of the man who he now offers as his security. —

We the undersigned therefore at the request of the Defendant have no hesitation to say that it is our decided opinion that Hazle Moreland Junior who lives in this County and is well known to us, is worth more than twice the amount involved in the said suit, and that we think him amply good and sufficient as security in this case. Given under our hands at Shawano Town in the County of Gallatin this 22^d day of January 1822. —

Joseph M. Stree.

Thomas C. Brown

Michael Jones

State of Illinois
Gallatin County

On this day personally appeared
the within named Joseph M.
Steele, Thomas C. Brown and
before me John Daiah, a Justice of the
Peace for said County and acknowledged
the same to be their signatures for the
purposes therein mentioned

Given under my hand and seal this
22nd day of January 1892

John Daiah, J. Peace

State of Illinois Gallatin County

Joseph M. Steele, Clerk of the
circuit court in and for the County of Gallatin aforesaid
do hereby certify that John Daiah Esq before whom
the above acknowledgment was taken was at the
time of taking such acknowledgement and now is
an acting Justice of the Peace in and for said
County duly appointed and sworn to whereof
as such full faith and credit is due and of
right ought to be given throughout the United
States & elsewhere

In Testimony whereof I have hereunto
set my hand and affixed the seal of
said Court at Shawnee Town Mo
22 January AD 1892 and in the 4th
year of the State of Illinois
J. M. Steele

To the Honourable the judges of the Supreme
Court -

The petition of your petitioners humbly
represents that in the ^{two} cases of Moreland vs
Piercer argued ~~in~~ this honourable court
on yesterday, that in the opinion of your
petitioners, the judgements therein rendered
by the court below were manifestly erro-
neous in these two particulars to wit

The amended declaration was defective
such defects were therein as would be
insufficient to reverse said judgement ^{if they state the law to be that an amended declaration is a new one & must be complete in all its parts} ~~secondly~~
the said ~~declaration~~ disposition was improper
only excluded from the jury by the court
below - wherefore for these & other reasons
your petitioners pray this honourable court
to grant them a re-hearing -

David J. Baker -

H. H. Ware

first point see Lidd's practice - }

con's do -



Moreland
Pearson
Atlan Blakey
Pactition

State of Illinois Gallatin County Is.

Filed at Shawano Town before the Honorable the
Judge of the Gallatin Circuit Court. To wit.

John Pinson

Plaintiff

against

In Wit:

Wagles Moreland & Co. Defendants

It is remembered that heretofore To wit. On the seventh
day of July one Thousand eight hundred and Thirteen came
John Pinson by Jephthah Hardin his attorney into the Clerk's
Office of the Court of Common Pleas for Gallatin County in
the Illinois Territory, and filed his Declaration or Bill of
complaint in writing against Wagles Moreland in an action of debt
which is in the following words and figures To wit. Illinois Territory
Gallatin County in the Court of Common Pleas 1st of the July Term 1813.

John Pinson complains of Wagles Moreland in the custody of the Sheriff of
a plea of debt &c. that he render unto him Three hundred & Twenty two

dollars and fifty cents which to him he owes and from him engaged

Detains, for this that whereas the said Defendant on the 21st day of
December 1812 in the Illinois Territory and County aforesaid by his
certain writing obligatory signed with his hand & sealed with his
seal and here to the Court shew the date whereof is the same day &
year aforesaid acknowledged himself to be indebted and held firmly
bound unto the said plaintiff in the sum of Three hundred & Twenty two

Dollars ~~and~~ in the following words and figures To wit. On or before the tenth day of June next I promise to pay John Perion Three hundred and Twenty two dollars fifty cents for value received of him. said bond may be discharged on said Hazle Moreland paying Two hundred twenty two dollars and fifty cents on the first day of June next. Given under my hand and seal the 21st day of December 1812. Hazle Moreland. State of N. York. James T. Perion. — Nevertheless the said defendant although often requested hath not paid the aforesaid several sums of Three hundred and Twenty two dollars and fifty cents by the tenth day of June ensuing the date of the writing obligatory aforesaid or any part thereof to the said plaintiff although to do the same he hath often been requested by the said plaintiff but to pay either of the aforesaid several sums of money hath wholly refused and still doth refuse to the plaintiffs damage \$200. and therefore he brings suit. John Doe & Richard Roe. pledges Re. Hardin P. J. And thereupon the following Writ of *habeas ad respondendum* issued To wit. The United States of America to the Sheriff of Gallatin County greeting: you are hereby commanded to take Hazle Moreland if he be found in your bailiwick and him safely keep so that you have his body before the Judges of our Court of common pleas for the County aforesaid at their next Term to be holden on the fourth Monday in the present month of July at Shawano town in the County aforesaid to answer John Perion in a plea of Debt for Three Hundred and Twenty two Dollars and fifty cents

damages two hundred dollars and have them there. this is it. ³
Writings Joseph M. Street clerk of our said Court of common
pleas at Shawneetown this 17 day of July 1813 and of the
independence of the United States the thirty eighth.

Joseph M. Street C. C. C. P. & C.

This is an action of debt and bail is required I Warren P. D.
Capt Corporal Leach D. S. for George Robinson S. G. C. know all
men by these presents that we Hazle Moreland senr. and Hazle
Moreland jr. of Gallatin County and Illinois Territory are held
and firmly bound unto George Robinson sheriff of Gallatin
County in the sum of three hundred and twenty two
dollars fifty cents to be paid to the said sheriff or his certain
attorney his heirs executors administrators or assigns which
payment well and truly to be made we bind ourselves and
every one of us by himself for and in the whole our heirs
executors administrators and of every one of us firmly by these
presents sealed with our seals and dated this 24 day of July
1813. The condition of this obligation is such that if the
above bound Hazle Moreland shall appear before the
judges of the Court of Common pleas which is to be holden
at Shawneetown on the fourth Monday of this present month
July to answer John Pierson in a plea of debt for three
hundred and twenty two dollars and fifty cents damages
twenty dollars and shall abide the order and judgment of
the Court thereon. Then this obligation to remain in full force and virtue.

to remain in full force and virtue. Hazle Moreland senr. 
Hazle Moreland jr. 

and the plaintiff filed the following bond for costs with security
To Wit know all men by these presents that I John P. D. agent am
held and firmly bound unto Hazle Moreland in the just and
full sum of fifty dollars which payment well and truly to be made
unto the said Moreland his heirs &c. I bind myself my heirs &c.

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jointly by their presents sealed with my seal and dated this 11th
day of June 1813 the Condition of this obligation is such that
whereas John Penson a resident ^{of the State of} Kentucky hath instituted
a suit against the said Moreland in the Gallatin Court of
Common Pleas Illinois Territory. Now if the said John Draper
well and truly pay all cost that may accrue in said Court
which may be adjudged the said Hozle Moreland and by said
Court together with all officers fees belonging to said Court
then this obligation to be void or else to remain in full force
and virtue.

John Draper

And afterwards to wit at a court of common pleas continued
and held at the house of Thomas M Dorris at Shawneetown in and
for the County of Gallatin Illinois Territory on Wednesday the twenty
eighth day of July one thousand eight hundred and thirteen
this day came as well the plaintiff as the defendant by their
attorneys: and William Willis came into Court and having
justified undertook for the said defendant as follows to wit Upon
Hozle Moreland Senr do acknowledge to owe unto the plaintiff
six hundred and forty five dollars and you William Willis
do acknowledge ^{to} unto the same person six hundred and
forty five dollars to be levied upon of our several goods
and chattels lands and tenements upon condition that
if the defendant be condemned in this action he
shall pay the condemnation or render himself to
prison for the same and if he fail so to do
you William Willis do undertake to do it for him.
And the defendant Hozle Moreland Senior
filed the three following pleas To wit.

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And the Defendant by his attorney comes and defends the wrong and injury when &c. where &c. and saith that the plaintiff his action aforesaid to have and maintain ought not because he saith he hath well & truly paid to the plaintiff the said sum of Three hundred & Twenty two Dollars and fifty cents being the sum mentioned in the writing obligatory in the plaintiffs Declaration contained and this he is ready to verify: wherefore he prays Judgement of the said plaintiff ought to have his action against him &c. *Henderson for Defendant.*

And the said plaintiff for Replication to the Defendants plea above pleaded says that he ought not to be barred and precluded from having and maintaining his aforesaid action against him because he says that the Defendant did not well and truly pay to him the said plaintiff the said sum of Three hundred and Twenty two dollars and fifty cents being the sum mentioned in the writing obligatory in the plaintiffs Declaration mentioned as the Defendant in his plea above pleaded he hath alledged and again he prays may be enquired of by the country. *Sardin for plaintiff*

And the said Defendant doth the like. *Henderson for Defendant.*

And the said Defendant by his attorney comes and defends the wrong and injury when &c. where &c. and for further plea herein saith that the plaintiff his action aforesaid to have and maintain ought not because he saith that the consideration of the writing obligatory in the declaration mentioned was the sale of a negro girl named Rachel by the plaintiff to the Defendant and that at the time of the said sale and the execution of the said writing obligatory the said negro girl was unsound and of no value which unsoundness was well known to the plaintiff and by him concealed from defendant wherefore he says the Consideration has wholly failed and this is ready to verify &c. *Henderson for Defendant*

And the said plaintiff for replication to the Defendants last plea as above pleaded, says he ought not to be barred and precluded from having and maintaining his aforesaid action because

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protesting that the said writing obligatory in the Declaration men-
tioned was executed for and in consideration of a Negro Girl named
Rachel as the Defendant in pleading hath alleged for replication
says that the said Negro Girl was not unsound as the Defendant hath
alleged at the time of the sale aforesaid that if the Negro Girl aforesaid
was unsound at the time of the sale aforesaid that he the said pliff
was unacquainted with the unsoundness and of this he prays mercy
be enquired of by the Country. Hardin for plaintiff

And the said Defendant doth the like. Henderson for Defendant

And the defendant confesses and defends the wrong and injury
whom he. where he. and for further plea in this behalf saith that
the plaintiff aforesaid his action against him to have and maintain
ought not, because he says that on the same day of the execution of
the writing obligatory in the Declaration mentioned the plaintiff
intending and fraudulently contriving to cheat him of

the Defendant did cunningly & fraudulently induce the Defendant
to drink so freely of ardent spirits as to become intoxicated and
incapable of knowing and understanding perfectly what he was doing
and the Defendant saith that whilst thus intoxicated and not perfectly
understanding and knowing what he was doing the plaintiff did actually
and fraudulently induce him the defendant to purchase a Negro Girl
named Rachel who this defendant avers was the consideration of the writing

obligatory in the Declaration mentioned, and that this Defendant whilst
thus intoxicated and incapable of knowing and understanding per-
fectly what he was doing did execute the said writing obligatory
in the Declaration mentioned and thus he is ready to verify &c.

Henderson for Defendant

And the plaintiff demurred to the Defendants last plea of intoxication
as follows To wit. And the plaintiff to the Defendants last plea
as above pleaded saith that he ought not to be barred or precluded

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from having and maintaining his aforesaid action against him
the said Defendant because he says the plea aforesaid by him
the said Defendant took in manner and form aforesaid above plea-
ded, and the matters therein contained are not sufficient in law
to bar and preclude him the said plaintiff from having ~~and~~ his action
aforesaid against the said Defendant, to which said plea he the said
plaintiff hath no necessity nor is he bound by the law of the land in any
way to answer, because the plea of drunkenness cannot be pleaded to a bond
and this he is ready to verify wherefore for want of a sufficient plea in
this behalf he the said plaintiff prays Judgement and his cost
together with his costs &c. Hardin for plaintiff

And the aforesaid Defendant saith that the plea (of drunkenness)
aforesaid by him the said Defendant in manner and form aforesaid
above in his said plea pleaded and the matter in the same contained
is not sufficient in law, to bar the action of him the said

plaintiff aforesaid against the said Defendant, which he the said
Defendant is ready to verify wherefore &c. Braden for Defendant.

And afterwards Took at the same term of the Court last aforesaid
continued and held as aforesaid, on Thursday the Twenty ninth
day of July One Thousand eight hundred and thirteen, Here
came as well the said plaintiff as the Defendant by their attorneys
and on motion of the Defendant leave is given him to take the
depositions of Ephraim Sellers and others of the State of Kentucky
to be read in chief on the trial of this cause, and all further pro-
ceedings are continued unto the next Court.

And afterwards to wit. at a Court of common pleas continued
and held for the said County at Shawanoes Town On Thursday
the Twenty fourth day of March One Thousand eight hundred
and fourteen. Here came as well the plaintiff as the Defendant by
their attorneys, and the Defendants attorney filed the following

affidavit To wit. Illinois Territory Gallatin County To wit. Court
of Common Pleas March Term 1814. Hazle Moreland Junior
swareth oath that he is informed and verily believes that his Father
Hazle Moreland the defendant in the above action is now confined
by sickness in the upper part of Kentucky whether he went sometime
ago upon business of importance and expected to return before this Term,
that in consequence of his said sickness he is now prevented from atten-
ding this Court, this Reponent further states that the Defendant
expected to have made preparation for the trial of this cause after
his return from the upper counties, but by his sickness he has been
prevented from doing so. Hazle Moreland Junior

Sworn to in open Court March 24th 1814. Joseph Sp. Street etc
Whereupon the Defendants attorney moved the Court to continue this
cause upon the said affidavit, wherefore Ordered that this cause be
dismissed until the next Court. And in motion of the plaintiff it was
ordered by the Court that he recover against the Defendant the costs of this term
and may thereof have execution &c.

And afterwards To wit. at a Court of Common Pleas held as aforesaid on Wednesday
the 20th day of July 1814. Here came as well the plff as the Defdt, by their attorneys
and on motion & by consent the Defdt withdrew his plea of drunkenness &
rendered to the plaintiffs Demurrer, and the plaintiff withdrew his demurrer to the
Defdts said plea of drunkenness. Wherefore let a Jury come &c. & thereupon came

Elias Hubbard, Davis Tilly, Moses M. Rawlings, Jerry Winsor, Harrison Wilson, & Brier Samuel also
being elected tried & sworn well & truly to try the issues joined upon their oath do say that the
plff hath sustained damages herein to the amount of one penny by reason of the detention of the debt
in the declaration mentioned besides costs. It is therefore considered by the Court that the plaintiff rec-
over against the sd Defdt Three hundred Twenty two dollars fifty cents the debt in the declaration
mentioned with interest thereon at 6^{ps} Ct. per ann. from the 10th day of June 1813, until paid, & the one
penny found by the Jurors as aforesaid, & also his costs by him about his suit in this
behalf expended and the said Defdt in mercy &c.

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And afterwards So. Wt. at the term aforesaid on Thursday the twenty
first day of July one thousand eight hundred and fourteen
came as well the plaintiff as the defendant by their attorneys
and the defendant moved the Court to grant him a new trial
herein for the following reasons So. Wt. Verdict against law
and evidence

Forces & H. condemned for def^t
which motion is continued untill to morrow morning at which
day came as well the plaintiff as the defendant and the defen-
dant's motion for a new trial being argued and mature
deliberation being thereupon had it is the opinion of the Court
and so ordered that the motion be overruled and on motion of
92 the plaintiff it is considered by the Court that he recover against
the said defendant his costs expended herein by reason of the said
motion and may thereof have execution So. And the defendant
excepted to the opinion of the Court and by his attorney filed his
bill of exceptions which being signed by the judge was accord-
ingly entered as follows to wit Be it remembered that in the trial
of this cause the defendant by his attorney moved the Court
to exclude the note or bond filed in the cause from going in
93 evidence to the jury because a memorandum at the bottom of
the note stated that the same was to be paid at the house of
the defendant which they contend was a part of the note or
bond not being noticed nor mentioned in the declaration
there was a total variance between the declaration and the contract
given in evidence which motion the Court ^X overruled and gave
as their opinion that the note should go in evidence to the jury
to which opinion of the Court the defendant begs leave to
94 except and that this bill of exceptions may be signed sealed &c

J. C. McCune
Leonard White

and the defendant prayed an appeal from the judgment of
this Court which is granted him on his entering into bond in
the clerk's office of this Court in the penalty of five hundred
[1-97]

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dollars with Isaac Morgan his security conditioned at the
law direct within fifteen days from this date.

And afterwards to Wit on the twenty sixth day of July one
thousand eight hundred and fourteen came the defendants
into the clerk's office of the said court and entered into bonds
with Isaac Morgan his security as follows to Wit.

Know all men by these presents that we Hazle Moreland and
Isaac Morgan are held and firmly bound to John Pearson in
the just and full sum of five hundred dollars to which
payment well and truly to be made we bind ourselves our
heirs &c. jointly and severally firmly by these presents sealed with
our seals and dated this 26 day of July 1844. The conditions of the
above obligation is such that whereas the said Hazle Moreland
hath prayed an appeal from a judgment of the Court of common
pleas for Gallatin County in the name of John Pearson against
the said Moreland for the sum of three hundred and twenty
two dollars and fifty cents with interest damages and costs
if the said Moreland and Morgan or either of them shall well
and truly pay to the above mentioned John Pearson all such
damages and costs as shall be adjudged against him in case
the said appeal is not prosecuted with effect then the above
obligation to be void otherwise to remain in full force and
virtue in law.

Hazle Moreland *Seal*
Isaac Morgan *Seal*
J. F. Smith, D.C.

And afterwards to Wit. at a court of Common Pleas held in and
the said County at the house of John Ormsby in Shawano
Town on Wednesday the twenty first day of November one
thousand eight hundred and fourteen. Here came as well
the said John Pearson as the said Hazle Moreland and
thereupon filed the following opinion of the general Court
in and over the Territory of Illinois as aforesaid in this
case. To Wit. This day came the parties by their attorneys and

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brought into Court a record from the court of Common Pleas
for Gallatin County whereupon as well the record and proce-
dings aforesaid and the judgment thereupon given as the
matters aforesaid by the said ^{above} Heagle More and for errors
assigned being seen and by the Court here now fully understood
and mature deliberation being thereupon had for that it appears
to the Court here that the record and proceedings aforesaid and
also the condition of the judgment aforesaid it is manifested
and therefore it is considered by the Court here that the
judgment aforesaid for those errors and others in the record and
proceedings aforesaid be reversed annulled and held as entirely
void and it is further considered that the cause be remanded to
the court below to be proceeded on and that a venire facias de
novo be awarded by the said Court of Common Pleas and
it is further ordered that each party pay one half the costs
of this appeal. Attest Robert Morrison, C. J. C.

And all further proceedings are continued until the next Court.

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b And afterwards to Wit at a circuit Court continued and held at
the house of Joseph W. Street in Shawnee Town in and for the
said County of Gallatin on Tuesday the fourth day of July
one thousand eight hundred and fifty six into which Court
the business of the Court of Common Pleas was by act of Congres-
sion moved and until which time ~~the same~~ had been contin-
ued as well the plaintiff as the defendant by their attorneys
and on motion and by consent of parties ordered that Dodinas's
leave to take depositions generally in the above action before any
judge or justice of the peace in the States of Kentucky and
Tennessee upon reasonable notice of the time and place of
taking the same being given and all further proceedings are

continued until the next Court. And afterwards To Wit at a
 Circuit Court continued and held at the house of Samuel S
 Joseph Hays in Shavero Town in and for the said county
 of Gallatin on Tuesday the twenty fifth day of May one thousand
 eight hundred and nineteen until which time this cause
 had been continued came as well the plaintiff as the defendant
 by their attorneys and the defendant moved the Court to
 continue this cause until the next court and filed the following
 affidavit To Wit. The defendant being sworn deposes and saith
 that Enck Berry is a material witness for him in this cause that
 he expects to prove by said witness that the note in this case was
 given for a negro girl which was sold by the plaintiff to the
 defendant as a sound girl when in fact she was unsound
 and that fact known to the plaintiff and by him concealed
 from the defendant also that the consideration for which the
 note was given has wholly failed, also that the plaintiff
 confessed he had made the defendant drunk in order to
 impose the aforesaid unsound girl upon him and that he expects
 to have said witness at the next term of this court and that
 this application is not made for the purpose of delay but
 that justice may be done.

Charles Moreland

May 25th 1819 sworn to in open court Joseph M Street clerk
 Gallatin Circuit Court.

And afterwards To Wit at a Circuit Court continued and held at
 the house of Marmaduke S Davenport in Shavero Town in
 and for said County of Gallatin on Tuesday the twenty sixth
 day of October one thousand eight hundred and nineteen
 came as well the plaintiff as the defendant by their attorneys
 and thereupon came a jury to Wit Benjamin Walden John
 Barnett Humphry Scroggins Achilles McFarland James Steeb James
 Barnett Jacob Brewster Herring Taylor William Pate David Barnett

William Reynolds and Carter Seraggins who being elected
tried and sworn well and truly to try the issues joined but the
defendants attorney moved the court to exclude the note from going
in evidence to the jury which being being argued and mature
deliberation being had thereupon it is the opinion of the Court
that the said motion be sustained and the plaintiff suffered
a non suit herein on motion of the defendant by his attorney
it is ordered by the Court that the defendant recover against
the said plaintiff his costs by him about his defence in this
behalf expended and the said plaintiff in mercy &c.

And afterwards to wit at the term of the Court last aforesaid on
Thursday the twenty eighth day of October one thousand eight hundred
and nineteen came as well the plaintiff as the defendant by
their attorneys and the plaintiff moved the court to set aside the
verdict entered in this case and to reinstate the suit which was
argued upon consideration whereof it is ordered by the court that the
verdict be set aside and the cause reinstated and that the defendant
recover against the plaintiff the costs of reinstating the cause. And
on the motion of the plaintiff leave is given him to amend his
declaration in this case and that all further proceedings herein
be continued untill the next court.

And afterwards to wit on the twenty fourth day of March one thousand
eight hundred and twenty came the plaintiff by his attorney and gave
his amended declaration in the clerks office which is in the following
words and figures to wit. And Whereas also the said Hazle
Shoreland the same defendant the same day and year aforesaid
at the County and State aforesaid and within the jurisdiction
of the Court aforesaid by certain other writing obligatory signed
with his and sealed with his seal and here now to
the Court shew the date whereof is the same day and year

4 (W)
aforesaid acknowledged himself to be indebted and held and
firmly bound unto the aforesaid plaintiff John Pearson in the
aforesaid sum of three hundred and twenty two dollars and fifty
cents for value received in the words and figures following on or
before the tenth day of June next I promise to pay John Pearson
three hundred ~~and~~ twenty two dollars fifty cents for value received
of him said bond may be discharge on said Hazle Moreland
paying two hundred twenty two dollars and fifty cents on the
day of June next given under my hand and seal this 21st day of
December 1812 Hazle Moreland (seal)

Witness Present

James T Pearson

Test At Albany 21 May 1813

The above money to be paid at the said Moreland house Gallatin
County Illinois Territory. Nevertheless the aforesaid Hazle Moreland
the aforesaid defendant (although often requested) has refused to pay
several sums of money or any part thereof to the said John Pearson
the plaintiff aforesaid yet hath not paid but the same to
him to pay hitherto hath altogether refused and still doth
refuse to the plaintiffs damage five hundred dollars and
therefore he brings suit — Sep. Hardin PD.

And afterwards to wit on the thirty first day of March one thousand
eight hundred and twenty came the plaintiff by his attorney
and filed an amended declaration which is in the following
words and figures to wit. And whereas also the aforesaid Hazle
Moreland the same defendant the same day and year aforesaid at
the County and State aforesaid and within the jurisdiction of
this Court aforesaid by his certain other writing obligatory signed
with his hand and sealed with his seal and here move to the
Court shew the date whereof is the same day and year aforesaid
acknowledged himself to be indebted and held and firmly

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(15)

amount unto the aforesaid plaintiff John Pierson in the sum of two hundred and twenty two dollars and fifty cents for value received in the words and figures following on or before the tenth day of June next I promise to pay John Pierson three hundred and twenty two dollars and fifty cents for value received of him said bond may be discharged on said Hazle Moreland paying two hundred and twenty two dollars and fifty cents on the first day of June next under my hand and seal this 21st day of December 1812.

Witness

Hazle Moreland *[Signature]*

James J. Pierson

For A. C. any 21 May 1813.

The above money to be paid at the said Moreland house Gallatin County Illinois Territory.

And afterwards to wit at a Court continued and held at the house of Peeples and Kirkpatrick in Shawneetown in and for the said County of Gallatin on Tuesday the thirtieth day of May one thousand eight hundred and twenty one at which time this cause had been continued came as well the plaintiff as the defendant by their attorneys and the defendant filed a demurrer to the plaintiff's ^{amended} declaration as follows to wit and the defendant comes and defends the wrong and injury when &c. and says that the (pro a ctio now) because he says that the matters and things in the plaintiff's amended declaration are not sufficient in law for the said plaintiff to have and maintain his aforesaid ~~declaration~~ ^{briefing} ~~in this behalf~~ ^{wherefore} ~~for want of a sufficient~~ ^{in this behalf} the defendant prays judgment &

Monely & Reynolds for deft

and the said Hazle the defendant according to the statute in that case made and provided shews to the Court here the causes of demurrer following to wit "Mr. breach assigned in one and an imperfect breach in the other"

Monely & Reynolds for deft

and the aforesaid John the said plaintiff saith that his said declaration aforesaid filed herein and the matters and things therein contained as in manner and form aforesaid declared and the matter in the same contained are good and sufficient in law for the said plaintiff to have and maintain his action aforesaid against the said defendant which the said plaintiff is ready to verify &c. wherefore he prays judgment &c.

Hardin & McLean for.

Whereupon the matters of law arising upon the defendants demurrer to the plaintiffs declaration being argued and by the Court fully understood and mature deliberation being thereupon had it is the opinion of the Court that the law is for the plaintiff and it is ordered that the said demurrer be and the same is hereby overruled and the defendants attorney thereupon filed the following special plea to it and the defendant for further plea in their behalf says that the plaintiff aforesaid his action aforesaid to be maintained ought not because he says that on the same day of the execution of the writing obligatory in the declaration mentioned the plaintiff intending and fraudulently contriving to cheat and defraud the defendant did cunningly and fraudulently induce the defendant to drink so freely of strong drink as to become intoxicated and incapable of knowing and understanding what he was doing and the defendant says that whilst thus intoxicated and not understanding what he was about the plaintiff did artfully cunningly and fraudulently induce the defendant to purchase a negro girl named Rachel which said girl was the consideration for which the writing obligatory in this case was executed and the defendant avers that whilst thus intoxicated he executed the writing aforesaid and this he is ready to verify wherefore &c.

Reynolds for deft.

(17)

and the plaintiff filed a demurrer to the defendants said special plea above pleaded as follows to wit. And for answer to the defendants plea above pleaded of Drunkenness the plaintiff says for any thing therein contained (preclusion) because he says the matters and things in said plea contained are altogether insufficient in law to preclude his said action and thus he is ready to verify &c.

Hardin McLean & Patton for plaintiff

And the defendant filed the following rejoinder to the said Demurrer to wit. And the defendant for Joinder in the above demurrer says that the plaintiff ought to be precluded because he says the matters and things in the said plea are sufficient to bar and preclude &c. & thus &c.

Reynolds for deft.

Whereupon the matters of law arising upon the plaintiffs demurrer to the defendants plea of drunkenness being argued and now here by the Court fully understood and mature deliberation being thereupon had it is the opinion of the Court that the law is for the defendant and that the said plea of the said defendant in his plea above pleaded and the matters and things therein contained are good and sufficient in law, and it is ordered that the Demurrer be overruled and the plaintiff filed a replication to the defendants plea of intoxication as follows to wit. And for replication to the defendants plea of intoxication &c the plaintiff says for anything contained therein he ought not to be barred and precluded from his ^{said} action aforesaid, because protesting that said writing obligatory in the declarations mentioned was given and executed for the negro girl in the plea mentioned he says he did not induce said defendant to become so intoxicated as to be incapable of knowing and understanding what he was doing and he did not induce said defendant to purchase said negro while thus intoxicated as in his plea he has alleged and thus he prays may be enquired of by the Court &c. Hardin McLean & Patton for plaintiff

And the defendant likewise. Reynolds for deft.

Wherefore let a jury come &c. but the plaintiff moved the Court to continue this cause until the ^{next} Court in consequence of the special matter in the

(14)
in the above plea pleaded by the defendant which motion being argued
and mature deliberation being thereupon had, ordered that this cause
be continued untill the next Court.

And afterwards to Wit. at a circuit Court continued and held at
Shawmstown, in and for the said county of Gallatin on Thursday the
second day of November one thousand eight hundred and twenty
here came as well the said plaintiff as the defendant by their attorneys
and thereupon came a jury to Wit. Benjamin Saffert William
McCoy Thomas W. Morris John Sebolt Joseph Hays Marmaduke
S. Davenport Henry Belt Noble Morrison Joseph Cain Samuel Dietrich
Cornelius Saffert & John R. Sloo who being elected tried and sworn well
and truly to try the issues joined upon their oath do say "We of the
jury find for the plaintiff the debt in the declaration mentioned
to Wit. three hundred and twenty two dollars and fifty cents which may
be discharged by the payment of two hundred and twenty two dollars
and fifty cents and one cent in damages. On motion of the plaintiff's
attorney it is considered by the court that the plaintiff recover against
the said defendant three hundred and twenty two dollars and fifty
cents the debt in the declaration mentioned and one cent ⁱⁿ damages
as by the jurors in their verdict of award assessed and also her costs
by him about her suit in this behalf expended & the defendant in
mercy &c. But this judgment may be discharged by the payment of
two hundred and twenty two dollars and fifty cents with interest thereon
at the rate of six per cent per annum from the tenth of September 1813
till paid and one cent damage and the costs of suit.

Remembered that on the trial of this cause the plaintiff by his
counsel moved the court to exclude from going in evidence to the jury
evidence to the proof of the service of a copy of the interrogations on the
plaintiff or his attorney according to law being required by the plaintiff
the following deposition to Wit. The deposition of Enoch Berry as
follows to Wit. Iephtha H. Cairns esquire attorney for John Perion
do hereby certify that ^{on the} 8th day of May 1820 I shall apply at the clerk's office

of Gallatin County for a Dedimus to be directed to certain commissioners for the purpose of taking the deposition of Enoch Berry of White County. To be read as evidence in a suit now depending in the Gallatin Circuit Court wherein John Pierson is plaintiff and Sam defendant the deposition will be taken at Mead Tavern in Carnie White County on the 13th day of May 1820 between the hours of 8 A.M. & 6 P.M. The following interrogatories will be put. April 26. 1820. Hazle Moreland. 1st Did you or did you not ever have a conversation with John Pierson respecting a negro girl which the said John Pierson sold to Hazle Moreland. relate what you know

Whereupon came the defendant by William M. S. Mow of his attorney on the ninth day of May one thousand eight hundred and twenty into the clerk's office of the Gallatin Circuit Court aforesaid, and made application for a dedimus agreeably to the above notice and interrogatories, and thereupon the following dedimus ^{was} issued To Wm. State of Illinois Gallatin County vs The people of the State of Illinois to John C. ... James Gray and Partners the undersigned gentlemen of Carnie White County State of Illinois greeting: Know ye that we reposing special trust and confidence in your fidelity and prudent circumspection in diligently examining witnesses in a certain suit now pending in our said circuit for Gallatin County wherein John Pierson is plaintiff and Hazle Moreland is defendant command you that you meet at such time and place as you shall appoint and cause to come before you Enoch Berry and him diligently examine upon his corporal oath upon the annexed interrogatories, and the said examination by you to taken to

of our said Circuit Court at the next term to be holden at Shawneetown on the fourth Monday in May instant together with the Writ Notice Joseph M. Street clerk of our said Court at Shawneetown this 9th day of May A.D. 1820. and in the 2^d year of the State of Illinois
Jas M Street clk.

Ad
A copy of the interrogatories was returned to the said dedimus

as follows to Mr. 1st Did you or did you not ^{even} have a conversation
with John Pierson respecting a negro girl which he the said John
Pierson sold to Hazle Moreland relate what you know. A copy attested.
Submitted etc. Me the undersigned commissioners appointed by a
decree to us directed by the clerk of the Gallatin Circuit Court
to take the deposition of Curch Berry or answer to a certain
interrogatory exhibited upon the said decree to be read in evidence
in certain matters of controversy depending and undetermined in
the Gallatin Circuit Court State of Illinois wherein John Pierson
is plaintiff and Hazle Moreland is defendant. Now this day
proceeded to examine said Berry and he being first sworn upon
the Wholly Evangelist of Almighty God, for answer to the said
interrogatory said "That a day or two after the sale of said negro
girl by said Pierson to said Moreland he went to said Pierson and
he then heard said Pierson say he had sold his disordered negro
I then asked him to whom he sold the negro. he said to Moreland
then asked said Pierson what ailed his negro, he replied she
had the phthisic whenever she worked out got wet or was fatigued.
I then asked said Pierson what he got for said negro girl. he
replied about six hundred dollars agreeably to his calculation.
I then told said Pierson Mr. Moreland must have been drunk
he replied to me that I knew he had plenty of whiskey and he
swearered a good deal that day (meaning the day of sale) and
that a good deal was drank. Pierson also said that when Moreland
went away he crept on his horse and was pretty full and that he

after he started to whom she belonged, and the girl replied to
him, and further this deponent hath not given under our
hands and seals this 13th day of May 1820. John Crow

P. Redman

James Gray

The plaintiff by his council also moved the Court to exclude from
going in evidence to the Jury the following deposition of Barbara

+ 21

McElroy which notices, interrogatories, Dedimus and deposition are
in the following words and figure: to W^o. State of Illinois Gallatin
County vs. Mr. Septus Hardin attorney for John Pierson take
notice that on Saturday the sixth day of March next I shall take
the depositions of Barbara McElroy and others at the dwelling house
of Hugh McElroy esquire in the County of Union State of
Kentucky between the hours of 9 A.M. & 4 P.M. to be read in
evidence in a suit now depending in the Gallatin Circuit Court
wherein John Pierson is plaintiff and I am defendant when and
where the following interrogatories will be put to the aforesaid
Barbara McElroy and others of the County of Union State of
Kentucky. Feby. 24 A.D. 1819. — Hazle Moreland

Interrogatories

Question first. Did you know a certain girl named Rachael once
the property of John Pierson ^x

Ques. 2^d. Did you know the girl when she lived with John Pierson

Ques. 3^d. Do you know whether the girl was ever wounded by a muskett
on the ^{upper} ~~lower~~ ^{part} ~~body~~ ^{of} her body.

Ques. 4th. Did you ever hear the girl complain of the wounded part.

Ques. 5. Was she not a sickly girl and subject to the phthisick.

Ques. 6. Have you never seen her while carrying water from the spring
to the house stop to take breath and was not this difficulty of
breathing occasioned by the phthisick.

Ques. 7. Did you never see her from exercise frequently labour
under the greatest difficulty of respiration.

Ques. 8. Did you never hear the girl herself complain of this disorder.

Ques. 9. Do you not believe the girl's health was materially impaired

Ques. 10. Did you never have any conversation with Mrs. Pierson the wife
of plaintiff concerning the girl and has she not expressed to you
in your hearing that the girl was unsound in her opinion.

Ques. 11. Do you not believe the plaintiff well knew the girl to be
unsound and subject to the Phthisick when he sold the girl to
Moreland.

(Examinus)

22 22
State of Illinois Gallatin County ss. The people of the State of
Illinois to Hugh McElroy and James Townsend Esquires
gentlemen of Union County Kentucky greeting: Know ye that
we reposing special trust and confidence in your fidelity and
circumspection in diligently examining witnesses in certain cause
now in our Circuit Court for Gallatin County aforesaid pending
wherein John Pierson is plaintiff and Hazle Moreland is defendant
command you that you meet at such time and place as you shall
appoint and cause to come before you Barbara McElroy and her
diligently examine on her corporal oath as on the annexed
interrogatories and her said examination by you so taken certify
under your hands and seals and deliver to the Judge of our said
Circuit Court at Shawneetown at the March term to be holden
for said County in Shawneetown on the 4th Monday in March
instant together with this writ. Witness Joseph M. Street clerk of
our said Court at Shawneetown the 6th day of March, 1819.
of the independance of the United States the 10th year

For M. Street clk.

Deposition

The deposition of Barbara McElroy taken at the house of Hugh McElroy
on Saturday the 5th day of March 1819 to be read at evidence in a
suit pending in the Gallatin Circuit Court State of Illinois wherein
John Pierson is plaintiff and Hazle Moreland is defendant
the deponent of law full age and sworn deponent and sworn
1. Question 1st Yes. to question 2^d Yes. to question 3^d only from
marriage from my own account. to question 4th Yes. to question
5. She told me she was. To question 6. Yes. To question 7. Yes. To
question 8. Not often. To question 9. I have never formed an opinion
To question 10. I have not had any conversation with her as I
recollect on that subject. To question 11. I do not know.

Barbara McElroy.

State of Kentucky Union County to Wit. The foregoing deposition

(answers to interrogatories) of Barbara McElroy was taken
subscribed and sworn to before us the undersigned justices of
the peace in and for the county aforesaid at the House of
Hugh McElroy this 5th day of March 1819. Hugh McElroy, Sr.
James Townsend, Jr.

which several motions the court sustained and excluded the
foregoing depositions from going to the Jury, to which opinion
of the Court the defendant by his council excepts and prays
the Court to sign and seal the same and make the same a
part of the record in this case November 3^d 1820.

Thomas C. Broome (Seal)

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An the trial of this cause the plaintiffs attorney moved the court
to exclude the depositions of Ephraim Sellers, Rebecca Sellers,
Samuel Thornton, Alexander M. Henry, Peter Parker Joseph
Henry William Henry and William Whitesides from going
to the Jury which motion was sustained. The said depositions
were excluded from going in evidence to the jury, and the
defendant prays an appeal from the judgment of the
Court to the Supreme Court of the State of Illinois which is
granted him and thereupon he offered Gardner Moreland
as his security in said appeal who having justified in
open Court says he is worth more than four hundred dollars
after the payment of all his just debts. Wherefore it is

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that the said defendant enter into bond conditioned
as the law directs within fifteen days from this date in
Gardner Moreland his security in the penal sum of ~~five~~ five
hundred dollars.

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And afterwards to wit on the eleventh day of November one thousand
eight hundred and twenty came the defendant with his security
Gardner Moreland into the clerks office of the circuit Court aforesaid

and entered into bond as the law directs which is as follows to wit:
 Know all men by these presents that we Hazle Moreland and Senr and
 Gardner Moreland of Gallatin County State of Illinois are held and
 firmly bound unto John Pierson in the penal sum of five hundred
 dollars money of the United States, to which payment well and truly
 to be made as aforesaid we bind ourselves our and each of our joint
 and several heirs executors and administrators jointly and
 severally firmly by these presents: Witness our hands and seals this
 eleventh day of November in the year of our Lord one thousand
 eight hundred and twenty. The condition of this obligation is
 such that whereas the above bound Hazle Moreland and Senr hath
 prayed an appeal from a judgment rendered against him
 on the second day of November 1829, (instant) for three hundred
 and twenty two dollars and fifty cents to be discharged by the payment
 of two hundred and twenty two dollars and fifty and one cent in
 damages and interest and costs in the circuit Court for Gallatin
 County aforesaid in favour of the above mentioned John Pierson
 if the said Hazle Moreland shall well and truly
 prosecute the appeal taken in this case then this obligation
 be void, otherwise to remain in full force power and virtue
 in law.
 Done in presence of
 Jos W Street clk.

Hazle Moreland
 Gardner Moreland

Seal
 Seal

State of Illinois Gallatin County Let.

I Joseph M. Street clerk of the Circuit Court
for Gallatin County aforesaid, do hereby certify that the foregoing
Twenty four pages, contain a full true perfect and complete trans-
cript and copy of the said and proceedings of John Pearson
against Hagar Moreland in an action of Debt, as fully and
completely as the same remains of Record in my Office.

In Testimony whereof I have hereunto
set my hand and affixed the seal of the said
Court at Shawanoos Town this 29th day of
November A. D. 1820.

Joseph M. Street clk

Plaintiffs costs. \$50.94.

Attest Joseph M. Street clerk.

3 Recor
3

Folger. du. 13. 1890

1820

1891

24
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II-207

Moreland } Affidavit
vs }
Person } of Genl
Street. Judge Brown
and Mr. Jones as to
the solvency of
Hable Moreland Jr.

Filed Feb. 1. 1822

Pearson or Moarlan

Chetty 327228.302

[1-19]

Reynolds Successor in
the office of M. Lean

Reynolds

22
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Reynolds

Th. Reynolds successor in office
to M. Lean