

Radley
vs
Blawett

The said defendant by his Attorneys
moves the Court to dismiss this cause from the
docket for the reason that no ^{appeal} bond was entered
for the purpose of removing said cause to this Court
into as required by law & the ^{rules} of the Court below.

Davis & Gorman
attys for Deft.

Blancett
ads
Radley

Mo. to dismiss Appeal

81.

Filed Dec. 12, 1838
J. M. Duncan

State of Illinois
Effingham County

Set

Was held at the Court house
in Ewington in the County of Effingham
in the State of Illinois on Friday the
Sixth Day of October in the year of our
Lord one thousand Eight hundred and thirty
seven Before the Honorable Sidney Breese
Judge of the Second Judicial of the said State
of Illinois Presiding and Holding a Circuit Court
in and for the County of Effingham a fore said
Josiah Blauvelt

vs
Christopher Badley

Appeal

On Motion of the Def^t
Counsel a change of venue in this case said
motion was denied on account of the insufficien
cy of notice of said application to which
opinion of the Court in denying said motion
The Def^t Excepts and Under his bill of
Exceptions which is signed By the Court and
mailed a part of the Record

which is in the following words to wit
Josiah Blauvelt

Christopher Badley } appeal from a Justice of

The peace continued from last
Term.

But Reminded that at the calling of the
a habeas corpus for Trial the Deft by his counsel
made an affidavit to the court and made a
motion for a change of venue in the
Cause for the reason set forth in the affi-
davit. The Defendant Rodley being duly

sworn deposes and says that he has a
good defence to the a habeas corpus to be tried
by jury and that he fears that he will
not get a fair and impartial Trial in
the a habeas corpus owing to the pre-
dices of the minds of the inhabitants
of said County of Apprehension & against him
he therefore prays the court to award him
a change of venue to some County in the
Circuit where the Cause a fore said does
not exist and further this Depoat with
oath

Christophus Rodley

sworn to and submitted

this 6th Day of October 1837

W. H. Jenkins Clerk

and states that he had given the plff.
Counsel notice of said motion the plff.
Counsel there upon objects to said motion
as not Reasonable it having ~~not~~ been given
not more than one hour before the calling
of the cause the Court decided in conform-
ty with the Rules of the Court in like
cases that Reasonable notice must be
understood to mean at least one days
notice before the cause is called for
trial unless under special circumstances
that in this case the Deft has had more
than ~~six~~ months in which to give th notice
and as it is objected to at this time it
must be deemed not Reasonable and
therefore before the motion for a change of
venue to which session of the Court the
Deft by his counsel excepts and prays the
Court to sign and seal this his bill of
Exceptions which is done accordingly

Sidney Bruce Deft

and now at this day came the said

parties By their attorneys and Issue being done
there fore came a Jury To wit Alexander
M'whorter John Trapp Duke Robinson Esq.
Sief Geo. Shaw John Funk Senear R. Howell
James Turner Wm Brackett Micoger Davidson
Samuel L white and John Paraway who
being Elected Tied and sworn well and truly
to say The Jurors did a fore their oaths ^{to say}
we the Jury find for the plaintiff and
assell his Damages To seventy five Dollars and
seventy five Cents it is there fore adjudged
of the said Plaintiff Recover
of the said Defendant the sum of seventy
five Dollars and seventy five Cents his Dam
ages in favor a fore said assell also his costs
by him ^{expended} in this behalf
and that he have Execution
there fore

and after wards To wit at the same Term of
the said Court on the second Day thereof
the following order was Entered of Record
to wit Josiah Blawett vs Christopher Madly
now at this Day came Christopher Madly
and prays an appeal To the Supreme Court

which is granted him upon his Entry
in No a bond in thirty Days from this date
in the penal sum of Two Hundred Dollars
with Benjamin Stallings and Nichols
Noddy his sureties conditioned ~~as the law~~
~~is~~ according to Law

State of Illinois = set
Jefferson County I William J. Hawkins Clerk
of the Circuit Court in and for the County
and state a fore said do here by certify
that the a above and foregoing fore and
one very page contains a perfect and
complete Transcript of the Record in the case
there in verified and set forth as now
appears of Record in my said office in
Testimony where of I have here-
unto subscribed my name and
affixed my private seal there by
 No official seal as yet provided
for our said Court at Evans ton
this 25th Day of October A.D. 1837
W. J. Hawkins Clerk

94
81-

Christopher Radley
as 5 Appeal
3 from Effingham

Josiah Blaneett

Filed June 1. 1838.
J. M. Duncan

X

Dismissed Dec. Term
1838.

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