

No. 14043

# Supreme Court of Illinois

Nicols

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vs.

Gay & Thompson

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Supreme Court

Henry Nichols appellant

Lewis Gay & Matthew Thompson

appellee

And now Court appellant and  
says that in the record & proceedings herein there is manifest  
error in this to wit;

The Court below erred in sustaining the  
Motion to dissolve injunction & dismiss the Bill herein  
in which & in divers & manifest other errors also apparent  
appellant prays Judgment & reversal

McClelland & McCoy all  
for appellants

And the said defendant says there is no such error in the record  
and proceedings aforesaid as the plaintiff has alleged &  
Williams atty for deft

Superior County

Nichols

vs  
Cray & Thompson

ass'ty Emerson

Judged June 6. 1840  
Jm Sweeney

14043

Henry Nichols

Matthew Thompson & Lewis Gay

This was a suit in Equity brought in the Hancock County Court by bill filed on the part of Nichols & Thompson & Gay to enjoin & stay all proceedings on a certain Judgment and Execution in favor of Gay & Nichols in the said Hancock County Court

The Bill sets out that Nichols and the Savery gave Thompson their Notes (being the same upon which Judgment at Law was rendered against Nichols) on the 31<sup>st</sup> Dec 1816 in the State of Ohio - That upon the delivery of the notes to Thompson he was to convey them certain lands of which he claimed to be the owner that the premium to finance said premises was the consideration of the notes - that when the notes were executed & delivered Thompson represented that he had a good title & premium & verbally to convey - That afterwards & long after the several notes became due Thompson by his indorsement in blank transferred the notes to his father in law & immediate neighbor Lewis Gay - that from circumstances Gay must have known what the notes were given for -

That at no time had Thompson any title to the premises aforesaid & never could convey & never has attempted to convey the same to Nichols & Nichols & Savery - that this fact must have been known to Gay that by combination for the purpose of defrauding Nichols the transfer was made & suit brought & Judgment rendered by Gay the assignee - The bill prays for a specific answer to the bill injunction & general relief -

Motion was made injunction dissolved and Bill dismissed for want of Equity - & this is assigned for error -  
McCombs & M. Dwyer  
for appellants

Jupiter Court

— " —

Henry Nichols

"

Jonathan Thompson

& Lewis Gay

— " —

abstract

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