

No. 13759

Supreme Court of Illinois

Sanford

vs.

G
Paddis

Semford

v2

Gaddis



leave to amend his declaration herein

And afterwards, to wit, on the sixth day of the term of said Court, the following ^{appeal} of record and is in the words following, to wit,

Nathan P. Sanford }

vs

John W. D. Ladd }

Trespas on the Case for Slender

This day came the Plaintiff by his Attorney and filed his bond for security herein as ruled by the Court on Tuesday last, which said bond is filed accordingly

And again, to wit, on the eighth day of said term of Court, the following ^{in the} appeal of record, and is, the words following, to wit,

Nathan P. Sanford }

vs

John W. D. Ladd }

Trespas on the Case for Slender

This day came the Defendant by his Attorney, and on his motion, after hearing of arguments, it is ordered by the Court that this Cause be continued until the next term of this Court at the Plaintiff's Costs, and that said Defendant recover of said Plaintiff his Costs by him herein expended: Whereupon the Plaintiff by his Attorney filed his bill of exceptions, which are allowed and signed by the Court.

Which said bill of exceptions is in the words and figures as follows, to wit,

Sanford } On the Fulton C. C. Mar. 2. 1830

Bill of exceptions

Laddie

Be it remembered that at the present term of this Court the Plaintiff filed his amended declaration in this cause whereupon the defendant moved for a continuance of the cause at the Plaintiff's Costs, to the allowance of which motion so far as Costs are concerned the Plaintiff's Attorney objected. But the Court overruled the objection and decided that said Cause should be continued at the Plaintiff's Cost and rendered judgment therefor. To which decision of the Court in continuing said Cause at the Plaintiff's Cost, and rendering judgment therefor, the Plaintiff at the time excepted by his Counsel, and he prays that his said exceptions may be allowed and signed and made a part of the record in this Cause which is done.

Wm Kellogg ^{Attorney} ~~Esq~~

The above Bill of exceptions entered as follows.

Lanford vs Laddie - Exceptions - Filed March 18th 1850 Wm W. Comb clk.

And at a subsequent term of said Court as follows to wit:

Filed at the Court House in Secuitown before the Honorable William Kellogg Judge of the Fourth Judicial Circuit in the State of Illinois

At a Circuit Court began and held at the Court ^{House} in Secuitown in the County of Fulton and State of Illinois on the 16th day of September A. D. 1850

Present William Kellogg Judge and Harmon G. Reynolds, prosecuting State Attorney

And afterwards, to wit, on the 23rd day of Sept. 1850 being the 8th day of said term of Court, the following declaration was filed which is in the words and figures following, to wit,

State of Illinois } In the Fulton Circuit Court at the
 Fulton County } March Term A.D. 1850.

Nathan P. Sanford }

vs

John V. D. Eddis } John V. D. Eddis Defendant was
 summoned to answer unto Nathan P. Sanford Plaintiff
 of a Plea of Trespass on the Case for that whereas the
 said Plaintiff now is a good true honest just
 and faithful Citizen of the State of Illinois and
 as such hath always behaved and conducted
 himself, and until the committing of the several
 grievances by the said Defendant as hereinafter men-
 tioned, was always reputed esteemed and respected
 by and amongst all his neighbors and other good
 and worthy Citizens of the State of Illinois
 to whom he was in any wise known, to be a person
 of good name fame and Credit (to wit) at the
 County of Fulton and State of Illinois. And whereas
 also the said Plaintiff hath not ever been guilty
 or until the time of ^{the} committing of the said several
 grievances by the said Defendant as hereinafter men-
 tioned been suspected to have been guilty of the offense
 and misconduct hereinafter mentioned, to have been
 charged upon and imputed to the said Plaintiff
 or of any other such offence or misconduct by
 means of which said premises he the said Plaintiff
 before the committing of the said several grievances
 by the said Defendant as hereinafter mentioned had obtained
 the good opinion and Credit of all his neighbors
 and other good and worthy Citizens of this State to whom
 he was in any-wise known (to wit) at the County and
 State of aforesaid. And whereas also before the committing
 of the several grievances by the said Defendant as in the
 first and fifth Counts herein-after mentioned a
 Certain action had been depending before one David M.

Wyckhoff Esq. a Justice of the Peace within and for the
County of Fulton and State of Illinois, of which
said action, the said the said Justice had then and there
and then jurisdiction (to wit) at Fairview in said County
wherein the Defendant in this suit was plaintiff and the
plaintiff ^{in suit} was Defendant and which said action had then
and there been lately tried by the said David M. Wyckhoff
Justice of the Peace as aforesaid and on said trial the said
plaintiff in that suit had been and was examined on oath
(on the said Defendant in this action then and there
before said oath was administered having waived any pre-
liminary oath and having consented that the said plain-
tiff in this action should be examined on oath and
testify in said cause) in a matter material to the mat-
ter in said trial and having given his evidence
as a witness (as by the laws of this State he had a right
to do (to wit) at Fairview (to wit) at the County and State
aforesaid, yet the said Defendant well knowing the
premises but greatly envying the happy State and
Conditions of the said plaintiff and contriving and wickedly
and maliciously intending to injure the said plaintiff in
his good name fame and credit and to bring ^{him} into public
scandal infamy and disgrace with and amongst all his
neighbors and other good and worthy citizens of this
State and cause it to be suspected and believed by
those neighbors and citizens that he the said plaintiff had
been and was guilty of the offences and misconduct herein
after mentioned to have been charged upon and imputed
to the said plaintiff or any other such offences or miscon-
duct and so subject him to the pains and penalties by
the laws of this State made and provided against and
inflicted upon persons guilty thereof, and to pay himself
of poor impoverish, and wholly ruin him the said plaintiff
heretofore (to wit, on the tenth day of February A.D. 1850
at Fairview to wit, at the County and State aforesaid

in a certain discourse which he the said defendant then and
 there had with the said plaintiff of and concerning the
 said plaintiff and of and concerning the said action and of and
 concerning the evidence of him the said plaintiff given
 on the said trial at such witness as aforesaid in the presence
 and hearing of divers good and worthy citizens of that State
 then and there in the presence and hearing of the said last
 mentioned citizens falsely and maliciously spoke and
 published to and of and concerning the said plaintiff
 and of and concerning the said action and of and con-
 -cerning the evidence by him the said plaintiff given on
 the said trial at such witness as aforesaid these false
 scandalous malicious and defamatory words following, to wit,
 it to say "you" (meaning the said plaintiff) "severe
 false" (meaning that he the said plaintiff in giving
 his evidence at such witness on the said trial before
 said Justice of the Peace as aforesaid had committed
 willful and corrupt perjury) and afterwards to wit,
 on the tenth day of February A.D. 1880, to wit, at the
 County of _____ and State aforesaid in a certain other
 discourse which the said defendant then and there
 had with the said plaintiff in the presence and hearing of divers
 good and worthy citizens of the State of Illinois and friends
 and neighbors of him the said plaintiff then and there
 present and in hearing of the same falsely and maliciously
 spoke and published to and of and concerning the said
 plaintiff these other false scandalous and defamatory
 words following, that is to say "you (meaning the said
 plaintiff) "severe false" (meaning that he the said plain-
 -tiff had sworn falsely before that time "you" (meaning the
 said plaintiff) had taken a false oath and "I (meaning
 the said defendant) would give two bits to find out a man
 that would take a fall with" (again meaning that the said
 plaintiff had been guilty of swearing falsely) and afterwards
 to wit, on the fifteenth day of February A.D. 1880 (to wit,

at the County and State aforesaid in a certain other discourse
which the said defendant then and there had in the
presence and hearing of one Simon P. Pemyca and of
divers other good and worthy Citizens of the State of Illinois
and friends and neighbors of him the said plaintiff then
and there present and in the hearing of the same falsely
and maliciously spoke and published of and concerning
the said plaintiff these other false scandalous malicious and
defamatory words following that is to say "he" (meaning the
said plaintiff) "had sworn false and he" (meaning the said
defendant) "would say it on his death bed" (meaning
that he the said plaintiff had before that time committed
willful and corrupt perjury) And afterwards (to wit)
on the fifteenth day of February A.D. 1850 (to wit) at the
County and State aforesaid in a certain other conversation
and discourse which the said defendant then and there
had in the presence ^{and hearing} of one Simon P. Pemyca and of
divers other good and worthy Citizens the friends and
neighbors of him the said plaintiff then and there
present and in the hearing of the same falsely and mali-
ciously spoke and published of and concerning the
said plaintiff these other false scandalous malicious
and defamatory words following that is to say "he" (meaning
the said plaintiff) "sworn false and he" (meaning the said
defendant) "would say it on my death bed" "he" (meaning
the said defendant) "would give two bits to find out a man
that would take a false oath" "He" (meaning the said plaintiff)
"sworn falsely he did" (meaning that he the said plaintiff
had sworn falsely before that time) And afterwards (to wit)
on the fifteenth day of February A.D. 1850 (to wit) at the
County and State aforesaid in a certain other discourse which
the said defendant then and there with Simon P. Pemyca and
divers other good and worthy Citizens and friends and
neighbors of him the said plaintiff then and there present
and in hearing of the same falsely and maliciously spoke

and published of and Concerning the said Plaintiff
 and of and Concerning the said action and of the said
 Concerning the evidence by him the said Plaintiff given
 on the said trial as such witness as aforesaid before the
 said David M. Wyckoff Esq. Justice of the Peace as aforesaid
 these other false scandalous and malicious and defamatory
 words following that is to say "he" (meaning the said
 Plaintiff) "swore a lie" "he" (meaning the said Plaintiff)
 "perjured himself" "he" (meaning the said Plaintiff) "swore
 false" (meaning that he the said Plaintiff in giving his
 evidence as such witness on the said trial before the said
 David M. Wyckoff Esq. Justice of the Peace as aforesaid had
 sworn falsely. And the said Defendant afterwards (and
 on the fifteenth day of February A. D. 1880 in a certain
 other discourse which the said Defendant then and there
 had in the presence and hearing of divers other good and
 worthy citizens the friends and neighbors of him the said
 Plaintiff and then present and in the hearing of the
 same falsely and maliciously ~~spoke~~ and published
 of and concerning the said Plaintiff these other false
 malicious scandalous and defamatory words following
 that is to say "he" (meaning the said Plaintiff) "swore
 false" "he" (meaning the said Plaintiff) "has taken a
 false oath" "he" (meaning the said Plaintiff) "has perjured
 himself" (meaning that the said Plaintiff before that time
 had sworn falsely. Contrary to the Statute in such case
 made and provided

Also for that whereas heretofore to wit, at Fairview in
 the County of Fulton aforesaid and before the speaking of the
 words in this Court mentioned a certain action had
 been depending and was tried before one David M. Wyckoff
 a Justice of the Peace in and for said County who had
 jurisdiction of the said action in which the said John W.
 D. Case was Plaintiff and the said Nathan P. Sanford

and defendant in various said actions and to wit
- the said Nathan P. Comford was sworn as a
witness and there and there gave evidence and
testified in a matter material to the issue in said
action yet the said defendant well knowing the same
- did but contriving to injure and ruin the said plain-
- tiff in his reputation and good name, therefore
at &c. on the tenth day of February A. D. 1855 at
and within the said County and in the presence
and hearing of several good and worthy citizens fal-
-sely and maliciously spoke and published of and
concerning the said plaintiff and of and concerning
the said action and of concerning the said evidence by
him the said plaintiff given on the said trial as such
witness as aforesaid these other false scandalous ma-
-licious and defamatory words that is to say "He" (mean-
-ing the said plaintiff) "swore a lie" "He" (meaning the
said plaintiff) "swore false" "He" (meaning the said plaintiff)
"perjured himself" meaning that the said plaintiff in giving
his evidence as such witness on the trial of said action
before the said David M. Wyckoff Justice of the Peace at
aforesaid had been guilty of swearing falsely and which said
words in their common acceptation do amount to such
charge viz. that said plaintiff had sworn falsely on said
trial.

By means whereof and of the committing of
which said several grievances by the said defendant as
aforesaid he the said plaintiff hath been and is greatly in-
-jured in his good name fame and credit and brought
into public scandal injury and disgrace with and
amongst all his neighbors and other good and worthy
citizens of this state inasmuch that several of those neighbors
and citizens to whom the innocence and integrity of the said
plaintiff in the premises were unknown have on occasion
of the committing of the said grievances by the said defendant as
aforesaid from them hitherto suspected and believed and still

do suspect and believe the said plaintiff to have been and
 to be a person guilty of perjury and swearing falsely
 and have by reason of the committing of the said griev-
 -ances by the said defendant at aforesaid found them further
 wholly refused and still so refuse to have any trans-
 -actions, acquaintance or discourse with him the said
 plaintiff as they were before used and accustomed
 to have, and otherwise would have had to the damage of
 the said plaintiff of Ten Thousand dollars and therefore he
 brings his suit &c.

Boice and Dilworth
 Atty for Plaintiff

The foregoing declaration is endorsed as follows
 Nathan P. Sanford vs John W. D. Sedgwick, Declaration
 Filed Sept. 23^d 1850 Wm. McComb clk.

And afterwards to wit, on the 23^d day of September 1850
 being the eighth day of said term of Court, the following
 declaration was filed in ^{the} Court, and is in the words
 and figures following, to wit,

John W. D. Sedgwick }
 idd }
 Nathan P. Sanford }

And the said Defendant by his Atty
 earned and defendd the parony and injury whereof, and says
 that the said several Counts of the said Declaration and the
 matter and things therein contained in manner and
 form as above pleaded and set forth
 are not sufficient in law, nor are either of said Counts
 of said Declaration sufficient in law for the said plaintiff
 to have and maintain his aforesaid action thereof against
 him the said Defendant, and that he is not bound by
 the law of the land to answer the same, and that he is
 ready to verify, wherefore he prays judgment &c.
 Brown & Bushnell

And the said plaintiff says precluded now. because he says his declaration is sufficient in law and that he prays may be enforced of by the Court - By Boice his Att.

And the defendant doth to the like

By

which said demurrer is endorsed as follows to wit,

Ino. V. S. Gaddis vs. M. P. Sanford - demurrer filed Sept. 23rd 1850 W. M. Combs clk.

And afterwards, to wit, on the 26th day of Sept. 1850 the following and ^{substantive} ^{to} ^{the} ^{effect} of record in said Court, and is in the words and figures following, to wit,

Nathan P. Sanford

vs.

John W. D. Gaddis

Defendant on the case for slander

This day again came the parties aforesaid by their Attornies and issue being joined on the defendants demurrer to the several Counts of said plaintiffs declaration, and argument had thereon and the Court now being sufficiently advised of and concerning the premises: It is ordered that said demurrer be sustained to the first, fifth and seventh Counts of the said plaintiffs declaration and overruled as to the second, third, fourth and sixth Counts of said declaration; and thereupon the said plaintiff by his Attorney says that he will no further prosecute his ^{said} suit upon the said second, third, fourth, and sixth Counts of his said declaration and entered a nolle prosequi upon all of the said last mentioned Counts of said declaration and further says that he will abide by the decision of the Court upon the demurrer to the first, fifth, and seventh Counts of his said declaration and declines to answer the said Counts: Thereupon it is considered by the Court that the said defendant herein and removal of this said

Sherriff his Costs by him about his suit in this behalf incurred and may have execution therefor.

And whereas the said Sheriff prayed an appeal to the Supreme Court of this State which is granted him upon his entering into Bond within thirty days from this date in the sum of Five Hundred Dollars with Peter Purney or as his Security

And hereafter, to wit, on the 22^d day of October A.D. 1850 the following appeal Bond was filed in said Court, and is in the words and figures following, to wit,

Know all men by these Presents, that we Nathan P. Sanford and Peter Purney, of the County of Fulton and State of New York, we hold and firmly bound unto John W. Caldwell, of the County of Fulton and State of New York, in the sum of Five Hundred Dollars, Current money of the United States, for the payment of which, well and truly to be made we bind ourselves, our heirs, executors and administrators, jointly, severally and firmly by these presents. Witness our hand and seal this twenty second day of October A.D. 1850.

The Condition of the above obligation is such that whereas the said John W. Caldwell did on the 26th day of September A.D. 1850 in the Circuit Court for the County and State aforesaid, recover a judgment against the above bounden Nathan P. Sanford for his Costs taxed at the sum of Forty one Dollars and Cents from which judgment of the said Circuit Court the said Nathan P. Sanford has prayed for, and obtained an appeal to the Supreme Court of said State. Now if the said Nathan P. Sanford shall duly prosecute his said appeal with effect, and shall moreover pay the amount of the judgment

costs, interest, and Damages, rendered and to be rendered against him, in case the said judgment shall be affirmed in the said Supreme Court, then the above obligation to be void, otherwise to remain in full force and virtue

Taken and entered into before } Nathan P. Sanford *Seal*
me at my office in Courtstown }
The 22nd day of October A.D. 1830 } Peter P. Sawyer *Seal*
William McComb }
Clerk

The foregoing Bonds endorsed as follows to wit,
Nathan P. Sanford vs John V. D. Gaddis - Appeal Bond &c.
Filed October 22nd 1830 Wm. McComb Clerk

State of Illinois }
Fulton County } I William McComb, Clerk of the Circuit
County } Court within and for the County of Fulton
do hereby certify the foregoing transcript
to be a true and full exemplification of the record, and
of the Bill of Exceptions, declarations, demurrers, and ^{appeal} bond as
the same appear of record, and when filed in my
office, in the case of Nathan P. Sanford vs John V. D.
Gaddis in an action, "turbell on the case for slander"
In testimony whereof I hereunto subscribe
my name and affix the seal of said
Fulton County Circuit Court at office
in Courtstown this 29th day of October
A.D. 1830 William McComb
Clerk

State of Illinois }
Salton County } C. 7152

Nathan P. Sanford

vs

John W. D. Gaddis

Transcript

OCT

~~12 1877~~

Repaired

Clerks fee
for Transcript
\$ 5.00

" State of Illinois }
" Fulton County }

Pleas at the Court House in
Cewistown before the Honorable William Kellogg
Judge of the tenth Judicial Circuit in the State
of Illinois. At a circuit Court begun and
held at Cewistown in the County of Fulton and
State of Illinois on the 11th day of March
A. D. 1850

Present William Kellogg Judge

Be it remembered that heretofore, to wit, on the
23^d day of February A. D. 1850 a "Process" was filed
in the ^{clerk's} office of ~~the~~ said Court as follows
viz,

" State of Illinois } In the Fulton Circuit Court
" Fulton County }²⁰ March Term 1850

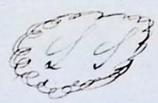
" Nathan P. Sanford }
" vs } Action on the case for
" John W. D. Gaddis } Slander, Damages \$2000.00.

" The clerk will issue summon
" in this case returnable at the next Term of the
" Court. Boice & Silworth.
" Neal & Condy

Summoned in the words and figures following, viz,

" State of Illinois } The People of the State of Illinois
" Fulton County } to the Sheriff of said County Clerk.
" We command you to summon John W. D. Gaddis
" if he shall be found in your County personally to
" appear before the Circuit Court of said County on the

" first day of the next term thereof to be holden at
 " the Court House in Leavittstown on the Second Monday
 " in the month of March next, to answer to Nathan
 " P. Sanford in a plea of Trespass on the case for damages
 " to the damage of him the said Nathan P. Sanford in the
 " sum of Two Thousand Dollars as he saith, and here
 " you then and there this writ &c.



Witness William McComb clerk of said
 Court and Seal thereof at Leavittstown this
 25th day of February Anno Domini 1830
 William McComb
 C. C. C. J. C.

Sheriff's return on the above, to wit,

" State of Illinois } I hereby certify that I did on the 25th
 " Fulton County } day of February A.D. 1830 serve this writ
 " Reading to John W. D. Gaddis Sol. Exceles. Jff. J. C.

And afterwards on the 28th day of February A.D. 1830
 the plaintiff aforesaid by his Attorney filed in the
 Clerk's office ^{of said circuit Court} his declaration, which is in the words
 and figures following, to wit,

" State of Illinois } In the Fulton C. C. March 7. A.D. 1830
 " Fulton County }
 " Nathan P. Sanford }
 " vs } John W. D. Gaddis defendant was
 " John W. D. Gaddis }
 " P. Sanford Plaintiff of a plea of Trespass on the case for
 " that whereas the said plaintiff now is a good true honest
 " just and faithful citizen of the State of Illinois and as
 " such hath always behaved and conducted himself, said plaintiff
 " the committing of the several grievances by the said defendant as
 " hereinafter mentioned was always respected ~~and~~ ^{and} esteemed, by ^{and} ~~and~~
 " amongst all his neighbors and other good and worthy citizens of
 " the State of Illinois to whom he was in any wise known &c.

a person of good name fame and credit, to wit, at the County
of Fulton + State of Illinois.

And whereas also the said plaintiff hath
not ever been guilty, & or within the time of committing of
the said several grievances by the said defendant as herein-
after mentioned, been suspected to to have been guilty of
offences and misconduct hereinafter mentioned, to have been
charged upon and imputed to the said plaintiff, or of any other
such offences or misconduct by means of which said premises
the said plaintiff before the committing of the said several
grievances by the said defendant as hereinafter mentioned
had deliberately obtained the good opinion and credit of all
his neighbors and other good and worthy citizens of this State
to whom he was in any wise known, to wit, at the County +
State aforesaid.

And whereas also before the committing
of the several grievances by the said defendant as in and by
and fifth Counts hereinafter mentioned a certain action
had been depending before one David M. Wyckoff Esqr. a
Justice of the Peace within and for the County of Fulton +
State of Illinois aforesaid, of which said action the said
Justice then and there had jurisdiction, to wit at Fairview
in said County wherein the defendant in this suit was plaintiff
and the plaintiff in this suit was defendant and which said
had then and there been lately tried by the said David M. Wyckoff
Justice of the Peace as aforesaid and ^{and} the said trial the said
plaintiff in this suit had been and was examined on oath
(the the said defendant in this action then and there before said
oath was administered having waived any preliminary
oath, and having consented that the said plaintiff in this action
should be examined on oath and testify in said cause) in
matter material to the issue in said trial and having given
his evidence as a witness (as by the laws of this State he had
right to do) to wit at Fairview, to wit at the County +

"State aforesaid, yet the said defendant well knowing
 "promises, but greatly enjoying the happy state and condition
 "the said plaintiff & contriving, and wickedly and maliciously
 "intending to injure the said plaintiff in his good name ~~and~~
 "and credit and to bring him into public scandal, infamy
 "and disgrace with and amongst all his neighbors and other
 "good and worthy citizens of this State and cause it to be
 "suspected and believed by those neighbors and citizens that
 "he the said plaintiff had been and was guilty of the offenses
 "and misconduct herein after mentioned to have been
 "charged upon and imputed to the said plaintiff or any other
 "such offences or misconduct and to subject him to the pains
 "and penalties by the laws of this State made and provided
 "and inflicted upon persons guilty thereof and to vex, harass
 "oppress impoverish and wholly ruin him the said plaintiff
 "heretofore, to wit, on the tenth day of February A.D. 1850 at
 "Fairview, to wit, at the County and State aforesaid in a certain
 "doctors which he the said defendant then and there had with
 "the said plaintiff of and concerning the said plaintiff in
 "of and concerning the said action and of and concerning the
 "evidence of him the said plaintiff given on the said trial as
 "such witness as aforesaid in the presence and hearing of
 "others good and worthy citizens of this State then and
 "there in the presence and hearing of the said last mentioned
 "citizens falsely and maliciously and scandalously and pub-
 "lished to and of and concerning the said plaintiff and of
 "and concerning the said action and of and concerning the
 "evidence by him the said plaintiff given on the said trial as
 "such witness as aforesaid these false & scandalous malicious
 "and defamatory words following, that is to say "you" (meaning the
 "said plaintiff) "were false" (meaning that he the said
 "plaintiff in giving his evidence as such witness on the said
 "trial before said Justice of the peace as aforesaid had committed
 "wilful and corrupt perjury)

4
2
And afterwards, to wit, on the tenth day of February A.D. 1850
to wit, at the County and State aforesaid in a certain other discourse
which the said defendant then and there had with the said
plaintiff in the presence and hearing of divers good and worthy
citizens of the State of Illinois and friends and neighbors of him
the said plaintiff then and there present and in the hearing of the
same falsely and maliciously spoke and published to and
of and concerning the said plaintiff these other false scandalous
and defamatory words following that is to say "you"
(meaning the said plaintiff) "swore false" meaning that
the said plaintiff had sworn falsely before that time
"you" (meaning the said plaintiff) "have taken a false
oath and I" (meaning the said defendant) "would give
two bits to find out a man that would take a false oath"
again meaning ^{that} the said plaintiff had been guilty of swearing
falsely

3
And afterwards, to wit, ^{on} the fifteenth day of February
A.D. 1850 to wit, at the County and State aforesaid in a certain
other discourse which the said defendant then and there had
in the presence and hearing of one Simon P. Penney and of
divers other good and worthy citizens of the State of Illinois
and friends and neighbors of him the said plaintiff then and
there present and in the hearing of the same falsely and
maliciously spoke and published of and concerning the said
plaintiff these other false scandalous malicious and defamatory
words following that is to say "he" (meaning the
said plaintiff) had sworn false" and "he" (meaning
the said defendant) "would say it on his death bed" (meaning
that he the said plaintiff had before that time committed
willful and corrupt perjury

4
4
And afterwards, to wit, on the fifteenth day of
February A.D. 1850 to wit at the County & State aforesaid

in a certain other conversation and discourse which the defendant then and there had in the ^{and hearing} presence of one Simon P. Purryea and of divers other good and worthy citizens friends and neighbors of him the said plaintiff then and there present and in the hearing of the same falsely and maliciously spoke and published of and concerning the said plaintiff these other ^{false} scandalous malicious and defamatory words following that is to say "he" (meaning the said plaintiff) "swore false and I" (meaning the said defendant) "would lay it on my death bed" "he" (meaning the said plaintiff) "had taken a false oath and I" (meaning the said defendant) "would give two bits to find out a man that would take a false" "He" (meaning the said plaintiff) "swore false he did" (meaning that he the said plaintiff had sworn falsely before that time

And afterwards, to wit, on the fifteenth day of February A.D. 1850, to wit, at the County & State of - said in a certain other discourse which the said defendant then and there had with Simon P. Purryea and divers other good and worthy citizens and friends and neighbors of him the said plaintiff then and there present and in the hearing of the same falsely and maliciously spoke and published of and concerning the said plaintiff and of concerning the said action and of and concerning the evidence by him the said plaintiff given on the said trial as such witness as aforesaid before the said David M. Wyckoff Esq. Justice of the Peace as aforesaid these other false scandalous and malicious and defamatory words following that is to say "he" (meaning the said plaintiff) "swore a lie" "he" (meaning the said plaintiff) "perjured himself" "he" (meaning the said plaintiff) "swore false" (meaning that he the said plaintiff in giving his evidence as such witness on the said trial as such witness before the said David M. Wyckoff Esq. Justice of the Peace as aforesaid had sworn

" falsely

" And the said defendant afterwards ~~for~~
" on the fifteenth day of February A.D. 1850 in a certain
" discourse which the said defendant then and there had
" in the presence and hearing of divers other good and
" worthy Citizens ^{the} friends and neighbors of him the said
" plaintiff then and there present and in the hearing of
" the same falsely and maliciously spoke and published
" of and concerning the said plaintiff these other false
" malicious scandalous and defamatory words following
" that is to say "He" (meaning the said plaintiff)
" Swore false "He" (meaning the said plaintiff) "has
" taken a false oath" "He" (meaning the said plaintiff)
" has perjured himself" meaning that ^{the said Plaintiff} before that time
" had sworn false, contrary to the Statute in such
" case made and provided

" Also for that whereas heretofore
" to wit, at Fairview in the County of Fulton aforesaid
" & before the speaking of the words in this Court mentioned
" a certain ^{action} had been depending and was tried before me
" David M. Wyckoff, a Justice of the Peace in & for said
" County, who had jurisdiction of said action, in which
" the said John V. B. Gaddis was plaintiff and place the
" said Nathan Sanford was defendant, in which said
" action on the trial thereof, the said Nathan Sanford
" was sworn as a witness & then and there gave evidence
" & testified in a matter material to the issue in said
" action. Yet the said defendant well knowing the
" premises but contriving to injure & ruin the said plaintiff
" in his reputation, and good name heretofore heretofore
" to wit, on the 10th day of February A.D. 1850 at and within
" said County in the presence of divers citizens falsely &
" maliciously spoke and published of & concerning

the said plaintiff and of and concerning the said
action and of and concerning the evidence by him the
said plaintiff given on the said trial as such witness
as aforesaid, those other false scandalous malicious
and defamatory words that is to say "he" (meaning
the said plaintiff) "swore a lie" "He" (meaning
the said plaintiff) "swore false" "He" (meaning the
said plaintiff) "swore a lie" "He" (meaning the
said plaintiff) "perjured himself" meaning that the
said plaintiff in giving his evidence as such witness
on the trial of said action before ~~the~~ said David W.
Wychbroff Justice of the Peace as aforesaid had been
guilty of swearing falsely, and which said words
in their common acceptation do amount to
such charge viz, that the said plaintiff had
sworn falsely on said trial By means of the
committing of which said several grievances by the
said defendant as aforesaid he the said plaintiff hath
been and is greatly injured in his said good name
fame and credit and brought into public scandal
infamy and disgrace with and amongst all his neighbors
and other good and worthy citizens of this State inasmuch
that divers of those neighbors and citizens to whom the
innocence and integrity of the said plaintiff in the
premises were unknown ^{have} on occasion of the committing
of the said grievances by the said defendant as aforesaid from
hitherto suspected and believed and still do suspect and
believe the said plaintiff to have been and to be a person
guilty of perjury and of swearing falsely and have by
reason of the committing of the said grievances by the
said defendant as aforesaid from thence hitherto wholly
refused and still do refuse to have any transaction
acquaintance or discourse with him the said plaintiff
as they were before used and accustomed to have

and otherwise would have had to the damage of the
said Plaintiff of Two Thousand Dollars and therefore
he brings his suit &c. Boies & Silworth
Atty for Plff

And afterwards, to wit, on the 13th day of March A.D. 1850
at and during, the aforesaid Term of said Court the following
order was made at the same appeal of record, to wit,

Nathan P. Sanford }
vs }
John V. D. Gaddis }
Creditor on the case for Glaucon

This day came the Defendant by his
Attorney and moved the Court for a rule on Plaintiff to
show cause why he should not file a bond for costs
herein, whereupon it is ordered by the Court that said rule
be granted and said Plaintiff ruled to show cause as
aforesaid by the meeting of the Court on Thursday morning
Next filed in said case in accordance with the
above order as follows, to wit,

Nathan P. Sanford } In the Fulton Circuit Court
vs } March Term 1850
John V. D. Gaddis } I do hereby enter myself security for
costs in this case and acknowledge myself bound to
pay or cause to be paid all costs which accrue in this
action either to the opposite party or to any of the officers of
this Court in pursuance of the laws of this State
Dated this 14th day of March A.D. 1850
Peter Pomyea 

And heretofore, to wit, on the 11th day of March 1850
being the first day of said Term of said Court the Defendant

by his Attorney filed his Demurrer in said cause, to wit,
" John W. D. Gaddis

" vs
" Nathan P. Sanford

And the said Defendant by his Attorney
comes and defends the wrong and injury whereunto and says
that the said several Counts of the said declaration and the
matters and things therein contained in manner and
form as the same are above pleaded and set forth are
not sufficient in law, nor are either of said Counts of
said declaration sufficient in cause for the said Plaintiff
to have and maintain his aforesaid action thereof against
him the said Defendant, and that he is not bound by
the law of the land to answer the same, and this he is
ready to verify, wherefore he prays Judgment &c.

Browning & Bushnell p.c.

And afterwards, to wit, on Friday March the 15th 1830 at &
during said Term of said Court the following order was
entered as the same appears of record, to wit,

" Nathan P. Sanford }
" vs } Trespas on the case for Slander.
" John W. D. Gaddis }

This day came the Defendant by his
Attorney and filed his demurrer to the declaration herein
and after hearing the arguments of counsel it is considered
by the Court that said demurrer be sustained as to all the Counts
in said declaration and that the Plaintiff here leave to amend
his declaration herein

And the Plaintiff by his Attorney ^{again} comes & filed
his Amended Declaration ^{herein} in the words and figures
following, to wit,

State of Illinois } In the Fulton Circuit at the
Fulton County } March Term A.D. 1850

Nathan P. Sanford }

vs

John V. S. Gaddis }

John V. S. Gaddis Defendant was
summoned to answer unto Nathan P. Sanford
Plaintiff of a Plea of Despair on the case for that
whereas the said plaintiff now is a good true honest
just and faithful citizen of the State of Illinois and
has such hath always behaved and conducted himself
and until the committing of the several grievances of
the said Defendant as hereinafter mentioned was
always respected, esteemed and respected by
and amongst all his neighbors and other good and worthy
citizens of the State of Illinois to whom he was in any
wise known, to be a person of good name fame and
credit, to wit, at the County of Fulton and State of Illinois
And whereas also the said plaintiff hath not ever been
guilty or until the time of the committing of said several
grievances by the said Defendant as hereinafter mentioned
been suspected to have been guilty of the offenses and
misconduct hereinafter mentioned, to have been charged
upon and imputed to the said plaintiff or of any other
such offenses or misconduct by means of which said
premises he the said plaintiff before the committing of
the said several grievances by the said Defendant as hereinafter
mentioned had ~~dearly~~ ^{merely} obtained the good opinion and credit
of all his neighbors and other good and worthy citizens
of this state to whom he was in any wise known, to wit,
at the County and State aforesaid. And whereas also
before the committing ^{ment} of the several grievances by the said
Defendants as in the first and fifth Counts hereinafter

" mentioned a certain action had been depending
 " before one David M. Myckoff Esqr, a Justice of the Peace
 " within and for the County of Fulton and State of Illinois
 " of whose said action, the said Justice then and
 " there had Jurisdiction, to wit, at Fairview in said County
 " wherein the defendant in this suit was plaintiff and
 " the plaintiff in ~~this~~ suit was defendant and which said
 " action had then and there been lately tried by the said
 " David M. Myckoff Justice of the Peace as aforesaid and on
 " said trial the said plaintiff in this suit had been and
 " was examined on oath (he the said defendant in this action
 " then and there before said oath was administered having
 " waived any preliminary oath and having consented
 " that the said plaintiff in this action should be examined
 " on oath and testify in said cause) in a matter ma-
 " terial to the issue in said trial and having given his
 " evidence as a witness (as by the laws of this State he
 " had ^{a right} to do), to wit, at Fairview, to wit, at the County of
 " State aforesaid yet the said defendant well knowing
 " the premises but greatly envying the happy State and
 " condition of the said plaintiff and contriving and unlawfully
 " and maliciously intending to injure the said plaintiff in
 " his good name fame and credit and to bring him into
 " public scandal infamy and disgrace with and amongst
 " all his neighbors and other good and worthy citizens of
 " this State and cause it to be suspected and believed
 " by those neighbors and citizens that he the said plaintiff
 " had been and was guilty of the offenses and misconduct
 " hereinafter mentioned to have been charged upon and
 " imputed to the said plaintiff or any other such offenses
 " or misconduct and to subject him to the pains and penalties
 " by the laws of this State made and provided against and
 " inflicted upon persons guilty thereof, and to repair and
 " which impoverish and wholly ruin him the said

1
plaintiff heretofore (to wit) on the tenth day of February
A. D. 1850 at Fairview (to wit) at the County and State aforesaid
in a certain discourse which he the said defendant then
there had with the said plaintiff of and concerning the said
plaintiff and of and concerning the said action and of and
concerning the evidence of him the said plaintiff given
the said trial at such witness as aforesaid in the presence &
hearing of divers good and worthy Citizens of this State
& there in the presence and hearing of the said last mentioned
Citizens falsely & maliciously spoke & published to and
and concerning the said plaintiff and of and ^{concerning} the
said action and of and concerning the evidence by him the
said plaintiff given on the said trial at such witness as
aforesaid these false scandalous malicious & defamatory
words following that is to say "you (meaning the said
1 plaintiff) "swore false" (meaning that he the said
plaintiff in giving his evidence as such witness on the said
trial before said Justice of the peace as aforesaid had com-
mitted wilful and corrupt perjury)

And afterwards, to wit, on the tenth day of
February A. D. 1850 (to wit) at the County & State aforesaid
in a certain other discourse which the said defendant then
and there had with the said plaintiff in the presence & hearing
of divers good and worthy citizens of the State of Illinois and
friends and neighbors of him the said plaintiff then and
there present and in the hearing of the same falsely and ma-
liciously spoke and published to and of and concerning the
said plaintiff these other false scandalous and defamatory
words following that is to say "you" (meaning the said plaintiff)
"swore false" (meaning that he the said plaintiff had
sworn falsely before that time) "you" (meaning the said
2 plaintiff) "have taken a false oath" and "I" (meaning the said
defendant) "would give ten bits to find out a man that

"would take a false oath" (Again meaning that the
 "said plaintiff had been guilty of swearing falsely")

"And afterwards, to wit, on the fifteenth day
 of February A.D. 1850, to wit, at the County & State of Illinois
 in a certain other discourse which the said Defendant
 then and there had in the presence and hearing of one
 Simon P. Perry and of divers other good and worthy citizens
 of the State of Illinois and friends and neighbors of him the
 plaintiff then and there present and in the hearing of
 the same falsely and maliciously spoke and published
 of and concerning the said plaintiff these other false
 scandalous malicious and defamatory words following
 that is to say "he" (meaning the said plaintiff) "as
 swore false, and "he" (meaning the said Defendant)
 "would say it on his death bed" (meaning that he the
 said plaintiff had before that time committed willful
 and corrupt perjury)

"And afterwards, to wit, on the fifteenth
 day of February A.D. 1850, to wit, at the County and State of Illinois
 in a certain other conversation and discourse which
 the said Defendant then and there had in the presence &
 hearing of one Simon P. Perry and of divers other good
 and worthy citizens the friends and neighbors of him the
 said plaintiff then and there present and in the hearing of
 the same falsely and maliciously spoke and published
 of and concerning the said plaintiff these other false
 scandalous malicious and defamatory words following
 that is to say "he" (meaning the said plaintiff) "swore
 false and "he" (meaning the said Defendant) "would say it
 on my death bed, "he" (meaning the said Defendant) "would
 give two bits to find out a man that would take a false
 oath, "he" (meaning the said plaintiff) "swore false, he
 did". (meaning that he the said plaintiff had sworn
 false, before that time)

And afterwards, to wit, on the fifteenth day of February
A.D. 1850, to wit, at the County and State aforesaid in a certain
other discourse which the said Defendant then and there
had with Simon P. Pomeroy and divers other good and
worthy Citizens and friends and neighbors of him the said
plaintiff then and there present and in the hearing of the
same falsely and maliciously spoke and published of and
Concerning the said plaintiff and of and Concerning the said
action and of and Concerning the ~~same~~ evidence by him the said
plaintiff given on the said trial as such witness as
aforesaid before the said David M. Wyckoff Esqr. Justice of
the Peace as aforesaid these other false scandalous and
malicious and defamatory words following that is to say
"he" (meaning the said plaintiff) "swore a lie" "he" (meaning
the said plaintiff) "perjured himself" "he" (meaning
the said plaintiff) "swore false" (meaning that he the said
plaintiff in giving his evidence as such witness on the said
trial before the said David M. Wyckoff Esqr. Justice of the
Peace as aforesaid had sworn falsely.

And the said Defendant afterwards
to wit, on the fifteenth day of February A.D. 1850 in a certain
other discourse which the said Defendant then and there had
in the presence and hearing of divers other good and worthy
Citizens ~~and~~ ^{the} friends and neighbors of him the said plaintiff
then and there present and in the hearing of the same
falsely and maliciously spoke and published of and concerning
the said plaintiff these other false malicious scandalous
and defamatory words following that is to say "He" (meaning
the said plaintiff) "swore false" "He" (meaning the said
plaintiff) "has taken a false oath" "He" (meaning the said
plaintiff) "has perjured himself" (meaning that the said
plaintiff before that time had sworn falsely" Contrary
to the Statute in such cases made and provided

Also for that whereas heretofore, to wit, at Fairview in
 the County of Hulton aforesaid and before the speaking of
 the words in this Count mentioned a certain action
 a action had been depending and was tried before one
 David M. Wyckoff a Justice of the Peace in and for the
 County who had Jurisdiction of the said action in which
 the said John W. S. Gaddis was plaintiff and the said Nathan
 P. Sanford was defendant in which said action on the
 trial thereof the said Nathan P. Sanford was sworn as
 a witness and then and there gave evidence and testified
 in a matter material to the issue in said action yet
 the said defendant well knowing the premises but
 contriving to injure and ruin the said plaintiff in his
 reputation and good name heretofore, to wit, on the tenth day
 of February A.D. 1850 at and within the said County and in
 the presence and hearing of divers good and worthy citizens
 falsely and maliciously spoke and published of and con-
 cerning the said plaintiff and of and concerning said
 action and of and concerning the evidence by him the said
 plaintiff given on the said trial as such witness as if said
 there other false & scandalous malicious and defamatory words
 that is to say "he" (meaning the said plaintiff) "sworn
 a lie" "he" (meaning the said plaintiff) "sworn false"
 "he" (meaning the said plaintiff) "perjured himself"
 meaning that the said plaintiff in giving his evidence as
 such witness on the trial of said action before the said
 David M. Wyckoff Justice of the Peace as aforesaid had
 been guilty of swearing falsely and which said words
 in their common acceptation do amount to such charge
 viz. that said plaintiff had sworn falsely on said trial.
 By means whereof and of the committing of which said
 several grievances by the said Defendant as aforesaid he
 the said plaintiff hath been and is greatly injured in his
 good name fame and credit and brought into public

" Scandalous infamy and disgrace with and amongst all
his neighbors and other good and worthy Citizens of this
State inasmuch that divers of those neighbors and citizens
to whom the innocence and integrity of the said plaintiff
in the premises were unknown have on occasion of the
Committing of the said grievances by the said Defendant
as aforesaid from them hitherto suspected and believed and
still do suspect and believe the said plaintiff to have ^{been} and
to be a person guilty of perjury and of swearing falsely and have
by reason of the committing of the said grievances by the
said Defendant as aforesaid from thence hitherto wholly
refused and still do refuse to have any transaction
acquaintance or discourse with him the said plaintiff
as they were before used and accustomed to have and otherwise
would have had to the Damage of the said plaintiff of
two Thousand Dollars and therefore he brings his writ in
Boice & Silworth
Atty for plaintiff

And again on the 18th day of March A.D. 1850 at and
during the said Term of said Court the following
proceedings were had in said case, as the same
appears of record, to wit,

" Nathan P. Sanford }
" ^{vs} }
" John V. D. Gaddis }
} Jurors on the case for a panel

This day came the Defendant by his
Attorney and on his motion after hearing of argument, it is ordered
by the Court that this Cause be continued until the next term
of this Court at the plaintiff's Costs; and that said Defendant
recover of said Plaintiff his costs by him herein expended,
whereupon the plaintiff by his Attorney filed his Bill of exceptions

" which are allowed and signed by the Court.

Bill of exceptions as follows, to wit,

" Sanford } In the Fulton C.C. Nov. 7. 1850
 " vs } Bill of exceptions
 " Gaddis } Be it remembered that at the present Term
 " of this Court the plaintiff filed his amended declaration
 " in this cause whereupon the Defendant moved for a con-
 " tinuance of the cause at the plaintiffs costs, to the amount
 " of which motion so far as costs are concerned the
 " Plaintiff by his attorney objected But the Court overruled
 " the objections and decided that said Cause should be
 " continued at the Plaintiffs Costs and rendered Judgment
 " therefor. To which decision of the Court in continuing said
 " Cause at the plaintiffs Costs and rendering Judgment
 " therefor, the plaintiff at the time objected by his Counsel,
 " and he prays that this his objection may be allowed and
 " signed and made a part of the Record in this cause
 " which is done
 " Wm. Kellogg Clerk

And at a subsequent term of said Court, to wit, at
 a Circuit Court began and held at the Court House in
 Lewis & Clark County of Fulton and State of Illinois on the 16th
 day of September A.D. 1850 before the Hon. Wm. Kellogg Esq.
 at said Court Term to wit, on the 23rd day of September 1850
 Came the Defendant by his Attorney filed his motion
 in said case, which is in the words and figures
 following, viz,

" John V. D. Gaddis
 " vs
 " Nathan P. Sanford

And the said Defendant by his Attorney

17 defends the wrong injury when &c. and says that the
18 several Counts of the said declaration and the matters
19 and things therein contained in manner and form as the
20 same are before pleaded and set forth are not sufficient
21 in law, nor are either of said Counts of said declaration
22 sufficient in law for ^{the} said plaintiff to have and maintain
23 his ~~affidavit~~ action there against ~~himself~~ said defendant,
24 and that he is not bound by the law of the land to consent
25 the same, and this he is ready to verify, wherefore he prays
26 judgment &c. Browning + Bushnell, J. C.

27 And the said plaintiff says praeiudicium non
28 because he says his declaration is sufficient in law and
29 he prays may be enquired of by the Court, By Boies his atty.

30 And the defendant doth the like
By

And again to wit, on the 26th day of ~~March~~ ^{September} 1830 at
Leaving the Term of Court last aforesaid, Came the
Defendant by his Attorney and filed in said Cause his
pleas 1 + 2. in the words and figures following (viz)

31 J. W. S. Caldwell }
32 ad }
33 Nathan P. Buford }

34 And the said Defendant by his attorney
35 comes and defends the wrong and injury when &c. and says that
36 he is not guilty of the grievance above laid this charges in the
37 second third fourth and sixth Counts of the said Plaintiffs
38 Declaration, or of any of them, or of any part thereof, in
39 manner and form as the said plaintiff hath above thereof
40 complained against him, and of this he puts himself

"on the County &c.

Browning & Bushnell p. 2.

"And for further to the said second third fourth & sixth Counts
 "of the said plaintiffs declaration the said Defendant says actions
 "because he says that before the speaking and publishing the
 "said words of and concerning the said Plaintiff in the said
 "Counts mentioned, to wit, on the 10th day of February 1830 at
 "the County aforesaid, before David M. Wyckoff Esqr. one of the Justices
 "of the Peace of the said County of Fulton, a certain action brought
 "and prosecuted before the said Justice of the Peace by the said
 "Defendant in this Suit as plaintiff against one Nathan P. Sanford
 "and one Herman C. Sanford as Defendants to recover a debt not
 "exceeding one hundred Dollars alleged by the said Defendant to
 "be due in this Suit to be due and owing him by the said N. P.
 "Sanford & H. C. Sanford (and which said action the said Justice
 "of the Peace then and there had competent and lawful authority,
 "power and jurisdiction to try) was tried and was tried in the
 "form of law, and was then and there tried by the said Justice
 "of the Peace, and upon such trial of the said action the said
 "Plaintiff in this action appeared as a witness for and on
 "behalf of the said Defendants in the said action then and there
 "being tried by the said Justice of the Peace, and the said Plaintiff
 "in this action was then and there by the said Justice of the Peace
 "aduly sworn, and took his Corporal oath to speak the truth,
 "the whole truth, and nothing but the truth touching and
 "concerning the matters in said suit (which said Justice of the
 "Peace then and there having competent and lawful
 "authority to administer the said oath to the said witness in
 "that behalf) and upon the said trial of said suit a certain
 "question then and there became and was material, to wit,
 "whether the said plaintiff in that suit had agreed to pay
 "N. P. Sanford one of the said Defendants in said suit
 "the sum of one hundred Dollars or more as a debt for a certain

a pair of shoes, and the said Defendant further says that
 said Plaintiff in this suit being ^{sworn} as aforesaid, upon
 oath aforesaid then and there, to wit, on the day and year
 aforesaid at the County aforesaid, did falsely, and by his own
 act and Consent say, depose, swear and give evidence, and
 stand upon the said trial, to and before the said Justice of
 the Peace that the said Plaintiff in the said suit had agreed
 to pay the said N. P. Sanford one of the said Defendants in the
 said suit the sum of One dollar and twenty five cents for
 the said pair of shoes - whereas in truth and in fact the
 said Plaintiff in said suit had not agreed to pay the
 said N. P. Sanford one of the ^{said} Defendants in the said suit the
 sum of one dollar and twenty five cents for the said pair of
 shoes. And the said Plaintiff did thereby before the said Justice
 of the Peace, upon his said oath upon the trial of the said suit
 swear falsely, wherefore the said Defendant at the said
 several times when &c. in the said Courts mentioned, at the
 County aforesaid, spoke and published of and concerning
 the said Plaintiff the said several words in the said Courts
 mentioned to have been spoken and published by him the said
 Defendant of and concerning the said Plaintiff, as it was lawful
 for him to do for the Cause aforesaid - And that he is ready to
 verify - wherefore he prays judgment &c.
 Browning & Bushnell p. 4

And on the day last aforesaid, to wit, on the 26th day of Sept. 1850
 at and during said term of said Court, the following appears
 entered of record, in said cause - (viz)

Nathan P. Sanford }
 vs }
 John V. S. Gaddis } Trespas on the Case for Slander
 This day again came the Justice aforesaid

"by their Attornies and ifeue being joined on the Defendants
 "demurred to the several Counts of said Plaintiff's declaration
 "and argument had thereon and the Court ~~was~~ being now
 "Sufficiently advised of and Concerning the premises; It is
 "ordered that said demurrer be sustained to the first, fifth &
 "seventh Counts of the said Plaintiff's declaration and
 "overruled as to the second, third, fourth, and sixth Counts of said
 "declaration: And thereupon the said Plaintiff by his Attorney
 "says that he will not further prosecute his said suit upon
 "the said second, third, fourth, and sixth Counts of his said
 "declarations and enters a nolle prosequi upon all of the ^{said} last
 "mentioned Counts of said declaration and further says that he
 "will, by the decision of the Court upon the demurrer of the first
 "fifth and seventh Counts of his said declaration, and declines to
 "amend the said Counts. Therefore it is Considered by the Court that
 "the said Defendant have and recover of the said ~~Defendant~~
 "Plaintiff, his Costs by him about his suit in this behalf made
 "and may have execution therefor. And thereupon the said
 "plaintiff prays an Appeal to the Supreme Court of this
 "State which is granted him upon his entering in to bond
 "within thirty days from this date in the sum of Five
 "Hundred dollars with Peter Perryer or
 "as his security.

And afterwards, to wit, on the 22^d day of October A.D. 1840
 The Plaintiff herein filed ~~and~~ his Appeal bond
 in said cause, in the Clerk's office of said Court, which
 said Appeal Bond is in the words and figures as
 follows, to wit:

" Know all men by these presents, that we Nathaniel
 " P. Sanford and Peter Perryer, of the County of Fulton
 " and State of Illinois, are held and firmly bound unto
 " John W. B. Goodwin, also of the same County & State, in

The Penal sum of Five Hundred Dollars, current
money of the United States, for the payment of
which and truly to be made, we bind ourselves,
our heirs, executors and administrators, jointly, severally
and firmly, by these presents, to the said John W. S. Eaddy
of the County of Franklin State of Ohio October 23rd 1850
that whereas the said John W. S. Eaddy did on the 11th
day of September A.D. 1850 in the Circuit Court in and for
the County and State aforesaid recover a judgment against
the above bounden Nathan P. Sanford ^{for} his Costs taxed
at the sum of Forty one Dollars and ten Cents. from which
judgment of the said Circuit Court the said Nathan
P. Sanford has prayed for, and obtained an Appeal to
the Supreme Court of this State. Now if the said Nathan
P. Sanford shall duly prosecute his said appeal
with effect, and shall moreover pay the sum
of the judgment, Costs, interest, and damages, taxed
and to be rendered against him, in case the said
Judgment shall be affirmed in the said Supreme
Court then the above obligation to be void otherwise
to remain in full force and virtue.

Taken and entered into
before me at my office
in Lewis town this 22nd day
of October A.D. 1850
William M. Combs
Clerk

Nathan P. Sanford
Peter Perryman

State of Illinois }
Fulton County } I William Homb Clerk of
the Circuit Court within and for said County of
Fulton and State of Illinois, do hereby Certify that
the foregoing Transcript is a true and correct
copy of the Record and of the files, in the case of "Matthew
P. Sanford vs John V. S. Gaddis" Trespass on the case
for Slender: as the same appears and remains of Record,
and on file, in my office.

In Testimony whereof I have hereunto
set my signature, and affixed the Seal
of said Court at the Clerk's office in
Lewistown this 21st day of November
A. D. 1850

Wm. Homb
Clerk

Clerk's fee for this Transcript \$ 7.75 - recd
Nov. 21. 1857

W. Homb

Sunford
vs
Gardner } In Sup Ct Dec 7. 1887

~~copy made from full record~~

The said Plaintiff in Error comes
thru this is manifest Error in the Record
& proceedings in the above ~~case~~ entitled
cause ~~there~~ ~~is~~ ~~in~~ ~~this~~

- 1st Said Court sustained the demurrer
to the whole declaration, when it
ought to have been overruled
- 2^d Said Court decided that the 1st
5th & 7th Counts in said declaration
were bad
- 3^d Said Court ~~had~~ rendered judgment
against the plaintiff, when it should
have been against the defendant
& said plaintiff ~~By H. H. Wood~~
prays that said judgment ~~may~~ ^{his atty} be reversed
& he restored to all his rights as if no such
error had been done ~~By H. H. Wood~~
his atty

And the said Dept in error says that in the records,
proceedings, and judgment aforesaid no such
error has intervened as the said Plaintiff hath above
alleged, and this he prays may be examined
by the Court

Browning & Bushnell

Received
of the Treasurer
of the Court
\$ 100.00
Jan 2. 1851
Wm. B. Brewster

Office Mass = 114
No 1851 -

W B Brewster

Bank of the City
of New York

State of Illinois, }
SUPREME COURT. } ss.

The People of the State of Illinois,
To the Sheriff of *Hutton* County.

Because in the record and proceedings, and also in the rendition of
the judgment, of a plea which was in the Circuit Court of *Hutton*
County, before the judge thereof, between *Nathaniel P. Sanford*

Plaintiff

vs.
John W. S. Gadsis —————

defendant, it is said that manifest error hath intervened to the injury of said *Nathaniel*
P. Sanford —————
as we are informed by *his* complaint, the record and proceedings of which said judgment,
we have caused to be brought into our Supreme Court of the State of Illinois, at
Springfield, before the Justices thereof, to correct the errors in the same, in due form and
manner, according to law; therefore we command you, that by good and lawful men of your
county, you give notice to the said *John W. S. Gadsis*

that *he* be and appear before the Justices of our said Supreme Court, at the next term of
said Court, to be holden at Springfield, in said State, on the *second* Monday in
November next, to hear the records and proceedings aforesaid, and the errors as-
signed, if *he* — shall think fit; and further to do and receive what the said Court
shall order in this behalf; and have you then there the names of those by whom you shall give
the said *John W. S. Gadsis* ————— notice together with

Witness, the Hon. *Samuel N. Treat*. Chief

Justice of our said Court, and the seal thereof, at Spring-
field, this *15* ————— day *November*
in the year of our Lord, one thousand eight hundred and
forty- *fifty*

W. B. Warren
Clerk of the Supreme Court.

Supreme Court.

W.P. Sanford Plaintiff in error,

vs.

De v. Gaddis Defendant in error,

Scire Facias.

13759

Filed. Nov. 15. 1850

W.B. Hanson

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