

No. 14229

# Supreme Court of Illinois

Dailey

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vs.

<sup>E</sup>  
Copland

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In the Supreme Court 1<sup>st</sup> Grand division state  
of Ills. Nov term A.D. 1857

John Bailey Plaintiff in error

vs  $\frac{3}{3}$  error to Massac

Alfred Copeland deft in error

This was a suit originally commenced before  
a Justice of the peace by John Bailey the p<sup>l</sup>ff  
in error against Alfred Copeland the deft in  
error for nonfeasance in office as a Constable &  
~~the p<sup>l</sup>ff Bailey~~ before the suit was commenced the p<sup>l</sup>ff  
gave a bond <sup>for costs</sup> ~~for costs~~ <sup>with the usual power</sup> to the Justice of the peace  
on a trial of <sup>the</sup> ~~the~~ <sup>Justice</sup> gave Judgment in favor  
of the defendant ~~in error~~ <sup>whence</sup> the p<sup>l</sup>ff appeals  
to the Circuit Court of Massac County from  
the decision of the Justice, and at the June  
term A.D. 1857 of the Massac Circuit Court  
~~on Motion~~ of the Def<sup>t</sup> <sup>motion</sup> the Court William  
A. Deering Justice presiding <sup>to</sup> Dismissed the  
Cause for want of Jurisdiction in the Justice  
which Motion was sustained by the Cop<sup>d</sup> & the p<sup>l</sup>ff ~~dismissed~~ <sup>remanded</sup>  
The Summons issued by the Justice in  
terms state on the face of it that the suit  
was brought by the p<sup>l</sup>ff Bailey against the  
defendant Copeland for nonfeasance in  
office as Constable to the said Bailey, damage  
of fifty dollars, which <sup>is</sup> ~~is~~ <sup>sum of</sup> fifty dollars  
was awarded as the p<sup>l</sup>ff demanded on  
the ~~is~~ writ of Summons - The p<sup>l</sup>ff below  
to reverse the Judgment of the Circuit  
Court prosecuted a writ of error

For reversing the Judgment of the Circuit <sup>Court</sup> the p<sup>l</sup>ff  
thru ~~his~~ <sup>his</sup> ~~attorney~~ <sup>attorney</sup> for the p<sup>l</sup>ff in error  
relied upon the following ~~points~~ <sup>points</sup>  
1<sup>st</sup> That the Court below erred in Dismissing  
said Cause for want of Jurisdiction in the

Justice for want of Jurisdiction R.C. 325-  
Sec 66 & 7

2 That the Justice of the peace had Jurisdiction  
in this <sup>cases</sup> Manifest from the approp words of the  
State concerning Justices of the peace & Constables,  
R.C.S. 17<sup>th</sup> - Specification 14<sup>th</sup>

3<sup>d</sup> That the term Nonfeasance in reference to  
an officer has a technical & definite  
meaning ~~and not~~ <sup>of omission of duty</sup> & was used by the  
Legislation in 17<sup>th</sup> sect of the act relating to  
Justices of the peace & Constables in the same  
Sense & Meaning - and as Trespas on the  
Case was the appropriate remedy at Common  
Law for all omissions of duty in officers - the  
plff <sup>in error</sup> had the same remedy before  
the Justice to the amount of \$100 R.C.S.  
17 Specification 14<sup>th</sup> - Chitt, pleading 136, 139

Posibly  
Cop. land  
plff case

Wm. S. Nelson atty for  
plff

Nelson for plff

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