

13624

No. _____

Supreme Court of Illinois

Davis

vs.

Ransom et al

71641  7

State of Illinois }
In the Supreme Court at Ottawa
of the April Term A.D. 1862.
William Davis }
v. } Error to
Jonathan H. Ransom } Oyle
Joshua H. Bates }
Judgment affirmed at
April Term 1861.

Petition for Rehearing.

The plaintiff prays a
rehearing of this case,
for the following reasons
to-wit;

1. The plaintiff of Ransom & Davis, shows that they claim the goods as mortgagee under the chattel mortgage.
2. Davis held the goods as custodian under the market, to satisfy a judgment in favor of Greening Collins & Seaman against the mortgagor.

3. The mortgage recites a debt to Cummings, Collins & Seaman, for \$2400. - and so shows that they contest the mortgage as creditors of the mortgagor.
4. This mortgage the Supreme Court held void in the case of
5. The instruction given for Ransom & Bates, set out on p. 6. of abstract, assumes the absence of all proof other than the mortgage, and is highly calculated to mislead the jury.
6. The plaintiffs must recover on their own title if at all. Their claim shows that they claim only under the mortgage, and the mortgage is void.
7. The court will remember

that the court stopped me
when I commenced the
argument of the case,
saying it was unnecessary.
I was therefore surprised
to see a judgment of
affirmance announced.

Charles C. Bourey
counsel for
Plaintiff

1862

Davis
v
Ransom & al

Amey

Petition for
Rehearing

Filed April 25th 1862

L. Leland
Clerk

1862

1862

(272)

Bowney