

8800

No. _____

Supreme Court of Illinois

John Ellis

vs.

Miles Sketoe

71641 7

Know all men by these presents that we Miles Sketo & William A. Docker are held and firmly bound unto John Ellis, in the penal sum of One Hundred dollar, for the payment of which, well & truly to be made we bind ourselves, our heirs, and Administrators, jointly severally & firmly by these presents.

Witness our hands, and seals, this 2^d May 1881.

The Condition of the above obligation is such that, Whereas the said John Ellis, did on the 30th day of November 1850, in the Gallatin Circuit Court, recover a judgment against the above bounden Miles Sketo for the sum of twenty one dollar & Eighty cents; ~~from which~~ Judgment the said Miles Sketo ~~has appealed~~ to the Supreme Court, of the first Grand Division, in the State of Illinois.

Now if the said Miles Sketo shall prosecute his appeal, ~~with effect~~, and shall pay whatever Judgment, costs, interests and damages ^{accruing} in case the Judgment shall be affirmed then the above obligation to be of no effect, otherwise to remain in full force & effect.

Miles Sketo (seal)
W. A. Docker (seal)

Miles Statore 344
v } in error
John Ellis 344

Bond

1850, 57
or 1832

8800

State of Illinois, Gallatin County.

To,

Lindley M. Spivey constable of Gallatin County, Greeting.

You are hereby requested authorized and empowered to detain of the goods and chattels of Miles Sketos, to be found in your County so much as will be of value to satisfy twenty two dollars, which is due to me, from said Sketos for the balance of the Rent of my River farm, Situate in Gallatin County, for the years 1848, & 1849, and the property so attached you will safely preserve, that it may be subject to such proceedings as the proper Court may make.

April 20th 1850.

John Ellis

Miles Sketos

To John Ellis

Dr.

To Rent of River farm for 1848,
34 acres, at 9 Bushels per acre 306

To Rent of River farm for 1849
34 acres, 22 bushels, 310

616

Or. Corn to Richeson 315 Bushels
" " " Lambert 192 507
Bale due 109 Bushels
At 25 cents per Bushel \$22.25

Endorsed,

Landlords warrant, John Ellis vs Miles Sketos,
Executed by levying the within warrant on one two
horse wagon as the property of Miles Sketos, April

22 1850. Levy 50
 Mileage 35
 Copying 25
 S. M. Spivey. —

Libel & Surr. Act at
 7 o'clock 2 o'clock P.M. (47
 A. M. S. M. Spivey. (J. H. Clark
 Dep. Attorney)

1848

Miles Sketo

To John Ellis Sr.

To Rent due on Farm for 1848

34 acres at 9 Bu. per acre } \$61.20

To Amt. of Rent for same place
 for 1849 31 acres at 10 Bu. per acre } .. 62.00

To shelling 315 Bushels Corn at 2 1/2 cts — 7.87 1/2

To Amt. laying up fence 112 days 75
 \$731.82 1/2

Or. By Amt. 98.44
 \$333.38 1/2

State of Illinois }
 Gallatin County } M. S.

The People of the State of Illinois to any Constable Greeting
 You are hereby commanded to summon Miles
 Sketo, to appear before me at my office in
 Shawmstown on the 20 day of May next at 2 o'clock
 P.M. to answer the complaint of John Ellis for
 a failure to pay him a certain demand not
 exceeding one hundred dollars, and hereof make
 your return as the law directs, given under my
 hand and seal this 22 day of April 1850.
 Endorsed on back \$22.00 debt due) H. Milson (J.P.)

(Endorsed)

Executed by reading the within summons to Miles
 Sketo April 29th 1850.

Levy 25
 Mileage 35 S. M. Spivey

State of Illinois }
Gallatin County } sct. John Ellis vs Miles J. Sketoe
To any Constable of said County greeting:
You are hereby commanded to summon six
lawful Jurors, instantler, to serve in the above
entitled case, at my office in Shawneetown,
Given under my hand and seal this 20 day
of May 1850. N. Wilson J.P.

(Return)

Barthley Leman, Jacob Fleming, Edward Nicholson
Miles Henry, Charles Redman, & John Cayton.

(Copy of Jury's verdict)

Shawneetown Ill. May 20 1850
Be the Jurors find for the Defendant twenty
five dollar. E. Nicholson, Miles Henry, Charles
J. Redman, J. H. Cayton, Jacob Fleming, B. Leman.
(Copy of Just. of Justice)

John Ellis vs. }
Miles Sketoe } Debt due by account.

Judgment is hereby given for the
Defendant, upon the verdict of the Jury aforesaid
for twenty five Dollar and costs of Suit. List of Jury
Edward J. Nicholson, Miles Henry, Charles J. Redman
John H. Cayton, Jacob Flemings, Bartholomew
Leman.

(Then follows: the items of costs which are
omitted as not requisite)

A true copy of Record of an Appeal taken from
my Docket by Plaintiff in the cause rendered May 20
1850. N. Wilson J.P.

(Copy of Bond for appeal)

Know all men by these presents that we John Ellis
and Thomas S. Spivey, are held and firmly bound unto

Miles Sketoe, in the penal sum of ~~twenty~~ eight
Dollar lawful money of the United States for the
payment of which well truly to be ~~made~~ made
he bind ourselves our heirs Administrator jointly
severally & firmly by these presents, witness our
hands and seals this day of May A.D. 1850—

The condition of the above obligation is such
that whereas the said Sketoe did on the 2^d
day of May 1850 before Harrison Wilson a Justice
of the Peace for the County of Gallatin and State
of Illinois, recover a Judgment against the above
bounden, John Ellis for the sum of twenty five
dollar and cost of said suit—from which Judg-
ment the said Ellis hath taken an appeal to
the Circuit Court of the County and State
aforesaid—Now if the said Ellis shall prosecute
his appeal with effect and shall pay
whatever Judgment may be rendered by the
Court upon his misreal or trial of the said
appeal, then the above obligation to be void
otherwise to remain in full force and effect.

Approved by me at my
office this 14th day of May
A.D. 1850.

John Ellis (Seal)
Thos. J. Spivey (Seal)

H Wilson (I.P.)

Filed 31st May 1850. J. E. Hall Clerk.

(Copy of Summons Cir. Co.)

State of Illinois }
Gallatin County } sct.

The People of the State of Illinois,
To the Sheriff of said County, - Greeting:
We command you to summon Miles Sketoe if
to be found in your County, 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 Shawmutown on the 3^d day of the next term ~~thereof~~ Monday in the month of June next to answer to an appeal obtained by John Ellis from a judgment rendered against said John Ellis in favor of said ~~Sketo~~ Miles Sketo, before H. Wilson Esqr. a Justice of the Peace of said County on the 2^d day of May A.D. 1850. for the sum of \$25⁰⁰ and \$ all costs of suits. And herof make due return to our said Court, as the law directs.

(L.S.)

Witness J. E. Hall Clerk of our said Court and the Judicial seal thereof at Shawmutown this 31st day of May A.D. 1850.

J. E. Hall Clerk

(Endorsed)

Executed by reading the within summons June the 3^d 1850 to Miles F. Sketo June 4th 1850

D. J. Watter S.S.C.

By D.C. Marshall S.S.

(copy of order of Court)

John Ellis v.
Miles Sketo 3. Appeal Monday 24th June 1850.

On this day exceptions being made to the sufficiency of the Appeal Bond of the Plaintiff filed herein, he was ruled to justify, whereupon came the Plaintiff & filed a new Bond, and the rule was therefore discharged.

(Copy New Bond)

I know all men by these presents, that me John Ellis and Isaac Cooper, are held and firmly bound unto Miles Sketo in the penal sum of Seventy eight dollars, lawful money of the United States, for the payment of which

well and truly to be made, we bind ourselves, our heirs and Administrators, jointly severally and firmly by these presents. Witness our hands and seals, this 24th day of June A.D. 1850.

The Condition of the above obligation is such that Whereas, the said Miles Sketoe, did on the 2^d day of May A.D. 1850 before Harrison Wilson a Justice of the Peace for the County of Gallatin recover a judgment against the above bounden John Ellis for the sum of twenty five dollars and cents, from which judgment the said John Ellis has taken an appeal to the Circuit Court of the County of Gallatin aforesaid and State of Illinois. Now if the said John Ellis shall prosecute his appeal with effect and shall pay whatever judgment may be rendered by the Court upon Dismissal or trial of said appeal, then the above obligation to be void otherwise to remain in full force & effect.

John Ellis (Seal)
Isaac Cooper (Seal)

Approved by me at my office
this 25th day of June A.D. 1850 }
J. E. Mau Clerk }

(Copy of final order)

Saturday 30th November 1850

John Ellis v }
Miles Sketoe } Appeal

On this day came the Plaintiff parties by their attorneys and the Defendants depositions herein having been opened by leave of ^{the} Court the Plaintiff filed his exceptions thereto which exceptions were by the Court sustained, and the Defendants

depositions herein excluded, whereupon came the parties by their attorneys and the issue being joined say let a Jury come Whereupon came a Jury of twelve good and lawful men to wit. Eli Sanders, Wm Crawford, George Starnelson, John St Menison, Richard J Mreheart, Isaac Reynolds, Robert Cary, Wm Solly, Wiley Fleetwood Franklin Bell, Robert Riddick & Wm Glasscock who being elected, tried & sworn & proofs being heard on their oaths do say "We the Jury find for the Plaintiff \$21.80 ct" It is therefore ordered and adjudged that the Plaintiff recover of the Defendant the aforesaid sum of twenty one dollar and eighty cents as also his costs & charges in this suit in this behalf expended, Whereupon the Defendant moved the Court for a new Trial which motion was by the Court overruled & further ordered that the Clerk certify to the officer making the levy on distress warrant, herein & that execution issue &c.

(To which is appended a copy of Jury verdict)
"We the Jury find for the Plaintiff. twenty one
& Eighty cents. Robert Cary foreman"

(Also append Affidavit of Plff. for execution)

State of Illinois }
Gallatin County } ss.

John Ellis being duly sworn deposes & says that he obtained a judgment against Miles Sketoe for \$21.80 at the Nov. T of the Circuit Court & that he is informed & believes that Sketoe is about to transfer his property to avoid the payment of the Judgt. & costs unless Execution be immediately issued he is in danger of losing said Judgt. & costs of further sayeth not.

John Ellis

sworn to & subscribed

before me this 2^d day of Decr 1850

J E Hall Clerk

State of Illinois }
Gallatin County } ss

I J E Hall Clerk of the Circuit Court in
& for said County do hereby certify that the foregoing is
a true & complete transcript of the ~~order~~ & papers
on file in my office of the above entitled Cause

In Witness whereof I have hereunto set my
hand and seal of Office at Shawneetown
this 14th day of Decr 1850.

J. E. Hall Clerk

John Ellis

Miles Horton

Copy of Record

8800

Col. for \$2,40

I consent that the account on the second page shall be
considered as copied immediately after the judgment
of the justice. Jno. Olin Attorney
for Ellis

Error from Gallatin County.
Hiles Meticott P'tt in Error

b s
John Ellis Deft in Error

The counsel for the p'tt in Error
assigns the following causes of Error

First the Court Erred in permitting
Ellis to introduce an account different
from the one stated upon the distress
Warrant.

Second.

The judgement of the court is at
variance with the verdict of the Jury

Third

the court Erred in giving a
Judgement that authorised the issuing
of an execution before exhausting the
property levied upon by the distress
Warrant.

A W^c Called for p'tt in Error
And the said John Ellis Comes and says that in the Record &
proceedings aforesaid, there is no Error

John Olney and
Carey & Montgomery
for Deft in Error

Emory's Assay

The Clerk of the Supreme Court of the
First Grand Division will cause the
writ of error to be issued herein to be made
a supersedeas upon the filing of a bond by the
said Miles Melroe with William T. Docton as his
security in the penal sum of one hundred
dollars payable to John Ellis & conditioned
as the law directs.

Attest, Apr. 23^d 1851. Lyman Fremont
Justice Sup. Court.

Prepared
W. P.

State of Illinois, }
SUPREME COURT. } ss.

The People of the State of Illinois,

To the Clerk of the Circuit Court for the County of *Gallatin* GREETING:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which was in the Circuit Court of *Gallatin* county, before the Judge thereof, between *John Ellis*

plaintiff and

Miles Sketo

defendant it is said manifest error hath intervened to the injury of the aforesaid *Mile Sketo* as we are informed by *his* complaint, and we being willing that error, if any there be, should be corrected in due form and manner, and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distinctly and openly without delay send to our Justices of our Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at *Mt. Vernon* in the county of *Lafayette*, on the *2* & *Monday* of *November* next, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

Witness, the Hon.

Samuel H. Peat

Chief

Justice of the Supreme Court, and the seal thereof, at *Spring Mt. Vernon* field, this *7th* day of *May* in the year of our Lord, one thousand eight hundred and *fifty One*

Miner H. Preston

Clerk of the Supreme Court.

I do hereby acknowledge service of this writ
 of Habeas Corpus in the
 Supreme Court of California
 May 12th 1851. Papers all sent up

I Joseph B. Barger Sheriff of Gallatin County, do
 hereby acknowledge service of this Writ of Habeas Corpus
 May 16th 1851 J. B. Barger Sheriff. &c

I do hereby acknowledge service of the within writ
 October 5th 1851
 Jno. Olney,
 attorney for John Ellis

Supreme Court.

Plaintiff in error

Defendant in error,

Writ of error,

Filed

1851

Box 20
 Southern

8800

Ellis.

vs.

Olney

State of Illinois
 Supreme Court
 do hereby certify that the 7th day of
 May, A.D. 1851.
 James D. Jackson
 Clerk of the Court