

No. 3094

Supreme Court of Illinois

John B. Hunter.

vs.

and other cases.

Nesley A. Ladd.

(379)  7

+
EVANS V. MERRIWETHER

+
LEA V. VAIL

+
WHEELER V. GREEN

+
BILLHAM V. STATE BANK

William Gillham
Plaintiff in Error

vs

The President Directors & Company
of The State Bank of Illinois
Defendant in Error

2
Supreme Court of the State of Illinois
of the December Term A.D. 1838

And now at this day
come into Court here William
Gillham Plaintiff in Error by A. M. Jones & George P. M.
Davis his Attornies and say that the record and pro-
ceedings aforesaid and in rendering ^{the} judgment
aforesaid there is manifest error in this to wit -

First. The Court below rendered judgment for the Defendants in
Error upon the Denumer to Evidence aforesaid whereas
the said Court ought to have rendered judgment on
said Denumer to Evidence for the Plaintiff in Error
because the Defendants in Error did not produce to
the jury on the trial of said cause any evidence
whatever to show or prove that the Defendants in
Error were the legal holders of said note or that
they had any legal title thereto -

Second. There is also manifest error in this to wit - That the
Court below rendered judgment for the Defendants in
Error on the denumer to Evidence aforesaid, whereas the
said Court ought to have rendered judgment on the
said Denumer to Evidence for the Plaintiff in Error because
the Defendant in Error allege in their said declaration
that John Hogan &c and B. Clifford &c jointly en-
dorsed the said promissory note in their declaration
described to the defendants in Error, without either alled-
ging in their said declaration, or producing any evidence
whatever on the trial of the cause, that the said John
Hogan &c ever endorsed the said promissory note to John
Hogan &c and B. Clifford &c

Thirdly - There is also manifest error in this to wit - That the Court
below rendered judgment for the Defendant in Error
on the Denumer to Evidence aforesaid whereas the said
Court ought to have rendered judgment on the said

denumer the Evidence for the Plaintiff in Error because if the said Defendants in Error pretend, and this Court should be of opinion that the allegation in the said declaration that John Hogan & "together with one ~~John~~ Clifford J^r" endorsed the said promissory note in the said declaration described to the Defendants in Error does not import that John Hogan & P. Clifford J^r jointly endorsed the said promissory note to the Defendant in Error; then there is a fatal variance between the Evidence aforesaid to the jury produced by the Defendant in Error and said declaration in this - that the Defendants in Error produced Evidence on the said trial of the signature of V.B. Clifford J^r Endorsed as aforesaid on the said promissory note, and thereby shewed and admitted the interest of P. Clifford J^r in said promissory note, whereas the signature of said P. Clifford J^r should have been stricken out either before or on said trial -

And the said William Gillham by his said Attornies pray that the judgment aforesaid for the Errors aforesaid and other manifest Errors in the records and proceedings aforesaid, and in rendering the judgment aforesaid may be annulled reversed and altogether held for nought - and that the said William Gillham may be restored to all things which he had lost by occasion of said judgment &c

Alex. M. Jones

J^r
Geo. Wm. Davis
Attorney for the Plaintiff
in Error

The Prudent Directors & Company
of the State Bank of Illinois

vs
William Gilham

And the said
Defendants by Coughs & Krum atty. Gen &
say that there ~~are~~ no errors in the Record &
proceedings in the rendition of the judgment
aforesaid ~~per~~

Coughs & Krum
Atty for Afft in error

²
Supreme Court

William Gillham
Plaintiff in Error

vs

The President Directors
Company of the State
Bank of Illinois De-
fendants in Error

Assignment of Errors

Filed Dec^r 11. 1838

J. M. Duman

Th. C. Browne

— 280-1825 Bank Law

R. E.

County & Survey one bound to
take notice of public law
the Bank Law public one
~~the~~ ^{the} ~~case~~ ^{case} doubtful
an also case doubtful
Chitely 798. 869-1801
Public Edition

Jones for Sept. 1838