No. 8564

Supreme Court of Illinois

Sheridan

vs.

Doyle

71641 7

1st

Pleas held before the Honorable Edwin Beecher sole Judge of the White County Circuit Court at the April and August Terms thereof A. D. 1857 as appears by the Record now on file in the Hamilton County Circuit Court, as follows to-witt:

"At a Circuit Court begun and held at the Court house in Carmi, in and for the county of White and State of Illinois, on the Sixth day of April A. D. 1857—

The Hon. Edwin Beecher, sole judge, presiding—

Be it remembered, that heretofore, to-witt: On the 18th day of March A. D. 1856, came the plaintiff, Martin M. Doyle, by his attorney, J. E. Whiting, and sued out of said Court, against Mary Sheridan, the defendant, the following writ of Summons, to-witt:

State of Illinois }
White County } ss.

The People of the State of Illinois, To the Sheriff of said County—Greeting:

We command you that you Summon Mary Sheridan if she shall be found in your county, personally to be and appear before

2d

the Circuit Court of said County, on the first day of the next term thereof, to be holden at the Court house in Carmi, on the first Monday in the month of April next, to answer Martin M. Doyle, in a plea of Trespass on the Case, to his damage $8,000, as he says, and have you then there this writ, and make return therein in what manner you execute the same.

L.S. Witness, G. Vories, Clerk of our said Circuit Court at Carmi this 18th day of March, in the year of our Lord one thousand, eight hundred and fifty-six

L. S.

Test _____ G. Vories, Clerk Circuit Court.

And afterwards, to-wit: At the April term of the said Circuit Court, A. D. 1856, came the said defendant Mary Sheridan, and filed herein her affidavit for a change of venue in this suit, which said affidavit is in the words and figures following to-wit: White County, Cir. Court

April Term A.D. 1856

3d

M. M. Doyle
vs. } Trespass in the Case
Mary Sheridan

May Sheridan, the defendant in the above entitled cause, being first duly sworn according to law, deposes and says that she cannot safely proceed to the trial of this cause in this county, for the reason of the prejudice existing against her in the minds of the inhabitants of this county, and as she is informed and does verily believe, a like prejudice exists against her in the minds of the inhabitants of Wayne ~~county~~ and Edwards counties, therefore she prays the Court to change the venue in this cause to some county where such prejudice does not exist. — Mary Sheridan —

Subscribed and sworn to before me this 1st day of April A.D. 1856.
Jos. P. Cadle, Justice of the Peace.

State of Illinois
Gallatin County. } ss.

I, John E. Hall, Clerk of the County Court, in and for said county, do certify that Jos. P. Cadle Esq., whose genuine signature appears

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(4th.) to the above, and before whom the foregoing affidavit of Mary Sheridan was made, is now, and was at the time thereof, an acting Justice of the Peace duly authorized to administer oaths, and that his official acts are entitled to full faith and credit.

L. S.

Given under my hand and the seal of said Court at Shawneetown this 1st day of April 1856.

J. E. Hall, Clerk

By A. W. Hamilton, De.

And afterwards, to-wit: At the April term of the Court aforesaid, to-wit: The 7th day of April A.D. 1856 the following proceedings were had in said Court, to-wit:

Martin M. Doyle
vs.
Mary Sheridan.
} Trespass in the Case

At this day comes the defendant by her counsel and moves the Court for a rule against the said plaintiff requiring him to give security for costs herein, which rule is allowed, and plaintiff given until next term to file cost bond. And said defendant by her counsel, moves the Court for a

(5th.) change of venue herein, and the Court not being sufficiently advised took time, re.

And afterwards, to-witt: On the 15th day of August, in the year of our Lord xxxx ~~thousand~~ eighteen hundred and fifty-six, came the said plaintiff and, by his attorney, and filed his declaration herein, which is in the words and figures following to-witt:

State of Illinois } White Circuit Court
White County } ss. } August Term 1856.

Martin M. Doyle, plaintiff, complains of Mary Sheridan, defendant, being Summoned, re., of a plea of Trespass in the Case.

For and whereas, before and at the time of the committing of the grievances by the said defendant as hereinafter mentioned, the Little Wabash River running and passing through the county of White in the

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(6th.) State of Illinois was and now is a public Navigable River, and was and is so declared by the laws of the State of Illinois, and all of the people of the State of Illinois had been used and accustomed to have and of right of ought to have had, and still of right ought to have, the free and uninterrupted use, benefit, and enjoyment of said Navigable River for the carriage, transportation and conveyance of their goods, wares, produce, and Merchandize, in, upon, and along said River, in boats, Barges, and other conveyances towit: at the County and Circuit aforesaid.

And Whereas also, before and at the time of the committing of the grievances, by the said Defendant as hereinafter mentioned a certain flat-boat laden with Hoop Poles, belonging to the said Plaintiff of great value towit: of the value of Fifteen Hundred Dollars, was proceeding in upon and along said Little Wabash River, being such Navigable River as aforesaid, towit: at the County and Circuit aforesaid.

And Whereas also, before and at the time of the committing the grievances by the said Defendant, as hereinafter mentioned a certain other Flat=Boat laden with other Hoop poles belonging to the said

[3504-4]

(4.)

(7th.) Plaintiff of great value towit: of the value of Fifteen Hundred Dollars was proceeding in, upon, and along said Little Wabash River, being such public navigable River as aforesaid towit: at the County and Circuit aforesaid both of which said Flat-Boats with their loads as aforesaid the said plaintiff was intending, and did intend to run, convey, and transport to the most advantageous market upon the Mississippi River for the sale of his said Hoop Poles.

Yet, the said Defendant well knowing the premises, but contriving & unjustly intending to prejudice and injure the said Plaintiff in this respect, and to deprive him of the use and benefit of the said Little Wabash River, being such navigable River as aforesaid and to deprive him of large gains, profits, benefits and advantages, and to put him to great trouble, charges, inconvenience and Expense, while the said Flat-Boats were proceeding along said Little Wabash River, being such navigable River as aforesaid, with the said Hoop Poles as aforesaid, towit: On the first day

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(8th.) (8)

of April 1855, at the County and circuit aforesaid, and on divers other days and times, between the date last aforesaid and the commencement of this Suit, wrongfully unjustly and unlawfully dammed up and obstructed the Navigation of the Said little Wabash River by placing therein large quantities of Wood, Stone, Iron and dirt.

And by reason thereof the Said Plaintiff was Stoped, prevented, and hindered from passing and running along said Navigable River with his Said Flat-Boats with their loads aforesaid, as he might and could have done, and otherwise would have done for a long Space of time to wit, from the date last aforesaid, untill the Commencement of this Suit. And thereby, the said Plaintiff was not only deprived, of the use, benefit and enjoyment of his said Boats, and all of the benefits, profits, gains and advantages, which he otherwise might and would have made by the use and employment of the Said Boats in the carriage and Conveyance of his Said Hoop Poles, in upon and along said Navigable River, as

(9th) aforesaid, but was also, thereby hindered and prevented from selling and disposing of a large quantity to-wit: One hundred thousand hoop-poles, then on board of the said flat-boats aforesaid, and which he otherwise might, and would have sold for divers large gains, benefits, profits and advantages, in that behalf, to-wit: At the County and Circuit aforesaid; to the damage of the said plaintiff of three thousand dollars, and therefore he brings his suit, &c.

J. E. Whiting Atty. for Plff.

And afterwards, to-wit: At the August term of said Court, A.D. 1856, came the said defendant and filed her plea herein to the said plaintiffs Declaration, which said plea is in the words and figures following, to-wit:

Sheridan Adm'r.	Case	White Circuit Court
(Doyle		August term A.D. 1856.

And said defendant comes and defends the wrong and injury, when &c, and for plea says that she is not guilty in manner and form as said plff. has above complained against her &c of this she puts herself upon

[2514-6]

(10th.) the country.

Robinson for Defendant.

Thereupon comes the said plaintiff by his attorney and joins issue in the words and figures following, to-witt: Thereon indorsed Plaintiff doth the like.

Harrower Whiting
for Plff.

And afterwards, to-witt: At the said August term of the court aforesaid, to-witt: On the 20th day of August A. D. 1856, the following further proceedings were had in said cause to-witt:

Martin M. Doyl,
vs. } Case
Mary Sheridan;

At this day came the defendant and made application for a change of venue herein, &c.

And afterwards, to-witt: At the April term of said Court, to-witt: The 7th day of April A. D. 1857, the following further proceedings were had in said cause, to-witt:

Martin M. Doyl vs. Mary Sheridan
Trespass in the Case

(11th.)

And now at this day comes the said plaintiff, by his attorney, and the said defendant by her attorney, and the Court being now fully advised upon said defendants application aforesaid herein, for a change of venue from this county. On motion it is ordered by the Court now here, that the venue of this cause be changed from this county to the county of Hamilton, and the Clerk be ordered to certify up the papers and Record, &c.

State of Illinois
White County } ss. I, James B. Hinde Clerk of the Circuit Court, in and for said County, do hereby certify that the forgoing is a true transcript of the Record and proceedings had in the case of Martin M. Doyle against Mary Sheridan in an action for Trespass in the case. And that the papers herewith transmitted, marked in red, "A," B. & C," are all the papers now on file in this cause. and appertaining or forming part of the Record.

L.S.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court, at Carmi, this 15th day of May A.D. 1857.

J. B. Hinde, Clk

28564-B

(12th.)

And afterwards, to-witt: In the Circuit Court of the County of Hamilton and State of Illinois, the Honorable Edwin Beecher, sole Judge presiding, the following orders and proceedings were had, to-witt:

At a term of the Circuit Court begun and held at the Court house in McLeansboro, Hamilton county, State of Illinois, on the 18th day of May A.D. 1857. The Hon. Edwin Beecher, presiding—

M. M. Doyl
vs.
Mary Sheridan } Change of Venue from White County.

Hamilton Circuit Court
May Term A.D. 1857.

Ordered that this cause be continued until the next term of this court.

And afterwards, to-witt: At the November term of said Court it in the cause of

M. M. Doyle
vs.
Mary Sheridan } Change of Venue.

It was by agreement of the parties ordered that this cause be continued until the next term of Court at the

[8564-3]

(15th.) cost of the plaintiff.

Also, afterwards, to-witt: At the May term A.D. 1858, of said Circuit Court, aforesaid, it was in the cause of.

M. M. Doyl
vs. } Change of Venue
Mary Sheridan

On motion of the pltff. Ordered that this cause be continued at his cost.

And also, afterwards, to-witt: At the November term A.D. 1858, of said Court in said cause of

M. M. Doyl
vs. } Change of Venue.
Mary Sheridan

On motion of defendant ordered that this cause be continued at her cost. Whereupon leave is given to plaintiff to open deposition and amend Declaration. And afterwards, to-witt: On the day of the said plaintiff filed his amendment to his Declaration, in the words and figures following, to-witt:

(14th) 8.

Amendment.

And whereas also, before and at the time of the committing of the grievances hereinafter complained of the Little Wabash River was a public Navigable River, So declared by law, and passing and running through the County of White in the State of Illinois and as such Navigable River, ~~and passing and running through the County of White~~ all of the citizens of the State of Illinois were used and accustomed, and of right ought to have had, ~~and~~ have still ought to have free and uninterrupted use, and enjoyment of said Navigable River for the carriage Transportation, and Conveyance, of their goods, wares, produce property, and merchandize in upon and along said Navigable River, in Boats, Barges, and other Vessels and water Crafts to wit: at the County and Circuit aforesaid.

And the said Plantiff ~~would~~ further aver, that heretofore to wit: on the first day of April 1855 the said Plantiff was proceeding along said Navigable River with a Flat-Boat loaded with Hoop Poles to wit:

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(#6)

(9th) aforesaid, but was also thereby hindered and prevented from selling and disposing of a large quantity Count: one hundred thousand Hoop Poles then on board of the said Flat Boats aforesaid, and which he otherwise might and would have sold for divers large gains benefits, profits, and advantages in that behalf Count: at the County and Circuit aforesaid.

To the damages of the said plaintiff of Three thousand Dollars and therefore he brings his Suit. &c.

J. E. Whiting atty
for Plaintiff"

upon which is the following indorsement:
"White Circuit Court August Term 1856.

Marston McDyle	Declaration Filed
vs.	Aug 15 1856
Mary Sheridan	No. 38.

John E. Whiting atty
for Plaintiff"

(15th.) Four hundred thousand hoop=poles of great value, to=witt: of the value of two thousand dollars, which said flat=boat and hoop=poles belonged to the said plaintiff to=witt: at the county and Circuit aforesaid, which said flat=boat with the hoop=poles aforesaid, the said plaintiff was intending and did intend to run convey and transport to the most advantageous market upon the Mississippi River for the sale of said Hoop=poles — and whereas before the time last aforesaid the said defendant had dammed up the said Little Wabash River, by placing therein large quantities of wood, stone, iron and earth so as to prevent the free and uninterrupted passages of boats, barges, vessels and other water=crafts — to=witt: at the County and Circuit aforesaid.

Yet the said defendant well knowing the premises, but contriving and intending to injure the said plaintiff in this behalf and to deprive him of the enjoyment of said Little Wabash River and to deprive him of large gains, benefits and advantage, and to put him to great trouble and expense from the

(16th.) first day of January 1852 until the said first day of April 1855, did wrongfully, unjustly, unlawfully and injuriously suffer and permit said Little Wabash River, so having been dammed up as aforesaid, so to remain dammed up, and did thereby hinder and prevent said plaintiff from proceeding along said river with his flatboat loaded with hoop-poles as aforesaid, to the injury of said plaintiff ~~as aforesaid~~ hereinafter set forth and charged.

(Upon the back of the above amendment is the following endorsement:

"Doyle vs. Sheridan.— Amendment to the Declaration"

And afterwards to-wit: At the May term, A.D. 1859, of said court, in the said cause of

M. M. Doyle
vs. } Change of Venue.
Mary Sheridan

On motion of plaintiff Ordered that this cause be continued at the cost of the said plaintiff.

And afterwards, to-wit: At the October term A.D. 1859, of said court,

(17th.) in the said cause of

M. M. Doyle
vs. } Change of Venue.
Mary Sheridan

By agreement of the parties ordered that this cause be continued until the next term.

Also afterwards to-wit: At the May term of said Court A.D. 1860 - to-wit. On the 24th day of said Month of May. in said cause of

M. M. Doyle
vs. } Change of Venue.
Mary Sheridan

And now this day came the parties, by their attorneys, and on motion of the attorney Ordered that the depositions of Jno. Daily be suppressed.

Also, afterwards on the 25th day of May ~~Term aforesaid~~ ~~on Friday~~ at the term of said court above mentioned, the following Bill of Exceptions were made a part and parcel of the proceedings had in said cause, to-wit:

Martin M. Doyle
vs. } Trespass
Mary Sheridan

& Hamilton Circuit Court
& May Term A.D. 1860.

On the trial of the above styled

[8564-11]

(18th) cause Plaintiff introduced as a witness one and offered to prove by him what hoop-poles, such as the boat of plaintiff was loaded with, were worth on the Mississippi River in the Spring of 1855 deducting therefrom the expenses of transportation.

To which offer Defendant by her counsel then and there objected, which objection was overruled by the Court, and the plaintiff permitted to go on & and prove the value of said poles, on the Mississippi River, deducting expense of transportation as aforesaid. to which ruling of the Court Defendant did then and there except, and tender her bill of exceptions, which is allowed by the Court and ordered to be filed.

The Defendant asked the Court to instruct the Jury in the above styled cause as follows: That unless Mrs. Sheridan (the defendant.) built the dam across the River, or the same was built by her orders, she is not liable under the pleadings in this case, and the jury should find the Defendant "not guilty."

(19th) which instructions, as asked by the ~~Court~~ Defendant, was then and there by the Court refused, to which judgment of the Court in refusing said instructions, said defendant by her counsel did then and there except, and tendered her bill of exceptions, which was by the Court allowed, and ordered to be filed as part of the records in this case. Edwin Beecher (Seal)

Judge Cir. Court.

M. M. Doyl
vs.
Mary Sheridan } Change of Venue.

(~~Thursday~~ Friday May 25th 1860.)

And now on this day came again the parties, the ~~defendant~~ plaintiff by Whitney and the defendant by Crebs, and the said parties join issue, therefore let a jury come, whereupon came the jurors of the jury, to-witt: William Cook, John W. Goin, Stephen Reiling, Caleb Ellis, Daniel Dale, Noah Boyd, Dabney Johns, William Mezo, Henry Henry Hardisty, John Fairweather Harrison Hutson, James Turner, who being elected tried and sworn, well and truly to try the issue joined, re-

(9514-42)

(20th.) turned into court the following verdict: "We the Jury find for the plaintiff, and assess his damages at one thousand dollars. Whereupon the said defendant by Orlo her attorney motions the Court for a new trial, and in arrest of judgment, and this cause is continued until the next term of this Court.

And afterwards to-wit: At the October Term A.D. 1860, of said Circuit Court aforesaid, the following order was had in the said cause of

M. M. Doyl
vs. } Assumpsit
Mary Sheridan

Came the plantiff by Whiting his attorney, and the defendant by her attorney, and now it is considered by the Court, that the motion for a new trial entered at the last term of this Court, be and the same is hereby overruled and it is further ordered and considered by the Court, that the said plaintiff have and recover, of and from the said defendant the sum of one thousand dollars

(21st ") in conformity with the verdict heretofore given in this cause, together with all his costs and charges herein expended, and that he have Execution therefor. It is also ordered and adjudged by the Court that the said defendant have and she is hereby granted leave to file her bill of Exceptions herein on or before the 20th day of December

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State of Illinois,
Hamilton County. } S.S.

I, A. J. Alden, Clerk of the Circuit Court in and for the county of Hamilton and State of Illinois, do hereby certify that the forgoing is a true transcript of the Record and proceedings had in the cause of Marston M. Doyle against Mary Sheridan, in an action for trespass in the case, in the Hamilton Circuit Court, as appears from the records and papers on file in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said at McLeansboro this 18th March AD 1861.

A J Alden, Cir. Ct. Clk.

[3 SL 4-12]

And the said Mary Sheridan plaintiff in Error Upon the foregoing Record assigns the following Errors, to wit,

First. The Court erred in overruling the objection of the said plaintiff in error, and permitting the witness referred to in the bill of Exceptions to give in evidence and state what hoop poles were worth on the Mississippi River in the Spring of 1855

Second. The court Erred in refusing to instruct the Jury at the request of said plaintiff in Error that unless Mrs. Sheridan (the defendant below) built the dam across the river, or the same was built by her orders she is not liable under the pleadings in the case.

Third. The court erred in refusing the instruction asked for by the plaintiff in Error, and which is copied into the Bill of Exceptions.

Fourth. The court Erred in Refusing to set aside the verdict and grant a new trial, and in giving Judgment for said Doyle on said verdict.

John M. Krebs for
plaintiff in Error.

{85LH-14}

24

M. M. Doyle

vs

Mary Sheridan

Jy

M. M. Doyle -

errors to McLean -

Filed October 8. 1861 -
N. Johnston Clk

Paid by Judge Becker
$5.00

Clerk Aldens fee $8,50

Let the writ of Error be made a supersedeas on the plaintiff in Error executing a bond with John A. Hughes Security in the penalty of one thousand five hundred Dollars Conditioned according to Law - Given at Chambers this 1st day of June 1861

Sidney Breese Judge
Sup. Court -

State of Illinois. Supreme Court. }
First Division, November Term. 1861.

Mary Sheridan
vs.
Marston M. Doyle } Error to ~~Wabash~~ Hamilton County.

The Court Clerk of said court will please issue writ of error and scire facias in the above entitled cause to the sheriff of Wabash county; in a cause lately heard in the circuit court of said county wherein said Doyle was plaintiff, and said Sheridan was defendant. costs &c, &c.

E. Beecher Atty
for Pltff. in Error.

October 8. 1861.

[B5L4-15]

24

Sup. Court.

Nov. Term 1861.

Mary Sheridan
vs.
Marston M. Doyle.

Praecipe.

Filed Oct. 8. 1861 -
N. Johnston Clk

McLeansboro Ill

May 22nd 1861

My Dear Sir.

Your favor of the 17th is just received. I regret that my ignorance of the rules of court has caused me to put you to so much trouble. The fact that I have not been engaged in the practice of the law for some years must be my excuse. Mr Dicks being here now we will propose John N. Hughes, as surety for plaintiff in Error in the case of Mary Sheridan vs. M.M. Doyle, and send the accompanying affidavits of the character and value of his property. Hughes & Abshier are both men of respectability and their affida

vits show that Hughes is worth over four thousand dollars, above all debts, and all property allowed by homestead and Exemption laws. Mrs Sheridan is herself good for the amount if the Judgment is affirmed.

B. P. Hinch of New Haven, with whom you were doubtless acquainted, died on Saturday last, very deeply regretted by all who knew him. We had no better man in this Section of the State.

Yours Respectfully
S. S. Marshall

Hon. Sidney Breese
Carlyle Ill

Mount Vernon Illinois
May 14th 1861

Hon. Sidney Breese
Carlyle Ill

Dear Sir. The record inclosed herewith has been placed in my hands to be transmitted to you for the purpose of obtaining a Supersedeas. I hope you will find sufficient probable error in the record to justify you in granting the writ. Partly by mismanagement on her part as I am informed a grievous Judgment has been obtained against Mrs Sheridan in a case where in no event could the damages properly have exceeded $200.

The record is badly gotten up but the errors relied on will be found in the bill of Exceptions near the close of the record. I am not informed in regard to her intended sureties but I suppose that Thos. E. Nick, B. P. Nirch or Samuel R. Agly

of New Haven, either of whom is amply good for any bond that might be named in the case, would go her security. If it is not necessary to name the surety in the order I will see that good security is given.

I hope the order granting the supersedeas may be made if it can be done consistent with law & right.

You will oblige me by returning the record to me at McLeansboro Ills.

I have the honor to be
Very Respectfully Yrs
S. S. Marshall

How is the vote in Jefferson?

Carlyle Sun H. 1861

Dear

I had laid the record away among papers I was to take to Mt. Vernon — I send it to you with order for a supersedeas.

I do not know what the vote is here — I have no doubt you got all the votes — Some good friend started a man of Straw as a candidate against me secretly on Sunday, and I am told he has rec.d a good many votes — probably a majority here — A very small vote has been polled — Pond, it is thought, has a majority in Circuit prop in the County

Yrs. Sidney Sherrer

[P-514-18]

State of Illinois,
SUPREME COURT,
First Grand Division. } SS

The People of the State of Illinois,

To the Sheriff of ~~Wabash~~ White ~~Edwards~~ 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 Wabash county, before the Judge thereof between

Marston M. Doyle plaintiff and

Mary Sheridan defendant it is said that manifest error hath intervened to the injury of said Mary Sheridan as we are informed by her 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 Mount Vernon, 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 Marston M. Doyle

that he be and appear before the justices of our said Supreme Court; at the next term of said Court, to be holden at **Mount Vernon,** in said State, on the first Tuesday after the second Monday in November next, to hear the records and proceedings aforesaid, and the errors assigned, 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 Marston M. Doyle notice together with this writ.

WITNESS, the Hon. John D. Caton Chief Justice of the Supreme Court and the seal thereof, at MOUNT VERNON, this eighth day of October in the year of our Lord one thousand eight hundred and Sixty-One.

Noah Schuster
Clerk of the Supreme Court.

[9564-197]

24

SUPREME COURT.

First Grand Division.

Mary Sheridan

Plaintiff in Error,

VS.

Marston M. Doyle

Defendant in Error.

SCIRE FACIAS.

FILED.

Serving	.50
20 Mi. travel	1.00
Ret	.10
Postage	.05
	$1.65

~~5,21 of October 1861~~ ~~S. G. Powell Sheriff Wh Co~~

I have served the within scire facias by reading the same to the within named Marston M. Doyle on the 21st day of October A.D. 1861 in Whiteside County Ill.

Saved by J. McMannamee Sheriff

State of Illinois }
Hamilton County } ss

John
Williams H Hughes being first duly sworn according to Law deposes, and says that he is willing to go on a Bond with Mary Sheridan if required by the Judge of the Supreme Court, in order to ~~grant a~~ obtain for her a Supersedeas to stay Execution against her,
He further deposes and says that he is the owner in fee simple of four acres of Land situated in Galatin County Illinois adjoining the town of New Haven on which is located a Steam Saw, and Grist Mill, the Saw Mill is in operation and the Grist mill, nearly ready to go into operation, which said Mill as it now stands with the lot is reasonably worth at this time the sum of Four Thousand Dollars, He also deposes and says that he has on said tract of Land a Dwelling house Smokehouse and Stables in which he and his family, besides which are reasonably worth ~~six~~ nine hundred or one, Thousand Dollars, He also deposes and says that he also owns ~~four~~ Seven Lots in the town of New Haven well about one hundred and twenty five Dollars He also deposes and states further that he owns personal Property worth four hundred Dollars, He further deposes and says he has good debts due him Exceeding the ~~at~~ debts he owes by $100.00 or upwards, reaching his property reasonably worth, Six Thousand

[8564-28]

Five hundred and twenty five Dollars leaving at least Four Hundred Dollars above the amount he should be allowed by the Exemption laws of this State and further affiant saith not

John H. Hughes

State of Illinois
Hancock County } ss

Jackson Atkins being first duly sworn deposes and says that he is well acquainted with John H. Hughes who has signed & subscribed the foregoing affidavit, and also acquainted with the kind and quality of his property and its present value, and from his personal knowledge he avers that the facts as stated by said Hughes in his said affidavit in regard to his property are true, and further he says not,

Jackson Atkins

State of Illinois
Hancock County } ss

I, A. L. Atkins Clerk of the Circuit Court of Hancock County in the State of Illinois do hereby certify that, John H. Hughes, subscribed his name to the foregoing affidavit in my presence, and the same was then and there sworn to by him in my presence and I am in due form of law, and I further certify that the

foregoing affidavit purporting to have been made by Jackson Abshire was also subscribed by him in my presence and sworn to by him, before me in due form of Law,

In testimony of all which I have hereunto set my hand and seal of office at McLeansboro this the 24th day of May A.D. 1866

A. J. Alden, Clerk

Affidavit of
exoneribility of
surety a
Sheridan
vs
Doyle

Filed October 8. 1861
N. Johnston Clk

State of Illinois,
SUPREME COURT,
First Grand Division. } SS

The People of the State of Illinois,

To the Clerk of the Circuit Court for the County of Wabash 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* ~~Wabash~~ Hamilton *county, before the Judge thereof between*

Marston M Doyle *plaintiff and*

Mary Sheridan *defendant it is said manifest error hath intervened to the injury of the aforesaid* Mary Sheridan *as we are informed by her 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* **Mount Vernon,** *in the County of Jefferson, on the* first Tuesday after the 2d 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.* John D. Caton *Chief Justice of the Supreme Court and the seal thereof, at* MOUNT VERNON, *this* eighth *day of* October *in the year of our Lord one thousand eight hundred and* Sixty-One

Noah Johnston
Clerk of the Supreme Court.

[35214-21]

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SUPREME COURT.

First Grand Division.

Mary Sheridan

Plaintiff in Error,

VS.

Marston M. Doyle

Defendant in Error.

WRIT OF ERROR.

Issued & FILED - October 8th 1861 -

N Johnston Clk

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1861

Sheridan
vs
Doyle

Error to Hamilton

Reversed for non-joinder - at cost of Deft.

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Contrib in pap 475 -