

I was before the Honorable John Reynolds one of the Justices of the Supreme Court of the State of Illinois, in the Circuit Court holden at Belleville for and within the County of St. Clair on the second Monday of November in the year of our Lord Eighteen hundred and twenty and of the Independence of the United States of America the forty fifth

Be it remembered that hereafter to wit, on the seventeenth day of October of the year aforesaid, Samuel Moore sued out his writ of Summons against James Watts, Seth Crocker and Mercy Wells of a plea of trespass vi: et armis, which writ is in the following words, to wit:

State of Illinois p. The people of the State of Illinois

To the Sheriff of St. Clair County Greeting:

We Command you that you summon James Watts, Seth Crocker and Mercy Wells, late of our said County, if they may be found in your bailiwick so that they be and appear before the Judge of our Circuit Court, next to be holden at Belleville within and for our said County, on the second Monday of November next: then and there to answer unto Samuel Moore, of a plea of trespass vi: et armis to the damage of the said Samuel Moore the sum of one thousand Dollars, before us to be exhibited and have you there then this writ.

Witness John Hay Clerk of our said Court at Belleville this seven
teenth day of October in the year of our Lord a thousand eight hundred
and twenty and of the Independence of the United States the forty fifth

John Hay Clerk

On the back of which writ is Endorsed these words, to wit:

"This is an action of Trespass vi: et armis"

See Moore v. Watts p. 9

In which writ was attached the following Declaration, in these words to wit

State of Illinois
Saint Clair County
Circuit Court

Samuel Moore by William Moore his attorney, complains of James Watts

Seth Crocker and Mercy Wells of a plea of trespass force and arms. For

that the said defendants hereafter to wit on the second day of August in the

year of our Lord one thousand eight hundred and twenty in the County aforesaid

made an assault with force and arms upon the said plaintiff and then and there seized

and laid hold of said plaintiff and with great force and violence pulled and dragged about

the said plaintiff and then and there gave and struck the said plaintiff a great many violent

blows and strokes and also then and there forcibly and violently pulled and dragged from his

house and out of and from his place of residence situate in said County and then and there forced

and obliged him to in and along the public Road, unto the house of the said James Watts in

said County and from thence they forced and obliged him to go in and along the public Road

to the town of Belleville in said County and then and there in the common Jail of said

County imprisoned said plaintiff and kept and detained him in prison there without any

reasonable or probable cause whatsoever for a long time and forced this plaintiff for his libera-

-tion and enlargement to obtain a writ of habeas corpus in which writ he was removed by
his Honor Judge Reynolds in Cahokia in said County by whom he was let at large from said
imprisonment and he says that said defendants imprisoned this plaintiff for a long time

as aforesaid to wit for the space of ten days next following the said assault contrary to the laws and Customs of this State and against the will of the said plaintiff whereby he the said plaintiff was greatly bruised and wounded but was also thereby then and there greatly exposed and injured in his credit and circumstances to wit, at Belleville in the County aforesaid and other wrongs to the said plaintiff the said defendants then and there did against the peace and dignity of the people of the State of Illinois and to the damage of the said plaintiff one thousand Dollars and therefore he sues &

Memorandum

at which day to wit, on the second Monday of November of the year aforesaid comes the Sheriff and makes his return on said writ, which is on the following words & figures, to wit

"I duly Executed the within Summons on the within named Mercy Wells, on the twenty seventh day of October 1820 by reading this writ and declaration to her and on the day above stated as the law requires, and I also executed the within writ of Summons on the within named James Watts on the 28th day of October 1820 by reading this writ and declaration to him on the day above stated as the law requires, and I also executed this Summons on the within named Satt Crocker on the thirty first day of October 1820 by reading this writ and declaration to him on the day above stated as the law requires

Wm A B Brand Sheriff of St Clair County.

and thereupon comes on well the said defendants on the said plaintiff by their Attornies and the said defendants by Stann & Blackwell their Attornies come and file their plea which is in the words and figures following, to wit. James Watts, Mercy Wells, & another

Samuel Moore

and the defendants Watts, Wells & Crocker

come and defend the wrong and injury when & as they the plff. his action aforesaid ought not to have been sustained against them because they say that before and at the time of committing the grievances in the declaration supposed to have been committed he the said Def^t Watts was a Justice of the peace of the County of St Clair duly commissioned and qualified to be and did determine divers felonies, trespasses & other misdemeanors committed in said County and being such Justice the the said Def^t Wells appeared before him on the 25th day of July 1820 at the County aforesaid and then & there made oath, that the said plaintiff Samuel Moore had entered his enclosures & carried off a quantity of his grain measuring thereby that he had feloniously carried off the same, whereupon the said Def^t Watts being such Justice as aforesaid issued his warrant bearing date the said 25th day of July 1820 for the apprehension of him the said plaintiff and to cause him to be brought before him the said defendant Watts, to answer to the said Complaint of carrying off grain as aforesaid and the said Def^t further aver that afterwards to wit, on the 26th day of July aforesaid the said plff. was brought before him the said Def^t Watts being such Justice as aforesaid to be examined of and concerning said charge, and upon such examination he the said Def^t Watts was satisfied, that there was probable Cause to believe that said Charge or Complaint was true, whereupon he the said Def^t Watts, acting as such Justice as aforesaid required that he the said plff. should give bail or security for his appearance at the next Circuit Court of the said County of St Clair to answer to said charge but the said plff. refusing to give such bail he the said Watts acting as such Justice aforesaid issued his process usually denominated a mittimus for the commitment of him the said plff. to the Goal of said County there to remain untill discharged by due Course of Law, which mittimus on the 26th day of July came to the hands of the defendant Crocker then being a Constable duly appointed and qualified for the County of St Clair by virtue of which said mittimus said Constable then & there acting as such Constable, arrested & committed said plff to the Jail, which arrest and Commitment to Goal as aforesaid, are the trespass aforesaid & Battery and false imprisonment named in said declaration named, and as the beating

breiving

causing wounding and otherwise injuring the said plaintiff, the defts say they are not guilty
all which they are ready to verify.

(Copy of affidavit & warrant)

State of Illinois St. Clair County Personally appeared before me one of the Justices of the peace for
and in said County, Henry Wells and after being duly sworn as the Law directs deposes and saith
that Samuel Moore against her order and direction entered her enclosure and took and carried
off the quantity of hog grain against the peace and dignity of this State, sworn to before me this 25th
day of July 1820.

James Watts J^r

Whereas Complaint has been made to me by Henry Wells on oath as the Law directs on the 25th
day of July Samuel Moore did against this deponents order and direction go into her enclosure
and take and carry off the grain against the Law and peace of this State

St. Clair County, Ill. The Justices of the State of Illinois to any lawful officer to execute and return
You are hereby commanded to take and arrest the body of Samuel Moore and him to bring forth with
before me at my house in Leakey Hill township, to answer unto the above complaint of this depo-
-nent. Herein and hereof make due and quiet return as the Law directs Given under my
hand and seal this 25th July 1820

James Watts J^r Clerk
Clerk's return, "del. Executed by me"
Seth Crocker this 26th July 1820

State of Illinois }
St. Clair County } To Seth Crocker constable

(Copy of mittimus)

Whereas Samuel Moore of this County was this day brought before me by virtue of a
warrant issued on the Complaint of Henry Wells on oath before me the undersigned Justice of the
Peace, saith that the said Samuel Moore entered her enclosure and took therefrom a quantity of
wheat and for which he refuses to give security for his appearance at the next circuit Court
to answer to the said Complaint. Now therefore I do hereby command you the Keeper of the Jail
for the County aforesaid to receive the said Samuel Moore into your custody and him safely
keep in the Common Jail of this County until discharged therefrom by due course of Law.

Given under my hand and seal this 26th of July 1820
The said defendant, the said Plaintiff by his said attorney files his application in these words, to wit,

on the 26th of July 1820 - and in a replication to the special pleas of said defendants above pleaded he
says the plaintiff's actions aforesaid ought not to be barred and precluded from having and maintaining
the same against them by reason of anything in said special pleas above alleged. Because
he says that the said defendants at the time in the declaration mentioned of their own wrong and not
upon a charge of felony sworn to before the said Justice to be committed by said plaintiff and
without any legal process warranting the beating wounding and imprisonment of said plaintiff
in manner and form set out in said declaration of said plaintiff. The said defendants did
commit the said several trespasses in said plea and in the declaration of said plaintiff mentioned
in manner and form as the said plaintiff in said declaration hath above complained against
them said defendants and this he prays may be engaged of by the Country to which the said
defendants by their said attorneys say, they do the like.

and therefore it is command-
-ed that a Jury be constituted who neither is &c because as well &c and the Jurors of the
Jury aforesaid mentioned is within made being called to wit, David Coors, Bennett Miller
James Simpson, John M. Anderson, Henry Hutton, Rich^d. W. Chandler, Anthony Badgley,
Peter Right, Thomas Gillham, Arch^d. Badgley, William Bridges & Samuel Piles, who
being duly elected tried and sworn the truth of and upon the issues joined, upon their Oaths do say that
the said defendants are not guilty in manner and form as in the declaration above against
them the plaintiff hath complained. Therefore it is considered by the Court that the said
Plaintiff taking nothing for this his bill but be on mercy and that the said defendants do
recover against the said Plaintiff their Costs about their defence in this behalf expended
and that they have execution &c

Thereupon comes the said plaintiff & files
his Bill of Exceptions, which is in the words following to wit:
Samuel Moore
Henry Wells, Seth Crocker
& James Watts

The defendants offered in evidence an Affidavit and Warrant and Commitment to prison for said several days. The plaintiffs Counsel objected to the reading of said Affidavit, Warrant and Commitment (the same are above transcribed) The Court overruled the objection and permitted the said Affidavit, Warrant, and Warrant of Commitment, was read to the Jury and instructed the Jury that the said Affidavit, Warrant and Warrant of Commitment was a full justification of the defendants in said Cause. To which Opinion of the Court the plaintiffs by his attorney excepts and prays that this bill of exceptions maybe sealed signed and made a part of this record.

John Reynolds

State of Illinois }
 St. Clair County }

I John Hay Clerk of the Circuit Court of said County do hereby Certify the foregoing transcript to be a true copy of the papers and proceedings of said Cause as filed in my Office.



In Testimony whereof I have hereunto set my hand and Seal of our said Court at Belleville this fifth day of December in the Year of Our Lord one thousand eight hundred & twenty

John Hay

818. 11/1
 14.55/2
 34.14/2

81

Filed Dec 12 1891
 Mr. [unclear]

of [unclear]
 of [unclear]
 of [unclear]

clearly and the said & above says
by that in the return and proceeding
Watt's application and in the revision of
the Judgment aforesaid there
is manifest Error, viz. there is error in
this as pointed out by the bill of Exceptions
and other apparent on the face of the
return. Be therefore prayed that the
Judgment aforesaid for the error aforesaid
may be annulled reversed set
aside and bills brought be and
that the said choses may be restored to
all things which be hath lost by reason
of the aforesaid proceeding.

Wm. Blackman
Attor. for above

London in denumer

Blackman
for Depts.

Moore
Watt
of Error

Filed Dec. 13. 1899

J. M. Duncan

(18)

In the Supreme Court of the State of Illinois
 Samuel Bellone
 against Bill of Costs
 James Matty, Seth Lercker,
 & Mercy Wells

1821	Deer Docketing Cause 12 $\frac{1}{2}$ filing Record 25	\$ 0.37 $\frac{1}{2}$
	Mist. of Error 75 Entering attorney 10	0.85
	Filing writ 10 Motion for Continuance 10	0.20
	Order on same 10 Continuance 25	0.35
1822	Docketing Cause 12 $\frac{1}{2}$ Entering appearance 10.	0.22 $\frac{1}{2}$
	Filing a statement of Errors 10 filing Joinder 10.	0.20
	Issue 25 Trial 50 Decree 9 folio Pages 162	2.37
	Record 55 folio Pages 7.90	9.90
	Transcript 9 folio. 162 Certificate & Seal 75	2.37
	Attorneys fee 2.50 Cost Bill 50 Copy 37 $\frac{1}{2}$	3.37 $\frac{1}{2}$
		<u>\20.21\frac{1}{2}$</u>
		50
		<u>\20.71\frac{1}{2}$</u>

Certificate & Seal

State of Illinois
 Supreme Court etc

I James M. Duncan Clerk of the Supreme Court of the State of Illinois do hereby certify that the foregoing Bill of Costs in said Court, in the Cause aforesaid is correctly copy from my fee Book

In Testimony whereof I have hereunto set my hand and affixed the Seal of said Supreme Court at Vandalia this 28th day of June in the year 1830
 J. M. Duncan
 clk. S. C.

Supreme Court
Samuel Moore
vs Cost Bill
Watts, Crocker & Wells
\$20.00 1/2

18