

State of Illinois Gallatin County set.  
Plas at Shawano Court before the honorable Judge  
of the Gallatin circuit court. To wit.

George Miller Plaintiff }  
against } In Case  
Robert M. Sartton. Defendant }

1c

Declar-  
ation

1c

1c

Be it remembered that heretofore to wit on the twenty  
seventh day of September one thousand eight hundred and nineteen  
George Miller by H. Eddy his attorney filed in the clerk's office of the  
Gallatin circuit court his declaration or bill of complaint  
against Robert M. Sartton which is in the following words and  
figures to wit. State of Illinois Gallatin County set. In the circuit  
court of said county. October term in the year of our Lord one thousand  
eight hundred and nineteen. George Miller assignee of Robert M. Sartton  
complains of Robert M. Sartton who signs his name Robt. M. Sartton, in custody  
of a plea of trespass on the case. For that whereas one squire Brown  
heretofore to wit on the twenty fifth day of March, in the year of our  
Lord, eighteen hundred and eighteen, at the county aforesaid, and  
within the jurisdiction of this court, made his certain writing obligatory,  
signed with his hands and sealed with his seal, bearing date the day  
and year aforesaid, by which said writing obligatory, the said squire  
then and there promised, six months after the date thereof, to pay to  
the said Robert or order, the sum of eighty seven dollars, and sixty eight  
cents, for value received. And the said Robert to whom or whose order  
the payment of the said sum of money, in the said writing obligatory  
contained, was to be made, after the making of the said writing  
obligatory and before the payment of the said sum of money, had

specified, excepting the sum of six dollars <sup>and</sup> seventy five cents which the said Robert had received from the said Squire in part payment thereof. to wit. on the seventh day of April in the year of aforesaid at the county and circuit aforesaid, assigned the said writing obligatory to the said George Miller by which said assignment, he the said Robert then and there ordered and appointed the balance due on the said writing obligatory, after deducting the aforesaid sum of six dollars and seventy five cents, so received thereon by the said Robert, as aforesaid. to wit. eighty dollars and ninety three cents to be paid to the said George. And the said George avers, that afterwards, when the said writing obligatory became due and payable, according to the tenor and effect thereof, to wit. on the \_\_\_\_\_ day of September, in the year of aforesaid, diligent search and inquiry was made after the said Squire, at the place aforesaid, in order that the said writing obligatory might be presented and shew'd to him, the said Squire for his payment of the said sum of eighty dollars and ninety three cents. the balance due on the said writing obligatory, after deducting the said sum of six dollars and seventy five cents, so received thereon, as aforesaid, but that the said Squire could not on such search and inquiry be found, nor hath he at any time since the making of the said writing obligatory, either paid the said sum of money, therein specified, or any part thereof except the said sum of six dollars and seventy five cents so paid and received thereon as aforesaid. At all which said several premises, the said Robert, afterwards to wit. on the day and year last aforesaid, at the place aforesaid had notice. By means whereof and by force of the Statute in

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such case made and provided the said Robert then and there became  
liable to pay to the said George the said sum of eighty dollars and  
seventy three cents so as aforesaid due and owing on the said writing  
obligatory when he, the said Robert, should be thereunto afterwards  
requested. And being so liable, he the said Robert, in consideration  
thereof, afterwards to wit on the day and year last aforesaid at the  
county and jurisdiction aforesaid, undertook and then and there  
faithfully promised the said George to pay him the said last mentioned  
sum of money, yet due and owing on the said writing obligatory  
when he the said Robert should be thereunto afterwards requested.

3a

And whereas also the said Robert afterwards to wit on the day  
and year last aforesaid, at the county and circuit aforesaid, was  
indebted to the said George, in the further sum of eighty dollars and  
ninety cents in lawful money of the United States for some work

done by the said Robert, before that time had and received to  
and for the use of the said George and being so indebted he the  
said Robert in consideration thereof, afterwards to wit on the day  
and year last aforesaid at the county and circuit aforesaid, undertook  
and then and there faithfully promised the said George to pay him  
the said last mentioned sum of money, when he the said Robert should  
be thereunto afterwards requested. Nevertheless the said Robert

3b

regarding his said several promises and undertakings but  
contriving and fraudulently intending, craftly and slyly to  
deceive, and defraud the said George in this behalf, hath not  
as yet paid the said sums of money or any part thereof to the  
said George, although often requested so to do.

3c

4. But the said Robert, to pay him the same hath hitherto wholly neglected and refused and still doth neglect and refuse. To the damage of the said George four hundred dollars and therefore he sues. H. Eddy. P. 9.

And thereupon the following writ of *habeas corpus ad respondendum* issued to wit: State of Illinois Gallatin County. The people of the State of Illinois to the Sheriff of Gallatin counties. We command you to take Robert M. Sartlow who signs his name Robt M Sartlow if he be found in your bailiwicke and his safety keep so that you have his body before the Judge of our circuit court for Gallatin County on the first day of our next term to be holden at Shannoctown on the fourth Monday in October next to answer George Miller of a plea of trespass on the case for eighty dollars and ninety three cents. Damages four hundred dollars and have them there this writ.

Witness Joseph M Street clerk of our said court at Shannoctown this 27<sup>th</sup> day of September A. D. 1819. And in the 2<sup>d</sup> second year of the State of Illinois. J. M. Street clk.

This is an action of trespass on the case and bail is required H. Eddy. P. 2.

Executed on the tenth of October 1819. Bail taken. Adrian Davenport Det.

M. S. Davenport S. G. C.

Bail. Know all men by these presents that we Robt. M. Sartlow and R. Miles are held and firmly bound unto M. S. Davenport Sheriff of Gallatin County, Illinois State in the just and

apud.

Endorsement

Sherriff

Bail

full sum of one hundred and sixty one dollars and eighty six cents lawful money of the United States the payment of which well and truly to be made, we bind ourselves our heirs, &c. &c. by these presents sealed with our seals and dated this 10<sup>th</sup> day of October 1819. Whereas a writ of capias hath issued from the clerk's office of the Pallatin circuit court in the name of George Miller for eighty dollars and dimity three cents, against the body of R. M. Tartton which writ hath been duly executed on the body of the same, now the condition of the above obligation is such, that if judgement be given against the said R. M. Tartton that he will pay the cost and expences of the court as well as his body in execution for the same or that Richard Miles his security will do it, then this obligation to be void, otherwise to remain in full force power and virtue in law.

5a

Robt M Tartton 

R. Miles 

5B

Note Six months after date I promise to pay Robert M Tartton or order eighty seven dollars sixty eight cents for value received of him, with exp Michard and seal this March 25<sup>th</sup> 1818

Squire Bouverie 

Assign- ment

I assign the within note to George Miller for value received of the of April 1818 Test

Robt M Tartton

5c

Frederick Howes

George Miller

Robt M Tartton

Bond  
for costs

In the circuit court for Gallatin County October term 1819.  
I hereby enter myself security for the costs in the above case  
agreeably to the laws of Illinois given under any hand this 27<sup>th</sup>  
day of September 1819. S. A. Hays.

in a  
declaration.

And at a circuit court continued and held at the house of  
Mansuaduke S. Davenport in Shawnoctown on Friday the  
29<sup>th</sup> day of October A. D. 1819. An motion of the plaintiff here  
is given him to amend his declaration filed in this case and  
all further proceedings herein are staid and continued untill  
the next court.

Continued

And after wards to wit. At a circuit court continued and held  
at the house of Puples & Kirkpatrick in Shawnoctown on Thursday  
the 20<sup>th</sup> day of May A. D. 1820. This day came the parties by their

had  
now as-  
sumed

attorneys and the defendant filed a plea of non assumpsit, which  
is as follows to wit. and the said defendant comes and defends  
the wrong and injury when &c. and says that the plaintiff  
aforesaid his action against him to have and maintain in full  
not because he says that he did not undertake and promise in  
any manner and form as the said plaintiff hath above thought

complained against him and of this he puts himself upon  
the country &c. And the plaintiff took issue therein as follows  
to wit and the said plaintiff doth the like. Eddy for plaintiff  
wherefore let a jury come &c. and thereupon came a jury to wit.  
William Kelly, James M. Pettygrove, Benjamin M. Sibley,

jury

Boyle Dodge, Robert A. Dean, Benjamin Walden, Alexander Baskill,  
Green Minick, Summiak Winsor, John Wilson, Edward Mobley and  
Saml Clark, who being elected tried and sworn, well and lawfully to try

Verdict

the issue joined upon their oath do say we of the jury find for the  
plaintiff and assess his damages to eighty nine dollars. And considering  
of the plaintiff it is therefore considered by the court that the plaintiff

Judgment

recover against the said defendant eighty nine dollars the damages  
by the jurors in their verdict aforesaid assessed and also his costs by  
him about his suit in this behalf expended and the said defendant

7a

Notes of Exceptions

in mercy &c. Be it remembered that on the trial of this case the  
defendant moved the court to instruct the jury to disregard the first  
count in the plaintiffs declaration as faulty but the court deemed  
the same sufficient and refused to give the instruction to assess the

7b

and agent remained in the courtroom till after said writing because  
due to of said writing he saw that they had called on said agent  
to pay debt of said Brown which he refused to pay and said he

was not authorized to pay debt and two witnesses said he had  
paid debts due and owing by said Brown for him but none  
of the witnesses knew or could state that ever the said writing  
given by Brown and endorsed by defendant had been

7c


presented to said agent or said Brown for payment  
nor was there any proof of a presentation of said writing  
either to said Brown or his agent for payment nor was  
there any proof offered or given by plaintiff of any notice  
to defendant and of the absence from the county in which the

the 27<sup>th</sup> of April 1818.

Test Frederick Howe. Robt M Farlow.


And then proved by several respectable witnesses that Squire Brown the Maker of said writing openly and publicly went away from Shannectown where he had resided at the time the writing was given professing that he was taking some goods which he had in a boat to Godconda if he liked it and if not to the mouth of the Ohio before said writing became due and that he had never returned to their knowledge to the county or state he went from viz Gallatin but report said he had gone to red river and said witness who stated that said Brown left his family and a little grocery in Shannectown at the time he left there with an agent to superintend

and even if it were proved that he had been in the state to which refusal and opinion of the court the defendant excepts and prays this exception may be signed sealed and attolled &c.

Thomas Brown 

Be it remembered that on the trial of this case the plaintiff read as evidence to the jury the following note or bond and in documents thereon six months after date I promise to pay Robert M Farlow or order of said defendant in my right name for value rec<sup>d</sup> of him \$75.00 of my hand and seal this March 25. 1818.

Witness Saul Brown

Squire Brown 

Rec<sup>d</sup> on the within note \$ 75. March 30. 1818.

Robt M Farlow.

I assign the within note to George W. Miller for value received



suit was brought except that some of said witnesses swore it was generally  
known that Brown had left Shannontown and that Farter's  
defendant lived in the neighbourhood of Shannontown and was  
frequently there which was all the proof given in the cause. The defendant  
council then moved the court to instruct the jury that before the plaintiff  
was entitled to recover in this action he must show that he had presented  
and waiting for payment was its falling due to said Brown  
the State or if absent to his agent or at his house and on its being  
dishonored that reasonable notice had been given by plaintiff to  
defendant of said dishonor. But the court refused to give the instructions  
prayed for and said that the question of due diligence was a  
question of fact for the jury to decide on to which opinion of the  
court the defendant by his council excepts and prays that the bill  
of exception may be signed read and enrolled &c.

Thomas C. Brown

And afterwards to wit. At a circuit court continued and held at  
the house of Peoples & Kirkpatrick in Shannontown on Friday the  
20<sup>th</sup> day of May 1820. This day cause the parties by their attorneys  
and the defendant's attorney moved the court to go and have a  
new trial herein for the following reasons to wit. because the verdict  
is contrary to and without law and evidence. and because the court  
did not give the necessary instructions to the jury but because  
the court is not now fully advised of and concerning the  
premises they took time &c. and this cause is continued until  
to morrow.  
And after a adjournment.

At a circuit court continued and

held at the house of Pepler & Kirkpatrick in the above town on  
Wednesday the thirty first day of May in the year of our Lord one  
thousand eight hundred and twenty. This day came the parties  
by their attorneys and the court now being fully advised &c. it is  
the opinion of the court and so ordered that the motion  
made by the defendant for a new trial herein be and the

Opinion  
of Court

Judgment  
for costs.

same be ~~denied~~. And in case of ~~the plaintiff~~  
attorney it is therefore considered by the court that the  
plaintiff recover against the said defendant his  
costs by him expended by reason of said motion, and  
thereof have execution &c.

Upon which Judgment a writ of fieri facias issued in the  
words and figures following to wit. State of Illinois Gallatin  
County, to The people of the State of Illinois to the Sheriff  
of Gallatin County greeting: We command you that of the  
estate of Robert W. Farlow late of your bailiwick you cause  
to be made eighty nine dollars which George Miller  
assignee of Robert W. Farlow lately in our circuit  
court for Gallatin County hath recovered against him  
for damages in an action <sup>and</sup> the case with interest thereon  
at the rate of six per centum per annum from the 25<sup>th</sup> day of  
May 1820 untill paid, also twenty one dollars and six  
and a half cents which were adjudged to him in our said  
court for his costs and charges about his suit in the behalf  
expended hereby the said Robert W. Farlow is convicted as  
appears to us of record and have that money before us

within thirty days from the date hereof to render to the said  
 George Miller of his damages interest and costs aforesaid and  
 have them there this writ. Witness Joseph M. Street clerk  
 of our said court at Shawanoos Town this 17<sup>th</sup> day of June A. D.  
 1820 and in the second year of the State of Illinois.  
 Joseph M. Street clk

County of Gallatin State of Illinois

I Joseph M. Street  
 clerk of the Circuit Court for the County aforesaid do certify  
 that this and the two preceding pages contain a full  
 true and perfect transcript of the Record and proceedings  
 in the foregoing case George Miller assignee of Robert W  
 Dalton against Robert M. Dalton as fully as the same  
 remains in my said Office.

In Testimony whereof I have here-  
 unto set my hand and affixed the seal  
 of the said Court at Shawanoos Town  
 this 3<sup>rd</sup> Day of July A. D. 1820, and in  
 the second year of the State of Illinois.  
 Joseph M. Street clk.

Costs of this suit \$21.06 1/2  
 Costs of this transcript \$6.50  
 Total \$27.56 1/2

Illinois Act

I Thomas C. Mowbray Judge of the  
 Circuit Court do hereby certify that the foregoing is a  
 true and correct copy of the original of Joseph M. Street who is Clerk of the said  
 Court.

Circuit Court, to the foregoing transcript of said  
Record &c. is in due form of law. Given under my  
hand this                      day of July A.D. 1820.

22  
1820

Benson

1820  
Boston  
Favor

22  
Sept  
3

John September 1820

2 copies

In the

Dartmouth College

2's  
Benson

2

State of Illinois, Sec.

THE PEOPLE OF THE STATE OF ILLINOIS

TO Joseph M. Street Esq. CLERK OF THE CIRCUIT COURT FOR THE COUNTY  
OF Gallatin GREETING:

**B**ECAUSE 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 George Miller  
plaintiff

and M. Vartow  
defendant, it is said manifest  
error hath interv'ned to the injury of the aforesaid Robert 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 plea aforesaid, with all things touching the same, under your  
seal, so that we may have the same before our Justices aforesaid at Vandalia the county  
of Bond on the ~~first~~ <sup>second</sup> Monday of December next, that the record  
and proceedings, being inspected, we may cause to be done them, to correct the error, what of  
right ought to be done according to law.

Witness, James M. Duncan, Clerk of our said court (and his private seal  
(no judicial one being provided)) at Kaskaskia

this fourth day of September in the year of our  
Lord one thousand eight hundred and twenty and of our  
Independence the 45<sup>th</sup> year.

James M. Duncan Clk.

Supreme Court

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Robert M. Jarston

by  
George Miller

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(Writ of Error)

Filed September 4. 1870

6 There is also manifest error in this because  
the court overruled the motion of the Dept's  
Council of said Larkton as set out in  
the 2<sup>d</sup> Bill of exceptions in this case  
of the There is error also in this that  
the court overruled the motion  
of Dept's Council for a new trial

Sup. Court.

Robert M. Carlton

vs

George Miller

In Error from the Gallatin Circuit Court

And now at this term that is to say  
at the July term 1820, comes the said Carlton by his atty  
and says that in the records and proceedings aforesaid  
as also in giving the judgment aforesaid there is manifest  
error in this to wit 1<sup>st</sup> that it appears that judgment  
was given in the court below for said Miller, whereas  
by the laws of the land judgment ought to have been  
given for the said Carlton. 2<sup>d</sup> There is manifest error  
in this to wit, that said declaration is insufficient because  
it does not allege that said Brown was had & seized  
in the county of Gallatin, neither does it state that he  
resided there at the time of the assignment. 3<sup>d</sup> Said  
declaration is also insufficient in this to wit because it  
does not allege that due diligence had been  
used to obtain payment of the note therein mentioned  
of said Brown. 4<sup>th</sup> There is also manifest error in  
this to wit because the court did not do out a non-  
suet on the evidence offered by the said Miller.  
5<sup>th</sup> There is error also in this to wit, because the court  
overruled the motion of the counsel of said Carlton  
as set forth in the bill of exceptions. And the



said Jantton prays that for the errors aforesaid as also  
for other errors in the word and proceedings aforesaid  
the said judgment may be reversed and altogether  
taken for nothing -  
Hans & Blankwell pray

Order in Error

Sup. Court

Robert Jantton

vs  
Geo. Miller

of Error

Filed Dec 24/1820

State of Illinois Set Supreme Court

The people of the state of Illinois To the Sheriff of the County of Galatin Greeting: Because in the record and proceedings as also in the rendition of a judgment of a plea which was in the Circuit Court of the County of Galatin before the Judge thereof between George Miller assignee of Robert M. Lorton <sup>Plaintiff</sup> and Robert M. Lorton defendant it is said manifest error hath intervened to the injury of the said Robert as we are informed by his complaint. The Record and proceedings of which judgment we have caused to be brought unto our said Supreme Court of the State of Illinois at Vandalia 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 in your Bailiwick, you give notice to the said George Miller that he be and appear before our Justices of our Supreme Court at the next Term thereof to be holden at Vandalia in the County of Bond on the second Monday in July next to hear the Record and proceedings, and the errors assigned if the said Robert shall think fit, and further to do and receive what the said Court shall consider in this behalf.

And have you then shew the names of those by whom you shall give the said George this notice, with this writ —

Witness our hand and seal of our Clerk of our

said Court and his private seal  
(no judicial one being provided) at  
Vandalia this 19<sup>th</sup> day of December  
in the year of our Lord one thousand  
Eight hundred and twenty and of  
our Independence the 45<sup>th</sup> year

James McKean clerk

Supreme Court

Robt M. Tontton } Galatin  
vs  
George Miller }

Declaratorias

Returnable to July Term  
1821

Not found in my Babcock 4<sup>th</sup> July  
1821-  
Robt M. Tontton }  
vs  
George Miller }