

No. 11989

Supreme Court of Illinois

Searles.

vs.

People.

71641  7

Lea. County.
Ara B. Searles
The People ^{vs.} &c

J. P. O.

1852

11989
Searles

Lee County Circuit Court September Term 1831

State of Illinois

Lee County I shew before the Honorable Ira O'Williamson
Presiding Judge of the South Judicial ^{Circuit} District
of the State of Illinois - A Circuit Court in and for the County
of Lee, begun and held at the Court house at Dixon on the
second Monday of the month of September in the year of our Lord
one thousand eight hundred and fifty one, the same
being the twenty sixth year of American Independence -
Present the Honorable Ira O'Williamson Presiding Judge

Be it remembered that among the ^{first records of this} proceedings of the
Circuit said Circuit Court are found the following to wit:

This day the Grand Jury returned into Court the following
Indictments - endorsed by J. P. Little their foreman as true bills found

The People of the State of Illinois

vs
Asa B. Sears & Amanda Healdy

Indictment for Fornication

Which said Indictment is in the following words to wit -
State of Illinois

Lee County } of the September Term of the Lee County Circuit Court
in the year of our Lord 1831

The Grand Jurors chosen selected and sworn in and for the
County of Lee in the name and by the authority of the People of
the State of Illinois upon their oaths present

That Asa B. Sears and Amanda Healdy, both late of the
County of Lee and State of Illinois, upon said on the first day of
September in the year of our Lord one thousand eight hundred
and fifty one, and on divers other ~~times~~ days and times before and ^{since}
that day and before the finding of this Indictment at and within the

[11787-1]

County and State aforesaid unlawfully, wilfully and feloniously
did live together in an open state of Fornication contrary to the
form of the Statute in such case made and provided, and against
the Peace and dignity of the People of the State of Illinois

A. B. Stillman

State attorney 6th Circuit

Upon the back of which Indictment is endorsed as follows to wit:
A True Bill J. P. Little Foreman Grand Jury - Writings, names
Preston Quincy Eves Asdell & Wife - Bail in \$350 -

And afterwards, to wit: at said term of Court on the fifth day
of said term, the following appears of record - to wit: -

The People of the State of Illinois

Indictment for Fornication

vs
Asa B. Sears and Amanda Headly

This day came Henry B

Stillman Circuit Attorney - It is ordered by the Court that the Clerk
furnish said defendants with copy of Indictment, a list of jurors &
writings & that this cause be continued with a Capias until the next
term of this Court

Upon which said term of Court Capias was issued returnable on
the fourth Monday of the month of March A. D. 1852, and is in the
words and figures following to wit: -

State of Illinois } The People of the State of Illinois to the Sheriff
Sui County } & said Constable of said County Greeting -

We command you that you take the bodies of Asa
B. Sears and Amanda Headly and them safely keep, so that you
have them before the Circuit Court of said County on the first day
of the next term thereof to be holden at the Court house in Dixon
in said County on the fourth Monday of March 1852 to answer

unto a bill of Indictments found by the Grand Jury of said County
against them for Fornication - And have you them and then this
writ with an endorsement thereon as to the manner in which
you executed the same - Witness Isaac Boardman Jr. Clerk of
said Court and the seal thereof at St. Louis this 19th day of
December A.D. 1851 - I Boardman Jr. Clerk

Upon the back of which capias is endorsed - "The officer will admit
the defendants to bail in the sum of one hundred and fifty dollars, I Boardman
for Clerk" - "By virtue of the within writ I have arrested Asa Boardman
and secured bail according to the requisition of this writ ^{summarily & readily, not found in my county} - Done March
8th 1852 - For arresting 1.00 Bail 50 Ret. 10 Mil 9 1/2 m? 60 2.20 All other Sheriff
for formal return 25/4

And afterwards to wit: at the March Term of said Circuit
Court, A.D. 1852 on the first day of said term - to wit: on the 23rd day of said
month, the following order appears of record - to wit:

The People of the State of Illinois

vs

Indictment for Fornication

Asa Boardman and Amanda Heady

This day came the said

Defendant Charles in person, and by his attorney, Messrs. & Amos & Patrick
and entered his motion that the said Indictment be quashed

And afterwards to wit: on the 24th day of March at said
Court the following further proceedings were had to wit:

The People of the State of Illinois

vs

Indictment for Fornication

Asa Boardman and Amanda Heady

This day came still said

State Attorney, and the Defendant Charles in person, and by Patrick
Eustace and Wain his attorneys, and after argument of counsel,
the said Defendants motion heretofore entered to quash the said Indictment
is overruled - The said Defendants having been furnished with
a list of the Grand Jurors by whom this said bill of Indictment

And afterwards, to wit: on Saturday the 27th day of March 1852
the following further proceedings were had to wit:-

The People of the State of Illinois

vs

Indictment for Fornication

Asa P. Sears, and Amanda Neadly

Now on this day again came the

said Plaintiff, by A. R. Stillman State attorney, and the said Defendants
Sears in person and by Petrick and Custer his attorney, and the
said Defendants Sears' motions heretofore entered in arrest of Judg-
ment and for a new trial coming on to be heard, and the Court
having heard the facts by their Counsel, and having diligently exam-
ined the said Defendants' proofs and affidavits filed herein in support
of his said motions - It is considered by the Court that the said motions
be overruled - And thereupon the Court proceeded to pronounce
Judgment against the defendant Sears who is in Court, in accordance
with the verdict of the jury heretofore entered in this Cause, to wit:
It is considered and adjudged by the Court that the said Asa P.
Sears make his fine to the People of the State of Illinois in the sum
of one hundred dollars and that he pay the costs of prosecution
in this behalf

And afterwards, to wit: on Monday the 29th day of March 1852
came the said Defendant Sears by his said attorney and filed his bill of
exceptions; which bill of exceptions is in the words and figures following
to wit:-

The People of the State of Illinois

vs

Asa P. Sears

Indictment for Fornication March Term
of the Lu County Circuit Court

Nov. 1852

It is remembered that on the trial of
this Cause the evidence given to the jury was in substance as follows
to wit

James P. Quincy a witness on the part of the People was called

I swear I who testified as follows to wit

I acquainted with Asa R Sears, and somewhat with Amanda
Whealy when I know her she lived at Sears' at Poughkeepsie
Suffolk County Illinois - I drove Stage - there was a station at Sears'
I went there in the fore part of July 1851; left in September - About them
that anybody belonged to the family, but Sears and her - She did
the house work - There was another a young lady there now and
then a part of the time; and one that he hired to help do the work two or
three weeks, maybe longer, I saw Amanda Whealy there first,
in the winter a year ago, saw her there last 2 or 3 weeks after
I quit driving Stage there. I have saw them in the room bed tog-
ether I believe - If my memory serves me right it was in
August; in the night time; between 9 & 12 O'clock - never saw
them more than once - I found it out by being a little inquisitive
and peeping through a key-hole in the floor of my room which was
over hers - I saw him in bed with her - and saw him get out of
bed; he was in his night clothes - had a shirt on - she was in the
bed - he was in bed an hour, if my memory serves me - there was
a hard kind of noise to describe; made I should think by the motion
of the bed clothes - There was a couple of young men or
boys there that night - they were strangers to me - were in bed up
stairs - nobody down stairs but him and her that I know of -
they were travellers that Sears brought up with him from Peru
Sears was a single man - the girl had no husband that I know of.
Carp Examination - It was sometime in August - my
impression - that it was the latter part of the month - Can't say whether
after 20th - It was the night that Sears returned from Peru with the
two young men with him who staid all night - I was always there
four nights in the week - There was our window in her room - it had a
curtain - my bed was alongside the hole - I lay across the bed - the
hole was right over her bed - There was no tester or sheet spread above
their bed - It was a moon light night - No other light in her

room or mine — I don't know as I can say I have had any
real difficulty with Pearl — Had some words — a difficulty
about my doing a house — It was after what I had seen — Don't
remember ever mentioning to Pearl what I had seen — Another
difficulty, because it was told to me that Pearl had hinted that
I took a \$5. bill, but that was satisfactorily explained by
him afterwards to me — There was a difficulty between him
and her about some money — after I saw Pearl in the girls bed
I took my sister to his house — She was there 2 or 3 days — She went
with me because she could not go sooner & I drove stage then &
she went home the first opportunity — The light was sufficient
at the latter part of the term to distinguish features — Don't think
it could have been one of the young men — they would have had to go
down stairs — They & I were in our rooms, but our room up stairs.
I was awake all the time — Don't think I ever told Mr. Cookman
that I thought her a virtuous girl; might have said so in
joke — First mentioned the occurrence a few days afterwards,
not over a week, first mentioned it to her, then to John Dexter
It was after August 15th & before September 1st — think it
was the latter part of that period — Her room was on the east
side of the house — the window to the South — Window has 12 or 15
panes of 10 x 12 glass
Ain't resumed — It was moon light — Am not certain
as to whether it was before or after 15th.

Timothy Reed was then called by the People & being sworn testified
as follows. — Saw Pearl first in July 1850 — Amanda Huddy
the next steamer — I lived awhile in his house — She had charge
of the waste till my wife came there — then they did it together
She has lived with him up to 10 or 15 days ago — he had another man
and his wife living there afterwards — Pearl was sick a part of the
time — She was very kind to him — She was afterwards very sick —
he waited on her — Saw nothing else — He gave her medicine — She

took it every two hours - he sometimes lay on the floor of the sitting room and would go into her at night to give her her medicine - She was very sick - I saw him one morning when I got up before day, lying on the back side of her bed - She was in bed and was very sick, she had been taking medicine - He was about starting that day to Chicago - Saw no improper familiarity between them at any time - At the time I saw him in bed, there might have been a coverlet thrown over him - Can't say whether ~~in~~ under the same clothes with her - I suppose he was draped while in the bed; as he came out draped, immediately afterwards

Cross Exam. At the time I saw them in bed she was very sick; my wife attended on her in the day time - and Pearl did at night - giving her medicine every two hours - He was draped I should think - A Physician was attending her - It was on the morning of the 3^d of May last - I saw nothing while I was there except what I have stated to had me to suppose there was any unlawful intimacy - I was there most of the time while we lived there - which was for two months from March 5th 1851

Direct Examination - Pearl kept his books and paper, in the room where the girl slept - He used to go in there frequently - What he did I don't know - He was sick with the third day ague all the time I was there

The Evidence on the part of the defence was as follows
Defence

Joseph Cushman - Knows Defendants; has been at his house frequently - knows the bed room - know its situation last August - always has been a sea and a white curtain on the window when I have been there - I have seen a shut fastened under the ceiling over the bed - did not cover the whole ceiling -

Knows the witness Durey, had a conversation with him about
Edmond's steady, just before last court; he said she was a virtuous
girl, or words to that effect - I did not take it to be a joke - That
was at a time that his (Durey's) sister was there - the last of August
Witness did attempt to look through that hole; could not distinguish
the bed, from the floor - Witness has been at Sears a great deal;
Saw nothing improper - About the month of August last was there
perhaps one third of the time -

The prosecution here stated their case, and on the part of
the defendant the following testimony was introduced - to wit:

Henry Dickman sworn, Durey told me that Sears should
be a thousand - worse off before another year went round -
that he knew something

George R. Ryan - Defendant keeps a stage ~~stage~~ station -
Should think it necessary for him to keep hired girls - knows nothing
to the contrary but that his character is good - This subject
is talked about in that neighborhood - how far believed I don't
know -

Cross Examination - Sears has no children that I know
of - no family

Joseph Cashman recalled - I was bitten by a rattlesnake
August 27th Durey told me the story a week after that; and
fixed the time about a week previous -

Cross Examination - I understood from what he told me that
it had occurred about a week previous, am not positive
that he fixed the time -

Which was the substance of all the evidence given in the said
case, after which the prosecuting attorney asked the Court to

gives the following instructions to wit:

The Court is requested to instruct the Jury
1st That the offence with which the defendant is charged in this prosecution is legally and sufficiently proved by circumstances which raise the presumption of cohabitation and unlawful intimacy

And the def^t; by his counsel asked the following instructions

- 1st That the offence with which the defendant is charged is not sufficiently proved by proving only one act of unlawful intimacy
- 2^d That unless the Jury believe from the evidence that the defendant lived with Annamae Stoddy in an open state of cohabitation and unlawful intimacy, such as ^{would} raise the presumption in the mind of a reasonable man of sexual intercourse, the Jury will find the defendant not guilty
- 3^d Such living together in cohabitation must have been for a continuous length of time, and unless the prosecution have proved this and every other thing necessary to make out their case, the Jury will find the defendant not guilty

After which the prosecuting Attorney asked the following additional instruction, to wit:

That in order to constitute this offence even one act of sexual intercourse need not be proved by positive testimony, but that the offence is sufficiently proved by any circumstances which raise the presumption of unlawful intimacy and sexual and adulterous intercourse

And it is understood that the questions arising on the giving of the instructions on the part of the prosecution are answered and the giving of said last instruction excepted to —

And on the rendering of the verdict of the Jury the defendant by his counsel moves the Court for a new trial, and in arrest of Judgment and afterwards files his reasons for a new trial together with the following affidavits to wit

State of Illinois }
In County }

March Term of said County Circuit Court
A.D. 1852

People of c
vs

Motion for new trial

Asst. P. Searls }

Abram Dykeman of said County, states under oath that in August last past he was employed by Asst. P. Searls to stay at his home and see to his affairs while he, Searls, was gone to Peru; that said Searls left for Peru on the morning of Wednesday the 20th of said month of August and returned on the evening of Friday the 22^d of said month bringing with him two young men who staid at said Searls' till the 23^d of said month; and that on said 22^d of August before night it commenced raining and rained through the night and a portion of the next day; that said night was a cloudy dark night; that during the time he was at said Searls' there was always a dark colored curtain down over the window of the bed room on the first floor, which was a small window; and this deponent knows it would have been impossible for a person above, through even so large an opening in the floor to have seen what was going on, or to have distinguished features or whether a person was draped or undraped in the bed room below - that a person himself in said bed room even in the day time could scarcely distinguish any object whatsoever; this deponent recollects said dates distinctly because, as well as for other reasons, on Thursday following the 28th of said month of August he commenced work for P. Ballentine & Co.

Subscribed and sworn to before
on this 26th March 1852

Abram Dykeman

J. P. Wardman of clerk }

People of c
vs

State of Illinois }
In County }

March Term of the said
County Circuit Court
A.D. 1852

Asst. P. Searls }

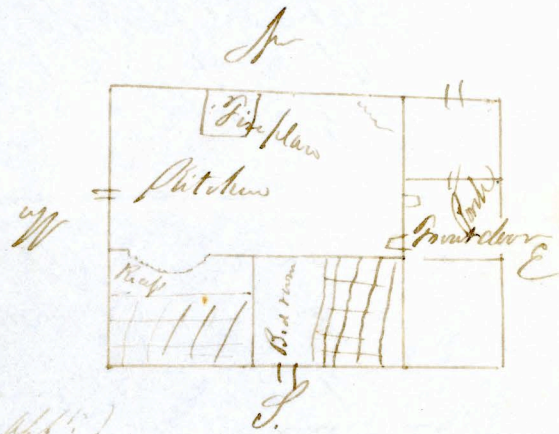
Dr. ~~Harmon~~ Harmon Wagon M.D. under oath that he is & was
in the month of May 1857 a practicing Physician, that in
such capacity of physician he attended on Amanda Steady
at the date aforesaid who was at said time sick at the house
of Asa Sears in said County of pleuritic pneumonia,
that he was called upon by said Sears to attend as such physi-
cian on or about the third of said month of May and contin-
ued to attend on her as such physician every day for the space
of about eight days from said third of the month, that during
the first four days of such attendance she was very ~~in~~ dangerously
sick from said disease, and that during said four days her
condition was such from said disease and from the fever which she
constantly had that any lascivious disposition on her part must
have been impossible, and any sexual intercourse with any person
whatever would have been attended with great pain on her part,
and in the opinion of this deponent highly improbable if not
impossible - And further, this deponent knows that the bed
room in the lower story of said Sears' house is a dark room, that
he has during his practice as an oculist had patients on whom
he was attending as such oculist confined to said room, and
he knows that in the night time whether moon light or otherwise
it would be impossible without artificial light in the said room
for a person to look down through any hole there was in the ceiling
or floor above and distinguish persons or what took place in
said room; and further that the plan on the back of this
affidavit is a correct plan of said Sears' house, and this
deponent knows that it would be impossible lying in the bed in
the recess connected with the kitchen to distinguish whether a
person starting from the fireplace went out of door or into the
bed room, which is the only bed room on the first floor of said
house -

Subscribed and sworn to

Harmon Wagon M.D.

before me this 26 March
1852

A. B. Barraman Jr. Clerk



(Plan of the house referred to in the foregoing affid.)

People vs } March Term of the Su County Circuit Court
27 } Ad 1852
Asst. Beards } Writ for a new trial

Asst. Beards, State, under oath that before the trial of this cause he made diligent enquiry to find out what facts he could prove on said trial but was not aware till since said trial of the facts which he can prove by Abraham Dykeman & that the same have come to his knowledge since said trial, and further that he was not aware before said trial of the materiality of the evidence of Mr. H. Wilson, but which became material on account of the peculiar and unexpected turn taken by said trial & by the arguments of Counsel for the prosecution in said case; and this ^{deponent} has ascertained since the trial of said cause that he can by numerous witnesses impeach the character of James Polkney for truth & veracity; also that he can prove by Mr. Chas. Gardner that there was about said 22^d of August last past and for a long time both before and after said day that there was a shut over the whole of the bed in said bedroom tacked to the ceiling above, so that no person could have looked down through said shut and seen persons in the bed below - all of which has come to the knowledge of this deponent since the trial of said case

Subscribed and sworn to before me this
27th March 1852

Geo P Sears
J. Boardman ex parte

And after hearing the motion in arrest of judgment and for a new trial in this case the Court overrules the same, to which decision of the Court overruling said motions for a new trial and in arrest of judgment, the defendant by his counsel excepts, & prays the Court him to allow sign & seal this his bill of exceptions, which is done
Geo O Wilkinson

The People
vs
Geo P Sears
J. Boardman

Plaintiff's Cost

Checks for Post, Order for copy of Indict. 20. Court. 20 Fil Indict. 5 Order for Capt 20	65
" Boardman, March Term 1852, Fil for for Capt 5 Capias & Fil 40 App. & Fil 10 - 55	
Fil 3 per. 15 Locket. 10 App. att. 10 Call & det. Jury 15 R. & Ent. Warrant 10	60
Order to haul Verdict - 25 Judgment - 25 Judgment Locket 10 40 oaths 20	75
Bill Costs 30. Copy 20 1 Sub. & Fil 40 Proof 5 Exp. 10 Locket & Fil 15	1 50
Shiffs. Ret 10 Locket & Fil 15 Cost. & oaths 20	35
<hr/>	
Shiffs. Fee (Post), for Capias 50 Bail 50 12 miles 60	1.60
" for Thompson & det. Sub. 30 Ret. 10 28 miles 1.90	2.75
Jury Fee 3.00 - Presenting Att. fee 500	8.00
<hr/>	

Defendant's Cost

Checks for (Boardman) App. App. & att. 35 - Fil 5 per. 25 3 App. & Fil 30	90
" no to grand 20 Order for 7 no. to grand 20 List of Gr. & Pet. Jury 50	90
4 oaths 20 Cost. 20 in arrest 20 Order Warrant 4 no. 20 3 Sub. & Fil 120	180
Satisfaction 15 Copy of Indict. 30	45
<hr/>	

Jeffs vs (Patt), Sub M^o 35 3rd Ind, 180 Pat. W. Cal. June 10: 275
 " vs (A. H. Thompson), Sub M^o 35- 9 Ind, hand 45 80
 docket fee 1.25 4.80

State of Illinois }
 Du County } J. Isaac H. Boardman Clerk of the Circuit
 Court in and for said County and state do
 hereby certify that the foregoing is a true and perfect copy
 of all the proceedings had in the said cause as appears
 of record, together with a correct copy of the bill of exceptions
 filed therein - And also a correct copy from my fee Book
 of the costs and charges as taxed to P^lff., and to Defendant
 each -

In testimony whereof I have hereunto set my hand
 and affixed the seal of said Circuit Court at Madison
 the 23rd day of April 1852

J. Boardman Clerk

Know all men by these presents that we Ara B
Sealy and Richard Lonsbury are held and
firmly bound to the People of the State of Illinois
in the penal sum of two hundred & fifty
dollars the payment of which well and truly to be
made we bind ourselves, our heirs, Executors, and
administrators, jointly and ~~severally~~, firmly by
these presents, sealed and dated this first
day of May 1852 -

The defendant Ara B Sealy having been
convicted in the Lee County Circuit Court on an
Indictment for Fornication ~~and applied for a writ of~~ ^{Error}

Now the condition of this obligation is such
that if the said Ara B Sealy shall prosecute
his writ of Error with due diligence, and shall
pay ^{to the People of said} the judgment rendered against him in the
proceedings on the said indictment and all costs
interest and damages in case the judgment
shall be affirmed - then this obligation shall
be void otherwise to be in force

Ara B Sealy Seal

R. Lonsbury Seal

Asa B. Searls
vs.
The People vs -
Bond -

Filed May 1st 1852.
J. Seland Clerk
By P. W. Seland Esq.

State of Illinois, ss.

Clerk's Office of the Supreme Court—Third Grand Division:

I HEREBY CERTIFY, That a Writ of Error hath issued from this office, for the reversal of a Judgment obtained by *The People of the State of Illinois* against *Asa B. Searls* in the Circuit Court of *Lee* county, at the *March* Term, in the year of our Lord one thousand eight hundred and *fifty two* in a certain ~~action of~~ *indictment for fornication*, which Writ of Error is to operate as a Supersedeas, and as such is to be obeyed by all concerned.


Given under my hand, and the Seal of the said Supreme Court, at Ottawa, this *first* day of *May* - A. D. 18 *52*.


S. Ireland Clerk of the Supreme Court.

By *P. W. Ireland*
Deputy Clerk


State of Illinois, set.


WRIT OF ERROR—FREE TRADER PRINT.


The People of the State of Illinois,
To the Clerk of the Circuit Court for the County of *Lee*  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 *Lee*  county, before the Judge thereof, between

The People of the State of Illinois plaintiffs and *Asa B. Sears* defendants

~~defendant~~ it is said manifest error hath intervened, to the injury of the aforesaid 

Asa B. Sears 
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 the 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 Ottawa, in the county of La Salle, on the *Second Monday in June* 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. TREAT, Chief Justice of our said Court, and the seal thereof, at Ottawa, this *first*  day of *May* in the year of our Lord one thousand eight hundred and fifty *two*.

S. Seland Clerk of the Supreme Court.
By *P. W. Seland* Depy. Clerk.

Asa B. Sears
vs.

The People of the State of Illinois
Writ of error.

This writ of error is
made a *Supersedeas* &
is to be obeyed accordingly.
L. Leland Clerk.
By P. K. Leland Depty.

Filed May 1st 1852.
L. Leland Clerk
By P. K. Leland Depty.



WITNESSES the Hon. Samuel H. Trest, Chief Justice of the
Court, and the said Clerk, at Ottawa, this
day of May 1852.
In the Year of our Lord one thousand eight
hundred and fifty two.

State of Illinois, }
Supreme Court, } SS.

The People of the State of Illinois

TO THE SHERIFF OF *Lee* 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 *Lee* county, before the Judge thereof, between *The People of the State of Illinois* plaintiffs, and *Asa B. Searls* defendant

defendant it is said that manifest error hath intervened to the injury of the said *Asa B. Searls*

as we are informed by *his* 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 Ottawa, 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 *People of the State of Illinois* by notifying *Henry B. Stillman Esq* State's Attorney in and for the *Sixth Judicial Circuit* of the State of Illinois

that *they* be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State, on the *Second* Monday in *June* next, to hear the records and proceedings aforesaid, and the errors assigned, if *they* 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 *People of the State of Illinois* notice, together with this writ.

WITNESS, the Hon. *Samuel H. Treat* Chief Justice of our said Court, and the seal thereof, at Ottawa, this *first* day of *May* in the year of our Lord, one thousand eight hundred and ~~forty~~ *fifty two*.

L. Leland Clerk of the Supreme Court.
By P. W. Leland Deputy Clerk.

Conceded on the warrant named State Attorney
as the law directs May 2nd 1852

The deposite 5000

Return 10

43

Attest
James P. [unclear]

Held July 10. 1852.
L. Ireland Ckr.

Asa. B. Searls
vs.
The People vs -
Sci. fa. to Defts. -

TO THE SHERIFF OF

County of Illinois
responsible to state

The People of the State of Illinois

County.

Receipt in the receipt and proceedings and also in the returns of
County, returns the judge of the court between
the judgment of a jury which was in the circuit court of

Asa. B. Searls vs. The People

Supreme Court

Are B Seals

vs

The People

And hereupon the said Are B Seals comes and says that in the record and proceedings aforesaid and in the giving the judgment aforesaid there is error in this that the evidence given in the case does not support the verdict of the jury - and that the verdict is against the weight of the evidence

That the Court erred in not awarding a new trial -

That there is error in the instructions given by the Court to the jury - ^{State, City} - ^{requested by the}

^{or laws} That there is error in the additional instruction ^{or laws} given requested by the State Attorney and given by the Court to the jury

That the Court erred in refusing to award a new trial to the defendant ~~after~~ the motion and affidavit made and filed after verdict upon the ground of suspicion and newly discovered evidence

Henry G Cotton

of Counsel

Let a Supersedeas issue in the above case on the Plaintiff in Error filing a bond conditioned as by law required in the penal sum of two hundred & fifty dollars with Richard Lamshury his security
Attained May 1, 1852

J D Cotton

And now comes B. C. Cook States atty of the 9th
Judicial Circuit for the People of the State of
Illinois and says that in the record & proceedings
aforesaid there is no error and this he prays
may be enjoined of &c

B. C. Cook
States atty

vs.
The People of the State
of Illinois

Filed May 1st 1852.
J. Leland Clerk
By P. M. Leland Drk.