

8628


No. _____

Supreme Court of Illinois

P. H. Long

vs.

W. E. Wiley

71641  7

Pleas before the Hon W. Allen Judge
of the 26th Judicial Circuit and Judge
of the Williamson Circuit Court at
the August term AD 1839.

Be it remembered that
heretofore to wit on the 25th day
of July AD 1839 the following pro
ceeding was had according
to said Court.

State of Illinois }
Williamson County }
} of the Aug
} term of the
} Williamson
} Circuit Court
} AD 1839.

William E. Milby for
the use of Young
Brothers, & Co

vs
Patrick H. Long

} The paper on the
} case on prom
} iss
} Damages \$900⁰⁰

Chief of the Williamson
Circuit Court will please issue
summons in the above en
titled Cause directed to the
Sheriff to execute and
returnable first day Aug
-ust term 1839.

& oblige Allen & Hunter
attys for Plff

Summons.
State of Illinois }
Milliamson County }^{ss}

The People of the State
of Illinois to the Sheriff of Milliam-
son County Greeting

We command you to
summons Patrick At Long if
to be found in your County to appear
before the ~~judge~~ Circuit Court of
said County on the first day
of the next term thereof to be holden
in the Court house in Macon
on the second Monday August
next, ~~there and~~ to answer William
E. Wiley use of Gray Brothers & Co
in a plea of Trespass on the Case
on promises to his Damages
of Nine hundred Dollars as is
alleged and hereof make due
return to our said Court as the
law directs.

Witness George W. Goddard
Clerk of our said Court
and the judge's seal
thereof at Macon this
25th day of July A.D. 1859
G. W. Goddard
Clerk

(200)

Sheriff's Return

I return this summons served by informing Patrick H Sarg the defendant that I had a summons for him and making a post of it to him the defendant refusing to hear the Colours
this July the 29th 1839.

R of M Henry Plff
By John B Brounbridge

Sept-

Sec 30
Wh ~~10~~
60.

I return this summons served by making the same to Patrick H Sarg the defendant, this 29 day of July 1839.

R of M Henry Plff
By John B Brounbridge

Sept,

And afterwards to wit on the 28th day of July 1839. the following proceeding was had and made a matter of Record to wit
State of Illinois }
Williamson County } of the August
} Terms of the
} Williamson
} Circuit Court
} AD 1839.

William E Wiley the Plff in this suit

for the use of Jony Brothers & Co
by J J Allen & Winters his attorneys
Complainis of Patrick H Long the
defendant in this suit who has
been summoned &c of plea of
trespass on the Case on promises
for that whereas the said
defendant heretofore on or about
the Eighth day of October AD 1888
at the County of Williamson made
his certain promissory note in
writing bearing date a certain
day and year therein mentioned
to turn on the day and year
aforesaid and thereby they and
there promised to pay six
months after the date thereof
to the Order of the said plaintiff
the sum of seven hundred &
sevens and $\frac{96}{100}$ Dollars for value
received and there delivered the
said promissory note to the said
plaintiff now here shown to the
Court by means whereof and
by force of the statute in such
Case made and provided, the
said defendant then and there
became liable to pay to the said

plaintiff the said sum of money in
the said promissory note specified
according to the tenor and effect
of said promissory note and
being so liable the said defendant
in consideration thereof afterwards
to wit on the day and year aforesaid
said at &c. aforesaid under
took and then and then forth
fully promised ^{the said Plaintiff} to pay the said
plaintiff the said sum of money
in the said promissory note spe-
cified according to the tenor and
effect thereof and although the
said sum of money in the said
promissory note specified hath long
since been due and payable
according to the tenor and effect
thereof yet the said defendant
although often requested so to
do hath not as yet paid the
said sum of \$ 707 ¹⁰⁰/₁₀₀ or any part
thereof to the said plaintiff or
otherwise howsoever but so to do
hath hitherto wholly neglected &
refused and still doth neglect
and refuse to the damage of
the said plaintiff as the said

of nine hundred Dollars, and there
for he brings this suit &c.

J. Allen & Winters
Atty for P. Off

Damages \$900.⁰⁰

Copy of note.
\$907 ⁹⁶/₁₀₀

Six months after date
I promise to pay to the Order of
William & Wiley seven hundred & seven
and ⁹⁶/₁₀₀ Dollars Volm received

Patrick H Long

Copy of bond

William & Wiley for
the use of
Young Brothers & Co.

August Term 1839
Williamson Circuit Court

Patrick H Long

Respond on the Case
upon promise

Damages \$900.⁰⁰

We hereby enter our selves security
for Cost in the above entitled
Cause and bind ourselves
to pay or Cause to be paid all
Cost that may accrue therein
either to the opposite party or any
of the officers of this Court
in pursuance of the laws of this
State

Approved this 25th

J. Allen

1839 Wm & Wiley
Orl Winters

that he did not undertake
and promises to pay in
money and form as the said
plaintiff both above thereof
Complained against him
and of this he puts himself
upon the Jury &c

and Plaintiff
with the title
Mr R Owen
attor for defend,

Witnesses called
for Plaintiff

and afterwards bet on the
day and year last of record the follow
ing proceeding was was had and
entered of record to wit

William E. Wiley was
of County North Carolina
as }
Patrick H. Lang }
} Jurors on the Case
} upon promises
at this day came the
parties by their attorneys and came
being joined. and that a Jury
came whom of them came a Jury town
Gerrit L. Brown P. S. Roberts James Stone
John Goddard Daniel Stroud
Ray Springs James Parks James H.
Cheroweth Daniel W. Mosely F. Kullge

Elisha Askew & Hugh Patten
two or more good and lawful men
of the County who being elected two
and sworn well and truly to try
the issue found upon their
oaths do say we the Jury find
the issue for the Plaintiff and
assess his damages at $\$730.$ ³⁴/₁₀₀
whereupon the defendant
moves the Court for a new trial
which is overruled.

It is therefore ordered by the
Court that the said Plaintiff have
and recover of the said Defendant
the said sum of seven hundred and
~~seven~~ thirty dollars and thirty six
Cents as by the Jury assessed by
the amount of his damages in
this behalf expended, together
with his Costs and Charges herein
expended and that he have
execution therefor against
the said defendant.

whereupon the said Defendant
provs an appeal which is
allowed by defendant unto
James & McCann John Goodall
and James & Pully or any

two of them entering into bond
in 30 days in the sum of
\$900. Conditioned as the law
directs.

and afterwards to wit on
the 25th day of August 1859 the
following proceeding was had and
return of Records to wit.

Know all men by these
presents that we Patrick Henry
James D McCown and James D
Pally are held and firmly
bound unto William E Wiley for
the use of Jony Brothers & Co
in the sum of Nine hundred
Dollars lawful money of the United
States for the payment of which
we and truly to be made we
bind ourselves our heirs executors
Administrators and assigns
jointly and severally by these
presents. Witness our hands
and seals this 25th day of Aug
AD 1859.

The Condition of the above
obligation is such that when
the said William E Wiley for the
use of Jony Brothers & Co

did on the 19th day of August
A.D. 1839 in the Circuit Court
of Williamson County State of
Illinois recover a Judgment
against the above bounden
Patrick Henry for the sum
of seven hundred and thirty Dollars
= and also thirty seven Cents,
besides Cost of suit from
which Judgment the said Patrick
Henry has taken an appeal to
the Supreme Court of the State
of Illinois. Now if the said
Patrick Henry shall pay whatever
Judgment Cost interest and Damages
in Case the Judgment shall be
affirmed and shall also
procure to his appeal with
speed, and without delay
then the above obligation
shall be null and void
otherwise remain in full
force and effect,

Approved & paid Patrick H. Henry
this 25th day of August A.D. 1839 J. D. McCune Secy
J. D. Pully (seal)
Wm. Adams Clerk

State of Illinois
Williamson County

J. E. W. Goddard Clerk

of the Circuit Court do hereby
Certify that the foregoing is
a true and perfect record
of the proceedings in the
above styled Cause as ap-
pears of Record in my office
& testimony whereof I
have hereunto set my
hand and office the seal
of my office this Nov 14
A.D. 1859

J. E. W. Goddard Clerk

55

N. E. Kelly

W.

J. H. Lang

Record

Filed Nov. 16. 1859.

N. Johnston Clerk

Paid by Adams - \$5.00

No. 55

1859.

P. H. Long
vs

Wiley - for use of
Young, Brothers & Co

8628

Appeal from Williamson

~~_____~~

Dismissed at Court of Appellate -
for failure to assign errors -

see Record Book "B" Page 77. for
find error -

Corrected on Page 368 -

Copy of same sent down

Jan'y 7. 1860 -