

No. 11939

Supreme Court of Illinois

Plumleigh

vs.

Cook

71641 7

Cook County
Thomas Plumleigh
vs.
Isaac Cook

44

11939

1852

Prepared

State of Illinois

Supreme Court } p. Of June Term in the year four
and one thousand eight hundred fifty two.

Thomas Plumleigh }
vs. } Law Error
Isaac Cook }

Afterwards to wit, on the 15th day of
June A.D. 1852, at the said June Term of the Court,
before the justices thereof, comes the said Thomas
Plumleigh by Arnold Day his Attorney, and says
that, in the record and proceedings aforesaid and also in
the rendition of the judgment aforesaid there is
manifest error in this Court,

1. That by the record aforesaid it appears that the
judgment aforesaid, in form aforesaid given, was
given for the said Thomas Plumleigh Isaac Cook,
against the said Thomas Plumleigh whereas by the
laws of the land, the said judgment ought to have
been given for the said Thomas Plumleigh against
the said Isaac Cook,
2. That there was no material variance between
the judgment introduced in evidence and the
declaration. & Court erred in excluding same
3. That the variance was immaterial, the judgment
being ~~rather~~ an inducement, the gist of the action
being the escape,
4. The variance was immaterial it being in the
fee bill, & Court erred in excluding evidence
5. The Court erred in refusing to grant a new trial.
And the said Thomas Plumleigh prays that the
judgment aforesaid, for the cause aforesaid, and for
other errors apparent in the record & proceedings

aforsaid, may be reversed, annulled & altogether
held for nothing and that he may be restored to all
things which he hath lost by occasion of the said
judgment, and that this Court will render some
judgment that cannot herein appear to be
reversed.
Thursday attys
for Plff in Error

And the said Defendants in Error by Jedd G. Wilson
his Attornies comes offers that there is not any Error
in the Record of proceedings aforesaid or in the giving of Judgment
aforesaid & says that the said Court may be in all things
affirmed
Jedd G. Wilson
attys for Def in Error

Cook Co.

Expense Court

vs
James Pleasburgh

Plff in Error

vs

James Cook

Def in Error

Apparment of Error.

Filed June 16th 1852.
J. Delaney Clerk
J. W. Delaney Atty.

State of Illinois }
County of Cook } Des.

Shas before the Honorable Hugh J. Dickey, Judge of the Seventh judicial Circuit Court of the State of Illinois, and presiding Judge of the Cook County Circuit Court, at a term thereof begun and holden at Chicago in said County on the first Monday (being the sixth day) of May in the year of Our Lord one thousand eight hundred and fifty, and of the independence of the United States the seventy fourth,

Present, Hon. Hugh J. Dickey Judge
David McKim, State Attorney
Isaac Cook Sheriff

Mark Louis O'Heard Clerk,

Thomas Plumlight }
" } In suit,
Isaac Cook. }

Wm. Arnold & Lay for Plaintiff
" Dadd & Wilson for Defendant.

Be it remembered that herebefore writen on the 20th day of March in the year Eighteen hundred and fifty, there issued out of the Circuit Court of the County of Cook in said State of Illinois, under the seal of said Court the Peoples writ of summons, which is in words and figures as follows that is to say:

State of Illinois }
Cook County, Des.

The People of the State of Illinois to the
Coroner of said County Greeting;

We command you that you summon Isaac Cook if he shall be found in your County, personally to be and appear before the Circuit Court of said County, on the first day of the next Term thereof, to be holden at the

Court House in Chicago in said County on the first Monday in May next to answer unto Thomas Plumb in a plea that renders to the said Plaintiff the sum of Five hundred dollars which he unjustly detains from him to the damage of the said Plaintiff as he says in the sum of Five Hundred Dollars. And have you then and there this writ, with an endorsement thereon in what manner you shall have executed the same.

Witness Louis S. Wood Clerk of our said Court, and the seal thereof at Chicago aforesaid, this 20th day of March A.D. 1850

L. S. Wood
Clerk of the Circuit Court.

On the back of which was endorsed the following words and figures to wit:

Executed by reading the within in the presence of the within named defendant Isaac Cook, and by leaving a copy with the same March 22nd 1850.

1 Service	\$	50
1 Copy	—	50
1 Mile	—	06 $\frac{1}{4}$
Return	—	12 $\frac{1}{2}$
	\$	1.18 $\frac{1}{4}$

N. Berdel, Coroner, Cook County Ills

And afterward on the twenty fifth day of April in the Year of our Lord One Thousand Eight Hundred and fifty the said Plaintiff filed his declaration which is in words and figures as follows, that is to say.

State of Illinois } of the May Term of the Cook
County of Cook } ss. County Circuit Court A.D. 1850

Thomas Plumleigh

as
Isaac Cook

And the said Thomas Plumleigh Plaintiff by Arnold & Lay his Attorneys complains of Isaac Cook Defendant in this suit being summoned &c of a plea that the said defendant render to the said Plaintiff the sum of Five Hundred dollars debt, which he owes to and unjustly detains from him, For that, whereas the said Plff. heretofore, to wit, in the May term of the Cook County Court A. D. 1848 at the Court House in the City of Chicago in said County of Cook by the consideration and judgment of said Court recovered against one Alexander Sawson the sum of One Hundred and forty dollars damages and also the further sum of One hundred and Ninety one dollars and sixty six cents costs and charges which in and by said Court were then and there adjudged to the said Plff for his damages which he had sustained, as well by the doing and committing of certain grievances, wrongs, and injuries by the said Alexander Sawson then lately done and committed by the said Sawson, to the Plff. as for his costs and charges by him about his suit in that behalf expended where of the said Alexander Sawson was convicted as by the record and proceedings thereof still remaining in said Cook County Court will now fully appear. And the said Plff. in fact saith that he the said Plff. for having execution of the said judgment afterwards to wit. on the 18th day of April A. D. 1849 sued and prosecuted out of the Cook County Court aforesaid according to the course and practice of said Court a certain writ of the People of the state of Illinois

Called a Capias et Satisfacendum upon the said
judgment against the said Alexander Dawson
directed to the Sheriff of Cook County by which
said writ the People of the State of Illinois commanded
the said Sheriff to take the said Alexander Dawson
if he should be found in his County and him safely
keep so that the said Sheriff might have his body
to satisfy unto the said Thomas Plumlight the
said sum of one hundred and forty dollars dam-
ages, and for one hundred and ninety one dollars
and eight six cents costs and charges in form afo-
resaid recovered within ninety days from the date
of said writ and the said Sheriff was therein and
thereby commanded to make due return of said
writ with and endorsement thereon in what man-
ner he should have executed the same, and which
said writ aforesaid afterwards and before the
return thereof and within the said ninety days
from the date thereof so being sued out and pro-
secuted as aforesaid, to wit, on the 10th day of May
A. D. 1840, at the city of Chicago aforesaid in the
County aforesaid was delivered to the said defen-
dant who and from thence forth and at and
after the return of said writ was Sheriff of said
County of Cook to be executed in due form of Law,
by virtue of which said writ the said defendant
so being the Sheriff of the County of Cook as afo-
said, afterwards and before the return of the
said writ, to wit, on the day and Year last aforesaid
at the City of Chicago and County of Cook aforesaid
took and arrested the said Alexander Dawson
by his body and then and there by virtue of said
writ had and detained him in his custody in
execution for the said sum of one hundred and
forty dollars damages, and of one hundred and
ninety one dollars and six cents costs and

Charges besides the interest and Sheriffs fees and all other incidental expenses thereon and kept and detained him in his custody from thence until the said defendant, so being Sheriff of the said County of Cook as aforesaid afterwards, to wit, on the day and year last aforesaid and at the place aforesaid without the leave or licence and against the will of the said Plff. suffered and permitted the said Alexander Lawson to escape and go at large, and the said Alexander Lawson did then and there escape and go at large, wheresoever he would from out of the custody of him, the said defendant, he the said defendant so then and there being the Sheriff of the County of Cook as aforesaid, and the said sum of one Hundred and forty dollars damages and of one Hundred and ninety one dollars and sixty six cents costs and charges (so directed in and by said writ to her dates first as aforesaid) being then and still ^{wholly} unpaid and unsatisfied to the said Plff to wit; of the City of Chicago in the County of Cook aforesaid, whereby an action hath accrued to the said Plff to demand and have of and from the said defendant the aforesaid sum of five hundred dollars above demanded.

And whereas also the said Plff. heretofore to wit, in the May term of the Cook County Court in the Year of our Lord one thousand eight hundred and forty eight at the Court House in the City of Chicago in said County of Cook by the consideration and judgment of said ^{Court} recover against one Alexander Lawson, the further and other sum of one Hundred and forty dollars damages and also the further and other sum of one hundred and ninety one dollars and sixty six cents costs and charges which in and by

the said Court were then and there adjudged to the said Plff. for his damages which he had sustained as well by reason of the doing and committing of certain other wrongs injuries and grievances by the said Alexander Lawson then lately done and committed by the said Lawson to the said Plaintiff as for his costs and charges by him about his suit in that behalf expended whereof the said Alexander Lawson was convicted, as by the record and proceedings then of still remaining in said Cook County Court will more fully appear. And the said Plff. in fact saith that he the said Plff. for having execution of the said judgment afterwards, to wit: on the 18th day of April A.D. 1849 sued and prosecuted out of the Cook County Court aforesaid according to the course and practice of said Court a certain writ of the People of the State of Illinois called a *Capias ad Satisfaciendum* upon the said judgments against the said Alexander Lawson which said writ was in substance as follows that is to say:

State of Illinois }
Cook County } *vs*

The People of the state of Illinois to the Sheriff of Cook County, Greeting: We Command you that you take Alexander Lawson, Defendant if he may be found in your County and him safely keep so that you have his body to satisfy unto Thomas Plumleigh the sum of One Hundred and forty dollars damages which the said Plaintiff lately in the Cook County Court of said County at a Term thereof begun and holden at Chicago in said County on the first Monday of

May last past recovered against the said
Defendant, and which by the said Court was
adjudged to the said Plaintiff for his damages
in a certain action of trespass on the case,
Sustained, And also the further Sum of one
hundred and Ninety one ⁶⁶ ¹⁰⁰ dollars which
were adjudged to the said Plaintiff for his costs
and Charges, in that behalf expended whereof
the said defendant is convicted as appears
to us of record in minute days from the date
hereof and have you then and their this writ
an endorsement thereof in what manner you
shall have executed the same.

Witness James Curtis Clerk of said
Court and the seal thereof at Chicago in
said County the eighteenth day of April
A.D. 1849 Jas Curtis, Clerk.

And which said writ so sued out as afore-
said afterwards and before the return thereof
of and within the said Ninety days from the
date thereof to wit: on 10th day of May A. D. 1849
at the City of Chicago aforesaid in the County of
Cook aforesaid, was delivered, was delivered
to the said Isaac Cook defendant as afore-
said, who then and from thence forth until
and at and after the return of the said writ was
Sheriff of the County of Cook aforesaid to be
Executed in due form of Law.

By virtue of
which said writ the said defendant being
Sheriff of the County of Cook as aforesaid of
tervant and before the return of said writ
to wit: on the same day and year last afo-
said at the City of Chicago in the County of
Cook aforesaid took and arrested the said

Alexander Lawson by his body and then and
thru by virtue of the said writ had and de-
tained him in his custody in execution for the
said sums of one Hundred and forty Dollars
damages, and of One Hundred and ninety one
dollars and Sixty Six Cents Costs and charges
besides the interest and Sheriffs fees and all
other incidental expenses thereof, and kept
and detained him in his custody from thence
until the said defendant so being Sheriff of
the County of Cook as aforesaid, afterwards
to wit, on the first day of October A.D. 1849 at
the place aforesaid, without the leave or licence
and against the will of the said Plff, suffered
and permitted the said Alexander Lawson
to escape and go at large wheresoever he would
out of the custody of him the said Deft. And the
said Lawson did then and thence escape and
go at large wheresoever he would out of the
custody of him the said Defendant, he the said
Deft. so then and then being the Sheriff of the
County of Cook as aforesaid, and the said
sums of One hundred and forty dollars dam-
ages, and of One hundred and Ninety one dollars
and Sixty Six Cents Costs and charges (so deducted
in and by said writ, to be satisfied as aforesaid)
being then and still wholly unpaid and unsatisfied
to the said Plff. to wit. at the City of Chicago in
the County of Cook aforesaid, whereby an action
hath accrued to the said Plff. to demand and have
of and from the said defendant the aforesaid
sum of five hundred dollars above demanded.

And whereas also the said Plaintiff heretofore,
to wit, in the May term of the Cook County Court
in the Year of our Lord 1848 at the Court House

in the City of Chicago in said County of Cook
by the consideration and judgment of said
Court recovered against one Alexander Lawson
the further and other sum of One Hundred and
fifty dollars damages and also the further and
other sum of One hundred and ninety one dol-
lars and fifty six cents costs and charges which
is and by the said Court, were then and there
adjudged to the said Pff. for his damages
which he had sustained, as well by reason of
the doing and committing of certain other wrongs
injuries & grievances by the said Alexander Lawson
then lately done and committed by the said
Lawson to the said Plaintiff as for his costs &
charges by him about his suit in that behalf
expended whereas the said Alexander Lawson
was convicted as by the record and proceedings
thereof still remaining in said Cook County will
now fully. And the said Pff. in fact saith
that he the said Pff. for having execution of
the said judgment afterwards to wit on the
18th day of April A.D. 1849 sued and prose-
cuted of of the Cook County Court aforesaid
according to the course and practice of
said Court a certain writ of the People of
the State of Illinois called *Capias ad Satis-
facendum* upon the said judgment against
the said Alexander Lawson, which said writ
was in substance and effect as follows that
is to say.

State of Illinois }
Cook County } ss.
The People of the State of Illinois
to the Sheriff of Cook County. Greeting:
We command you that you take Alexander

Sawson Defendant if he may be found in
Your County, and him safely keep so that you
have his body, to satisfy unto Thomas Plummer
Leigh the sum of One hundred and forty Dollars
damages which the said Plaintiff lately
in the Cook County Court of said County
at a Term thereof began and held at Chicago
in said County on the first Monday of May
last past recovered against the said Defendant
and which by the said Court was adjudged
to the said Plaintiff for his damages in a
certain action of trespass on the case sustained,
And also the further sum of one hundred and
ninety one $\frac{66}{100}$ dollars which were adjudged to
the said Plaintiff for his costs and charges in
that behalf expended whereas the said Defen-
dant is convicted as appears to us of record
in ninety days from the date hereof, and have
you then and there this writ with an endors-
ment thereon in what manner you shall have
executed the same.

Seal

Witness James Curtis Clerk of
our said Court and the seal thereof
at Chicago in said County this
Eighteenth day of April A.D. 1849
James Curtis, Clerk.

And which said writ so sued out as afore-
said of this ward and before the return thereof
and within the said ninety days from the
date thereof, to wit on the 10th day of May
A.D. 1849 at the City of Chicago aforesaid in
the County of aforesaid was delivered to the
said Isaac Cook defendant as aforesaid
who then and from thence forth until and
at and after the return of said writ was

1
Sheriff of the County of Cook aforesaid to be
Executed in due form of Law. By virtue of
which said writ the said defendant, so being
Sheriff of the County of Cook as aforesaid after-
wards and before the return of said writ to wit
on the 1st day of May A.D. 1849 and at the
place aforesaid took and arrested the said
Alexander Dawson by his dody and then and
there by virtue of said writ had and detained
him in his custody in execution for the said
Sum of One hundred and forty dollars dam-
ages and of one hundred and Ninety one and
Sixty six cents costs and charges besides the
interest and Sheriffs fees and all other incident
al expenses thereon and kept and detained
him in his custody from thence untill the
said defendant so being Sheriff of the county of
Cook as aforesaid afterwards to wit: on the
1st day of November A.D. 1849 at the place
aforesaid without the leave or license and
against the will of the said P^lff. suffered and
permitted the said Alexander Dawson to escape
and go at large and escape. And the said
Alexander Dawson did then and there escape
and go at large wheresoever he would from
out of the Custody of him the said Alexander Cook
so then & there being Sheriff of the County of
Cook as aforesaid and the said sums of one
hundred and forty dollars damages and of
one hundred and Ninety dollars and sixty six
cents costs and charges (so directed in and by
said writ to be satisfied as aforesaid) being
then and still wholly unpaid and unsatisfied
to the said P^lff. to wit. at the City of Chicago
and County of Cook aforesaid whereby and
action hath accrued to the said P^lff. to

demand and have of and from the said Defen-
dant the aforesaid sum of five hundred dollars
above demanded.

And whereas also the said
Plaintiff heretofore to wit, on the May Term of
the Cook County Court in the Year of our Lord
1848 at the Court House in Chicago in said
County of Cook by the consideration and judg-
ment of said Court recovered against one
Alexander Lawson the further & other sum of
One Hundred and forty dollars damages
and also the further and other sum of one
hundred and ninety one dollars and sixty six
Cents costs and charges which in and by
said Court were then and there adjudged
to the said Plff. for his damages, which he had
sustained as well, by the doing and committing
of certain other wrongs, injuries and grievances
by the said Alexander Lawson then lately done
and committed by the said Lawson, to the said
Plff as for his costs and charges by him about
his suit in that behalf expended, whereof the
said Alexander Lawson was convicted as
by the record and proceedings thereof still
remaining in said Cook County Court will
more fully appear, And the said Plff in fact
saith that he the said Plff. for having execu-
tion of the said judgment afterwards to wit in
the 18th day of April A D 1849 said and prosecu-
ted out of the Cook County Court aforesaid accor-
ding to the course and practice of said Court
a certain writ of the People of the State of Illi-
nois called a *Copias ad Satisfaciendum*
upon the said judgment against the said
Alexander Lawson directed to the Sheriff
of Cook County in and by which said writ

the People of the State of Illinois commanded the said Sheriff, to take the said Alexander Dawson if he should be found in his County and him safely keep so that the said Sheriff might have his body to satisfy unto the said Thomas Plumleigh the said sums of one hundred and forty dollars damages and of one hundred and ninety one dollars and sixty six cents costs and charges in form aforesaid recovered within ninety days from the date of said writ, and the said Sheriff was shown and thereby commanded to make due return of said writ with an endorsement thereon in what manner he should have executed the same. And which said writ aforesaid, after wards and before the return thereof and within the said ninety days from the date thereof so being sued out and prosecuted as aforesaid, to wit on the 10th day of May A.D. 1849 at the City of Chicago in the County of Cook aforesaid was delivered to the said Defendant who then and from thence forth and until and at and after the return of said writ was Sheriff of said County of Cook, to be executed in due form of law. By virtue of which said writ the said Defendant so being the Sheriff of the County of Cook as aforesaid afterwards and before the return of said writ, to wit on the same day and year and at the place aforesaid took and arrested the said Alexander Dawson by his body and then and there by virtue of his said writ had and detained him in his custody in execution for the said sums of one hundred and forty dollars damages and of one hundred and ninety one dollars and sixty six cents costs and charges besides the interest and Sheriffs fees and all other inc-

- dental expenses thereof, and kept and detained
ed him in his custody from thence until the
said defendant do being Sheriff of the said County
of Cook as aforesaid afterwards, to wit, on
the 12th day of November A.D. 1849 and at the
place aforesaid, without the leave or license and
against the will of the said Pff. suffered and
permitted the said, Alexander Lawson to escape
and go at large and the said Alexander Law-
son did, then and there escape and go at large
whenever he would from out of the custody of
him the said Defendant he, the said Deft so there
and then being the Sheriff of the County of Cook
as aforesaid and the said sums of One Hundred
and forty dollars damages and of One hundred
and ninety one dollars and sixty six cents
and charges (so directed in and by said writ
to be satisfied as aforesaid) being then and
still wholly unpaid and unsatisfied to the said
plaintiff to wit, at the Chicago in the County
of Cook as aforesaid whereby an action hath
accrued to the said Pff to demand and have
of and from the said defendant the aforesaid
sum of five hundred dollars above demanded,
And whereas also the said Plaintiff heretofore
to wit in the May Term of the Cook County Court
in the year of our Lord 1848 at the Courthouse in
the City of Chicago in said County of Cook by
the consideration and judgment of said Court
recovered against one Alexander Lawson the
further and other sum of one hundred and forty
dollars damages and also the further and other
sum of one hundred and ninety one dollars and
sixty six cents, costs and charges which in
and by said Court were then and there ad-
judged to the said Plaintiff for his damages

which he the said Plff. had sustained as well by reason
of the doing and committing of certain other wrongs, injuries
and grievances by the said Alexander Dawson then
lately done and committed by the said Alexander Dawson
to the said Plaintiff as for his costs and charges by
him about his suit in that behalf expended, whereof
the said Alexander Dawson was convicted as by the
records and proceedings thereof still remaining in
said Cook County Cook will more fully appear. And
the said Plaintiff in fact saith that he the said Plff.
for having execution of the said judgment after-
wards to wit on the 18th day of April A. D. 1849
sued and prosecuted out of the Cook County Court
aforesaid according to the course and practice
of said Court a certain writ of the People of the
State of Illinois called a Capias ad Satisfaci-
endum upon the said judgment against the
said Alexander Dawson which said writ was
directed to the Sheriff of Cook County in and by
which said writ the People of the State of Illinois
commanded the said Sheriff to take the said
Alexander Dawson if he should be found in
his County and him safely keep, so that the
said Sheriff might have his body to satisfy
unto the said Thomas Humbleigh the said
sums of one hundred and forty dollars
damages, and of one hundred and ninety one
dollars and sixty six cents costs and charges in
form aforesaid, recovered within ninety days
from the date of said writ and the said Sheriff
was therein and thereby commanded to make
due return of said writ with an endorsement
thereon in what manner he should have execu-
ted the same, And which said writ aforesaid
afterwards and before the return thereof and
within the said ninety days from the date thereof

So being sued out and prosecuted as aforesaid to wit on the 10th day of May A.D. 1849 at the City of Chicago aforesaid in the County aforesaid was delivered to the said Deft, who then and from thenceforth until and at and after the return of said writ was Sheriff of said County of Cook to be executed in due form of Law.

By virtue of which said writ the said defendant so being the Sheriff of the County of Cook as aforesaid, afterwards & before the return of the said writ, to wit on the 15 day of October A.D. 1849 and at the place aforesaid, without the leave or license and against the will of the said Plff. suffered and permitted the said Alexander Dawson to escape and go at large. And the said Alexander Dawson did then and there escape and go at large whenever he would from out of the Custody of him the said defendant, he the said Defendant so then & there being the Sheriff of the County of Cook as aforesaid and the said sums of One hundred and forty Dollars damages and of One Hundred and ninety one dollars and fifty six cents Costs & Charges (so directed in and by said writ to be satisfied as aforesaid) being then and still wholly unpaid and unsatisfied to the said Plff. to wit at the City of Chicago in the County of Cook aforesaid, whereby an action hath accrued to said Plaintiff to demand and have of and from the said Defendant the aforesaid sum of five hundred dollars above demanded. Not the said Defendant though often requested so to do hath not as yet paid the said sum of money above demanded or any part thereof to the said Plff.

but so to do he hath hitherto wholly refused
and still doth refuse to the damage of the
said Plff of five hundred dollars and
therefore he brings suit &c.

By his Attorneys
Arnold & Lay.

And afterwards on the Twenty first day
of May in the Year of our Lord one Thousand
Eight Hundred and fifty comes the said
defendant by his Attorneys Judd & Wilson
and files his plea which is in words and
figures as follows to wit

State of Illinois
Circuit Court } ss. May Term A.D. 1858.
Cook County }

Isaac Cook

vs

Thomas Plumleigh

And the said Isaac Cook
defendant by Judd & Wilson his attorneys comes
and defends the jury which is
says that he does not owe the said sum of money
or any part thereof in manner and form as
the said plaintiff hath above complained
against him, and if this the said defendant
puts himself upon the County.

And for a further
plea in this behalf the said defendant says
that while said Alexander Lawson was in
the custody of this defendant as Sheriff of
said County to wit at said County under
and by virtue of the said writ of Capias ad
satisfaciendum referred to in said plaintiffs

deklaration to wit on the twenty ninth day of
May in the year of our Lord one thousand and Eight
hundred and forty nine the said Alexander Law-
son by Brown & Thomas his attorneys served a
notice upon Isaac N. Arnold the attorney of
said plaintiff in the words and figures follow-
ing to wit

Thomas Plumleigh }
vs } Cook County Court.
Alexander Lawson }
To Isaac N. Arnold Esq.
Attorney for said plaintiff

Sir. You will
please take notice that the said Alexander
Lawson defendant in the above entitled case
now confined in the jail of Cook County upon
a writ of *Capias ad Satisfaciendum* issued
upon a judgment rendered in said case
viz on Saturday the second day of June
next at the hour of 12 M at the said jail of
said County in pursuance of the first section
of "an act for the further restriction of imprison-
ment for debt" approved February 28. 1845
make and subscribe an affidavit before some
Competent officer authorized to administer oaths
that the said Alexander Lawson has no
rights or credits, property real and personal
in possession or action except such property
as is exempt from execution by the laws of
the State of Illinois in manner and form
as prescribed in and by said act, and you
will further take notice that in accordance
with the provisions of said act the said plain-
tiff in execution his agent or attorney will
be obliged to pay to the jailor the fees to which
he may be entitled on said imprisonment

otherwise the said defendant will be released
from custody,

Dated Chicago May. 29 1849. Brown & Thomas
Supt. City.

And the said Dawson pursuant
to said notice proposed and offered to take
the affidavit as stated in said Notice on
Saturday the second day of June at the hour
of 12 Noon at the jail in said County. The
said Plaintiff, then and there being present
at his request and with his consent the time
for taking said affidavit was postponed
uptill the fourth day of June aforesaid.

And this defendant further says that on
said fourth day of June in pursuance of
said postponement the said Alexander Dawson
at the jail aforesaid did make and subscribe
an affidavit in the words and figures fol-
lowing.

State of Illinois }
County of Cook } ss

"Alexander Dawson being
duly sworn doth depose and say that he has
no rights or Credits, property, real and personal
in possession or action except such property as
is exempt from execution by the laws of the
State of Illinois" before Walter Kimball
Clerk of the Cook County Court a Competent
officer to administer Oaths,

And this defendant further saith that
on Monday the twenty fourth day of November
last past there became due to this defend-
ant as the Sheriff and Jailor of said Coun-
ty a sum of money to wit: the sum of
two dollars and twenty five cents for jail
fees for detaining said Dawson as a prisoner in

custody on said capias for the then current
was commencing on said day which said
said plaintiff failed to advance but
refused to do and thereupon this defendant
discharged said prisoner from custody as
he well and lawfully might do, and this
defendant avers that the discharge from
custody as aforesaid is the same identified
escape in the first and second count of
said declaration mentioned and no other
& thus the said defendant is ready to verify
wherefore he prays judgment &c.

And for a further plea in this behalf the
said defendant says that while said Alex
ander Dawson was in the custody of this
defendant as Sheriff of said County to wit,
at said County under and by virtue of the
said writ of capias ad satisfaciendum
referred to in said plaintiffs declaration
to wit on the twenty ninth day of May in the
year of our Lord one thousand Eight hundred
and forty nine the said Alexander Dawson
by Brown & Thomas his attorney served a
notice upon Isaac N Arnold the attorney
of said plaintiff in the words and figures
following to wit:

Thomas Plumleigh }
 } Cook County Court.
 }
Alexander Dawson }
To Isaac N Arnold Esquire Attorney for
the said Plaintiff.

Sir. You will please take
notice that the said Alexander Dawson
defendant in the above entitled cause
now confined in the jail of Cook County upon
a writ of capias ad satisfaciendum

ordered upon a judgment rendered in the
said cause will on Saturday the second day
of June next at the hour of 12 M at the
said jail of said County in pursuance of the
provision of an act, entitled an act for
the further restriction of imprisonment for
debt approved July 28. 1845 Make and sub-
scribe an affidavit before some competent
Officer authorized to administer oaths that
he the said Alexander Clauson has no rights
in credits, property, real and personal in pos-
session or action except such property as is
exempt from execution by the laws of the State
of Illinois in manner and form as prescribed
in and by said act, And you will further
take notice that in accordance with the pro-
visions of said act the said plaintiff in
execution, his agent or attorney will be oblig-
ed to pay to the jailor the fees to which
he may be entitled on said imprisonment
otherwise the said defendants will be releas-
ed from custody

Dated Chicago May 29. 1849

Brown & Thomas
Defts Attys.

And the said Clauson pursuant to said
notice proposed and offered to take the
affidavit as stated in said notice on Sat-
urday the second day of June at the hour
of 12 Noon at the jail in said County.
The said plaintiff then and their being
present at his request and with his consent
the time for taking said affidavit was post-
poned until the fourth day of June aforesaid
and this defendant further said that on
said fourth day of June in pursuance of

Said partonment the said Alexander Dawson at the jail aforesaid did make and subscribe an affidavit in the words and figures following:

State of Illinois }
County of Cook } ss

Alexander Dawson being duly sworn doth depose and say that he has no right in Credit's property real and personal in possession or action except such property as is exempt from execution by the laws of the State of Illinois before Walter Kimball Clerk of the Cook County Court, a competent officer to administer oaths, and this defendant further says that on Monday the third day of December last past there became and was due to this defendant as the Sheriff and jailer of said County a large sum of money to wit, the sum of two dollars fifty two and one half cents for jail fees for detaining said Dawson a prisoner in custody on said Capias which said jail fees said Plaintiff failed to advance, but refused so to do & thereupon this defendant discharged said prisoner from custody as he well and lawfully might do, and this defendant avers that the said discharge from custody as aforesaid is the same identical escape in the first and second count of said declaration mentioned. No other and this the said defendant is ready to verify wherefore he prays judgment &c.

Dated & Witness.

And afterwards the said Pff by his attorneys Arnold & Lay viz, on May 28, 1850, and files his assignment which is in words and figures as follows to wit.

Cook Circuit
Thomas Phumleugh
vs
Isaac Cook

And the said plaintiff
by Arnold & Lay his Attorneys as to the plea by
the said Defendant firstly above pleaded doth
the like &c.

And the said plaintiff as to the said plea
of the said defendant by him secondly above
pleaded, says precludi; now because he says
that the said plaintiff issued his writ against
said defendant and declared thereupon in
the said first count of his said declaration not
for the said supposed escape in the said second
plea mentioned, but for that the said defendant
after the said arrest of the said Alexander Dawson
by the said Defendant upon the said Capias
ad Satisfacendum, on the said 10th day of May
1849 as mentioned in the said first count of
the said declaration and before the discharge
of the said Dawson from custody, on the said
26 day of November A. D. 1849 as mentioned in
said Defts second plea, to wit at Chicago in
said County of Cook on the 10th day of May A. D.
1849 he the said Defendant so then and there being
the Sheriff of the County of Cook, without the
leave and license and against the will of the
said Plff suffered and permitted the said Alexan-
der Dawson to escape and go at large. And the
said Alexander Dawson did then & there escape
and go at large wheresoever he would out of the
custody of him the said defendant, he the said
defendant so being then & there Sheriff of said

County of Cook as above alleged in said plaintiffs first count of said declaration & the said debt & costs mentioned therein being then & there wholly unpaid and unsatisfied to the said Plff to wit at Chicago aforesaid.

And which said escape above newly assigned is another and different escape than the said supposed escape in the said second plea mentioned and thus the said Plff is ready to verify. Wherefore he prays judgment and his debt aforesaid together with his damages by him sustained, on occasion of the detaining thereof to be adjudged to him &c.

And the said Plaintiff as to the said plea the said defendant by him secondly above pleaded says precludi non, because he says that he said plaintiff issued his writ against said defendant and declared thereupon in the said second count of his said declaration not to be the said supposed escape in the said second plea mentioned but for that the said defendant after the said arrest of the said Alexander Dawson by the said defendant upon the said *Capias ad Satisfacendum* on the said 10th day of May A. D. 1849 as mentioned in the said plaintiffs second count of said declaration and before the said discharge of the said Dawson from custody on the said 26th day of November A. D. 1849 as mentioned in said Defts second plea to wit at Chicago in said County of Cook on the first day of October A. D. 1849, he the said defendant so then & there being the sheriff of the County of Cook without the leave and license and against the will of the said Plff suffered and permitted the said Alexander Dawson to escape and go at large whereas he would out of the custody of him the

Said Defendant, he the said Defendant so being
then & there Sheriff of said County of Cook as above
alleged in said first count of said plaintiffs declar-
ation & the said debt and costs mentioned therein
being then & there wholly unpaid and unsatisfied
to the said P^lff. to wit, at Chicago aforesaid,
And which said escape above newly assigned
is another and different escape than the said sup-
posed escape in the said second plea mentioned
and this the said P^lff. is ready to verify, Wherefore
he prays judgment and his debt aforesaid, together
with his damages, by him sustained on occasion
of the detaining thereof to be adjudged to him &c

And the said plaintiff as to the said plea of the
said defendant by him thirdly above pleaded
says precludi non, because he says that he said
plaintiff issued his writ against said defendant &
declared thereupon in the first Court of the said decla-
ration, not for the supposed escape in the said third
plea mentioned, but for that the said defendant
after the said arrest of the said Alexander Dawson
by the said defendant upon the said Capias all
satisfacendum on the said 10th day of May A.D.
1849 as mentioned in the said first count of the
said plaintiffs declaration and before the said
discharge of the said Dawson from custody, on the
said 20th day of November A.D. 1849 as mentioned
in said depts third plea, to wit, at Chicago in said
County of Cook on the 10th day of May A.D. 1849 he
the said defendant so then & there being the Sheriff
of the County of Cook without the leave or license
and against the will of the said plaintiff suffered
& permitted the said Alexander Dawson to escape
and go at large wheresoever he would out of the
custody of him, the said defendant he the said

Defendant so being then & there Sheriff of said County of Cook as above alleged in said plaintiffs first count of said declaration & the said debt and costs mentioned therein being then & there wholly unpaid & unsatisfied to the said Plff. to wit at Chicago aforesaid.

And which said escape above newly assigned is another & different escape than the said supposed escape in the said third plea mentioned & thus the said plaintiff is ready to verify wherefore he prays judgment and his debt aforesaid together with his damages by him sustained in occasion of the detainer thereof to be adjudged to him &

And the said plaintiff as to the said plea of the said defendant by him thirdly above pleaded says preclusion because he says that the said plaintiff issued his writ against said defendant and declared thereupon in the second count of the said declaration not for the said supposed escape in the said third plea mentioned but for that the said defendant after the said arrest of the said Alexander Hauser by the said defendant upon the said Capias ad Soli faciendum on the said 10th day of July A.D. 1849 as mentioned in the said second count of the said plaintiffs declaration and before the said discharge of the said Hauser from custody on the said 26th day of November A.D. 1849 as mentioned in said defendants third plea to wit at Chicago in said County of Cook on the first day of October A.D. 1849 he the said Def. so then and there being the Sheriff of the County of Cook without the leave & license and against the will of the said plaintiff suffered and permitted

the said Alexander Clauson to escape and go at large. And the said Alexander Clauson did then & there escape and go at large wheresoever he would out of the Custody of him the said Defendant he the said Defendant, so being then and there Sheriff of said County of Cook as above alleged in said Plaintiffs second count of said declaration & the debt and costs mentioned therein being then & there wholly unpaid and unsatisfied to the said Plff. to wit, at Chicago aforesaid.

And which said escape above newly assigned is another and different escape than the said supposed escape in the said third plea mentioned and this the said Plaintiff is ready to verify Wherefore he prays judgment and his debt aforesaid together with his damages by him sustained on occasion of the detaining thereof to be adjudged to him &c.

Arnold & Lay
Attys for Plff.

And afterwards on the ninth day of December One thousand Eight Hundred and fifty comes the said Defendant by his Attorney, Isaac & Nelson and files his demurrer which is in words and figures as follows to wit:

Cook Circuit Court
Isaac Cook
ads
Thomas Plumbe }
Plaintiff

And the said Defendant comes and as to the said first, second, third and fourth replication says to each severally that the same is not sufficient in law for the

Said Plaintiff to have or maintain his action,
and that he is not bound by law to answer
the same and thus he is ready to verify when
fore &c

And the said Defendant for cause
of demurrer the first and second replications
severally, pursuant to the Statuteshows

1st. Said replications severally as-
sume to answer the whole of the second
plea when the facts set up only answer a
part of said plea.

2nd The said replications are uncer-
tain in this that no precise time when
said escape occurred is alleged.

To the third and fourth replications sev-
erally defendant shows the following cause
of demurrer

1st That said replications severally
assume ^{to answer} the whole of the third plea when
the facts in each only answer a part of
said plea.

2nd That said replications are sev-
erally uncertain in this that no precise
time when said escape occurred is alleged.

J. C. & Wilson

Attys for Defendant.

And afterwards to wit on the Fourteenth
day of December one thousand Eight Hundred
and fifty being one of the days of the
Cook County Circuit Court (December Term)
the following proceedings were had
the following to wit;

Thomas Plumleigh }
vs } Debt
Isaac Cook }

This day comes the said plaintiff by Arnold & Lay his attorney, and the said defendant by Messrs Tuda & Wilson his attorneys also comes after hearing the arguments of Counsel upon the demurrer of the said defendant to the plaintiffs new assignment the Court takes the same under advisement.

And afterwards on the Nintenth day of December in the Year One thousand and Eight Hundred and fifty and at the same term of Court. the following order was made to wit.

Thomas Plumleigh }
vs } Debt.
Isaac Cook }

And now again came the parties by their attorneys, and the Court being now fully advised as to the said demurrer to plaintiffs New Assignment. It is ordered that the demurrer be sustained. Therefore it is Considered that the said defendant do have and recover of the said plaintiff his costs of said demurrer herein expended and have execution therefor.

And afterwards on the Seventeenth day of December and at the same term of said Court came the said parties and the following proceedings were had to wit

Thomas Plumleigh
as
Isaac Cook } Sept.

And now at this day comes
the said Plaintiff by Messrs Arnold & Lay his
Attorneys and on their Motion, it is ordered
that the said Plaintiff have leave to file
several Replikations in this Suit and it
is further ordered that the said Defendant
file his plea herein by Wednesday morning next.

And on the same day the said Plaintiff
files his New Assignment as amended
which is in Words and Figures as follows, to wit,

Cook Circuit Court

Thomas Plumleigh
as
Isaac Cook }

And the said Plaintiff
as to so much of the said plea of the said de-
fendant, by him secondly above pleaded as refers
to the first Count of the said declaration says
precludi non, because he says, that the said
plaintiff issued his writ against said defendant
& declared thereupon in the said first Count
of the said declaration not for the said supposed
escape in the said second plea mentioned, but
for that the said defendant after the said
arrest of the said Alex under Dawson by the
said Defendant upon the said Capias ad
satisfaciendum on the said 10th day of May
1849 as mentioned in the said first Count
of the said declaration and before the dis-
charge of the said Dawson from custody,

on the said 26th day of November A.D. 1849 as mentioned in said depts second plea, to wit at Chicago in said County of Cook on the 10th day of May 1849 by the said defendant & others and their being the Sheriff of the County of Cook, without the leave and license and against the will of the said plaintiff, suffered and permitted the said Alexander Lawson to escape and go at large. And the said Alexander Lawson did then & there escape and go at large whenever he would out of the custody of him the said defendant & being then and Sheriff of said County of Cook as above alleged in said plaintiffs first Count of said declaration & the said debt & costs being then & there wholly unpaid & unsatisfied to the said plaintiff to wit at Chicago aforesaid,

And which said escape above newly assigned is another and different escape than the said supposed escape in the said second plea mentioned, and this the said plaintiff is ready to verify. Wherefore he prays judgment and his dept aforesaid, together with his damages by him sustained on occasion of the detaining thereof to be adjudged to him &c.

And the said plaintiff as to do much of the said plea of the said defendant by him secondly above pleaded as refers to the second Count of the said declaration, says preclusion because he says that the said plaintiff issued his writ against said defendant and declared in the said second Count of his said declaration thereupon, not for the said supposed escape in the said second plea mentioned, but for that the said defendant after the said count

of the said Alexander Lawson by the said defendant upon the said capias ad satisfaciendum on the said 10th day of May 1849 as mentioned in the said plaintiff's second count of said declaration and before the said discharge of the said Lawson from custody on the said 20th day of November A.D. 1849 as mentioned in said Defts. second plea to wit, at Chicago in said County of Cook on the first day of October A.D. 1849 he the said defendant so then & there being the Sheriff of the County of Cook, without the leave or license and against the will of the said plaintiff suffered and permitted the said Alexander Lawson to escape and go at large where so ever he would out of the custody of him the said defendant, he the said defendant so being then & there Sheriff of said County of Cook as above alleged in said second count of said plaintiff's declaration & the said debt and costs mentioned therein being then & there wholly unpaid and unsatisfied to the said plaintiff to wit at Chicago aforesaid.

And which said escape above newly assigned is another & different escape than the ^{said} supposed escape in the said second plea mentioned, and that the said plaintiff is ready to verify. Wherefore he prays judgment and his debt aforesaid, together with his damages by him sustained on occasion of the detainer & thereof to be adjudged to him &c.

And the said plaintiff as to so much of the said plea of the said defendant by him thirdly above pleaded as refers to the first count of the said declaration, says precludit non, because he says that the said plaintiff issued

his writ against said defendants and declared thereupon in the first Court of the said declaration not for the said supposed escape in the said third plea mentioned, but for that the said defendant after the said arrest of the said Alexander Dawson by the said defendant, upon the said copies of habeas corpus on the said 10th day of May A.D. 1849 as mentioned in the said first Court of the said plaintiffs declaration and before the said discharge of the said day son from Custody on the said 3rd day of December A.D. 1849 as mentioned in said defendants third plea to wit at Chicago in said County of Cook on the 10 day of May A.D. 1849 by the said Defendant so then & there being the Sheriff of the County of Cook, without the leave and license and against the will of the said plaintiff suffered and permitted the said Alexander Dawson to escape and go at large whenever he would out of the Custody of him the said defendant, he the said defendant so being then & there Sheriff of said County of Cook as above alleged in said plaintiffs first Court of said declaration and the said debt and costs mentioned therein being then their wholly unpaid and unsatisfied to the said plaintiff to wit at Chicago aforesaid, and which said escape above newly assigned in another and different escape than the said supposed escape in the said third plea mentioned & thus the said plaintiff is ready to verify wherefore he prays judgment and his debt aforesaid, together with his damages by him sustained on occasion of the detaining thereof to be adjudged to him &c.

And the said plaintiff as to do success of

the said plea of the said defendant by his thirdly above pleaded as refers to the second count of the said declaration says precludi non, because he says that he said plaintiff issued his writ against said defendant and declared there upon in the second count of the said declaration that for the said supposed escape in the said third plea mentioned, but for that the said defendant after the said arrest of the said Alexander Lawson by the said defendant upon the said copies ad satisfaciendum, on the said 10th day of May A. D. 1849 as mentioned in the said second count of the said plaintiffs declaration and before the said discharge of the said Lawson from custody on the said 3^d day of December A. D. 1849 and mentioned in said defendants third plea, to wit at Chicago in said County of Cook on the first day of October A. D. 1849 he the said defendant so then and there being the Sheriff of the County of Cook without the leave and licence and against the will of the said plaintiff suffered and permitted the said Alexander Lawson to escape and go at large and the said Alexander Lawson did then & there escape and go at large where soever he would out of the custody of him the said defendant he the said defendant so being then & there Sheriff of said County of Cook as above alleged in said plaintiffs second count of said declaration, and the said debt & costs mentioned therein being then & there wholly unpaid and unsatisfied to the said plaintiff to wit at Chicago aforesaid, and which said escape above newly assigned is another and different escape than the said supposed escape in the said third plea mentioned,

and this the said ^{Plaintiff} is ready to verify, Wherefore
he prays judgment and his debt of our said
together with his damages by him sustained
on occasion of the delinquency thereof to be ad-
judged to him &

Arnold & Lay
Attys for Plff.

And afterwards on the 18th day of December A.D.
1850 the defendant by his attorney Sudd &
Wilson and files his Plea which is as follows
to wit:

Isaac Cook
ad
Thomas Plumleigh }

And the said defen-
dant by Sudd & Wilson his attys comes &
says that as to the matters plead by the
Plaintiff in his four several replications
by way of New Assignment he does not owe
the said several sums of money nor any
part thereof as the said Plaintiff has above
alleged by way of New Assignment and of
this he puts himself upon the Country

Sudd & Wilson
Attys for Defts

and the Plff doth alake &c.

Entered for Plff

Thursday Dec. 26. 1850
Thomas Plumleigh }

ad
Isaac Cook }

Debt
This day again came the
said Plaintiff by Arnold & Lay his attorney

and the said Defendants by Jud. Wilson
his Attorneys also came and an affidavit
filed moves the Court for an attachment
against Alf and or Hawsen a Witness duly
Subpoened in this case and to continue
this cause untill the said Witness will be
returned, and after hearing the argument of
Counsel thereon it is ordered that this
Suit be continued till further order upon
the coming in of the Court upon the Condition
that the said defendant pay the Cost
accruing from day to day untill said time,
And therefore by Agreement of parties it is
ordered that the said defendant have
leave give in evidence on the trial of this
Case any Matters of defence which
might be given if the same were specially
pleaded.

Cook County Circuit Court

Thomas Thornleigh
vs
Reuben Cook

Be it remembered that
in the day of December, of the December term of
the Cook County Circuit Court in the year of our Lord
One thousand Eight Hundred and fifty, this cause came
into be tried before the Hon. Hugh S. Lacey, Judge
of said court and was submitted to the said Judge
upon the pleadings and proofs, without the inter-
vention of a Jury, by agreement and consent of
parties.

The plaintiff introduced,
Walter Kimball, who being duly sworn deposes
and says.

I am Clerk of the Cook County Court of
Common Pleas have the records of the Court
with me - The following are the final order and
Plaintiffs Costs taxed in the case of Thomas Thornleigh
against Alexander Dawson. The plaintiff then
offered in evidence the following.

Thomas Thornleigh
vs
Alexander Dawson

} Case

This day again came the
said parties by their attorneys, and the Court being
now fully advised as to the said Defendants motion
for a new trial being, it is ordered that the said
motion be overruled, To which decision of the
Court, the said Defendant, by his counsel expts.

Therefore it is considered that the said Plaintiff
do have and recover of the said Defendant

\$140.

his damages of One Hundred and forty dollars in
 form aforesaid assessed, together with his costs and
 charges by him about his suit in this behalf ex-
 pended, and that execution issue therefor,

Thomas Purleigh }
 vs. }
 Alexander Lawson }

May 31 1848 Costs in the Henry Circuit Court
 as before on file \$26.54 \$26.54
 Cook County Court app. & Atty 25.3 do or 5 1/2 and King 1 1/2
 down to place 25. and down to man. 25. and times 25 75
 down 7 m. 4 3/4 and 7 m. July 18 2 1/2 and 2 1/2 12 1/2 75
 and not down 25 and Judge 25 and Judge 25 75
 dec Judge 12 12 off of that 150 July 10 paper 18 3.50
 fly paper 1/4 exp fly 56 1/2 do or 11 1/2 for 12 1/2 11 1/2
 Copy per line 25 man day 3 1/2 1 1/2

8.12 1/2

June 6 1848, Acc Costs fly paper 1/4 exp fly 56 1/2 do or 11 1/2
 Copy per line 25 and 12 1/2 man day 3 1/2 } 1.50
 April 10, 1849 fly 4 papers 25 and 58 do or 11 1/2 copy per line 25 }
 down 12 1/2 man day 3 1/2 } 1.62 1/2

Witnesses

Eli Wendleson	1 Day	74 miles	\$10.00
William Powell	2 "	70 "	6.00
J. S. Shepard	2 "	84 "	7.00
John Catman	2 "	70 "	6.00
L. B. Cornish	2 "	80 "	6.00
Chas Patterson	2 "	90 "	7.00
E. M. Mering	2 "	70 "	6.00
C. M. Atkins	2 "	96 "	7.00
C. Lee	2 "	128 "	9.00
Geo. Wooster	2 "	130 "	9.00
A. M. Bardsley	5 "	80 "	9.00
Beman Randall	2 "	80 "	6.00

88.00

Fees in Hans Lucius Case fee bill on file 64.87
 Sheriff Cook returns, ex 12^{ts}
 Jury fee 5.00

to which the Defendant objected on the ground that there was a variance between it and the declaration in this cause.

The Plaintiff then further examined David Kimball, who testified that the fees as appeared upon the fee book were taxed by his predecessor in office Mr Curtis that the item "Sheriff Cook returns, ex. 12^{ts}" was taxed by Mr Curtis and Witness found it on the fee book when he went into the office as Clerk that the figures "12^{ts}" as carried out in the balance on the right hand side of the page were made by Witness, and are in pencil marks & after the issuing of the execution & that, in other respects, the fee book is precisely as Mr Curtis left it and that the item "Sheriff Cook returns, ex. 12^{ts}" is in Mr Curtis's hand writing and was taxed by him, but not posted up.

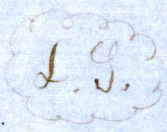
The Plaintiff then offered in evidence again David's record which was objected to by Defendant, the Court received the same subject to the objection.

The Plaintiff then offered in evidence a Copy as ad Satisfacendum of fee bill & returns thereon under seal to which the Defendant objected and which was read subject to objection, and which is as follows, to wit;

State of Illinois
 Cook County,) ss

The people of the State of Illinois to ^{the} Sheriff of Cook County, Greeting, We Command You that you take Alexander Lawson, Defendant if he may be found in your

County and him safely keep so that you have his body to satisfy unto Thomas Plumleigh the terms of one hundred and forty dollars damages which the said plaintiff lately in the County Court of said County, at a term thereof begun and held at Chicago on the first Monday of May last past recovered against the said defendant and which by the said Court was adjudged to the said plaintiff for his damages in a certain action of trespass on the case sustained, and also the further sum of one hundred and ninety one ^{cts} ¹⁰⁰ dollars which were adjudged to the said plaintiff for his costs and charges in that behalf expended whereof the said defendant is convicted as appears to us of record, in Ninety days from the date hereof; and have you then and thence this writ, with an endorsement thereon in what manner you shall have executed the same, Witness James Curtis Clerk of our said Court and the Seal thereof at Chicago in said County this eighteenth day of April A. D. 1849



James Curtis
Clerk

Thomas Plumleigh	} Trespers on the case
vs	
Alexander Dawson	} Plaintiffs Costs
Costs in the Henry Curtis vs B. B. B. file	\$ 26.54
" " " " " " " "	12.87 1/2
1848 Cause Co. Curtis app. & lcty 25, 23 day 37 1/2 and just demors.	87 1/2
Out on by double marks, and treat 25 day 7 Mt. 45 1/2 and sundry 18 1/2	112 1/2
rec. fees and 12 1/2 and only no Amstua 25 and judy 25, ent judy 25	87 1/2
der judy 12 1/2 12 off of writs 15 a fly 50 paper 187 1/2 fly fees 4 1/2	3.56 1/4
1848 exp of fly 56 1/4 der 4 1/2 out 12 1/2 der 25. exp pub bill 25 1/2 exp 37 1/2	168 1/4
June 26 and d. costs also fly. per 174 also exp fly 56 1/4 der 4 1/2. exp pub bill 25. 2	150
and 12 1/2 Mar 24 37 1/2	

1848
 Apr 18 — fly 4/pap 25 rods of 50. dor of 12 1/2 cap for bio 25 dor 12 1/2 m + as 3 1/2 — 16 2 1/2

		11.25
Lury Jew		5.00
Witnesses		
Eli Henderson	6 Days 74 miles	10.00
William Paul	2 " 70 "	6.00
V. F. Shephard	2 " 84 "	7.00
John Catewell	2 " 70 "	6.00
J. B. Coombs	2 " 80 "	6.00
Chas Patterson	2 " 90 "	7.00
Edw Manning	2 " 70 "	6.00
C. M. Alkapp	2 " 96 "	7.00
C. Dent	2 " 128 "	9.00
Geo Moustes	2 " 130 "	9.00
Asst W Bradley	5 " 80 "	9.00
Bernard Crandall	2 " 80 "	6.00

\$ 191.66 1/2

A true copy from my file book

James Curtis Clerk,

(Enclosed in the back of the case)

1848. Ca No 1234 B. 292

Cook County Court

Thomas Plumleigh

vs

Alexander Haussman

Ca No	\$	140.00
P. C		191.66 1/2
D. C		137.38 1/2
		\$ 469.05

Subscribed and sworn to before me this 29th day of May 1848

Executed by arresting the body of Alexander Haussman as I am herein commanded and bringing the same before the judge of the Cook County Court at the request of the defendant by his attorney J. B. Thomas.

May 10th 1849.

fees
 1 Service \$ 0.50
 1 Mile _____ 0.06 1/4
 Return _____ 12 c
 \$ 0.68 3/4

Isaac Cook, Sherriff C. C.
 By Owen M. Cauley Deputy
 Arnold & Lay
 Sherriff atty.

executed by arresting the body of the within
 named Alexander Lawson and delivering him
 up in Custody to the gaoler of Cook County this
 10th day of May 1849

I Cook Sherriff by Owen M. Cauley deputy

State of Illinois }
 Cook County } ss

By virtue of the within
 writ I arrested the body of the within named
 Alexander Lawson & committed him to the Gaoler of
 said County on the 10 day of May 1849 I further
 return that I discharged said Lawson from
 imprisonment on the 21st day of December 1849
 on account of the failure of said Thomas Plumleigh
 to pay the said fees due me before that time after
said 4th day of June 1849 on account of the
 said imprisonment & deteny of said Lawson,
 said Lawson having taken the oath in such
 case provided on the 4th day of June 1849. I further
 return that the said fees of said Lawson were
 paid by said Plumleigh from said 4th day of
 June till the 26th day of November last past one
 hundred and seventy five days, I therefore return
 this execution satisfied by imprisonment 175 days
 at \$1.50 per day ^{Two hundred} ~~one hundred~~ & eighty two dollars &

fifty Cents & no more.

Chicago Feb 15, 1850

Isaac Cook

Sup. Co. C

Filed Feb 15, 1850

W Kimball Clerk,

Answer Pinned & sworn as a witness on the part of Plaintiff testified, that during year 1849 Defendant was Sheriff of Cook Co. I was clerk for defendant Mr Cook in October 1849. Know Alexander Lawson, I think I have never seen him Lawson outside of the house during that month, he Lawson has been in the office. I have seen him Lawson on the porch just outside of the office, I don't know where he Lawson stays. I think when I first went there Mr Beach had Lawson down stairs to take exercise.

Mr J. J. Curtiss, Sworn. In the Month of October 1849 I visited Mr Beach. He was jailer of the County, I saw a man there who called himself Lawson and answered to the name of Lawson. He Lawson said he was put in jail for a diversion of a Water Course. While I was there Lawson helped me out with a box under the shed of the building occupied by Beach in the south door. I backed with my team up to the little gate and Lawson helped me out with the Box. I think I was there three or four days at that time, I came back again and saw Lawson in the dining room with Mr Beach's family, eat with Lawson at the same table with Mr Beach's family, have seen him Lawson standing in the door of the house; door partly open, have seen Lawson in Mr Beach's kitchen, part of

the time Lawson was sitting reading a news paper, he also seen Lawson in the back yard. The fence is ~~not~~ three feet high and there was a wicket gate piquet fence about a rod from the house about three feet high and there was a wicket gate in front of the house, he seen Lawson walking in the back yard probable once or twice. There was no one else there but myself and Lawson. This was in the month of October 1849 and all the above took place in that month.

Q. Cross y? I went there visiting, I knew Alexander Lawson, I can say that he called himself Alexander Lawson. I was with Lawson in the dining room almost all the time. I saw Lawson f in the Yard around the house, between the shed and in the Yard this way, I got a box of Goods of a Merchant in the City and that is the reason I recollect it, I have not taken a great deal of interest in this Cause.

A. I quit resumed. The picket fence surrounds the house and within it I saw Lawson. During the time I was there Lawson was about the house like any other person, Mr. Beach was sick while I was there and Mr. Beach's son was there.

Mrs. J. J. Curtis, who was sworn as a witness on the part of the plaintiff, testified. I accompanied my husband and was at Mr. Beach's at the same time, I think it was in the month of October 1849 I saw a man they called Lawson and went by the name of Lawson, and answered to the name of Lawson, I sat at the table, Mr. Beach's table with Lawson for two weeks and during all that time

went by the name of Lawson, I saw Lawson
on the sidewalk once in the street he Lawson was
outside of the gate, and was walking towards
the watchhouse and was half way between the
gate and the watchhouse, He Lawson was
walking with some person, do not think it was
any of the persons about the jail, have seen
Lawson in the back door yard chopping wood,
have seen Lawson in the barn some distance
from the house, have seen Lawson take one of
Beachs children there, He Lawson had as
much liberty as any one to walk where he pleas-
ed, did not know of his being confined at all
This was in the month of October 1849

Defence

The defendant then introduced as witnesses
Marcell Perry who being duly sworn testified,
Lawson was shut up in the upper room, Thelie
Lawson was confined there, might have been there
ten days.

John Beach Jr. being offered as a witness was
objected to by Plff. on the ground of interest and
being sworn as to interest, produced a release
from the defendant, and was then sworn as a
witness and testified, Thelie in the jail. I
recollect the time when Cook discharged Lawson,
I dont recollect the time but that he was con-
fined in the upper room, Lawson was in
close confinement in jail of Cook County, until
I left in the month of November

Court of P. Lawson never had the keys of the
jail he might have had them when I was pres-
ent I have turned the keys to Mr. Lawson

Mr O'Brien being sworn, testified. I was there about the time Lawson was discharged, saw Lawson confined, a man they called Lawson, I dismissed Lawson can't say at what time it was,

The plaintiff then recalled Mr Curtiss; who testified, a tall man acted as jailor, don't recollect his name, the jailor I possessed was in the inside at the time Lawson was in the yard, The room at this end of the house is the sitting room, when I was out in the yard I with Mr Lawson saw the defendant come in to the yard, Mr Cook did not say anything, We afterwards went into the room, The jailor was not where he could see Lawson, I have seen I him (Lawson) in the yard at all times of the day,

Curtiss said. I always noticed Cook when he passed.

Mrs Curtiss recalled. Lawson took Mr Beach's child out of the kitchen when Mr Beach was going out riding, but could not go, and Mr Lawson took the child in his arms out of the kitchen to go to the barn, Mr Beach was there when Lawson took the child, Lawson eat with Beach's family, while I was there, Mr Beach generally sat at the table, Lawson came to the table by himself and was not conducted away to any place by Mr Beach or any one else, It was in the day time when I saw Lawson out on the sidewalk, right in front of the building, can't tell what man he was with, don't think it was any one about the jail, Mr Beach was in the dining room when Lawson was out one time chopping wood and Mr Beach could hear him chopping Mr Beach was about the house almost all the time.

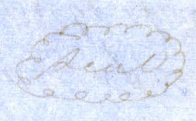
The foregoing was all the testimony given in the
Case, and the Court not being fully advised in
the premises to do the same under a decree
and on the day of May of the May Term of
the Cook Circuit Court held in and for said
County of Cook the judge gave his opinion that
the objection taken to the introduction of the
judgment offered in Evidence was well taken
and that there was a Material variance be-
tween the said judgment and the declaration in
this case, to which decision of the Court the
plaintiff then & there excepted, and thereupon
rendered a judgment for the defendants to which
plaintiff then & there excepted,

Whereupon the said
plaintiff moved for a New trial for the same.

First That the variance was immaterial the
judgment being merely an inducement, the
gist of the action being the escape.

Second. That the variance ~~was~~ ^{is} immaterial it
being in the fee bill & also on grounds that there
was no variance.

The Court overruled the motion
for a New trial to which decision of the Court
the plaintiff excepted and prayed the Court
to sign & seal this bill of exceptions according
to the statute in such case made & provided
which is done

Mugh S. Dickey 
Judge.

Unexcept to which is a certain other papers
to wit.

It is hereby stipulated and agreed
that ^{the Judge} who tried this cause may sign and

sent this bill of exceptions, and that the same shall have the same form and effect as though signed in term time.



And afterward to wit; on the 26th day of May in the Year of our Lord One Thousand Eight Hundred and fifty One it being one of the days of the May term of said Circuit Court the following among other proceedings were had to wit;

By Thomas Plumleigh }
" Isaac Cook } Deft

This day came the parties by their attorney and the Court being now fully advised upon the Law and the evidence in this cause finds the issue for the defendant where upon the said plaintiff moves the Court for a new trial which motion is overruled by the Court, to which decision of the Court in overruling said motion the said plaintiff by his Council by his Counsel excepts where upon the said plaintiff by his Counsel prays an appeal to the Supreme Court of this state, which is granted upon the said Plaintiff's entering into bond within twenty days from the date hereof in the penal sum of Three Hundred Dollars with George W Lay as security and conditioned as the Law directs

I know all men by these presents that we
Thomas Plumleigh of the County of Mc
Henry and George W Lay of the County of
Cook of the State of Illinois are held
and firmly bound unto Isaac Cook
of the County of Cook and State aforesaid
in the penal sum of Three hundred Dollars
current money of the United States for the
payment of which well and truly to be made
we bind ourselves our heirs executors and
administrators, jointly severally and firmly
by these presents. Witness our hands and
Seals this 14th day of June A.D. 1851.

The Condition
of the above obligation is such that whereas
the said Isaac Cook died on the 26th day
of May A.D. 1851 in the Circuit Court in and
for the County of Cook and State of Illinois
recover a judgment against the above bounden
Thomas Plumleigh for the sum of
cents from which said judgment of the Circuit
Court the said Thomas Plumleigh has prayed
for and obtained an appeal to the Supreme
Court of said State now if the said Thomas
Plumleigh shall duly prosecute his said
appeal with effect and shall moreover pay
the amount of the judgment, costs, interest
and damages, rendered and to be rendered
against him in case the said judgment shall
be affirmed in the said Supreme Court then
the above obligation to be void otherwise
to remain in full force and virtue.

Thomas Plumleigh 
George W Lay 

On the back of which Bond was endorsed
the following to wit

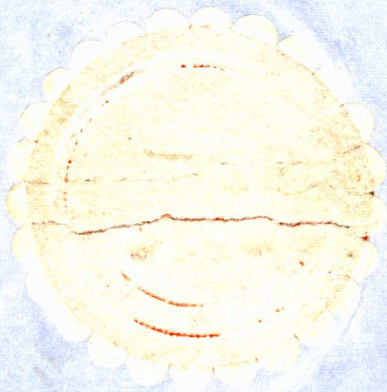
¹⁷
Filed 14th June 1851

L. D. Hoard Clerk

State of Illinois,
County of Cook, Ss.

I, Louis D Hoard Clerk of the Cook
County Circuit Court do hereby certify that I have
Compared the foregoing pages with the original records
and files now remaining in my office and that the
same is a full true and perfect transcript of such
records and files and of the whole thereof

In testimony whereof I have hereunto
set my hand and affixed the seal
of said Court at Chicago in said
County this 14th day of June AD
1852,
Louis D Hoard
Clerk



Fees 171 folios 17.10
Costs 35
17.45

Cook County.
Thomas Plumleigh
vs.
Isaac Cook
Record.

Filed June 16th 1852.
J. Seland Clerk
By J. H. Seland Depy.

S. J. Clerk

11-6-52

Chicago June 15, 1852

Leland & Co.

Clerk Sub Court,

Ottawa,

Enclosed please find transcripts
and assignment of ^{Manitowishon Cook} ~~rights~~, which you will please
file. On receipt of same, please write
acknowledging. Tomorrow is the last day relative

Yours truly,

Amos A. Hayes,

^{revised}
Thomas Stumbligh
as
Isaac Cook -

Recipe.

Filed June 16th 1852.
S. Leland Clerk
By F. W. Leland Depy.