


No. 46

Supreme Court of Illinois

J.C.McSparren

vs.

Z.Mattingly

(379)  7

Shew before the Honorable Thomas C. Brown presiding
Judge in the fourth judicial circuit of the state of Illinois holden at
Shawaneetown in and for the County of Gallatin at the April term in
the year of our Lord one thousand eight hundred and twenty two.

It is remembered that heretofore to wit, on the fourteenth
day of December in the year of our Lord one thousand eight hundred and
twenty two, came Zachariah Mattingly in his proper person, in the clerks
office in and for the Gallatin County Circuit Court, at Shawaneetown, and
filed a certified copy of a judgment, rendered against him by Ludock Aydtott
Esquire a Justice of the peace in and for said County of Gallatin, and in favour
of John C. McSparron a signer of James McSparron, which transcript is in the
words and figures following to wit,

December the 14th day 1822 judgment in favour of John C. McSparron
plaintiff on a note of hand for \$44, with interest of 3, 4 cents a piece of
James McSparron to John C. McSparron against Zachariah Mattingly
defendant, costs of suit \$1.07 1/2 this 14th day of December, 1822

Ludock Aydtott J^o

And thereupon the said Zachariah Mattingly entered into and signed the
following appeal bond, in the words following to wit,

We do all men by these presents that we Zachariah Mattingly and
James Beale are held and firmly bound unto John C. McSparron in the
penal sum of Eighty Eight dollars to which payment, costs and truly to
be made as aforesaid, by the said John C. McSparron we bind our selves our
and each of our joint and several heirs &c. firmly by these presents sealed
with our seals and dated the fourteenth day of December A.D. 1822.

The condition of this obligation is such that whereas the above
named John C. McSparron hath obtained a judgment, against the above
named Zachariah Mattingly for forty four dollars exclusive of interest
and costs on the fourteenth day of December 1822 before Ludock Aydtott
Esquire one of the Justices of the peace in and for the County of Gallatin
State of Illinois from which said judgment the aforesaid Zachariah
Mattingly hath taken an appeal to the next Gallatin Circuit Court to be
holden at Shawaneetown on the first Monday in May next. Now if
the said Zachariah Mattingly shall well, cheerfully and truly pay or cause to be
paid the debt interest and costs aforesaid, or that the said James Beale shall
do it for him in case the said judgment against him shall be affirmed on the
trial of the appeal aforesaid, then this obligation to be void and of no effect, otherwise
to be void and of no effect, and it is so.

Done in presence of
Jas. McStreet etc

Jacob Mattingly Secy
James McStreet etc

And therefore upon the following certificate or injunction to wit -
State of Illinois, Gallatin County, to the people of the State of Illinois to
Greeting: By the Court Esquire a Justice of the Peace in and for the County of Gallatin
County aforesaid and also the Constables of said County Greeting: Whereas Jacob
Mattingly hath this day produced to my a record certified under the
hand and seal of the said Esquire a Justice of the Peace from which it appears that judgment
has been entered up by him on the 14th day of December 1822 in his Office
of Justice of the Peace against the said Zachariah Mattingly for forty four
dollars exclusive of interest and costs in favor of John C. McSparran assigned
James McSparran, from which judgment the said Zachariah Mattingly hath
appealed to the next Gallatin Circuit, to be holden at Shawanee Fork on the
third Monday of April in and has entered into bond with security conde-
mned as the law directs. Now therefore know ye that we do hereby enjoin
all further proceedings upon or by virtue of said judgment, and command
you to care in all process issued thereon. Witness Joseph McStreet Clerk
of our said Court at Shawanee Fork this 15th day of December 1822
Jas. McStreet etc

And therefore in pursuance of the above injunction the said Justice sent
up the following note, and summons to wit:

"On or before the first of January I promise to pay unto James and
John McSparran or order the just and full sum of forty four dollars
for value received. Witness my hand and seal this 14th day of
December 1822. Zachariah Mattingly Esq"

Upon which note is the following assignment to wit:
"Assign my part of the within note over to John C. McSparran for
value received this 13th day of 1823. November James McSparran
Numerous to wit.

State of Illinois, Gallatin County, to the people of the State of Illinois
to any Constable in said County Greeting: You are hereby commanded
to summon Zachariah Mattingly to appear before me at my office
on Saturday the 14th day of December 1822, at 12 o'clock to answer
John C. McSparran in a plea of debt under one hundred dollars on
a note of hand assigned of James McSparran to John C. McSparran and
hereof make return of this as the law directs given under my hand
and seal this 7th day of December 1822. N. Seydott J.P. Seal

Writ which said summons the Constable returned as follows to wit:
"Served summons on Monday the 9 day of December by reading of writ
to the defendant by me. ^{signed} Schulllydetote Constable"

And afterwards issued from the Clerk's office of the Circuit Court the following summons to wit: State of Illinois, Gallatin County ss: The People of the state of Illinois to the Sheriff of Gallatin County Greeting: We command you to summon John C. McSparran a signee of James M. Sparran to be and appear before the Circuit Court for Gallatin County aforesaid, on the first day of our next term to be holden at Shawanee town and for the said County of Gallatin on the first Monday in May next to answer and appear taken by Zachariah Mattingly from a decision of Gadock Sydetote Esquire a Justice of the peace in and for Gallatin County aforesaid rendered on the fourteenth day of December 1822 in favour of the said John C. McSparran a signee of James M. Sparran aforesaid and against the aforesaid Zachariah Mattingly for the sum of forty four dollars interest two dollars & forty cents cost one dollar and seven & a half cents: and this you shall in no wise omit under penalty of the law: and bear then there this writ.

Witness Joseph H. Street Clerk of our said Circuit Court at Shawanee town this 23rd day of January 1823.
J. H. Street, clk

On which summons the sheriff returned as follows to wit:
"Executed the 11th of April. 1823" Schulllydetote S.

And afterwards to wit, at a Circuit Court began and held in Shawanee town in and for Gallatin aforesaid on the twenty eighth day of April in the year of our Lord one thousand eight hundred and twenty three. then come the parties by their attorneys, and the defendant who is appellant brought into Court the record of a judgment obtained against him by the Plaintiff who is appellee before Gadock Sydetote Esquire on the 14th day of December 1822, in the words following to wit.

December the 14 day 1822. Judgment in favour of John C. McSparran Plaintiff on a writ of habeas corpus for \$44 debt interest two dollars 40 cents against James M. Sparran to John C. McSparran against Zachariah Mattingly defendant. Costs of writ \$1.00 this 14 day of December 1822. (and signed) Gadock Sydetote J. P. and moved the Court to reverse the same for error: Whereupon as well the

record and proceedings aforesaid, as the judgment thereon given by the justice of the peace, being seen and seen by the Court fully understood, and mature deliberation being thereon had, it is considered by the Court here that the Judgment of the justice of the peace be and it is hereby affirmed for Forty six dollars and forty cents, and also one dollar and seven cents the costs that accrued on this action before the justice of the peace, and also his costs by him about this appeal herein expended and may thereof have execution.

And the defendant Zachariah Mattingly prayed an appeal to the supreme Court from the above judgment which is granted herein on the condition that he will enter into bond within twenty days from this date in the clerks office of this Court with John Frazier and Charles Micks his security conditioned as the law directs.

Know all men by these presents that we Zachariah Mattingly and John Frazier, our heirs and assigns, do and unto John C. McSparran in the full sum of One hundred dollars to which payment well and truly to be made as aforesaid unto John C. McSparran his heirs or assigns we bind ourselves our and each of our heirs and assigns being executor and administrator, jointly and severally by these presents signed with our hands and seals this 15th day of May 1825.

The Condition of the above obligation is such that whereas the above named John C. McSparran did at the April term of the Circuit Court for Watauga County state of Virginia 1823, obtain an affirmation of judgment against an appeal taken by Zachariah Mattingly from a decision of Wadsworth Esquire a justice of the peace for Watauga aforesaid against the above bound Zachariah Mattingly for forty six dollars and forty cents, and also one dollar and seven cents the costs before the justice of the peace and also the costs of the appeal in the Circuit Court, from which said judgment of the Circuit Court aforesaid, the said Mattingly hath prayed an appeal to the supreme Court. Now therefore if the said Zachariah Mattingly shall duly prosecute his appeal herein, and shall well and truly pay or cause to be paid the debt and costs aforesaid or that the said John Frazier shall do it for him in case the aforesaid judgment against him shall be affirmed on the trial of this appeal before the supreme Court aforesaid, then this obligation to be void of no effect, or otherwise to be and remain in full force written in Law Zachariah Mattingly Seal John Frazier Seal

Done in presence of
Thos. L. Pusey Jun
Jas. M. West etc

Zachariah Mattingly Seal
John Frazier Seal

State of Illinois, Tullahoma County ss.

I Joseph M Street Clerk of the Circuit Court, in and for the County of Gallatin aforesaid do certify that the two half sheets of paper to which this is attached contains a true and perfect copy of the record in the said case of John C W Sparrow against Zachariah Mattingly as fully as the same stands off records in my said office.

In testimony whereof I have hereunto set my hand and affixed the seal of said Circuit Court at Shawanee
Given this fourteenth day of November A D 1893.
Jos. M Street

5a

5a

John C. McSparran
3
3 Copy of Record
appeal
vs. Mattingly

copy of 562/2
original taken up
of 4. 5/2

Filed Nov 26. 1823
J. M. Duncan

86

1824 March 16th Be it ever remembered
that I have this day for and in con-
sideration of the sum of fifty dollars to
me in hand paid assigned to -
Richard J. Jones a certain Judgment
which was obtained in the Gallatin
County Circuit Court at the last
April Term of said Court in my
favour against Ezeariah Mattingly
which Judge ^{ments} was obtained on a Note
given by the said Mattingly to myself
and James McSparran and assigned
by the said James McSparran (that is his part
to me) and after Judgment having
been obtained in this Circuit Court
the said Mattingly took an appeal
to the Supreme Court at Sandalio
and the same - the amt. of said Judgment
principal & 44. and the said Jones is
to pay to Henry Eddy his fee for attending
to the business above described which
fee is ten dollars in Illinois State Bank
paper

James McSparran

John R. Eddy

John C. McSparran
to the Abolitionist
of the Times

46

Matingly
&
McSparran

46