No. 8528

Supreme Court of Illinois

A. A. Purcell et al

vs.

J. M. Oglesby

71641 7

Abraham A Perall
William M Finley &
John Draper
vs
John M Oglesby
County Judge et als
for the use of the People &c
who sue for use of
Samuel Bloom

Appeal from
Marion

The clerk places
~~Docket~~ Docket the above entitled cause

Omelveny & Sandusky
Attys for Deft

[25280]

39

8528

Filed Nov. 13, 1863.
M. Johnston Clk

John M Oglesby County Judge
trials for the use of the People
who sue for use of Samuel Cloon

vs

Abraham A Purcell, William M
Finley and John Draper

Debt

State of Illinois
Marion County } ss I J O. Chance
Clerk of the Circuit
Court of said County hereby certify that the forgoing
entitled cause was tried at the August term AD 1863
of the Marion Circuit Court and that the following orders
were in said cause entered of Record Towit

"And now at
" this day Towit Thursday Augt 20th 1863 came the parties
" by their attornies and the Court hears argument on Demurrer
" to the Declaration and overrules same.

" Afterwards on Friday Augt 21st
" 1863 the Court hears argument on Demurrer to the pleas
" re and sustains same to the 2nd plea with leave to amend.
" Amended pleas filed and the Plaintiffs file Demurrer
" to the special pleas 3. 4. 5th. The Court hears argument there
" on and sustains Demurrer to the 3rd and 4th pleas, and
" overrules same as to the 5th plea. Thereupon issue is
" joined on the 1st plea of non est factum and the 5th
" plea alleging an offer to return the the property to
" Pltff Saml Cloon or agent

[8528-2]

Afterwards on Tuesday

" Augt 25th 1863 Defts file their plea to which Pltffs Demur
" The Court hears argument thereon and sustains the Demurr
" and Deft Excepts to the ruling of the Court in sustaining same.
" Set a jury come Thereupon came the following Jury, Towit
" Thos A Nichols. C. H. Jennings, J. B. Conant Henry Crain
" Joshua Metcalf, Jesse Sullens, R G Stovall, Calvin Lynch J D
" Morgan, Joseph Tucker L M Gibbs and Samuel Mercer twelve
" good and lawful men who being tried elected and sworn well and
" truly to try the issues joined having heard the evidence
" arguments of Counsel and instructions of the Court retired
" to consider their verdict and afterwards brought into
" Court the following verdict. "We the jury find for the
" pltffs $1000- debt to be discharged upon payment of
" $60- Damages Whereupon Defts move for a new
" trial which the Court refuses. It is therefore ordered
" and adjudged that said Plaintiffs do have and recover
" of and from said Defts the sum of $1000- debt to be discharg
" ed on payment of $60. Together with their costs herein
" and may have Execution &c

" And Defts pray an appeal
" which is granted on their filing Bond in $200- within
" thirty days security to be approved by the clerk."

I further certify that Bond was filed in compliance with the above order, but that no Bill of Exceptions has been filed. I also certify that I have had no order from Defendant or Defendants to make out a Record in said cause

Given under my hand and official seal at Salem this 10th day of November AD 1863

J. Q. Thayer Clerk

[8508-3]

39

J. M. Oglesby & als

use of Saml Cloon

vs

A A Purcell & als

6616
$6.00

Filed Nov. 13. 1863.

N. Schuster Clk

Paid by Ottolency & Co.

Fee $1.00

59 _____ 1863

A. A. Purcell et al
Appellants.

vs

J. M. Oglesby - County Judge &c
for use of Sam. Clow -
Appellee.

Appl. from Marion

Appl. Dismissed at Cost
of Appellants - with Damages
for Delay -

Damages ——— 6.00
Costs ——— 10-91

Costbill on page 563.

8578