

8445

No. _____

Supreme Court of Illinois

Wm. Maddox

vs.

David Rotramel

71641  7

Know all men by these presents, that we David Rotramel and Theron B. Cantrell are held and firmly bound unto William Maddox, in the sum of three hundred and fifty dollars, lawful money - for payment whereof 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 day of
A. D. 1859.

The condition of the above obligation is such that whereas the said William Maddox did, in a certain suit in Chancery, at the April Term A. D. 1858, of the Circuit Court of Franklin County, Illinois, recover a Decree and Judgment against the said David Rotramel for the sum of two hundred and eighty five dollars and sixty seven cents - and also for costs of suit - upon which said Judgment, by the said David Rotramel, has since set his writ of error - and brought said cause into the Supreme Court at Mount Vernon - and which said writ of error is, by an Order of said Court, made to operate as a supersedeas upon the filing of bond in the sum of one thousand dollars as the law requires - with T. B. Cantrell as security - Therefore, we know you, that if by the said David Rotramel shall well and truly - and without delay, prosecute his said writ of error with effect - and shall well and truly pay to the said William Maddox all such debt, damages, interests and costs - and such Judgment as shall be awarded and rendered against him upon the final hearing and determination or dismissal of said cause - then this obligation to be void - otherwise to be and remain in full force and effect.

David ^{his} Rotramel Seal
Theron B. Cantrell Seal

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David Rowland

vs

William Maddox

Bona-

Filed 22 March 1859

A. Johnston Clk

Superior Court of Illinois
3^d Grand Division
Nov Term 1858

David Rottramb

vs
William Maddox

} Error to Franklin
Motion for superseding

At the April Term

of Franklin Cir Court 1855 the defendant
in error filed a bill against Walter S
Sikin, J B Cantrell and the plaintiff in
error, calling upon them to account
with the debt in error in regard to
certain stock on the Millbanks farm and
the products of said farm for the year
1853. The oaths of the debts below was
expressly waived - The bill alleges that
Maddox the Complainant below purchased
from Cantrell who it is alleged purchased
from Sikin, all the interest originally
belonging to Sikin in the farm lease &
stock on the Millbanks farm - The an-
-swer of all the debts below expressly
deny this, and the evidence introduced
by the plaintiff in error before the judge
who tried the case clearly established
the fact that Maddox the Complain-
-ant only purchased from Cantrell his
(Cantrell's) interest in the stock on the
Millbanks farm which was billed to
him.

The Court at April Term
1858. rendered a decree against
the plaintiff in error for \$285 67/100
and all costs, and dismissed the
bill as to Cantrell & Aikins

The original bill looked to relief
mainly from Cantrell; and was not
so framed as to authorize the decree
rendered against Retrainment

There were only two witnesses present when Maddox the debt in error purchased from Cantull. One of those witnesses understood that Maddox got an interest in the farm lease and the other that he purchased and paid for nothing but Cantull interest in the Stock, No other testimony will be found in the record touching this point but that of these two, Thos H Burgess and George O'neal.

But no evidence is to be found in the record that Atkin ever sold to Cantull any thing else except his (Atkin's) interest in the Stock - Maddox therefore could not by his purchase stand in any other relation to plaintiff in error, than such as was before his purchase occupied by Cantull.

It may be safely assumed however that a totally different case is made out by the evidence for Complainant below, to the one stated in the bill. The Record shows this most clearly - Leaving the foregoing considerations out of view, the evidence shows no indebtedness from plaintiff in error, to Compt below.

J. P. Allen
for record

David Putnam

by } Error to Franklin

William Maddox

Notice for Super

: Redies

No 62

David Petramis pty in Error
in } Error to Franklin
John Maddox left in Error

Order for Superseides

Should the Court order a writ
of Superseides in the above case
I suggest as Deputy Tilman B
Cantrell. who I undertake to say
is perfectly good.

Wm J Allen

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62/4

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Judith Bruce

David Mohammed & others
vs
William Muddox } Error to Franklin
In the Supreme Court 1864
1st Grand Division

Wt. Muddox
November 1864

This affiant William Muddox
Defendant in the above styled Cause
being first duly sworn according to
Law deposes and says that there
is not as he believes a true and
complete record of the proceedings in
the Court below in the above
styled Cause filed in this Court
and that there is a material
discrepancy of the record as the
same appeared record in the
Court below, in this that the docu-
ment referred to in Compl^t Bill
& referred to by Robert E. Gort in
his deposition as Exhibit A, is
not referred to as Exhibit A, and
there is nothing to show that the
between this & Mohammed
agreement, Copied into the record is
the same as referred to in the deposi-
tion of Gort as Exhibit A, also there
is no replication or file Copied
into the record in this Court as

appeared on file in the Court below
This applicant therefore prays a writ
of Certiorari to the Clerk of the Circuit
Court of Franklin County to set
up a complete record & further
This applicant says not

Subscribed & sworn W^m in Maddox

to begin see this }
14 November 1860 }
N. Johnston Clerk

Retrained Vol

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Maddox

off for

W. Johnston

Filed Nov. 13. 1860

N. Johnston Clerk

State of Illinois,
SUPREME COURT,
First Grand Division. } SS

The People of the State of Illinois,
To the Sheriff of Jefferson County.

Because, In the record and proceedings, and also in the rendition of the judgment of a plea which was in the Circuit Court of Maunlin county, before the Judge thereof between

William Maddox plaintiff and

David Rotman defendant it is said that manifest error hath intervened to the injury of said David

Rotman as we are informed by his complaint, the record and proceedings of which said judgment, we have caused to be brought into our Supreme Court of the State of Illinois, at Mount Vernon, before the justices thereof, to correct the errors in the same, in due form and manner, according to law; therefore we command you, that by good and lawful men of your county, you give notice to the said William
Maddox.

that he be and appear before the justices of our said Supreme Court; at the next term of said Court, to be holden at **Mount Vernon**, in said State, on the first Tuesday after the second Monday in November next, to hear the records and proceedings aforesaid, and the errors assigned, if he shall think fit; and further to do and receive what the said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said William Maddox notice together with this writ.

WITNESS, the Hon. John D. Catron Chief Justice of the Supreme Court and the seal thereof, at MOUNT VERNON, this seventh day of April in the year of our Lord one thousand eight hundred and sixty

Noah Johnston
Clerk of the Supreme Court.

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SUPREME COURT.
First Grand Division.

David P. Howard

Plaintiff in Error,

VS.

William Maddox

Defendant in Error.

SCIRE FACIAS.

FILED.

I have served this Scirefacias on William Maddox,
by reading the same to him - and within his hearing,
on the 7th day of April A. D. 1860.

John Bagwell Sheriff
Jefferson County Illinois

Sheriff's fees -

Serving & Returning Sci fa \$ 60

14 miles travel

70

\$ 130

Beaton Illinois

January 27 1859

Noah Johnson Esq
Albion

Dear Sir

Will you be kind enough
to send me a bond made out by you in the case
of William Maddox vs David Howard Johnson
& Cantrell and Walter S. A. King I do not
know the amount date of judgment nor amount
the ^{Bond} judgment must be. Please attend to this and
I will get same filled and return it.

Truly your Friend
M. C. Crawford

Mr. Crawford

Boston

11th July 59

~~To Mr~~

State of Illinois,
SUPREME COURT,
First Grand Division.

} SS

The People of the State of Illinois,

To the Clerk of the Circuit Court for the County of Franklin Greeting:

Because, In the record and proceedings, as also in the rendition of the judgment of a plea which was in the Circuit Court of Franklin county, before the Judge thereof between

William Maddox

plaintiff and

Darius Robinson

defendants it is said manifest error hath intervened to the injury of the aforesaid Darius Robinson as we are informed by his complaint, and we being willing that error, if any there be, should be corrected in due form and manner, and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distinctly and openly without delay send to our Justices of our Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at **Mount Vernon**, in the County of Jefferson, on the first Tuesday after the 2^d Monday of November next, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

WITNESS, the Hon. John D. Catron Chief Justice of the Supreme Court and the seal thereof, at MOUNT VERNON, this twenty seven day of March in the year of our Lord one thousand eight hundred and fifty seven

North Johnston

Clerk of the Supreme Court.

This writ of error is made a Supersedeas,
and is to be obeyed accordingly.

Asst. Johnston Clk



SUPREME COURT.
First Grand Division.

David Richmond

Plaintiff in Error,

VS.

William Alldredge

Defendant in Error.

WRIT OF ERROR.

FILED.

March 22^d 1859-

Asst. Johnston Clk

No 6

Nov. Term 1860-

Richard
M

Maddox

8445

Dismissed for want
of prosecution

Coasthill on page
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