

11991

No. \_\_\_\_\_

Supreme Court of Illinois

Bradley.

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vs.

Snyder.

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71641  7

To Daviess County.  
William H Bradley  
vs  
John Snyder

1852

11991



State of Illinois }  
Jo Deane County } set

Plas in the Jo Deane County Circuit  
Court begun and held at the Court House  
in Galena on the 4<sup>th</sup> Monday in the  
August a d 1851 before the Hon Benjamin  
R Shelden Presiding Judge of said Court

John Snyder } Plaintiff  
William H Bradley } On Motion  
Clerk of this Court } defendant

It is remembered that  
hereafter to wit on the 4<sup>th</sup> Day of September  
a d 1851 the Plaintiff attorney filed the  
following affidavit in open Court to wit

People } Circuit Court August  
Snyder, alias w } term a d 1851  
} Indt for Murder

John Snyder the defendant  
in the above case after being duly sworn  
states on his oath that he was arrested on the  
14<sup>th</sup> day of September a d 1850 by one  
Cazzen an officer in St Louis Mo and  
brought to the city of Galena Ill on a charge



of the Murder of Charles Steiner that at the time  
he was arrested by said Cozzens he said Cozzens  
took from this affiant by force and against the  
will of this affiant Money to the amount of \$30.25  
in gold and Silver Coin and a set of Silver  
Smiths tools, a silver watch, a box containing  
Clothing & divers other trinkets of Jewelry and  
agate Stones all of which money & property  
belonged to this affiant and was taken from  
him and out of his possession by the said  
Cozzens & produced before the examining  
Justice when this affiant was committed on  
said Charge & your affiant states he was  
advised and believes said money and  
property &c was by the order of the said  
examining Justice delivered to William  
H. Bradley the Clerk of this Hon Court in  
whose possession the same now remains  
to be held subject to the order of said Court  
your affiant further states that he has been  
tried and acquitted of said Charge as  
will appear by the records of this Court and  
that said money and property &c remains  
in Custody and Charge of said Clerk and  
is retained & withheld from this affiant  
without color or right, and this affiant  
further states that the whole of the said money  
and property &c belong to this affiant and  
is unjustly detained from him and that  
no other person or persons has any legal  
claim or right to the same or to any portion  
thereof - he therefore prays this Hon Court



to make an order in said Court requiring  
him to restore said property, money or to  
this applicant as in duty bound &c

John Snyder

Sworn and Subscribed  
before me this 4<sup>th</sup> Sept  
1851 W<sup>m</sup> H Bradley  
Clerk

Ordered Filed 4<sup>th</sup> Sept 1851  
W<sup>m</sup> H Bradley  
Clerk

And afterwards to wit on the 5<sup>th</sup> Day of  
September a d 1851 at the August term  
 thereof a d 1851 in the Record of said  
 Court in said Cause is the following entry  
 to wit "

John Snyder

vs  
W<sup>m</sup> H Bradley Clerk } On Motion  
of the Court

On motion of said Snyder  
by his attorney William H Bradley Clerk of  
the Circuit Court is ruled by the Court to pay  
over the money & property in his hands claimed  
by said Snyder, or show Cause to the contrary  
by tomorrow Morning

and afterwards to wit on the 6<sup>th</sup> Day of  
September a d 1851 at the August term



A D 1851 of said Court, in the Records of  
said Court in said Cause is the following  
entry to Wit<sup>h</sup>

John Snyder

by  
William H Bradley } On motion  
Clerk of this Court }

Now came on to be heard  
the Motion of the said Snyder by attorney that  
the Court direct W<sup>m</sup> H Bradley clerk of the  
Circuit Court to deliver up to the said Snyder  
the property and money in his possession alleged  
to belong to the said Snyder, which after argument  
is sustained by the Court, and the said property  
and money, with the exception of the amount  
of the conditional judgments rendered by W<sup>m</sup> C  
Bostwick Esq against him as Garnishee of the  
said Snyder amounting to the sum of Seventy  
Six Dollars & Eighty one cents be paid over to the  
said Snyder within thirty days from the raising  
of the Court, to which ruling and decision of  
the Court the said William H Bradley by  
his attorney excepts and prays an appeal to the  
Supreme Court, and proposes to enter into Bond  
in such form and with such security and  
within such time as the Court may direct—  
And the Court not being satisfied that an appeal  
lies in the case denies the said prayer for an  
appeal, to which opinion and decision of the  
Court in refusing said appeal the said Bradley  
by his attorney excepts, which exceptions are made

of record herein and allowed by the Court.

State of Illinois }  
In Saunp County } set

I William H. Bradley, Clerk  
of the Circuit Court in and for Saunp County  
do hereby certify that the foregoing transcript  
is a true and correct copy from the record  
of all the proceedings which were had in  
the said Circuit Court in the aforesaid  
Case of John Snyder against William  
H. Bradley

In testimony whereof I have  
hereunto set my hand and  
affixed the Seal of said Circuit  
Court at my office in Gallatin  
this 15<sup>th</sup> Day of September  
A D 1851

Attest Wm H Bradley Clerk  
Wm H Bradley  
Geo W. Mitchell Deputy Clerk



- The within named William H. Bradley assigns on the within record the following errors—
- 1<sup>st</sup> The Court erred in entertaining the said motion and proceeding.
  - 2<sup>nd</sup> Because the Court had no jurisdiction of said proceeding.
  - 3<sup>rd</sup> The Court had no power to make said rule and order on said Bradley.
  - 4<sup>th</sup> Because said Bradley had no notice of said motion.
  - 5<sup>th</sup> Because said proceeding was ex parte.
  - 6<sup>th</sup> The Court erred in entering the final order.
  - 7<sup>th</sup> The Court erred in refusing an appeal
  - 8<sup>th</sup> And because of other errors manifested on the face of the record—

And said William H. Bradley therefore prays for a writ of error & superedeas &

Wm H. Bradley

By Stone & Wilson

his attorney.

Set a superedeas ipse on the party in error entering into bond in the penalty of \$1000 with Edwin Ripley as surety. Sept. 27<sup>th</sup> 1851.

A. H. Heat. C. J. Sup. Court.

Filed October 7. 1851.

L. Leland Clerk

By P. H. Leland Deputy



William H. Bradley } In the Supreme Court  
John Snyder } Of the June Term 1852 -  
Error to remove Cause -

And now at this time comes the said  
John Snyder by Johnson Higgins & Strother his attys  
and says that there is no error either in the  
records & proceedings aforesaid or in giving  
the judgment aforesaid and he prays  
that the Court may proceed to examine  
as well the record & proceedings aforesaid  
as the matter aforesaid & agree for  
error and that the judgment aforesaid  
=& said record & proceedings aforesaid given may  
be in all things affirmed &c -

Johnson Higgins &  
Strother Clets attys

May 2.



William H. Bradley

# 3

John Snyder —

London in Error —

Filed July 8<sup>th</sup> 185-2.  
L. Seland Clk.  
By P. H. Delant Copy



Supreme Court 3rd  
Grand Division 2d June  
Term AD 1852.

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William H Bradley  
Plaintiff in error

vs  
John Snyder defendant  
in error

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Manuscripts &c

Filed October 7. 1857.  
Leland Clerk  
By P. H. Leland Deputy

Hoge & Wilson attys  
for plaintiffs in error.



Know all men by these presents that we William  
H. Bradley and Edwin Ripley both of the County  
of Goddard & State of Illinois are, jointly & severally  
held and firmly bound unto John Snyder in  
the penal sum of one thousand dollars good  
and lawful money of the United States to be  
paid to the said John Snyder his executors  
administrators and assigns, to which payment  
well and truly to be made we bind ourselves  
our heirs executors and administrators and  
every of them firmly by these presents. Sealed  
with our seals this second day of October AD  
1851.

The condition of the above obligation is such  
that whereas at the August Term AD 1851 of  
the Circuit Court in and for the County of Goddard  
& State of Illinois, in a certain proceeding  
instituted by motion by John Snyder and against  
William H. Bradley, the said Circuit Court did  
on the 6<sup>th</sup> day of September AD 1851 at the said  
August Term render a judgment in favor  
of said John Snyder and against said William  
H. Bradley that said Bradley should deliver up  
to said John Snyder the sum of Seven Hundred  
and forty three dollars and forty four cents, in  
gold & silver coin and the following articles  
of personal property to wit: one set of silver  
smith tools, one silver watch, one box containing  
clothing & divers other trinkets of jewelry and agate  
stones, to be paid over to said Snyder within  
thirty days from the raising of said Circuit Court  
and whereas the said William H. Bradley  
is about to sue out a writ of error upon said  
judgment from the Supreme Court of the said  
State of Illinois, Now if the said William H. Bradley  
shall duly prosecute said writ of error with effect  
and without delay, and deliver up to said John  
Snyder the aforesaid <sup>moneys</sup> goods & chattels & pay said  
judgment costs interests and damages in case  
the said judgment of said Circuit Court shall  
be affirmed & in all respects comply with whatever

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judgment the said Supreme Court may render  
in the premises then this obligation to be null  
and void otherwise in full force.

In witness whereof we have hereunto set our  
hands & seals the day & year above written.

*The word money on first page interlined before signing.*

Wm H Bradley by *Edw*  
Dan Ward his atty in fact

Edwin L. Sibley *Seal*



William H. Bradley  
Plaintiff in error

vs  
John Snyder defend-  
ant in error.

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Bond

Filed October 7. 1857.

J. Seland Clerk  
By P. H. Seland Deputy.



William H Bradley  
By Daniel Mann his atty in fact.

Filed October 7, 1888.  
J. H. [unclear]

1888

Wm H Bradley  
By Daniel Mann  
his atty in fact.



State of Illinois, set.

WRIT OF ERROR—FREE TRADER PRINT.

The People of the State of Illinois,

To the Clerk of the Circuit Court for the County of *Jo Davis* — GREETING :

BECAUSE in the record and proceedings, as also in the rendition of the judgment of a ~~plea~~ <sup>*motion*</sup> which was in the Circuit Court of *Jo Davis* county, before the Judge thereof, between

*John Snyder* — plaintiff and *William H. Bradley*

defendant it is said manifest error hath intervened, to the injury of the aforesaid

*William H. Bradley* —  
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 the 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 Ottawa, in the county of La Salle, on the *2<sup>d</sup> Monday in June* 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. SAMUEL H. TREAT, Chief Justice of our said Court, and the seal thereof, at Ottawa, this *seventh* day of *October* in the year of our Lord one thousand eight hundred and fifty *one*.

*J. Seland* Clerk of the Supreme Court.  
By *P. H. Seland* Deputy.



William H. Bradley  
vs  
John Snyder  
Writ of Error.

This writ of error is made  
a Supersedeas & is to be  
obeyed accordingly -  
J. Leland Clerk  
By P. H. Leland Deputy.

Filed October 7<sup>th</sup> 1857.  
J. Leland Clerk  
By P. H. Leland Deputy.



Know all men by these presents that I William  
H Bradley of Galena & Sump County, Illinois  
reposing special confidence in Daniel Warm  
of same place have made ordained authorized  
nominated and appointed and do by these presents  
make ordain authorize and appoint him my true  
and lawful attorney for me and in my name  
and for my own proper use and benefit individually  
as well as in my capacity and duty as one of the  
assignees of Charles G Thomas to ask demand sue for  
recover & receive of and from all persons who may be ind-  
-ebted to me either individually or as such assignee  
and acquittances or other sufficient discharges for  
the same for me and in my name to make seal  
and deliver, and to make and execute for me &  
in my name any bond or bonds which to my said  
attorney may be thought necessary to be made either  
individually or as such assignee in and about any  
suit or suits which my said attorney may find it  
necessary either to commence or to defend, and to do  
all other lawful acts and things whatsoever concern-  
-ing the premises as fully and in every respect as  
I myself might or could do were I personally present  
at the doing thereof ratifying and confirming and by  
these presents allowing whatsoever my said attorney  
shall in my name lawfully do or cause to be done in  
and about the premises, by virtue of these presents  
In Witness Whereof I have hereunto set my hand  
& seal at Galena in said County this 25<sup>th</sup> day of  
September a d 1851

Wm H Bradley

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State of Illinois }  
In Danvers County } p

I Richard Seal Clerk of  
the County Court of In Danvers County, Illinois  
do hereby certify that William H Bradley whose  
name appears subscribed to the within and  
foregoing power of attorney - and who is personally  
known to me to be the identical person who signed  
the same this day appeared before me & acknowledged  
that he had executed the same freely & voluntarily  
for the uses and purposes therein expressed -

In testimony whereof I have  
hereunto set my hand & affixed  
the Seal of said Court at my  
office in Galena in said County  
this 29<sup>th</sup> day of September A.D. 1857  
Attest Richard Seal Clerk

Power of Atty  
Wm H Bradley  
to  
Samuel Warren

Filed October 7. 1857.  
V. Samuel Seal  
By J. H. Standish