

Term, 1855]

Chipman vs. Simmons

CHIPMAN vs. SIMMONS

Appeal from the Circuit Court of Union County.

CARLETON, for the appellant.

LYON, contra.

Mr. Justice WALKER delivered the opinion of the Court.

This case is in all respects like that of *Chipman vs. Fambro*, just decided. Simmons was the other security upon the sheriff's bond, and was sued jointly with Fambro; and, after judgment, claims to have paid half the money. The decision of the case against Fambro, is, in all respects, decisive of this case.

Let the judgment be reversed, and the cause be remanded, with instructions to grant a new trial, and for further proceedings, &c.