

No. 14436

Supreme Court of Illinois

Lamb, et al

vs.

Chappel

71641  7

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division

No. 136

Chappel
vs

James

14136

STATE OF ILLINOIS,
SUPREME COURT. } ss. The People of the State of Illinois,

To the Sheriff of Kankakee - County, GREETING:

Because, In the record and proceedings, and also in the rendition of the judgments of a plea which was, in the Circuit - Court of Kankakee County, before the Judge thereof, between

Edward Chappel

plaintiff, and Lewis Lamb, John Lamb & Vigil Lamb

defendants, it is said that manifest error hath intervened, to the injury of the said

Defendants

as we are informed by them - ~~complaints~~ the record and proceedings of which said judgments we have caused to be brought into our Supreme Court of the State of Illinois, at Ottawa, 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 ~~Lewis Lamb, John Lamb & Vigil Lamb~~

Edward Chappel

that he - be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State, on the first Tuesday after the third Monday in April next, to hear the record and proceedings aforesaid, and the errors assigned, if he - shall see fit; and further to do and receive what said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said

Edward Chappel

notice, together with this writ.

Witness, The Hon. John D. Eaton, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 20 day of April - in the year of our Lord One Thousand Eight Hundred and Sixty-Three.

S. Seland
Clerk of the Supreme Court.



Swiss Lamb & als.

No. vs.

Edward Chappel

SCIRE FACIAS.

I have served this writ
by reaching the same
to the within named
Edward Chapple this
4th Day of April
A.D. 1863

Jacob Obrecht
Sheriff of Kaukaunee
County
Ill

W. F. E. A. Service . 50
2 Miles 10
Return 10
\$ 70

FILED Apr 6 A. D. 186 3.

L. Selan Clerk.



STATE OF ILLINOIS,
SUPREME COURT,

} ss. The People of the State of Illinois,

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

Because, In the record and proceedings, as also in the rendition of the judgments of a plea which was in the Circuit Court of Kankakee County, before the Judge thereof, between

Edward Chappel

Complainant, and

Lewis Lamb, John Lamb & Vigil Lamb

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

Lewis, John & Vigil Lamb

as we are informed by their complaints

and we being willing that error should be corrected, if any there be, in due form and manner, and that justice be done to the parties aforesaid, command you that if judgments thereof be given, you distinctly and openly, without delay, send to our Justices of the Supreme Court the record and proceedings of the plea 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 first Tuesday after the third Monday in April 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. CATON, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 22 day of April in the Year of Our Lord One Thousand Eight Hundred and Sixty three.



L. Claude
Clerk of the Supreme Court.

136

Lewis Lamberts.

No.

vs.

Edward Chappel

WRIT OF ERROR.

FILED

April 2nd

A. D. 1863

L. Leland

Clerk.



State of Illinois
Supreme Court Three Grand
Division April Term 1863,

Lewis Lamb
John Lamb &
Virgil Lamb
Pliffs in Error
Edward Schaffell

Error to Hancock

Left in Error, } And now comes the said
} Plaintiffs in Error G. H. K.
Murray their Attorney and say, that
in the Record and proceedings afore-
-said there is manifest Error in this:

- 1st The declaration is not sufficient
- 2^d The judgement of the Court Exceeds
The damages claimed in the
Declaration,
- 3^d The warrant of Attorney ^{orally} author-
-ised a confession of judgement
for the amount that should actually
due on said notes, and the judgement
Exceeds the amount then due
about \$22.00
- 4th The ad damnum in the declaration
is for \$617.10 while the judgement
is for the sum of \$627.00
- 5th The judgement should have been
for the Plaintiffs in Error,

6th The Execution of the Power of Attorney
was not proven,

7th The Cause of action as stated
in the declaration is defective
in substance;

8th The Judgment in this Cause
was rendered more than a year
after the Execution of the Power
of Attorney, and more than a
year after the Notes became
due, without any Affidavit
that the amount of the Notes,
or any part thereof was then
due,

And the Said Plaintiff pray that
the Said Judgment may be
reversed, set aside, and
for naught held.

R. B. Murray
Attorney for Plaintiff
in Error

The People of the State of Illinois
By the Grace of God Free^d and Independent
Know Ye.

That We having caused to be inspected the
Records of the Proceedings now remaining on file in
the office of our Clerk of our Circuit Court in and for
our County of Kansas do find there certain records
and Proceedings in the words and figures following To Wit
United States of America

State of Illinois } ss.

County of Kansas } In vacation after a Term
of the Circuit Court of the said

County of Kansas began and held at the Court House in
Kansas City in said County and State on the First Monday
the same being the Fifth day of April in the year of our
Lord one thousand Eight Hundred and Fifty Eight and
of the year of the Independence of the United States the Eight
Second

Present the Honorable Charles R. Starr Judge
Attest Philip Worcester Clerk

And afterward Do Wit: on the 10th day
of July A.D. 1858. The same being in vacation after
the said April Term of said Court for the Year
A.D. 1858 Edward Chappell Plaintiff by H. White
more his Attorney did file in the office of our Clerk
of our said Court a certain Star and Argument in
the words and figures following To Wit:

State of Illinois }
Kankakee County } ss Circuit Court Kankakee County in
vacation after April Term AD 1858

Edward Chappel Plaintiff in this suit by H Whittle
his Attorney comes and complains of Lewis Lamb John
Lamb + Virgil Lamb defendants in this suit of a Plea
of Trespass on the case on Promises: For that whereas the
said Defendants heretofore to wit on the third day of April
AD 1856 at Kankakee City in the County of Kankakee in
Said State to wit at Kankakee City in the County of Kankakee
the aforesaid made three certain Promissory notes
writing by them subscribed bearing date the day and
last aforesaid and then and there delivered the same to
said Plaintiff and thereby then and there promised the said
Plaintiff or order for value Received to pay on the first
day of July next the sum of Five Hundred and
Fifty Dollars one note for the sum of Ninety Eight dollars
one for the sum of Ninety Nine dollars and the other
for the sum of Three Hundred & fifty three dollars
But although the said notes hath become due and
said Defendants have been requested to pay the same to
said Plaintiff they have refused so to do and still
refuse to wit at Kankakee City aforesaid to the damage
of said Plaintiff in the sum of Six Hundred and sev-
enteen dollars and ten cents and therefore he brings
suit &c

H Whittlemore

Plaintiff Attorney

State of Illinois }
Kankakee County } Circuit Court Kankakee County
in vacation after April Term A.D. 1858

Lewis Camb
John Camb &
Virgil Camb
ads
Edward Sheffel } Cognovit

And the said Lewis Camb
John Camb & Virgil Camb defendants in the above
entitled suit by Ara Bartlett their Attorney comes and
defends the wrong and injury whence and makes record
of process and says that he cannot deny the action of
the said Plaintiff nor but that they the defendants did
undertake and promise in manner and form as the said
Plaintiff hath thereof above complained against them nor
but that the said Plaintiff has sustained damages on account
of the non performance of the several promises and undertakings
in the said declaration mentioned including the sum of
Ten dollars for reasonable Attorneys fees for entering up
this judgment over and above all other costs and charges
by him about this suit in this behalf expended to the sum
of Six Hundred and Twenty Seven dollars and - cents
and the said defendants further agree that no writ of
Error or appeal shall be prosecuted on the judgment entered
by virtue hereof nor any bill of equity filed to interfere in any
manner with the operation of said judgment and that they
hereby release all errors that may intervene in entering up
the same
Ara Bartlett
defendants Attorney
Filed July 10. 1858 P. J. Forster clerk by J. H. Woodley s. c. l. y

and afterward to wit on the day and year
last aforesaid. the said Plaintiff by his said
Attorney did file certain notes in the words and
figures following to wit:

#98. Kankakee City April 3^d 1856

on the first day of July next for value Received no
promise to pay to Edward Chappel or order the sum of
Ninety eight dollars

Lewis Lamb
John Lamb
Virgil Lamb

Know all men by these presents that whereas the subscribers
John Lamb Virgil Lamb and Lewis Lamb justly indebted
to Edward Chappel upon a certain promissory note
bearing even date herewith for the sum of Ninety Eight dollars
made payable to the said Edward Chappel or order and
due on the first day of July next. Now therefore in consid-
eration of the premises and of the sum of one dollar to us
in hand paid by the said Edward Chappel the receipt
whereof is hereby acknowledged we do hereby make con-
stitution and appoint J. A. Ward or any Attorney in any
Court of Record to be our true and lawful Attorneys in
-cably, ^{to} in our names places and stead to appear before
any Justice of the Peace or in any Court of Record in term
time or vacation in any of the States or Territories of the
United States at any time after the date ^{heres} to receive service of
process and confer a judgment in favor of the said
Edward Chappel or his or their assigns or assignees

upon the said note for the above sum or for as much as appears to be due according to the tenor and effect of said note with interest thereon together with costs. also for the usual Attorneys fees to be added to the amount due on entering up judgment. also to file a cognovit for the amount that may be so due with an agreement therein that no writ of error or appeal shall be prosecuted upon the judgment entered by virtue hereof nor any bill in equity filed to interfere in any manner with the operation of such judgment and to release all errors that may intervene in the entering up of such judgment or issuing the execution thereon and also to consent to immediate execution upon such judgment. Herely ratifying and confirming all that our said Attorney may do by virtue hereof

Witness our hands and seals this third day April AD 1856

In presence of
 J A Ward as to Lewis Lamb
 A L D arche

Lewis Lamb
 John Lamb
 Virgil Lamb

on the back of which note was the following writ:

State of Illinois }
 Kankakee County } being duly sworn on oath dep. and says that he knows Lewis Lamb John Lamb + Virgil Lamb the makers of the within note and warrant of Attorney - and that he is acquainted with their hand writing and that he verily believes the signatures to said note + warrant of Attorney to be their hand writing and that the same is genuine

sworn & subscribed before
me this 10 day of July A.D. 1858
Ara Bartlett J P

A Whittmore

#99- Kanawha City April 3^d 1856
on the first day of July next for value Received
we promise to pay to Edward Chappel or order the sum of
thirty nine dollars

Lewis Lamb

John Lamb

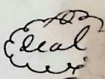


Virgil Lamb

Know all men by these presents that whereas the subscribers
John Lamb Virgil Lamb and Lewis Lamb are justly indebted
to Edward Chappel upon a certain promissory note
bearing even date herewith for the sum of thirty nine
dollars and made payable to the said Edward Chappel or
order and due on the first day of July next. Now
therefore in consideration of the premises and of the
sum of one dollar to us in hand paid by the said
Edward Chappel the receipt whereof is hereby acknowledged
we do hereby make constitute and appoint J A Whittmore or
any attorney in any Court of Record to be our true and
lawful attorney irrevocably for us and in our names
places and stead to appear before any justice of the
peace or in any Court of Record in term time or vacation
in any of the states or Territories of the United States
at any time after the date hereof to receive service of process
and confess judgment in favor of the said Edward
Chappel or his assignee or assignees upon the said

note for the above sum or for as much as appears to be due according to the tenor and effect of said note with interest thereon together with costs, also for the usual attorneys fees to be added to the amount due on entering up judgment also to file a cognovit for the amount that may be so due with an agreement therein that a writ of error or appeal shall be prosecuted upon the judgment. Intends by virtue hereof nor any bill in equity filed to interfere in any manner with the operation of such judgment and to release all errors that may intervene in the entering up of such judgment or issuing the execution thereon and also to consent to immediate execution upon such judgment. Hereby ratifying and confirming all that our said attorney may do by virtue hereof.

Witness our hands and seals this third day of April A.D. 1856

In presence of
J. A. Ward as to Lewis Lamb
A. C. Darche

Lewis Lamb 
John Lamb 
Virgil Lamb 

on the back of which note is the following to wit:

State of Illinois

Kankakee county

Yes being duly sworn on oath deposes and

says that he knows Lewis Lamb John

Lamb & Virgil Lamb the makers of the within note as

Attorney and that he is acquainted with their hand

writing and that he verily believes the signatures to the said

note and warrant of attorney to be their hand writing and

that the same is genuine

subscribed and sworn before me

this 10-day of July A.D. 1858
Ara Bartlett J.P.

H. Whittier

#353 -

Kansasssee City April 3^d 1856

on the first day of July A.D. 1857 for value received
we promise to pay to Edward Chappel or order the sum
of Three Hundred and fifty three dollars

Lewis Lamb

John Lamb

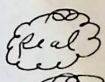

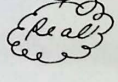
Virgil Lamb

Know all men by these presents that whereas the subscribers
John Lamb Virgil Lamb and Lewis Lamb are justly indebted
to Edward Chappel upon a certain promissory note bearing
even date herewith for the sum of Three Hundred and fifty three
dollars made payable to the said Edward Chappel or
order and due on the first day of July A.D. 1857. Now therefore in
consideration of the premises and of the sum of one dollar
to us in hand paid by the said Edward Chappel the
receipt whereof is hereby acknowledged we do hereby make constitution
and appoint J. H. Ward or any attorney in any court of Record
to be our true and lawful attorney irrevocably for and in
our names places and stead to appear before any court of Record
in term time or in vacation in any of the States or Territories of
the United States at any time after the date hereof to receive service
of process and confer a judgment in favor of the said Edward
Chappel or his or their assignee or assignees upon the said
note for the above sum or for as much as appears to be due
according to the tenor and effect of said note with interest there
on together with cost. also for the usual attorneys fees to be
added to the amount due on entering up judgment also to
file a Cognovit for the amount that may be so due with an

agreement therein that no writ of error or appeal shall be pursued upon the judgment entered by virtue hereof nor any bill in equity filed to interfere in any manner with the operation of such judgment and to release all errors and may intervene in the entering up of such judgment or issuing the execution thereon and also to consent to immediate execution upon such judgment. Hereby Ratifying and confirming all that our said attorney may do by virtue hereof

Witness our hands and seals this third day of April A.D. 1856

In presence of
J A Ward unto Lewis Lamb
A C Darche

Lewis Lamb 
John Lamb 
Virgil Lamb 

on the back of which note are the following endorsements to wit: State of Illinois }
Knox County } being duly sworn on oath ^{deposes}
that he knows Lewis Lamb John Lamb + Virgil Lamb the makers of the within note + warrant of Attorney and that he is acquainted with their hand writing and that he verily believes the signatures to the said note and warrant of attorney to be their hand writing and that the same is genuine

sworn and subscribed before me this 10 - day of July A.D. 1858

H Whittenton

Oran Bartlett JP

" Filed July 10. 1858 "

J Worcester Clerk

By A M Worley deputy

And afterwards do mit on the day and year last
aforesaid July 10th A.D. 1858. the following proceedings
were entered of Record do mit

Edward Schappel } Saturday July 10 A.D.
1854 25th } Leysnoir

Lewis Lamb John Lamb

+ Virgil Lamb

And now at this day
the said Plaintiff by H. Whittmore

Esquire his Attorney and files his declaration in an action of
Trespass on the case on promises against the said defendants
and files also a warrant of Attorney signed and sealed
the said defendants Lewis Lamb John Lamb + Virgil
Lamb the execution of which is duly proven to the satisfaction
of the Court (by affidavit on file) authorizing any attorney
of any Court of Record to appear in this Court waive notices
of process and confess judgment in favor of the said
Plaintiff and against the said defendants for the amount
due upon a certain Promissory note annexed to said
warrant of Attorney also for the sum of Ten dollars Attorneys
fees besides the costs of this suit. Thereupon came also
Ara Bartlett Esquire an Attorney of this Court in behalf
of said defendants and files his Cognovit by which he
waives service of process and confesses and consents to that
judgment may be entered in favor of the said Plaintiff
and against ^{the said} defendants for the sum of Six Hundred and
Twenty Seven dollars and cents it being the amount
due upon said Note including Attorneys Fees. And
the said Attorney releases all errors in entering up this

judgment (either in law or equity) or in issuing execution thereon and consents to the issuing of immediate execution on the same. It is thereupon considered ^{and ordered} by the court that the said Plaintiff have and Recover of the said defendants his damages to the said sum of Six Hundred & Twenty Seven Dollars and ~ cents so as aforesaid conferred together with his costs and charges by him about his suit in this behalf expended and that he have execution for the same

State of Illinois
Kankakee County }
I, Elton Curtis Clerk of the Circuit Court in and for said county in the state aforesaid do hereby certify the above and foregoing to be a full true and perfect transcript of the Record of the Proceedings of the Circuit Court of said County in a certain cause lately pending in said court wherein Edward Chappel was Plaintiff and Lewis Lomb John Lomb and Virgil Lomb were defendants as appears from the Records and files of said Court now in my said office.

Attest my hand and seal of our said Court hereto affixed at office in Kankakee City this 30th day of March A.D. 1863

Elton Curtis Clerk
by J.B. Welch sep.



¹³⁶
Edward Schappel

~~Asst.~~
Lewis Lamb. John

Lamb + Virgil Lamb

— " —

Record &
Evens —

Filed Apr. 2^d 1863.
L. Ueland
Clk.

clerk's fees for this
Record \$3.00
E Curtis Clerk

