

I appear before the Honorable John Reynolds, one of the Justices of the Supreme Court of the State of Illinois, at a Circuit Court begun and held at Belleville within and for the County of St. Clair on the fourth Monday of March in the year of our Lord Eighteen hundred and twenty two and of the Independence of the United States the sixth —

Be it remembered that hereofore to wit, on the first day of November of the year of our Lord Eighteen hundred and twenty, Joseph Canelius executed and filed in my office an Appeal Bond and thereupon issued his Summons against Isaac Clark, which Summons is in the words following to wit:

State of Illinois } To the People of the State of Illinois
St. Clair County }

To my Constables of Illinois Townships. Greeting

We Command you to Summon Isaac Clark or his Agent or Attorney to appear before the Justice of our Circuit Court next to be holden at Belleville within and for our said County on the second Monday of November instant, on the fourth day of the term, then and there to answer an Appeal entered by Joseph Canelius from the Judgment of Obadiah Osborne Esquire a Justice of the Peace for the County of St. Clair in favor of the said Isaac Clark and further to do and receive what our said Court shall in that part Consider and have then there this writ —

Test Seal } Witness John Hay Clerk of our said Court at Belleville this first day of November in the year of our Lord Eighteen hundred & twenty

On the back of which is endorsed an Injunction, in these words, to wit: This writ shall enjoin the said Osborne Esquire Justice of the Peace, of St. Clair County the Constable and every other person whomsoever from proceeding further upon the within mentioned Judgment until the same shall be heard upon the said Appeal

John Hay

John Hay Clk

And which writ is there is no return. At which day to wit, on the second Monday of November came the said Appellant and on motion of H. Stawell Esq. a default was entered, and thereupon motion of H. Stawell Esq. for the Plaintiff, it is ordered that an Alias issue to the next term, to which day the Cause is continued. Which writ of Alias is in the words following to wit:

State of Illinois } To the People of the State of Illinois
St. Clair County }

To my Constables of Illinois Townships. Greeting

We Command you as we before Commanded you to Summon Isaac Clark or his Agent or Attorney, to appear before the Justice of our Circuit Court, next to be holden at Belleville within and for our said County on the fourth Monday of March next, on the fourth day of the term, then and there to answer an Appeal entered by Joseph Canelius from the Judgment of Obadiah Osborne Esquire a Justice of the Peace for the County of St. Clair in favor of the said Isaac Clark and further to do and receive what our said Court shall in that part Consider and have then there this writ —

Test Seal } Witness John Hay Clerk of our said Court at Belleville this twenty second day of February one thousand Eight hundred & twenty one

John Hay

On the back of which is endorsed an Injunction, in these words to wit: This writ shall enjoin the said Osborne Esquire Justice of the Peace of St. Clair County the Constable and every other person whomsoever from proceeding further upon the within mentioned Judgment until the same shall be heard upon the said Appeal.

John Hay Clk

and the return of the Constable makes his return, in these words to wit,

Non est, not found in this County

Parker Jarvis Constable

At which day to wit, on the fourth Monday of March of the year last aforesaid, Came the said Defendant (appellant) by his attorney, as also Henry Starr attorney for plaintiff and on his motion was ordered that the appearance of said plaintiff be entered without service of process; and that the cause be continued to next term, to which day the cause is continued. At which day to wit, on the first Monday of September of the year last aforesaid, Came the said parties, and on motion, the cause is continued to next term by consent. At which day to wit, on the fourth Monday of March of the year Eighteen hundred twenty two Came the said parties by their attorneys

Copy of Judgment filed by the appellant of the Justice of the Peace

Isaac Black } in an appeal

Joseph Cornelius }

October 6th 1820 Judgment is entered in favour of the Plff. for the sum of \$99.⁰⁰ and costs of suit to the amount of

25⁹⁷/₁₀₀

\$ 101.⁵⁷/₁₀₀

I certify the above to be true statements from my docket this 25th day of October 1820.

Obadiah Osborn J.P.

Transcript — 25
Bond — 50
Entire appeal — 75
37⁰⁰
112⁰⁰

And the Court after mature deliberation it is the opinion of the Court and is agreed thereby that the above Cause be abated for want of Jurisdiction of the Court

The following account was filed by Plaintiff (and ordered to be copied in its right place) to wit

Joseph Cornelius To Isaac Black D^r
1818 To six months labour @ \$20 ————— \$120 00
" 17 days work in July & 1820. 7 day ————— 17 00
" 30 bushels of Corn @ 60 cts ————— 18 00
" Turnips ————— 10 00
" Pork 140⁰⁰ ————— 5 00
1820 " 14 days work in attending trial in the month of March. 14 00
Or ————— \$ 176 00
By sundry articles payment &c ————— 77 00
\$ 99 00

To which opinion of the Court the said Plaintiff by his attorney objected and filed his bill of objections which is in the words & figures following to wit,

Isaac Black } On an appeal,
Joseph Cornelius }

But Remembers that on this Cause being called on for trial at a former day of this term the Court ordered it to be abated for want of Jurisdiction, in as much as the Judgment in which the appeal was taken was rendered upon an account exhibited before the Justice amounting to the sum of \$176 but which was credited with \$77 leaving a balance due of \$99 for which the Judgment was given and which Judgment for \$99 with the addition of the costs exceeded \$100 To which opinion of the Court in not taking further

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further cognizance of the cause the said Clark by his Counsel excepts and prays this his Bill of Exceptions to be signed entered & made part of the Record.

Amount of Costs including this Record

John Reynolds *Fee*
\$30.89.

Att^y for Plaintiff Clark \$13.75 *pr*

Att^y of Def^t Cornelius

17.15 *pr* \$30.89

Henry Starr att^y for Cornelius
Starr for Clark

State of Illinois
Harris County

I John Hay Clerk of the Circuit Court ^{of said County} do hereby
Certify that the foregoing is a true Copy of the papers and
proceedings of the above cause



In Testimony whereof I have hereunto set my hand and
Seal of said Court at Belleville this tenth day of
October in the year of our Lord Eighteen hundred and
twenty two and of the Independence of the United States
of America the forty seventh

John Hay

Supreme Court

Isaac Clark

vs.

Joseph Cornelius

Dec^r term 1822

And now at this day that is to say on the
on the second ~~isay~~ monday in the ~~of~~ December in the year one
thousand eight hundred and twenty two comes the said Isaac Clark
by his counsel and says that in the record and proceedings and also in
giving the Judgment aforesaid there is manifest error in this that
said Judgment was rendered in the court below for the said Joseph
Cornelius and against the said Isaac Clark, whereby the laws of
the said Judgment ought to have been given for the said
Isaac Clark and against the said Jos. Cornelius - there is man-
ifest error also in this, - that said Judge court below erred in
ordering the cause in said court to abate for want of Juris-
diction in the Justice of the peace, - for which error and also
for other errors in the record and proceedings aforesaid, the said
Isaac Clark prays that said Judgment may be reversed and that
he may be restored to all his rights before said Judgment was
rendered -

Henry Starr for plff in error

Grace Clark
or
Joseph Cornelius

Filed Dec. 29. 1822
at Madison

(7)

Grace Clark
for Cornelius } Record

On the 22nd day of March
1824

In the Supreme Court of the State of Illinois
 Isaac Clark
 Against Bill of Costs
 Joseph Cornelius

1822 Dec Filing Record 25. Entering Appearance 10.	\$0.35
Docketing Cause 122 Entering App ^{ts} 10 Entg Atty 10	0.32
Filing assignment of Errors 10 filing Joinder 10	0.20
Upw 25 trial 50 Decree 6 folio Pages 1.08	1.83
Complete Record 41 folio Pages 7 38	7.38
Transcript to the Court below 6 folio Pages 1.08	1.08
Certificate & Seal 75 Cost Bill 50 copy 37c	1.62
Attorneys fee 250	<u>2.50</u>
	\$15.29

Certificate Seal

50
 \$15.79

State of Illinois
 Supreme Court 2 Feb

I James M Duncan Clerk of the Supreme Court of the State of Illinois do hereby certify that the foregoing Bill of Costs in said Court, in the Cause aforesaid, is a true Copy from my fee Book

In Testimony Whereof I have here to set
 my hand and affixed the Seal of said
 Supreme Court at Vandalia this 2th
 day of June 1830 J M Duncan Clk
 Lb. DW

Dupont Court
Isaac Clark
Vs 3 Cost Bill
Joseph Cornelius
\$15.79

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State of Illinois, Sec.

THE PEOPLE OF THE STATE OF ILLINOIS
TO *John Hay* Esq. CLERK OF THE CIRCUIT COURT FOR THE COUNTY
OF *St. Clair* 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
county, before the Judge thereof, between *Isaac Black*

plaintiff

and *Joseph Cornelius*

defendant, it is said manifest

error hath intervened to the injury of the aforesaid *Plaintiff* 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 openly and 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 *Vandalia* the county
of *Layette* on the *second Monday* *Dec 2nd* next, that the record
and proceedings, being inspected, we may cause to be done them, to correct the error, what of
right ought to be done according to law.

Witness, James M. Duncan, Clerk of our said court

Isaac Sheriff at *Vandalia*

this *9th* day of *December* in the year of our

Lord one thousand eight hundred and *22* and of our

Independence the

J M Duncan Clk