

State of Illinois
Franklin County

P(11)

Pleas before the Honorable Thomas L.
Prorogued and of the Justices of the Supre
-me Court of the State of Illinois and
Presiding Judge of the Circuit, ap-
-peal in the Third Judicial Circuit
of said State, on Tuesday the 3^d day
of October in the year of our Lord one
Thousand Eight Hundred & Thirty
Two.

It is remembered that hereupon, to-wit, on the 25th day of Au-
-gust in the year of our Lord one Thousand Eight Hundred &
Thirty one, the President and directors of the State Bank of Il-
-linois by their attorney filed in the Clerk's Office of our said Court
a declaration against Nelson Newman William Harris
and Thomas Mc Morris, which said declaration is in the
words and figures following, to-wit, to say-

~~of the State of Illinois~~
~~vs~~
~~Nelson Newman William Harris~~
~~and Thomas Mc Morris~~

State of Illinois Franklin County
County of the appt Term 1832. In the Circuit Court of said
State Bank of Illinois for the use of the people of said State
complain of Nelson Newman William Harris and Thomas Mc
Morris summoned &c. of a plea that they are under the said
plaintiffs the sum of fifty five dollars and thirty cents with in-
-terest thereon from the 25th day of August 1829. until paid
wherein they owe to and unjustly detain from them for that
whereas the said defendants hereupon, to-wit, on the 31st day of
August 1829. at the County aforesaid in the State aforesaid by
their certain written Objections signed with their seals and

now due to the Court Shown, The date whereof is the same day
and year aforesaid. Eight months after the date of the said
writing obligatory lawfully and lawfully promised to pay to the
said Plaintiffs by the name and description of the President &
Directors of the State Bank of Illinois for the use of the People
(2) of said State the said sum of Fifty five dollars & thirty Cents
It being the Installment of a debt. Hereupon and the said
Bank of \$165. 90. with Interest from the said date for
Value received above demanded Yet the said Defendants
(although often requested so to do) did not, Eight months
after the date of the said writing obligatory, and have not
since, paid the said sum of \$55. 30. with Interest.
Thereon as aforesaid above demanded, or any part thereof
to the said Plaintiffs, but to do the same have hitherto
wholly refused and still refuse so to do, to the damage
of the said Plaintiffs for the use aforesaid of \$50. and
thereupon they bring Suit. &c.

Copy for Plffs

And afterwards, To wit, on the day and year last aforesaid. The
said Plaintiffs by their Attys. joined the said writing obligatory in
the Plaintiff Declaration mentioned in the Certificate of our
said Court. which said writing obligatory is in the words &
figures following (that is to say.

\$55. 30. Eight months after date here or either of us promised to
pay the President and Directors of the State Bank of Illinois for the
use of the People of said State, the sum of Fifty five dollars &
thirty Cents It being the Installment of a debt of one hundred
& fifty five dollars and thirty Cents hereupon and the said
Bank pay abt with Interest from the date for Value received
Witness our hands and seals This 31st day of August. 1829

writing
obligatory

(3)

Olson Newman

William Harris

Thomas McKinnis

And whereas (To wit), on the 25th day of August, in the year of
our Lord and thousand Eight Hundred and thirty one

~~the said Court~~ caused to be read out, of our said Clerk
open a summons, which said summons is in the words and
figures following That is to say

State of Illinois
Franklin County.

Sherriff of said County, Greeting, We command you to summon
Olson Newman William Harris and Thomas McKinnis To be and appear
before the Judge of our circuit Court, in and for said County on

the first day of our next Term To be holden at the Courthouse
in Frankfort on the first Monday in October next, answering To
Answer the President and Directors of the State Bank of Illinois
for the use of the people of said State in a plea of debt for
fifty five dollars & thirty Cts, Damages fifty dollars and have
them then & there cost.

Witness The Honorable Thomas McKinnis Judge of our
said Court, and the Clerk, private seal (There being
no public seal, provided, at Frankfort this 25th
day of August. A.D. 1831.

S. M. Hubbard

which said summons was put into the hands of the
Sherriff of said County, upon which he made the following return
and return, That is to say. Executed this 29th day of
August 1831. Serving \$1.50 & mls 50 returning out \$2
being an all \$2.12 1/2

A. W. Carleton S. McKinnis Sherriff

(47) ~~A circuit Court~~ ~~the 5th day of October~~
~~the year of our Lord one thousand eight hundred and thirty one~~
~~the Court~~ And afterwards (Court.) at a circuit Court
continued and held at the Courthouse in Frankfort. on
Wednesday the 5th day of October in the year of our Lord one
thousand eight hundred and thirty one. The Court made
the following order in the premises (That is to say)

The President and Directors of the State Bank of Missouri
vs
Gideon Newman and William Harris & Thomas M. Davis
Plffs
vs
Defendants

On the motion of A. F. Grant, States Attorney pro tem. Specially
appointed, Order that this cause (amongst others)
be continued until the next Term of this Court.

And afterwards (Court.) at a circuit Court. continued
and held at the Courthouse in Frankfort. on Wednesday
the 4th day of April in the year of our Lord one thou-
sand eight hundred and thirty two, the Court
made the following order in the premises. That is to say

The President and Directors of the State Bank of Mo.
vs
Gideon Newman and William Harris & Thomas M. Davis
Plffs
vs
Defendants

This day came the said plaintiffs by A. F. Grant States atty.
pro-tem. Specially appointed. in the (two) above ^{case} (cases) and
on motion of said plaintiffs: Ordered that the (two) foregoing
cases (causes) be (severally) continued until the next
term of this Court.

And afterwards Court. At a circuit
Court. continued and held at the Court house in Frankfort. on
Tuesday the 2nd day of October Anno Domini 1832. The Court
pronounced the following judgment in the premises. That
is to say.

The President and Directors of the State Bank of Missouri
vs
Gideon Newman and William Harris & Thomas M. Davis
Plffs
vs
Defendants

In Court
before
the
Judge

(5) ^{vs} ~~Olson Newman~~ William Tarris & Wm. M. Davis

The day came the plaintiff by Edley their atty and the said
 defendants by their Attorney, and by consent and agreement
 the parties filed a motion at a former ~~trial~~ and with reason
~~thereupon~~ the said defendants saying nothing further
 bar or preclusion of the plaintiff right of action but
 confessing the same, It is ordered that the Clerk do appraise
 the damages in the said case and report the same to the
 Court forthwith. Whereupon the said Clerk reports in
 writing, that he has computed the interest due upon
 the writing obligation sued on and finds the same to this
 day to be \$10.25. which he accordingly reports as the
 damages. It is therefore concluded by the Court, that the
 said plaintiff do recover of the said defendants the sum
 of fifty five and thirty four Cents. The debt in the writing obligation
 in the plaintiffs declaration mentioned, and also the sum
 of Ten dollars and twenty five Cents the damages for the
 breach of the said debt in manner and form as aforesaid
 appeared, In all to the sum of sixty five dollars and thirty
 four Cents. Together with the costs and charges of the said
 plaintiff by them about their suit in this behalf expended
 and of their said debt damages & costs the said plaintiff
 may have Execution &c

Making Transcript of record 1920 words at 12 per line
 72. equal to P. 3. 3/4
 Making Officers Certificate & seal 50
 3. 3/4
 50
 53 3/4
 A True Copy of the above. J. M. Hubbard

State of Illinois
Franklin County
J. S. M. Hubbard Clerk to the
Court. Holden for the Circuit. You are to certify that
this and the foregoing five pages contain a true full &
complete Transcript of the record and proceedings
(from the Commencement of this action until the rendition of
Judgment) of a certain suit, lately pending in said Court.
between the President, and Directors of the State Bank of
Illinois as plaintiffs and certain Newman William
Tarris and Thomas M. Davis Defendants as the same
now remains of record in my Office

I Testimony whereof I have hereunto sub-
scribed my hand and affixed the Court
seal, this twenty fourth day of January
in the County of Franklin, this 24



day of January in the year of our Lord
1844.

J. S. M. Hubbard Clerk

The Clerk of the Supreme Court will
cause the writ of error to be given
in this cause, the plaintiff in error
as above, upon bond with transposition
entering into bond with transposition
Duncan as above, Thomas Davis and John
Crawford his securities, or any two
of them, in the sum of one hundred
and fifty dollars conditioned
according to Law.

Thos. M. Davis
Duncan
Crawford

Execution

Warren & Duncan

Arthur Davis

John Crawford

State Bank

Thomas M. Davis

Newman William

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Sd. May 24/1844

State of Illinois, set.

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 *The president & directors of the State Bank of Illinois* plaintiffs, and *Claton Newman, William Harris & Thomas M. Morris* defendants, it is said manifest error hath intervened to the injury of the aforesaid *defendants*, as we are informed by *their* 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 Vandalia in the county of Fayette, on the *First Monday in December* 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. William Wilson, Chief Justice of our said Court, and the seal thereof at Vandalia, this *12th* day of *June* in the year of our Lord one thousand eight hundred and *thirty four*.

Jas M. Duncan
Clerk

Farris,
Newman & Dornis
vs
State Bank
—

The plff. in error having
filed his bond according to
an order of Hon J. W. Smith,
Judge &c., this writ of error,
pursuant to the rules of Court
in such provided, is to operate
as a supersedeas and
to be obeyed accordingly.

No. 49

Filed June 12 1834

Newman & Davis Plaintiffs in Error

The President & Directors of
the State Bank of Illinois

Defts in Error.

Appellant of Errors.

And now on this day ~~Ann~~ Newman and
Davis Plffs in Error by ^{Ex. C. B.} Gatewood & Hella their
Attors and say that in the record and pro-
ceedings as aforesaid made in the Judg^tment.
aforesaid their is manifest Error in this Court.

1st The Court below gave Judg^tment against the defts.
in the Court below on a note executed to the
President and Directors of the State Bank of
Illinois. When the Judg^tment should have been
given for the defts.

2nd The act establishing the State Bank of
Illinois is ~~void and~~ unconstitutional and
void and the note executed as aforesaid
could not be recovered on.

3rd The note in the Plffs declaration was given
for ^{& Bills} notes of the said State Bank which were
bills of credit without the meaning or Constitution
of the United States; and therefore void.

for the Errors aforesaid the said Plffs pray
that the Judg^tment of the Court below be reversed
and the Plffs restored &c.

Gatewood & Hella
Plffs atts.

And the said president and directors come and
 say that neither in the record and proceedings
 or in the giving of such report of business
 is there any error, and the said
 president and directors pray that the
 such report of business in favor of business
 may be in all things affirmed

James Temple
 Attorney at Law

James & Dorris
 State of Ohio

Attest of Dorris

J. H. H. H.

Attest Mr. J. H. H. H.

Wm. M. Duncan

1835

State of Illinois
Franklin County. I, S. M. Hubbard Clerk of the Circuit Court
and for said County, and State aforesaid. Do hereby
certify that Thomas M. Davis did on the 12th day of February A.D. 1834
file in my Office his bond in the penal sum of Four Hundred
dollars with John Crawford his security To the President & Directors
of the State Bank of Illinois. Committed to prosecute a writ of Error &
according to Law, in the Supreme Court, between him the said Davis
and said President & Directors of the State Bank of Illinois, given
in pursuance of an order for a Supersedeas from the Honorable
J. M. Smith, one of the Justices thereof.

In Testimony whereof I have hereunto subscribed my
name, and affixed the Clerk's private seal, This 10th day of
March A.D. 1834. S. M. Hubbard

State of Illinois
Franklin County. I, S. M. Hubbard Clerk of the Circuit Court, in &
for said County and State aforesaid. Do hereby certify that Warren S. Duncan did on
the 11th day of February 1834, file in my Office his bond in the penal
sum of Four Hundred dollars with Thomas M. Davis his security To the
President and Directors of the State Bank of Illinois, committed to
prosecute a writ of Error &c. according to Law, in the Supreme Court,
between him said Duncan and said President & Directors of the said
State Bank, given in pursuance of an order for a Supersedeas from
the Honorable J. M. Smith.

In Testimony whereof I have hereunto subscribed my name
and have affixed the Clerk's private seal, This 10th day of March A.D. 1834.
S. M. Hubbard

State of Illinois
Franklin County. I S M Hubbard Clerk of the Circuit Court
Do Certify that John Ewing and John Bowyer did on
19th day of February 1834, file in my office their Bond
in the sum of \$200 Dollars with John Bowyer as
Security to the President & Directors of the State Bank of Ill.
Conditioned to prosecute a writ of error &c. according to Law
in the Supreme Court, between him the said John Ewing & said
President and directors of the State Bank of Ill. & was in pursu-
ance of an order for a Supersedeas from the Honourable
Theophilus W Smith,

Seal

In Testimony whereof I have hereunto set my
hand and affixed my private seal there being
no public seal at Springfield this 11th day of March
A.D. 1834 S M Hubbard Clk

State of Illinois I S M. Hubbard Clerk of the Circuit Court in and for the
Franklin County of County and State aforesaid do Certify that John
Ewing did on the 11th day of February A.D. 1834, file in my office
his Bond in the sum of \$200 with Bowyer his Security to the
President and Directors of the State Bank of Illinois Conditioned
to prosecute a writ of error &c according to Law in the Supreme
Court, between him the said John Ewing and President and
Directors of the State Bank of Illinois & was in pursuance of an
order for a Supersedeas from the Honourable Theophilus W
Smith

Seal

In Testimony whereof I have hereunto set my
hand and affixed my private seal there being
no public seal at Springfield this 11th Day of
March A.D. 1834

S M Hubbard Clk

Mr Sherman will please forward
the certificate to the Sheriff ^{of the} in the forg
ing Case —

A. D. Field
11

Davis & others
vs
The Bank
of Bonds
in Franklin

Equality 829
March 13 }

Paid 25

Clerk of Supreme Court
Vandalia
Illinois

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6. 37/100