

12184

No. _____

Supreme Court of Illinois

Stacy

vs.

Randall

71641  7

In The Supreme Court of the
State of Illinois

Bradford S. Stacy vs. Error from
Mowry Randall, McLean

And now comes the plaintiff
by Holmes & Scott his
Solicitors & assign for error

1st

That the Decree is in favor
of the Complainant when from
the ^{plea} evidence it ought to have
been for the said plaintiff
in error.

2^d

The facts stated in the record do
not authorize a decree for the
amount awarded.

3^d

There was no evidence given
to prove that the lands
specified in the decree ever
descended to the plaintiff in error
from Sturges Stacy ^{his father} the plaintiff
in error or that the mortgage
was ever intended to embrace those
identified lands. No copy of the will was
filed & none was proved at the trial 14 M 27.

4th

2 Gillman 679

4 Scamman 124.

4th

There does no evidence ^{or admission} ~~given~~ that the Complainant ever paid the Note of \$400.00 given to Clark Dampier which he alleges that he & another endorsed or secured for the said plaintiff in error. Nor is there any evidence to prove that Complainant ever paid either of the other notes & or any taxes as charged in his bill.

5th

There is no evidence nor admission that the mortgage was given to secure the notes or supposed payments mentioned in the bill & amended bill. 12th M 27. - 69

6

There is no evidence nor admission that any will was ever made by Stimpson Stacy (the supposed father) of Defendant below by virtue of which the bill charges that the plaintiff in error deriving his title to the lands in the decree mentioned, 12th M 27. . 69

7

The Court below erred in not deciding the demurrer to the Amended Bill - & in proceeding to a trial of the cause without having disposed of the Demurrer. 12th M Repts 5

Holmes & Scott
for plff in error

Supreme Court In Error

Bradford S. Stacy
vs }
Mowry Randall

Argument of
Errors

Filed April 16th 1855.
L. Leland Clk.
By P. K. Leland Sg.

State of Illinois } La June Term
Supreme Court } A.D. 1855-
Bradford S. Stary } On a writ of
vs } Error to
Murray Randall } McLean Circuit
Court

The defendant in Error Murray Randall moves the Court to dismiss the writ of Error in this case upon the affidavit filed showing the nonresidence of the plaintiff in Error, because no bond for costs has been filed.

The Cases of Ripley vs Morris 2 Gillman 381. and Hinkman vs Haines 5 Gillman 20 settle the question and are also decisive that a ^{proper} motion to file a bond for cost can not be allowed.

J. Walker
Att'y for Defendant
in Error

Bradford, Stan.

vo } nation &
 } authorities

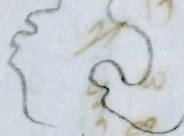
Mary Randall

Filed July 4. 1855
 L. Leland M.

88 Pages of my book ~~is~~ ^{are} printed &
the end of the 3^d Chapter will ~~be~~ come
this week. These constitute the principles
involved. When completed I shall send
the sheets and want your opinion.

Blackwell

$$\begin{array}{r} 25 \\ 1500 \\ \hline 12500 \\ 25 \\ \hline 37,500 \\ 50000 \\ 80000 \\ 25000 \\ 10000 \\ \hline 152,500 \\ 50000 \\ \hline 202,500 \end{array}$$



36 mo to
 Reinstatement
 which was
 dismissed for
 want of good bond

25 776 71

Supreme Court - At Ottawa
June Term 1855 -

Bradford S. Stacy }
vs } Enn to McLean
Mowry Randall }

To J.C. Walker Esq - attorney for
said Mowry Randall -

Sir Take notice

That the said Bradford S. Stacy
by Holmes - Dickey & Wallace his attorneys
did this day enter a motion in said
Court - to set aside the Order of
the Court (made on your motion)
dismissing said Cause - and that
said motion will be called up for
hearing in two days after the service
of this notice or as soon thereafter
as counsel can be heard

Holmes & Scott -

Ottawa July 18. 1855 - Dickey & Wallace

Attys for ~~said~~
said Stacy -

Stacy 36

as
Randall

Notice of record
exemption of service

36

Filed July 28 1855
L. Colquhoun Clerk.

1855

I hereby accept service of the within
notice. July 19th 1855

J. C. Walker
Atty for Randall

150
1300

1000
1000

I insist that the writ of Error
in the within entitled Cause shall
be dismissed on the grounds
stated in the motion as originally
made - the Statute is imperative

J. C. Walker
Atty for Randall

In the Supreme Court of the
State of Illinois

Bradford S. Stacy

vs

Mowry Randall

} Error from
the lower
court

at the June Term A.D. 1855

I do hereby enter myself
Security for Costs in this
Cause & acknowledge myself
bound to pay or cause to be paid
all costs which may accrue in
said action either to the
opposite party or to any of the
officers of this Court in pursuance
of the Laws of this State
Dated this 18th day of July 1855

William H. Holmes

36

Bradford -)
Stacy

vs

Mervy Randall

Security for Costs

Filed July 18. 1855.
S. Leland Clk.

Bloomington April 9th 1853.

Clerk Supreme Court

Dr Sir

Enclosed we send you
the Record in Case of Bradford J Stacy
Plaintiff in Error vs Mowry Randall
defendant in Error to be by you filed as
you will see by the agreement on the back
of the Record that the Appearance of the Defendant
is entered by his Attorney, and the issuing
and Service of Process waived.

Enclosed we send you \$5.00 on your fees
Please acknowledge receipt.

Respectfully

Holmes & Scott
Atty's for Plff in Error

Ans^d. Aprth/55

State of Illinois } To June Term
Supreme Court. } A.D. 1855-

Bradford S. Story on a writ of
Error to Meigs,
County Court

Manning Randall

James L. Walker States
and make affidavit that he
is the attorney for Manning
Randall, the defendant in Error
in the above entitled Cause
and that Bradford S. Story the
plaintiff in Error herein was
when the writ of Error in this
Case was sued out and when the
record was filed in this Court, and
still is a non-resident of the
State of Illinois - J. L. Walker
Subscribed and sworn to
before me this 4th
day of July, 1855 -
J. L. Walker Clerk.

Bradford S. Stary

no } applicant
 of record and
 of the inferior

Mary Randall

Filed July 4. 1855.
 Ireland Ok.

12184