

No. 14564

Supreme Court of Illinois

Van Meter

vs.

McHard

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division.

No. 24

Reported

Van Meter

vs

McHard

Leave granted

to file affd.

14564

SUPREME COURT OF ILLINOIS,

THIRD GRAND DIVISION,
APRIL TERM, 1861, AT OTTAWA.

JACOB W. VAN METER }
vs. } Error to Rock Island County.
WILLIAM McHARD. }

ABSTRACT OF THE RECORD.

PAGE OF REC.

- 1, 2 Aug. 24, 1859.
Plaintiff sued out his writ of summons in *assumpsit* against JACOB W. VAN METER and Caleb M. Clark, returnable to September Term, A. D. 1859, of Rock Island Circuit Court.
- 2 Aug. 24, 1859.
The Sheriff returned the writ endorsed as follows, to wit:
"I have served the within writ by reading the same to the within named C. M. CLARK and S. W. VAN METER, 24th day of August, A. D. 1859."
"M. D. MERRILL, Sheriff of Rock Island County."
"By T. W. QUINLAN, Deputy."
- 3 Aug. 15, 1859.
Plaintiff filed his declaration in *assumpsit* upon a promissory note.
- 4 September 13, 1859.
Both defendants were defaulted and judgment was given against both.

ERRORS ASSIGNED.

1st. That by the record and proceedings aforesaid, it nowhere appears that the said plaintiff in error was served with process of said Circuit Court at any time prior to the rendition of said judgment.

2d. That, without service of process upon the said plaintiff in error, and without appearance entered for him, the said Circuit Court rendered judgment against the said plaintiff in error and the said Caleb M. Clark, contrary to the law of the land.

3d. That, by the record aforesaid, it appears that the judgment aforesaid was rendered as well against the said plaintiff in error as the said Caleb M. Clark, when, by the law of the land, the said judgment should have been given against the said Caleb M. Clark, alone.

HAWLEY & WELLS,
Attorneys for Plff. in Error.

24
108 42

SUPREMR COURT OF ILLINOIS :

APRIL TERM, 1861.

JACOB W. VAN METER
vs.
WILLIAM MCHARD.

ABSTRACT.

HAWLEY & WELLS,
Attorneys for Plaintiff in Error.

Filed April 13th 1861.
L. Leland
Clerk.

SUPREME COURT OF ILLINOIS,

THIRD GRAND DIVISION,

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HAWLEY & WELLS,
Attorneys for Plff. in Error.

91 113-24-81

SUPREMR COURT OF ILLINOIS :

APRIL TERM, 1861.

JACOB W. VAN METER
vs.
WILLIAM MCHARD.

ABSTRACT.

HAWLEY & WELLS,

Attorneys for Plaintiff in Error.

SUPREME COURT OF ILLINOIS,

THIRD GRAND DIVISION,

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HAWLEY & WELLS,
Attorneys for Plff. in Error.

91 24
108-42

SUPREMR COURT OF ILLINOIS :

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JACOB W. VAN METER
vs.
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ABSTRACT.

HAWLEY & WELLS,

Attorneys for Plaintiff in Error.

Filed April 13th 1861~
L. Leland
Clerk~

SUPREME COURT OF ILLINOIS,

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HAWLEY & WELLS,
Attorneys for Pl^{ff}. in Error.

91 142 2-11

SUPREMR COURT OF ILLINOIS :

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JACOB W. VAN METER
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HAWLEY & WELLS,
Attorneys for Plaintiff in Error.

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422 24

SUPREMR COURT OF ILLINOIS :

APRIL TERM, 1861.

JACOB W. VAN METER
vs.
WILLIAM MCHARD.

ABSTRACT.

HAWLEY & WELLS,
Attorneys for Plaintiff in Error.

State of Illinois

Third Grand Division } 20

In the Supreme Court in
and for said Division App. Term 1862
Jacob W. Van Meter Plf in Error }

William McHard Deft in Error }

And now comes the
said William McHard Deft in Error
in the above entitled suit and
moves the Court to vacate and
set aside its judgment for
non-jurisdiction in Error for reasons
appearing in the affidavits of
L. L. Beardsley on file herein and
also for reasons appearing in
affidavits of R. W. Luntz and
Robert Thomas on file herein

L. L. Beardsley

Atty for Deft
in Error -

91 ²⁴ Motion 92

Van Meter

^r
McHard

Filed April 25 1862
L. L. Leland
Clerk

Exhibition allowed
and defaulted
aside

I from J. Beverly being duly sworn on oath say that ~~on Wednesday~~ before the attorney of the defendants in error in the suit Jacob W. VanMeter or William McHard now pending in this court, that on Wednesday last this affiant asked and obtained leave of this court to file herein the original summons to the defendants in the cause below so that it might be returned ^{and the officers return thereon} and thereupon, whether said said summons was served on a person ~~by~~ named in the return, as J. W. VanMeter or S. W. VanMeter; in other words whether the initials ~~affixed~~ to the name of VanMeter in the officers return are J. W. or S. W. this being the only question involved in this case as affiant believes - For the purpose of getting time for this affiant to proceed to Rock Island and obtain said summons affiant on said Wednesday moved the court to extend the time within which left in error had been ruled to join in error and the time was accordingly extended to the 25th inst. - Affiant on the next ^{train} to Rock Island, thereafter, took the cars and went to Rock Island where he presented the case

original summons and took the
affidavit of the Dep. Clerk of the
Circuit Court of said Rock Island
County showing that the summons
so produced pertains to the files of
this suit in the court below, together
with the affidavit of the officer
who served the same for the purpose
among other things of identifying
the said summons as the one he
served ~~on~~ the p^{ly} in error. Affiant
returned to Ottawa with said summons
on Thursday evening the 24th inst and
on the morning of Friday the 25th inst
filed the same with said affidavits
with the Clerk of this Court. - Affiant
further says that he made no unnecessary
delay in his journey to Rock Island to
procure said summons, that upon his
return to Ottawa on the first and
earliest opportunity he joined in error
in said cause and within the time
so extended. - Affiant further says
that upon an inspection of said
summons & the return thereon he
believes it will satisfactorily appear
to the Court that there is no error
in the record proceedings or judgment
in this cause whereof the p^{ly} in
error can justly or lawfully complain.

Subscribed & sworn before me the 25th day of April A.D. 1862

L. Leland Clerk

by J. D. Rice Deputy

91 211
Affidavit
Van Meter
9

McArd

Filed April 22, 1862
L. Leland
Clerk

414

~~Admiral~~
At Opinion of the Court, by of the Court.
~~Hood~~. Mr. Chief Justice Bates delivered the opinion,

~~Constitution~~. The objection is, that
the return of the officer does not show
a service on the defendant, ^{Wanneter} Mechoe.
The original before it, ^{and} it is plainly
"J. W. Wanneter," and is sufficient.
The judgment is affirmed.

Judgment affirmed.

24-71-31
Vermeter
Hard

Opinion

Latton

C. R.

STATE OF ILLINOIS, }
SUPREME COURT, } ss.

The People of the State of Illinois,

To the Sheriff of the County of

Mercer

Greeting:

Because, In the record and proceedings, and also in the rendition of the judgments of a plea which was in the Circuit Courts of Mercer County, before the Judge thereof, between William McHard

plaintiff, and Jacob W. Vanmeter and Caleb M. Clark

defendant^s, it is said that manifest error hath intervened, to the injury of the said Jacob W. Vanmeter

as we are informed by his 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 William McHard

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 William McHard

notice, together with this writ.

Witness, The Hon. John D. Caton, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 28th day of March in the Year of Our Lord One Thousand Eight Hundred and Sixty one.

L. Leland

Clerk of the Supreme Court.
by J. B. Rice Deputy

Know all Men by these Presents, That we Jacob W. Vanmeter

as principal, and David Moore

as security, are held and firmly bound

unto William McHard

in the penal sum of five hundred dollars
good and lawful money of the United States, for the payment of which, well and truly
to be made, ~~the said~~ we

bind ourselves our heirs, executors and administrators,
jointly, severally and firmly by these Presents.

Witness, our hands & seals

this 23^d day of July A. D. 1860

The Condition of the above Obligation is such, That, whereas the above named
William McHard

did, at the September Term of the Circuit Court,
held in and for the County of Rock Island in the
State of Illinois, A. D. 1857 recover a judgment against the above bounden
Jacob W. Vanmeter and Caleb M. Clark

for the sum of two hundred
and eighty eight dollars & eight cents damages & costs
of suit
said Jacob W. Vanmeter to reverse which said judgment, the

has sued out a Writ of Error from the Supreme Court, within and for the Third
Grand Division of said State, which Writ of Error is made a Supersedeas. Now if the
said Jacob W. Vanmeter

shall duly prosecute said Writ of Error, and pay, or cause to be paid, the amount of said
judgment, and all judgments, costs, interest and damages which the said Supreme Court
shall adjudge against him in case said judgment shall be affirmed
and abide the order and judgment of said Supreme Court in this behalf, then this obligation is to be void, otherwise to remain in full
force and effect.

Witness
Robert Gander

J. W. Vanmeter [SEAL.]

David P. Moore [SEAL.]

[SEAL.]

[SEAL.]

No. _____
SUPREME COURT,
THIRD GRAND DIVISION.
—••—

vs.

SUPERSEDEAS BOND.

Filed _____ 18

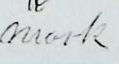
Clerk.

State of Illinois
Rock Island County  s.

Before the undersigned a Justice of the Peace ~~of the peace~~
in & for the County aforesaid. this day came. David
Moore and acknowledged the foregoing bond to be his free act
and deed for the uses and purposes therein and expressed.

And the said David Moore being duly sworn says
that he is a resident of said Rock Island County, and
that he is worth in real and personal estate, particu-
larly the latter, situated in said County. more than
Three Thousand    Dollars, not exempt
from execution; and that said amount is over and above
all his indebtedness

Subscribed ^{by Moore} & sworn to before me 
at said County this 21st 
day of May A.D. 1860 


David ^{his} Moore


Robert Candor J. P. 

Witness. Elizabeth Johnston

ROCK ISLAND COUNTY,)

I. **JOSEPH CONET**, Clerk of the County Court

in and for said County, do hereby certify, that ^{*Jurat of the*} ~~Robert Conder~~ ^{*affidavit*} Esq. whose name appears subscribed to the foregoing ~~certificate of acknowledgment~~ ^{*made*} and by whom the said ~~acknowledgment~~ ^{*affidavit*} was ~~taken~~ ^{*made*} is now, and was at the time of ~~taking~~ ^{*the making of*} the same, an acting Justice of the Peace in and for said county, duly elected and qualified, as appears of record in my office, and that full faith and credit are due to all his official acts. I further certify, ~~that the foregoing Deed is executed and acknowledged according to the laws of said State, and further,~~ that I am acquainted with the hand writing of the said Justice and verily believe that his signature to the said certificate of Acknowledgment is genuine.

Given under my hand and the seal of said court, (it being a court of Record,) at my office in Rock Island, this 15th day of January.
A. D. 18 60.

Joseph Conet Clerk.

91 ~~108~~ 42

Jacob W. Van Metre

Wm. W. Ward

And affidavit of bail

Filed July 23 1860
L. Leland
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 Rock Island Greeting:

Because, In the record and proceedings, as also in the rendition of the judgments of a plea which was in the Circuit Courts of Rock Island County, before the Judge thereof, between William McHard

plaintiff, and Jacob W. Vanmeter and Caleb M. Clark

defendant &c., it is said manifest error hath intervened, to the injury of the aforesaid Jacob W. Vanmeter

as we are informed by his complainant 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 plaint 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. Eaton, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 23 day of July in the Year of Our Lord One Thousand Eight Hundred and Sixty.....

L. Leland

Clerk of the Supreme Court.

J. D. R. Deputy

91 24 108

Jacob W. Vanmeter
unpleaded

No.

vs.

William M. Hard

WRIT OF ERROR.

This Writ of Error is made a
Supersedeas, and as such is to be
obeyed by all concerned.

L. Leland

Clerk.

by J. B. Kneeland

FILED

July 23

A. D. 1860

L. Leland

Clerk.

State of Illinois
Supreme Court.
April Term A.D.
1861

Jacob W. Vanmeter
appealed in the Court below
with Caleb M. Clark, plain-
tiff in error

William M. Hardy, defendant
in error

Error to Rock Island

To.

Hon John Deane Catron C. J.

The plaintiff in this writ of error prays your Honor
that the same may be made a supersedeas; and
for cause of this application the plaintiff shews.

That the judgment of the Circuit Court was rendered
and given against this plaintiff without service of
process upon him. [See page 2 of Record for the
Writ & Sheriff's return]

Harley W. Wells
plff. atty.

⁹¹ Min. Meter ²⁴ 108
⁴² W. C. H. A. C. S.

Abstract of Record and
Application for a supersedeas

Filed July 23 1860
L. Leland
Clerk

I Philip W. Quinlan being first duly sworn on oath depose testify and say, that on the 24th day of August A.D. 1859 I was a Deputy Sheriff under Mars D. Merrill then Sheriff of the County of Rock Island and State of Illinois - I further say that on that day I served a summons issued out of the office of the Clerk of the Circuit Court in and for said County of Rock Island at the suit of William M. Haid against Caleb M. Clark and Jacob W. Van Meter upon the said Clark and Van Meter, by reading the same to them in their hearing; the said summons so served by me is hereto attached and marked "A." I further say that I was at the date last aforesaid well acquainted with the said Clark and Van Meter and ^{would} know them well now when-
ever I might see them. I further say that the return on said summons is in my hand writing and that said return shows (or at least was intended by me to show) that I served said summons upon the said C. M. Clark and J. W. Van Meter the persons named in said summons - I further say that the two initial letters that were made the name of Van Meter in the return on said summons are

intended by me to represent the letters
J and W, and upon an inspection
of said return on this 24th day of April
1862 from knowledge of my own hand
writing I have no hesitation in saying
that the first of said initials is the
letter J and not the letter S, however
the same may appear to others -

I further say that I do not know
and have never known a person
by the name of, or with the initials,
S. W. Van Meter and I never saw
said summons upon any such person
subscribed to & sworn before

on this 24th day of April 1862

Edmond H. Borman

J. H. Quilley

Clk of the Circuit Court of
Rock Island County Ill. & seal
thereof attached.

No. 16 / September Term, 1859

William M Hard

versus

Caleb M Clark -
and
Jacob W Van Meter ✓

Summons in Assumpsit.

SHERIFF'S FEES.

Servings,	-	-	\$	1. 00
40 Miles Travel,	-	-		2. 00
Return,	.	-	-	10
Total, \$				3. 10

Filed 18 .

Clerk.

Br Lacy

I have served the within writ by reading the same to the within named Defendant,
C. M. Clark & J. W. Van Meter 24th day of August a.d. 1859

M. S. Merrill

Sheriff of Rock Island County.

By J. M. Sullivan Deputy

Filed April 25th 1862

L. Leland Clerk

STATE OF ILLINOIS, }
ROCK ISLAND COUNTY, } SS.

THE PEOPLE OF THE STATE OF ILLINOIS,

To the Sheriff of Rock Island County, GREETING:

We command you to summon

Caleb M. Clark & Jacob W. Van Meter

if to be found in your County, personally to be and appear before the Circuit Court of said County on the first day of the next term thereof, to be holden at the Court House in Rock Island, on the second Monday of September next, then and there to answer unto

William M. Hard

of a plea of trespass on the case upon promises to

his

damages

in the sum of

Five Hundred

Dollars, as

he say, and have you then and there this writ, and make due return thereon in what manner you execute the same.

WITNESS, QUINCY MCNEIL, Clerk of our Circuit Court, and the seal thereof affixed, at Rock Island, this *15th* day of *August* in the year of our Lord one thousand eight hundred and fifty-*nine*

Quincy McNeil Clerk.

"A"

I Robert Thompson being sworn
on oath say that I am Deputy Clerk
of the Circuit Court in and for the
County of Rock Island in the State of
Illinois - That the summons attached
to the ^{above} affidavit of P.W. Duntan is the
original and only summons pertaining
to the files of the suit wherein William
McHard is Plf and Caleb M. Clark and
Jacob W Van Meter are Defendants, pending
in said Court at the September term A.D. 1859 -
at which term judgment was rendered by the
Court against said Defendants - No other suit
between said parties was pending at said term -
Subscribed & sworn to before

Robert Thompson

me Clerk of the County Court with
Seal thereof affixed this 24th day of
April A.D. 1862.

Joseph Conner Co. Clerk.



~~24~~ 42 24
21
Jacob W. Van Meter
7

William M. Hard

Original Summons
& affidavit

Filed April 25 1862
L. Leland
Clerk



State of Illinois,

The People of the State of Illinois,

Rock Island County.

the Sheriff of Rock Island County

We command you to

RECORD.

Pleas before the Honorable John Willson Drury Judge of the Sixth
Judicial District of the State of Illinois, at a term of the Circuit Court begun and held at
~~the Court House~~ within and for the county of Rock Island and State aforesaid, on the
second Monday, the September day of September
in the year of our Lord one thousand eight hundred and fifty nine

Present, Honorable, John Willson Drury JUDGE.
Moses A. Merrill SHERIFF.
Lucy McNeil CLERK.

William McHard
vs.
Caleb M. Clark &
Jacob W. Van meter

Assumpsit.

Be it remembered, That heretofore, to-wit, on the Twenty fourth day of Aug-
ust A. D., 1859, the above named plaintiff
William McHard

by Beardsley G. Smith his Attorney, sued out of the Clerk's Of-
fice of the Circuit Court aforesaid, a certain writ of Summons in assumpsit which is in the
words and figures following, to-wit:

State of Illinois,
Rock Island County.

The People of the State of Illinois, To
ss. the Sheriff of Rock Island County GREETING:

We command you to summon

Caleb M. Clark and

Jacob W. Van Meter

if to be found in your county, personally to be and appear before the Circuit Court of said county of Rock Island on the first day of the next term thereof, to be holden at the Court House in Rock Island on the *Second* Monday, of *September* next, then and there to answer unto *William M. Hard*

of a plea of trespass on the case upon promises to *his* damage in the sum of *Five Hundred* DOLLARS, as he says, and have you then and there this writ, and make due return thereon in what manner you execute the same.

Witness, QUINCY McNEIL, Clerk of our Circuit Court, and the seal thereof affixed at Rock Island, this *15th* day of *August* in the year of our Lord one thousand eight hundred and ~~ninty~~ *fifty nine*

Quincy McNeil CLERK.

And afterwards, to-wit, on the *Twenty fourth* day of *August* A. D., 1859, the said writ of summons was returned by the Sheriff of the county of *Rock Island* aforesaid, into the Clerk's Office of the Circuit Court aforesaid, with his endorsement of service thereon written, which said endorsement of service is as follows, to-wit:

"I have served the within writ by reading the same to the within named *C. M.*

Caleb & S. W. Van Meter

this *24th* day of *August* A. D., 1859.

M. S. Merrill SHERIFF
of Rock Island County
By P. M. Zimman Deputy

And be it further remembered that on the *fifteenth* day of *August* 1859, the said above named plaintiff by *his* Attorney ~~aforesaid~~, filed in the Clerk's Office of the Court aforesaid, *his* certain declaration in assumpsit which is as follows, to-wit:

State of Illinois, }
Rock Island County. }

SS. ROCK ISLAND COUNTY CIRCUIT COURT
Of the September Term, A. D., 1879.

William M. Hard
plaintiff in this suit, by *Beardsley & Smith his* Attorney^s complains of
Calhoun M. Clark and Jacob W. Van Meter

defendant^s in this suit, summoned, &c., of a plea of trespass, on the case on promises. For that the defendant^s on the *thirteenth* day of *July* in the year of our Lord one thousand eight hundred and *fifty-eight* at *Perryton* to-wit: at the county and State aforesaid, by *their* promissory note of that date, for value received promised to pay *the said Plaintiff six Months after the date of said note the sum of Two Hundred and Twenty Seven dollars with ten per cent interest after Maturity which time hath long since elapsed—*

By reason whereof the defendant^s became liable, and then and there, in consideration of the premises, promised the plaintiff to pay *him* the amount of the said note according to the tenor and effect thereof.

And also, for that Whereas, the defendant^s on the *first* day of *August* in the year of our Lord one thousand eight hundred and *fifty-nine* at the county of *Rock Island* aforesaid, *were* indebted to the plaintiff in the sum of *Five Hundred* Dollars for goods bargained and sold by the plaintiff to the defendant^s at *their* request. And in *Five Hundred* Dollars, for work done and materials for the same provided by the plaintiff for the defendant^s at *their* request. And in *Five* ~~Dollars, for money lent by the plaintiff to the defendant at~~ request. And in *Five Hundred* Dollars, for money paid by the plaintiff for the use of the defendant^s at *their* request. And in *Five* ~~Dollars, for money received by the~~ defendant^s for the use of the plaintiff. And in *Five Hundred* Dollars, for money due from the defendant^s to the plaintiff on an account stated between them.

And Whereas The defendant afterwards, to-wit, on the day and year and at the place last aforesaid, in consideration of the premises respectively, promised to the plaintiff to pay *him* the said last mentioned several moneys respectively, on request. Yet the defendant^s have disregarded *their* promises, and have not paid to the plaintiff any of the aforesaid moneys, or any part thereof, to the plaintiff's damage of *Five Hundred* Dollars, and thereupon *he* brings suit, &c.

By Beardsley & Smith
Plaintiff's Attorney^s.

And afterwards to wit on the second day of said September Term, and on the thirtieth day of September the following proceedings were had in said cause to wit

William McNaed
versus
Caleb M. Clarendon Plaintiff
Jacob M. Kaimeter Defendant

This day came the plaintiff by his Attorneys and Defendants being three times solemnly called, came not but herein makes default; it is therefore considered by the Court that plaintiff have and recover of and from defendants his damages by him herein sustained. And it appearing to the Court that this suit is brought upon a note for the payment of money, and the damages being unknown to the Court it is ordered that the Clerk assess the same. Whereupon the Clerk assessed and reported the damages in the sum of Two Hundred and Eighty eight Dollars and eight cents which report is accepted by the Court. It is therefore ordered by the Court that Plaintiff have and recover of the said Defendants the said sum of Two hundred and eighty eight Dollars and eight cents damage assessed as assessed, together with his costs, and that he have execution therefor.

State of Illinois
Rock Island County

I Quincy McNeil Clerk of the Circuit Court
within and for said County, do hereby certify that the
foregoing is a full true and correct transcript of
the record of proceedings had in the cause in
the caption thereof mentioned, to wit the cause of William
McNair versus Caleb M. Clark and Jacob W.
Kau meter, as the same appears now of record in
my office In Witness whereof I have hereunto
set my hand and the seal of said
Court. this fifth day of June in
the year of our Lord 1860.

Quincy McNeil

Clerk.

Let a supersedeas issue Bond \$500
David Moore Surety

J. H. Eaton

State of Illinois
In the Supreme Court

Do April Term Ad 1861
3^d Grand Division

Jacob M. Vannum
Plaintiff in Error ^{in place of}
^{in the Circuit Court with}
Caleb M. Clark

William McHard
Defendant in Error

Error to Rock Island

And now comes the said plaintiff in error ~~and~~
^{in his own name, and in the name of the said Caleb M. Clark}
by ~~his~~ ^{his} ~~attorneys~~ ^{attorneys}, and, saith that
in the record and proceedings aforesaid, and in the
judgment aforesaid, there is manifest error in
this Court

- 1st That by the record and proceedings aforesaid it
in no wise appears that the said plaintiff
^{in error}
was served with process of said Circuit Court
at any time prior to the rendition of the
said judgment
- 2^d That without service of process upon the
said plaintiff ^{and without appearance entered for him} in error, the said Circuit Court
rendered judgment against the said plaintiff in
error, and the said Caleb M. Clark contrary
to the law of the land.
- 3^d That, by the record aforesaid it appears that
the judgment aforesaid, was rendered as well

against the said plaintiff in error, as the said
Caleb McClark, when by the law of the land
the said judgment should have been given against
the said Caleb M. Clark alone,

And for the errors aforesaid, and for the manifold
other error in the record aforesaid appearing, the
said plaintiff in error prays that the said judg-
ment be reversed annulled & wholly for nought
held.

Hawley & Wells

Attys for Plff in Error

State of Illinois } In the Supreme Court
Third Grand Division } ss in & for said Division
April Term A.D. 1862

And now comes the said
William McHard Defendant in Error in
the above entitled suit by J. I. Beardsley
his attorney and says there is no error
in the ^{above} record ~~of~~ ^{or} this suit, in the judgment
proceedings and judgment therein -

J. I. Beardsley

Attly for Def in Error

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Jacob W. Vanneto

vs

Wm M. Hard

Record & Rights of Error

Filed July 23 1880
L. Leland
Clerk