

No. 1254

Supreme Court of Illinois

Henry Jacob

vs.

Francis Montant

(379)  7

Pleas at the Court House in the town of
Nashville in the County of Randolph
before the Judge of the Circuit Court for said
County in the State of Illinois at the March
term in the year of our Lord one thousand
Eight hundred and forty two.

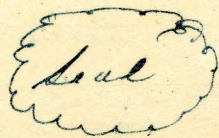
Randolph County Esquire Henry Jacob puts in his place
M Morrison his attorney against Francis Montant on appeal
from the trial of the right property

Randolph County J. Francis Montant puts in his place David
J Baker his attorney at the suit of Henry Jacob in the
pleas aforesaid

Randolph County J. Be it Remembered that heretofore, to wit,
on the ninth day of December in the year of our Lord one thousand eight
hundred & forty one and in the vacation after the adjournment
of the Circuit Court in & for the County of Randolph & State aforesaid
of the August term in the year of our Lord one thousand eight hun-
dred & forty one John Campbell, Sheriff of said County, comes &
files his certain papers in the Clerk's office of the said Circuit
Court in & for said County, which said papers are in the words
& figures following, to wit, one paper, to wit,

The people of the State of Illinois to the Sheriff of Randolph
County, Greeting; Whereas Francis Montant hath complained
on oath to William J Guthrie clerk of the Circuit Court of
Randolph County that E Block & Louis Kahn are justly indebted
to the said Francis Montant to the amount of four hundred
ninety four dollars and ninety one cents and oath having been
also made that the said E Block has left this State with the
intention of having his effects and personal estates removed
therefrom and that the said Louis Kahn is about to depart
the State with the intention of having his effects & personal
estates removed without the limits of the same and
the said Francis Montant having given bond and security
according to the directions of the act in such case made
and provided. We therefore Command you That you
attach so much of the estate real or personal of
the said E Block and Louis Kahn to be found in
your County as shall be of Value sufficient to

Satisfy the said debt and cost according to the Com-
plaint and such estate is attached in your hands
to secure, or so to provide that the same may be liable
to further proceedings thereupon according to Law at
the Circuit Court to be holden at the Court House
in the Town of Parkersburg in said County for the
County of Randolph upon the fourth Monday in the
month of March next so as to Compel the Said
E Block and Louis Baker to ~~be~~ appear and answer
the Complaint of Said Francis Montant and that
you also Summon the Said E Block & Louis Baker
to be and appear before the Said Court at the
time and place above mentioned for the purpose
aforesaid, when and where you shall make known
to the Said Court how you have executed this writ
Witness W Mc Guthrie Clerk of the
Said Court this 19th day of Novem-
ber in the year of our Lord 1841



W M Guthrie ckr c

and on the back of said writ is the following Return
to wit "By Virtue of the within as I am commanded I have
this day attached the goods of E Block & Louis Baker as per
list annexed to attachment this 20th day of November A.D. 1841
"John Campbell Shff R.C. By Louis Derroups Deft Shff
and attached to said writ is the following inventory to wit
"An Inventory of the goods & chattles taken by Virtue of
a writ of attachment in favor of Francis Montant &
against E Block & Louis Baker &c this 20th day of Novem-
ber A.D. 1841. 5 pieces Sackinet Muslin 3 do Muslin delane 2
small pieces Shally 2 Leans 2 pieces Flanel 1 piece Brown Cloth
10 pieces French Calico 9 pieces Calico 7 pieces Cambrick Lining
10 pieces Common Calico 7 pieces Blue Calico 4 pieces White
domestic 1 piece Checked - 5 Caps 13 Shawls 10 Straw Bonnets
5 Trimm'd bonnets one lot of Socks 1 lot of Handkerchiefs
1 Looking Glass 1 desk 2 Summer Roundabouts 1 Summer Coat

1 lot of Gloves & mittens 1 lot Gallowases 1 lot Scribing
pencils 1 lot Thread 10 few Knives 1 lot Ribbons 1 box lace
1 lot buttons 1 Box common muslin Handkerchiefs 9 Towels
1 lot Combs 1 piece jeans 2 Sugar Loaves 4 pr Shoes 1 pair
Ladies shoes 1 box permattum 1 lot Books 1 Roundabout
1 Blanket Coat 1 shot gun 1 bedstead 1 bed & bedding 1
breakfast Table

also one other paper to wit

To John Campbell Sheriff of Randolph County.

Sir You are hereby notified that the goods and
property attached by you at the suit of Francis
Montant against E Block and Louis Kahn, belong
to me and are not liable to said attachment wherefore
I require that a Trial of the right of property in the same
should take place as soon as practicable or the said goods
delivered unto my possession Henry Jacobs

Kaskaskia Nov. 23. 1841. by M. Morrison his atty

To John Campbell Sheriff or

Louis Derrousser Deputy Randolph Co.

and also on the back of the said writ of attachment above
copied the following to wit "the property herein describ-
ed and taken by virtue of this attachment is found by the
Jury to belong to Henry Jacobs the Claimant in this suit
and at the same time David L Baker attorney for Plaintiff
Prayed an appeal to the circuit Court December 7th 1841

John Campbell Sheriff Randolph Co

"We the Jury find for the Claimant Henry Jacobs
R F Richardson Lewis L Perry Jacob Bowman B Plin-
mond F Bildersback H Bildersback J Hunt Antoine
Buatte James Baird H Derrouse A Keifer Oliver
Brewster

also one other paper to wit "I know all men by their
presents that I Bayle Shapelle of the County of Randolph
in the State of Illinois are held & firmly bound to Henry

Jacob in the penal sum of One hundred dollars.
of money of the United States to be paid to the said
Henry Jacob his executors administrators & assigns; to
which payment well and truly to be made I bind
myself my heirs executors and administrators firmly by
these presents sealed with my seal Dated the 8th day of
December 1841 Whereas upon the trial of the right
of certain property being divers goods & merchant dize
before the Sheriff of Randolph County seized & taken by him upon
& by virtue of a writ of attachment issued out of Circuit Court
in & for the County aforesaid at the suit of Francis Montant
against E. Block & Louis Kuhn and claimed by the said
Henry Jacob, a Verdict was returned by the jury of in-
quest therein empannelled & sworn on the 7th instant in favor
of the said Henry Jacob, and thereupon the Costs of said trial
were adjudged against him the said Francis Montant from
which decision the said Francis Montant hath prayed
an appeal to the said Circuit Court Now the Condition
of this obligation is such that if the said Francis Mon-
tant shall & do prosecute said appeal without delay and
pay all costs that have accrued or may accrue on such
appeal if Judgement be given against him in the
said Circuit Court then this obligation to be
Void or otherwise to be and remain in full force
& Virtue

Rayville Chapelles (Seal)
(Seal)

Sealed & delivered in presence of

David H. Baker and on the back of said bond are
the words to wit "Filed December 9th 1841 W. M. Guthrie cllr
~~And afterwards to wit on the 29th day of March 1842~~
~~before the Circuit Court of said County of Randolph at the March~~
~~term thereof came the said Henry Jacob by J. D. Garrison~~
~~his attorney and put in the following paper to wit~~
"Henry Jacob" "Line of right of Property"
"Francis Montant"

And be it remembered that heretofore to wit on the ninth day of December in the year of our Lord one thousand eight hundred & forty one during the vacation & after the adjournment of the Term of August of the Circuit Court of said county upon the application of Francis Montant a certain writ commonly called a Summons issued out of the said court against the said Henry Jacob in a ~~plea~~ of an appeal from the trial of the rights of property had before the Sheriff which writ is in these words to wit;

State of Illinois }
Randolph County } sct. The people of the State of Illinois to the Sheriff of Randolph County Greeting; We command you that you summon Henry Jacob, if he shall 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 Kaskaskia on the fourth munday in the month of March next, to answer Francis Montant of & concerning an appeal taken by the said Montant from the decision of a jury in a certain case wherein the trial of the rights of certain property was had before the Sheriff and have you then & there this writ.

Witness William M. Guthrie Clerk of ~~the~~ ^{said} circuit court at Kaskaskia this 9th day of December in the year of our Lord one thousand eight hundred & forty one. Seal } W. M. Guthrie Clerk K. C. C.

and endorsed on the back of said writ is these words, to wit,
Executed by reading January 5th A.D. 1842. John Campbell, Sheriff K. Co. By Louis Derousse Deft

Afterwards to wit at the March term of said Court in the year 1842 comes the said Henry Jacob by Morrison his attorney & files his motions in these words to wit

Henry Jacob } of the Randolph Circuit Court
vs. Francis Montant } March Term A.D. 1842.

And the said plaintiff by Morrison his attorney moves the court to dismiss the appeal taken in this case for the following reasons to wit no sufficient Bond filed by the appellants for the costs of the appeal in conformity with the requisitions of the statutes in such case made & provided. M. Morrison Atty for Plaintiff.

Henry Jacob } Trial right of property.
vs. Francis Montant } And the said Henry Jacob by Morrison his
atty comes & moves the court to dismiss the appeal in this case for the
following reasons to wit: The bond is not executed & entered into according
to the provisions of the statutes in such case made & provided the said bond
not being signed by Francis Montant or by any person acting as his
attorney in fact and also that the said bond was not entered into
before the dissolution of the court before whom the trial was had.

J. L. D. Morrison Atty.

And now on this day to wit on the day & year last aforesaid at the court
house in the town of Kaskaskia in the county & state aforesaid before the Honorable
Sidney Breeze one of the justices of the Supreme Court of the State of Illinois appointed
to hold the circuit court in & for said county according to the form of the statute in
such case made & provided come the said claimant by Morrison his attorney and
moves the court to dismiss this appeal, which motion ^{in support of the same} after argument heard is de-
nied, so which opinion of the court the claimant's counsel takes exceptions, where-
upon come the jurors of a jury to wit, Matthew Little, John Brackenridge, Wm. Meyer, Robert
Mann, Joseph B. Holmes, Peter Buehler, James A. Campbell, James Elliot, Bartholomew Hony,
Jacob Perry, James W. Wheeler & John C. Newton who were duly elected tried & sworn well
& truly & say in whom the right of property in question existed, do upon their oaths
say, that the jury find the property not to be the property of the claimant. It is therefore
considered by the court that the said defendant recover against the said claimant
his costs & charges in this behalf expended & may have execution for the same where-
upon comes the claimant & moves the court on affidavit filed for a new trial which
motion after argument fully heard on both sides by the counsel is denied, where-
upon the claimant further moves the court for an appeal to the Supreme Court
which is allowed on the said claimant executing a bond with Henry Bienve-
nue Senior his security in twenty days from this date in the penalty of eight
hundred dollars conditioned according to the provisions of the statute in such cases
made & provided. which affidavit is in these words, to wit:

Henry Jacob. } of the March term of the Randolph County Circuit
vs. Francis Montant } Court A.D. 1842.

Henry Jacob, being duly sworn deposes and saith that on

the trial of the above entitled cause a witness named Joseph Blois was introduced on behalf of said Montant who testified that a conversation took place at St. Louis between the deponent and one E. Block in which it was agreed upon by said Block and this deponent that a fraudulent sale or sales should take place of the goods in controversy in this trial with a view to defraud said Montant of his claim against said Block & one Kohn and which said witness testified ~~that~~ took place about the latter part of September or the first part of October last. Deponent states that he never had any such conversation as the one alluded to or as stated by said witness and that the said story ^{of said witness} is a mere fabrication and is entirely untrue & that Deponent introduced a witness who contradicted the said Blois by proving that Deponent was not in St. Louis at the time as spoken of by said Blois. Said Montant then introduced a witness named Hypolite Menard to confirm the statements of said Blois in reference to said conversation and that said Menard testified that he was in St. Louis in the latter part of September or the first of October last and that he ~~had~~ saw this deponent in St. Louis. Deponent states that he can prove by Peter B. Stone Maurice & Smith Mary Lortz & Charles La Fleure Wm. G. Heizer that said Menard was mistaken as to the time when he was in St. Louis and instead of its being in the latter part of September or the first of October last that the ^{time} when he said Menard was in St. Louis was about the latter part of November last and about two months later than the time he said Menard ~~swore~~ ^{saw} he was in St. Louis. Deponent does not intend hereby to impute any improper conduct to said Menard but only to show that he is greatly mistaken as to the time spoken of. Deponent states that he would have disproved the statements of said witness Blois by proving that he deponent was not in St. Louis at the time said Blois swore to if it had not been for the testimony of said Menard. Deponent further states that there was no

other testimony in the cause shewing fraud in the sale or transfer of the goods the title to which was involved in the said trial except that of said Blais and that if it had not been for the testimony of said Blais and Menard the Verdict of the Jury would have been in his favor according to his judgement & belief as he made a fair and bone fide purchase of said goods and paid for ~~for~~ the same Deponent states that he did not learn that he could prove the above facts which would contradict the statements of said Menard untill after the trial of said Cause and that he is informed by Counsel and verily believes that he can substantiate his claim to said goods if he can get a new trial of said Cause which he prays the Court to Grant Subscribed & sworn to before me this }
the second day of April in the year. } H. Jacob
of our Lord AD. 1842 }

Wm Guthrie MC

and the motion for a new trial is in the following words to wit

Henry Jacob } of the March Term of the Randolph
vs. } Circuit Court AD 1842

Francis Montaut } Said Claimant comes and moves the Court here to grant a new trial in this Cause for the following reasons

- 1st The Verdict is against Law.
- 2nd The Verdict is against evidence
- 3rd On account of newly discovered testimony as per affidavit on file Morrison & Ellis for Claimant

and the bill of exceptions is in the words following to wit: Henry Jacob } Of the March Term of the
Francis Montaut } Circuit Court of Randolph
County Illinois } AD 1842

Be it remembered that on the above cause coming on for trial the said Henry Jacob Claimant filed a motion which is in the words & figures following to wit (here insert the motion to dismiss the appeal) and prayed the court to dismiss the appeal herein for the reasons therein stated and the court having heard argument thereon overruled the said motion and afterwards to wit on the day & year aforesaid the said Henry Jacob filed the following motion and affidavit which are in the words and figures following to wit (here insert the motion for a new trial & the affidavit of claimant) upon which the said claimant moved the court for a new trial upon the reasons thereon stated and the court having heard argument thereon refused the said motion to which refusal of the Court to dismiss the said appeal and grant a new trial the said claimant at the times respectively above stated excepted to the opinion of the court in overruling said motions and tenders his bill of exceptions and prays the court to sign & seal the same and make same part of the record in this cause which is accordingly done.

Sidney Breese Seal

Afterwards to wit on the 14th April 1842 the said Henry Jacob files a bond which is in the words following to wit

Know all men by these presents that we Henry Jacob as principal & Henry Bienvenue Senior as security of the town of East Kaskia County of Randolph & State of Illinois are held & firmly bound unto Francis Montant in the sum of eight hundred dollars money of the United States, to be paid to the said Francis Montant his executors, administrators & assigns; to

which payment well & truly to be made we bind ourselves
our heirs, executors & administrators firmly by these
presents. Sealed with our seals & dated this 11th day of
April A.D. 1842.

Whereas at the March Term of the Circuit Court in
& for said County of Randolph in the year A.D. 1842 the
above named obligee to this bond, Francis Montant ob-
tained judgment by the consideration of the said Court
in his favor against the said Henry ^{Jacob} in an action on
appeal from the trial of the right of property by him said
Francis Montant appealed to said Court for the re-
covery of certain property being divers goods, wares & merchan-
dise seized & taken by the sheriff of Randolph County upon
& by virtue of a writ of Attachment issued out of the Cir-
cuit Court in & for said County at the suit of Francis
Montant vs. C. Block & Louis Kahn & claimed by the said Henry
Jacob, and their costs to be taxed from which judgment
so rendered the said Henry Jacob hath prayed an ap-
peal to the Supreme Court of said State. Now the
condition of this obligation is such that if the said
Henry Jacob shall pay said judgment, costs, interest
& damages in case said judgment shall be affirmed &
also shall duly prosecute said appeal so prayed as
aforesaid then this obligation to be null & void other-
wise to remain in full force & virtue

Sealed & delivered in presence of

Joseph G. Hunt
Wm G. Heizer

H. Jacob

L.S.

Henry ^{his} Bivenien Sr. L.S.
mark

State of Illinois

Randolph County

3^d Dist

I William M. Guthrie clerk of the
Circuit Court for the County of Randolph
State of Illinois do hereby certify that the above and foregoing
are correct copies of the papers ~~of the~~ on file in my office
in the above entitled case, together with the order of said Court entered
at the March Term thereof A.D. 1842.

In testimony whereof I hereunto set my hand and
affix my official Seal at Koskuskia this 23^d
day of May A.D. 1842

Wm Guthrie clerk
R. C.

Supreme Court

Henry Jacob

Francis Montant

Record

12/5/42

Filed 28th May 1842

Ed
Weck
C. H.

To the Hon.
of Rand
Com
" " " " " "

Supreme Court
Henry Jacob
Francis Montant

Filed 28th April 1842

E. Peck. C. S. C.

1254

The people of the State of Illinois to the Sheriff of Randolph County greeting—

Whereas Francis Montant hath complained on oath to ~~Mr~~ ^{the} Guthrie Clerk of the Circuit Court of Randolph County that E Block and Louis Kahu are justly indebted to the said Francis Montant to the amount of ~~four hundred and ninety four dollars and~~ ninety one cents— and oath having been also made that the said E Block has ~~also~~ left this State with the intention of having his effects and personal estate removed therefrom— and that the said Louis Kahu is about to depart this State with the intention of having his effects and personal estate removed without the limits of the same and the said Francis Montant having given Bond ~~with~~ ^{and} security according to the directions of ~~an~~ ^{the} act in such case made and provided— we therefore command you that you attach so much of the ~~estate real or personal~~ ^{estate} of ~~the~~ said E Block and Louis Kahu to be found in your County as shall be of value sufficient to satisfy the said debt and costs according to the Complaint— and said estate so attached in your hands to ~~remain~~ ^{secure} or so to provide that the same may be liable to further proceedings thereupon according to law— at the Circuit Court to be holden at the Courthouse in the town of Kaskaskia in said County for

Henry Jacob }
vs
Francis Mountant }

of the March Term of
the Circuit Court of
Randolph County

Plur on AD 1842

Be it remembered that on the above cause coming on for trial the said Henry Jacob the Claimant filed a motion which is in the words & figures following to wit, (here insert the motion to dismiss the appeal) ~~and~~ ^{and} ~~presented~~ ^{prayed} the Court to dismiss the appeal therein for the reasons there stated and the Court having heard argument thereon over-ruled the ^{said} motion and afterwards to wit on the day and year aforesaid the said Henry Jacob ^{filed} ~~presented~~ the following motion and affidavit which were in the words & figures following to wit, (here insert the motion for a new trial and affidavit of Claimant) upon which the said Claimant moved the Court for a new trial, upon the reasons therein stated and the Court having heard argument thereon refused the said motion to which refusal of the Court to dismiss the said appeal and grant a new trial - the said Claimant at the times respectively above stated excepted to the opinion of the Court in overruling said motion and renders his bill of exceptions and prays the Court to regard not the same and make the same a part of the record in this cause which is accordingly done

Sidney Beese (Seal)

the County of Randolph upon the fourth
Monday of March next to and to compel the
said E Block and Louis Kahn to appear and
answer the Complaint of the said Francis
Montant and that you also summon the
said E Block & Louis Kahn to be and appear
before the said Court at the time and place
above mentioned for the purpose afore-
said when & where you shall make known
to the said Court how you have executed
~~this~~ ~~as~~ this writ

Witness My M. Guthrie
Clerk of the said Court this
19th day of November in the
year of our Lord 1841
M M Guthrie Clerk

An inventory of the goods and Chattels
taken by virtue of a writ of attachment
in favour of Francis Montant &c against E Block
& Louis Kahn &c this 20th day of November - Ad
1841

Articles

- 5 pieces jacket Muslin
- 3 do Muslin delany
- 2 ~~do~~ ^{pieces} small ~~do~~ ^{shawl} ~~do~~
- 2 ~~do~~ ^{pieces} ~~do~~ ^{do}
- 1 do brown Cloth
- 10 do french Calico
- 9 do do
- 7 do Cambric Lining
- 10 do common Calico
- 7 do Blue Calico

Articles

- 4 pieces white domestic
- 1 piece checked do
- 5 common capes
- 13 shawls
- 10 Straw Bonnets
- 5 trimmed Bonnets
- 1 lot of socks
- 1 do Handkerchiefs
- 1 looking glass
- 1 desk

Articles

2 Summer Roundabouts
~~1 Summer Coat~~
 1 lot of gloves & mittens
 1 do suspenders —
 1 do writing pencils —
 1 do Thread —
 10 pen knives
 4 pair shoes
 1 do do Ladies
 1 Box permature
 1 lot books
 1 Roundabout
~~1 Gun~~
 1 Black Coat

Articles

1 Summer Coat
 1 lot Ribbons
 1 box lace
 1 lot buttons
 1 box common muslin & H/Es
 9 towels
 1 lot Combs
 1 piece jeans
 2 Sugar loafs
 1 shot gun
 1 Bed Head
 1 Bed & Bedding
 1 Breakfast-table

We the Jury find for the Claimant
 Henry Jacob December - 7 1842

R. F. Richardson	1
L. L. Perry	2
Jacob Bowman	3
B. P. Simmons	4
F. Bilderback	5
H. Bilderback	6
D. Hunt	7
Antonie Beattie	8
James Briggs	9
H. Dorrance	10
A. Keefer	11
Olier Barister	12

The property herein described and
taken by virtue of this attachment is found
by the jury to belong to Henry Jacob the Claim-
ant in this suit - And at the same time
J. D. Baker - ^{Attorney} ~~attorney~~ for plaintiff Prayed
an appeal to the Circuit Court - December
7th 1841

Jno Campbell
Shiff Randolph County

Henry Jacob
vs
Francis Montaut } of the March term of the
Randolph Circuit Court
AD 1842

Said Claimant comes & moves the
Court here to grant a new trial in this
Cause for the following reasons
1st The Verdict is against Law
2nd The Verdict is against Evidence
3rd ~~That~~ on account of ^{newly} ~~recently~~ discovered
testimony as per affidavit on file
Morrison & Gillespie for Claimant

Filed April 2nd 1842
Wm Guthrie CLK

J. D. Baker
Sheriff of Randolph County

Sheriffs Fees

Summoning Jury	50
Swearing do	75
Swearing 3 witnesses	3 1/2
Attending Trial	2.00
	<u>\$ 3.30 1/4</u>

Francis Thompson

Wm Bell &
Louis Kahan

Oris of
Attachments

By virtue of the
written as I have
conscience I have this
day attested the
goods of L. B. B. B.
Louis Kahan as per
list annexed to attach
ments - this 2nd day
of December 1844

Geo Campbell
Jy B. B. B.
by Louis Kahan

Wm

Filed April 21. 1844
Chicago

Henry Jacob } of the March Term of the
vs } Randolph County Circuit Court
Francis Montant } AD 1842

Henry Jacob being duly sworn deposes and saith that on the trial of the above entitled cause a witness ~~introduced~~ named Joseph Blois was introduced in behalf of Francis Montant who testified that a conversation took place at St Louis between this deponent and one E Bloer in which it was agreed upon by said Bloer and this deponent that a grand silent sale or sales should take place of the goods in controversy of this trial with a view to defraud the said Montant of his claim against said Bloer and one Kasher and which ~~said~~ said witness testified the first part took place about the latter part of September or the first part of October last. Deponent states that he never had any such conversation as the one alluded to or stated by said witness and that the said story of said witness is a mere fabrication and is utterly untrue and that deponent introduced a witness who contradicted the said Blois by proving that said deponent was not in St Louis at the time spoken of by said Blois. Said Montant then introduced a witness named Hypolite Menard to confirm the statement of said Blois in reference ^{to} said conversation and that said Menard testified that he was in St Louis in the latter part of September or the first part

of October-last and that he Menard saw this Dr
Grouen in St Louis - Deponent states that he can
prove by Peter-B Stone Maurice D Smith - Mary
Lorty & Charles Lafleur - now of St Louis - that said
Menard was mistaken as to the time when he
was in St Louis and instead of its being in
the latter-part of September - or the first-
part of October-last that the time when he
said Menard was in St Louis was about the
latter-part of November-last and about two
months later - than the time he said Men-
ard swore he was in St Louis - Deponent does
not hereby intend to impute any improper
conduct to said Menard but only to shew
that he is greatly mistaken as to the time
spoken of - Deponent states that he would
have disproved the statement of said witness
Blais by proving that he Deponent was not in
St Louis at the time said Blais swore to - if it
had not been for the testimony of said Menard
Deponent further states that there was no other
testimony in the case shewing ^{grand} ~~that~~ in
the sale or transfer of the goods the title to
which was involved in said trial except
that of said Blais and that if it had not
been for the testimony of said Blais and
Menard the verdict of the jury would have
been in his favour - according to his judgem-
ent & belief as he made a fair & bona fide
purchase of said goods and paid for the
same - Deponent states that he did not learn
that he could prove the above facts which
would counteract the statements of said

Menard and Blais until after the trial of
said cause and that he is informed by Coun-
sel and verily believes that he can substan-
tiate his claim to said goods if he can get a
new trial of said cause which he prays
the Court to grant-

Subscribed & sworn to before me this
second day of April in the year of our ~~the~~
Lord A D 1842
J Jacob
Wm Guthrie Clerk-

Henry Jacob } of the Randolph Circuit
Francis Montant } Court March Term A D 1842

And the said plaintiffs
by Morrison his attorney ~~moves~~ the Court to dis-
miss the appeal in this case for the following
reasons, To-wit; No sufficient Bond filed by
the appellant for the costs of the appeal
in conformity with the requisitions of the
Statute in such case made and provided

M Morrison
Attorney for ~~Plff~~
notice to dismiss the
appeal
Filed March 30th 1842
J M Guthrie
Clerk

Trial of right of property

Henry Jacob }
vs } And the said Henry Jacob
Francis Montant } by Morrison his Attorney Comes
and moves the Court to dismiss the appeal
in this case for the following reasons, To-wit;

the Bond is not entered and entered into ac-
-cording to the provisions of the Statute in such
Case made and provided the Said Bond not
being signed by Francis Montaut or by any
person acting as his attorney in fact - And also
that the Said Bond was not entered into
before the dissolution of the Court before
which the trial was had

Notice to dismiss

J L D Morrison
Atty

Filed March 29 1842
W M Guthrie CLK

Filed
Montaut
Affidavit

Filed April
21 1842

W M Guthrie CLK

W M Guthrie CLK

Know all men by these presents that
I ~~Benjamin~~ Shapelle of the County of Randolph in
the State of Illinois am held firmly bound to ~~Henry~~
Jacob in the penal sum of one hundred Dollars of
money of the United States to be paid to the said
Henry Jacob his ~~heirs~~ ^{heirs} executors & administrators
& assigns - to which payment well and truly to be
made I bind myself my heirs ~~executors~~
& ~~executors~~ ^{administrators} firmly by these presents - Sealed
with my hand this 8th day of December
1841 -

Whereas upon the trial of the right of
certain property being divers goods & merchan-
dise - before the Sheriff of Randolph County
seized and taken by him upon and by virtue
of a writ of attachment - issued out of the
Circuit Court in and for the County aforesaid
at the suit of Francis Montant against E
Block & Louis Kahn and claimed by the said
Henry Jacob - a verdict was returned by the
jury of inquest therein empanelled ^{from} on the 7th inst -
in favour of the said Henry Jacob and there-
upon the costs of said trial were adjudged
against him the said Francis Montant - from
which decision the said Francis Montant ^{has} ~~prayed~~
an appeal to the said Circuit Court - Now
the condition of this obligation is such that
if the said Francis Montant - shall & does prose-
cute said appeal without delay and pay all costs
that have ^{accrued} ~~accrued~~ or ^{may} ~~may~~ accrue on such appeal if
judgement be given against him in the said Circuit
Court - then this obligation to be void or otherwise

[125495]

to be and remain in full force & virtue -

Sealed and delivered
in presence of
O J Baker

Bayle Shapell

P. O.
No. 1
1848

Henry & Co

No

Francis Montant

Alfred Bowe

No 48

Filed Dec 9 1848

Providence

Clark

Know all men by these presents that
we Henry Jacob as principal and Henry
Biemer as security of the town of Kas
Red River County of Randolph State of Illinois are
held and firmly bound unto Francis Montaut
in the sum of Eight-hundred dollars money of
the United States to be paid to the said Francis
Montaut - his heirs executors & administrators & as-
signs: ~~for~~ to which payment well and truly to
be made we bind ourselves our heirs executors
& administrators firmly by these presents -
sealed with our seals and ^{dated} this 11th day of April
A D 1842 -

Whereas at the March term ~~of~~
of the Circuit Court in & for the County of
Randolph ~~A D 1842~~ in the year ~~of our~~
A D 1842 - the above named Oblige to this -
Bond Francis Montaut - obtained judgement
by the consideration of said Court in his favour
against the said Henry Jacob in an action
on appeal from the trial of the right of
property by him said Henry Jacob app-
ealed to said Court for the recovery of cer-
tain property being direct goods wares & mer-
chandise ^{the property of said County - upon} seized & taken by ~~the~~ virtue of a
writ of attachment - issued out of the Ci-
cuit Court in & for said County at the suit
of Francis Montaut - vs Et Bloer Louis
Kahn and claimed by the said Henry Ja-
cob and their costs to be taxed from which
judgement so rendered the said Henry
Jacob hath prayed an appeal to the Su-
preme Court of said State - Now the condition
of this obligation is such that if the said

For my, Jacob shall pay such judgment
Costs interest & damages in case such judg-
ment shall be affirmed & also shall duly
prosecute said appeal to prayer as aforesaid
then this obligation to be null & void other-
wise to remain in full force & virtue -
Sealed & delivered in presence of
Joseph G Hunt -
Wm G Hizer -

to Jacob Deas
his
Henry Berman Seal
mark

Henry Jacob
Francis Montour
to Appeal Bond
Filed April
14th 1842
Wm M Guthrie
Clerk
By A J Dickinson
Depy Clerk