

12328

No. _____

Supreme Court of Illinois

Steamboat "Clarion"

vs.

Harris, et al

68.

Stamboul Clarion

x

vs

R. L. Harris & Co.

68

1857

12328

~~X~~

State of Illinois
Sixth Judicial Circuit } Sct
Carroll County

Be it remembered
That in the case of Robert S. Harris and
James S. Harris copartners under the name
& style of R. S. Harris & Co, against the Steam
Boat Clarion in the Circuit Court in
and for said County the Hon. John
W. Drury presiding the following pro-
ceedings were had To wit: On the
30th day of October 1855 appears the following
Docket Entry To wit:

Miller & Amours }
Robert S. Harris & James
Mc Harris copartners
under the name & style of
R. S. Harris & Co

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Steam Boat Clarion

Attachment
Oct 30. 1855

Also upon the said 30th day of October 1855
upon the files of said Court in said cause
appear the following Affidavit: To wit:

State of Illinois }
Carroll County }
Edmund D Sweet attorney
for Robert S. Harris and James Mc Harris
Copartners under the name and Style of R. S.
Harris & Co: being duly sworn deposes and says

That the Steam Boat *Clarion* navigating the Mississippi River one of the Navigable Waters of the State of Illinois is indebted to said R. S. Harris Co. in the sum of four hundred and seventy one $\frac{00}{100}$ dollars for supplies & provisions furnished said Steam Boat to be used employed and consumed on said Steam Boat that said supplies were furnished at the request of the Steward of said Boat and of Patrick Moran Master of said Steam boat that said sum of four hundred and seventy one $\frac{00}{100}$ dollars are now justly due said R. S. Harris Co for said supplies furnished said Boat as aforesaid and that the same remain due and unpaid -

Subscribed and Sworn to
before me this 30th day of October Edmund G. Sweet
A. D. 1855 Joseph Bailey clerk
of the County Court

By J. Amour Deputy clerk

"Which said affidavit is endorsed as follows
"Filed: Filed Oct. 30th 1855 J. S. Emmert
Clerk By P. S. Clark Deputy Clerk
Also upon the 30th day of Oct 1855 upon the
file of said Court in said Cause appears
the following Bond: J. M. -

Know all men by these presents that we
Robert C. Harris and Edmund G. Sweet
are held and firmly bound into the

Boat Clarion. in the Sum of Five hundred
 and forty three dollars to be paid to said
 people of the State of Illinois for the use afore-
 said to which payment well and truly to be
 made we bind ourselves our heirs executors and
 administrators jointly and severally and finally
 by these presents sealed with our seals and
 dated this 30th day of October A D 1855 -

The Conditions of the above obligation is
 such that whereas Edmund D. Sweet Attorney
 for Robert S. Harris and James M. Harris
 Copartners under the name & style of R. S.
 Harris Co hath on the state hereof. prayed an
 attachment of the Circuit Court of Carroll
 County Illinois in favor of said R. S. Harris & Co
 against the Steam Boat Clarion, with her engine
 machinery appand & furniture for the sum of four
 hundred twenty one ⁰⁰/₁₀₀ dollars and the same being
 about to be sued out & returnable on the first
 Monday of May A D 1856 to the Term of the court
 then to be holden - Now therefore the condition of
 this obligation is such, that if the said R. S.
 Harris Co. shall prosecute their suit with effect
 or in case of failure therein shall well and truly
 pay and satisfy all such costs in said suit and
 such damages as shall be awarded against the said
 Robert S. Harris & James M. Harris Copartners as
 aforesaid their heirs executors and administrators
 in any suit or suits which may hereafter be brought

for wrongfully suing out the said attachment
then this obligation to be void otherwise to
remain in full force & effect

Robert S. Harris Esq

By Edmund D. Saut his attorney in fact

Edmund D. Saut Esq

Which upon said Bond is the following
judgment To Wit Filed October 21st 1855
J. P. Cannon Clerk By P. C. Smith Depy Clerk

Also upon the 23rd day of October 1855 an
attachment was issued in said cause of which
the following is a copy To Wit

State of Missouri
Cass County The People of the State of
Missouri vs the Sheriff of Cass County
Thomas Edward D. Saut attorney for Robert
S. Harris and James S. Cannon Defendants under
the name of R. S. Harris He has complained
in writ before P. C. Bailey Clerk By J. Cannon
Deputy clerk of the county court of Cass County
that the Steamboat Clarion navigating the Mis-
sissippi River one of the navigable waters of the
State of Missouri is partly indebted to said R. S.
Harris to the amount of Four Hundred Seventy
one & 2/3 Dollars for Supplies and provisions furnished
and said Steamboat Clarion to be used and
consumed on said Steamboat

and the said Robert S. Harris having given
Bond and Security according to the direction of the
act in such case made and provided
I therefore command you that you attach the
Steam Boat Clarine if she be found in your
County with her engine & Machinery or so much as
shall be of Value sufficient to satisfy the said debt
and costs according to the Complaints and as
such estate so attached in your hands to secure
or so to provide that the same may be liable to further
proceedings thereupon according to law a warrant
to be holden at Mt Carroll in the County of
Carroll upon the fourth Monday of May next so
as to compel the said Steam Boat Clarine
to appear and answer the Complaint of the said
R. S. Harris & Co by Edward D. Sweet their
Attorney in fact and that you summon as
guarantee to be and appear before the said Court on
the said - day of - next then and there to answer
what may be objected - against - when and
where you shall make return to the said Court
How you have executed this writ -
And have you then and there this writ
Witness J. S. Emmet Clerk of the Circuit Court
of Carroll County Illinois and the said Circuit Court
at Mt Carroll this 30th day of Oct A. D. 1855
J. S. Emmet Clerk
By J. E. Shirk Esq. etc

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Which said Attachment is indorsed as follows
To Wit. Executed the within writ of Attach-
ing the within named Steam Boat Clarine
On 1st day of November 1855 During Attachment
50. 11 miles - 55. returning 10 - 4. 1. 15
S. S. Pinn Sheriff - also by attaching her
engines & machinery -

And afterwards To Wit. Upon the 15th day of
May A.D. 1856 in said cause was filed a
Declaration of which the following is a copy
To Wit -

Of the Carroll County Circuit Court of the
May Term A.D. 1856
Carroll County To Wit

Robert S. Hays and
James M. Hays partners under the name
Style of R. S. Hays & Co. by Miller Amour
their attorneys complain of the Steam Boat
Clarine navigating the Mississippi River one
of the navigable waters of the State of Illinois
for that whereas heretofore to wit on the twenty
first day of September in the year of our Lord
one thousand eight hundred and fifty five the
said plaintiffs sold and delivered to the said
Steam Boat Clarine goods chattels ware
merchandise provisions of great value
to wit of the value of One thousand dollars

7.
at the special instance and request of the
Stewards of said Steam Boat *Clarion* and
of Patrick Moran Master & Joel A. Daniels
one of the owners & Supercargo of said Steam
Boat, that the said Steward, Patrick Moran
Master & Joel A. Daniels Supercargo of said
Steam Boat contracted with said Plaintiff
for said goods chattels wares Merchandise &
provisions and that said goods chattels wares
Merchandise & provisions were furnished at the
request of the said Steward, Master & owner and
Supercargo for Supplies for said Steam Boat &
Yet said Steam Boat *Clarion* nor any one in her
behalf hath not paid the said Plaintiff the
said Sum of one thousand dollars for the
goods Chattels wares Merchandise & provisions
so furnished as aforesaid nor any part thereof
but to pay the same or any part thereof hath
wholly neglected & refused and still neglect &
refuse to the damage of the said Plaintiff
of One thousand Dollars & therefore they sue &c

Miller & Ammer
attys for plffs

Steamboat Cannon

1855

J. P. S. Harris & Co.

Aug	24	2 ^l Shoulders	26 th	90	3	24
		" 60 ^{lb} Firm Sugar		10	6	00
		" 40 " Powdered do		13	5	20
		1 Bbl Flour			9	00
		1 Bu Dry apples			3	50
		" 1/2 " do Peaches			2	00
		" 1 Ket Mackerel			4	50
		" 1/2 Bu Beans		250	1	25
		" 45 th Coffee		15	6	75
		" 1/2 Bu Hominy			1	60
		" 27 th Rice		11	2	97
		" 20 th Shoulders	280 th	90	25	20
		" 5 Cans	73 th	15	10	95
		" 1 Box Macaroni	26 th	20	7	80
		" 1 th Soda				50
		" 1 st Acid			1	00
		" 2 Bbl Catnips		40		80
		" 1 Box Mustard				50
		" 3/4 th Rope White		40	1	40
		" 1 Box Cabai Tea	13 th (a)	80	10	40
		" 12 th Tea Mus Tea		25	3	00
		" 2 Gals Vinegar		25		50
		" 2 Gals Alcohol		1.10	2	20
		" 1 Bath Brick				25
		" 4 Cans (5 th ea) Peas		150	6	00

"	1 ^{1/2} Seed Linn	85	85
"	1 Gal Vinegar		25
"	12 Shoulders - 169 th	12 ^{1/2}	21 12
"	6 Hams 99 th	15	14 85
"	2 Pkts Dry Peas 19 th	20	3 80
"	49 th Sugar		4 90
"	24 th Crush D ^o	15 th	3 12
"	1 Gal Alcohol		1 15
"	1 Crock 2 3/4 th Lard	12 ^{1/2}	4 85
"	2 Boxes Mustard	50 th	1 00
"	6 Jars Pepper		20
"	2 Jars Pickles	8 th	2 00
"	1 Doz Tumbles		1 50
"	1/2 Bu Hominy		1 60
"	20 th Rice	11 th	2 20
"	1/2 Bu Gay apples		1 75
"	1 Box Matches		10
"	2 Cans (5 th ea) Peaches	150 th	3 00
"	2 Do (5 th Do) Quinces	150	3 00
"	12 Do (5 th Do) Prunes	20	2 40
"	2 Do (5 th Do) Plums		3 00
"	2 Bot Cayenne		40
"	1 Bot Hard Bread		4 50
"	1 Kit Salmon		5 00
"	1 Bag Coal		1 00
"	2 Sett Cups & Saucers	12 th	2 50
"	1 Sett Tea Spoons		40
"	2 Bot Catnip	40	80
"	1 Grid Iron		1 25
"	1 Bath Brick		25
"	2 Gas Jacks		20

3	Brooms	40	1 20
1	Bunch Lamp Wick		25
10 th	Shuns	40	4 00
1	Heg white Lead		3 00
20	Doz Eggs		3 33
1	Fast Beard		20
2	Shuris	175	3 50
	Doz th Ice		1 00
5	Gals Sord Oil (5.50)	10	5 60
1	Box 7 Cats for Eggs		61
4 th	Butter	16	75
1	scrub Brush		61
10	Gals Sord Oil	10	11 00
1	Sc Leather - 3 th	50	1 50
4	Lamp Chimneys	25	1 00
1	Bunch Wick		95
1	Spoon		50
1	Dipper		75
1	Egg Slice		50
1	Ladle		40
1	Wash Pan Repaired		2 75
1	Boxter		3 75
1	Dot Chilly		1 00
2	Fin Cans		2 50
1	Bunch S		75
1	Iron Dipper		50
1	Skimmer		20
1	Doz Saus		3 25
1	Mo th Dice		5 00
1	Coffee Mill		2 00
21 th	Sord Ragging	21	4 21
1	Bunch Skimmer		50
1/2	Yds Red Flannel		75

	2 ^{lb} 10 ^g Nails		16
Sept 10	5 ^{lb} White Rope at Quilich		2 20
	3 ^{lb} 2 ^o 2 ^o Small "		1 20
	7 ^{lb} 4 ⁱⁿ Spikes	" "	1 40
	5 ^{lb} 4 ⁱⁿ " 2 ^o	" "	1 00
	2 ^{lb} 6 ^g Nails	" "	20
	2 ^{lb} 4 ^g Nails	" "	10 20
	2 ^{lb} 8 ^g 2 ^o	" "	10 20
	1 Put Packing Yam	" "	36 ^{lb} 20 11 20
11	1 P th Hand Bread	" "	4 00
	4 Cans 7 ^{lb} 15 ^g	" "	11 25
	15 ^{lb} Rice	" "	1 50
	1 Box 25 ^g Soap 6 ^{lb} 7 ^g		5 27
	2 ^{lb} 10 ^g Sugar 10 ^g	" "	2 00
	1 Kit Mactuel	" "	4 50
	1 3 ^o Gray Beef	" "	2 00
	20 ^{lb} Crackers	" "	2 00
	1 Cheese	" "	1 75
	4 Cans 5 ^{lb} ea Star Beans	" "	6 00
	1/2 ^{lb} Soda	" "	50
	1/2 ^{lb} Acid	" "	50
	1 Doz Lamp Wicks		25
	2 Guarded Lanterns		4 50
	1 Box G ^o Tea		3 00
21	20 Shoulders	225 ^{lb} " "	22 00
	12 Cans	195 ^{lb} " "	29 25
	1/2 ^{lb} Soda	" "	50
	1/2 ^{lb} Salarsatus	" "	15
	4 ^{lb} 5 ⁱⁿ wrought Spikes	" "	80
	2 ^{lb} Nails	" "	20
11	1 P th Cranberries	" "	1 00
			<u>471.09</u>

Galena July 9th 1855

Steam Boat *Harion*

Bought of J. S. Harris & Co.

Boat & Bar Store and Ship Chandlery

No 6 Stone Building Second Galena Ill

Amount Brought Forward			244.90
July 9	1 Hatchet	8	1 00
"	" 1200 th Ice	4	6 00
"	" 1 Ball Marble		1 00
"	" 7 th James Rigging	20	1 40
"	" 2 th do " Small	20	50
"	" 6 Balls Wick	10	60
"	" 6 " "	10	60
"	" 1/2 th Rattins	40	20
"	" 1 Pa Jacks		15
"	" 2 Bags Dairy Salt	40	80
"	" 1 Ball Rosin		6 50
"	" 1 File		75
"	" 1 Can Gum Screws 8 th		1 50
"	" 2 th Starch	15	30
"	" 1 Blacking Brush		40
"	" 3 Boxes Blacking	15	30
"	" 9 7 Gall Oil	80	7 00
"	" 9 1 Padlock		50
"	" 2 Good Linties	20	4 00
"	" 1 Doz Sat Pails		8 00
			<u>\$ 281 40</u>

Galena June 23rd 1855

Steam Boat Claim

Bot of G. S. Harris & Co
Boat & Bar Stores and Ship Chandlery
No 6 Stone Building Lower Galena Ill

300 ^{lb} Ice		2.25
10 ^{1/2} ^{lb} Butter	15	1.57
2 cans Peaches 5 ^{lb}		3.00
22 ^{lb} Shoulders	8	1.76
24 ^{lb} Ham	10 ^{1/2}	2.21
6 ^{lb} Amp Tea	75	4.50
1 Bbl Flour		9.50
50 ^{lb} Scorched Coffee	18 ^{1/4}	9.37
60 ^{lb} Sugar	8	4.80
25 ^{lb} crushed Sugar	12 ^{1/2}	3.12
1/2 Bbl Beans	2 ^{1/2}	1.25
1/2 " Hominy		1.00
1 Kit Mackerel		4.50
3 jars 1 Gal ea Pickles		3.00
3 Pots Catnip		1.20
2 ^{lb} Red Pepper	25	.50
1 Keg white Lead		3.00
1 Ball Marlin		1.25
1 Shovel		1.25
6 Pots Extracts		2.40
1 Gal Alcohol		1.15
1 " Vinegar		.25
1 " Syrup		1.00
6 ^{lb} Green Tea		3.60
1 Box 25 Soap	62 ^{1/2} 7	4.59
3 Gal Oil	85	3.00
4 Hams 8 ^{1/2} ^{lb}	10 ^{1/2}	9.14

		10 Shoulders 185 th	8	14.80
		25 th Butter	15 ^c	3.75
		21 Doz Eggs	16	3.00
		70 th Ice	75 ^c	5.25
		1/2 Bu Wax		.90
		2 cans Peaches Ca 5 th		3.00
		5 th Prunes		1.60
		1/2 Bu Doz Apples		1.25
		8 th Nails	8	.64
		1 Bbl Coal		1.25
		1 Bu Knife		1.00
		1 Oil Can		.50
		3 Boxes Matches		.25
		4 Galb Lard Oil	8 th	4.00
July	6	1 Bu Potatoes		1.50
"	"	25 th Crushed Sugar	12 th	3.13
"	"	25 th Prunes	6 th	1.65
"	"	1 can Peach Prunes 5 th		1.50
"	"	1 Bbl Coal		1.00
"	"	1 Box Soap 70 th	6 th	4.80
"	"	2 Brooms	10 ^c	.80
"	"	1 can Peaches 5 th		1.50
"	"	1 lb Soda		.50
"	"	1 lb Acid		1.00
"	"	2 Pots Lemon	40 ^c	.80
"	"	2 " Vanilla	40 ^c	.80
"	"	5 th Cheese	12 th	.65
"	"	1 Bu Salt		1.00
"	"	5 th Green Coffee	13 ^c	6.50
"	"	1 Ham 26 th	11	2.86
"	"	2 Shoulders 34 th	8 ^c	2.72
"	"			

"	"	1 ^{lb} Star Candles	31 ^d	1 20
"	"	1/2 lb Pepper	25	15
"	"	300 ^{lb} Ice		1 50
"	"	1 Tile		75
"	"	1 Bottle Turpentine		25
"	"	9 50 ^{lb} Brown Sugar	80	4 00
"	"	20 ^{lb} Crushed "	12 1/2	2 50
"	"	25 ^{lb} Rio Coffee	13	3 25
"	"	4 ^{lb} Pepper	25	1 00
"	"	2 Bot Catsup	20	80
"	"	6 lb Mys Tea	60	3 60
"	"	15 ^{lb} Rice	11	1 50
"	"	1/2 Bu Hominy	3 20	1 60
"	"	1/2 " Beans	2 1/2	1 25
"	"	1/2 " Meal	8 1/2	50
"	"	15 Shoulders 231 ^{lb}	80	18 48
"	"	6 Hams 125 ^{lb}	11 ^a	13 75
"	"	1/2 Bu Dry Peaches	3 3/4	1 75
"	"	2 Gal Sugar	2 50	50
"	"	1/2 Bu Dry Apples	2 3/4	1 25
"	"	2 Gal Alcohol	1 10	2 20
"	"	4 Gal Cit	1 10	4 00
"	"	Beans Peas Beans 2 ^{ca}	80	3 00
"	"	1 Sponge		50
"	"	2 Scrub brushes	50	1 00
"	"	1 Kit Mackerel		4 00
"	"	2 Gal Dry Peas 31 ^{lb}	20	6 00
"	"	Truss 10 ^{lb}	20	2 10
"	"	Lard 30 ^{lb}	10	3 00
"	"	1 lb Whiting	10	10
"	"	2 Bot Vanilla	400	80
				<u>244.90</u>

Which said Declarative is endorsed as follows To wit - Filed May 15th 1856
J. J. Emmet Clerk By P. J. Shirk Esq

And afterwards To wit: On the 27th day of May AD 1856 at the May Term ¹⁸⁵⁶ of the Circuit Court of said Carroll County upon the records of said Court appears the following Entry To wit:

Robert Harris
James W. Harris co-partners
under the name and style
of R. S. Harris and Company
vs
Steam Boat Clarion } Attachment

And now at this time came the said Plaintiffs by their Attorneys Miller & Armour and on their Motion it is ordered by the Court that the said Steam Boat Clarion be called: and the same being three times called by the Sheriff and not appearing it is ordered by the Court that Judgment by default be entered and that a writ of inquiry for assessment of damages be awarded. And the said writ being Executed, the following good and lawful men came to assess the same To wit - John Roland, Thomas Kinney, Heber Kinyon, George Eisenbii, James Sanker, Sumner Downing, Aaron Huffman, Ferdinand Ruppel, Samuel Stouffer, S. S. Payman, John Fuller, J. S. White & James Snow who being duly elected, tried sworn and affirmed to well and truly assess said damages

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19.

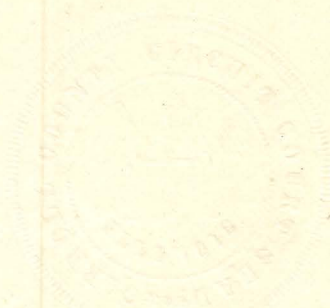
after hearing the evidence returned as the dam-
-age assessed by them the sum of Nine hundred
and Ninety Seven dollars & thirty Nine cents
Whereupon it is considered and adjudged
by the Court that the said Plaintiffs have and
recover of the said Defendant the aforesaid sum
of Nine hundred and Ninety Seven Dollars and
thirty Nine Cents so as aforesaid assessed together
with their cost and charges in this behalf by them
expended, and that they have a Special execution
for the sale of the property attached to satisfy
the same -

State of Illinois }
Carroll County }^{ss}

J. P. Emmet Clerk of
the Circuit Court in and for said County do
certify that the foregoing is a correct Transcript of
all the proceedings in said Court in the case of
Robert S. Harris & James M. Harris Copartners under
the Name & Style of R. S. Harris & Co against
Steam Boat Clarion up to and including the
 rendition of judgment as appears by the records of said Court
 Also a complete copy of all papers filed in said
 Cause in said Circuit Court

Witness my hand and the seal
of said Court at Mount Carroll
this 13th day of August A.D. 1866

J. P. Emmet Clerk





State of Illinois, Set
 In the Supreme Court, Third Grand Division
 Steamboat Collision
 vs. App in error } Error to Circuit Court,
 Robert S. Morris & James
 M. Morris, Petitioners &c }

And now comes the Brief Plaintiff
 in error by Myles & Smith, Attorneys, and says
 that in the Record & Proceedings, and in the Sen-
 tence of Judgment in said Cause, in the
 said Circuit Court, there is manifest error
 in this Court.

1st said Circuit Court erred in holding
 Jurisdiction of said Cause, and granting the
 writ of Attachment against said Steamboat.
 Within the Affidavit, nor Complaint showing
 sufficient Cause for granting said Attachment
 upon the Laws of this State —

2^d The said Circuit Court in not discuss-
 ing said Cause without a hearing upon the
 merits; for want of proof upon the Papers

3^d Said Circuit Court erred in submitting
 said Cause to a Jury upon default against said
 Steamboat, without publication or other legal

Notice to the owner of said Steamboat.

4th Said Circuit Court Erred in awarding a writ of Injunction in said case & open Drains

3rd Said Circuit Court Erred in rendering Judgment against said Steamboat by default without publication or other legal notice to the owner

6th Said Court Erred in rendering a Judgment against said Steamboat in default for more than the amount shown by the Affidavit for an Attachment, there being no appearance in said Court on the part of said Steamboat or the owner thereof

7th Said Court Erred in rendering any Judgment against said Steamboat

8th Said Court Erred in rendering an Execution against said Steamboat and directing the sale of the same to satisfy the Judgment of said Court.

9th Said Circuit Court Erred in other respects & for other reasons appearing upon the face of the Record

Wigley & Scott
Attys for Plff in error.

Let supersedias go on the owner of Steam boat
relating to Plff in error filing a bond as required
by law in the penal sum of twelve hundred
dollars with Messrs. P. Silverburgh or John
D. Simmons or George R. Melville surety

R B Harris & Co
as Error
Steamer Clarion

And the said depts in Error
Comes and defends to and says that there
is no error in the Record and proceedings in
the above case and that the same
should be affirmed in all things
Wherefore they pray Just

My Attorney
Ally &

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R. B. Harris & Co

Steam Boat Clarion

Transcript of Records

Filed Aug. 16. 1854

L. Leland
Clerk

For Transcript

Know All Men by these Presents, that Mr. George R. West
 Benj. P., Powers and Saml. S. Spaulding, Parties under
 the Firm name and Style of West, Power & Co of the County of
 Dubuque and State of Iowa, as Principals, and John D.
 Simmons of the County of Linn and State of Illinois as Surety
 are here and firmly bound unto Robert S. Harris and James
 M. Harris, Parties under the Firm name & style of R. S. Harris & Co
 in the Special Sum of Seven thousand Dollars, lawful
 money of the United States, for the Payment of which well
 and truly to be made within ourselves our heirs, Executors
 and Administrators, jointly, severally and finally, by their
 Presents, Writters are bound and seals, this 18th Day of May
 AD 1856 —

The Condition of the above obligation is such, that when
 the said Robert S. Harris and James M. Harris, Parties as aforesaid
 did on the 27th day of May, AD. 1856, in the Circuit Court in
 & for the County of Carroll and State of Illinois, receive a
 Judgment against the Steamboat Claim for the sum
 of Nine thousand and ninety seven ³/₁₀₀ Dollars and Cents of said
 and when the said George R. West, Benjamin P. Powers and
 Samuel S. Spaulding Parties as aforesaid, the owner of said
 Steamboat Clarion, have procured a writ of error and
 Superseas from the third Grand division of the Supreme
 Court of the State of Illinois for the suspension & reversal
 of said Judgment, now if the said George R. West, Benjamin P. Powers &
 Samuel S. Spaulding, Parties as aforesaid, shall duly prosecute said
 writ of error & pay or cause to be paid, such Judgment, Costs, Interest
 and Damages, as the said Supreme Court shall adjudge against said
 Steamboat Claim in this behalf, in case said Judgment is affirmed
 then this obligation is to be void, otherwise to remain in full force & effect —

In presence of
 Geo. W. Smith

Geo. R. West Seal
 Benj. P. Powers Seal
 Saml. Spaulding Seal
 J. Simmons Seal

West Town Co. v. Harris
of Staunton
v. Harris

R. S. Harris of
Staunton

Bond

Filed Aug. 21. 1856

L. Seland
Clerk

STATE OF ILLINOIS,

Supreme Court,

} ss.

The People of the State of Illinois,

WRIT OF ERROR.

To the Clerk of the Circuit Court for the county of *Carroll* 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 *Carroll* county, before the Judge there- of, between *Robert Harris & James M. Harris Co partners*

Under the name & Style of R. S. Harris & Company plaintiffs and *the Steamboat Clarion*

defendant it is said manifest error hath intervened, to the injury of the aforesaid *Defendant*

ed by *the said Defendant* as we are inform- ed by *the said Defendant* complaint, 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 judgment there- of 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 *second Monday in June* 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;

Walter B. Spates
WITNESS, the Hon. **SAMUEL H. TREAT**, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this *21st* day of *August* in the Year of Our Lord One Thousand Eight Hundred and Fifty-*six*

L. Leland
Clerk of the Supreme Court.
By J. B. Rice Deputy

ALONZO TO STATE TO OLGODER ET AL

ALONZO TO STATE

Steamboat Clarion

vs

R. L. Harris & Co.

Writ of Error

This Writ of Error is to operate as a supersedeas and as such is to be obeyed by all concerned

L. Leland
Clerk
By J. B. Rice
Deputy

Filed Aug. 21. 1856

L. Leland
Clerk

Writ of Error

Writ of Error

Writ of Error

STATE OF ILLINOIS,

Supreme Court,

ss.

The People of the State of Illinois,

To the Sheriff of the County of Jo Daviess, Greeting:

BECAUSE in the record and proceedings, and also in the rendition of the judgment of a plea which was in the circuit court of Carroll county, before the Judge thereof, between Robert S. Harris & James M. Harris under the name & style of R. S. Harris & Company Plaintiffs & The Steamboat Clarion

Defendant, it is said that manifest error hath intervened, to the injury of the said Defendant

as we are informed by the complaint, the record and proceedings of which said judgment 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 Robert S. Harris & James M. Harris

that they 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 second Monday in June next, to hear the records and proceedings aforesaid, and the errors assigned, if they 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 Robert S. Harris and James M. Harris notice, together with this writ.

Walter B. Seates
WITNESS, the Hon. Samuel H. Treat, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 21st day of August in the Year of Our Lord One Thousand Eight Hundred and Fifty-six

L. Leland
Clerk of the Supreme Court.
By J. B. Rice Deputy

Executed this within and by reading the same
to the within named James M Harris
R B Harris
Oct 13th / 1856

W R Rowley Sheriff
J David Clerk

R. B. Harris & Co

At a Court of Pleas

Sci Ja.

Sherriff's fees

Sherriff 05-

Deerme 100

Return 100

\$1105-

Recd Oct 15 1856

J. B. Harris

Sherriff

by J. B. Harris

State of Illinois, In the Supreme Court
West River Co. v. of Third Grand Division
Steamboat Claim

vs
Plaintiff
Robert S. Morris & James
M. Harris, Partners or under
the Firm of R. S. Morris & Co
Defendants

Ever to be made

I do hereby certify

myself, I certify for costs in the above entitled Cause
and acknowledge myself bound to pay or cause to
be paid all costs that may accrue in this 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 August AD 1856.

John A. Jewell

Stewart Almon

Plff in error

R. S. Morris & Co

Defrs in error

Bond for Costs

Filed Aug. 16 1856

L. Seloud
Clerk

Steam Boat Clarin
vs.
R. S. Harris & Co } Error to Carroll

Affidavit in sufficient

~~Because,~~

~~1st not being made by plff, it does not show
Affiant's means of knowledge of truth of facts
alleged in affidavit.~~

~~Bridgeford v. The Elk 6 Illinois 356.~~

2^d Affidavit does not show that indebtedness
accrued while boat being built, equipped,
repaired, or running on navigable waters
of State of Illinois.

Frank vs King 3 Scam. 150.

1st Purpl's Stat. 107 sec. 1.

3^d It does not show names of owners,
or their co-partnership name, to have
been unknown -

1st Purpl's Stat. 107 sec. 2 -

Attachment Bond insufficient.

1st Authority for its execution by an atty. not shown. (No power of atty.)

2^d Not the bond of plffs. below - only purports to be the bond of one of them -

1st Purpl's Stat. 107 Sec. 2. ibid pg. 97
Sec. 4.

On return of writ notice by publication should have been given.

1st Purpl's Stat. 107 Sec. 3 - ibid pg. 99 Sec. 14

(There was no service & no notice of any kind given, & no appearance.)

The judgment - should not have been for more than the amount sworn to be due in the affidavit - there being no service or appearance.

Rowley v. Benier 12 Ill. 202.

Steam Boat Clarin

R. S. Harris & Co.

Receipt of atty. for
Steamboat

Filed May 2nd 1837

J. S. Seland

Clerk

Seland & Seland

State of Illinois---Supreme Court, 3d G. D.

STEAMBOAT CLARION, }
vs. } ABSTRACT.
ROBERT S. HARRIS, et al. }

1 to 3 October 30th, 1855, the following affidavit, filed in Carroll Circuit Court, viz:

STATE OF ILLINOIS, }
CARROLL COUNTY, } ss Edmund D. Sweet, attorney for Robert S. Harris, and James M. Harris, co-partners under the name and style of R. S. Harris & Co., being duly sworn, deposes and says; that the steamboat, Clarion, navigating the Mississippi river, one of the navigable waters of the State of Illinois, is indebted to said R. S. Harris & Co., in the sum of four hundred and seventy one and nine-hundredth dollars, for supplies and provisions furnished said steamboat, to be used, employed and consumed, on said steamboat; that said supplies were furnished at the request of the steward of said boat, and of Patrick Moran, Master of said steamboat; that said sum of four hundred and seventy one and nine-hundredth dollars, is now justly due said R. S. Harris & Co., for said supplies, furnished said boat, as aforesaid, and that the same remains due, and unpaid.

Subscribed and Sworn Oct. 30, 1855.

3 to 6 Attachment bond filed, and attachment issued Oct. 30, 1855.

6 November 1st, 1855, steamboat Clarion, and her engine, and machinery, attached.

6 to 18 May 15, 1856, following declaration filed, viz:

Of the Carroll County Circuit Court, of the May term, A. D. 1856. Carroll County, to wit:

"Robert S. Harris and James M. Harris, partners under the name and style, of R. S. Harris & Co., by Miller and Armour, their attorneys, complain of the steamboat Clarion, navigating the Mississippi river, one of the navigable waters of the State of Illinois, for that, whereas heretofore, to wit: on the twenty first day of September, in the year of our Lord one thousand eight hundred and fifty five, the said plaintiff sold and delivered to said steamboat Clarion, goods, chattels, wares, merchandise and provisions of great value, to wit: of value of one thousand dollars, at the special instance and request of the Steward of said steamboat, and of Patrick Moran, Master, and of Joel A. Daniels, one of the owners and Supercargo of said steamboat, that the said Steward, Patrick Moran, Master, and Joel A. Daniels, Supercargo of said steamboat, contracted with said plaintiff, for said goods, chattels, wares, merchandise and provisions, and that said goods, chattels, wares, merchandise and provisions, were furnished at the request of said Steward, Master and owner, and Supercargo for supplies for said steamboat. Yet said steamboat Clarion, nor any one in her behalf hath not paid the said

*
Bond of one only of
pepps. & says facts to be
executed by atty. in fact.

plaintiffs, the said sum of one thousand dollars for the goods, chattels, wares, merchandise and provisions so furnished as aforesaid, nor any part thereof, but to pay the same or any part thereof, hath wholly neglected and refused, and still neglect and refuse to the damage of said plaintiff, of one thousand dollars, and therefore they sue &c."

(Here follows copy of account sued on.)

18 & 19 May 27, 1856, steamboat Clarion called, and defaulted for non appearance, and writ of inquiry awarded. Jury assessed damages at \$997 39-100. Judgment entered in favor of plaintiffs, for said sum, and costs, and a special execution awarded for sale of property attached.

Errors Assigned.

- 20 1st. In holding jurisdiction of cause, and granting attachment, neither affidavit nor complaint, showing sufficient cause for granting it under laws of this State.
2. In not dismissing cause without a hearing on merits, for reasons apparent on face of papers.
3. In submitting said cause to a jury upon default, against said steamboat, without publication, or other legal notice to the owners of said steamboat.
4. In awarding a writ of inquiry to assess damages.
5. In rendering judgment against said steamboat, by default without publication, or other legal notice to the owners.
6. In rendering judgment against said steamboat on default for more than the amount sworn to in the affidavit, there being no appearance on the part of said steamboat, or the owners thereof.
7. In rendering any judgment against said steamboat.
8. In awarding an execution against said steamboat, and directing the sale of the same, to satisfy the judgment.
9. Said court erred in other respects, and for other reasons apparent on face of record.

Writ of error and *Supersedeas*, issued Aug. 21, 1856.

