

8513

No. _____

Supreme Court of Illinois

D. G. Standard & Co.

vs.

James S. Brown et al

71641  7

At a Court of Pleas began and holden
at the Court House in the Town of Vienna
in Johnson ^{on the 9 day of October 1848} in the State of Illinois in the 3^d
Judicial Circuit by ~~the~~ Hon William A
Canning Associate Justice of the Supreme
Court of the State of Illinois and presiding
Judge of the said 3^d Judicial Circuit
the following proceedings were had
Copy of Original summons viz;

Daniel G. Standard

vs
James Brown & etal

} appeal

State of Illinois

Johnson County

} the people of the State of
Illinois to any Constable

of said County Greeting

You are hereby commanded to summon James
Brown C. S. Bridges and B. S. Smith to

appear before me at my office in Vienna
on the 8th day of this Instant at the hour

of 12 O'clock A.M. to answer the Complaint
of the County Commissioners of Johnson

County for the use of the people of the
State of Illinois, and for the special

benefit of Daniel G. Standard the individual
Plff. in Interest in a plea of debt for a

failure in discharging the duties of Constable
by James Brown one of the depts the same

and on said Constable's official bond over
25th of August 1843 the amount of plff

in Interest not exceeding one hundred
dollars, and hereof make and return

to me as the law directs
Given under my hand and seal the

first day of June 1848 J. A. Pleas P. J. P.

Plaintiffs Claim on back of writ \$95.86
Cancellation effected by reading on 1st June 1848
Return C. J. Gayle 646

Defendants Appeal bond by:

Know all men by these presents that we James Brown
David G. Bridges & N. B. Lemmitt all of the County of
Johnson & State of Illinois are held and firmly
bound in the penal sum of two hundred dollars
lawful money of the U. States the payment of
which we bind ourselves, our heirs, executors and
assigns, with our hands and seals this 1st
day of July A.D. 1848.

The condition of the above
Obligation is such that whereas D. G. Standard
did on the 1st day of June A.D. 1848 Recover
Judgt. against the above bounden James
Brown D. G. Bridges & N. B. Lemmitt for the sum
of ninety one dollars & eighty seven and a
half cents besides costs from which Judgt
the said Brown Bridges & Lemmitt have taken
an appeal to the next Court Now of the
said Brown Bridges & Lemmitt shall pay
whatever Judgt shall be rendered upon
the trial or discontinuance of said appeal then
this obligation to be void otherwise to
remain in full force & virtue in law
Signed James Brown D. G. Bridges &
N. B. Lemmitt

Approved before me the 1st
day of July 1848
J. M. C. C. C. C. C.

Supremacy No:

State of Illinois }
Wharton County } p.

The people of the State
of Illinois to J. N. Pearce Justice of the
Peace and all others concerned. Greeting
Whereas; Daniel G. Standard did on the ~~16th~~ day of
~~June A.D. 1848~~ 1st day of July 1848 take an
Appeal to the Circuit Court for said County
from a Judgment recovered against them
by the said D. G. Standard before the said
J. N. Pearce Esq. on the 16th day of June
A.D. 1848 for \$11.87 1/2 cent. besides costs
and have filed this bond in conform-
mity to law. Therefore we hereby enjoin
the said Justice of the Peace and Party and all
others from proceeding further upon
said Judgment until the order of the
Circuit Court be had in that behalf
And furthermore we command
the said J. N. Pearce Esq. to transmit with
the least possible delay to the Clerk of the
Court aforesaid the process and proceed-
ings had in the premises according
to law. Witness Land Clopland Clerk of
our said Court and the Judicial
Seal thereof at Kennett Pt. day of
July 1848. Land Clopland Clerk

State of Missouri
St. Louis County } P

The People of the State of
Missouri to the Plff of said County Greeting
We command you to summon Daniel
G. Standard to be and appear before
the Circuit Court for the County of
St. Louis aforesaid on the 2nd Monday
in the month of October next to be
holden at St. Louis in & for said
County to answer and appear taken
by James Brown & J. Bridges Esqrs & B & Smith
from the decision of said Justice of the
Peace in favor of one D. G. Standard and
have you then & there this writ
intres & be placed in the hands of our said
Court and the Judicial time
thereof at St. Louis this 1st day of
July A.D. 1848 David Corbin Clerk

And now again came the parties on the 11th day
of October A.D. 1848 and the following proceed-
ings were had to wit On this day came the
Plff by Jack his attorney and the Defendant
by Thompson who thereupon moved the Court
to dismiss this cause for the want of bond
for costs and the motion after argument of
counsel and due and proper advisement
by the Court the motion to dismiss is by the
Court sustained and the cause ordered
dismissed accordingly and that the
Defendant recover his costs in and
about this defense in that behalf ex-
pended and that execution issue

~~Copy of Bill of Exceptions~~ And the Court
counsel excepted to the opinion of the Court
dismissing the case and entered his motion
to reinstale the cause on the docket and for
leave to file bond None pro tunc which
motion was overruled by the Court

Copy of Bill of Exceptions filed of Record

State of Illinois }
Johnson County } p.

County Comptroller of } In the Court but
Johnson County for the } unpaid bounty by
use of D. G. Standard } Appeal from
As } Indt of Justice
James Brown et al } of the Peace,

Bill of Exceptions vs:
Be it remembered that at the October term
of the Circuit Court for said County when
this cause was called the Counsel for the
Defendant in Dispute moved the Court
to dismiss the suit on the ground that no
bond was filed for costs by the Plaintiff
prior to the institution of this suit
before the Justice of the Peace to whom the
Plaintiff by his Counsel objected as not being
a sufficient reason when the Plaintiff as in
this suit is a resident solvent and
responsible party and liable for costs
without said bond whereupon the
matter was referred to the Court who

being of opinion the Court in law ought to
be dismissed and dismiss the same
and the Plaintiff by his counsel excepted
The said Plaintiff by his counsel then moved
the Court to grant leave to Plaintiff to file
a cost bond None no time also to take
off the dismissal and reinstate the
cause on the said bond being filed
to which the Defendants counsel objected
Wherefore the motion was referred
to the Court who overruled the said
motion and the Plaintiff by his counsel
excepted and prayed that these his
exceptions might be signed sealed
and made part of the Record of
said cause pursuant to the act of assembly
in such case made and provided
And it is accordingly done,
Wm. A. Denney Clerk

State of Illinois
Jefferson County } I Samuel C. Planaack
of the County of Jefferson
County do certify that the foregoing is
a correct record had in the foregoing
and above entitled cause
Testimony whereof I have
assunto by my hand and affix
the judicial seal of said Circuit
Court of Jefferson County Ill
this 15th day of Nov 1848
S. Planaack

Quorum assigned 2d.
The Court acted in dismissing this writ
for want of cost bond on 2d to Motion
made for the 1st time;
2^d In not allowing leave to file cost
Bond hunc pro tunc & refusing to reconstitute
the Court en banc simony & perjury
att'ys on 2d.

The Court ~~decided~~ ~~dismissing~~ this writ
there was no bond for costs to be filed before the
action of the Court, the Court not requiring
any bond for costs to be filed before that
officer before the command of writ
& the justice had no power to dismiss
on that ground, ~~therefore~~ ~~in the event~~ ~~Court do to do~~ &
2^d If the Court had power to dismiss for
want of bond it erred in refusing the
application of the Pltff for leave to file
a bond hunc pro tunc.

quid libet
I Jack & Co Pltff
vs
The Error

1754
C. G. Manassas No 2
1753 Record

James Brainerd
et al

Filed June 11th 1853
J. L. Brainerd
by D. Baugh-ly

bound to Sheriff of
John in Lexington

not pursued

S. H. Standard & Seligman
Plaintiff in error
vs.

J. Brown and others
— defendants in error —

} error to judgment

Will the Clerk of the Supreme
Court please issue a Certiorari to send up to this
Court a full and complete record in the above styled
Cause in pursuance of the order of this Court
Signed W. Linnons Atty.
for Plaintiff in error

D. H. Standen Selan
• Maentoff in enen
at.

J. Bivon et. at.
Dependout in enen

Prinipo

H. H. Licious
Hoffis. Htg.

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

Johnson

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

Johnson

county, before the Judge thereof, between

the

County Commissioners of Johnson County for the use of the people of the State of Illinois and for the Special benefit of Daniel G. Henderson

plaintiffs, and

James Brown, D. G. Briggs and

R. S. Smith

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

plaintiff

as we are informed by

his

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 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

Mount Vernon, in the county of jefferson, on the

Second Monday of November

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. WALTER B. SCATES Chief Justice of our said court, and the seal thereof, at Mount Vernon this

17th

day of *November*,

in the year of Our Lord One Thousand Eight Hundred and Fifty-*five*.

Noah Johnston

Clerk Supreme Court,



No 2.

D. C. Thompson & Co.

NY

J. Brown & Co.

Post of error.

Rec'd of date 17 Nov. 1855

W. E. Johnston & Co.

STATE OF ILLINOIS, } ss.
SUPREME COURT. }

THE PEOPLE OF THE STATE OF ILLINOIS,

To the Sheriff of *Johnson* County,

Because in the record and proceedings, and also in the rendition of the judgment, of a plea which was in the Circuit Court of *Johnson*

County, before the judge thereof, between *The County Commissioners of Johnson County for the use of the people of the State of Illinois and for the special benefit of Daniel C. Stanaard, Plaintiff, and James Brown, D. G. Bridges & B. S. Smith*

defendant, it is said that manifest error hath intervened to the injury of said *plaintiff*

as we are informed by *his* 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 Mt. Vernon, 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 *James Brown, D. G. Bridges and B. S. Smith*

that *they* be and appear before the Justices of our said Supreme Court, on the first day of the next term of said Court, to be holden at Mount Vernon, in said State, on the Second Monday in November next, to hear the records and proceedings aforesaid, and the errors assigned, if *they* shall think fit; and further to do and receive what the said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said *James Brown, D. G. Bridges & B. S. Smith* notice, together with this writ.

Walter B. Scates
Witness, the Hon. ~~SAMUEL H. TREAR~~, Chief Justice of our said Court, and the seal thereof, at Mount Vernon, this *17th* day of *November*, in the year of our Lord, one thousand eight hundred and fifty-*five*

Abraham Johnston
Clerk of Supreme Court.



42
D. C. Standard &
James Brown
D. G. Bridges
A. B. J. Smith
I have written the
within a few lines
manuscript by reading to
James Brown & J. Bridges
to B. B. Smith in the
month of May 1856
Wm. H. Finney
Volunteer
Ill.

Strong 3,400 cut \$150
mules 50 50 250
Postage & return 20
14 20

243
243

TO THE HONORABLE
JAMES BROWN
JUDGE OF THE SUPREME COURT
STATE OF ILLINOIS

See Supreme Court
Proceedings Grand
1855-

See County Court
proceedings of Johnson
County - for the use of
the people of the State
of Illinois and for the
special benefit of said
County

James Brown, C. J.
Bradley & B. S. Smith
— — — — —

Proceeds for Motion
for said James -

Wm. B. Lewis
for Plaintiff

The County Commissioners of
Johnson County for the use of the
People of the State of Illinois and
the special benefit of Lemuel H.
Standwell the individual plaintiff
in interest

vs. Error to Johnson

vs.

James Brown, C. G. Bridges
and B. S. Smith

The judgment in this case
was rendered in the Johnson Circuit Court
on the ninth day of October A.D. 1848 before
William H. Sumner Judge.

The record was filed in this court on
the 16th day of June A.D. 1853 - Five years
from the rendition of the said judgment is
fixed on the ninth day of October 1853 -

A return facias issued by Paulson Clerk
on the 16th of June 1853 describing the parties
thus - "Lemuel H. Standwell Plaintiff and
James Brown, C. G. Bridges & B. S. Smith
as defendants" which was returned by the
Sheriff of Johnson County served on all the defend-
ants September 2nd 1853 -

The Plaintiff in error now makes his motion
for a return facias describing the parties as in the
record - directed to the Sheriff of Johnson County for
service

J. Jack & C. H. Simons

Attys for Plff in error

The County Commissioners of
Johnson County for the use of
the people of the State of Illi-
nois, and for the Special Em-
powerment of Daniel H. Stoddard
vs.

vs. to Johnson

James Brown, S. J. Bridges
and R. S. Smith - vs. in error

Will the Clerk of the Supreme
Court - ^{first} ~~then~~ Grand Division - please issue a Subpoena
for the above styled Cause directed to the Sheriff
of Johnson County for service. The Plaintiffs in error
were plaintiffs below and the defendants in error
were defendants below

Jack + Simons

Attorneys for Plffs.

Superior Court
November Term 1855

On Vacancy Committee
James of Georgetown
for the etc. &c.

James Brewster and
others

Presided

James & Sons
for Plffs

Filed 17. April. 1855

At Georgetown Md

~~At H~~ No 2

D G Sturman
vs
James Brown

Given to Sturman

Costumari's Account 18h
August 1855.

STATE OF ILLINOIS, }
SUPREME COURT. } ss.

THE PEOPLE OF THE STATE OF ILLINOIS,

To the Sheriff of *Monroe* County,

Because in the record and proceedings, and also in the rendition of the judgment, of a plea which was in the Circuit Court of *Said Monroe* County, before the judge thereof, between *Daniel G. Steward*

Plaintiff and James Brown & by Bruges & B. S. Smith on

defendant, it is said that manifest error hath intervened to the injury of said *Daniel G. Steward*

as we are informed by *his* 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 Mt. Vernon, 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

James Brown, & by Bruges and B. S. Smith

that *they* be and appear before the Justices of our said Supreme Court, on the first day of the next term of said Court, to be holden at Mount Vernon, in said State, on the Second Monday in November next, to hear the records and proceedings aforesaid, and the errors assigned, if *they* shall think fit; and further to do and receive what the said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said *legal acts* notice, together with this writ.

Witness, the Hon. SAMUEL H. TREAT, Chief Justice of our said Court, and the seal thereof, at Mount Vernon, this *16th* day *June* in the year of our Lord, one thousand eight hundred and fifty- *three*

J. D. Preston Clerk of Supreme Court,
by D. B. Angus deputy

A. G. Howard

in

James Brown

A. J. Pugh

B. A. Smith

Expenditure by Treasury

To all the defendants

Sept 1st to 31st

1853

Shewing \$50.00

Miles 30

Returning \$3.10

July

Filed Sept 12th 1853

J. D. Porter Clk

by P. D. rough app

November Term 1856

No 2

D. G. Standard & Co

James Brown et al

8513

Dismissed

Cost Bill made out
and on Page 232 -

Filed 17 Apr 1855 -

Second 9 May 56 and
returned