

12353

No. _____

Supreme Court of Illinois

Jackson

vs.

Kemble

71641  7

~~54~~ 62.

~~Adam~~ Jackson

vs
Robert Kemble

62

1857

12353

Hiram Jackson Offt in error } Error to Pro
 Robert Kemble Offt in Error } na County
 Court

Now comes the said plain-
 tiff in error and says that in the record
 and proceedings and in the rendition of
 judgment in this cause manifest
 error has intervened to the injury of
 Plaintiff and for assignment of er-
 rors upon the record he shows to
 the Court here the following:

The Court below erred in dismissing
 the appeal.

The act allowing appeals to be
 prosecuted to the County Court of
 Peoria is Constitutioned, for which
 and other errors appearing in the re-
 cord of proceedings in this cause the
 plaintiff in error prays the Court to
 set aside and reverse the judgments
 in this cause that the same may be
 wholly for naught & reversed.

Thos McCoy
 for Offt in error

Left in error joins in term
 meaning & meaning
 see left in term

Robert Kimble }
vs. }
Niram Jackson }

Suit brought on note & interest for
Sum 1874 \$201.90 on application of Plff. summons issued
Nov 12/50 to the Clerk of the Court. March 15. 1856 returnable
Nov 30. March 20th at 10. Clock A.M. returned duly served.
Judg 25 March 20th 1856 judgment rendered against
Def. 50 the defendant by default for two hundred
Dollars and four. Dollars and ninety cents debt, and
Costs of suit
Debt \$201.90
Costs 86 1/4

State of Illinois }
Peoria County }

I John A M Coy. Justice of the peace
in & for said County, do Certify that the above
transcript and papers enclosed contains
a full and perfect statement of the proceedings
before me in the above entitled cause
Dated this 29th day of March 1856.
J A M Coy Jr

Endorsed.

Filed in Clerk's Office May 1st 1856.
Charles Kettice Clerk per George Kettice Depty

\$200. Iowa January 1st 1856.

Sixty days after
date I promise to pay to Robert Kimble or
order Two Hundred Dollars value received
with ten per. cent. interest from date

Nathan Jackson

State of Illinois Iowa County ss.

The People of the State
of Illinois to any Constable of said County Greeting
You are hereby commanded to summon Nathan
Jackson to appear at my office in Iowa on the
20th day of March inst at 10 O'clock P.M. answered
to the complaint of Robert Kimble for a failure
to pay him a certain demand not exceeding
\$200; and hereof make due return as the
law directs Given under my hand and Seal
this 15th day of March 1856.

J. M. Coyle Secy S. C.

Endorsed

Served this summons by reading to
Nathan Jackson this 15th day of March
1856

W. McCormack Com.

Know all men by these presents, That we Niram Jackson and John A. Walhoun are held and firmly bound unto Robert Kimble in the penal sum of Four hundred & twelve dollars lawful money of the United States: for the payment of which weell & truly to be made, we bind ourselves, our heirs and administrators, jointly, And severally, firmly, by these presents witnessed our hands and Seals this 29th day of March A.D. 1856. The condition of the above obligation is such: That whereas the said Robert Kimble did on the 30th day of March 1856 before John A. McCoy a Justice of the peace for the County of Peoria receive a judgment against the above bounden Niram Jackson for the sum of two hundred and four 7/100 dollars from which judgment the said Niram Jackson has taken an appeal to the County Court of the County of Peoria aforesaid, and State of Illinois: Now if the said Niram Jackson shall prosecute his appeal with effect: and shall pay whatever judgment may be rendered by the Court upon dismissal or trial of said appeal, then the above obligation to be void, otherwise to remain in full force and effect.

Assumed before me at my
office this 29th day of March
1856 J. A. McCoy, J. P.

Niram Jackson (Seal)
John A. Walhoun (Seal)

State of Illinois
Pena County, Clerk's Office

Charles Kettelle Clerk
of the County Court in & for said County, do hereby certify
that the foregoing is a true copy of the papers
& transcript filed by John A Mc Coy Jr in the case
of Robert Kimble vs. Abram Jackson in the
County Court of said County.

Given under my hand
and official Seal at Pena this 11th day of June
A D 1856. Charles Kettelle Clerk

The People of the State of Illinois
To the Sheriff or any Constable of Pena County, Greeting.
We command you to summon Robert Kimble if he may be
found in your County, to appear before our County Court for Pena
County, on the 1st Monday of May, at the hour of 10 O'Clock A M
to be held at Pena within and for the County of Pena
thence and there to answer unto Abram Jackson in a certain
suit appeal from J A Mc Coy Jr and make return of this
writ with an Edensment of the time and manner
of serving the same, on or before the 1st Monday of May,
Next Witness Charles Kettelle Clerk of our said County Court, and the Seal thereof
at Pena this 11th day of May 1856. Charles Kettelle Clerk

Endorsed. Served on Robert Kimble by reading to him this writ
May 2nd 1856 D D Tynes Sheriff by A W Hedden

State of Illinois Peoria County }
On the County Court of Peoria Co } May Term. A.D. 1856

Present Hon^{ble} Thomas Bryant Judge of the County Court.
David D. Trues. Sheriff
Charles H. Kettleson Cler. W.

Robert. Kimble. }

vs. }

Hiram Jackson }

Appeal from Peoria

This day came the plaintiff by Manning Vetterman and his Attorneys and entered his motion to dismiss the appeal in this cause for want of jurisdiction in this court: that the law of Feb. 9. 1855. establishing said Court is so far as relates to jurisdiction of appeals from Justices is unconstitutional and thirdly, said law is unconstitutional which motion was sustained by the Court is ordered to be dismissed at the cost of the applicant; Thereupon came the defendant by Grove V. McCoy his attorneys and asked an appeal to the Supreme Court from the decision of this Court which was granted and said defendant allowed twenty days to file his appeal bond. The amount of said bond was by agreement placed at the sum of Three hundred dollars.

Upon which said decision of the Court the defendant filed his list of exceptions which was signed by the Judge
Done.

State of Illinois;

Peoria County } In the County Court of Peoria County

Robert Simble

vs

Wiram Jackson } In Appeal from Justice of the Peace

Be it remembered that at the present (May) Term of this Court. this cause was called for trial (The defendant asked leave to file a bill of particulars in this cause) pending which the plaintiff entered a motion to dismiss the appeal in this cause. because the act of the General Assembly of the State of Illinois authorizing appeals, to be taken to the County Court of Peoria County is unconstitutional, which motion is in words & figures following to wit "That the law of Feby 9. 1855 Establishing said Court. is so far as relates to ^{jurisdiction of} appeals from Justices is unconstitutional and thirdly said Law is unconstitutional to which motion to dismiss said appeal the defendant then & there objected, but the Court sustained said motion and dismissed said appeal for the reason that the act approved Feby 9. 1855 authorizing jurisdiction in case of appeal, from Justices was and is unconstitutional to which decision of the Court dismissing said appeal the defendant then & there at the time objected and excepted

and prayed that this his bill of exceptions may be
signed & sealed by the Court which is according to
law.
Thomas Bryant. *JD*
County Judge.

Whereupon the defendant filed the following appeal bond
which is in the words & begins following to wit:

"Know all men by these presents that we Niram
Jackson and Mary Grove of the City & County of
Jenia and State of Illinois are held and firmly
bound unto Robert Kimble of said City in the penal
sum of Three hundred dollars lawful money for
the payment of which, we & truly to be made
we bind ourselves, our heirs and administrators
jointly and severally firmly by these presents, witness
our hands & seals this twenty second day of
May A D 1856.

The Condition of the above obligation
is such that whereas the said Robert Kimble
did on the fifth day of May A D 1856 in the County
Court of Jenia County and State of Illinois recover
a judgment against the above bounden Niram Jackson
on an appeal from John A M'Kay a Justice of the
peace of said County of Jenia from which judgment
the said Niram Jackson has taken an appeal
to the Supreme Court of the State of Illinois,
Now if the said Niram Jackson shall
pay whatever judgment, costs and damages

that may accrue to the said Kimble on this appeal
to the Supreme Court in this case said judgment
of said County Court shall be affirmed in
the Supreme Court, and shall also duly prosecute
his appeal in said Supreme Court then the
above obligation to be void otherwise to remain
in full force and effect.

Assured May 22^d 1856.
Jno Bryant C. Judge.

Wm McKim (Seal)
A. Greve (Seal)

State of Illinois }
Deane County } Clerk's Office
Charles Kettelle Clerk
of the County Court in & for said County do hereby certify
that the foregoing is a true copy of the proceedings in
the County Court of said County in the foregoing entitled
Cause as it appears by the record & papers on file
in said office

Given under my hand & official Seal at
the City of Deane this 4th day
of June A.D. 1856.

Charles Kettelle

CW

J. Harris Jackson do hereby authorize and
empower Henry Thoms to execute in my name
any bond or instrument under seal or otherwise
necessary to prosecute or to procure a writ of
Error from or in the Supreme Court of the
State of Illinois in the case of myself as Plaintiff
left in Error in Robert Kemble deft in error.

Perio Jun 6 1856 J. Harris Jackson Seal

Herain Jackson Plaintiff in Error	} In the Supreme Court
Robert Kemble Defendant in Error	

Let a supersedeas issue on filing this record with a bond in the form of law with Henry Grose Security in the penal sum of two hundred dollars.

Alama J D Connor

Peter F. White
vs
Herain Jackson
Plaintiff & Defendant

Robert Kemble
vs
Herain Jackson
Plaintiff & Defendant

Filed June 21 1856
J. Deland
Clerk

Filed July 11 1856
J. Deland
Clerk

5000 83.15

STATE OF ILLINOIS,

Supreme Court,

ss.

The People of the State of Illinois,

To the Clerk of the Circuit Court for the county of Peoria 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 Peoria county, before the Judge thereof, between Robert Hemble

plaintiff, and Hiram Jackson

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

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 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;

WITNESS,

the Hon. Walter B. Keates
SAMUEL H. TREAT, Chief Justice
 of our said Court, and the Seal thereof, at Ottawa, this 11th day of July
 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

Hiram Jackson
vs
Robert Humble
Writ of Error

This writ of Error is
to operate as a Super-
sedeas and as such is
to be obeyed by all
Concerned.

L. Leland
Clerk
By J. B. Rice Deputy

Filed July 11th 1856
L. Leland
Clerk

Office of the State of Illinois

STATE OF ILLINOIS

Known all men by their parents that
we Hiram Jackson and Henry Brown are
bound and indebted to Robert Kennedy
in the sum of two hundred dollars
lawful money of the United States to
the payment of which we are bound to
be made we bind ourselves our heirs
administrators and executors ~~jointly~~
jointly severally and each with our heirs
and assigns this Eleventh day of July 1856.

The condition of
this obligation is such that whereas
the above bounden Hiram Jackson
has this day filed a record and regis-
tration of the case of said Hiram Jack-
son as plaintiff vs. Error and Sara
Robert Kennedy as defendant in
error in the Supreme Court of the State
of Illinois for and in the said court
and in open court for a writ of Superseas
to issue to said Robert Kennedy. Which
writ was allowed by Hon J. Deaton
Judge of said Court on said Jackson
joining and with Henry Brown as surety
conditions according to Law
and of the said Jackson shall pay
into his debt with effect of payment
into court and payment that
may be received by said Supreme
Court in the hearing of said case
then their obligation to be void otherwise
to remain in full force and effect

Hiram Jackson
by Henry Brown his
attorney at law
Henry Brown

Robert Kumble
vs
Hiram Jackson
Superior Bond

Bond filed &
Shrds. vs July
11th/56

Filed July 11. 1856
Leland
Clerk