

I appear before the Honorable John Reynolds, one of the Justices of the Supreme Court of the State of Illinois, at a Circuit Court (in Chancery) sitting) holden at Belleville within and for the County of St. Clair at the Court House thereof on the first Monday of September in the year of our Lord Eighteen hundred Twenty one and of the Independence of the United States of America the forty sixth

Be it remembered that on the twenty fourth of March, of the year Eighteen hundred and twenty Joseph Cornelius filed his bill of Injunction against David Coons and Parker Lewis, which is in the words & figures following to wit

State of Illinois } To the Honorable John Reynolds one of the Associate Justices of the Supreme Court of the said State now in Chancery sitting
Saint Clair County }
Circuit Court }

Humbly complaining, Joseph Cornelius sheweth unto your

Honor that ~~as~~ David Coons obtained against your Complainant before a certain Doctor Clayton Tiffin late a Justice of the Peace in the County aforesaid under the Illinois Territorial Government before the Expiration thereof, two Judgments in his own name and one in said Coons name with one Simon Vandercall all to about seventy dollars besides costs, also a Judgment in favor of himself but in the name of one Richard Vandercall, third before the Expirations were issued in said Coons said Tiffin by a change from a Territorial to a State Government ~~and~~ to be a Justice of the Peace as aforesaid and that one Thomas H. Graves was then and there the nearest Justice of the Peace of said State to said Tiffin, the said Tiffin when said Graves was commissioned and sworn into said office which took place on the day of in the year of our Lord one thousand eight hundred and then and there on immediately thereafter ~~known~~ it was the duty of the said Tiffin by the Laws of said State as a Justice of the Peace as aforesaid of the late Territorial Government to make out complete transcripts of all the suits that may have been commenced before him as Justice of the Peace as aforesaid and transmit the same transcripts to the nearest Justice of the Peace who might be appointed under the Authority of said State with the papers belonging or in any wise appertaining to the same suits within twenty days after said Tiffin had notice of the appointment of said Graves as aforesaid and the said Graves told this Complainant while he was acting as a Justice of the Peace as aforesaid that the transcripts of the said suits with the papers thereunto belonging commenced as aforesaid before said Justice Tiffin were delivered by said Tiffin to said Graves conformably to the Laws of said State in such cases made and provided and that he this Complainant knew of said Graves issuing Executions on Judgments rendered by said Tiffin as aforesaid and the money due on said Judgments collected on said Executions and he then and there believed and still believes, that the said Graves was then and there legally authorized to collect the amount of the Judgments rendered by said Tiffin as aforesaid that were then and there undertaken. And under which belief that said Graves was authorized as aforesaid to collect as aforesaid the amount due on said Judgments, he did pay to said Justice Graves the full amount due on said Judgments principal interest and costs, and took his receipt for the same which is herewith shewn to your Honor, all which was made known to the said David Coons by the said Justice Graves in consequence of which the said David Coons as this Complainant is informed drew an order on the said Justice Graves for the amount thereof as this Complainant is informed and believes to be true. The said Complainant is informed and believes that the said Graves actually paid so much thereof as amounted the sum called for on the Execution in the behalf of said Coons in favor of Richard Vandercall but whether said Graves paid the remainder of said Judgments to said Coons this Complainant is not advised. And he further says that the transcripts of the said Judgments he is informed and believes were delivered by some person to one Justice Ausburn much more than twenty days after the said Tiffin had knowledge as aforesaid of the appointment of said Graves as aforesaid if ever said Ausburn had said transcripts delivered to him and he is informed and believes that said Justice Ausburn then had no legal authority

etc

to issue ^{any} execution on Judgments against your Oration, as they were not transferred to him within the time nor in the manner prescribed by law. But no sort is, may it please your Honor, that the said David Coom pretending that the said Justice Tiffin never transferred a copy of the papers and Judgments in question to the said Justice Graves and that the said Justice Cushman is regularly and legally authorized under the laws of this State to issue Executions on said Judgments against your Oration has caused other executions to issue against your Complainant by the said Justice Cushman by virtue of which Executions your Oration's property is now levied upon by one Parker Jarvis (who he prays may be made defendant in this case) a Constable of said County in whose hands the said property now is in danger of being sold to satisfy a second time said debts. All which acts and doings are contrary to Equity and good Conscience and tend to the manifest injury of your Oration. Intended Consideration where of an offer as much as your Complainant is without remedy at Common law in the premises but is, releivable in a Court of Chancery where matters of this kind are properly cognizable. To the end therefore that the said David Coom and Parker Jarvis and their Confederates when discovered may make full true and perfect answer make to all and singular the premises as fully as if the same were here again interrogated and repeated and more especially whether the said David Coom is not owner and possessor of the beneficial interest of the said three Judgments. Whether the same were not ^{obtained} before said Justice under the said Senatorial Government. Whether the said Justice Tiffin was left out of Commission at the organization of the said State Government, the said Judgments being then unsatisfied in his office. Whether the said Justice Graves was not at that time the nearest Justice of the peace first appointed under the State Government to said Tiffin. Whether he said Tiffin was not bound to transmit to said Graves a complete transcript of all the suits with the papers thereunto belonging to said Graves, twenty days after he had notice of said Graves' appointment aforesaid. Whether it was not so transmitted. Whether your Complainant did not pay the same or before stated. Whether said Coom did not learn that fact and draw upon said Graves accordingly for the amount or part thereof. Whether the same or part thereof was not paid by said Graves to said Coom. Whether a transcript of said Judgments were put into said Justice Cushman's hands in twenty days after said Tiffin had notice of the appointment of said Graves as aforesaid. Whether it was that said Tiffin learned of said Graves' said appointment and when said Cushman had a transcript of said Judgments transmitted to him. Whether said Coom has not caused Executions to issue on said Judgments and your Complainant's property be seized thereupon and advertised for sale by said Constable. And generally to answer all the points in your Complainant's Bill as fully as if the same was here again interrogated and repeated. Your Oration prays that a writ of Subpoena may be issued commanding the said David Coom and Parker Jarvis Constable under the penalty &c to be and appear at a certain time and place &c to act on the &c to answer the foregoing Bill on their Corporal Oath. Also that a writ of Injunction issue to stay all further proceedings in the Execution aforesaid untill they answer &c. And that by a decree of this Honorable Court the said David Coom and the said Parker Jarvis Constable &c may be perpetually enjoined from proceeding to enforce said Executions and that your Complainant may have such other and further relief in the premises as to Equity and good Conscience shall seem meet and your Complainant as in duty bound will ever pray &c

Suorn & subscribed before me this 22nd March 1820

Joseph Caneliers — John Reynolds (Jr)

App^{te} Justice Sup^r Court of Illinois

State of Illinois

The people of the State of Illinois to David Coom and Parker Jarvis Greeting:

Whereas it has been represented to me on the part of Joseph Caneliers Complainant in the within Bill against you the said Coom and Jarvis defendants that there have been issued three Executions as stated in the within bill and the said Complainant prays the proceedings thereon to be stayed until the next Circuit Court of said County. I therefore in consideration of the premises do strictly enjoin and Command you and each of you under the penalty of one hundred Dollars to desist from the further prosecution of the said three Executions: but this shall not be considered an injunction to stay the Collection of the several debts in said Bill mentioned: as it appears they were not paid legally to said Justice Graves, the plaintiffs in the original suits being at liberty to proceed on the same by legal process on the Complainant's giving Security in the sum of two hundred Dollars in ten days to answer all damages.

John Reynolds (Jr)
Justice Sup^r Court of Illinois

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And thereupon the following Subpoena was issued, in the words following to wit:
State of Illinois to. The people of the State of Illinois.

To David Coons and Parker Jarvis Greeting.

You are hereby Commanded that all expenses set ~~down~~ ^{apart} you personally, appear before our Circuit Court next to be holden at Belleville for and within our County of St. Clair on the second Monday of June next to answer in Chancery unto the Complaint of Joseph Cornelius and that the said David Coons and Parker Jarvis are hereby strictly enjoined and Commanded under the penalty of five hundred Dollars to desist from the further prosecution of the present Executions mentioned in this Bill. But that this shall not be considered an Injunction to stay the Collection of the several debts in said Bill mentioned: as it appears they were not paid legally to said Justice Graves. The plaintiffs in the original suits being at liberty to proceed on the same by Scire Facias on the Complainants' giving Security in the sum of two hundred Dollars in ten days to answer all Damages.

Witness John Hay Clerk of our said Court at Belleville this twenty fourth of March in the year of our Lord Eighteen hundred Twenty.

John Hay

And thereupon the Sheriff of our said County, made the following Return, to wit:

I Executed this summons on the within named Parker Jarvis on the twenty eighth day of March 1820, by reading the summons to him and I also Executed this summons on the within named David Coons by reading this summons to him on the twentieth day of April 1820 the Bill being delivered to Jarvis, so answers a copy of the Original Bill I delivered in this case to David Coons agreeable to law

being out on the	100
order 15	90
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William A. Beard Sheriff
of St. Clair County.

at which day to wit, on the second Monday of June of

the said year, this Cause was not called, the Court having broke up by reason of the sickness of the Justice and all causes continued to next term by Consent. At which day to wit on the second Monday of November

of the year aforesaid came as well the said Complainant by his attorney James as the said Defendant Parker Jarvis and filed his answer in the under following to wit:

The Defendant answer of Parker Jarvis to a Bill with imputations exhibited against him & David Coons by Joseph Cornelius in the St. Clair Circuit Court. This respondent now at all times saving and reserving to him

half the benefit of all manner of exceptions to the Errors &c in Complainant's Bill contained for answer to so much thereof as he is advised is material for him to answer ^{that} he knows nothing of the allegations in the Complainant's Bill contained, except that the executions mentioned in said Bill came to the hands of this respondent to execute as a Constable and that as such Constable he attempted to levy & execute them and this respondent submits to the Consideration of the Court whether he this respondent may not legally execute said Executions this respondent having fully answered & sworn to be verified hence with his Oath sworn to & subscribed
Parker Jarvis

in open Court 22nd Nov. 1820

John Hay CK

And the said Defendant David Coons files his answer which is in the following words to wit,
The several answers of David Coons to a Bill in Chancery now pending in the St. Clair Circuit Court exhibited by Joseph Cornelius against David Coons and Parker Jarvis. This respondent now at all times saving & reserving to himself the benefit of all manner of exceptions to the manifest Errors in Sufficiencies & untruths in said Bill of Complainant contained for answer to so much thereof as he is advised is material for him to answer; answers and says That true it is, that Clayton Tiffin did render the Judgments on the Complainant's Bill mentioned and that said Tiffin did go out of Office at the Change of Quorum most before said Judgments were satisfied as in said Bill set forth, This respondent denies that the handwriting of said Judgments or either of them were ever delivered to the said Justice Graves mentioned in said Bill or that said Graves ever had any Authority to give Executions upon or to collect said Judgments, or that this respondent ever received any part of the amount of said Judgments from said Graves or any other person. This Respondent admits that said Graves may have been appointed a Justice of the Peace under the State Government and that he was the nearest Justice (if he was one) to said Tiffin and this respondent supposes that said Tiffin may have learned by rumor that said Graves was so appointed

* appointed but does not know that said Tiffin ever had any notice of the fact of said Graves' appointment that would have authorized the delivery of transcripts of judgments to said Graves. This respondent believes the fact to be that said Tiffin was merely apprised that it was his duty to deliver transcripts to the nearest justice until some time in the fall of the year 1819. when the Statute, were made Public that previous to that time said Tiffin had been in the habit of delivering transcripts of judgments to the plaintiff when required who took such steps to collect the money as they thought proper. This respondent does not know at what time he delivered a transcript of said judgment to said Justice Auburn, but he well recollects that it was some time after said Graves had notoriously run away from this State and at the time said Auburn received said transcripts he was the nearest residing Justice to said Tiffin, but this respondent thinks that said transcripts were delivered to said Auburn some about the latter part of the year 1819 or early in 1820 but this respondent has been informed that the Complainant about the time the said Graves absconded admitted to one Kennedy a Constable that he the Complainant partly owed to this respondent the amount of said judgments and would pay them in a few days. This respondent admits that he has obtained executions from said Justice Auburn on said judgments and as set forth in said Bill and hopes that this Court will permit him to make the money on them. This respondent denies so much of the Complainant's bill as is not before admitted and demands full proof. This respondent denies all fraud and having fully answered pray that said injunction maybe dissolved that he may be dismissed hence with his costs &c

J. Coons

State of Illinois

St. Clair County

This Day said Coons whose name is subscribed to the foregoing answer came before the undersigned a Justice of the peace in and for said County & made oath that the State of Illinois made in said answer from his own knowledge and true and there made from the information of others he believes to be true. Believed &c Aug¹ 1820. ~~Edw. P. Witherspoon~~ (Attorney) ~~and that the Complainant filed his replication by first day of next term, to which day the Cause is continued. At which day to wit, on the fourth Monday in March, of the year 1821, came the said parties by their said Attornies, and thereupon the Cause is continued to the next term. At which day to wit, on the fourth Monday of March, 1821, came the said parties by their said Attornies, and on motion of D. Blackwell, the Defendant's day is ordered that the said Complainant file his general replication by the first day of next term, to which day the Cause is continued. At which day to wit, on the first Monday of September of the year last aforesaid came the said parties by their Attornies, and on the said Complainant by his Attornies, clerks, Snyder & Kane filed his replication in the words following to wit, Joseph Camerlin v Coons and Jones. And the said Complainant for replication to the several answers of the respondents, filed in this Cause say, that the several matters and allegations in the bill of Complaint set forth are true and that the several denials, statements and allegations in the said answer contained are untrue and the Complainant prays that he ought to have the relief by him prayed for &c. clerks Snyder & Kane Solicitor for Complainant~~

and thereupon by Consent, it is agreed that a decree be made up by the 1st Dec^r next, and appeal may be taken within 20 days on giving sufficient security which security is given on a bond. And thereupon the Justice on Vacation has decreed as follows

State of Illinois
St. Clair County

By Command of parties and the order of Court thereon for a discussion on this Case on Vacation It is Considered that the injunction in this Case be dissolved. 9th Nov^r 1821
John Reynolds
Just. Sup^r Court of said State

The following receipt being found among the papers and not appearing regularly filed, & the Clerk not knowing whether it was by his Commission or not, sends the copy thereof of which is in the following words

Received of Jas. L. Candlar In full of three Executions, two in favor
Moons one in favor of Richard vanorden. this 10th day November
1817.

Thos H Graves

R. Wash

and the reason (Come the said Complainant in office and pays on appeal and hereunto
files his appeal Bond with good security —

Amount of Bill of Costs ————— \$17.83

Plaintiff's Costs — \$16.84

Defendants' Do ————— '99

\$17.83

State of Illinois

St. Clair County

I John Hay, Clerk of the Circuit Court of said
County of St. Clair do hereby certify that the foregoing is
a true transcript of the papers of Proceedings of the aforesaid
Court.



In Testimony whereof I have hereunto set my hand
and the seal of said Court at Belleville this sixteenth
day of November A. D. Eighteen hundred &
twenty One

John Hay

Supreme Court

Joseph Cornelius

Daniel Coons &
Mark Jarvis

December term 1822

And now at this term that is to say at
the day of December on the second eight hundred and twenty
two of the said Supreme Court corner the said Joseph Cornelius
by his counsel and says that in the record and proceedings aforesaid
and also in giving the judgment aforesaid there is manifest error, that
said judgment was rendered for the said Coons & Mark Jarvis and
against the said Cornelius whereas by the laws of the land said judgment
ought to have been given for the said Cornelius against the said
Coons & Jarvis. There is also manifest error in this to wit that
the decree rendered in the case was made by the Judge in vacation
there is manifest error in this to wit that the judgment was
disposed by the order of the Judge that the injunction and order
in the case should be dissolved whereas it ought to have been

made perpetual for which errors and also for other errors
appearing in the record and proceedings aforesaid the said Cornelius
prays that said Judgment may be reversed and taken for nothing
H. Starr for Jeff in error

Loanda in error

Blackman

et al for Jeff in error

Cornelius } Record
Coons & James } Appeal

Filed Dec. 3, 1824
of Indians
et al

Judge, app. & et al

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I know all men by these presents that we Joseph Cornelius and Reuben Anderson — of the County of Platte in the State of Illinois are held and firmly bound unto David Coon and Parker Jarvis of the County & State aforesaid in the full and just sum of two hundred Dollars Current money to be paid to the said David Coon and Parker Jarvis or to their Executors Administrators or Assigns, touching payment well and truly to be made we bind ourselves, and every of us, our and every of our heirs Executors and Administrators jointly and severally jointly by these presents sealed with our seals, and dated this sixteenth day of November A. D. Eighteen hundred and twenty one

Whereas, at a Circuit Court (in Chancery sitting) begun and held at Belleville on the first Monday of September in the year of our said eighteen hundred and twenty one the above named David Coon and Parker Jarvis obtained a decree dissolving a certain Bill of Injunction brought against them by the said Reuben Joseph Cornelius, from which said decree is as aforesaid rendered the said Joseph Cornelius hath prayed an Appeal to the next Court of Appeals. Now the Condition of the said above Obligation is such, that if the above bound Joseph Cornelius shall not pursue the directions of the Acts of Assembly, in such Cases made and provided, at the next Court of Appeals and prosecute his said Appeal with Effect and also satisfy and pay unto the said David Coon and Parker Jarvis their Executors Administrators or Assigns in Law the said Decree should be Affirmed as well all and singular the debts Damages and Costs of said Injunction as also all costs and damages that shall be awarded by the said Court of Appeals then this Bond to be void otherwise to remain in full force and virtue —

Signed sealed & delivered
in presence of
John Haycock

Joseph Cornelius Seal

Reuben Anderson Seal

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Carruthers & Appeal
Hobbs & Son
P. Jarvis & Son

[9-5]

The answer of James Hay clerk of the Council Secret
of the County of Merion, I do hereby transmit the Bond with in
an enclosure annexed to this letter, as I am within Command

James Hay Clerk

(6)

alysium Court
Cornetum
in
Broom & Hay
to the Clerk

In the Supreme Court of the State of Illinois
Joseph Cornelius
against Bell of Costs
David Leons & Parker Jarvis.

1821 Dec Term Entering appeal 10. Filing Record 25.	\$ 0.35
Docketting Cause 12 1/2 Motion for Certiorari 10	0 22 1/2
Order on same 10. Continuance 25 Certiorari 100.	1.35
1822. Dec Docketting Cause 12 1/2 Entering Attorney 10.	0.22 1/2
Filing Scifac 10. Filing Bond 10	0.20
Filing assignment of Error 10 Filing Joinder 10.	0.20
Issue 25 Trial 50 Decree 6 folio Pages 1.08.	1.83
Indgment for Costs 15	0.15
Record 72 folio Pages 12.96	12.96
Transcript to the Circuit Court 6 folio Pages 1.08.	1.08
Certificate & Seal 75	0.75
Attorney fee 2.50	2.50
Cost Bill 50 Copy 3 1/2	0.87 1/2
	<u>\$22.69 1/2</u>
Certificate Seal	50
	<u>\$23.19 1/2</u>

State of Illinois
Supreme Court & Sec.

I James McDuncan Clerk of the Supreme Court of the State of Illinois do hereby Certify that the foregoing Bill of Costs in said Court, in the Cause aforesaid is Correctly Copied from my fee Book

In Testimony whereof I have here to set my hand and affixed the Seal of said Supreme Court at Vandalia this 28th Day of June 1830

J. M. Duncan
C. C.

Supreme Court
Joseph Cornelius
vs 3 Cost Bkls
Coons, & Harris
\$23 97 1/2

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