

No. 13000 $\frac{1}{2}$

Supreme Court of Illinois

Rollins

vs.

Burns

State of Illinois
In Davis County
14th Judicial Circuit
Pleas in the Circuit Court
for said County as the October
Term thereof AD 1857 before the Hon^{ble}
Benjamin R. Sheldon presiding Judge of
said 14th Judicial Circuit
W R Rowley Clerk
S R Miner Sheriff
W D Meacham Prosecuting Attorney.

John D A Rollins &
Jerry D Maybee.

vs
Thomas Burns Patrick
C Malley & Timothy Callahan
& C S Gasdel Sheriff of
Boone Co Illinois

Be it remembered
that heretofore to wit on the 2nd day of
December AD 1857 as yet of the October Term
AD 1857 of said Davis County Circuit
Court. the following proceedings were had in
the above entitled Cause to wit

John L. A. Rollins +
Gerrit D. Mayhew

No

Thomas Burns Patrick O.
Malley + Timothy Callahan
+ C. S. Isdell Sheriff of
Boone County

ⁱⁿ Conjunction -

Now at this day
came on again the
motion of defendants

to dissolve the ⁱⁿConjunction of Com-
plaints herein and it being now fur-
ther agreed by the parties by their
Attorneys that the Court may pass
upon and decide as well the merits
of this cause as the said motion to dis-
solve upon Bill Answer Replication ^{and}
evidence in said cause. And the Court
being now fully advised of the matters
and things in said cause doth order
and decree that the said ⁱⁿConjunction
as to the said defendant Callahan
be and the same is hereby dissolved
and the Bill dismissed as to him
and that he have execution on his
Judgment. And also that he recover
his costs herein and that execution
issue therefore. And the Court hav-
ing intimated an opinion previous

on the motion to dissolve that the
said Complainants might be equitably
entitled to relief as to a set off as
against the Judgment of the defend-
ant O. Malley of thirteen dollars
and eighty three cents Thereupon the
said defendant O. Malley by his
attorney entered a Permitter as to
that amount upon his said Judg-
ment. Whereupon it is ordered and
decreed by the Court by consent of said
O. Malley that said Complainants in-
junction be made perpetual as to
said thirteen dollars and eighty
three cents and dissolved and
dismissed Bill as to the remain-
der thereof. And it is further ordered
and decreed that said defendant
O. Malley pay the costs of this
Chancery proceeding as against
himself expended. and that the same
be paid out of the proceeds of his
said Judgment. And the Court
having also intimated an opinion
favorably on the motion to dissolve
the injunction that the said Com-
plainants might be equitably en-
titled to relief as to a set off as
against the Judgment of the said

Defendant Burns of Four dollars and
Eighty eight cents thereupon the said
defendant Burns by his Attorney entered
a Remittitur to that amount upon
his said Judgment. Whereupon it
is ordered and decreed by the Court
by consent of said Burns that said
Complainants injunction be made
perpetual as to said Four Dollars
and Eighty eight cents of said Burns
Injunction and dissolved and dis-
missed Bill as to the remainder
thereof. And it is ^{also} further ordered
and decreed by the Court that said
Burns pay the costs of this Chancery
proceeding as against him expended
And that the same be paid out of the
proceeds of his said Judgment. And
it is finally ordered and decreed by the
Court that said Complainants pay all
costs as to said defendant Callahan.
And the Complainants move the Court
for a new trial in said cause and
file their reasons therefor - which motion
is overruled by the Court to which mak-
ing the Complainants except and
pray an appeal to the Supreme Court
which is granted by the Court upon

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John D A Rollins &
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vs
Thomas Burns Patrick
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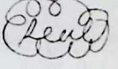
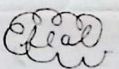
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and that he have execution on his
Judgment. And also that he recover
his costs herein and that execution
issue therefore. And the Court hav-
ing intimated an opinion previous

Complainant Rollins filing with the Clerk of this Court within six days from this date an Appeal Bond properly conditioned with Henry Eastman as surety in the sum of Eight Hundred dollars. And the Complainants come and file their Bill of Exceptions which is certified by the Court.

The appeal Bond filed by the Complainants is in the words of figures following to wit: Know all men by these presents that we John L. A. Rollins and Henry Eastman of the County of DuSaries and State of Illinois are held and firmly bound unto Patrick C. Mally Thomas Brown and Timothy Callahan in the penal sum of Eight Hundred dollars for the payment of which well and truly to be made we bind ourselves our heirs executors administrators and assigns jointly by these presents. Witness our hands and seals this 2nd day of December A.D. 1854. The condition of the above obligation is such that whereas the said Patrick C. Mally Thomas Brown and Timothy Callahan has recovered in the Circuit Court of DuSaries County Illinois Judgment

in the case of Patrick O. Mally vs John
L. A. Rawlins and Perry D. Maybee
and Thomas Burns vs John L. A. Rollins and Perry D. Maybee for the sum of fifty
dollars for fifty dollars and costs and Timothy
Callahan vs John L. A. Rollins and
Perry D. Maybee for fifty dollars and
costs from which several Judgments to
the said defendants pray an appeal
as well as from the Judgment of the
Court in dismissing the Bill of In-
junction herein and the said parties
having appealed to the Supreme Court
of the State of Illinois for the third
grand division of said State. Now if
said above bounden John L. A. Rollins
shall well and truly prosecute his
said appeal and pay to the said
Patrick O. Mally, Thomas Burns and
Timothy Callahan whatever Judg-
ment may be rendered by the Court
upon the trial or dismissal of said
appeal then the above obligation to
be void otherwise to remain in full
force and effect.

signed John L. A. Rollins 
" Henry Eastman 

Taken and acknowledged before me

this 2^d day of December A.D. 1857

W. R. Rowley Clerk

(Enclosed)

Filed 2^d Decr 1857

W. R. Rowley Clerk

State of Illinois
So Davie's County ^{County} of the Circuit Court in
and for said County hereby Certify the
foregoing to be a true and correct copy
of the final decree of said Circuit Court
in the above entitled cause of John D. A
Rollins et al vs Thomas Burns et al
together with a copy of the appeal Bond
filed by the Complainants. As the same
appear of Record in the proceedings of
said Court - at the said October Term
A.D. 1857

In testimony whereof I have hereunto
set my Name and affixed the
Seal of said Court at my office
in Galena this 19th day of
April A.D. 1858

Attest -  W. R. Rowley Clerk

265
John L A Rollins
et al & Jerry S. Mayfield

vs
Thos Burns et al
District of Maryland
Copy of Decree
Appeal Bond

Filed April 22, 1854
S. Deland
clerk

amt of judt. \$1000.00 by \$1000.00

13000/2

\$200



Thomas S. Dantz
or
Robt W. McCreary
Receives for debt