

14093

No. _____

Supreme Court of Illinois

James Maron

vs.

Benj. Mills

James Maron

v

Benjamin Mills

And the said Maron
vs and says

that in the record

and proceeding aforesaid and also in

the giving of Judgment aforesaid

there is manifest error in

this record that by the record

it appears that the said

court have Judgment for the

Defendant when by the laws of the

land the said court had

no jurisdiction to give any

such Judgment, but should

have abated the said Suit,

And also in this record

that it appears from the

said record that the proof

was taken on the 2^d of

By the Sheriff of Madison

County which by the laws

of the land could not be

be done by as to authorize a
Judgment in the County of ...
And the said Court may
that the Judgment aforesaid
for the error aforesaid, and
for other errors appearing
the part of the said Court
may be reversed annulled and
altogether set for naught
and that he may be restored
to all things which he
might have had by reason of the
said erroneous Judgment.

James Lempel

for the plaintiff

in error.

The Clerk of the Supreme Court will cause
the writ of error, to be issued in the afore-
going entitled cause, to be made a supersedeas
on the plaintiff in error entering
in to Bond with Paris Mason his surety
in the sum of Two hundred dollars
conditioned as the law directs.

Edwardsville Dec. 18th 1831.

Theo. W. Smith
Justice Sup: Court

James Mason

vs ^{App't of} Errors

Benj. Mills

Filed Decr 27, 1831

James Duncan

Dismissed on motion

Decr Term 1832

4093

know all men by these presents that, we
James Mason and Paris Mason are held
and firmly bound unto Benjamin Mills
in the penal sum of two hundred
dollar lawful money of the United States
for the payment of which we bind
ourselves our heirs ex^{ors} and admin^{ors}
jointly and severally, with our
heirs and heirs this 19th day of
December 1836.

The condition of the above bond is
such that whereas the above bond
James Mason has obtained a supersedeas
or a writ of error in the case
of Benjamin Mills against the said
James Mason, now if the said
James Mason shall duly prosecute
the said writ of error and in case
the Judgment be affirmed shall
pay and satisfy the said Judgment
costs, interest and damages then
the above obligation to be void
otherwise to remain in full

force and virtue in law. —

Attacks

James Lemper

~~James Mason Lee~~
~~James Mason Lee~~

Maror }
in } Superior
Stills } Bone

Sept Term 1831

Lo. Davis esr

cont

Indgt 53

Filed July 28 1832

Wm. Mear
© 418

Edwardsville Illinois,

19th Dec. 1837.

D^r Sir

I send enclosed a record
Assignment of error and Supervisors
bond, in the case of L. Mason
vs Benj. Mills, which I will file
and a writ of error if and with
Supervisors, - according to the Judges
order, I will send the bond
in the case of Warner as soon
as possible,

Yours &c

James Lemp

Genl: La: McDuneen

Edwardsville,

Gen^l James M. Duncan
Clerk of Sup. Court,
Vandalia Illinois,


5
State of Illinois
5th Judicial Circuit }
of Daviess County } 3d Oct.

Pleas in the Circuit Court
begun & held within and for said County of
So. Daviess on Monday the 29th day of August
A.D. 1831 before the Judge of the Fifth Judicial
Circuit viz: the Hon. Richard M. Young

It is remembered that
heretofore to-wit, on the 21st day of May A.D. 1831
the summons was issued from the Clerks office
of the Circuit Court of So. Daviess County
Commanding James Mason to appear before the
Circuit Court of said County at their August
term, next then ensuing to answer Benjamin
Mills in a plea of trespass on the case, which
summons was filed in said office August
31st 1831. ~~This in words of James as follows~~
~~to-wit~~ it is in words of James as follows (to-wit)

State of Illinois }
County of So. Daviess } The People of the State of Illinois
To the Sheriff of the County of Madison greeting
We command you that you summon James Mason
to appear before the Circuit Court of So. Daviess
County, at the next term to be holden at the

Town of Galena, on the last Monday in the
Month of August next, to answer Benjamin
Mills in a plea of Trespass on the Case, Damages
one hundred Dollars, And have you then there
this writ

 Witness the Hon Richard M'Yonnes
Judge of the said Circuit Court at
Galena, this 21st day of May in the year of
our Lord one thousand eight hundred thirty one
attest J. W. Stephenson Clerk

The following return was made upon the
Wack of the aforesaid Writ by the Sheriff
of Madison County (viz)

"Executed ~~to~~ within Commanded
June 8th 1831. J. W. Buckmaster Sheriff M.C."

on the 19th August 1831 Benjamin Mills
filed his declaration which is in words
figures as follows, to wit,

State of Illinois) Circuit Court
Madison County) of the Term of August. 1831
Benjamin Mills Complainant of James Mason
of a plea of Trespass on the Case, for that
whereas, heretofore, to wit, on the first day of January

In the year of our Lord eighteen hundred ten &
 thirty one, at the County of So Dariesh aforesaid
 the said James Mason was Indebted to the
 said Benjamin Mills in the Sum of one
 hundred dollars, for the work Labor, Care
 Diligence & Attendance of him the said Benjamin
 Mills performed & bestowed as the Attorney Solicitor
 of and for the said James Mason and upon
 his retainers, in and about the prosecuting
 divers suits and Causes for the said James Mason
 and for certain fees due and of right payable
 to the said Benjamin Mills in respect thereof
 And being so indebted, he the said James Mason
 there afterwards to wit, in the day & year aforesaid
 at So Dariesh aforesaid, in Consideration thereof
 then & there assumed upon himself and permitted
 the said Benjamin Mills to pay him the said Sum
 of one hundred dollars whenever he should
 be thereto afterwards requested. Yet the said
 James altho' often requested so to do, hath not
 as yet paid the same to the said Benjamin or
 any part thereof, but to pay the same or any
 part thereof hath hitherto wholly neglected
 & refused & still doth neglect & refuse.

to the damage of the said Benjamin the
sum of one hundred dollars & therefor he does,

J Mills

Then follows the account upon which he found
the said Benjamin Mills founds his suit
which is in words of figures as follows, to wit,

James Mason vs Benjamin Mills

D3

Nov. 1830 In obtaining judgment in your favor
against Morris Marker for \$964.62.
at 10% ct. for the first \$100. & 5% ct. for residue \$53.10

Afterwards, to wit, on the 21st day of August A.D. 1831
the plaintiff appearing & the defendant being
called & not answering the following order was
had. which runs in words of figures as
follows, to wit,

Benjamin Mills } William Day August 21st 1831
James Mason }

This day came the plaintiff
into court & the defendant being there
solemnly called called claim not, but herein
made default, whereupon the plaintiff prayed
a writ of inquiry, which is awarded & ordered
to be returned on to morrow.

On the Thursday the 22nd August the plaintiff

appearing in proper person & in pursuance
of a writ of enquiry of damages awarded
on yesterday, Wednesday the 21st August, there
came a jury, who having assessed the damages
& judgment was had in the words & figures as
follows, to wit

Benjamin Mills
vs
James Mason

Thursday August 22. 1838

The day came the
Plaintiff in proper person, in pursuance
of a writ of enquiry of damages on yesterday
awarded, came a jury, to wit, J. B. Hancock
and eleven others, who being elected & tried
and sworn to enquire of damages, on their
oaths do say "we the jury do find for the
Plaintiff and assess his damages at fifty
three dollars. It is therefore considered
by the Court, that the Plaintiff have &
recover of the defendant the said sum of
fifty three dollars, together with his costs by him
in this behalf laid out and expenced
and that he have execution therefor

State of Illinois }
County of Jo Daviess }

J James W. Stephenson Clerk of the

Said Circuit Court of Lo Dava's County do
hereby certify the foregoing to be a correct
transcript of the papers & proceedings had in
this cause as appears from the Books
& files in my office

In testimony whereof I have here-
unto set my hand & affixed the Seal
of said Circuit Court at Galena
this 23rd day November. A.D. 1831.
Attest *W. S. Johnson Clerk*

Benjamin Wells
No 3 Transcript
James Wilson

Nov 23 1831

*Filed Nov 27
1831. J. H. Duncan*

*Dep. Secy of
Plaintiff's case
Atty Gen. Wm
1832*