

No. 419

Supreme Court of Illinois

J.M.Duncan, Admr.

VS.

State Bank

(379)  7

Pleas in the Circuit Court of Jackson
County of the term of October in the year
one thousand eight hundred and thir-
ty four before the Hon. Thos. C. Browne
Presiding Judge of the said Court.

Be it Remembered that heretofore to wit on the
5th day of June A.D. 1833 James M. Duncan & Wil-
liam Sims came and filed in the office of the Clerk
of the said Court their certain Bill in Chancery or
Complaint against the President & Directors of
the State Bank of Illinois & others which said
Bill is in the words and figures following the
is to say.

" State of Illinois } ss Circuit Court to to be
Jackson County } 1833-

So the Hon. the Circuit Co-
urt in and for the County of Jackson in Chan-
cery sitting. Your Orators James M. Duncan &
William Sims humbly complaining sheweth
unto your honor that on or about the sixteenth
day of April A.D. 1830 they purchased of the Pres-
ident & Directors of the State Bank of Illinois
sold by their Cashier Richard J. Hamilton of the
Branch of said Bank located at Brownsville
a certain tract of Land lying in Jackson County
State of Illinois on the Mississippi River known as
Slate Survey and containing 200 acres the Mo-
rtgage deed for which is now in the posses-
sion of the said Bank that they your Orators
made and executed to said State Bank by the
name and Description of the President Direc-
tors of the State Bank of Illinois three three sev-
eral promissory notes or bonds for the payment

each Bond being for the sum of \$99.92 payable in
one two and three years from the date thereof That
the Last of said Bonds became due the 16th day of
April 1833 That on the 17th day of April of the
year last aforesaid the Clerk of the Circuit Court
of said County of Jackson has issued two Several Ex-
ecutions upon said Bonds The one for the amo-
unt of the Bond due the 16th of April 1832 & in-
terest & costs and the other for the amount of
the Bond due the 16th of April 1833 the with
interest and costs That said Executions are now
in the hands of Claiborn B Berry Sheriff of
Fayette County That said Sheriff will proceed
to levy said Executions and make sale of
your entory property unless ^{from so doing} Restraint ^{by} the
interposition of your Honor. Your entory
further Charge that heretofore to wit in the
year

Kerr & Bell had obtained a judg-
ment against Matthew Duman the owner
of the Lands heretofore described in said Jackson
Circuit Court for a considerable sum of money
the amount not Recalled but which said Ju-
dgment and the Records and proceedings therein
now on file in the said Circuit Court are Refe-
red to and made part of this Bill of Complaint
That afterwards and about the year 1827 said
Kerr & Bell caused the said Lands (so sold to your
entory) to be levied upon by virtue of an Execu-
tion issued upon said Judgment and sold to
Satisfy said Judgment and that said Lands
were led off to one

Charles upon said
Sale to Satisfy said Judgment and Execution in
favor of said Kerr & Bell That said Kerr & Bell had

obtained the Judgment upon which said sale was made to said Charles before the same said lands were mortgaged to the President & Directors of the State Bank of Illinois and that your Entors are therefore advised and believe that said Kerr & Bell and said Charles acquired a previous lien and right in & upon said land that after the rendition of said Judgment as aforesaid the said State Bank by its President and Directors obtained from Matthew Duncan a deed of Mortgage upon the same lands and afterwards under the provisions of an act of the General Assembly of said State said President & Directors by Richard J. Hanulton their Cashier at their said Branch at Brownsville sold the same lands to your Entors as aforesaid and upon which your Entors made and executed their said two Notes due as aforesaid and for the amounts as aforesaid. Your Entors further charge that at the time said President & Directors made sale of said lands to your Entors by said Cashier as aforesaid they gave no notice of the previous Judgment against said Matthew Duncan in favor of said Kerr & Bell which created a lien upon the same lands nor of the previous sale of said lands to Charles upon said Judgment of Kerr & Bell nor had your Entors any knowledge that said Judgment existed or that said lands had been sold to satisfy the same. Your Entors further state that said Charles is as said Complainants are informed and believe prosecuting a suit and asserting their claim with a view to recovery of said land -

In Course of the Premises aforesaid ^{your Oriton} are recorded
by the Rules of Law and only reliable in this
Honorable Court when matters of fraud and intent and
mistake are cognizable your Oriton therefore pray
your Honor to grant the People Writ of Subpoena
do and further that said President & Directors of
the State Bank of Union said Richard J. Hammett
said Kerr & Bell said Charles and said C. B. Ber-
ry the Sheriff aforesaid may be made Defenda-
nts to this your Oriton Bill of Complaint and that
they and each of them may be Required to make
true & perfect answer to all and singular the
allegations of this their Bill of Complaint.

Your Oriton further Pray your Honor to a-
ward the People writ of Suppression restraining
and restraining the said President & Directors
the said R. J. Hammett the Cashier aforesaid the
said Kerr & Bell the said Charles & said C.
B. Berry the Sheriff and all other persons from
further proceeding upon said Execution or said
Judgment or Bonds so given by your Oriton as
aforesaid until the further order of this Court
and upon a final hearing your Oriton pray
this Honorable Court to enjoin perpetually said
Executions and said Defendants and each and all
of them from further proceeding upon said
Bonds above stated as Executed by your Oriton
and now filed in said Jackson Circuit Court
and which are referred to and prayed to be made
part of this Bill Your Oriton also pray your
Honor to award them their reasonable costs
and in duty bound they will ever pray

James M. Guman Wm. Linn
Complainants.

State of Illinois vs. James M. Duncan one of the ~~de-~~
~~pendants~~ Complainants to the foregoing Bill
in Chancery. Came before the undersigned and after
being duly sworn says that the Statements made
in the foregoing Bill of Complaint so far as
made from his own knowledge are true &
so far as made from information derived
from others he believes to be true.

State of Illinois }
Jayette County }

James M. Duncan

Sworn to and subscribed before me this 24 day
of May 1833. J. J. Eccles J. P.

The Clerk of the Circuit Court of the County of
Jackson will cause a writ of injunction to be
issued agreeable to the prayer of the Compla-
inants bill on their entering into Bonds condi-
tioned according to Law with William McCon-
nell of Vandalia Security in the Penal sum of
four hundred dollars 25th May 1833

Thos W. Smith Justice Sup. Court Illinois
amount to be entered of 199.84 with costs of 7.12
C. Prentiss W. McConnell or James Black are offered
for Security.

And on the Back of the said Bill was made
the following indorsement to wit. "This is a
Bill in Chancery with injunction the Clerk will issue
process for all the defendants direct process to
Jayette for the President & Directors of C. B. Berry
the Sheriff-

and on the same day agreeable to the or-
der granting the said writ the said defendants filed
their Bonds with William McConnell their Security

Which said Bond is in these words to wit -

" Know all men by these presents that we James M. Duncan William Sims & William Mc. Council are held and firmly bound unto the President & Directors of the State Bank of Illinois in the penal sum of four hundred dollars good and Lawful money for which payment well and truly to be made we bind ourselves and each of us our heirs Executors and administrators jointly and severally and firmly by these presents Sealed with our Seals and dated this 25th day of May 1833 -

The Condition of this obligation is such that whereas the said James M. Duncan & William Sims are about to obtain an Injunction against two Bonds termed replevin Bonds and two Several Executions issued thereon in favour of the said President and Directors of the State Bank of Illinois against said J. M. Duncan & William Sims said Executions being for the sum of \$99.92 cents each or about those sums beside interest and Costs and which writs were issued upon said two Bonds aforesaid which Bonds are now on file in the Jackson County Circuit Court Now the Condition of this obligation is such that If the said James M. Duncan & William Sims shall well and truly pay all money and Costs due or to be due to said President & Directors of the State Bank of Illinois and also all Costs and damages that shall be awarded against the said Duncan & Sims in case the Injunction shall be dissolved or in case of their failure if said James Black shall pay the same for them then this obligation shall be void or otherwise to be and Remain

in full force and virtue
Signed Seated & Delivered
in presence of
R. H. Pable

Jas. M. Duncan
Wm. Linn
Wm. M. Connor

And afterwards agreeable to the said order of the Hon-
ble. W. Smith the Clerk of the said Circuit Court
said the following writ to wit -

" State of Illinois }
Jackson County } Sec. The People of the state of
 Illinois to the President &
 directors of the State Bank
of Illinois Richard I. Hammett Kerr & Bell Charles
and C. B. Berry Sheriff of Fayette County Quoting
Whereas James M. Duncan & William Linn
have filed in the Clerk's office of our Jackson Co-
unity Circuit Court on the Chancery side thereof
their Bill of Complaint against you and obtain-
ed an order for an injunction to stay proceedings
in a certain case wherein the said President &
Directors are plaintiffs and the said Duncan &
Linn defendants wherein among other things
it is alleged that the said President & Directors &
others above named do unjustly prosecute the
said complainant at law touching the matter
and things therein complained of and set forth
We therefore in consideration of the Premises do
strictly advise and command you the said Pres-
ident & Directors and all and every of the above
named persons that you and each of you do in-
strictly abstain from all further proceedings at law
against the said complainant concerning any of
the matters in the said Bill complained of until
you and each of you shall appear to and answer

the Complainant's Bill and until the further order of the
Said Court in the Premises that you are not to omit un-
der the penalty of the Law-

Witness Thos. C. Browne presiding Judge of our
S. S. Said Court and the official Seal thereof at Brown-
ville the 18th day of June A. D. 1833-

Joel Manning clk-

By A. M. Jenkins. Dpty Clk-

The Coroner will serve the above upon all the per-
sons therein named found in Fayette County

I Manning Clk by his Deputy-
and the same being sent directed to the Said
Coroner was by him returned with the following
indorsement "The within Indorsement Executed on C.
B. Berry Richard J. Hamilton Kerr & Bell and
Charles no inhabitants of this County July 31. 1833-
Fees \$8.50.

W. Hoag Coroner of
Fayette County Mo.

" State of Illinois } St-

Jackson County } The People of the State of Illinois
to the Coroner of Fayette County,
Greeting

We command you to summon the President and
Directors of the State Bank of Illinois and C. B. Berry
Shuff of your County to be and appear before the
Circuit Court of Jackson County on the first day
of their term to be held at the Court house in the
town of Brownville on the third Monday of October
next to answer the Complaint of James M. Duncan
& William Sims contained and particularly
set forth in their Bill of Complaint against the Said
President and Directors of the State Bank of Illinois C.
B. Berry and others on file on the Chancery side of

the said Court and have you then there this writ-
Witness Thos. C. Browne Presiding Judge of
J.S. our said Court and the official seal thereof at
Brownsville this 18th day of June A.D. 1833-

Jail Manning Clerk

By A.M. Jenkins Deputy Clerk

and this writ also being sent sealed to the
Coroner of Jayette County aforesaid was by him ac-
cused with this indorsement to wit- "The within
Summons Executed upon the President and Directors
of the State Bank of Illinois to wit C. C. Berry Post
Thos H. Brown A. P. Fict James Black John Y. Sallowa
and Levi Davis and upon C. B. Berry Shff. of
Jayette County July 31. 1833- W. Hodge Coroner
Serving Summons on 6 persons of 3.00 { of Jayette County 25-

" State of Illinois } Set. The People of the State of
Jackson County } Illinois to the President
and Directors of the State

Bank of Illinois Richard S. Hamilton Ken & Bell
Charles and Claiborne C. Berry (shuff) of Jayette Co-
unity their agents or attorneys Greeting

Whereas James M. Luman & William Linn have
filed in the Clerk's office of our Jackson County Cir-
cuit Court on the Chancery side thereof their Bill
of Complaint against you and obtained an order for
an injunction to stay proceedings in a certain case
wherein the said President and Directors aforesaid
are Plaintiffs and the said Luman and Linn De-
fendants- Whereas among other things it is alled-
ged that the said President and Directors and oth-
ers above named are unjustly prosecute the said
Complainants at Law touching the matters and

things therein stated and set forth. We therefore in con-
sideration of the Premises do truly advise and com-
mand you the said President and Directors and all
and every of the above named persons that you
and each of you do entirely desert from all fur-
ther proceedings at Law against the said Compla-
inants concerning any of the matters in the said
Bill complained of until you and each of you shall
appear to and answer the Complaints Bill and
until the further order of the said Court in the
Premises. This you are not to omit under the Penal-
ty of the Law. Witness Myself Thos. C. Browne Presiding

Judge of our said Court and the official seal
L.S. Given at Beersville this 18th day of June
A.D. 1893.

Jail Manning Clk

By A. M. Jenkins Deft. Clk.

The Sheriff of Cook County will serve the above
upon R. J. Hammett

A. M. Jenkins Deft. Clk

Which said writ being sent directed to the said Sher-
iff of Cook County was by him returned with the
following indorsement to wit "Executed this day
in accordance with the provisions of the with-
in named Rule. R. J. Hammett. S. Forbes.

Augt 1st 1893.

Shff of C. Co. Ill.

"State of Illinois - Sct.

Jackson County { The People of the State of Illinois
to the Sheriff of Cook County

Quoting

We command you to summon Richard J. Ham-
mett of your County to be and appear before the Cir-
cuit Court of Jackson County on the first day of
their term to be held at the Court House in the

Jesse of Brownsville on the third Monday of October
next to answer the complaint of James M. Duncan
& William Sims contained and particularly
set forth in their Bill of Complaint against the
President & Directors of the State Bank of Illinois Rich-
ard Hamilton & others now on file on the Ch-
ancery Side of the said Court and have you then
these this writ Although Thos. C. Browne Presiding
Judge of our said Court and the official
S. S. Seal thereof at Brownsville this 18th day of
June A. D. 1833. Jas Manning Clk

By A. M. Jenkins S. J. Clk-

Which writ also being sent directed to the said
Sheriff of Cook County of said writ by him Returned with
his indorsement to wit "Executed this summons
as within directed the J. Forbes Shff. C. Cty Ills -
August 1st 1833 -

"State of Illinois }
Jackson County } vs. The People of the State of Ill-
nois to Rerr & Bell and
Charles Greeting

Whereas James M. Duncan & William Sims have
exhibited and filed their certain Bill of Complaint
against you and others therein named in the last
con Circuit Court on the Chancery Side thereof
in which they charge among other things that
you are prosecuting a suit for the Recovery of
a certain tract of Land described in said Bill of
Complaint in the title of which Land they the
said Complainants are interested and pray that
you be made defendants to said Bill and enjoined
to provide no further in the premises which said
prayer is granted by one of the Justices of the Supreme
1419-67

Court of this State. Therefore you and each of you ~~are~~
your Attorneys or agents are hereby enjoined and
commanded to provide no further in the premises
until further order of the said Jackson Circuit Court
and hence fail not.

Witness Thomas C. Browne Presiding Judge of
S. S. our said Court and the official Seal of the
said Court at Brownsville this 20th day of
August A.D. 1893 - J. Manning Clerk
Which being put into the hands of the Sheriff of
Jackson County was by him Returned with the fol-
lowing indorsement to wit - "Not found Oct-19
1893 J. Gregg Sheriff J.C. By M. Lada Secy -

"State of Illinois - Vs. The People of the State of Illi-
Jackson County, { nor to the Sheriff of Jackson
County Greeting

We command you to summon Kim & Bell
and Charles to be and appear before the
Circuit Court of Jackson County on the first
day of their term to be held at the Court house
in the town of Brownsville in and for the said
County on the third Monday of October next to
answer the Complaint of James M. Duncan
and William Sim particularly set forth in
their Bill of Complaint against them and
other exhibits and now on file in the office of
the Clerk of the Circuit Court aforesaid and to
in answer fail therein and have you then
there this writ - Witness Thomas C. Browne
Presiding Judge of our said Court and the
S. S. official Seal thereof at Brownsville this
twentieth day of August one thousand

Eight hundred and thirty three Dollars and Cents
Which said writ also being put into the hands
of the Sheriff of Jackson County was by him Retur-
ned with the following inclosure to wit.

"Not done Oct-19. 1833. J. Gregg Shff. L. C.

By M. Sada Esq-

And afterwards at a Circuit Court held in &
for the said County of Jackson on Saturday the 26th
day of October A. D. 1833 - The Plaintiff and those
defendants on whom the said foregoing process herein
has been served came by their attorneys and by
order of the Court this case is continued to the
next term of this Court.

And afterwards came again the parties by
their attorneys and on motion of the Plaintiff's attor-
ney it is ordered by the Court that publication
be made in some public Newspaper as to the defen-
dants Kerr & Bell four weeks in duration that
unless the said defendants enter their appearance
herein on the first day of the next term of this Court
to be held on the third Monday of April next the
Complainant Bill will be taken for costs &c.

And afterwards to wit on the 10th day of April
A. D. 1834. The said Complainant sits in the said Clerk's
office the following Certificate to wit -

"In the Circuit Court Jackson County of the Oc-
tober term 1833 -

James M. Duncan & William Lind

vs -

In Chancery -

The President & Directors of the State
Bank of Union, Kerr & Bell & others }

Now came
again the Par-

ties by their attorneys and on motion of the Plaintiff

attorney it is ordered by the Court that publication be made in some public Newspaper as to the Defendants Rem & Bill four weeks in succession in succession that unless the said Defendants enter their appearance herein on the first day of the next term of this Court to be held on the third Monday of April next the complainant Bill will be taken for confessed.

ed true copy from the Record of said Court

Attest J. H. Manning Clerk

Walter B. Scott, Compt. Solicitor -

I hereby certify that the annexed notice has been published in four successive numbers of the St. Clair Gazette and that the paper in which it was published is dated February 12 and the last one the 5th March 1834 -

R. R. Fleming Esq.

St. Clair Gazette -

And afterwards at a Circuit Court of Jackson County Missouri on the 26th day of April A.D. 1835 came the said Richard J. Hamilton by his attorney and filed his answer to the said Complainant's Bill which is in these words to wit -

" Richard J. Hamilton complains with
the President & Directors of the } Defendants
State Bank of Missouri
vs - In Chancery -

James M. Levee & } Complainant
William Linn }

And the said ^{att} Richard J. Hamilton complains as
aforesaid by David J. Baker his attorney comes and for
answer to said Complainant's Bill of Complaint or
to so much thereof as he is advised is material for
him to answer unto answers & says It is true to
the best of his Recollection and belief that said

James M. Duncan one of the said Complainants or or
about the time stated in the said Bill of Complaint
purchased at Public Sale the said tract of Land in said
Bill of Complaint specified for the price and on the terms
therein stated and for the sum of money therein men-
tioned to be paid as then also set forth and Executed
then three several promissory notes as in said Bill of
Complaint also contained This defendant at the
time of said Sale and purchase was the Cashier of the
Branch of said State Bank at Brownsville Illinois &
in making said Sale and sold in the Character of
such Cashier under the Law in such case made and
provided and as trustee and agent solely - Whether the
said Rev. & Bill Recovered a Judgment as stated in
said Bill on the 7th day of September 1820 this de-
fendant does not positively know though he
believes such to have been the fact nor does he know
tho he supposes and therefore so admits the
fact to be that Executions were issued on said
Judgment as stated in said Bill of Complaint
and that said tract of Land was sold to said Jo-
seph Charles on an Execution issued on said
Judgment as therein stated this fact however this
defendant does not know but presumes such
was the case This defendant admits that said
Matthew Duncan Mortgage said tract of Land to
the State Bank of Illinois as the said Complain-
ants in their said Bill of Complaint allege and
that upon said Mortgage Judgment was Rendered
in favour of said Bank for \$270 at the time al-
leged by said Complainants before which Judgment
on said Mortgage an Execution was issued and said
Land sold as therein alleged This defendant says
States that he has exercised no agency whatever

in the several transactions matters and things in said Bill contained except as Cashier of the Branch of said Bank at Brownsville in the faithful discharge of the duties devolved upon him as such Cashier and whether said act of the Legislature of Illinois or any part thereof refers to and quoted into said complainant's Bill of Complaint is void or not this defendant does not know. This defendant does not know whether said Judgment in favour of said Kim-H Bell was a good and subsisting lien on said Land at the time of the sale thereof by this defendant as such Cashier but this defendant believes and says that at the time of this said purchase of said Land by said James M. Duncan he well knew the existence of said Judgment and having fully answered this defendant prays to be hence dismissed with his reasonable costs he—

David I. Baker for

S. R. J. Hamilton

And afterwards on the same day came again the said Parties by their attorneys and by their agreement this case by order of the Court is continued to the next term of this Court—

And afterwards at a Circuit Court held on the 24th day of October A.D. 1894. came the defendants by Henry Gady State Attorney and the Plaintiff being solemnly called came not but made default therefore on motion of the said defendants Attorney it is ordered by the Court that their default be entered and on motion of the same attorney ordered that a Judgment of Non suit be entered herein and that the said defendants do

Recover of the said Plaintiff their Costs and Charges
about their defence in this behalf expended and
ordered by the Court that the injunction be hereby
dissolved —

And afterwards to wit on the day of
1834. there were issued out of and from the Clerk's
Office of the said Jackson Circuit Court three several
Execution in this case to wit one on each of the In-
clement Notes or Bonds the Collection of which was
then enjoined until the Injunction herein was
dissolved and one other ~~one~~ for the Costs in this
Case in pursuance of the Judgment herein Rendered
all at the Request of the said President & Directors of
the State Bank of Missouri by their said attorney and
against the said James M. Duncan & William
Linn and directed to the Sheriff of Fayette County
Missouri and which have not as yet been Returned
to the said Clerk's Office of the said Jackson Circuit
Court.

+ The Cost in the said Case having been taxed
and entered in the fee Book of this said Court is
in the figures and words following to wit.
Clerk's Cost.

Filing three papers 18 $\frac{3}{4}$ Injunction 50 filing = 68 $\frac{3}{4}$
6 $\frac{1}{4}$ Postage 25 Injunction 50 filing 6 $\frac{1}{4}$ Postage 25 Summons = 1.12 $\frac{1}{2}$
50 filing 6 $\frac{1}{4}$ Postage 25 Summons 50 filing two papers 12 $\frac{1}{2}$ = 1.13 $\frac{3}{4}$
Postage 37 $\frac{1}{2}$ Summons 50 filing 6 $\frac{1}{4}$ Injunction 50 filing 6 $\frac{1}{4}$ = 1.50
Entering attorney 12 $\frac{1}{2}$ Docketing 12 $\frac{1}{2}$ entering office .25
arrear 12 $\frac{1}{2}$ Continuance 25 docket 25 Docketing 12 $\frac{1}{2}$.75
order to Publish 25 Copy of order 25 filing three pa - 50
per 18 $\frac{3}{4}$ Entering Plaintiff's attorney 12 $\frac{1}{2}$ his ap. 31 $\frac{1}{4}$
per arrear 12 $\frac{1}{2}$ Continuance 25 Docketing 12 $\frac{1}{2}$.50
Copy of Bill 25 Copy of Record 50 folio 12 $\frac{1}{2}$ = 8.50 Clerk's fee 50 = 9.25
18.31 $\frac{1}{4}$

Sheriff (of book 60 on Injunction 1.25 Summons
 68 3/4) Coroner of Fayette Co. on Summons
 3.00 on Injunction 50 5.43 3/4
 Printer fees Publishing order 2.50 2.50

Cost by the Defendants

Clerks. Entering attorney 12 1/2 appearance 12 1/2 enter - 0.25
 ing default 25 Nonsuit 25 order to disol - .50
 ve Injunction 25 Judgment 25 Satisfaction 25 Ex - 75
 cution 50 fitting 64 1/2 Docketing 12 1/2 entering Sher - 68 3/4
 ff Return 12 1/2 fee Bill 37 1/2 Postage 25 75
 \$2.93 1/4
 Docket fee 2.50 2.50

State of Missouri }
 Jackson County }
 I J. J. Manning Clerk of the Circuit
 Court of Jackson County Missouri do
 Certify the above and foregoing is
 a true ~~copy~~ of record of the proceedings had in
 the said court mentioned before the said court as
 appears from the Record and papers on file in
 my office -

Given under my hand and the of-
 ficial Seal of the said Court at Brown-
 ville this 10th day of January A.D. 1895
 J. J. Manning Clerk

J. M. Duncan & Son
no 3 Transcript
To Bank

Fiba Jan. 27.
1835. J. M. Duncan
Clerk

Count against
till the 4th
3. 00

419

1/10

Know all men by these presents that we
James M. Duncan, William Linn, John Demont
& Charles Prentice
of the County of Fayette in the State of Illinois are
held & firmly bound unto the "President & Directors
of the State Bank of Illinois" in the several sum
of Four hundred dollars, lawful money of the Uni-
ted States, for the payment of which well & truly
to be made we bind ourselves, our heirs, Executors
& administrators, jointly, severally & firmly by these
presents. Witness our hands & seals this 11th day
of February A.D. 1835.

The condition of the above obligation is
such, that whereas the said "President & Directors
of the State Bank of Illinois," did, on the 24th
day of October A.D. 1834, recover a judgment
against the above bound James M. Duncan and
William Linn in the Circuit Court of Jackson
County, for the sum of One hundred ninety nine
dollars & 84 cents with costs of suit, to reverse which
said judgment, the said James M. Duncan &
William Linn, have sued a writ of error in the
Supreme Court of said state; Now if the said

James M. Duncan & William Linn, shall
duly prosecute their said writ of error with effect
and shall moreover pay the amount of the judg-
ment, costs, interest, & damages, rendered and
to be rendered against them, in case the said
Judgment shall be affirmed, in the said Su-
preme Court, then the above obligation to
be void, otherwise to remain in full force
and effect.

James M. Duncan Seal

William Linn Seal

John Deane Seal

Charles Prentice Seal

John Deane, Wm. M. C. Orrill &
Charles Prentice or any two of them
Securities.

Jas M Duncan &
William Linn
To $\frac{5}{3}$ Bond
The P & D. of the State
Bank

Filed Feb. 13.
1834. Jas M Duncan
Att

Supreme Court

James M. Quinean and
Wm Linn

vs
The State Band et al.

Error to Jackson

James M. Quinean being
duly sworn deposes and says that Ferr.
and Bell, and Joseph Charles three of
the debts in this case, are not residents of
this State

and further this deponent saith not.

Sworn to and subscribed James M. Quinean
in open Court this
13th day of February 1835

before me ~~Chas. Sup. et Al.~~
Jas W Lockwood
or

Lincoln & Linn
vs
The State Bank et al

affidavit

Filed Feb. 13th 1833

James M. Wamean
and Mr Linn
vs
The State Bank et al

Wron & Jackson

The plffs Move the court
for an order of Publication, as to the Defts
Wron and Bell, & Charles, upon
the following affidavit of non-
residence

Walter B. Scates.
Counsel for plffs.

Shuman et al

vs

State Bank et al

Motion for
Order of Public
ation

Filed July 13th 1835

FB 157

Duncan Linn
or
The State Bank
et al

vs
Emm to Jackson

We agree to submit this case
upon the Brief, without argument

Decr 22nd 1835.

Walter B. Leates

Counsel for selfs

E B Thomas Jr

Att^y Genl Counsel for the Bank

Duncan Loan
by
State Bank of Ala

Agreement of
Council

Filed Dec. 23.
1835 J. M. Duncan
