

12135

No. _____

Supreme Court of Illinois

Miller

vs.

Metzger

71641  7

Know all men by these presents that we
John I Miller by his Attorney in fact William
Stilly and Charles R Bennett of the County
of De Witt and State of Illinois are held
and firmly Bound unto John G Metzger
of the County of _____ and State of _____ in
the penal sum of Two Thousand Dollars
Current money of the United States for
the payment of which well and truly to be
made we bind ourselves our heirs execu-
tors and Administrators jointly, severally and
firmly by these presents with our hands
and seals this Eighth day of March AD 1854

The Condition of the above obligation is such
that whereas the said John G Metzger did
on the thirtieth day of March AD 1853
in the Circuit Court in and for the County
and State aforesaid recover a Judgment
against the above Bounden John I Miller for
the sum of Sixteen hundred and seven ¹⁴/₁₀₀ dollars
damages and thirty dollars and seventy five cents
costs from which said Judgment of the said
Circuit Court; has prayed for and obtained a
writ of Error, To the Supreme Court of said
State Now if the said John I Miller shall
duly prosecute his said writ of Error with
Effect and shall moreover pay the amount
of the Judgment costs interest and damages
rendered and to be rendered against him
in case the said Judgment shall be

affirmed in the said Supreme Court - then the
above obligation to be void otherwise to remain
in full force and virtue

John J. Miller, Dea
his attorney in fact William Miller
Chas. R. Bennett, Dea

State of Illinois
Jr Court County } S William A. Brady Clerk
Jr Court County } do hereby certify that Charles R.
Bennett whose name appears subscribed to the
foregoing Bond as Security. This day personally
appeared before me and signed the same in my
presence & upon his oath he justified in the sum
of Two thousand dollars according to law.

Decd
as witness my hand & seal this
8th day of March A.D. 1854
Attest Wm A. Brady Clerk

Endorsed John March 8th 1854
Wm A. Brady Clerk

State of Illinois
Jr Court County } S William A. Brady Clerk
Jr Court County } do hereby certify the foregoing to be
a true and correct copy of the original Bond filed
in my office by John J. Miller & his attorney in fact
Wm Miller as the same now appears on file therein
In testimony whereof I have hereunto set
my hand & approved the seal of said Court
at my Office in Galena in said County
this 21st day of March A.D. 1854

Attest Wm A. Brady Clerk
75 cts paid for this transcript
H. B. Maguire dr of Wm A. Brady

Galena June 15th 1853

E. S. Leland Esq

Ottawa Ill

Dear Sir

Please find the circulars
served upon them the agent
and Mr. G. Johnson the Agent for
Metzger. I telegraphed Mr. Gugg
on the other day in hopes
that he was in your place but
find by return that he is
not.

Yours Respectfully

H. J. Maginnis

Know all men by these presents that we
John I. Miller, ^{by his attorney in fact William Miller} and Charles C. Bennett of the
County of Tazewell and State of Illinois are
held and firmly bound unto John Goltzger
of the County of _____ and State of _____ in
the penal sum of two thousand dollars
current money of the United States for the
payment of which well and truly to be
made we bind ourselves our heirs executors
and administrators jointly severally and firmly
by these presents with our hands and seals
this Eight day of March A.D. 1854.

The condition of the above obligation is
such that whereas the said John Goltzger
did on the thirtieth day of March A.D. 1850 in
the Circuit Court in and for the County and
State aforesaid recover a judgment against
the above bounden John I. Miller for the
sum of sixteen hundred and ¹⁴/₁₀₀ dollars damages and
~~thirty dollars and seventy five cents~~ costs from which said
judgment of the said Circuit Court has prayed
for an absolute writ of Error

to the Supreme Court of said State
now if the said John I. Miller shall duly
prosecute his said writ of Error with
effect and shall moreover pay the amount of
the judgment costs interest and damages
undischarged and to be rendered against him in
case the said judgment shall be affirmed in the
said Supreme Court then the above oblig

- alive to be paid otherwise to remain
in full force and virtue

John J. Miller & Co

Subscribed in fact Willard & Co

Chas. R. Bennett & Co

State of Illinois
Go David Luntz, I Wm H. H. Clark of
the Circuit Court in and
for said County do hereby certify that Charles
R. Bennett whose name appears subscribed to
the foregoing Bond as surety this day personally
appeared before me and signed the same in my
presence & upon his oath he justified me the
sum of Two thousand dollars according to
law. As witness my hand & seal this 8th
day of March A.D. 1854
That Wm H. H. Clark

John J. Miller
John J. Miller
John J. Miller

Bond -
justification

Filed April 15. 1854.
L. Leland Clerk.
By P. H. Leland

STATE OF ILLINOIS, }
Supreme Court.

The People of the State of Illinois,

To the Sheriff of the County of *Jodavies* Greeting:

BECAUSE in the record and proceedings, and also in the rendition of the judgment of a plea which was in the circuit court of *Jodavies* county, before the Judge thereof, between *John G. Metzger* plaintiff

& *John J. Miller*

defendant, it is said that manifest error hath intervened, to the injury of the said *Miller*

as we are informed by *his* complaint, the record and proceedings of which said judgment we have caused to be brought into our Supreme Court of the state of Illinois, at Ottawa, before the justices thereof, to correct the errors in the same, in due form and manner, according to law; therefore we command you, that by good and lawful men of your county, you give notice to the said *John G. Metzger*

that *he* be and appear before the justices of our said supreme court, at the next term of said court, to be holden at Ottawa, in said state, on the *2^d* Monday in *June* next, to hear the records and proceedings aforesaid, and the errors assigned, if *he* shall see fit; and further to do and receive what said court shall order in this behalf; and have you then there the names of those by whom you shall give the said *Metzger* notice, together with this writ.

Witness, the Hon. SAMUEL H. TREAT, Chief Justice of our said Court, and the seal thereof, at Ottawa, this *7th* day of *June* in the year of our Lord one thousand eight hundred and fifty *three*.

Edmund Clerk of the Supreme Court,

The within named John G. Metzger is not
found in this County. But I did on this 11th
day of June A.D. 1853 read the within writ
to Harvey Mann, Agent and Madison G.
Johnson Attorney for the within named
John G. Metzger, in the case within referred
to as I am informed and believe.

Wm. Weighen Sheriff
of Adams Co Ill

22. 42
John J. Miller
John G. Metzger

Sci. Fa.

App fees
Exp & Writ 110
In two 35
\$ 1.45

Wm. Weighen Sheriff

Filed June 18th 1853
L. Leland Clerk
By J. K. Leland

State of Illinois } In the Supreme Court of the
Sasale County } Third Circuit Division set for
the State of Illinois at Ottawa
of the June Term A.D. 1854 -

John J. Miller } ~~Errors to~~
vs } Error to Jo Davies -
John J. Metzger }

Wm H. Higgins being first
duly sworn deposes & says that said
John J. Miller the plaintiff in error
was the above entitled case on the
7th day of June A.D. 1853 and long
before & ever since hath been a non
resident of the State of Illinois and
said Miller is generally reported ~~to be~~ a
resident of the State of California
and further affirms that not
sworn to & subscribed }
before me this 13th day } Wm H. Higgins
of June A.D. 1854 - }

L. Leland Clerk.
By P. K. Leland Depy. }

John F. Miller
JF
John F. Metger

Affidavit of
Non Residence

Filed June 13th 1884.
L. Leland Clk
By P. K. Leland

Galena April 11th. 1854.

S. Leland Esq }
Clerk. sup. Court }

Enclosed I send
you the original Bond and I wish
you would issue the Supersedeas as soon
as you can as I wish it served on the
Sheriff as soon as possible

Yours &c

H. B. Maginnis

Gallena Aug 23rd 1854

E. S. Leland Esq-
Ottawa Ill.

Dear Sir

Inclosed
you will please find a five
dollar Bank bill on the Rock
River Bank, and also an aff-
idavit of Mrs Miller in case
of John G. Metzger vs John G
Miller, already in your Court
I wish to make publication
in time for the next term
of Court - you will please
make me out the publica-
tion and forward to me for
which I send you the five
dollars - you will please
inform when your
Supreme Court sits in
Ottawa, and also if any
step was taken in it at
the last term of Court
by the opposite party

Respectfully yours
H B McGinnis

John G. Metzger } State of Illinois
vs. }
John S. Miller }
Writ of Error in error
- present court of the
State of Illinois from
Assessors' Court
William Miller the agent and
attorney in fact of the above named
defendant John S. Miller, states
on oath that the above named
John G. Metzger is a now resident
of this State as this officer & mil.
believe and as such has been
for a long time

Wm. Miller

Subscribed & sworn to
before me this 18th day of
January AD 1856, as witness my hand & seal of office
Wm. H. Bradley, Clerk Court said County
By W. R. Rowley, Depy -

William Schetzger
App. for Patent.

~~Exhibit A~~
~~Prosser & Co.~~
By W. H. Schetzger

Filed Feb. 2^d 1884.
S. Schetzger

STATE OF ILLINOIS,

Supreme Court,

ss.

The People of the State of Illinois,

To the Clerk of the Circuit Court for the county of *Jo Daviess* 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 *Jo Daviess* county, before the Judge thereof, between *John G. Metzger*

plaintiff, and

John J. Miller

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

Miller

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 *2^d Monday in June instant 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. **SAMUEL H. TREAT**, Chief Justice
of our said Court, and the Seal thereof, at Ottawa, this *7th* day of *June*
in the Year of Our Lord One Thousand Eight Hundred and Fifty-*three*.

Leland Clerk of the Supreme Court.
By P.K. Leland Dep. Clk.

John J. Miller
vs.

John B. Metzger

Writ of error.

Filed June 7th 1853.

Leland Clk
By P.K. Leland dep.

This writ of error is to
operate as a supersedeas,
as such is to be obeyed
by all concerned -
April 15th 1854.

L. Leland Clk
By P.K. Leland dep.

WITNESSES: at the County of Cook, State of Illinois, this 15th day of April, 1854, before me, the undersigned, a Justice of the Peace, personally appeared SAMUEL H. TRAY, and JAMES

Richard Clk of the Supreme Court.

STATE OF ILLINOIS,

The People of the State of Illinois,

State of Illinois Supreme Court & Grand Jurors
John J. Miller Plaintiff in error In Supreme Court
Term 1883
vs Error to Gallatin
John G. Metzger Defendant in error

Madison J. Johnson being first duly
sworn deposes and says that said
John J. Miller the plaintiff in error
in the above entitled cause is not
a resident of the State of Illinois
and further says that
M. J. Johnson

State of Illinois
Gallatin County, Ill.

That day personally appeared
before the undersigned Clerk of the County
Court in and for said County Madison J.
Johnson to me personally known and
whose signature appears to the foregoing
affidavit and who being duly sworn says
that the within and things in said
affidavit contained are true in fact

In testimony whereof
I have hereunto set my hand
and affixed the seal of
said Court at Gallatin
the 24th day of June A.D. 1883
Attest Richard Seal
Clerk

42=

42

Miller & Metzger

appt.

Filed July 12, 1883.
S.eland Ck.



4 ~~4~~

John J. Miller
John G. Miller

42

1852

12/35