No. 11974

Supreme Court of Illinois

Jack.

vs.

Stimpson.

71641 7

Rock Island Co.

Charles Jack.

vs.

Liberty Stimpson.

70

11974

1852

Prepared

State of Illinois ss

Supreme Court
To the June Term of the
third grand Division.

Charles Jacks, plf in Error
vs
Liberty Stimpson, deft in Error
Error to Rock Island County.

And now comes the said plaintiff in error by his attorney and says that in the record and proceedings in the said cause and in the rendition of judgment in the said cause before said in the Circuit Court of said Rockisland County there is ~~fatal~~ manifest and manifold error. And the said plaintiff in error shews to the court here, and assigns upon the record of the said cause the following error, to wit:

1 The said Circuit Court erred in rendering judgment in said cause for the said Stimpson and against the said Jack.

2. The court erred in permitting illegal evidence to go to the jury which was offered by the said Stimpson and objected to by the said Jack, and to the prejudice of the said Jack

3. The court erred in excluding proper evidence offered by the said Jack and objected to by said Stimpson to the prejudice of said Jack.

4. The court erred in overruling the said Jacks motion for a new trial in said cause

5. The court erred in overruling the

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said Jacks motion in arrest of judgment in said cause.
6. The court erred in refusing to give the jury the said Jacks first instruction by him prayed.
7. The court erred in refusing the said Jacks third instruction by him prayed.
8th The court erred in refusing the said Jacks seventh instruction by him prayed.
9. The court erred in refusing the said Jacks ninth instruction by him prayed.
10. The court erred in refusing the said Jacks tenth instruction by him prayed.
11th The court erred in refusing the said Jacks twelfth instruction by him prayed.
12. The court erred in giving the said Stimpson's third instruction prayed.
13. The court erred in giving the said Stimpsons fourth instruction as prayed.
14. The court erred in giving the said Stimpsons second instruction as prayed.

Wherefore for the errors aforesaid and others in the record and judgment and proceedings in said cause the said Jacks prays that the said judgment of the said circuit court may by consideration of the court here be set aside

annulled and for nothing held or esteemed

Manning & Pegrdley
Attys for plf in Error

Let a supersedeas issue in this suit upon the plaintiff in Error filing a bond as the law requires in the penal sum of thirteen hundred dollars with E Burrall his surety & filing the record

Ottawa May 26th 1852 I D Caton

And the said Defendant in Error comes and says that in the Record and proceedings aforesaid and in the Rendition of the Judgment aforesaid there is no Error wherefore he prays that the said Judgment may be in all things affirmed

Dated 30th 1852 A L Temple
Defts atty

at a Term of the circuit Court begun and Held at the Court House in the city of Rock Island, within and for the county of Rock Island and State of Illinois, on Monday the third day of November A D 1851 To Wit on the Seventeenth (17) day of November 1851 as per of the said Term before the Hon. Isa C. Wilkinson Presiding Judge of the Sixth Judicial circuit in the State of Illinois:

Be it Remembered that heretofore To Wit: on the Eighth day of October A D 1850, Charles Jacks caused to be filed in the clerks office of on said Court, a certain transcript of the record and proceedings had at a circuit court begun and held for Henry County State of Illinois on the twenty third day of April A D 1849, in a certain suit instituted by Liberty Stimpson against said Charles Jacks before the Hon. Benjamin R. Sheldon then Judge of the Sixth Judicial circuit of the State of Illinois. Which said transcript is in the words and figures following to Wit:

State of Illinois } Circuit Court
Henry County } ss Pleas Before the Honorable Benjamin R Sheldon, Judge of the Sixth Judicial Circuit of the State of Illinois, At a circuit Court begun and held for Henry County, in said State at the Court House in the Town of Cambridge on Monday the Twenty third day of April in the year

in the year of our Lord one thousand eight hundred and forty nine -

Present the Honorable Benjamin R. Sheldon Judge. Henry B. Stillman Esquire States attorney. Mathew B. Potter Esquire ~~State~~ Sheriff, Samuel P. Brainard Esquire Clerk -

Be it Remembered that heretofore To Wit on the 12th day of April A.D. 1849. The following summons was issued viz. The people of the State of Illinois to the Sheriff of Henry County Greeting: We command you to summon Charles Jacks if he may be found in your county to appear before our circuit court on the first day of the Term thereof, to be held at Cambridge within and for the said County of Henry on the 4th Monday in April 1849. then and there in our said Court to answer unto Liberty Stimpson in a Plea of Trespass on the case; Damages $ 500.00 and make return of this writ with an endorsement of time and manner of serving the same on or before the first day of the Term of the said Court to be held as aforesaid:

Witness Sam P. Brainard Clerk of our said Court and the seal thereof at Cambridge this 12th day of April in the year of our Lord one thousand eight hundred and forty nine.

Seal

Sam. P. Brainard Clerk

Endorsed on the same is the following, "Served the within April 18-1849 by reading - returned April 23/49

M. B. Potter, Sheriff by M. B. Barnum Deputy

And afterwards, to Wit: at a circuit Court, held on the 24th day of April 1849.

Liberty Stimpson
vs
Charles Jacks } Trespass on the Case

Appearing that the service in this case was not made in time, it is ordered that this cause be continued until the next Term of this court. And afterwards, the Plaintiff came and filed the following declaration.

State of Illinois,
Henry County } To the circuit Court September Term 1849.

Liberty Stimpson complains of Charles Jack; For that whereas the said Charles Jack heretofore, to Wit on the Seventeenth day of November A.D. 1848 at Henry County Illinois. not then having any reasonable or probable cause of action whatsoever against the said Liberty Stimpson, but wrongfully and unjustly contriving and intending to imprison, hamper, distress and injure the said Liberty Stimpson falsely and maliciously caused and procured to be issued on the oath of the said Charles Jack, by Henry P. Griffin a Justice of the Peace in and for the said County of Henry a certain writ, in the name of the people of the State of Illinois, directed to any constable of the county of Henry against the said Liberty Stimpson, by which said writ the people of the State of Illinois, commanded the said constable that he should take the said Liberty Stimpson, if he should be found in his county, and him safely keep, so that he might have his body

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before the said Henry L. Griffin, or some other justice of the Peace of said County, forthwith to answer unto the people of the State of Illinois, in a plea of larceny, and that the said Constable should then have there that writ. And the said Constable did arrest the said Liberty Stimpson and him kept and have as commanded in said writ: And the said action was, and is by means of the premises, and according to the practice of said Court wholly discharged, ended and determined To Wit: on the eighteenth day of November aforesaid at Henry County aforesaid; and it was adjudged and determined on the eighteenth day of November aforesaid at Henry County aforesaid, by the said justice of the Peace aforesaid, that the said Liberty Stimpson was not guilty of the said suppposed offence, and then and there caused the said ~~the said~~ Liberty Stimpson to be discharged out of custody, fully acquitted and discharged of the said suppposed offence. By means of which said several premises, he the said Liberty Stimpson, whilst he was so arrested as aforesaid, not only suffered great pain of body and mind and was greatly exposed and injured in his credit and circumstances and hindered and prevented from performing and transacting his lawful affairs and business, by him during that time time to be performed and transacted; but was also forced and obliged to lay out and expend divers large sums of money in the whole amounting to a large sum of money To Wit: the sum of one hundred and fifty dollars in and about the obtaining his release from the said arrest. And in and about other the premises, and hath been and is by means of the premises, otherwise greatly

injured and damnified to his damage in the further sum of one hundred and fifty dollars. To Wit: at Henry County aforesaid; Wherefore the said Liberty Stimpson saith that he is injured and hath sustained damage to the amount of five hundred dollars, - and therefore he brings suit &c

By Wm. H. Brainard his atty.

And afterwards, To Wit: At a Term of the circuit Court for Henry County Illinois begun and held at the court house in Cambridge within and for the county of Henry and State of Illinois, on Monday the thirteenth day of May A D 1850.

Present Honorable William Kellogg.
Judge of the tenth Judicial Circuit of the State of Illinois.
H. G. Reynolds States attorney.
M. B. Potter Sheriff.
S. P. Brainard Clerk
By H. G. Reynolds Deputy.

State of Illinois } Henry Circuit Court.
Henry County } ss May Term A D 1850

Charles Jack
vs
Liberty Stimpson } ss

And the said Defendant comes and defends the wrong and injury when &c and says he is not guilty of the said several grievances in manner and form as above alleged against him, nor any, nor either of them; nor any part thereof; and of this he puts himself upon the country.

Manning for Defendant

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And afterwards, to Wit on the 14th day of May at the Term of the Court last aforesaid, said Defendant filed the following affidavit praying for a change of venue in this case.

State of Illinois } Henry Circuit Court
County of Henry } May Term A.D. 1850

Liberty Stimpson
vs } Case
Charles Jack

Charles Jack the said Defendant being duly sworn says that he fears he will not receive a fair trial in said Court in which said action is pending on account that the inhabitants of said county are prejudiced against this affiant so that he cannot expect a fair trial of said cause in said County.

Wherefore this affiant prays a change of venue of said cause to some County where the said causes do not exist.

Sworn to and Subscribed
this 14 day of May A.D. 1850
before me.

Charles Jack.

Quincy McNeal, Deputy Clerk.

And afterwards, to Wit, on the same.

Liberty Stimpson
vs } Trespass on the case
Charles Jack

This day came the defendant

and filed his affidavit for a change of venue herein, it is therefore ordered that the venue of this case be changed to Rock Island County.

State of Illinois } I Samuel P. Brainard
Henry County } ss Clerk of the circuit Court of said County and State, do certify, that the foregoing is a full transcript of the record and proceedings had in said court in the case of Liberty Stimpson against Charles Jack.

In Testimony whereof I have hereunto set my name and the seal of said Court this third day of August A D 1850.

S. P. Brainard Clerk
by Harmon G. Reynolds - Deputy

And Be it Remembered that afterwards to Wit; at a Term of the circuit Court, begun and held at the court house in the City of Rock Island, within and for the county of: Rock Island and State of Illinois, on Monday the Twenty eighth day of October A D 1850, and to Wit: on Friday the 1st day of November, as yet of said October Term, the following Record was made and entered in said entitled cause, to Wit:

Liberty Stimpson
31 vs } Change of venue from
Charles Jack } Henry County -

This day came the parties hereto by their attorneys and this cause coming on for trial and defendant having entered his plea of "not guilty" came the Jurors of a jury to Wit:

Jno. A Boyd, Ira Buffum, A Sherwood, Joseph Johnson, C. Rontzing, A. S. Agy, William Heatten, George Woodward, W. H. Lage Benj. Goble, Abm Heartzell, S. H. White who were severally sworn and impanneled to try the issue joined herein.

And afterwards, to wit on Saturday the 2d day of November A D 1850, as per of the said October Term of the court aforesaid, the following further Recd was made and entered in the said Cause to wit:

Liberty Stimpson
31 vs.
Charles Jack
} Change of venue from Henry County.

This day came the parties herein by their attornies and this cause coming on to be heard and defendant having entered his plea of not guilty, came the jurors of a jury to wit: John A Boyd, Ira Buffum, A. Sherwood, Jos. Johnson C. Rontzing, A S. Agy, William Heatten, Geo. Woodward, W. H. Lage, Benj Goble, Abm Heartzell and S. H. White, who were each and severally, sworn ~~to try~~ well and truly to try the issue joined herein and having heard the evidence and arguments of counsel herein, retired and returned into Court their verdict, which is in the words and figures following to wit: We the jury find the defendant guilty and assess the damages at the sum of Two hundred dollars." Whereupon Defendant entered his motion for

Court having considered Plaintiffs motion, to file an amended declaration sustains the same and the defendant by his attorney withdraws his motion for a change of venue.

And afterwards to Wit: on Wednesday the 12th day of November, as yesterday same November Term of said Court, the following further Record was made and entered in said Cause, to Wit:

Liberty Stimpson
vs. } Trespass on the Case.
Charles Jacks

This day came the defendant by his attorney and enters his motion to strike from the files the second Count in Plaintiffs amended declaration, which after having been duly considered by the court is overruled and defendant enters his motion for a rule upon plaintiff to elect one count of his declaration, which is also overruled by the court. and thereupon came a Jury of Jurors, to Wit: George Crabbs, Stephen Edgington, Robert Smith, John McCall Richard Webster, Isaac Brice, Wm. F. Thomas, Jr. Co, Terry, Daniel Wheaton, James Dickson, Elisha Divina and J. W. Waggoner who were each severally sworn to well and truly try the issue joined and heard the evidence adduced.

And afterwards, to Wit on Thursday the 13th day of November, as yes of the same November Term ~~of said Term~~ of said Court, the following further Record was made and entered in said Cause to Wit:

Liberty Stimpson } 2

arrest of Judgement herein and the Court being sufficiently advised of the premises, sustains the said motion. It is therefore ordered by the court that Judgment herein be and the same is hereby arrested. Thereupon plaintiff entered his motion to replead herein which said motion is sustained by the court, whereupon it is ordered that the plaintiff have leave to replead herein, and that this cause be continued until the next Term of this Court.

And be it Remembered that afterwards, To Wit, on Tuesday the 4th day of November, A.D. 1857, at the November Term of the Circuit Court, began and held on the 3d day of November A.D. 1857, at the court house in the city of Rock Island, County, State of Ills, the following Record ~~and order~~ was made and entered in said entitled cause. To Wit:

Liberty Stimpson
" vs
Charles Jacks. } Change of venue of Trey County.

This day came plaintiff by Knox and Drury and enter their motion to file and amended declaration herein and thereupon defendant ~~ant~~ by his attorney enters his motion for a change of venue herein.

And afterwards To Wit on Wednesday the fifth day of November at the said November Term of said Court, last aforesaid, the following record was made and entered in the said Cause To Wit:

Liberty Stimpson
" vs
Charles Jack } Trespass on the Case.

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This day came the parties by their attorneys and the

vs

Charles Jack } Trespass on the case.

Mo. for new trial

This day came the parties herein by their attorneys and the jury impannelled herein returned into Court their verdict which is as follows, "We the Jury find the defendant guilty and assess the damages at the sum of five hundred dollars" and thereupon defendant entered his motion for arrest of Judgment and for a new trial herein.

And afterwards, To Wit on Monday the 17th day of November, as yet of the same November Term of said Court, the following further Record was made and entered in said Cause, To Wit:

Liberty Stimpson

10 vs } Trespass on the case Change of venue from Henry County

Charles Jack

This day came the parties herein by their attorney and Defendant renews his motion (heretofore made) for an arrest of Judgment and for new Trial herein and the court having heard the arguments of counsel and being sufficiently advised in the premises overules the said motion for arrest and for new trial. It is therefore ordered by the court that ~~the~~ Plaintiff have and recover of and from the defendant the sum of Five hundred dollars damages assessed by the Jury herein together with his costs in this behalf expended and that he have execution therefor, & on motion of defendt. he is allowed sixty days in which he may prepare & file herein a bill of exceptions in this cause, as of the present term of this court.

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And be it remembered, that on Saturday the (22) day of November in the year A.D. 1851 ~~Last aforesaid, and of the term aforesaid~~ the said

defendant by his counsel, caused to be filed in my ~~said Court~~ Office, his bill of Exceptions herein duly signed &c, which bill of Exceptions is in the words and figures following to Wit:

State of Illinois } ss In the circuit court
Rock Island County } of said County at
November Term A D 1851.

Liberty Stimpson
vs
Charles Jack } Change of venue from Henry County } Trespass on the case.

Bill of Exceptions

Be it Remembered that upon the trial of the above entitled cause before the Hon Ira C. Wilkinson Judge of the sixth judicial circuit in said State, and a jury, upon the issues presented by the following pleadings:

State of Illinois } Circuit Court of November
Rock Island County } ss Term A D 1851.

Liberty Stimpson plaintiff in this suit by Knox & Drury his Atty's complains of Charles Jacks in a plea of Trespass on the case. For that whereas the said Liberty Stimpson now is a good, true, honest and faithful citizen of this State and as such has always behaved ~~and~~ & conducted himself and hath not ever conducted himself in a contrary way and has not ever been guilty or until the time of the committing of the several grievances by the said Charles Jacks

as hereinafter mentioned, been suspected to have been guilty of felony or of any other such crime, by means whereof, he the said Liberty Stimpson before the committing of the said several grievances by the said Charles Jacks as hereinafter mentioned has deservedly obtained and acquired the good opinion and credit of all his neighbors and other good and worthy citizens of this State, To Wit: in the county of Henry State of Illinois. yet the said Charles Jacks well knowing the premisses but contriving and maliciously intending to injure the said Liberty Stimpson in his aforesaid good name, fame and credit and to bring him into public scandal and infamy and disgrace, heretofore To Wit: on the 17th day of November A.D. 1848 at the County of Henry State of Illinois; went and appeared before one Henry G. Griffin Esq. then and there being one of the Justices of the Peace of the State of Illinois and then and there before the said Henry G. Griffin Esq, falsely & maliciously and without any reasonable or probable cause whatsoever, charged the said Liberty Stimpson with feloniously stealing, taking and driving away six or eight head of cattle from the enclosure of the said Jacks and upon said charge, he the said Charles Jacks falsely & maliciously and without any reasonable or probable cause whatsoever, caused and procured the said Henry G. Griffin being such justice as aforesaid, to make and grant his certain Warrant under his hand and seal, for the apprehending and taking of the said Liberty Stimpson and for bring him the said Liberty Stimpson before him, the said Henry G. Griffin

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or some of the other Justices of the Peace in and for this County of Henry to be dealt with according to law for the said supposed offence; And the said Charles Jacks under and by virtue of said Warrant, afterwards To Wit: on the 17th day of November A.D. 1848 at the County of Henry Illinois, wrongfully and unjustly and without any reasonable or probable ~~cause~~ whatsoever, caused and procured the said Liberty Stimpson to be arrested by his body and to be imprisoned for a long space of time, To Wit: Two days and then and there forced and compelled the plaintiff to go and caused him to be forcibly conveyed in custody, in and along divers public streets and highways to the office of the said Griffin as said Justice of the Peace, and then imprisoned the said plaintiff and caused him to be held & kept in custody there without any reasonable or probable cause for a long space of time, To Wit: for the space of Twenty four hours then next following To Wit: at the county of Henry aforesaid contrary to law, and under a false and unreasonable assertion, color and charge. Which said Justice having heard and considered all that the said Charles Jacks could say or alledge against the said Liberty Stimpson, touching and concerning the said supposed offence, then and there To Wit: on the day and year last aforesaid, at the place aforesaid, adjudged and determined that the said Liberty Stimpson was not guilty of the supposed offence and then and there caused the said Liberty Stimpson to be discharged out of custody fully acquitted and

discharged of the sd supposed offence; And the sd Charles Jacks hath not further prosecuted his sd complaint but hath deserted and abandoned the same, and the said complaint and prosecution is wholly ended and determined, to wit, at the time & place aforesaid:

And whereas also the said Charles Jacks further contriving and maliciously and wickedly intending as aforesaid, heretofore, to wit: on the 17th day of November 1848, at the county of Henry State of Illinois, falsely and maliciously and without any reasonable or probable cause whatsoever charged the said Liberty Stimpson with having committed an offence punishable by law, to wit Larceny, and upon said last mentioned charge he the said Charles Jacks then and there, to wit: on the same day and year last aforesaid, at the place aforesaid, falsely and maliciously caused and procured the said Liberty Stimpson to be arrested by his body and to be imprisoned for a long space of time, to wit for the space of two days, then next following, and at the expiration of which said time, he the said Liberty Stimpson was duly discharged and fully acquitted ~~by~~ of the said last mentioned offence,

By means of which said several premises, he the said Liberty Stimpson, hath been and is greatly injured in his said credit and reputation and brought into public scandal, infamy and disgrace, with and among all his neighbors and other good and worthy citizens of this State, and divers of those neighbors and citizens to whom his innocence in the premises was unknown, have on occasion of the premises suspected and believed and still do

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suspect and believe that the said Liberty Stimpson hath been and is guilty of Larceny.

And also the said Liberty Simpson hath by means of the premises, suffered great anxiety and pain of body and mind and hath been forced and obliged to lay out and expend divers large sums of money, in the whole amounting to a large sum of money, To Wit: the sum of one hundred dollars in and about defending himself in the premises, and the manifestation of his innocence in that behalf and hath been greatly hindered and prevented by reason of the premises from following and transacting his lawful and necessary affairs and business for a long space of time, To Wit: for the space of Six days, To Wit: at the county of Henry aforesaid, and other wrongs to the plaintiff, then and there did, To Wit, at the county of Henry aforesaid, against the peace and dignity of the people of the State of Illinois and to the damage of the sd plaintiff of five hundred dollars and therefore he brings his suit &c.

Knox & Dunn
Att'ys for plaintiff—

Liberty Stimpson
vs
Charles Jacks

Rock Island Circuit Court
Nov Term 1851.

And now the said Deft in Court comes & defends the wrong & injury when &c and says that he is not guilty in manner and form as the said Plf in his declaration hath alleged and of this puts himself on the country &c

Vice.

By J. F. Beardsley
his atty.

The said plaintiff in order to sustain the said issue on his part, introduced as a Witness Henry G. Griffin, who being sworn was enquired of by Plaintiffs Attorney, whether he was a Justice of the Peace of Henry County Illinois on the 17th November 1848, which inquiry was objected to by defendants Attorney, and the objection overruled by said Court, to which decision the defendant Excepted thereupon the said Griffin in answer to said question, stated that he was a Justice of the peace in and for said Henry County Illinois on the said 17th day of November 1848. And also for some time previous to and subsequent to said date. Said witness was further enquired of by pltffs counsel whether he ever issued a warrant for the arrest of Liberty Simpson the plaintiff; and if so when, in whose behalf and on what charge? To which inquiry the said defendant objected and the objection overruled by the court, to which ruling of the court the defendant excepted; and thereupon in answer to said inquiry, said Witness, stated that he did as a Justice of the Peace issue a Warrant for the arrest of Liberty Simpson the Pltff, that said Warrant was issued on the Seventeenth day of November 1848, in behalf of the people of the State of Illinois, on complaint of Charles Jacks the defendant on a charge of Larceny.

And the said Warrant being exhibited to the

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said witness he stated that it was the same warrant issued by him for the arrest of said Stimpson and referred to in his (said Witness's) testimony above, and that the same was signed by him and issued on the day of its date, and thereupon the said plaintiff offered the said Warrant in evidence to the jury, to which the defendant by his counsel objected which objection the court overruled & permitted the said Warrant to be read as evidence to the jury, to which decision of the court the defendant excepted, the said Warrant so read to the jury being in the words and figures following, To Wit:

State of Illinois } The people of the State of
Henry County } ss Illinois, To all Sheriffs Coroners, and constables of said State, Greeting: Whereas complaint hath been made before me one of the Justices of the Peace within and for said County, upon the oath of Charles Jacks, that Liberty Stimpson did on the 17th day of November 1848, feloniously steal take and drive away six or eight head of cattle from the enclosure of the said Jacks; and the said Jacks also made oath, that he believed the stolen property, is now in the yard of Jacob Cromer or being removed by the said Stimpson; These are therefore to command you forthwith to apprehend the said Liberty Stimpson and if the above described cattle are found in his possession, to bring him and them before me or some other Justice of the Peace of said County to answer said complaint, and further to be dealt with according to law. Given under my hand and seal this 17th day of November 1848.

Henry G. Griffin J. P. Ewd

On the back of which said Warrant was an endorsement as follows, which was read in evidence to the jury without objection, To Wit: "Served this writ by reading to the within named Deft and bringing him into court and I have him now present. Serving & returning 25. Travelling fees 35. Driving cattle 25 – Amount 81. E. Willoughby Const."

And thereupon the plaintiff continued the examination of said Witness Griffin, who further testified, that the said Warrant was issued by him at the complaint of the defendant Jacks made before him the said Justice just before the issueing of said Warrant. That the said Jacks subscribed and swore to an affidavit before him the said Griffin & upon which he issued the said Warrant. Said Witness further testified that he had not then the said affidavit in his possession or controll. but that he believes the same to be lost. That the witness brought the said affidavit together with the other papers in said case before him, to this court at the former Term of this court, at which this cause was tried, that he was then examined as a witness in relation to the said affidavit and produced the same, that he laid it on the bar table at the time of said trial, & among other papers, pertaining to this cause, that after he had given in his evidence on said trial and after the papers had been read in evidence, he took from the table what he then supposed to be all the papers of the case, that he had brought here with him and at the time he thought the

affidavit was among the other papers taken by him from the P table aforesaid: That after he returned home he looked over the said papers and did not find the said affidavit among them. that he had since then carefully looked over & examined all the papers of said case filed before him, as also among all other papers, in his possession & in all places where the said affidavit might in his opinion be found, but that he could not find the said affidavit and that he believed the same was lost.

Frazer Wilson was then called by Plff and sworn as a Witness; and testified that he was the clerk of the circuit Court of Rock Island County Illinois and was such at the Term of P Court when this case was before tried, that since the said former trial of this case he had made diligent search among all the files and papers in his office, pertaining to this case, for the affidavit of Defendant Jacks made before the Magistrate Griffin, and that no such affidavit could be found by him & that he had no remembrance of ever having seen such a paper, and that it had never been on file in his office.

The plaintiff then called said Witness Griffin who further testified, that the defendant Jacks at the time said Warrant was issued subscribed and swore to an affidavit before him said Justice, in which he stated and charged that the said Liberty Stimpson did on the 17th day of November 1848, feloniously steal, take and drive away six or eight head of cattle from the enclosure of

the said Jacks, and that he believed the stolen property was at the same time in the yard of Jacob Closner, a being removed by the said Stimpson. That the charge in the affidavit was the same as stated in the Warrant issued by him the said Justice, and that he copied into the Warrant the charge exactly as it was stated in the affidavit, from which he copied it. The said Witness was then inquired of by the Plff's Counsel whether he kept a docket in which he recorded the judgments, orders & proceedings in suits and prosecutions before him in his Official capacity as Justice of the Peace and also whether he made in his docket any record of the proceedings before him in the case of the people against Liberty Stimpson on the charge of Larceny; each of which inquiries were answered by said Witness in the affirmative; the said Witness then produced his docket which, he stated, contained the record entries made by him of the proceedings in the case of the people of the State of Illinois against Liberty Stimpson, on a charge of Larceny, preferred against him by the Deft Jacks and which were made by him at the time the said proceedings occurred And thereupon the said plaintiff offered to read from the said docket the entries made therein by the said Justice in the said case, as evidence to the Jury in this case. to the reading of which the defendant objected, and the objection was overruled by the court, and the plaintiff allowed to read the same in evidence to the Jury - to which the defendant excepted - which said entry in the said docket so read to the jury as aforesaid, is in the words, and figures, following, To Wit,

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" The people of the State of Illinois
Liberty vs Stimpson } Personally came
Charles Jacks before Henry G. Griffin a Justice of the Peace in and for the county of Henry & State of Illinois and on his oath charged the Defendant with having committed a Larceny and demanded a Warrant. Warrant issued November 17th 1848 and placed in the hands of Elisha Willoughby returnable forthwith. Nov 17th issued one Subpoena on part of the people. Nov 18th issued one Subpoena on the part of the defendant. Warrant returned Nov 18th endorsed. Served this writ by taking the body of the within named defendant and bringing him into Court & I have him now present.

E. Willoughby Const.

The Warrant being read to the Defendant he plead not guilty. Charles Jacks & Alonzo Garrison sworn on part of the people and Soloman Piney sworn on the part of the Defendant. After hearing all the proofs and allegations in the above cause, it is decided by me, that the defendants is not guilty, and ordered to be discharged from custody."

Elisha Willoughby was then called by the plaintiff and ~~called~~ sworn as a Witness; and testified that he was a constable in and for the county of Henry and State of Illinois, during the whole of the month of November 1848. That the Warrant issued by the Justice Henry G. Griffin for the arrest of the plaintiffs Liberty Stimpson on a charge of Larceny preferred against him by the defendant Jacks was placed in his hands by the Deft Jacks about the time of

the date thereof, to execute. That by virtue of said Warrant he arrested the Pltff Stimpson and took him before the said Justice Griffin at his office in said Henry County, that he found said Stimpson at Jacob Cosmers with a drove of cattle, in which was also found the cattle claimed by Jacks. That he had the said Stimpson in his custody, something over twelve hours, that he arrested him in the morning about sunrise, and kept him in custody through the day. that the cattle were also detained until the discharge of Stimpson by the said Justice Griffin. The plaintiff then offered in evidence the following writing, to wit:

"Henry County Ills. August the 26th 1848.

"Received of L. Stimpson forty dollars in part for four "four year old Steers and four three year old Steers, "to be delivered when called for. One Eighty dollars. "The said Steers being at the risk of said Stimpson; the "ballance due to be paid in October and the cattle "received then:

"Chas. Jacks"

Which said paper was read by the plaintiff to the jury, without objection by the defendant.

The said Pltff then called as a Witness John Taylor, who being ~~duly~~ sworn, testified that some time in the latter part of October or the fore part of November in the year 1848, he went with the Pltff Stimpson to the house of the deft Jacks; and that Stimpson then tendered to said Jacks the ballance due for the cattle mentioned in the receipt copied above, and demanded of Jacks the cattle. He made the tender as the ballance due on the cattle and told Jacks that if he took the money it was to be for the amt due on the cattle. Jacks did not

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take the money at first, but finally took the money - cannot tell what day of the week the tender was made. Simpson took six of the cattle on friday of the week after the tender was made, and one the day following said friday. At the time the tender was made Jacks told Stimpson the cattle were his (Jacks) and he intended to keep them.
Stimpson stopped with his drove of cattle at Baum Grove at Cleaners the first night, drove over an hundred head & was united with a drove belonging to Solomon Penny. Stimpson had three hands employed in driving and one of Mr Pennys boys, also assisted some. Witness thinks Jacks said the money tendered was the full amount due for the cattle, but that the contract had run out. He (Jacks) counted the money over. Witness cant say when Stimpson was arrested. The two cattle left after the first six were taken; were got into the drove at Cleaners on Saturday morning. Witness says a man & horse to drive cattle is worth a dollar per day & board & finding worth a dollar per day. By reason of Stimpsons delay occasioned by his arrest a drove of cattle got into Peoria before his and were slaughtered first & detained Stimpson for several days in Peoria with his cattle, in consequence thereof.

Upon Cross examination, said Witness further Swore; that Stimpson asked him to go to Jacks house, to be a Witness of the tender, Stimpson told me that Jacks had refused the money, because he (Jacks) contemplated the Plff had forfeited his contract & that, had Jacks refused to let him have the cattle, at the time tender

was made Jacks refused to take the money as for the cattle. Dont remember that Pltff asked for a receipt for the money. at the time Jacks took the tender he refused to let Stimpson have the cattle. at Stimpson's request a few days after tender, witness called on Jacks and demanded the cattle. Jacks replied that Stimpson could not have the cattle for he had forfeited his contract or something or something to that effect. at the time of the tender Stimpson offered Jacks five dollars if he would let him (Stimpson) have the cattle. Stimpson took the cattle from Jack's field on the forenoon of Friday. Witness assisted. dont know whether Jacks was at home or not on friday when cattle were taken. Neither Stimpson or any who assisted him went to Jacks house. After the six cattle were taken from the field we searched for the other two back of Jacks field. The six head were put into Mr Hamilton's field & a person by the name of Ogden left to watch them. Stimpson made the tender in Nov. When Jacks rec'd the money, he said Stimpson should not have the cattle.

Whereupon said Pltff again examined said Witness in chief, who further swore, that said Jacks was present in Hamilton's field when the cattle were driven therefrom — that Jacks and Hamilton's fields join.

John Eby a witness produced by the Pltff swore that he was at Jacks house as Pltff's request, when Pltff tendered amount due for the eight head of cattle. John Taylor was also there. we were requested to be

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Witnesses of the tender & went for that purpose -
Simpson tendered Jacks eighty dollars - this was
in November 1848: Jacks refused the money -
Stimpson said to Jacks he tendered the money for
the delivery of the cattle.
Upon cross examination, said witness further testifies
that, when Stimpson said he tendered the money
for the delivery of the cattle, Jacks answered that he
could not have the cattle - that the time within
which he Stimpson was to take the cattle had run
out and that the contract was forfeited.
Witness thinks it was about the tenth of Nov.
when tender was made. At that time Stimpson
ask^d Jacks if he might take the cattle - Jacks
replied he would let no one take his cattle.
Upon reexamination by Plf, witness says Jacks
refused to let the cattle go at the time of the tender,
and upon further cross examination, witness says
Jacks took the money, but said he would not take
it for the cattle. Jacks asked Plf to stay all night
at his (Jacks) house. And added that he might let
him (Stimpson) have the cattle or his money back
again in the morning. Stimpson declined staying.

Soloman Perry, a witness introduced by Plf, testified
that he thinks Plff was delayed at Cleaners by his
arrest. When arrested Plf had three boys with him
to assist in driving. Just after Plf's arrest some one
was accusing Jacks of having done, what he ought
not to, and Jacks replied, that he had got the
money & the cattle too and that was the
fun of it".

had not complied with his contract, & that it had run out, that Stimpson had taken the cattle from his Jacks lot, six or eight head. He Jacks stated ~~the~~ to Witness that Stimpson paid part of the money for the cattle at the time the contract evening then was made & that there was a time set when he was to pay the ballance, and if he did not pay the ballance it was no contract, and that he had not done it, within the time set. Said Jacks also told witness of the tender made by Stimpson.

Witness thinks the statement made by Jacks to obtain proceedings against Stimpson and the testimony at the first trial of Stimpson before Witness did not agree as witness understood Jacks to say that the contract with Stimpson for the cattle was conditional and depended upon the payment of the money at a certain time, whereas Witness thought that the written contract between Stimpson & Jacks (heretofore copied) showed the sale of the cattle to be complete at the time the same was written & dated, & that the cattle thereby became the property of Stimpson. He (Jacks) further told Witness, that not knowing the law, he had come to witness as Justice of the Peace to learn what to do. Witness thinks he told Jacks that he did not well understand the law. Witness got the Statute and refered Jacks to the law in regard to replevin. And Jacks objected to that. He then at Jacks suggestion refered to the Section in regard Larceny and Jacks said that was what he wanted. Both laws were examined and Witness left it for Jacks to choose. Jacks objected to replevin, because the cattle would

In consequence of being detained by the arrest, Witness says, Plff did not get to Peoria on Monday and another drove of cattle got in ahead that were butchered first and by that cause Plff was detained in Peoria with his drove from Tuesday to Saturday - that there was no means of feeding drove there & the cattle had to be kept in a muddy lot. Plf drove ninety nine head of cattle to Peoria - Witness went for Plff to employ Mr Brainard a lawyer at Learnidge to defend him in the prosecution before the magistrate and that Plf paid ~~him~~ Brainard five dollars for defending him before the magistrate.

Lowell Buttrick, a witness in behalf of Plff testified, that in Peoria, the cattle of Plff kept there as described by witnesses, in his opinion would shrink not less than three pounds per head per day & that on the road there the shrinkage would be two pounds per head per day.

E. Laflin, a witness for Plff testified, that in his opinion, the cattle of Plff on the road would shrink two pounds per day per head & that at Peoria in a muddy field & without conveniences for feeding Plffs drove would shrink four pounds a day per head.

Whereupon the Deft recalled the said Henry G. Griffin, who further swore, that when said Deft Jacks came to ~~arrived~~ him to set proceedings on foot against Stimpson for taking the said cattle. Jacks related to witness that he (Jacks) had made a conditional bargain with Stimpson for the sale of some cattle, that Stimpson

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be beyond ~~the~~ reach before he could get the process. Jacks was very anxious to get the cattle. Witness thinks very likely he did agree with Jacks that the Larceny Statute was the surest way to get the cattle.

The Witness was then cross examined by Pltff in relation to the matter of which he had been examined (as above) by the Deft on his examination in chief. The Deft then proposed to reexamine the witness and asked him to state the contents of the affidavit made by Jacks at the time he prayed out the Warrant for Simpsons arrest. and Pltff objected to the inquiry; and the objection was sustained by the court & Witness not permitted to state, whereupon the Deft excepted.

And the testimony in the case having been concluded and the argument of counsel on the part of Pltff as also in behalf of Deft, having been heard by the Jury, the plaintiff requested of the court to instruct the Jury as follows.

1st Given

If the Jury believe from the evidence, that the defendant maliciously caused a warrant to issue and the plaintiff to be arrested thereon for the charge of Larceny, without reasonable or probable cause, and that the pltff was discharged from said arrest by the magistrate, they must find for the plaintiff.

2d

If the Jury believe from the evidence, that the defendant caused a warrant to issue against the plaintiff and his arrest to be made thereon for Larceny; and that at the time of procuring such warrant, the Deft knew that,

Stimpson claimed and had at least a prima facie right to the property mentioned in the Warrant, this is evidence of a want of probable cause.

Given 3d

If the jury believe from the evidence that Stimpson took the cattle under a bona fide claim of right it is not Larceny, even if his claim was groundless in law.

Given 4th

If the jury believe from the evidence that want of probable cause was shown for the issueing of the Warrant and arrest of Stimpson, the malice may be inferred from such fact.

Given 5th

The jury are not confined to the damages proved, in this cause, but in assessing damages, may take into consideration, the injury to the feelings, the credit and reputation of the Plaintiff.

Which said instructions numbered one, two, three, four and five were given by the court

And the defendant also then & there requested of the court, the following instructions to the jury, To Wit:

Stimpson
Jacks vs

Deft asks the court to ~~instruct~~ charge the jury as follows.

Refused 1. Some proof independant of want of probably cause for the ~~want~~ prosecution before the Justice is necessary to show malice, in order to entitle the Plf to recover in this suit.

2d If the Jury believe that there was probable cause for the prosecution of Simpson before the Justice court of enquiry, then their verdict should be for the defendant in this suit.

Given

3d In order to show probable cause it is not necessary to exhibit proof of guilt in respect to the party accused, but a belief of guilt on the part of the accuser party against the accused founded upon circumstances tending to show guilt is sufficient evidence to shew probable cause.

Refused

4th In order to entitle the Plf to recover in this suit, he must prove that the defendant Jacks was actuated by malice in the commencement of the prosecution against Simpson and that his arrest was caused by the malicious procurement of the Deft Jacks, in order to entitle the Plf in this suit to recover on the second count in his declaration, and in order to entitle the Plf to recover on the first count in his declaration he must not only prove all that entitles him to recover on the second count, but that the prosecution was continued by and through the malice of the Defendant in this suit.

Given

5th If the Jury believe that the Deft in this suit in the commencement of the prosecution against Simpson and in its continuance before the magistrate at the court of enquiry, was not actuated by malice in the prosecution, then the Deft Jacks is entitled to a verdict of not guilty as to the first count.

Given

[11974-12]

6th The want of probable cause is not to be inferred as a necessary consequence from the most express malice; and in ~~cases~~ this case it is necessary for the Plf. to show by his evidence, want of probable cause in the prosecution before the Magistrate, independant of the proof of Malice.

Given

7th If the Jury find that the Deft Jacks actually believed he had good cause to prosecute Stimpson before the Magistrate, the want of probable cause then furnishes no evidence of Malice.

Refused

8th In order to make a legal tender it must be unconditional. and if any conditions are attached to it, by the party making it, it is a void tender.

Given

9th The paper exhibited to the Jury as evidence of the ~~tender~~ trade between Plf & Deft in respect to the cattle, on its face shows that the ballance of money due for the cattle was to be paid in the month of Oct A D 1848, in order to entitle Stimpson to the cattle.

Refused

10th Money may be received by one person from another, under protest, that it shall not be applied upon the conditions named by the party tendering it; and in that event the tender or receipt, or the money will not accomplish the object named in the condition accompanying the tender.

Refused

11th Without proof of Malice, on the part of the Deft in the procurement or arrest of Stimpson on the criminal charge the Deft is entitled to a verdict of not guilty.

Given

12th

Refused

The evidence of Deft Jacks as contained in the affidavit for prosecution of Simpson before the court of enquiry is evidence of absence of malice on the part of Deft Jacks in this case

Which said instructions numbered two, four, five Six, eight and eleven, were given by the court, and the said instructions numbered one, three, Seven, Nine, ten and twelve, the court refused to give to the Jury as the law in the case, to which refusal of the court to give the instructions of Deft numbered as aforesaid, one, three. Seven, Nine, ten and twelve, and also the giving to the Jury of plffs instructions numbered as aforesaid, the defendant by his counsel excepted.

And the testimony in the said cause having been submitted to the jury, and they having for a short time, retired to consider their verdict, returned into said court with the following verdict. To Wit "We the Jury find the defendant guilty and assess the damages at the sum of five hundred Dollars, which said verdict was received by the court and a judgment entered in favor of the plff and against the defendant for the said sum of five hundred Dollars. The evidence above recited and stated, is the substance of all the material testimony given in the case. And therefore, and inasmuch as the exceptions aforesaid, do not elsewhere appear of Record the defendant in said case prays that this his bill of exceptions may be signed, sealed & approved and be made a part of the record in said cause. which is done.

Ira A. Wilkinson

[11974-12]

State of Illinois } I Frazer Wilson Clerk
Rock Island County } ss of the circuit Court in
and for said County, and the State aforesaid
do hereby certify, That the above is a true copy of
a Transcript of the Records of the circuit Court of the
County of Henry and State of Illinois, in the case of Linsey
Stimpson vs Lehi Jacks, filed in my office at the time when it
purports to have been filed as above stated; that it is a correct copy
of the orders in said Cause now of Record in my office, and
that ~~all~~ the matters and things ~~contained~~ as above set
forth, are a complete statement of all of the facts pertaining
to said case as they appear of Record in my office; That the
above is a correct copy of the bill of exceptions in said
Cause, now on file in my office.

Given under my hand & seal of said Court
this 4th day of March A.D. 1851.

Frazer Wilson Clerk Circuit Court
of Rock Island County Illinois.

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Rock Island

Charles Jack

&

Liberty Stimpson

Record —

Filed May 25. 1852.

L. Leland Clk.

STATE OF ILLINOIS, } The People of the State of Illinois,
Supreme Court.

To the Sheriff of the County of Henry — 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 Rock Island county, before the Judge thereof, between Liberty Stimpson plaintiff and Charles Jack —

defendant, it is said that manifest error hath intervened, to the injury of the said Charles Jack — 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 Liberty Stimpson

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 Second 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 Liberty Stimpson — notice, together with this writ.

WITNESS, the Hon. **SAMUEL H. TREAT,** Chief Justice of our said Court, and the seal thereof, at Ottawa, this 25th day of May in the year of our Lord one thousand eight hundred and fifty two.

L. Leland Clerk of the Supreme Court.
By P. H. Leland Dep. Clk

Rock Island

Charles Jack
vs.
Liberty Stimpson.
Sci. fa.

Filed June 14. 1852.
L. Leland Clk.

Share served this Sci fa By Reading the same to Liberty Stimpson this 9 day of June 1852
fees for serving Inquiry on Return $1.40
H. S. Elliott Sheriff
By S. H. Hobson Deputy Sheriff
Henry Co Ills

0 71

State of Illinois, sct.

WRIT OF ERROR—FREE TRADER PRINT.

The People of the State of Illinois,

To the Clerk of the Circuit Court for the County of Rock Island **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 Rock Island county, before the Judge thereof, between

Liberty Stimpson plaintiff and Charles Jack

defendant it is said manifest error hath intervened, to the injury of the aforesaid Charles Jack as we are informed by his complaint, and we being willing that error, if any there be, should be corrected in due form and manner, and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distintly 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 Second Monday in June 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 twenty fifth day of May in the year of our Lord one thousand eight hundred and fifty two.

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

Rock Island

Charles Jack
vs.
Liberty Stimpson

Writ of Error.

This writ of error is made a Supersedeas & as such is to be obeyed by all concerned —

L. Leland Clerk
By P. K. Leland Dep.

Filed May 25. 1852
L. Leland Clk.
By P. K. Leland Dep.

State of Illinois }
Supreme Court }

For the June Term of the
third Grand Division A.D. 1852.

Charles Jack
vs } Error to Rock Island
Liberty Stimpson } Clerk of said court.

Upon the filing of the record in said cause with the order of the justice of the said court, and the filing of the lawful security therein,

Please issue superedeas in said cause directed to the clerk of the Circuit Court of Rock Island County and a scire facias to hear errors directed to the Sheriff of Henry County to execute

Yours &c.

Manning & Beardsley
Attys for plf in Error

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2

Charles Jacks
vs
Liberty Simpson
Replevin

Filed May 25. 1852
L. Leland
Clk.

Geneseo Henry County Ills
15th May 1852

Mr Green
Dr Sir

I forwarded to you a short time since Deeds for the lots of land sold, which I hope you have received —
It is unfortunate that when a person shews an obliging disposition, it is often taken advantage of to their inconvenience & trouble and I am perhaps imposing upon you in asking your attention to some business for me, if so you have only to inform me — The favor I have now to ask of you is for the purpose of getting a Writ of Error & Supersedeas in the Sup Court — if either you or David could do it for me I should be much obliged as I had such an unpleasant trip last time owing to the roads and weather and have at present a good deal to see to The inclosed papers are Copy of Record, a Bond & a paper addressed to Judge Caton — These have to be presented to him and a Supersedeas prayed for which if granted the other paper can be presented to the Clerk of Sup Court, who will issue the proper papers which you will forward to me as early as may be —

[11974-24]

Owing to the absence of Judge Caton, fault in the papers or otherwise a Supersedeas is not granted the papers can all be returned to me by mail — It is of importance the obtaining a Supersedeas, as if the judgment is once collected from me I should not expect to be able to collect any judgment I might obtain of the other party therefore, unless the Supersedeas is granted it is useless to prosecute the Writ of Error, tho. I would not wish to do so as the Execution against me has been some time in the hands of the Sherriff, it is therefore necessary I should receive the proper papers from the Clerk as soon as possible, say in thirty days — in order to stop proceedings in Iowa

Yours truly
Chas Jack

Mr John Green

Rock Island May 13. 1852

Hon J. D. Caton

Dear Sir

Herewith will be handed you a copy of record with a sigument of Errors, which we wish made Supersedeas. Upon examination, we hope you will find sufficient indication of error to permit us to be heard in the Supreme Court. Execution has been issued and it is somewhat important to our client that he should have his further remedy soon, if he may be entitled to any.

I have learned from some source that it is not expected that the Supreme Court will meet for the dispatch of business on the second monday of June. I should be very happy to be informed upon this point, as I am making preparations to go east and wish to be back at or about the time of the commencement of your court. Will you therefore please write to me at Knoxville in regard to this

Yours Very truly
Julius Manning

1

Hon. J. D. Caton

16½
.50
8.00
.25

Know all men by these presents that we Charles Lacks of the County of Henry in the State of Illinois and E. Burnell of the County of Rock Island & State aforesaid are held and firmly bound unto Liberty Stimpson of said County of Henry in the penal sum of thirteen hundred dollars lawful money of the United States for the payment of which sum well & truly to be made we bind ourselves our heirs and administrators jointly severally and firmly by these presents witness our hands and seals this first day of April AD. 1852

The condition of the above obligation is such that whereas the said Liberty Stimpson at the November term of Rock Island County Circuit Court in the State of Illinois recovered a judgment in his name as plaintiff against the said Charles Lacks as defendant for the sum of five hundred dollars damages & for the sum of ninety three dollars seventy nine cents costs of suit now if the said Lacks in the prosecution of a writ of error brought by him in the Supreme Court of the State of Illinois to reverse the said judgment shall ~~fail to~~ prosecute the same to effect and shall well & truly pay to the said Liberty Stimpson the said sums in damages and costs & interest thereon in case the said judgment shall be affirmed then this obligation to be void otherwise of force

Witness
Albert G. Brackett.

Chas. Lacks (L.S.)

E. Burnell (L.S.)

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Rock Island

Charles Jack

vs

Liberty Stimpson

Bond for Supd

Filed May 25. 1852.

L. Leland

Clk.

I Frazer Wilson Clerk of the Circuit Court of the County of Rock Island Illinois depose and say that I am acquainted with Charles Lark and C. Burrill whose names are signed to a penal bond for the sum of Thirteen hundred dollars payable to Liberty Stimpson, and that in my opinion they are severally abundantly responsible for said sum and are residents of the State of Illinois

Frazer Wilson

Sworn and subscribed before me this 15th day of May AD 1872

J V Sloan Clerk

The principal and security above named are abundantly good for the amount above mentioned

Julius Manning

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