

No. 8543

Supreme Court of Illinois

Scheuerman et al

vs.

County of Monroe

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STATE OF ILLINOIS, ss.

SUPREME COURT—1st Grand Divison.

George Scheuermann, Ernst Mund
and Charles Henckler

vs.

The County Court of Monroe County
for the use of John E. Schuetze
and Charles F. Eggers, doing business
under the name and style of
Schuetze and Eggers.

Appea. from Monroe.

Page 1. This was an appeal case from a justice of the peace tried in the Monroe Circuit Court at the May
2. term thereof 1861. The suit was upon a constable's bond against Scheuermann and the others as his
3 and 4. securities. The case was tried by the court by consent and judgment rendered for plffs. below for the
sum of one thousand dollars debt, and forty three dollars and fifty five cents damages, to be satisfied
5. upon the payment of said damages and costs. Before the trial of the case plff's. asked and obtained
leave of the court, to change the name of the plff's before the justice of the peace so as to read: County
Court of Monroe County for the use of said plff's below to which the defts. below then and there ex-
5. cepted. Plff's below proved that the account sued on which is as follows, to-wit:

"Am't collected from Dr. Hoffmann 1856. Oct. 15.		\$31 50
Dr. Umlouf		
1857. April 18.		2 85
Int. on \$31 50		13 65
Int. on 2 85		1 05
		<hr/>
		\$49 05

6. Was presented by witness to George Scheuermann who acknowledged that the same was correct, ex-
cept that the interest was too much (interest was computed at ten per cent. the court ordered the com-
putation at six per cent). This was before suit was brought before Justice of the peace in this case.
Witness further stated that said sum was collected by Scheuermann in 1856 on an account of Schuetze
and Eggers against Dr. Hoffmann and witness thought it was collected without suit and that said
Scheuermann was constable when he received and collected said accounts. This was all the material
evidence in the case, on which evidence the court found for plffs. Motion for new trial was then made
by deft. because the verdict was contrary to law and evidence which motion was overruled by the court,
and to which decision of Court the deft. at the time excepted.

Charles Henckler, one of the defts below appeals to this court and assigns for error.

1st. Court below erred in allowing the name of the plff's parties to be changed. 2nd. The Court
below erred in finding for plff's below. 3d. The Court below erred in refusing to grant defts. below a
new trial.

(BRIEF.)

1. Plaintiff before justice of the peace shall be plff. in Circuit Court on the trial of the appeal. R. L.
Chap. 57. Sec. 86.

There was nothing in the record to authorize the change of the names of plffs. Lake vs. Moss et.
al. 11 Ill. R. 589.

2. The plffs. failed to introduce in evidence the constables bond or any other evidence to make Henckler
liable as a deft. 13 Ill. R. 648, 649. 15 Id. 208, 209. 18 Id. 90. 3 Scam. R. 14, 193. 2 Gil. R. 418.

3 *It was error to render judgment against Henckler alone Bress R. 91, 128, 137
Scam. R. 552, 2 Id. 571, 3 Id. 14, 4 Id. 361, 362.*

4 We are not aware of any law which makes it the duty of constables to collect accounts without suit or
process, or allows them fees for such services. If so, Scheuermann is only liable for defaults, indivi-
dually, and not his securities. It is otherwise with justices of the peace. R. L. Chapt. 59. Sec. 19.

W. H. UNDERWOOD,
Atty. for Appellant.

George Scheuermann
Ernst Mound and
Charles Haeckles
vs.

The County Court of Monroe
County for the use of
John Schuetz & Charles
H. Eggers, doing business
under the name & style
of Schuetz & Eggers

@ Appeal from Monroe

@ Abstract & Brief

Are securities liable for
money collected by a constable
on notes in his hands for
collection without suit?

Filed Nov. 15. 1861.
Sp. Schuermann

STATE OF ILLINOIS, ss.

SUPREME COURT—In Grand Division.

George Scheuermann, Ernst Mound
and Charles Haeckles,

vs.
The County Court of Monroe County,
for the use of John H. Schuetz
and Charles H. Eggers, doing business
under the name and style of
Schuetz and Eggers.

Absent from Monroe.

Part 1. The case on appeal from a justice of the peace filed in the Monroe Circuit Court at the M.V. ...

1. Present before justice of the peace shall be held in Grand Court on the 1st of the appeal. R. 1. ...
2. The bill failed to introduce in evidence the complete bond on any other evidence to make ...
3. There was nothing in the record to authorize the change of the name of party. ...
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W. H. UNDERWOOD,
Atty. for Appellant.

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Scheuerman et al
vs

County Court
of Monroe Co
Miss & Co

1861

Cost bill on 495

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