

No. 12003

Supreme Court of Illinois

Stahl, et al.

vs.

Webster.

71641  7

36

Frederick Stahl et al.  
vs  
Thomas Webster

1850

Deceased  
E<sup>o</sup>  
a

12003



State of Illinois  
Sixth Judicial Circuit  
In Adams County } 3 p

Plas in the Circuit Court begun and held  
within and for the County of Adams  
on the 27<sup>th</sup> Monday of March A.D. 1850 before the  
Hon Benjamin R. Sheldon presiding judge of  
said Court

Frederick Stake and  
Nicholas Stake

Plaintiffs

vs  
Thomas Webster doing  
business upon the style  
of Thomas Webster & Co

Defendant

Be it known that hereofore  
to wit on the 29<sup>th</sup> Day of December A.D. 1849 the  
Plaintiffs by their attornys filed in the office of the  
Clerk of the Circuit Court in and for said County  
their affidavit and process which are in the  
words and figures following to wit

State of Illinois  
In Adams County }

Circuit Court

March 5 1850

Frederick Stake being duly  
sworn says that he and Nicholas Stake are  
partners doing business together under the firm  
of F & N Stake the Plaintiffs in this suit, of the  
County and State aforesaid and that Thomas Webster  
doing business upon the style of Thomas Webster  
& Co is justly indebted to the said F & N Stake  
in the sum of twenty five hundred dollars lawful  
money of the United States for so much money due  
and owing by the said Thomas Webster & Co to the



It is stated for many heretofore had and received  
 by the said Thomas Webster & Co to and for the use  
 of the said J & A Stahl, and that the said Thomas  
 Webster is not a resident of the State of Illinois  
 but is a resident of the State of Missouri so that  
 an ordinary process of law cannot be served  
 on him, and that the said Thomas Webster  
 doing business as aforesaid has rights credits  
 and effects in this State and within the jurisdiction  
 of this Court to wit in the County & State aforesaid  
 and in the hands of James Carter & Co

Sum to & subscribe Andrew Stahl  
 before me this Dec 29  
 1849 }  
 Wm H Bradley clerk

Andrew Stahl and Nicholas  
 Stahl trading as partners under  
 the firm of J & A Stahl } Foreign  
 attachment  
 as  
 Thomas Webster doing business  
 under the style of Thomas Webster & Co } Sum sworn to  
 \$2500.00

Issue attachment and docket process  
 of Garnisher to be served on James Carter and  
 Patrick Strachan trading as partners under the firm  
 of James Carter & Co

J Drummond & Co  
 for Deft  
 At the Clerk of the  
 Circuit Court

Filed 29<sup>th</sup> Dec 1849  
 Wm H Bradley clerk  
 By Geo M Frisbees Deputy



and afterwards to Met on the same day to Wit on  
the 29<sup>th</sup> Day of December A D 1849 the Plaintiffs  
by their attorn filed in the said Courts a certain  
an attachment Bond in the words and figures  
following to Met :

Know all men by these presents  
that we Frederick Stahl & Nicholas Stahl trading  
as partners under the firm of F & N Stahl are  
Shrubs Hempstead of the County of Hamilton  
and State of Illinois are held and firmly bound  
unto Thomas Webster doing business under the style  
of Thomas Webster & Co in the penal sum of five thou-  
- and dollars lawful money of the United States to  
be paid to the said Thomas Webster & Co for which  
payment well and truly to be made we bind  
ourselves our heirs executors and administrators  
jointly and severally firmly by these presents  
Sealed with our seals, dated this 29<sup>th</sup> day of  
December A D 1849. The condition of this obli-  
- gation is such that whereas the above bounden  
Frederick Stahl & Nicholas Stahl partners as  
aforesaid have on the day of the date hereof prayed  
an attachment at the Suit of themselves against  
the estate of the above named Thomas Webster  
& Co for the sum of twenty five hundred dollars  
and - cents, and the same being about to be  
paid out of the 7<sup>th</sup> District County Circuit Court in  
the State of Illinois returnable on the second Monday  
in March next to the term of said Court then to  
be holden; Now if the said Frederick Stahl  
& Nicholas Stahl partners as aforesaid shall  
presente then said Suit with effect or in case  
of failure thereof shall well and truly pay and  
satisfy unto the said Thomas Webster & Co all  
such costs in said Suit and such damages as



shall be void against the said Frederick  
Stall & Nicholas Stall partners as aforesaid their  
heirs executors or administrators, in any suit or  
suits which may hereafter be brought for wrongfully  
suing out said Attachment, then the obligation  
to be void, otherwise to remain in full force  
and effect

Taken and acknowledged  
before me this 29<sup>th</sup> Day of

December a 1849

Wm H Bradley Clerk

By Geo M Bridger Depy etc

Frederick Stall

Nicholas Stall

Chs S Hempstead

*(Seal)*  
*(Seal)*  
*(Seal)*

Proven Filed 29<sup>th</sup> Dec 1849

Wm H Bradley Clerk

By Geo M Bridger Depy etc

And afterwards to wit on the 29<sup>th</sup> Day of Dec  
a 1849 a Writ of attachment issued out of the  
Clerks office of said Circuit Court in the words  
and figures following to wit

State of Illinois

In said County }  
Jo Damp County }

The People of the State of Illinois  
to the Sheriff of said County Greeting: Whereas  
Frederick Stall and Nicholas Stall trading as partners  
under the firm of F & N Stall Plaintiffs have  
complained on oath to the Clerk of our Jo Damp  
County Circuit Court for the County aforesaid that  
Thomas Webster doing business under the style  
of Thomas Webster & Co defendant is justly  
indebted unto the said Plaintiffs to the amount  
of twenty five hundred dollars and cents, and  
also that said defendant is not a resident



of the said State of Illinois and also that the said  
defendant has rights credits and effects in this  
and within the jurisdiction of this Court. And  
the said Frederick Stahl and Nicholas Stahl partners  
Plaintiffs having given bond and security according  
to the directions of the act in such case made and  
provided; We therefore command you that you attach  
so much of the estate real or personal of the said  
defendant to be found in your County as shall  
be of value sufficient to satisfy the said debt  
and costs according to the said Complaint and  
such estate so attached, in your hands to secure  
or so to provide that the same may be liable to  
further proceedings thereupon, according to law  
at the 3<sup>d</sup> Term County Circuit Court to be holden  
in and for the County aforesaid at Galena in said  
County on the second Monday in March next;  
So as to compel the said defendant to appear and  
answer the Complaint of the said Frederick Stahl  
and Nicholas Stahl partners as aforesaid plaintiffs  
and that you also summon James Carter and  
Patrick Strachan trading as partners under the  
firm of James Carter & Co as Garnishes to be and  
appear before the said Court on the 2<sup>d</sup> Monday  
of March next then and then to answer  
what may be objected against them when  
and when you shall make known to said Court  
how you have executed this writ. And have  
you then then this writ. Witness Myself  
Wm H Bradley Clerk of the said Court and  
the Seal thereof at Galena this 29<sup>th</sup>  
Day of December A D 1849  
Wm H Bradley Clerk  
By Geo M Fisher Depy Clerk

Seal



which said writ was returned by said Sheriff  
into the said Clerk's office with an endorsement  
thereon as follows to wit: Executed the within  
writ of attachment by reading the same to James  
Carter as Garnisher of the firm of James Carter  
& Co as directed on the within writ this 29<sup>th</sup> day  
of December A.D. 1849 the within named Patrick  
Strachan not found in my County, and return  
this writ no property found in my County to attach

M B Pierce Sheriff  
of Jackson Co Ills

Shipp fees

Serving 50

Mileage 5

Return 10

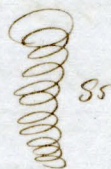
65

and afterwards to wit on the 27<sup>th</sup> day  
of February <sup>A.D. 1850</sup> the Plaintiffs by their attorney filed  
in the office of the said Clerk of the Circuit  
Court their declaration against the defendant  
aforesaid which declaration is in the words  
and figures following to wit:



State of Illinois

In Duwape County



Circuit Court March Term 1850

Frederick Stiles and Nicholas Stiles trading as partners under the Firm of Fry & Stiles the plaintiffs in this Suit complain of Thomas Webster trading under the Style of Thomas Webster & Co the defendant in a plea of trespass on the Case on promises Count. For that Whereas the said defendant herebefore to wit on the 28<sup>th</sup> day of December in the year of our Lord one thousand Eight hundred and Forty Nine at the County aforesaid gave Indebted to the said plaintiffs in the sum of \$ 3000.00 lawful Money of the United States for <sup>the</sup> work and labor done and diligence of the said plaintiffs <sup>by the said defendant</sup> before that time done pursuant and performed in and about the business of <sup>the</sup> said defendant and at his Special Instance and Request and also for divers Materials and other necessary things by the said plaintiffs before that time furnished and provided and used and applied in and about that work and labor for the said defendant and at his <sup>like</sup> Special Instance and Request and also in the further sum of \$ 3000.00 of like lawful Money of the for divers goods wares and merchandise by the said plaintiffs before that time sold and delivered to the said defendant and at his like Special Instance and Request and also in the further sum of \$ 3000.00 of like lawful Money for money by the said plaintiffs before that time lent and advanced to and paid laid out and Expended for the said defendant and at his like Special Instance and Request and also in the further sum of \$ 3000.00 of like lawful Money for other money by the said defendant before that time <sup>and</sup> received to and for the use of the said plaintiffs and also for that the said defendant accounted with the said plaintiffs of and concerning divers other sums of money from <sup>the</sup> said defendant to the said plaintiffs before that time and was owing and then in arrears and unpaid and upon such accounting the said defendant was then and then found to be in arrears and indebted to the said plaintiffs in the further sum of \$ 3000.00 of like lawful Money and being so Indebted the said defendant in Consideration thereof afterwards to wit on the day next year <sup>last</sup> aforesaid at the County aforesaid undertook and then gave them promise the said plaintiffs to pay them the said several sums of money in this Court, When for the said defendant should be thereto

22000-2



Afterwards Requested

Breach, and yet the said defendant not regarding his said several promises and undertakings has not as yet paid the said several sums of money or any or either of them or any part thereof to the said plaintiffs although often Requested so to do but the said defendant to pay them the same has hitherto wholly neglected and refused and still does neglect and refuse to the damage of said plaintiffs of \$3000.00 and therefore they sue to

Drummond

Copy of the a/c sued on filed

for file

Messrs The Webster Co St Louis Mo

In a/c Current A/c No 7 of N. St. Galena Mo

		Dr	Cr
1844			
Oct 31	By Balance of a/c Rendered		3259.18
Nov 5	" 276 Sovereigns Remitted for a/c C		1338.60
" 12	" Ofc No 120 S Cunningham		520.00
" 17	" 839 Sovereigns Remitted for a/c C		4069.15
" 26	" Labor on lead at Levee		30
" "	To Nett Proceeds Sales of lead No 1091, Bond	4140.27	
" "	" " " " " " No 1113 "	3000 "	
" "	" On Ofc in P. Chouteau Toke (of S.C.)	133.37	
Dec 6	By Telegraph Message yesterday		85-
" "	" Labor digging lead from Mud		1.25-
" 11	" Commission on sale 100 bags Lead for W. Hempstead		247
" "	" Drayage on lead to store		2375-
" "	" Freight on 1389 bags lead for Wm Accord		132.05-
" "	" " " 237 " " " Danube		32.70
" "	To Nett Proceeds Sales of lead No 1123	2453.07	
" "	" " " " " " No 1141	1732.24	
1850	" Returns Commission on above sales for a/c C		4116
July	" 174 Bags Lead 10845 lb @ 4		435 "
	" 375 Advances by Wm Accord not on B/S 2125 <sup>th</sup>	8500	2659.86
	By Balance carried down		
		\$12040.11	\$12040.11

To Balance Brought down

\$2659.86

Evanson filed July 27<sup>th</sup> 1850

Wm W. Brudley Clerk



and afterwards to Mt on the 12<sup>th</sup> day of March  
A D 1850 at the March Term 1850 of said Circuit  
Court in the Record of said Court in said cause  
is the following entry to Mt

Messrs Stahl and  
Nicholas Stahl

vs  
Thomas Webster & doing  
business as

} Foreign attachment

The Plaintiffs by their attorney  
comes and files Proof of Publication according to Law

The Notice of Publication and Certificate are in  
the News and figures following to Mt

State of Illinois  
vs  
J. Sampson

} In Circuit Court of said County  
to March term A D 1850

Messrs Stahl and Nicholas  
Stahl trading as partners under  
the firm of S & N Stahl

vs  
Thomas Webster, doing business  
under the style of Thomas Webster & Co

} on attachment

Public notice is hereby given  
to the said Thomas Webster, doing business under the  
style of Thomas Webster & Co of St Louis Missouri that  
a writ of attachment issued out of the Clerk's office  
of the Circuit Court for said J. Sampson County at the suit  
of Messrs Stahl and Nicholas Stahl trading as  
partners under the firm of S & N Stahl and against  
the Estate of the said Thomas Webster for the sum of  
Twenty five hundred dollars; dated the 29<sup>th</sup> day of  
December A D 1849; directed to the Sheriff of said



To Damp County to Exeute which said writ  
has been returned by the said Sheriff into the  
said Clerk's Office with the following Return entered  
thereon to wit Exeuted the within writ of attachment  
by reading the same to James Carter as Garnishee  
of the firm of James Carter & Co, as directed on the  
within writ this 29<sup>th</sup> day of December A D 1849 the  
within named Patrick Stackham not found in my  
County and return this writ no property found in  
my County to attach. Now unless you the said  
Thomas Webster shall personally be and appear  
before the Circuit Court of said Damp County on  
the first day of the next term thereof to be holden  
at the Court House in Galena on the second Monday  
in the month of March next give special bail and  
plead to the said plaintiffs action judgment will  
be rendered against you in favor of the said H &  
A Stake and the said Estate so attached or garnishee  
as aforesaid will be sold to satisfy the same with  
cost

W<sup>m</sup> H Bradley Clerk

J Drummond Peff atty

January 4, 1850

11. 610

We hereby certify that the annexed advertisement  
was published in the North Western Gazette and  
Galena Daily a number of four consecutive weeks  
the first of which publications was on the fifth  
day of January 1850 and one each week thereafter

Houghton & Springer  
Publishers of said paper

Crossed filed March 12<sup>th</sup> 1850

W<sup>m</sup> H Bradley Clerk



And afterwards to Put on the 13<sup>th</sup> Day of March  
a \$1850 as yet of the March term a \$1850 of said  
Court in the record of the proceedings thereof in said  
Cause is the following entry to wit

Fredrick Stahl and  
Nicholas Stahl

<sup>vs</sup>  
Thomas Webster & Co doing  
business as

} Foreign attachment

The Plaintiff by their attorney  
Corns and files their Interrogatories to James Carter a  
Gumshu summoned in this case, and the said  
Gumshu Corns and files his answer thereto

and afterwards to Put on the same day to Put on  
the 13<sup>th</sup> Day of March a \$1850 as yet of the March  
term a \$1850 of said Court in the record of the  
proceedings thereof in said Cause is the following  
entry to wit

Fredrick Stahl and  
Nicholas Stahl

<sup>vs</sup>  
Thomas Webster & Co doing  
business as

} Foreign attachment

Now at this day came the Plaintiff  
by their attorney and the Defendants being then  
Solemnly called came not but made default  
It is therefore Enjoined by the Court that the Plaintiff  
have and recover of the Defendants their damages  
but as their damages are not certainly known, It is  
ordered by the Court that a writ of Inquiry issue  
returnable at the present term of this Court



and afterwards to Met on the same day to Met on  
the 13<sup>th</sup> Day of March a d 1830 as yet of the March term  
a d 1830 of said Court in the record of of said Court  
in said Cause is the following entry to Met

Frederick Stake & Nicholas Stake }  
vs } Foreign attachment  
Thomas Webster & Co doing business }  
The writ of In quamy heret  
-ofore issued in this case was this day returned into  
Court executed and thumpen came a jury of good  
and lawful men to Met G J Blood M Hungerford  
Abel Prouty Spyr Hartsborn C Hasson M Berry  
James C Stone James Barr John Kethley & W Reynolds  
Robert Howler and W Lewis who were duly elected  
tried and sworn well and truly to enquire of damages  
and after hearing the Evidence on the part of the Plain  
tiff on their oaths do say the the jury find and  
report the damages of the Plaintiff at the sum of  
fourteen hundred and twenty three dollars & six  
cents It is thumpen ensoned by the Court that the  
Plaintiff have and recover of the Defendant  
the said sum of fourteen hundred and twenty three  
dollars and six cents so as aforesaid found and  
reported by the jury together together with their  
costs by them about their said in this behalf  
expended and that Execution issue thumpen according  
to the Statute in such case made and provided

and afterwards to Met on the 14<sup>th</sup> Day of March  
a d 1830 as yet of the March term a d 1830 of said  
Court in the record of the proceedings thereof in said  
Cause is the following entry to Met



Fredrick Stahl and  
Nicholas Stahl

vs  
James Carter Impulse  
with Patrick Stauchan  
Carshers of Thomas Webster & Co  
Doing business as

Foreign attachment

Now at this day came the Plaintiffs  
by their atty and it appearing from the answer  
of the Said Garnishee James Carter heretofore filed  
that he is indebted to the Said Defendant Thomas  
Webster doing business under the firm of Thomas  
Webster & Co in the Sum of Eighteen hundred and  
thirty six Dollars and Eighty six cents. It is therefore  
ordered by the Court that the Plaintiffs have and  
recover of the Said James Carter the Said Sum  
of One thousand Eight hundred and thirty six dollars  
& Eighty six cents and that Execution issue therefor  
this judgment being subject however to the order  
of the Court this day hereafter entered

and afterwards to wit on the same day to wit  
on the 14<sup>th</sup> Day of March a d 1830 as yet of the  
March term a d 1830 of Said Court in the record  
of the proceedings therein in Said Cause is the  
following entry to wit

In the Matter of Fredrick Stahl and  
Nicholas Stahl & Patrick Stauchan & William &  
Scott attaching Creditors of Thomas Webster  
& Co doing business as against James Carter  
Impulse with Patrick Stauchan Garnishee  
of Said Thomas Webster & Co

For as much as it appears



that Frederick Stahl & Nicholas Stahl have received judgment on yesterday as of this term for the sum of fourteen hundred and twenty three dollars and six cents & Patrick Strachan and William D Scott received judgment at same time for the sum of four thousand seven hundred and thirty six dollars and twenty one cents against said Thomas Webster of doing business &c in attachments made returnable at this term of the Court and that in both cases process has been served on the same Garnisher and he in both cases came into Court and acknowledged the same in obedience to the said Defendant Thomas Webster, the Clerk is directed according to the Statute in such case made & provided to make an estimate of the several amounts the attaching Creditors the said Frederick & Nicholas Stahl and the said Strachan & Scott are entitled to out of the credits attached in the hands of the said Garnisher and the Clerk reports the following estimate: that out of the credits in the hands of the said Garnisher the said Frederick & Nicholas Stahl are entitled to the sum of four hundred and twenty three dollars and thirty one cents and the said Strachan & Scott are entitled to the sum of fourteen hundred and sixteen dollars and fifty five cents and it is ordered by the Court that the said sum of Eighteen hundred & thirty six Dollars and Eighty six cents be distributed accordingly & that the Clerk certify the same in each case to the Sheriff

and afterwards to Pitt on the 22<sup>d</sup> day of March A.D. 1850 as yet of the March term A.D. 1850 of said Court with the record of the proceedings therein in said Cause is the following entry to "Pitt"



In the Matter of Frederick Stahl and  
Nicholas Stahl and Patrick Strachan  
and William D Scott attaching  
Credits and William & James Moir  
judgment Credits of Thomas Webster & Co

The Court having fully con- sidered and being fully advised upon the Motion of the said William & James Moir heretofore filed by their atty to direct the clerk to make an estimate of the several amounts each attaching & judgment Credit of the Defendant rendered at the present term of this Court will be entitled to out of the property attached either as money or other property in the hands of Bondes or otherwise after the same shall be received by the Sheriff the Court thereupon directs the clerk to make an estimate of the several amounts each of the attaching & judgment Credits of this term will be entitled to out of the money of the said judgment Debtor Garnished in the hands of James Carter after the collection thereof by the Sheriff calculating such amount in proportion to the amount of the several judgments with Costs as the same will respectively bear to the amount in the hands of the said Garnisher, and said Garnisher heretofore answered to the Interrogatories filed by the said Frederick & Nicholas Stahl and Patrick Strachan & William D Scott by their atty, that he was indebted to the said Thomas Webster & Co in the sum of Eighteen hundred & thirty six dollars and Eighty six cents - The Clerk thereupon estimates the amounts each of the attaching and judgment Credits are entitled to as answered as follows to the said Frederick & Nicholas Stahl One hundred Eighty three dollars and Eighty three cents Patrick Strachan & William D Scott Six hundred Nineteen dollars and fifty eight cents & William & James Moir



One thousand thirty three Dollars and fifty five  
Cents which estimate is approved by the Court  
It is thereupon considered by the Court that the clerk  
Certify the said several amounts to the Sheriff  
And it is further ordered that so much of the order  
of the Court heretofore entered at this term on the 14<sup>th</sup>  
day of March a. d. 1850 directing the clerk to make  
an estimate of the several amounts to which said  
attaching creditors are entitled to in the said  
Cases of Frederick & Nicholas Stahl vs Thomas  
Webster & Co and Patrick Stackham and William  
D. Scott vs Thomas Webster & Co and previous  
to the Judgment of William & James Abair  
as is inconsistent with or conflicts with this now  
be rendered and set aside & to all of which orders  
and decisions of the Court herein the said Frederick  
& Nicholas Stahl and Patrick Stackham & William  
D. Scott by their attyys except and file their  
several Bills of Exceptions

And afterwards to Wit on the same day to Wit  
the 22<sup>nd</sup> day of March a. d. 1850 in yet of the  
March Term a. d. 1850, <sup>of said Court</sup> The Plaintiff by their  
Attty files their Bill of Exceptions which is allowed  
by the Court and is in the words and figures following  
to Wit



Bill of Exemption

H & A State

by  
Thomas Webster  
Dudney &c



In Circuit Court March  
Term 1850

Be it remembered that on the  
13<sup>th</sup> day of March during the present term of  
this Court that the following interrogatories were  
filed in this cause addressed to the Garnishee  
Do Not " In the Circuit Court of Sampson  
Term 1850 In Case of H & A State vs Thomas Webster  
James Carter & Patrick Shackel Garnishees  
Interrogatories to the Garnishee Summoned  
in this case

1<sup>st</sup> Had you in your possession Charge or Control  
at the date of the service of the writ in this case any  
monies rights credits or effects owned by or due  
to Thomas Webster If so state what rights amount  
thereof by whom due and when payable

2<sup>nd</sup> were you indebted to said Defendant  
at the date of the service of said writ of attachment  
If so how much for what due and when payable

3<sup>rd</sup> Please state what effects or debts of the Defen-  
dant were at the date of said writ of attachment  
in the hands of any other person or persons besides  
yourself to the best of your knowledge & belief

4<sup>th</sup> Had you in your possession Charge or custody  
at the date of the said writ any lands tenements  
goods or chattels of said Thomas Webster If so  
state the description of each and the value



thereaf

5<sup>th</sup> had you at the date of the Service of said writ any rights credits or effects of said defendant (not herein before specified) in your possession charge or custody from you due and owing at the Service of said writ or at any time since or which may hereafter become due; If so state the value amount when due and how payable

Drummond & Peff

Process filed 13<sup>th</sup> March 1858

W<sup>m</sup> H. Brodley Clerk

In which interrogatories the Garnisher made the following answer on that day to "W<sup>m</sup>"

The above named Garnisher James Carter says that as to the 3<sup>d</sup> & 4<sup>th</sup> Interrogatories he knows of no effects or debts of the said defendant in this County of any other person than James Carter & Co at the date of the said attachment or since neither had he at the date of the said writ any lands tenements goods or chattels of the defendant in his possession charge or custody. In reply to the 1<sup>st</sup> 2<sup>d</sup> & 5<sup>th</sup> Interrogatories this respondent states as follows at the date of the Service of the writ of attachment in this case the firm of James Carter & Co of which firm this respondent and Patrick Strachan are the partners & members were indebted to Thomas Paterson & Co & payable on demand in the sum of Eighteen hundred and thirty six <sup>86</sup>/<sub>100</sub> dollars (\$1836.86) it being the balance of an account due by James Carter & Co to Th<sup>os</sup> Paterson & Co. From this balance there is a contingent sum of (\$300.00) then mentioned dollars depending on the following circumstances Some time in November last this respondent forwarded



a note for collection for that amount (\$300.00) by  
the clerk of the Steamer Bon Accord against Dickhaut  
& Pennington of Quincy Illinois, owing to the fact of  
the Steamer passing Quincy in the night the clerk  
did not present the note to Dickhaut & Pennington and  
under general instructions from this respondent  
the clerk on his arrival at St Louis placed the note  
in the hands of Thomas Webster & Co the agent of  
this respondent the note was past due at the time  
it reached Mr Webster, hence and payment has been  
stopped with the said Dickhaut & Pennington but  
this respondent has been informed that the said  
note is now outstanding in the hands of a third  
person & that payment of the same has been  
demanded of the said Dickhaut & Pennington  
by said third person and payment has been  
refused, The said Webster had given no Consideration  
for said note & had no right to transfer it, it being  
left with him merely for collection, & the said  
note not being in fact the property of the said  
James Carter & Co, but they holding it for collection  
merely

Sworn & subscribed  
before me this 13<sup>th</sup> day  
of March a 1850

Ja Carter  
W<sup>m</sup> H. Brasley, Clerk

Endorsed Filed 13<sup>th</sup> March 1850

W<sup>m</sup> H. Brasley, Clerk

upon which answer the Court rendered judgment  
against the said Gamache on the 14<sup>th</sup> day of  
March as follows to Wit:



Fredrick Stahl and  
Nicholas Stahl

James Carter Impudence  
with Patrick Stackham Garmache  
of Thomas Webster & Co doing  
business &c

Foreign  
attachment

Now at this day came the Plaintiff  
by their attorney and it appearing from the answer of the  
said Garmache James Carter heretofore filed that he is  
indebted to the said defendant Thomas Webster doing  
business under the firm of Thomas Webster & Co in  
the sum of Eighteen hundred and thirty six dollars  
and Eighty six cents. It is therefore considered by the  
Court that the Plaintiff have and recover of the said  
James Carter the said sum of One thousand Eight  
hundred and thirty six dollars and Eighty six cents  
and that Execution issue therefor this judgment being  
subject homines to the order of the Court this day  
hereafter entered.

judgment having been previously  
rendered against the said defendant in the attach-  
ment. On the same day that the judgment  
was rendered against the said Garmache the following  
now was entered by the Court to Wit

In the Matter of Fredrick Stahl  
and Nicholas Stahl & Patrick Stackham  
& William D Scott attacking Credits  
of Thomas Webster & Co doing business  
&c against James Carter Impudence  
with Patrick Stackham Garmache  
of said Thomas Webster & Co

For as much as it appears  
that Fredrick Stahl & Nicholas Stahl have received  
judgment on yesterday as of this term for the sum



of fourteen hundred and twenty three dollars and six cents & Patrick Strachan and William D Scott recovered judgment at same time for the sum of four thousand seven hundred and ninety six dollars and twenty one cents against said Thomas Webster of doing business as an attachment made returnable at this term of the Court and that in both cases process has been served on the said Garnisher and he in both cases came into Court and acknowledged the same indebtedness to the said Defendant Thomas Webster. The Clerk is directed according to the Statute in such case made & provided to make an estimate of the several amounts the attaching creditors the said Mowbray & Nicholas Stahl and the said Strachan & Scott are entitled to out of the credits attached in the hands of the said Garnisher and the Clerk reports the following estimate, that out of the credits in the hands of the said Garnisher the said Mowbray & Nicholas Stahl are entitled to the sum of four hundred and twenty dollars and twenty one cents and the said Strachan & Scott are entitled to the sum of fourteen hundred and sixteen dollars and fifty five cents and it is ordered by the Court that the said sum of Eighteen hundred & thirty six dollars and eighty six cents be distributed accordingly & that the Clerk certify the same in each case to the Sheriff.

There was no other suit at the time of any kind brought against the said Webster to this term of the Court, nor any suit pending in this Court except the said suits of attachment of the said Strachan & Scott and of their plaintiffs. After the said proceeding had taken place in this attachment suit and in the case of Strachan & Scott, on the 19<sup>th</sup> day of March




as yet of the March term of the said court the  
attorney of William & James Moir filed the  
following warrant of attorney of the said Thomas  
Webster to Mr<sup>s</sup>

Known all men by these presents that  
I Thomas Webster sole and only partner of Thomas  
Webster & Co of the city and county of St Louis and  
State of Missouri have made constituted & appointed  
and by these presents do make constitute and appoint  
in my place and stead full and depute James Moir  
of Oquawka in the county of                      and State of  
Illinois my true and lawful attorney for me and  
in my name to confess judgment against me  
and in favour of William & James Moir & Co Merchants  
trading and doing business under the name and  
style of W & J Moir & Co at the town of Oquawka  
aforesaid which said judgment is to be confessed  
in the Circuit Court of Jackson County within  
the City of Galena, in the State of Illinois on the  
first day of the March term 1850 of said court or  
on any other day thereafter of the said court at  
the present March term of said court for the sum  
of Eight thousand dollars in favour of them the  
said William and James Moir and for me  
and in my name to do and take all necessary  
legal means fully to perform this act to all intents  
and purposes and to the same binding legal effect  
as if I were personally present in court to do and  
confess the same. And I the said Thomas  
Webster do by these presents hereby bind myself  
to ratify and by this my letter of attorney do hereby  
ratify all acts of him the said James Moir  
my attorney in and about the premises legally  
performed in confessing judgment in the court




aforsaid to the parties aforsaid, and for the sum  
of Eight thousand dollars, to the same effect, and  
as fully and to all intents and purposes as I might  
myself do and perform if personally present in the  
premises aforsaid & in writing whereof I the  
said Thomas Webster have hereto set my hand  
and seal this second day of March in the year  
of our Lord one thousand eight hundred and fifty  
attest

Benja W Shump

Thomas Webster 

State of Missouri  
County of St Louis

Be it remembered that on this  
second day of March A D one thousand eight hundred  
and fifty before me the undersigned Clerk of the Saint  
Louis Court of Common Pleas in and for said County  
Came Thomas Webster who is personally known to me  
to be the same person whose name is subscribed to  
the foregoing instrument of writing as party thereto  
and he acknowledged the same to be his act and  
deed for the purposes therein expressed In testimony  
whereof I hereto set my hand and  
affixed the seal of said Court at office  
in St Louis the day and year above  
written.



Philip Tippett Clerk

State of Missouri  
County of St Louis

I Samuel Treat sole judge  
of the St Louis Court of Common Pleas in and  
for said County certify that Philip Tippett whose  
name is subscribed to the foregoing certificate  
was at the date thereof and is now Clerk of said



Count duly Commissioned & qualified and that all  
his acts as such full faith and Credit is & ought  
to be given & that his Said Certificate is in due  
form of law

Given under my hand at St Louis  
this 2<sup>nd</sup> day of March 1850

Samuel Treat Judge  
St Louis Common Pleas

And moved for judgment for the amount men-  
-tioned in the said Warrant and thereupon the  
Court entered up the following judgment on that  
day to Wit<sup>o</sup>

William Moir and James Moir  
Merchants trading and doing business  
under the name & style of W &  
J Moir & Co

Warrant to  
Confess & judgment

by  
Thomas Webster sole and only  
partner of Thomas Webster & Co

And the said Defendant  
by James Moir his attorney comes and files his wan-  
-nant of attorney upon the Defendants hand and  
seal which is adjudged sufficient by the Court comes  
and acknowledges himself to owe and be indebted  
to the said Plaintiffs in the Sum of Eight thousand  
dollars that being the amount in said Warrant  
mentioned and Confesses judgment in that amount  
It is thereupon considered by the Court that the Plaintiffs  
have and recover of the said Defendant the said Sum  
of Eight thousand dollars so as aforesaid confessed  
together with their Costs by them about their said in  
this behalf expended and that Execution issue therefor

After said judgment was rendered  
the attorney of the said William and James Moir



filed the following motion to "M<sup>o</sup>" } In the Court  
William Moir & James Moir } Court of  
Trading &c } March Term  
by } A.D. 1850  
Thomas Webster Sole & only partner &c }

And the said Peff by their  
atly I Comptroller come and move the Court to  
direct the clerk to make an estimate of the  
several amounts each attaching and judgment  
Creditor of the defendant rendered at the present  
term of this Court will be entitled to out of the  
property attached either as money or other property  
in the hands of Garnishes or otherwise and that  
said clerk apportion said amount in proportion  
to the respective demands of said attaching and  
judgment Creditors as aforesaid.

Comptroller

Present Filed 19<sup>th</sup> March 1850 atly for Peff

W<sup>m</sup> H. Brasley clerk

At the time of filing the said Motion and entering  
up the said judgment against said Webster in favor  
of William & James Moir there was no other property  
effects rights or credits of the said Thomas Webster attach-  
ed except the indentions mentioned in the answer  
of the said Garnisher James Carter filed in the case  
of F & A Stahl against Webster and Strachan  
& Scott against Webster. Whereupon the attorney  
of the said F & A Stahl and the said Strachan  
& Scott appeared for the said Plaintiffs in the  
said attachment and objected to the granting  
of the said Motion filed by the attorney of the said  
William & James Moir but the Court entered up  
the following order to "M<sup>o</sup>"



In the Matter of Frederick State and  
Nicholas State and Patrick Strahan  
and William D Scott attaching Creditors  
and William & James Moir judgment  
Creditors of Thomas Webster & Co

The Court having fully  
considered and being fully advised upon the Motion  
of the said William & James Moir heretofore filed by  
their attorney to direct the Clerk to make an estimate  
of the several amounts each attaching & judgment Creditors  
of the Defendant removed at the present term of this  
Court will be entitled to out of the property attached  
either as money or other property in the hands of  
Garnishers or otherwise after the same shall be received  
by the Sheriff the Court therefore directs the Clerk to  
make an estimate of the several amounts each of  
the attaching & judgment Creditors of this term will  
be entitled to out of the money of the said judgment  
Debtor Garnished in the hands of James Carter after  
the collection thereof by the Sheriff calculating such  
amount in proportion to the amount of the several  
judgments with costs as the same will respectively  
bear to the amount in the hands of the said James  
and said Garnisher having heretofore answered  
to the Interrogatories filed by the said Frederick &  
Nicholas State and Patrick Strahan & William  
D Scott by their attorney, that he was indebted to  
said Thomas Webster & Co in the sum of Eighteen  
hundred & thirty six Dollars and Eighty six cents. The  
Clerk therefore estimates the amounts each of the  
attaching and judgment Creditors are entitled  
to as aforesaid as follows to wit Frederick & Nicholas  
State one thousand Eighty three Dollars and Eighty three  
Cents Patrick Strahan & William D Scott six hundred  
fifty seven Dollars and fifty eight Cents William & James Moir



one thousand thirty three dollars and fifty five cents  
which estimate is approved by the Court & is there-  
upon considered by the Court that the clerk certify  
the said several amounts to the Sheriff and it  
is further ordered that so much of the now of the Court  
hereupon entered at this term on the 14<sup>th</sup> day of March  
a d 1850 directing the clerk to make an estimate  
of the several amounts to which said attaching Cred-  
itors are entitled to in the said Causes of Frederick  
& Nicholas State vs Thomas Webster Esq and Patrick  
Sturham and William D Scott vs Thomas Webster  
Esq and previous to the judgment of William  
& James Moir as is inconsistent with or conflicts  
with the now in record and set aside & null  
of which now and decisions of the Court herein  
the said Frederick & Nicholas State and Patrick  
Sturham & William D Scott by their attorneys  
and file their several Bills of Receptions.

To which opinion of the Court in entering  
the said now and to every part and portion  
of the said now the Counsel of the Plaintiffs  
in the said attachment excepted and prayed  
that this Bill of Receptions might be signed  
& sealed, and it is done accordingly this 22<sup>d</sup>  
day of March 1850

Benj R Sheldon (Clerk)

Entered filed March 22<sup>d</sup> 1850  
J. H. Massey Clerk



State of Illinois  
Jo Damp County }  
} set

I William H. Prusely clerk  
of the Circuit Court in and for the said County  
do hereby certify that the foregoing transcript  
is a true and correct copy from the records of  
all the proceedings which were had in the said  
Circuit Court in the aforesaid case of Abraham  
& Nicholas Stake against Thomas Webster  
doing business under the style of Thomas Webster & Co

In testimony whereof I have hereunto  
set my hand and seal of office of the  
said Circuit Court at my office in  
Galena this 18<sup>th</sup> day of July A.D.  
1850

Attest  
Wm H. Prusely Clerk  
By G. D. Dinkens  
deputy



Fredrick Stahl  
& Nicholas Stahl  
Plntffs in Error

<sup>vs</sup>  
Thomas Webster defdth  
in error

In Supreme Court  
3<sup>rd</sup> Grand Division  
June 7 1850

Error to J<sup>o</sup> Davie

The plaintiffs in errors make the following assignment of errors.

1<sup>st</sup> The Court erred in rescinding & setting aside any part of the said order entered in this cause on the 14<sup>th</sup> day of March 1850

2<sup>nd</sup> The Court erred in granting the said motion of William & James Moir, to direct the Clerk to make said estimate &

3<sup>rd</sup> The Court erred in entering the said order entitled "In the matter of Fredrick Stahl & Nicholas Stahl and Patrick Strachan & William D Scott attaching creditors and William & James Moir judgment creditors of Thomas Webster Esq."

Hoge & Wilson attys for  
plntffs in error.



And now at this day come the facts  
left in error and says that in the  
record and proceedings and in the  
recitation of judgment there is no error  
he therefore says that the judgment become  
may be affirmed.

Campbell  
Atty for Deft in error

36  
State of  
Mass  
Worcester  
Transcript

Filed May 28. 1850.  
W. H. Dana Ct.

\$7.25 fee for transcript  
paid by Plaintiff  
W. H. Prusby ckt



Galena May 24<sup>th</sup> 1857

J Leland Esqr  
Clerk Sup Court

Please find enclosed a trans-  
cript in case of T & N Stahl plaintiffs  
in error vs Thos Webster defendant in  
error, which please file & docket. No  
procep need be issued. You will also  
find enclosed five dollars your advance  
fee.

Yours Resp<sup>t</sup> J.

Stacy & Wilson

attys for plaintiffs in  
Error



Fredk. Stahl et al.

vs  
Thos. Webster

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Prinipe

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Filed May 28. 1880.  
W. H. Clark Clk.

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State of Illinois, Ect.

The people of the State of Illinois,

To the Clerk of the circuit court for the county of *Jordan*—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 *Jordan* - county, before the Judge thereof, between *Frederick Stahl & Nicholas Stahl*

plaintiff, and *Thomas Webster*

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

*plaintiffs* as we are informed by *their* 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 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 *second* of *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 A. Treat*

Chief Justice of our said Court, and the seal thereof at Ottawa, this *28<sup>th</sup>* day of *May* in the year of our Lord one thousand eight hundred and *forty*

*A. Heland*

Clerk of the Supreme Court.

[12003-19]



Frederick Stahl Adv.

vs

Thomas Webster

Mist of Error

Filed May 28. 1850.  
A. Deland Clk.



one thousand eight hundred and fifty  
in the year of our Lord  
Chief Justice of our said Court, and the  
WITNESS, the Hon. *James A. Kent*

*the Judge presiding, between Frederick Stahl & Christopher  
Judgment of a fine which was in the Circuit Court of the County of Albany, before  
BECAUSE in the record and proceedings, as also in the rendition of the  
The Judge of the County of Albany  
The State of New York  
James A. Kent  
1850*