

No. **11917**

Supreme Court of Illinois

Hopkins

vs.

Walters, Jr.

71641  7

74
George T. Hopkins
vs
Ethan Walters Jr.

Prepared

11917
1850

George J Hopkins } Error to Kendall -
Ethnath Walters } No 3

This was an action of debt, founded upon a judgment rendered by a justice of the peace. The only question presented for consideration, is as to the validity of that judgment. We entertain no doubt as to the authority of a justice of the peace to render a judgment by confession, when the party is before him, and acknowledges an indebtedness ~~within~~ to an amount within his jurisdiction. A confession ~~at~~ ~~&~~ between the parties to a suit, furnishes the most satisfactory evidence of indebtedness. The judgment in question is not technically erroneous, but enough appears, to justify us in affirming the judgment. Judgments affirmed

George J. Hopkins

†

Ethan Walter Jr

Spencer

Mass.

Filed July 20. 1850.

V. S. Land Office.

State of Illinois, set.

WRIT OF ERROR—FREE TRADER PRINT.

The People of the State of Illinois,
To the Clerk of the Circuit Court for the County of *Kendall* — 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 *Kendall* — county, before the Judge thereof, between
Ethan Mattus Jr.

plaintiff— and

George T. Hopkins

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

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 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 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 *19th* — day of *June* — in the year of our Lord one thousand eight hundred and fifty -

L. Leland Clerk of the Supreme Court.

74

George T. Hopkins
Ethan Walters Jr.

Wit of Enor

Filed June 19, 1850.
L. Nelson Clerk



WITNESS, the Hon. Samuel H. Texas, Chief Justice of our said

Court, and the said clerk, at Ottawa, this 19th

day of June, 1850, in the year of our Lord one thousand eight

hundred and fifty

L. Nelson Clerk of the said Court

RECORDED in the county and proceedings in the proceedings of the judgment of a plea which

To the Clerk of the Circuit Court for the County of ...

State of Illinois

State of Illinois

State of Illinois

State of Illinois v.s.
Kendall County

Present before the Honorable Giles
Spring Judge of the Cook County
Court presiding as Judge of the Circuit
Court of Kendall County in said State
at a Special Term of the Circuit Court
of Kendall County begun and held at
the Court House in Oswego in said
County on the twenty sixth day of
November in the year of our Lord
one thousand eight hundred and
forty nine

Present the Hon Giles Spring Judge as aforesaid
Butow G Cook State Attorney
W. L. Howler Sheriff
John W. Crothers Clerk

Be it remembered that heretofore to-wit
on the eighth day of March in the year of
our Lord one thousand eight hundred and
forty nine the same being one of the days of the
February Special Term of the Kendall County
Circuit Court a transcript from the Docket of
Almon Dyer Esq. Probate Justice of said County
was filed in the office of the Clerk of the Cir-
cuit Court of said County which was in the
words and figures following to-wit:

" Ethan Mattie vs

George J. Hopkins

January 24th 1849 summons
vs supra issued returnable
February 1st 1849 at 10 o'clock P.M.

Plffs demand \$85.00 Sany 26th 1849 summons

Summons 1849 Returned served by Reading to the within off

Docketing 122 July 26th 1849 Jus sudored 30. D. Sadd Const
 Supena to Plff 122 Plff Supena returned Jus sudored 17th ch D. Sadd
 Sadd on sum 30 Const. Feby 1st 1849. Parties present Plff present
 Sadd on sum 17th by course on motion of Deft & consent of
 Continuance 122 Plff suit continued to Feby 6th 1849 all absent
 2nd Supena to Plff 1834 P.M. - Feby 6th 1849 at the instance of Plff
 Oath for Contin, 164 Supena issued & served. Feby 6th 1849 suit called
 Swearing witness 64 Plff present by A.B. Los atty Deft present in
 sub judgment 25 person Plff declares in an action upon
 sub notice of ap 25 a judgment rendered before Wright Murphy
 Bond 50 Justice of the Peace & note upon which
 Transcript 25 said judgment was rendered. Wright
 Murphy was sworn as a witness in the
 case on the part of Plff & after hearing
 the proofs judgment is rendered in
 favor of Plaintiff for \$80.83 ch- debt and costs of
 suit as taxed in the margin. Alnow Los P.S.P.

Feby 26th 1849 Deft gave notice of an appeal from the
 above judgment to the Circuit Court of Kendall
 County and filed his Bond with Stephen G.
 Matus security

I hereby certify the foregoing trans-
 -cript from my Docket together with the papers
 herewith transmitted contain a full and perfect
 statement of all the proceedings had before me in
 this suit

Alnow Los

Probate Justice of
the Peace

Oswego Feby 26th 1849

and afterwards to wit on the twenty
ninth day of November A.D. Eighteen hundred
and forty nine the same being one of the days
of the November special term of said Court of the
year aforesaid the following among other pro-
ceedings were had, which are in the words and
figures following to wit

Ethans Walter

George P. Hopkins

} appeal

This day came the Plaintiff
by Sny his attorney and the Defendant by Randal
his attorney and by agreement of parties a jury
being waived this cause is submitted to the Court
for trial who having heard the evidence finds
for the Plaintiff and affirms the judgment
below for the sum of Eighty four Dollars.

It is therefore considered by the Court
that Plaintiff have and recover of Defendant
the sum of Eighty four Dollars damages as
well as his Costs in the Court below as in this
Court expended and that he have execution
therefor."

and afterwards to wit on the first
day of December in the year last aforesaid
at the Term aforesaid the Defendant by his
Counsel filed his Bill of Exceptions in this
Cause which is in the words and figures follow-
ing to wit "

Ethans Walter

George P. Hopkins

} In Kendall Circuit Court
} appeal

Be it remembered

that this cause coming on to be heard the

Plaintiff by his Counsel called Wright Murphy as a witness who swore that a certain Sacketh then in Court is the Sacketh of the witness and that the witness was an acting Justice of the Peace at the time of the rendition of a certain judgment therein appearing to have been rendered and offered in evidence in this cause. The Plaintiff then in the further prosecution of his cause, offered in evidence the said record of said judgment

To the introduction of the said judgment and Record the Defendant by his Counsel objected and the Court overruled the objection. To the opinion of the Court overruling the said objection to the said Record the Plaintiff by his Counsel excepted. The said Record was then read to the Court in words and figures following

State of Illinois
Stoddard County

Ethan Wallis jr
George P. Hopkins

Demand no 2
Case for me the Defendant
George P. Hopkins and confessed
his indebtedness in judgment to the
Plaintiffs in this suit in the
sum of (\$99.55) ninety nine dollars
55/100 which is ordered by Court Plaintiff have
judgment for the same

July 6 1847

Wright Murphy

The Defendant then proved by the said Justice that he had paid to the Plaintiff the sum of twenty six Dollars and seventy seven Cents.


And by the consideration of the

count the judgment of the Court below was affirmed

The Defendant by his counsel then moved the Court for a new trial which said motion was overruled by the Court.

To the opinion of the Court overruling the Plaintiffs motion for a new trial the Defendant by his counsel excepted.

And it is hereby certified that this Bill of Exceptions contains all the evidence given in the above cause, exceptions granted and allowed by me in open Court

Giles Spring 

State of Illinois J.S.S.
Kendall County

I, John M. Crother's clerk of the Circuit Court in & for said County do hereby certify the foregoing to be a true correct and perfect copy of the Transcript of the Justice filed in my office, the proceedings of the Court thereon & also of the Bill of Exceptions filed in the same cause

In testimony whereof I have hereunto set my hand & the seal of said Court at Osage this 18th day of June A.D. 1850

John M. Crother's Clerk
per S. Barr Sept. Clerk



74
George J. Hopkins
vs
Ethan Walters Jr.

Reverend-

Filed June 19th 1850.
S. Ireland Clerk.

Suppys

5¢ pr. Clk. on this