

No. 14223

# Supreme Court of Illinois

Trustees of Schools

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vs.

Starbird

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71641  7

Pleas held before the Honorable  
Wm. Underwood Presiding Judge  
of the Second Judicial Circuit  
at the September Term of the  
Randolph Circuit Court in the  
year of our Lord One Thousand  
Eight hundred and fifty

Charles N. Starbird

vs  
Trustees of Township 6. S. R. 6 W

} On appeal

And now on the 13<sup>th</sup> day of July A.D. 1850 the  
following Transcript of the Justice of the Peace  
was filed, in words & figures following to wit

State of Illinois }  
Randolph County } 3

Charles N. Starbird vs The Trustees of Township  
Six South of Range Six West of Randolph  
County and State of Illinois

Debt \$ 30.00

Summons Issued the 24<sup>th</sup> day of June  
to Constable McMillan, Subpoenas Issued for  
Hamilton, Johnson and Baberidge Esqr  
Trial set for the 29<sup>th</sup> day of June, at  
12. O. clock M.

June the 29<sup>th</sup> inst. a letter appeared before  
me by William Baberidge Esqr signed by E  
W. Robbins authorizing me to go into trial,  
after the witnesses was sworn and examined  
Judgement was entered against the Trustees for  
the sum of 30 dollars and cost of suit, the sum  
of \$ 4.54 cents it being the cost of the Justice, Constable,  
and witnesses, July the 13<sup>th</sup> 1850

J. M. Bair J. P.

debt and cost 34.59  
Manuscript of Judgement 25  
34.84

And also the following summons to wit

State of Illinois }  
Randolph County } Sec

The People of the State of Illinois. To any Constable of said County Greeting: You are hereby Comanded to Summon Trustees of Schools of Township Six, South of Range Six west, in Randolph County and State of Illinois, to appear before me at my Office, in the Chester Precinct, on the 29<sup>th</sup> day of June, 1850, at 12 O. Clock M, to answer the Complaint of Charles N. Starbird, for a failure to pay him a certain demand not exceeding One hundred Dollars; and thereof make due return as the Law directs.

Given under my hand and seal  
this 24<sup>th</sup> day of June 1850

J. M. Bair (S.D.)

Justice of the Peace

Together with the following Bond, in words and figures following to wit

(6)

Know all men by these presents, that we, E. W. Robbins Trustee of Township Six South of Range Six west, and Seth Allen of the County of Randolph, and State of Illinois, are held and firmly bound unto Charles N. Starbino, in the penal Sum of Sixty Dollars, and Cents, Lawful money of the United States, for the payment of which well and truly to be made, we and each of us, bind ourselves, our heirs, Executors and Administrators, jointly and severally, and firmly by these presents, sealed with our seals, and dated at my office in Chester, <sup>in</sup> Precinct this 13<sup>th</sup> day July Anno Domini One thousand Eight hundred and fifty, The Condition of the above obligation is such, that whereas the Saide Charles N. Starbino, did on the 29<sup>th</sup> day of June 1850, before me Jacob M. Bair a Justice of the Peace for the County of Randolph, recover a Judgment against the above bounden E. W. Robbins Trustee of Township Six South of Range Six west, and Seth Allen for the Sum of thirty four Dollars and fifty four Cents, from which Judgment the Saide Trustee and Seth Allen, has taken an appeal to the Circuit Court of the County of Randolph aforesaid, and State of Illinois Now if the Saide Trustee and Seth Allen shall prosecute this appeal with effect; and shall pay whatever Judgment may be rendered by the Court upon the dismissal or trial of Saide appeal, then the above obligation to be void otherwise to remain in full force and effect,

Approved by me  
at my office this 13  
day of July 1850  
J. M. Bair  
Justice of the Peace

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3  
3

E. W. Robbins   
Seth Allen 

And thereupon on the 28<sup>th</sup> day of July AD 1850  
a summons issued from the Circuit Court  
of said County, for the appellant Charles N Starbird  
which is in the words & figures following to wit

State of Illinois } sc  
Randolph County }

The People of the State of Illinois  
To the Sheriff of Randolph County.

Greeting: We Command you to summon  
Charles N. Starbird, if to be found in your  
County, to appear before the circuit Court of  
said County on the first day of the next Term  
thereof, to be holden at the Court House in Chester  
On the fourth Monday in the Month of September  
next to answer the Trustees of Township No six  
(6) South Range No six (6) west, on an appeal  
from a J.P. and hereof make due return to our  
said Court, as the Law directs.

Witness James M. Pells, Clerk  
of our said Court, and the Judicial  
Seal thereof, at Chester, this 18<sup>th</sup>  
day of July AD 1850

James M. Pells Clerk  
by J. J. Hamilton Secy

SS  
which was returned as follows: "Executed by reading to  
the within named Sept. July 26<sup>th</sup> 1850

J. A. Wilson shff

And now on the 23<sup>rd</sup> day of September, it being  
the first day of the September Term of the Rand-  
olph Circuit Court, the following order of said  
Court was entered to wit

Monday September 23<sup>d</sup> AD 1850

Charles N. Starbuck

vs

Trustees of Township 6 SR 6 W

} Appeal

And now on this day Come the Saide Plaintiff in proper person and by Johnson his attorney and enters his motion to dismiss this appeal for want of a sufficient Bond, and the Saide Defendants by Omebery their attorney. enters his Cross motion to amend Saide Appeal Bond, and the Court being fully advised of and Concerning the Saide motions and after arguments of Council is of the opinion that Saide motion be dismissed the appeal be allowed, It is therefore ordered by the Court that this appeal be dismissed and a proceadence be issued to the Justice of the peace & that Saide Plaintiff recover off & from Saide depts his costs &c

And now on this 27<sup>th</sup> day of September, it being on the fifth day of said term, the following order was entered to wit

Friday September 27<sup>th</sup> AD 1850

Charles N. Starbuck

vs

Trustees of Township 6 SR 6 W

} Appeal

now on this day Come the Saide Defendants by Omebery their atty and enters his motions for an appeal to the Supreme Court of this State, & the Court being fully advised of and Concerning Saide motions is of the opinion and doth order that Saide motions be allowed, and that Saide defendants be and are hereby allowed to take an appeal of this Cause to the Supreme Court of this State, upon their giving a Bond within thirty days from this date with Samuel Hathorn for security in the sum of One hundred Dollars Conditioned according to Said &c

And now on this the 10<sup>th</sup> day of October AD 1850

the Saide Trustees files their Bond in words & figures following to wit Charles N. Starbuck & the County and State as provided in the

Know all men by these presents, that we Ezekiel W. Robbins,  
Felix Hughes, & Samuel C. McKee, Trustees of Schools of Townsh-  
-ip No 6 South Range No 6 W & Samuel Hathorn of the County of  
Randolph and State of Illinois, are held and firmly bound unto  
Charles N. Starbird of the County and State aforesaid in the  
penal sum of One hundred Dollars current money of  
the United States, for the payment of which well and truly,  
he made we bind ourselves Our heirs, Executors, and Adminis-  
-trators jointly, severally and firmly by these presents,  
witness our hands and seals this 15th day of October A D 1850  
The Condition of the above obligation is such that whereas the  
said Charles N. Starbird did on the ~~29th~~ <sup>27th</sup> day of ~~June~~ <sup>September</sup> A D 1850 in the Circuit Court in and for the County  
and State aforesaid recover a judgement against the Trustees of  
Schools of Township No 6 South of Range No 6 west for the sum  
of Six Dollars & <sup>cents</sup> for costs from which said judgement  
of the said Circuit Court, the said Trustees of Township No 6 South  
of Range No 6 west has prayed for and obtained an appeal  
to the Supreme Court of said State, now if the said Trustees  
shall prosecute their said appeal with effect, and shall  
moreover pay the amount of the judgement, costs, interest  
and damages, rendered and to be rendered against them, in case  
the said judgement shall be affirmed in the said Supreme  
Court, then the above obligation to be void otherwise to remain  
- in full force and virtue.

Taken and entered into before me  
at my office, in Chester this 15th day  
of October A D 1850

Samuel McKee (seal)  
Ezekiel W. Robbins (seal)  
Felix Hughes (seal)  
Samuel Hathorn (seal)

James M. Ralls clerk  
by P. P. Hamilton M C

State of Illinois }  
Randolph County } Lt. James M. Hall

Clerk of the Circuit Court within & for said  
County do hereby certify, that the above copy of  
the Record of the Circuit Court of said County  
contains & correct Copies of all the papers  
and orders of said Court directed to be made out  
by the Defendants as appears from the Record  
of said Court in my Office

In testimony whereof I have  
set my hand and affix the seal  
of said Court at Office in Chester this  
30<sup>th</sup> day of October A.D. 1850  
James M. Hall Clerk  
By A. H. Hammita Deputy Clerk

Richard H. Harkiss

no

Shirley J. C. S. M. C. W.

Given this 13th

day November

A. D. 1858

J. D. Preston

CRH

Supreme Court of Illinois } November Term  
Mount Vernon Division. } 1857

And now this day came the Trustees of Schools in C. S. R. C. W.  
and says that there is manifest error in the record & proceedings  
of this case, in this that Judgment should have been for the said  
trustees, instead of plaintiffs below; that the appeal was ~~provisionally~~  
dismissed, motion to dismiss the appeal was improperly sustained;  
and, that the (prop) motion to amend by the appellants  
was ~~improperly~~ overruled.

G. K. Governor for Trustees.

Trustees of Schools  
75 S. R. 5 W

<sup>vs</sup>  
Charles N. Stambird

} Appeal from Roudoff

And the said Appellee by Preece his atty.  
Comes and moves the Court to dismiss  
the appeal in this case for the reason  
that the appeal bond is not executed  
by the Defendant in the cause, <sup>as a corporate body separate & distinct</sup> & the  
judgment of the Circuit Court, as the bond  
filed <sup>in the case</sup>, shows, does not amount to twenty dollars  
exclusive of costs, nor does it relate to a  
franchise or freehold; for these and other  
reasons the Appellee prays that said  
Appeal may be dismissed at the costs  
of the Appellant.

J. Preece atty.  
for Appellee.

Trustee of School  
in C. S. R. O. M.  
vs appellants

Charles N. Starbird  
appellee

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Motion to dismiss  
appeal.

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14223