

13089

No. \_\_\_\_\_

# Supreme Court of Illinois

People

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vs.

Palsifer et al

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71641  7

STATE OF ILLINOIS,  
SUPREME COURT.  
Third Grand Division.

No. 19.

PEOPLE'S CAUSES.

People  
vs  
Falsifer Vital  
Smith

1860

13089



Mr Peapack & Co

10  
John Palsgrave & Co

Appeal from Petition

I move to dismiss the appeal in this case because the appeal bond was not filed in time

Judgt was rendered Oct 28<sup>th</sup> and an order was entered allowing an appeal upon condition that appellants file an appeal bond within 30 days from that date. The appeal bond was filed on the 28<sup>th</sup> day of October 1854 that was not within 30 days from Oct 28<sup>th</sup> excluding the 28<sup>th</sup> day of October the day of the Judgt there remained 8 days in October. The 30 days therefore expired Nov 27<sup>th</sup> the bond was one day too late

B. C. Cook  
for Peapack

Record pay 9



19 P. Docket

Motion & demurrer  
appeal

Reason for Motion

Filed May 14, 1860  
L. Leland  
Clerk

Dismissed



No. 19

Supreme Court State of Illinois  
Third Grand Division  
April Term 1880.

John Pulsifer et al  
vs Appeal from Putnam  
The People &c

And now comes the Plffs.  
in error John Pulsifer & says that  
there is manifest error in the Record  
& proceedings of the Court below in  
this Court

1<sup>st</sup> That the Court below should  
have sustained the Verdict  
& the Verdict Verdict & should have  
given judgment for the Plffs in  
Error.

2<sup>nd</sup> The Court below should  
have found the issues for  
the Plffs, in Error & not for  
the deft in error

Wherefore he prays that  
the judgment of the Court below  
be reversed  
Petus & Hannell  
for John Pulsifer



19.  
The People  
to  
William Smith

Filed Apr 18, 1860  
J. Leland  
Clerk

One the debt in ever & cross their  
all were come and say that is.  
the record of service. There was  
more  
P. B. Loom



The People

2

John Phillips oral  
make out copy of Secie process  
& Depts. Deemur & the order of  
the Court Thereon and send the  
same to Supreme Court with \$5  
for the Clerk Docketing fee  
April 2/60

Peters for  
Phillips -



to  
William Smith  
Esq

Order for Record

Filed March  
H 1860  
Geo Dent  
Jun



October Term A.D. 1858.

State of Illinois, In the 23<sup>d</sup> Judicial District of said State  
County of Rutnam 388.

Pleas before the Honorable Martin Ballou, Circuit Judge in and for said District - At a term of the Circuit Court in and for the said County of Rutnam, begun and held at the Court House in Keunepin in said County, on the fourth Monday (25<sup>th</sup> day) of October in the year of our Lord one thousand Eight hundred and fifty-Eight, and of the Independence of the United States the 83<sup>d</sup> year.

Present Hon. Martin Ballou, Judge &c -  
Geo. W. Stipp, Esq., State attorney  
Jefferson Dirley, Sheriff,  
George Dent, Clerk -

And afterwards, to wit: on the Ninth day of May A.D. 1859, a scire facias was issued by the Clerk of the said Court duly signed & sealed, which is in the words & figures following, to wit: (and the same was filed in said Court on the 19<sup>th</sup> day of October A.D. 1859.)

State of Illinois,  
Rutnam County 388.

The People of the State of Illinois:  
To the Sheriff of said County, Greeting. Whereas here-  
tofore, to wit: on the 15<sup>th</sup> day of September A.D. 1858  
at the County aforesaid a Recognizance was taken



and entered into by William A. Smith, John Pulsifer and Silvester Smith before Joseph D. McLearty and Madison Durley, who were then and there two Justices of the Peace in and for said County which Recognizance was then and there approved by said Justices and which Recognizance was on the 27<sup>th</sup> day of October A.D. 1858 filed in the office of the Clerk of the Circuit Court of said County and is in the words and figures following, to wit:

State of Illinois,

Putnam County } ss

Be it remembered that on the Fifteenth day of September A.D. 1858 William A. Smith, of Kennepin in the County aforesaid and John Pulsifer and Silvester Smith of same place personally came before Joseph D. McLearty and Madison Durley two of the Justices of the Peace of said County and severally and respectively acknowledge themselves to owe to the People of the State of Illinois, that is to say the said William A. Smith the sum of five hundred dollars, the said John Pulsifer and Silvester Smith each the sum of five hundred dollars, separately to be made and levied of their respective goods and Chattels, lands and tenements to the use of the said People if default shall be made in the Condition following:

The Condition of this Recognizance is such that if the said William



A. Smith who has been committed to the Common Jail of the said County for want of sureties shall personally be and appear at the next term of the Circuit Court to be held in and for the County of Putnam on the first day thereof to answer to an Indictment to be preferred against him for Grand Larceny and to do and receive what shall by the Court be then and there enjoined upon him and shall not depart the Court without leave then this Recognizance to be void; otherwise to remain in full force and virtue in law.

William A. Smith, *Seal*  
 John Pulsifer *Seal*  
 Silvester Smith *Seal*

Acknowledged and approved before J. D. McLearty & M. Durley *two* Justices of the Peace in and for aforesaid County this 16<sup>th</sup> day of September 1858

J. D. McLearty J. P. *Seal*  
 Madison Durley P. O. J. P. *Seal*

As by said Recognizance on file in said office appears, and afterwards, to wit: On the 28<sup>th</sup> day of October A.D. 1858 at a term of the Circuit Court in and for said Putnam County, then holden, to wit: The October Term 1858, the following proceedings were had in said Court, the Grand Jury came into Court and



presented the following Indictment as a true bill, to wit:

The People of the state of Illinois

vs.

John O'Connor  
Bailey Johnson  
Joseph Minton  
William Smith  
William Pollard  
Charles Foot  
John W. Bitten  
William O'Dell  
Norman Codner  
John Trinkle and  
Thomas Garten

Indictment for Larceny

And afterwards, to wit: On the third day of November A.D. 1858 at a term of said Court then being held the following proceedings were had in said Cause, to wit:

The People vs -

vs.

William Smith, principal } Recognizance  
John Pulsifer and Silvester }  
Smith securities }

The People come by the States attorney, and the said William Smith being three times solemnly called, come not but make default, and the said John Pul



5  
Pulifer and Silvester Smith being three times solemnly called to produce the body of the said William Smith wholly make default, and neither come nor produce the body of the said William Smith -

Therefore it is considered that the said Recognizance is forfeited and that the People of the State of Illinois recover of the said William Smith, John Pulifer and Silvester Smith the sum of Five hundred dollars the amount specified in said Recognizance, and that a Scire facias be issued commanding and requiring the said William Smith, John Pulifer and Silvester Smith to show cause, if any they can why Execution shall not be issued against them according to the form, force and effect of the said Recognizance, as appears by the record in said cause now remaining on file in said Court -

And afterwards, to wit: on the 17<sup>th</sup> day of March 1859 being one of the days of the Circuit Court of Putnam County for the March Term 1859 the following proceedings were had, to wit:

The People, &c.

vs.

William A. Smith, principal  
John Pulifer and Silvester  
Smith, securities -

Scire facias on  
Recognizance.

The People by B. L. Leake



The People  
as  
William Smith  
Esq  
Record

Filed April 7. 1860  
L. Leland  
Clerk



*Sheriff's Return -*  
*I have served*  
*named John Pulsifer this*  
*named William Smith &*

Recognizance, and further to do and  
receive whatever our said Court <sup>shall</sup> then  
and there consider and adjudge a-  
gainst them in that behalf -

Hereof make return as the law directs,  
and have you then and there this writ.

Witness George Dent, Clerk  
of our said Circuit Court  
and the seal thereof at Hempden  
this 9<sup>th</sup> day of May A.D. 1859.  
George Dent, Clk.

"See Sheriff's Return on margin."

And afterwards, to wit: At the  
October Term 1859, to wit: October 26<sup>th</sup>  
a demurrer was filed which is in the  
words and figures following, to wit:

The People  
vs. Sci. fa. } Circuit Court of Putnam  
Wm A. Smith, } County Ill. to the Oct.  
John Pulsifer & } Term A.D. 1859.  
Silvester Smith }

And the said John  
Pulsifer comes &c. and says that the said Scire  
facias and the matters therein contained  
are insufficient in law, wherefore the  
said Deft. prays Judgment &c -

Peters & Farwell  
attys for Pulsifer -



And afterwards, to wit: on the 25<sup>th</sup>  
day of October of the same Term the fol-  
lowing proceedings were had, to wit:  
The People &c -

vs. } Recognizance  
William A. Smith, principal }  
and Sylvester Smith & John Pulsifer }  
securities }

The People come by H. Miller  
States attorney and defendant John  
Pulsifer comes by M. T. Peters his attor-  
ney. Thereupon comes on to be heard  
the demurrer of said defendant to  
the Scire Facias; and the Court takes  
the same under advisement.

And afterwards, to wit: on  
the 28<sup>th</sup> day of October 1859, one of  
the days of said Court, the following  
order was entered of record, to wit:  
The People &c -

vs. } Recognizance  
William A. Smith, principal }  
John Pulsifer and Sylvester }  
Smith, securities - }

Now come again  
the People by the States attorney, and  
defendant John Pulsifer by M. T. Peters



his attorney, and the Court being now advised in the premises is of opinion that the Scire facias is sufficient, and therefore overrules the demurrer to the same; and said defendant abiding by his demurrer it is therefore considered that the People of the State of Illinois have execution against the said John Pulsifer for the sum of five hundred dollars, according to the form, force and effect of said Recognizance and the judgment hereinbefore entered thereon together with the Peoples costs herein expended to be taxed.

Thereupon said John Pulsifer prays an appeal to the Supreme Court, which is allowed on condition that said Pulsifer enter into appeal bond in six hundred dollars, conditioned according to law within thirty days from this date, with Edward F. Pulsifer as security -

And afterwards, to wit: on the 28<sup>th</sup> day of November A.D. 1859, a bond was filed in said Court by the Clerk thereof which is hereto attached marked "A."



I know all men by these presents that we John Pulsifer as principal and Edward F. Pulsifer as surety are held and firmly bound unto the the People of the State of Illinois, in the Penal sum of six hundred dollars good and lawful money of the United States to the payment of which sum well and truly to be made, we do bind ourselves, our heirs, executors and administrators jointly and severally firmly by these presents.

Witness our hands and seals this 25<sup>th</sup> day of November A.D. 1859 -

The Condition of the above obligation is such that whereas the said People of the State of Illinois did on the 29<sup>th</sup> day of October A.D. 1859 at the October term of the Circuit Court in and for the County of Putnam in the State of Illinois in the year 1859 by the Consideration and judgment of said Court did recover against the above bounden John Pulsifer a judgment on demurrer to Scire facias on Recognizance for the sum of five hundred dollars besides Costs from which judgment the said John Pulsifer has prayed an appeal to the Supreme Court of said State, Now therefore if the said John Pulsifer shall duly prosecute said appeal and shall pay and satisfy the said judgment, Costs interest & damages, in case said judgment shall be affirmed by the said Supreme Court, then the above obligation to be void, otherwise to be and remain in full force and virtue.

John Pulsifer Esq  
E. F. Pulsifer Esq



Putnam & Co. v. Bond  
The People v.  
John Putnam  
Appeal Bond

Filed Nov. 28  
1889  
Geo. Deub  
LLR

"A."



State of Illinois ss  
 Putnam County

I George Dent Clerk of the Circuit  
 for said County and State of  
 Illinois, do hereby certify that  
 foregoing record comprises a true  
 full perfect and complete copy of all  
 the orders entered of Record in my office  
 in the above entitled cause and the  
 Bond herewith transmitted Marked  
 'A' is the Bond filed by Defendant  
 John Sulaper in my office

In testimony whereof I have  
 hereunto set my hand and  
 the seal of said Court at my  
 office in Hempden the  
 sixth day of April 1860

Geo Dent  
 Clerk





The People &c

vs.

William Smith principal  
John Pulsifer and Silvestro  
Smith securities

3 Recognizance

Plaintiffs Costs

Clerk's fees - Fil. Recognizance 5, dock suit .05  
3 terms 30%. Ent. ord. of default 20%. .50  
Ent. ord. for judt 20%. Ent judt of 20  
forfeiture 25%. Ent. ord. for cont. 20%. 45  
Ent. ord. for Sci. fa. 20%. Issuing & 20  
fil. Sci. fa. 40% Ent. mo. to answer 40  
Sci. fa. 20%. Ent. mo. over. same 20% 40  
ord. for alias Sci. fa. 20%. Issuing & 20  
fil. alias Sci. fa. 40% Ent. ord. over. 40  
demurer 20%. Mak. Bill 20  
of costs 30%. Copy 20%. 50 3.50

Sheriff's fees - J. P. Gerberich

Serv. Sci. fa. 50. Mil. 5 return 10 .65  
Serv. alias Sci. fa. 50 Mil. 5 return 10 .65 1.30

Defendants Costs

Clerk's fees - Ent. app. atty 10% Ent. mo. .10  
to quash Sci. fa. 20%. fil. demur. 5 .25  
Ent. ord. for appeal 20%. Mak. .20  
Bill of Costs 30%. Copy 20%. .50  
Tak. & fil. Bond 50. Mak. Transcript 2.00 2.50  
Certificate & seal 35% 35 3.90

State atty's fees - H. Miller

10.00  
18.70



The People  
vs  
William Smith  
Esq  
Record

<sup>a</sup>  
Filed April 7. 1860  
L. Leland ~~Esq~~  
Clerk