

No. 12771

Supreme Court of Illinois

Cummins et al

vs.

Van Buskirk

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' Pleas before the Circuit Court of Marshall County in the State of Illinois at a Term thereof began and held at the Court House in the City of Lacon in said County on Monday the fourth day of October in the year of our Lord one thousand eight hundred and fifty eight. Present Hon. M. Ballou Judge of the 23^d judicial Circuit in the State of Illinois presiding, George H. Stipp States attorney for said judicial Circuit, Henry L. Crane Sheriff of said Marshall County James Mescott clerk of said Circuit Court. "

October 6th A. D. 1858)

" Abraham Cummins & } Appeal
Christopher Baker }
vs }
James Van Ruskirk }

This day again came the plaintiffs by Gibbons & Miller their attorneys and this cause coming on to be heard and tried and the defendant though three times solemnly called came not to file a sufficient appeal Bond as he was required to do by a Rule of Court entered on this day but made default. Whereupon on motion of the plaintiffs by their attorneys, it is considered by the court that this appeal be dismissed and that a Proscendo issue to the Court below, and that the plaintiffs recover of the defendant their costs in this court expended and that execution issue therefor. "

Judgment

Thursday October 14th A. D. 1858.

"Abraham Cummins
vs
Christopher Heahn
James Van Burskirk

Appeal

cause."

This day again came the defendant by Haskell his attorney and entered a motion to set aside the default entered in this

Friday October 15th A. D. 1858.

Order overruling "Abraham Cummins
Motion to set aside Christopher Heahn
default vs
James Van Burskirk

Appeal

This day this cause come on to be heard upon the motion of the defendant to set aside the default entered in this cause on a former day of the present Term of this Court and the same was argued by counsel and the court being fully advised in the premises doth order that said motion be and the same is hereby overruled."

Saturday October 16th A. D. 1858

Appeal "Abraham Cummins
vs Christopher Heahn
James Van Burskirk

Appeal.

This day again came the defendant by his attorney and prayed an appeal in this cause to the Supreme Court of this State which appeal is al-

upon the defendants filing a Bond in the sum of two hundred and fifty Dollars conditioned according to law, with James B. Martin as Security in thirty days."

Bond

Know all men by these presents that ^{we} James Van Ruskirk and James B. Martin and Joseph Van Ruskirk of Marshall County and State of Illinois, are held and firmly bound unto Abraham Cummings and Christopher Heahn in the penal sum of Two Hundred and Fifty Dollars for the payment of which well and truly to be made we and each of us bind ourselves our heirs Executors and administrators jointly, severally and firmly by these presents. Sealed with our seals and dated at Lacon in the County of Marshall aforesaid this Thirtieth day of October A. D. 1858.

The condition of the above obligation is such that whereas the said Cummings and Heahn at the October Term of the Circuit Court began and holden for the County of Marshall in the State of Illinois A. D. 1858, in a suit brought by the said Cummings and Heahn against the said Van Ruskirk for the sum of Ninety Dollars and Twenty cents recovered judgment for the same with cost of suit from which judgment the said Van Ruskirk then and there appealed to the Supreme Court then next to be holden at Ottawa in and for the State of Illinois aforesaid.

Now if the said Van Ruskirk shall prosecute his appeal with effect and shall pay and satisfy whatever judgment may be rendered by the said Supreme Court, for costs interest and Damages in case

the Judgment shall be affirmed then this obligation to
be void otherwise to remain in full force and effect.

James Van Ruskirk

seal

James B. Martin

seal

Joseph Van Ruskirk

seal

Endorsed "Filed November 3rd 1858 James Mescott clerk"

State of Illinois, } ss. J. James Mescott, Clerk of the Circuit
Marshall County, } Court in and for said County do certify
that the foregoing is a correct transcript
of the Judgment and final order of said Circuit Court,
and the Appeal Bond, in the suit of Abraham Cummins
and Christopher Habes against James Van Ruskirk as
the same appears of Record in my office.

In Witness Whereof I have hereunto set
my hand and affixed the Seal of said
Court at Lacon this Nineteenth day of
April A. D. 1859.

James Mescott clerk

Clerk fees for Transcript & certificate \$1

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Abraham Cummings case

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James Van Burskirk

Appeal from Marshal's
Transcript

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1859

Filed Oct 22, 1859

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