

12044

No. _____

Supreme Court of Illinois

Buckner

vs.

Thompson

71641  7

Charles Buchner } Agreed case
vs } from McHenry Co
James Thompson }

This was an action brought before a justice of the on a note ^{payable to the defendant in error} for fifty dollars, dated March 11th 1845 summons on the 27th day of September 1848 and returnable on the 7th of Oct 1848 on the same day the the said justice issued a ~~another~~ ^{another} summons on another note ^{payable to the defendant in error} for fifty dollars, ^{and signed by the plaintiff in error} of the same date returnable at the same time both notes drew interest from date by the terms of the Notes themselves.

The last mentioned suit was tried before the justice defendant pleading payment and offset to the amount of \$1000. the justice rendered judgment the defendant for cash. This suit was then called and the former suit pleaded in bar.

The plaintiff Thompson in the court below prayed an appeal in both ~~suits~~ of said suits to the circuit court of McHenry county where the first suit was tried by a jury and judgment for thirty dollars in favor of the plaintiff in error and against the plaintiff in the court below that the present suit came on to be tried and was tried by the court without a jury by agreement ~~the defendant~~

and the foregoing state of facts
the circuit court decided that the
two notes and interest when consolidated
exceeded one hundred dollars and
the first was no bar to the second
and rendered judgment the plaintiff
for the sum of \$65 the amount of the
note and interest

This case is now brought to this
court by agreement and submitted
on the above state of facts

Tricknird & Hullard
for depts in error

P. W. Platts for the plaintiff
in error

It is further agreed that this cause be
submitted to the supreme court without
argument and if the judgment of the judgment
of the court below be reversed then
the cause is to be remanded

P. W. Platts for plaintiff
in error

Deland
20

Filed June 13. 1857.
J. C. Deland Clk.

12047

Agreed Case

James Thompson

Charles Bruckner

0581

47

James Thompson

vs

Charles Buckner

McHenry circuit court
April Term 1850

appeal

Be it remembered
that this cause was submitted to the
judge of said circuit court upon the
following state of facts to wit

That on the 27th day of Apr A.D 1848 J.B.
Wakeman a justice of the peace in said
county ~~afforded both summonses~~ in two
suits in both of which James
Thompson was plaintiff and the said
Charles Buckner was defendant both
of which was made returnable on the 7th
of October 1848 at one o'clock That said
suits were instituted on two certain
promissory notes dated March 11th 1845
for fifty dollars each signed by the
said defendants and drawing interest
from date that upon the trial of said
the first suit was called and tried
and judgment ^{rendered for} for the ~~defendant~~ ^{by said justice} ~~that~~
that upon the trial of the present suit
the defendant plead the former suit
in bar and judgment ^{by said justice} rendered for him
that both suits were removed to said
circuit court by appeal That upon
the trial of the first suit at the last
term of this ~~of this court~~ ^{the defendant pleaded set off & payment to amount of} was tried by a
jury and judgment ^{was} rendered for said
defendant for the sum of twenty dollars
& cost of suit.

It was further stipulated the note in the
present sum and interest amounts to the
sum of sixty five dollars
upon the above statement of facts the
said circuit court rendered judgment
for the plaintiff for said sum of
^{the above being} sixty five dollars to which finding of
said court the defendant excepts
prays that this his bill of exceptions
may be signed and sealed which is
accordingly done Hugh Henderson ^{Dea}
It is agreed that the ^{judgment} above ^{is a} ^{final} ^{and} ^{an}
state after facts in the above suit ^{Dea}

Wm. H. Platts attorney
for defendant

Bridgman & Thurlant
attys for Plaintiff

47.
McHenry circuit of
April Term 1830

James Thompson
vs

Charles Buckner

Bill of exceptions

Recd Apr 19 1830
W. H. Platts

Filed June 11. 1830.
S. A. and Clerk.