

No. 12500 $\frac{1}{2}$

Supreme Court of Illinois

Trustees of Schools #26.

vs.

Gardner, et al.

71641  7

State of Illinois

Ingham County ss

Ingham County Circuit Court

February Term AD 1860

Pleas before the Honorable Charles R Star Judge of the Twentieth Judicial Circuit and Presiding Judge of the Ingham County Circuit Court in the State of Illinois at a term of said Court begun and held at the Court House in the town of Middleport in said County on the third Tuesday the same being the 21st day in the month of February in the year of our Lord one thousand eight hundred and 66 and of the year of the Independence of the United States the eighty fifth.

Present Hon Charles R Star Presiding Judge of the Twentieth ^{circuit} Judicial
Charles J. Beattie States Attorney " " " "
Theodore Ayres Sheriff of Ingham County Ills
Thomas Vennum clerk of the Circuit Court.

Be it remembered that afterwards to wit on the 27th day in the month of February in the year last aforesaid it being one of the regular days of the February term of said Court for said year last aforesaid the said Court being then duly organized and sitting as a Court for the transaction of business, the following among other proceedings were had and entered of Record by said

Court in words and figures following to wit:

" The Trustees of Schools of Township No Twenty six
" North, of Range No Eleven West of Second P. M.
" in Ingham County Illinois

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vs

" Samuel S Gardner and Daniel B Gardner

Assumpsit

This day come

" the parties to this Cause into Court, the Plaintiffs by Jones
" and Blades their attorneys and the defendants in person
" and by Fletcher and Kay their attorneys, and by agreement
" of parties a jury for the trial of this cause is waived and
" the cause submitted to the court for trial.

And afterwards to wit on the 28th day of February in the year
1860 it also being one of the regular days of the February
term of said court for said year 1859 the said court
being then duly organized and sitting as a court for
the transaction of business certain other proceedings
were had by the said court and entered of Record
therein, in words and figures following to wit:

The Trustees of Schools of Township No
Twenty Six North, of Range No Eleven
West of Second P.M. in Ingham Co Ills

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vs

Assumpsit

Samuel S Gardner and Daniel B Gardner

And now come the parties to this cause by their respective attorneys, and the court having duly considered the questions submitted in this cause, and after hearing the evidence adduced, upon computation finds due the Plaintiffs upon the notes sued on in this cause the sum of Five Hundred and twenty nine dollars and ninety four cents.

It is therefore considered and ordered by the court that the said Plaintiffs have and recover of and from the said defendants the said sum of five hundred and twenty nine dollars and ninety four cents, together with the costs expended in the prosecution of this suit by the said Plaintiffs, and that they have execution therefor against the said defendants,

And now come the defendants by Fletcher and Kay their attorneys and enter their exceptions to the decision of the court in rendering judgment as aforesaid and enter their motion to the Court for a new trial in this cause.

Whereupon the Court being advised in the premises ordered that the motion for a new trial by the defendants be and it is overruled, to the overruling of which said motion

the defendants except and enter their motion for an appeal to the Supreme Court of this State,

It is therefore ordered by the Court that the appeal be granted on condition that the defendants file an appeal bond with the clerk of this Court in the sum of One thousand Dollars, conditioned according to Law, within twenty days after the adjournment of this Session of the Court, and by agreement of parties it is ordered that the clerk do approve of the security on said appeal bond, and on motion it is ordered that the defendant do file his bill of Exceptions with the clerk of this Court within twenty days from the adjournment of this Court,

State of Illinois

Stroquois County ss

I Thomas Bauman clerk of the circuit court of said County in the State aforesaid do hereby certify that the above and foregoing is a true and complete copy of the Record of the proceedings, ^{and final judgment} of the Stroquois County Circuit Court in the above entitled cause wherein

the Trustees of Schools of Township No Twenty six North, of
Range No Eleven West were Plaintiffs and Samuel
S Gardner & Daniel B Gardner were defendants, and
I further certify that the appeal was perfected by the
defendants filing an appeal bond on the twenty
second day of March in the year 1860 in compliance
with the order of the Court, and that the security on
said bond was considered ample and was approved
by me as clerk of said court,



In attestation of which I herewith subscribe
my name and affix the seal of the said
Ingham County Circuit Court at my office
in Middleport in said County this 21st
day of April A.D. 1860.

Thomas Bennett

clerk

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Trustees of Schools of
Township No 26
North of Range No 11 West
2d

Samuel S. Gardner
Daniel B Gardner

Record

Filed April 24. 1860
L. Leland
Clerk

Ex 29, 84

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