

No. 12858

# Supreme Court of Illinois

Newport, for use

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vs.

VAN Buskirk

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"Held before the circuit Court of Marshall County in the State of Illinois at a term then began and held at the court house in the City of Lacon in said County, on Monday the third day of May in the year of our Lord one thousand eight hundred and fifty eight

Present the Hon M Ballou Judge of the 23<sup>d</sup> judicial Circuit of the State of Illinois presiding. George W. Stipp State attorney for said judicial Circuit, Henry S Crane Sheriff of said County, and James Mescott clerk of said Circuit Court."

Be it remembered that on 12<sup>th</sup> day of May A.D. 1858 the same being one of the days of the Term aforesaid and the court being then judicially sitting proceedings were had in said Court in the Suit of Thomas Newport who Sues for the use of C. F. Thompson against Joseph Van Buekirk and entered of record to wit:

"Thomas Newport use of Assumpsit.

C. F. Thompson

vs

Joseph Van Buekirk

This day came the parties by their counsel and by agreement waived a jury and submitted this cause to the court for trial upon the issues joined between the parties, and the court being fully advised in the premises, do find that the said defendant did assume and promise in manner and form as the said plaintiff hath complained against him, and do assess the damages of the said plaintiff by reason thereof to One hundred and eighty five dollars and fifty five cents.

Therefore it is considered by the Court that the said plaintiff recover of the said defendant Joseph Van Buekirk the said sum of One and eighty five dollars and fifty five cents his damages in

from aforesaid assessed together with his costs in this behalf expended and it is ordered that execution issue therefor."

And afterwards

to wit on the 18<sup>th</sup> day of May A.D. 1858 the same being one of the days of the Term aforesaid and the court being then judicially sitting further proceedings were had in the above entitled cause and entered of record to wit:

"Thomas Newport for the Assumpsit  
use of C. F. Thompson }  
vs } This day again came the defendant  
Joseph Van Buskirk } by his said Counsel and entered a motion  
to set aside the judgment rendered in  
this cause and for a new trial, and the  
Court being fully advised in the premises doth order that said motion  
be and the same is hereby overruled. Whereupon came the defendant  
and prayed an appeal to the Supreme Court of this State which  
appeal is allowed upon defendants filing bond in the sum of  
three hundred dollars with Samuel Russell as security in  
thirty day conditioned according to law."

And afterwards

to wit on the 18<sup>th</sup> day of June A.D. 1858, an appeal bond was filed  
in the above entitled cause which Appeal Bond is in words and  
figures as follows to wit:

"Know all men by these presents that we Joseph Van Buskirk and  
Samuel Russell are held and firmly bound unto Charles Newport  
for the use of Charles F. Thompson in the sum of three hundred  
dollars for the payment of which well & truly to be made we

bind ourselves our heirs executors and administrators jointly & severally firmly by these presents.

The condition of the above obligation bond is such that whereas the said Thomas Newport for the use of said Charles S. Thompson did on the twelfth day of May A.D. 1858, before the Circuit Court of Marshall County and State of Illinois recover a judgment against the above bounden Joseph Van Buskirk for the sum of One hundred and eighty five dollars and fifty five cents & costs of suit in a certain action of assumpsit then and there pending from which judgment said Joseph Van Buskirk has prayed for and obtained an appeal to the Supreme Court of said State upon his filing bond with the clerk of said Circuit Court with Samuel Russell as his surety therein in the sum of three hundred dollars conditioned as the law directs

Now if the said Joseph Van Buskirk shall prosecute his appeal with effect & pay the judgment costs interest & damages in case the said judgment shall be affirmed by the said Supreme Court then this bond shall be void otherwise remain in full force

Dated this 11<sup>th</sup> day of June A.D. 1858

Joseph Van Buskirk *[Signature]*  
Samuel Russell *[Signature]*

State of Illinois }

Marshall County }

ss. I, James Nescott clerk of the Circuit 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 Thomas Newport vs. the use of C. S. Thompson against Joseph Van Buskirk 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 Leavenworth  
said County this 20<sup>th</sup> day of April A.D. 1859.

James Nescott, clerk

Attest: Transcript verified p. 1.

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People Van Buren

transcript

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Filed April 22. 1859  
Holland  
Ill.

just 7/18-55 55  
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20p 57, 27, 73

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2858  
Banks & Co. p. 104.