

No. 12806

Supreme Court of Illinois

Fishburn.

vs.

Van Buskirk.

"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^{ble} M. Ballou Judge of the 23^d judicial Circuit in the State of Illinois presiding. George W. Stipp State attorney for said judicial Circuit Henry L. Crane Sheriff of said Marshall County James Nesbitt clerk of said Circuit Court."

Friday October 15th A.D. 1858

"Abraham L. Fishburn Executor
of the Estate of John R.
Moore deceased

Appeal

This day this cause came
on to be heard upon the motion
of the defendant for a new trial
Verdict and the same was argued
by counsel and the court being

Judgment

fully advised in the premises doth order that said motion
be and the same is hereby overruled. Therefore it is considered
by the court that the said Abraham L. Fishburn executor of the Estate
of John R. Moore deceased have and recover of the said James
Van Buskirk the said sum of seventy four dollars and eighty five
cents his damages assessed by the court, as aforesaid: and
the sum of five dollars damages for delay as aforesaid; making

together the sum of seventy nine dollars and eighty five cents, damages; likewise his costs and charges in and about his suit in this behalf expended: and it is ordered that execution is -
sue therefor. Whereupon came the defendant and prayed an appeal to the Supreme Court of this State which appeal is allowed upon the defendants filing a Bond in the sum of two hundred and fifty dollars, with James B. Martin, as security in thirty days said Bond to be conditioned according to law."

Appeal Bond "Know all men by these presents that we James Van Buskirk and Joseph Van Buskirk and James B. Martin of Marshall County and State of Illinois are held and firmly bound unto Abraham S. Fishburn Executor of the Estate of J. R. Moore deceased in the penal sum of Two Hundred and Fifty Dollars for the payment of which we bind ourselves our heirs, Executors Administrators jointly and severally by these presents. Sealed with our Seals and Dated at Lacon in the County of Marshall aforesaid this first day of November A. D. 1858. The condition of the above obligation is such that whereas the said Fishburn at the October Term of the Circuit Court began and holden for the County of Marshall and State of Illinois aforesaid A. D. 1858. in a suit brought by the said Fishburn Executor as aforesaid against the said Van Buskirk, recovered Judgment against the said Van Buskirk for the sum of seventy nine Dollars & Eighty five cents, with costs of suit, from which judgment the said Van Buskirk 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 Buskirk shall prosecute his said appeal with effect, and shall pay and satisfy whatever Judgment may be rendered by the said Supreme Court for costs Interest and Damages in the case the Judgment shall be affirmed then this obligation to be void otherwise to remain in full force and effect."

James Van Buskirk

seal

Joseph Van Buskirk

seal

Jas. B. Martin

seal

Endorsed "Filed November 3. 1858 James Mescott clerk"

State of Illinois }
Marshall County } I, James Mescott, Clerk of the Circuit Court do and
for said County do certify that the foregoing is a correct trans-
cript of the Judgment and final order of said Circuit Court
and the appeal Bond in the suit of Abraham S. Fishburn Executor of the
Estate of John A. Moore deceased against James 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 Lacow this Nineteenth day of
April A. D. 1859.

James Mescott clerk

Fees for Transcript & certificate \$1

Almon S. Tibbatts Esq &c

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James Van Buren
Transcript of
Appeal from
Marshall

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Filed Apr. 22 1857
L. Leland
Clerk.

12806

1857
Apr 22, 57

1859

Brought f. s. p. Clerk