No. 11900

Supreme Court of Illinois

Lansing.

vs.

Bates.

71641 7

63

Cornelius Lansing
vs
Ephraim Bates

11900

Replaced
EG

1850

State of Illinois }
Boone County } ss

Boone County Circuit Court of the September Term A.D. 1849

Ephraim J. Bates
vs
Cornelius Lansing

It is agreed by the Counsel for the parties to this suit that the same was originally a trial of the right of property before Alexander Stewart a Justice of the peace and I. D. Spencer Constable and a jury of McHenry County. The jury before the Justice of the peace returned a verdict that the property levied on by virtue of two Executions in favor of Cornelius Lansing and against the Goods & Chattels of Roswell Bates to wit one span of Roan Mares one Iron horse buggy, one Iron Horse Harness, and one pair of four year Old Steers was not the property of Ephraim J. Bates the Claimant. Thereupon the said Justice of the peace gave judgment against the Claimant Bates for Costs. The Claimant gave notice of & prosecuted his appeal to the Circuit Court of McHenry County and subsequently took a Change of Venue to the County of Boone which Trial was submitted to a Jury at the above Term of the Boone County Court and the jury after hearing the Evidence returned the following Verdict to wit (here insert the copy of the verdict) * And upon the rendition of said verdict the defendant by his Counsel moved for a Judgment for full Costs against the Claimant Bates which motion was resisted by the Claimants Counsel and the objection of the Claimants Counsel

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sustained by the Court.

The Defendants Counsel then moved for the Court to apportion the costs between the parties, which motion was also resisted by the Claimants and the objection sustained by the Court and the following Judgment was Entered upon the minutes by the Court to wit (* here insert a copy of Judgment) And it is further agreed that the property levied upon was in all worth $200 — and that the four year old steer were worth $35 — and it is further agreed that this Stipulation may be submitted to the Supreme Court — and that the Supreme Court may give such judgment upon the case as the Circuit Court in its discretion ought to have given or the Supreme Court may order the Circuit Court to give such judgment as it should have done before as fully as if a bill of exceptions had been signed and the whole Record sent up to the Supreme Court.

S. A. Harbert
Pltffs Atty

A. B. Coon Deftts Attorney

* "Copy of verdict"

And now came the jury into Court & being called for their verdict say we find that the Oxen claimed by said Claimant to be the property of said Claimant & that the Horses harness & Buggy waggon claimed as aforesaid to be the property of said Roswell Bates Defendant in the Execution and not the property of said Claimant. (Signed) L. M. Bebe — foreman
Israel Tripp — D. Meeks — P. Crapts — Asa. Williams
Wm Haywood. G. E. Dean — David Daniel

James A. Carpenter – Wm H. Wait – H. P. Fenton
N. S. Orton –

Copy of Judgment

"It is therefore considered that the said Claimant Ephraim J Bates do recover against the said Cornelius Lansing his Costs by him in and about his Suit in this behalf expended and that he have execution therefor

State of Illinois }
Boone County } ss I Stephen C. Gooding Clerk of the Circuit Court in & for the said County & State aforesaid do hereby certify that that the above ~~are~~ is a true copy of the certificate of stipulation of Counsel in the above entitled cause & now on file in this Office & that the above are true copies of the verdict & Judgment – accompanying & attached to said Stipulation.

Witness Stephen C. Gooding Clk of the Circuit – Court and the seal thereof at Belvidere this Sixth day of June A.D. 1850

S. C. Gooding Clk
by J. Terrillegin Dpty

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Ephraim Bates

vs

Cornelius Lansing

Copy Stipulation

Filed June 12. 1850.
L. Leland Clk.

Clk's fees $5. pd. by Plff.

Cornelius Lansing
vs
Ephraim J. Bates } Ewa to Boon.
Deftr. costs.

Appear. 25; Ent. ipse 25; bill of costs 25; copy 25;	1.00
Certif. & seal 25; fil. & Dk. 15; Shff. retn. 10, Dk. fee 1.25;	1.75
Ent. satisfaction	.25
Amt.	$ 3.00

State of Illinois, ss.

Supreme Court—Third Grand Division, at Ottawa:

The People of the state of Illinois to the sheriff of McHenry county---Greeting:

WE COMMAND YOU, that of the goods and chattels, lands and tenements of Ephraim J. Bates you cause to be made the sum of three dollars and ——— cents, the amount of the foregoing bill, which is due and unpaid, and is a true copy from the Fee Book in my office; and hereof make due return in ninety days.

WITNESS, the Hon. Samuel H. Treat, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 30th day of September A. D. 1850.

L. Leland *Clerk of the Supreme Court.*

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Cornelius Lansing
vs
Ephraim J. Bates

Fee Bill — $3.00
Returned Not Satisfied No Property
found this 25th day
of December A.D. 1860
Neil Dennedy
Sheriff of Ulster County
Clerk

State of Illinois, ss.

Supreme Court, Third Grand Division, at Ottawa:

The People of the State of Illinois, to the Sheriff of McHenry County---Greeting:

WE COMMAND YOU, That of the goods and chattels, lands and tenements, and real estate of Ephraim J. Bates

you cause to be made the sum of Eight dollars and cents costs in the said Supreme Court, which Cornelius Lansing

lately recovered against him before the Justices of our said Supreme Court, as appears to us of record, and make return hereof in ninety days.

WITNESS, the Hon. Samuel H. Treat, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 30th day of September in the year of our Lord one thousand eight hundred and fifty.

L. Leland *Clerk of the Supreme Court.*

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Cornelius Lansing
vs
Ephraim J. Bates

Execution

Bill of Costs $8.00
Fee Bill — 3.00
Amt. $11.00

Rec'd October 5th 1850
at 9 min o'clock P.M.
Orrill Donnelly Sheriff

Returned Not Satisfied
No Property found
This 25th day of Dec
A.D. 1850
Orrill Donnelly
Sheriff & ex Officio
Co Clk

Filed Dec. 31. 1850.
L. Leland Clk.

State of Illinois, ss.

Supreme Court, Third Grand Division, at Ottawa:

The People of the State of Illinois, to the Sheriff of McHenry County---Greeting:

WE COMMAND YOU, That of the goods and chattels, lands and tenements, and real estate of Ephraim S. Bates

you cause to be made the sum of ten dollars ~~and~~ ~~cents~~ ~~damages, and the sum of~~ ~~dollars and~~ ~~cents~~ costs in the said Supreme Court, which Cornelius Lansing lately recovered against him before the Justices of our said Supreme Court, as appears to us of record, and make return hereof in ninety days.

WITNESS, the Hon. SAMUEL H. TREAT, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this tenth day of January in the year of our Lord one thousand eight hundred and fifty two.

L. Leland *Clerk of the Supreme Court.*

By P. M. Leland Deputy.

Cornelius Lansing
vs.
Ephraim J. Bates

Execution —

Bill of costs $10,00
Fee Bill — 4,00
Amt. $14,00

Received Jan 14th
AD 1852 at 9 O'clock
A M John Brown
Atty

Returned not Satisfied
by order of Lansing Atty
May 10th 1852
John Brown
Shff pro

Ret — 11

Filed May 15th 1852.
L. Leland Clerk
By P. K. Leland Depy.

Woodstock May the 10th 1852

Sir

Here enclosed is the Execution in favor of Cornelius Jansing vs Ephraim J. Rhodes - I have been told by Coon to return it; as there is no Chance to collect it A.B. Coon Esqr said he had it issued for his own Special benefit and all was wright with you -

Respectfully yours
John Brintz

L Leland Esqr
Clerk of the Supreme Court
Ottawa Ills

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Cornelius Lansing }
vs. } Error to Boone.
Ephraim J. Bates }

Judt rev'd & cause remanded.

Plff's costs.

Fil. record 15, Dk. cause 10, appr 25, Writ of error & fil. 55,	1,05
Fil. briefs &c. 20, ent. argt. 25, ent. subn. 25, Ord. taking time 25,	,95
Ord. resg. 25, Ord. rem'd. 25, fil. opn. 5, Ent. judt. & opinion 1,00	1,55
Copy of same 1,00, Certf & Seal 25, ent. judt. 25, Ord. for extn. 25,	1,75
Dk. judt. 25, bill of costs 25, Copy 25, Execution 25, fil. & dk. 15,	1,15
Shff's retn. 10, posty. 20, Sats. fn. 25, Trans. & pt. &c. 1,00	1,55
	8,00
2d bill of costs 25, Copy 25, Certf. & Seal 25, fil. & dk. 15, Shff's retn. 10,	1,00
2d Ex. 25, bill of costs 25, Copy 25, fil. & dk. 15, Shff's retn. 10,	1,00
	10,00

A true copy from my Fee Book as taxed and recorded therein.

L. Leland Clerk
By P. R. Leland Deputy.

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Lansing
vs.
Bates –
Bill of Costs. $10,00.

Cornelius Lansing }
vs. } Error to Boone.
Ephraim J. Bates } Jud^t. rev^d. & cause remanded.

Dft's costs. Appr. 25, ent. issue 25, bill of costs 25, copy 25,	1,00
Cert. & Seal 25, fil. & Dk. 15, Shff's return 10, Dk. fee 1,25 Sat. fee 25,	2,00
	3,00
2^d bill of costs 25, copy 25, cert. & seal 25, fil. & Dk. 15, Shff's return 10,	1,00
	$4,00

State of Illinois, ss.
Supreme Court - Third Grand Division, at Ottawa;
The People of the State of Illinois to the Sheriff of McHenry County — Greeting —
We command you, that of the goods and chattels, lands and tenements of Ephraim J. Bates you cause to be made the sum of four dollars & the amount of the foregoing bill, which is due and unpaid, and is a true copy from the Fee Book in my office; and hereof make due return in ninety days.

Witness, the Hon. Samuel H. Treat, Chief Justice of our said Court, and the seal thereof, at Ottawa, this tenth day of January A.D. 1852.

C. Leland Clerk of the Sup. Ct.
By T. M. Leland Deputy.

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Cornelius Lansing
vs.
Ephraim S. Bates.

F. & E. Bill — $4,00

Returned not satisfied
by order of Lansing's Atty
May 10th 1852
John Brink
Sheriff

Ret'd

Filed May 15th 1852.
L. Leland Clerk
by P. K. Leland Dep'y