

8459

No. \_\_\_\_\_

# Supreme Court of Illinois

Garwin Hoffman et al

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vs.

Henry F. Henkler

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71641  7

State of Illinois } Monroe County, Circuit Court, May term  
County of Monroe } A. D. 1861.

Henry F. Benckler )  
vs )  
Gerritt Hoffmann )  
& William Wilson Jr. )

of and against part.

Now come the defendants by  
Morrison their atty, and make a  
motion to quash the writ, which  
motion is overruled by the Court, and leave granted to plead by  
the morning

Henry F. Benckler )  
vs )  
Gerritt Hoffmann & )  
William Wilson Jr. )

of and against part:

Now again come the parties  
Plaintiff and defendants, by their attorneys  
and being ready for trial, by consent,  
this cause is submitted to the Court, for trial, without a jury,  
and the Court on having this cause, find in favor of the Plaintiff,  
and assess his damages at \$347.50. Thereupon the defendants by their  
atty, make a motion for a new trial, which is denied by the Court,  
and ordered that Judgment be entered, against the defendants, for  
the said damages to wit: \$347.50. that the Plaintiff have and recover  
from the defendants, the said sum of \$347.50. Damages, together  
with his proper cost, and that. fi. fa. be issued, thereupon the Clerk  
jury for an appeal, which is granted by the Court, upon their  
entering into bond within thirty days, in the sum of \$400. with  
security, to be approved by the Clerks of this Court. *in said Court*  
And on the 11<sup>th</sup> day of June 1861 the following appeal bond was filed, *to wit*

Know all men by these presents, that we Gerritt Hoffmann  
& William Wilson Jr. & Wm. R. Morrison of the County of Monroe  
in the State of Illinois, are held and firmly bound unto Henry F.  
Benckler of Monroe County in the State of Illinois, in the penal  
sum of Four Hundred Dollars, current money of the United States  
for the payment of which well and truly to be made, we bind ourselves

our heirs executors and administrators, jointly, severally and firmly by these presents: Witnesses our hands and seals this 11<sup>th</sup> day of June A. D. 1861. The condition of the above obligation is such that whereas the said Henry F. Benchler did on the 9<sup>th</sup> day of May A. D. 1861. in the Circuit Court in and for said County of Monroe, in the said State of Illinois aforesaid, recover a Judgment, against the above bounden Goswin Hoffmann and William Wilson Jr. for the sum of Three hundred and forty seven dollars and fifty nine cents, damages, and the sum of Five dollars ninety five cents, cost, from which Judgment of the said Circuit Court, the said Goswin Hoffmann and William Wilson Jr. has prayed for and obtained an appeal to the Supreme Court of said State of Illinois. Now if the said Goswin Hoffmann & William Wilson Jr. shall duly prosecute their said appeal with effect, and shall moreover pay the amount of the Judgment cost interest & damages rendered and to be rendered against him in case the said Judgment shall be affirmed in the said Supreme Court then the above obligation to be void, otherwise to remain in full force and virtue.

Entered into and approved by me }  
this 11<sup>th</sup> day of June A. D. 1861. }  
Wm. R. Morrison (real)  
G. Hoffmann (real)

State of Illinois } I the undersigned Clerk of the Circuit Court  
County of Monroe } in and for said County, hereby certify, that the  
foregoing is a true copy of the <sup>Judgment</sup> ~~order~~ of Court, and Bond, ~~made~~ in the  
foregoing entitled case, as the same appears of Record.

In testimony Whereof I, William Erd Clerk  
of the said Court, and the seal thereof, hereto officed  
this 29<sup>th</sup> day of September A. D. 1862.

William Erd Clerk  
By John Seyler Deputy.

Garrison Hoffmann &  
William Wilson Jr.

vs

Henry F. Benchler

Appeal from  
Mourve

Clerk of Supreme  
Court will please  
docket this case  
that the appeal  
may be dismissed  
because record was  
not filed in time by  
appellants.

Henderwood & Neotling  
Atty for  
appellee

Henry F. Benchler

vs.

Garrison Hoffmann &  
William Wilson Jr.

Copy of order & Bond.

347-50-

\$17,37.50

~~437-50~~

5

~~21,87.50~~

Filed Nov. 13. 1862.

St. Johnston City

Paid by us. \$5.00

7.20

F-62087

Garwin Hoffman &  
William Miller  
Appellants

By

Henry J. Huchler  
Appellee

8459

Appeal from Monroe

347-50  
\$17,37.50

Judgment \$347-50

Cent. bill on Page 509.

Order entered on Page 210  
in Book "B"

Copy of final order - Proceeds of Execution are 24. Nov. 62 -