

8579

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

# Supreme Court of Illinois

Upton

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vs.

Alexander

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71641  7

State of Illinois } 39  
Hamilton County }

At a Circuit Court begun  
and helden before the Honorable Edwin  
Becher, Presiding Judge of the Circuit Court  
of Hamilton County State of Illinois, at  
the November Term AD 1858 of said Court  
by Court- in a certain cause therein  
pending wherein Samuel Alexander was  
plaintiff and David Upton was defendant  
the following proceedings were had in the  
premises:-

Samuel Alexander }  
vs } Slander  
David Upton }

And now come parties the plaintiff by  
Carpenter & Marshall his Attorneys and the  
defendant by Cress McElvain & Vise his  
Attorneys and the said plaintiff by his  
Attorneys files his demurrer to the said  
defendants second plea herein which was  
sustained by the Court, with leave to amend  
said plea whereupon the parties joined  
issue, thereupon set a jury come and then  
- upon come the jurors of the jury to wit  
George Hepler, Simpson Durham, James  
Little, Alva Denton, Moses Bond, Benjamin  
Harrison, John Presley, John Matlock, Lewis  
L Moore, James B. Scammon, Presley Edwards

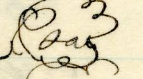
And John Sandharn who being Elected tried  
and sworn well and truly to try the issue  
Joind returned into Court the following  
Verdict-" we the jury find for the plain-  
-tiff and Assess the his Damages at One hun-  
-dred and Eighty \$4 Dollars, whereupon the  
Said Defendant enters his Motion for a new  
trial being which was over Ruled by the  
Court; is thereupon Considered by the Court  
that the Said Plaintiff receive of and from  
the Said Defendant the Said Sum of One  
Hundred and Eighty \$4 Dollars together with  
his proper costs and Charges being since out-  
and Expended and may have Execution therefor  
whereupon on Motion of Plaintiffs Counsel  
the following named Witnesses were allowed  
by the Court for the plaintiff being to wit.  
Moses Musgrave James Sane Joseph A McDan-  
iel Mc E Ellis John Garrison John Todd  
Joseph Musgrave May A Musgrave

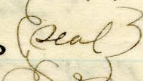
Know all Men by these Presents that we  
David Upton Joseph Upton and John Upton  
of the County of Hancock and State of Illinois  
are held and firmly bound unto Samuel H. H.  
Auder, of same County and State in the  
penal Sum of Five Hundred Dollars  
lawful Money of the United States. for the

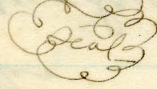
payment of which well and truly to be made  
we bind our selves our heirs Executors and  
Administrotors Jointly and severally by these  
written our hands and seals - this 7<sup>th</sup> day of De-  
cember 1858.

The Condition of the Above Obligation is such  
that whereas, at the November Term of the ~~Ham-~~  
~~ilton~~ Circuit Court of the County of Hamilton  
and State of Illinois, the said Samuel ~~Ally~~  
- Under received a judgement against the above  
bounden David Upton, in an action on the  
Case for the sum of One hundred and Eighty  
Six Dollars - from which judgement the said  
David Upton prayed an Appeal - at the  
Time now if the said David Upton shall  
well and truly pay the judgement Costs  
interest and Damages, in case the said judge-  
ment shall be affirmed and shall duly pro-  
secute his said judgement Appeal then  
this Obligation to be ~~void~~ void otherwise  
to remain in full force and Effect - Virtue

(Signed)

David Upton 

Joseph Upton 

John Upton 

State of Illinois } 1858.

Hamilton County }  
I

Shoremaster Clerk of the  
Hamilton Circuit Court in and for the

County of Hamilton and State of Illinois  
do hereby certify that the foregoing is a  
true copy of the Order and bond in my  
Office in the said Cause

Witness my hand and the Seal of our said  
Court at McLeansboro this  
3<sup>d</sup> day of November 1859  
J. Shrewmather - Clerk

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Samuel C. Alexander

per

David Upstam

Record

Filed Nov. 11 - 1859 -

A. Schmitz Clerk

M Leansboro Ills

Nov 3<sup>rd</sup> 1839.

Wm Johnson Esqr

Do Sir

I have find  
enclosed the record in the case of Alexander  
vs Wpton "Slander" The appeal was  
prayed by Wpton as you will perceive  
by an examination of said record.

Please docket the case. Your fees will  
be forth coming when we see you  
at the sitting of the Supreme court

Very Respectfully

Yours &c  
M Elvain & Son

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Daniel Upton

per

Samuel C. Newman

Filed Nov. 11 - 1859 -

S. Schuster *OK*

No. 36.

1859.

Upton

vs

Merrill

Appeal from Hamlet

8579

Dismissed for want of  
prosecution -

See find other on Book "B".

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Costs on Page 374 -