

Kenosha Vs. Lamson

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Court : US Supreme Court

Decided On : Apr-04-1870

Appeal No. : 154 U.S. 573

Appellant : Kenosha

Respondent : Lamson

Judgement :

Kenosha v. Lamson - 154 U.S. 573 (1870)

U.S. Supreme Court Kenosha v. Lamson, 154 U.S. 573 (1870)

Kenosha v. Lamson

No. 143

Argued March 22-23, 1870

Decided April 4, 1870

154 U.S. 573

ERROR TO THE CIRCUIT COURT OF THE UNITED

STATES FOR THE DISTRICT OF WISCONSIN

SYLLABUS

[Knox County v. Aspinwall](#), 21 How. 539, followed. [The City v. Lamson](#), 9 Wall. 477, followed.

The case is stated in the opinion.

MR. JUSTICE NELSON delivered the opinion of the Court.

This is a writ of error to the Circuit Court of the United States for the District of Wisconsin.

This was an action of assumpsit upon 516 coupons against the City of Kenosha, described in the declaration and notice accompanying it. They were all given in evidence, and when the plaintiff rested, the counsel for the defendants prayed the court to instruct the jury that the bonds, as well as the coupons, should have been given in evidence, which was refused. And further, that the city possessed no authority to issue the bonds, which was also overruled. The verdict was for the plaintiff.

The first question was decided against the plaintiff in [Knox County v. Aspinwall](#), 21 How. 539, and the second in a case at the present term between the same parties. [The City v. Lamson](#), 9 Wall. 477.

Judgment affirmed.

Dissenting, MR. JUSTICE MILLER.

LONG v. PATTON

No. 196.

Argued April 25, 1870

Decided April 30, 1870

ERROR TO THE CIRCUIT COURT OF THE UNITED STATES

SYLLABUS

[Little v. Herndon](#), 10 Wall. 26, followed.

In Illinois, a will probated in Virginia is as available in proof as if probated in Illinois.

The case is stated in the opinion.

MR. JUSTICE NELSON delivered the opinion of the Court.

This is a writ of error to the Circuit Court of the United States for the Northern District of Illinois.

The suit in ejectment in this case was brought by Mrs. Patton

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against Long and others to recover possession of the south half of section 22, township 27 north, range 13 west. The plaintiff gave in evidence a patent to Robert Hord, including the premises, dated November 1, 1839, and a deed from Hord to John M. Patton, and the will of Patton, by which the lot in question was devised to the plaintiff, and rested.

The defendant offered in evidence a deed from the Sheriff of the County of Iroquois to L. M. Peck, including the premises in question, dated July 1, 1864, which purported to be a deed upon a sale for taxes; a deed from Peck and wife to B. L. T. Bourland, dated July 1, 1864, and from Bourland and wife to Isaac Underhill, dated April 29, 1865, and then offered in evidence five tax certificates of payment of taxes on the lot for the year therein mentioned, stating that his object in offering said evidence was to show title to the premises, and to require the payment of said taxes by the plaintiff, in case he questioned the title of Underhill under the statute. But the court held that the "defendants had not brought themselves within the Act of February 21, 1861, to which ruling there was an exception.

All the questions presented in this case have been disposed of in the case of *Little v. Herndon* except as to the admission of the will of J. M. Patton. The only one material point to notice is that it was not properly proved or probated. But the proofs are conclusive that it was proved in the Circuit Court of the City of Richmond, Virginia, agreeably to the laws of that state, and according to the laws of Illinois, the will was as available in proof there as if probated in that state.

Judgment affirmed.

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