

No. 13849

Supreme Court of Illinois

Kirkman

vs.

Smallridge

Proceedings in the circuit court, at a term thereof began and held at the court house in the city of Peoria, in and for the county of Peoria and state of Illinois, on the second Monday of May in the year of our Lord, one thousand eight hundred and fifty seven, it being the eleventh day of said month. Present, the Honorable Elisha N. Powell, judge of the 16th judicial circuit in said state, Francis W. Smith, sheriff and Enock D. Sloan, clerk, to-wit:—

Wednesday, May 20, A.D. 1857

John Smallidge

vs Appeal from J. P.

John Kirkman

This day came the plaintiff by Groves & McCoy his attorneys and the defendant by Cooper & Reynolds his attorney, and it is ordered by the court that a jury be empannelled to try issues in this cause whereupon came a jury of twelve good and lawful men to-wit:— Henry Merrill, Hugh C. Moffitt, H. V. Flegler, Moses D. Bartholomew, James Clark, A. G. Pearsons, Benjamin Heckler, Nathan Swiger, Matthew Lagast, Anderson Grimes, Albert Clark, and Edward J. Noston, who were duly chosen, tried and sworn to well and truly try the issues in this cause and a true verdict give according to the evidence, upon their oaths do say, "we the jury find the issues joined for the plaintiff and assess his damages at eighty five dollars. Therefore it is considered by the court that the said John Smallidge have and recover of the said John Kirkman the sum of eighty-five dollars his damages aforesaid assessed, and also his costs and charges by him about his suit in this behalf expended and that he have execution therefor.

Friday, May 29th A.D. 1857

John Smallidge

vs appeal

John Kirkman

This day the cause came on to be heard on a motion for a new trial herein, and the court being satisfied in the premises, overrules said motion, whereupon said defendant by his attorney prays the court for an appeal to the Supreme Court of this state, which is allowed on condition that the said defendant shall make his bond in the penal sum of two hundred dollars, with Moses Pettingill as security, said bond to be conditioned according to law in such cases and filed with the clerk of this court in thirty days from this date.

And afterwards to wit on the 3^d day of June AD 1857, there was filed in the clerk's office of said court an appeal bond in words and figures following to-wit:-

Know all men by these presents that we John Kirkman and J. McElroy Smith and Moses Pettingill are held and firmly bound unto John Smallridge in the penal sum of two hundred dollars, for the payment whereof, well & truly to be made, we hereby bind ourselves and our legal representatives, jointly & severally firmly by these presents. But this obligation is made on the condition following: that is to say - Whereas in a suit lately pending in the circuit court of Peoria County, Illinois, wherein the said John Smallridge was plaintiff and the said Kirkman defendant such proceedings were had that judgment was rendered, at the May term 1857 of said court against the said Kirkman & in favor of the said Smallridge, for the sum of eighty-five dollars besides costs of suit, from which said judgment the said Kirkman then & there prayed an appeal to the Supreme Court

which said appeal was allowed by the courts.
Now if the said Kirkman shall prosecute
his said appeal with effect, or in default
thereof shall pay or cause to be paid the said judg-
ment and interest, together with such damages
& costs as may be awarded on the affirmation
of said judgment, or dismissal of said appeal.
then said obligation to be void, otherwise to
be and remain of force, virtue & effect in the
law. Given under our hands & seals, at
Peoria this 3^d day of June AD 1857

John Kirkman (seal)
J. Mollay Smith (seal)
Noses Pettengill (seal)

State of Illinois }
Peoria County } 2

I, Enoch P. Sloan, Clerk of
the circuit court in and for said county
and state do certify that the foregoing
are true and correct transcripts from the
record of the judgment and appeal bond
filed, in the case of John Smallidge vs
John Kirkman, as the same appears of
record and on file in my office.

Given under my hand and
the seal of said court at
Peoria this 24th day of
April AD 1858

Enoch P. Sloan, clerk

Smallidge ³ 280
Kirkman

Transcript of
Judgment & appeal bond

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Filed April 26, 1858.
L. Nelson
Clk.

Procedendo
Judgt \$85.00. Dgs \$85.00
/y 226

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