

No. 13712

Supreme Court of Illinois

Sweat

vs.

Clarkson

Proceedings of the county Court of
Peoria County State of Illinois began
and held at the court House in the City of
Peoria in said County on Monday August
2^d 1858 for judicial and other business

Present, How Wellington Loucke, Judge

" Charles Kettell Clerk

" Francis W. Smith Sheriff

Friday August 6th 1858

Peter Great

vs

Assumpsit

Eldridge Clarkson

This day came the said
Plaintiff by Sengers & Bro's his Attorneys
and the said defendant by Lindsay &
Lander his Attorneys and this cause came
on to be heard on the demurrer of the
plaintiff to the 2^d plea of the said defendant
the demurrer to 3^d and 4th plea being withdrawn
by said plaintiff. The Court being sufficiently
advised in the premises is of the opinion that
the said second plea of said defendant is not
sufficient in law to bar the plaintiff from
maintaining his action and sustains the
said demurrer. Thereupon the said defendant
sayeth that he abides by the plea
Thereupon the said parties waive a trial by
jury and agree that all matter both of law
and fact arising in this case should be tried

by the Court. The Court having heard the
Evidence in the case, and the arguments of
Council finds for the plaintiff and assess
his damage by reason of the premises ^{at the sum of} (\$320.00)
Three Hundred and Twenty Dollars. Thereupon
the said defendant by his Attorney comes
and enters his motion for a new trial of this
Cause, <sup>the being apparently advised in the premises both orally and in
writing</sup> Therefore it is considered by the
court that the said Peter Sweet do have
and recover of and from the said Eldridge
Clarkson the sum of (\$320.00) Three Hundred
and twenty Dollars his damage aforesaid
in form aforesaid assessed and also his
cost and charges by him about his suit
in this behalf expended and that he have
Execution therefore Thereupon the said
defendant prays an appeal of this cause
to the Supreme Court of this State
which is allowed on his entering into Bonds
in the penal sum of Six Hundred Dollars
within twenty days, Security to be
approved by the Court

Know all men by these presents that we Eldridge Clarkson as principal and C P Westcott & F S Massey as security are held and firmly bound unto Peter Sweat in the penal sum of Six hundred and fifty dollars Lawful money of the U.S. for the payment of which well and truly to be made, we bind ourselves our heirs executors and administrators jointly and severally and firmly by these presents, Witness our hands and seals this 9th day of August A D 1858.

The conditions of the above obligation is such that whereas at the August Term of the County Court in and for the county of Peoria in the state of Illinois A D 1858. said Peter Sweat recovered a certain judgment in said court against said Clarkson in a certain action of assumpsit for the sum of Three Hundred and Twenty dollars damage and also cost of suit from which said judgment the said Clarkson has paid and obtained an appeal to the Supreme Court at Ottawa in the state of Illinois to the 3rd Grand Division of said Supreme Court. Now if the said Eldridge

Clarkson shall pay or cause to be paid what ever judgment cost interest and damages may be rendered against him in said Supreme Court in case the said judgment is appealed from shall be affirmed and also if the said Clarkson shall prosecute his ^{said} appeal duly and with effect then the above obligation shall be void and of no effect, otherwise to be and remain in full force

Approved by me
this day of August
AD 1858

Eldredge Clarkson } Seal
C P Mott } Seal
J H Massey } Seal

Endorsed

Approved by

9th 1858

W. Doncker

C. Judge

State of Illinois
Seona County SS

I Charles Kettelle clerk of the County Court Seona County do hereby certify that the foregoing is a true copy of the record of the judgment appealed from and also of the appeal bond in a certain cause in said Court wherein Peter Swat is plaintiff and Eldredge Clarkson is deft. Witness my hand and official Seal at Seona this 23^d day of March 1860. Charles Kettelle clerk
for Sec. H. Kettelle s^{ty} clerk

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Peter Sweet

vs
Eldridge Clarkson

Transcript from County
Court Leon County

Filed March 31, 1860
L. Leland
Clerk

320.00
15,000.00 ds

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