

No. 14005

Supreme Court of Illinois

Leith

vs.

Kelley et al

State of Illinois }
Effingham County }
of Effingham County } In the Circuit Court
1856, } May Term Ad

Isaac L. Litch, plaintiff in this
suit complains of John B. Kelly, David
& Mitchell Lyons & Thompson and
Isaiah L. Hawkins Defendants in Custody
&c, of a plea of Infopap on the case
on promises. For that whereas the Defendants
on the 6th day of July A.D. 1855, in the
County and Circuit aforesaid, made
them promissory note in writing and
then & there delivered to the same to one
Charles Kinsey, and thereby jointly
and severally promised to pay said
Charles Kinsey (by the name of C
Kinsey) on order thirty days after
the date thereof for value received
the sum of Two Hundred and sixty
one Dollars And if the said sum is
not paid at maturity, the same to
bear one hundred per cent. interest
until paid from date, which period
has now elapsed and the said Charles
Kinsey then and there, as C Kinsey
endorsed the same to the plaintiff
whereof the defendants then & there
had notice, and then & there in
consideration of the premises, promised
to pay the amount of said Note to
the Plaintiff according to the tenor
and effect thereof.

Yet the said Defendants have disregarded their said promises and undertakings and have failed & refused (altho' often requested to do so) to pay to the plff. the amounts of said note, or the interest thereon or any part thereof, and still fail and refuse to do so to the damage of the Plaintiff of Two Hundred Dollars and therefore he sues &c,

Anthony Thornton

Copy of Note sued on p. 9.

Twenty days after date are or either of us promise to pay to Kinsey or Order for value received the sum of Two Hundred and fifty one Dollars and if said sum is not paid at maturity the same to bear one hundred per cent interest until paid from date July 6th 1855

Signed

Endorsed on the back of said note
For value Received & apign the within note to J L Little
October 3rd 1855.
L Kinsey

John S Kelly	}
Daria S Mitchell	}
C. S. Thomason	}
Freely C. Huntin	}

State of Illinois
Effingham County
May Term AD 1856,
Isaac L Little

In the Effingham Circuit Court

vs

John

John S Kelly David S Mitchell, Cyrus S
Thompson and Prady C Hankins
Trespas on the Case on
promises

Damages \$ 500. 00

The clerk of the Circuit Court of
Effingham County Illinois will
issue Summons to the defendants
in the above entitled cause return-
able to said Term of said Court

Anthony Thornton pro
Filed April 9th 1856,

John S Kelly Clk

The State of Illinois }
Effingham County } set

The People of the State
of Illinois to the Sheriff of said County
Greeting

We command you that you
Summon John S Kelly, David S
Mitchell, Cyrus S Thompson and
Prady C Hankins if they shall be
found in your County, personally to
be and appear before the Circuit
Court of said County on the first
day of the next Term thereof to be
holden at the Court House in Ewington
on the first Monday in the month of
May next to answer Isaac L Little
on a plea of Trespas on the Case
on promises, Damages Five Hundred
Dollars

And have you then and there this

writ, and make return thereon in
 what manner you presented the same,
 Witness John S Kelly Clerk of
 the Circuit Court at Ewingtown
 this ninth day of April in
 the year of our Lord one thou-
 sand eight hundred and
 fifty six

(28)

Teste John S. Kelly

Clerk Circuit Court

Upon the back of said summons the
 following endorsement to wit
 Effingham Circuit Court May Term
 1856

Isaac L Little

vs

John S Kelly et al,

Summored to May Term
 1856

Executed the within by reading
 to the within defendants April 19th
 1856

Driving Procep	\$ 2 00
Milage 15 miles	40
Retuning	10
	<u>\$ 2 50</u>

John G Gamble Sheriff

Filed April 21st 1856

John S Kelly Clerk

May Term AD 1856 the following
 was made and entered of Record to
 wit:

Isaac L Little vs

John S Kelly et al

Judgment on case Damages
 \$ 500.00

Now on this doings the said parties
Came into Court judgment by agree-
ment for the Plaintiff for the sum of
Two Hundred sixty one Dollars Debt
and Damages Two Hundred fifteen
Dollars and forty cents and Costs
of suit and that Execution Stay until
the first day of December next.

It is therefore Considered
Ordered and adjudged by the Court
that the said plaintiff have and
recover of and from the said
Defendants, the said sum of Two
Hundred sixty one Dollars Debt &
Damages Two Hundred Seventeen
Dollars and fifty cents. & Costs of suit
and that he have execution therefor
vc,

State of Illinois
Effingham County
I John S Kelly
Clerk of the Circuit
Court do hereby Certify that the
above and foregoing is a full and
perfect Copy of the Original papers
and Records on file in my office
in the above entitled Cause as
appears to me of Record

Witness John S Kelly Clerk
of said Court and the seal
thereof hereto affixed at Newington
this 26th day of December
AD 1859

John S Kelly Clerk

of
Transcripts & Proceedings
in the Case of
Isaac L. Leith
vs
John S. Kelly et al

14005