

13808

No. _____

Supreme Court of Illinois

Fitsworth et al

vs.

Woodworth

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United States of America
State of Illinois
Kane County
City of Aurora

ss.
Plea before the
Honorable Benjamin
D. Parks, The Judge
of The Court of Common Pleas of the
City of Aurora at a regular Term
of said Court begun and held at The
Court Room in the City of Aurora
in said county and State on Monday
the thirteenth day of June A D (1839)
One Thousand Eight hundred and
fifty nine,

Present The Honorable Benjamin D. Parks
Judge of said Court
" Ethan Allen Sheriff of Kane County
" Charles B. Mills State's attorney pro tem.
Attest James S. Parr
Clerk

The Court opened by proclamation.
It is remembered that heretofore suit
on the 17th day of June A D 1839 the same
being one of the days of the June Term
A D 1839 of The Court of Common

Pleas of The City of Aurora. the following
among other proceedings were had
and entered of Record in said Court

Lewis Ditsworth &
John W. Ditsworth

85

^{vs}
Erasmus Woodworth &
Alvin Woodworth

Plumpis

This day come
the Plaintiffs by
Ogden Snow, their attorney and the
Defendant Alvin Woodworth who does
was served with process by Metzger his
attorney also comes waive a jury and
submit this cause to the Court for
trial, and the Plaintiffs cause of action
being founded upon an instrument
of writing for the payment of money
only it is by agreement ordered that
the Clerk assess the Plaintiffs damages.
And the Clerk having subsequently
reported to the Court as due and owing
from the said Defendants to said
Plaintiffs the sum of Two Hundred
and ninety one Dollars. and ninety
Two cents. it is ordered by the Court that
the Report be approved. Wherefore
it is considered by the Court that

said Plaintiffs have and recover of
the Defendant Alvin Woodworth their
Damages of Two Hundred ^{and} ninety
one Dollars and Ninety Two cents in
form aforesaid apiked and also their
costs & charges by them, about this suit
expended and have execution therefor

And afterwards Do wit: on the 30th
day of June A D 1839. the same still,
being one of the days of said June,
Term of said Court the following among
other proceedings were had and
entered of Record in said Court to wit:

Lewis Dittsworth &
John N. Dittsworth

85

Erasmus Woodsworth &
Alvin Woodsworth

Assumpsit

This day

again comes
the Defendant Alvin Woodworth and
moves for a new trial herein, and the
Court overrules said motion, & which
said Defendant at the time accepted
and prayed an appeal in this cause
to the Supreme Court of the State of
Illinois. It is ordered that the appeal

be allowed upon the defend^{ant} entering
into Bonds in the sum Six Hundred
Dollars with Symon Woodworth &
Erucian Woodworth or Thomas Newlan
as surety. and that he have ten
days to file Bond & Thirty days to
file Bill of exceptions herein

And afterwards Do it on the 7th
day of July A D 1839 there was filed
in the Office of the Clerk of said Court
a certain Appeal bond which is in
the words and figures following Do it:

Know all men by these presents that
me Mrvin Woodworth & Erasmus Wood
-worth principals and and Thomas
Newlan as surety are held and firmly
bound unto Lewis Ditworth and
John Ditworth in the penal sum of
Six Hundred dollars lawfull money
for the payment of which will and
truly to be an adme bind ourselves
our heirs executors administrators
firmly by these presents.

Witness our hands and seals
this fifth day of July A D 1839.

They

condition of the above obligation is
such for that reference to the said Lewis
Dysworth and John Dysworth at the
June Term A D 1839 of the Court of
Common Pleas of the City of Aurora
County of Kane and State of Illinois
recovered a judgment against the
above bounden Alvin Hoodworth,
impleaded with Erasmus Hoodworth,
for the sum of Two hundred and
ninety one and $\frac{92}{100}$ dollars from which
judgment the said Alvin Hoodworth
have taken an appeal to the Supreme
Court of the State of Illinois. Now if ^{the} said
Alvin Hoodworth, shall pay said
judgment costs interest and damages
in case said judgment shall be
affirmed and shall prosecute said
appeal with effect & without delay then
the above obligation to be void,
otherwise to remain in full force
and effect

Erasmus Hoodworth
Alvin Hoodworth *et al*

Thomas Newland *et al*

State of Illinois
Kane County } ss.
City of Aurora }

I James G. Parr
Clerk of The Court of
Common Pleas of The City of
Aurora in said city, county and state,
do hereby certify that the above and
foregoing Transcript is a true
and correct copy of the judgment
and final order of the Court, and
also of the appeal bond filed in a
cause lately pending in The Court
of Common Pleas of the City of
Aurora wherein Lewis Ditzworth
and John W. Ditzworth were Plaintiffs
and Erasmus Woodworth and Alvin
Woodworth were Defendants, as appears
to us from the Records and files in
my Office.



In witness my name and the seal
of said Court at The City of
Aurora in said County this
2^d day of May A.D. 1860.
James G. Parr
Clerk

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Lewis Fitzworth &
John W Fitzworth

my

Alvin Woodworth
ve

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Filed May 4, 1860
L. Leland
Glen N

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