

No. 13789

# Supreme Court of Illinois

Colton

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vs.

Chinn

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71641  7

State of Illinois } 111

Warren County } ss. Pleas before the Honorable John  
S. Thompson Judge of the Sixth  
Judicial Circuit of the State of Illinois, At a Cir-  
cuit Court began and held at the Court House  
in Mammouth in the County of Warren & State of  
Illinois, on the third Monday in the Month of  
March, in the year of our Lord one thousand  
eight hundred and fifty nine, it being the twenty  
first day of said month,

Present the

Hon. John S. Thompson  
James H. Stewart  
Wm. Lafayette  
Seto Smith

Judge,  
State Attorney,  
Clerk,  
Sheriff

Afterwards to wit: on the 30<sup>th</sup> day of March A.D.  
1859 it being at the same term of said Court then  
being held the following order was entered "on  
the Records of said Court which is in the words  
and figures following to wit:

Chancy S. Colton }  
vs }  
Thomas Chinn } Appeal

This day came the parties  
and their attorneys and ifne being joined for  
trial put themselves upon the Country, thereupon  
came a Jury to wit: James Bond, James S. Gudy,  
P. Bruner, C. C. Thompson, Andrew O. Grance

Thomas Reed, S. H. Maloy, Alex. Fairer, Edwin Allen  
C. B. Graham, Simon Diehl and B. H. Gardner who  
being elected tried and sworn well and truly to try the  
issue joined herein after hearing the evidence and  
arguments of Counsel upon their oaths do say  
"We the Jury find the issue for the plaintiff and  
assess his damage at the sum of One hundred  
and twelve dollars and seventy three cents" there-  
upon came the defendant by his Attorney and  
moves the Court for a new trial herein.

Afterwards to-wit: on the 31<sup>st</sup> day of said Month and at  
the same Term of said Court then being held the following  
order was entered upon the Records of said Court which  
is in the words and figures following to-wit:

Chancery S. Cotton  
6 vs  
Thomas Chinn } Appeals

This day again comes the defen-  
-dant by his Attorney and withdraws his motion made  
herein on yesterday for a new trial and moves the Court  
to dismiss this suit for the want of Jurisdiction.

Afterwards to-wit: on the 14<sup>th</sup> day of April A.D. 1859 it being  
at the same Term of said Court then being held the folle-  
-wing order was entered upon the Records of said Court  
which is in the words and figures following to-wit:

Chancey S. Colton (3)  
vs  
Thomas Chinn } Appeals

This day again came on this case for hearing on the defendant's motion to dismiss the suit for want of Jurisdiction, then upon it is ordered by the Court that the motion be overruled. Thereupon came the defendant and moves the Court for a new trial which is overruled by the Court. Therefor it is considered by the Court that the said plaintiff have and recover of and from the said defendant the sum of One Hundred and twelve & 3/4 Dollars the amount so found by the Jury aforesaid together with his costs by him in this suit laid out and expended and may have execution therefor, then came the defendant by his attorney and prays an Appeal to the Supreme Court which is allowed by the Court upon the defendant entering into Bond with Andrew Claycomb as security in the sum of Six Hundred Dollars Bond and Bill of Exceptions to be filed in sixty days from the date hereof

Afterwards to wit: on the 11<sup>th</sup> day of June AD 1859 an Appeal Bond was filed in the office of the Circuit Clerk of Warren Co. Ill. which is in the words and figures following to wit:—

Know all men by these presents that vs Thomas Chinn and Andrew Claycomb are held and firmly bound unto Chancey S. Colton in the penal sum of Six Hundred Dollars for the payment of which

well and truly to be made we bind ourselves our heirs executors and administrators jointly severally and firmly by these presents. Witness our hands and seals this 11<sup>th</sup> day of June Anno Domini one thousand eight hundred and fifty nine.

The Condition of the above obligation is such that Whereas the said Chancery S. Colton did on the thirteenth day of March 1859 in the Circuit Court with in and for the County of Warren and State of Illinois recover a judgment against the above bounded Thomas Chinn for the sum of One Hundred and twelve 73/100 Dollars and Costs of suit from which judgment of said Circuit Court the said Thomas Chinn has prayed for and obtained an appeal to the Supreme Court of said State. Now if the said Thomas Chinn shall duly prosecute his said appeal with effect and shall moreover pay the amount of the judgment, costs interest and damages rendered and to be rendered against him in case the said judgment shall be affirmed in the said Supreme Court then the above obligation to be null and void otherwise to remain in full force and virtue.

Thomas Chinn (S.S.)  
Andrew Claycomb (S.S.)

This Bond approved by me this 11<sup>th</sup> day of June AD 1859.

Filed June 11<sup>th</sup> 1859

Wm. Safertj clk  
By L.O. Fourtettott Deputy

W. Safertj clk. Cir. Court.  
By L.O. Fourtettott Deputy.

State of Illinois  
Warren County

I Wm. Laferty Clerk of the  
Circuit Court in and for said County do  
hereby certify that the foregoing is a true copy  
of the orders and Bond in the foregoing  
case as the same appears from the files  
and records of my office

In testimony whereof I have hereunto  
set my hand and affixed the seal  
of our said Circuit Court at my  
office in Monmouth this 21<sup>st</sup> day of  
April AD 1861

Wm. Laferty Clerk



373

Chancery & Cotton

vs

Thomas Chinn

Filed May 2, 1860

L. Leland  
Clerk.

112.73

05  
\$543.65 2p

fee \$1.25

13789