

The appeal bond is signed thus

William Keene (Seal)

John Boyd

No Seal being affixed to the name of Boyd

In the Circuit Court before the Cause came on for trial
Brown moved the Court to dismiss the appeal because

1. There was no judgment rendered by the justice of the Peace and nothing to appeal from
2. Because the appeal bond is insufficient —

There was no Crisp motion to amend, and no amendment to be made, but the Court overruled the motion to dismiss the appeal, and Brown excepted —

A trial was had in the Circuit Court, and judgment rendered in favor of Keene, and Brown brings the case here by writ of error —

Browning & Washburn For
Plaintiffs in Error

James Brown

^{vs}
William Keems

This action was commenced by Keems against Brown, before a Justice of the Peace in Fulton County, upon an account for \$92.23 and

The transcript of the Justice before whom the case was tried, shows the following entry

The jury not being objected to by either party were sworn and took their seats, the witnesses were called forward and sworn and after hearing evidence the jury brought in a verdict \$19/23 and debt and costs of suit in favor of Defendant May 26th 1849."

Upon this verdict no judgment was ever entered the above being the conclusion of the record before the Justice Keems the plaintiff below and defendant here took an appeal to the Circuit Court. The appeal penal part of the appeal bond is as follows

We now all men by these presents that we William Keems and John Boyd are held and paying unto James Brown in the penal sum of fifty four and 62 cents, dollars (any as many &c)

In the condition of the bond it is recited

"That whereas the said James Brown did on the 26th day of May 1849, before me A J Robertson, a Justice of the Peace for the County of Fulton, recover a judgment against the above named William Keems for the sum of twenty seven ^{7/8} dollars, from which judgment the said William Keems has taken an appeal &c"