

13723

No. _____

Supreme Court of Illinois

Schnebley

vs.

Campbell

71641  7

Proceedings in the Circuit Court in and for the County of Peoria in the State of Illinois at a term thereof, begun and held at the Court-house in Peoria on the third Monday in the month of November in the year of our Lord one thousand eight hundred and fifty three, it being the twenty first day of said month. Present the Honorable Ouslow Peters, Judge of the sixteenth Judicial Circuit in the State of Illinois, to wit:

Thursday December 15th A. D. 1853

Caleb B Campbell

vs

John C. Schnebley

} Appeal from J. P.

This day came the parties by their respective attorneys and it is ordered by the Court that a jury be empannelled in this cause, whereupon came a jury of twelve good and lawful men to wit: B. M. Greenman, Christopher Orr, Ambrose C. Bartholomew, John Waugh, Abel Austin, Eldrick Smith, George Rambo, Matthew Brown, Allen Austin, Thompson Carlisle, Samuel Marshall, and Hugh W. Mc Ginnity, who being duly chosen tried and sworn, well and truly to try the issues in this cause retired to consider of their verdict.

Friday, December 16th A. D. 1853

This day again came the jury empannelled in this cause on yesterday, and on their oaths aforesaid do say, we of the jury do find the defendant guilty and do assess the plaintiffs damages at eight dollars. Whereupon the defendant entered a motion to set aside the verdict herein and grant a new trial upon the following grounds, to wit: 1st The Court refused to give instructions asked for by the defendant, that were proper to have been given. 2nd The Court gave instructions to the jury asked for by the plaintiff, that ought to have been given. 3rd The verdict is not sustained by the evidence in the case, wherefor the defendant prays for a new trial without an order for the payment of costs. On consideration whereof the Court overruled said motion, and ordered that the costs be so divided in this cause that the defendant pay $\frac{2}{5}$ of the costs and the plaintiff

pay 7/15 of the costs: Therefore it is considered that the plaintiff have and recover of the defendant the sum of eight dollars his damages by the jury assessed and also 8/15 of his costs and charges by him about his suit in this behalf expended as well in this Court as in the Court below and that execution issue therefor. It is further considered that the defendant have and recover of the plaintiff 7/15 of his costs and charges by him about his defense in this behalf expended and that he have execution therefor. The plaintiff prayed an appeal in this cause to the Supreme Court of this State which is allowed on his filing in the office of the clerk of this Court within thirty days a bond to the defendant in the penal sum of one hundred dollars with Henry Grove as his surety and conditioned according to law. The defendant prayed an appeal to the Supreme Court in this case, which is allowed him on his filing in the office of the clerk of this Court in thirty days a bond payable to the plaintiff in the penal sum of one hundred dollars with Charles Ballance as surety and conditioned according to law.

State of Illinois
Perry County

I, Jacob Gale, clerk of the Circuit Court of said County hereby certify that the foregoing is a true transcript from the record of the said Court of the ^{trial} final judgment of said Court and order allowing appeal to the Supreme Court of this State in a certain cause of Caleb B. Campbell plaintiff against John C. Schuebly defendant. I further certify, that the said defendant perfected his appeal by filing bond according to the final order of said Circuit Court.

Witness Jacob Gale clerk of said Circuit Court and the seal thereof at Perry this sixteenth day of June in the year of our Lord one thousand eight hundred and fifty five -
Jacob Gale, clerk.

clerk's fees: transcript, certificate & seal \$0.90 - paid by plaintiff -
Jacob Gale, clerk.

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John C. Schuebley
D

Caleb B. Campbell
Transcript

Cott. Taper

Filed June 26. 1855.
L. Veland Clk.

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