

13869

No. \_\_\_\_\_

# Supreme Court of Illinois

Kellogg

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vs.

Wheeler

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71641  7

Proceedings of the County Court of Deoria County, below  
and held at the Court House in the City of St. Louis and County  
of Deoria, State of Illinois on Monday November 2<sup>d</sup> 1857 for  
Judicial and other business.  
Present Hon. Thomas Bryant, Judge, Charles Kettle Clerk  
and Francis W. Smith Sheriff.

Wednesday November 11<sup>th</sup> 1857

Horatio N. Wheeler

Assumpsit

H:  
William Kellogg  
William J. Moss  
Charles J. Clark  
Richard Gregg  
Hervey Lightner  
and James Knoc.

This day came the said Plaintiff  
by H. B. Hopkins his attorney, and  
the said Defendants by Purple and Pratt their attorneys and  
waives a trial by jury and agrees that all matters both of Law and  
Fact arising in this Suit shall be tried by the Court, and the Court having  
heard the evidence in the case and the arguments of counsel and being  
fully advised in the premises doth find for the Plaintiff and doth  
assess his damages by reason of the premises at the sum of Three  
Hundred and Thirty Eight Dollars and Ninety Nine cents. Thereupon  
came the said Defendants by their attorneys and entered their motion  
for a new trial and arrest of judgment. The Court being fully  
advised in the premises doth overrule said motion. Wherefore it is  
considered by the Court that the said Horatio N. Wheeler do have  
and recover of and from the said William Kellogg, William J. Moss,  
Charles J. Clark, Richard Gregg, Hervey Lightner, and James Knoc  
the sum of of Three Hundred and Thirty Eight Dollars and Ninety Nine  
cents his damages in form aforesaid assessed and also his costs and charges  
by him about this Suit in this behalf expended and that he have  
Execution therefor. Thereupon came William Kellogg one of the above  
named Defendants and prayed an appeal of this Cause to the Supreme  
Court of the State. Which appeal was granted to be allowed on  
his entering into Bonds with W<sup>m</sup> J. Moss as security in the penal  
sum of Two Hundred Dollars conditional according to Law

within thirty days.

and it has afterwards. To Wit on the 24<sup>th</sup> of November 1857 there was filed in the office of the Clerk of the County Court an appeal Bond in Words and figures following. To Wit

Know all men by these presents that W<sup>m</sup> E. William Kellogg & William J. Moss are held and firmly bound unto Horatio N. Wheeler in the Penal sum of five hundred Dollars for which payment well and truly to be made and done we bind ourselves our heirs executors and administrators jointly and severally by these presents. Witness our hands and Seals this 21<sup>st</sup> day of November 1857.

The conditions of the above bond is this Whereas on the twelfth Day of November A.D. 1857 in the County Court of Peoria County the above named Horatio N. Wheeler recovered a judgment against the said William Kellogg, William J. Moss, Hervey Lightner, Richard Gegg, Charles J. Clark and James Knox for the sum of Three hundred and thirty eight  $\frac{99}{100}$  Dollars from which said judgment the said William Kellogg has appealed to the Supreme Court and which appeal has been allowed by said County Court. Now if the said William Kellogg shall duly prosecute his said Appeal and shall pay the judgment, Costs, Interest and Damages in case the said judgment of the said County Court shall be affirmed by the Supreme Court. Then this Bond to be void otherwise in force

Wm Kellogg  
Wm J. Moss

Seal  
Seal

State of Illinois  
Poua County }

I Charles Nettelle Clerk of the County  
Court of said County, do hereby Certify,  
That the foregoing is a True Transcript of the Records  
in above entitled Cause where H. N. Wheeler is Plaintiff,  
and William Kellogg, William J. Moss Et Al, are Defs.  
And also a true Copy of an appeal Bond, in aforesaid cause  
Returned our hands and seals this

27<sup>th</sup> of April 1858. Charles Nettelle Clerk

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William Kellogg &  
~~William S. Mills~~  
Appellants

Horatio N. Wheeler

Filed April 29 1858  
S. Leland  
Clk

Just \$338,29  
Dgt. \$ 16,29  
py 244

13869