


No. 13494

Supreme Court of Illinois

Thornton, et al.

vs.

Malone, Im.

71641  7

Treas before the Circuit Court of Marshall County
in the State of Illinois at a Term thereof began and
held at the Court House in the City of Lacon in said
County on Monday the Seventh day of May in the
year of Our Lord One Thousand eight Hundred
and Sixty, present the Hon. Mark B. Briggs Judge of the
23^d Judicial Circuit of the State of Illinois presi-
ding, Henry Miller States Attorney for said Judicial
Circuit

Thomas Ellis Sheriff of said Marshall County and
James Wescott Clerk of said Circuit Court

State of Illinois } In the Marshall County Circuit Court
Marshall County } ss Of the May Term A^d 1860

Wednesday May 9th A^d 1860

James F. Thornton's Appeal

John F. Thornton

vs

Francis Malone
impleaded with

John B. Stoner

On this day comes the plaintiff
by Richmond & Burns their attor-
neys, and the defendant Francis
Malone by Miller his Attorney
and the parties waived a jury
and agreed to submit this cause

to the court for trial upon the issue joined be-
tween them and the court having heard the evidence
and being fully advised in the premises doth find

the issue herein for the plaintiffs and do assess their damages to the sum of Seventy one Dollars and fifty cents and it appearing to the Court that the Defendant Francis Malone has taken this appeal for purposes of delay merely it is considered that the said Plaintiff ought to recover of the said Francis Malone Five Dollars and Fifty cents damages for ^{every} delay. Therefore it is considered by the Court that the said James S. Thornton and John S. Thornton have and recovered of the said Francis Malone the said sum of Seventy One Dollars and Fifty cents, their damages as found by the Court as aforesaid also the sum of Five Dollars and Fifty cents damages for delay as aforesaid Making together the sum of Seventy Seven Dollars damages also their Costs herein expended and that they have execution therefor; and on motion of the Plaintiffs it is ordered by the Court that a Scire Facias issue to the Defendant John B. Stoner to show cause if any he can why he should not be made a party Defendant to this judgement. Whereupon comes the defendant Francis Malone by his Attorney and prays an appeal to the Supreme Court of this State which appeal is allowed upon the said Francis Malone's filing a bond in the sum of Two Hundred Dollars with Edward Jones as security said bond to be filed within thirty days from the adjournment of this Term of this Court

Appeal Bond

Know all men by these presents that we Francis Malone as principal and Edward Jones as surety are held and firmly bound unto James S. Thornton and John S. Thornton in the penal sum of Two Hundred 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 at Lacon this fifth day of June A D 1860

The Condition of the above obligation is such that whereas the said James S. Thornton and John S. Thornton did at the May Term A D 1860 of the Marshall County Circuit Court recover a judgment against the said Francis Malone for the sum of Seventy one Dollars and fifty cents and Five Dollars and fifty cents Damages for delay and costs of suit from which judgment the said Malone has prayed and obtained an appeal to the Supreme Court of the State of Illinois Now if the said Malone shall duly prosecute said appeal and shall pay all judgments costs interests and damages which shall be awarded by said Supreme Court in case the said judgment shall be affirmed then this obligation to be void else to remain in full force and effect

Francis Malone

Edward Jones



adjournment of this Term of this Court,

State of Illinois }
 } ss

Marshall County } I Sheldon Arnold, Clerk of the Circuit

Court within and for the County of Marshall
in said State of Illinois, do hereby Certify that the foregoing
is a true and perfect Copy of the Order for the Judgments
and the Appeal Bond in said Cause, also the order granting
the Appeal in said Cause of James T. Thornton & John A. Thornton
against Francis Malone impleaded with John B. Stoner, in
the Marshall County Circuit Court,

In Witness Whereof I have hereunto set my
hand and affixed the seal of said Court
at Sacos this 4th day of May A.D. 1861

Sheldon Arnold
Clerk

354 James St, John F. Thornton

do
Francis Mealm
implied to,

Transcript

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May 9-1861

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