

8613

No. _____

Supreme Court of Illinois

Ralph W. Booth et al

vs.

Franklin Westbrook et al

71641  7

Westbrook et al vs Booth et al

8613

Transcribed on Page 487

*317-90
5-
\$15,895.50*

True and correct

Jackson County Circuit Court May term 1860.

At a Regular term of the Jackson County Circuit Court began on Tuesday May 8th AD 1860 and held in the Court House in the Town of Murphysboro Jackson County State of Illinois.

Present the Honl Alexander M Jackson Judge of the 3rd Judicial Circuit and Presiding Judge of the Jackson County Circuit Court.
Edward T Kees Clerk and Abel C Davis Sheriff

Ralph W Booth, John Young
Franklin Alter, & Adolphus
Rogers a firm of
R. W. Booth & Co.

Respondent the Case
on Promissory

vs
Franklin Westbrook & Wm C Wiley
a firm of Westbrook & Wiley. } Friday May 11th 1860

And now on this day came the Plaintiffs by their Attorneys and the defendants by their Attorneys, whereupon the Plaintiffs enter their Demurrer to D^{fs} plea being to the 1st Count in Declaration, Demurrer Sustained by the Court. Default is made as to the unsworn Counts in Declaration.
Tuesday May 15th 1860

Whereupon It is Ordered by the Court that the Plaintiffs have judgment against the said defendants for the sum of Three hundred and Seventeen ^{Dollars} and Ninety Cents being the Amount of Damages as ascertained.

It is Further Ordered by the Court that the Plaintiffs R. W. Booth, John Young, Franklin Alter & Adolphus Rogers a firm of R. W. Booth & Co have judgment and do Recover of and from the defendants Franklin

Westbrook and Wm E Wiley the Sum of Three hundred and Seventeen dollars and Ninety Cents (\$317.90) being the Amount as ascertained against them the said defendants as Damage together with the Costs of this Suit.

And now on this day again came the parties and by their Attorneys, Whereupon the defendants by their Attorneys making Motion for New trial, Motion for New trial ordered by the Court, Application is then made by defendants for an Appeal to the Supreme Court, Whereupon Appeal is granted by the Court Defendants are required to enter into Bond in the penal Sum of Five hundred dollars (\$500.00) to be filed in the Office of the Clerk of the Circuit Court within Twenty days from this date Conditioned according to Law with Horace S Bourne and James M Morgan as Security.

Know all men by these presents that we Franklin Westbrook
& William E Wiley, a firm trading and doing business by the
name & style of Wiley & Westbrook & Horace S Sawyer
& James M Morgan, all of the County of Jackson &
State of Illinois, are held & firmly bound unto Ralph
W Booth, John Young, Franklin Alter & Adolphus
Rogers, a firm trading & doing business by the name &
style of R W Booth & Co, of Cincinnati of the State
of Ohio, in the penal sum of five hundred dollars
lawful money of the United States, for the payment
of which well and truly to be made we bind our
selves, our heirs, executors, & administrators jointly
severally and firmly by these presents - Witness our
hands and seals this 6th day of June AD 1860.

The condition of the above obligation is
such that whereas the said R W Booth & Co, did on the
19th day of May AD 1860 in the Circuit Court in
and for the County of Jackson & State of Illinois re-
cover a judgment against the above bounden Franklin
Westbrook & William E Wiley for the sum of three hun-
dred and seventeen dollars and ninety cents, damages
and costs from which said judgment
of the said circuit court the said Franklin West-
brook and William E Wiley have prayed for and ob-
tained an appeal to the Supreme Court of said State
Now if the said Franklin Westbrook & William E Wiley
shall prosecute their said appeal with effect and
shall moreover pay the amount of the judgment, costs
interest & damages, rendered and to be rendered
against them 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
William E Wiley Clerk
H A Bowyer Seal
J M Morgan Seal

Filed June 6th 1860

Ed H Rees, Clerk
James P Watson, Deputy

State of Illinois, } ss.
Jackson County } I James P Watson Clerk of the Circuit
Court within and for said County, do hereby
that the above and foregoing Copy of an Order of Court and
Appeal Bond is a true and correct Copy as appear from
the Records in my Office

In Testimony Whereof I have hereunto set my
hand and affixed the Seal of my Office at
Murphysboro this 8th day of November 1861
James P Watson Clerk

~~Ralph W Booth~~ No 62

Ralph W Booth, John
Young, Franklin West-
brook & Solophus &
Rogers - a firm trading
& doing business by the
name & style of
R W Booth & Co

vs
Franklin Westbrook
& William E Wiley
a firm trading & doing
business by the name
& style of
Westbrook & Wiley
appeal

Copy of Record

Franklin Westbrook &
William E Wiley, a firm
trading and doing
business by the name
& style of Westbrook & Wiley

vs

Ralph W Booth, John Young
Franklin Alter and Solophus
& Rogers, a firm trading
& doing business by the name
& style of R W Booth & Co
appeal from judgment

Copy of Record

Filed Apr. 15. 1861
N. Johnston City

317-90
5
\$15.89.50