

No. 13880

Supreme Court of Illinois

Hamilton.

vs.

Moss Kellogg Co.

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Proceedings of the County Court Peoria
County State of Illinois began and held at the Court House
in the City of Peoria in said County on Monday October 5th
A.D. 1857 for judicial and other business. Present Hon Thomas
Pryant. Judge, Charles Kettelle Clerk and Francis W Smith Sheriff
Monday. October 5th 1857

Hobart Hamilton

vs

Assumpsit

William Kellogg.

William S. Moss

Charles S. Clark

Harvey A. Lightner

Richard Gregg.

and James Knox

This day came the said Plaintiff by
Wead and Williamson his attorneys 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 in ques-
tion in this cause shall be tried by the Court. and hereupon the Court having
heard the evidence of the parties aforesaid respectively touching the matter
aforesaid and the arguments of counsel thereon doth find for the Plaintiff
and do assess the damages which the said Plaintiff hath sustained
by reason of the premises at Four Hundred and Twenty nine
Dollars and Sixty cents, Thereupon the said Defendants by their
Attorneys and entered their motion for a new trial and arrest of
judgment in this cause and in consideration whereof the Court being
sufficiently advised in the premises doth overule the said motion.

Therefore it is considered by the Court that the said Hobart
Hamilton do have and recover of and from the said William
S. Moss William Kellogg. Charles S. Clark. Harvey A. Lightner
Richard Gregg and James Knox the sum of Four Hundred and
Twenty Nine Dollars and Sixty cents his damages aforesaid
in form aforesaid assessed, also his costs and charges by him about
his suit in this behalf expended and that he have Execution thereon
Thereupon the said Defendants. prayed an appeal of this cause to the
Supreme Court of this State, which was ordered to be allowed on
their entering into Bonds in the penal sum of One Thousand Dollars
conditional according to law, within Thirty days, the said

Bond to be approved by the Clerk.

And afterwards. To Wit on the fifth day of November A.D. 1857. there was filed in the office of the County Clerk of said county, an appeal Bond, in the words and figures following.

To Wit:

"Know all Men by these presents that We William Kellogg & William S. Moss are held and firmly bound unto Hogart Hamilton in the penal sum of One Thousand Dollars lawful money of the United States to 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 the 5th day of October A.D. 1857.

The Condition of the above bond is this Whereas on the day of October A.D. 1857. in the County Court of Peoria County the above named Hogart Hamilton recovered a judgment against the said William Kellogg William S. Moss Hervey Lightner Richard Gregg and Charles S. Clark impleaded with one James Knox for the sum of 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 is void otherwise in force.

Wm Kellogg Seal
Wm S Moss Seal
C S Clarke

State of Illinois
Peoria County SS.

I Charles Tuttle, Clerk of the County Court in Peoria County
of Peoria aforesaid do hereby certify that the foregoing is a True Transcript from the Rec-
ords of said Court & also a true copy of the Appeal Bond filed in the suit Hoggart
McMilton vs William Kellogg, William S. Moss et al in said Court.
Witness my hand & official Seal at Peoria this
19th day of April A.D. 1858.

Charles Tuttle Clerk
per Geo H Tuttle sly



R. Hamilton
N.Y. 273
Mess. Kellogg & Co.



Filed April 23. 1858
L. Deland
Transcript for
Superior
Judt. \$ 422.50. Dgs \$ 21.48
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