

12084

No. _____

Supreme Court of Illinois

Smith.

vs.

Clark, et al.

State of Illinois }
So Daviess County }

Pleas in the So Daviess County Circuit
Court at the May term thereof A.D. 1853 to wit
on the 13th day of May A.D. 1853 in the records
of said Court is the following entry to wit.

Nathaniel Smith

vs

Debt

Warren L. Clark, Adrian H.

Davenport & Sherwood S. Brown

And now
at this day

came the parties by their Attorney, and after
hearing further argument of Counsel and
additional authorities upon the motion of
the Defendants in arrest of judgment, the
Court overruled the motion, to which ruling and
decision of the Court, the Defendants by their
counsel except. And on motion of the
Plaintiff by his Attorney for judgment upon
the finding of the Court & the verdict of the jury
heretofore entered. It is thereupon consider-
ed by the Court that the Plaintiff take nothing
of the Defendants on his first amended Count,
but that they go hence thereby without day.
And that he have and recover of the Def-
endants on his said second Count the said
sum of Seven hundred and eighty seven Dollars.

the Debt aforesaid, and the execution issue
therefor, together with the costs herein, to be
returned satisfied upon the Sheriff making
on the same the sum of Four hundred &
fifty six dollars and ninety eight cents, the
damages as aforesaid assessed by the jury
together with costs. And the Defendants Adverses
H. Davenport and Sherwood L. Brown pray an
appeal to the Supreme Court, which is granted
them by the Court conditioned that they enter
into Bond in the sum of Six hundred Dollars
conditioned according to law, ^{with} Henry F. McCloskey
as security within twenty days from this date.

State of Illinois }
In Deerp County } per

I William H. Brady, clerk
of the Circuit Court in and for said County,
do hereby certify that the foregoing Transcript
is a true and correct copy of the final
order, ^{and the appeal Bond on file in my office} in the said Case of Nathaniel
Smith against Warren L. Clarke it also
taken from the Records of said Court at
the May term thereof A.D. 1853 as will appear
by an inspection of said Records

In testimony whereof I have

I now all men by these presents that we
Adrian H Davenport Sherwood S Brown &
Henry J McCloskey are held and firmly bound
unto Nathaniel Smith in the penal sum
of Six hundred dollars current money of the
United States 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 this 24th day of
May A.D. 1853.

The condition of the above obli-
gation is such that whereas the said Nathaniel
Smith did on the thirteenth day of May A.D.
1853 in the Circuit Court for the County of
St David and State of Illinois obtain a jud-
gment against Warner S Clark and the said
Adrian H Davenport & Sherwood S Brown
for the sum of Seven hundred and Eighty Seven
dollars Debt and Ten dollars and Sixty cents
costs which said judgment by the order of
said Court was to be satisfied upon the said
defendants paying to the said plaintiff the
sum of four hundred and fifty six dollars &
ninety eight cents for his damages together with
interest thereon from the date of said judgment
and the said costs from which said judgment
of the said Circuit Court the said Adrian
H Davenport and Sherwood S Brown have

prayed for and obtained an appeal to the
Supreme Court of said State. Now if the
said Adrian H Davenport and Sherwood
S Brown shall prosecute their appeal with
effect and shall moreover pay the amount
of the judgment costs interest and damages
rendered and to be rendered against them
in case the said judgment shall be aff-
irmed in the said Supreme Court then
the above obligation is to be void otherwise to
remain in full force and virtue

Taken and entered into
before me this 27th day of
May AD 1853

W^m H Bradley Clerk

A H Davenport Seal
H S McCloskey Seal
S S Brown Seal

Filed May 27th 1853

W^m H Bradley Clerk

haveunto set my name and
affixed the seal of said
Court at my office in Galena
this 17th Day of June A.D. 1853

Attest

Wm W Bradley Clerk
By Geo W Mitchell Deputy

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authentic
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H & Co. Boston

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Filed June 24. 1853.
Holland Clerk.

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[Faint, illegible handwriting]