

13890

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

# Supreme Court of Illinois

Gregg.

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vs.

Moss et al.

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71641  7

Proceedings of the County Court of Reoria County, State of Illinois, began and held at the Court House in the City of Reoria on Monday December 7<sup>th</sup> 1857 for judicial and other business. Present Hon. Wellington Loney Judge, and Charles Kettelle Clerk and Francis W Smith Sheriff.

Wednesday December 9<sup>th</sup> 1857.

William S. Gregg.

vs:

William Kellogg.

William S. Moss.

Charles S. Clark.

Richard Gregg, Henry Lightner

and James Knooe.

This day came the said Plaintiff by Groves and McCoy his attorneys and the said defendants by Purples and Krall their attorneys and waives a trial by jury and agree that all matters both of law and fact arising in this case should be tried by the Court. The Court having heard the evidence in the case and being fully advised in the premises doth find for the Plaintiff and doth assess his damages by reason of the premium at the sum of Five Hundred and Thirty Eight Dollars and Ninety cents. Thereupon the said defendants by their attorneys entered their motions for a new trial and arrest of judgment in this cause. The Court being fully advised in the premises doth overrule said motions. Therefore it is considered by the Court that the said William S. Gregg do have and recover of and from the said William Kellogg, William S. Moss, Charles S. Clark, Richard Gregg, Henry Lightner, and James Knooe the sum of Five Hundred and Thirty Eight Dollars and Ninety 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 thereon. Thereupon came William Kellogg the above named defendants and asked an appeal of said cause to the Supreme Court of this State, which was ordered to be allowed on his entering into Bonds in the penal sum of one Thousand Dollars conditional according to law within thirty days security to be approved by the Clerk.

Proceedings of the County Court of Reoria County, State of Illinois, began and held at the Court House in the City of Reoria on Monday December 7<sup>th</sup> 1857 for judicial and other business. Present Hon. Wellington Loney Judge, and Charles Kettelle Clerk and Francis W Smith Sheriff.

Wednesday December 9<sup>th</sup> 1857.

William S. Gregg.

vs:

William Kellogg.

William S. Moss.

Charles S. Clark.

Richard Gregg, Henry Lightner

and James Knooe.

This day came the said Plaintiff by Groves and McCoy his attorneys and the said defendants by Purples and Krall their attorneys and waives a trial by jury and agree that all matters both of law and fact arising in this case should be tried by the Court. The Court having heard the evidence in the case and being fully advised in the premises doth find for the Plaintiff and doth assess his damages by reason of the premium at the sum of Five Hundred and Thirty Eight Dollars and Ninety cents. Thereupon the said defendants by their attorneys entered their motions for a new trial and arrest of judgment in this cause. The Court being fully advised in the premises doth overrule said motions. Therefore it is considered by the Court that the said William S. Gregg do have and recover of and from the said William Kellogg, William S. Moss, Charles S. Clark, Richard Gregg, Henry Lightner, and James Knooe the sum of Five Hundred and Thirty Eight Dollars and Ninety 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 the above named defendants and asked an appeal of said cause to the Supreme Court of this State, which was ordered to be allowed on his entering into Bonds in the penal sum of one Thousand Dollars conditional according to law within thirty days security to be approved by the Clerk.

and afterwards I Writ on the 2<sup>d</sup> January 1858. this was filed  
in the Office of the County Clerk of said County, an appeal  
Bond. in words and figures following to Wit.

Know all men by these presents that W<sup>m</sup> William Kellogg,  
and Isaac Underhill of the County of Peoria and State of Illinois  
are held and firmly bound unto William J. Grey, in the penal  
sum of one thousand 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 at Peoria this second  
day of January A<sup>D</sup> 1858.

The condition of the above bond is this Whereas on the ninth  
day of December A<sup>D</sup> 1857 in the County Court of Peoria County  
the above named William J. Grey recovered a judgment  
against William Kellogg, William J. Moss, Henry Spence,  
Richard Grey, Charles J. Clark and James Knox for  
the sum of Two Hundred and thirty eight dollars and  
ninety cents from which judgment the said William  
Kellogg has appealed to the Supreme Court of the State of  
Illinois and which appeal has been allowed by said  
County Court - Now if the said William Kellogg shall  
duly prosecute his said appeal and 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  
approved January  
24<sup>th</sup> 1858 by me

Charles Keltette Clk  
W<sup>m</sup> Geo W<sup>m</sup> Keltette D<sup>y</sup>

W<sup>m</sup> Kellogg  
Isaac Underhill

State of Missouri }  
Revue County }

I Charles Kettelle Clerk of the  
County Court of said County do hereby  
Certify that the foregoing is a <sup>transcript from</sup> True Copy of the  
Records in above entitled <sup>wherein William J. Cross is Plaintiff and William J. Moss, et al are defendants</sup> Cause, and also a true  
Copy of appeal Bond filed in this office  
in <sup>above</sup> said Cause.

Witness my hand and seal  
of said County Court this 24<sup>th</sup> of April  
1857.

Charles Kettelle clerk  
per  
Geo. W. Kettelle Sply

Wm. S. Gregg, 5: 282  
vs:  
Bellogg, Moss & Co.  
284      284

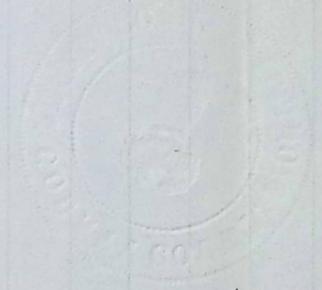
284  
Transcript for Supreme Court

Filed Apr. 26. 1858.  
L. Seland  
Clk.

\$ 538 94  
~~170 70~~ — Dgs 26, 84  
226

13870

\$115 Fees paid by Henry Crook



Proceedings of the County Court of Peoria County, State of Illinois, begun and held at the Court House in the City of Peoria on Monday, December 7<sup>th</sup> A.D. 1857, for judicial and other business. Present: Hon. Wellington Lucks, Judge and Charles Kettle Creek and Francis W. Smith, Sheriff.

Tuesday December 8<sup>th</sup> 1857.

William J. Gregg

vs.

assumpsit

William Kellogg

William J. Moss

Richard Glegg

Hervey Lightner

Charles J. Clark

and James Knoxe

This day came the said Plaintiff by Grobe and McCoy his attorney and the said Defendant by Purple and Platt their attorneys and waives a trial by jury and agrees that all matters of fact and law arising in this case should be tried by the Court. The Court having heard the evidence in the case 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 Five Hundred and forty one dollars and Eight cents. Thereupon came the said defendants by their attorneys and entered their motion for a new trial of this cause and arrest of judgement. The Court being fully advised in the premises doth overrule the said motions. Therefore it is concluded by the Court that the said William J. Gregg do have and recover of and from the said William Kellogg, William J. Moss, Richard Glegg, Hervey Lightner, Charles J. Clark and James Knoxe the sum of Five Hundred and forty one dollars and Eight cents, his damages in four aforesaid assessed and also his costs and charges by him about this suit in his behalf expended and that he have execution therefor. Thereupon William Kellogg one of the above named defendants by his attorney and asked an appeal of this cause to the Supreme Court of this State which was ordered to be allowed upon his entering into Bonds in the penal sum of one Thousand dollars conditional according to Law within

thirty days. Securities to be approved by the Clerk.

An Affidavit of Wit on the 2<sup>d</sup> day of January, 1858. then was filed in the Office of the Clerk of the County Court of said County. an appeal Bond in words and figures following to wit.

"Know all men by these presents that we William Kellogg and Isaac Underhill of the County of Peoria and State of Illinois are held and firmly bound unto William J. Gess. in the penal sum of one Thousand Dollars for which payment well and truly to be made and done we bind ourselves for here executor and administrators jointly and severally by these presents Witness our hands and seals at Peoria this 2<sup>d</sup> day of January A D 1858. The condition of the above bond is that whereas on the Eighth Day of December A D. 1857. in the County Court of Peoria County the above named William J. Gess. recovered a judgment against William Kellogg, William J. Wood, Henry Lightner, Richard Gess, Charles G. Clark, and James Knox for the sum of Five hundred and forty one Dollars and eight cents from which judgment the said William Kellogg has appealed to the Supreme Court of the State of Illinois and which appeal has been allowed by said County Court. Now if the said William Kellogg shall duly prosecute his said appeal and pay the judgment costs interest and damages in case that said judgment of the said County Court shall be affirmed by the Supreme Court. then this bond to be void otherwise in force.

Approved January.

2<sup>d</sup> 1858

Charles Kellogg Clerk

Geo H Kellogg Deputy Clerk

Wm Kellogg

Isaac Underhill

Wm Kellogg

Isaac Underhill

State of Illinois }  
Peoria County } I Charles Kettelle, Clerk of the County  
Cmt. of said County, do hereby certify  
that the foregoing is a true Transcript from the Records  
in abovesaid Cause wherein William J. Grey is Plaintiff  
and William J. Moss et al. Defendants. Also a true  
Copy of appeal Bond filed in aforesaid Cause  
Witness my hand and seal of said  
County Court this 24<sup>th</sup> April 1867.

Charles Kettelle Clerk  
per  
Geo. W. Kettelle spty



Wm. S. Gregg, <sup>4</sup>  
vs: 281  
Kellogg, Moss & Co.

285

1858

Transcript for Supreme Court

Filed Apr. 26, 1858  
L. Kellogg & Co.

Dep. \$27.05

\$1.15 Fee paid by Henry Grace