

No. 13715

# Supreme Court of Illinois

stevens

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vs.

Stevens

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State of Illinois  
Adair County ss Be it remembered that  
on Tuesday June 14<sup>th</sup> 1859 the  
same being one of the days of the term  
of the Adair County Circuit Court for said  
year a certain judgment was made and  
entered of record in the words and figures  
following to wit:

"James B. Stearns  
vs  
John Stearns & Assumpsit  
This day the plaintiff came by  
D. P. Jenkins his attorney and the  
defendant by W. B. Burchell his, and after hearing the  
arguments of counsel the court overruled the defendant's  
demurrer to the plaintiff's declaration. To which  
decision of the court the defendant by his attorney  
abides. It is therefore considered by the court that  
judgment on the demurrer be entered herein  
against the defendant. And it appearing to the  
court that the debt is founded on an instrument  
in writing for the payment of money only, the clerk  
is directed to assess the damages and report the  
same to the court, which is done and found to be the  
sum of Four hundred and ten dollars and thirty cents  
which is reported to and accepted by the court.  
It is therefore considered by the court that the  
plaintiff have and receive of the defendant the said

Sum of Four hundred and ten Dollars and twenty cents  
for his damages, also his costs and charges therein  
herein expended and that he have execution therefor."

And afterwards to wit; on Thursday June 14, 1839  
the same being also one of the days of the said June  
term of said Court for said year, the following  
judicial order was made and entered of record in  
said cause viz:

"James B. Stearns  
vs  
Assumpsit  
John Stearns } This day the defendant came  
by Stearns & Ball his attorneys  
and pray an appeal to the Supreme Court of this  
State, which is granted upon condition that the  
defendant shall within twenty days from and after  
the adjournment of this Court, file an appeal bond  
payable to the plaintiff in the penal sum of Eight  
hundred dollars with Henry Stetter as his security."

And afterwards, to wit; on the 22<sup>d</sup> day of June  
1839 the defendant filed his appeal bond in the  
words and figures following to wit:

"Know all men by these presents that we John  
Stearns and Henry Stetter of the County of Shelby and  
State of Illinois are hold and firmly bound unto

James B. Stevens in the penal sum of Eight  
hundred dollars lawful money of the United States  
for the payment of which well and truly to be made  
we do hereby bind ourselves our heirs executors and  
administrators jointly and severally firmly by these  
presents. Sealed with our seals and dated this sixteenth  
day of June in the year of our Lord one thousand eight  
hundred and fifty nine.

The condition of the above obligation is such  
that whereas at the June Term A.D. 1859. of the  
Circuit Court of the County of La Salle, in said  
state, a judgment was rendered in favor of said  
James B. Stevens and against the above bounden  
John Stevens for the sum of four hundred and ten  
dollars and twenty cents from which judgment the  
said John Stevens prayed an appeal to the Su-  
preme Court of the said state for the Third Grand  
Division which appeal was allowed by said Circuit  
Court, on the said John Stevens entering into bond  
in the sum of Eight hundred dollars with said  
Stiller as security within twenty days from the  
adjournment of said Circuit Court.

Now if the said John Stevens shall pay said  
judgment, costs interest and damages, in case said  
judgment shall be affirmed, and shall also duly pro-  
secute his said appeal, then the above obligation to be  
void, else to be and remain in full force and virtue

Subscribed in presence of us:

Milton H. Swift.

John Stevens

Henry Stiller

James B. Stevens

Henry Stiller

State of Illinois) J. F. Nash Clerk of the  
Said County) Circuit Court in and for  
Said County and State do

hereby certify that the above and foregoing record  
comprises a full & perfect copy of the judgment of  
said Court, the order granting the appeal and  
the appeal bond in the said case of James B.  
Stearns vs John Stearns as the same appear of  
record in my office

On Testimony Whose Hand & Seal I have  
my hand and the seal of said Court at  
Ottawa this 21<sup>st</sup> April 1860  
J. F. Nash Clerk

374  
John Stearns

19

James B. Stearns

Recd

See

Filed April 26 1860  
L. Deland  
Clerk

\$410.20

\$20,510.00

13715

Fees & 1000 paid