

13834

No. _____

Supreme Court of Illinois

Power

vs.

Kellogg & Co.

Proceedings of the County Court of Peoria County and State of Illinois. began and held at the Court House in the City of Peoria and said county on the 2^d day of September A.D. 1857. for judicial business &c The Hon^{ble} Thomas Bryant. presiding Judge, and Charles Feltelle Clerk and Francis W Smith. Sheriff

Thursday. September 10th 1857.

James W. Power

vs

Assumpsit.

William Kellogg.

William S. Moss.

Charles S. Clark

Harvey A. Lightner

Richard Gregg.

James Knox.

This day came the said Plaintiff by Wead and Williamson his attorneys and the defendants by Purple and Pratt their attorneys and waived a trial by jury and agrees that all matters both of Law and fact in question in this cause shall be tried by the Court and hereupon the Court having heard the evidence of the parties aforesaid respectively touching the matters aforesaid and the arguments of counsel their doth find for the Plaintiff and do assess the damages which the said Plaintiff hath sustained by reason of the premises at Two Thousand and seventy one Dollar and Thirty Six cents. Thereupon came the said Defendants and entered their motion for a new trial of this cause. The Court being fully advised in the premises doth overrule said motion Therefore it is considered by the Court that the said James W. Power 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 Two Thousand & seventy one dollar and Thirty Six cents his damages in form aforesaid assessed and also his costs and charges by him about his suit in this behalf expended and that he have Execution therefor. The Defendant William Kellogg prayed an appeal of this cause to the Supreme Court of this State, which was allowed on his entering into Bonds in the penal sum of Four Thousand dollars conditional according to Law, with William S. Moss. as security within thirty days.

And afterwards, To Wit: on the 21st day of September 1857.
there was filed in the Office of the County Court of said county
an appeal Bond in the words and figures following

To Wit:

"Know all Men by these presents that We William Kellogg,
and William S. Moss are held and firmly bound unto
James W. Tower. in the penal sum of Four 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 nineteenth
Day of September A.D. 1857.

The Condition of this Bond is
this Whereas on the tenth Day of September A.D. 1857. in the
County Court of Peoria County, the above named James W. Tower
recovered a judgment against the said William Kellogg, Will-
iam S. Moss, Hervey Lightner, Richard Gregg and Charles
J. Clark impleaded with one James Moss for the sum of
Two Thousand Seventy one $\frac{36}{100}$ Dollars.

From which said judgment the said William Kellogg. has ap-
pealed 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 judg-
ment. 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

Wm Kellogg, Seal
Wm S. Moss Seal

State of Illinois
Pecunia County

I Charles Tuttle Clerk of the County Court in and for said
County of Pecunia do hereby certify that the foregoing is a True Transcript from the
proceedings of said Court and a true copy of the Appeal Bond filed in the suit James W.
Power vs William Kellogg, William S. Mass et al, in said Court.

Witness my hand and official Seal of Pecunia this
19th day of April A.D. 1858.

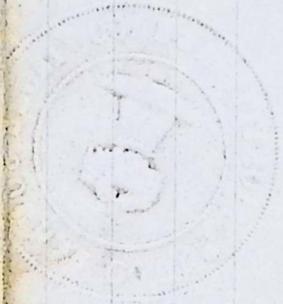
Charles Tuttle Clerk
per Geo. W. Tuttle Deputy Clerk

Power

U. 279

Mass Kellogg & Co

13834



Transcript for
Supreme Ct

Filed April 23, 1858
Leland
Clk

Vol 2081. 361 Dgo \$103.55

279

1/15