

12608

No. _____

Supreme Court of Illinois

Pender

vs.

Burns

71641  7

Proceedings in the circuit court at a Term thereof began and held in the court house in the city and county of Peoria, in and for said county, and State of Illinois on the third Monday of November in the year of our Lord one thousand eight hundred and fifty-eight seven, it being the ^{Sixteenth} ~~fifteenth~~ day of said month. Present the Honorable Elisha N. Powell, judge of the Sixteenth judicial circuit in the state of Illinois, Francis W. Smith, Sheriff and Enoch S. Sloan, clerk, to-wit:-

Tuesday, December 13th AD 1858.

Owen Pender

vs appeal from J.P.
David Burns

This day came the plaintiff by C. C. Bonney, his attorney and the defendant by Grove his attorney, and it is ordered by the court that a jury be empannelled to try the issues in this cause, whereupon came a jury of twelve good and lawful men to-wit:- A. O. Garrett, John M. Cowell, John W. Armstrong, John Batten, James F. Murden, Andrew Lindsey, David Maxwell, James Hazard, Gideon B. Cutler, W. R. Bush, John M. Johnson, and Eldridge Clarkson, who being duly chosen, tried and sworn to well and truly try the issues joined in this cause and a true verdict give according to the evidence, do say, "We the jury find for the plaintiff and assess his damages at the sum of seventy-eight dollars." Whereupon the defendant by his attorney entered his motion for a new trial in this cause.

Monday, December 21, AD 1858.

Owen Pender

vs appeal from J.P.
David Burns

This day this cause came on to be heard on the motion of ~~the~~ defendant for a new trial herein. And the court being satisfied in the premises overruled said motion. Therefore it is considered by the court that the said Owen Pender have and recover of the said David Burns the sum of Seventy-eight dollars his damages herein assessed, and also his costs and charges by him about his suit in this behalf expended

in this court as well as in the court below, and that he have execution therefor. ~~Whereupon~~ ^{Whereupon} the defendant by Mr. Grove his attorney, prayed for an appeal to the Supreme court of this State, which appeal is allowed on condition that the defendant file his bond with the clerk of the court, in the sum of two hundred dollars with Hiram Jackson as security. Said bond to be conditioned as the law directs, and said bond to be filed within thirty days from this date.

And afterwards to-wit; on the 8th day of January AD 1858, there was filed in the clerks office of the circuit court in and for said county and state, a bond, in words and figures following to-wit:-

Know all Men by these Presents, that we David Burns and Hiram Jackson are held and stand firmly bound unto Owen Pender in the penal sum of Two hundred dollars for the payment of which well and truly to be made we bind ourselves our heirs executors administrators and assigns firmly jointly & severally by these presents. Sealed with our seals and dated this fifth day of January AD 1858.

The condition of the above obligation is such that whereas said Owen Pender at the November Term of the Peoria County Circuit court for the year 1857 recovered judgment in said court against the above bounden David Burns for the sum of seventy-eight dollars & costs of suit from which judgment the said David Burns has prayed an appeal to the Supreme court of the state of Illinois which was allowed. Now, if the said David Burns shall duly prosecute his appeal with effect and pay the said judgment and all costs interests and damages in case said judgment be affirmed then this obligation to be void otherwise to remain in full force and virtue

David Burns *Esead*
H. Jackson *Esead*

State of Illinois }
Peoria County }

I, Enoch Sloan, Clerk of the circuit court in and for said county, and state do certify that the foregoing is a full and true transcript of the judgment of said court, and the appeal bond filed in the case of Owen Pender vs David Burns as the same appears of record and on file in my office.

Given under my hand and the seal
of said court at Peoria this 17th
day of April A.D. 1858,
Enoch Sloan, Clerk

Given Under
269th
David Barnes

Transcript of
Judgment and Bond

269

Filed April 23 1838
J. Deland
Clerk

12608

1838

fees^d per the record
p^d by Mr. W. W. W. W.