

No. 13500

Supreme Court of Illinois

Smith.

vs.

McCullum, et al.

United States of America
State of Illinois } ss
Kendall County

Plas before the Hon Madison E.
Hallister Judge of the ninth Judicial
Circuit of the State of Illinois and
presiding Judge of the Kendall County Circuit Court at
a Term thereof begun and held at the Court House
in Oswego in said County on the first Monday of
September in the year of our Lord one thousand eight
hundred and sixty and of the Independence of the United
States of America the Eighty fifth being the 3^d day of September
A. D. 1860

Present the Hon. Madison E. Hallister Judge
Nash Bushnell Esqr. State Atty
E. M. Hallenback Clerk
Wright Murphy Sheriff

Court Opened by Proclamation.

And afterwards to wit
on the 11th day of September A. D. 1860 the same being
one of the days of the Term of the Court aforesaid sitting
for the dispatch of Business at the place aforesaid
the following among other proceedings were had in said
Court and entered of Record to wit,

Alexander McCallum Aaron Bruckhoff
Att. Nathaniel Brewster

Thomas J. Gilman & Alonzo B. Smith

Admitted
And now Comes

the Defendant Smith in his own proper person and
demurs to the Declaration of the Plaintiffs and each and
every Count thereof and thereupon warned the Plaintiffs by
Willy their attorney and the Court after hearing the
parties in relation to the Demurrer of the Defendant
aforesaid and being fully advised in the premises con-
sidered that said demurrer be overruled and it is or-
dered by the Court that the Plaintiffs have judgment against
the said Defendant upon said Demurrer - and the said
Defendant Smith being three times solemnly called comes
not nor any one for him but makes default for want
of a plea as before rules herein. And it appearing to
the Court that this suit is brought upon a promissory
Note for the payment of money and that the Plaintiffs
damages herein rest in computation, thereupon it is or-
dered by the Court that the Clerk compute assess and report
the Plaintiffs damages herein who afterwards reported to
the Court the sum of one thousand six hundred
Dollars, which computation assessment and Report
appearing just and correct is by the Court allowed and
approved. Wherefore it is considered by the Court that
the Plaintiffs have and recover of the Defendant Alonzo
B. Smith the said sum of one thousand six hundred
Dollars assessed and Reported in form as aforesaid as
well as their Costs and Charges in this behalf Expended and
that they have Execution therefor.

And afterwards to wit on the 12th day of September
being still one of the days of the Term of the Court
aforesaid in the Year A. D. 1868 the following
recording of the proceedings was had in said Court and
entered of Record to wit,

Alexander McCallum Aaron Brinckhoff
and Nathan Brewster

v.
Hiram E. Estman & Alonzo B. Smith

Admitted

And now

Comes the Defendant Smith in his own proper person and
moves the Court to set aside the judgment heretofore entered
in this Cause and to grant a new trial herein and offers
-wards came the Plaintiff by Ricker their Attorney and the
Court after hearing the parties in relation to the Defendant
said Motion and being fully advised in the premises considers
that said Motion be overruled and a new trial denied.
And thereupon comes the Defendant and prays an
Appeal to the Supreme Court of the State of Illinois
which Appeal is allowed upon Condition that said
Defendant enter into Bond in the penal sum of
Two Thousand Dollars with Paul G. Hawley
as security in thirty days.

And afterwards to wit on the 3^d day of October
A. D. 1860 Alonzo B. Smith files in the office of
the Clerk of the Circuit Court of said County his Appeal
Bond in the words and figures that is to say;

"Know all men by these presents that
J. A. B. Smith as principal & P. G. Hawley as
surety are held and firmly bound unto Alexander
McCallum Aaron Brinckhoff and Nathan Brewster
in the sum of two thousand Dollars for the payment
of which well and truly to be made we do hereby bind
ourselves & each of us Each of our heirs Executors admin

introduces & assigns & each & every of them firmly by
these presents signed with our hands & sealed with
our seals dated the 2^d day of October A.D. 1860.

The condition of the above obligation is
such that whereas the above named McCallum
Brinckhuff & Brewster did on the 11 day
of September 1860 the same being one of the days
of the September Term of the Circuit Court 1860
in said Circuit Court upon a judgment
against the above named A. B. Smith for the
sum of one thousand & six hundred dollars
besides costs from which said judgment the said
Smith did at the time pray an appeal to the
Court of the State of Illinois which was allowed
Now if the said A. B. Smith shall prosecute
his said appeal with effect & without delay
& shall pay and satisfy said McCallum Brinckhuff
& Brewster whatever judgment shall be rendered on
the trial or dismissal of said appeal in said
Supreme Court then the above obligation to be void
otherwise to remain in full force & effect

A. B. Smith *Seal*
P. G. Hawley *Seal*

Filed October 3^d 1860.

S. M. Hollenback
Clerk

State of Illinois
Kendall County

I, Geo. M. Hallenback Clerk
of the Circuit Court in and for
said County do hereby Certify that the foregoing and within
are true copies of proceedings had and entered of record
in said Court in the Matter of Alexander M. Hallenback
vs. Aaron Brinckhoff & John and Bertha against
Thomas E. Getman & George B. Smith also that
the within is a true Copy of the Appeal Bond in
said Cause

Given Under my hand and seal
of said Court this 14th day of May
A. D. 1881,

G. M. Hallenback
Clerk

Rec^d. of Appelles

G. M. Hallenback
Clerk

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Alonso B. Smith -
Appellant
v.
Alexander McCollum
Et al

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Filed May 18. 1861

L. Leland
Clerk

13500

\$1600.00
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8000.00

5 per cent

1861