

8625

No. _____

Supreme Court of Illinois

Silas C. Toler

vs.

George Kimmell

71641  7

Silas C. Toler

vs.

George Kimmell

Appt. from Union

8625

Dismissed

259
5
\$12.95

paid by Harkness

State of Illinois of
County of Union } Pleas before the Circuit
Court of said County at the Court House
in Jonesboro on the first day of June
in the year of our Lord one thousand
eight hundred and sixty, Honorable
Alexander Mc Jenkins presiding as
Judge

George Kimball

vs

Calvin B Dishon surviving
partner of the firm of H Dishon
& Silas C Toler

Assumpsit

Be it remembered that on
the day aforesaid the following judgment
and order was entered of record in said
Court in the said entitled cause, to wit,
George Kimball

vs

Calvin B Dishon surviving
partner of the late firm of
H. Dishon & Silas C Toler

Assumpsit

On this day came as
well the said plaintiff by Reacher & Webb
his attorneys as the said Silas C Toler one
of the said defendants by M. C. Crawford
his attorney and the said Calvin B Dishon
though solemnly called came not but
made default whereupon it is considered

that the said George Kimmel ought to
recover his damages against the said
Calvin B Dishon by reason of the prom-
ises and thereupon came a jury, to wit,
Robert Elmore Aaron Lysterly Jesse Roberts
Harris Rendleman Selas H Spear
Bradford Brown George W Wright
Leve Davis Leve White James Lewis
Preston Anderson and William Murphy
twelve good and lawful men who
being empannelled and sworn the truth
to speak upon the issue joined between
the said George Kimmel and the said
Selas H Toler and also well and truly
to assess the damages sustained by the
said plaintiff by the non performance
of the promises of the said Calvin B Dishon
surviving partner of the late firm of H. Dishon
& Son in the declaration mentioned, upon
their oaths say we the jury find the issue for the
plaintiff and assess the plaintiffs damages
against the said Calvin B Dishon and Selas
H Toler at two hundred and fifty nine dollars
and thereupon the said defendant Selas H Toler
moves the court for a new trial, which
motion is overruled, thereupon it is consid-
ered that the said plaintiff recover of the
said defendants the said sum of two hundred
and fifty nine dollars his damages aforesaid

in favor aforesaid assessed and also his costs and charges in this behalf expended and that he have execution thereon whereupon the said defendant Selas C Tolin prays an appeal to the Supreme Court which is granted on defendant entering into bond before the clerk of this Court within twenty days in the penal sum of five hundred dollars with James J Provo and Wesley Davidson his securities conditioned according to law Bill of exceptions to be presented within forty days.

Afterwards, to wit, on the 15th day of June A.D. 1868 the said Selas C Tolin filed an Appeal Bond in said Court which is in the words and figures following, to wit,

Know all men by these presents that we Selas C Tolin, James J Provo and Wesley Davidsons of the County of Union and State of Illinois are held and firmly bound unto George Kimmel also of the same County and State in the penal sum of five hundred dollars current money of the United States for the payment of which well and truly to be made we bind ourselves our heirs

cannot then the above obligation to
be void otherwise to remain in full
force and Virtue -

Taken and entered

S. C. Toler (Seal)

into before me at

my office in

J. J. Provo (Seal)

Jonesboro this 15th

day of June AD 1860

H. Davidson (Seal)

State of Illinois of
County of Hancock

I Thomas Hilman Clerk
of the Circuit Court within and
for said County do hereby certify
that the above and foregoing is a
true and perfect copy of the final
judgment rendered by said Court in
the said entitled Cause and the
Appeal bond filed in said Court by
the said S. C. Toler one of the said
defendants as the same appears of
record in my office.

In testimony whereof I have
hereunto set my hand and
affixed the seal of said Court
at Office in Jonesboro this 9th
day of November AD 1861

Thomas Hilman Clk

259
5
\$12.95

57
Dilas C. Toleraffulant

41
George Kimmell

Trilux Nov. 15. 1861
T. Lohmeyer Chk
Paid by Barker \$5.00
Paid by Barker \$5.00