

No. 13963

# Supreme Court of Illinois

Voris

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vs.

Toledo, Peoria & Warsaw R. R. Co

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State of Illinois } of Circuit Court in and  
Wayne County } for said County

February Term A D 1872  
To wit, Tuesday February 20<sup>th</sup> 1872

Present

The Hon Charles Turner Judge

C. H. Whitney State Atty

D. C. Reavis Sheriff

W. P. Patterson Clerk

Samuel Voris, Robert Voris

Richard R. Voris, and Henry J.

Baldwin partners under the

firm name of Sam Voris & Co

} Trespass on  
} the case

vs  
Ibdo Peoria & Warsaw Railway Co

Now on this  
day came the Plaintiff by McCulloch and  
Stevens and Roberts & Green Attorneys  
and the Defendant by Russell, McCune  
and Whitney & Foster Attorneys, and now  
on the motion of Defendants it is ordered  
by the Court that cases number 74, 75  
between the said parties be consolidated  
and tried with this case as one  
case, and now this case being called  
for trial, thereon comes a Jury panel,  
George Norm, Seth Nelson, Fred Woodruff,  
Edw. Bailey, D. Shullworth, Clair Hartman

Henry Van Ness, William Griswold, Josiah  
Turner, Charles Burkham, Wm. Murdoch  
C. M. Karnes twelve good and lawful men  
who having been first duly elected chosen  
and sworn well and truly to try the issue  
joined, now hear evidence arguments of  
counsel retire to consider their verdict  
and having agreed return into court  
and for their verdict say, "We the jury  
find the Defendants Guilty, as the Plaintiffs  
have in their declaration alleged and find  
that thereby the Plaintiffs have sustained  
damages in the sum of Seven Hundred  
and ten dollars" and the jury being dis-  
charged from the further consideration hereof  
the Defendant by Attorneys, moves the Court  
for a new trial herein, and the Court now  
hearing reasons and arguments of counsel  
thereon overrules said motion, and thereupon  
Defendants move the Court to arrest the  
Judgment herein which motion is also  
overruled by the Court

It is therefore ordered and adjudged  
by the Court that said Plaintiffs have and  
recover of said Defendant the said sum of  
Seven Hundred and ten Dollars damages  
together with the amount of their costs and  
charges by them about this their suit  
in their behalf expended and that execution

issue therefor, and now on motion of De-  
fendants. It is ordered by the Court  
that the costs of the trial and entering  
of judgment in this case be taxed to the  
Plaintiffs and thereupon Defendants  
by Attorneys pray an appeal herein.  
It is therefore ordered by the Court  
that upon said Defendants filing an  
Appeal Bond herein in the sum of  
One Thousand Dollars conditioned  
as by the statute in such case made  
and provided with Lewis Nowell as  
security the appeal herein be granted.

Defendant by Attorneys prays an Appeal  
herein. It is therefore ordered by the Court  
that aforesaid Defendants filing an Appeal  
Bond herein in the sum of Four Hundred  
Dollars with Lewis Howell as security  
conditional as by the statute in such  
cases made and provided, the appeal  
herein be granted.

## Appeal Bond

Know all men by these Presents

That we The Toledo Peoria & Warsaw  
Railway Company and Lewis Howell  
of the County of Peoria and State of Illinois  
are held and firmly bound unto Samuel  
Worris & Co in the penal sum of One Thousand  
Dollars for the payment of which well and  
truly to be made, we and each of us bind  
ourselves our heirs executors and adminis-  
trators jointly and severally and firmly  
by these presents. Sealed with our seals  
and dated at Peoria this fifth day of  
March Anno Domini one thousand  
eight hundred and seventy two.

The condition of the above obligation  
is such that whereas the above  
Sam Worris & Co did on the mentioned  
day of February one thousand eight

summed and security two at a term of the  
Circuit Court then being holden within  
and for the County of Peoria and State of  
Illinois obtain a judgment against  
the above bounden The Toledo Peoria  
and Warsaw Railway Co for the sum of  
Seven Hundred and ten dollars and—Cents  
and costs of suit from which judgment  
the said The Toledo Peoria & Warsaw  
Railway Co has prayed for and obtained  
an appeal to the Supreme Court of said  
State. Now if the said Toledo Peoria  
and Warsaw Railway Co shall duly prosecute  
said appeal and shall moreover pay the  
amount of the judgment costs interest and  
damages rendered and to be rendered  
against it the said Defendant in case  
the said judgment shall be affirmed in  
the said Supreme Court then the above  
obligation to be null and void, otherwise  
to remain in force and virtue.

710  
5  
3550

The Toledo Peoria & Warsaw Railway Company  
(Seal of Ry Co) By His Honorable Secretary (Seal)  
Lewis Howell (Seal)

Endorsed

Filed Mar 5. 1872.

Wm P Allison Clerk

Stipulation

State of Illinois } In the Circuit Court  
Tazewell County } February Term A D 1872

Samuel Voss & Co

J P & H R W Co

It is hereby agreed that the above causes two in number between the said parties and in which an appeal has been prayed to the Supreme Court for the Northern Grand Division returnable to the September Term A D 1872 may be heard before the Supreme Court for the Central Grand Division at the January Term A D 1873

Robt<sup>th</sup> & Green

Atty for P & H

Ingersoll & McCune

Whitney & Foster

for J P & H R W Co

Endorsed

Filed Sept 5. 1872

W P Allmon

clerk

State of Missouri }  
Tazewell County }  
J. Simon & Drake  
Clerk of the Circuit Court in and for  
said County do hereby certify the foregoing  
to be a perfect copy of the certain  
Judgment made by said Court and entered  
of record therein on the day and year above  
written, and also a perfect copy of  
a certain Appeal Bond and Stipulation  
filed in the above entitled cause as  
the same appear of Record and on  
file in my Office

Witness my hand and the seal  
of said Court at my Office  
in Pekin this 27<sup>th</sup> day of  
January A.D. 1873  
J. Simon & Drake Clerk  
By W. W. Dennis Deputy

Subs costs for Copies \$2<sup>00</sup>

277.

State of Illinois  
Tazewell County  
Circuit Court

Saml Davis vs

J. P. W. R. vs

Copy of Judgment  
Appeal Bond and  
Stipulation  
13963

Filed Feb 4/73  
W. W. W.