

No. 13776

# Supreme Court of Illinois

Potter et al.

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vs.

Emmons et al

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71641  7

State of Illinois }  
Safalle County }  
Pleas, Proceedings and  
Judgments held and taken in and before  
The Safalle County Court, in the state of Illinois  
at a regular term thereof commenced and  
held at the Court House in Ottawa  
in said County, on the fifth day of  
September A.D. 1859, and of the  
Independence of the United States of  
America the Eighty fourth.

Present Hon John C. Champlin Judge  
Phil Suidley Clerk  
Francis Warner Sheriff

Be it remembered that heretofore to wit  
on the fifth day of September 1859, being  
one of the days of said September term,  
of said Court, certain proceedings  
were had and entered of record  
in said Court, in a certain cause  
then and there pending in the words,  
and figures following to wit:

1  
101  
Prepaid Emmings & Amos J. Thomas  
Executors of the last will & testament of  
Theodore Emmings deceased for use  
of John W. Wisner

Assumpsit  
Mary Potter, Charles W.  
Potter & Henry S. Potter  
This day came the  
plaintiffs, by Glover  
Hood their attorneys, and the defendants by  
Seland & Seland their attorneys, and by  
agreement of parties a jury is waived, and  
this cause submitted to the court for trial  
and after hearing the evidence, the court  
finds the issues for the plaintiffs, and  
assess their damages at Five Hundred  
and Sixty dollars, and forty two cents.

It is therefore considered by the  
Court, that the said plaintiffs have and  
recover of said defendants said sum  
of Five Hundred and Sixty dollars,  
and forty two cents for their damages,  
and also their costs and charges by  
them herein expended, and that they  
have execution therefor.

Afterwards to wit on the 9th day of  
September 1859, being another of the days  
of said term, certain proceedings in

said cause were had and entered of record in said Court in the words and figures following to wit:

Brenard Emmons, & Amos J. Thomas  
Executors of the last will & testament  
of Theodore Emmons deceased for use  
of John W. Wisner

101

vs.  
Ward Potter, Charles W.  
Potter, & Henry S. Potter

Assumpsit

This day comes  
the defendants by Seland & Seland their  
attorneys and pray an appeal from  
the judgment entered herein, which  
is allowed upon their entering into a  
bond in the penal sum of One  
Thousand dollars, with Moses W. West  
as security, said bond to be filed  
within thirty days from last day of  
this term of this Court.

And afterwards to wit on the 7th day  
of October A.D. 1859 a certain Appeal  
Bond was filed in the Clerk's office  
of said Court, in the words and figures  
following to wit.

Know all men by these Presents that we  
 Nathaniel Potter, Charles W. Potter, & Henry  
 S. Potter as principals and Moses W.  
 West as security, are held and firmly  
 bound unto Breward Emmons & Amos  
 Thomas, Executors of the last will &  
 testament of Theodore Emmons deceased  
 for the use of Johnson Wisner in the  
 penal sum of One thousand dollars  
 good and lawful money of the United  
 States, for the payment of which well and  
 truly to be made, we bind ourselves  
 our heirs, executors and administrators  
 jointly, severally and firmly by these Presents.  
 Witness our hands and seals this twentieth  
 day of September A.D. 1859.

The condition of the above obligation  
 is such, that, whereas the above named  
 Breward Emmons & Amos T. Thomas  
 Executors as aforesaid for the use of  
 said Johnson Wisner did at the  
 September Term of the County Court,  
 held in and for the County of LaSalle  
 in the state of Illinois A.D. 1859 recover  
 a judgment against the above bound  
 en Nathaniel Potter, Charles W. Potter &  
 Henry S. Potter for the sum of five  
 hundred and sixty dollars and forty  
 two cents, damages & costs of suit, to

reverse, which said judgment, the said  
Wash Potter, Charles H. Potter & Henry  
S. Potter have prayed for & obtained  
an appeal to the Supreme Court,  
within and for the Third Grand  
Division of said State, Now if they  
(said appellants) shall duly  
prosecute said appeal, and pay or  
cause to be paid, the judgments  
costs, interest and damages, in case  
the judgment shall be affirmed  
then this obligation is to be void,  
otherwise to remain in full force  
and effect.

Wash Potter (seal)  
Charles H. Potter (seal)  
H. S. Potter (seal)  
C. H. Potter (seal)

Ms - 365  
Mary Potter et al  
m

Brenard Emming et al  
Executors &c. for use &c.

Transcript

Filed Apr. 30. 1860  
Melan  
C. H.

\$550.42  
1.05

\$28.0210

13776

#S.P. Cook