

No. 13360

Supreme Court of Illinois

Brackett

vs.

Smith

71641  7

At a Circuit Court begun and held at
the Court House in the City of Rock Island
within and for the County of Rock Island
and State of Illinois on the second Mond-
ay (the Ninth day) of May AD 1859

Present, Hon J Wilson Drury Judge

Mass D Merrill Sheriff

Quincy McNeil Clerk.

Be it remembered that on the eleventh day
of May 1859 in the aforesaid term of said
Court the following record was made and
entered in the following named cause pend-
ing in said Court to-wit.

"I am Seaver

vs.

Spencer.

James W Brashette. &

Robert W. Smith. }

This day came the parties
by their Attorneys and Defendants file their demur-
to Plaintiffs declaration and this cause coming on to
be heard upon the Demurrer on motion of Plaintiff it is
ordered that Demurrer be stricken from the files. - It is
therefore ordered by the Court that Plaintiff have and
recover his damages of the Defendants for want of a plea
herein and the damages being unknown to the Court it
is ordered that Clerk assess the same. - Thereupon Clerk
assessed and reported the damages to the Court for
the sum of One hundred and fifty one $49/100$ Dollars

which report is accepted. It is therefore ordered by the Court that Plaintiff have and recover of Defendants the said sum of One hundred and fifty one $49/100$ Dollars together with his costs and that he have execution therefor. Whereupon Defendants pray an appeal which is allowed on condition that they file Bond in the sum of Three hundred Dollars with J. J. Bradsley as security and file the same in Clerk's office in thirty days. And afterwards - to wit on the first day of June 1859 the said Defendants filed their bond in the clerk's office aforesaid in accordance with the above order which is in the words and figures as follows to wit..

Know all men by these presents that we James W. Brackett and Robert Smith as principals and Jerome J. Bradsley as surety are held and firmly bound unto John Seaver in the penal sum of Three hundred dollars for the payment of which sum well and truly to be made we bind ourselves jointly severally and firmly by these presents.

Witness our hand and seals this 31st day of May A. D. 1859.

The condition of this obligation is such that whereas the said John Seaver did at a Term of the Circuit Court begun and held at and within the County of Rock Island in the state of Illinois on the second Monday of May A. D. 1859. recover a judgment in said court in favor of him the said John Seaver and against the said Brackett and Smith

for the sum of One hundred and fifty one ⁴⁹/₁₀₀ Dollars
damages and costs of suit, and whereas at the time
whereof the said Brackett and Smith prayed an appeal
of said suit to the Supreme Court next to be held at
Ottawa in and for the third Grand Division which
was allowed by the Circuit Court aforesaid. Now if the
said Brackett and Smith shall pay whatever judgment
costs interest and damages that may be adjudged against
them in said suit in said Supreme Court in case
said judgment of said Circuit Court shall be approved
and shall also prosecute their said appeal with effect
then this obligation to be void, otherwise of force

Ja^s. W. Brackett

L.S.

R. W. Smith

L.S.

Jerome J. Beardsley

L.S.

The foregoing bond approved by me in open
court at the May Term of the Circuit Court in and
for said County of Rock Island

J. W. Drury, Judge

State of Illinois

Rock Island County }^{ss} I Edward H. Bonmain Clerk
of the Circuit Court within and for said County,
do hereby certify that the foregoing is a true
copy of the final judgment, the order allowing an
appeal, and the appeal bond filed in said Court.

all in the above entitled cause, as fully
and completely made as the same appears
in and on file in my said office

Witness my hand and the seal
of said Court at the City of New
Hamp this 13th day of April
1861

Edmund H. Bowman Clerk

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Supreme Court

James W. Brackett &
Robert W. Smith

appellants

337

John Seaver
appellee

Transcript of Record

Filed April 25. 1861

L Leland
clerk

1861

Judgment

\$151,49
05
\$37,45

13360

5 percent

Fees \$1.75