

No. 14560 $\frac{1}{2}$

Supreme Court of Illinois

Smith

vs.

Smith

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division

No. 262

Smith

vs

Smith

14560

State of Illinois } February Term A.D. 1843,
Knox County } ss.

Pleas before the Hon. Charles
B. Lawrence, Judge of the Tenth Judicial
Circuit of the State of Illinois, at a Court
begun and held at the Court House in the
City of Knoxville in said County, on Mon-
day the 16th day of February, A.D. 1843,
—Being the third Monday of said month.

Present

Hon. Charles B. Lawrence Judge
James H. Stewart State Attorney
John H. Lewis Clerk

J. Cahin Cover Sheriff

Court opened by proclamation.

Monday February 23^d A.D. 1843
Court met pursuant to adjournment
Present same as on the first day of
this Term.

Commodore Smithe

Charles P. Smithe

Remanded from Supreme Court

This day came the
parties to this suit and their Attorneys
and issues being joined for trial just
themselves upon the County, thereupon
came a jury, to wit: J. J. Mathias, J.
Z. Potter, J. H. Snyder, Robert
Perry, Ransom Babcock, Wm. S. Pat

Person, J. T. Edgerton, J. M. Hig-
gins, Charles G. Speck, Edwin
Hoolsey, Madison Crump & W. Pearce
who being duly elected, tried and
sworn well & truly to try the issues
joined therein, after hearing the
evidence and a portion of the arguments
of Counsel, were permitted to sepa-
rate under instructions from the Court
and required to meet the Court at
half past eight o'clock tomorrow
morning.

Tuesday Feb. 24 A.D. 1863
Court met pursuant to adjournment
Present same as yesterday

82. Counsel Smith }
v. Charles P. Smith } Remanded from Supreme Court.

This day again came
the parties and their attorneys, and
also came the jury heretofore impan-
elled therein, who, after hearing the
remainder of the arguments of Counsel
upon their Oaths do say:

"We the jury find the issues for the
Plaintiff; and find the Plaintiff debt
to be the sum of Four Hundred and
Eighty five ^{and} 1/100 dollars, the penalty
of the bond for six years, five months
and twenty one days; to be discharged

upon the payment of Four Hundred
and Eighty Five & 1/100 dollars assessed
by us as his damages herein".

Thereupon came the Defendant by
Attorney and moved the Court for a
new trial and in Arrest of judgment
herein.

March 4th A.D. 1863
Court met pursuant to adjournment
Present same as Saturday last

82, } Counsel Smith
Charles P. Smith } Remanded from Supreme Court

This Cause again com-
ing on for hearing on defendant's motion for
a new trial and in Arrest of judgment
herein, and the Court having heard the
same, it is ordered by the Court that
said motion be overruled.

It is therefore considered by the Court
that the Plaintiff recover of the Defendant
the sum of (\$485.61) Four Hundred
and eighty five dollars and sixty one
cents, the amount of his damages so
assessed by the Jury aforesaid together
with his costs by him in this suit
expended and may have execution
therefor.

Thereupon came the Defendant by
Attorney and excepted to the ruling.

And decisions of the Court And
prayed An Appeal to the Supreme
Court of the State of Illinois

Whereupon it is ordered by the
Court that the prayer of defendant be al-
lowed And An Appeal granted upon
his filing a good and sufficient
Appeal Bond in the penal sum of
One thousand Dollars to be approv-
ed by the Clerk of this Court by
consent, And by agreement that he
file his Bill of Exceptions within
thirty days of the date hereof

Copy of Bond.

Know All men by these presents that
we, Charles P. Smith as principal
And Jeremiah E. Jarnagin as
Security, Am held And firmly bound
unto Courrod Smith in the penal
sum of One thousand dollars for
the payment of which well and
truly to be made, we bind ourselves
our heirs, executors, administrators
And assigns jointly, severally And
firmly, by these presents

Witness Our hands, And Seals, at
Springville this 23^d day of March
A.D. 1863

The condition of this obligation

in such that Whereas the said
Courrod Smith lately recovered
a judgment against the said
Charles P. Smith in the Circuit
Court within and for the County of Spang
& State of Illinois for the sum of four
hundred & eighty five dollars & six, one
cent, rendered at the Feb. term and
1863;

And Whereas the said Charles
P. Smith has prayed an appeal from
said judgment to the Supreme Court
of said state;

Now if the said Charles P. Smith
shall pay said judgment, costs, interest
& all damages in case said judgment
shall be affirmed, - and shall duly
and diligently prosecute said appeal,
then this obligation to be void
but otherwise shall be and remain
in full force and virtue

Charles P. Smith *real*
J. V. Jarnigan *real*

Int. Rev. Stamp
50 cents marked "C. P. S."

Filed & Approved by me this
23rd day of March 1863
J. C. Lewis clk.

A Bill of Exceptions was filed herein
April the 1st 1884

State of Illinois }
Snod County Sss.

I John H. Lewis
Clerk of the Circuit Court within and
for said County and State, do hereby
certify that the above and foregoing
instrument of Writing is a true and
complete copy of the ^{judgment and} order of this Court
which they purport to be, ^{in said cause} And also of the
Bond filed by order of the Court as
therein set forth, by the Defendant in said
suit and of the filing of the Bill of Exceptions.

In testimony whereof I have
hereunto set my hand and affixed
the seal of said Court at Snod
ville this twenty eighth day of
April A.D. 1863

John H. Lewis, Clerk
By E. E. Chesney Depy



262

Copy of Order of Court
And
Appeal Bond by
Edward Smith

Charles P. Smith
11



Filed May 6, 1863.
Skeland
Ch.

Fee \$1.50