

8648


No. _____

Supreme Court of Illinois

Bennett Dewitt

vs.

David Green

71641  7

Pleas of the Circuit Court within and for the County of
Union and State of Illinois, at the May Term AD 1858.

Be it remembered that on the 18th day of May 1858
of the term of said Court the following order in the case
of David Green vs Bennett Dewitt & Calvin Sams, then
pending was made to wit:

David Green

vs

Respues-

Bennett Dewitt

Calvin Sams

} This day came the parties by their attorneys
and thereupon came a jury, to wit, Paul Singley Atkinens
Joseph M^r Elchany, B F Hartline, William Manure, Charles
W Holloway Mustin Rendleman, George W Wright, William
Lee, W. J. Shapley, John A Misenheimer and Charles Miller
twelve good and lawful men who being empanelled
and sworn the truth to speak upon the issue joined
between the parties upon their oaths do say we the jury
find the defendant Bennett Dewitt guilty and assess
the plaintiffs damages at one hundred and forty two
dollars and fifty cents, and Calvin Sams not guilty, there-
upon the said defendant Bennett Dewitt moves the Court
for a new trial, which motion is overruled, therefore it is
considered that the said plaintiff recover of the said
Bennett Dewitt the said sum of one hundred and forty
two dollars and fifty cents, his damages in manner and
form aforesaid assessed and also his costs and charges
in this behalf expended and that he have execution therefor

and that the said Calvin Sams go home without day.

Thereupon the said Bennett Dewitt prays an appeal to Supreme Court, which is allowed upon filing bond in the sum of two hundred and fifty dollars within twenty days, with John Dewitt and Moses Hutson as Securities, or with Jacob Cruise Senr as security within the said term of twenty days.

Afterwards, to wit, on the 5th day of June AD 1858 the said defendant Bennett Dewitt filed in the Clerk's office of said Court the following Appeal bond, to wit,

Know all men by these presents that we Bennett Dewitt, Moses Hutson and John Dewitt of the County of Monro and State of Illinois are held and firmly bound unto David Green also of the same County and State in the penal sum of two hundred and fifty dollars current 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 31st day of May AD 1858

The condition of the above obligation is such that whereas the said David Green did on the 18th day of May AD 1858 in the Circuit Court in and for the County and State aforesaid receive a judgment against the above bounden Bennett Dewitt for the sum of one hundred and forty two dollars

and fifty cents damages and thirty two dollars and
forty five cents costs from which said judgment of
the said Circuit Court the said Bennett Dewitt has
prayed for and obtained an Appeal to the Supreme
Court of said State. Now if the said Bennett Dewitt
shall duly prosecute his said appeal with effect and
shall moreover pay the amount of the judgment
costs interest and damages rendered and to be rendered
against him in case the said judgment shall be aff-
irmed in the said Supreme Court, the above obligati-
on to be void otherwise to remain in full force and
virtue.

Taken and entered into before me } Bennett M Dewitt (Seal)
at my office in Jonesboro this } Moss Watson (Seal)
5th day of June A.D. 1858 } John Dewitt (Seal)
Thomas Heleman Clk }

State of Illinois
County of Union } Thomas Heleman Clerk of
the Circuit Court within and for said County do hereby
certify that the foregoing is a true and perfect copy
of the judgment, order and appeal bond as the same
appears of record in my office in the foregoing cause
and that the said Bennett Dewitt has not up to the
date hereof caused a Record made and certified of
the said cause to the Supreme Court,

In testimony whereof I have hereunto
subscribed my name and affixed the

Sup. Court at office in persons' this 6th day
of November 1858

Thomas McLellan etc

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Bennett Davis - Appell

vs

David Green - Applee

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Filed Nov. 12. 1858.

St. Johnston Ct

Paid - \$5.00