

No. 11952

Supreme Court of Illinois

Kane, Imp.

vs.

McMullen

United States of America.

State of Illinois

McHenry County

Shew before the Honorable
Dane & Nelson Judge of the
Southern Judicial Circuit of the State of Illinois
and presiding judge of the McHenry County
Circuit Court, at a Circuit Court begun and
held at the Court house in Morrisburg in said
County on Tuesday the twentieth day of January
in the year of our Lord one thousand eight
hundred and fifty two and of the Independence
of the said United States the seventy fifth

Present the Hon Dane & Nelson
Just J. H. Johnson
Clerk
James B. Coon
Says, Attorney
John Bernick
Shuff

And afterwards to wit on the 27th day of January
in the year of our Lord one thousand eight
hundred and fifty two it being one of the days
of the late January term of the McHenry County
Circuit Court the said Court then being in session
at the Court house in Morrisburg the following
proceedings were had to wit.

John McCallum

vs
James Agnew John Ware
and Philip Scott

} Appeal

And now
have the plaintiff
by Church and

McCallum his attorneys and the defendants by
McCallum and McCallum his counsel also come

and therefore it is ordered that a Jury Ann
and therefore Ann a jury of good and lawful
men to wit

Thos Parker Abraham Crumack A. P. Smith
S. B. Dake Chas. K. Red Charles Hich
Casper Huntington Wm R. Oakley R. Olcott
John Bunker W. Lammick C. M. Cole

who being duly empanelled and sworn well and
truly to try the issue joined and having heard
the evidence and arguments of counsel and
instructions of the Court they retired to consider
upon their verdict and therefore by the agree-
ment of the parties it is ordered that when they
shall have agreed that they may sign and
send the same and meet the Court tomorrow
morning at 9 o'clock

And afterwards to wit on the 25th day of January
in the year last aforesaid it being one of
the days of the late January Term of said Court
the following among other proceedings were had
to wit

John McCallum

James Kane John
Mace Philip Leitch

} Appeal

And now came the
parties by their respective
attorneys and the jurors pre-
sently empanelled being also sworn and for
verdict say "We the jury find the defendant Kane
guilty and the other defendants Mace and
Leitch not guilty. and therefore the said defen-
dant by Mace his attorney moves the Court for
a new trial

And thereupon to wit on the 6th day of February in
the year last aforesaid the said Court then being in

The condition of the above obligation is such
that whereas the above named John McMeekin
did on the sixth day of February inst (1832) receive
a judgment against the above named Munis Kane
in an action of forcible entry in the Circuit Court
of McHenry County from which said judgment
of the said Circuit Court the said Munis Kane
has taken an appeal to the Supreme Court
of the State of Illinois. Now if the said Munis
Kane shall pay all costs that may become due
from the commencement of this suit until the
final determination thereof for the lawful entry
of the premises in the Complaint herein described
and shall prosecute his said appeal to effect
and shall pay and satisfy the judgment and
interest and damages in case the said judgment
shall be affirmed in the said Supreme Court
then the above obligation to be void else to
remain in full force and virtue

Given and entered into before me at my office
this 23rd day of February
A.D. 1832

Munis Kane. Seal
J. H. Connolly Seal
John X. McMeekin Seal
notary

J. H. Johnson
Endorsed, then
New Feb 23rd 1832

J. H. Johnson
State of Illinois
McHenry County
County and State aforesaid do certify that the
 foregoing is a true and perfect copy of the record
and book in the above entitled cause in this
office. Witness our hand and the seal
thereof at Woodstock this 21st
day of May A.D. 1832
J. H. Johnson
Clerk

Session as aforesaid the following among other proceedings
were had to wit

John McCullen

vs
James Kane

} Appeal

And now come the points by
their respective attorneys and the
Court being fully advised on the motion for a new
trial herein overules the same to the opinion of the
Court in overruling said motion the defendant by his
counsel, excepts. And is therefore ordered and considered
by the Court that the said plaintiff have and recover
of the defendant his costs and charges as well in
the Court below as in this Court evidenced and
that he have execution therefor And it is further
ordered that a writ of restitution issue herein to put
the plaintiff in possession of the premises in the complaint
described And therefore the said defendant prays
any appeal herein which is granted on condition
that he enter into bond in the sum of two hundred
dollars within thirty days from this date with Will
Annally and John Dunning as his security

And thereafter to wit on the 23rd day of February in
the year last aforesaid the said defendant Kane filed
in the office of the Clerk of the Circuit Court of said
County his appeal bond in the words and figures
following to wit

Know all men by these presents that
We James Kane principal and Will Annally and John
Dunning as Securers of the County of McHenry and State
of Illinois are held and firmly bound unto John
McCullen in the penal sum of two hundred dollars
which payment well and truly to be made we and
each of us our heirs our heirs Executors Administrators
and assigns jointly jointly and severally by these
presents. Witness our hands and seals at Woodstock
this 23rd day of February, A.D. 1852

McHenry

Have with me

in

McMullen

Transcript.

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Filed July 30 1852
A. Kellogg CMA.

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