

13888

No. _____

Supreme Court of Illinois

Hamilton

vs.

Gibbons.

United States of America
State of Illinois } ss.
County of Cook

Plas before the Honorable John
W. Wilson, Judge of the Cook County Court of Com-
mon Pleas, within and for the County of Cook State
aforesaid, at a Special Term of the Cook County
Court of Common Pleas, begun and holden at the
Court House in the City of Chicago in said County
in pursuance of an order of the Judge thereof, and to
public notice given in accordance with the Statute
in such case made and provided, on the second
Monday being the Ninth day of November in the year
of our Lord One Thousand Eight Hundred and fifty
seven and of the Independence of the United States
the Eighty Second

Present The Honorable John W. Wilson Judge
Charles Harens Prosecuting Attorney
John L. Wilson Sheriff

Attest

Walter Kimball Clerk

Be it Remembered, That heretofore, to wit, on the
Twentyfourth day of September A.D. One Thousand
Eight Hundred and fifty seven, being one of the days
of the September Term of said Cook County Court of
Common Pleas, the following, among other proceedings,
were had in said Court and entered of record to wit

James Hamilton
vs
Patrick Gibbons } Trespass.

And now at this day comes the said plaintiff by Walter Owen his Attorneys. and also the defendant by Hogue Miller & Lewis his Attorneys, and upon issue being joined. Ordered, that a jury come Whereupon come the Jurors of a Jury of good and lawful men. to wit, E. Colby, J. B. Gale, Am. Chase, J. W. Moulton, Wm Cooper, R. Walker, E. M. Pratt, J. Taylor, J. Baldwin, A. S. Clark, W. Johnson & Simon Doyle, who being well and truly elected, tried and sworn, to well and truly try the issue joined as aforesaid, after hearing the evidence adduced, argument of Counsel and instructions of the Court, retire to consider of their verdict, under order of the Court, by agreement of the parties to seal their verdict when made up. and to separate, to appear on the calling of the Court at its next sitting,

And afterwards, to wit, on the Twentyfifth day of September in the year last aforesaid, being also one of the days of said September Term of said Court, the following, among other proceedings were had in said Court and entered of Record. to wit

James Hamilton
vs
Patrick Gibbons } Trespass.

This day again comes the said parties

by their attorneys as aforesaid, as also the jury empanelled for the trial of this cause on yesterday, and by agreement of parties, one of the jurors was discharged from further attendance herein, being sick, and the verdict of the remaining eleven to be received. which was then rendered as follows. We the jury find the defendant guilty and assess the damages to the sum of Seventy five Dollars. And thereupon the said defendant by his Counsel submits his motion for a new trial, herein.

And afterwards, to wit on the Twentyfourth day of October in the year last aforesaid, being also one of the days of said September Term of said Court. the following, among other proceedings was had in said Court and entered of Record to wit,

James Hamilton
vs
Patrick Gibbons } Trespass

This day again came the parties to this cause by their attorneys aforesaid, and after further hearing on the motion of defendant for a new trial herein, arguments of Counsel in support as well as in opposition thereto, the Court, being fully advised, overrules said motion and thereupon said defendant by his Counsel excepts to such ruling by the Court.

Therefore it is considered that the said Plaintiff do have and recover of the said defendant,

his damages of seventy five dollars, so as aforesaid by the Jury aforesaid assessed, together with his costs and charges, in this behalf expended and have execution.

And thereupon again comes the said defendant by his counsel and prays an appeal to the Supreme Court of the State of Illinois, which is allowed by the Court. on the filing by said defendant of a Bond in Two Hundred Dollars, with good and sufficient security to be approved by the Judge of this Court, the Bond to be filed by the first day of November next - and Bill of Exceptions in twenty days from the date of the entry of this Order herein.

And afterwards. to wit. on the Thirty first day of October in the year last aforesaid the said defendant by his attorneys aforesaid, filed in the office of the Clerk of said Court his Appeal Bond. which said Bond is as follows. to wit.

State of Illinois }
Cook County SS.

Know all men by these presents, That we Patrick Gibbons and Matthew Lynch, both of the City of Chicago, in said County and State, are held and firmly bound, and by these presents do bind ourselves, our heirs, executors and assigns, unto James Hamilton in the sum of Two Hundred Dollars lawful money of the United States of North America well and truly to be paid by us, our heirs, Executors and

Administrators

The Condition of this Obligation is such, that whereas heretofore, to wit. at the September term of the Cook County Court of Common Pleas, the said James Hamilton recovered a judgment, against the above bounden Patrick Gibbons, for the amount of Seventy five dollars and costs, and whereas the said Patrick Gibbons has taken an appeal from said judgment of said Court to the Supreme Court of the State of Illinois.

Now therefore, if the said Patrick Gibbons shall prosecute his said appeal with effect, or shall well and truly pay or cause to be paid all such costs and damages as the said James Hamilton may sustain by reason of his the said Patrick Gibbons, appeal, and all such judgment as may be affirmed by said Supreme Court of the State of Illinois, then this obligation to be null and void, otherwise to remain in full force and virtue.

In Witness Whereof, we have hereunto set our hands and seals this 28th day of October, A.D. 1857

Approved

John M. Wilson, Judge

P. Gibbons

P. Caffrey

Seal
Seal

State of Illinois }
County of Cook } ss.

J. Walter Kimball, Clerk of the Cook County Court of Common Pleas, within and for said County do hereby certify that the above and

foregoing is a true copy of the Order of Judgment and
the Order allowing the Appeal, had and entered of record
in said Court, and also of the Appeal Bond filed in
my office on the 31st day of October A.D. 1857. in the
case wherein James Hamilton is Plaintiff and
Patrick Gibbons defendants.



In Testimony Whereof I hereunto
subscribe my name and affix
the Seal of said Court at Chicago
in said County this 4th day of
May A.D. 1858.
Walter Kimball Clerk

Or. Dec. 1st. of Com. Reas

James Hamilton

n. 329

Patrick Gibbons

~~3288~~

~~329~~

~~Best Copy Order do.~~

Filed May 6. 1858

L. L. Leland
CLK

Procs. issued

Procs. \$ 75.00

Depts \$ 75.00

Dec 20. 5