

No. 13290

# Supreme Court of Illinois

Leopol<sup>D</sup>~~X~~ et al

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vs.

Chicago City Ins.Co.

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

Pleas before the Honorable John M. Wilson sole Judge  
of the Cook County Court of Common Pleas within and  
for the County and State aforesaid at a regular term  
of the Cook County Court of Common Pleas begun and  
helden at the Court House in the City of Chicago in  
the County of Cook and State of Illinois on the second  
Monday being the thirteenth day of September in the  
year of our Lord one thousand eight hundred and  
fifty eight and of the Independence of the United  
States of America the Eighty third.

Present John M. Wilson . . . . . Judge  
Carlos Haven . . . . . Prosecuting Attorney  
John L. Wilson . . . . . Sheriff

Walter Kinkead, Clerk

Be it remembered that on the sixteenth day of  
September A. D. Eighteen hundred and fifty eight the following  
proceedings were had and entered of Record in said Court,  
That to ~~be~~ pay,

Henry Leopold and  
Benedict Schlofman . . .

(vs)

The Chicago City Insurance Assumpt.  
Company . . . . .

This day comes said plaintiffs by  
Gordon Kirby their Attorneys and due personal service of the  
process of Summons issued in this cause having been had on the  
Secretary and Treasurer of the Chicago City Insurance Company  
and the said Secretary and Treasurer and the said defendants  
being three times severally solemnly called in open Court come  
not, nor does any person for the said Defendants or either of  
them, but herein they severally make default, which is on  
Motion Ordered to be taken and is hereby entered of record for  
want of a plea.

Wherefore said plaintiffs ought to have and recover of  
the said Defendants their damages sustained herein by reason  
of the premises And the Court now here after hearing the  
allegations and proof submitted by said plaintiffs and being  
fully advised in the premises assesses their damages herein to the  
sum of One hundred and twenty two dollars and twenty cents.

Therefore it is considered said plaintiffs do have and  
recover of the said Defendants their damages of One hundred &  
\$192.20, twenty two dollars & twenty cents in sum aforesaid by the Court  
assessed and also their costs and charges in this behalf expended  
and have execution therefor.

And afterwards to wit on the twelfth day of October (being  
yet of the said September term of said Court) A. D. Eighteen hundred  
and fifty eight, the following further proceedings were  
had and entered of record in said Court to wit,

Henry Leopold and  
Benedict Schlofman  
(vs)

The Chicago City Insurance Company . . . . . Assumpsit.

Motion for New Trial.

This day again comes the said  
Plaintiffs by Condo & Kirby their Attorneys and the said  
Defendants by Monroe & Spencer their Attorneys also come, and Counsel  
being heard on the Motion of said Defendants for a New Trial  
herein and the Court being fully advised, overrules said Motion,  
and thereupon the said Defendants pray an Appeal in this cause  
to the Supreme Court of the State of Illinois, which is allowed to  
them on the Condition that they file their Appeal Bond in Four  
hundred dollars with Edward Canfield, H. G. Litchfield & H. S.  
Monroe as securities thereon, said Bond to be filed within ten  
days from this day,

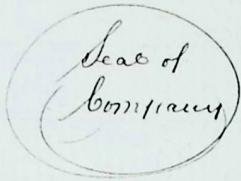
And hereafter to wit on the thirteenth day of October  
A. D. Eighteen hundred and fifty eight the said Defendant  
accordingly filed in the Office of the Clerk of said Court  
their Appeal Bond in the words and figures following,  
that is to say

Know all Men by these Presents that we the Chicago City Insurance Company, Principals, and Edmund Carfield W. L. Lichfeld and Henry J. Monroe citizens of the City of Chicago in the County of Cook and State of Illinois are held and jointly bound unto Henry Leopold and Benedict Schlofman of the said County and State in the penal sum of Four hundred dollars lawful Money of the United States for the payment of which well and truly to be made we bind our selves our heirs executors and administrators jointly and severally by these presents.

~~Sealed with our seals~~ Witness our hands and seals this twelfth day of October A. D. 1858.

The Condition of the above Obligation is such that whereas the said Henry Leopold and Benedict Schlofman did on the fifteenth day of September A. D. 1858 before the honorable John M. Wilson Judge of the Cook County Court of Common Pleas recover in said Court a judgment against the above bounden Chicago City Insurance Company for the sum of One hundred and ninety two dollars and twenty Cents and seven dollars and seventy five Cents costs from which said judgment of the said Court, the said Insurance Company has taken an Appeal to the Supreme Court of the State of Illinois Now if the said Chicago City Insurance Company shall prosecute his said Appeal with effect and shall pay whatever judgment, costs, interest and damages, shall be awarded against the said Insurance Company in case the said judgment shall be affirmed to the said Henry Leopold & Benedict Schlofman

Then this obligation shall be void otherwise remain in full force and effect.



Chicago City Insurance Co. Inc. (S.S.)

Edmund Canfield Pres. . . .

Edmund Canfield

(S.S.)

H. G. Litchfield

(S.S.)

H. S. Minor

(S.S.)

State of Illinois  
Cook County. {<sup>1st</sup>

I Walter Kimball Clerk of Superior Court of Chicago, late Cook County Court of Common Pleas, in the County of Cook and State aforesaid Do hereby certify the foregoing to be a true and correct Copy of the Orders and judgment Entered of record in said Court, together with the Appeal Bond now on file in my Office in a certain suit in said Court wherein Henry Leopold & Benedict Schlossman are plaintiffs and the Chicago City Insurance Company, Defendant. And I do hereby further certify that the said defendant nor its Attorney has applied for a record of the proceedings in said suit, nor taken any steps towards prosecuting their said appeal since the filing of their said Appeal Bond.



In testimony whereof I the said Walter Kimball have hereunto set my hand and affixed the Seal of said Court at Chicago, in said County this twenty fifth day of April A. D. 1859.

Walter Kimball Clerk

8) State of Illinois  
Cook County

328.

Henry Leopold Et al  
— (in) —  
Chicago City Ins: Co

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Certificate of Non  
Prosecution of Appeal

Filed April 26. 1839

L. Leland  
Clerk

\$ 192.20  
By \$ 91.00

13290

328

\$ 2.00