

No. 13382

Supreme Court of Illinois

Myers

vs.

Lill

UNITED STATES OF AMERICA,
STATE OF ILLINOIS, COUNTY OF COOK, SS.

Plas, before the Honorable, the Judges of the Superior Court of Chicago, within
and for the County of Cook and State of Illinois, at a regular Term of said Superior Court
of Chicago, begun and holden at the Court House, in the City of Chicago, in said County
and State, on the first Monday, being the fifth day of
March in the year of our Lord One Thousand Eight Hundred
and Sixty and and of the Independence of the United States of America
the Eighty fourth,

Present, The Honorable John M. Wilson Chief Justice of the }
Superior Court of Chicago. }

Nathan H. Higgins }
Grant Goodrich } Judges.

Baron Stawen Prosecuting Attorney.

John Gray Sheriff of Cook County.

Attest, Walter Kimball Clerk.

Be it remembered that heretofore to wit on the
twenty fourth day of March in the year of our
Lord one thousand eight hundred and sixty the
following proceedings were had and entered of record
in said Superior Court in a certain suit wherein
Lawrence Myers and Philip Pike were Plaintiffs
and William Sill. Defendant, that is to say

"Lawrence Myers and
Philip Pike
vs
William Sill"

Assumpsit

This day comes and

Plaintiffs by Ashton their Attorney and said defendant
by Seales, The Register & Jewett his Attorneys also
comes and issues being joined herein it is Ordered that
a Jury come Whereupon comes the Jury of good
and lawful men to wit-

John L. Smith - E. Nash - S. Quick,
H. B. Daniels - M. Ford - A. W. Huestis - John
Brooks - Anthony Otto - J. W. Cook - C. W. Ballard
S. M. Garner and Peter Young, who being duly
pleaded, tried and sworn to by the issues joined
aforesaid, after hearing the evidence, arguments of
counsel and instructions of the Court retire to consider
of their Verdict and the Jury afterwards returns
into Court submit their Verdict and say that the
Jury find issues for said Plaintiffs and we assess
their damages herein to the sum of Seven hundred
and sixty two dollars and forty seven cents

And hereupon said defendant submits his Motion
herein for a new trial in this cause.

And afterwards to wit on the twenty sixth
day of March (being yet of the said March term
of said Court) A. D. Eighteen hundred and
sixty the following further proceedings were had in
said cause and entered of record in said Court,
to wit -

Lawrence Myers and
 Philip Pike
 vs
William Sill . . .

Assumpsit.

And now again comes the parties to this case by their respective Attorneys as aforesaid, and Counsel being heard on Defendants Motion heretofore submitted herein for a New trial in this case and due deliberation being thereupon had and the premises being fully understood it is considered by the Court that Defendants said Motion for a New trial be and is hereby overruled whereof said Plaintiffs ought now to have judgment entered on the Verdict of the Jury rendered herein as aforesaid.

Therefore it is considered that said Plaintiffs do have and recover of said defendant their damages of Seven hundred and sixty two dollars and forty seven Cents in form aforesaid by the Jury here found and assessed together with their costs and charges in this behalf expended and have execution therefor.

And thereupon said defendant prays an Appeal herein to the Supreme Court which is allowed on filing Bond with Edward Foster as security in fifteen hundred dollars, Bond and Bill of Exceptions to be filed in twenty days.

And thereupon to wit on the Second day of April
A. D. Eighteen hundred and sixty came the said
Defendant by his said Attorneys and filed in the Office
of the Clerk of said Court his Appeal Bond in said
Cause: Which said Bond is in words and figures as
follows, to wit,

"Know all Men by these Presents that we William
Sill & Edwin Foster both of the City of Chicago, County
of Cook & State of Illinois are held and firmly bound
unto Lawrence Myers & Philip Pike both of the City
of Albany New York & State of New York in the sum
of One thousand dollars lawful Money of the United
States to be paid to the said Lawrence Myers & Philip
Pike their executors, administrators or assigns for which
payment well and truly to be made, we bind ourselves
our heirs executors or administrators and each of them
firmly by these Presents Sealed with our Seals -
Dated March 1860.

The condition of the above obligation is such
that whereas the above bounden William Sill had
appealed from the Judgment of the Superior Court of
Chicago at the March Term thereof 1860. for the sum
of \$762.47 in favor of said Lawrence Myers and
Philip Pike in a suit wherein said Lawrence Myers
and Philip Pike were plaintiffs and the said William
Sill, defendant.

Now if the said William Lill and Edwin Foster
their heirs executors or administrators shall well and
truly pay all judgments, costs, interest and damages in
said case said judgment shall be affirmed and duly prosecute
said Appeal, then the above obligation to be void, otherwise
to remain in full force and virtue.

Approved

Grant Goodrich

William Lill

Edwin Foster

(Seal)

(Seal)

State of Illinois }
Cook County . } ss.

I Walter Kimball Clerk of the
Superior Court of Chicago within and for the County
of Cook in the State of Illinois Do hereby Certify
the above and foregoing to be a true and perfect
Transcript of the Appeal Bond now on file in my
Office, together with the Judgment and Order entered
of record in said Court in a certain suit therein
wherein Lawrence Myers and Philip Pike were
Plaintiffs and William Lill, defendant.

And I do hereby further Certify that
neither the said defendant, nor his Attorney, nor any
other person in his behalf, has taken from the Office

of the Clerk of this Court, any Return or Transcript
of the Proceedings in said Cause for the purposes
mentioned in said Order & Appended Bond



In testimony whereof I have hereunto
set my hand and affixed the Seal
of said Court, at Chicago in said
County the twentieth day of April
A. D. 1861. *Walter Kimball Clerk*

519
State of Illinois
Cook County.

319
Lawrence Myers et al
vs
William Gill . . .

Certificate of
Non-prosecution of Appeal.

Filed April 23. 1881
L. Leland
Clerk

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§ 25

Friend W. Brewster