

13772

No. \_\_\_\_\_

# Supreme Court of Illinois

Penrose

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vs.

Hannixman

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71641  7

United States of America

STATE OF ILLINOIS, COUNTY OF COOK, S. S.

Pleas, before the Honorable George Manierre

Judge of the Seventh Judicial Circuit of the State of Illinois, and Sole Presiding Judge of the Circuit Court of Cook County, in the State aforesaid, and at a term thereof begun and held at the Court House in the City of Chicago, in said County, on the

Thirtieth Monday, (being the fifteenth day) of

November in the year of our Lord one thousand eight hundred and

fifty eight and of the Independence of the said United States the

eighty third

Present, Honorable George Manierre Judge of the 7th Judicial Circuit of the State of Illinois }

Charles Raven States Attorney.

John S. Wilson Sheriff of Cook County.

Attest: Wm L. Church Clerk.

Be it remembered that heretofore to  
wit: at the November Term of said court  
to wit: on the Eighth day of December A  
D 1858, the following proceedings, among  
others, were had and entered of record then  
to wit:

Mary Ann Penrose  
6435 v Ejectment  
Mary Ann Hanniman  
and William Schofield

This day come again  
the said parties by their aforesaid counsel,  
also come the Jurors of the Jury afore-  
said, and after hearing the evidence, the argu-  
ments of counsel, and the instruction of  
the court retire to consider of their verdict  
under the charge of a sworn officer of the  
court, and afterwards come into court and  
submit their verdict in writing which is  
in the words and figures, following, to  
wit: "We the jury find the issues for the plain-  
tiff with the title of fee simple to the land  
in question (signed) B Chase Foreman  
Wm Probit Heinrich Mensching  
Peter Brackett, James W Brown  
J R Ware James McWilliams  
Edward Williston Adam Kedzie, J W Bullang  
Lewis Dodge, Thomas Goode, Thurlup  
on motion of the said plaintiff the court

granted leave to the said jury to amend their said verdict and put the same into form to which the said defendant Kammisman by her counsel now here excepts, and thereupon the said jury having amended their verdict do say, That the jury do find the defendant Kammisman guilty, and that the said plaintiff is seized in fee of the East twenty feet of Lot Eleven in Block Twelve in Winzie's addition to the City of Chicago and that the said plaintiff was entitled to the possession thereof at the commencement of this suit and assess said plaintiff damages at one cent.

Whereupon the defendant Kammisman by her counsel moves the court for a new trial of this cause, and the court after hearing arguments of counsel and being fully advised in the premises now overrules said motion for a new trial hereto which the said defendant Kammisman by her counsel now here excepts.

Therefore it is considered by the court that the said plaintiff Mary Ann Perrowe do recover against the said defendant Mary Ann Kammisman her said possession of and in all that part and parcel of the said premises in her said declaration mentioned according to the said verdict

of the said Jury to wit: The East twenty feet of Lot Eleven in Block twelve in King's addition to the City of Chicago and also his damages of one cent by the jurors aforesaid in form aforesaid assessed together with his costs and charges by her in that behalf expended, and that she have a writ of possession therefor and also an execution for her said damages and costs and as to the residue of said premises in the said declaration mentioned. Whereof the said defendant William Schofield is acquitted in form aforesaid, let the said William Schofield go thereof without day and have execution for his costs in that behalf expended.

Whereupon the said defendant Mary Ann Harriman prays an appeal to the Supreme Court of the State of Illinois, which is granted upon condition that she executes and files her appeal Bond herein by the first day of January next, in a penalty of five hundred dollars, and conditioned according to the Statute in such case made and provided with W. S. Mauley or William S. Johnston or H. S. Sawyer assent to said Bond.

And on motion leave is given the said defendant Harriman till the first

day of January next to file her Bill  
of exceptions herein.

And afterwards, to wit: at the January  
Special Term of said court, to wit: on the  
Sixth day of January A D 1859 the following  
proceedings, among others, were had and  
entered of record in said cause, to wit:

|                  |              |  |            |
|------------------|--------------|--|------------|
| Mary Ann Penrose |              |  | Ejectment, |
| 6435             | v            |  |            |
| Mary Harrieman   | Impleaded &c |  |            |

By agreement of  
parties it is ordered that the time for  
said plaintiff to file appeal Bond and  
Bill of exceptions herein be further ten days.

And thereupon afterwards, to wit: on the  
thirteenth day of January in the year last  
aforesaid the said defendant Harrieman  
filed with the clerk of said court her  
appeal Bond herein, in the words and figures  
following, to wit:

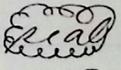
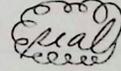
Know all men by these presents, that  
we Mary Harrieman and William  
S Johnston of the city of Chicago County of  
Cook and State of Illinois are held and  
firmly bound unto Mary Ann Penrose

in the penal sum of five hundred dollars lawful money of the United States to be paid to the said Mary Ann Penrose her executors, administrators or assigns, for which payment well and truly to be made we bind ourselves one and each <sup>part</sup> of ours heirs executors and administrators jointly and severally firmly by these presents Sealed with our seals. Dated this twelveth day of January one thousand Eight hundred and fifty nine.

Whereas on the Eighth day of December A D 1858, in a case of Ejectment then tried in the Circuit Court of Cook county in the State of Illinois wherein Mary Ann Penrose was plaintiff and Mary Harrieman and William Scofield were defendants. a verdict was rendered by the jury as follows. to wit: "We the jury find the defendant Harrieman guilty and that the plaintiff is seized in fee of the East thirty feet of Lot Eleven, in Block number twelve in Kinzie's addition to Chicago and that plaintiff was entitled to possession at the commencement of this suit. also one cent damages and whereas the said defendant did then and there move the said court for a new trial of said cause which motion

of the said defendant the said court over-  
ruled. And whereas the said court afterwards  
that is to say on the ~~eight~~ eighth day of  
December One thousand Eight hundred  
and fifty Eight rendered a judgment  
upon the verdict aforesaid in conformity  
with the terms thereof against the said  
Mary Harrieman from which said  
judgment the said Mary Harrieman  
hath prayed and obtained an appeal  
to the Supreme Court of said State  
for the third Grand Division.

Now therefore the condition of the  
above obligation is such that if the above  
bounden Mary Harrieman her  
prosecute her said appeal with effect  
and without delay, and shall moreover  
pay or cause to be paid the said judgment  
interest, damages and costs, in case  
the said judgment shall be affirmed  
by the said Supreme Court, then and  
in that event this obligation shall be  
void, else to remain in full force and  
virtue.

Mary Harrieman   
Wm S Johnston Jr 

State of Illinois, }  
COUNTY OF COOK. } s. s.

I, WILLIAM L. CHURCH, Clerk of the Circuit Court of Cook County, in the State aforesaid, do hereby certify the above and foregoing, to be a true, perfect and complete copy of Judgment order granting appeal & appeal bond in a certain cause lately pending in said Court on the Common Law side thereof, wherein Mary Ann Keurose was plaintiff and Mary Hammarman Impt<sup>r</sup> was defendant

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the seal of our said Court at Chicago, this 25<sup>th</sup> day of April, A. D. 1859

Just 2<sup>00</sup>

Wm L Church  
Clerk.

Pearse

vs.

Hanneman

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Copy of Appeal  
& appeal Bond

Supreme Court

13772

Hanneman

Hanneman

vs.

Pearse

Filed Apr. 28. 1860  
L. Island  
Clk.