

No. 13502

Supreme Court of Illinois

Stevens.

vs.

Stewart.

71641  7

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 four and of the Independence of the United States of America the Eighty fourth

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

Wm. H. Higgins }
Grant Goodrich } Judges.

Charles Haven Prosecuting Attorney.

John Gray Sheriff of Cook County.

Attest, Walter Kimball Clerk.

Be it remembered that heretofore to wit on the sixteenth day of March A. D. eighteen hundred and sixty (being one of the days of the March Term of said Court) the following proceedings were had in the undersigned cause, and entered of record in said Court, to wit

" James E. Stevens

vs

William Scott Stewart

} Defendant.

This case comes said Plaintiff by Sturtevant & Town his Attorneys and said Defendant by Harvey his Attorney also comes & issues

being joined herein it is ordered a Jury come thereupon
emmes the Jury of good and lawful men to wit—
Samuel Overden - John Lyons - H. W. Cross. Samuel W.
Pace - John Basley - B. L. Chapman - Cyrus Stockbridge
Charles Speed - B. F. Sitts. B. C. Murphy - Gustave
Baumer - and Daniel Dempsey, who being duly elected
sworn to by the issues joined as aforesaid
after hearing evidence, arguments of Counsel and instructions
of the Court retire to consider of their Verdict and afterwards
return into Court - Submit their Verdict and pay to
the Jury find issues for said Plaintiff and assess his
damages herein to the sum of Two hundred and
fifty eight dollars and forty cents.

And thereupon 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) O. D. Eighteen hundred and sixty the following
further proceedings were had in said cause and entered
of record in said Court, to wit—

" James C. Stevens	} Assumpsit
vs	
William Scott Stewart	

And now again come the parties
Plaintiff as well said Defendant by their respective

Attorneys as aforesaid and Counsel being now heard on the Motion heretofore submitted herein by said defendant for a New trial in this cause and due deliberation being thereupon had and the premises fully understood it is considered by the Court that Defendants said Motion for a New trial be and is hereby overruled Therefore said Plaintiff ought now to have judgment - sentence or Verdict of the Jury rendered herein as aforesaid.

Therefore it is considered that said Plaintiff do have and recover of said defendant his damages of Four thousand and fifty eight dollars and forty cents in sum aforesaid by the Jury here found and assessed together with his costs and charges in this behalf expended and have execution therefor.

Now thereupon defendant puts his exceptions herein to the decision of the Court and prays an Appeal herein to the Supreme Court which is allowed on filing Bond in Seven hundred dollars to be approved by a Judge of this Court, with Bill of Exceptions to be filed in twenty days.

Now afterwards to wit on the fourteenth day of April (being one of the days of the April term of said Court) the following proceedings were had in said cause and entered of record in said Court, to wit,

" Charles E. Stevens

vs

William Scott Stewarts

Chambers

On Motion defendant it is ordered

That the time to file his Appeal Bond herein he and
is hereby extended to the 18th day of April instant.

And thereupon accordingly on the fourteenth
day of April A.D. Eighteen hundred and sixty came
said defendant and filed in the Office of the Clerk of
said Court his Appeal Bond in said cause; Which
Bond is in the words and figures following, to wit,

"Know all Men by these Presents that we William
Scott Stewart of Chicago in the County of Cook and
State of Illinois and James Y. Cory of the County
of Lake and State of Illinois. are held and firmly
bound unto James E. Stevens of Berrien County
Michigan in the penal sum of Seven hundred dollars
lawful Money of the United States for the payment of
which well and truly to be made we bind ourselves
our heirs executors and administrators jointly severally and
fairly by these Presents.

Witness our hands and seals this fourteenth day
of April A.D. 1860,

The Condition of the above obligation is such
that whereas the said James E. Stevens did on the
twenty fifth day of March A.D. 1860 in the Superior
Court of Chicago in and for the County of Cook and
State aforesaid and of the March term thereof A.D.
1860, recover a Judgment against the above bounden

William Scott Stewart for the sum of Four hundred and fifty eight dollars and forty cents besides costs of suit, from which said judgment of the said Superior Court of Chicago the said William Scott Stewart has prayed for and obtained an appeal to the Supreme Court of said State.

Now therefore if the said William Scott Stewart shall duly prosecute his said appeal with effect and moreover pay the amount of the Judgment, costs, interest and damages rendered, and to be rendered, against him in case the said Judgment shall be affirmed in said Supreme Court then the above obligation to be void otherwise to remain in full force and virtue.

Approved

Wm. H. Higgins
Clerk.

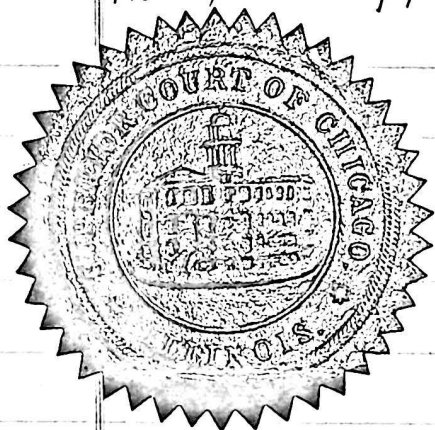
Wm. Scott Stewart (Seal)
James Y. Cory (Seal)

State of Illinois
Cook County, Ill.

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 Judgment and Order allowing Appended Interest of record

in said Court, together with the Appeal Bond now on file in my Office, in a certain suit therein, wherein James E. Stevens was Plaintiff and William Scott Stewart was defendant.

Now I do hereby further Certify that neither the said Defendant, nor any person on his behalf, has taken any Record of the proceedings in said case, from or out of my office, for the purpose of presenting his said Appeal.



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

327
State of Illinois
Cook County

327

James C. Stevens

vs

William S. Stewart

Certificate of
Non-prosecution of Appeal

Filed April 25, 1861
L. Leland
Clerk

1351
Judgment

\$458, $\frac{40}{100}$

$\frac{05}{100}$
229200

5 per cent

13502

\$0.00 Paid by Mark & Frame
H. Lumball & Co.