

12185

No. _____

Supreme Court of Illinois

Beesman

vs.

City of Peoria

71641  7

George A. Beesman }
The City of Peoria } Error to Peoria.

And now comes the said Plaintiff, and says that in the record and proceedings and in the rendition of the Judgment aforesaid there is Manifest Error in this to wit:

1st. The Circuit Court was in Entertaining Jurisdiction of this case
2nd. Said Court Erred in rendering Judgment against the Plaintiff George A. Beesman

3rd. The Mayor of the City of Peoria not having jurisdiction in this case, the Circuit Court had none on the appeal & should have dismissed the suit - ^{expecting to do} in this there was error -

For these and other Manifest Errors in said Record and proceedings aforesaid he prays that the said Judgment may be reversed, set aside and wholly for nothing Estimated

A. H. Puffer
Plffs Atty.

Be it remembered that heretofore, to wit, on the fourteenth day of August in the year of our Lord one thousand eight hundred and fifty there was filed in the office of the clerk of the Circuit Court of Peoria county in the State of Illinois a complaint - warrant, accompanied with a transcript of proceedings before the Mayor of the City of Peoria, and appeal bond, which are in the words & figures following, to wit:

Complaint - I John C. Steyl City Marshal do complain of G. A. Beesman for keeping his grocery open on Sunday & selling liquor contrary to an ordinance of the City of Peoria.
Peoria March 27th / 50, John C. Steyl.

Warrant - State of Illinois, ss.
Peoria City, ss. The People of the State of Illinois, To the City Marshal or any Constable of said City, Greeting:
Whereas Complaint hath been made before me Mayor of the City of Peoria by John C. Steyl, City Marshal that George A. Beesman has violated an ordinance of said City in relation to licenses in the City of Peoria. Aforesaid. There are therefore to command You forthwith to apprehend the said George A. Beesman and bring him before me to answer the complaint and further to be dealt with according to law. Given under my hand and official seal at Peoria, this 27th day of March 1850,
D. Blakeley Mayor of Peoria.

[Endorsed]

return - Served the within by reading the within warrant & bringing the defendant in Court
J. C. Steyl, Mar.

Transcript,
from Mayor

City of Peoria

March 27th 1850

George H. Deesman

This action is commenced on the com-
plaint filed by the City Marshal
J. C. Heyle charging Defendant with having kept open
his grocery on Sunday contrary to an ordinance of of
said City whereupon a warrant & 2 subpoenas was
issued to Heyle Marshal — 27th warrant and 2

subpoenas returned served with Defendant
in Court by Heyle Marshal and the suit
was continued by Consent of parties to the 30th
inst at 1 o'clock P. M. 30 parties
appeared & a subpoena & venire issued to
Heyle Marshal which was returned served
by Heyle Marshal, with the following persons
as jurors to wit: J. McIllegan, J. Hudson,
J. W. Sands, J. Mc Law, W. Hall &
O. Hinman who were sworn & the exam-
ination was had & submitted & the jury
after deliberation the jury returned stating
that they could not agree & were discharged.
Defendant then proposed to submit the case to the
decision of the Court and abide his judgment
& the Court having heard the testimony, adjudged
defendant to be guilty of the charge alleged
in the Complaint & gave a judgment against
Defendant for fine \$25 & costs & entered up the same

Docket 12½
Warrant 25
2 Subp. 50
Heyle 1.52
Contin. 12½
Subp. 25
Venire 25
Heyle 1.05
Swearing 25
4 oaths 25
Jury 25
Appeal 25
Bond 50
Transcript 25
\$5.82

Fine \$25.00
Costs 4.82

And as required by ordinance declared said Defendant's
license void

CCC

D. Blakeley Mayor

April 1st Defendant took an appeal & filed his bond with
McKee as his security,

I hereby certify that the above is a true transcript of a judgment & the proceedings had thereon as appears of record on my docket & that the papers accompanying this transcript are all that came to my hand relating to said suit.
Given under my hand and official seal this 1st day of August 1850.
D. Blakeley Mayor.

Appual Bond - Know all Men by these presents that we Georg A. Beesman & Meig Roth are held and firmly unto the City of Peoria in the penal sum of one hundred dollars lawful money of the United States, for the payment of which well and truly to be made, we bind ourselves our heirs and administrators jointly and severally firmly by these presents, witness our hands and this 30th day of March 1850

The condition of the above obligation is such that whereas the said City of Peoria, did, on the 30th day of March 1850 before D. Blakeley Mayor of said City, recover a judgment against the above bounden George A. Beesman for the sum of twenty five hundred dollars fine, from which judgment the said G. A. Beesman has taken an appeal to the Circuit Court of the county of Peoria aforesaid, and State of Illinois

Now if the said George A. Beesman shall prosecute his appeal with effect and shall pay whatever judgment may be rendered by the Court upon dismissal of trial of said property appeal, then the above obligation to be void, otherwise to remain in full force and effect,

Meig Roth

G. A. Beesman

Approved before me at my office
this 1st day of April 1850
D. Blakeley Mayor,

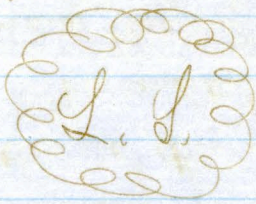
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Whereupon on the same fourteenth day of August A.D. 1850, the clerk of said Court issued under the seal of said Court a summons, directed to the Sheriff of Peoria County, which with his return endorsed thereon is as follows to wit:

Summons = The People of the State of Illinois.

To the Sheriff of Peoria County Greeting
We Command You to summon the City of Peoria if to be found in your County, to appear before our Circuit Court on the first day of the term thereof to be held at Peoria within and for the said County of Peoria on the 14th Monday of August instant then and there, in our said Court to prosecute its suit against George A. Geesman lately appealed from before Dennis Blakeley Mayor of said City and make return of this writ, with an endorsement of the time and manner of serving the same on or before the first day of the term of the said Court to be held as aforesaid.



Witness Jacob Gale, Clerk of our said Court and the seal thereof at Peoria, this 14th day of August in the year of our Lord one thousand eight hundred and fifty

Jacob Gale, Clerk,

[Endorsed]

return = "State of Illinois,
Peoria County, Served the within writ by reading the same to Dennis Blakeley, Mayor of the City of Peoria August 16th 1850,
William Compher Shiff, C.,
by C. C. Cleveland Dpty."

Proceedings at a term of the circuit court begun and held at the court house in the City of Peoria, in and for the county of Peoria in the State of Illinois on the fourth Monday of August

in the year of our Lord one thousand eight hundred and fifty
it being the twenty sixth day of said month Present the
Honorable William Kellogg Judge of the tenth Judicial
Circuit in the State of Illinois, Stannard & Reynolds State
Attorney & Jacob Hale, clerk, to wit:

Wednesday August 28th A. D., 1850
City of Peoria

To
George A. Deesman Appeal from Mayor,

This day the defendant by Knowlton his
Attorney entered a motion that the plaintiff file a specifi-
cation of the cause of complaint against him.

Thursday August 29th A. D., 1850
City of Peoria

To
George A. Deesman Appeal from Mayor

This day came on to be heard the motion
of the defendant for a rule on the plaintiff to file a specifica-
tion of the cause of complaint against him herein.
On consideration whereof, it is ordered that the plaintiff file
a Specification,

Whereupon on the same day last aforesaid a specification of
cause of action was filed in said cause in words & figures following, to wit:

Specification: The City of Peoria

To
George A. Deesman

The defendant in this suit is charged with keeping a
Grocery store open on Sunday and selling liquor on Sunday in the City of Peoria,
State of Illinois on the 24th day of March A. D., 1850 & divers other
times Contrary to an ordinance of said city.

Aug. 29, 1850,

C. J. Langer
City Atty

Proceedings at a circuit Court begun and held at the
Court house in the City of Peoria, in and for the county of
Peoria in the State of Illinois, on the second Monday of
November in the year of our Lord one thousand eight hundred
and fifty one, it being the tenth day of said Month,
Present the Honorable William Kellogg, Judge of the tenth
Judicial Circuit in the State of Illinois, James L. Riggs,
Sheriff and Jacob Gale, clerk, to wit:

Wednesday November 12th A.D. 1851

City of Peoria

vs
George H. Peesman,

Appeal from Mayor

This day came the plaintiff by John T.
Lindsay its attorney and the defendant by Purple & Knowlton
his attorneys, and it is ordered by the court that ~~be~~ a jury
be empannelled to try the issue in this cause, whereupon came
a jury of twelve good and lawful men, to wit: Hiram
Week, Isaac Maple, Thomas Bailey, George S. Mc.
Ginnis, Robert M. Macneil, John M. Henry, Orange W.
Young, John Tebow, John Dredge, William Camblin,
David Shane and George H. Crook who being duly chosen,
tried and sworn, well and truly to try the issue herein and a
true verdict give according to evidence, upon their oaths
do say, We of the jury do find the defendant guilty
and that he pay a fine to the City of Peoria in the sum
of twenty five dollars. Therefore it is considered by the court
that the said George H. Peesman do make his fine to the
City of Peoria in the sum of twenty five dollars that he pay
the costs of this proceeding as well in this court as in the court
below and that execution issue against him therefor.

State of Illinois
Peoria County J. Jacob Gale clerk of the Circuit
Court within and for the County of Peoria in the
State of Illinois do hereby certify, that the foregoing
is a full and correct transcript of all the proceedings
and of all the papers appertaining to the record in said
Court in a certain cause therein of the City of Peoria
against George A. Beerman, on appeal from the
Mayor of said City as the same are of Record or on
file in my office.

In witness whereof I hereunto set my
hand and affix the seal of said Circuit
Court at my office in the City of Peoria
this 28th day of April in the year
of our Lord one thousand eight
hundred and fifty five.
Jacob Gale, Clerk.

Transcript, certified & seal \$1.75 - paid by deft -
Jacob Gale

42
George A. Beesman
City of Peoria
Record

Filed Apr. 30. 1858.
L. Seland Clk

STATE OF ILLINOIS,

Supreme Court,

ss.

The People of the State of Illinois,

To the Sheriff of the County of Peoria — Greeting:

BECAUSE in the record and proceedings, and also in the rendition of the judgment of a plea which was in the circuit court of *Peoria* county, before the Judge thereof, between *the City of Peoria plaintiff & George A. Beesman*

defendant, it is said that manifest error hath intervened, to the injury of the said *defendant*

as we are informed by *his* complaint, the record and proceedings of which said judgment we have caused to be brought into our Supreme Court of the state of Illinois, at Ottawa, before the Justices thereof, to correct the errors in the same, in due form and manner, according to law; therefore we command you, that by good and lawful men of your county, you give notice to the said

City of Peoria

that *it* be and appear before the Justices of our said Supreme Court, at the next term of said court, to be holden at Ottawa, in said state, on the *2nd* Monday in *June* next, to hear the records and proceedings aforesaid, and the errors assigned, if *it* shall see fit; and further to do and receive what said court shall order in this behalf; and have you then there the names of those by whom you shall give the said *City of Peoria*

notice, together with this writ.

WITNESS,

the Hon. *John D. Caton* Chief Justice of our said Court, and the Seal thereof, at Ottawa, this *14th* day of *May* in the Year of Our Lord One Thousand Eight Hundred and Fifty-five.

L. Leland

Clerk of the Supreme Court.

Peoria 42
vs
City

Bellamy
vs
Cunningham

Filed June 26. 1855
Ill. and City.

State of Illinois
Peoria County
Served this writ
on Charles Bellamy
Mayor of the within named City of
Peoria, and James Mc Cunningham
Clerk of the said city by reading
the same to them this 15th day
of May A.D. 1855 David D. Brown shff
2 ser 100
2 Jul 10
11.20 Received my fee of Plff Peoria Co
11.20 D.D. Brown shff Ill

City of Peoria }
vs } The Supreme Court
George A. Peckman } Northern Division
} Ills —

Order Writ of Error & Sci fa
re against the Plaintiff the "City of
Peoria," returnable to next Term —

Wm. P. Peckman Esq. City
Leland Esq. Atty.

Geo. A. Benson

City of Proctor

Proctor

Filed Apr. 30, 1855.
L. Leland Clerk.

Supreme Court } Term Term 1883.
State of Illinois }

The City of Peoria }
at } In Error
George A. Beerman }

And the said Defendant comes and says that in the record and proceedings and in the rendition of the judgment in this cause by the said Circuit Court there is no error

Because 1. The said Circuit ^{Court} in sustaining jurisdiction of this cause did not err.

2. Said Court did not err in rendering judgment against the Plaintiffs

3. The said Circuit Court had jurisdiction of the subject matter and the plaintiff by voluntarily appearing in said Court and submitting his person to its jurisdiction gave said Court jurisdiction to hear & determine said cause. And said Court should not have dismissed ~~said~~ ^{the} suit and in refusing to dismiss said suit there is no error whereupon he asks the Court to ~~affirm the~~ ^{affirm} judgment

By J. H. Brown
for Attorneys

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George A. Beesman
The City of Peoria

Arrived in Enos

Filed July 2^d - 1855.
L. Leland Clk.

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G. A. Beesman
vs
City of Peoria

1855

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