

14371

No. _____

Supreme Court of Illinois

Van Tyle

vs.

Clark.

UNITED STATES OF AMERICA,

STATE OF ILLINOIS, COUNTY OF COOK, SS.

Pleas, 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 Fourth day of March in the year of our Lord One Thousand Eight Hundred and Sixty One and of the Independence of the United States of America the Eighty fifth

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

Paul H. Higgins }
Judges. }

Grant Goddich }
Carlos Noyen Prosecuting Attorney. }

Anthony Keim Sheriff of Cook County.

Attest, Walter Kimball Clerk.

Be it remembered that heretofore to wit: on the fifth day of March in the year of our Lord One thousand Eight Hundred and sixty one. the said day being one of the days of the March Term of said Court. the following among other proceedings were had and entered of Record to wit:

Shebe Van Tyle

William A Clark of ^{vs} Trespass on Case.

This day again comes the said plaintiff by Farwell and Smith her attorneys and the said Defendant by Williams & White his Attorney 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. Joseph Slade. Christopher Sandt. Charles D Hall. Fredrick Hauke. Julius Branson. Andrew Eagenbacher. R S Bullis. Orange Bailey. Thomas Maddy. Fredrick Derking. Fergus Derkrows. and John A Jackson, who being duly elected tried and sworn to try the issues joined as aforesaid, after hearing testimony, and the hour of adjournment having arrived it is ordered upon the agreement of the parties that the jury separate and meet the Court tomorrow morning on opening thereof.

And afterwards to wit. on the
Sixth day of March in the year
aforesaid. said day being still
one of the days of the March
Term of said Court. the following
among other proceedings were had
and entered of record. to wit:

Shelby Van Tyle

William A. Clark. Trespass on Case.

And now again
comes the said Plaintiff by Farwell
and Smith her attorneys and the said
Defendant by White & Williams his
Attorneys also come and after hearing
Arguments of Counsel and the instructions
of the Court retire to Consider of their
Verdict. And the hour of adjournment
having arrived it is ordered upon
agreement of the parties that when
the jury shall have agreed upon a
verdict they shall reduce the same
to writing. sign & seal the same and afterwards
separate and meet the Court tomorrow Morning.

And afterwards to wit, on the
Seventh day of the same month
and year aforesaid. said day
being still one of the days of
the March Term of said Court.
the following among other proceedings
was had and entered of Record
in said Court, to wit:

Sheba Van Slyke
William Clark Trespass on Case.

And now again
comes the said Plaintiff by
Farwell & Smith her attorneys, and
the said defendant by White &
Williams his attorneys also come
and the Jury empanelled herein
as on yesterday. Except the said
Charles L Hall one of said Jurors
also come, and upon a agreement
of the parties the verdict of Eleven

Jurors is received, whereupon the
jury of Eleven Jurors submit their
verdict and say, We the Jury
find the said Defendant guilty
and we assess Plaintiff damages
against the said Defendant to the
sum of Three Hundred and fifty
dollars, And thereupon the said
Defendant submits his motion
herein for a new trial in said Cause.

And afterwards to wit: on the
thirtieth day of the same month
and year aforesaid, said day
being still one of the days of
the March Term of said Court.
the following among other pro-
ceedings was had and entered
of Record. to wit:

Sheila Van Tyle

William A. Clark¹¹ Trespass on Case.

And now again comes the said plaintiff by Farrell & Smith her attorneys, and the said defendant by White & Williams his attorneys also comes. And this cause, coming on to be heard upon the defendants motion heretofore submitted herein for a new trial in said cause, was argued by counsel, and the court being fully advised in the premises overruled defendants said motion for a new trial. Whereupon said defendant enters his Exceptions to the ruling and decision of the Court in overruling his said motion, wherefore the said plaintiff ought to have judgment entered on the verdict of guilty rendered by the jury herein and for her damages assessed thereon.

Therefore it is considered that the said plaintiff do have and recover of and from the said defendant her damages

of Three Hundred and fifty dollars in form aforesaid found and assessed by the jury, together with her Costs and Charges in this behalf Expended and thereof have Execution.

And thereupon the said Defendant having entered his Exceptions prays an appeal herein to the Supreme Court of this State which is allowed to him upon filing his appeal bond in the penalty of Six hundred dollars with security to be approved by a Judge of this Court, and to be filed with his bill of Exceptions within thirty days.

And afterwards to wit: on the Seventh day of April in the year aforesaid the Defendant filed herein his certain Appeal Bond in words and figures following, to wit:

Know all men by these presents.
that we hereby Authorize Sidney
Smith or any attorney of any Court
of Record to be our attorney and
for us and in our name place
and stead to appear for us in
any Court of Record to waive
service of process and Confess
judgment in favor of Phebe Yaw
Tyle her Executors Administrators
or assigns upon the fore going
bond for the amount of the judg-
ment therein mentioned and interest
& costs whenever the said judgment
shall be affirmed in the Supreme
Court, or in case the appeal shall
not be duly prosecuted, and
to waive all errors in the
entering up of the said judgment
And we hereby stipulate and agree
that the liability of the undersigned
upon said bond shall be in no
wise affected by the arrest
imprisonment or discharge of
the defendant William W. Clark
upon or from the Ca-sa heretofore
issued.

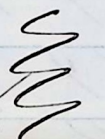
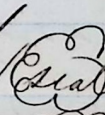

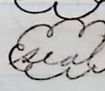

Witness our hands and seals
this 22^d day of Apr 1861
Signed & in presence of
Saml M Pease
W A Clark
Hugh A Whitte

Know all men by these presents
that we William A Clark and
Samuel M Pease are held and
firmly bound unto Thebe Van
Tyle in the penal sum of Six
Hundred dollars for which
payment well and truly to be
made whereby bind ourselves
our heirs and personal representatives
by these presents. Sealed with our
seals and dated this 17^d day of
April A D 1861.

The Condition of this obligation
is such that whereas judgment
has been rendered at March
Term of the Superior Court of
Chicago A D 1861 against said
William A Clark for the sum
of Three Hundred & fifty dollars
and cost in favor of said Thebe
Van Tyle, And whereas the

Said William A Clark has
prayed an appeal from said
judgment to the Supreme Court
of the State of Illinois.

Now if the said William A
Clark shall duly prosecute said
appeal and in case said judgment
shall be affirmed, shall well and
truly pay the amount of said
judgment against him and
all costs interests and damages.
Then this obligation to be void
otherwise to remain in full force
and virtue.

Approved by me  W. A. Clark 
Wm. A. Higgins  Saml. W. Chase 
Judge 

State of Illinois
Cook County ss.

I Thomas B. Carter, Clerk of the Superior Court of Chicago within and for said County and State aforesaid. Do hereby Certify the foregoing to be a true and correct transcript of the order of Judgment, and the order allowing the appeal and the appeal Bond in the Cause wherein Phebe Van Tyle is plaintiff and William A. Clark Defendant.

In testimony whereof I hereunto set my hand and affix the seal of said Court at the City of Chicago in said County this 5th day of May A.D. 1862
Thomas B. Carter
Clerk



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Phebe Van Tyle

by
Mr. A. Clark

Transcript

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Filed May 6, 1862
L. Kellogg
Clerk.

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