

No. 13337

Supreme Court of Illinois

Batts

vs.

Noble et al

71641  7

United States of America
State of Illinois Cook County, Ill.

Appear before the Honorable 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 Chi-
cago begun and holden at the Court House
in the City of Chicago in said County and State
on the first Monday being the seventh day of Novem-
ber in the year of our Lord Eighteen Hundred and
fifty nine, and of the Independence of the United
States of America the Eighty fourth.

Present The Honorable John W. Wilson Chief
Justice of the Superior Court of Chicago
New H. Higgins Esq. Grant Goodrich Esq.
Charles H. Gray Prosecuting Attorney
John Gray Sheriff of Cook County
Absent
Walter Kimball Clerk.

Be it remembered that afterwards to wit on the 16th
day of November A. D. 1859. said day being one
of the days of the November Term of the said Super-
ior Court of Chicago. the following among other
proceedings were had and entered of record in said
Court to wit:

William Butts

vs
Replevin
Major Noble & Maria E. Johnson

And now again comes the parties to this cause by their respective Attorneys as aforesaid and the Jury empanelled herein for the trial of this cause also come and submit their verdict and say on the Jury find defendants guilty of taking the property as charged in plaintiffs declaration and also find that the property was the property of the plaintiff.

And thereupon said defendants submit their motion herein for a new trial in this cause.

And afterwards to wit, on the 24th day of December in the year aforesaid, said day being one of the days of the December Term of said Court, the following among other proceedings were had & entered of Record in said Court. to wit:

William Butts

vs
Replevin
Major Noble & Maria E. Johnson

And now again comes the parties to this cause by their respective Attorneys as aforesaid and the motion heretofore submitted

Denied by said defendants for a new trial in this case, being argued by Counsel and the Court being fully advised overrules defendants said motion for a new trial wherefore said plaintiff ought now to have judgment entered on the verdict of the Jury rendered herein.

Therefore it is considered said plaintiff do have and retain the property replevied in this case and recover of said defendants his costs and charges about his suit in this behalf expended and have execution therefor.

And thereupon Defendants pray an appeal herein to the Supreme Court which is allowed to them upon filing Appeal Bond in penalty of Three hundred Dollars with security to be approved by a Judge of this Court, said Bond with bill of exceptions to be filed in thirty days.

And afterwards, to wit: on the 16th day of February A.D. 1868, the said Defendants filed in the office of the Clerk of said Court their certain Appeal Bond, in the words and figures following, to wit:

Know all men by these presents, that we, Major Noble, and David E. Johnson as principals and S. S. Wheeler as surety, are held and firmly bound unto William Batts, in the penal sum of Three Hundred Dollars lawful money of the United States, for the payment of which we do truly to be paid ~~we~~ and each of us bind ourselves, our heirs, executors, administrators and assigns.

Witness our hands and seals this nineteenth day of January A. D. 1860.

The condition of this obligation is such that, when as at the term of the Superior Court of Chicago, in an action of Replevin, where in William Batts was plaintiff and the above named Major Noble, and David E. Johnson, were defendants, the issues tried were found for the plaintiff, and from the verdict thus found and judgment entered in said cause said defendants have prayed an appeal to the Supreme Court of the State of Illinois. Now if the said Noble and Johnson shall pay whatever judgment, costs, interest and damages, in case said judgment shall be affirmed, and shall also prosecute this appeal with effect, then the condition of this obligation shall be void, otherwise to remain in full force and virtue.

Approved
Hacker Van Arman & Dexter

Major Noble *[Signature]*
David E. Johnson *[Signature]*
S. S. Wheeler *[Signature]*

State of Illinois
Cook County W. D. Walter Kimball
Clerk of the Superior Court of Chicago, within
and for the County and State aforesaid, do
hereby certify the foregoing to be a true & cor-
rect copy of the Order of Judgment, the Order
allowing Appeal and the Appeal Bond, in
a certain Cause, wherein William Butts was
Plaintiff, and Major Noble and Maria E.
Johnson Defendants.



Witness my hand and the
Seal of said Court at the City
of Chicago, this 4th day
of May A. D. 1860.
Walter Kimball Clerk

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William Butts

Major Noble et al
~~infirm~~

Filed May 9 - 1860
L. Deland
Clerk

13337

Due \$100 Paid by P.H. Atty.
W. Huntall Clerk