

No. 13467

Supreme Court of Illinois

Thomas.

vs.

^U
St~~X~~ipp, et al.

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United States of America }

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

Pleas, before the Honorable George M. Mason
Judge of the Seventh Judicial Circuit of the State of Illinois, and Solo' 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
Second Monday, (being the twelfth day) of
October in the year of our Lord one thousand eight hundred and
Fifty Seven and of the Independence of the said United States the
Eighth Second

Present, Honorable

George M. Mason

Judge of the 7th Judicial

Circuit of the State of Illinois. }

Charles Haven

States Attorney.

John S. Wilson

Sheriff of Cook County.

Attest:

Wm. Church

Clerk.

Be it remembered that writ, at the
October term of the Court aforesaid writ on
the seventh day of November A.D. 1857.
the following among other proceedings in said
Court were had and entered of record, to wit,

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or
Henry Stupp and
Michael Hambrecht } And now come of said
the said parties by their
respective Solicitors and the said Defendants
say, that they have no exceptions to allege
against the said Masters report, whereupon
it is ordered adjudged and decreed, that
the same together with the matters and things
therein stated do stand ratified and confirmed
And it appearing to the Court that the lands
conveyed by the Complainant to the Defendant
Henry Stupp on the 5th day of February
1855 were on the 31st day of August 1855
conveyed to the Defendant Michael Hambrecht
for a good and valuable consideration without
Notice of the Complainants equity in said lands.
It is therefore considered adjudged & decreed
that the said Complainant have and recover
of the said Defendant the value of so much of
the said lands as she was legally entitled to at
the time of said conveyance, the same being

the value at the time of and previous to the filing of her said bill. And it further appearing to the Court from the Will annexed, and evidence taken before the Master that the said Defendant Henry Stupp while acting as agent of the Complainant rendered services to the Complainant, and had also made advances for her in reference to the business of such agency, for which he is entitled to compensation. And it further appearing to the Court that the said Complainant at the time of the said conveyance by her to the Defendant Henry Stupp was legally entitled to one undivided quarter of two of the three tracts in said deed of conveyance mentioned as by her conveyed, to-wit, the undivided one half of the undivided one half of a tract described as follows, the undivided one half of the undivided one half of two acres of land in the South East corner of the N.E. $\frac{1}{4}$ of Sec 4 T. 39. N of Range 14 East described as beginning at the S.E. corner of said N.E. $\frac{1}{4}$ thence running West along the South line thereof $5\frac{34}{100}$ chains to the center of Bearborn Street, thence North along the center of Bearborn Street $3\frac{74\frac{1}{2}}{100}$ chains thence East parallel with the South line of said Section $5\frac{34}{100}$ chains to the east line thereof along said East line $3\frac{74\frac{1}{2}}{100}$ chains to the place of beginning, -

the value at the time of and previous to the filing of her said bill. And it further appearing to the Court from the Will annexed, and evidence taken before the Master that the said Defendant Henry Stupp while acting as agent of the Complainant rendered services to the Complainant, and had also made advances for her in reference to the business of such agency, for which he is entitled to compensation. And it further appearing to the Court that the said Complainant at the time of the said conveyance by her to the Defendant Henry Stupp was legally entitled to one undivided quarter of two of the three tracts in said deed of conveyance mentioned as by her conveyed, to-wit, the undivided one half of the undivided one half of a tract described as follows, the undivided one half of the undivided one half of two acres of land in the South East corner of the N.E. $\frac{1}{4}$ of Sec 4 T. 39. N of Range 14 East described as beginning at the S.E. corner of said N.E. $\frac{1}{4}$ thence running West along the South line thereof $5\frac{34}{100}$ chains to the center of Bearborn Street, thence North along the center of Bearborn Street $3\frac{74\frac{1}{2}}{100}$ chains thence East parallel with the South line of said Section $5\frac{34}{100}$ chains to the east line thereof along said East line $3\frac{74\frac{1}{2}}{100}$ chains to the place of beginning, -

And to the undivided one half of the undivided one half of a tract described as follows, The undivided half of the undivided half of lot 15 in Peter Huzels' subdivision of part of the South East quarter of the South West quarter of Section 4 in Township 39 North of Range 14 East of the 3 P. M. And it further appearing to the Court that the said undivided quarter in the said tracts of land to which complainant was legally entitled as aforesaid, previously to and at the time of the filing of this bill was worth in cash the sum of two thousand two hundred and seventy five dollars. And that the services of said Stupp were worth the sum of two hundred dollars and his advances amounted to the sum of one hundred and seventy seven dollars and sixty two cents making in all the sum of three hundred and seventy seven dollars and sixty two cents for which he is entitled to a credit. It is therefore considered, adjudged and decreed that the said defendant Henry Stupp pay to the said complainant the sum of one thousand eight hundred and thirty seven dollars and thirty eight cents, being the total cash value of the said lands so conveyed to him by complainant to which complainant was legally entitled as aforesaid, less the amount of his said services and disbursements as aforesaid. And it is further ordered, adjudged and decreed that said

Henry Stupp do pray to the complainant or
to his Solicitor the costs of this present suit
in this behalf to be taxed, and that in default
of payment thereof or of the said other money
adjudged to her before or on the 17th day of
November A.D. 1857 the complainant have her
executions against him and such other process
& remedies to enforce this decree as are familiar
to Courts of equity. And therefore the defendants
Irwin their Solicitors except to the foregoing decree
and to each and all the orders in this cause
entered and pray an appeal which is granted
on the conditions of the defendants Henry
Stupp filing before or on the sixteenth day of
November 1857 a bond with Michael Hambrecht
sureties in three thousand dollars to duly
prosecute said appeal and to perform and pay
the foregoing decree with all costs in this cause
and interests in case said decree be affirmed —
And the Complainant and Defendant Stupp
hereby waive any bond on the part of the
defendants Hambrecht & consent to his
joining in the appeal without Bond —

State of Illinois }
Circuit Court of Cook County }



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 the final judgment and
decree in a certain cause lately pending in said
Court on the chancery side thereof, wherein Christina
Thomas was Complainant, and Henry Stupp
and Michael Hambracht were defendants,
and I further certify that the said defendant
Henry Stupp did appear before me and execute
his appeal bond with
and that the same was approved and filed ^{on or before the 17th day of November 1857} ^{Directors} as I
verily believe, but, that the same has been abstracted
from the files of said Court, mistaid or lost, so
that the same cannot be found.

In witness whereof I have hereunto set
my hand, and affixed the seal of our said
Court at Chicago, this 4th day of May A.D. 1858

W. L. Church

Clerk

Circuit Court of Cook County
In Chancery

Christina Thomas

vs.

Henry Stupp et al

State of Illinois
Cook County ss.

J. A. Irvine

being duly sworn says that he was the solicitor of said Stupp in the above entitled suit and that on or ~~about~~ before the said seventeenth day of November A.D. 1857 the said Stupp appeared before Hon. George Manierre Judge of said Court and filed his appeal bond with sureties whose names he does not now recollect for the purpose of perfecting his appeal to the Supreme Court of Illinois and that said bond was duly approved by said Judge and at the instance of this Deponent as such solicitor on or before the 17th day of November A.D. 1857. filed by the Clerk of said Court and placed with the papers in this cause.

Subscribed & sworn to before me this
day of May A.D. 1857
Wm L Church
Clerk
J. A. Irvine

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Christina Thomas

no

Henry Stripp and

Certificate

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Filed May 7. 1858.
L.eland Clerk

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Mo. to dismiss appd
by book

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