

12936

No. _____

Supreme Court of Illinois

Van Blaricum

vs.

People

State of Illinois }
County of Cook }
City of Chicago } ss.

Now before the Honorable
Robert S. Wilson Recorder of the City of Chicago and
Presiding Judge of the Recorders Court of said City
at a Term thereof began and held at the Court House in
said City of Chicago on the first Monday of February
it being the fifth day of month February in the year
of our Lord one thousand eight hundred and fifty five
and of the Independence of the United States of America
the Seventy minutes.

Present Honorable Robert S. Wilson Recorder of the City of Chicago and Judge
of said Court.

Daniel McHenry States Attorney 7th Judicial Circuit
James Andrew Sheriff of Cook County Illinois

Attose Philip A. Hays Clerk of said Court

It is remembered that on the fifth day of February
in the year of said it being one of the days of said Term
of said Court the following among other proceedings were
had and entered of Record which said proceedings
are in the words and figures following to wit

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The Sheriff of Cook County returned into the Court the Venue for a Grand Jury issued from the names selected by the Common Council of the City of Chicago in pursuance of the provisions of the Act of the General Assembly of the State of Illinois creating the Recorders Court of the City of Chicago. served by summoning the following named persons to wit: G. T. Abby, James Morgan, James Long, S. R. Ball, William Butts, James M. Lowe, A. H. Holden, Edward M. Connelley, W. M. Butler, George C. Cook, F. Eggleston, A. H. Hoge, E. B. Kellogg, J. F. Stafford, John B. Bush, J. H. Leavenworth, George Taylor, F. Benz, & James Carney who upon being called answered to their names as following to wit: George T. Abby, James Morgan, S. R. Ball, William Butts, James M. Lowe, Edward M. Connelley, W. M. Butler, George C. Cook, F. Eggleston, A. H. Hoge, John B. Bush, George Taylor, F. Benz, James Long, and James Carney. Whereupon for sufficient reasons made known to the Court James Carney and James Long were excused from further attendance as Grand Jurors at this term.

The following named persons were returned on the venire "Not Found" to wit: J. F. Stafford, James Gamble, Robert Smith, W. T. Smith & J. B. Duffer.

It is ordered by the Court that attachment issue for the bodies of, A. H. Holden, E. B. Kellogg, and James H. Leavenworth returnable at two O'clock P. M. at the coming in of the Court this afternoon.

they having been duly served with process as Grand Jurors

It is ordered by the Court that a special venire
issue for six good and lawful men to complete the
panel of the Grand Jury returnable forthwith, which was
duly returned. served by the Sheriff of Cook County
Executed by summoning the following named persons
to wit, who upon being called answered to their
names as follows to wit: F. A. Howe, James McKee
O. B. Aiken, George Anderson, S. J. Garrison, and
Theodorus Doty whom together with George D. Abbey
James Morgan, J. R. Ball, William Butts,
James M. Love, Edward McConnell, W. M. Butler
George C. Cook, F. Eggerton, A. H. Hoge, John B. Bush
George Taylor & F. Benz, who gave their attendance
at this term and are duly sworn in as a Grand
Jury in and for the body of the City of Chicago in
the County and State aforesaid, and the Court having
appointed Theodorus Doty one of their members, Foreman,
and they having received the charge of the Court
retire to consider of their presentments

Be it further remembered that on the seventh day of
February A.D. 1855 aforesaid it being one of the days of
said term of said Court, The Grand Jury came into
Court and made the following among other presentments
indorsed a true Bill to wit

The People vs

George Vanstlariken, ^{et} George Paneroff, } Larceny
Edward Powers

STATE OF ILLINOIS, }
CITY OF CHICAGO, } ss.
COOK COUNTY.

Of the *February* Term of the Recorder's Court of the City of Chicago, in said State and County, in the year of our Lord one thousand eight hundred and fifty-seven, ~~seven~~ *five*

The Grand Jurors chosen, selected and sworn, in and for the City of Chicago, in the County of Cook, and State of Illinois, in the name and by the authority of the people of the State of Illinois, upon their oaths present that *George Van Blair* alias *George Banerft* and *Edward Rogers* late of said City, on the *sixth* day of *February* in the year of our Lord one thousand eight hundred and fifty-seven, in said City of Chicago, in the County and State aforesaid. *One watch of the value of thirty dollars, one watch chain of the value of eight dollars, one Locket, of the value of two dollars, four pieces of gold coin called double eagles, one Bank Note for the payment of ten dollars and of the value of ten dollars, six Bank Notes for the payment of five dollars each and of the value of five dollars each, one Bank Note for the payment of two dollars, and of the value of two dollars, six pieces of gold coin called half eagles of the value of five dollars each, and eight pieces of gold coin called quarter eagles of the value of two dollars and fifty cents each*

the personal goods of *Albert G. Deshon* then and there being found, did then and there feloniously steal, take and carry away, contrary to the Statute, and against the peace and dignity of the same people of the State of Illinois.

J. Ballingale

State's Attorney.

pro tem

P. G. No.

RECORDER'S COURT

OF THE CITY OF CHICAGO.

February Term, 1857.

The People of the State of Illinois,

v's.

*Geo. Van Blarishin alias
George Bancroft & Edward Powers*

Indictment for

Larceny

A TRUE BILL.

Theodore Doty

Foreman of the Grand Jury.

Witnesses:

Albert G. Dushon

F. Telle

J. A. Patmore

R. E. Goodrich

Joseph M. Davelle

Wm Church

C. B. Bradley, E. W. Wilson, John Rieger

Filed February 7 A. D. 1857.

P. A. Hoynes

Clerk.

Be it also remembered that on the seventh day of February in the year of Lord one thousand eight hundred and fifty five aforesaid it being one of the days of said term of said Court the following among other proceedings were had and entered of Record in said Court in this cause to wit

The People vs

George VanBlariken alias
George Bancroft and
Edward Powers

} Larceny

This day came the said People by P. Ballingall Prosecuting Attorney pro tem and the said Defendants as well in their own proper persons as by R. S. Blackwell their Counsel also come, and said Defendants by their Counsel move the Court to quash the Indictment in this cause which is overruled by the Court.

And now comes the said prosecuting attorney and says that he is unwilling further to prosecute the said Defendants in this cause.

The People vs

George VanBlariken alias
George Bancroft & Edward Powers

} Larceny

And now at this day comes the said
 Defendant by R. S. Blackwell Esq. and move
 the Court for a separate trial as to Defendant
 Edward Fours which is allowed by the Court.

The People vs

Edward Fours impleaded
 with George VanBlariken alias
 George Banerft

This day comes
 the said People by J. Ballingall Esq. Presenting
 Attorney pro tem. and the said Defendant as
 well in his own proper person as by Blackwell
 his Counsel also comes and he being furnished
 with a copy of his indictment a list of the Jury
 & Witnesses and he being duly arraigned and
 forthwith demanded of and concerning the crime
 alleged against him in said Indictment how he
 would acquit himself for plea herein in this behalf
 says that he is not guilty in the manner and form
 as he is charged in the Indictment and of this he
 puts himself upon the Country and the People as the
 like and issue being joined it is ordered by the
 Court that a Jury come. Thereupon come the Jurors
 of a Jury of good and lawful men to-wit.

J. J. Kaatt. J. R. Allen. S. E. Bradley. J. A. Reed

J. H. Kingsley. B. F. Cross. Lewis Dodge. A. S. Leavitt
James Guffy. N. McBride. Robinson Tripp.
A. A. Smith. who being duly elected true and
sworn well and truly to try the issue joined
between the parties according to law and the
evidence and they hearing the testimony of the
witnesses arguments of counsel and instructions
of the Court retire in charge of an Officer of the Court
to consider of their verdict and afterwards come
into Court and say We of the Jury find the
Defendant Edward Powers not guilty in the
manner and form as he is charged in the
Indictment.

Thereupon it is ordered by the
Court that the said Defendant be discharged
from custody and go hence without day.

Be it further remembered that on the thirtieth
day of February in the year aforesaid it being
one of the days of said term of said Court
the following among other proceedings were had and
entered of Record in said Court in this cause
to-wit.

The People vs

George VanBlariken alias

George Bancroft implicated with Edward Powers

Larney

This day come the said People by L. D. Wilkinson ^{Esq.} Prosecuting Attorney pro tem. and the said defendant as well in his own proper person as by R. S. Blackwell Esq. his Counsel also comes, and the said Defendant by his counsel moves the Court for a change of venue to the next County in this cause, and the Court having heard the arguments thereon orders the said motion be overruled, to which overruling by the Court the said Defendant by his Counsel then and there excepted.

And now come the said People by their said prosecuting Attorney and the said defendant as well in his own proper person as by his Counsel aforesaid also comes, and he being furnished with a copy of his Indictment a list of the Jurors and witnesses, and he being duly arraigned and forthwith demanded of and concerning the crime alleged against him in the said Indictment how he would acquit himself for a plea herein in the behalf say that he is not guilty in the manner and form as he is charged in the Indictment, and if this he puts himself upon the Country and the People do the like and after being joined it is ordered by the Court that a Jury come.

Thereupon come the Jurors of a Jury

of good and lawful men to-wit. Danforth Johnson.
L. Doyle. J. R. Haywood. J. M. Green. D. C. Rawleigh.
D. H. Howard and Wiley H. A. Johnson. D. J. Lake
George. C. Rop. J. A. Bacon. and Sid Caswell
who being duly elected tried and sworn, will
and truly to try the issue joined according
to law and the evidence, and they hearing the
testimony of the witnesses, arguments of counsel
and instructions of the Court retire in charge
of an Officer of the Court to consider of their
Verdict, and afterwards come into Court one
day. We of the Jury find the defendant guilty
in the manner and form as he is charged in
the Indictment. We find the value of the property
one hundred and sixty dollars and fix the
term of his imprisonment at four years in
the Penitentiary of this State at Alton.

Therefore it is ordered by the Court
that the said defendant be remanded.

Be it further remembered that on the twenty second
day of February in the year aforesaid the following
it being one of the days of said term of said Court. The
following among other proceedings were had and entered
of Record in said Court in this cause to-wit

The People vs
 George VanBlariken alias
 George Bancroft. inpleaded with Edwarda Powers } Larceny

This
 day come the said People by their said prosecuting
 Attorney pro. tenor. and the said Defendant as well
 in his own proper person as by R. S. Blackwell
 his Counsel also come and now neither the
 said defendant nor his Counsel for him paying
 anything further why the sentence of the Court
 should not now be pronounced against him on
 a verdict of guilty heretofore rendered in this
 cause.

Therefore it is ordered and adjudged
 by the Court that the said George VanBlariken
 alias George Bancroft be taken from the bar of this
 Court to the Common Jail of Cook County from
 whence he came and from thence by the Sheriff of
 Cook County within fifteen days from and after
 the adjournment of this Court to the Penitentiary
 of this State at Joliet and be delivered to the
 Warden or Keeper of said Penitentiary and the
 said Warden or Keeper is hereby required
 and commanded to take the body of the said
 George VanBlariken alias George Bancroft and
 confine him in said Penitentiary in safe and
 secure custody at hard labor for and during
 the term of four years from and after the

delivery hereof and that he be thereafter discharged

It is ordered by the Court that the
said defendant pay all the costs of these proceedings

It is remembered that on the twelfth day of March A. D. 1855 there was filed in the Office of the Clerk of said Court a Bond or Recognizance which said Bond or Recognizance is in the words and figures following to-wit

It is remembered that on the 8th day of March 1855 George Van Blaricum Alias George Bancroft Resident of Indianapolis State of Indiana but now in the Penitentiary of the State of Illinois in Madison County James Van Blaricum of Indianapolis aforesaid and Floyd Higgins of Cook County Illinois severally acknowledged themselves to owe to the people of the State of Illinois the sum of twenty five hundred dollars lawful money to be made and levied of their several Goods Chattels lands and tenements respectively if the said George Van Blaricum fail in the condition following that is to say, the condition of the above obligation is such that Whereas the said George Van Blaricum Alias George Bancroft was on the 22^d day of February A. D. 1855 convicted by the Recorders Court of the City of Chicago of the crime of Larceny and sentenced to imprisonment in the Penitentiary of the State of Illinois for the period of four years from and after his delivery to the Warden of said Penitentiary, and Whereas the said George Van Blaricum, Alias George Bancroft hath sued out a Writ of Error to reverse said Judgment of conviction from the Supreme Court of the third Grand Division of said State, and Whereas the Hon. John D. Catron one of the Justices of the said Supreme Court on an inspection of the Record of said conviction hath ordered that the said Writ of Error operate

as a supersedeas of the Judgment aforesaid, and that the said George Van Blaricum alias George Bancroft be discharged from custody under said judgment of conviction upon condition that he execute a recognisance with James Van Blaricum and Floyd Higgins as sureties conditioned according to the One hundred and thirty ninth Section of the 30th Chapter of the Revised Statutes of the State of Illinois entitled Criminal Jurisprudence approved March 3^d 1855. Now if the said George Van Blaricum alias George Bancroft shall be and appear before the Supreme Court of the State of Illinois for the 3^d Grand Division to be held at Ottawa on the 2nd Monday of June next and submit to such order as the Court may make in the premises and further that he will be and appear at the next term of the Recorders Court at the Court House in the City of Chicago Cook County Illinois on the 1st Monday of April next and at each subsequent term thereof on the first days thereof until the determination of said Writ of Error, and shall not depart either of the said Courts, at any of the terms aforesaid, without the leave of the said Courts respectively, and shall submit to such judgment as may be rendered in the premises then this recognisance, to be void, otherwise in full force.

Witness Our hands and Seals this 8th March 1855

George E. Van Blaricum

James Van Blaricum

Floyd Higgins

Witness S. B. Underwood Floyd Higgins

By S. B. Underwood his Attorney in fact

Entered into and approved before me this 7th day of March A.D. 1855

John R. Scriven Sheriff Madison Co. Ill.

By S. R. Noble Deputy

Know all men by these presents that Whereas George Bancroft
Alias George Paul Blaricmo was on the 22nd day of February A.D. 1855
convicted in the Recorders Court of the City of Chicago Illinois of the
crime of Larceny and sentenced to the Penitentiary of the State of
Illinois for the period of four years from and after his delivery to
the Warden of said Penitentiary, and Whereas the said convict hath
sued out a writ of Error of ~~said~~ judgment of conviction from the
Supreme Court of the Third Grand Division of said State returnable
at Ottawa in said division on the second Monday of June next
and Whereas the Hon. John D. Caton one of the Justices of said
Supreme Court hath upon inspection of said Record ordered
said writ of Error to be made a supersedeas and the said convict
to be discharged from said custody, and Whereas the condition of such
Supersedeas & discharge from custody was the execution of a recogni-
sance by the said convict with the judgment undersigned
as security in the penal sum of Two Thousand Five Hundred dollars
conditioned in conformity with the requirements of Section One
hundred and ninety nine Chapter thirty of the Revised Statute
of Illinois approved March 3^d 1848, entitled ^{criminal} ~~Commercial~~ ^{for}
violation. And Whereas the undersigned has executed
a bond which may have defective and being willing to execute
in person or by Attorney made such a bond as is required by
the said Statute

Know all men by these presents that
J. Floyd Higgins of the City of Chicago County of Cook and
State of Illinois do hereby authorize and empower
B. Underwood to execute and deliver any bond which may
be necessary in compliance with the order of the said Judge
Caton and the said Statute above recited for the purpose

of perfecting said supersedeas and discharging the said Amiot
from custody giving him the same power which I might exercise
if present. hereby ratifying all and singular his acts in the
premises.

Witness my hand and seal at Chicago this 8th day March A.D. 1835
Floyd Higgins Seal

The words One thousand two hundred and fifty dollars and the date altered
before signing

State of Illinois }

Cook County }

I Walter Kimball Clerk of the Cook
County Court of Common Pleas hereby certify that Floyd
Higgins whose name appears subscribed to the foregoing
Power of Attorney and who is personally known to me to be the
identical person who subscribed the same personally ap-
peared before me and acknowledged that he had executed
the same for the uses and purposes therein mentioned



In testimony whereof I have
hereunto set my hand and the seal
of said Court at Chicago in said
County this 7th day of March A.D. 1835

Walter Kimball

Clerk

Be it further remembered that on the thirteenth day of April in the year of our Lord one thousand eight hundred and fifty five the following among other proceedings were had and entered of Record in said Court in this cause to wit.

The People vs } Indictment for
George E. Van Blaricum impleaded } Larceny.
with Edwarda Powers

This day came the said People by Daniel M. Lloyd Esq. States Attorney and the said defendant being three times solemnly called comes not nor any one for him but herein makes default and James Van Blaricum and Floyd Higgins securities of the said George E. Van Blaricum being three times solemnly called and demanded to produce the body of the said George E. Van Blaricum but failing herein.

It is ordered by the Court that the default of the said defendants and his securities be entered of Record and that the said Recognizance be taken and declared as forfeited and that a *Scire facias* returnable to the next term of this Court requiring the said defendant and his securities then and there to appear and show cause why the said People should not have Execution of the said recognizance

according to the force and effect thereof.

It is also ordered by the Court that a
Capias issue for the bodies of the said defendant
and his securities returnable to the next term
of this Court.

It is remembered that on the 1st day of May
A. D. 1855 there issued out of the Clerk's Office
of Court a Writ of Seire Facias which said
Writ and the Sheriff's return thereon is in the
words and figures following to wit

State of Illinois }
County of Cook }
City of Chicago }

The people of the State of Illinois
to the Sheriff of Cook County - Greeting

Whereas on the ninth day of March A. D. 1855
George E. VanBlaricum James VanBlaricum, and
Floyd Higgins, by J. B. Underwood his attorney in
fact, appeared before John B. Swain, Sheriff of Madison
County State of Illinois, and entered into a recognizance
in the words and figures as follows to wit Be it remembered
that on the 8th day of March 1855, George VanBlaricum Alias
George Bancroft, resident of Indianapolis State of Indiana
but now in the Penitentiary of the State of Illinois in Madison
County, James VanBlaricum of Indianapolis aforesaid and
Floyd Higgins of Cook County, Illinois, severally acknowledged
themselves to owe to the people of the State of Illinois, the sum of Twenty
five hundred dollars lawful money, to be made and paid, of their
several goods chattels Lands and tenements respectively of the said
George VanBlaricum fail in the condition following, that is to
say the condition of the above obligation, is such that. Whereas

The said George Van Blaricum, Alias George Bancroft was in the
 22nd day of February, A.D. 1855, convicted by the Recorders Court of the
 City of Chicago of the crime of Sarceny and sentenced to imprisonment
 in the Penitentiary of the State of Illinois for the period of four years
 from and after his delivery to the Warden of said Penitentiary and
 Whereas the said George Van Blaricum, Alias George Bancroft
 hath sued out a writ of error to reverse said judgment of conviction
 from the Supreme Court of the third Grand Division of said State
 and Whereas the Hon. John D. Caton, one of the Justices of the
 said Supreme Court, in an inspection of the record of said
 conviction hath ordered that the said writ of error operate as
 a supersedeas of the Judgment, aforesaid, and, that the said
 George Van Blaricum, Alias George Bancroft, be discharged from
 custody under said Judgment of conviction upon condition
 that he execute a recognizance, with James Van Blaricum, and
 Floyd Higgins, as sureties, conditioned, according to the one hundred
 and thirty ninth section of the 30th Chapter of the Revised Statutes
 of the State of Illinois, entitled Criminal Jurisprudence, approved
 March 3^d 1855. Now if the said George Van Blaricum, Alias George
 Bancroft, shall be and appear before the Supreme Court of the
 State of Illinois, for the 3^d Grand Division to be held at Ottawa
 on the 2nd Monday of June next, and submit to such order as
 the Court may make in the premises, and further that he will
 be and appear at the next term of the Recorders Court at the
 Court House, in the City of Chicago Cook County Illinois, on the
 1st Monday of April next, and at each subsequent term thereof
 on the first days thereof until the determination of said writ
 of Error, and shall not depart either of the said Courts at any

of the terms aforesaid, without the leave of the said Courts respectively, and shall submit to such Judgment as may be rendered in the premises, then this recognizance to be void, otherwise in full force.

Witness our hands and seals this 8th March 1855

George Van Blaricum

Seal

James Van Blaricum

Seal

Floyd Higgins

Seal

Witness J. B. Underwood

Floyd Higgins

Seal

By J. B. Underwood his Attorney
in fact

Entered into and approved before me this 9th day of March A.D. 1855

John R. Swain Sheriff Madison Co Ill.

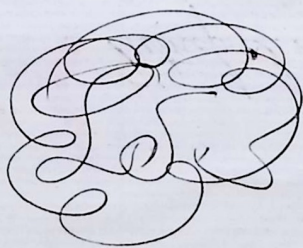
By J. R. Dolber Deputy

Which said recognizance was duly filed in the office of the Clerk of the Recorders Court of the City of Chicago on the twelfth day of March A.D. 1855.

And whereas at the April Term of said Recorders Court of the City of Chicago began and held at the Court House on the first Monday of April A.D. 1855 in the City of Chicago in said County of Cook, the said George E. Van Blaricum was three times solemnly called to answer, according to the tenor of said Recognizance, came not nor any one for him but heretofore failed and made default and the said James Van Blaricum and Floyd Higgins being three times solemnly demanded that they bring the body of the said George E. Van Blaricum into Court, or that their said Recog

recognizance would be declared forfeited, came not nor any one for them, nor did they produce the body of the said George E. Van Blairism, but made default herein, which was taken and entered of Record, against the said George E. Van Blairism and James Van Blairism and Floyd Higgins and their Recognizances declared forfeited.

Now therefore we command you, that you summon the said George E. Van Blairism, James Van Blairism impleaded with Floyd Higgins, if they shall be found in your County personally to be and appear before the Recorders Court of the City of Chicago, in the County of Cook and State of Illinois aforesaid, on the first day of the next term thereof, to be holden at the Court House in said Chicago, on the first Monday of August next, then and there to show cause, if any they have or can show, why the forfeiture aforesaid should not be made absolute and the people of the State of Illinois have execution to make the amount of the same according to the force, form and effect of said Recognizance, and have you then and there this writ with an endorsement thereon in what manner you have executed the same.



Witness Philip A. Hogue Clerk of
Our said Court and the seal
thereof at Chicago this 1st day of
May A.D. 1855

P. A. Hogue
Clerk

Upon the back is the following writ:— Served this writ on
the within named Floyd Higgins by reading to him this 3^d day of May, 1855.
The within named George E. Van Blairism and James Van Blairism
are not to be found in any County

James Reedman Sheriff
By J. C. Buckley Deputy

Be it remembered that on the 16th day of
July A. D. 1855, there issued out of the
Office of the clerk of said Court an alias
Scire Facias which said writ and the under-
service thereon is in the words and figures
following to wit:

State of Illinois }
County of Cook } ss
City of Chicago }

The People of the State of Illinois to the
Sheriff of Cook County, Greeting:

Whereas on the ninth
day of March A. D. 1855, George Van Plaricm^E James Van Plaricm
and Floyd Higgins by S. B. Underwood his Attorney in fact
appeared, before John B. Savin Sheriff of Madison County
Illinois by S. R. Diller Deputy, and entered into a Recognizance
in the words and figures as follows to wit: Be it Remembered
that on the 8th day of March 1855 George Van Plaricm alias George
Paneroff Resident of Indianapolis State of Indiana but now
in the Penitentiary of the State of Illinois in Madison County, James
Van Plaricm of Indianapolis aforesaid and Floyd Higgins of
Cook County Illinois, severally acknowledged themselves to owe to the
people of the State of Illinois the sum of twenty five hundred dollars
lawful money to be made and levied, of their several goods chattels
lands, ^{and} tenements respectively if the said George Van Plaricm fail
in the condition following, that is to say the condition of the above ob-
ligation is such that, Whereas the said George Van Plaricm alias

George Bancroft was on the twenty second day February A.D. 1855 convicted by the Recorders Court of the City of Chicago of the crime of Sarceny and sentenced to imprisonment in the Penitentiary of the State of Illinois for the period of four years from and after his delivery to the Warden of said Penitentiary, and Whereas the said George Van Blaricum Alias George Bancroft hath sued out a writ of Error to reverse said Judgment of conviction from the Supreme Court of the third Grand Division of said State and Whereas the Honorable John D. Catton of the Justices of the said Supreme Court on an Inspection of the Record of said Conviction hath ordered that the said Writ of Error operate as a supersedeas of the Judgment aforesaid, and that the said George Van Blaricum Alias George Bancroft be discharged from custody under said Judgment of conviction on upon condition that he execute a recognisance with James Van Blaricum and Floyd Higgins as sureties conditioned according to the one hundred and thirty ninth Section of the thirtieth Chapter of the Revised Statutes of the State of Illinois entitled criminal Jurisprudence approved March 3^d 1855.

Now if the said George Van Blaricum Alias George Bancroft, shall be and appear before the Supreme Court of the State of Illinois for the third Grand Division to be held at Ottawa on the second Monday of June next and submit to such order as the Court may make in the premises and further that he will be and appear at the next term of the Recorders Court at the Court House in the City of Chicago Cook County Illinois on the first Monday of April next, and at each subsequent term thereof until the determination of said Writ of

Error, and shall not depart either of the said Courts at any of the terms aforesaid, Without the leave of the said Courts respectively and shall submit to such Judgment as may be rendered in the premises then this recognizance to be void otherwise in full force.

Witness our hands and Seals this 8th March 1855

George Van Blaricum

Seal

James Van Blaricum

Seal

Floyd Higgins

Seal

Witness J. B. Underwood Floyd Higgins

Seal

By J. B. Underwood his Attorney
in fact

Entered into and approved before me this 9th day of March
A.D. 1855

John R. Swain Sheriff Madison Co Ill
By S. R. Dobler Deputy

Which said Recognizance was duly filed in the office of the Clerk of the Recorders Court of the City of Chicago on the twelfth day of March A.D. 1855

And Whereas at the April term of said Recorders Court of the City of Chicago began and held at the Court House on the first Monday of April A.D. 1855 in the City of Chicago in said County of Cook, the said George E. Van Blaricum Was three times solemnly called to answer according to the tenor of the said recognizance came not nor any one for him but herein failed and made

default, and the said James Van Blaricum and Floyd Higgins being three times solemnly called and demanded that they bring the body of the said George E Van Blaricum into Court or that their said Recognisance would be declared forfeited, came not nor any one for them, nor did they produce the body of the said George E Van Blaricum but made default herein which was taken and entered of Record against the said George E Van Blaricum James Van Blaricum and Floyd Higgins and their Recognisances taken and declared as forfeited and Whereas at the June term of said Recorders Court it appearing to the Court that service of Scire facias was duly served upon Floyd Higgins and the defendant George E Van Blaricum and James Van Blaricum were not found or served.

Now therefore we command you as we have before commanded you that you summon the said George E Van Blaricum and James Van Blaricum in pleaded with Floyd Higgins if they shall be found in your County personally to be and appear before our Recorders Court of the City of Chicago in the County of Cook and State of Illinois aforesaid on the first day of the next term thereof to be holden at the Court House in said Chicago on the first Monday of August next then and there to show cause if any they have or can show, why the forfeiture aforesaid should not be made absolute and the people of the State of Illinois have execution to make the amount of the same according to the force form and effect of said Recognisance and have you then and there this writ with an endorsement thereon in what manner you have executed the same.



Witness Philip A. Hyne
Clerk of our said Court and
the seal thereof at Chicago this
16th day of July A.D. 1855.

P. A. Hyne
Clerk

On the back of which is the following
endorsement writ.

The within named George E. VanBlancum
and James VanBlancum not found
in my County this 4th day of
August 1855.

James Andrew Sheriff
By J. M. Bradley Deputy

Or it further remembered that on the first day of December in the year of our Lord one thousand eight hundred and fifty five the following among other proceedings were had and entered of record in said Court in this cause to-wit.

The People vs

^{or}
George Van Blaricum, James Van Blaricum
and Lloyd Higgins

} Scire facias
on Recognizance

And now at this day
come the said People by Daniel M. Hovey State's attorney
and it appearing to the Court by the return of the
Sheriff on the first Scire facias issued herein
that the said defendant Lloyd Higgins has been
duly served by reading the said Scire facias to
him and two scire faci having been issued
in this cause and returned nihil as to the
said defendants George E. Van Blaricum, and
James Van Blaricum, and thereupon the said
defendants, Lloyd Higgins, George E. Van Blaricum
and James Van Blaricum having failed to appear
and show cause why the forfeiture of their
said Recognizances mentioned in said scire faci
should not be made absolute and the said
People have Execution of their said Recognizances
according to the force form and effect thereof and

they being now here in open Court solemnly called
come not, nor any one for them but herein
make default.

Therefore it is considered
that the People of the State of Illinois do have and
recover of the said defendants, Floyd Higgins
\$2500.00 George E Van Blaricum and James Van Blaricum
the said sum of twenty five hundred dollars
and said Service fees mentioned according
to the force form and effect of the said
Recognizance together with their costs and
charges in this behalf and have Execution therefor.

The taxable costs being taxed by the Clerk of
said Court amount to four dollars and ninety
one cents.

Be it further remembered that on the 22nd
day of May A.D. 1856 there issued out of
the Office of the Clerk of said Court a
Writ of Fieri Facias which said writ
and the endorsement therein is in the words
and figures following to-wit,

By Virtue of the Annexed Writ of Execution, No. 171

I did, on the Twentieth day of August 1856, Levy upon the following described property to-wit. Lot N^o Twelve (12) in Block Twenty eight (28) School Addition to the City of Chicago with all the building thereon situate

and, on the First day of September 1856, between the hours of nine in the morning and the setting of the sun of the same day,

at the North door of the Court House, in Chicago, in Cook County, (the time and place of sale having been duly advertised according to law,) I did sell at Public Vendue, to the highest and best bidder, at said sale, the property levied upon as aforesaid, for the sum of Twenty five hundred and forty four ⁶/₁₀₀ dollars to the City of Chicago

2544. 61

And after deducting my fees, etc. on execution, \$ 43.46

and the amount of fee bills accompanying execution, 41.90

I have paid the balance to Plaintiff's Attorney, 2546.25 \$ 2544. 61

And I return the said annexed execution satisfied.

James S. Beach Coroner
acting Sheriff
By John H. Dart Deputy

PL. FA. FOR PLAINTIFF'S DAMAGES.

STATE OF ILLINOIS,

CITY OF CHICAGO,
COUNTY OF COOK,

ss. *Securus ex Officio*
The People of the State of Illinois to the Sheriff of Cook County, GREETING:

WE COMMAND YOU, that of the lands and tenements, goods and chattels of *Marya Higgins*

impleaded with *George E. Van Blaricum* and
James Van Blaricum

defendant in your county, you cause to be made the sum of *Two thousand and five hundred*
Dollars and — Cents, which *the People*
of the State of Illinois
plaintiff lately in the Recorder's Court of the City of Chicago, at a term thereof begun and held at Chicago, in said county,
on the first Monday of *May*

which by the said Court was adjudged to the said plaintiff for *Debt* last past, recovered against the said defendant and
And also, the further sum of *four* Dollars and *ninety* Cents,
which were adjudged to the said Plaintiff for *their* costs and charges in that behalf expended, whereof the said Defendant
convicted, as appears to us of Record: And have you these moneys ready to render to the said
Plaintiff for *Debt* and costs aforesaid, and make return of this writ
with an endorsement thereon in what manner you shall have executed the same, in ninety days
from the date hereof.

WITNESS, PHILIP A. HOYNE, Clerk of our said Court, and the seal thereof, at Chicago
in said County, this *22nd* day of *May* A. D. 185 *6*

P. A. Hoyne CLERK.

RECORDER'S COURT

OF THE CITY OF CHICAGO.

Fi. Fa. No. 171

Case No. 78

Fee Book 367

Date May 22.

Return Aug 22.

The People vs. Plff.

vs.

Floyd Higgins vs. Def't.

Debt - - - \$ 2500.00

Damage - - -

Plaintiff's Cost - 4191

Defendant's Cost - -

\$ 2541.90

The Sheriff will collect interest from May 21

A.D. 1856

J. A. Hogue ccd

Satisfied in full Sept. 10. 1856

James S. Beach Coroner & acting Sheriff

By John H. Davis Esq. Plff's Att'y.

M. Dwyer

Received of James S. Beach Coroner & acting Sheriff of Cook County five hundred forty dollars & 25¢ balance on full of Plaintiff's interest of 115 actual execution by disbursement of Plaintiff.

Sept 22. 1856.

Wm. J. Zimmerman City Clerk

State of Illinois
County of Cook
City of Chicago

J. Philip A. Hynes Clerk of
the Recorder's Court of the City of
Chicago in said State and County do hereby
Certify that the above and foregoing is a
true copy of the proceedings had and
entered of Record in said Cause wherein the
People of the State of Illinois are Plaintiffs
and Floya Higgins impleaded with George
Bancroft alias George Van Blaneum is
defendant as appears from the files in my
office

In testimony whereof I have hereunto
set my hand and affixed the Seal
of said Court this 3^d day of Septem-
ber A.D. 1857

Philip A. Hynes
Clerk



And now come the said ~~proposed~~ James Van
Blancum and the said Floyd Higgins and
say that in the record of the proceedings aforesaid
and the rendition of the judgment and award
of execution aforesaid error hath intervened
to their prejudice to wit

1. Said supersedeas bond was & is illegal
& void
2. There was no legal technical forfeiture
of said bond.
3. The said writs of *Sci fa* are void.
4. The said Court erred in entering a
judgment against the said Van Blancum
alone.
5. The said Court erred in awarding execution
against the said Higgins alone.
6. The said Higgins was no party to
said writs of *Sci facias*.
7. The Court erred in rendering judgment
for ~~for~~ defendants in error, when
by the law of the land said judge
should have been for ~~the~~
plaintiffs in error.

Wherefore &c.

Blackwell Thomas Roberts
for plaintiffs in error.

Wm. H. Miller
To the Clerk of Supreme Court
for 3d Grand Division of said State
Let the writ of Superaddition issue
upon the foregoing record on the
Mortgage in error filing bond
in the penal sum of five hun-
-dred dollars payable to the
defendants in error with
E. J. Finkham, Richard
E. Swift Benjamin F.
Carver, Benjamin Miller
or Royal A. B. Mills, ^{or any of them} as
security. Conditions
unrecording & loss.
This 5th day of September
1837.
O. W. Miller
Justice of said
Court

~~83~~ ~~903~~

James Van Blaricum et al

vs Peoff in Error

12

The People of the State of

● Deft - Illinois

Error to Recorder
Court of Chicago

~~105~~ 12

Filed April 21. 1878

L. Leland

Clk