

No. 13394

Supreme Court of Illinois

Neff

vs.

Lurton

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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 June in the year of our Lord One Thousand Eight Hundred and Sixty four and of the Independence of the United States of America the Eighty fourth.

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

Wm. H. Higgins }
Grant Governor } Judges.

Charles Haven Prosecuting Attorney.

John Gray Sheriff of Cook County.

Attest, Walter Kimball Clerk.

Be it remembered that heretofore to wit on the Eleventh day of June (being one of the days of the June Term of said Court) A. D. eighteen hundred and sixty the following proceedings were had in the undermentioned cause and entered of record in said Court, to wit.

" Peter Meff

vs

Syracuse, S. Sutton and }
William D. Harris } Assumpsit

by E. G. Gray his attorney and said defendant by W

Seated The Clerk & Clerk their attorneys also come
and upon agreement of the parties made here in open
Court this cause is submitted to the Court for trial
no issues joined without intervention of a Jury and the
Court now here after hearing evidence, arguments of
counsel and being fully advised in the premises finds
issues for Plaintiff and assesses his damages herein
to the sum of One hundred and thirty eight dollars
and seventy nine Cents

And thereupon defendants submit their Motion
to set aside finding of the Court as aforesaid, and
for a new trial, which Motion is overruled
Whereupon defendants enter their exceptions herein to
ruling of the Court.

Therefore it is considered that said Plaintiff do
have and recover of said defendants his damages of
One hundred and thirty eight dollars and seventy nine
Cents in form aforesaid by the Court here found and
assessed together with his costs and charges in this
behalf expended and have execution therefor.

And thereupon defendants pray and Appeal
herein to the Supreme Court of this State which is
allowed to them upon filing Bond in the sum of
Two hundred and fifty dollars with security to be
approved by a Judge of Court with Bill of Exemption
during this term.

And thereupon accordingly on the twenty sixth day of June (being one of the days of the June term of said Court) A D eighteen hundred and sixty the said Defendants filed in the Office of the Clerk of said Court, their Affidavit Bond in said cause; Which Bond is in words and figures as follows, to wit.

" Know all Men by these Presents That The Syurgus S. Lorton and Hart S. Stewart of the City of Chicago, County of Cook and State of Illinois are held and jointly bound unto Peter Neff of the said place in the penal sum of Two hundred and fifty dollars, lawful Money of the United States for the payment of which well and truly to be made we bind ourselves our heirs and executors and administrators jointly severally and finally by these Presents.

Witness our hands and seals this 11th day of June A. D. 1860.

The condition of the above obligation is such that whereas on the day of the date hereof being one of the days of the June Term A. D. 1860 of the Superior Court of Chicago the said Peter Neff has by the consideration of said Court, recovered in the said Court a judgment against the above bounden Syurgus S. Lorton and one William O. Harris for the sum of One hundred and thirty eight dollars

and seventy five cents damages besides costs of print
from which said Judgment the said Syurgus S.
Sutton has prayed an Appeal to the Supreme Court
of the State of Illinois.

Now if the said Syurgus S. Sutton shall
duly prosecute his said Appeal, and well and truly
pay the Judgment costs interest and damages in case
the said Judgment shall be affirmed in and by the
said Supreme Court then this obligation to be void
otherwise to remain in full force.

"Approved by me
Syurgus S. Sutton (Seal)
Wm. S. Stewart (Seal)"

Wm. H. Higgins (Seal)
Judge

June 26th 1860."

State of Illinois }
Cook County } ss.

I Walter Kimbale Clerk of
the Superior Court of Chicago, within and for the
County of Cook in the State of Illinois Do hereby
certify the above and foregoing to be a full true
and perfect Transcript of the Judgment and Order

allowing Appeals, interest of record in said Court,
together with the Appeal Bonds now on file in my
Office, in a certain suit in said Court, wherein
Peter Neff was plaintiff and Sycurus L. Sutton
and William D. Harris were defendants.

And I do hereby further certify that neither
the said Defendants, nor any person or persons on
their behalf, have taken from my Office, any record
of the proceedings in said case, for the purpose
of prosecuting their said Appeals.



In testimony whereof I have
hereunto set my hand and
affixed the Seal of said Court
at Chicago in said County the
22^d day of April A.D. 1861.

Walter Kimball Clerk
Supreme Court of the State of Illinois
April Term 1861 at Ottawa.

Sycurus L. Sutton
William D. Harris
appellants

Peter Neff appellee

And now comes said
appellee by Asay & Bracken his attorneys and moves
said Court to dismiss said appeal with ten per
cent damages for want of prosecution.

Asay & Bracken
attys for appellee

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State of Illinois
Cook County

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Peter Neff

vs

S. S. Sutton

Certificate of
Nonprosecution of Appeal

Filed April 30, 1861
L. Leland
Clerk

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1861

Coay & Brackett

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