

No. 13651

Supreme Court of Illinois

Dimick

vs.

Wilkins et al

71641  7

UNITED STATES OF AMERICA,

STATE OF ILLINOIS, COUNTY OF COOK, SS.

Writ, 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 First day of April 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. Nelson Chief Justice of the Superior Court of Chicago. }

Wm. H. Higgins }
Grant Lovarich } Judges.

Charles Hansen Prosecuting Attorney.

Anthony G. Fleming Sheriff of Cook County.

Attest, Walter Kimball Clerk.

Be it remembered that heretofore, to wit on the first day of April (being one of the days of the April Term of said Court) in the year of our Lord one thousand eight hundred and sixty one, the following proceedings, were had in a certain suit then pending in said Court, wherein Jeremiah Dimick was Plaintiff and Lusher Beecher, Daniel Thielkins and G. F. Hollister were defendants, and which proceedings were duly entered of record in said Court, and are as follows, to wit.

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Jeremiah Dinick

vs

Luther Beecher, Daniel
Wilkins & Eli. J. Hollister

Assumpsit

This day comes the said Plaintiff by Walker, Tapp & King his Attorneys and the said Defendants Daniel Wilkins and Eli. J. Hollister unpleaded with Luther Beecher by Walker Van Arman & Decker their Attorneys also comes and upon agreement of the parties made now here in open Court this cause is submitted to the Court for trial on the issues joined herein on the plea of the said defendants Daniel Wilkins and Eli. J. Hollister unpleaded with the said Defendant Luther Beecher, without intervention of a Jury and the Court now here after hearing evidence and arguments of counsel and being fully advised in the premises finds issues for the said Plaintiff and assesses his damages herein against the said defendants Wilkins & Hollister unpleaded as aforesaid to the sum of Two thousand, two hundred and eighty dollars and Seven Cents.

And thereupon the said defendants Daniel Wilkins and Eli. J. Hollister unpleaded as aforesaid submit their motion herein for a new trial in said cause, which Motion is overruled by the Court, and the said defendants thereupon enter their

exceptions herein to the ruling and decision of the Court in overruling their said Motion for a new trial wherefore the said Plaintiff ought to have judgment entered on the finding of the Court.

Therefore it is considered that the said Plaintiff do and have and recover of and from the said defendants David Wilkins & Eli. J. Hollister as unpleaded with Luther Beecher his damages of Two thousand two hundred and eighty dollars and seven cents in sum aforesaid by the Court found and assessed together with his costs and charges in this behalf expended and thereof have execution.

And thereupon the said defendants David Wilkins and Eli. J. Hollister having entered their exceptions may an Appeal herein to the Supreme Court of the State of Illinois from the judgment of this Court, which is allowed to them upon filing their Appeal Bond in the penalty of Three thousand five hundred dollars with Security to be approved by a Quorum of this Court - and to be filed during this term of the Court with their Bill of Exceptions.

And thereupon accordingly on the twentieth day of April A. D. Eighteen hundred and sixty one came the said defendants and filed in the Office of the Clerk of said Court their certain Appeal Bond in said cause which Bond is in words and figures as follows to wit,

"Know all Men by these Presents that we Eli. J. Hollister and David Wilkins of the City of Chicago, County of Cook and State of Illinois as principals and Joseph A. Henricks as surety

are held and firmly bound unto Jeremiah H.
Dimech of the City and State of New York in the
sum of Thirty five hundred dollars good and
lawful money to be paid to said Jeremiah H.
Dimech his executors administrators and assigns
Which payment well and truly to be made we
bind ourselves our heirs executors and administrators
jointly and severally firmly by these presents.

Sealed with our seals and dated this 20th
day of April A. D. 1861,

The condition of the above obligation is such
that whereas the said Jeremiah H. Dimech did
on the first day of April 1861 in the Superior
Court of Chicago and State of Illinois recover a
judgment against the above named Hollister, Wilkins
and one Luther Beecher for the sum of Twenty two
hundred and eighty dollars and seven cents besides
costs of suit; from which said judgment the said
Hollister & Wilkins has prayed an appeal obtained
an appeal to the Supreme Court of said State.

Now therefore if the said Hollister and Wilkins
shall prosecute their said appeal with effect and
pay the amount of said judgment, interest and costs in
case the said judgment shall be affirmed in the
said Supreme Court then the above obligation will
be void otherwise to be void and remain in full
force.

E. J. Hollister (Seal)

D. Wilkins (Seal)

Ans. H. Dimech (Seal)

Approved

John M. Nelson
C. J. Superior Court of Chicago.

State of Illinois
Cook County . . . 5th R

I Thomas B. Carter 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
true and correct Transcript of the Order of
Judgment entered of record in said Court, together
with the Appeal Bond now on file in my office
in a certain suit pending in said Court, wherein
Jeremiah D. Dinick was plaintiff and Daniel
Wilkins and E. J. Hollister impleaded with
Luther Beecher, were defendants.

Also I do hereby further certify that neither
the said Defendants, or any other person or persons
on their behalf have taken from this office any
records of the proceedings in this case for the
purpose of prosecuting their said Appeals.

In testimony whereof the said
Thomas B. Carter has hereunto set
my hand and affixed the Seal of
said Court at Chicago in said
County the fourteenth day of
April A. D. 1862.

Thomas B. Carter Clerk



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Superior Court of Chicago.

261
Jeremiah H. Dimick

vs

David McKim, et al
vs
vs

Certificate of
Non-prosecution of Criminal.

Filed April 28, 1862
L. Leland
Clerk

13651

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