

No. 13596

Supreme Court of Illinois

Doane

vs.

Newell et al

UNITED STATES OF AMERICA,

STATE OF ILLINOIS, COUNTY OF COOK, SS.

Pleas, before the Honorable George Moanum Judge of the Seventh Judicial Circuit of the State of Illinois, and Sole 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 Eleventh Monday, (being the Eleventh day) of April in the year of our Lord one thousand eight hundred and Eighty-nine and of the Independence of the said United States the Eighty-ninth

Present, Honorable George Moanum Judge of the 7th Judicial
Circuit of the State of Illinois.

Charles Warren States Attorney.

John Gray Sheriff of Cook County.

Attest, William Church Clerk.

Be it remembered, that hereof ore to-wit, at the April Term of said Court, to-wit, on the twentieth day of May in the year aforesaid, the following, among other proceedings were had and entered of Record. to-wit:

" William W. Doane
Henry E. Sewell, Thomas
Perkins & Christopher Wiley

Doct

This day comes the said plaintiff by Sully and Garry his Attorneys, and the said defendants by Barber and Wyatt their Attorneys also come, and issue being joined herein, it is ordered that a Jury come. Whereupon come the jurors of a jury of good and lawful men. to-wit:

Henry Wright, J. H. Kenyon, Am. S. Martin
John F. McLeve, L. H. Seibold, A. W. Baynes

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G. Marasole. Jacob Moller. S. D. Thompson
L. Wall. W. S. Simonds. G. P. Hansen

who being duly elected had and sworn, well and truly
to try the issue joined herein aforesaid, and a true verdict
render according to the law and the Evidence, and after
hearing the Evidence, as well on the part of said plain-
tiff as of the said defendants, the arguments of coun-
sel, and the instructions from the Court, retire to con-
sider of their verdict, under the charge of a sworn
Officer of the Court; and afterwards come into Court
and say: "We the jury find the issues for the plain-
tiff, and that the said defendants owe and are
indebted to the said plaintiffs in the sum of Three
Thousand Dollars, and assess his damages by reason
of the breach assigned in said declaration to the sum of
Nine hundred and fifty two dollars and forty cents"

Whereupon the said defendants
Counsel, moves the Court for a new trial of this Cause,
and the Court having heard arguments of Counsel on said
motion as well in support thereof as in opposition thereto,
and being fully advised in the premises, now orders
that said motion be, and the same hereby is overruled
So which the said defendants by their Counsel now
see except.

Therefore it is considered by
the Court, that said plaintiff do have and recover
of the said defendants his said debt of Three Thousand
Dollars in form aforesaid together with his costs and

DEBT 51110.00
Dues \$ 952.40

charges by him about his suit in his behalf Expended
and have Execution therefor.

And it is further ordered that
upon the payment of the sum of Nine hundred and
fifty two dollars and forty cents, the damages aforesaid
by the jury aforesaid herein assessed together with
the lawful interest thereon and all costs accrued in
said cause, the said judgment be satisfied in full.

Whereupon the said defendants
by their counsel except, and pray an Appeal to the
Supreme Court of the State of Illinois, which is gran-
ted by the Court on condition that the said defendants
shall within Ten days from this date Execute and
file with the Clerk of this Court, their Appeal Bond
herein in the penal sum of Two Thousand dollars
Conditioned according to law with, as surely they do.

And afterwards, to-wit, on the 13th
day of July in the Year aforesaid, there was filed
in the Court aforesaid a certain Appeal Bond in
said cause, in the words and figures following to-wit

" Know all men by these presents
that we Christopher W. Wiley and John H. Staples
are held and firmly bound unto William H.
Doane in the penal sum of Two Thousand dollars
to the payment of which sum of money well and
truly to be made unto the said Wm H. Doane

his heirs Executors and Administrators, nor did ourselves
our heirs and Executors and Administrators jointly hereby
In witness hereof, we have hereunto set our hands and seals
this 11th day of July 1859

Whereas the said Doane did upon the 21st day of May
1859 receive a judgment in the Cook County Circuit Court
against the said Wiley jointly with Henry Estrell
and Thomas H. Perkins for the sum of Three Thousand
dollars debt and the sum of nine hundred and fifty
two dollars and forty cents damages, from which judg-
ment the said Wiley prayed an appeal to the Supreme
Court of Illinois, next to be holden at Ottawa in the 3^d
Grand Division of Illinois which appeal is allowed by
the said Circuit Court: And therefore the consideration of this
obligation is such that if Wiley aforesaid shall say said
judgment with costs and interest and damages in case the
same shall be affirmed by the Supreme Court aforesaid
and shall also prosecute his said appeal to effect
then this Bond shall be void " W. Wiley" Secy
" John H. Staples" Secy

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 Order and Appeal Bond

in the Commonwealth in a certain cause lately pending in said Court
side thereof, wherein William H
Doane was plaintiff and
Henry Estrell Defendant.

In Witness Whereof, I have hereunto set my hand,
and affixed the Seal of said Court at Chicago, this
Twenty Eighth day of April
A. D. 1860

Wm L Church Clerk.



It is stipulated that the cause within mentioned be docketed & dismissed in the Supreme Court with such damages & such only as the Court would award if the appellant were to file a transcript & the cause were dismissed on his motion without any appearance on the part of the appellee -

Chicago April 30th 1860 -

L. H. Hyatt
atty for app't.

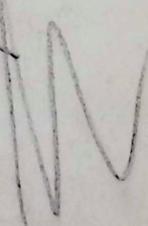
Van Buren & Gray
atty for appellee

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Doane

Stevell Earl

Filed May 11 1860
L. Leland
Clerk

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