

No. 13367

Supreme Court of Illinois

Aiken et al

vs.

^{IN}
~~K~~Ag et al

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 7th day of March 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. Nelson Chief Justice of the }
Superior Court of Chicago. }

Wm. H. Higgins }
Lyons Lovarich } Judges.

Carlos Haux Prosecuting Attorney.

John Gray Sheriff of Cook County.

Attest, Walter Kimball Clerk.

Be it remembered that heretofore to wit the tenth day of March (being one of the days of the said March Term of said Court) A.D. Eighteen hundred and sixty the following proceedings were had in the undermentioned cause and interest of record in said Court, to wit.

"Edmund Niles and
John D. Norton

vs

William W. King and
Clara Gurey

Assumpsit

This day comes said Plaintiff

by E. Atkins their attorney and due personal service of process of Summons issued in this cause having been had on each of said Defendants and being three times severally solemnly called in open Court come not nor does any person for them or either of them but herein they severally make default which is on Motion Ordered to be taken and is hereby entered of record Therefore said plaintiffs ought to have and recover of said defendants their damages sustained herein by reason of the premises,

And thereupon reference is had to the Court to assess damages herein hereafter.

And thereafter to wit on the fourteenth day of March (being yet of the said March term of said Court) A D Eighteen hundred and sixty the following further proceedings were had in said cause and entered of record in said Court, to wit

Edmund Atkins and	}	Accompris
John D. Norton		
vs		
William H. King and		
<u>Jason Green</u>	}	

And now again comes said Plaintiffs by their Attorneys and default of each of said

Defendants having been taken and entered of record herein against them on the 10th day of March instant and reference being had to the Court to assess damages herein and the Court now here after hearing the proofs and allegations submitted by said plaintiffs and being fully advised in the premises assesses their damages herein to the sum of One thousand and seventy two dollars and fifty cents.

Therefore it is considered that since Plaintiffs do have and recover of said defendants their damages of One thousand and seventy two dollars and fifty cents in sum aforesaid by the Court here assessed and also their costs and charges in this behalf expended and have execution therefor.

And thereupon said Defendants pray and appeal herein to the Supreme Court which is allowed to them on filing Bond in sum of Seventeen hundred dollars with security to be approved by Court in ten days.

And thereupon accordingly on the twentieth day of August A. D. Eighteen hundred and sixty seven the said defendants and filed in the Office of the Clerk of said Court their Appeal Bond in said cause: Which said Bond is in words and requires following to wit:—

"Know all Men by these presents That we Jason
Gurley and Job Gurley of the City of Chicago in the
County of Cook and State of Illinois are held
and firmly bound unto Edmund Cullen and John
D. Norton in the sum of Two thousand dollars
lawful Money of the United States to be paid to
the said Edmund Cullen and John D. Norton their
heirs executors administrators and assigns for which
payment well and truly to be made we bind
ourselves our and each of our heirs executors and
administrators, jointly severally and firmly by these
presents sealed with our seals and dated the
fourteenth day of August in the year of our Lord
One thousand eight hundred and sixty

The condition of this obligation is such
That whereas Edmund Cullen and John D. Norton
plaintiffs on the thirteenth day of August in the year
of our Lord one thousand eight hundred and sixty
in the Superior Court of Chicago by the judgment
and consideration of said Court recovered of the said
Jason Gurley and William W. King (the said William
W. King not having been served with process of summons)
the sum of Eleven hundred and thirteen dollars and
five cents damages in an action of trespass upon the case
upon promises besides the cost of said action And whereas
the said Jason Gurley hath prayed for and obtained
an appeal to the Supreme Court of the Third Circuit

Division of the State of Illinois.

Now if the said Jason Gurley shall prosecute his said appeal with Effect and without delay and shall moreover pay the said judgment costs interest and damages in case the said judgment shall be affirmed then this obligation to be void else to remain in full force and Effect.

Approved
Van H. Higgins
Judge "

Jason Gurley
Doct Gurley

(Seal)
(Seal) "

State of Illinois
Cook County . . .

I Walter Kimbale Clerk of the Superior Court of Chicago in the County of Cook and State of Illinois Do hereby certify the above and foregoing to be a true and perfect Transcript of the Order of Judgment & Order allowing Appeal entered of record in said Court, together with the Appeal Bond now on file in my Office, in a certain suit therein, wherein Edmund Aiken and John D. Norton were Plaintiffs and William M. King and Jason Gurley defendants

And I do hereby further certify that neither the

said Plaintiffs vs Defendants, nor any person or persons
on their behalf, have taken from my office any record
of the proceedings in said cause for the purpose of
presenting their aforesaid Appeal



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

Walter Kimball Clerk

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State of Illinois
Cook County

340
C. Chisew et al
vs
H. H. King et al

Certificate of
Non-prosecution of Appeal

Filed April 24. 1861
L. Leland Clerk
S. J. Os. Rec. Deputy

\$ 1072,50
05
\$ 5362,50

1861

13367

\$2.00

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