

No. 11966

Supreme Court of Illinois

Quailes.

vs.

Frume.

United States of America

State of Illinois }
McHenry County }

Now, before the Honorable
Judge J. Wilson Judge of the thirteenth Judicial Circuit
of the State of Illinois and presiding Judge of the
McHenry County Circuit Court at a Circuit Court begun
and held at the Court house in Woodstock in said
County on Tuesday the twentieth day of January in
the year of our Lord one thousand eight hundred
and fifty two A.D. of the Independence of the said
United States the twenty fifth

Present the Hon. Judge J. Wilson
Judge

Attor. J. H. Johnson

Amos B. Coon

Clerk

John B. Smith
Sherriff

And thereafter to wit on the 2nd day of February in the
year of our Lord one thousand eight hundred
and fifty two it being one of the days of the
last January term of said Court the following among
other proceedings were had to wit.

Joseph V. Sparks }
Henry Mitchell }

Charles W. Trumbo.

Special

And now came the
plaintiffs by Church and
Mellard their attorneys and the defendant by McClure
and Murphy and themselves it is ordered that a
jury come and themselves have a day of good
and lawful men to wit

Duncan Deitcher R. R. Sherrard Ambrose Bennett
 Ambrose Goddard George T. Kaper Wm Jackson
 William Pratt C. S. Hayden Mr R. Oakley
 Charles Kitch Andrew Kitch & John R. Blunk
 who being duly impanelled and sworn well and
 truly to try the issue joined and having heard the
 evidence and arguments of Counsel and instructions
 of the Court they returned to consider upon their verdict
 and thereupon it is agreed that when they shall
 have agreed upon their verdict that they may sign
 and seal the same and meet the Court tomorrow
 morning at 9 o'clock

And thereafter to wit on
 the 3rd day of February in the year last aforesaid
 it being one of the days of the last January term
 of the said Court the following proceedings were had
 to wit.

Joseph V. Duquesne
 Henry Mitchell
 Charles Brown

Appeal

And now came the
 parties by their respective attorneys
 and the jurors formerly empanelled, being also come
 and for verdict say. That the jury find for the plaintiffs
 and award them damages at the sum of fifty one
 dollars and fifty cents. And thereupon Ann Willard
 for the plaintiffs and assigns from the verdict of the
 jury the sum of five dollars and ninety cents and
 thereupon the defendant moves the Court for a new trial

And afterwards to wit on the 6th day of February in
 the year last aforesaid the said Court then being
 in session as aforesaid the following proceedings were
 had to wit

Joseph V. Tammes
Henry Mitchell

Charles McNamee

Appell

And now come the parties by their respective attorneys and the Court being fully advised on the motion for a new trial formerly entered herein overrules the same to the opinion of the Court in overruling said motion the defendant by his counsel excepts. It is then so ordered and considered by the Court that the said plaintiffs have and recover of the defendant the sum of thirty five dollars and seventy cents their damages as assessed as aforesaid as also their costs and charges as well in the Court below as in this Court expended and that they have execution therefor. And therefore the said defendant prayed an appeal which is granted by the Court upon condition that the said defendant enter into an appeal bond within thirty days from this date in the sum of two hundred dollars and determine according to law with David Duffield and Wm. H. Murphy as his sureties. And therefore by the agreement of the parties the bill of exceptions herein are to be settled by the first week of the March term of this Court.

And therefore to wit on the 23rd day of February in the year last aforesaid the said defendant filed in the office of the Clerk of the Circuit Court of said County his appeal bond in the sums and figures following to wit.

Now all men by these presents that we Charles McNamee principal and David Duffield and William H. Murphy as sureties of the County of McHenry and State of Illinois are held and firmly bound unto Joseph V. Tammes and Henry Mitchell in the penal sum of two hundred dollars which payment well and truly to be made we and each of us our heirs Executors Administrators and assigns

legally jointly and severally by these presents, Witness our
hands and seals at Woodstock this 23rd day of Feb
ruary A.D. 1852

The condition of the above obligation
is such that whereas the above signed Joseph P. Smith
and Henry Mitchell did on the 11th day of February
inst (1852) receive a judgement against the above
bondman Charles Mann for the sum of thirty five dol
lars and twenty cents damages and costs of suit
in the Circuit Court of said County from which said
judgement of the said County the said Mann has
taken an appeal to the Supreme Court of the State
of Illinois. Now if the said Charles Mann shall per
sute his appeal with effect and shall pay and
satisfy the judgement costs interest and damages in
case the judgement shall be affirmed in the said Supreme
Court then the above obligation to be void else to remain
in full force.

Taken and entered into
before me this 23rd day of
February A.D. 1852

Charles Mann (Plat)
David Snodgrass (Def)
Wm. A. Murphy (Clerk)

J. A. Johnson Clerk Min Feb 23rd 1852

J. A. Johnson

State of Illinois
McHenry County
I the undersigned Clerk
of the Circuit Court in and
for the said County in the State aforesaid do certify that
the above is a true copy of the record and bond
in the above entitled Cause in this office.

Witness Joel A. Johnson Clerk of
my said Court and the seal
thereof at Woodstock this 11th
day of May 1852

J. A. Johnson Clerk

all e^{ss}ing
Charles Frame
by
Joseph V. Quails
Stat.

Transcript.
101

Filed July 3^d - 1852
L. Veland Clerk.

1852

11966

\$2.00