

No. 13310

Supreme Court of Illinois

WILDER
~~WILDER~~

vs.

Smith

UNITED STATES OF AMERICA,

STATE OF ILLINOIS, COUNTY OF COOK, SS.

Pleas, before the Honorable George W. Warren 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 1st Monday, (being the Monday day) of November in the year of our Lord one thousand eight hundred and 89 and of the Independence of the said United States the Eighty-Ninth

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

Walter Warren States Attorney.

Sam Gray Sheriff of Cook County.

Attest, William Church Clerk.

Be it remembered that before to-wit, at the November Term of said Court, to-wit, on the second day of November in the year aforesaid the following among other proceedings were had and Entered of Record to-wit,

David P. Wilder }
Ezekiel B. Smith } Appeal

89,44

This day came the said plaintiff in his own proper person, and the said defendant by Smith and Berry his Counsel 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,

Joseph Smith, James Prosser, O. Morrison
E. W. Wheaton, David Hitchcock, Lyman Staples
Ira Russell, Daniel Smith, E. Williams

John Gray, David W. Hagi and E. B. Chadwick,
who being duly elected tried and sworn, well and
truly to try the issue joined aforesaid, and a true
verdict render according to the law and the Evidence
and after hearing the Evidence as well on the part of
the plaintiff as of the defendant, the arguments of
counsel, and instructions from the Court, retire to
consider 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 issue for the plaintiff
and assess his damages at the sum of Fifty-dollars

Whereupon the defendant by
his Counsel moves the Court for a new trial of this
Cause, and the Court having heard Counsel on said
motion as well in support thereof as in opposition thereto
and being fully advised in the premises, doth order
that said motion be overruled, and the same is
hereby overruled accordingly.

Therefore it is considered by
the Court, that said plaintiff do have and recover
of the said defendant his damages of Fifty-dollars
in form as aforesaid by the jury aforesaid assessed
together with his costs and charges by him about
his suit in this behalf expended, and have Execution
therefor.

Whereupon the said defendant
by his Counsel excepts and prays an appeal to
the Supreme Court of the State of Illinois, which
is granted by the Court upon Condition that the

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defendant shall within ten days from this date execute and file with the clerk of this Court his appeal Bond herein in the penal sum to one hundred and fifty dollars, conditioned according to law with ^{surety thereto.} And on motion it is ordered that defendant have ten days to prepare and file his Bill of Exceptions in said cause.

And afterwards to-wit: on the seventh day of December in the year aforesaid, said defendant filed in said Court his Bill of Appeal Bond in said cause, which is in the words and figures following, to-wit-

"I know all men by these presents that me Ezekiel B. Smith and John R. Parsons of the City of Chicago, Cook County and State of Illinois are held and firmly bound unto Daniel P. Nelder in the sum of one hundred and fifty dollars to be paid ~~that~~ to the said Daniel P. Nelder his Executors, Administrators or assigns; for which payment well and truly to be made we said ourselves our heirs Executors and Administrators jointly ^{and} severally firmly by the presents;

Sealed with our seals and dated the sixth day of December 1859.
Whereas the above named Ezekiel B. Smith has appealed to the Supreme Court

Of the State of Illinois from the judgment of the Circuit Court of Cook County, made on the second day of December 1859 in a certain Cause therein pending in which the said Ezekiel S. Smith was defendant and the said David P. Welder was plaintiff.

Now therefore the Condition of the above obligation is such that if the said Ezekiel S. Smith shall diligently prosecute the said Appeal and shall pay all costs and damages that may be awarded against him in the said appeal then this obligation to be void otherwise to remain in full force and virtue

Sealed & delivered in the presence of
Ezekiel S. Smith
John R. Parsons
W. Madison Wainwright

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

Final Order and Appeal Bond

in a certain cause lately pending in said Court of the Commons side thereof, wherein David P. Welder was Plaintiff and Ezekiel S. Smith Defendant.

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

Wm L Church Clerk.

Sept 1²⁵ Paid 4 p 44

350
Amount paid of
book bounty

David P. Alder

E. J. Smith

1860

Field exp. 25-1860
Albany
Ch.

5000
5000
\$5,000 Dgs

13810

\$125
S. P. Ch.