

No. 12642

Supreme Court of Illinois

Rogers.

vs.

Stephens.

71641  7

John Rogers

vs
Israel C. Stephens

Certified Copy
Docket & Appeal Book

Filed June 20, 1854.
L. Leland Clk.

12642

H. G. Smith
Suff. atty.
Fees — \$1.50

United States of America }
State of Illinois } S.S.
County of Cook }

Pleas before the Honorable John
M. Wilson Judge of the Cook County Court of
Common Pleas within and for the County of Cook
and State of Illinois, at a regular term of the
Cook County Court of Common Pleas begun and
helden at the Court House in the City of Chicago in
said County and State on the Second Monday
being the Twenty seventh day of September in the Year
of our Lord one thousand eight hundred and
fifty three and of the Independence of the
United States the Seventy eighth

Present the Honorable John M. Wilson Judge
Daniel McIlroy Prosecuting attorney
Against P. Bruley Sheriff
Attest W. Allen Kimball Clerk

It is Remembered that on the
Twenty seventh day of September in the
Year eighteen hundred and fifty three the
said day being one of the days of the Sep-
tember term of said Cook County Court
of Common Pleas for the Year aforesaid
the following among other proceedings were
had in said Court and entered of Record
therein, to wit

John Rogers
vs
Israel C. Stephens

Traver

And now upon this day
comes the said plaintiff by W. Strick his attorney
and the said defendant by Calvin R. Haef his
attorney also comes, and issue being joined herein, it
is ordered that a Jury come and thereupon
come the jurors of a Jury of good and lawful men
to wit Sidney Cassell, William Bates, J. P. Francis,
Thomas Hill, B. Bartlett, Michael McGuire, J. A.
Barker, George R. Bills, William Justice, George R.
Hatchback, C. A. Benson and C. B. Winbald, who
being duly elected, tried and sworn well and truly
to try the issue joined as aforesaid, after hearing
the evidence adduced, argument of Counsel and
instructions of the Court retire under charge of an
officer of the Court to consider of their verdict, and
afterwards come into Court and say, we the jury
find the defendant guilty, as the said plaintiff
hath thereof complained against him, and we assess
the said plaintiff damages by occasion of the premises
to the sum of Four hundred and fifty-eight dollars.
And thereupon the said defendant enters
his motion herein for a new trial in this cause,

And afterwards, to wit, on the twenty day of
October in the year aforesaid, said day being
as yet one of the days of said September term
of said Court, the following further proceedings
were had in said cause and entered of record
in said Court, to wit

John Rogers

vs
Israel C. Stephens

Prover.

And now at this day again
come the parties aforesaid by their said attorneys
and after argument of counsel heard on the said
defendants motion heretofore entered herein for a
new trial in this cause, the Court being now fully ad-
vised in the premises overrules said motion.

Therefore it is considered that the said plain-
tiff do have and recover of the said defendant his
damages of Four hundred and fifty eight dollars
in form aforesaid by the Jury aforesaid, and also
his costs and charges by him about his suit in this
behalf expended and have execution therefor.

And thereupon the said defendant enters
his exceptions to the opinion of the Court overruling
his said motion for a new trial, and prays an
appeal to the Supreme Court of this state, which
is allowed by the Court on the defendants filing
his appeal Bond herein within thirty days from
this day, said bond to be approved by the Court.

And afterwards to wit on the Eleventh day of
November in the year aforesaid, the said de-
fendant filed in the office of the Clerk of said
Court his appeal bond in said cause, which said
appeal Bond is in words and figures as follows
to wit.

Know all men by these presents that
We Israel C. Stephens of the County of Henry and
State of Illinois, and Reed A. Williams of the County

of Cook and State of Illinois are held and firmly
bound unto John Rogers of Cook County aforesaid
in the Penal sum of One Thousand Dollars lawful
Money of the United States, for the payment of which
well and truly to be made we bind ourselves
our heirs executors and administrators jointly
severally and firmly by these Presents.
Witness our hands and seals this 12th day of
October A D 1853.

The Condition of the above obligation is such,
that whereas the said John Rogers did on the day
of the date hereof recover a judgment against the
above bounden Israel C. Stephens before the Cook
County Court of Common Pleas of said County,
for the sum of Four hundred and fifty eight dol
lars and Costs of suit, in an action of Trover.
From which Judgment the said Israel C. Stephens
has taken an appeal to the Supreme Court of
the State of Illinois.

Now if the said Stephens shall prosecute
his appeal with effect, and pay the said Judg
ment aforesaid shall be affirmed, and duly
prosecute the said appeal, then this obligation
shall be void otherwise in full and entire.
Witness our hands and seals at Chicago the
day and Year first above written.

I. C. Stephens Seal
R. A. Williams Seal

The foregoing Bond for appeal in the case of John
Rogers vs Israel C. Stephens is approved by me this Eleventh
day of November 1853. John W. Wilson. Judge of

State of Illinois &
Cook County. & J. S. J.
Walter Kimball Clerk
of the Cook County Court of Common Pleas,
within and for said County and State, do hereby
certify that the foregoing is a true copy of the pro-
ceedings and Judgment of the Court had and
entered of Record in said Court, in the case of
John Rogers plaintiff and Israel C. Stephens de-
fendant, and also a true copy of an appeal
Bond filed in said cause by said Stephens on the
Eleventh day of November Eighteen hundred and
fifty three, and I do further certify, that the
said Stephens, nor any other person for him,
has not taken a transcript of said cause, or
demanded a transcript thereof, from me, to
be used in the Supreme Court of the State of
Illinois.

In testimony whereof I have here-
unto set my hand and affixed the
Seal of said Court at Chicago in said
County this 16th day of December 1854.
Walter Kimball, Clerk



John Rogers

vs.

Israel C. Stephens

} Supreme Court.

State of Illinois Cook
County City of Chicago &c.

Calvin D Wolf of

Said County being duly sworn says
that he was the attorney of the de-
fendant in the above entitled
cause in the Court below, and that
on the trial in the said Court
this deponent filed in behalf
of said defendant a Bill of
exceptions in this cause and
this deponent has seen the
said Bill of exceptions on
file in the office of the Clerk
of the Cook County Court of
Common Pleas since the
first day of January 1854
but this deponent does not know
what has become of it.

Sworn & Subscribed

before me this 12th day
of July 1854 Witness my hand

Calvin D Wolf

& official Seal

Ramon A. Hoffman

Notary Public

Cook County

