

12547

No. _____

Supreme Court of Illinois

Curren.

vs.

Beach.

71641  7

Book Cost of Com. & Pass

Jacob Curren who
surrendered 121

Wm W Beach

Transcript

Filed April 7, 1888

Leland
CLB

Fees \$700 paid by

Wm W Beach

United States of America
State of Illinois

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 said Cook County Court of Common Pleas begun and holden at the Court House in the City of Chicago in said County on the first Monday being the first day of February in the year of our Lord One Thousand Eight Hundred and fifty eight and of the Independence of the United States the Eighty Second.

Present John M. Wilson Judge.

Charles Heaven Prosecuting Attorney

John L. Wilson Sheriff

Attest. Walter Kimball Clerk

Be it remembered that on the fifth day of January A D. Eighteen hundred and fifty eight there was filed in the Office of the Clerk of the Cook County Court of ~~by William L. Church Clerk of the Circuit Court~~ Common Pleas, of said Cook County, a transcript, Declaration, plea and Affidavit of merits, in a suit wherein Jacob Curran who sues by George J. Harris his next friend is Plaintiff and William W. Beach is Defendant, which said Transcript Declaration plea & Affidavit are in words & figures as follows to wit.

Monday November 17th 1857.
United States of America (
State of Illinois) S.S.
County of Cook)

Pleas before the Honorable
George Manierre Judge of the Seventh
Judicial Circuit of the State of Illinois and
Presiding Judge of the Circuit Court of Cook
County in said State at a trial Term thereof
begun and held at the Court House in the
City of Chicago in said County on the third
Monday (being the sixteenth day) of November
in the year of our Lord One Thousand Eight
Hundred and fifty seven and of the
Independence of the United States the
Eighty Second -

Present Honorable George Manierre Judge
of the 7th Judicial Circuit

John L. Wilson Sheriff of said
County -

Carlos Havens State Attorney

Attest. William L. Church - Clerk.

Court opened by Proclamation

Be it remembered to wit - That
On the 28th day of October A.D. 1856. there
was filed in the Office of the Clerk of the
Circuit Court of the County of Cook in the State
aforesaid a certain process for summons
which is in the words and figures following
to wit.

State of Illinois }
Cook County } S.S.

Jacob Curren who sues by
George I Harris as his next friend

vs

William W Beach.

In the Circuit Court of Cook County
at the October Term A.D. 1856.

Trespass on the Case -

Damages \$75000

Will the Clerk please issue a Summons
in the above entitled Cause Returnable at the
next Term of your Court and oblige

Wilkinson W McIlwain

Plff's Atty.

And afterwards to wit On the same day
and year last aforesaid to wit the 28th day of
October A.D. 1856 There issued out of the
Office of the Clerk of the
Circuit Court aforesaid A certain process
what commonly called Summons which
is in the words and figures following to wit

State of Illinois }
County of Cook } S.S.

The People of the State of Illinois
To the Coroner Acting Sheriff
of said County - Greeting -

We command you that you
Summon William W Beach if he shall
be found in your County personally to be

and appear before the Circuit Court of Cook County on the first day of the next term thereof To be holden at the Court House in the City of Chicago in said County on the third Monday of November next to answer with Jacob Curren who sues by his next friend George J. Harris in a plea of trespass on the case to the damage of the said Plaintiff as is said in the sum of Seventy five thousand Dollars.

And have you there and there this writ with an Endorsement thereon in what manner you shall have executed the same

Seal Witnesses Louis D. Hoard Clerk of our said Court and the Seal thereof at Chicago aforesaid this 28th day of October A D 1856.

L D Hoard

Clerk

And on the last mentioned and foregoing Writ of Summons appears Endorsements which are in the words and figures following to wit.

The within named William W. Beach not found in my County the 15th day of Nov 1856 - 1 Return D.

James S Beach Coroner
and acting Sheriff By

John H Hart

Deputy

Filed Nov. 19th 1856.

L. D. Hoard.

Clerk

And afterwards to wit on the 7th day of January A.D. 1857. it being one of the days of the regular November Term of said Court for the year A.D. 1856. the following among other proceedings were had and entered of Record in said Court to wit;

Jacob Curren who sues
by George I Harris his
next friend
vs
William W Beach } Case.

Ordered by the Court that the above cause be continued with Alias process to the next term of this Court.

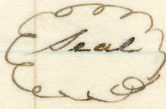
And afterwards to wit on the 17th day of January A.D. 1857. there issued out of the ^{Office of the Clerk of the} Circuit Court aforesaid a certain Alias Writ commonly called Summons which is in the words and figures following to wit;

State of Illinois {
County of Cook } S.S.

The People of the State of Illinois
To the Sheriff of said County - Greeting

We command you as before that you summon William W Beach if he shall be found in your County - personally to be and appear before the Circuit Court of Cook County, on the first day of the next term thereof, to be holden at the Court House in Chicago in said County.

on the first Monday of March next to answer,
unto Jacob Curran who sues by his next friend
George I Harris in a plea of Trespas on
the Case to the Damage of the said Plaintiff
as is said, in the sum of Seventy five Thousand
Dollars -

And have you then and there this
writ with and endorsement thereon in what
 manner you shall have executed
the same -

Witness William S Church Clerk of our
said Court and the seal thereof
at Chicago aforesaid this 17th
day of January A.D. 1857.

W^m S Church
Clerk

And on the back of said last mentioned
Writ appears Endorsement which are in
the words and figures following - to wit -
Served by reading to the within
named William H Beach the 17th day of
January 1857.

Fees. 1 Service 50
1 Mile 05
1 Return 10 65^c

John L Wilson
Sheriff

By J M Bradley - Deputy -

Filed April 1st 1857.

W^m S Church.

Clerk.

And afterwards to wit on the 3^d day of March A.D. 1857. it being one of the days of the March Term of said Court for said year the following, among other proceedings was had and entered of Record in said Court to wit -

March 30th 1857.

Jacob Curren who sues by his next friend George J Harris -	{ Case
vs William W Beach -	

This day comes the said Defendant by Cornell Jameson and Bass his Attorneys and move the Court to dismiss this suit for want of Security for Costs which motion is resisted by the said Plaintiff and thereupon overruled by the Court and to the ruling of the Court the Defendant by his Counsel excepted.

And afterwards to wit On the 13th day of May A.D. 1857. it being one of the days of the April Term of said Court for said year the following among other proceedings were had and entered of Record in said Court to wit -

May 13th 1857.

Jacob Curren who sues by his next friend George J Harris	{ Case
vs 583. William W Beach -	

This day comes the said Defendant

and moves the Court to suppress the the deposition taken in this Cause by said Plaintiff and the Court having heard Counsel on said Motion and being well advised in the premises overrules the same -

Whereupon said Defendant moves the Court upon Affidavit filed to continue this Cause to the next term of this Court for reasons set forth in said Affidavit And the Court after reading the said Affidavit and having carefully considered the said Motion grants the same at Defendants Costs.

And afterwards to wit On the 17th day of October A.D. 1857. it being one of the days of October Term of said Court for said year the following, among other proceedings was had and entered of Record in said Court to wit -

286. vs

Jacob Curran who Sues by his next friend George J Harris	{	Case
William W Beach		

This day comes the said Defendant by his Attorney and moves the Court for a stay of execution herein And the Court being well advised in the premises allows said Motion and grants a stay of Execution of twenty days And afterwards to wit On the first day of December A.D. 1857. it being

one of the days of the November Term of said Court for said year the following, among other proceedings were had and entered of Record in said Court to wit

Jacob Curren who sued
by his next friend
George J Harris } Case —
vs
William W Beach }

On reading and filing the said Defendants petition and affidavits for a change of Venue in this Cause from this Court where the same is pending to some other Court of competent Jurisdiction, and on motion of Mr Jameson of Counsel for said Defendant and on hearing Mr. Wilkinson - of Counsel for said Plaintiff in opposition thereto, It is ordered that the Venue in this suit be changed from this Court to the Cook County Court of Common Pleas and that the Clerk of this Court make a copy of all the proceedings had and entered of Record in this cause and certify the same under the seal of this Court and transmit the same together with the Original Court proceedings, depositions and other papers filed in this Cause to the Clerk of the Cook County Court of Common Pleas ten days at least before the first day of the next Term of said Court And it is further Ordered that said Defendant pay the expenses of the Change of Venue within fifteen days or in default thereof

that execution issue therefor—

State of Illinois
County of Cook fs

I William L Church
Clerk of the Circuit Court in & for
the County and State aforesaid
Do hereby Certify the above foregoing
to be a full and complete copy of all the orders
made and entered of Record in our said Circuit
Court in a certain Cause lately pending therein
wherein Jacob Curran who sues vs was Plaintiff
and William H Beach was Defendant
And I do further Certify that the accompanying
files containing the original writ pleading
depositions & other papers numbered from
"1" to "40" inclusive are all the papers filed
in said Cause so far as the same now
appears—

Witness my hand & the seal of said
Court this 24 day of December A.D. 1857.

Wm L. Church
Clerk

State of Illinois
Cook County } ss.

In the Circuit Court of Cook County
Of the March Term A.D. 1857.

Jacob Curran who sues by George J.
Harris as his next friend Plaintiff in this
Suit by Wilkinson & McGilvra his attorneys

complaints of William H. Beach Defendant in this
suit summoned to of a Plea Trespas on the Case

For that whereas before and at the time of
the committing of the grievances by the said
Defendant hereinafter mentioned to wit On the
fourteenth day of July A.D. 1862 at Stephenson
County State aforesaid, to wit, at Cook County
aforesaid the said Plaintiff at the special
instance and request of the said Defendant
had retained and employed the said Defendant
as a Physician and Surgeon he the said
Defendant then and there carrying on
and being engaged in the profession and
business of a Physician and Surgeon to
attend him the said Plaintiff and to bestow
the care, skill, diligence and attention of him
the said Defendant as such Physician and
Surgeon in and about the setting of the
bones of the arm of the said Plaintiff
which had before that time been lately
fractured and broken and in and about the
bandaging managing and taking care of
the said arm which had been before that
time greatly injured, for certain fees and
reward to be therefor paid by the said Plaintiff
to the said Defendant in that behalf - and
the said Defendant then and there accepted
and entered upon such retainer and
employment as such Physician and
Surgeon And thereupon it then and there
became and was the duty of the said Defendant
as such Physician and Surgeon to exercise
and use due and proper care Skill and
diligence in and about the setting the said

Bones so fractured and broken as aforesaid
and in and about the managing bandaging
and taking care of said Arm -

Yet the said Defendant not regarding
his said duty but contriving and intending to
injure the said plaintiff in this respect
did not, nor would use due and proper care
skill and diligence in and about the setting
the said bones so broken and fractured as
aforesaid and in and about the managing
bandaging and taking care of the said
arm but on the contrary thereof the said
Defendant then and there conducted
himself in an ignorant negligent and
unskillful manner in that behalf
particularly in applying the bandage to
said arm of the said plaintiff - By means
of which said premises the said arm of the
said plaintiff was increased sore swollen
and putrid and mortified so much so and to
such extent that the said Defendant thought
it necessary and did afterwards twist on the
31st day of July 1852 cutt off and amputate
the said arm of the said Plaintiff - And by
means thereof the said plaintiff also suffered
and underwent great and unnecessary pain
and anguish of body and was thereby also
increased weak and sick and so remained
for a long space of time twist from these
injuries whereby he was prevented from
performing and transacting his necessary
business and affairs, by him during all that
time to be performed and transacted
as he might and otherwise would have

done, but for the careless, negligent and unskillfull conduct of the said Defendant as aforesaid and also by means thereof the said arm of the said Plaintiff was and is incurably lamed, crippled and wholly lost to the said Plaintiff. And the said Plaintiff was thereby also forced and obliged to ^{did} and necessarily pay lay out and expend a large sum of money to wit the sum of One Thousand Dollars in and about the obtaining necessary and proper aid, assistance care and attention and in and about the endeavouring to be cured of the soreness, swelling putrefaction and wounds made by the amputating and cutting off of the said arm, so caused by the negligent ignorant and unskillful conduct of the said Defendant as aforesaid to wit; at the County of Cook aforesaid.

And Whereas also herefore to wit on the day and year aforesaid at the County aforesaid the said Plaintiff at the like special instance and request of the said Defendant had retained and employed the said Defendant as a Physician and Surgeon, he then and there carrying on and being engaged in the profession and business of a Physician and Surgeon to attend to him the said Plaintiff and to bestow the care skill diligence and attention of him the said Defendant as such physician and Surgeon in and about the setting bandaging and curing a certain other bone of the arm of the said Plaintiff which said last mentioned bone had been then and there lately fractured and broken, for certain fees and reward to be therefore paid by the

said Plaintiff to the said Defendant in that behalf And the said Defendant then and there accepted and entered upon such retainer and employment as such Physician and Surgeon and thereupon it then and there became and was the duty of the said Defendant as such Physician and Surgeon to exercise and use due and proper care skill and diligence in and about the setting bandaging and curing of the said bones so broken and fractured as last aforesaid —

Yet the said Defendant notwithstanding his said duty but contriving and wilfully intending to injure the said Plaintiff in this respect did not nor would he use due and proper skill care and diligence and attention in and about the setting bandaging and curing of the said bones so broken and fractured as last aforesaid but on the contrary the said said Defendant then and there so recklessly carelessly unskillfully and negligently set said Arm and so tightly bound and bandaged the said Arm and hand as to check the circulation of the blood and let the said bandage remain so closely and tightly binding the said Arm and hand for a long space of time to wit; the space of five days during all of which said five days the said Plaintiff complained frequently to the said Defendant of the said bandage being too tight and asked the said Defendant to loosen the same, but the said Defendant neglected and refused to do so — That at the end of said five days and after

much persuasion by the said Plaintiff and an expression of a determination to remove the said bandage himself if the said Defendant would not, the said Defendant removed the said bandage. That the said Arm and hand was lacerated in some places to, or nearly to the bone and very much swollen and inflamed during the time the said bandage so remained upon said arm and hand as aforesaid and continued so lacerated, swollen and inflamed for a long time to wit to and until the 31st day of July A.D. 1852 at which time the said Defendant stated to the said Plaintiff and divers other persons that the only chance of saving the life of the said Plaintiff was to amputate the said arm and after much persuasion by the said Defendant the said Plaintiff was induced to submit to the operation and then and there to wit on the 31st day of July A.D. 1852 at the County aforesaid; the said Plaintiff cut off and amputated the said Arm of the said Plaintiff about half way between the elbow and the Shoulder but in such a negligent careless and unskillful manner that afterwards, when the wounds caused by said amputation had healed up, the bone of said arm protruded from one to two inches beyond the flesh covered only by the skin and still so remains -

And the said Defendant then and there otherwise and in other respects conducted himself in an ignorant wilful negligent and unskillful manner in that behalf -

By means of which said premises the said arm of the said Plaintiff was

wholly lost to him from thence hitherto and for the term of his natural life —

And by means thereof the said Plaintiff also suffered and underwent great and unnecessary pain and anguish of body and was thereby also rendered weak sick and sore and so remained and continued for a long space of time to wit from thence hitherto, and was prevented thereby from performing and transacting his necessary affairs and business by him during that time to be performed and transacted as he might and otherwise would have done but for the wilful careless negligent and unskillful conduct of the said Defendant as aforesaid and also by means thereof the arm of the said Plaintiff was and is incurably crippled and wholly lost, to him —

And the said Plaintiff was thereby also forced and obliged and did necessarily pay lay out and expend a further large sum of money; to wit the sum of One Thousand Dollars in and about the obtaining proper aid assistance and attention and in and about the endeavouring to be cured of the weakness sickness soreness and loss of said Arm in the manner aforesaid so caused as aforesaid by the wilful negligent ignorant and unskillful conduct of the said Defendant to wit at the County aforesaid.

And whereas also hitherto to wit on the day and year aforesaid at the County aforesaid the said Plaintiff at the like special instance and request of the said Defendant had retained and employed the said Defendant as physician and Surgeon he then and

there carrying on and being engaged in the
profession and business of a Physician and
Surgeon, to attend to him the said Plaintiff and to
bestow the care skill diligence and attention of him
the said Defendant as such Physician and
Surgeon in and about the setting bandaging
and curing certain other bones of the arm of the
said Plaintiff, which said last mentioned bones
had been then and there lately fractured and
broken, for certain fees and reward to be
thereof paid by the said Plaintiff to the said
Defendant in that behalf, and the said
Defendant then and there accepted and
entered upon such retainer and employment
as such Physician and Surgeon and thereupon
it then and there became and was the duty
of the said Defendant as such Physician
and Surgeon to exercise and use due and
proper care skill diligence and attention
in and about the setting bandaging and
curing of the bones so broken and fractured
as aforesaid. Yet the said Defendant not
regarding his said duty but contriving and
wrongfully and wilfully intending to
injure the said Plaintiff in this respect
did not nor would he use due and proper
care skill diligence and attention in and
about the setting bandaging and curing
the said bones so broken and fractured
as last aforesaid, but on the contrary the
said Defendant then and there so recklessly
carelessly unskillfully and negligently
set said arm and so tightly bound
and bandaged the said arm that the

the circulation of the blood was thereby checked if not entirely stopped and the arm became swollen to such an extent that the cords with which it was bound cut through the skin and flesh in various places from the ends of the fingers to the elbow and in some places to or near to the bone, and that the said Defendant then and there allowed the said bandage cords to remain so tightly binding said arm as aforesaid for a long space of time to wit, for the space of eight days during all of which time the plaintiff complained frequently to the said Defendant that the said bandage was too tight; and of the extreme pain and soreness which he the said Plaintiff felt in said arm and asked the said Defendant to loosen said bandage but the said Defendant neglected and refused to do so that finally at the expiration of said eight days the said Plaintiff stated to the said Defendant that if he the said Defendant did not loosen and remove said bandage he the said Plaintiff would. And the said Defendant then removed said bandage when it was discovered that the said arm and hand was swollen and lacerated as aforesaid And also that a part of the flesh upon said arm and hand was dead putrid and rotten and the same soon thereafter began to separate and fall off from the muscles and bones And that said arm remained in such condition for a long time from thence to wit until the 31st day of July A D 1852 at which time the

said Defendant stated to the said Plaintiff and divers other persons that it was necessary to amputate said Arm, and that such amputation was the only means by which the life of the said Plaintiff could be saved, which was not the case as the said Defendant well knew or might and ought to have known.

And the said Plaintiff avers the fact to be that at said time to wit the 31st day of July A.D. 1852. and at no time previous was it necessary or proper to amputate and cut off said Arm, and that at the time it said Arm was so amputated and cut off as hereinafter stated, the same might with proper care skill and diligence have been healed cured and restored to health and soundness and preserved for the use of said Plaintiff.

The said Plaintiff further avers that on the said 31st day of July A.D. 1852. the said Defendant engaged and employed one Dr Brease a practising Physician and Surgeon with his Brease Surgical Instruments to assist him the said Plaintiff in amputating said Arm. That after they the said Defendant and Brease had met in the presence of the said Plaintiff and divers other persons to wit at the County aforesaid for the purpose of such Amputation on the said 31st day of July the said Dr Brease examined said Arm and then and there stated to the said Defendant that there was no necessity of amputating said Arm that it could be healed and cured, that he Brease could cure it and that it would be

murdering the said Plaintiff to amputate said Arm. And that he Brease would not assist in the operation and that his tools or instruments should not be used for that or any such purpose And the said Brease boxed up his instruments and went away -

That the said Defendant then sent or went and got other instruments and then and there to wit on the 31st day of July A.D. 1852. at the County aforesaid Cut off and amputated said Arm of said Plaintiff about half way between the elbow and the Shoulder but in such a negligent careless and unskillful manner that afterwards when the wounds and sores caused by said amputation had healed up, the bone of said Arm protruded from one to three inches beyond the flesh and that said bone so protruding as aforesaid was & is only covered and protected by a thin sort of skin and still so remains - And also the said Plaintiff avers that the said Defendant was a long time to wit two hours in cutting off and amputating said Arm.

And the said Defendant then and there otherwise and in other respects conducted himself in an ignorant wilful negligent and unskillful manner in that behalf -

By means of which said premises the said Arm of the said Plaintiff was wholly lost to him from thence hitherto and for the term of his natural life -

And by means thereof the said

Plaintiff also suffered and underwent great and unnecessary pain and anguish of body and was thereby reduced weak sick and sore and so remained and continued for a long space of time to wit; from thence hitherto and was thereby prevented from performing and transacting his necessary affairs and business by him during all that time to be performed and transacted, as he might and otherwise would have done but for the willful careless negligent and unskillful conduct of the said Defendant as aforesaid, and also by means thereof the arm of the said Plaintiff was and is incurably crippled and wholly lost to him —

And the said Plaintiff was thereby also forced and obliged and did necessarily pay lay out and expended a further large sum of money to wit; the sum of One Thousand Dollars in and about the obtaining proper aid assistance and attention and in and about the endeavouring to be cured of the weakness sickness and soreness so caused as aforesaid by the willful negligent ignorant and unskillful conduct of the said Defendant to wit at the County aforesaid —

To the Damage of the said Plaintiff of seventy five Thousand Dollars and therefore he brings his Suit V.~

Wilkinson & M. Gilvra
Plff's Atty's —

Circuit Court of Cook County
March Term^{a.d.} 1857

William W Beach

vs.

Jacob Curren who
sues by George J
Harris his next friend.

And the said Defendant by
Cornell Jamieson & Bap his Attorneys comes
and defends the wrong and injury when &
and says that he is not guilty of the said
supposed grievances above laid to his
charge or any or either of them or any
part thereof in manner and form as the
said Plaintiff hath above thereof complain-
ed against him - And of this he the said
Defendant puts himself upon the Country &
Cornell Jamieson & Bap
Attys for Defat.

And the said Plaintiff doth the like
Wilkinson & McElvira
Pliffs attys.

Circuit Court of Cook County
March Term a.d. 1857.

William W Beach

vs.

Jacob Curren who.

sues by George. I
Harris his next friend

William W. Beach being duly
sworn, on oath deposes and says that he
is the Defendant in the above entitled
Cause - that he has a good and substan-
tial defence to said action upon the merits
and further says not
Subscribed and sworn to (Wm W. Beach)
before me this 25th day of
February A.D. 1857.

Wm L. Church
Clerk

And afterwards to wit on the
third day of March in the year
aforesaid the same being one of the days
of the February Term, ^{of the Cook County Court of Common Pleas -} ~~of the Court aforesaid~~
the following, among other proceedings
was had and entered of Record in the
said Court, to wit.

Jacob Curren who sues
by his next friend
George S. Harris } Trespas on the Case -
vs
William W. Beach

And now at this day comes the
said Plaintiff by Wilkinson & Mc Gilver
his Attorneys - And the Defendant by
Cornell Waite & Garrison his Attorneys
also come And the said Defendant

enters his motion herein to dismiss this suit
for want of Jurisdiction of this Court

And this Court now after hearing the
argument of Counsel on said Motion, being
fully advised in the premises over rules said
Defendants' motion to which decision and
ruling of the Court the said Defendant
enters his exceptions -

And thereupon the Court doth order
that this Cause be stricken from the Docket
for want of Jurisdiction of the Court, to
which Order of the Court the said Plaintiff
enters his exceptions - And the said
Defendant by his said Attorneys
also enters his exceptions to said Order -

And afterwards to wit on the
twenty fourth day of March in the year
last aforesaid the said Plaintiff by his
Attorney's aforesaid filed in the Office
of the Clerk of the said Court his bill
of exceptions in the above Cause which
said bill of exceptions is in the words
and figures following to wit.

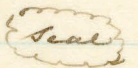
State of Illinois {
Cook County { S.S.

Jacob Curran who sues } Cook County Court
by George I Harris his } of common pleas -
next friends } February Term 1858
William M. Beach. } Trespas on the case

Be it remembered that on the 3^d day of March A.D. 1858 the Defendant in this case by his Attorney, moved his motion to dismiss this case for want of Jurisdiction which said motion the Court then and there over ruled and thereupon the Court Ordered that the cause be stricken from the Docket, to which order of the Court the said Plaintiff by his Attorneys Wilkinson & Mc Gilvra then and there excepted

And the Plaintiff prayed the Court thereupon to sign and seal this bill of exceptions which is done in open Court.

John M Wilson



State of Illinois }
County of Cook } S.S.

I, Walter Kimball Clerk of Cook County Court of Common Pleas, in and for said County, do hereby certify that the above and foregoing contains a true copy of a Transcript of Record from the Circuit Court of Cook County of a Declaration, Plea affidavit of merits. Order Entered of Record on the third day of March A.D. 1857 and Bill of Exceptions in the case in the case in which Jacob Curren who sues by Georg. F. Harris his next friend is plaintiff and William W Beach Defendant in an action of trespass on the case

In testimony whereof I hereunto
subscribe my name and affix
the Seal of said Court at

the City of Chicago in said
County, this 7th day of April
A.D. 1858

Walter Kimball
Clerk

Supreme Court of the State of Illinois
At the April Term 1855 Error

Joseph Curren who sues by
George J. Harris as his next
friend Plaintiff in Error

vs
William W. Bush
Defendant in Error

And now comes the said
Plaintiff by J. P. Silsbee
his Attorney and says that
in the record and proceedings
aforesaid, there is manifest
error in this, to wit:

The Court erred in ordering
the said Case to be stricken
from the docket

J. P. Silsbee
Atty for Plff in Error

On nullo est erratum.
Jno. A. Jameson & Co. De Oate
Atty for Deft in Error

1 121

Jacob Currier

vs

William W. Beach

Filed April, 23, 1888

In Island

CC R

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

Hear before the Honorable
George Manierre, Judge of the Seventh Judicial
Circuit of the State of Illinois, and also 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 Second Monday (being the
Twelfth day of April in the year of our Lord
One thousand Eight hundred and fifty Eight,
and of the Independence of the said United
States, the Eighty Second.

Present. Honorable George Manierre, Judge of the
7th Judicial Circuit of the State of Illinois.
Charles Haven States Attorney,
John L. Nelson Sheriff of Cook County,
Attest Wm L. Church, Clerk

Be it Remembered to wit. That on the 17th day
of April A.D. 1858, it being one of the days of the
April Term of said Court, for said year, there was
filed in the office of the Clerk of the Circuit Court
of Cook County in the State of Illinois, a certain
'motion' which is in the words and figures follow-
ing to wit.

Cook Circuit Court

April Term A.D. 1858.

Jacob Curran who sues
by his next friend George Harris }

^{vs}
William W. Beach }

Now comes the said
defendant by his attorneys Cornell Waite and
Jamison, and moves the Court that that part
of the record in this cause by which a change of
venue was granted to the Cook County Court of
Common Pleas, be amended so as to read as
follows.

"On reading and filing the said defendants
petition and affidavit for a change of venue in
this cause from this Court, where the same is pend-
ing to some other Court of competent jurisdiction,
and on hearing plaintiffs Counsel in opposition
thereto it is ordered by this Court that the venue
in this suit be changed from this Court. It is
further ordered, the defendants Counsel object-
ing, that the venue in this suit be changed to
the Cook County Court of Common Pleas, and
that the Clerk of this Court make a copy of all the
proceedings, had and entered of record in this
cause, and certify the same under the seal
of this Court, and transmit the same, together
with the original writ, pleadings, depositions, and
other papers filed in this cause, to the Clerk of

the Cook County Court of Common Pleas, ten days at least before the first day of the next term of said Court.

And it is further ordered that said defendant pay the expenses of the Change of venue, within fifteen days, or in default thereof that Execution issue therefor."

Bornell Waite Jamison
Attys for Deft "

And afterwards, to wit, on the 17th day of April A.D. 1858, it being as yet one of the days of the April term of said Court for said year, there was filed in the office of the Clerk of the Circuit Court aforesaid, a certain affidavit, which is in the words and figures following, to wit.

Circuit Court of Cook County
April Term A.D. 1858.
Jacob Curran who sues vs. }
Wm. W. Beach }

John A. Jamison, being first duly sworn deposes and says that he is one of the defendants counsel in the above entitled cause. That when the Change of venue was granted in said Cause at the November Term of this Court 1857, to the Cook County Court of Common Pleas, this

Deponent appeared for said Defendant, that from the Record in this cause as entered by the Clerk of this Court, it appears in substance that the change of venue, was granted, to said Cook County Court of Common Pleas, on motion of the Counsel of Defendant, which was only in part true. The fact being that the change of venue was granted, on motion of Defendant Counsel but not to the Cook County Court of Common Pleas.

Deponent further says, that he has a distinct recollection of all that occurred on that occasion and that the deponent as the Counsel of said Defendant, objected to the change of venue being granted to the Cook County Court of Common Pleas, whilst, Mr. Wilkinson, as the Counsel of the Plaintiff, requested the Court to send the case to said last mentioned Court. Deponent further says that the defendant may be injured in the Supreme Court, where this case is soon to be tried, upon the question of the right of this Court, to send this cause to said Cook County Court of Common Pleas, unless the record be amended so as to accord with the facts in the case. Deponent further says that the transcript of the record sent, to said last mentioned Court, is not a true copy of ^{the} Record in this cause, but varies considerably therefrom. Deponent further says, that it did not come to the knowledge of said defendant or his Counsel that the Record

in this cause, ^{in this Court} did not accord with the facts
until after the said November term of this Court
was concluded, and that when it did come to
their knowledge, they applied to the Counsel of
the plaintiff to have the record in this cause
amended by agreement at the last vacation term
of this Court, and that as the deponent understood
Mr. McGilora one of the Counsel for the plaintiff
assented to a change by which it should be made
to appear, that the change of venue was taken
to the Cook County Court of Common Pleas, under
objection by the defendants Counsel, but that
afterwards, and within a week of this time,
on hearing that said plaintiff was intending
to take this cause to the Supreme Court, said
McGilora when applied to, to have said Record
amended, refused to assent to the same.

And deponent further says that he regards
it essential to the rights of the defendant, that
this record should be amended, and further
saith not.

John A. Jamison
Subscribed and sworn to before me
this 17th day of April A.D. 1858.

Wm L Church

CLK

And afterwards to wit on the 19th day of
April AD 1858 it being as yet of the said April
Term of said Circuit Court for said year
a certain other affidavit was filed in the
office of the Clerk of the Circuit Court afore-
said which is in the words and figures
following to wit
State of Illinois
Cook County

Jacob Curren who sues } Cook County
 is } Circuit Court
William W Beach }

John J McGilvra on oath
says that he is one of the Attorneys for the
Plaintiff in the above entitled cause.
That sometime during the last Vacation
Term of this Court Messrs Waitt & Jameson
of Counsel for the above named defendant
applied to this affiant to consent to the change
of the record in the above entitled cause
so that the same would show that the
cause was sent to the Cook County
Court of Common Pleas by this Court
under the objections of the Defendants
Counsel, That this affiant replied to
them that he affiant was not present
when the order was made and did not

know what the fact was, but that Mr. Wilkinson had stated that there was no such objection made, and that the record was correct as it then stood

Affiant further says that at the same time he proposed to the said Attorneys Waite & Jamison, to make an agreed case and take the same up to the Supreme Court, at the joint expense of the parties and as an inducement to said Attorneys to do so offered as a condition to their acceptance of said proposition to allow the record to go up showing that the said cause was sent to the Cook County Court of Common Pleas by this Court of his own accord, and that after the order was made to that effect the Defts Attys objected to the same. That the reply of the said Attorneys to the said proposition was that they would write to Mr Sweet of Freeport, who was the Senior Counsel for the Deft, and let this affiant know when they received the reply. That they have never notified this affiant of the receipt of said reply - and this affiant has never consented at any other time or in any other manner, or for any other purpose, that the said record should be changed, but expressly refused to allow the same to be done upon the applications

of the said Atty Jameson at the said
vacation Term of this Court, because the
said Atty would not consent to take
the said cause up as proposed, saying that
he had not heard from Mr Sweet and
further affiant saith not
Subscribed and Sworn } John J McGilvra
to before me this 19th day }
of April A.D. 1838 }
Wm L Church
CLK

And afterwards, to wit, on the 22nd day
of April A.D. 1858, it being as yet one of
the days of the said April Term of said
Court for said year, the following among
other proceedings was had and entered
of record in said Court, to wit: —

In Cook County Circuit Court }
Of April Term A. D. 1858 } P. S.

Jacob Curran who sues by }
his next friend George I Harris } Trespass
as } on the case
William W. Beach }

And now comes the said Defendant and on reading and filing the motion of said Defendant to amend the record in this cause, and the affidavits of John A. Jamieson and J. J. McGilvra, on motion of the Counsel for said Defendant it is ordered by the Court, that the order entered of record in this cause granting a change of venue from this Court to the Cook County Court of Common Pleas be amended so as to conform to the truth as follows, to wit: -

"On reading and filing the said Defendants'

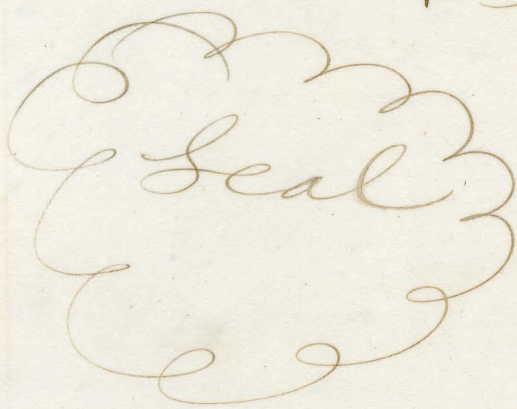
petition and affidavit for a change of venue in this cause from this Court where the same is pending, to some other Court of competent jurisdiction, and on hearing plaintiffs Counsel in opposition thereto, it is ordered by this Court, that the venue in this suit be changed from this Court. It is further ordered, the defendants Counsel objecting, that the venue of this suit be changed to the Cook County Court of Common Pleas, and that the Clerk of this Court make a copy of all the proceedings had and entered of record in this cause, and certify the same under the seal of this Court, and transmit the same together with the original writ, pleadings, depositions, and other papers filed in this cause, to the Clerk of the Cook County Court of Common Pleas, ten days at least before the first day of the next Term of said Court. And it is further ordered, that said defendant pay the expenses of the change of venue within fifteen days, or in default thereof, that execution issue therefor."

It is further ordered that the Clerk of this Court make a copy of this motion and of the affidavits

aforsaid, and if this order, entered
of record in this cause, and certify
the same under the seal of this court,
and transmit the same to the Clerk
of the Cook County Court of Common
Pleas forthwith.

Counsel for the plaintiff objects
to the power of this Court to amend
records at a subsequent Term

State of Illinois }
Cook County } 2



I William L. Church
Clerk of the Circuit-
Court of Cook County
in the State aforesaid
do hereby certify that
the above and fore-

going transcript is a true and perfect
copy of a certain motion, affidavits
filed, and order had and entered
of record in said Court in addition
to proceedings lately had in said Court
in a certain suit lately pending therein,
wherein Jacob Curren who sues by
his next friend George I Harris is

Plaintiff and William W. Beach was
defendant, and of the whole thereof
as appears & us of Record

In witness whereof I have
hereunto set my hand and affixed
the seal of our said Court this
22nd day of April A.D. 1838

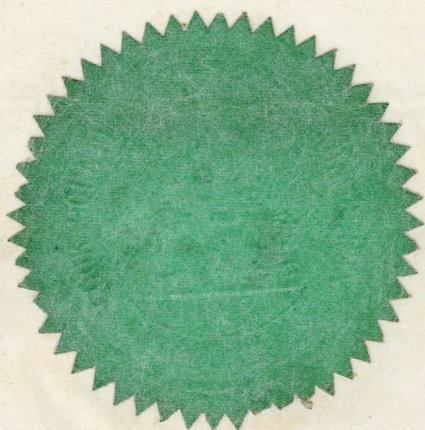
W. M. L. Church
Clerk

State of Illinois }
Cook County } ss

I Walter Kimball Clerk of the
Cook County Court of Common Pleas
within and for the County of Cook and
State of Illinois, do hereby certify that the
above and foregoing is a full and true
copy of the additional Record filed ^{on the 22nd day of April inst} filed
in my office, in the case wherein Jacob
Curren who sues by his next friend George
J Harris Plaintiff and William W
Beach defendant

In testimony whereof I hereunto
set my hand and affix
the seal of said Court at the
City of Chicago in said
County this 22nd day of
April AD 1858

Walter Kimball Clerk



(Brief)

State of Illinois - Supreme Court
Jacob Curren who sues &c }
Plaintiff in error } Error to the Cook
us } County Court of
William W Beach } Common Pleas
Defendant in error }

This is a question of Jurisdiction
in the Cook Co Court of Com Pleas.

Said Court is a Court of Con-
current Jurisdiction with the Cir-
cuit Courts of this State.

Therefore it is Superior Court
of general Jurisdiction.

In Act of Feb 21st 1843 in the
Revised Statute of 1843 - P 574 § 2nd

That the Legislature have power
to create said Court ^{then the Cook County Court} and give it
general Jurisdiction.

In Old Constitution Art 4th Sec 1st
The New Constitution provides
for the Continuance of said Court.
In New Constitution Section 21st of
the Schedule

The Name of the Cook County Court
was changed to that of the Cook
County Court of Common Pleas
at the second Session of 1845

In Laws of the 2nd Session of 1845 P 14, 15

Every presumption is to be
made in favor of the Jurisdiction
of a Court of General Jurisdiction.

In 4th Common P 84 Volume
Munson et al

Also 13 Ill P 432 Hingorin vs Burr

Having shown that said Court is a Court of Superior and general Jurisdiction, and that every presumption is to be made in favor of its Jurisdiction, we will at once come to the point at issue.

Said Court obtains Jurisdiction if at all by Change of Venue from the Circuit Court of said Cook County.

By looking at the order of the Circuit Court changing the venue, the Court will observe that the Defendant sent only prayer a change of venue, but showed the said Circuit Court to send the Case to the Cook County Court of Common Pleas. which was accordingly done.

The Plaintiff did not object to such change, but on the contrary appeared in the Cook County Court of Common Pleas and not only consented to, but insisted that the Case should be tried in that Court, as the record shows.

The Case then was taken to the Common Pleas by Consent & if so the Court has Jurisdiction See 3^d Sumner p 354 The People vs. Lewis Also 15th Ill p 515 Brennan chas vs The People

This Record is made up at the November Term 1857 of said

Circuit Court.

At the April Term 1838 of said Circuit Court, upon application of the Defendant and the filing of the affidavit of Mr. Cassin one of Supts Atty's, the Court alters the said Record so as to make it show that the Defendant objected to the change to the Common Pleas. This amendment or alteration is a matter of substance and made at a subsequent term.

The said Court had no power or right at a subsequent Term and without any thing to assume by except the affidavit of a suit to change this Record.

See 6th Howard's Rep 8 31451

" 3^d Leaman " " 144

" 11th Ill " " 57

" " " " " 116

" 18 " " " 39060

In all the above cases great stress is laid upon the fact that the time to correct an error if any exists is at the term of the Court at which the record is made up. And why. Simply because at the time the error is made if the attention of the Court is called to it; he can with a great degree of certainty correct the Record to suit the fact.

But the necessary of Brun is
treachery and impost, and
Courts are not exempt from
this common infirmity.
If there is any thing to amend
by, the papers in the case, or even
the minutes of the Judge, then
by the authorities it is inti-
mated that in some cases
the amendment may be made.
But there is nothing in this
case, ^{to amend by} but the recollection of
one overtrap, and he is an
attorney in the case, interested
properly to defeat the juris-
diction of the Common Pleas.
The Defendant now asks that
the said Amended Record be
accepted as the true record
in this court.

It seems to me this court
cannot accept the amended
record under the above authorities,
and however desirable it may
be to have the opinion of this
court upon the whole question
of the legality of a change of ven-
ue from the said Circuit Court
to the said Common Pleas,
yet in this case, where a poor
boy, a minor, is prosecuting
by leave of the Court as a poor
person, to recover in part a
compensation (which is but four

satisfaction indeed) for the loss of a limb through the criminal misdeeds of a wealthy Defendant; and a Defendant too who is trying to harrow what little remaining life he has out of him, by Continuances, Change of venue &c; I say in this case and as against this poor boy, I do not feel at liberty to swerve any right however insignificant & therefore trust that this Court will carefully consider the question of the amendment of this Decree.

But if the Court shall allow the Amendment desired to be filed as the true Decree then how does the matter stand.

We have already shown that said Court of Common Pleas is a Court of Superior and general jurisdiction, and that as such every presumption is to be made in favor of its jurisdiction.

The language of the Statute is that the Court shall award a change of venue to some County where the causes complained of do not exist."

See Rev Stat of 1845 p 327 s 1st

The above Statute says the case shall go to some county, not

+ As to the Cook County Court being a
Court of limited Jurisdiction see
Superior Cases of 1853 p 263

some other County.

That the above act giving a change
of venue applies to said Common
Pleas, so as to enable a party to
change the venue from said
Court of Common Pleas, cannot
be questioned, as it has been decided
that the act applies to the Lake County
Court which is a court of limited
jurisdiction. +

See 17th Ill. p 555. See also Munson

If the said act applies to the
Common Pleas, and it is a su-
perior Court of general and con-
current jurisdiction with the Cir-
cuit Courts of this state, and a
change of venue can be taken
from it to one of the Circuit
Courts, why in reason cannot
a change of venue be taken from
one of the Circuit Courts to it.

Suppose Cook County had two
Circuit Courts (as in fact it has
in all but the name) would not a
change of venue from an adjoining
county lie to either of them.
Must certainly it would.

Again would not a change of
venue lie from one Circuit Court
to the other in the same county,
where the cause complained of was
the prejudice of the Judge.

Unquestionably it would unless
by the positive terms of the statute

it is prohibited. But the statute does not prohibit it. The venue must be changed to some County (it may be the same County) where the cause complained of does not exist.

The cause complained of here does not go to the County or place, but to the person of the Judge. And by removing the cause out of the Jurisdiction of that Court, accomplishes the object of the law.

But, say the Counsel for the Dept the word venue means County I deny it. At common law and where the objection went to the inhabitants of the County from where the Jury swore the coming in ^{or neighborhood} and ~~adversely~~ refer to the County. ~~But~~

Archibster says it means the neighborhood or place. (See Archibster's Dictionary) #

But under our statute and where the objection goes to the Judge the reasoning does not apply.

The object of the Legislature was simply to remove the cause to some other Court of concurrent jurisdiction where the cause complained of did not exist.

If such is not the letter it is the spirit of the act. but even the letter of the law does not preclude the change of venue awarded in this case.

Yet if the language of this act is

Blue Water says that the venue means the neighborhood
See 3 Blue Water case
P 228 (Magnum P 294)

doubtful, even, then in the language
of this Court in the case of *Bryans*
vs *Buckmaster* Breas App 22
"if by giving a literal construc-
tion to a Statute, it will be the
means of producing great injus-
tice, and lead to consequences that
could not have been anticipated
by the Legislature, Courts are bound
to presume that the Legislature
intended no such consequences,
and to give such a construc-
tion as will promote the ends
of Justice."

Bryans vs Buckmaster Breas App 22
Now if by giving a literal
construction to this Statute it
will produce injustice to the Plaintiff
by compelling him to go with his
witnesses to a foreign County, and
the Legislature only intended to
provide a means for removing causes
from the Jurisdiction which had
become obnoxious in consequence
of prejudice, interest, or relation,
then this Court must give said
Statute such a construction as
will promote the ends of Jus-
tice, by sustaining the Jurisdic-
tion of the Cook County Court of
Common Pleas in this case.

On the other hand no injustice
is done to the Defendant, as the cause
he complains of does not exist

Again. If a change of venue does not lie from the Circuit to the Cook Co Court of Common Pleas, it certainly does not lie from the Common Pleas to the Circuit for the same reason, to wit; the reason here urged by the Dept that the case must go to some other county. Therefore, adapting the construction contended for by the Dept, in changes of venue from the Lake County Court, the St. Louis County Court the Court of Common Pleas of the City of Alton in Kane County and all the other County and Special Courts through out the State, the parties must go to some foreign county (where the causes complain of an interest relation or prejudice of the said Judges) instead of ^{to} the Circuit Court of the same County and in many cases of the same city.

The Legislature never could have intended to impose any such hardship upon suitors.

The statute is broad enough and all know as it stands, especially for the purposes to which in practice it is frequently, as in this case deviated, and that is, where Defendants have exhausted every means to obtain continuances, ^{they} apply for a change of venue to accomplish that very purpose:

But again, if this Court gives to the statute in question the construction contended for by the Defendant, in order to avoid the case here complainer of the case must not only go out of the County but out of the Circuit, and yet there is no express provision of the statute to that effect.

The only statute providing for a change of venue to a place out of the Circuit in express terms is Section 8 of Chapter 103 of the New Statute P 329 and that is by the Consent of parties.

Yet if there was no Court of Concurrent Jurisdiction within the County or Circuit as a matter of necessity in order to give effect to the act the case must go out of the Circuit.

Now as the statute must be construed either so that it will read, "shall award a change of venue to some other Circuit ^{as} contended for by Dept, or "shall award a change of venue to some Jurisdiction ^{as contended for by Dept} ~~within~~ ^{or} ~~out of~~ ^{the} Circuit, which is the Court in this case bound to adopt.

The Court might find more difficulty if this was a criminal case as in criminal cases the statute provides that "the Judge shall award the change of venue to the

Next nearest County, &c."

See 5th of same Chapter P 328.

Yet even in a criminal case I contend that by a fair construction of the said Statute as applied to these Courts, the venue should be changed to the nearest current Jurisdiction where the cause complained of does not exist; as such change was and could be the only object sought to be accomplished by the legislature in the passage of the said Statute; and the spirit and intention of the law must be followed if it can be ascertained, rather than the strict letter.

This Statute is also a remedial Statute and as such must be liberally construed.

At Common Law as adapted by our Statute the change of venue was a matter of discretion with the Courts, both as to the granting of the change and the place to which the case was sent.

See 3rd Blackstone Com P 294 Marginal

Our Statute is remedial so far at least as it makes the change a matter of right to the suitors.

But may we not here with great propriety question whether our legislature has changed at all the common law, in civil cases; as to the discretion of the Court so far as the place to which the

ques is concerned. The language of the statute is "that a writ of change of venue to some County where e, The Court then may send it to any County in the state,

Then if said Statute has not changed the Common law in this particular the change of venue in this case was proper & the Common Pleas had Jurisdiction.

But I do not deem it necessary to follow up this point further, as it seems to me either of the others are conclusive in support of the Jurisdiction of the Common Pleas

1st Then our positions are briefly these
The Record shows that the case went to the Common Pleas upon the Motion of Def^t & Consent of Pl^{ff} which said Consent on both sides gave the Court Jurisdiction

2nd That the amended Record offered cannot be accepted, as the Court had not the power to amend it at a subsequent term.

3rd That a fair Construction of the Statute gives the Common Pleas Jurisdiction; as the case stands by the amended Record.

4th And Lastly that at common law the whole matter was in the discretion of the Court, and our Statute if it does not ~~do~~ by fair construction, require the case to be sent to the nearest Jurisdiction, when the case complains

of does not exist, it then leaves it
in the discretion of the Court, & therefore
said Common Pleas has Jurisdiction

J. P. M. Silburn
Ctly for Plff in Error

Brief

Supreme Court. State of
Illinois

Lucile Cullen who sues
Plaintiff in Error

vs

William Mc Beach
Defendant in Error

J. M. Silsbee
Atty for Plff

STATE OF ILLINOIS,
SUPREME COURT,

ss. The People of the State of Illinois,

To the Clerk of the *Book County Court of Common Pleas* Court for the County

Greeting:

Because, In the record and proceedings, as also in the rendition of the judgment of a plea which was in the *Book County Court of Common Pleas* Court of *Book* County, before the Judge thereof, between *Jacob Owen who sues by George I Harris his next friend* plaintiff, and *William W. Beach*

defendant, it is said manifest error hath intervened, to the injury of the aforesaid *Plaintiff*

as we are informed by *his* complaint and we being willing that error should be corrected, if any there be, in due form and manner, and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distinctly and openly, without delay, send to our Justices of the Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at Ottawa, in the County of La Salle, on the first Tuesday after the third Monday in April *1858* next, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

Witness, The Hon^r. John D. Caton, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this *7th* day of *April* in the Year of Our Lord one thousand eight hundred and fifty-eight.

L. Seland
Clerk of the Supreme Court.

By J. B. Rice Deputy

121
Jacob Curren by his
next friend

107
William W. Beach

Writ of Error

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W. J.

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STATE OF ILLINOIS, } ss. The People of the State of Illinois,
SUPREME COURT,

To the Sheriff of the County of *Cook*

Greeting :

Because, In the record and proceedings, and also in the rendition of the judgment of a plea which was in the *Cook County Court of Common Pleas* Court of *Cook* County, before the Judge thereof, between *Jacob Currier who dies* by *George S. Harris as his next friend* plaintiff, and *William W. Beach*

defendant, it is said that manifest error hath intervened, to the injury of the said

plaintiff

as we are informed by *his* complaint, the record and proceedings of which said judgment we have caused to be brought into our Supreme Court of the State of Illinois, at Ottawa, before the Justices thereof, to correct the errors in the same, in due form and manner, according to law; Therefore, We Command You, That by good and lawful men of your County, you give notice to the said

William W. Beach

that *he* be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State, on the first Tuesday after the third Monday in April *next* to hear the records and proceedings aforesaid, and the errors assigned, if *he* shall see fit; and further to do and receive what said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said *William W. Beach*

notice, together with this writ.

Witness, The Hon. JOHN D. CATON, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this *9th* day of *April* — in the Year of Our Lord One Thousand Eight Hundred and Fifty-*eight*

L. Leland
Clerk of the Supreme Court.

By J. B. Rice Deputy

John J. Wilson is duly
deputized by me to serve the within
jurisdiction
April 10th AD 1855

John J. Wilson
Sheriff

The Hon. JOHN D. CALTON, Chief Justice

notice, together with this writ

you shall give the said writ to the
Court shall order in this behalf, and have you then the names of those by whom

the said writ shall be returned, and the return of the writ shall be made to the Court
the said writ shall be returned to the Court on the first Tuesday in April, next, at the Court
the said writ shall be returned to the Court on the first Tuesday in April, next, at the Court

the said writ shall be returned to the Court on the first Tuesday in April, next, at the Court

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the said writ shall be returned to the Court on the first Tuesday in April, next, at the Court
the said writ shall be returned to the Court on the first Tuesday in April, next, at the Court

9
Order Changing the venue
On reading and filing the said
Defendants petition and affidavits
for a change of venue in this case
from this Court where the same is
pending to some other Court of
Competent Jurisdiction, and on
motion of Mr. Larnison of Counsel
for said Defendant, and on hearing
Mr. Wilkinson of Counsel for
said Plaintiff in opposition thereto,
It is ordered that the venue in this
suit be changed from this Court
to the Cook County Court of Com-
mon Pleas &c

Supreme Court--State of Illinois.

JACOB CURREN, who sues by George J. Harris
as his next friend, plaintiff in error,
vs.
WILLIAM W. BEACH, defendant in error.

J. J. McGilvra, for Plaintiff.

Sweet, Jameson and Waite, for Defendant.

Jacob Curren, who sues, &c., }
vs. } Cook County Court of Common Pleas.
William W. Beach. }

Change of venue from the Circuit Court of Cook county.

3 Trespass on the case.

5 & 6 Summons and service.

9 Order changing the venue.

11 The declaration contains three special counts.

22 Plea of the general issue.

22 Issue was joined upon the above plea.

24 Motion to dismiss for want of jurisdiction overruled.

24 Order of court striking the case from the docket.

STATE OF ILLINOIS, }
COOK COUNTY, } ss.

24 JACOB CURREN, who sues by George }
J. Harris as his next friend, } Cook County Court of Com-
vs. } mon Pleas. February term,
WILLIAM W. BEACH. } A. D. 1858.

Be it remembered that on the 3rd day of March, A. D. 1858, the defendant in this cause, by his attorneys, entered his motion to dismiss this cause for want of jurisdiction, which said motion the Court then and there overruled; and thereupon the Court ordered that the cause be stricken from the docket, to which order of the Court the said plaintiff, by his attorneys, Wilkinson and McGilvra, then and there excepted. And the plaintiff prayed the Court thereupon to sign and seal this bill of exceptions, which is done in open court.

JOHN M. WILSON. { SEAL }

J. J. MCGILVRA, Att'y for Pl'tff.

Where change of venue is by consent
party getting in court complain
15 Ill 5-15
3 Seam (Seales Case)

venue low, least

3 Black 294³⁵ & not 7

1894 390 of amending record
3 conts

3 cow 39

3 John 536

1 Purple 313.929 = 32

318 & 2 Cook Co Crt

334 & 10 Record etc

334184

Supreme Court 141

Carroll John Smith

MS

Wm W Bush

Chertwell

Filed April 21, 1858

1844

Supreme Court--State of Illinois

121 = 31

Jacob Curren by
his next friend

vs

Wm W. Black

121

12547

1858/10

~~X~~

Refused