

13749

No. _____

Supreme Court of Illinois

Whitney

vs.

City of Chicago

71641  7

United States of America }
State of Illinois, Cook County }

Pleas before the Honorable the Judges of 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 third day of October in the year of our Lord one thousand eight hundred and fifty nine and of the Independence of the United States of America the Eighty fourth.

Present The Honorable John M. Wilson . . . Chief Justice of
Superior Court of Chicago
Wm St. Higgins and Grant Gorrick . . . Judges
Carlos Hawn Prosecuting Attorney
John Gray . . . Sheriff of Cook County.

Attest. Walter Kimball, Clerk.

Be it remembered that heretofore to wit on the twenty fourth day of October (being one of the days of the said October Term of said Court) A. D. Eighteen hundred and fifty nine the following proceedings were had in the under mentioned cause, and entered of record in said Court to wit:

William Whitney
vs
City of Chicago
} Plaintiff on case.

This day comes said Plaintiff by Clarkson & Sped his attorneys and said defendant by broker City attorney also comes and issues being joined herein it is ordered that a Jury come whereupon comes the Jury of good and lawful men to wit, Peter Kessler, W. J. Gage, William Swinburn, A. J. Rely, George J. J. Lansing, James McCarty, Theron Foster, A. B. Logan, Charles Augustus, A. B. Gale and Edward Standish who being duly elected, tried and sworn to try the issues joined aforesaid. after hearing part of the evidence, and the hour of adjournment having arrived, it is ordered upon agreement of the parties that the jury separate and meet Court tomorrow morning.

And afterwards to wit on the twenty fifth day of October (being one of the said October Term of said Court) A. D. Eighteen hundred and fifty nine, the following further proceedings were had in said cause, and entered of record in said Court, to wit:

" William Whitney }
—— (w) —— } by
City of Chicago } Respect on case.

And now again comes the parties to this cause by their respective Attorneys as aforesaid and the Jury empanelled herein on yesterday for the trial of this cause also come and after hearing all the evidence arguments of Counsel and instructions of the Court retire to consider of their Verdict — and afterwards come into Court and say in the jury find said defendant, City of Chicago, guilty, and assess damages herein to the sum of One hundred and seventy nine dollars.

Therefore it is considered said Plaintiff do have and recover of said defendant City of Chicago his damages of One hundred \$179.00 and seventy nine dollars in form aforesaid by the Jury here found and assessed and also his Costs and charges in this behalf expended and have execution therefor.

And afterwards to wit on the twenty seventh day of October (being yet of the said October term of said Court) A.D. Eighteen hundred and fifty nine, the following further proceedings were had in said cause and entered of record in said Court, to wit —

" William Whitney }
—— (w) —— } Freezap. Mo. for New trial.
City of Chicago }

This day comes said defendant City of Chicago by Counsel, City attorney, and submits Motion on Affidavit filed herein for a New trial in this cause.

And afterwards to wit on the twenty ninth day of October
(being the day of the said October term of said Court) A. D.
Eighteen hundred and fifty nine, the following further proceedings
were had in said cause, and entered of record in said Court
to wit,

"William Whitney
vs
City of Chicago } Trespas on Case
Mo. for New trial overruled & Appeal.

And now again comes said Plaintiff by
Bartson & Tree his Attorneys, and said Defendants by Crocker
City Attorney also comes and Counsel being heard on Defendants
Motion heretofore submitted herein for a New trial in this cause
and due deliberation being thereupon had and the premises
fully understood it is considered that defendants said Motion for
a New trial be and the same is hereby overruled and defendants
enters exceptions.

And thereupon said defendant the City of Chicago prays
an Appeal herein to the Supreme Court which is allowed upon
condition that it file herein its appeal Bond in the penalty of
Three hundred dollars with security to be approved by a
Judge of this Court, said Bond with Bill of Exceptions
to be filed within ten days.

And thereupon accordingly on the fifth day of November
A. D. Eighteen hundred and fifty nine came the said
Defendants, by its Attorney, and filed in the Office of the

clerk of said Court, its Appeal Bond in said cause, in words and figures as follows, to wit:

"Know all Men by these presents that we the City of Chicago and Samuel D. Ward are held and firmly bound unto William Whitney in the special sum of Three hundred dollars for the payment of which well and truly to be made we do hereby bind ourselves our heirs executors and administrators jointly firmly and severally by these Presents,

Witness the signature of the Mayor and Comptroller of said City of Chicago and the Corporate Seal thereof attested by the Clerk of said City and the hand and Seal of the said Samuel D. Ward this 5th day of November A. D. 1859

The condition of the above obligation is such that whereas the said William Whitney did on the 24th day of October A. D. 1859 in the Superior Court of Chicago in and for the County of Cook and State of Illinois, and of the October Term thereof A. D. 1859 recover a judgment against the above bounden City of Chicago for the sum of One hundred and seventy two dollars besides costs of suit from which said judgment of the said Superior Court the said City of Chicago has prayed for and obtained an Appeal to the Supreme Court of said State,

Now therefore if the said City of Chicago shall duly prosecute its said appeal with effect and moreover pay the amount of the judgment costs interest and damages rendered and to be rendered against it, in case the said Judgment shall be affirmed in said Supreme Court then the above obligation to be void

otherwise, to remain in full force and effect.

Corporate
Seal

(Signed) Alvin C. Haines - Mayor

Samuel D. Ward - Comptroller

Samuel D. Ward

Seal

Arthur H. Messmann - City Clerk."

Approved by Goodrich - Mayor of

State of Illinois

Cook County . . . } for

I Walter Kimball clerk of the Superior Court of Chicago, within and for the County of Cook and State of Illinois do hereby certify the above and foregoing to be a true and perfect Transcript of the Appeal Bond now on file in my office, together with the orders and judgments entered of record in said Court in a certain suit therein, wherein William Whitney was Plaintiff and the City of Chicago was Defendant.



In testimony whereof I have hereunto set my hand and affixed the Seal of said Superior Court at Chicago in said County the twenty sixth day of April in the year of our Lord eighteen hundred and sixty. Walter Kimball Clerk

