

No. 12662

Supreme Court of Illinois

Stowe~~x~~.

vs.

People

71641  7

311

In the matter of the
application of William
H. Stowe guardian of
the

319

1266

858

Mov. to Dismiss App.

In the Matter of the Pet.
of Wm H. Stow. Guard. &c
on the Pet. of O. Sabatino &c
adversely &c.

317.

Certificate

Proceeds

Filed Apr.

Filed May 4, 1888
L. Leland
clerk

W. J. Brungs

Sup^t Co. of

Sup. Court

In Re W. H. Storer

Appt for proa

And:—

Filed May 4, 1858
 L. Deland
 Clerk

Prize for app-

United States of America } Pleas, before the Honorable George M. Mason
STATE OF ILLINOIS, COUNTY OF COOK, S. S. }

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
Third Monday, (being the Twentieth day) of
November in the year of our Lord one thousand eight hundred and
Fifty Seven and of the Independence of the said United States the
Eighty Second

Present, Honorable George M. Mason Judge of the 7th Judicial }
Circuit of the State of Illinois. }

Charles Haven States Attorney.

John S. Nelson Sheriff of Cook County.

Attest: Wm. L. Church Clerk.

It is remembered, that heretofore, to wit, at the
Chambers Term of said Court, to wit, on the 23^d day
of November in the year aforesaid, the following among other
proceedings in said Court, were had and entered of record on the
judicial side thereof, to wit:

In the Cross County Circuit Court
In Chancery

In the Matter of the application of
William N. Elor, Guardian of
Hannah Rattray, Minor, ^{upon the Petition of}
vs. ^{Orion N. Salisbury to}
Real Estate of his wards ^{set aside sale &c.}

And now on this 23^d day of November A.D. 1857, comes
the said Salisbury by his solicitors H. C. Burgess - and
no exceptions having been filed to the report of
the Special Master filed in this Cause on
the 11th inst. as required by the order of this Court
made on the 21st November inst., and on Motion
of said Salisbury by his Solicitor P on reading
the said report, it is ordered that it do in all
things stand ratified and confirmed.

And to
appearing to the Court from the petition of
said Salisbury, answers of the said Guardian P
the report of said Master & the papers on file in
the case that on the 15th day of August 1857
the said Elor as such Guardian as aforesaid
set to the said Salisbury said Lot and then in

said James Callnays. Subdivision Described in said
petition, for the sum of Three thousand
two hundred and thirty four dollars payable \$834
Eight hundred & thirty four Dollars then, & the
balance in three equal annual payments of Eight
hundred Dollars each payable annually with interest
thereafter. That said Salisbury paid said Snow the
sum of Two Hundred and Ninety three dollars by
receiving to him a debt due by him to the firm
of Salisbury Regney & Co., & also gave him his
two notes each for (\$250) Two hundred & fifty
Dollars payable one at sixty & the other at
ninety days or about those times - in part payment
of said first & cash payment - That said
Salisbury to secure the three annual payments
of \$800 each executed to said Snow a Trust
deed of and upon the lands purchased by him
at such sale, and the said Snow executes to
him a deed therefor

And it further appearing to
the Court, that the proceedings of said Snow
in the matter in the order directing the sale &
in the proceedings thereafter & in the said sale
are irregular & void & the said Salisbury cannot
acquire no title under them as against said
Minor heirs - It is therefore ordered that the
said sale be and the same is hereby set aside
annulled, and altogether kept for naught - and the

said Salisbury having filed with the Clerk of
this Court to be cancelled the do so made by
said Star to him. It is further ordered that the
said Star within ten days from the service of a
copy of this order upon him, deliver over to said
Salisbury or his Solicitor the said Notes of two
hundred and fifty dollars each, taken upon said
set also the receipt given to him for said debt of
1893 by Salisbury & said Trust deed & execute
acknowledges & deliver a release releasing said
Trust Deed ^{now} of record to said Salisbury or
that in default thereof he stands committed
until he comply with the above orders of the
Court herein and that said Star be
allowed to prosecute the order now on for the
collection of said debt of \$ 250.00

And it is
further ordered that upon compliance
with the said orders, that said deed by him
made said Guardian to said Salisbury be
surrendered to him. And it is further ordered
that said Star pay the costs made by the said
Salisbury under his petition in this cause to be
taxed

Whereupon the said Star prays an appeal
which is granted upon condition, that he file an
appeal bond in One thousand five hundred dollars
with Joseph H. Gray and E. S. Hobbs securities to
be filed on or before the 15th day of December 1897

And Afterwards, to wit: on the 16th day of December
in the year last aforesaid, the said William Nelson
filed in the office of the Clerk of said Court his
certain appeal bond, which is in the words and
tenor following, to wit:

Know all men by these
Present that we William N. Shaw of W. Gray
and E. A. Hebbert of the County of Cook and State
of Illinois are held and firmly bound unto Alvin
N. Salisbury also of the same County and State in
the penal sum of Fifteen hundred 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 Twentieth day of
December AD 1857

The Condition of the above
obligation is such that whereas the said
Alvin N. Salisbury did on the . . . day of
AD 1857 in the Circuit Court in and
for the County and State aforesaid and of the
December Term thereof AD 1857 receive a
judgment against the above bounden William
N. Shaw for the sum of . . . Dollars and
costs of suit from which said
judgment of the said Circuit Court the said
Shaw has prayed and obtained an appeal to

2
The Supreme Court of said State

Now Therefore if
I said William W. Stow shall duly prosecute
his said Appeal with effect and moreover pay the
amount of the judgment costs interest and
damages rendered and to be rendered against him
in case the said judgment shall be affirmed in
the said Supreme Court then the above obligation
to be void; otherwise to remain in full force and
effect

Taken and entered into before
me at my Office in Chicago

this 16 day of Dec (A.D. 1857)

W. L. Church Clerk

W. W. Stow (seal)

J. W. Gray (seal)

E. S. Helzer (seal)

State of Illinois, }
COUNTY OF COOK. } s. s.



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 the Final Decree of the Appeal Bond
in a certain cause Satchy pending in said Court on the
Chancery side thereof, wherein In the Matter of the

application of William W. Stow, Guardian of Minors, Petitioner, vs. The Estate of John
William of Min. A. Salisbury, to set dependent aside & al & c

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the seal of our
said Court at Chicago, this 16th day of May A. D. 1858

Per J. L. Church

W. L. Church

Clerk.

In the Supreme court-

In the Matter of the Application
of Wm. H. Stow. as Guardian of
the minor heirs of Rattray deceased
upon the Petition of Oliver H. Salis-
bury to set aside said Deed

Appeal
from Cook
Circuit Court

State of Illinois
County of LaSalle Ex: William S. Burge
of Cook County being duly sworn says
that he was in the said Circuit Court
the solicitor for said Salisbury in
this matter -

That as he is informed & believes
the said two notes of two hundred and
fifty dollars each mentioned in said
the final order of the said Court are
payment notes - That said Stow
pretends that he has assigned them
to innocent third parties - That
upon one of them a payment
has been ^{in the name of our Horace White} entered, execution issued
thereon which has been stayed
by injunction but which a
motion is now pending to dis-
solve upon sworn answer -
That upon the other the same

neys Ayer, Muller & Lewis for the
party holding the same are
threatening to enter up judgment
that if no ~~superior~~ proceedings
should ^{in this case} issue until the rising
of this Court. serious injury will
now than probably result to
the said Salisbury - a judgment
~~being~~ may be entered on the second
note - the compelled to file another
bill in Chancery to stay the same.

Subscribed & sworn to
before me this 4th day of
May 4, 1858. S. Deland Clerk
by J. B. Rice Deputy

W. J. Burges