

14002


No. _____

Supreme Court of Illinois

McCurdy

vs.

Stevens

71641  7

UNITED STATES OF AMERICA.

STATE OF ILLINOIS, }
Macoupin COUNTY. } ss. In Circuit Court, December Term, A.D. 1871.

PLEAS, before the Honorable Horatio M. Vandever Judge of the Eighth Judicial Circuit of the State of Illinois, and sole presiding Judge of the Circuit Court of Macoupin County, in the State aforesaid, and at a term thereof begun and held at the Court House, in the City of Carlinville in said County, on the First Nov - 1 day (being the Fourth day) of December in the year of our Lord one thousand eight hundred and seventy-One

and of the Independence of the said United States the eighty Eighth Present, Honorable H. M. Vandever Judge of the 18th Judicial Circuit of the State of Illinois.

Horace Given State's Attorney.

William H. Fishback Sheriff.

Attest, Henry H. Burton Clerk.

And afterwards to wit: On the Twentieth day of December A.D. 1871, it being still one of the days of the December Term A.D. 1871 of said Circuit Court the being held at &c. as aforesaid the following among other proceedings were had and became of Record in said Court to wit:

Joseph McCurdy Plaintiff
vs. Thomas Stevens Defendant
Appeal by Peff

And now on this day came the parties by their Attorneys and on motion of said plaintiff it is ordered by the Court that leave be given the Sheriff to amend his return herein, whereupon said defendant moved the Court to dismiss the Appeal herein for want of a Bond and Judgment, and said Motion being heard it is considered by the Court that the same be overruled. And by consent this cause is tried by the Court without the intervention of a jury and the evidence being heard, the

Court finds the issue for the plaintiff and assesses his damages at the sum of Three Dollars and Seventy Cents. It is therefore considered by the Court that said plaintiff recover of said defendant the said sum of Three Dollars and Seventy Cents the damages by the Court in manner and form aforesaid assessed together with his Costs by him about his suit expended and that he have execution therefor. Whereupon said defendant moved the Court for a new trial and in arrest of Judgment herein. —

And afterwards to wit: On the Twenty Eight day of December A.D. 1871 it being still one of the days of the December Term A.D. 1871 of said Court then being held at was aforesaid the following proceedings were had and became of Record herein to wit:

Joseph McCurdy
95 24 ³ Appeal by Jeff
Thomas J. Stevens

And now on this day came again the parties by their Attorneys and the Motion for a new Trial and in arrest of Judgment herein now being heard. It is considered by the Court that the same be overruled, and said defendant excepting to the opinion of the Court in entering up Judgment herein against him and the orders overruling the Motion for a new Trial and in arrest of Judgment herein and praying an Appeal to the Supreme Court of the State of Illinois. It is considered by the Court that such Appeal be allowed upon condition that said defendant shall within thirty days from this date give bond in double the

Amount of the Judgment and Costs herein with Security to be approved by the Clerk of this Court, and it is further ordered by the Court that the Bill of Exceptions be filed by said defendant herein within thirty days from this date. —

And afterwards to wit: On the Twenty Seventh day of January A.D. 1872. there was filed in the Office of the Clerk of the Circuit Court aforesaid an Appeal Bond which is in the words and figures as follows to wit:

Know all men by these presents: That we Thomas J. Stevens and Jacob V. Kopper of the County of Macoupin and State of Illinois are held and firmly bound unto Joseph McCurdy in the penal sum of One 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 jointly by these presents. —

Witness our hands and seals this 27 day of January A.D. 1872.

The Condition of the above obligation is such that whereas the said Joseph McCurdy plaintiff did on the 20th day of December A.D. 1871. in the Circuit Court of the County of Macoupin in said State of Illinois at the December Term A.D. 1871 thereof recover a Judgment against the above bounden Thomas J. Stevens Defendant in an action of Assumpsit for the sum of Three Dollars

and seventy cents and Costs of suit from which
Judgment the said Thomas J. Stevens has taken
an Appeal to the Supreme Court of the State
of Illinois - Now if the above bounden Thomas
J. Stevens shall duly prosecute his Appeal and
shall pay said Judgment Costs interest and
damages in case the said Judgment shall be
affirmed then the above obligation to be void:
Otherwise to remain in full force and effect.

Approved

Thomas J. Stevens (Seal)

H. N. Purlon Clerk

Jacob V. Hopper (Seal)

Upon which said Appeal Bond appears
the following Endorsement to wit:

Filed Jan 27th 1872.

H. N. Purlon Clerk.

State of Illinois Macoupin County Ill

I, Henry M. Burton Clerk of the Circuit Court of

Macoupin County in the State aforesaid, do hereby certify the above and foregoing to be a true, perfect, and complete copy of the record of proceedings at the December term 1870 and of the Appeal Bond in a certain cause lately pending in said Court, on the Common Law side thereof, wherein Joseph McCurdy is Plaintiff and Thomas J. Stevens is Defendant.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at the City of Carlinville this Twenty Eight day of January A.D. 1870.

H. M. Burton Clerk.

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Transcript of Proceedings
IN SUIT.

CIRCUIT COURT.

Macoupin County.

December Term, 1871.

In the matter of

Joseph McCurdy

VS.

Thomas J. Stevens

Culver, Page, Hoyne & Co., Stationers, Chicago.

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Filed Jan. 28/73
W. A. Tanager



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