

14109

No. _____

Supreme Court of Illinois

People

vs.

WA-PO-KO-NEA

~~WA-PO-KO-NEA~~ et al.

Wa-po-ko-ne-a & al.

vs

The People

Assignment of errors.

No 86

Cited Jan 9th 1835,

by consent of parties, docketed
for this term

Wap-ro-m-a, & al.
vs

The People

14109

Filed Dec. 31st. 1834.

By consent of parties.

Argued.

Monday in the month of April then and then to answer to the people of the State of Illinois to such indictment as may be preferred against him by the grand Jury of said County and abide by and perform the decisions of the said Court thereon and not depart without leave of the said Court there in that case the above obligation to be void else to be and remain in full and virtue in law.

Acknowledged before us
 William Geo JP.
 Archibald Clyburn JP.

Maso. Ro. n. a his x mark (read)
 Shaw. wa. rep. ubis x mark (read)
 Ab. to. b. pa. q. u. his x mark (read)
 Alex^{his} x Robinson (read)
 most^{mark} B. Caldwell (read)
 Th. J. Owen (read)

And at the same term of the said circuit Court to wit on Monday the 23 day of April. A.D. 1832. The following motion was made to quash said recognizance: to wit

The People of the State of Illinois

vs
 Mas. Ro. n. a & others

for recognizance

This day came the Plaintiffs by Russell & Hancock States Attorney pro. tem. and the defendant by his counsel and the said recognizance herein, and after argument of Counsel thereupon held the court took time to consider of the said motion, until tomorrow

And on the morrow to wit on Tuesday 24th day of April. A.D. 1832. The court having taken time to consider the said motion, ordered, as follows. This day came the people by Russell & Hancock States Attorney pro. tem. and it was ordered and considered by the court, that the motion heretofore made in this case to quash the recognizance taken herein was overruled by the

Court, and on the motion of the said State Attorney per
tenu and after the said defendants had been solemnly
called and failed to attend in their proper persons and
made default hereinafter was further ordered and consid-
ered by the court, that the said default be entered of
record and that the said recognizance be taken as for-
feited against the said defendants and that a *Scio*
facias issue against them returnable to the next
Term of the Court."

Which said *Scio facias* was
in the following words to wit.

"State of Illinois
Cook County, } ct. The People of the State of Illi-
nois to the Coroner of Cook County, County. Whereas
Wab. Co. Kona, a. Shaw, was ref. re. Ab. to. be. Ke. his. Alex
ander Robinson, Billy Caldwell and Th. J. O. Lewis of
the County of and State aforesaid, on the day of
in the Year of our Lord one thousand Eight hundred and
thirty one came before William H. and Archibald C. H.
Berne two Justices of the Peace in and for said County
and State in their proper persons and acknowledged them-
selves to owe and be indebted to the people of the State
of Illinois for the use of the County of Cook in the
sum of fifty dollars current money of the United States
for the payment of which they bind themselves, their
heirs, executors and administrators. Provided the said Wab
Co. Kona a. Shaw a gainst whom a charge has been per-
ferred before William H. a Justice of the Peace in and
for said County and State for and concerning the crime
of Larceny, should fail to appear before the next
Circuit Court in and for the County and State aforesaid
said on the first day of the next term thereof to be
holden at the Court house in Chicago on the fourth day
Monday in the month of April 1832 then and there
to answer to the people of the State of Illinois to such

Indictment as may be preferred against him by the Grand Jury of said County and abide by and perform the decisions of the said Court thereof and not depart without leave of the said Court, And the said No 120 No, n, a having failed to appear at the said Term of the said Circuit Court to answer to the said charge as we by the suggestion of the People aforesaid, by their attorney have understood: We therefore command you to summon the said No 120, No, n, a Shaw, n, a, n, p, s, e, Ab. t, a, b, n, p, h, Alexander Robinson, D. Caldwell and Th. P. N. Knowlton to be found in your County to be and appear before the Judge of our said Circuit Court on the first day of the next Term thereof to be holden at the Court-house in the Town of Chicago on the second Monday in the month of September next, to show cause, if any they can, why the said people of the State of Illinois ought not to have execution against them for the said sum of fifty money, for which they are bound, according to the force, form, and effect of their said recognisance: And further to do and receive whatever our said Court shall then and there consider and adjudge against them in that behalf, hereof said make return as the law directs and have you then and then this writ. Witness the Hon. Richd. M. Young Judge of our said Court and the Clerk, private seal, no seal of office being ⁴¹ provided at Chicago this 31st day of July in the year of our Lord 1832.

Richd. J. Hamilton Clerk

Coroner's
Sheriff's return,

Executed on the within named defendants on the 28th day of August 1832

John H. Belmont
Coroner Cook County.

And afterwards to wit at the September Term of the Circuit Court for Cook County, and the on Tuesday September 11th 1832, "came the people by Thomas

For State attorney and the defendants in their proper persons and upon this agreement it is ordered and considered, that this cause be continued to the next Term of this Court.

And afterwards, to wit, at the April Term of said circuit court, in the year of our Lord one thousand eight hundred and thirty three, the said Ma, so, Ko, wa, Shaw, wa, nep, re, Ho, to, Co, ke, shie, Alexander, Robinson, B. Caldwell and Thomas, J. D. Krew, came and defend to when to and say, that the said people of the State of Illinois ought not to have ~~and~~ maintain their action aforesaid and ought not to have ~~and~~ maintain because they say, that at the Term of the said circuit Court held at Chicago in the said County of Cook on the fourth day in the month of April in the year of our Lord one thousand eight hundred and thirty two, no indictment then was, or has since been found or preferred by the grand Jury of said County of Cook against the said Ma, so, Ko, wa, and this they ^{allege to verify} wherefore they pray Judgment, &c. by their attorney G. Sigelov.

And afterwards, to wit at the May Term of the circuit Court in and for the County aforesaid, in the year of our Lord one thousand eight hundred and thirty four. The people of the State of Illinois for replication to the above plea by the said defendants above pleaded say, that they the said plaintiffs ought not to be barred from having and maintaining their said action on account of anything in the said plea alleged, because they say, that matter and things in said plea contained are insufficient in law to bar the said plaintiffs of their

said action and that they are not bound to answer the same, and this they are ready to verify whereof etc.

Thomas Hort. State Attorney
And the said defendants say, that their said plea and the matters therein contained are good, and sufficient to bar the said people from having and maintaining their said action; wherefore they pray judgment &c.
By their attorney
J. Bigelow.

And argument being had, the court sustained the demurrer, and defendant aforesaid not being answering over, it was ordered and considered by the court that the plaintiffs aforesaid recover against the defendants aforesaid damages for fifty dollars, as well as for his costs and charges, unto which he has been about six cents in their behalf expended, and it is further ordered that the said plaintiffs have judgment for his damages and costs aforesaid, and that the said defendants be no more, and it is further ordered, on motion of defendant's attorney, that an appeal be granted and allowed, and by agreement it is further ordered, that no appeal bond be paid.

I Richard S. Hamilton, Clerk of the Circuit Court in and for the county aforesaid, do hereby certify the above transcript to be a true copy of the record. Witness my hand and private seal (no seal official being provided) at Chicago, this 16th day of August, A.D. 1834

Richard S. Hamilton
Clerk

