

14074

No. \_\_\_\_\_

# Supreme Court of Illinois

Sherman

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vs.

Dutch

Saturday July 15<sup>th</sup> 1854.

Francis C. Sherman et al.

vs

Alfred Dutch and

} Appeal from Cook County Court  
of Common Pleas. —

By agreement & stipulations  
of parties ordered that this cause be removed to the  
2<sup>nd</sup> Grand Division.

State of Illinois - ss -

I hereby certify that the foregoing  
order made July 15, 1854 by the Supreme Court of said  
State is the only order in the above cause & that the  
accompanying papers marked "apt. of errors" and  
"Stipulation" are the only papers now on file in said  
cause -

Witness the Seal of said Court at  
Ottawa Jan'y. 4. 1855,  
L. Deland Clk. Sup. Court

Supreme Court  
Francis C. Sherman  
Mary Wadette &  
Michael Regan }  
vs } Plffs in error  
Alfred Dutch }  
} Deft in error

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It is hereby stipulated and agreed  
by and between the attorneys for the parties in this cause  
that the same may be transferred to & argued at the next  
term of this court to be held at Springfield  
July 17. 1854.

Judd & Ginnick  
For Plffs in error

Henry H. Clark  
for Deft in error

Sup Court.

Francis C. Sherman  
vs et al

Alfred Dutch

"Stipulation"

Filed July 15. 1854.  
L. Keland Clerk.

Supreme Court  
Francis L. Sherman  
Mary W. Dike &  
Michael Regan <sup>Deft in Error</sup>  
vs  
Alfred Dutch  
<sup>Deft in Error</sup>

Of the Term of June, in the Year  
one thousand eight hundred and  
fifty four. And now, comes the said  
plaintiffs in error come and say there is  
manifest error in the record proceedings  
& judgment aforesaid in this to wit

First. The Court erred in admitting improper evidence -

Second The Court erred in admitting evidence of the value of the advertising business of the news paper of the debt in Error; and of the value of the business as an establishment to buy; and also of the good will of the business, and of the circulation of the paper and the value of its patronage

Third The Court erred in admitting the evidence of witnesses, Seaton, Eastman, Wilson & Stewart in regard to the value of the paper, and in regard to the value of its business & patronage - and also in overruling the objections to the interrogatories put to said witnesses respectively which assumed the existence of a party not proved to exist in the case.

Fourth The Court erred in admitting evidence of the effect of the suspension of the publication of daily paper for a week or months; and also in allowing the witness Stewart to testify as to the effect such a suspension would have upon the collection of the debts due to the paper -

Fifth. The Court erred in admitting evidence of the exertions of debt in Error in crossing his paper & of the difficulty of starting it again.

Sixth The court erred in admitting the evidence of the witness Bronson - and the notices of Government sales.

Seventh The court erred in excluding the evidence of Frederick A. How to prove the rendition of a Judgment in favor of Sherman & Mrs Updike vs. Alfred Dutch for rent due.

Eighth The court erred in overruling the several questions put by Plff in Error to the witness Edward Sherman.

Ninth The court erred in giving the instruction asked for by Alfred Dutch, Plaintiff below -

Tenth The court erred in not granting a new trial for the reasons set forth in the motion therefore.

Wherefore and for other errors appearing in the record proceedings and judgment aforesaid the said plaintiffs in error pray that <sup>the</sup> judgment aforesaid may be set aside and altogether held for naught.

Jud. & Clerk  
Attys. for Plffs  
in Error

There is no one & Ref. who  
propose affirmations  
Arnold L. Humph  
at the

Supreme Court

Francis C. Sherman  
 Mary Updike -  
 Michael Regan  
 Plffs - Error

vs

Alfred Dutch  
 Deft in Error

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"Capt. of errors"

Filed June 14, 1854.  
 S. Seland Clk.

Francis C. Sherman <sup>Capt.</sup>

Alfred Tutch

~~72~~ ~~77~~

14074

1854