

No. 14721

Supreme Court of Illinois

Newberry

vs.

McNerney

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14721

STATE OF ILLINOIS,

SUPREME COURT,

THIRD GRAND DIVISION.

No. 214

J. W. Middleton & Co., Stationers, 196 Lake-St.

Newberry
vs
McNerry

1864

STATE OF ILLINOIS, COUNTY OF COOK, SS.

Pleas, before the Honorable Erastus S. Williams 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 Fifth day of September Monday, (being the
Fifth day) of September in the year
of our Lord One Thousand Eight Hundred and Sixty four and of the
Independence of the said United States the Eighth Eighty

Present, Honorable E. Williams Judge of the 7th Judicial Circuit
of the State of Illinois.

of the State of Illinois
Joseph Knox States Attorney.

D. J. Hammond Sheriff of Cook County.

Attest, Wm L Church Clerk.

Be it Remembered that heretofore
to-wit: on the 12th day of September A.D.
1863 at the September Term of said Court
the following proceedings among others in said
Court were had and entered of record to
wit:

James Mc Henry }
Lucius Newberry } Appeal.

This day again came the
Said parties by their Attorneys and Counsel
having been heard as well in Support of the
Motion of the Defendant heretofore entered
for a New trial of Said Cause as in opposition
thereto. And the Court being now fully advised
of and concerning the premises doth order

that said motion be and the same hereby
is overruled to which ruling of the Court in
overruling said motion for a new trial the
Defendant by his Counsel now here excepts
and on his motion twenty days are allowed
Defendant in which to prepare and file
his Bill of Exceptions in said Cause.

Therefore it is considered by the Court that
said Plaintiff do have and recover of the said
Defendant his damages of Fifty two Dollars
in form aforesaid by the Jury aforesaid
assessed together with his Costs and charges
by him about his Suit in this behalf expended
and have Execution therefor.

Whereupon the said Defendant by
his Counsel excepts and prays an appeal
from the rulings and judgment of this Court
in said Cause to the Supreme Court of the
State of Illinois. which is granted by the
Court upon Condition that the said defend-
ant shall within ten days from this date
execute and file his Appeal Bond herein
in the penal Sum of three hundred dollars
Conditioned according to law with good and
sufficient Surety thereto to be approved
by the Court.

And afterwards to wit: on the 18th day
of Sept. A D 1863 the said Defendant filed

in said Court his Certain Appeal Bond
in the words and figures following.
to wit;

Know all Men by these Presents
That we Lucius Newberry and Henry J.
Helm of the County of Cook and State of
Illinois are held and firmly bound unto
James M^d Kerney also of the same County
and State in the penal Sum of three
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 ad-
ministrators jointly Severally and firm-
ly by these presents.

Witness our hands and Seals this sixteenth
day of September A.D. 1863.

The Condition of the above Obligation is
such, That whereas the said
----- did on the twelfth day
of September A.D. 1863. in the Circuit Court
of Cook County in & for the County of Cook and
State aforesaid and of the September Term
thereof A.D. 1863 recover a judgment
against the above bounden Lucius
Newberry for the Sum of Fifty two Dollars
besides costs of Suit from which said
judgment of the said Circuit Court of

Book County the said Lucius Newberry has
prayed for and obtained an appeal to the
Supreme Court of said State. Now therefore
if the said Lucius Newberry shall duly pros-
ecute 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
said Supreme Court then the obligations
to be paid otherwise to remain in full
force and virtue

Approved Sept 18th 1863. L Newberry Seal
E S Williams
Judge &c. H Y Helms Seal

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 record of judgment, & Appeal bond
in a certain cause lately pending in said Court,
on the Common Law side thereof, wherein

James McHenry was Plaintiff and
Lucius Newberry was Defendant

In Witness Whereof, I have hereunto set my hand,
and affixed the Seal of said Court, at Chicago, this
day of April
A. D. 1864.

W L Church Clerk.

\$ 175

Paid by Ref Att

Received of Ref atty \$ 175 for Record
W L Church

214

L. Kniberry

7

Jas. McKimney

Transcript

Filed Apr. 20. 1864
Shelburne
Ct.

