

No. 13380

# Supreme Court of Illinois

Nott

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vs.

Russell

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71641  7

STATE OF ILLINOIS,  
SUPREME COURT.  
Third Grand Division.

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No. 82.

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*Nutt*

*Russell*

*1861*

*13280*



In the Supreme Court of Illinois  
at Ottawa in Vacation A.D. 1860

Joseph P. Clarkson Executor  
of Jacob Russell deceased Appellant  
vs  
John Nutt Appellee

It is hereby stipulated and agreed by the parties to the above entitled cause that the appeal be dismissed at the cost of the appellant.

John Nutt, for his & Appellee his attorney  
Joseph P. Clarkson, Executor  
of Jacob Russell deceased  
Appellant pro se.

~~357~~ 82  
Supreme Court

Russell  
vs  
Watts }

Stipulation

Filed July 14. 1860  
L. Leland  
Clerk



In the Supreme Court of Illinois  
at Ottawa In Vacation A.D. 1860

Jacob Russell Appellant  
vs  
John Butt Appellee }

And now comes Joseph

P. Clarkson in his own person and says that the said Jacob Russell appellant in the above entitled cause died at Chicago in Cook County and State of Illinois on the 7 day of April A.D. 1860. and that said Clarkson was duly appointed and has been duly qualified as the Executor of the last will and testament of the said Jacob Russell deceased, and the said Clarkson prays that he may be substituted as appellant in said cause in the place of the said Jacob Russell deceased.

Joseph P. Clarkson  
Executor of Jacob Russell, deceased

75<sup>c</sup> 7 82  
Supreme Court

Rupell  
vs.  
Smith }

Motion

Filed July 16 1860  
L. Leland  
Clerk



Supreme Court of the State of Illinois, of the  
April ~~June~~ Term, A.D. 1860

|                           |                                                                            |
|---------------------------|----------------------------------------------------------------------------|
| Jacob Russell, Appellant  | } Appeal from<br>the Superior Court<br>of Chicago, in<br>the Court of Cook |
| v.<br>John Nutt, Appellee |                                                                            |

And now comes said Appellee, by  
Hill + Norton, his Attorneys, and moves  
the Court, to dismiss said appeal, on the  
ground that said Appellant has neglected  
to file with the records of this court, an  
abstract of the record below, in compliance  
with the rules of this court.

Hill + Norton  
Atty of Appellee  
L. D. A. Gaites of Counsel



<sup>857 82</sup>  
Supreme Court  
of the State of Ill

Appeal from Cook

Jacob Russell. Apr  
pellont v  
John Nutt, Apr  
pellce

Motion to Dis-  
miss

Filed Apr 26. 1860

A. L. Leonard  
Clerk

Hill + Norton  
Atty for Appeller



United States of America  
State of Illinois, Cook County } ss

Meas before the Honorable Judges  
of the Superior Court of Chicago, within and for the County  
of Cook and State of Illinois, at a regular term of said  
Superior Court of Chicago, begun and holden at the Court  
House in the City of Chicago, in said County and State, on  
the first Monday, being the seventh day of November in  
the year of our Lord One Thousand Eight Hundred and  
Fifty Nine and of the Independence of the United States of  
America the Eighty fourth,

Present The Honorable John W Wilson, Chief  
Justice of the Superior Court of Chicago  
Van H. Higgins and Grant Goodrich Judges  
Carlos Haven Prosecuting Attorney  
John Gray Sheriff of Cook County

Attest

Walter Kimball Clerk,

Order

Nov 17, 1859.

Be it Remembered, that afterwards to wit: on the  
Seventeenth day of November, in the year of Our Lord One  
Thousand, Eight Hundred & Fifty Nine, said day being one of  
the days of the November term of said Court, the following  
among other proceedings was had in the following entitled  
Cause and entered of record, to wit;

John Smith

vs

Jacob Russell

Appumpit

This day comes said plaintiff



by Hill & Marton, his attorneys, and said defendant by Clark-  
son & Rice his attorneys also comes, and issues being joined  
herein upon agreement of the parties, this cause is submitted  
to the Court for trial without intervention of a Jury, and the  
Court now here after hearing the allegations and proofs  
and arguments of counsel, and being fully advised in the  
premises finds issues for said Plaintiff, and assesses his  
damages herein to the sum of Eight Hundred and forty five  
Dollars. —

Therefore it is considered said Plaintiff do have and  
recover of said defendant his damages of Eight  
Hundred and forty five dollars, in form aforesaid  
by the Court here found and assessed, and also his  
costs and charges in this behalf expended, and have  
execution therefor;

And afterwards, to wit; on the twenty first  
day of November, in the year aforesaid, said day being  
one of the days of the November term of said Court, the  
following among other proceedings was had in the above  
entitled cause and entered of record, to wit:

John Neutt

vs

Jacob Russell

Apumpscit

And now again comes the parties  
to this cause, by their respective  
attorneys as aforesaid, and defendant having submitted  
his motion herein for a new trial in this cause, and to  
set aside the judgment heretofore entered herein against

\$845.00

Order

Nov 21<sup>st</sup> 1859



him upon verdict rendered by the court, and counsel being heard on said motion for a new trial, and the court being fully advised in the premises, overrules defendant's motion for a new trial, Whereupon defendant enters his exceptions to the ruling and decision of the court herein, and prays an appeal to the Supreme Court which is allowed to him upon condition that he file herein his appeal bond in the penalty of fifteen hundred dollars with security to be approved by a Judge of this Court, said appeal bond with bill of exceptions to be filed on or before the first day of the next term of this court.

And afterwards, to wit: on the fifth day of December in the year last aforesaid, said defendant filed in the office of the Clerk of said court, his certain appeal Bond, which is in words and figures following, to wit:

Appeal Bond Know all Men by these presents that We, Jacob Russell, and Benjamin F. James, are held and firmly bound unto John Nutt 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 and administrators, jointly, severally, and firmly by these presents. Witness our hands and seals this twenty third day of November A.D. 1859.

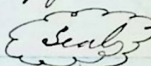
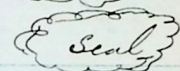
The Condition of the above obligation is such, that whereas the said John Nutt did on the sixteenth day of November A.D. 1859. recover a Judgment in the Superior Court



of Chicago, before the Judges thereof against the above Comdant Jacob Russell for the sum of Eight Hundred forty five dollars and costs of suit, from which said Judgment the said Jacob Russell hath prayed an appeal to the Supreme Court of the State of Illinois.

Now if the said Jacob Russell, shall prosecute his said appeal with effect and shall pay the Judgment, costs, interest and damages in case the said Judgment shall be affirmed in said <sup>Supreme</sup> Court, then this obligation to be void otherwise to be and remain in full force and effect.

Signed and Sealed in presence of  
Approved Dec 5<sup>th</sup> 1859  
Grant Goodrich  
Judge

Jacob Russell   
Benj F. James 

State of Illinois  
Cook County } ss. I, Walter Kimball, Clerk of the  
Superior Court of Chicago, in and for  
said County do hereby certify that the above and foregoing is a true copy of the Order of Judgment Entered  
of record in said court on the seventeenth day of November  
and of the order of November twenty first A.D. 1859, allowing the appeal.  
A.D. 1859, and of the Appeal Bond filed in said Cause  
on the fifth day of December A.D. 1859.



Certified under my hand and the  
Seal of said Court at Chicago in said  
County this Eighteenth day of April A.D.  
1860.

Walter Kimball Clerk



357. 82  
John Nott

Jacob Russell

Certified copy of  
Order.

Filed Apr 26, 1860  
L. A. Russell  
Clerk

Indy \$ 845.00  
05  
42,25 00