

11911

No.

Supreme Court of Illinois

Ferry

vs.

Sullivan

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Hugh Ferry
vs
John Sullivan

1850

11911

Bureau Circuit Court
May Term 1849

Plas before the Hon^{ble} Hugh Henderson
Judge of the Circuit Court of the Eleventh circuit
of the State of Illinois who exchanged for the present
term with the Hon^{ble} Theophilus S. Dickey, Judge of
the circuit court of the ninth judicial circuit of
said State - at the May term of the circuit court
in and for the County of Bureau begun and
held at the Court House in Princeton in said
County on Monday the fourteenth day of May
in the year of our Lord One thousand Eight
Hundred and forty nine

Present Hon^{ble} Hugh Henderson Judge

Justin H. Olds Clerk

Joseph V. Thompson Shiff

W. C. Cook State Atty

Writ on the first day of said term

John Sullivan

vs

Hugh Ferry

Appeal - new trial

This day came on the plaintiff in
this cause by Amos and Memmard Tice attorney and
the said defendant by H. Knoolton & Jenkins Tice attorney &
in proper person, and the defendant on affidavit
filed moved that plaintiff file security for costs

which motion was overruled by the Court - And the Court ordered that a jury be empanelled to try the matter in controversy between the parties - and there came a jury of twelve good and lawful men to wit: Geo. Squires, Jonathan Ireland, Alpheus Cook, William S. Richards, Obediah Britte, John W. Gray, Robert C. Cotton, James B. Hartley, George Dan, C. G. Latta, James Coddington & Samuel Stiffel, who being duly elected tried and sworn well and truly to try the matter in controversy as aforesaid after hearing the proofs and allegations of the parties and arguments of counsel thereon by the consent of said parties and under the instructions of the Court, ^{the said jury} have leave, after having agreed upon their verdict to reduce the same to writing sign & seal it and deliver, and that said jury produce the said verdict in a body at the opening of the Court tomorrow morning so sit on the 2^d day of said term

John Sullivan

vs

Wm. Seery

Appeal - new trial

This day came the above named jurors of a jury in this cause and pursuant to the foregoing order presented their sealed verdict in a body as follows to wit: We of the jury do find for the plaintiff and assess his damage at the sum of Eighty three Dollars.

And the said Defendant by Knaxton his
Attorney, came and moved the court for a
new trial herein.

And to wit on the third day of said term

John Sullivan }
vs } appeal - new trial
Hugh Feely }

This day this cause came up on
the foregoing motion of the defendant for a
new trial herein, the parties appearing by
their counsel aforesaid, and after argument
the court being fully advised in the premises
doth consider that the said motion be over-
ruled - It is therefore considered by the
court that the said Plaintiff have and re-
cover of the said Defendant the said sum of
Eighty three dollars assessed by the jury afore-
said as damages together with his costs & charges
in and about this suit in this behalf expended
as well in this court as in the court below &
that he have execution therefor.

And the said Defendant thereupon pray
an appeal of this cause to the Supreme Court which
is granted by the court provided the said defen-
dant file his appeal bond with the clerk of this
court in the penal sum of Three hundred

dollars with James Spruay as Security con-
ditional as the law directs in appeals to the
Supreme Court - Said bond to be filed
within thirty days from this date

To wit: on the Eleventh day of June A.D. 1829
the said defendant filed his appeal
bond as follows to wit:

I know all men by their presents
that we Hugh Feery and James Spruay
of the County of Bureau and State of Illinois
are held and firmly bound unto John
Sullivan in the penal sum of Three Hundred
dollars current money of the United States
for the payment of which well and truly
to be made we said obligors, our heirs, ex-
ecutors and administrators, jointly, severally
and firmly by these presents.

Witness our hands and seals
this Eleventh day of June A.D. 1829

The Condition of this obliga-
tion is such that whereas the said John Sullivan
did on the sixteenth day of May A.D. 1829 recover
a judgment against the above bounden Hugh
Feery for the sum of Eighty three dollars dam-
age and costs of suit, from which said

judgment of the said circuit court, the
said Hugh Feeny has prayed for and obtained
an appeal to the Supreme Court of said State.

Now if the said Hugh Feeny shall duly
prosecute his said appeal with effect, and shall
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 the said Supreme
Court then the above obligation to be void otherwise
to remain in full force and effect

Hugh Feeny LS

James Francis LS

State of Illinois
Bureau County 3rd

I Justin H. Olds Clerk of the Circuit
Court in and for said County do certify that the
foregoing transcript is a full, perfect, and correct
copy of all the orders and final judgment of the
Court in the above case as the said term of the
Court and also of the appeal bond filed in said
said case and ^{that} the said ^{bond} was filed at the time above
stated as appears by the records and files of my
Office

In witness whereof I have hereunto set
my hand and the seal of said Court
at Princeton in said County this 18th
day of June 1850

Justin H. Olds Clerk

Wm. Free
Copy of Record 9 fol 90
Cent 4 Sill. 125

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Hugh Stearns
by
John Sullivan

Copy of part. &c.

Filed June 22, 1854.
Wheeler Clk.