

11938

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

# Supreme Court of Illinois

Murphy

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vs.

Donnelly

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71641  7



United States of America

State of Illinois

McHenry County }  
Shew before the Honl Judge  
G. Wilson Judge of the thir  
teenth Judicial Circuit of the State of Illinois  
and presiding judge of the McHenry Circuit  
Court as by Circuit Court begun and held at  
the Court house in Woodstock in said County  
and Town aforesaid on the fifteenth day of  
September in the year of our said one thousand  
eight hundred and fifty one and of the 3rd  
Congress of the said United States the twenty  
fifth

Present the Honl Judge G. Wilson  
Judge

Attest J. H. Johnson  
Clerk

P. W. Platt  
State Attorney  
John Binney  
Sheriff

And afterwards to wit on the 26<sup>th</sup> day of September  
in the year of our said one thousand eight hun  
dred and fifty two it being one of the days of  
the late September Term of the Circuit Court of  
said County the said Court then being in session  
at Woodstock aforesaid the following proceedings  
were had to wit

Will Connelly

William H. Murphy

} Appeal

And now comes the  
parties by their respective attor  
nies and by their agreement the cause is submitted  
to the Court for trial without the intervention of a  
jury. And the Court having heard the parties therein



now being fully advised in the premises from the  
issue for the plaintiff and assess his damages  
at the sum of fifty three dollars and fifty four  
cents and therefore the said defendant moves  
the Court for appointing the facts herein and, it appear-  
ing to the Court that the judgment in this Court  
is less than it was in the Court below. It is there-  
fore ordered and considered by the Court that the  
said plaintiff have and recover of the defendant  
the sum of fifty three dollars and fifty four cents  
his damages so assessed as also his costs and charges  
as now in the Court below as in this Court assessed  
except one dollar which in consideration of the  
reduction of the judgment aforesaid, is adjudged  
for the plaintiff to pay, and that he have execution  
therefor, and therefore the defendant moves the Court  
for a new trial.

And afterwards to wit, on the 14<sup>th</sup> day  
of October in the year last aforesaid the said Court  
then being in session as aforesaid the following proceed-  
ings were had to wit.

Will Donnelly

vs  
William H. Murphy

} Appeal

And the Court being  
fully advised on the motion  
for a new trial formerly returned herein overrules  
the same to the opinion of the Court in overruling  
said motion the defendant by his Counsel excepts  
and therefore the defendant prays an appeal  
herein which is granted upon condition that he  
enter into bond in the sum of two hundred dollars  
with James O'Connell and William Montgomery  
as sureties within thirty days.



And afterwards to wit on the 21<sup>st</sup> day of October in the year last aforesaid the said defendant filed in the office of the Clerk of the Circuit Court of said County his appeal bond in the words and figures following to wit

Know all men by these presents that we William H. Murphy principal and William Montgomery and James Dupuis as securities of the County of McHenry and State of Illinois are held and firmly bound unto Beile Connolly of the same County and State in the special sum of two hundred dollars current money which payment now and truly to be made to and such of us his executors or heirs Executors administrators and assigns jointly and severally by these presents. Witness our hands and seals at Woodstock this 21<sup>st</sup> day of October A.D. 1851.

The condition of the above obligation is such that whereas the above named Beile Connolly did at the September term of the Circuit Court of McHenry County A.D. 1851. on the 26<sup>th</sup> day of Sept. it being one of the days of said term of said Court receive a judgment against the above named William H. Murphy for the sum of sixty three dollars and fifty five cents and costs of suit sum which judgment of the said Circuit Court the said William H. Murphy has taken an appeal to the Supreme Court of the State of Illinois Now if the said William H. Murphy shall prosecute their appeal to effect and shall pay and satisfy the judgment costs interest and damages 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 virtue

Witness our hands and seals at Woodstock this 21<sup>st</sup> day of Oct. A.D. 1851.

Wm H. Murphy	Seal
Wm <sup>Montgomery</sup> Montgomery	Seal
James Dupuis	Seal

Witness my hand and seal at Woodstock this 21<sup>st</sup> day of Oct. A.D. 1851. J. H. Johnson  
Clerk



State of Illinois of the precinct of Sangamon  
County of the Circuit Court in  
And for said County and  
State aforesaid to certify that the foregoing is a  
true and perfect copy of the record and bond  
in the above entitled cause of mining and in  
said in this office being per H. H. H. H. H. H.  
of said Circuit Court and the said  
thing at No. 100 North Third St  
day of May A.D. 1852



J. M. Johnson  
Clerk

McHenry  
vs  
H. Murphy  
vs  
Will Danally

Receipt  
99

Filed July 3<sup>d</sup> 1852  
L. Keland Clerk

1852

11938  
Abm H. H. H. H.  
July 6 1852