

No. 13982

Supreme Court of Illinois

People

vs.

Vallette et al

71641  7

State of Illinois,

Supreme Court--Second Grand Division.

} ss.

The People of the State of Illinois,

TO THE SHERIFF OF DuPage COUNTY,--GREETING:

We command you to summon Henry F. Vallette
Erastus Gray, John Collins, Thaddeus Scott,
and Warner L. Wheaton

ifs to be found in your County, to appear before the Supreme Court for
the Second Grand Division of the State of Illinois, on the first day
of the next term thereof, to be holden at the State House in the City of
Springfield, on the first Tuesday after the first Monday in the Month
of January next, to answer unto the People of the State of Illinois
in an action of Debt,

Debt Forty thousand Dollars

Receives Forty thousand Dollars

and hereof make due return to our said Court as the law directs.

Witness, HON. JOHN D. CATON, Chief Justice of said Court, and the
Judicial Seal thereof, at Springfield, this second day
of December A. D. 1861.

Wm. L. Sherman

Clerk Supreme Court.

I have duly served the within by reading
the same to the within named defendants
this 24th and 25th days of December A.D. 1861

T. S. Rogers Sheriff
of DuPage Co. Ill.

Supreme Court--2nd Grand Division,

65

McCoy
vs.
SUMMONS.

Henry M. White, et. al.

For return, term, et. c. 1861

Dated December 27th A.D. 1861.

Wm. C. Tracy
Clk.

The People

or

Henry F. Vallitto et al

In Debt

One

Rec'd by Cash 6/1/61 of the Paper Co.

J. M. White

Attorney

Rec'd Dec 2/61

W. A. Surrency

STATE OF ILLINOIS,
Supreme Court, } ss.
of the Second Grand
Division thereof

Of the *January*

Term thereof, A. D. 1862

The People of the State of Illinois, the Plaintiffs in this suit, by J. B. WHITE, their attorney, come and complain of

*Henry F. Vallatte, Erastus Gray, Warren L. Wheeler, Wheaton
John Collins, and Thaddeus Scott,*

the defendants in this suit, being in the custody, &c., of a plea that they render to the said plaintiffs the sum of *Forty thousand dollars* ~~Lawful~~ ~~thousand~~ ~~money of the~~ ~~hundred and~~ ~~United~~ ~~States~~ ~~dollars and~~ ~~cents~~, which they owe to and unjustly detain from said plaintiffs.

For that whereas heretofore, to-wit: on the *thirteenth* day of *November* A. D. 1860, at the County of *Du Page* and State aforesaid, the said *Henry F. Vallatte*, was ~~then and there~~ *the*

Collector of the taxes of the County of *Du Page*, in the State aforesaid, for the year A. D. 1860, and being then and there the Collector of taxes for said county for said year, it then and there became and was his legal duty, before entering upon the discharge of his duties as such Collector aforesaid, to execute his bond, with good and sufficient securities, conditioned for the faithful performance of all of his duties as such Collector; and the said *Henry F. Vallatte*, ~~Collector~~ ^{as aforesaid}, in consideration of his said legal duty, then and there afterwards, to-wit: on the same day, at the County of *Du Page* and State aforesaid, as the Collector of the taxes of the County of *Du Page*, for the year A. D. 1860, together with ~~Erastus Gray~~ ^{the Erastus Gray}, ~~John Collins~~, ~~Thaddeus Scott~~, by the name and style of "*the*

~~Scott~~" ^{the said} ~~Warren L. Wheaton~~ by the name and style of "*W. L. Wheaton*"; ~~the said John Collins, and Thaddeus Scott~~ by the name and style of "*Thad Scott*"; ~~the other above named defendants~~,

as his securities, all of the County of *Du Page* - and State aforesaid, then and there made and executed their certain writing obligatory, and then and there signed the same with their hands and sealed the same with their seals, and which said writing obligatory bears date the day and year last aforesaid, and which said writing obligatory is to the Court aforesaid here exhibited and shown, and which said writing obligatory being so signed and sealed aforesaid, they, the said defendants, then and there delivered to said plaintiffs, and by which said writing obligatory the said defendants, and each of them, acknowledged themselves to be held and firmly bound to the People of the State of Illinois in the penal sum of *Forty* - thousand - ~~hundred and~~ ~~dollars and~~ ~~cents~~, and which said writing obligatory, was, and is upon, and subject to the conditions following, to-wit:

That if the said *Henry F. Vallatte* shall perform all the duties required to be performed by him, as Collector of the taxes for the year 1860, in the time and manner prescribed by law, and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County or to the State, and appertaining to his said office, then the said bond to be void; otherwise to remain in full force.

And also for that whereas heretofore, to-wit: on the *thirtieth* day of *November* A. D. 1860, at the County of *DuPage* and State aforesaid, the said *Henry F. Vallette*, was *then and there the* Collector of the taxes of the County of *DuPage* for the year ~~1860~~ 1860, and being so then and there Collector of the taxes as aforesaid, it then and there became and was his legal duty, before entering upon the discharge of his duties as such Collector, to execute his bond, with good and sufficient security,

conditioned that said *Henry F. Vallette*, shall perform all the duties required to be performed by him, as Collector of taxes for the year 1860, in the time and manner prescribed by law; and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County or to the State, and appertaining to his said office, the said *Henry F. Vallette*, ^{then the said bond to be void otherwise to remain in full force; and} *Collector as aforesaid* in consideration of his said legal duty afterwards, to-wit: on the day and year last aforesaid, at the County and State aforesaid, as Collector of the taxes of said County of *DuPage* for the year 1860, together with ^{having} *the other above named* Defendants,

as his securities, all of the County of *DuPage*, and State aforesaid, then and there made and executed their ^{writing} ~~certain~~ writing obligatory, and then and there signed the same with their ^{respective} hands and sealed the same with their seals, and which said writing obligatory bears date the day and year last aforesaid, and which said writing obligatory is to said court here exhibited and shown, and which said writing obligatory, being so signed and sealed as aforesaid, they, the said defendants, then and there delivered to said plaintiffs, and which said writing obligatory the said defendants, and each of them, acknowledged themselves to be held and firmly bound to the People of the State of Illinois in the penal sum of *Forty* thousand ~~and~~ *hundred and* dollars and ~~cents~~, and which said writing obligatory was and is upon and subject to the conditions and in tenor and effect as follows, to-wit:

KNOW ALL MEN BY THESE PRESENTS, that we *Henry F. Vallette*, Collector, and *Erastus Gray, Warren L. Wheaton, John Collins, and* *Shadders Scott*,

securities, all of the County of *DuPage*, and State of Illinois, are held and firmly bound to the People of the State of Illinois in the penal sum of *Forty* ~~thousand~~,

dollars, for the payment of which, well and truly to be made, we bind ourselves, each of us, our heirs, executors and administrators, firmly by these presents. Signed with our hands and sealed with our seals, this *thirtieth* day of *November* 1860.

The condition of the foregoing bond is such, that if the above bound *Henry F. Vallette* shall perform all the duties required to be performed by him, as Collector of taxes for the year 1860, in the time and manner prescribed by law, and when he shall be succeeded in office shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County, or to the State, and appertaining to his said office, then the foregoing bond to be void, otherwise to remain in full force.

And which said writing obligatory, being so signed, sealed and delivered, as aforesaid, was then and there attested in due form of law, and was then and there duly approved by the Board of Supervisors

of the said County of Deu Page aforesaid, and the said plaintiffs, by their aforesaid attorney, do aver that the said Henry F. Vaillette on the day and year last aforesaid, was duly qualified and entered upon the discharge of the duties of his office as such Collector aforesaid, whereby ^{he became} it then and there, and was his legal duty, as such collector aforesaid, to collect and pay over into the State Treasury of the State of Illinois aforesaid, the state taxes of said State, for said year, and belonging to said State, which were by law to be collected, in said County of Deu Page of and from the Taxpayers thereof, for ^{the} year ~~1860~~ ¹⁸⁶¹, ~~with the tax and manner prescribed by law~~ and which said taxes ^{last} aforesaid had before that time been duly assessed, and the assessment lists thereof, duly placed in the hands, of the several Township Townships, collectors of said county of Deu Page, together with proper Warrants for the collection thereof, for collection, and which said state taxes, last aforesaid, then and there as said ^{by their respective attorneys} Plaintiffs aver amounted to the sum of Twenty thousand Dollars, and had been before that time levied on the ~~15th~~ ^{15th} day of April, A. D. 1861, duly collected of and from the Taxpayers of said County, for said year, by the said several Township Collectors of said County, and which said sum of money last aforesaid, the said Henry F. Vaillette, collector as aforesaid, then and there ~~levied on the day and year~~ ^{collected} aforesaid, and which sum being state taxes of and belonging to the said several Township collectors, of said County, and which said sum was to be collected of and from the ~~day of July~~ ^{day of July} 1861, and

And the said plaintiffs, by their aforesaid attorney, do further aver that the said Henry F. Vaillette, collector as aforesaid, has not and did not perform all the duties required to be performed by him, as such Collector of the taxes of the County of Deu Page for the year 1860, in the time and manner prescribed by law, but that the sum of Twenty thousand dollars and _____ cents remain due, unpaid and owing of the taxes for the year 1860, from the County of Deu Page of State taxes, and belonging to the State aforesaid and which was in manner and form on the day and year ~~1860~~ ¹⁸⁶¹ aforesaid, levied on the said fifteenth day of April, A. D. 1861, by said Henry F. Vaillette, collector as aforesaid, ~~collected~~ ^{collected} as aforesaid, and which sum being state taxes of and belonging to the State aforesaid, the said Henry F. Vaillette, collector as aforesaid, ~~has not~~ ^{has not} and there ~~has not~~ ^{has not} paid over into the State Treasury of the State of Illinois, by

and which was by law to be collected and paid over into the State Treasury of the State of Illinois, by the said Henry F. Vaillette, Collector as aforesaid, on or before the _____ day of July, A. D. 1861, which said day last aforesaid hath long since elapsed; yet the said Henry F. Vaillette, collector as aforesaid, had long before that day and year last aforesaid, levied on the said fifteenth day of April, A. D. 1861, of and from said _____ Township collectors of said County, the said sum last aforesaid, ~~but he~~ ^{but he} has not and there being state taxes as aforesaid, ~~has not~~ ^{has not} paid said sum of money, last aforesaid, over into the State Treasury aforesaid, nor any part thereof, nor to ~~his~~ ^{his} successor in office nor to said,

plaintiffs, whereby said writing obligatory became and was forfeited by reason whereof and of the said sum of money last aforesaid, being and remaining wholly unpaid an action hath accrued to the said plaintiffs, to demand of and have from said defendants the sum of money last mentioned ^{above} demanded. Yet the said defendants have not, nor either of them, paid said several sums of money above mentioned, nor either of them nor any part thereof, to the said plaintiffs, but to do the same have hitherto and still do altogether neglect and refuse to the damages of said plaintiffs of Forty thousand _____ hundred and _____ dollars and _____ cents, and therefor they bring this suit, &c.

J. J. White
State's Attorney,
Att'y for Plaintiffs.

The People

m

Henry F. Vallentyne

Star

J. B. White

Offs atty

Filed Dec. 27 - 61
Not a time
[Signature]

George F. Valtette Collector of *DuPage* County,

In Account with the State of Illinois,

DR.

To State tax, assessment of 1860,			<i>17,007 37</i>
" Amount on real and personal property since added			
" Amount of back taxes due on forfeited and other property			<i>52 31</i>
" Amount on forfeited property redeemed			
" Amount on real property paid by different claimants			
			<i>17,059 68</i>

CR.

By Errors on real property		<i>2 00</i>	
" Insolvencies, removals, etc., on personal property		<i>95 30</i>	
" Real property forfeited to the State		<i>109 18</i>	
" Errors, etc., on forfeited property		<i>22 59</i>	
" Commissions, 3 per cent. paid town collectors on \$ <i>10,087.77</i>		<i>302 60</i>	
" do 2 " " " " " " \$ <i>4,292.65</i>		<i>85 63</i>	
" do 1 " " " " " " \$ <i>3,992.19</i>		<i>39 92</i>	
" do 2 " " " " " " \$ <i>10,000.00</i>		<i>200 00</i>	
" do 2 " " " " " " \$ <i>431.41</i>		<i>14 63</i>	
" do 5 " " " " " " \$ <i>1,718.80</i>		<i>85 94</i>	
" do 3 " " " " " " \$			
" Mileage <i>223</i> miles, at 20 cents per mile		<i>44 60</i>	

1861 Dec 29
 " " "
 " " "

" The school fund interest order		<i>2156 14</i>	
" " " " tax "		<i>5,197 21</i>	
" " Treasurer's receipt,		<i>5,201 65</i>	<i>11,857 37</i>
			<i>5,202 31</i>
			<i>137 84</i>
<i>To Interest 6 per cent on \$5,201.65. 5 mo. 9 days</i>			<i>154 33</i>
<i>" " " " " \$5,202.31 5 " 28 "</i>			<i>154 33</i>
			<i>5,494 48</i>

AUDITOR'S OFFICE, ILLINOIS,

Springfield, December 26 1861.

I, *Joseph W. Dubois* Auditor of Public Accounts of the State of Illinois, hereby certify that the within account is correct as to principal, as appears from the proper evidence on file in this office, and that the interest is calculated thereon to the *twentieth* day of *January* 1862, and will at that time be correct, unless payment shall be made on said account previous to that time.

Given under my hand and Official Seal, the day and year above written

Joseph W. Dubois Auditor P. A.

65

Prople

Vallette, et. al.

Copy of a/c

Also Dec. 27-61
Wm. C. Currey

Know all Men by These Presents,

That We, *Henry F. Vallette* Collector, and
Erastus Gary and *Warren S. Wheaton*
John Collins & *Thaddeus Scott*

securities, all of the County of *DuPage* and State of Illinois,
are held and firmly bound to the people of the State of Illinois in the
penal sum of *Forty Thousand*

Dollars, for the payment of which, well and truly to be made, we bind
ourselves, each of us, our heirs, executors and administrators, firmly by these
presents. Signed with our hands and sealed with our seals, this

Thirtieth day of *November* 1860.

The condition of the foregoing bond is such, that if the above bound
Henry F. Vallette shall perform all the duties required to be per-
formed by him, as collector of the taxes for the year 1860, in the time and
manner prescribed by law, and when he shall be succeeded in office, shall
surrender and deliver over to his successor in office all books, papers and moneys
belonging to said County, or to the State, and appertaining to his said
office, then the foregoing bond to be void, otherwise to remain in full force.

Henry F. Vallette (SEAL)

Erastus Gary (SEAL)

John Collins (SEAL)

Thad Scott (SEAL)

W. S. Wheaton (SEAL)

(SEAL)

Signed, Sealed and Delivered in presence of

M. M. Cody

STATE OF ILLINOIS,

County of *Aurora*

} ss.

I, *Myron A. Audley*, Clerk of the County Court
of *Aurora* County, hereby certify, that the foregoing bond
has been duly approved by the *Board of Supervisors*
of said County and recorded.

In Testimony Whereof, I have hereunto set my hand and affixed the seal
of said Court at *Aurora* this *14th* day of
November A. D. 1860.

M. A. Audley County Clerk.

NOTE.—The signing of the bond must be in the presence of at least one witness. See Section three of Collection Laws. The County Clerk will hand this to the Collector, and as soon as it is duly executed, return it to this office.

STATE OF ILLINOIS, } ss.
County of *Audrain*

I Henry F. Vallotte, Collector in and for said County, do solemnly swear that I will faithfully, diligently and impartially, to the best of my judgment and ability, perform all the duties required of me by law as such Collector of Taxes for the year 1860.

Henry F. Vallotte Collector.

Subscribed and Sworn to before me, this *15th* day of *November* 1860
W. H. Dudley County Clerk.

65
Audrain County.
BOND, 1860.
Henry F. Vallotte Collector.

Received and filed in Auditor's office,
Jan'y 17 1861.
Wm. H. Mason
1861

STATE OF ILLINOIS—SUPREME COURT, } SS.
SECOND GRAND DIVISION,

Of the January Term thereof, A. D. 1862.

The People of the State of Illinois

To the Sheriff of Sangamon County—Greeting :

Whereas the People of the State of Illinois, at the January term of said Court, A. D. 1862, exhibited in and to said Court their declaration and writ of summons against

*Henry F. Ballette, Ernestus Gray, Warren L. Wheaton John Col-
lins and Thaddeus, &c.*

in the custody, &c., in an action of debt, and which said declaration is in the words and figures following, to-wit :

For that heretofore, to-wit : on the _____ day of _____ A.D. 18 _____,
at the County of _____, and State aforesaid, the said
Collector, and _____

_____ securities, all of the County of _____, and State aforesaid, then and there made and executed their certain writing obligatory, and then and there signed the same with their hands and sealed the same with their seals, and which said writing obligatory bears date the day and year last aforesaid, and which said writing obligatory being so signed and sealed as aforesaid, they, the said defendants, then and there delivered to said plaintiffs, and by which said writing obligatory the said defendants, and each of them, acknowledged themselves to owe and be indebted to the people of the State of Illinois in the penal sum of _____ thousand _____ hundred and _____ dollars and _____ cents, and which said writing obligatory, was, and is upon, and subject to the conditions following, to-wit :

That if the said _____ shall perform all the duties required to be performed by him, as Collector of the taxes for the year 18 _____, in the time and manner prescribed by law, and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County or to the

STATE OF ILLINOIS,
Supreme Court, } ss.
of the Second Grand
Division thereof

Of the *January* Term thereof, A. D. 1862

The People of the State of Illinois, the Plaintiffs in this suit, by J. B. WHITE, their attorney, come and complain of

Henry F. Vallette, Erastus Gray Warren L. Wheaton, John Collins and Shaddeus Scott,

the defendants in this suit, being in the custody, &c., of a plea that they render to the said plaintiffs the sum of *Forty thousand dollars lawful* ~~thousand money of the~~ *hundred and limited* ~~States~~ dollars and ~~cents~~, which they owe to and unjustly detain from said plaintiffs.

For that whereas heretofore, to-wit: on the *thirtieth* day of *November* A. D. 1860, at the County of *Du Page* and State aforesaid, the said *Henry F. Vallette*, was ~~then and there~~ *the* Collector of the taxes of the County of *Du Page*, in the State aforesaid, for the year A. D. 1860, and being then and there the Collector of taxes for said county for said year, it then and there became and was his legal duty, before entering upon the discharge of his duties as such Collector aforesaid, to execute his bond, with good and sufficient securities, conditioned for the faithful performance of all of his duties as such Collector; and the said *Henry F. Vallette* in consideration of his said legal duty, then and there afterwards, to-wit: on the same day, at the County of *Du Page* and State aforesaid, as the Collector of the taxes of the County of *Du Page* for the year A. D. 1860, together with ~~the said~~ *Erastus Gray Warren L. Wheaton by name and style of "W. L. Wheaton", the said John Collins, and the said Shaddeus Scott, by the name and style of "Shad Scott", the other above named defendants*

as his securities, all of the County of *Du Page* and State aforesaid, then and there made and executed their certain writing obligatory, and then and there signed the same with their ~~hands~~ *respective* hands and sealed the same with their seals, and which said writing obligatory bears date the day and year last aforesaid, and which said writing obligatory is to the Court aforesaid here exhibited and shown, and which said writing obligatory being so signed and sealed aforesaid, they, the said defendants, then and there delivered to said plaintiffs, and by which said writing obligatory the said defendants, and each of them, acknowledged themselves to be held and firmly bound to the People of the State of Illinois in the penal sum of *Forty thousand* ~~thousand~~ *hundred and* ~~dollars and cents~~, and which said writing obligatory, was, and is upon, and subject to the conditions following, to-wit:

That if the said *Henry F. Vallette* shall perform all the duties required to be performed by him, as Collector of the taxes for the year 1860, in the time and manner prescribed by law, and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County or to the State, and appertaining to his said office, then the said bond to be void; otherwise to remain in full force.

And which said writing obligatory, being so signed, sealed and delivered, as aforesaid, was then and there attested in due form of law, and was duly approved by the *Board of Supervisors*.

of the said County of *De Page* ^{and was then and there duly Recorded} aforesaid, and the said Plaintiffs, by their aforesaid attorney, do aver that the said *Henry F. Vaillette* [^] on the day and year last aforesaid, was duly qualified, and entered upon the discharge of the duties of his office as such Collector aforesaid; whereby by which said several premises it then and there became and was his legal duty, among other things, that he, the said *Henry F. Vaillette* Collector as aforesaid, should collect and pay over into the State Treasury of the State aforesaid the State taxes which were by law to be collected in, of and from said County of *De Page* for the year 1860, in the time and manner prescribed by law.

aforesaid - And the said plaintiffs, by their aforesaid attorney, do further aver that the said *Henry F. Vaillette, collector as* has not and did not perform all the duties required to be performed by him, as such Collector of the taxes of the County of *De Page* for the year 1860, in the time and manner prescribed by law, but that the sum of *twenty* thousand ~~hundred and~~ dollars and ~~cents~~ remain due, unpaid and owing of the taxes for the year 1860, from the County of *De Page* of State taxes, *and belonging to the State of Illinois*

and which was by law to be collected and paid over into the State Treasury of the State of Illinois, by the said *Henry F. Vaillette* Collector as aforesaid, on or before the *twelfth* day of *July* A. D. 1861, which said day last aforesaid hath long since elapsed, *Yet the said and the said although Henry F. Vaillette collector as aforesaid long before the day and year last aforesaid, took on the fifteenth day of April A.D. 1861, collected said sum of money last aforesaid, but the said Henry F. Vaillette collector as aforesaid did not on said twelfth day of July A.D. 1861, nor before that day pay, nor has he since that day*

~~has not~~ paid the said sum of money last aforesaid over into the State Treasury aforesaid, nor any part thereof, nor to said

Plaintiffs, whereby *said writing obligatory became and was forfeited by reason whereof said sum of money last aforesaid being and remaining wholly unpaid,*

an action hath accrued to the said Plaintiffs, to demand of and have from said Defendants the sum of money last mentioned ~~and above demanded,~~ *parcel of the sum above demanded*

And also for that whereas heretofore, to-wit: on the *thirteenth* day of *November* A. D. 1860, at the County of *Du Page* and State aforesaid, the said *Henry F. Vaillette* was *then and there the* Collector of the taxes of the County of *Du Page* for the year ~~A. D.~~ 1860, and being so then and there Collector of the taxes as aforesaid, it then and there became and was his legal duty, before entering upon the discharge of his duties as such Collector, to execute his bond, with good and sufficient security,

conditioned that said *Henry F. Vaillette* shall perform all the duties required to be performed by him, as Collector of taxes for the year 1860, in the time and manner prescribed by law; and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County or to the State, and appertaining to his said office, the said *Henry F. Vaillette collector as aforesaid* in consideration of his said legal duty afterwards, to-wit: on the day and year last aforesaid, at the County and State aforesaid, as Collector of the taxes of said County of *Du Page* for the year 1860, together with *the said other above named* Defendants,

as his securities, all of the County of *Du Page* and State aforesaid, then and there made and executed their certain writing obligatory, and then and there signed the same with their ^{respective} hands and sealed the same with their ^{respective} seals, and which said writing obligatory bears date the day and year last aforesaid, and which said writing obligatory is to said court here exhibited and shown, and which said writing obligatory, being so signed and sealed as aforesaid, they, the said defendants, then and there delivered to said plaintiffs, and which said writing obligatory the said defendants, and each of them, acknowledged themselves to be held and firmly bound to the People of the State of Illinois in the penal sum of *Forty* thousand *hundred and* dollars and *cents*, and which said writing obligatory was and is upon and subject to the conditions and in tenor and effect as follows, to-wit:

KNOW ALL MEN BY THESE PRESENTS, that we *Henry F. Vaillette* Collector, and *Erastus Gray, Warren L. Wheaton, John Collins, and Hadden Scott*.

securities, all of the County of *Du Page* and State of Illinois, are held and firmly bound to the People of the State of Illinois in the penal sum of *Forty thousand*

dollars, for the payment of which, well and truly to be made, we bind ourselves, each of us, our heirs, executors and administrators, firmly by these presents. Signed with our hands and sealed with our seals, this *thirteenth* day of *November* 1860.

The condition of the foregoing bond is such, that if the above bound *Henry F. Vaillette* shall perform all the duties required to be performed by him, as Collector of taxes for the year 1860, in the time and manner prescribed by law, and when he shall be succeeded in office shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County, or to the State, and appertaining to his said office, then the foregoing bond to be void, otherwise to remain in full force.

And which said writing obligatory, being so signed, sealed and delivered, as aforesaid, was then and there attested in due form of law, and was then and there duly approved by the Board of Supervisors.

of the said County of Deu Page aforesaid, and the said plaintiffs, by their aforesaid attorney, do aver that the said Henry F. Vaillette ^{and then and then was duly Recorder} on the day and year last aforesaid, was duly qualified and entered upon the discharge of the duties of his office as such Collector aforesaid, whereby it then and then ^{was his legal duty as such Collector aforesaid in the time and manner prescribed by law to collect and pay over into the State Treasury of the State of Illinois aforesaid, the State Taxes for said State for said year, and being due to said State, which were to be collected, in of and from said County of Deu Page, of and from the taxpayers thereof for said year, and which said State Taxes last aforesaid, had before that time been duly assessed, and the assessment made and provided, and which said State Taxes last aforesaid, then and then as said plaintiffs by their Attorney avers, amounted to the sum of twenty thousand Dollars, and had before that time been on the fifteenth day of April A.D. 1861, duly collected of and from the taxpayers of said County, for said year by the said several Township Collectors of said County, and which said sum of money last aforesaid, the said Henry F. Vaillette collector as aforesaid, then and then took; on the day and year last aforesaid did collect of and from said several Township collectors aforesaid, and having so collected the same was bound by law to pay the same over into the State Treasury aforesaid, on or before the tenth day of July A.D. 1861.}

And the said plaintiffs, by their aforesaid attorney, do further aver that the said Henry F. Vaillette, collector as aforesaid - has not and did not perform all the duties required to be performed by him, as such Collector of the taxes of the County of Deu Page for the year 1860, in the time and manner prescribed by law, but that the sum of Twenty - thousand dollars and cents remain due, unpaid and owing of the taxes for the year 1860, from the County of Deu Page of State taxes, and belonging to the State aforesaid ^{and which was in manner and form, on the day and year aforesaid took; on the fifteenth day of April, A.D. 1861, by said Henry F. Vaillette collector as aforesaid and which said sum being State Taxes as aforesaid and and belonging to the State aforesaid, then and then}

~~and which was by law to be collected and paid over into the State Treasury of the State of Illinois, by the said Henry F. Vaillette Collector as aforesaid, on or before the tenth day of July A. D. 1861, which said day last aforesaid hath long since elapsed; yet the said Henry F. Vaillette collector as aforesaid had long before the day and year last aforesaid took on the fifteenth day of April A.D. 1861, aforesaid collector of and from said several Township Collectors of said County the said sum last aforesaid, the same being then and then being State Taxes as aforesaid, but the said Henry F. Vaillette collector as aforesaid, did not on said tenth day of July A.D. 1861, nor before said day pay nor has he since that day~~
has not paid said sum of money, last aforesaid, over into the State Treasury aforesaid, nor any part thereof, nor to ~~said~~ his successor in office nor to said

plaintiffs, whereby said writing obligatory became and was forfeited by reason whereof ^{and of said sum of money last aforesaid being and remaining wholly unpaid} an action hath accrued to the said plaintiffs, to demand of and have from said defendants the sum of money last mentioned ^{other parcel of the sum of money} and above demanded. Yet the said defendants have not, nor either of them, paid said several sums of money above mentioned, nor either of them nor any part thereof, to the said plaintiffs, but to do the same have hitherto and still do altogether neglect and refuse to the damages of said plaintiffs of Forty thousand hundred and dollars and cents, and therefor they bring this suit, &c.

J. P. White
State's Attorney,
Att'y for Plaintiffs.

State, and appertaining to his said office, then the said bond to be void, otherwise to remain in full force.

And which said writing obligatory was then and there duly approved by the _____, of the said County of _____, and the said Plaintiffs, by their aforesaid Attorney, do aver that the said _____, on the day and year last aforesaid, was duly qualified, and entered upon the discharge of the duties of his office as such Collector aforesaid. And the said Plaintiffs, by their aforesaid Attorney, do further aver that the said _____ has not and did not perform all the duties required to be performed by him, as such Collector of the taxes of the County of _____, for the year 18____, in the time and manner prescribed by law, but that the sum of _____ thousand _____ hundred and _____ dollars and _____ cents remain due, unpaid and owing of the taxes for the year 18____, from the County of _____ and which was by law to be collected and paid over into the State Treasury of the State of Illinois, by the said _____ Collector as aforesaid, on or before the _____ day of _____ A.D. 18____, which said day last aforesaid hath long since elapsed. Yet the said _____ has not paid said sum of money, last aforesaid, over into the State Treasury aforesaid, nor any part thereof, nor to said Plaintiffs, whereby an action hath accrued to the said Plaintiffs, to demand of and have from said Defendants the sum of money last mentioned and above demanded. Yet the said Defendants have not, nor either of them, paid said sum of money last mentioned, nor any part thereof, to the said Plaintiffs, but to do the same have hitherto, and still do altogether neglect and refuse, to the damages of said Plaintiffs of _____ thousand _____ hundred and _____ dollars and _____ cents, and therefore they bring this suit, &c.

And it appearing to the Court that all of the defendants above named ~~except~~—

have been duly served with process herein, such proceedings were had thereon that a judgment by default was entered against the parties, Defendants, who were served with the process of said Court, to-wit: for Forty _____ thousand _____ hundred and _____

~~cents~~, together with the damages which said Plaintiffs have sustained by, and on occasion of the detention thereof, &c., whereof the said Defendants (last named) are convicted, as appears of record; and the same Plaintiffs having prayed out of said Court a writ of inquiry, to inquire into the truth of said breaches of condition above assigned, and assess the damages which said Plaintiffs have sustained thereby:

Therefore, according to the statutes in such case made and provided, we command you, said sheriff, that you summon twelve good and lawful men of your bailiwick, to be and appear before you at Springfield, on the seventh _____ day of January A.D. 1862, to diligently inquire, on their oaths, of the truth of said premises, and to assess the damages which the said Plaintiffs have sustained by reason of the aforesaid breaches, and that you have you then and there this writ, &c.

Witness the Hon. JOHN D. CARON, Chief Justice of our said Court, and the seal thereof, at Springfield, this fourteenth day of January A.D. 1862.
Wm. James Clerk.

I, J. M. Smith, Sheriff of said County, in obedience to the command of the within writ, to me directed, have this day executed the same, by summoning twelve good and lawful men of my bailiwick, to-wit:

*J. M. Morse, M. K. Anderson, Phillip Stone
J. H. Lewis, Wm. Greenwood, Samuel Hughes
Joseph W. Arnold, P. Sherry, J. F. Madden,
William Clark, and J. M. Woodruff.*

as a jury, who being first duly sworn according to law, to inquire into the truth of said premises, returned the following verdict, to-wit:

“STATE OF ILLINOIS, }
SUPREME COURT, } Of the January Term thereof, A. D. 1862.
Second Grand Division, }

We, the undersigned jury, by the Sheriff of Sangamon County this day summoned before him, on oath to inquire into the truth of the premises, and to assess the damages therein on a certain writ of inquiry, sued out of said Court, to said Sheriff directed, in which the people of the State of Illinois are Plaintiffs, and *Henry F. Vallette* and others are Defendants, having heard the evidence adduced by said Plaintiffs, do, on our oaths, say and find that the allegations of breaches in said Plaintiffs' declaration are true; that the penalty of said bond in said Plaintiffs' declaration is *Forty* thousand hundred and dollars and cents, and that we do assess the damages of said Plaintiffs against the following Defendants, (who have been served with process herein,) to-wit:

at *five* thousand *four* hundred and *ninety four* dollars and *forty eight* cents.
Witness our hands and seals at Springfield, this _____ day of *January*, A. D. 1862

<i>J. M. Morse</i> [SEAL.]	<i>Sam. Hughes</i> [SEAL.]
<i>M. K. Anderson</i> [SEAL.]	<i>Joseph W. Arnold</i> [SEAL.]
<i>Phillip Stone</i> [SEAL.]	<i>P. Sherry</i> [SEAL.]
<i>J. H. Lewis</i> [SEAL.]	<i>J. F. Madden</i> [SEAL.]
<i>Wm. Greenwood</i> [SEAL.]	<i>William Clark</i> [SEAL.]
<i>Wm. McContra</i> [SEAL.]	<i>J. M. Woodruff</i> [SEAL.]

And by returning the above, the verdict of said jury, and this writ into Court, which said verdict I do hereby make a part of this my return hereto, this *fifteenth* day of *January*, A. D. 1862. *J. M. Smith* Sheriff S. C.

No. 65

The People
vs
H. F. Vallatte et al

Writ of Inquiry

Summon Jury	\$1.00
Sum witness	40
Return writ	10
Jury Fees	3.00
Locar Jury & witness	<u>25</u>
	4.75

J. M. Smith Shff. Me.

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