

No. 8616

Supreme Court of Illinois

Illinois Central R.R.Co.

vs.

Benton Gill

71641  7

59

*Ill. C. R. R. vs Benton Gill*

8616

*300*  
*5-*  
*\$15.00*

*Paid by M. J. Allen \$5.00*

Jackson County Circuit Court Decr Sptm 1860

At a Special Term of the Jackson County Circuit Court began and held in the Court House in the town of Maphysboro Jackson County State of Illinois on Monday December 3<sup>rd</sup> 1860

Present the Honorable Alexander McJensin, Judge of the Third Judicial Circuit, and presiding Judge of the Jackson County Circuit Court, Anderson T Corder States Attorney, James P Watson Clerk and Abel C Davis Sheriff

Whereupon the following Order was made

Benton Site

vs

Illinois Central Rail Road Company -

Whereupon the Case  
Saturday December 8<sup>th</sup> 1860

And now on this day came the parties by their Attorneys, Whereupon by agreement of parties this Cause is to be tried on Tuesday next.

Wednesday December 12<sup>th</sup> 1860

And now on this day again came the Plaintiffs by his Attorneys Logan & Allen and C Thomas, and the defendants by their Attorneys Haynie & Parritt Whereupon Issue joined and Cause Submitted to a jury, and a jury of Twelve good and Lawful men being called, Logan Wheeler, George Will, Martin

Martin Childers, Andrew Reiman, William Hagler  
Josiah Phelps, Benjamin T Brown, George Butcher  
Joseph Whiskey, John A Reynolds, John W Probaugh  
and Henry Welch who after being sworn to try  
the Issue joined and a Verdict Rendered, and  
after hearing the Evidence and Arguments of  
Counsel, Retired to Consider of their Verdict,  
And Returned into Open Court the Following  
Verdict "We the jury find the defendants Guilty  
and Assess the Plaintiffs Damage at the Sum of  
Three hundred dollars." It is therefore

Ordered by the Court that the Plaintiff Renton  
Gill have Judgment for and against the said  
Defendants, the Illinois Central Rail Road Com-  
pany, for the Sum of Three hundred dollars, and  
do Recover of and from them the said Sum of  
Three Hundred dollars being the Amount of the  
Damages as Assessed together with the Costs of this  
suit herein to be Paid and may have Execution  
therefor. Whereupon Motion is made by defendants  
Attorneys for a New trial, Motion for a New trial  
Overruled by the Court. The defendants by their  
Attorneys prays an Appeal to the Supreme Court  
of the State of Illinois. Appeal Granted by  
Filing Bond within Thirty days from this date  
in the penal Sum of Five hundred dollars  
with J. N. Haynie as Security.

Bill of Exceptions Signed Sealed and Filed.

And afterwards to Wit on the 26<sup>th</sup> day of December  
AD 1860. the Following Appeal Bond was filed  
Which is in Words and Figures as follows. to wit:

Know all men by these presents that We the  
Illinois Central Railroad Company and Sham. N  
Hayne are held and firmly bound to Benton Gill  
in the penal Sum of Five 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 Administrators jointly. Sove-  
rally and firmly by these presents, Witness Our hands  
and Seals this 17<sup>th</sup> day of December AD 1860.

The Condition of the above obligation is such  
that Whereas the said Benton Gill did on the  
10<sup>th</sup> day of December AD 1860. before the Circuit  
Court of the County of Jackson and State of Illinois  
Recover a judgment against the above bounden  
Illinois Central Rail Road Company for the Sum  
of Three hundred dollars and Costs of Suit from  
which judgment the said Illinois Central Rail-  
road Company has taken an Appeal to the Supreme  
Court of the State of Illinois; Now if the said  
Illinois Central Railroad Company Shall prosecute  
their Appeal duly and with effect, and Shall  
pay the judgment Costs interest, and Damages  
in Case the judgment aforesaid Shall be affirmed  
then the above Obligation to be void otherwise to  
be and remain in full force and effect

Illinois Central Railroad Company (C S)  
vs J. N. Haynie Pltff in fact  
J. N. Haynie (C S)

Filed December 26<sup>th</sup> 1860 }  
James P. Watson, Clerk }

State of Illinois }  
Jackson County } I James P. Watson Clerk of the  
County and State. Do Certify that the above and  
 foregoing to be a true and correct copy of an Order  
 of Court made at the December Special Term AD 1860  
 And also an Appeal Bond on File in the above  
 Entitled Cause as appears from the Records in my  
 Office,

In testimony whereof I have hereunto set  
 my hand and Affixed the Seal of my  
 Office at Murphysboro this 11<sup>th</sup> day  
 of November AD 1860

James P. Watson, Clerk

