


No. 13951

Supreme Court of Illinois

Northern R. R. Co

vs.

Roberts

71641  7

State of Illinois }
McDonough County } ss

Pleas before the Hon O C Skinner judge of the
tenth judicial circuit of the State of Illinois
now presiding in the Fifth judicial
circuit by reason of a change of seats with
the Hon P H Walker judge of the Fifth
judicial circuit of the state of Illinois
at a circuit court began and held at
the Court House in Macomb on the
second Monday in the month of
October AD 1854

Present The Hon O C Skinner judge
John S Bailey States Attorney
Wm W Randolphs Clerk
S M Hogan Sheriff

And afterwards, to wit: On Monday the
fourth day of October AD 1854 the following order was
entered herein to wit

Northern & Rail Road Co
vs
James C Roberts } Appeal

And now on this day came
the defendant by his attorney and filed his motion
herein to dismiss this suit.

Tuesday October 10th AD 1854

Northern & Rail Road Co
vs
James C Roberts } Appeal
And now on this day came on
to be heard the motion filed herein on yester day to dis-
miss this suit. And after hearing the argument of
counsel it is concluded by the court that said
motion be sustained and that this cause
be dismissed, for want of jurisdiction. It

2 is therefore considered by the court, that the said
defendant have and recover from off the
said plaintiffs his costs by them in this behalf
paid out and expended and that execution
issue therefore.

And afterwards to wit on the
fourteenth day of October AD 1854 The
following order was entered herein

Northern & Rail Road Co

vs } Appeal
James C Roberts }

This day came the Plaintiff
by their attorney and prayed an appeal
to the second Grand Division of the
Supreme Court of this State which prayer
is granted them on their entering into bond
with James M Campbell as security in
the Penal sum of one hundred dollars
conditioned as the law directs within
thirty days from this date.

Bill of Exceptions

Northern Cross Rail Road Co

vs } Appeal
James C Roberts }

Be it Remembered that on
the trial of this cause the appellant James C Roberts
moved the court to dismiss this suit for want
of jurisdiction apparent on the face of the
papers to wit

State of Illinois } ss

McDonough County }

To James M Campbell or
any other citizen of said county of McDonough
Upon the application of N Bushnell Esq President

The foregoing summons is the property of the Northern Crop Rail Road Company, President of the Northern Crop Rail Road Company, at the request of a Justice of the Peace in and for said county, to wit Robert P Head, who was by me sworn in manner and form as follows to wit That they would faithfully and impartially examine the lands that should be appraised by James C Roberts by reason of the construction of this Lateral Branch Rail Road, extending from near Camp Point in Adams county, to Salesburgh in Knot county over certain lands claimed by James C Roberts, and situated in said county to wit Block No Three (3) in the Town of Maccomb per Plat No Two (2) And that they proceed to view said premises and make said appraisement on the fifteenth day of April AD 1854 And this you are not to omit, and have you then and there this summons Given under my hand and seal this 14th day of April AD 1854

of the Northern Crop Rail Road company, you are hereby notified directed to summons John P Head Regin Taylor & Robert R Bean householders of said county, to appear on the 15th day of April AD 1854 before me the undersigned a justice of the peace within and for said county there and there to be sworn as appraisers to assess the damages which will be sustained by James C Roberts by reason of the construction by the Northern Crop Rail Road company of this Lateral Branch Rail Road, extending from near Camp Point in Adams county, to Salesburgh in Knot county over certain lands claimed by James C Roberts, and situated in said county to wit Block No Three (3) in the Town of Maccomb per Plat No Two (2) And that they proceed to view ^{of} said premises and make said appraisement on the fifteenth day of April AD 1854 And this you are not to omit, and have you then and there this summons

Given under my hand and seal this 14th day of April AD 1854

William S Heil JP Seal

* State of Illinois } ss
County of McDonough }

Personally appeared before the undersigned a justice of the Peace in and for said county John P Head Regin Taylor & Robert R Bean householders of the county and State aforesaid who were by me severally sworn in manner and form as follows to wit That they would faithfully and impartially examine the lands that should be appraised

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sent to them by M Bushnell the President of the Northern Cross Rail Road Company or by any other agent of said Company as lands claimed by James C Roberts over which the Lateral Branch Rail Road of said Company, extending from near Camp Point, in Adams County to Galesburg in Knox County, now being constructed will pass, and that they would assess the damages which they should believe the said James C Roberts, will sustain by reason of the construction of said Rail Road over said premises, over and above the additional value said land will derive from the construction of said Rail Road, and that they or a majority of them would within five days, after said view and assessment report their decision in the premises according to law

Witness my hand and seal this 15th day of April
 AD 1854
 William S Hail J.P. Seal

State of Illinois }
 County of McDonough } ss To James M Campbell

You are hereby directed to notify James C Roberts of said County that on the 15th day of April AD 1854 Three householders of said County after having been sworn according to Law, will proceed to view the land claimed by him situated in said County and being described as Block No Three (3) in the Town of Macomb per Plat No Two (2) of said Town, and to assess the damages they believe he will sustain by reason of the construction by the Northern Cross Rail Road Company of their Lateral Branch Rail Road, from near

5- Camp Point to Galesburgh, over the said premises, Over and above the additional value the said land will derive from the construction of said Rail Road At what time the said James C Roberts may attend upon said land with said householders as he shall think proper.

Witness my hand and seal this 15th day of April AD 1854 William S Heil J P Seal

State of Illinois }
County of McDonough } ss
Personally came James M Campbell before me, the undersigned a Justice of the Peace in and for said County, and made oath that he did on the fifteenth day of April AD 1854 serve the foregoing notice by reading the same to the said James C Roberts

Witness my hand and seal this fifteenth day of April AD 1854
William S Heil J P Seal

State of Illinois }
County of McDonough } ss
We the undersigned householders of the County and State aforesaid having been duly summoned and sworn according to law by and before William S Heil a Justice of the Peace of said County to view the premises herein after described, situated in said ^{the} County claimed by James C Roberts and to assess the damages which we believe the said James C Roberts, will sustain by reason of ^{the} construction by the Northern Cross Rail Road Company of a Lateral Branch Rail Road

5- Camp Point to Galesburgh, over the said premises, Over and above the additional value the said land will derive from the construction of said Rail Road At what time the said James C Roberts may attend upon said land with said householders as he shall think proper.

Witness my hand and seal this 15th day of April AD 1854 William S Heil J P Seal

State of Illinois }
County of McDonough } ss
Personally came James M Campbell before me, the undersigned a Justice of the Peace in and for said County, and made oath that he did on the fifteenth day of April AD 1854 serve the foregoing notice by reading the same to the said James C Roberts

Witness my hand and seal this fifteenth day of April AD 1854
William S Heil J P Seal

State of Illinois }
County of McDonough } ss
We the undersigned householders of the County and State aforesaid having been duly summoned and sworn according to law by and before William S Heil a Justice of the Peace of said County to view the premises herein after described, situated in said ^{the} County claimed by James C Roberts and to assess the damages which we believe the said James C Roberts, will sustain by reason of ^{the} construction by the Northern Cross Rail Road Company of a Lateral Branch Rail Road

5- Camp Point to Galesburgh, over the said premises, Over and above the additional value the said land will derive from the construction of said Rail Road At what time the said James C Roberts may attend upon said land with said householders as he shall think proper.

Witness my hand and seal this 15th day of April AD 1854 William S Heil J P Seal

State of Illinois }
County of McDonough } ss
Personally came James M Campbell before me, the undersigned a Justice of the Peace in and for said County, and made oath that he did on the fifteenth day of April AD 1854 serve the foregoing notice by reading the same to the said James C Roberts

Witness my hand and seal this fifteenth day of April AD 1854
William S Heil J P Seal

State of Illinois }
County of McDonough } ss
We the undersigned householders of the County and State aforesaid having been duly summoned and sworn according to law by and before William S Heil a Justice of the Peace of said County to view the premises herein after described, situated in said ^{the} County claimed by James C Roberts and to assess the damages which we believe the said James C Roberts, will sustain by reason of ^{the} construction by the Northern Cross Rail Road Company of a Lateral Branch Rail Road

from near Camp Point in Adams County to
Galesburgh in Knox county over said premises
and having proceeded on the day in the said
summons mentioned, to view the said premises
which were pointed out to us by James M Campbell
Esq, the Agent of the Northern Cross Rail Road Com-
pany as lands claimed by the said James C Roberts
and over which the said Lateral Branch Rail
Road, now being constructed will pass do
now award and report as follows to wit
That the said Lateral Branch of the Northern
Cross Rail Road passes over the lands of
the said James C Roberts situated in the
said county of McDonough and described as
Block No Three (3) in Town of Maccomb
per Plat No Two (2) of said town and
that the said Northern Cross Rail Road Com-
pany necessarily for the purpose of a right of
way for the construction and use of their
said Rail Road over the said premises
require and use a portion of said premises
fifty feet in width on each side of the center
line of the said Rail Road for the whole
distance which said Road passes over the
same and that the damage sustained
by the said James C Roberts by reason of
the construction of the said Rail Road
over the said premises as aforesaid over
and above the additional value which the
said land will derive from the construct-
ion of the said Rail Road is one hundred
dollars In Testimony whereof we have
herein to set our hands and seals this fifteenth
day of April A.D. 1854

Legend
 Commissioners per \$600
 Jm Campbell per 100
 W S Hail J.P. 1.00
 Appeal Bond 25 - Tran. 25.50
 \$850

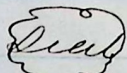
State of Illinois }
 McDonough County } I William S Hail an acting
 justice of the Peace in and for said County
 do certify this the foregoing is a true copy
 of the original on file in my Office
 This 5th day of May 1854

William S Hail J.P. *(Seal)*
 Which motion was resisted by the attorneys
 of the appellies the Northern Cross Rail Road
 Company, but the court sustained the
 motion and dismissed the suit on the
 ground that the appraisers were not appo-
 -inted according to the provisions of an
 act entitled an act to amend the law
 condemning the right of way for purposes
 of internal improvements Approved
 June the 22^d 1852 To which opinion and
 judgment of the court the appellies by
 their attorney excepted at the time when
 the same was rendered and prays that
 this bill of Exceptions may be signed sealed
 and enrolled which is done accordin-
 gly

O C Skinner *(Seal)*

Now on this day came the Planiffs
 and filed their appeal bond as filed herein
 copy of Appeal Bond
 Know all men by these presents that we Northern
 Cross Rail Road Company of the State of Illinois &

and endorsed which is done accordingly

O. C. Skinner 

Now on this day came the Planiffs
and filed their appeal bond as filed herein
Copy of Appeal Bond

Know all men by these presents that we Northern
Crop Rail Road Company of the State of Illinois &
James M. Campbell of the County of McDonough and
State of Illinois are held and firmly bound unto
James C. Roberts of the County of McDonough &
State of Illinois in the penal sum of one hundred
dollars current Money of the United States, for the
payment of which well and truly to be made we bind
ourselves our Successors our heirs executors & Administrators
jointly, severally, and firmly by these presents.

Witness our hands and seals at the Clerks office in
McDonough this 27th day of October AD 1854

The condition of the above obligation
is such that whereas the said James C. Roberts did
on the tenth day of October in the year of our Lord
one thousand eight hundred and fifty four, in the
Circuit Court in and for the County of McDonough
and State of Illinois, recover a judgment against
the above bounden Northern Crop Rail Road Comp-
-any for the sum of Eight Dollars and fifty
cents costs, From which said judgment of the
said Circuit Court, The said Northern Crop Rail
Road Company has prayed for and obtained
an appeal to the Supreme Court of said State.

Now if the said Northern Crop Rail Road Company
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 judgm-
ent shall be affirmed in the said Supreme
Court Then the above obligation to be void
otherwise to remain in full force and virtue.

In witness whereof we the said Company
have caused their President to subscribe

his name and affix the corporate seal hereto
and the said James M Campbell hath also
subscribed his name and placed his seal
hereto all the day and year first above written
Taken and entered into
before me at my office in } N Bushnell President
Worcester this 31st day of } of the Northern Rail
October AD 1854 } Road Company (seal)
Attest W^m H. Randolph } James M Campbell (seal)
Clerk

On the Back of said Bond is
Enclosed

Filed and approved
October 31st AD 1854
W^m H. Randolph
Clerk

N + Rail Road Co

Res } Transcript

Gas to Roberts

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