

No. 13974

Supreme Court of Illinois

Kennedy

vs.

Ill. & Mississippi Telegraph
Co.

71641  7

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division.

No. 7.

Kennedy
5
J. C. M. S.
J. C.



860

12074

~~Handwritten scribble~~

Kennedy

no

Delmon & Minter
Postage

Co

State of Illinois &c.
Grundy County &c.

Pleas before the
Honorable S. W. Randall Judge of
the Eleventh Judicial Circuit
of said State and presiding
Judge of the Circuit Court of
Grundy County in said State
at a Court begun and held
in and for said County on
Monday the twenty sixth day of
March in the year of our Lord
one thousand Eight hundred
and fifty five and of the
independence of the United
States the Eightieth, at the
Court House in Morris

Present

The Hon S W Randall Judge
S. W. Bowen State's Attorney
John Galloway Sheriff

Attest

Geo. W. Nixson Clerk

Be it Remembered that heretofore
to wit, on the 12th day of
March A.D. 1855, There was

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filed in the Clerk's Office of said
Grundy County Circuit Court, a
precipe, which is in the words and
figures following, To Wit;

"William Kennedy }
vs } Trespas on the
Illinois & Mississippi } Case
Telegraph Company } Damages \$200.00

Mr Clerk will please
issue Summons as above to Sadalle
County and Subpoenas for Patk Con-
nery Pat Stanton Pat Kindrick
Orville Cone & William Whipple

and much oblige

Wm J. Hopkins

Atty for plff "

And thereupon there issued from
out the said Circuit Court, a
writ of Summons which is in the
words and figures following, to wit;

"State of Illinois } ss
Grundy County }

The People of the
State of Illinois to the Sheriff of
Sadalle County. Greeting we com-
mand you that you summon The

Illinois & Mississippi Telegraph
Company if they shall be found
in your County, personally to be
and appear before the Circuit Court
of said County, on the first day
of the next Term thereof, to be hold-
den at the Court House in Morris
in said County, on the 26 day
of March instant to answer
unto William Kennedy in a plea
of Trespass on the Case to the
damage of the said Plaintiff as he
says in the Sum of Three Hundred
Dollars - And have you then
and there this writ, with an endorse-
ment thereon, in what manner you
shall have executed the same

Witness Geo H Kerstedt ~~clerk~~
of our said court and the seal
thereof at Morris aforesaid
this 13th day of March
A.D. 1855
Geo H Kerstedt
Clerk of the Circuit Court

Which said writ of Summons was
returned into said Court and
filed with the Clerk thereof

4 on the 29th day of March A.D., 1855, with the following endorsement thereon, to wit; "Executed this writ by Reading the same to John D. Eaton & by leaving a copy of the same with him. March 15th 1855

H Warner Shoff
Sabbell County

Ser & Ret 60
1 mile 5
Copy $\frac{50}{8115-}$

And thereafter, to wit; on the said 29th day of March A.D. 1855, it being one of the days of the session of said Term of said Court, the following proceedings were had, before and entered in the Records of said Court, to wit;

William Kennedy }
v.s } Trespass on
Illinois & Mississippi } the case
Telegraph Company }

This day comes the plaintiff by Reading & Hopkins his attorneys, and Mr Cook enters his appearance, de bene Esse, oro

behalf of the Defendants and
moves the Court, to quash the
writ of Summons herein, which
motion is granted, whereupon the
said Plaintiff submits to non suit
herein, It is therefore considered
that the defendants do have and
recover, of the said Plaintiff their
costs and charges herein expended,
and that they have Execution,

And

And afterwards, to wit; on the
12th day of September A.D. 1855
there was filed in the Clerk's Office
of said Court another Precept which
is in the words & figures following, to wit;
"Grundy County Circuit Court
William Kennedy

vs } Trespass on the
The Illinois & Mississippi } Case
Telegraph Company } Damages \$300.00

The Clerk will
please issue the Summons in the
above stated cause to Badale County
Returnable to the 1st day of the next
Term of said Court, And Subpoenas
for Patrick Conery, Patrick Stanton
Patrick Kendrick Orville Coners

6

J^r H^r WhippleJ^r S. Hopkins

Atty for Plff.

And thereupon there issued from out the said Circuit Court a Writ of Summons which is in the words and figures following. To wit

"State of Illinois } ss
 Grundy County }

The People of the State of Illinois to the Sheriff of LaSalle County. Greeting We command you that you Summon The Illinois & Mississippi Telegraph Company if they shall be found in your County. Personally to be and appear before the Circuit Court of Grundy County, on the first day of the next Term thereof, to be holden at the Court House in Morris in said County of Grundy, on the first Monday of October next to answer unto William Kennedy in a plea of Trespass on the Case to the damage of the said Plaintiff as he says in the sum of three

hundred Dollars. And have you
then and there this writ, with an
endorsement thereon in what manner
you shall have executed the same

Witness Geo H. Kierstead
Clerk of our said Court, and
the seal thereof at Morris
of said this 12th day of
September A. D. 1855

Geo H Kierstead
Clerk of the Circuit Court
by A Bennett
Deputy "

Which said writ of Summons was
returned with said Court and filed
with the Clerk thereof, on the
20th day of September A. D. 1855
with the following endorsement
thereon to wit:

"Executed this writ
by Reading the same to John D.
Baton as president of the Illinois
and Mississippi Telegraph Company
and by leaving a copy of this writ
with him. Sept 15th 1855

A Warner

Shoff Esq. "

8 And afterwards, to wit; on the 3^d day of October A.D. 1855, it being one of the days of session of said Court, for the October Term thereof, for said year, The Honorable S. H. Randall as Judge presiding, the following further proceedings were had in said cause, to wit;

William Kennedy }
vs } Trespass on the
Illinois & Mississippi } Case
Telegraph Company }

Now on this day comes the Plaintiff by Reading & Hopkins his attorneys, and the Defendants being three times solemnly called, come not, nor any one for them, but herein make default, which is ordered of Record,

And afterwards, to wit on the 4th day of December, A.D. 1856, it being one of the days of session of said Court, of a Special Term thereof, begun and held at the Court house in Morris. on the

first Monday of December A.D.
1856, to which said Special Term
all causes pending in said Court,
were referred for trial, the Honorable
S W Randall as Judge presiding
The following further proceedings
were had, in said cause to wit,

William Kennedy }
vs } Trespass on the
Illinois & Mississippi } Case
Telegraph Company }

This day comes
the Plaintiff by Reading & Hopkins
his Attorneys, and a default having
heretofore been entered herein, as
to said Defendants, thereupon by order
of the Court, come the following
Jurors of a Jury, viz; P. Tompkins
W. C. Jones J. Augustine P. H. Sam-
phear, S. Sufferin J. L. Tilders, S.
Horse A. G. Barber David Tabler
H Woodward J. T. Vandoren & A. P.
Bushnell, who, being duly chosen
Selected and Sworn, the damages
sustained by the said Plaintiff
herein, well and truly to enquire into,
and true verdict render thereon,
according to evidence after hearing

9

12 Manifest of record the said defendants
prays that said judgment may
be reversed & held for nunglet

Beck
per Officiarius

State of Illinois Oct

The clerk will make the writ of error a
supersedeas in this case upon plaintiff
filing bond in \$350 with Joseph C.
Glover surety - Conditions &c

Chambers Springfield Ills.

Feb 6th 1857. H. B. Scates C. J.

William St. Lawrence
7 W St
Albion & McJannet
Telegraph Company

Filed April 6, 1857
at St. Louis
Beck
copy



File
\$2.80

Supreme Court of the State of Illinois
Third Grand Division April 1860

The Illinois & Mississippi
Telegraph Company

vs.

William Remy

Error from Grand

And now comes the
defendants in error by Seland & Stephens
his attys & says that there is no such error
in the record & proceedings in this case as
the plaintiffs in error has there in original
whereas the jury that said the jury
may be affirmed

Seland & Stephens
for aff in error

St & Miss Telegram
Cant. cur

15

William Pennington

You are in error

Frid April 18. 1868
L. Letland
Chas M

The Illinois & Mississippi } Supreme Court April
Telegraph Company } Term 1857
vs } Error from Circuit
William Kennedy

William T. Hopkins being
first duly sworn upon his oath doth say
that he is the attorney of the defendant in
this cause, that one of the errors assigned
by the plaintiffs in error is that the copy
of the record of the proceedings had in
this cause does not show that any declaration
of the merits of this cause was filed in
the court below; that the copy of the
record is not full and complete for the
reason that ~~is~~ declaration was filed in
the cause aforesaid, which the copy
aforesaid does not set forth, He
therefore prays that a writ of certiorari
may issue to the clerk of the court
aforesaid commanding him to send
up to this court a full and complete
copy of the record of the proceedings had
in this cause in the court below.

Sworn to & Subscribed before
me this 28.th day of April. W. T. Hopkins
A.D. 1857. L. Leland D. Clerk
By J. B. Rice Deputy

The Illinois and
Mississippi Telegraph
Company
vs
W. Kennedy

Affidavit

Filed April 28, 1887
L. Leland
Clerk

Telegraph Company

vs

Kennedy } As I passed the
depot (on the Cars) at Morris the 1st
day of this term - on stepping off the
Cars - I met Mr Hopkins - who
said he wanted to give me a men
orandum of a case - he had in
the Supreme Court that I should
~~not~~ answer for him & prevent
any default for that day - I
said give me the memorandum

- He retired & wrote a men
with the title of this Cause &
brought it to me on the plat
form - On looking at it I
told him I could not appear
for him for I was the attorney of
the Company under general
retainer - That I had nothing
to do with this Case - That this was
Cooks Case - He then asked
me to get some one else to
appear for him - at this
stage the Cars were starting
& as I leaped upon the platform
I called out - that I would see to it
that he would not be hurt for one
day

or words to that effect.

I came on down & it escaped my attention until I was informed by Mr Cook that he had continued the cause - I applied to him to set it aside - besought him so to do - he refused - I then called the attention of the Court to this matter I made a brief statement of the facts - not so full in details as this

L. Lyle Dickey

Sussex & Swan & Ship
Aug. 23 1860
L. Leland & Co.

Telegraph Co
vs
Kennedy

Appt. of J. Q. Dickey

Filed April 24, 1860
L. Leland
Clerk

1
The Mass Telegraph Co

4
Mr. Kennedy

I submit that Judge
Lewelly is not and has not been
counsel for plaintiff in error in the
above case, his relation to it was
no different from that of any
other atty of this court, and if
deft made an agreement with him
it don't affect the rights of plaintiff in
a case where those rights are repre-
sented solely by me

If he chose to rely upon
~~an~~ understanding with a person
who had no right to bind the plaintiff by
any agreement he could do so but
he runs his own risk.

The plaintiff's rights are in
no way affected by this outside
agreement

B. C. Cook

No 7

Suggestions of
petty in error on
Mr. D. L. Aswell
continued

Filed April 19. 1880
L. Leland
Clerk

7
The Telegraph
Co 1 21

Kennedy

Filed April 19 1869
L Leland
Clerk

Hickey —

Illinois & Mississippi
Telegraph Company
vs.
William Kennedy } Error from Grundy Co.
Before the Supreme Court
in and for the State of
Illinois, at the April
Term thereof 1860.

William Hopkins being first duly sworn, saith that he is the attorney for the defendant in this cause, that on ~~Tuesday~~ ^{last} morning ~~he started~~ he started to come to this court for the purpose of attending to this suit, that at the depot of the Chicago and Rock Island ~~depot~~ R. R. in Grundy County he met Judge Dickey, who informed this affiant that he, Judge Dickey, was the attorney of the plaintiffs in this suit, that if this affiant did not desire to attend this court on the first day of the term, that no advantage should be taken of his ~~absence~~ ^{by continuing on} ~~until this affiant should be present~~ ~~defaulting said cause~~, that this

affiant, relying implicitly upon such assurances, did not attend this court on the first day of the term, but was in attendance on the second day thereof.

and learned to his surprise, that
the said suit had been continued
by Mr Cook, ~~another~~ another attorney
for the plaintiffs,

This affiant further saith,
that, without the aforesaid assurance
of said Judge Dickey, that he was the
attorney for the plaintiffs, he
would have been in attendance
in this court on the first day
of the term to attend to the hearing
of the cause aforesaid,

He therefore prays, that the
continuance aforesaid be set aside,
~~and the cause be set for hearing~~
~~at some day in the~~

Subscribed and sworn to
before me April 19. 1860

L. Ireland Clk.

W. L. Hopkins

STATE OF ILLINOIS, }
SUPREME COURT, } ss.

The People of the State of Illinois,
TO THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY OF *Grundy* GREETING:

BECAUSE, In the record and proceedings, as also in the rendition of the judgment of a plea which was in the Circuit Court of *Grundy* County, before the Judge thereof, between *William Kennedy*

plaintiff, and *The Illinois & Mississippi Telegraph Company*

defendant it is said manifest error hath intervened, to the injury of the aforesaid *Illinois & Mississippi Telegraph Company* as we are informed by *the* *of said company* complaint, and we being willing that error should be corrected if any there be, in due form and manner, and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distinctly and openly, without delay, send to our Justices of the Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at Ottawa, in the County of La Salle, on the *third Tuesday in April* ~~next~~ *1857*, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

WITNESS, The Hon. WALTER B. SCATES, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this *6th* day of *April* in the Year of Our Lord One Thousand Eight Hundred and Fifty-seven

S. Leland
Clerk of the Supreme Court.
By J. H. Rice Deputy

⁸⁹
The Illinois & Mississippi
Telegraph Company
vs

William Kennedy

Writ of Error

This writ of Error is
to operate as a su-
peredeas, and as
such is to be obeyed
by all concerned.

L. Leland
Clerk
By J. B. Rice Depy

Filed April 8. 1857

L. Leland
Clerk.

Know all Men by These Presents, That The Illinois and Mississippi Telegraph Company
as principal, and Joseph O. Glover
as security, are held and firmly bound unto William Kennedy in the
penal sum of three hundred and fifty dollars in the
and lawful money of the United States, for the payment of which, well and truly to be made, the said
Illinois & Mississippi Telegraph Company binds
itself & the said Joseph O. Glover hereby
binds himself, his heirs, executors, and administrators, jointly, severally, and firmly by
these Presents.

Witness, the hand of Thomas Bassett as Secretary
of said Illinois & Mississippi Telegraph Company
its Corporate Seal, and the hand & seal of the said
Joseph O. Glover this 6th day of April A. D. 1857.

The Condition of the above Obligation is such, That, whereas, the above named
William Kennedy
did, at the December Special Term of the Circuit Court,
held in and for the County of Grundy in the State of Illinois, A. D. 1856, recover a
judgment against the above bounden Illinois & Mississippi Telegraph
Company

damages & the costs of Court for the sum of one hundred & sixty dollars
to reverse which said judgment, the said Illinois & Mississippi Telegraph Company has sued out a Writ of
Error from the Supreme Court, within and for the Third Grand Division of said State. Now if the said
Illinois & Mississippi Telegraph Company
shall duly prosecute said Writ of Error, and pay, or cause to be paid, all judgments, costs, interest and
damages which the said Supreme Court shall adjudge against the said Illinois & Mississippi
Telegraph Company and abide the order and judgment of said
Supreme Court in this behalf, then this obligation is to be void, otherwise to remain in full force and effect.

M. & Miss. Tel. Co.
by Thos Bassett
Secretary

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

J O Glover Secy

The Ill & Miss.
Kelb Company
vs
William Kennedy
Supds bond

Filed April 6. 1857.
L. Leland
Clerk



STATE OF ILLINOIS,
SUPREME COURT,

ss. The People of the State of Illinois,

TO THE SHERIFF OF THE COUNTY OF

GREETING:

BECAUSE, In the record and proceedings, and also in the rendition of the judgment of a plea which was in the Circuit Court of Grundy county, before the Judge thereof, between William Kennedy plaintiff & the Illinois & Mississippi Telegraph Company

defendant, it is said that manifest error hath intervened, to the injury of the said Illinois & Mississippi Telegraph Company

of said company as we are informed by the complaint, the record and proceedings of which said judgment we have caused to be brought into our Supreme Court of the State of Illinois, at Ottawa, before the Justices thereof, to correct the errors in the same, in due form and manner, according to law; THEREFORE, WE COMMAND YOU, that by good and lawful men of your county, you give notice to the said William Kennedy

that he be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State, on the ~~Monday~~ ^{Third Tuesday} ~~in April~~ ^{April 2nd} next, to hear the records and proceedings aforesaid, and the errors assigned, if he shall see fit; and further to do and receive what said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said William Kennedy notice, together with this writ.

WITNESS, The Hon. WALTER B. SCATES, Chief Justice of our said Court, and the Seal thereof at Ottawa, this 6th day of April in the Year of Our Lord One Thousand Eight Hundred and Fifty-Seven.

S. Leland
Clerk of the Supreme Court.
By J. B. Rice Deputy

The Illinois & Mississippi
Telegraph Company
vs

William Kennedy

Scire Facias

I did on this 8. Day
of April 1857 Serve the
written Writ according to
Law and Reading the
Same to William Kennedy

Serve 5-0
Writ 15
Return 10
7 5

Attest
Sheriff

Made April 21. 57
Filed April 24. 1857
L. Leland
Clerk



Grundy County Circuit Court of October Term
A.D., 1855

State of Illinois } ss
Grundy County }

William Kennedy)

vs

Illinois & Mississippi
Telegraph Company)

Trespass on the case

Be it Remembered that
heretofore to wit; On the Twenty first day of
September A.D., 1855, the above named
Plaintiff, by Reading & Hopkins his Attorneys
filed in the Clerk's Office of said Court,
his declaration in said cause which is
in the words & figures following to wit;

Grundy County Circuit Court October Term A.D., 1855

State of Illinois } p

Grundy County }

William Kennedy Plaintiff in this
Suit by Reading & Hopkins his Attorneys. Complaints
of the Illinois and Mississippi Telegraph
Company who were summoned & of a plea of
Trespass on the case. For that whereas the said
Plaintiff at the time of committing the grievances
hereinafter mentioned was engaged as a farmer
in the raising of Cattle and horses in the
County of Grundy aforesaid and as such

farmer was owner of certain Cattle and horses being and running and as of right they should, upon a ~~certain~~ common situate and being in the County of Grundy aforesaid, and the said plaintiff had been and was at the time of the said grievances hereinafter mentioned accustomed to pasture and keep his said Cattle and horses in and upon said common having a right so to do. And the said plaintiff was also then and there on the first day of August A.D. 1854 at the County aforesaid lawfully possessed of a certain mare of great value to wit of the value of Two hundred dollars being and running with the Cattle and horses aforesaid in and upon the common aforesaid to wit at the County of Grundy aforesaid. And the defendant was then and there possessed of a certain telegraphic line running in and along said common, and across the passage to and from the farm House of the said plaintiff, to said common to wit on the first day of August to wit at the County of Grundy aforesaid. Nevertheless the said defendant carelessly for the space of four months between the first day of May A.D. 1854 and the first day of September A.D. 1854

aforsaid being the time within which the
grievances hereafter mentioned were commit-
ted allowed and permitted the wire of
the said Telegraphic Line to fall down
and upon and within from one to four
feet of the ground for a great distance
along said line to wit across the premises
of the said plaintiff near the farm House
of the said plaintiff and across the passage
to and from the said Common and the
said farm house to the great danger
of the Cattle and horses of the said
plaintiff. And the said defendant not
regarding their duty in that behalf but care-
lessly negligently and improperly so allowing
and permitting the said wire to so remain
upon and near the ground across the passage
to and from the said farm house and the
said common that whilst the said mare
was returning from said common to the farm
house of the said plaintiff aforsaid to wit
on the first day of August A.D. 1854 at the
County of Grundy aforsaid she ran against
the said wire of the defendant aforsaid
with such violence as to then and there
become and was greatly good torn & lacerated
inasmuch that the said mare thereof
afterwards on the day and year aforsaid

died and was wholly lost to the said plaintiff
to wit at the County of Grundy aforesaid
And whereas also the said plaintiff at the
time of the greivances hereinafter mentioned
was engaged as a farmer and graizer in culti-
vating the soil and the raising of cattle
and horses to wit at the County of Grundy
aforesaid. and as such farmer and grazier
was the owner of certain cattle and horses
running and being at large to wit among
others a certain Bay Mare of great value to
wit, of the value of Two Hundred dollars
being passing and re-passing as of right
she should upon a certain public highway
or great road situate and being in the
County of Grundy aforesaid and running
from the town of Morris to the City of
Ottawa. And the said defendants were
then and there possessed of a certain
telegraphic line running from the said
Town of Morris to the said Town of Ottawa
aforesaid. and crossing said highway at
different points one of which is near
the dwelling house of the said plaintiff
to wit, in the County of Grundy aforesaid
to wit, on the first day of August A.D.
1854 nevertheless the said defendants
negligently & carelessly for the space

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of four months between the first day of May A.D. 1854. and the first day of September A.D. 1854 being the time within which the grievances hereinafter mentioned were committed allowed and permitted the wire of the said telegraph line to fall down and lay upon and along within from one to four feet of the surface of the ground to wit across the said highway and near the farm house of the said plaintiff to wit. in the County of Grundy aforesaid to the great danger of all persons travelling said highway and of the cattle and horses running & being on or passing the same and the said defendant not regarding their duty in that behalf but negligently carelessly and improperly allowing and permitting said telegraphic wire so. to be and remain upon and along and near the surface of the ground across the said highway as aforesaid to wit on the first day of August A.D. 1854. aforesaid at the County of Grundy aforesaid that whilst the said Mare of the said plaintiff was passing and re-passing along the said highway to and from the farm house of the said plaintiff to wit, on the first day of

August aforesaid to wit, at the County of Grundy aforesaid she the said Mare of the said Plaintiff accidentally ran against the said wire of the said telegraphic Company with such force and violence as to be greatly lacerated cut and torn thereby inasmuch that the said Mare thereof afterwards on the day and year aforesaid at Grundy aforesaid died and was wholly lost to the said Plaintiff.

And Whereas also the said Plaintiff at the time of grievances hereinafter mentioned was engaged as a farmer and grazier in cultivating the Soil and the raising of Cattle and horses to wit, in the County of Grundy aforesaid and as such farmer and grazier was the owner of certain Cattle and horses running and being at large to wit among others a certain Bay Mare of great value to wit, of the value of Two Thousand dollars being passing and repassing as of right she should upon a certain enclosed land situate and being in the County of Grundy aforesaid. And the said Plaintiff had been and was at the time of the committing of the grievances herein after mentioned accus-

1 1 1
tomed to pasture and keep his said Cattle
and horses in and upon said unenclosed
land having a right so to do. And the
said Plaintiff was also then and there
lawfully poepped on the first day of
August A.D. 1854 at the County aforesaid
of a certain Bay Mare of great value
to wit, of the value of two hundred
dollars, being and running with the
Cattle and horses aforesaid in and upon
the unenclosed land aforesaid to wit,
at the County of Grundy aforesaid. And
the said defendants were then and
there possessed of a certain Telegraphic
line running in and along and over
said unenclosed land near the dwelling
house of the said Plaintiff to wit, in
the County of Grundy aforesaid to wit,
on the first day of August A.D. 1854,
aforesaid; Nevertheless the said defen-
dants carelessly for the space of four
months between the first day of May
A.D. 1854 and the first day of September
A.D. 1854 being the time within which
the greivances hereinafter mentioned
were committed, allowed and permitted
the wire of the said Telegraphic line to fall
down and lay upon and along within

from one to four feet of the surface
of the ground to wit across the unen-
closed land aforesaid and near the dwell-
ing house of the said plaintiff to wit in
the County of Grundy aforesaid to the great
danger of all persons passing or passing
travelling over and along said unen-
closed land and of the Cattle and
horses depasturing running & being on
or passing the same and the said de-
fendants not regarding their duty on that
behalf, but negligently carelessly and
improperly allowing and permitting
said telegraphic wire so to be and
remain upon and along and near the
surface of the ground across the said
unimproved land as aforesaid to wit,
on the first day of August A.D. 1854 afo-
resaid ~~to wit~~ at the County of Grundy
aforesaid that whilst the said Mare
of the said plaintiff was passing
and repassing over & along the said
unenclosed land to and from the dwell-
ing house of the said plaintiff to wit
on the first day of August 1854 aforesaid
to wit at the County of Grundy aforesaid
she the said Mare of the said plaintiff
accidentally ran against the said wire

of the said telegraphic company with
such force and violence as to be
greatly lacerated cut and torn thereby
in so much that the said Mare thereof
afterwards on the day and year
aforesaid at Grundy aforesaid died
and was wholly lost to the said plain-
tiff. And the said plaintiff saith
that he is injured & hath sustained
damage to the amount of two hundred
dollars and therefore he brings his
suit &c

Reading & Hopkins
Plffs Attorneys

State of Illinois } ss
Grundy County }

I John Galloway clerk of
the Circuit Court of Grundy County in & for
the State aforesaid do hereby certify the
foregoing to be a full true & correct
copy of the plaintiffs declaration filed
in the above entitled cause on the 21st day
of September A.D. 1855. as the same appears
of Record in my said Office.

Witness my hand and Official
Seal at Morris this 10th day of July 1857
John Galloway
ck

checked fees for transcript \$2.00

William⁷ Kennedy
vs
Illinois & Mississippi
Telegraph Company

Filed July 10, 1857
A. Leland
Clerk