

No. 12507

Supreme Court of Illinois

County of Warren.

vs.

Jeffrey, et al.

71641  7

Pleas before the Hon^d Hezekiah
M^r Mead, Judge of the tenth judicial
circuit of the State of Illinois at a circuit
court began and held at the Court House
in Monmouth within and for the County
of Warren and State of Illinois. On the second
Monday in the month of April in the year
of our Lord one thousand eight hundred
and fifty five it being the ninth day of
said month

Present Hon^d Hezekiah M^r Mead Judge

William C. Condy, State Attorney

James M^c Coy Sheriff

Wm Billings Clerk

The County of Warren for the use
of the People of the State of Illinois }
vs } In Debt
Agro Patterson et al }

And afterward to wit on the thirteenth day
of April 1855 the following record was made
in the above entitled cause

The County of Warren for the use }
vs } In Debt
Agro Patterson et al }

This day came the
Defendants herein and filed their plea in
abatement to the Plaintiffs declaration

And afterwards to wit, on the
fourteenth day of June A.D. 1885 the following
record was made in the above entitled cause

The County of Warren for the use of
the People of the State of Illinois

v.

Agro Patterson, Charles S. Amusey
Roddy & Allen Thomas Chapman
& Lewis A. C. Butler

} In Debt

This day came the Plaintiffs
by their Attorneys and filed their Demurrer to the
Defendants plea in Abatement. After being suffi-
ciently advised in the premises, it is ordered by the
Court that the demurrer be overruled. Thereupon
came the Plaintiffs herein by their Attorneys and
confess the Plea in abatement and ask leave of the
Court to amend their declaration filed herein.
Thereupon it is ordered by the Court that leave
be granted to said Plaintiffs to amend their decla-
ration and that this cause be continued until
the next term of this Court at the Plaintiffs cost.
Therefore it is considered by the Court that the
Defendants have and recover of the said Plaintiffs
their cost by them at this term of this Court expen-
ded and have execution therefor.

And it is further ordered by the Court that a *scire*
facias issue herein to the Sheriff of Warren County
returnable to the next term of this Court requiring and
commanding him to summons Robert Jeffery to be & appear
at the next term of said Court and show cause if any he
have why he should not be made a party to this suit

2
Pleas before the Hon John S Thompson
Judge of the tenth judicial circuit of the
State of Illinois. At a circuit Court
began and held at the Court house in
Mammouth within and for the County
of Warren and State of Illinois on the
third Monday in the month of September
in the year of our Lord one Thousand
eight hundred and fifty five. It being
the Seventeenth day of said month of
September aforesaid

Present Hon John S Thompson Judge

Hon William C Goudy States Attorney

William Billings Clerk

James Mc Coy Sheriff

The People of the State of Illinois &c

vs

In Debt

Azro Patterson et al

And afterwards to wit
on 21st day of September A D 1855 the following
record was made in the above entitled cause

The People of the State of Illinois
for the use of Warren County

vs

In Debt

Robert Jeffrey Azro Patterson
Charles S Arnsby Rodliff et Allen
Thompson Chapman & Lewis et C Butler

This day came the

Parties by their Attorneys and on Motion of
Plaintiffs Attorney it is ordered by the Court that
an Alias Scire facias issue herein directed to
the Sheriff of Randolph and Warren Counties
Commanding and requiring them to Summon Robert
Jeffrey to be and appear at the next term of this
Court and show cause if any he have why he should
not be made a party to this suit

3
Pleas before the Hon. John S. Thompson Judge
of the tenth Judicial Circuit of the State of
Illinois. At a circuit Court began and held
at the Court house in Alton within
and for the County of Waneu and State of Illinois
on the second Monday in the month of April
in the Year of our Lord One thousand eight
hundred and fifty six

Present Hon John S Thompson Judge
" A. M. Craig States Attorney
" William Billings Clerk
" James Mc Coy Sheriff

The People &c for use &c
vs

Robert Jeffery et al

And afterwards to wit, on
the 19th day of April AD 1856 the following record
was made in the above entitled cause

The People &c for use &c

vs

Robert Jeffery et al

} Debt

This day came the
Defendants and filed their Answer to the
Plaintiff amended Declaration filed herein

And afterwards to wit on the 26th
day of April AD 1856 the following record was made
in the above entitled cause

People use Warren County }
vs } In Debr
Robert Jeffery et al }

Ordered by the court
that this cause be held under advisement
until the next term of this Court to which
time this cause be continued

Pleas before the Hon John S Thompson
Judge of the tenth Judicial Circuit of the
State of Illinois, At a Circuit Court
began and held at the Court house in Mon-
mouth Within and for the County of Warren
and State of Illinois on the third Monday
in the Month of March In the year of our
Lord One thousand Eight hundred and
fifty seven. It being the sixteenth
day of said Month

Present Hon John S Thompson Judge
James H Stewart States Attorney
William Laferty Clerk
Charles M Mills Sheriff

The People of the State of Illinois
for the use of Warren County
vs

In Debt

Robert Jeffery Agro Patterson
Charles L Amosy Rodliff & Allen
Thompson Chapman & Lewis & B Butler

And afterwards to Wit on 24th
day of March A.D. 1857 the following record was made
in the above entitled case

The People of the State of Illinois
for the use of Warren County
vs

In Debt

Robert Jeffery Agro Patterson
Charles L Amosy Rodliff & Allen
Thompson Chapman & Lewis & B Butler

This day came the

Defendants by their Counsel and enters his
Demurrer to Plaintiffs Declaration filed herein,
After argument had thereon by Counsel as well
for the Plaintiffs as for the Defendants. And
the Court being fully advised in the premises

It is ordered by the Court that said Demurrer
be Sustained. And it is further ordered that
the Defendants have and recover of and from the
Plaintiff their cost in this behalf expended and
have execution therefor

Copy of Simmons filed April 4. 1855
State of Illinois }
Warren County }

The People of the State of
Illinois. To the Sheriff of Warren County
Greeting

We command you to Summon
Ago, Patterson Charles S Armsby, Roddick
N Allen, Thompson Chapman & Lewis M
Butler, if to be found in your County
personally to be and appear before the Circuit
Court of the County of Warren on the first
day of the next term thereof to be holden at
the Court House in Monmouth on the second
Monday in the Month of April next to answer
for the County of Warren for the use of the
People of the State of Illinois of a Plea that
they render unto them the sum of one Thousand
dollars which to them they owe and from
them unjustly detains to their damage the
sum of Five Hundred dollars as they say and
have you then and then this writ and make
return thereon in what manner you execute
the same

Witness William Billings Clerk of our
said Circuit Court at Monmouth this
fifth day of March in the year of our Lord
one thousand eight hundred & fifty five
Wm Billings Clerk

(Copy of Return)

I have served the Within summons by
Reading the same to the Within named persons

March 21st/88

James McCoy Shiff

(Copy of Return)

Copy of Amended Declaration filed Aug 23 1855

State of Illinois County of Warren
County of Warren for the use
of the People of the State of
Illinois &c.

vs
Robert Jeffrey and others

Circuit Court
September term 1855

The County of Warren for the use of the People of
the State of Illinois Plaintiffs Who sue for the
Benefit of Charles W Troy and George W Troy a
firm doing business under the name and style of
C. W Troy & Co and in whose behalf the breaches
are hereinafter assigned by leave of the Court first
had and obtained further complains of Robert
Jeffrey, Dyer Patterson, Charles L Amosley, Rodliff
St Allen, Thompson Chapman, & Lewis S C Butler
Defendants in this suit of a Plea that they ren-
der unto the said Plaintiffs the sum of One
Thousand Dollars Which they owe to and unjustly
Withhold from them the said Plaintiffs.

For that Whereas heretofore to Wit, on the
fifteenth day of February A D 1853. at and within
the County of Warren and State of Illinois. One
Robert Jeffrey having been before that time and
within twenty days thereof to Wit, on the 12th day
of February A D 1853. duly elected a Justice of
the Peace for the Precinct of District of Abbeville
in and for the County and State aforesaid. The
said Defendants in pursuance of the then existing
Statutes of the State of Illinois. Made their certain
bond or Writing Obligatory Sealed with their
Several Seals. And now to the Court here shown

Which reads and is in the words and figures follow-
-ing to Wit. Know all men by these presents that
we Robert Jeffrey, Thomas Chapman, Azro
Patterson, Lewis A C Butler & S Amos by
and R A Allen of the County of Warren and
State of Illinois, are held and firmly bound
unto the County of Warren for the use of the
People of the State of Illinois in the penal sum of
One thousand Dollars good and lawful Money
of the United States, for the payment of which
well and truly to be made to the County Court
of said County for the use aforesaid. We do bind
ourselves, our heirs, Executors, and Administrators
jointly and severally, firmly by these presents
Sealed with our seals and dated this
day of February A D 1853

The Condition of this Obligation is
such that Whereas the said Robert Jeffrey was
on the twelfth day of February A D 1853 duly
elected to the office of Justice of the Peace in the
Town of Monmouth Within and for the County of
Warren Monmouth Justice District, Precinct No 6,
Now if the said Robert Jeffrey shall faithfully
discharge the duties of his office of Justice of the
Peace aforesaid and shall justly and fairly account
for and pay over all moneys that may come to
his hands under any process or otherwise by virtue
of his office, then this Obligation to be null and
void, Else to remain in full force and virtue

Robert Jeffrey (Seal)

T Chapman (Seal)

A Patterson (Seal)

Lewis A C Butler (Seal)
Securities } C L Armsby (Seal)
R A Allen (Seal)

Entered into in my office and approved by me
this 15th day of February A D 1853

Wm F Smith Clerk

The said Robert Jeffrey being then and there prin-
cipal and the other Defendants securities in said
Obligation, which said bond being then and there
executed by said Defendants was then and there
presented to and approved by one William F Smith
he being then and there Clerk of the County Court
in and for the County of Kansas and State of Kansas
and having lawful authority to take and approve
said Bond and said bond being so given, executed,
and Approved, as aforesaid was then and there by
said Defendants delivered to said Clerk of the
County Court aforesaid and thereby became then
and there a binding ^{and valid} Obligation on the said
Defendants for the faithful performance by the
said Robert Jeffrey of his duties as a Justice of
the Peace aforesaid for the security and benefit
of all persons who might be injured or aggrieved
by the Official acts and Misconduct of said
Robert Jeffrey. And the said Plaintiff Aves that
the said Robert Jeffrey was, Afterwards, to Wit,
on the day and year aforesaid at & Within the
County and State aforesaid duly sworn into
office as such Justice of the Peace by the said
Clerk of the County Court, he having then and
there Competent and lawful authority to Administer
such oaths of office and that afterwards to Wit,
on the Eighteenth day of February A D 1853 the

Said Robert Jeffrey then received a Commission to act as such Justice of the Peace from the Governor of the State of Illinois until his term of office should expire and until his Successor should be elected and qualified and from thenceforth then and then entered upon the duties of, and continued to act as such, Justice of the Peace until his term of office expired to Wit. On the Eighth day of November A.D. 1853. When the said Robert Jeffrey was then at a lawful election for that purpose by the laws of said State duly & legally elected for another term of the same office and was thereupon then Commissioned qualified and gave bond for another term of office and entered immediately on the duties of his said Office for such second term and continued to act as such till afterwards and before such second term of office expired to Wit. on the 10th day of April A.D. 1854. at and within said County and State the said Robert Jeffrey absconded and departed from the County and State aforesaid for some place unknown and cannot since then be discovered. Without accounting for divers demands, moneys and effects in his hands as such Justice of the Peace,

and the said Plaintiff avers that the said Robert Jeffrey, during the term of office for which he was first elected as aforesaid did not then and then faithfully discharge the duties of his office as Justice of the Peace aforesaid and did not justly and fairly account for and pay over all moneys that come to his hands under any process or otherwise by virtue of his said office, in this

that is to say, That during his ^{said} first term of office aforesaid to wit, on the 23^d day of September A.D. 1853, at and within the County and State aforesaid. The said Robert Jeffery as such Justice of the Peace received and took Certain Promissory notes for the purposes of suit and Collection of the said Charles W. Troy and George W. Troy as partners under the style of C. W. Troy & Co. Aforesaid Which are described in the receipt hereinafter set forth and as evidence of the receipt of said notes the said Robert Jeffery as such Justice of the Peace then and there executed and delivered to the said C. W. Troy & Co. a receipt in Writing which is as follows to wit,

Recd of C. W. Troy & Co. the following notes for Collection this 23^d Sept 1853 to wit One on Geo Watson for \$22.00 due Jan 3^d 1854. One on John C Knowlton for \$25.00 due Nov 11th 1853 with interest if not paid when due One on John Boyd for \$25.00 due Jan 11th 1854 with interest from date if paid when due One on Peter & Jacob Cline for \$25.00 due 25th Dec 1853. with interest if not paid when due One on Martin Dehart for \$25.00 due Jan 3^d 1854 with interest from date if not paid when due. One on Isaac Watson for \$22.00 due Nov 11th 1853. with interest from date if not paid when due. One on James C Routh for \$23.00 dollars due 18th Sept 1853. with interest from date if not paid when due. One on H. P. Sexton for twenty five dollars due 26th Jan 1854 with interest from date if not paid when due. One on C. Churchill for \$25.00 due Jan 1st 1853 with Int from date if not paid when due. One on Stephen R Smith for \$25.00 due Jan 1st 1853 with Int from date if not paid when due.

One on D Suttle for \$26.00 due Jan 1st 1853 with int
from date. One on F. Stearns for \$24.00 Jan 15th 1853
with int from date. Also a receipt on J. Quincy for
a note on F. Smith Abscond. for \$25. due Jan 1st
1853

Robert Jeffery, J. P.

And afterwards to wit. on the day and a year last
aforesaid and on divers other days between that
time and the expiration of the ^{said} first term of office
for which the said Robert Jeffery was so elected
as aforesaid at and within the County and
State aforesaid, he, the said Robert Jeffery in
his official character as Justice of the Peace received
upon and in payment of divers of said promiss-
-ory notes moneys to a large amount to wit.
the sum of Three thousand dollars. Yet the said
Robert Jeffery has wholly failed, neglected, and
refused to pay said moneys or any part thereof
to the said Charles W. Troy and George W. Troy,
the firm aforesaid or to any person in their beh-
-alf, nor returned said Promissory notes nor any
part thereof, but on the contrary the said Robert
Jeffery Absconded as aforesaid taking all of said
moneys and Promissory notes uncollected with him,
and the Plaintiffs further aver that the other defend-
-ants securities as aforesaid have failed neglected
and refused to account for and pay over the
amount of said moneys and promissory notes
to the said C. W. Troy & Co. or either of them
or any person in their behalf and still the
said Defendants neglect and refuse to pay the
same or any part thereof although often requested
to the damage of said Plaintiffs for the use of
the People aforesaid who sue for the benefit of

the said Charles W. Troy and George W. Troy
a firm under the style aforesaid, in the
sum of Five Hundred Dollars & therefore they
sue &c

Paine & Gould
Plaintiffs Attorneys

(Copy of Deemur)
State of Illinois } Waver Circuit Court
County of Waver } September term A.D. 1855

Robert Jefferys et al
vs
The County of Waver &c

And the said Defendants
Agro, Patterson, Charles S. Amosby, Rodliff
St Allen, Thompson Chapman & Lewis & C. Butler
the Securities mentioned in said Declaration
come by their Attorneys and say actis non
because they say that the said Declaration
and the matters and things therein contained
in manner and form as the same are therein
pleaded and set forth are not good and suffi-
cient in law to entitle the said Plaintiffs to
have and maintain the said action against
these Defendants, and this they are ready to
verify. Wherefore they Pray judgment &c

Manning et al
for sd Defendants

And for Special Cause of Deemur said
Defendants show

- 1 said Declaration seeks to recover for breaches
after the expiration of said Jefferys term
of office, for which said bond was given

State of Illinois
Warren County } I William Safety Clerk
of the Circuit Court for said County do hereby
certify that the foregoing is a full, complete and
true copy of all the Proceedings in the foregoing
case as appears from the files & Records now
in my office

In testimony Whereof I have hereunto
set my hand and affixed the seal
of said Court at my office in Mon-
mouth this 8th day of April A.D. 1857
William Safety Clerk

State of Illinois, 3rd Grand Jurisdiction
Supreme Court April Term 1857
The County of Warren }
for use of the People }
as } Error to Warren
Robert Jeffrey & others }
The said Plaintiffs, in Error
come by their attorneys and say that
manifest error hath intervened in the
proceedings and judgment of the Cir-
cuit Court of which the foregoing is
a record and for error affirm
That the Circuit Court erred in
affirming the demurrer to the declaration
and rendering judgment thereon. Wherefore
they pray judgment &c. Concl^d for Aff^d Error

And the said Defendants in
Error say that no such error hath
intervened as above alleged, and that
they pray may be enquired of to test ~~the~~
~~judgment in this case~~ ^{but expressly reserving}
not hereby waiving their right to deny that
there was ^a Judgment entered in this case
in the court below.

Manning Harding
Deft & App.

Filed May 8, 1857
L. Leland
Clerk

Error to Warron

Robert Jeffrey & al

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The County of Warron
for use of the People &c

The County of Warron
for use of the People of the
State of Illinois for the
use of C. W. Gray & Co.

~~1798~~ ~~1798~~
The County of Warren

vs
Robert Jeffrey et al

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Reverend

12507

1857