

No. 14012

Supreme Court of Illinois

People

vs.

Hart et al

71641  7

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

Of the *January*

Term thereof, A. D. 186 *2*

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

*William Hart Jr, William H. Stewart, Lawrence S. Church,
William Kerr, George Hasson J. Hasson, and Major F. Irwin,*

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 money, thousand* of the United *—* hundred and *States,* ~~dollars and — cents,~~ which they owe to and unjustly detain from said plaintiffs.

For that whereas heretofore, to-wit: on the *nineteenth* day of *November* A. D. 186*0*, at the County of *McHenry* and State aforesaid, the said *William Hart Jr,* was ~~then and there the~~ Collector of the taxes of the County of *McHenry* in the State aforesaid, for the year A. D. 186*0*, 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 *William Hart Jr,* ^{by the name and style of "Wm Hart Jr"} ~~for Collector aforesaid~~ in consideration of his said legal duty, then and there afterwards, to-wit: on the same day, at the County of *McHenry* and State aforesaid, as the Collector of the taxes of the County of *McHenry* for the year A. D. 186*0*, together with ^{the said} *William H. Stewart, by the name and style of "Wm H. Stewart," Lawrence S. Church, by the name and style of "L S Church," William Kerr, by the name and style of "Wm Kerr," George J. Hasson, by the name and style of "Geo. J. Hasson" and Major F. Irwin, by the name and style of "M. F. Irwin,"* the latter above named Defendants

as his securities, all of the County of *McHenry,* 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 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 *William Hart Hart Jr.* shall perform all the duties required to be performed by him, as Collector of the taxes for the year 186*0*, 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*

~~and then and there~~ *was duly recorded*
of the said County of *McHenry*, aforesaid, and the said Plaintiffs, by their aforesaid attorney, do aver that the said *William Hart Jr.* 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 *William Hart Jr.* 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 *McHenry*, 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 *William Hart Jr. 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 *McHenry* 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 *McHenry* 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 *William Hart Jr.* 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 *William Hart Jr. collector as aforesaid* ~~has not~~ *although he has since collected said sum of money last mentioned on the fifteenth day of April A.D. 1861, did not* ~~pay~~ *pay* on said *tenth* day of *July*, A.D. 1861, nor before that day pay nor has he since ~~that~~ *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 and by reason 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 ~~and above demanded.~~ *the same being, parcel of the sum above demanded &c*

And also for that whereas heretofore, to-wit: on the ~~nineteenth~~ day of *November* A. D. 1860, at the County of *McHenry*, and State aforesaid, the said *William Hart Jr.* was ~~then and there~~ ^{then and there} Collector of the taxes of the County of *McHenry* 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 *William Hart Jr.* 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 said bond to be void otherwise to remain in full force; and} the said *William Hart Jr. 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 *McHenry* for the year 1860, together with *the said other above named defendants,*

as his securities, all of the County of *McHenry*, and State aforesaid, then and there made and executed their certain ^{other} 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~~ ^{thousand} ~~hundred and~~ ^{hundred and} ~~dollars 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: *William Hart Jr.*

KNOW ALL MEN BY THESE PRESENTS, that we *W^m Hart Jr.* ^(meaning thereby the above named) Collector, and *William H. Stewart, Lawrence S. Leunck, William Kerr, George J. Nasson, and Major J. Irwin,*

securities, all of the County of *McHenry* 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 *nineteenth* day of *November* 1860.

The condition of the foregoing bond is such, that if the above bound *W^m Hart Jr.* ^(meaning thereby) 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. ^{the said above named William Hart Jr.}

62

The Prohl

21

William Hewitt et al.

over

1791/2

J. B. White
atty

Filed Dec 27-69
W. A. Turner

State of Illinois
In the Supreme Court
of the Second Grand
Division thereof

Of the January Term thereof of said
Court. A.D. 1861.

The People of the State of Illinois, Plaintiffs,

v.
William Hart Jr. William H. Stewart, Lawrence S.
Church, William Kerr, George J. Kasson, and Major
J. Irwin.

In an action of Debt.

Debt. \$ 40,000.00

Damages \$ 40,000.00

The Clerk of said Court in due place issue summonses
in said cause, directed to the Sheriff of McHenry County
Commanding, to Returnable as by law to endorse
out brought and Debt and Damages as above do
J. White State Attorney
Plffs Attorney

The People

vs

William Herbert et al

In Debt

P. Mc

Dec 2/57 James Tiffney

J. White

Plff's attorney

Dec 27 1867

J. Tiffney

clb

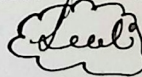
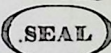
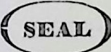
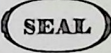
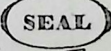
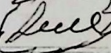
Know all Men by these Presents,

That We, Wm Hart Jr Collector, and William H. Stewart
Lawrence S Church, William Kerr, George T. Kassar
And Major F. Swain

securities, all of the County of McHenry and State of Illinois,
are held and firmly bound to the people of the State of Illinois in the
penal sum of Forty thousands

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
Fifteenth day of November 1860.

The condition of the foregoing bond is such, that if the above bound
Wm Hart Jr 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.

Wm Hart Jr 
Wm H. Stewart 
L S Church 
Wm Kerr 
Geo. T. Kassar 
M. F. Swain 

SIGNED, SEALED AND DELIVERED IN PRESENCE OF
Fred Goodell

STATE OF ILLINOIS,
County of McHenry } ss.

I, Wm H. Stewart, Clerk of the County Court of
McHenry County, hereby certify that the foregoing bond has been duly approved
by the Board of Supervisors and recorded.

In testimony whereof, I have hereunto set my hand and affixed
the seal of said Court at Woodstock this 1st day of
day of December A. D. 1860.

Wm H. Stewart County Clerk.

NOTE.—The signing of the bond must be in the presence of at least one witness. See Section three of Collec-
tion 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, }
COUNTY OF McHenry } ss.

I Wm Hart Jr 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.

Wm Hart Jr Collector.

Subscribed and Sworn to before me, this Twentyfirst day of Nov. 1860.

M. H. Stewart County Clerk.

62

McHenry County.
BOND, 1860.
Wm Hart Jr Collector.

The limit of the Bond was fixed before the Tax was levied and estimated at \$20,000 this a little more, but not disclosed until after the act of Bonds -
M.H.S.

Received and filed in Auditor's office,
Wm Hart Jr 1860.

Filed Dec. 20 1860.
Wm Hart Jr

William Hunt Jr Collector of *McHenry* County,
 In Account with the State of Illinois, DR.

To State tax, assessment of 1860,			<u>\$24,784 07</u>
" Amount on real and personal property since added			
" Amount of back taxes due on forfeited and other property.....			12 95
" Amount on forfeited property redeemed.....			
" Amount on real property paid by different claimants.....			
			<u>24,797 02</u>
CR.			
By Errors on real property.....		57 31	
" Insolvencies, removals, etc., on personal property		338 56	
" Real property forfeited to the State.....		137 80	
" Errors, etc., on forfeited property.....		10 02	
" Commissions, 3 per cent. paid town collectors on \$12,912.21		387 36	
" do 2 " " " " " " \$5,494.56		109 89	
" do 1 " " " " " " \$7,909.52		79 10	
" do 2 " " " " " " \$10,000.00		200 00	
" do 2 " " " " " " \$1,745.24		34 90	
" do 5 " " " " " " \$4,101.32		205 07	
" do 3 " " " " " " "			
" Mileage 259 miles, at 20 cents per mile.....		51 80	
1861. May 23 " The school fund interest order.....		695 61	
" " " " tax "		8,365 35	
" " " " Treasurer's receipt,.....		171 62	
" June 24 Do		1,000 00	
" July 1 Do		999 25	
" " 23 Do		1,125 00	
" Aug 14 Do		1,202 00	
" Sep 4 Do		1,000 00	
" Oct 26 Do		2,125 00	
" Dec 16 Do		2,500 00	
" " 14 Do		500 00	
			<u>21,295 64</u>
			3,501 38
Interest 6 per cent. on \$1125.00 - 13 days			2 43
" " " " 1,202.00 1 mo. 9 "			7 81
" " " " 1,000.00 1 " 25 "			8 33
" " " " 2,125.00 3 " 16 "			37 53
" " " " 2,500.00 5 " 6 "			65 00
" " " " 500.00 5 " 9 "			13 25
" " " " 3,501.38 5 " 28 "			103 85
			<u>\$3,739 58</u>

1861. May 23
 " " 4
 " " "
 " June 24
 " July 1
 " " 23
 " Aug 14
 " Sep 4
 " Oct 26
 " Dec 16
 " " 14

Interest 6 per cent. on \$1125.00 - 13 days
 " " " " 1,202.00 1 mo. 9 "
 " " " " 1,000.00 1 " 25 "
 " " " " 2,125.00 3 " 16 "
 " " " " 2,500.00 5 " 6 "
 " " " " 500.00 5 " 9 "
 " " " " 3,501.38 5 " 28 "

AUDITOR'S OFFICE, ILLINOIS,

Springfield, December 26th 1861.

I, Joseph A. 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 seventh 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 A. Dubois Auditor P. A.

62

People or

Recd. et al.

Copy of file

Filed Dec 27th 61.
W. K. Cannon