

14528

No. _____

Supreme Court of Illinois

Reaper's Bank

vs.

Dubois et al

71641  7

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division

No.

14

1863

Reaper's BK

Subs

1863

1528

United States of America
State of Illinois, County of Cook, ss.

Came before the Honorable the
Judges of Superior Court of Chicago within and
for the County of Cook and State of Illinois
at a regular Term of said Superior Court of Chicago
begun and holden at the Court House in the
City of Chicago in said County and State aforesaid
on the first Monday being the second day of
January in the year of our Lord one thousand
eight hundred and fifty and of the Independence
of the United States of America the eighty fourth.

Present The Hon John W. Wilson, Chief Justice
of Superior Court of Chicago
Van N. Higgins & Gent Goodrich Judges
Charles Wesson Prosecuting Attorney
John Gray, Sheriff of Cook County.

Attest
Walter Kimball
Clerk.

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Be it remembered that Kentonford, to wit: on the 26th
day of October in the year of our Lord one thousand,
eight hundred & fifty nine. Augustus H. Barclay,
President of the Reapers Bank, filed in the office
of the Clerk of the Superior Court of Chicago, his
certain Bill in Chancery, in the words & figures fol-
lowing, to wit:

To the Honorable Judges of the Superior
Court of Chicago in Chancery sitting:

Humbly complaining sheweth unto
your Honors, your Orator, The Reapers Bank
that it is a corporation organized and doing
business under the general banking laws of the State
of Illinois.

That Augustus H. Barclay for the purpose
of banking under the provisions of such laws, has
lawfully transferred and deposited with
the Auditor of the State of Illinois, public stocks
issued by the United States of America, to the
nominal and real value of One Hundred
Thousand Dollars (\$100,000)

That the Auditor thereupon in accordance
with the provisions of the law, registered and
countersigned circulating notes to the amount

of about Ninety four thousand dollars (\$94,000)
payable at the office of your Orator at Springfield
in the County of Wayne in the State of Illinois.
and delivered the same to your Orator to be loaned
and circulated, according to the ordinary course
of a banking business as money.

That the said Augustus H. Purley, did, on the four-
teenth day of April A. D. Eighteen Hundred and fifty
nine (1859) under his hand and seal, make a certificate
in compliance with Section Seven (7) of the act known
as the General Banking Law of the State of Illinois, a
copy of which certificate is hereto attached marked
"Exhibit A" and made a part of this your Orator's
Bill of Complaint.

That such certificate was acknowledged and
recorded in the Office of the Recorder of Wayne County
and copies thereof filed in the Office of the Secretary
of State and the Auditor of State.

That thereupon your Orator became a body
politic, and corporate and entitled to certain priv-
ileges, immunities and franchises secured by said
law, and by contract with the State of Illinois.

That the Office of your Orator was and is estab-
lished in the Town of Springfield, in the County of

Payee in the State of Illinois.

That Augustus H. Purley is the President
and Frederick G. Clapp is the Cashier of your Orator.

That a portion of the circulating notes of your Ora-
tor countersigned and registered by the Auditor as
aforesaid, have been entered and signed by the Presi-
dent and Cashier in accordance with the requirements
of Law, and issued and circulated as money.

Your Orator further shows unto your Honors
that on the Twelfth day of October A. D. Eighteen
Hundred & Fifty nine, James W. Adair and Eliza
W. Willard were the owners and holders of a pack-
age of five hundred dollars (\$500.) of the circ-
ulating notes of your Orator, and at ten o'clock
of the fore noon of that day, by the hand of Charles
A. Bucher, a Notary Public residing at San Francisco
presented the same at the office of your Orator and
demanded the redemption thereof in the legal coin of
the United States.

And your Orator shows that upon such presen-
tation and demand, it tenders to the said James
W. Adair and Eliza W. Willard in redemption
thereof, the gold coin of the United States for each
and every bill separately, but refused to redeem

said package as a whole, or as though the same were a single obligation for that sum of money, as it is advised by Counsel. it had a right to do.

And your Orator further shows that notwithstanding such tenor of presumption as aforesaid the said James W. Nesbit and Elisha W. Willard caused the said notes to be protested for non-payment by the said Charles A. Tucker a Notary Public of the County of Wayne aforesaid. and such protest and the notes accompanying the same were presented to the Auditor of State and filed in his office, and a copy thereof delivered to the said Augustus H. Burley, President, as aforesaid, which said copy is hereto attached, marked "Exhibit B" and made a part of this your Orator's bill of Complaint.

And your Orator further shows that it has been notified by said Auditor of State, James K. Dubois, to pay said notes with twelve per cent per annum interest thereon from the date of each protest together with all costs and protest fees and expenses.

And your Orator has reason to believe, and does believe that the said Auditor of State James K. Dubois, is about proceeding to sell the public stocks of the United States transferred and deposited with him as aforesaid as security for the payment

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of said circulating notes, and to call in the circulation of your Orator, and out of the proceeds of such sale to redeem the same.

And your Orator well hopes that the said James K. Hubbs and the said James W. Axtell and Elisha D. Willard would have complied with the request of your Orator, and would have desisted and refrained from any attempt to sell such stocks, or to call in the circulation of your Orator, or to compel your Orator to go into liquidation, as of right and justice they ought to have done.

But now as it is may it please your Honors that the said James K. Hubbs, James W. Axtell and Elisha D. Willard, colluding and confederating with each other, refuse to comply with such request and pretend that such tender of redemption was not sufficient and was illegal &c.

All which actings and doings, pretences and refusals are contrary to equity and good conscience and tend to the manifest wrong and injury of your Orator in the premises. In consideration whereof and for as much as your Orator can only have relief in the premises in a Court of Equity where matters of this nature are properly cognizable and relivable.

To the end therefore that the said Defendants
Jesse K. Roberts, James W. Asch and Elizabeth W.
Willard may if they can show why your Orator
should not have the relief hereby prayed and
may according to the best and utmost of their several
and respective knowledge, remembrance, informa-
tion and belief, full, true, direct and perfect answers
make to all and singular the matters and things herein
before stated and charged (their several and respective
Answers under oath being hereby expressly waived.)
and that as fully and particularly as if the same
were here repeated, and they and every of them distinct-
ly interrogated thereto.

And your Orator prays that the said Jesse
K. Roberts may be prohibited and restrained
from giving notice in any Newspaper that the Circu-
lation of your Orator will be redeemed out of trust
funds in the hands of said Auditor of State; from
selling or offering to sell the public stocks aforesaid;
from calling in the circulation of your Orator by reason
of any such refusal to redeem such circulating notes.
And from taking any measures to compel your Orator
to redeem said notes, or to force your Orator into
liquidation, And that your Orator may have
such further or other relief in the premises as the
nature of the case may require, and to your Honors
shall seem meet.

May it please your Honors to grant unto your
Orator the Peoples writ of Exemption, issuing out of
and under the Seal of this Honorable Court, to the
Directors to the said Jess K. Lubris, and to his
Counsellors, Attorneys, Solicitors, Trustees and Agents
therein and thereby commanding and strictly en-
joining the said Jess K. Lubris and the persons
before mentioned, at heretofore prayed.

May it please your Honors to grant unto your
Orator the Peoples writ of Subpoena, issuing out
of and under the Seal of this Honorable Court
to the Directors to the said Jess K. Lubris, James W.
Adair & Eliza M. Willard therein and thereby com-
manding them and each of them on a certain day
and under a certain penalty to be therein inserted person-
ally to be and appear before the Judges of this Honorable
Court, at the Court Room in the City of Chicago then
and there to answer all and singl[e] the premises, and
to stand to and abide by and perform each order
and decree therein as to your Honors shall seem a-
greeable to Equity and good conscience, and
your Orator will ever pray &c.
Gallup & Hitchcock
Sols for Court

A. H. Purley
President

State of Illinois
County of Cook

Augustus H. Penley being duly sworn deposes and says that he is the President of the Peoples Bank of Fairfield in the County of Wayne and State of Illinois, the Complainant in the above Bill of Complaint: That he has read the said Bill of Complaint and knows the contents thereof: that the same are true of his own knowledge except the matters and things stated upon information and belief, and as to those he believes them to be true.

Subscribed & sworn to before me

this 25th day of Oct. A.D. 1839.

A. H. Penley

Jury: C. Gallup

Notary Public

Seal

Exhibit A

I whose name is hereto annexed do hereby certify

That I propose establishing an Office of
Treasurer deposit and circulation and do hereby
agree to become incorporated upon the terms and
conditions and subject to the liabilities prescribed

in the act of the General Assembly of the State of Illinois entitled "An act to establish a general system of banking" and the name assumed to distinguish such association and to be used in its dealings is the Peoples Bank.

2^d That its business is to be carried on in the Town of Springfield, Wayne County, State of Illinois.

3^d That the Capital Stock of the association is one million dollars divided into ten thousand shares of one hundred dollars each.

4th That the names and residences of the respective Share holders and the number of shares held by each are as follows.

Aug^t H. Parley Chicago, Illinois 10,000

5th That said Association shall commence on the fifteenth (15) day of May A. D. 1859, and terminate on the fifteenth (15) day of May A. D. 1864.

Given under my hand and seal this fourteenth day of April A. D. 1859.

A. H. Parley

State of Illinois
Wayne County
D. A. D. Street
Clerk of the Circuit Court in and for said County
do hereby certify that the foregoing is a true and correct copy of a certificate. Recorded in

Book D. 303 of mortgage records in my
office

Seal
of
the
County
of
Wayne
Missouri

In Testimony whereof I have hereunto
set my hand & seal of office at
Fairfield this 22^d day of April
A. D. 1839.

R. B. Stoumbert

Exhibit D.

State of Missouri
County of Wayne

Be it known that on the
Twelfth day of October in the year of our Lord
One Thousand Eight Hundred and Fifty Nine, at
ten o'clock in the forenoon, I Charles A. Bucher
a Notary Public, duly commissioned and sworn
and residing at Fairfield in the County and State
aforesaid, at the request of James W. Adair
and Eliza W. Willard, the owners and holders
thereof, went with a package of Five Hundred
Dollars of the circulating Bank Notes of the Western
Bank located in the Town of Fairfield in the
County and State aforesaid of the denominations
numbers and letters given in the Schedule here
said day demanded at the counter of said Bank during the usual hours of business, between the hours
of ten o'clock in the forenoon
Annexed, and at ten o'clock in the forenoon of

and three o'clock in the afternoon, of A. H. Purday
the President thereof, and at the same time stated
to said President the amount contained in said
package, the redemption of said circulating notes
in the legal coin of the United States. The said
A. H. Purday the President then and there offered
to receive of me one of the bills contained in said
package and to redeem it in the gold coin of
the United States, and after he had redeemed that
he stated he would receive another of said bills
and redeem it, and also stated that he would
then continue to receive and redeem the bills con-
tained in said package, one by one till the whole
was redeemed but refused to receive said package
and redeem as a whole or to receive, treat or redeem
said bills as though they were a single obligation of
that amount.

Whereupon, I, the said Notary Public at the
request of the said James M. Axtell and Oliver
Dr. Willard did protest, and by these presents
do solemnly protest as well against the said
Bank as all whom it doth or may concern,
for exchange or exchange and all costs, charges,
damages and interest they reason of the non-redemp-
tion of said circulating notes.

And I the said Notary, do hereby certify that
on the same day and year above written, due no-
tice of the foregoing protest was left at said Bank

Sup me as follows:
 Notice for A. H. Penley, the President of said Bank
 " for
 " for

And I also certify that I did, on the same day, during
 the business hours thereof, deliver to A. H. Penley the
 President of said Bank, at the office and place
 of business of said Bank a copy of such protest
 together with a copy of the Schedule thereto annexed.
 In Testimony Whereof I the said Notary
 have hereunto set my hand and affixed
 my Notarial Seal the day and year
 above written



C. A. Bucher
 Notary Public

For Noting 25 cts; Protest and Record 50 cts; Ficticia 25; Seal 35 cts; Certificate 25 cts; \$1.50

Schedule attached to above Protest

Copy
 Letter A. Reapers Bank. First \$103
 \$500.

Apr 4518. 4520. 4547. 4560. 4573. 4524. 4529. 4531. 4542. 4501.
 4530. 4532. 4561. 4564. 4569. 4581. 4571. 4572. 4579. 4532. 4539.
 4540. 4527. 4537. 4523. 4526. 4528. 4533. 4534. 4536. 4541. 4538.
 4543. 4544. 4599. 4570. 4571. 4574. 4575. 4576. 4577. 4580. 4582.
 4584. 4585. 4586. 4587. 4588. 4589. 4590. 4595. 4596. 4598. 4532.
 4553. 4563. 4566. 4567. 4572. 4582. 4592. 4575. 4576. 4535. 4502.
 4505. 4506. 4556. 4578. 4597. 4600. 4562. 4565. 4573. 4579. 4568.
 4530. 4545. 4591. 4555. 4549. 4554. 4503. 4504. 4507. 4508. 4509.
 4510. 4514. 4517. 4521. 4523. 4533. 4543. 4544. 4546. 4548. 4551.
 4557. 4559.

And thereupon, to wit, on the day and year last
aforesaid, then issued out of the Office of the Clerk
of said Court two certain Chancery Summons &
^{which said writs with the Sheriff's return, therof, are}
a certain Injunction writ, in the words & figures fol-
lowing, to wit:

State of Illinois
County of Cook ^{ss.} The People of the State
of Illinois, to the Sheriff of said
County: Greeting:

We Command you, that you summon our Lessor
Debris James M. Aorick & Elisha M. Willard
if they shall be found in your County, personally
to the and appear before the Superior Court of
Chicago, of said County of Cook, on the first day
of the next term thereof, to be holden at the Court
House in the City of Chicago, in said County, on
the first Monday of November next, to answer to
The Peoples Bank in its certain Bill of Com-
plaint filed in the said Court on the Chancery
side thereof. And have you then and there this
writ, with an endorsement thereon, in what manner
you shall have executed the same.

Witness Walter Kimball, Clerk
of said Court, and the seal thereof
at the City of Chicago, aforesaid, the 36th
day of October A.D. 1859.
Walter Kimball, Clerk

Served this writ on the within named James M. Adair,
& Elisha W. Willard by delivering a copy thereof to
each of them the other defendant not found in said
County. this 27th day of October 1859.

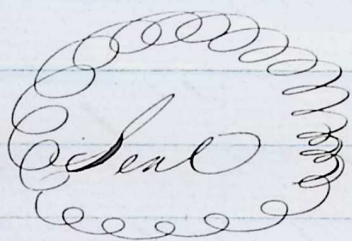
John Gray Sheriff
By A. C. Hosing clerk

State of Illinois
County of Cook ^{ss.} The People of the State
of Illinois to the Sheriff of
Sangamon County. Greeting:
We Command you that you summon Jesse
N. Dubois, James M. Adair & Elisha W. Willard
if they shall be found in your County, personally
to be and appear before the Superior Court of
Chicago, of said County of Cook, on the first
day of the next term thereof, to be held on at
the Court House in the City of Chicago, in said
County, on the First Monday of November next to
answer into the Superior Court, in its certain
Bill of Complaint filed in the said Court on the
Chancery side thereof.

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

Witness Walter Kimball

Clk of said Court, and the Seal thereof
at the City of Chicago. aforesaid
the 26th day of October A. D. 1839.



Walter Kinsland Clk

Served this writ on the within named Jesse K.
Dubois by delivering a copy thereof to him the
24th day of October 1839.

L. B. Perkins Sheriff

State of Illinois
County of Cook ^{ss.} The People of the State of
Illinois:

To Jesse K. Dubois, Auditor of the State of Illinois.
and to your Attorney, Solicitors, agents and servants,
and to each and every of them, Greeting:

Whereas it hath been represented to the Honorable
John M. Wilson, one of the Judges of the Superior
Court of Chicago, in said County, and State aforesaid,
on the part of The Peoples Bank, Complainant
in its certain bill of Complaint exhibited before
said Judge and filed in said Court, against you
the said Jesse K. Dubois together with James M. Cook
and Eliza W. Willard to be relieved touching the
matter and things therein complained of.

In which said bill, it is stated, among other things, that you are combining and confederating with others to injure the Complainant, touching the matters set forth in said bill, and that your doings and doings in the premises are contrary to equity and good conscience.

And the said Judge, having under his hand endorsed upon said bill the word that a writ of Injunction issue out of said Court according to the prayer of said bill: We therefore, in consideration thereof, and of the particular matters in said bill set forth. Do Strictly Command you, the said Jesse K. Curtis, and the persons before mentioned, and each and every of you, that you do absolutely desist and refrain, from giving notice in any newspaper that the circulation of the Peoples Bank will be resumed out of trust funds in your hands: from selling or offering to sell the public Stocks of the United States of America transferred by Augustus H. Bentley to you: from calling in the circulation of said Bank by reason of any alleged refusal to redeem the circulating notes of said Bank: and from taking any means to compel said Bank to redeem certain circulating notes of said Bank lately protested by Charles W. Beecher a Notary Public in and for the County of Wayne in the State of Iowa or to force said Bank into liquidation, until this Honorable Court in its own sitting shall make otherwise to the contrary hereof fail not under the penalty of what the law directs. To the Sheriff of Sangamon County to execute and return

in due form of law.

Witness. Walter Kimball
Clerk of our said Court, and
the seal thereof, at Chicago, in
said County, this 26th day of
October A.D. 1859.
Seal }
Walter Kimball
Clerk

Served this writ on the within named Jess K. Debris
by delivering a true copy thereof to him, the 2nd day
of October 1859.

A. B. Perkins Sheriff

And afterwards, to wit on the day of

the said defendants by their Solicitors filed in the
office of the Clerk aforesaid, their certain an-
swers in the words & figures following, to wit:

State of Illinois
Superior Court of Chicago
The Rogers Bank

James W. Nesbit
Elisha W. Willard
Jesse H. Dubois

In Chancery

The joint and several answers
of the above named defendants to the Bill of Com-
plaint of the above named Complainant.

These defendants saving and reserving to them-
selves all exceptions to the many errors and inef-
ficiencies in said Bill contained for and over the same,
or to such parts thereof as these defendants are advised
is material for them to make answer unto answering
said:

They admit that the said Corporation is
organized and is doing business under the general
Banking Laws of the State of Illinois and that
Augustus H. Curley for the purpose of banking under
such laws has deposited with the Auditor of the State
of Illinois stocks of the United States to the amount
and value of one hundred thousand dollars, as
in said Bill alleged.

These defendants also admit that the said Auditor
registered and countersigned circulating notes to the
amount of Ninety four thousand dollars payable,

at the office of said Complainant at Fairfield,
in the County of Wayne and State of Illinois and
delivered the same to the said Complainant to be
circulated as in said bill alleged.

These defendants further answering admit
that said Purley did on the fourteenth day of April
A.D. 1859. make and execute the certificate required
by Section Seven of the act known as the General
Banking Law of the State of Illinois. That a true
copy of such certificate is annexed to said bill that
such certificate was duly acknowledged and was
recorded in the office of the Recorder of said County
of Wayne and that copies thereof were filed in the
office of the Secretary of State and of the Auditor
of State, and that thereafter the said Complainant
became a body corporate under the general Bank-
ing Law of the State of Illinois and the amend-
ments thereto made.

These defendants further answering admit
that the office of said Complainant is established
in the Town of Fairfield in said County of Wayne
& State of Illinois and that the said Purley is the
President and Frederick S. Clapp is the Cashier
of the said Complainant Bank.

These defendants admit that a portion of
the said circulating notes of the Complainant have
been signed by said President and Cashier and have
been issued and circulated as money.

These defendants further answering admit that on the twelfth day of October A.D. 1859. these defendants James M. Axtell and Elisha W. Willard were the owners and holders of a package of Five hundred dollars of the circulating notes of the said Complainant and that at ten o'clock in the forenoon of that day Charles A. Bucher a Notary Public residing at Fairfield presented the same at the office of said Complainant and stated to said Banker President and acting teller of said Complainant the amount thereof and demanded the redemption thereof in the legal coin of the United States, but these defendants deny that the said Complainant tendered to these defendants Axtell and Willard in redemption thereof the gold coin of the United States. and these defendants say that on the presentation of said package of notes for redemption by said Charles A. Bucher agent of said Axtell and Willard, in the legal coin of the United States as aforesaid, the said Banker President and acting teller of said Corporation then offered to receive of said Bucher one of the bills contained in said package and to redeem it in the gold coin of the United States. and that after the said Banker had redeemed that, the said Banker stated he would receive another of said bills and redeem it and also stated that he would thus continue

to receive and redeem the bills contained in said package one by one until the whole was redeemed but refused to receive said package and redeem it as a whole, or to receive, treat or redeem such bills as though they were a single obligation of the amount of Five Thousand Dollars.

These defendants admit that they caused the said notes of said package to be protested for non payment by the said Charles A. Suchus a Notary Public of the said County of Wayne and that such protest and the notes accompanying the same were presented to this defendant Rabois the Auditor of the State of Illinois and filed in his office, and that a copy thereof was delivered to the said Augustus H. Conlay president of the said Complainant Bank and that a true copy is now attached to said Bill of Complaint.

These defendants further answering admit that the said Complainant was notified by this defendant Rabois Auditor as aforesaid to pay said protested notes with interest and in trust thereon from the date of such protest together with costs and protest fee and expenses as in said bill is alleged.

And these defendants further answering say that the said defendants Willard and Atch have requested the said defendant Rabois Auditor as aforesaid to proceed to sell the said stocks

deposited with him by said Complainant and to
put said Complainant Bank into liquidation.

And these Defendants deny all unlawful
combination and confederacy in the said bill
charged without that any other matter or thing
material or necessary for these Defendants to
make answer unto, and not herein or hereby come
or sufficiently answered unto, confessed or avowed
transacted or denied is true to the knowledge
or belief of these Defendants, all which matters
and things these Defendants are ready to verify
and prove as this Honorable Court shall direct
and humbly pray to be hence dismissed with
their reasonable costs and charges in that
behalf most wrongfully sustained

Walter Van Armon & Co. Attys.
Sols for Defs.

And thereafter there was filed in the office of the
Clerk of said Court a certain Stipulation in the words
& figures following, to wit:

Superior Court of Chicago.
The Reaper Bank

v
O'hara St. Willard In Chancery
James W. Rossit
Lucas H. Dubois

It is hereby stipulated
and agreed in this cause that the facts & circum-
stances relating to and connected with the presentation
demand of payment and protest of the said protested
notes as set forth in the answer filed in said
cause and in the copy of the notaries protest at-
tached to said bill are true and are to be so consid-
ered upon the hearing of this cause.

Chas. Hitchcock
Atty for Com

Mathew Van Orman & Dexter
Sols for Defs.

And afterwards, to wit: on the 17th day of December
in the year aforesaid, the said defendant Dubois
filed in the office of the Clerk of the Court afore-
said, his certain affidavit, in the words & figures
following to wit:

Reapers Bank
v
Jesse K. Dubois
James M. Atch &
Elisha W. Willard

In the Superior
Court of Chicago

Jesse K. Dubois being duly sworn deposes and says that the answer on file in this cause was not filed herein by his authority or consent. That the attorneys and solicitors who prepared and filed the same are not and were not employed or authorized by him to file said answer or any answer for him in this cause, and are not and were not his attorneys and solicitors herein, and affiant states that said answer is not his answer and he disclaims the same.

Affiant suppresses said answer so far as the use of his name therein is concerned was made under misapprehension and mistake on the part of the solicitors who filed the same as to their authority to appear for affiant.

Affiant states that the allegations of the Bill of the Complainant herein in reference to the presentation of the notes therein described for payment to the Complainant and of the proceedings and protest thereon by the Notary Public as stated in said Bill he believes to be substantially correct as stated.

He states however, that the allegations of said Bill, that affiant as Auditor of Public Accounts for

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The State of Illinois has notified the said Complainant to pay said notes, with twelve per cent per annum interest thereon with costs. Protest fees and expenses is wholly unfounded in fact and is untrue, as is the further statement and allegation of said Bill that affiant is about to ~~sell~~ proceed to sell the Public Stocks deposited in his office as security for the circulation of the issues of said Complainant on account of the said Protest and alleged failure to pay under the same.

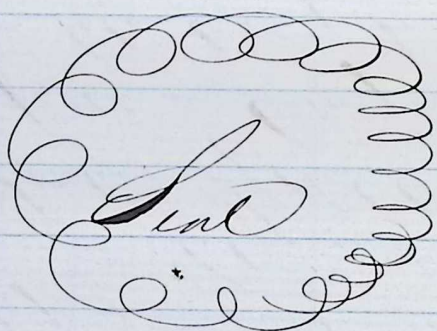
Affiant states the fact to be that a Protest of the Character and description set forth in Complainant's Bill herein and a substantially true copy he believes to be filed with the Bill herein, was received by affiant as Auditor of Public accounts of the State of Illinois and the notes herein described as having been protested, were received by him in his said office. But affiant states that he refused to act upon said protest in any way and rejected the same and returned to Messrs. Avesh and Willard through their agent the notes aforesaid described in and accompanying the Schedule annexed to said Protest. And affiant never in any manner gave Complainant to understand or believe that he would proceed on and under said Protest to sell the stocks transferred to him as aforesaid, and affiant desires to answer

herein and I have leave to set up the facts therein
as stated in this Affidavit.

Sam. H. Cabot

State of Illinois
City of Springfield

J. O. H. Miner a
Notary Public within and for the City aforesaid,
hereby Certify, that on the fifteenth
day of December A.D. 1859, before me per-
sonally, came Sam. H. Cabot Auditor
of Public Accounts, and subscribed and
made oath to the foregoing affidavit.



In testimony whereof I have
hereunto subscribed my name
and affixed my notarial
seal the day and year aforesaid
J. O. H. Miner
N.P.

And afterwards to wit, on the day and year last
aforesaid, said day being one of the days of the Decem-
ber Term of said Court, the following among other pro-
ceedings were had and entered of Record in this Court.
To wit:

Reaper Bank

vs
Jesse H. Dubois
James M. Ussit &
Elisha H. Willard

In Shewung

The defendant Jesse H. Dubois
Having filed his affidavit herein disclaiming the
answer heretofore filed herein purporting to be the
joint answer of all the defendants and disclaim-
ing the authority of the Solicitors who filed the same,
It appears for him, It is ordered that said joint an-
swer, the stipulation filed herein, be taken and
considered for and as the answer and stipulations
of the defendants Ussit & Willard only and not
as the answer of said Defendant Dubois, and the
entry of his appearance herein thereby made is vacated,
and said defendant Dubois being ordered to answer
instantly not answering herein his default is entered.

And afterwards, to wit, on the fourth day of
January in the year of our Lord one thousand eight
hundred & sixty, said day being one of the days
of the January Term of said Court, the following
Among other proceedings now had & entered of
Record in this Court, to wit:

The People's Bank

vs

Jesse K. Dubois

James W. Adams

Elisha W. Willard

In Chancery

It is ordered, adjudged and decreed that the order enjoining the Defendants and their Agents and Attorneys ^{to} be forthwith in the above cause, be continued and made perpetual upon the Complainants depositing in the office of Jesse K. Dubois the Auditor of the State the legal coin of the United States for the redemption and payment of the circulating notes described in said Bill of Complaint together with twelve per cent interest ^{but against} thereon from the date of the protest thereof, and all costs and protest fees and expenses within ten days from the entry of this Order or if appeal shall be perfected in said Cause, then within ten days from notice of the affirmation of such Order by the Supreme Court of the State of Illinois upon appeal, if the same shall be so affirmed, and that on default of such payment, the Complainants Bill be dismissed.

And thereupon comes said Complainant and prays an appeal herein to the Supreme Court which is allowed by the Court on said Complainant filing bond in the sum of two hundred dollars to be approved by a Judge of this Court, said Bond to be filed within ten days from this date.

And afterwards, to wit, on the day & year last
aforesaid, the said Complainant filed in the
Office of the Clerk of said Court, his certain
Appeal Bond in the words & figures following to wit:

Know all men by these presents that the Peoples
Bank as principal and E. Aiken as security all
of the County of Cook and State of Illinois are
hereby and firmly bound unto Elisha W. Willard
James W. Adair and Jesse K. Dubois in the penal
sum of Two Hundred Dollars lawful money of
the United States for the payment of which said
sum well and truly to be made we bind ourselves
our heirs Executors and Administrators jointly and
severally firmly by these presents.

Witness our hands and seals this Fourth
day of January A.D. 1864.

The condition of this obligation is such that
whereas in a certain Cause Sherford brought in
the Superior Court of Chicago on the Chancery
side thereof, wherein the said Peoples Bank is
Complainant and the said Elisha W. Willard
James W. Adair and Jesse K. Dubois are de-
fendants a final decree was at the January
Term of said Court and on the day
of January A.D. 1864 made by said Court against the
said Peoples Bank and in favor of the said Elisha
W. Willard, James W. Adair and Jesse K. Dubois

from which said decree of the said Court the said
Reapers Bank has prayed an appeal to the Supreme
Court of the State of Illinois which has been allowed.

Now therefore if the said Reapers Bank
shall duly prosecute its said appeal with effect
and moreover shall pay the amount of the said
Costs, interest and damages incurred and to be
incurred against it in case the said decree shall
be affirmed in the said Supreme Court then the
above obligation to be void otherwise to remain
in full force and effect.

Approved by me this
14th day of January
A. D. 1869.

John W. Wilson Clk.
of the Superior Court of Chicago.

The Reapers Bank
By A. H. Barclay Pres.
A. H. Barclay
E. H. Ken

(L.S.)
(L.S.)
(L.S.)

And afterwards to wit, on the 13th day of the month
of June last aforesaid, said day being one of the days
of the said term of said Court the following among
other proceedings were had and entered of record
in this Court to wit:

The People Bank

vs

Jesse K. Dubois Auditor vs Bell & Inf
James M. Armit and Dr Henry
Elisha W. Drillard

And now at this day
comes Jesse K. Dubois Auditor of the State of
Illinois one of the defendants herein and prays
an appeal to the Supreme Court from the oral
and decision of the Court entered in this Cause,
which appeal is allowed by the Court on said
Jesse K. Dubois Auditor vs. filing bond in the
sum of Two hundred Dollars to be approved by
a Judge of this Court said Bond to be filed
within ten days from this date.

And afterwards, to wit, on the 17th day of the
month & year aforesaid, the said Defendant Jesse
K. Dubois files in the office of the Clerk of said
Court, his certain Appeal Bond in the words
& figures following, to wit:

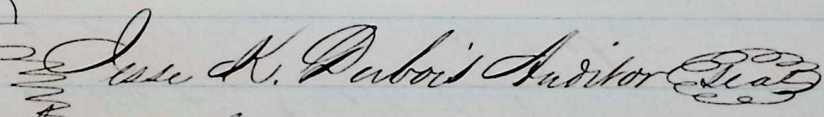
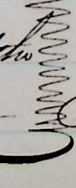
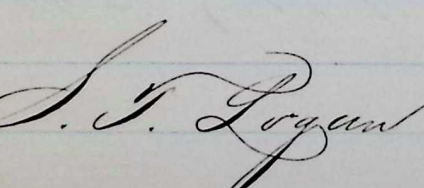
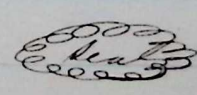
Know all men by these presents that we
Jesse K. Dubois Auditor of the State of Illinois
and Stephen J. Logan are held and firmly bound
into the People Bank and its assigns in the

penal sum of Two Hundred Dollars. for the
payment of which we bind ourselves and heirs
executors administrators and assigns jointly
severally & firmly by these presents.

Witness our hands and seals this 16th day
of January A. D. 1861.

The condition of the above obligation is
such that whereas the said Peoples Bank
at the January 1860 term of the Superior Court
of Chicago obtained a decree perpetuating an
injunction against the above bounden Jesse
K. Dubois Auditor &c. from which decree the
said Jesse K. Dubois Auditor &c. has taken
an appeal to the Supreme Court of the State of
Illinois—

Now if the said Jesse K. Dubois Auditor &c.
shall prosecute said appeal with effect and
without delay, and shall moreover comply with
the requisitions of said decree of the said Superior
Court and shall also pay all such costs, in-
terest and damages as may be awarded against
him in case the said decree shall be affirmed
by the said Supreme Court, then this obligation
to be void, otherwise to remain in full force
and effect.

Approved by me  Jesse K. Dubois Auditor
John W. Wilson C. J. of the  Superior Court of Chicago
 J. J. Logan 

State of Illinois
Cook County J. I. Walter Kimball
Clerk of the Superior Court of Chicago, within
and for the County of Cook, in the State of Illinois
Do hereby certify the above and foregoing to be
a full, true & correct Transcript of the papers
now on file in my office, together with all orders
& decrees entered of record in said Court in a certain
suit therein, on the Chancery side thereof, wherein
The Reapers Bank was Complainant, and Jesse
K. Dubois, James M. Addick and Elisha W. Willard
were Defendants



In Testimony whereof I have
hereunto set my hand & affixed
the seal of said Court at Chicago
in said County this 13th day of
April A.D. 1860.
Walter Kimball Clerk

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

Jesse K. DeLois
vs
The Peoples Bank
by Appeal from decree of the
Superior Court of the City of
Chicago

And the Appellant comes and
says that in the Record and
proceedings ^{& Decree} of the Court below
manifest error has intervened
to his prejudice And for causes
of Error the Appellant sets down
and assigns the following points
1st The Court below Erred in

taking Jurisdiction of the cause
because the said Appellant was not
found or served with process in
the City of Chicago or County of
Cook and no relief is prayed

for or granted against any
other Defendants.

2nd because the Court below
had no jurisdiction of the
cause

3rd The Court below erred in
decreeing that the Injunction
should be continued and made
perpetual on the Erring State
in said decree

All which Appellant is
ready to verify wherefore he
prays that the decree for
continuing and perpetuating
the Injunction be reversed
annulled & for nothing held

S. J. Logan

State of Illinois }
Superior Court } April Term A.D. 1866
And now comes the
said defendant in error by
Gallup & Atchcock their Attorneys
and say that in the proceedings
and above mentioned there is
no error and pray that said
Decree be in all things affirmed
Gallup & Atchcock
Attys for appellee

~~20 24057~~
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The Reapers Bank

as

Jas H. Roberts

et al.

Filed April 18, 1860

L. Leland

Clerk