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No. _____

Supreme Court of Illinois

Chicago, Burlington & Quincy
R. R. Co.

vs.

Carter.

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STATE OF ILLINOIS, SUPREME COURT,

TO APRIL TERM, A. D., 1858.

APPEAL FROM LA SALLE.

CHICAGO BURLINGTON & QUINCY RAILROAD COMPANY, APPELLANT, vs. ADOLPHUS CARTER, APPELLEE.

Abstract of Record.

This was an action of Trespass on the case brought in the La Salle County Court at the September Term, 1857, by plaintiff below, to recover damages from defendant below, for killing three colts of plaintiff on Railroad of defendant.

I. Copy of Summons from the County Court.

II. First count of plaintiff's declaration.

III. Second count of Declaration.

IV. Demurrer by defendant as follows:

And the said defendant comes and says that the said plaintiff ought not to have his action aforesaid against them, because they say that the several counts of the declaration aforesaid are not sufficient in law, nor are either of the counts in said declaration sufficient in law, to maintain the action aforesaid, and that they are not bound by law to answer the same, whereupon the said defendant prays judgment and that the said plaintiff may be barred of his said action against said defendant.

And for special cause of demurrer to said counts in said declaration, and to each of them, the said defendant shows to the Court here the following, to wit:

1st. In neither of said counts is there any averment that the colts, in said counts mentioned, were not killed within the limits of any town, city, or village, and did not come upon the Railroad of said defendant, within the limits of such town, city, or village.

2d. In neither of said counts is there any averment that said colts were killed through the wanton or wilful and gross negligence of the agents or servants of said defendant.

3d. In neither of said counts is there any averment that said colts were killed through the gross and culpable negli-

gence or wanton recklessness of the agents or servants of said defendant.

4th. And also that said declaration is in other respects uncertain, informal and insufficient.

V. Demurrer overruled, to which ruling defendant excepts and prays an appeal, which is granted.

6th. Assessment of appellee's damages by jury.

7th. Court render judgment for appellee.

8th. Bond on appeal from judgment of County Court.

Pages 8 and 9.

Pages 9 and 10.

Page 10.

Pages 11 and 12.

Pages 1 and 2.

Pages 3, and 4.

Pages 4, 5 and 6.

Pages 6 and 7.

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Chicago Brew & Dining
R R Co

vs

Adolphus Carter

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Chicago Brew & Dining R R Co

Adolphus Carter

Chicago Brew & Dining R R Co