No. 12504

Supreme Court of Illinois

Ill. Cent. R. R. Co.

vs.

Downey.

71641

State of Illinois, \ ss.	
LEE COUNTY.	
The People of the State of Illinois to the She	eriff of said County, GREETING:
We command you that you summon	All mais Con Ful
Hail Road Compo	my
if he 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	
Court House in Dixon, in said County, on the fourt	
to answer unto	in monday of
ame d'aun	ey
in a plea of Inelpois on the	Care
in a piea of Siveryouter our rene	
	The of Themoleus
to the damage of the said plaintiff as he say in	the sum of
Dollars.	
	re this writ, with an endorsement
	u shall have executed the same.
WITNESS, ISAAC S	S. BOARDMAN, Clerk of our said
Court, and the sea	l thereof at Dixon aforesaid, this
day of Upre	A. D. 185 .
Court of Somielus	un CLERK. If the Concent Com
Build	Musican Deputype
V-D	muyter

3 General the within by reading the same in the presence and heaving of James . Colors the chiricion Exentendant at durboy and by deliverin Clark of true copy of the within Levoice 30 allum 10

Declination Filed April 18th 1856 State of Allinois Of the april Jenn of the Su See County Circuit Court AD, 1856 James Cowney 3 To Hit; James Downey The Illinois Central Rail Road Company 3 plaintiff in the suit by Sol, Patrick his attorney complains of the Albinois central Rail Road Company which has been surround to answer the paid Plaintiff on a Plea of Tresposs on the Case, For that the said Plaintiff heretofor To Hit; on the third day of hounder in theyen of our Lord One thousand eight hundred and fifty five at the bounty of Ser afraciel was lawfully passessed of a certain pair of greyporses a double have fo and which wagon of great value to with of the value of four hundred dallars lawful maney, said horses being then and there hamefect to wood drawing said Hagon and in which the and fall the life was there and there ordering with five of his friends in and along a certain public & common highway to wit; the main Street in the Town Comboy in said County, and the said defendant was then and there possessed as owner and controller of a certain Rail Road track called the Allowing Central Rail Road and of a certain Steam Engine with a tender (12504-3)

attached and which said Steam engine and tender were then and then sender the care gor enment and direction of a certain then servant of the said defendant who was there and there driving and running the same along said Rail Road track where the same crops oud main Street, to wit at the town of amboy in the bounty afores aid, nevertheless the said defendant then and there by its said servant so carlefly and in properly drove governed and managed its said Steam Engine that by and through the carelysmelo negelgence & improsper conduct of the said defendant, he having careleftly neglected to ring the bell or severed the which of said engine as by law required the said Engine of the said defendant then and there ran and struckwith great force and violence upon and against the said horses and wagon of the said plaintiff at the point where out railored track croping the paid main Street in the lower of amboy and there and there crushed the said several kerses to the earth passing over the same, and broke to pieces, duringed and distroyed the said wagon and harrief and one of the said heres, the wagon and hamely of the said plaintiff. thereby then and there became and was rendered of nouse

or value to the said plaintiff, and thenby the

said plaintiff and his said friends who wretis

passengers in his said wagon ever then and her

cart out out and thrown with great force and violence from out of his said wagon upon the ground there; and the said plaintiff by means of the several promises aforesaid was then and there greatly bruised hurt and wounded and for vented from performing his lawful affairs and business to his damage in the sum of fifty dol= law, and also by means of the premises both paid. laid out and expended devers large sung of mon ey amounting in the whole to a large suin of money to wit; the sum of Seventy-five dollars in and about endeavoing to heal and our the worm do, heuts and brieses of his said horres and the damage done to his sauch harness and in and about the repairing his oard wagon so damaged as aforesaid to cert; at the County of Lev aforesaid. and the said plaintiff aver that at the time of the carelesses and negligence aforesaid of the said defendant whereby the said damage to the said plaintiff was occasioned, the said plain teff with his said korses, and way on was paping along and in and upon the said main Street in the lower of amby aforisaid as he law feely might do that at the angle of intersection of said Railroad track with a aid main Strut, the said Ellinos Centrals Railroad Company had before the time explaced and endet a Black Smith Shop and atherbuilt rings as to interestet, obstruct and render impossible the view between said Railroad track from the South

\$12504-3]

and said main Street from the East that said plaintiff was then and their paping along said main Street and on the same craping the said Railowed track from east to west at an hour of the day when recording to the published rules and regulating of said defendant no train was due at said point and no Congine was to be expected, yet, the said defend out having exected any board or orga of caution to the passinger on said main Struct at the intersection thereof with paid Rail was track as by law it was required to do and without giving from said Engine by bell or whistle my aland care lefsly and negliquely by their said Ressont raw inform the said horres and the wag an of the said plaintiff themand them so attached as aforer aid causing the said damage to the said plaintiff as aforesid of the said defendants own mong, To the damage of the said plaintiff in the sum of One Houndred and Jefty dollars and therefore he brenghis suit D.S. Satrick pelfs ally

Afft. for Security for costs Filed May 6 th 1886 Janus Downey Allina Central Rail Road Company & april Jenn Lew County curent Court a.D. 1806. Trespate on the Care John Stevens attorney for the said Defendants in the above antitled cause dely sum deposes acid sage that he is informed and very believes that the said Plaintiff is unable to pay the costs that have acconced or my hereafter accounts the the appoint party is to the affices of this court, his is further informed that said Plaintiff is not the owner of any rial estate in this State and the Officers of weed with will be endangered as to the collection of and onto unto said plaintiff be nucleal to file security therefore Subscribed and Swemto before me this 6 day of may 1856 & John Stevens IS, Boardman duto) 212504-47

John Silver May 9th 1856 Jell C. T. Co. Short Samuel Court Court And the said deputement by tweet & Stevens their attorneys come and defend thewrong and infury when Il and day that they we not mer is either of them gully of the constage out griver es about laid to their charge or my or wither of them, or may point thereof no manner and form as the faid plainty hath above thereof comporanced against them and of this they fout themselves upon the country to Tweet to tevers And for a further plea in this behalf the said defendants by lease of the Court her first had and obtained says action now because they are that it the time of the committing the said suppose school gromees in the said Handly decline tion mentioned, the land defendants were the owners of the said Nailroad in the said declimation mentioned, and had a lawful reglet to own their rugues mediens, our the same to Josepel the same by Mean, and the said defend anti forther heer that at the time, that alle time of committing the said supposed grearouse they well by their dervents lawfully running

their angine & lender on the said road, and that the said Hamilifes having notice of the approach of the enil angine mulefuly negligently & wilfully drive the horses and wayou in the said declaration mentioned out & confe the track of the said laif load and that the infance complained of in the Frain if & Doctor a tion, were panced by such mules, negligent wilful striving the said leave outhe said road twithout the fault of said defendants of this they me ready to verify tel Tweet & Covery Willy for Gefts -Demmer & Flow File May 1 1 1856 St. A. R. bo. 3 Sud the said Plaintiff cours and lays that the said of all second pleasey him above pleaded, and the matter theirin set forth me not sufficient etca molthat he is not abliged to makiner the same, wherefore he pray ful mout to And for cause of deminer and plainty says that the said folia is a pled of the general Ally for The

Anthuetions to the fung dile Oct 14 1886 Hound ash thebent to method the form - That if the five believe from the evidence that the defen lants were driving an engine along their track englia officet, and that while & doing they drove daid Engine against the learn of the Hamily, they are liable for the damages then and there down by said angue to said team whether the organi were committed wilfully or acciousable that it was the duty of the defendants so to use their own right as not to refine others, and mules the defillainlife wenterly placed or continued his property in the way of destruction he is entitled to downages to be affected by the fung for the sufing stone to it, whether it he wilfully come lefely or a widentally to But of the fray believe from the Evidence that the Camity or his agents on servante by his or their excellents negligence in misconduct contributed to the accident then the defendants me not liable

Variolist of the finy We find the defendant quitty and afters the Huntiffs damages at one Hundred ind duenty fine dollarde, Sofr Crembie Satrick Me Com John Down f. M. Mason Heachan Astrulow a.a. Teafarnin Mores Crombie January Sinly It. Franslow, Jacob Groh Elizabeth sight to mpine other, and milest it I that the sing of the section of mate in the we think Eligar ou some Mit ortally mountained attenden be ent excel to said tour white if the there is the first house to Fried Figure and engine of which the Com the safet as Mary mathe while the law. Whent have the historie to adjust the fine, with the

All of Engline deled November 28 to M. 1857 -And the Covered County Co lainty State of Union of the Systember Form AN 1858 Showing Course Chail Conspining & Brit de 1850 att att and the first day of Cololor In 1856 at the Softwiner Farmed Card Court came the dain formally to some to water his allorner and the hard defendants by the land thest illower and this run coming of for said landy, howing her sword to the freigner In and land on the how of said louise the said plainly for a weardense the following leshow duty swin telfere that on the third day to too couler AX 1853. he in company with frue other, got on bound the limits, and doubt to drive it my the Man Wheet in said Joan acrof the brush of the difference that buil central trul load nipading trup the Said of Marsy was in nearly a Ante. not with line and die Mani direct along

which plaintiffs wagon was putting was in nearly an East and med phreolion that said sheet enofied and Carl Coad at nearly topt wifes a That delance whith the fusionizer house in and cown that at the freetpoint where said die that load intersect in buil son three is a and And profering, that on the south 3 the lay of November 1855 the said defendants had selleta Controlled thop in the douth East lengte of laid My of a Coul Coad, and that my presengeling land Inget while mmediately officet and chop and chop hid from our anything might be fashing has the hore of west laid lad on the North hele of the crofting, that at the line above referred to back, and of day of Mounter, when the law of Hinlifted wire Inthis a Met hetwee of the hour four tout tout, some men the wagon called look extractive region witness de not see it (the regione) then but immedially after did, withing credout up up, as acrof " some others in the wagon and to the winer My "and others go wheat " the strings. underlook to go very when the engine same uf and contine horse such wagon upseling the wagon; and love the host from the foot of our of the horses when said engine come up to said wagon withings. exached out has hand and look hold of my mon routine my til the the engine and spring from the wigin to the ground the to come time at the time of the accident was going slow it might

home been haveling at the oate of aget or len miles an hour, did not her the bell upon but engine ring putil the milent to saw it there was nothing ellusted tothe Engine except a lendere Engine wift a lenderby Defendants commend durid witness stated that the accident occurred about two Clock in the Memoro of and day that the was no hain of Cir that a two wanting of the factinger house of and coul to accene buil Engine that said rugine come as withings supposes from the lound station Mence, bit wallst, downe distance he tow the t. t. brefing; that they was a dwitch or did house leading free said tous laws to the main brook of dried I toad that the faut Where had switch or sell hack interdedled with hard man truck was about Eighty loss with the land lay bad croping referred to about that from the place where said line of Thirty first Monthed at the Creek House, witness, could have sent the point when said will it is did track in lersected sound main back, that it would beat that front the engine would have to from me passing along the main but fraid tout noth the promier house, that said Challante Most mentioned in obrect examination was a comme riged stop, that himself und have along with him got on board family wagon at the front dong the recent House that from that place he could have Selvithe sugene when at the world - that when the

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persons in the wagon first heint the bell, and sow the xocomotice running, the heresheads point bu or twelve 16 fret from the coul road track that the engine was then about siely or swenty feet below the I. V. croping. Webien . B. Munte being called by the plumtiffered. sworn as a wilness, testified that at the time mentioned by del . Tarrick he with four is fine others got on board danielife wagner at the Crewt House me Bruty sur! Meruflet to drive along the mound theet in and when withing whent distance of the back draw and in the wagne told the string to dep that the waging was receiving, that he looked down the frank & souther ingine fine of dix order If, it was recurry towns them at the rate of four or fine miles an lever, the lest wasten viering, but withy had not him det hope the person in the wagon had really to the spring to elop, that when the origine was fruit uncoursed there were depend of mine away he conforme in the wagon, some said to the shower go ahead and others and dep "but they were a little sult ! let the porder do about no trey had a mind to, mil went on to the hand, one of the horses hops was next and the wagon uplet, when the sugne came of wilness humped out was theet by it but not that On the rough examination british Sold that when at the grout door of the breat Hove and while friding along the other between that fling

welthe blacksmith's stop, he might have seen the engint of he had looked, the avadeut happened about two 6 Work in the astronom, at that time vieryly it was pustomary for the segme to he Capen from the desind the wir to the younger love we ambrey to take the bring tothe, that in presency believe and friel it was necessary to pass busto truly out profing, welreft lived no Control of their that this was a regulation of the railroad companie, that the engine at the line of the accident was persong ut from the down House the Japanyon love for the purpose of taking the Matherine trains the price who had in change the ruming of the ng ines between there two points, was was arow from fit at the regular thing the with trains timetre ourning at the righton line, that the ground en 2000 best of the pailroad track much descending from the road let for some distance; that when the porced of I don't if shouted from the Corent House they went our a slow that mult they came to where the ground begunt assent to the And Hout drack when they work up mil began to worth Ment at the line the foreven the wag on first deixound the engine, if the arriver had displed the horses, where they they wer, the accident would not hundry from the plantiff was in the wag on at the line of the acceptent. \$12504-8

from Downey a willing on the part of the Hemily was then introduced & doorn to he lestified that when the horsest front barled of, they went enat a clow trot, but had broke up and were going on a walk at the line the warm was given, that he was striving the horses, thinks he could haved by them ofter the alarm was green A before the societare happened, but cone in the wagon rallin out to him to go acres and some to toto "he was fright and did not know what to do, he Verthe horder grupew the hack, his dow the built was no the wagon timed tout he gave out remedied I think or think for dollars for the horse that was hint; he (wilness) rosuld not land grace me, but was with but under mid fait Alan to the plaintiff for his use, that planty would not have taken less for fine, soud he thought The horse was now worth, tople Follow wilness on the first of the descudents was being over Colified that he two amunher of persons including the wilneful sworn on the fart flite Suntiff in this cause get mit a wagon at the Grient House willmboy & that it was the same

time repersed to by plaintiff witnessed that at the time the plantiff & those with him left to Great Head to profe the I. V. horsel, the engine that same no polition with the plantifes his ded I wagow was then leaving the witch will brack that someth the Court House with the Commence + proving up along down Main troop to the passenger house to lake the regular train Notto as plaintife term was allowing towards the IN confing secured men edled Engine was coming but that the fail no the R. A. Truck, witness heard Lower fireway in the was possessed "the horses was then on a walk was possessed" the horses was then on a walk will the struck Could have stopped of he has the the ground from the place where the alarm was first gruen by the persons with wagon to the A. Y. track was excensing a the witch where the rusing doubted from is about withy rods below the place where Rain & Course theet onefres the Chit hair the bell upod the sugue was ring ing from the line it lest the switch until it struck the leave at the profesing it was ringing loans enough for the persons on the wag on to have heard it les for arriving at the railroad. The distance from the place where the person got on board the wign to the A. A. propsing witness thought is over the (12504-9)

hundred frest - thought that the west and of the tacksmithe shop was from fourten to dix ten feet from the Mit. drack; that and engine in going from the switch, lowerste the MI organing, could he distinctly seen at the point where the fluity wagon started from get the Crient House mid alse for a distance of fifty feet further along the Sheet where the leave parked until the wagon get next, directly opposite the drop; and that an arriving at the west and of the strop and engine could again be seen coming up from the switch; it is a regulation The And Grad companie to change the Engine on each train at hours that modering to the Engine designed to take the train out of that place must poiss over the Morphing wherethe received halfored the engine at the time of the accedent was being take the freezenger house to take the regular pringer hours noth, it was running in the udual line In the ordinary way Mought the leave of the Funty was liventy fine feet from the Vant tout that the lime he first hemal the alarmy griew by home one bu the wagow that the engine was coming, and calling upon the divert dop-thought that liverty juight was space enough for the Mount to elef the hirses in Strette socialist accurred that It was siving to exceleptiness with purity the driver that it hughen Outhe crop examination by Stanty course, the witness stated that at the line the

Goodent happened he was structing on the South and of the platform of the free for building nearly offood the croping, and on the of pointe side of the rail road from the blackents shop that it was only a feer feet the trust from the orogeing. that the persons we the wagon were tulking and laughing before the availent, mis Seemed to be into sicaled, that he hourse coverage portous with door of the black smith stop, will out to the persons nothe wagon to delp, the persons go ing the alarmente despeting might have have liverty from ir thirty fact from the wagon belowed the west and of the blackwilled ship and the track of the rail road persons no the wagne and how seed the engine a distance of his huntrestand fifty feet, the ing meer upon the ingine could have deen the horized the same distance the blacksmithe was about with for high from the ground to the cases the galle was Jogrhafor four office feet righer Me clair In mine is generally about withou fort high Mid not mow whather the dach of the engine wind howe been been over the day by the persons in the wagow, thought it could not witness smith bell upon the engine might not have been mung all the time from the line of left the dwilch he Moright it stopped to take in wood between the switch and the eroping & while doing is to bellmight not have beek ning but that all

profing when Exper you up to it and gain

the alarm on On the crops exemination

by Cambiffs coursel, witness stated that Copier was doudary in the door of the blacksmitter stop when a first good the alarno, that he own up towned the lenw with Acrestion it arms coming from and continued enting on the driver to the withings dated that rehemal the enguir bell ming before Expir called upon the driver to dop but does not their within it was ringing at the line from the time it left the divited or not. Credith Fer con being roulled and loven en the part of defendants testified that munidially to the accident he himd to planty friend use eny God Dann'it of Cold him Kertour not to white upon the cryping" -Jacob . Toline was then swow on the fant fruit deservances & testified that he was it lie front door of the Creat House when the flints and Reveral others got on board the plantity wayon, that the engine was their reming xf Covarios the pullinger house, that is love po he law the protous in the wagon were going to crofs the raif road, he min after them med overlook them, whew within about thinly feet of [12504-1]

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the rail road track - paller to the driver and the reling with him to dop the rugine was coming realish fint lital hearts slop they all timed around and looked at him, but made in reply, be then repeatedly total them to stop there love also several others calling to thew to stop that Kellithrefs was setting within a few feet of where the Como started from at the Correct Cours and that the rugain was in flain light to him The learn left witness heard the engine bell renging it was ringing while he was calling the threnent depethat the persons in the wagne talked and note immediate your the overilet, as though they were very much saloyeated a On the coop examination by Hount to Course witness testified that The persons nothe wagow shit not unever time when he called to them to elope that when they looked amount towards him they were behind the blacks mich i shep & thought that then they could not see the engine, but they could have cent one dillance from the place they stonted from, did not know whether they keard and call to then to slep, but believed they did us he called loud enough to make them hear if they were not deaf did not know that any of them were sley's

Thephene I Intret being recalled by Slain lifes counter some that he shang liguer once, before leaving the orient house but was not intoficated dud not see the engine until he was a short destance of the At anyling nothear any person calling to the union to slope more of the persons in the wagon were into ficaled, plaintif went away with whigh in about fine mounter ofter the occurrence; went to attend a trial before a fisher of the Frace living about a mile from Onboy; and was with wilness until the close of the bride and went back to heaboy with wilness done two or time hours after Milhand Dellant being recalled by luntifs councef and that he drough liquor once before leaving the Creat House was not into realed and not be the engine until astletex in his former lesting, being recalled stated he had been drinking once before he left Creent House was not struck his not see the engine until as stated in his fromen examonation, nor hem any one call to him to obje Cross Eye Did not hear Pordine call out to us, don't know where I sow him then before the accident First I have fames Deconey called out "look out for the rugine" this was at the land

moment the engine come in light ne about was all the material evidence in the trial of said cause, both on the part of the planity were the defendants and after argument of counter the alloring for Flowity, asked the court for the following metricities to the fung, which were given " What if the pary believe from the " evidence that the olefendants were throing and " engine along their Truck, acrop a Sheet, in " that while to doing they should will engine against " the learn of plaintiff, they are liable for the dunings " then and there done by said engine to said " Team, whother the infany were remnitted wit-" - July or accidentally - that it was the shilly of " the defendants do to we their now rights as not " to inface others, and meles the plantiff war " touly placed, or continued his foroperty in The way of destruction he is entitled to hamage " to be afrester by the fung for the infing dout bit to which the long modified added the following a Sout of the pary believe from the evidence that the plaintiff or his agents, or servants, by his or their caneleft nep, negligence or miscenduct contributed to the accident then the defendants we not "hable" - And the funy after hearing the evidence and after argument of course, having

retired to deliberate upon the verdict; retired into Court the following verdict the find the a Dependants quelty and while the blown the " domages at but Hundred and liventy fine. "Dollars" Whereupon combe defendants by their Counsel come forward and entered their motion for a New Irial, upon the ground that exist bendiet was contrary to the law of the evidence in said cause - And this cause coming up for hearing on the motion for a new trial on the first day of allowers 1856 the bourt after heming the inguments of counted granted to the said defendants a new trial for the reason that the verdet of the fung was for a longer amount of damages than the John til had sustained according to the bolinon Whereupon the Shmill I Come frame forward + Entered a remettance of they Dollars for the sum of chirty fine Dollars & the bunt Therengeon required to growt and new trief dow which decision frais Court the said defendants by their said Courses then there excepted they pray that this their bill of exceptions taken by them as aforesaid may be signed sinted and made a femt of the record in this cause, which is done A. Downy West

Hel of Miss & the undersyne Clerk of the Circuit Cart Lee lounty) in and for ved lounty to herely certify had Writings hereunts attached are two and furfiel copies of deformand Joled in my Office in a Cruse word position on the Court Workind on Willel Same! Downey by Sel & A Hand Com? . Mittelf my hand and the Sect of wait Cart they they the h propi Ball Spa

James Joioney Jeann, 185 M.6101.60c Doo cours 2 lenus 20- up &2 att 25- Cont 20 ard lust Denies 85 1111 fil glad 45 Call pary 15 Ent O and co Sums this 40 4 Sporthy 160c 9 after 90 6 Bather So heaft 25 1610 09/9 Out 3 oras 60 Will of Costs Copy in Cort steal 35 141 Engo sel soott. Retin Doc Retin Suts 14 10 There for deed lines 145 (91) - Jag 95 - 1/200 Witness " lopul Danner " 120 (Cera) 491 160 form Downey & days -12 Mels-4 days 12 Mels 11 20 M. Od. Stuarty 11 11 " " " fill Emy The hes I days 12 20 12 20 10 20 fung des geft Cost on 200 6260 Aft tale 15 - At 4 paises aft for contra Ina Dry Mis 20 Stryon Touthes 55 - Stone Book Late 15 It Cast 30 Copy 20 Cert & Seal 51 May Fred M. Lerson Jalay 512 Onles - 4 days 12 Mils 12 20 " Howard " " " 12 20 12 20 wife" (Red) Spar 1360 1- 95-12 265-12 00 410 Joeket Jeg I, Man Of Edward Clerk of the Circuit Court, do hereby certify, That the above is a true copy from my Fee Book, in 6, 30 id cause. 441 Lee 6 16 and Mill Clerk STATE OF ILLINOIS, COUNTY OF. ninety days, as the law directs, with an end rement hereon in what manner you shall have executed the same.

WITNESS, Clerk of the Circuit Court of in said County, this day of Aloesulel A. D. 1856 Il prefth Ball Day 1 12504mm47

30 Jest for the probent Trunsorist & 8,50
See & the askell Cop

Jest for the problem Sour She

Jest for the problem of the source o grant 182 = VS. County Circuit Court,

Men Koullempier. To Lectorery. James Doroney, 3. now come the sent pleentiffer wow by Ma Illey Them Cettury, and for cure, of two oxego 1st ape. The overalling the pleentiffs to are the court and in going gregory agent Luis Here the sen Colley ~ by for the other mon-Mely pufly,

STATE U LLINOIS,	And the City of th	
County,	SS.	
The People of	of the State of Illinois, to the Sheriff of said County, Greeting:	
WE COMMAND You, That of the	Lands and Tenements, Goods and Chattels of	
bentral (time	I doad bombany	
Defendant in your county, you caus	e to be made the sum of Arrilly	
	ars and . Cents, which famula com	
Plaintiff lately in the	Court of said County, at a term thereof begun and held at	
(A) is a series	in said county, on the fundin Moudeney	
	in said country, on side of the property of	
apremain		
	endant and which by the said Court was adjudged to the said Plaintiff for	
his unmage	1. by from on this behalf dullames	
	thy you - Dollars and deathy full Cents,	
	iff for MM costs and charges in that behalf expended, whereof the said Defendant	
convicted, as app	pears to us of Record: And have you these moneys ready to render to the said Plaintiff	
for	Mid alumninged and costs aforesaid, and	
ma	ke return of this writ with an endorsement thereon in what manner you shall have executed	
the same, in ninety days from the date hereof.		
A A F B	WITNESS, Clerk of our said Court, and the	
neal neal	thereof, at in said county, this	
	day of December A. D. 185	
	Leo & Halkell Clerk.	
· A	Les & Hallell Clerk.	

Visit Visit 1 Particle State Int from letton

Les County Convenit Count 1

Spring From A. 1856

James Dawney James Gampany & Les hard and the core This day come the said porties by their allernies second the coming filed in this cause coming and be tord, and the fenties being hered Thereon and the mallers and things alleged in relation there to laving been remidered by the boart the said Menumer Jull Sorm AN 1856.
Westnesday Colober 4 1856 Mis day come the landing to Custace his altoney and the defendant by Stevers its Collowing the few being foined came a fire of good and lawful men to wit: from Down Sumuel Billy falla Casio. Jung. Aroundon, Sedachon Clourson, Lacor Iroke Satuck A Com, oth brippen found xanvence Most broute A.M. Crombie & andrew Lenguis, who being dule elected tried and sworn, well and bruly to try the issued formed between the land femilies, he was the evidence adduced, as well in the part of the dependent, as on the part of plaintiff, retired to [12504-15]

consider of their verdict lefterwards to with on 36 this day again come the Readpury and returned into court the following direlist do with the the forey find the defendant quilty and This the plaintiff dunages at the sunt of One Countried and twenty fine Dollars Therape to defendant by Meacis distlorney moves the Court in arrest of present and for a more Trial in this cause Juli Jarm Al 1856 Friday Oct 37 Alors ayam on this day consists the said planty and Abendant by their allowers, In defendants Mettwo for a new trial and in arrest of fundament law ing on to be heard the plantif now enters a remotation in the sum of thirty free wollows from the verdict of the funy in this cause. The Court being now suffering by advised in the premises the and motions are overruled It is considered and adjute by the board that the plantiff have and weren of the laid defendant the sund of minely dollars, his Amages together with his costs and changes by him in this behalf expended and that he have execution therefore.

Let following Good Hashell Clerk The Circuit Court in and for said leaving in the state aposesaid to heating certify that at a danie of the break bourt, began and holden in Sexon on the South Monday of Gory ON 1856, the forgoing proceedings new had so for us regards the motion sullaming the Deviner- and again at the dall Figure of said Court begun and holden on the fourth monday of deptember AN 1856 on the days therein mentioned the final orders were entened as appeared from the records of our land leavest, This honor Wilson f Frung Justing-and further certie that the foregoing is a treet copy of the records -In Wilnest whered I George, 6. Market blest of the brown bourt Recent det my hand mud the heal thereif at Dejou this 18 the day of March The 1817 George & Hackel Chap for freehe Sall Att. Let a desperance was whom belong their (Heyore)

Let a supersedies issue upon filing this record together with a bond in the proper for in the penal serve of three trumstred dollar, with mules of Kenry & John in Donylass a De Caton. murch 19th/857 in the the tent of the water to intermediate of supporter the is grant the said begin out to the said to

Transcorpt , aport the the Xi Com China Court James Come 11.6.1.6.60 Feled march 26 1887 L'Leland Olk \$12504-17]

The Illimois Dentral Rail Road Donepany Error to See James Downey allention of the bourt to the fecul. after avering that the R.R. les, were forsessed of a certain steam En ~ give & that the same was under the direction and control of the serv proceeds as follows: nevertheless the paid defendant then and there by "its said servant so carlessey and "improperty drove governed & man. aged its said Steam long ine that by and trough the carelessness ruglique and improper conduct of the said defendant the said struck te" I see fage It ke cood in On fage 5 of the Record in declaration the following language is used " and the said plaintiff avery that at "the time of the bardessness and night -"gence aforesaid of the said defendant " whereby the said dumages to the said plaintiff was occasioned it's The charge in the declaration cannot be true, If the Engine was under the control of the pervant of the company

it might be true that the accidents happened through his careless riss in main a ging the Engine or it might be true that the accident happened through the regigence of carelessness of the Company in hiring remploying out a man; but it could not be true that the accident happened from the carelessness of the company in managing the Engine which is the case made in the declaration.

De Ble allegation of the declaration is that by the reglegence of the Company in managing a certain Steam Engine plaintell was damaged, Idera is no frod in the Record, at all Lending to sustain this allegation. If there was negli que it was the neglique of the servant of the company and should have been so allediged a The proof does not tend to pustain Le case made, but if the avernuit had been in proper form the broof would not have made out a cash against the Contany The Engine of the Confany was leaving The Round House for the purpose of going to the fassinger house and taking Le fassenger train Nort n Cross Examination of Mr. B. Stewart, page 2 abs -Lar time (Same milmiss).

The Engine was running flow Justimony of Patrick page 2 abs -The Engine was running at its usual time and in its ordinary way -Testimony of Is. Is. Keoward Fage 4- abs-The Bile was ringing the whole distance-Jestimony of M= Bollewart fage 21 abs-" Ists Moward " 3- " " When 8 levens , 4- " " " facob Bodine " 5-, The accident was the result of the carelessness of the persons in the maggion-They knew the Engine was coming be for they reached the bracky, and might have slopped if they had chosen to do so, after they were warned to slop Jestimony of milds terrant page 2,3000-" " John Stevens " Ho " " " Mercant Pierson " 4 - " " " Jacob Bodine " J. " The academi happened, not be causen the defend ands were using their Road improperly or witout due care, but from the drunken jook-handy rackless viso of the farties in the wagon -Same vs brombie 12 Pickering 177 The Amora Branch R. R. Lo. & Grinis (12504-19) 13. Lu - 1585

Doger vs Jal cott 16. Il. 300bi Miss. R. R. Leo. statching 16. Le. 198-Isalena Rolles & Fay 16. Lee 568grove the driver in foot, and to delies. interstelle or writant due bare but MINES ELECTED FROM STRONG The Instruction is clearly mong-The Company are not liable for the wil ful trespass of their pervails, nor was it necessarry that the fel of should wantonly place or continue his props orly in the way of distruction to bar his right to recover, it is pulperent of he cardessly or negliginity did do, as the Instruction originally glood it did not contain a pingle proposition which was law, after it was quali = fied the first proposition in it was as asked should have been refused Even as gralified it Tended to mis. lead the jury The kind of regligence charged in the declaration must be proved as

charged - It is not sufficient to charge one kind of prove another Ply in this case charges that the negligence consisted in neglicing to ring a bell or sound a whistee The proof shows that the Bule was rung all the way.

The fleador probably intended to charge in the declaration that it R. R. leo. had not vicated any board or sign of contion at the crossing, get he did alledge precisely the opposite. In fact 6.0% Records. It had avered his property get there is no proof on the subject.

The fell therefore has wholey failed to brove the kind of night gence which he has charged Patchin 16. Ill 200-

> Bloloosy of boursule for PLI in Error

The Ite. Cent. R.R. argumit levolg. Filed May 19. 1837 Leland Clerk

State of Illinois---Supreme Court, 3d G. D.

THE ILLINOIS CENTRAL RAIL-ROAD COMPANY,

vs.

JAMES DOWNEY,

Declaration in the usual form in case, alleges that the plaintiff was the owner of a span of horses and wagon; that while he was crossing the R. R. on a public street in Amboy, the servants of defendant drove an engine of the defendants against plff's team; that it it was done by and through the carelessness, negligence and improper conduct of the defendant, he having carelessly neglected to ring the bell or sound the whistle of the the engine, as by law required. The declaration also alleges that the accident happened by the carelessness of defendant.

1st Plea—General issue.

2d Plea—That the defendant was, at the time when &c. the owner of a Rail Road, and was lawfully running its cars upon the same. That the defendant having notice of the approach of the def'ts engine, carelessly, negligently and wilfully drove his horses upon the railroad track before the engine, and the injuries complained of were thereby caused.

To the 2d Plea a demurrer was sustained.

The following was all the evidence in the case.

Shepherd G. Patrick, having been duly sworn, testified, that on the third day of November, A. D. 1855, he, in company with five others, got on board the plaintiff's wagon at Orient House, in the town of Amboy, and started to drive along the main street in said town, across the track of the Ill. Cen. R. R.—That said Central Railroad in passing through the town of Amboy was in nearly a north and south line, and said Main street, along which plaintiff's wagon was passing, was nearly in an east and west direction. That said street crosses said Railroad at nearly right angles a short distance north of the passenger house in said town. That at the point where said street and said Railroad intersected in said town, there is a regular railroad crossing. That on the said 3d day of November. A. D. 1855, said defendant had erected a blacksmith shop in the south east angle of said street and railroad, and that in passing along said street while immediately opposite said shop, said shop hid from view anything that

might be passing along the line of said railroad on the north side of the crossing. That at the time above referred to, to wit: said 3d day of November, when the team of pl'ff had arrived within a short distance of the track of said railroad, some one in the wagon called, look out for the engine. Witness did not see it (the engine) then but immediately after, did. Witness cried out, whip up! go Some others in the wagon said to the driver, stop! and others, go The driver undertook to go across, when the engine came up, and ahead! struck the horses and wagon, upsetting the wagon, and tore the hoof from the foot of one of the horses. When said engine came up to said wagon, witness reached out his hand and took hold of an iron railing in the front part of the engine and sprang from the wagon to the ground. The locomotive, at the time of the accident was going slow. It might have been traveling at the rate of eight or ten miles per hour. Did not hear the bell upon said engine ring until the instant he saw it. There was nothing attached to the engine except a tender.

On the cross examination by defendant's counsel, said witness stated that the accident occurred about 20'clock in the afternoon of said day. That there was no train of passenger cars as he saw waiting at the passenger house of said road to receive said engine. That said engine came, as witness supposed, from the Round Station House, situated some distance below the railroad crossing; that there was a switch or side track leading from said round house to the main track of said railroad; that the point where said switch or side track intersected said main track, was about eight rods north of said railroad crossing; that from the place where the team of said plaintiff started at the Orient House, witness could have seen said point where said switch or side track intersected said main track; that it would be at that point the engine would have to start from in passing along the main track of said road north to the passenger house; that said blacksmith shop was a common sized shop; that he and those along with him got on board the plaintiff's wagon at the front door of the Orient House; that from that place he could have seen the engine when at the switch; that when the persons in the wagon first heard the bell and saw the locomotive coming, the horses heads were ten or twelve feet from the railroad track; that the engine was then about sixty or seventy feet from said railroad crossing.

William B. Stuart, being called by the plaintiff and sworn as a witness, testified, that at the time mentioned by Mr. Patrick, he, with 4 or 5 others, got on board plaintiff's wagon at the Orient House, Amboy, and attempted to drive along the main street in said town across the track of the Illinois Central Railroad; that when within a short distance from the track some one told the driver to stop! that the engine was coming! that he looked down the track and saw the engine five or six rods off; it was coming towards them at the rate of five or six miles an hour; the bell was then ringing, but witness had not heard it before the person in the wagon called to the driver to stop; that when the engine was first discovered, there were different opinions among the company in the wagon, some said to the driver go ahead, others said stop! But they were a little excited, and let the horses do about as they were a mind to. The horses went on to the track; one of the horses hoofs was hurt, and the wagon upset. When the engine came up, witness jumped out; was struck by it, but not hurt.

On the cross-examination, witness stated that when at the front door of the Orient House, and while passing along the street between that place and the Blacksmith Shop, he might have seen the engine approaching if he had looked. The accident happened at about 2 o'clock in the afternoon. At that time, every day, it was customary for the engine to be taken from the Round House to the Passenger House, in Amboy, to take the train North; that in passing between said points, it was necessary to pass over the Rail Road crossing. Wit-

ness lived in Amboy, and knew that this was a regulation of the Rail Road Company; that the engine, at the time of the accident, was passing up from the Round House to the Passenger House, for the purpose of taking the northern train. The person who had in charge the running of the engine between the two points, was more prompt at the regular time than the trains themselves were; that the engine at the time of the accident was running at the regular time; that the ground on each side of the Rail Road track, was descending from the Road bed for some distance; that when the horses of Plaintiff started from the Orient House, they went on a slow trot until they came to where the ground began to ascend to the Rail Road track, when they broke up and began to walk; that at the time the persons in the wagon first discovered the engine, if the driver had stopped the horses where they were, the accident would not have happened. The Plaintiff was in the wagon at the time of the accident.

John Downey, a witness on the part of the Plaintiff, was then introduced and sworn, who testified that when the horses first started off, they went on at a slow trot, but had broke up and were going on a walk at the time the alarm was given; that he was driving the horses; thinks he could have stopped them after the alarm was given and before the accident happened, but some in the wagon called out to him "go across!" and some to "stop!" He was frightened and did not know what to do. He let the horses go upon the track. His son, the Plaintiff, was in the wagon. Thinks he gave One Hundred and Thirty or Thirty-Five Dollars for the horse that was hurt; he [witness] would not have given more than that for him; thinks it was not worth more, but was worth One Hundred and Fifty Dollars to the Plaintiff for his use; that Plaintiff would not have taken less for him; thought the horse was now worth about Sixty Dollars.

G. G. Howard was then introduced as a witness on the part of the Defendants, who, being sworn, testified that he saw a number of persons, including the witnesses sworn on the part of the Plaintiff in the cause, get into a wagon at the Orient House; that it was the same time referred to by Plaintiff's witnesses; that at the time Plaintiff and those with him left the Orient House to cross the Rail Road track, the engine that came in collision with Plaintiff's horses and wagon, was then leaving the switch or side-track, that connects the Round House with the main track, and passing along the main track to the Passenger House, to take the regular train north. As Plaintiff's team was advancing towards the Rail Road crossing, several men called out to the persons in the wagon "to stop," "The engine was coming," but that they paid no attention to the alarm. Before the horses reached the Rail Road track, witness heard some persons in the wagon tell the driver "to stop," "The engine was coming." The horses were then on a walk, and the driver could have stopped if he had tried. The ground from the place where the alarm was first given by the persons in the wagon, to the Rail Road track, was ascending. The switch where the engine started from is about eighty rods below the place where said Main street crosses the Rail Road track. The bell was ringing from the time the engine left the switch till it struck the team at the crossing. It was ringing loud enough for the persons in the wagon to have heard it before arriving at the Rail Road. The distance from the place where the persons got on board the wagon to the Rail Road crossing, witness thought to be over three hundred feet; thought the west end of the Blacksmith shop was from fourteen to sixteen feet from the Railroad track; that an engine going from the switch towards the Rail Road crossing, could be distinctly seen from the point where Plaintiff's wagon started, at the Orient House, and also for a distance of fifty feet further along the street where the team passed, until the wagon got nearly opposite the shop, and that on arriving at the west end of the shop, an engine could have again been seen coming from the switch. It is a regulation of the company to change the engine on each train at Amboy; that in doing so the engine designed to take the train out of that place must pass over the Rail Road crossing, where the accident happened. The engine, at the time the accident happened, was being taken to the Passenger House, to take the regular passenger train north. It was running on the usual time, and in the ordinary way; thought the team was twenty-five feet from the Rail Road track, at the time he first heard the alarm given by some one in the wagon, "that the engine was coming," and calling upon the driver to "stop!" Thought that twenty-five feet was space enough for the driver to stop the horses in. Plaintiff in this suit told witness, immediately after the accident occurred, that it was owing to carelessness on the part of the driver, that it happened.

On the cross-examination by Plaintiff's counsel, the witness stated that at the time the accident happened, he was standing on the south end of the platform of the freight building, nearly opposite the crossing, and on the opposite side of the Rail Road from the Blacksmith shop; that it was only a few feet distant from the crossing; that the persons in the wagon were talking and laughing before the accident, and seemed to be intoxicated; that he heard several persons in the door of the Blacksmith shop call out to the persons in the wagon to "stop!" The persons giving the alarm in the shop door might have been twenty-five or thirty feet from the wagon. Between the west end of the Blacksmith shop and the track of the Rail Road, persons in the wagon could have seen the engine a distance of two hundred and fifty feet. The engineer upon the engine could have seen the horses the same distance. The Blacksmith shop was about eight feet high from the ground to the eaves; the gable was perhaps four or five feet higher. The Stack of an engine is generally about sixteen feet high; did not know whether the Stack of the engine could have been seen over the shop by the persons in the waogn; thought it could not. Witness said the bell upon the engine might not have been rung all the time from the time it left the switch. He thought it stopped to take in wood between the switch and the crossing, and while doing so the bell might not have been rung, but that all the time the engine was in motion the bell was kept ringing; did not know whether the persons in the wagon heard the bell or not. The conversation with the Plaintiff was about one hour after the collision.

John Stevens, another witness on the part of the Defendants, was then introduced and sworn, who testified that at the time he saw the team driving up to the crossing, he called out to the persons in it to "stop;" at the same time he heard a number of persons in the Blacksmith shop door call out to them to stop. The shop door was about twenty-five feet from the Rail Road crossing. The horses were then going slow and could have stopped in a step or two. Witness saw Mr. Espier run up towards the team, and heard him call out to the persons in it to "stop," that "the engine was coming." Espier was within fifty or seventy-five feet of the team when he told them to stop. He called several times. Witness distinctly heard Espier when he called to the persons in the wagon to "stop." He was from three to four hundred feet distant from Espier at the time, and the team was at least one hundred feet from the Rail Road crossing, when Espier ran up to it and gave the alarm.

On the cross-examination by Plaintiff's counsel, witness stated that Espier was standing in the door of the Blacksmith shop when he first gave the alarm; that he ran up towards the team in the direction it was coming from, and continned calling on the driver to "stop." Witness stated that he heard the engine bell ring before Espier called on the driver to "stop," but does not know whether it was ringing all the time from the time it left the switch or not. Witness is and was in the employ of said company.

Meredith Pierson, being called and sworn on the part of the defendants, said

that immediately after the accident he heard the Plaintiff, James Downey, say, "God Damn it, I told him [the driver] not to drive upon the crossing."

Jacob Bodine was then sworn on the part of said Defendants, and testified that he was at the front door of the Orient House, when the Plaintiff and several others got on board the Plaintiff's wagon; that the engine was then coming up towards the Passenger House; that as soon as he saw the persons in the wagon were going to cross the Rail Road, he ran after them and overtook them when within about thirty feet of the Rail Road track. Called to the driver and those with him to "stop," "the engine was coming." When he first told them to stop they all turned around and looked at him, but made no reply; he then repeatedly told them to stop. There were also several others calling to them to "stop;" that he was sitting within a few feet of where the team started from at the Orient House, and that the engine was in plain sight when the team left. Witness heard the engine bell ringing; it was ringing while he was calling to the driver to stop; that the persons in the wagon talked and acted immediately after the accident, as though they were very much intoxicated.

On the cross-examination by Plaintiff's counsel, witness testified that the persons in the wagon did not answer him when he called to them to "stop;" that when they looked around towards him they were behind the Blacksmith shop, and thought that then they could not see the engine, but they could have seen it some distance from the place they started from; did not know whether they heard him call to them to "stop," but believed they did, as he called loud enough to make them hear if they were not deaf; did not know that any of them were deaf.

Shepherd G. Patrick, being re-called by Plaintiff's counsel, said that he drank liquor once, before leaving the Orient House, but was not intexicated; did not see the engine until he was a short distance from the Rail Road crossing, nor hear any person calling on the driver to stop. None of the persons in the wagon were intoxicated. Plaintiff went away with witness about five minutes after the occurrence; went to attend a trial before a Justice of the Peace, living about a mile from Amboy; was with witness until the close of the trial, and went back to Amboy with witness some two or three hours after.

William B. Stuart, being re-called by Plaintiff's counsel, said he drank liquor once before leaving the Orient House; was not intoxicated; did not see the engine until as stated in his former testimony, nor hear any one make any alarm.

John Downey, being re-called, stated that he had been drinking once before he left the Orient House; was not drunk; did not see the engine until as stated in his former examination, nor hear any one call to him to "stop."

Cross-Ex.—Did not hear Bodine call out to us; don't know whether I saw him there before the accident. First I knew, James Downing called out, "look out for the engine;" this was at the same time the engine came in sight.

The Court, at the request of the Plaintiff, instructed the Jury as follows:

If the Jury believe from the evidence, that the Defendants were driving an engine along their track, across a street, and that while so doing they drove said engine against the team of Plaintiff, they are liable for the damages then and there done by said engine to said team, whether the injury were committed wilfully or accidentally. That it was the duty of the Defendants so to use their own rights as not to injure others; and unless the Plaintiff wantonly placed or continued his property in the way of destruction, he is entitled to damage, to be assessed by the Jury, for the injury done to it, whether it be wilfully, carelessly or accidentally done, with the following qualification:—But if the Jury believe from the evidence, that the Plaintiff, or his agents or servants, by his

or their carelessness, negligence or misconduct, contributed to the accident, then the Defendants are not liable.

The Jury found a verdict for Plaintiff. The Defendants moved for a new trial; which motion the Court overruled, and the Defendants excepted.

ERRORS ASSIGNED:

The Court erred in sustaining the demurrer to Defendants' 2d Plea.

The Court erred in giving the instructions asked for by Plaintiff.

The Court erred in overruling the motion for a new trial.

The Court erred in rendering the Judgment aforesaid, in manner and form aforesaid.

GLOVER & COOK, Attys for Plff in Error.

a the Court overruled, and the Defendants except

The Court erred in anathining the democrac to Defendants' 2d Die Court erred in giving the instructions seited for by Plainti The Court erred in overtiling the motion for a new 1912.

DATE AND THE WAL SHOWS A MEYOLE

Filed May 2, 1857 Leland Olk

The Ill Benikk. Eo Downey STATE OF ILLINOIS, ss. The People of the State of Illinois, supreme court, supreme court, the People of the State of Illinois, to the clerk of the circuit court for the country of the 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 the Judge thereof, between fames I ames I ames

plaintiff, and the Illinois Central Rail Road Company

defendant it is said manifest error hath intervened, to the injury of the aforesaid

by the 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 first many after the thing mountain next, 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.

Justice of our said Court, and the Seal thereof, at Ottawa, this 26, the day of Much in the Year of Our Lord One Thousand Eight Hundred and Fifty-Seven

T. Leland Clerk of the Supreme Court.

By f. B. Rice Deputy

The Ben. K. A. Compeany James Downey Writ of Error This wit of Envi is to operato as a Sure persedeus and as such es to be obeyed by all concerned. L. Lelund ElM By f. b. Rie Deputy Filed March 26.185'4 L'Lelond

STATE OF ILLINOIS, ss. The People of the State of Illinois, supreme court, to the sheriff of the county of selecting.

BECAUSE, In the record and proceedings, and also in the rendition of the judgment of a plea which was in the Circuit Court of selection county, before the Judge thereof, between farmes Downley plaintiff and the Selection Central Paul Road Bourfamy defendant, it is said that manifest error nature intervened, to the injury of the said

leading Tile same in

Defendant-

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 former Downey

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 in April 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 furnes Downey notice, together with this writ.

Justice of our said Court, and the Seal thereof at Ottawa, this 26. day of March in the Year of Our Lord One Thousand Eight Hundred and

Fifty- Seven.

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

Lerved the within by reading the Same in the presence and Hearing of the within hamed James Downey to notification of a collaboration Ogicus Wheeler Sheriff of Lee 24 milestravel 1211 Service 50 Return 10 Co By Jesome Cooley Dety defendant, it is said that manifest error nath intervened, to me injuly of the said ark informed by Me complaint, the record and proceedings of which said jedement we have chased to be brought into our Supreme Court of the State of the State of the State of the same, in the same, in the same, in due to the total same, according to law Margrore, We Command You, that by of men & your county, you of the folice to the said frances Down not Ac V be and appear before the Justick of our sid Suppense Court, at the next um of said Court to be holden at Ortawif in said State, on the fact monday Mary to new the records well provide a force of the contract o errors nesigned, if /t / shall see ht; and further to do and receive what said Court shall order in this behelf; and have you then there the names of those by whom you WOTCES, The Hop. WALTER B. SCATES. Chief Justice of our said Court, and the Seal diereof at Ottawa, this 26. the day of Moore A in the Year of Our Lord One Thousand Eight Hundred and Clerk of the Supreme Court.

Menois Central Z Huil House Company & Ecros. to Lee Court, Janus Downeys 3 Know wer men by the present, Mot inc. Illenon Control Stail Hoad John M Donglofo & Miles & Henry, are held well finily bound louts James. Downey . In the penal Seem of the hundred. Collecer for the payment of which we brief buselus. our heir, execulier fectionators jundly servally level finily by There puns. Squie and sealed Mis 20" clay of ellech Lid afew the conditions Muces. at the October leve of Muder been Count Count Stole of Williams, a pulgment has concluded, hi the above, buttere cure, in fam of the Sence pleantiffs below. Tume Downy und against the Luis Olleries Central Kul Koul Company for the Seem of Minely dollier, Clanique. In gettere tutte cots to be loxeel aguit. Duice Had Road Company And Whow. The Device Illenin bentil Kul Roud lempey, we about to see out of the Office of the Click of the Superine leant at letture a writ of Euro with a mine (12504-29) of humy since predyment reviewel and

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The Ben Mail Road & one para James Towney 81 738 M