

No. 13385

Supreme Court of Illinois

Hubbell.

vs.

Chicago, Paul & Fond Du
Lac R. R. Co.

71641  7

Tuesday October 20. A.D. 1854.
United States of America

State of Illinois }
McHenry County } P. Pleas before the
Honorable Isaac G. Wilson
Judge of the thirteenth Judicial Circuit
of the State of Illinois and presiding Judge
of the McHenry Circuit Court at a Circuit
Court begun and holden at Woodstock in
said County on Tuesday the twentieth Day
of October A.D. 1854
Present Hon Isaac G. Wilson
Attest J. H. Rapson Clerk John Eddy Sheriff
Judge

And herefore to wit on the 21st. day of
September A.D. 1854 a summons was issued
out of the office of the Clerk of said Circuit
Court under the seal thereof, which said
summons was in the words & figures
following to wit:

State of Illinois }
McHenry County } P. The People of the State
of Illinois to the Sheriff
of said County Greeting.

We command you that you summon
The Chicago St Paul and Fond du Lac
Rail Road Company if they 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 Term thereof to be
holden at the Court House in Woodstock
in said County on the 20th. day of October
next to answer unto Bursley Hubbel in a
plea of assumpsit to the damage of said

Plaintiff as he says in the Sum of Two Hundred Dollars

And have you then and there this writ with an endorsement thereon as to the manner in which you execute the same

Witness George T. Kaffron Clerk of our said Court and the seal thereof at Woodstock in said County this 21st day of Sept. A.D. 1857

(Seal)

Geo. T. Kaffron Clerk.

(Endorsed)

The President of the within named defendant not found in my County & is not a resident of my County therefore this writ of Summons is served by reading to and within hearing of Peter Wager Station Agent, of the Chicago St Paul & Wood du Lac Rail Road Company and also by delivering into his possession a copy of this writ of Summons at Woodstock September 21. 1857 Per Geo T. Kaffron Clerk.

Filed Sept 21st. '57

John Eddy Sheriff

Geo. T. Kaffron Clerk

And afterwards to wit on the 10th day of October A.D. 1857 the Plaintiff filed in the Office of said Circuit Court aforesaid his Narration which is in the words & figures following to wit

McHenry Circuit Court

Of the October Term A.D. 1857

State of Illinois }
McHenry County }

Jursley Hubbell Plaintiff
in this Suit by L. S. Church his Attorney
complains of the Chicago St Paul and Wood du Lac Rail Road Company an incorporated Company duly incorporated under and by virtue the Laws of this State defendant who is summoned Etc.
in a plea of trespass on the case on promises

Now that whereas the said Defendant heretofore
to wit; on the 15th day of September in the
year of our Lord one thousand eight hundred
and fifty seven at Woodstock to wit in said
County of McKenry became and was indebted
unto the Plaintiff in a large sum of money
to wit two hundred dollars for money before
that time lent and advanced to, and paid laid
out, and expended for said Defendant by said
Plaintiff at said Defendant's request and for
money before that time had and received
by said Defendant to and for the use of
said Plaintiff and also in like sum for goods
wares and merchandise before that time sold
and delivered by said Plaintiff to said
Defendant at like special instances and request
and also in like sum for the labor care and
diligence of said Plaintiff before that time
done and performed by said Plaintiff for said
Defendant and at the like instance and
request of said Defendant and also in like
sums then and there found due and owing
said Plaintiff on an account stated between
them and being so indebted said defendant
in consideration thereof then and there
undertook and promised to pay said Plaintiff
said last mentioned sum of money when
thereunto afterwards requested

Yet the said Defendant not regarding
the said promises and undertakings but
contriving &c. although after requests so to do
has not paid said Plaintiff either of said sum,
of money above mentioned or any part thereof
but so to do has hitherto wholly neglected
and refused and still does neglect and
refuse to the damage of the said Plaintiff
of two hundred dollars and therefore by being
this Suit &c. L. S. Church Atty for Plff.

Copy of Instrument and Account Sued on
 Chicago St. Paul & Fond du Lac. R.R. Co.
 To Parsley Hubbell Dr.

To money lent and advanced	\$ 200.00
To money expended and paid out for	\$ 200.00
To money received for use of	\$ 200.00
To Goods, wares, Merchandise	\$ 200.00
To labor & services	\$ 200.00
To balance on account stated	\$ 200.00

(Endorsed:)

Filed this 10th day of October 1857
 Geo. D. Kapon ckr

Parsley Hubbell.
 Chic. St. P. & F. du L. R.R. Co. Assumpsit.

And now comes
 the Plaintiff by Church and the Defendants
 being called come not nor any one for them
 but fail and make default herein which is
 ordered to be entered of Record. Whereupon it
 is ordered that the Plaintiff have judgment
 for his damages. And the proofs being subm-
 itted to the Court and the Court being fully
 advised thereon assesses the Plaintiff's
 damages in the sum of one hundred
 and eight dollars and forty one cents
 It is therefore ordered and considered that
 the Plaintiff have and receive of the Defendants
 the sum of One hundred Eight Dollars
 and forty one cents his damages so
 assessed as also his costs and charges
 herein about this first expended and
 that he have execution therefor

Copy of Instrument and Account Sued on
 Chicago St. Paul & Fond du Lac. R.R. Co.
 To Parsley Hubbell Dr.

To money lent and advanced	\$ 200.00
To money expended and paid out for	\$ 200.00
To money received for use of	\$ 200.00
To Goods, wares, Merchandise	\$ 200.00
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To balance on account stated	\$ 200.00

(Endorsed:)

Filed this 10th day of October 1857
 Geo. D. Kapon ckr

Parsley Hubbell.

Chic. St. P. & F. du L. R.R. Co

Assumpsit.

And now comes
 the Plaintiff by Church and the Defendants
 being called come not nor any one for them
 but fail and make default herein which is
 ordered to be entered of Record. Whereupon it
 is ordered that the Plaintiff have judgment
 for his damages. And the proofs being subm-
 -itted to the Court and the Court being fully
 advised thereon assesses the Plaintiff's
 damages in the sum of one hundred
 and eight dollars and forty one cents
 It is therefore ordered and considered that
 the Plaintiff have and receive of the Defendants
 the sum of One hundred Eight Dollars
 and forty one cents his damages so
 assessed as also his costs and charges
 herein about this first expended and
 that he have execution therefor

Parsley Hubbell
Chic. St. P. & H. du L. R.R. Co.

of Asumpt

And now come
the Defendants by Jashyn their Attorney
& pray an appeal herein to the Supreme
Court of this State, which is granted
upon the condition that they ~~shall~~ enter into
bonds conditioned according to said in
the sum of Two Hundred and fifty doll-
ars within thirty days from this Date
before the Clerk of this Court with
Henry Smith of Chicago as Surety

And thereafter to wit on the 18th day of
November A.D. 1857 the Defendants in this
suit filed in the Office of the Clerk of this
Court their Bond which is in word and
figures as follows to wit.

I now all men by these Presents that
we the Chicago St. Paul and Houd du Lac
Rail Road Company as principal and
Henry Smith of the City of Chicago
in the County of Cook and State of Illinois
as Surety are held and firmly bound unto
Parsley Hubbell in the penal sum of
Two Hundred & fifty (250) Dollars lawful money
for the payment of which well and truly
to be made we bind ourselves jointly severally
and finally by these presents, Witness the
Corporate Seal of said The Chicago St. Paul
& Houd du Lac Rail Road Company attested by
And the hand and Seal of said Henry Smith
this Sixteenth day of November A.D. 1857
The condition of the above obligation
is such that whereas the above named

Parsley Hubbell
Chic. St. P. & H. du L. R.R. Co.

of Asumpt

And now come
the Defendants by Jashyn their Attorney
& pray an appeal herein to the Supreme
Court of this State, which is granted
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Court their Bond which is in word and
figures as follows to wit.

I now all men by these Presents that
we the Chicago St. Paul and Houd du Lac
Rail Road Company as principal and
Henry Smith of the City of Chicago
in the County of Cook and State of Illinois
as Surety are held and firmly bound unto
Parsley Hubbell in the penal sum of
Two Hundred & fifty (250) Dollars lawful money
for the payment of which well and truly
to be made we bind ourselves jointly severally
and finally by these presents, Witness the
Corporate Seal of said The Chicago St. Paul
& Houd du Lac Rail Road Company attested by
And the hand and Seal of said Henry Smith
this Sixteenth day of November A.D. 1857
The condition of the above obligation
is such that whereas the above named

Busley Hubbell did at the October Term
of the McHenry County Circuit Court for
the year 1857 recover in said Court a judgment
against the said "The Chicago St Paul &
Wend du Lac Rail Road Company" for the sum
of One Hundred & Eight $4\frac{1}{100}$ Dollars and
costs from which said judgment said Rail
Road Company has prayed an appeal to
the Supreme Court of said State. Now therefore
if said The Chicago St Paul and Wend du
Lac Rail Road Company shall duly prosecute
its said appeal and pay said judgment
interest costs and damages in case said
Judgment shall be affirmed then the
above obligation shall be void otherwise to
remain in full force

Attest

W. H. Ogden

Pres C. St. P. & W. L. R. Co.

Seal

In presence of {
H. W. Blodgett,
(Endorsed)

Henry Smith

Seal

Filed November 18th, 1857

Geo. T. Kaffon clerk.

State of Illinois {
McHenry County {

Geo. T. Kaffon
Clerk of the Circuit

Court in and for said County in the State
aforesaid do hereby certify that the above
foregoing is a true and complete copy
of the Record ^{of this Court} in the above entitled cause
as appears by an examination thereof

In Witness whereof I have hereunto
set my hand and affixed the seal
of said Court at Woodstock
this 15th day of April A.D. 1858

Geo. T. Kaffon clerk.



McHenry Co. Cent. Let.

364.

Barney Hubbell

or

Chic. St. P. F. & D. R. Co.

364

\$250.

13885

Proceeds

owned

Just \$108.41

Dep \$542

py 364