

12128

No. _____

Supreme Court of Illinois

People.

vs.

Wagner, et al.

71641  7

State of Illinois and Supreme Court thereof
Third Grand division
June Term A.D. 1853

The People of State of Illinois by B. C. Cook their
att'y. Complain of Andrew F. Wagner, Joseph Wag-
ner, George Walker, Charles L. Bonney, Samuel S.
Stilson, William B. Wade, George Wallace, John Carrier,
Thomas Hoadley, David Green and George R. Richard-
son survivors of Peter S. Wagner defendants summon-
ed &c. of a plea that they render to said plaintiffs the sum
of fifteen thousand dollars which they owe to and unjust-
ly detain from said plaintiffs For that heretofore to wit
on the ^{30th} day of November A.D. 1848 was duly elected
Treasurer of the County of LaSalle in said State of Illinois
and then and there accepted said office and the said de-
fendants and the said Peter S. Wagner who since that time
and before the commencement of this suit deceased heretofore
to wit on the 15th day of November A.D. 1849 executed and
filed in the office of the Clerk of the County Court of said
County their bond by which they bound themselves to the
plaintiffs to pay to said plaintiffs the sum of fifteen thou-
sand dollars which bond was ^{dated} ~~executed~~ the day and year
aforesaid and was subject to the condition following there-
under written. The condition of the above bond is such that
if the above bonden Andrew F. Wagner shall perform all the
duties required by law to be performed as treasurer of said
County of LaSalle in the time and manner prescribed
by law and when he shall be succeeded in office shall surren-
der and deliver over to his successor in office, all books,
papers, monies and other things belonging to said County
and appertaining to his said office, then the above bond
to be void otherwise to remain in force —

And the plaintiffs aver that said Andrew F. Wagner as Treasurer of said LaSalle County afterwards to wit on the 1st day of May A.D. 1850 did receive a large sum of money collected in said County for State and County taxes, to wit the sum of fifteen hundred dollars for State taxes and the sum of fifteen hundred dollars for County taxes which sum of money which was collected for State taxes it was the duty of said Andrew F. Wagner as treasurer of said County to have paid to the Treasurer of the State of Illinois and the said sum of money which was collected for County taxes it was the duty of said Andrew F. Wagner as such treasurer to have paid to Brach Fellows who was duly elected and qualified as treasurer of said County afterwards to wit on the 6th day of November A.D. 1852 and who was successor in office to said Andrew F. Wagner as Treasurer of said County

Yet the said Andrew F. Wagner not regarding his duty as such Treasurer of such County did neglect and refuse to pay to the Treasurer of the State of Illinois the said sum of fifteen hundred dollars so received by said Andrew F. Wagner of money which was collected as and for State taxes as aforesaid and said Andrew F. Wagner did neglect and refuse to pay to Brach Fellows his successor in office as aforesaid the said sum of fifteen hundred dollars received as aforesaid by said Andrew F. Wagner as Treasurer as aforesaid of money collected as County taxes as aforesaid

Whereby an action hath accrued to the plaintiffs to have and demand of and from the said defendants the said sum of fifteen thousand dollars
Yet though often requested the said defendants have never paid said sum money or any part thereof

but so to do have neglected and refused & still do
refuse to plaintiffs damage fifteen hundred
dollars and therefore they due

B. C. Cook

Atty for pliffs

County Court December Term A.D. 1849

Tuesday December 4th 1849

Court met pursuant to adjournment

Present

Henry G. Cotton Judge
Charles H. Gilman, Associate Justice
Patrick M. Kilduff, Associate Justice
Samuel W. Raymond Clerk
Henry Hurlburt Sheriff

Proceedings of yesterday read and approved

This day the bond of Andrew F. Wagner Treasurer elect of LaSalle County was presented to the Court and the same having been approved it is ordered by the Court that the same be recorded which is accordingly done in words and figures as follows. To wit

(copy of Bond seen on)

Treasurers Official

Bond —

Know all men by these presents that we Andrew F. Wagner, Charles E. Bonney, principal, and Peter J. Wagner, Joseph H. Wagner, George P. Walker, Charles E. Bonney, Samuel J. Hilton, William B. Wade, George Wallace, John Carrier, Thomas Hoadley, David Green, George R. Richardson, Securites all of the County of LaSalle and State of Illinois are held and firmly bound to the people of the State of Illinois in the penal sum of fifteen thousand dollars for the payment of which, well and truly to be made we bind ourselves, each of us our heirs executors and administrators firmly by these presents, signed with our hands and seals with our seals, dated at Ottawa this 15th day of November A.D. 1849, The condition of the above bond is such that if the above bender Andrew F. Wagner, shall perform all the duties required by law to be performed as Treasurer of the said County of LaSalle in the time and manner prescribed by law and when he shall be succeeded in office shall surrender and deliver over to his successor in office all books, papers monies and other things belonging to said County and appertaining to his said office, then the above bond to be void otherwise to remain in force.

Signed Sealed & delivered {

in presence of }

Golden Davis

Neal T. Cook

Andrew F. Wagner

Peter J. Wagner

Joseph H. Wagner

George P. Walker

Charles E. Bonney

Samuel J. Hilton

Wm B. Wade

Seal

Seal

Seal

Seal

Seal

Seal

Seal



George Wallace
John Carver
Thomas Woodley
Daniel Green
Geo. R. Richardson

The People &
Andrew F. Wagner
Narr.

Filed June 3^d 1853,
L. Leland Clk.
By P. H. Leland Depy

STATE OF ILLINOIS, }
County of La Salle, } ss.

The People of the State of Illinois

To the Sheriff of said County, GREETING:

WE COMMAND YOU, that you summon *Andrew F. Wagner, Joseph H. Wagner, George P. Walker, Charles L. Bonney, Samuel T. Stillson, William B. Wade, George Wallace, John Currier, Thomas Hoadley, David Green & George R. Richardson who survive Peter J. Wagner* if they shall be found in your county, to be and appear before the ~~Circuit~~ ^{Supreme} Court of said state ~~county~~, on the first day of the next term thereof, to be holden at the Court House in Ottawa, in said county, on the ~~second~~ ^{second} Monday of ~~June~~ ^{June} - next, to answer unto

The People of the State of Illinois in a plea of debt - ^{upon the promise of Andrew F. Wagner as collector of taxes of La Salle Co. Illinois} that they render unto said People fifteen thousand dollars which they owe & unjustly detain in a plea of

to the damage of the said ~~People~~ ^{People} as they say in the sum of ~~fifteen~~ ^{hundred} Dollars. And have you then and there this writ, with an endorsement thereon in what manner you shall have executed the same.

WITNESS, ^{The Hon. Samuel H. Tust Chief Justice} ~~Samuel H. Tust~~ Clerk of said Court, and the seal thereof, at Ottawa, in said county, this ~~seventh~~ ^{seventh} day of ~~May~~ ^{May} - A. D. 1853.

S. Ireland Clerk. of the
Supreme Court.

The People vs.

Andrew H. Wagner,
Joseph H. Wagner,
George T. Walker,
Charles L. Bonney, &
Samuel T. Stilson,
William B. Wade,
George Wallace,
John Currier,
Thomas Hoadley,
David Green &
George R. Richardson

Summons—

Executed this writ by Reading to the
Within named. George P. Walker May 17th
Sam^l Stilson May 17th George Wallace May 17th
John Currier, Thomas Hoadley May 18th George
R. Richardson May 17th — 1853

R. Thorne Sheriff
for S. M. Rogers
Deputy

Executed this writ by Reading to Joseph H.
Wagener May 10th William B. Wade May 13th
& David Green May 24th 1853 (Chas. Bonney not found)
Sw & Ret \$4.60
R. Thorne Sheriff

149 Miles $\frac{7.45}{\$12.05}$

Filed May 25th 1853.
By L. Leland Clk.
By P. N. Leland Dep.

The People of the
State of Illinois

as
Andrew A. Wayner
Joseph A. Wagner
George J. Walker
Charles I. Bonney
Samuel J. Stilson
William B. Wade
George Wallace
John Carrier
Thomas Hoaelly
Leavie Green
George R. Richardson
~~survivors of~~
who survive
Peter J. Wagner

Supreme Court
3^d Grand division
Original Debt on Collection
bond
debt \$15000
decreases \$1500,

Clk of said Court will issue summons as
above
B. C. Cook
att for peop

No. 4
The People &c.
Andrew F. Wagner & als.

Prize

Filed May 7. 1853.
S. Ireland Clk.

State of Illinois
La Salle County - The People of the State of Illinois,
to the Sheriff of said County - Greeting:

Whereas, in a certain suit in our Supreme Court, in & for the third Division of said State, of a plea of debt, between the People of the State of Illinois plaintiffs, and Joseph H. Wagner, George T. Walker, Samuel T. Stetson, George Wallack, John Currier, Thomas Hoadley, George R. Richardson, William B. Wade & David Green impleaded with Andrew F. Wagner & Charles L. Bouchey, defendants, such proceedings were thereupon had in said Court, that the said plaintiffs ought to recover against said defendants, their damages on occasion of the premises: But because it is unknown to the Justices of our said Court, what damages the said plaintiffs have sustained by means of the premises aforesaid: We, therefore, command you, that you cause to come before you, forthwith, at the Court House in Ottawa, twelve good & lawful men of your County, who are in no wise of kin to the plaintiffs or defendants, to make a certain jury of the country, between the parties aforesaid, to inquire what damages the said plaintiffs have sustained, by reason of the premises aforesaid, in this behalf, & wherein the said defendants have made default; & have you then & there the names of the jurors aforesaid, together with this writ.

Witness the Hon. Samuel H. Treat
Chief Justice of our said Court
& the seal thereof this 21st day
of June A.D. 1853, at Ottawa.
L. Seland Clerk of
our said Supreme Court.

Executed this writ by summoning the
 following named persons as Jurors
 viz. J. Rathbun, J. H. Morse, Robert Fitch
 B. C. Mitchell, J. Burr, A. J. Townsley, A. W.
 Magill, Stephen Jennings, William Fick, N.
 B. Smith, G. B. Macey, & William Smith
 Jun 21st 1853

R. Thorne Sheriff
 J. S. M. Rogers Deputy

Sheriff fee \$2.00
 Jury fee (3.00. paid by B. C. Cook)
 \$5.00
 R. Thorne Sheriff

Filed June 22 1853
 J. S. M. Rogers
 J. Rathbun
 J. H. Morse
 Robert Fitch
 B. C. Mitchell
 J. Burr
 A. J. Townsley
 A. W. Magill
 Stephen Jennings
 William Fick
 N. B. Smith
 G. B. Macey
 William Smith

Just & Clerking

Joseph St. Maryman Clerk

The People &c.

And I further return that the aforesaid Jury after
 having been duly empanelled and sworn
 by me in due form of law after hearing the
 evidence did return the following verdict
 hereto annexed

R. Thorne Sheriff

J. S. M. Rogers

In the Jury assess the Plaintiffs damages at
the sum of \$312.³⁶/₁₀₀ and in case interest
ought to be allowed ~~on fine~~ upon the
amount from the time it should be paid
into the State Treasury on fine the damages
to be \$382.⁰¹/₁₀₀

Alfred W. Magill (Seal)
Mr. Smith (Seal)

A. R. Smith (Seal)
Geo B. Macy (Seal)
James E. Rutten (Seal)

W. M. Merrill (Seal)

Rolla Felch (Seal)
B. C. Mitchell (Seal)

A. J. Gowersberg (Seal)
J. Jennings (Seal)
L. Burr (Seal)
William Beck (Seal)

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The People &c.

by

Andrew F. Wagner
et al.

1853
4 P D

1853

12/28