

No. 14536

# Supreme Court of Illinois

Mills

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vs.

Bank of Northern Illinois



1  
United States of America | ss  
State of Illinois, Lake County.

Pleas before the Honorable George  
Manierre Judge of the Seventh judicial  
Circuit of the State of Illinois  
At a Circuit Court for the County  
of Lake, in said Circuit begun  
and held at Waukegan in said  
County on the Twenty Third day of  
September in the year of our Lord one  
Thousand Eight Hundred and Sixty  
One, and of the Independence of the  
United States, the Eighty Sixth  
Present the Honorable George Manierre  
Judge aforesaid, Carlos Waver, States  
Attorney, and Schabod Simmons  
Sheriff of Lake County.

vs  
J. M. Simons

John A. Mills

vs

Defendant

The Bank of Northern Illinois

Be it remembered that here before, to-  
said day being in vacation between the June and September terms of the Circuit Court  
not on the Eighth day of August, A.D. 1861, a process was  
filed in the office of the Clerk of the Circuit Court of Lake  
County Illinois, which is in the words and figures following to wit

State of Illinois vs.

County of Lake

The Circuit Court of Lake County  
in the State of Illinois of September Term  
A.D. 1861

John A. Mills

The Bank of Northern Illinois

The Clerk of said Court will  
issue a summons in the above cause directed to the Sheriff  
of Lake County, in a plea of Trespass on the case upon  
promises returnable at the September Term of said Court  
A.D. 1861 to the damage of the Plaintiff of Five Thousand  
Dollars.

To Josiah M. Simons Esq

Perry & Williams Plaintiffs Attorney  
Waukegan August 5<sup>th</sup> 1861



And that afterwards to wit on the Eighth day of August, A.D. 1861, <sup>in vacation aforesaid,</sup> a Summons was issued out of the office of the Clerk of said Circuit Court, in the above entitled cause which is in the words and figures following to wit.

" State of Illinois ss The People of the State of Illinois

" Lake County To the Sheriff of said County Greeting

" We command you, that you summon the Bank of Northern Illinois if it 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 Waukegan in said County on the

" Fourth Monday of September, next, to answer unto John A.

" Mills in a plea of Trespass on the case on promise to

" the damage of the said plaintiff, as he says in the sum

" of Five Thousand, (\$5000) Dollars And have you then

" and there this writ with an endorsement thereon, of the manner

" in which you shall have executed, the same. Witness

" Josiah M. Friesdell Clerk of said Court and the

" seal thereof at Waukegan in said County, this Eighth

" day of August, A.D. 1861 J. M. Friesdell Clerk

and that afterwards to wit on the Eighth day of August, A.D. 1861 in vacation aforesaid of said Court, the said summons was returned into the office of the Clerk of said Court and therein filed with an endorsement thereon made by the Sheriff of said County which said endorsement is in the words and figures following to wit.

" Executed this writ by recuing the same to to C. D. Dickford

" Cashier of the Bank of Northern Illinois, August 8<sup>th</sup> 1861.

" Fee, Service 50 " Icharod Simmons,

" 1 mile 5 " Sheriff "

" return 10 "

" 65 "

And that afterwards to wit on the Eighth day of August, A.D. 1861, a summons was issued out of the office of the Clerk of said Court, in the above entitled cause which is in the words and figures following to wit.

" State of Illinois ss The People of the State of Illinois

" Lake County To the Sheriff of Cook County Greeting

" We command you that you summon the Bank of Northern

" Illinois if it shall be found in your County personally to be

" and appear before the Circuit Court of said Lake County



" on the first day of the next term thereof to be holden  
 " at the Court House in Hannagan in said Lake County  
 " on the Fourth Monday of September next to answer unto  
 " John A. Mills in a plea of Trespass on the case on promises  
 " to the damage of the said plaintiff as he says in the sum  
 " of Five Thousand (\$5000<sup>00</sup>) Dollars. And have you then  
 " and there this writ with an endorsement thereon of the manner  
 " in which you shall have executed the same.  
 " Witness Josiah Mc. Innesdell Clerk of said Court, and  
 " the seal thereof at Hannagan in said County this Eighth  
 " day of August. A.D. 1861.

and that afterwards to wit on thirteenth day of September A.D. 1861 in the  
 vacation aforesaid of said Court, the said summons was returned into the office  
 of the Clerk of said Court, and therein filed with an endorsement thereon made  
 by the Sheriff of said Cook County which endorsement is in the words and figures following to wit:

" Served this writ on C. Smith President of said Bank of  
 " Northern Illinois by reading and delivering a copy thereof  
 " to him this 13<sup>th</sup> day of September 1861.  
 " Fees,  
 " 1 Service 50  
 " 1 Copy 50  
 " 20 miles 10  
 " 1 return 10  
 " \$1.20 Chg to City.  
 " Anthony C. Hering Sheriff.  
 " by John A. Wilson Deputy.

And that afterwards to wit on the Twelfth day  
 in vacation aforesaid of said Court,  
 of September A.D. 1861, a declaration was filed in the  
 office of the Clerk of said Circuit Court, in the above  
 entitled cause which is in the words and figures  
 following to wit.

" State of Illinois vs. The Circuit Court of Lake County.  
 " Lake County.

" Of the September Term in the year of our  
 " Lord One Thousand Eight Hundred and Sixty One, John  
 " A. Mills, Plaintiff in this suit by Ferry & Williams his  
 " Attorney complains of the Bank of Northern Illinois, defendant,  
 " who is summoned &c in a plea of Trespass on the case on  
 " promises; For that whereas the said Defendant heretofore  
 " to wit, on the Eighth day of August in the year of our Lord  
 " One Thousand Eight Hundred and Sixty one at Hannagan,  
 " County of Lake, became and was indebted to the Plaintiff  
 " in a large sum of money to wit Five Thousand 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 a like  
 " sum for goods wares and merchandises before that time  
 " sold and delivered by said plaintiff to said defendant  
 " at like special instance and request; and also in the 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 being so indebted, said defendant  
 " in consideration thereof, then and there undertook and promised  
 " to pay said Plaintiff said last <sup>mentioned</sup> sum of money when  
 " thereunto afterwards requested. Yet the said defendant not  
 " regarding his said promises and undertakings, but contriving  
 " etc. although often requested, so to do, has not paid said  
 " Plaintiff either of said sums of money, or any part thereof  
 " but so to do has hitherto wholly neglected and refused, and  
 " still does neglect and refuse to the damage of said Plaintiff of  
 " Five Thousand Dollars, and therefore he brings suit etc.

"Gerry & Williams Atty for Plff."

"Copy of Instrument in writing and account said upon"

"\$20"

"Bank of Northern Illinois"

"Certificate of Deposit"

"Nauvau February 27<sup>th</sup> 1861"

"Benj<sup>n</sup> Scharter has deposited in this Bank \$ Twenty  
 " Dollars payable to the order of himself in currency on  
 " return of this certificate." "C. D. Dickford Cashr."

"No 6737" Endorsed "Benj Scharter"

"\$108"

"Bank of Northern Illinois"

"Certificate of deposit."

"Nauvau April 17<sup>th</sup> 1861"

"Frank Nicks has deposited in this Bank \$ One Hundred  
 " Eight Dollars payable to the order of himself in currency  
 " on return of this certificate."

"No 6981"

"C. D. Dickford. Cashr."

"Endorsed" "Frank Nicks"



" Bank of Northern Illinois "

To John A. Wells Gr.

|                                                    |         |
|----------------------------------------------------|---------|
| " To money lent, & advanced to you by me           | \$ 5000 |
| " " " paid and received by you of me & for my use  | \$ 5000 |
| " " " deposited with you                           | \$ 5000 |
| " " " Interest money                               | \$ 5000 |
| " " goods wares & mch <sup>s</sup> sold & retained | \$ 5000 |
| " " Work & Labor done                              | \$ 5000 |

And that afterwards to wit on the Twenty Fifth day of September A.D. 1861 the same being one of the days of the regular September term of said Circuit Court, for the year last aforesaid, proceedings were had in said Court in the above entitled cause which are entered of record in the words and figures following to wit,

|                                   |               |
|-----------------------------------|---------------|
| " John A. Wells "                 | " Assumpsit " |
| " vs "                            |               |
| " The Bank of Northern Illinois " |               |

" And comes said parties the said plaintiff by Williams his attorney and the said defendant by Frazer its attorney and on motion of said defendant it is ordered that the rule to plead herein be and the same is hereby extended until Friday morning next "

And that afterwards to wit on the First day of October A.D. 1861, the same being one of the days of the regular September of said Court, for the year last aforesaid, ~~the Third and fourth~~ Pleas were filed in ~~the office of the Clerk of~~ said Court in the above entitled cause which are in the words and figures following to wit,

|                                   |                                 |
|-----------------------------------|---------------------------------|
| " State of Illinois "             | In Lake County Circuit Court of |
| " Lake County "                   | September Term. 1861            |
| " John A. Wells "                 |                                 |
| " vs "                            |                                 |
| " The Bank of Northern Illinois " |                                 |

" The defendant by its attorneys comes and defends the wrong and injury where to and for plea says that it did not undertake and promise in manner and form as the plaintiff has above thereof complained against.



"it, and of this it puts itself upon the country & And the  
 "Plff. doth. the like J. S. Williams Plff atty.  
 "And for a further plea in this behalf the Defendant says  
 "Actio non because it says that said supposed promise  
 "was made wholly and solely in consideration of certain  
 "deposits of depreciated Bank notes, of various Banks of  
 "issue of the State of Illinois and Wisconsin to the credit  
 "of the plaintiff made with the defendant which said  
 "deposits the defendant then and there promised to pay  
 "to the plaintiff in like depreciated Bank notes whenever  
 "specially requested so to do by the plaintiff and the  
 "defendant <sup>avens</sup> that at all times it has been ready and  
 "willing so to do, but the plaintiff though thereunto specially  
 "requested would not receive the same and this the  
 "defendant is ready to verify wherefor it prays judgment.  
 "rc And for a further plea in this behalf the  
 "defendant says Actio non because it says it was  
 "organized & existed only as an incorporated Bank with  
 "banking powers under the laws of said State of Illinois  
 "on the second day of November A.D. 1852 and not otherwise  
 "nor thereafter and thereupon commenced at Naukegan in  
 "Saxe County in said State, to do a Banking business  
 "and to exercise Banking powers by issuing circulating Bank  
 "notes or bills, discounting bills notes and other evidences of  
 "debt, receiving deposits and doing such other acts and  
 "things as it might lawfully do as such corporation, that  
 "afterwards to wit on the 23<sup>d</sup> day of September A.D. 1857, the  
 "Defendant, filed in writing in the office of the Auditor of  
 "Public Accounts of said State of Illinois a certificate of  
 "its desire to withdraw its said bills from circulation, and  
 "the Defendant avens that said supposed promise alleged in  
 "the plaintiffs declaration was made long after the said  
 "filing of said certificate in said Auditors office, and  
 "wholly and solely in consideration of certain deposits  
 "of circulating bank notes & money made with the  
 "defendant in doing a banking business at its office



" in Nauvoo in said Lake County to the credit of  
 " the Plaintiff & certain certificates of deposits issued  
 " by it. (& assigned to the Plaintiff) for & on account  
 " of such deposits so made with it after said 23<sup>d</sup> of  
 " September, 1859, which said deposits were made  
 " long after the filing of said certificate as aforesaid  
 " to wit, on the 1<sup>st</sup> day of April A.D. 1861 and the  
 " defendant avers that neither said supposed promises or  
 " deposits were made or done or said certificates of deposits  
 " given in winding up the concerns of the defendant, nor  
 " in collecting debts due to it or paying debts due from it  
 " prior to the filing of said certificate in said Auditor's  
 " office, nor in relation to any suit prosecuted by or against  
 " the defendant, and this the defendant is ready to verify  
 " wherefore it prays judgment &c. And for further plea  
 " in this behalf, the defendant says actis non because  
 " he says that the sole and only consideration for said  
 " supposed promise and undertaking was divers and  
 " sundry deposits of Bank bills made with the defendant  
 " as a Bank of deposits doing a banking business at Nauvoo  
 " in said State by the Plaintiff and sundry certificates of  
 " such deposits made with the defendant as aforesaid given  
 " for deposits of Bank bills, and assigned to the Plaintiff, and  
 " the defendant avers that each of said deposits of Bank  
 " bills so made as aforesaid, consisted in part of  
 " circulating bank notes of Banks not of said State of  
 " Illinois and not located or doing business in said State  
 " of Illinois, and not countersigned in the office of the  
 " Auditor of Public accounts of said State of Illinois, and  
 " not specie paying banks, and this it is ready to verify -  
 " wherefore it prays judgment &c.  
 " And for a further plea in this behalf, the Defendant  
 " says actis non, because it says that the sole and only  
 " consideration for said supposed promise and undertaking  
 " was divers and sundry deposits of, Bank Bills made with  
 " the defendant as a Bank of Deposits doing a banking business  
 " at Nauvoo in said State of Illinois by the Plaintiff



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"and sundry certificates of such deposits made with the  
"Defendant, as aforesaid at its office and place of doing  
"business at Waukegan aforesaid, given for deposits of Bank  
"bills and assigned to the Plaintiff, and the defendant  
"averts that constituting a part of each of such deposits  
"were Bank bills, of denominations of less than Five Dollars  
"of Banks created by express authority of Laws of the State  
"of Wisconsin, and this it is ready to verify wherefore it  
"prays Judgment &c."

"Upton Grazier & Clarke"

"John A. Malt"

"Defts Atty"

"vs."

"In said County Circuit Court"

"The Bank of Northern Illinois" "of September Term 1861"

"And for further and Sixth plea in  
"this behalf by leave of the Court first had and obtained the  
"defendant says acted now because it says it was organized  
"and created solely as a corporation with Banking powers with  
"a Capital of Fifty Thousand Dollars under the laws of the  
"State of Illinois to wit on the Eighth day of November A.D. 1852  
"and not otherwise, or thereafter and thereupon commenced  
"at Waukegan in said State of Illinois to transact a  
"Banking business and exercise Banking powers by issuing  
"circulating notes duly registered and countersigned  
"in the office of the Auditor of Public accounts of said  
"State, having transferred to and deposited with the Auditor  
"public Stocks of the State of Missouri to secure the payment  
"and redemption of said circulating notes pursuant to  
"law also by discounting notes, bills and other evidences of  
"debt receiving deposits and doing such other acts and  
"things as it lawfully might do as such Banking Corporation  
"the members of said having previously made and  
"filed and caused to be recorded in the office of the  
"Recorder of said County and a copy thereof filed in  
"the office of the Auditor and Secretary of State a  
"certificate by them duly executed under their hands and  
"seals, acknowledged by them, setting forth the name of



"said Association the place of its location for doing  
 "business the amount of its capital stock the number of  
 "shares into which the same was divided the names  
 "and residences of its share-holders and the number of  
 "shares held by each respectively and the period at  
 "which such association should commence to wit.  
 "November 1<sup>st</sup> A.D. 1852 and when it should terminate  
 "And the defendant avers that afterwards to wit on the 23<sup>d</sup>  
 "day of September A.D. 1859. it filed in writing in the  
 "Office of the Auditor of Public Accounts of said  
 "State its written certificate of its desire and intention  
 "to withdraw its said circulating notes from circulation  
 "and thereupon the defendant commenced surrendering  
 "to said Auditor for Cancellation its circulating notes  
 "to wit on the 24<sup>th</sup> day of October 1859 the sum of One  
 "Thousand Three Hundred and One Dollars and divers other  
 "sums at divers times thereafter prior to the first day  
 "of February A.D. 1860 and from time to time received  
 "from said Auditor like amounts of the Public Stock as  
 "aforesaid transferred and deposited with said Auditor.  
 "And the defendant avers that the supposed promise alleged  
 "in the plaintiffs declaration was made long after said  
 "23<sup>d</sup> day of September A.D. 1859. and after the first day  
 "of February A.D. 1860. solely in consideration of certain  
 "deposits of Bank notes not of the defendant. and money  
 "made with the defendant in doing a Banking business  
 "at its office in Haverhill in said Lake County. to the  
 "credit of the Plaintiff and certain Certificates of Deposits  
 "issued by it. (and assigned to the Plaintiff) for and on  
 "account of such deposits so made with it after said  
 "23<sup>d</sup> day of September A.D. 1859 to wit on the 10<sup>th</sup> day of  
 "February A.D. 1860. and the defendant avers that neither  
 "said supposed promise or deposits were made or done  
 "in minding up the concerns of the defendant. nor in collecting debts  
 "due to it. nor in paying debts due from it or contracted by it  
 "prior to said 23<sup>d</sup> day of September A.D. 1859 nor in relation to  
 "any suit prosecuted by or against the defendant. and this  
 "the defendant is ready to verify wherefore it prays Judgment &c

Upton and Singer & Clarke  
 Attys for Defendant.







" And as to the said defendants fourth plea above  
 " pleaded, the plaintiff says he ought not to be barred  
 " from maintaining his said action thereof against said  
 " Debt by reason of anything in that Plea alleged,  
 " because he says it is not true, and the Plff denies  
 " that said deposits consisted in part of circulating  
 " Bank notes of Banks not of said State of Illinois not  
 " located or doing business in said State and not  
 " countersigned in the office of the Auditor of Public accounts  
 " of said State of Illinois and not Specie paying  
 " Banks and of this he puts himself upon the Country,  
 " and the Debt doth the like

" J. S. Williams Plffs Atty.

" And as to the said defendants fifth plea above pleaded, the  
 " Plff says he ought not to be barred from maintaining his  
 " said action thereof against said defendants by reason  
 " of anything in that plea alleged because he says that, it  
 " is not true and the plff denies that said deposits consisted  
 " in part of Bank Bills of denominations of less than Five  
 " Dollars of Banks created by authority of laws of the State  
 " of Wisconsin and of this he puts himself upon the Country  
 " And the defendant doth the like.

" J. S. Williams Plffs Atty "

And that afterwards to wit on the Second day of October  
 A.D. 1861 the same being one of the days of the regular  
 September Term of said Court for the year last aforesaid  
 proceedings were had in said Court in the above  
 entitled cause, which are entered of record, in the words  
 and figures following to wit,

" John A. Wells  
 " 39. vs

Assumpsit.

" The Bank of Northern Illinois

" And come said parties the said  
 " plaintiff by Williams his Attorney and the said defendant by  
 " Frazer its Attorney, and the said Defendant by Frazer its  
 " attorney and issue being joined upon the said plaintiff's  
 " demurer to the third and sixth pleas of the said



"defendant herein, it is ordered after arguments of counsel  
 "and the Court being fully advised in the premises,  
 "that said demurrers be and the same is hereby sustained  
 "at the costs of the said defendant to which decision of  
 "the Court the said defendant excepts and states that  
 "it will stand by its said third and sixth pleas,  
 "thereupon it is ordered that the said plaintiff have and  
 "recover of the said defendant his costs and charges in and  
 "about his said demurrer expended and that he have  
 "execution therefor.

And that afterwards to wit on the Second day of October  
 A.D. 1861 the same being one of the days of the regular  
 September Term of said Court of Lake County for the year last  
 aforesaid, proceedings were had in said Court in the  
 above entitled cause which are entered of record in the  
 words and figures following to wit,

" John A. McCall  
 " vs Assumpsit.

"The Bank of Northern Illinois

" And come said parties by their  
 "respective attorneys and issue being joined herein this cause  
 "by agreement of parties is submitted to the Court for trial  
 "without the intervention of a jury and the Court having heard  
 "the evidence but not being fully advised in the premises  
 "takes the same under advisement..

And that afterwards to wit on the Fifth day of October  
 A.D. 1861 the same being one of the days of the regular  
 September term of said Court of Lake County for the year  
 last aforesaid proceedings were had in said Court in  
 the above entitled cause, which are entered of record  
 in the words and figures following to wit,

" John A. McCall  
 " vs Assumpsit  
 "The Bank of Northern Illinois

" And come said parties by their  
 "respective attorneys and the Court being not fully advised



" in the premises find the issues for the plaintiff and  
 \$3002.94 " assesses his damages at the sum of Three Thousand and Two  
 " dollars and Ninety Four cents, and thereupon the said  
 " defendant enters its motion for a new trial herein and  
 " the Court being fully advised as to said motion overrules  
 " the same to which decision of the Court the said  
 " defendant excepts. It is thereupon ordered that the  
 " said plaintiff have and recover of the said defendant  
 " the said sum of Three Thousand and Two Dollars and  
 " Ninety Four cents for his damages as an aforesaid, assessed  
 " together with his costs and charges in this behalf expended  
 " and that he have execution therefor and thereupon the  
 " said Defendant prays an appeal herein to the Supreme  
 " Court of the State of Illinois which is granted on condition  
 " that the said defendant enter into bond executed  
 " according to Law in the Penul sum of Five Thousand  
 " and Five Dollars and Eighty Eight cents with sureties  
 " to be approved by agreement of parties by the Clerk  
 " of this Court, with notice thereof to said plaintiff and  
 " file the same with said Clerk in Thirty days from  
 " this date and it is further ordered that said defendant  
 " have Thirty days from this date in which to file his  
 " bill of exceptions herein.

And that afterwards to wit on the Fourth day of November  
 in vacation between the September and February terms of said Court,  
 A.D. 1861, a bill of exceptions was filed in the office of the  
 Clerk of the Circuit Court of Lake County Illinois in the  
 above entitled cause which is in the words and figures  
 following to wit.



" State of Illinois }  
" Lake County }  
" }

In the Lake County Circuit Court of  
September Term A.D. 1861.

" John A. Wells

" vs

" The Bank of Northern Illinois }

" Assumpsit "

" Do it remembered that on the trial of  
" this cause the plaintiff to maintain the issue on his  
" part produced the following evidence which was admitted  
" to wit. The Defendant admitted that there was a balance  
" on deposit account of Two Thousand Eight Hundred and  
" Ninety Four Dollars and Twenty Nine cents upon deposit  
" of currency made by the Plaintiff with the Defendant on  
" the first day of April, A.D. 1861

" The contents of the Plaintiffs Pass Book were offered  
" in evidence in the words and figures following viz.



15<sup>th</sup>

1857. Dr. Bank of Northern Illinois in account with John A. Mills Cr

|         |            |         |                        |                 |         |
|---------|------------|---------|------------------------|-----------------|---------|
| Dec, 12 | To Cash    | 508 25  | 1857<br>Dec 29<br>1858 | By Check        | 26 90   |
|         |            |         | Jan 5                  | " "             | 50      |
|         |            |         | " 6                    | " "             | 50      |
|         |            |         | " 11                   | " "             | 222     |
|         |            |         |                        | Bal             | 159 30  |
|         |            | 508 25  |                        |                 | 508 25  |
| March 1 | To Balance | 159 30  | March 24               | Check S O Smith | 133 00  |
| " 12    | " C        | 255     | April 5                | " Fay           | 14 00   |
| " 15    | " C        | 480 18  | " 26                   | " J. S. Clarke  | 250 00  |
| May 12  | " C        | 538 70  | " 26                   | " J. W. Poust   | 218 62  |
|         | Bal orey   | 153 67  | May 6                  | " Q. Spalding   | 122 09  |
|         |            |         | " 11                   | " J. Holdridge  | 58 45   |
|         |            |         | " 12                   | " S. S. Corbin  | 15 00   |
|         |            |         | " "                    | " Q. Q. Cable   | 490 00  |
|         |            |         | " "                    | " Jhs Wheeler   | 9 40    |
|         |            |         | " 24                   | " Q. S. Smith   | 50 00   |
|         |            |         | " 29                   | " E. L. Wells   | 29 29   |
|         |            |         | " "                    | " P. Galihan    | 100     |
|         |            |         | " 31                   | " Bates         | 100     |
|         |            | 1586 85 |                        |                 | 1586 85 |
| June 1  | By Cash    | 130     | June 1                 | By Balance      | 153 67  |
| " "     | " "        | 300     | " 3                    | " Check Bates   | 100     |
| " "     | " "        | 840 10  | " 17                   | " " J. Stevens  | 600     |
| " "     | " "        | 200     | " 21                   | " " J. A. Mills | 15 00   |
| " "     | " "        | 80      | " 21                   | " " C. Buell    | 5 00    |
|         |            | 1550 10 | July 3                 | " " J. S. Mills | 50 00   |
|         |            |         | " 8                    | " " C. Parry    | 14 16   |
|         |            |         | " 26                   | " " J. A. Mills | 60 00   |
|         |            |         | " "                    | " " Musick      | 10 00   |
|         |            |         | " "                    | " " J. S. Mills | 53 20   |
|         |            |         | Aug 19                 | " " "           | 80 00   |
|         |            |         | Sept 21                | " " "           | 266 15  |
|         |            |         |                        | Bal             | 42 92   |
|         |            | 1550 10 |                        |                 | 1550 10 |
| Oct 1   | To Balance | 42 92   | Oct                    | CK              | 8 50    |
| " 14    | " C        | 18 13   | " 18                   | " "             | 25 00   |
| " 12    | " C        | 107 72  | " 23                   | " "             | 40 00   |
| " 29    | " C        | 700     | " 29                   | " "             | 25      |
| Nov 18  | " C        | 40      | Nov 3                  | " "             | 94 38   |
|         |            |         | " 3                    | " "             | 174 05  |
|         |            |         | " 11                   | " "             | 41 30   |
|         |            |         | " 15                   | " "             | 100 00  |
|         |            |         | " 11                   | " "             | 25 00   |
|         |            |         |                        | C. Lindsay      | 20 00   |
|         |            |         |                        | Stafford        | 10 00   |
|         |            |         |                        | Stockwell       | 36 46   |
|         |            |         |                        | R. Farnsworth   | 25 00   |
|         |            |         | Dec 8                  | " " "           | 58 19   |
|         |            |         | " 14                   | " " "           | 100 00  |
|         |            |         | " 24                   | " " "           | 15 00   |
|         |            |         | " 24                   | " " "           | 25 00   |
|         |            |         | " 29                   | " " "           | 75 00   |
|         |            |         | " 4                    | " " "           | 9       |
|         |            |         |                        | Bal             | 189     |
|         |            | 908 77  |                        |                 | 908 77  |







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|         |            |         |             |                |              |        |         |
|---------|------------|---------|-------------|----------------|--------------|--------|---------|
|         |            |         |             |                |              |        |         |
| Jan 1   | To Balance | 2524 61 | June 12     | Check          | W. F. Pierce | 13 26  |         |
| July 5  | C          | 492     | " 13        | "              | J. F. Munson | 100    |         |
| Aug 23  | C          | 300     | " 27        | "              | W. S. Pierce | 5 75   |         |
| Oct 16  | C          | 75      | Aug 30      | "              | V. Butler    | 152 08 |         |
| 24      | C          | 100     | Sept 22     | "              | H. Sook      | 100 00 |         |
| Nov 21  | C          | 115     | " 24        | "              | E. Hall      | 169 41 |         |
| 28      | C          | 39      | " 28        | "              | Woodgumery   | 60 75  |         |
| June 11 | C          | 400     | Oct 2       | "              | S. Mills     | 100    |         |
|         |            |         | " 3         | "              | S. Dorst     | 322 50 |         |
|         |            |         | Nov 2       | "              | Vickinson    | 25 00  |         |
|         |            |         | " 5         | "              | E. Hall      | 100 00 |         |
|         |            |         | " 19        | "              | Dr Dickinson | 22 61  |         |
|         |            |         | " 28        | "              | Hawth        | 60 00  |         |
|         |            |         | July 2 1860 |                |              | 30 00  |         |
|         |            |         | 10          |                |              | 140 00 |         |
|         |            |         | 17          |                |              | 31 46  |         |
|         |            |         |             |                | Bal          | 342 79 |         |
|         |            | 1675 61 |             |                |              |        | 1675 61 |
| 1860    |            |         | 1860        |                |              |        |         |
| Dec 1   | To Balance | 242 79  | Dec 27      | J. A. Mills    | 150 00       |        |         |
| 3       | C          | 75      | July 14/61  | Tiffany        | 9 00         |        |         |
| 24      | C          | 130     | " 15        | C. Barker      | 20 00        |        |         |
| 1861    |            |         | " 19        | Mrs. Jameson   | 9 13         |        |         |
| June 14 | C          | 470     | " "         | Hutchinson     | 17 00        |        |         |
| July 11 | C          | 65      | March 1     | J. A. Mills    | 10 00        |        |         |
| 13      | C          | 190     | " 8         | W. B. Dodge    | 1000 00      |        |         |
| Mar 8   | C          | 386 83  | " 13        | Geo. Hood      | 36 00        |        |         |
|         |            |         | " 25        | J. A. Mills    | 65 26        |        |         |
|         |            |         | " 26        | J. M. Nichols  | 18 84        |        |         |
|         |            |         | " 16        | CK             | 9 13         |        |         |
|         |            |         |             | Bal            | 215 26       |        |         |
|         |            | 1559 62 |             |                |              |        | 1559 62 |
| April 1 | To Bal     | 215 26  | April 1     | By CK          | 15           |        |         |
| "       | C          | 4000    | " 8         | " J. A. Mills  | 25 00        |        |         |
| 16      | C          | 34      | " 8         | " Hutchinson   | 26 50        |        |         |
|         |            |         | " 11        | " F. F. Munson | 3 79         |        |         |
|         |            |         | May         | E. M. H.       | 1000 00      |        |         |
|         |            |         | April 24    | CK             | 50 00        |        |         |
|         |            |         | May 13      | 21 68 40       | 61 68        |        |         |
|         |            |         | June 1      |                | 140          |        |         |
|         |            |         | 8           |                | 33           |        |         |
|         |            |         |             | Bal            | 2894 29      |        |         |
|         |            | 4249 26 |             |                |              |        | 4249 26 |
| July 1  | To Bal     | 2894 29 |             |                |              |        | "       |



" H. H. Hawks: a witness produced, and sworn testified  
 " as follows.

" I have seen these Certificates of Deposits, (shown to witness)  
 " before. They were presented August 5th. 1861 to defendant  
 " for payment. Nor Pickford Cashier of the Bank offered  
 " to pay Seventy cents on the Dollar in gold if the plaintiff  
 " would wait. They were presented at the counter of the  
 " Bank for payment. Payment on any other times was refused  
 " by the Bank (The defendant, here admitted that the  
 " signatures to the Certificates of Deposits is the genuine  
 " signature of the Cashier of the Bank.)

" I saw this check of August 3<sup>rd</sup> 1861 on  
 " August 5- 1861 at the Defendants counter. It was  
 " presented. by Plaintiff to Pickford Cashier for  
 " payment. He did not pay it but asked plaintiff if he  
 " would take Illinois Bank Notes, or "stump tail." Plaintiff  
 " asked him to count it out. He said he could not do it.  
 " He did not offer any money, and said he could not  
 " pay him. The check spoken of by the witness was  
 " here put in evidence in the words and figures  
 " following.

" \$2894 <sup>29</sup>/<sub>100</sub>

Haukegan Aug 3<sup>d</sup> 1861

" Bank of Northern Illinois. Pay to J. A. Wells or bearer Two  
 " Thousand, Eight Hundred & Ninety Four <sup>29</sup>/<sub>100</sub> Dollars

" to —

John A. Wells"

" George Kirk as witness produced and sworn testified  
 " as follows. I have seen these certificates before.  
 " (being <sup>shown</sup> the same certificates of Deposits spoken of by the



" witness Hawkins.) I bought one of Frank Hicks and the  
 " other of L. H. Beckwith. I don't think I ever presented  
 " them at the Bank nor do I recollect of ever having any  
 " conversation with Pickford in reference to them. I  
 " bought the Certificate payable to Hicks of Hicks himself  
 " I think he had endorsed it before he handed it to  
 " me, as his endorsement is on the back of it  
 " Thereupon the plaintiff offered in evidence the said  
 " certificate payable to Hicks in the words and figures  
 " following

" \$108<sup>00</sup> Bank of Northern Illinois

" (Certificate of Deposit)

" Hannagan April 17<sup>th</sup> 1861

" Frank Hicks has deposited in this Bank One Hundred  
 " and Eight Dollars payable to the order of himself in currency  
 " on return of this certificate

" No. 6981<sup>st</sup>

" C. D. Pickford Cashr "

" This is the Certificate of Deposit spoken of by witness  
 " Hawkins the presentment and non payment of which he testified  
 " to. To the admission of which in evidence the  
 " defendant objected on the ground that the same not being  
 " payable in money was not admissible in evidence under  
 " the declaration, which objection was overruled by the Court,  
 " and said certificate admitted in evidence to which  
 " opinion of the Court the defendant <sup>then</sup> excepted.

" The foregoing was all the evidence introduced on  
 " the part of the Plaintiff. To maintain the issue on  
 " its part the defendant introduced the following evidence

" The Plaintiff admits that the defendant was  
 " organized as a corporation under the General Banking



" Law of this State, in 1852. And thereupon the  
 " defendant, offered in evidence a paper in the words  
 " & figures following

" Bank of Northern Illinois  
 " Certificate of intention to go into liquidation  
 " We David S. Smith President and Charles D. Dickford,  
 " Cashier, of the Bank of Northern Illinois do hereby certify  
 " that it is the desire and intention of said Bank to  
 " withdraw its notes from circulation in accordance with the  
 " provisions of an act entitled " An Act to amend an act to  
 " establish a general system of banking and an act supplementary  
 " thereto approved Jan'y 10 1855. Done by order of the Stock Holders  
 " of said Bank this 21st day of September 1859. witness our hands  
 " and seals

D. S. Smith  
 C. D. Dickford

" Filed Sept 23 - 1859 Jesse R. Dubois Auditor  
 " I hereby certify that the foregoing is a full and correct  
 " copy of the original now on file in my office  
 " Given under my hand and official Seal at my  
 " office at Springfield this 26<sup>th</sup> day of Sept. 1861  
 " Jesse R. Dubois Auditor P. A.

" (The admission of said certificate or paper in evidence the  
 " Plaintiff then & there objected on the grounds that there is no  
 " evidence that the Officers of the Bank were authorized to file  
 " said certificate & a certified copy is not admissible and 3<sup>d</sup>  
 " because the evidence is immaterial. The objection was sustained  
 " by the Court and the evidence excluded as inadmissible  
 " under the issues - to which decisions of the Court the depts then  
 " & there accepted).



" Charles O. Dickford a witness produced and swears  
 " testified as follows.  
 " I am not a stock holder in the Bank & have not been  
 " for five or six years there was stock held in my name  
 " in 1856 but not since I am in no way shape or manner  
 " interested in the assets of the Bank.  
 " I have been Cashier of the Bank of Northern  
 " Illinois since 1856 and was acting in that capacity  
 " in April & May last. (what was the market value  
 " of currency in Hankyau at the several dates of the Piffs  
 " deposits as shown by the pass book measured by a specie  
 " standard of value \_\_\_\_\_ [This question was  
 " objected to by the Plaintiffs Attorney) and the answer was  
 " taken subject to such objection) \_\_\_\_\_  
 " The market value of currency measured by a specie  
 " standard on the 1st day of April 1861 was 90 to 92  
 " cents on the dollar the difference between currency and  
 " coin was 8 to 10 per cent..  
 " What was the average market value of the different  
 " grades of currency on the 5th August 1861. (This  
 " question was objected to by the Piffs and the answer was  
 " the subject thereto) The average market value of the  
 " same currency on the 5th of August 1861 when Plaintiff  
 " made demand of payment of his deposits & certificates  
 " was 65 cents on the dollar I mean by currency the  
 " bills of the Banks organized under the general Banking Law  
 " of this State. State whether or not at the time Plaintiffs  
 " deposit was made, currency was treated as the equivalent of



" coin in general business (objected by Plff and answer subject  
 " thereto.) when the plaintiff made his deposits and at  
 " the date of the certificate given to Frank Hicks currency  
 " was not treated as the equivalent of coin. State whether  
 " or not the Bank was in the habit of making a distinction  
 " between coin and currency at that time? (question objected to.  
 " by Plff and answer then subject. The Bank made a distinction  
 " always noting & specifying if the deposit was currency. This  
 " was the usage of the Bank of Northern Illinois. more since  
 " I was Cashier & of all Banks in the west. I think Plaintiff  
 " himself made such distinction There were no Illinois  
 " Bank bills which on the 1<sup>st</sup> day of April last. were treated  
 " as the equivalent of coin, they were as compared with specie at a  
 " discount of 8 to 10 per cent. The first distinction in the value  
 " of Illinois Bank bills was made by what is called the  
 " Rail Road list (The parties admitted that the first grading of  
 " Illinois Bank bills in the market when they became the subject of  
 " barter <sup>&</sup> sale was between the 13<sup>th</sup> & 16<sup>th</sup> of May 1861.)  
 " witness - up to that time these bills were treated as currency  
 " in the ordinary course of business - were received as money  
 " in the payment of debts & in the payment of debts & in the  
 " common course of trade at the date of the plaintiff's deposits -  
 " were received there in payment of debts & they were taken  
 " by Merchants for goods & by farmers for grain. After the 16<sup>th</sup>  
 " of May they ceased to circulate as currency. In August 1861.  
 " there were no Bills of Illinois Banks that were worth par  
 " Except Bank of Northern Illinois. a man told me he had taken  
 " one of its bills at par. It had then a circulation from \$5,000  
 " to \$10,000. at par Bills of Bank of Alton, Salina, Kane County



" & McLean County, were I think worth 95 cents on the  
 " 22<sup>nd</sup> of August. - In making average value of Illinois  
 " Bank bills at 65 cents. on the dollar include the following  
 " list - Alton Bank, Bank of Northern Illinois  
 " Bank of Galena, City Bank of Ottawa, Bank of Bloomington,  
 " Kane County Bank, McLean County Bank, Bank of America  
 " Bank of Sparta, Cumberland County Bank, E. J. Tinkham &  
 " Co's Bank - Highland Bank - Illinois River Bank,  
 " Mechanics Bank, Ohio River Bank, Pittsfield Bank,  
 " Reapers Bank, Union Bank - American Bank, Bank of  
 " Indemnity, Illinois State Security Bank, Illinois Central  
 " Bank, International Bank, Mahanoe Bank, Merchants Bank  
 " Marshall County Bank, United States Stock Bank, Bank of  
 " Commerce, Bank of Illinois, Bank of Jackson County,  
 " Bond County Bank, Columbian Bank Eagle Bank,  
 " Fulton Bank Olympic Bank, Patriot's Bank, Panet  
 " Bank, State Stock Bank, Genesee, Metropolis, Bulls Head,  
 " Central, Edgar County, Lake Michigan, Franklin, Kankakee,  
 " Narragansett, Shawanese, Toulon, Warren County, Western,  
 " Bank of Illinois, Wheat Growers Agricultural Alliance  
 " Bank of Albion, Alledo, Ashland, Benton, Brooklyn  
 " Carlin, Naperville, Pike County, Republic, Southern  
 " Illinois, Canal Bank, Commercial Bank of New Haven,  
 " Corn Exchange, Continental, Commercial Bank of Palestine  
 " Corn Planters, Douglas Farmers Bank of St. Canton, Farmers  
 " Bank of Illinois Garden State, Hampton, Humboldt,  
 " Kaskaskia, Lafayette, Mississippi River, Prairie State,  
 " Plowmen, Reds, Southern Bank of Illinois American



Exchange. Bank of Aurora. Chester. Commonwealth.  
 Quincy. Balugh. Belvidere Citizens Farmers & Traders  
 Frontier. Grayville. Grand Prairie. Jersey County Lancaster  
 Merchants Drivers. Morgan County. New-Market.  
 National. Rail Road. Rock Island. State Bank of  
 Illinois. Union County.

The Bank of Northern Illinois commenced retiring its  
 circulation within a few days after the certificate of its  
 intention was filed. The following is a statement of the  
 several amounts retired in pursuance of the intention  
 thus declared. It contains the date and amount of  
 securities lifted to wit.

|            |      |        |
|------------|------|--------|
| Sept 19th. | 1859 | \$ 304 |
| Oct 24th   | "    | 997    |
| Nov 14     | "    | 1200   |
| " 22       | "    | 639    |
| " 21       | "    | 1500   |
| Jan 5th    | 1860 | 2450   |
| " 26       | "    | 700    |

very few of the bills of the Bloomington Bank & others worth 90  
 to 95 cents. on the dollar. at that time were in circulation  
 in August. I don't know how large their circulation was.  
 - quite small from the Auditors July report - What was  
 currency on the 1<sup>st</sup> of April 1861. was then 8 to 10 per cent.  
 below specie. I don't know there was much distinction made  
 in April in the purchase or selling of goods or wheat between  
 Bank bills or gold & not much early in May but I  
 don't recollect distinctly how it was in the wheat  
 market



Each clause of the evidence  
 enclosed was objected to  
 by the defendant, and the same was  
 sustained by the court.

" I believe that wheat buyers were paying here as much  
 " for wheat in currency in April and May as <sup>being</sup> ~~was~~ paid  
 " in Buffalo and New York - I speak more particularly  
 " of Buffalo, that is one of the markets to which wheat  
 " is shipped from the West. My impression is that the  
 " usual difference in the market price there and here is  
 " 20. to 25 cents per bushel

" I should think there was a distinction between bills  
 " & gold when taken for debts in April & May. I should  
 " have received <sup>I should have received</sup> gold in that way at a difference of 6 to  
 " 8 per cent. On the 1<sup>st</sup> of April the currency here consisted  
 " principally of the bills of the Banks of this State. Previous  
 " to April 1<sup>st</sup> the entire circulation of the Banks of the State  
 " was from \$9,000,000. to \$12,000,000. But on that day a  
 " number of the Banks were thrown out, & their bills became  
 " uncurrent, & ceased to circulate. and on the 10<sup>th</sup> of April  
 " the circulation was about \$6,000,000 I don't recollect  
 " that any more Banks were thrown out, till after May  
 " 1<sup>st</sup> There were 17 Illinois Banks thrown out as early as  
 " January 1<sup>st</sup> 1861 & they then ceased to circulate as currency  
 " & on April 1<sup>st</sup> some 30 more were thrown out, as before  
 " stated when thus thrown out, they became uncurrent  
 " Plaintiffs deposits did not include any of the bills of any of  
 " the Banks thus thrown out, previous to April 1<sup>st</sup> or on that  
 " day The Bank (Defendant) was then only taking the bills  
 " of those Illinois and other Banks which were current in  
 " the market & Plaintiffs deposits was of that current  
 " class only The Banks thrown out, prior to Jan 1<sup>st</sup> are



" included in the calculation by which I arrive at the  
 " average of 65 cents I class them at 40 cents, The  
 " average value of the bills in circulation April 1<sup>st</sup> was  
 " on the 5<sup>th</sup> of August, 66 to 70 cents in the dollar.

" State what the usage of the defendant, was previous to the 20<sup>th</sup>  
 " day of April and subsequent to the 1<sup>st</sup> day of April 1861 as to  
 " the payment of depositors upon deposits made in currency -

" (Objected to by Plaintiff and answer received subject to objection)  
 " The usage of the Bank ever since its organization, was to pay  
 " deposits of currency, in currency in bills current in business  
 " transactions. — State whether or not, that was its usage  
 " with all its customers or only some of them. (Question objected to  
 " by the Plaintiff and answer received subject to objection)

" This was its usage with all its customers the Plaintiff had  
 " been a depositor with the Bank & did business with it  
 " for a number of years & I suppose <sup>that</sup> he had personal  
 " knowledge of the usage of the Bank which I have stated &  
 " it would be very natural that he should have understood  
 " it. He kept a heavy deposit account with defendant. contin-  
 " uously from its organization & the Bank did business with  
 " him according to its usual usages. His average deposits  
 " would be perhaps \$1500. per month — no not as large  
 " I should think it was \$15,000 to \$20,000 in the aggregate  
 " during the whole period. Mills & Kirk (a firm of which  
 " Plaintiff was a member also kept a heavy deposit account  
 " with defendant during some of the time at some seasons of  
 " the year they were in the habit of checking frequently every  
 " day when their account was kept with the Bank when  
 " checks were drawn without specifying in what payable the



" the custom of the Bank always from its organization was  
 " to pay in currency.

"Cross Examination"

" I have been employed in Banking in Illinois since Spring  
 " of 1853. in capacity of Cashier & President. Plaintiff's pass  
 " book (shown to witness) is kept as depositors' <sup>books of general deposits</sup> have been  
 " usually kept since I have been in business in this State  
 " This book indicates a general deposits account. there was  
 " never a special bargain made with defendant. by Plaintiff  
 " in reference to Plaintiff's deposit account. his account was  
 " a general deposit account. It is & has been a general usage of  
 " the Banks of this State to make the entry of the deposits in  
 " gold or currency according to the fact. I have been engaged  
 " in Banking in Chicago and New York. such is not the  
 " practice in other States. the entries are always made by  
 " the Bank. This book of Plaintiff is kept in that way,  
 " When deposit was made in currency the letter "C." or the  
 " word currency is used in the book to indicate the  
 " fact. and "gold" or "coin" when specie was deposited  
 " This Book is kept as all such books are kept in this  
 " State of general deposits made with banks. the letter "C."  
 " in this book is intended to indicate Western currency  
 " I mean Illinois & Wisconsin. Ohio & other Western bank  
 " bills circulating among business men. At time of Plaintiff's  
 " deposit April 1<sup>st</sup> 1861 if Eastern bills had been  
 " included in any general deposits the whole would  
 " have been credited as "currency" unless special agreement  
 " was made. If there had been any Eastern bills included



in plaintiff's deposits the whole would have been  
 entered as currency, if he had said nothing about  
 it. The entry currency does not of itself indicate  
 whether the deposits was made in Eastern or Western  
 Bank bills. We took none of the Illinois Bank bills after  
 May 20, 1861. It has always been the custom of defendant  
 (of Illinois Banks) previous to 6th May 1861 to pay in  
 currency all checks drawn upon it unless gold was specified.  
 By currency I mean Bank bills that were current at the  
 time of payment, in general business. If plaintiff had drawn  
 a check previous to May 18th 1861 I should have paid it in  
 Bank bills current ~~at~~ of the time. Previous to April 1<sup>st</sup> Illinois Bank  
 notes constituted the larger proportion of the bankable currency  
 then in circulation in this State. There was but little Ohio,  
 Iowa or Eastern bills in circulation. The circulation had been  
 thus composed perhaps earlier than November 1860. There  
 was not much specie in circulation during the time. There  
 was some fluctuation from time to time in the value of Illinois  
 currency as compared with a specie standard during that  
 time ranging from two to ten per cent. difference in gold or New-  
 York Exchange. The business in this Country, was carried  
 on in the circulation composed as stated. On the  
 22<sup>nd</sup> of August, 1861 Illinois Bank bills had completely  
 disappeared <sup>disappeared</sup> from circulation & were replaced by bills  
 of Banks of Ohio, Iowa, New York & New England, this  
 change took place in May. The difference between the  
 bills in circulation (after May, 1861) and specie was one  
 per cent. that is they could have been converted into  
 specie at One per cent discount. The usage at the Bank



" (defendant) in relation to deposits made with it was this.  
 " they never credited us so much money and used by the  
 " Bank in the course of its business - the bills of each depositor  
 " were not laid aside & kept as special deposits but were  
 " thus used and the checks of depositors were paid in any  
 " current bills held by the bank at the time of presentation  
 " of the check. From 1<sup>st</sup> of April to 6<sup>th</sup> of May I received and  
 " paid out the kind of currency deposited by Plaintiff as  
 " for currency.

" Direct resumed " I use the term "currency" as  
 " designating such Bank bills as were received by the  
 " Bank on deposit & paid out by it and used in general  
 " business. that "currency" was composed of Illinois & Wisconsin  
 " Bank bills principally & in part of Wisconsin bills at the  
 " time of Plaintiff's deposit (April 1<sup>st</sup> Ohio and Indiana  
 " Bank bills were at a premium in Waukegan as compared  
 " with Illinois and Wisconsin bills and there was not  
 " much Eastern Ohio, Indiana or Iowa bills in circulation  
 " at that time. gold was called at a premium and Illinois  
 " currency was called par. Illinois Bank bills were  
 " rated as the standard or par of currency and gold as  
 " compared with that. was at a premium - gold was not  
 " treated <sup>as par</sup> and the currency rated at a discount as I understand  
 " There was a change in that respect before the 5<sup>th</sup> of August  
 " and after that change. gold was rated as the standard  
 " That was a sudden change. It occurred on the 21<sup>st</sup> of  
 " May, 1861 and still continues, after that gold was  
 " called at par, which before had been rated at a premium.



" Cross examined There never was a word passed  
 " between plaintiff & defendant as to the basis on which  
 " his deposit account, opened & kept, it was a general  
 " deposit account.

" Re direct There was a large depreciation of <sup>Illinois</sup> Bank  
 " bills after 7<sup>th</sup> of May, & previous to May 21<sup>st</sup> as compared  
 " with gold. — gold was at a premium of 15 to 20 per cent.  
 " just previous to gold becoming the standard. It could  
 " not have been bought of me for 30 per cent. & I do not  
 " think it could have been bought elsewhere for less. Illinois  
 " bills ceased to circulate as currency after May 16<sup>th</sup>

" And thereupon the plaintiff produced Charles R. Stale  
 " a witness who being sworn says the bills of Bank of  
 " Northbrook Illinois & ten others Illinois banks were in August  
 " 1861 I suppose worth 95 to 97 cents in coin I think they were  
 " not passing as current funds, but subjects of barter. They were  
 " taken in trade, at 95 cts, at that time & in some instances  
 " at par.

" The pass book of Mills & Kirk was put in evidence by  
 " the defendant in the words & figures following to wit.



| 1839                                                   |    |      |         | 1839    |    |                     |         |
|--------------------------------------------------------|----|------|---------|---------|----|---------------------|---------|
| Bank of Northern Illinois in account with Mills & Kirk |    |      |         |         |    |                     |         |
| April 7                                                | To | C    | 96 55   | April 1 | By | Balance             | 133 39  |
| 26                                                     | "  | "    | 101 41  | " 7     | "  | Stevens & Norris Co | 94 00   |
| 30                                                     | "  | "    | 130 78  | " 8     | "  | Int                 | 2 75    |
|                                                        |    |      |         | " 26    | "  | "                   | 9 17    |
|                                                        |    |      |         | " "     | "  | Mills & Kirk        | 11 60   |
|                                                        |    |      |         | " 28    | "  | Guyles Dft          | 100 00  |
|                                                        |    |      |         | " 29    | "  | " "                 | 30 00   |
|                                                        |    |      |         |         |    | Ball                | 7 83    |
|                                                        |    |      | 388 74  |         |    |                     | 388 74  |
| May 2                                                  | To | Ball | 7 83    | May 2   | By | CN Adams            | 23      |
| " 7                                                    | "  | C    | 140     | " 9     | "  | J A Mills           | 50 00   |
| " 12                                                   | "  | C    | 130 21  | " 9     | "  | Guyles Dft.         | 107 31  |
| 16                                                     | "  | C    | 89 94   | " "     | "  | " "                 | 80 75   |
| 18                                                     | "  | C    | 175     | " 16    | "  | Stevens & Norris Co | 185 54  |
| 25                                                     | "  | C    | 200 88  | " "     | "  | Int.                | 2 75    |
| 26                                                     | "  | C    | 101 60  | " 18    | "  | Guyles Dft.         | 107 31  |
| 27                                                     | "  | C    | 500     | " 25    | "  | J. F. & McMe        | 70 09   |
| 31                                                     | "  | C    | 1421    | " 25    | "  | J. Q. Norris        | 129 59  |
|                                                        |    |      | 1489 46 | " 27    | "  | Int                 | 9 17    |
|                                                        |    |      |         | May 28  | "  | check J. Q. Norris  | 46 45   |
|                                                        |    |      |         | " "     | "  | "                   | 18 85   |
|                                                        |    |      |         | " 31    | "  | "                   | 262 07  |
|                                                        |    |      |         |         |    | Ball                | 43 35   |
|                                                        |    |      |         |         |    |                     | 353 23  |
|                                                        |    |      |         |         |    |                     | 1489 46 |
| June                                                   | To | Ball | 352 23  | June 21 | By | Peter & Adams       | 24 20   |
| 3                                                      | "  | C    | 88      | " 3     | "  | Shepman & Gooding   | 29 50   |
| 21                                                     | "  | C    | 145 53  | " 4     | "  | Hawks               | 110 00  |
| 8                                                      | "  | C    | 318 22  | " "     | "  | Bright Co           | 50 00   |
| 13                                                     | "  | C    | 275     | " 11    | "  | Stockwell           | 52 88   |
| 18                                                     | "  | C    | 160 60  | " "     | "  | Hetherick           | 90 00   |
| 27                                                     | "  | C    | 290     | " 13    | "  | C Adams             | 20 00   |
| 27                                                     | "  | C    | 299 60  | " "     | "  | our note            | 300 00  |
|                                                        |    |      |         | " 14    | "  | Pughy Paper         | 7 00    |
|                                                        |    |      |         | " 17    | "  | Buttards            | 61 29   |



Bal

|         |         |                  |        |
|---------|---------|------------------|--------|
| 167 44  | Jan 18  | Guglies & Co Opt | 20 00  |
| " 25    | " 25    | S. Klein         | 100 00 |
| " 23    | " 23    | Guglies Opt      | 50 00  |
| " 24    | " 24    | " "              | 100 00 |
| " 14    | " 14    | " "              | 22 82  |
| 27      | " 27    | " "              | 1000   |
| June 29 | June 29 | " "              | 80     |

2097 64

2097 64

|        |    |   |         |        |                       |         |
|--------|----|---|---------|--------|-----------------------|---------|
| July 1 | To | C | 145     | July 1 | By Cash               | 167 44  |
| 25     |    | C | 195     | " 7    | " J. A. Mills         | 67 05   |
| 9      |    | C | 296 76  | " 2    | " Gordon & Sellers    | 43 50   |
| 12     |    | C | 130 30  | " 4    | " Storbar             | 25 00   |
| 14     |    | C | 175     | " 8    | " Shipman & Gorringe  | 38 60   |
| 16     |    | C | 215     | " 9    | " W. B. Dodge         | 50 00   |
| 18     |    | C | 189 17  | " 12   | " Stevens & Morris Co | 102 53  |
| 23     |    | C | 140     | " 15   | " Guglies & Co Opt    | 163 50  |
| 26     |    | C | 296 50  | " 21   | " Pears & Adams       | 18 70   |
|        |    |   |         | " 23   | " Guglies & Co Opt    | 100 00  |
|        |    |   |         | " 26   | " W. H. Wright Co     | 200 00  |
|        |    |   |         |        | Bal                   | 806 35  |
|        |    |   | 1782 73 |        |                       | 1782 73 |

|       |            |        |       |                     |        |
|-------|------------|--------|-------|---------------------|--------|
| Aug 1 | To Balance | 806 35 | Aug 1 | Guglies Opt         | 50 00  |
| 3     | C          | 80     | " 2   | Hubbard             | 100 00 |
| 9     | C          | 297 25 | " 3   |                     | 161 25 |
| 13    | C          | 175    | " 4   | Coel & Fellers      | 100 00 |
| 26    | C          | 65 44  | " 5   | Stevens & Morris Co | 149 22 |
|       | Bal        | 247 43 | " 6   | Guglies Opt         | 35 25  |
|       |            |        | " 8   | Mt C                | 10 75  |
|       |            |        | " "   | Guglies & Co        | 100 00 |
|       |            |        | " 9   | J. A. Mills         | 400 00 |
|       |            |        | " 12  | W. H. Wright        | 130 00 |



|   |    |                                     |        |
|---|----|-------------------------------------|--------|
| " | 13 | Shipman & Goodridge                 | 39 95  |
| " | 16 | Gugler & Co                         | 60 00  |
| " | 20 | "                                   | 100 00 |
| " | 1  | "                                   | 60 89  |
| " | 3  | "                                   | 42 32  |
| " | 26 | " 22 <sup>80</sup> 21 <sup>94</sup> | 44 84  |
| " | 30 | "                                   | 75     |
| " | 29 | "                                   | 121    |

1671 47

1671 47

|        |      |        |        |                  |         |
|--------|------|--------|--------|------------------|---------|
| Sept 1 | To C | 126    | Sept 1 | By Balance       | 247 43  |
| 7      | C    | 196 74 | " 7    | Bickford & Co    | 252 75  |
| 12     | C    | 279 84 | " 9    | Benedict & Gault | 19 00   |
| 20     | C    | 181    | " 10   | C. D. Bickford   | 100 00  |
| 28     | C    | 990 83 | " 12   | Our Dft          | 25 00   |
|        | Ball | 12 28  | " 20   | " notes          | 1004 26 |
|        |      |        | " 29   | Capt Bell        | 37 50   |
|        |      |        | " 23   | Gugler & Co Dft  | 50 00   |
|        |      |        | "      | Bell Dft         | 58 25   |

1786 89

1786 89

|       |         |        |       |                    |       |
|-------|---------|--------|-------|--------------------|-------|
| Oct 3 | To Cash | 172    | Oct 1 | Balance            | 12 28 |
| 5     | C       | 301 32 | " 3   | check Bell         | 43 00 |
| 8     | C       | 175    | " 4   | " S & Goodridge    | 39 05 |
| 14    | C       | 197 42 | " 5   | " Stevers & Morris | 96 32 |
| 19    | C       | 84 08  | " 6   | " Capt Bell        | 50 00 |
| 20    | C       | 125    | "     | " Ed Hall          | 45 00 |
| 22    | C       | 134    | " 11  | " G P Millar       | 43 50 |
| 25    | C       | 140    | " 15  | " Stafford         | 25 00 |
| 29    | C       | 115    | " 12  | " Wheat.           | 26 67 |
|       |         |        | " 13  | " Pitkin           | 35 22 |
|       |         |        | " 21  | " Capt Bell        | 36 75 |
|       |         |        | "     | " Wheeler          | 50 00 |
|       |         |        | "     | "                  | 26 76 |



|      |               |        |
|------|---------------|--------|
| " 22 | Pork          | 697    |
| " "  | C O Beckford  | 919    |
| " 25 | Pork          | 37 35  |
| " 25 | "             | 16 76  |
| " "  | Lugle Co      | 150 00 |
| " 24 | Beck for corn | 69 47  |
| " 27 | "             | 23 75  |
| " 28 | "             | 11 56  |
| " 6  | "             | 31 07  |
| 29   |               | 25 95  |
| "    |               | 15 48  |
| 31   |               | 420 04 |
|      | Ball          | 94 60  |

1443 821

1443 822

|       |            |         |       |                                |         |
|-------|------------|---------|-------|--------------------------------|---------|
| Nov 1 | To Balance | 94 60   | Nov 3 | By CK                          | 150     |
| 3     | Cash       | 400     | 4     | 18 20 16                       | 38 16   |
| 8     | C          | 153 86  | 5     | 64 95 31 64                    | 86 59   |
| 9     | C          | 140     | 8     | 15 80 24 06                    | 39 86   |
| 7     | C          | 245     | 9     | 27 22 17 45                    | 44 67   |
| 15    | C          | 693 58  | 10    | 67 23 30 46                    | 97 69   |
| 19    | C          | 347     | 11    |                                | 33 39   |
| 25    | C          | 145     | 15    | 80 81 13 81 618 63 8 64        | 649 16  |
| 29    | C          | 170     | 16    | 41 07 59 17 85 17 53 73 52     | 158 72  |
| 29    | C          | 1783 48 | 17    | 30 90 32                       | 62 90   |
|       | Ball       | 105 67  | 18    | 24 12 32 31 85 16 66           | 85 49   |
|       |            |         | 19    | 40 56 80 68 25 04              | 210 60  |
|       |            |         | 22    |                                | 42 61   |
|       |            |         | 23    | 29 36 07 26 52                 | 91 89   |
|       |            |         | 25    | 80 52 106 48 45 32             | 232 32  |
|       |            |         | 26    | 14 33 31 72 30 7               | 77 12   |
|       |            |         | 29    | 268 31 1010 368 69 20 80 26 51 | 1811 92 |
|       |            |         | 30    | 48 56 32 80 20 60 70 07 24 52  | 395 11  |
|       |            |         | "     | 40 62 29                       | 69 69   |
|       |            |         |       |                                | 4278.19 |

4278.19

4278.19



|         |            |         |        |                                                                     |         |
|---------|------------|---------|--------|---------------------------------------------------------------------|---------|
| Dec 1   | To Cash    | 145     | Dec 1  | By Bal                                                              | 105 67  |
| 6       | C          | 22 48   | 3      | CK 23 <sup>04</sup> 20 <sup>12</sup>                                | 43 11   |
| Dec 6   | Dr C       |         | Dec 6  | By CK 50.39 <sup>26</sup> 22 <sup>45</sup> 50                       | 161 71  |
|         |            |         | 7      | 24 <sup>38</sup> 22 <sup>88</sup> 69 <sup>22</sup>                  | 116 49  |
|         |            |         | 8      | 14 <sup>35</sup> 49 <sup>16</sup> 32 <sup>76</sup> 68 <sup>80</sup> | 165 10  |
|         |            |         | 9      |                                                                     | 75      |
|         |            |         | 24     |                                                                     | 6 50    |
|         |            |         | 28     |                                                                     | 14 17   |
|         |            |         | 31     | 17 <i>Seven</i><br><i>months</i><br>Bal                             | 21 25   |
| 1860    |            | 970 30  |        |                                                                     | 261 30  |
|         |            |         |        |                                                                     | 970 30  |
| Jan 1   | To Balance | 261 30  | Jan 9  | By CK 50 <sup>50</sup> 7 <sup>50</sup>                              | 510 00  |
| 7       | C          | 152 36  | 12     |                                                                     | 100     |
| 13      | C          | 248     | 18     |                                                                     | 20      |
| 18      | C          | 153 64  | 28     | 1005.6 <sup>50</sup> 7 <sup>50</sup>                                | 1019    |
| 28      | C          | 125 3   | 30     | 103 <sup>68</sup> 12                                                | 115 68  |
| "       | C          | 100     | 31     | <i>Jan</i> <i>months</i>                                            | 50 21   |
|         |            |         |        | Bal                                                                 | 353 41  |
|         |            | 2168 30 |        |                                                                     | 2168 30 |
| July 1  | To Balance | 353 41  | July 1 | By CK 99 <sup>38</sup> 75                                           | 174 38  |
| "       | C          | 170     | 9      |                                                                     | 102 50  |
| 2       | C          | 106     | 15     |                                                                     | 225     |
| 9       | C          | 200     | 16     |                                                                     | 60      |
| 15      | C          | 161     |        |                                                                     |         |
| July 26 | By Cash    | 134 50  | 20     |                                                                     | 245 26  |
| "       | "          | 139 25  |        | Bal                                                                 | 457 02  |
|         |            | 1264 16 |        |                                                                     | 1264 16 |
| Mar 1   | To Bal     | 457 02  | Mar 1  | Bill Opt                                                            | 103 27  |
| 7       | C          | 123 68  | " 10   | Engle Opt                                                           | 50      |
| 10      | C          | 125     | " 12   | note                                                                | 704 47  |
| 12      | C          | 304 50  | " 21   | Link for Bull                                                       | 165 00  |
| 13      | C          | 220     | " 22   | our notes                                                           | 804 88  |
| 10      | C          | 130     | " "    | CK Engle                                                            | 75 00   |



|    |    |   |         |   |      |         |
|----|----|---|---------|---|------|---------|
| 37 | 19 | C | 228 40  | " | Kirk | 50      |
|    | 22 | C | 580     |   | Bal  | 698 98  |
|    | 26 | C | 134     |   |      |         |
|    | 27 | C | 180     |   |      |         |
|    | 31 | C | 149     |   |      |         |
|    |    |   | 2651 60 |   |      | 2651 60 |

|       |    |            |         |         |                   |         |
|-------|----|------------|---------|---------|-------------------|---------|
| April | 2  | To Balance | 698 98  | April 1 | Stafford          | 71 62   |
|       | 5  | C          | 159 57  | april 4 | Kirk              | 39 50   |
|       | 12 | C          | 110     | " 7     | Cheek Hills       | 50 00   |
| 1860  |    |            |         | " 12    | Guyles Off        | 50 00   |
| April | 20 | C          | 218 20  | " 20    | Parr's Sausage Co | 319 23  |
|       | 21 | C          | 160     | " 22    | Guyles Co         | 155 00  |
|       | 30 | C          | 280     | " 24    | Guyles Off        | 114 90  |
|       |    |            | 1576 75 |         | Cary              | 40 00   |
|       |    |            |         |         | Bal               | 214 75  |
|       |    |            |         |         |                   | 1576 75 |

|     |    |            |         |    |                    |         |
|-----|----|------------|---------|----|--------------------|---------|
| May | 1  | To Balance | 714 75  | 1  | Sunday & Soutworth | 7 31    |
| "   |    | C          | 140 20  | 1  | Wright Co          | 20 00   |
| "   | 4  | C          | 125     | 1  | 3rd Charlery       | 20 54   |
|     | 22 | C          | 263 45  | 7  | M J Brown          | 629 34  |
|     |    |            |         | 5  | Guyles Off         | 50 00   |
|     |    |            |         | 8  | Baliler Co         | 31 10   |
|     |    |            |         | 10 | Imuck              | 50 00   |
|     |    |            |         | 22 | Parr's Sausage Co  | 175 93  |
|     |    |            |         | "  | 1st St. & Parked   | 113 29  |
|     |    |            |         |    | Bal                | 148 29  |
|     |    |            | 1246 40 |    |                    | 1246 40 |

|      |    |            |        |        |               |        |
|------|----|------------|--------|--------|---------------|--------|
| 1860 |    |            |        | 1860   |               |        |
| June | 1  | To Balance | 148 29 | June 2 | By CK         | 11 45  |
|      | 5  | C          | 145    | " 7    | " Check Betty | 98 00  |
|      | 7  | C          | 628 20 | " 12   | " Guyles Off  | 100 00 |
|      | 9  | C          | 219    | " 14   |               | 7 00   |
|      | 14 | C          | 162    | " 15   | G. E. Plaid   | 330 32 |
|      | 21 | C          | 200    | " 20   | Capt Bell     | 50 00  |



|    |   |         |      |        |         |
|----|---|---------|------|--------|---------|
| 27 | C | 258 25  | " 28 | Wright | 46 00   |
|    |   |         |      | Bal    | 1111 97 |
|    |   | 1760 74 |      |        | 1760 74 |

|        |            |         |         |                  |         |
|--------|------------|---------|---------|------------------|---------|
| July 1 | To Balance | 1111 97 | July 6  | Guy's Off        | 50 00   |
| 2      | C          | 175     | " 7     | Capt. Bell       | 20 00   |
| 6      | C          | 270 72  | " 10    | Jos Charles      | 50 00   |
| 10     | C          | 300     | " 12    | CR Stiles & Sons | 50 00   |
| 23     | C          | 307 68  | " 13    | Whipple          | 10 00   |
|        |            |         | " 14    | Guy's Off.       | 240 09  |
|        |            |         | " 19    | " "              | 379 20  |
|        |            |         | 21      | Brown            | 53 51   |
|        |            |         | 26      | Collins Co       | 81 25   |
|        |            |         | 28      | Jos Charles      | 25 00   |
|        |            |         | "       | W Smith          | 25 00   |
|        |            |         | "       | A. Frobridge     | 50 00   |
|        |            |         | " 31    | Guy's Off        | 314 58  |
|        |            |         | 1860    |                  |         |
|        |            |         | July 14 | By CR            | 50 00   |
|        |            |         |         | Bal              | 766 74  |
|        |            | 2165 37 |         |                  | 2165 37 |

|       |            |         |       |                 |         |
|-------|------------|---------|-------|-----------------|---------|
| Aug 1 | To Balance | 766 74  | Aug 3 | Check Frobridge | 150 00  |
| 14    | C          | 212     | " "   | " W Smith       | 150 00  |
| 23    | C          | 115     | " 7   | " Frobridge     | 658 00  |
| 28    | C          | 200     | " 14  | "               | 142 06  |
|       | Bal        | 255 51  | " 17  | " W. E. Smith   | 175 00  |
|       |            |         | " 20  | " Bishop        | 71 98   |
|       |            |         | " 28  | " Guy's Off.    | 100 00  |
|       |            |         | " 29  | " Helcher       | 50 00   |
|       |            |         | " "   | " Sherman       | 52 21   |
|       |            | 1549 25 |       |                 | 1549 25 |



|        |           |             |        |                  |                |
|--------|-----------|-------------|--------|------------------|----------------|
| Sept 1 | To Cash   | 180         | Sept 1 | By Balance       | 255 57         |
| 8      | C         | 225         | 7      | Guylo Off        | 100            |
| 13     | C         | 305         | " 8    | " Nelson Whipple | 64 10          |
| 17     | C         | 258         | " 10   | " W Smith        | 100 00         |
| 15     | Sunderlin | 165         | " 13   | " Guylo Off      | 200 00         |
| 20     | C         | 340         | " 17   | " Off Guylo      | 338 84         |
| 26     | C         | 350         | 19     |                  | 49             |
| 29     | C         | 577         |        | Ball             | 1232 55        |
|        |           | <u>2340</u> |        |                  | <u>2340 60</u> |

|       |                      |                |       |                    |                |
|-------|----------------------|----------------|-------|--------------------|----------------|
| 1860  |                      |                | 1860  |                    |                |
| Oct 1 | To Balance           | 1232 55        | Oct 4 | Check Guylo Co     | 125 00         |
| 4     | C                    | 390            | " 6   | Chas Pratt & Mills | 146 50         |
| 9     | C                    | 361            | " 9   | Wm's Sawyer Co     | 415 47         |
| 9     | C <sup>W.S. 33</sup> | 195            | " 15  | Summers Co         | 1012 54        |
| 11    | C <sup>137</sup>     | 170            | " 16  | W H Wright         | 21 25          |
| 10    | C                    | 280            | " 22  | Sadler & Thompson  | 285 92         |
| 16    | C                    | 242 26         | " 27  | E Stubbard         | 260 00         |
| 20    | C                    | 353 80         |       | Ball               | 1817 25        |
| 13    | Sunderlin            | 22             |       |                    |                |
| 18    | Sunderlin            | 50             |       |                    |                |
| 24    | C                    | 300            |       |                    |                |
| 26    | C                    | 275            |       |                    |                |
| 31    | C                    | 175            |       |                    |                |
| 27    | Sunderlin            | 40 32          |       |                    |                |
|       |                      | <u>4086 93</u> |       |                    | <u>4086 93</u> |

|       |            |         |                      |                       |        |
|-------|------------|---------|----------------------|-----------------------|--------|
| Nov 1 | To Balance | 1817 25 | Nov 1                | By CK                 | 129 44 |
| 9     | C          | 250     | 3                    | By CK                 | 500    |
| 15    | C          | 225     | " 12                 | " " H E Sunderlin     | 92 00  |
| 20    | C          | 223     | " 12                 | Hawkes                | 100 00 |
| 21    | C          | 58      | " " 43 <sup>32</sup> | 100, 28 <sup>36</sup> | 71 68  |
| 22    | C          | 108     | " 15                 | Bickford              | 51 47  |
| 23    | C          | 143     | " 16                 | Edie's                | 17 64  |
| 24    | C          | 68      | Nov 21               | steel                 | 13 56  |
| 28    | C          | 122 25  | " "                  | 200                   | 51 00  |
|       |            |         | " "                  | Dunning               | 37 12  |
|       |            |         | " "                  | Compton               | 17 70  |
|       |            |         | " "                  | Adams                 | 48 90  |
|       |            |         | " "                  | Miller                | 23 48  |
|       |            |         | " "                  | "                     | 38 08  |
|       |            |         | " "                  | Hosley                | 54     |
|       |            |         | " "                  | Shing                 | 17     |
|       |            |         | " "                  | Bilbott               | 16     |
|       |            |         | " "                  | Ferry                 | 71 73  |



|       |               |         |
|-------|---------------|---------|
| 1840  |               | 3014 50 |
| Que 1 | To Baln Ill.  | 524 20  |
| 12    | C Lll BK note | 333 56  |
| 14    | do            | 1000    |
| "     | do            | 34 79   |
| 17    | do            | 117 82  |
| 18    | do            | 214 61  |
| 19    | do            | 1000    |
| 22    | do            | 105 83  |
| 28    | do            | 327 61  |
| "     | do            | 130 77  |
| "     | do            | 500 00  |
|       |               | 4309 19 |

|      |                                                                                   |         |
|------|-----------------------------------------------------------------------------------|---------|
| 22   | 57 <sup>6</sup> 14.29 <sup>38</sup> 50.134 19.50                                  | 349 99  |
| "    |                                                                                   | 214     |
| 23   | 19 <sup>86</sup> 18.67 <sup>69</sup>                                              | 105 85  |
| 24   | 51 <sup>52</sup> 35 20                                                            | 86 77   |
| 26   |                                                                                   | 22 74   |
| "    |                                                                                   | 33 51   |
| 27   | 12 <sup>10</sup> 28 <sup>54</sup> 26                                              | 66 64   |
| 28   | 12 <sup>0</sup> 32 <sup>50</sup> 13 <sup>4</sup> 39.44 23.21 <sup>35</sup> 231 91 |         |
| "    | 41 <sup>80</sup> 30 33 13 37                                                      | 57 70   |
| "    |                                                                                   | 85 83   |
| 30   |                                                                                   | 40 15   |
|      | July under Bal                                                                    | 524 20  |
| 1840 |                                                                                   | 3014 50 |
| Dec  | John Huns check                                                                   | 15 00   |
| "    |                                                                                   | 14 40   |
| 6    |                                                                                   | 60      |
| 7    |                                                                                   | 20      |
| 8    |                                                                                   | 125     |
| 11   | 302.30.60.44 68                                                                   | 504     |
| 12   | 30 <sup>86</sup> 68.22.33                                                         | 153 96  |
| 13   | 12.17.47.57.33                                                                    | 166     |
| "    |                                                                                   | 32      |
| 14   | 37.357 <sup>51</sup>                                                              | 394 81  |
| 15   | 23.55. 32 <sup>66</sup>                                                           | 110 66  |
| "    |                                                                                   | 106     |
| 17   | 47 <sup>85</sup> 76                                                               | 123 85  |
| 18   | 34.42.53.21.22.61                                                                 | 233     |
| "    | 161. 47                                                                           | 208     |
| 19   |                                                                                   | 64      |
| "    |                                                                                   | 74      |
| 20   |                                                                                   | 75      |
| "    |                                                                                   | 95      |
| "    |                                                                                   | 79      |
| "    |                                                                                   | 56      |
| 21   |                                                                                   | 76 86   |
| 22   | 32.43.29.53.27.14.81.20 <sup>30</sup>                                             | 329     |
| 24   |                                                                                   | 60      |
| 27   | 18.34.29.31.89.52.21.30.20.30                                                     | 354     |
| 28   | 30.117.53.64 <sup>35</sup>                                                        | 264 35  |
| "    |                                                                                   | 150     |
| 29   |                                                                                   | 35      |
|      | Bal                                                                               | 327 30  |
|      |                                                                                   | 4309 19 |



| July 1 |   | 226 06  | July 1 17 cks. 13 <sup>30</sup> 11. 42 |                                   | 66 30   |
|--------|---|---------|----------------------------------------|-----------------------------------|---------|
| 5      | C | 362     | 4                                      | 83.52 <sup>65</sup> 80.           | 132 66  |
| 8      | C | 825     | 5                                      | 125 <sup>83</sup> 27.25.41.40. 93 | 351 83  |
| 13     | C | 100     | 6                                      | 44. 29. 21                        | 94      |
| 20     | C | 100     | 9                                      |                                   | 56      |
| 26     | C | 73      | 12                                     |                                   | 103     |
|        |   |         | 13                                     | 12. 111. 10                       | 54 39   |
|        |   |         | 15                                     | 20. 25                            | 133     |
|        |   |         | 16                                     |                                   | 45      |
|        |   |         | 19                                     |                                   | 48      |
|        |   |         | 21                                     | 28 <sup>55</sup> 20               | 30 74   |
|        |   |         | 28                                     |                                   | 43 55   |
|        |   |         |                                        |                                   | 45      |
|        |   |         |                                        | Bal                               | 362 59  |
|        |   | 1586 06 |                                        |                                   | 1586 06 |



|        |        |         |          |                       |                           |         |
|--------|--------|---------|----------|-----------------------|---------------------------|---------|
|        |        |         |          | 29                    | Julius Church & Armstrong | 104 99  |
|        |        |         |          |                       | Bal                       | 4570 86 |
|        |        | 6201 65 |          |                       |                           | 6201 65 |
| 1      | To Bal | 4570 86 | April 1  | By CK                 | 4000                      |         |
| 6      | c      | 23      |          | Church Bill           | 15                        |         |
| 16     | c      | 100     | " 11     | D.H.T.P.S             | 40 00                     |         |
| 16     | c      | 50      | " "      | Mc + K.               | 20 00                     |         |
| 25     | c      | 35      | " 12     | Clark                 | 35 80                     |         |
|        |        |         | " 13     | Edwards               | 32 00                     |         |
|        |        |         | " 24     | Nar for Kirk          | 7 00                      |         |
|        |        |         | 1561     |                       |                           |         |
|        |        |         | April 11 | By CK                 | 20                        |         |
|        |        |         | 23       |                       | 25                        |         |
|        |        |         | "        |                       | 16 76                     |         |
|        |        |         | 24       |                       | 10                        |         |
|        |        |         | 29       |                       | 10                        |         |
|        |        |         |          | Bal                   | 547 30                    |         |
|        |        | 4778 86 |          |                       |                           | 4778 86 |
| May 1  | To Bal | 547 30  | May 3    | Budget                | 100 00                    |         |
|        |        |         | 8        | Trunking              | 30 00                     |         |
| 2      | c "    | 58 70   | 11       | Budgets Dpt.          | 100 00                    |         |
| 7      | c "    | 78      | 13       | Sam Sawyer & Co       | 39 72                     |         |
| 11     | c "    | 60      | 14       | Budgets Dpt.          | 18 00                     |         |
| 14     | c "    | 70      |          | Hicks & Bond          | 8                         |         |
| 11     | c "    | 48 60   | 24       | Budgets Dpt.          | 130 75                    |         |
| 16     | c "    | 150     | 29       | Mills & Kirk          | 48 60                     |         |
| 17     | c "    | 74 70   | 28       | Chas K                | 66                        |         |
|        |        |         |          | Bal                   | 526 23                    |         |
|        |        | 1087 30 |          |                       |                           | 1087 30 |
| June 1 | To Bal | 526 23  | June 11  | Mills & Kirk 201 corn | 300 00                    |         |
|        |        |         |          | Blodgett              | 13 67                     |         |
|        |        |         |          | Bull                  | 15 85                     |         |
|        |        |         | July 5   | Gordon                | 52 03                     |         |
|        |        |         | "        | CK selves             | 144 68                    |         |
|        |        | 526 23  |          |                       |                           | 526 23  |

Julius Church

Julius Church



" The foregoing is all the evidence which was introduced  
 " in said cause, and the court having found for the  
 " Plaintiff & assessed his damages at the sum of Three  
 " Thousand and Two dollars & ninety Four cents the defendant  
 " then & there made by counsel its motion for a new trial  
 " and filed the same in in the words & figures  
 " following to wit:

" John T. Wells

In Lake County Circuit Court.

" J. T. Wells

Sept term, 1861

" The Bank of Northern Illinois vs. Assumpsit.

" The Defendant moves for a new trial  
 " in this cause for the following causes.  
 " 1. That the finding of the <sup>court</sup> ~~jury~~ is contrary to law and the evidence  
 " 2. That the damages assessed by the court are excessive  
 " 3. That the court erroneously ruled ~~and~~ against defendant's  
 " objection admitted in evidence the certificate of deposit  
 " payable to Hicks

" Upton & Frazer Attys

" which motion the court thereupon overruled. to which  
 " opinion of the court the defendant by counsel at the  
 " time excepted. And the defendant prays that thus  
 " its bill of exceptions may be sealed by the court.  
 " which is done

" George Manierre *E. L. S.*  
 " Judge of 7<sup>th</sup> Judicial Circuit Illinois



State of Illinois  
Lake County

I, Josiah W. Truesdell Clerk of the Circuit Court in and for said County in the State aforesaid do hereby certify that the foregoing transcript is a true copy of the papers filed and proceedings had in said Court in the above entitled cause as will appear from the records in this office

W. Truesdell Clerk

Transcript & Seal

1862

In Testimony whereof I have hereunto set my hand and affixed the seal of said Court at New York this 9 day of April. A.D. 1862.

J. W. Truesdell  
Clerk

The Bank of Northern Illinois  
vs  
Plff in Error

John A. Mills deft in error

In Sup Ct. Ills. 3rd G. D.

Error to Lake

The ~~Bank~~ in error

- was that there is manifest error in said judgment & proceedings of the Lake County Circuit Court in this Court
- 1 That said Court erred in ~~receiving in evidence~~ sustaining said demand to said third plea
  - 2 That said Court erred in sustaining said demand to said sixth plea
  - 3 That said Court erred in admitting in evidence said certificate of deposit
  - 4 That said Court erred in refusing to receive in evidence said certificate of said Bank's intention to withdraw its notes from circulation
  - 5 That said Court erred in overruling said motion for a new trial
- H. Water. (clerk) & W. H. Water. (attor)

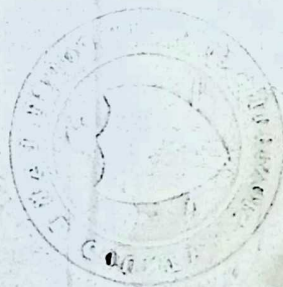


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Bank of America  
is  
John A. Mills  
left in error.

21

1536



Filed Apr. 23. 1862  
L. Seland  
C.H.

1864

