

13873

No. _____

Supreme Court of Illinois

Dodge

vs.

Chicago ^{St.} ~~St.~~ Paul & Fond du Lac
R. R. Co.

Tuesday October 20. A.D. 1857
United States of America

State of Illinois }
McHenry County } ss. Pleas before the Hono-
-able Isaac G. Wilson Judge of the thirteenth
Judicial Circuit of the State of Illinois and
presiding Judge of the McHenry Circuit
Court at a Circuit Court begun and holden
at Woodstock in said County on Tuesday the
twentieth day of October A.D. 1857 in the
year of our Lord one thousand eight hundred and
fifty seven.

Present. Hon. Isaac G. Wilson
Judge
Attest G. W. Kaper C.M. John Eddy Sheriff

And herefore to wit, on the 21st day of Septe-
-mber A.D. 1857 a summons was issued by
the Clerk of said Court under the seal thereof
which said summons was in the words
& figures following to wit.

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

We command you that you
summon the Chicago St. P. & N. W. & Sag
Rail Road Company if they shall be
found in your county personally to be
and appear before the Circuit Court of said
County on the first day of the next Term
thereof to be holden at the Court House in
Woodstock in said County on the 20th day
of October next to answer unto David Dodge
in a plea of trespass to the damage of
said Plaintiff as he says in the sum of
Five hundred dollars. And have you

then and then this writ, with an endorsement
thereon as to the manner in which you execute
the same.

Witness George T. Kaffon Clerk of our
said Court and the Seal thereof at
Seal. Woodstock in said County this
21st. day of Septem^r. A.D. 1854
G. T. Kaffon Clerk

(Endorsed)

The President of the within named
defendant not found in my County & is not a
resident of my County. Served the within
Summons by reading to and within hearing
of Peter Wager Station Agent at Woodstock
of the Chicago St Paul & Nord du Lac R.R. Company
and also by delivering into his possession
a copy of this writ of Summons, Fees. law 50
mil s. Put w. \$, 65 John Eddy Sheriff

Filed Sept. 21st. 1854

G. T. Kaffon Clerk.

And thereafter to wit on the 10th day of October
A.D. 1854 the Plaintiff in this suit filed in the
Office of the Clerk of said Court his Narration
which said Narration is in words & figures
as follows to wit:

McHenry Circuit Court
Of the October Term A.D. 1854

State of Illinois }
McHenry County }

David Dodge Plaintiff
in this suit by L. S. Church his Attorney
complaining of the Chicago, St Paul and Nord
Du Lac. Rail Road Company an incorporated
Company duly incorporated under and by
order of the Laws of this State 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
1st day of September in the year of our
Lord one thousand eight hundred and fifty
seven at Woodstock to wit in said County
of McHenry became and was indebted unto
the Plaintiff in a large sum of money to wit
three hundred Dollars for money before that
time lent and advanced to and paid laid
out and expended for said Defendant by
said Plaintiff at said Defendant's request
and for money before that time had and
received by said Defendant to and for the use
of said Plaintiff; and also in like sum for
goods, wares and merchandise before
that time sold and delivered by said Plaintiff
to said Defendant at like special instance and
request; and also in like sum for the labor
care and diligences of said Plaintiff before
that time done and performed by said Plaintiff
for said Defendant and at the like instance
and request of said Defendant and also in
like sum then and there ~~owing~~ found due
and owing said Plaintiff on an account
stated between them and being so indebted
said Defendant in consideration thereof
then and there undertook and promised
to pay said Plaintiff said last mentioned
sum of money, when thereunto afterwards
requested.

Yet the said Defendant not regarding
the said promises and undertakings but
contrary &c. although often requested so to do
has not paid said Plaintiff either of said
sums of money above mentioned, or any
part thereof but so to do has hitherto
wholly neglected and refused and still does

having been submitted to the Court and the Court being fully advised thereon assessed the same at the sum of Two hundred nineteen dollars and forty five cents. It is therefore ordered and considered that the Plaintiff have and recover of the Defendant, the sum of two hundred nineteen Dollars and forty five cents Damages so assessed as also his costs and charges herein expended and that he have Execution therefor.

David Dodge

¹⁴
Chic. St. P. & N. W. R.R. Co

Trespass.

And now come the Defendants by Jaslyn their Attorney and pray and appeal herein to the Supreme Court of the State of Illinois which is granted upon the condition that the said Defendant enter into bonds conditioned according to Law in the sum of four Hundred Dollars within thirty days from this date before the Clerk of this Court with Henry Smith of Chicago as Surety.

And thereafter to wit on the 18th. Day of November, A.D. 1854 the Plaintiff Defendants filed in the Office of the Clerk of the Circuit Court of said County an "Appeal Bond" which said Bond is in the words & figures following that is to say:

Now all men by these presents that we the Chicago St Paul and Nord du Lac Rail Road Company as principal and Henry Smith of Chicago the City of Chicago

in the County of Cook and State of Illinois
as surety are held and firmly bound
unto David Dodge in the penal sum of
four hundred Dollars lawful money of
for the payment of which well and truly
to be made we bind ourselves, our successors
assigns executors and administrators jointly
severally and firmly by these presents

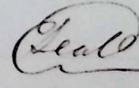
Witness the corporate seal of said
Rail Road Company attested by H. B.
Ogden its President and the hand and seal
of said Henry Smith this sixteenth day
of November A.D. 1857.

The condition of the above obligation is
such that whereas the above named David
Dodge did at the October Term of the
Circuit Court in and for the County of
McHenry and State of Illinois for the year
1857 recover a judgement in said Court against
the above named "The Chicago St Paul and
Du Lac Rail Road Company" for the sum of
Two hundred & nineteen ⁴⁵/₁₀₀ Dollars damages
together with his costs in that behalf
expended from said judgement said "The Chicago
St Paul & Du Lac Rail Road Company" has
prayed an appeal to the Supreme Court of said
State. Now if said "The Chicago St. Paul
and Du Lac Rail Road Company" shall duly
present its said appeal, and shall well
and truly pay or cause to be paid the said judgement
interest cost and damages in case said judgement
shall be affirmed then the above obligation shall
cease otherwise & remain in full force

Attest

H. B. Ogden
Pres. C. St. P. & D. R. R. Co. 

In presence of
H. W. Blodgett.

Henry Smith 

(Endorsed) Filed Nov 18. 1857 Geo. T. Kesson Clerk

State of Illinois }
McHenry County }
I George T. Kaffron
Clerk of the Circuit Court
in & for the said County in the State aforesaid
do hereby certify that the above and
foregoing is a true and complete copy of
the Record of this Court in the above
entitled Cause

In Witness whereof I have hereunto
set my hand and affixed the
Seal of said Court, this 13th
day of April A.D. 1858.
Geo. T. Kaffron Ck.

McHenry Co. Court Ct.

365

David Dodge

Chic. St. P. & N. W. R.R. Co.

13873

Filed May 19. 1858
L. Leland
Clk.

paid 219.40
Dep 10.97

Proceeds

ind.

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