

No. 13739

Supreme Court of Illinois

People

vs.

Highland et al

STATE OF ILLINOIS—SUPREME COURT, } SS.
SECOND GRAND DIVISION,

Of the January Term thereof, A. D. 1862,

The People of the State of Illinois

To the Sheriff of Sangamon County—Greeting:

Whereas the People of the State of Illinois, at the January term of said Court, A. D. 1860, exhibited in and to said Court their declaration and writ of summons against

Abram Highland, W. L. Funkhouser, Thomas E. Stoddard, Richard Stoddard, J. H. Johnson, William Ricketts and Robert A. Miller,

in the custody, &c., in an action of debt, and which said declaration is in the words and figures following, to-wit:

For that heretofore, to-wit: on the _____ day of _____, A.D. 18____,
at the County of _____, and State aforesaid, the said
Collector, and

securities, all of the County of _____, and State aforesaid, then and there made and executed their certain writing obligatory, and then and there signed the same with their hands and sealed the same with their seals, and which said writing obligatory bears date the day and year last aforesaid, and which said writing obligatory being so signed and sealed as aforesaid, they, the said defendants, then and there delivered to said plaintiffs, and by which said writing obligatory the said defendants, and each of them, acknowledged themselves to owe and be indebted to the people of the State of Illinois in the penal sum of _____ thousand
hundred and _____ dollars and _____ cents,
and which said writing obligatory, was, and is upon, and subject to the conditions following, to-wit:

That if the said

shall perform all the duties required to be performed by him, as Collector of the taxes for the year 18____, in the time and manner prescribed by law, and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County or to the

STATE OF ILLINOIS,
Supreme Court } ss.
of the Second Grand
Division thereof

Of the *January* Term thereof, A. D. 1862.

The People of the State of Illinois, the Plaintiffs in this suit, by J. B. WHITE, their attorney, come and complain of

Abram Highland, W. L. Funkhouser, Thomas E. Stoddert, J. H. Johnson, William Ricketts and Robert A. Miller,

The Defendants in this suit, in the custody of a Plea that they Render to said Plaintiffs the sum of fifty-seven thousand seven hundred and thirty seven dollars and eighty cents, lawful Money of the United States.

~~the defendants in this suit, being in the custody, &c., of a plea that they render to the said plaintiffs the sum of~~ ~~thousand~~ ~~hundred and~~

~~dollars and~~ ~~cents~~, which they owe to and unjustly detain from said plaintiffs.

For that whereas heretofore, to-wit: on the *eleventh* day of *December*, A. D. 186*0*, at the County of *Coles* and State aforesaid, the said *Abram Highland* was *then and there the* Collector of the taxes of the County of *Coles*. in the State aforesaid, for the year A. D. 1860, and being then and there the Collector of taxes for said county for said year, it then and there became and was his legal duty, before entering upon the discharge of his duties as such Collector aforesaid, to execute his bond, with good and sufficient securities, conditioned for the faithful performance of all of his duties as such Collector; and the said *Abram Highland collector* as aforesaid in consideration of his said legal duty, then and there afterwards, to-wit: on the same day, at the County of *Coles* and State aforesaid, as the Collector of the taxes of the County of *Coles* for the year A. D. 1860, together with *the said W. L. Funkhouser, the said Thomas E. Stoddert, by his name and style of "R. Stoddert", the said J. H. Johnson, the said William Ricketts, by the name and style of "Wm Ricketts", and the said Robert A. Miller by his name and style of "R. A. Miller"* the other above named Defendants,

as his securities, all of the County of *Coles*, and State aforesaid, then and there made and executed their certain writing obligatory, and then and there signed the same with their hands and sealed the same with their ^{*Respective*} seals, and which said writing obligatory bears date the day and year last aforesaid, and which said writing obligatory is to the Court aforesaid here exhibited and shown, and which said writing obligatory being so signed and sealed aforesaid, they, the said defendants, then and there delivered to said plaintiffs, and by which said writing obligatory the said defendants, and each of them, acknowledged themselves to be held and firmly bound to the People of the State of Illinois in the penal sum of *fifty seven* thousand *seven* hundred and *thirty seven* dollars and *eighty* cents, and which said writing obligatory, was, and is upon, and subject to the conditions following, to-wit:

That if the said *Abram Highland* shall perform all the duties required to be performed by him, as Collector of the taxes for the year 1860, in the time and manner prescribed by law, and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County or to the State, and appertaining to his said office, then the said bond to be void; otherwise to remain in full force.

And which said writing obligatory, being so signed, sealed and delivered, as aforesaid, was then and there attested in due form of law, and was duly approved by the *Board of Supervisors*.

of the said County of *Leas*. *and thereunto was duly recorded* aforesaid, and the said Plaintiffs, by their aforesaid attorney, do aver that the said *Abram Highland* on the day and year last aforesaid, was duly qualified, and entered upon the discharge of the duties of his office as such Collector aforesaid; whereby by which said several premises it then and there became and was his legal duty, among other things, that he, the said *Abram Highland* Collector as aforesaid, should collect and pay over into the State Treasury of the State aforesaid the State taxes which were by law to be collected in, of and from said County of *Leas*. for the year 1860, in the time and manner prescribed by law.

And the said plaintiffs, by their aforesaid attorney, do further aver that the said *Abram Highland* has not and did not perform all the duties required to be performed by him, as such Collector of the taxes of the County of *Leas* for the year 1860, in the time and manner prescribed by law, but that the sum of *twenty eight* thousand *eight* hundred and *eighty eight* dollars and *ninety* cents remain due, unpaid and owing of the taxes for the year 1860, from the County of *Leas* of State taxes, *and belonging to the State of Illinois*

and which was by law to be collected and paid over into the State Treasury of the State of Illinois, by the said *Abram Highland* Collector as aforesaid, on or before the *ten*th day of *July* A. D. 1860, which said day last aforesaid hath long since elapsed. Yet the said *Abram Highland* collector as aforesaid, *although he heretofore took; on the fifteenth day of April A.D. 1861. did collect said sum of money last aforesaid, the said sum being State taxes, as aforesaid and belonging to said State, yet he did not on said tenth day of July A.D. 1861, nor before said day pay nor has he since that day* ~~has not~~ paid the said sum of money last aforesaid over into the State Treasury aforesaid, nor any part thereof, nor to said

Plaintiffs, whereby said writing obligatory became and was forfeited by reason whereof and by reason of said sum of money last aforesaid being and remaining wholly *unpaid*

an action hath accrued to the said Plaintiffs, to demand of and have from said Defendants the sum of money last mentioned ~~and above demanded.~~ *for the same being parcel of the sum of money above demanded*

And also for that whereas heretofore, to-wit: on the *eleventh* day of *December* A. D. 1860, at the County of *Coles*, and State aforesaid, the said *Abram Highland*, was *then and there the* Collector of the taxes of the County of *Coles* for the year ~~AD~~ 1860, and being so then and there Collector of the taxes as aforesaid, it then and there became and was his legal duty, before entering upon the discharge of his duties as such Collector, to execute his bond, with good and sufficient security,

conditioned that said *Abram Highland* shall perform all the duties required to be performed by him, as Collector of taxes for the year 1860, in the time and manner prescribed by law; and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County or to the State, and appertaining to his said office, the said *Abram Highland collector as aforesaid* in consideration of his said legal duty afterwards, to-wit: on the day and year last aforesaid, at the County and State aforesaid, as Collector of the taxes of said County of *Coles* for the year 1860, together with *the said other above named* *Defendants*, *then the said bond to be void otherwise to remain in full force*

as his securities, all of the County of *Coles* and State aforesaid, then and there made and executed their certain ^{other} writing obligatory, and then and there signed the same with their ^{respective} hands and sealed the same with their seals, and which said writing obligatory bears date the day and year last aforesaid, and which said writing obligatory is to said court here exhibited and shown, and which said writing obligatory, being so signed and sealed as aforesaid, they, the said defendants, then and there delivered to said plaintiffs, and which said writing obligatory the said defendants, and each of them, acknowledged themselves to be held and firmly bound to the People of the State of Illinois in the penal sum of *Fifty seven* thousand *seven* hundred and *thirty seven* dollars and *eighty* cents, and which said writing obligatory was and is upon and subject to the conditions and in tenor and effect as follows, to-wit:

KNOW ALL MEN BY THESE PRESENTS, that we *Abram Highland*. Collector, and *W. L. Funkhouser* *Thos E. Stoddard*, *Richard Stoddard*, *J. H. Johnson*, *Wm Ricketts* and *Robert A. Miller*,

securities, all of the County of *Coles* and State of Illinois, are held and firmly bound to the People of the State of Illinois in the penal sum of *Fifty seven thousand, seven hundred and thirty seven Dollars and eighty* cents ~~dollars~~, for the payment of which, well and truly to be made, we bind ourselves, each of us, our heirs, executors and administrators, firmly by these presents. Signed with our hands and sealed with our seals, this *Eleventh* day of *December* 1860.

The condition of the foregoing bond is such, that if the above bound *Abram Highland* shall perform all the duties required to be performed by him, as Collector of taxes for the year 1860, in the time and manner prescribed by law, and when he shall be succeeded in office shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County, or to the State, and appertaining to his said office, then the foregoing bond to be void, otherwise to remain in full force.

And which said writing obligatory, being so signed, sealed and delivered, as aforesaid, was then and there attested in due form of law, and was then and there duly approved by the Board of Supervisors

of the said County of *Lealos*, and was then and there duly Recorded, aforesaid, and the said plaintiffs, by their aforesaid attorney, do aver that the said *Abram Highland* on the day and year last aforesaid, was duly

qualified and entered upon the discharge of the duties of his office as such Collector aforesaid, whereby, it then and there became and was his legal duty as such collector aforesaid within time and manner prescribed by law to collect and pay over into the State Treasury of the State of Illinois, the State Taxes for said year of said State and belonging to said State, which were by law to be collected in said County of and from the Tax payers thereof for said year, which State Taxes said Plaintiffs by their aforesaid attorney avers, amounted to twenty eight thousand eight hundred and eighty eight dollars and ninety cents, and which said State Taxes aforesaid had before that time been duly assessed and the assessment distributed duly placed in the hands of the several Township Collectors of said County as by Statute in such case is made and provided, for the collection thereof, together with proper warrants for the collection thereof, and the said Plaintiffs by their aforesaid attorney do further avers that the said sum of money last aforesaid being State Taxes as aforesaid and belonging to said State, were then and there duly collected by the said several Township collectors aforesaid and by them respectively paid over to the said *Abram Highland* collector as aforesaid (as is by Statute in such case made and provided) on or before the fifteenth day of April A.D. 1861. whereby it then and there became and was the legal duty of the said *Abram Highland* collector as aforesaid to pay said sum of money last aforesaid mentioned (the same being State Taxes as aforesaid and belonging to said State aforesaid) over into the State Treasury aforesaid on or before the tenth day of July A.D. 1861.

And the said plaintiffs, by their aforesaid attorney, do further aver that the said *Abram Highland*, collector as aforesaid — has not and did not perform all the duties required to be performed by him, as such Collector of the taxes of the County of *Lealos* for the year 1860, in the time and manner prescribed by law, but that the sum of twenty eight thousand eight hundred and ninety — dollars and ninety — cents remain due, unpaid and owing of the taxes for the year 1860, from the County of *Lealos* of State taxes, and belonging to the State aforesaid, which had been collected by said *Abram Highland* collector as aforesaid, in manner and form and on said fifteenth day of April A.D. 1861, aforesaid and being so collected by him as aforesaid the same being State Taxes as aforesaid and belonging to said State

and which was by law to be collected and paid over into the State Treasury of the State of Illinois, by the said *Abram Highland* Collector as aforesaid, on or before the tenth day of July A. D. 1861, which said day last aforesaid hath long since elapsed; yet the said *Abram Highland*, collector as aforesaid did not on said tenth day of July A.D. 1861, nor before said day pay nor has he since said day

has not paid said sum of money, last aforesaid, over into the State Treasury aforesaid, nor any part thereof, nor to said

plaintiffs, whereby the said writing obligatory and each of them the said Plaintiffs by their aforesaid attorney avers became and were forfeited, and by reason of which said sum of money last aforesaid being and remaining wholly unpaid, an action hath accrued to the said plaintiffs, to demand of and have from said defendants the sum of money last mentioned and above demanded. Yet the said defendants have not, nor either of them, paid said several sums of money above mentioned, nor either of them nor any part thereof, to the said plaintiffs, but to do the same have hitherto and still do altogether neglect and refuse to the damages of said plaintiffs of fifty seven thousand seven hundred and twenty seven dollars and eighty — cents, and therefor they bring this suit, &c.

L. J. White
State's Attorney,
Att'y for Plaintiffs.

State, and appertaining to his said office, then the said bond to be void, otherwise to remain in full force.

And which said writing obligatory was then and there duly approved by the _____, of the said County of _____, aforesaid, and the said Plaintiffs, by their aforesaid Attorney, do aver that the said _____, on the day and year last aforesaid, was duly qualified, and entered upon the discharge of the duties of his office as such Collector aforesaid. And the said Plaintiffs, by their aforesaid Attorney, do further aver that the said _____ has not and did not perform all the duties required to be performed by him, as such Collector of the taxes of the County of _____, for the year 18 _____, in the time and manner prescribed by law, but that the sum of _____ thousand hundred and _____ dollars and _____ cents remain due, unpaid and owing of the taxes for the year 18 _____, from the County of _____ and which was by law to be collected and paid over into the State Treasury of the State of Illinois, by the said _____ Collector as aforesaid, on or before the _____ day of _____ A.D. 18 _____, which said day last aforesaid hath long since elapsed. Yet the said _____ has not paid said sum of money, last aforesaid, over into the State Treasury aforesaid, nor any part thereof, nor to said Plaintiffs, whereby an action hath accrued to the said Plaintiffs, to demand of and have from said Defendants the sum of money last mentioned and above demanded. Yet the said Defendants have not, nor either of them, paid said sum of money last mentioned, nor any part thereof, to the said Plaintiffs, but to do the same have hitherto, and still do altogether neglect and refuse, to the damages of said Plaintiffs of _____ thousand _____ hundred and _____ dollars and _____ cents, and therefore they bring this suit, &c.

And it appearing to the Court that all of the defendants above named ~~except~~ —

Defendants,

have been duly served with process herein, such proceedings were had thereon that a judgment by default was entered against the parties, Defendants, who were served with the process of said Court, to-wit: for *fifty-seven* ^{each} thousand *seven* hundred and *thirty-seven* dollars and *ninety-eight* cents, together with the damages which said Plaintiffs have sustained by, and on occasion of the detention thereof, &c., whereof the said Defendants (last named) are convicted, as appears of record; and the same Plaintiffs having prayed out of said Court a writ of inquiry, to inquire into the truth of said breaches of condition above assigned, and assess the damages which said Plaintiffs have sustained thereby:

Therefore, according to the statutes in such case made and provided, we command you, said sheriff, that you summon twelve good and lawful men of your bailiwick, to be and appear before you at Springfield, on the *fifteenth* day of *January* A.D. 1862, to diligently inquire, on their oaths, of the truth of said premises, and to assess the damages which the said Plaintiffs have sustained by reason of the aforesaid breaches, and that you have you then and there this writ, &c.

Witness the Hon. JOHN D. CATON, Chief Justice of our said Court, and the seal thereof, at Springfield, this *fifteenth* day of *January* A.D. 1862.
Wm. C. Coney Clerk.

I, *J. W. Smith*, Sheriff of said County, in obedience to the command of the within writ, to me directed, have this day executed the same, by summoning twelve good and lawful men of my bailiwick, to-wit:

*L. M. Morse. M. K. Anderson
Philip Stone J. K. Lewis. W. C.
Greenwood. Wm M. Cantrell, Saml
Hughes. Joseph W. Arnold. P. Sherry
J. F. Madden, Wm Clark, and
J. M. Woodruff.*

as a jury, who being first duly sworn according to law, to inquire into the truth of said premises, returned the following verdict, to-wit:

"STATE OF ILLINOIS, }
SUPREME COURT, } Of the January Term thereof, A. D. 1862.
Second Grand Division, }

We, the undersigned jury, by the Sheriff of Sangamon County this day summoned before him, on oath to inquire into the truth of the premises, and to assess the damages therein on a certain writ of inquiry, sued out of said Court, to said Sheriff directed, in which the people of the State of Illinois are Plaintiffs, and *Abram Highland* and others are Defendants, having heard the evidence adduced by said Plaintiffs, do, on our oaths, say and find that the allegations of breaches in said Plaintiffs' declaration are true; that the penalty of said bond in said Plaintiffs' declaration is *fifty seven* thousand *seven* hundred and *thirty seven* dollars and *eighty* cents, and that we do assess the damages of said Plaintiffs against the following Defendants, (who have been served with process herein,) to-wit:

*Twenty thousand, two hundred and sixty
nine dollars and thirty one cents*

at *Three* thousand *four* hundred and *fifty three*
dollars and *fifteen* cents.

Witness our hands and seals at Springfield, this _____ day of *January*
A. D. 1862.

<i>M. K. Anderson</i> [SEAL.]	<i>Saml Hughes</i> [SEAL.]
<i>Philip Stone</i> [SEAL.]	<i>Joseph W. Arnold</i> [SEAL.]
<i>J. K. Lewis</i> [SEAL.]	<i>P. Sherry</i> [SEAL.]
<i>Wm C. Greenwood</i> [SEAL.]	<i>J. F. Madden</i> [SEAL.]
<i>Wm M. Cantrell</i> [SEAL.]	<i>Wm Clark</i> [SEAL.]
	<i>J. M. Woodruff</i> [SEAL.]

And by returning the above, the verdict of said jury, and this writ into Court, which said verdict I do hereby make a part of this my return hereto, this *fifteenth*
day of *January* A. D. 1862.

J. M. Smith Sheriff S. C.

No 70

The Proplan

27

Abram Highland et al

Writ of Inquiry

Summon Jury	\$1.00
Summon witness	40
Return writ	10
Jury Fees	3.00
Swear jury & witness	25
	4.75

J. W. Smith Sheriff

137399
[Signature]

STATE OF ILLINOIS,
Supreme Court, } ss.
of the Second Grand
Division thereof

Of the January

Term thereof, A. D. 1862

The People of the State of Illinois, the Plaintiffs in this suit, by J. B. WHITE, their attorney, come and complain of

Abram Highland, W. L. Frankhouser, Thomas E. Stoddard,
Richard Stoddard, J. H. Johnston, William Ricketts, and
Robert A. Miller,

The Defendants in this suit, in the custody of a Plea that
they Render, to the said Plaintiffs the sum of fifty-seven
thousand seven hundred and thirty seven dollars and
eighty cents Lawful Money of the United States

the defendants in this suit, being in the custody, &c., of a plea that they render to the said plaintiffs the
sum of ~~thousand~~ hundred and
dollars and cents, which they owe to and unjustly detain from said plaintiffs.

For that whereas heretofore, to-wit: on the Eleventh day of December A. D. 1860, at the
County of ~~Coles~~ and State aforesaid, the said ~~Abram Highland~~
was ~~then and there~~ the Collector of the taxes of the County of ~~Coles~~
in the State aforesaid, for the year A. D. 1860, and being then and there the Collector of taxes for said
county for said year, it then and there became and was his legal duty, before entering upon the discharge
of his duties as such Collector aforesaid, to execute his bond, with good and sufficient securities, condi-
tioned for the faithful performance of all of his duties as such Collector; and the said ~~Abram~~
~~Highland Collector~~ ^{as above said} in consideration of his said legal duty, then and there afterwards, to-wit: on the
same day, at the County of ~~Coles~~ and State aforesaid, as the Collector of the taxes of the

County of ~~Coles~~ for the year A. D. 1860, together with ~~W. L. Frankhouser~~ ^{the said}
as ~~E. Stoddard~~ ^{the said}, ~~Richard Stoddard~~ ^{by his name and style of "R. Stoddard"}, ~~J. H. Johnston~~ ^{the said}, ~~William Ricketts~~ ^{the said}
and ~~Robert A. Miller~~ ^{the said} by his name and style of "R. A. Miller",
the above named Defendants,

as his securities, all of the County of ~~Coles~~ and State aforesaid, then and there made and
executed their certain writing obligatory, and then and there signed the same with their ^{respective} hands and
sealed the same with their ^{respective} seals, and which said writing obligatory bears date the day and year last
aforesaid, and which said writing obligatory is to the Court aforesaid here exhibited and shown, and
which said writing obligatory being so signed and sealed aforesaid, they, the said defendants, then and
there delivered to said plaintiffs, and by which said writing obligatory the said defendants, and each of
them, acknowledged themselves to be held and firmly bound to the People of the State of Illinois in the
penal sum of ~~Fifty seven~~ thousand ~~seven~~ hundred and ~~thirty seven~~
dollars and ~~eighty~~ cents, and which said writing obligatory, was, and is upon, and subject
to the conditions following, to-wit:

That if the said ~~Abram Highland~~ shall perform all the
duties required to be performed by him, as Collector of the taxes for the year 1860, in the time and
manner prescribed by law, and when he shall be succeeded in office, shall surrender and deliver over to
his successor in office all books, papers and moneys belonging to said County or to the State, and ap-
pertaining to his said office, then the said bond to be void; otherwise to remain in full force.

And which said writing obligatory, being so signed, sealed and delivered, as aforesaid, was then and there attested in due form of law, and was duly approved by the *Board of Supervisors*

of the said County of *Coles* ^{and then and then was duly Recorded,} aforesaid, and the said Plaintiffs, by their aforesaid attorney, do aver that the said *Abram Highland* on the day and year last aforesaid, was duly qualified, and entered upon the discharge of the duties of his office as such Collector aforesaid; whereby by which said several premises it then and there became and was his legal duty, among other things, that he, the said *Abram Highland* Collector as aforesaid, should collect and pay over into the State Treasury of the State aforesaid the State taxes which were by law to be collected in, of and from said County of *Coles* for the year 1860, in the time and manner prescribed by law.

And the said plaintiffs, by their aforesaid attorney, do further aver that the said *Abram Highland* has not and did not perform all the duties required to be performed by him, as such Collector of the taxes of the County of *Coles* for the year 1860, in the time and manner prescribed by law, but that the sum of *Twenty eight* thousand *eight* hundred and *sixty eight* dollars and *ninety* cents remain due, unpaid and owing of the taxes for the year 1860, from the County of *Coles* of State taxes *and belonging to the State of Illinois*

and which was by law to be collected and paid over into the State Treasury of the State of Illinois, by the said *Abram Highland*, Collector as aforesaid, on or before the *ten* day of *July* A. D. 1860, which said day last aforesaid hath long since elapsed. Yet the said ~~Abram~~ *Abram Highland* Collector as aforesaid ^{he} ~~although~~ ^{herebefore} ~~on the~~ ^{on the} *fifteenth* day of *April* A. D. 1861, did collect said sum of money last aforesaid, the said sum being State Taxes as aforesaid and belonging to said ~~State~~ ^{State} yet he did not ~~pay~~ ^{pay} on said *ten* day of *July* A. D. 1861. nor before said day nor has he ^{since that day} ~~has not~~ paid the said sum of money last aforesaid over into the State Treasury aforesaid, nor any part thereof, nor to said

Plaintiffs, whereby said writing obligatory became and was forfeited by reason whereof and by reason of said sum of money being ^{and} ~~and~~ remaining wholly unpaid

an action hath accrued to the said Plaintiffs, to demand of and have from said Defendants the sum of money last mentioned ~~and above demanded~~ ^{the same being parcel of the sum} ~~above demanded,~~

And also for that whereas heretofore, to-wit: on the *Eleventh* day of *December* A. D. 1860, at the County of *Coles* and State aforesaid, the said *Abram Highland* was ~~then and there~~ *the* Collector of the taxes of the County of *Coles* for the year ~~1860~~ 1860, and being so then and there Collector of the taxes as aforesaid, it then and there became and was his legal duty, before entering upon the discharge of his duties as such Collector, to execute his bond, with good and sufficient security,

conditioned that said *Abram Highland*, shall perform all the duties required to be performed by him, as Collector of taxes for the year 1860, in the time and manner prescribed by law; and when he shall be succeeded in office, shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County ^{then the said bond to be void otherwise to remain in full force: and} or to the State, and appertaining to his said office, the said *Abram Highland*, ^{as Collector} in consideration of his said legal duty afterwards, to-wit: on the day and year last aforesaid, at the County and State aforesaid, as Collector of the taxes of said County of *Coles* for the year 1860, together with ~~the~~ ^{and} other above named

Defendants,

as his securities, all of the County of *Coles*, and State aforesaid, then and there made and executed their certain ^{other} writing obligatory, and then and there signed the same with their ^{Respective} hands and sealed the same with their ^{Respective} seals, and which said writing obligatory bears date the day and year last aforesaid, and which said writing obligatory is to said court here exhibited and shown, and which said writing obligatory, being so signed and sealed as aforesaid, they, the said defendants, then and there delivered to said plaintiffs, and which said writing obligatory the said defendants, and each of them, acknowledged themselves to be held and firmly bound to the People of the State of Illinois in the penal sum of *Fifty seven* thousand *seven* hundred and *thirty seven* dollars and *eight* cents, and which said writing obligatory was and is upon and subject to the conditions and in tenor and effect as follows, to-wit:

KNOW ALL MEN BY THESE PRESENTS, that we *Abram Highland*, Collector, and *W. L. Funkhouser*, *Thos E. Stoddard*, *Richard Stoddard*, *J. H. Johnston*, *W. Ricketts* and *Robert A. Miller*

securities, all of the County of *Coles* and State of Illinois, are held and firmly bound to the People of the State of Illinois in the penal sum of *Fifty seven thousand, seven hundred and thirty seven Dollars, and eight cents,*

~~dollars~~, for the payment of which, well and truly to be made, we bind ourselves, each of us, our heirs, executors and administrators, firmly by these presents. Signed with our hands and sealed with our seals, this *Eleventh* day of *December* 1860.

The condition of the foregoing bond is such, that if the above bound *Abram Highland* shall perform all the duties required to be performed by him, as Collector of taxes for the year 1860, in the time and manner prescribed by law, and when he shall be succeeded in office shall surrender and deliver over to his successor in office all books, papers and moneys belonging to said County, or to the State, and appertaining to his said office, then the foregoing bond to be void, otherwise to remain in full force.

~~Given said Plaintiffs by their said attorney at law that said~~
Defendants

And which said writing obligatory, being so signed, sealed and delivered, as aforesaid, was then and there attested in due form of law, and was then and there duly approved by the ~~Board of Supervisors~~.

of the said County of ~~Coles~~, ^{and was then and there duly received} aforesaid, and the said plaintiffs, by their aforesaid attorney, do aver that the said ~~Abram Highland~~ on the day and year last aforesaid, was duly qualified and entered upon the discharge of the duties of his office as such Collector aforesaid, ^{whereby it then and there}

^{became and was his legal duty as such collector aforesaid, in the time and manner prescribed by law, to collect and pay over into the State Treasury of the State of Illinois, the State Taxes of said State and belonging to said State, which were by law to be collected in said county of and from the day-payers thereof for said year} ^{which State Taxes said Plaintiffs by their aforesaid attorney aver amounted to twenty eight thousand and eighty eight dollars and ninety cents, and which said State Taxes aforesaid, had before that time been duly assessed and the assessments lists thereof duly placed in the hands of the several Township Collectors of said county, as by statute in such case made and provided, for the collection thereof, together with proper warrants for the collection thereof, and the said Plaintiffs by their aforesaid attorney do further aver, that the said sum of money last aforesaid being State Taxes aforesaid and belonging to said State were then and there duly collected by said several Township collectors aforesaid, and by them respectively paid over to said Abram Highland - Collector as aforesaid, as is by statute in such case made and provided, on or before the fifteenth day of April A.D. 1861, whereby it then and there became and was the legal duty of said Abram Highland - Collector as aforesaid, to pay said sum of money last mentioned ^{the same being State Taxes as aforesaid and belonging to said State aforesaid} over into the State Treasury aforesaid on or before the tenth day of July A.D. 1861.}

And the said plaintiffs, by their aforesaid attorney, do further aver that the said ~~Abram Highland~~, Collector as aforesaid - has not and did not perform all the duties required to be performed by him, as such Collector of the taxes of the County of ~~Coles~~ for the year 1860, in the time and manner prescribed by law, but that the sum of ^{twenty eight thousand eight hundred and eighty eight} ~~twenty eight thousand eight~~ dollars and ~~ninety~~ ^{cents} remain due, unpaid and owing of the taxes for the year 1860, from the County of ~~Coles~~ of State taxes, and belonging to the State aforesaid ^{which had been collected by said Abram Highland and collector as aforesaid, and being so collected by him, as aforesaid, the said sum of money last aforesaid, the same being State Taxes as aforesaid, and belonging to said State,}

~~and which~~ was by law to be collected and paid over into the State Treasury of the State of Illinois, by the said ~~Abram Highland~~ Collector as aforesaid, on or before the ~~tenth~~ day of ~~July~~ A. D. 1861, which said day last aforesaid hath long since elapsed; yet the said ~~Abram Highland~~ Collector as aforesaid, ~~did not pay~~ ^{did not pay} on said tenth day of July A.D. 1861, ~~nor has he since before~~ ^{nor has he since before} said day pay nor has he ~~since said day~~

~~has not~~ paid said sum of money, last aforesaid, over into the State Treasury aforesaid, nor any part thereof, nor to said

plaintiffs, whereby ^{and each of them} the said writings obligatory, ^{the said Plaintiffs by their} aforesaid attorney ~~av.~~ ^{became and were forfeited, and as by reason} of which said ~~several promises~~ ^{sum of money last aforesaid} and remaining wholly unpaid, an action hath accrued to the said plaintiffs, to demand of and have from said defendants the sum of money last mentioned, ^{and above demanded,} ~~and above demanded,~~ ^{yet the said defendants have not, nor} either of them, paid said several sums of money above mentioned, nor either of them nor any part thereof, to the said plaintiffs, but to do the same have hitherto and still do altogether neglect and refuse to the damages of said plaintiffs of ~~Fifty Seven thousand Seven~~ ^{Fifty Seven thousand Seven} hundred and ~~thirty seven~~ ^{thirty seven} dollars and ~~eighty~~ ^{eighty} cents, and therefor they bring this suit, &c.

J. B. White
State's Attorney,
Att'y for Plaintiffs.

70

The People

Abraham Highland war

War

J.B. White
Alfred City
Delos Dec 27-67
The Company

State of Illinois,

Supreme Court--Second Grand Division.

SS.

The People of the State of Illinois,

TO THE ^{Coroner} ~~Sheriff~~ OF Coles COUNTY,---GREETING:

We command you to summon Abram Highland, W. L. Funkhouser,
Thomas E. Stoddert, Richard Stoddert, J. H. Johnston,
William Ricketts, and Robert A. Miller

ifs to be found in your County, to appear before the Supreme Court for
the Second Grand Division of the State of Illinois, on the first day
of the next term thereof, to be holden at the State House in the City of
Springfield, on the first Tuesday after the first Monday in the Month
of January next, to answer unto The People of the State of Illinois
in an action of Debt

Debt Fifty seven thousand seven hundred & thirty seven ⁸⁰/₁₀₀ Dollars
Damages Fifty seven thousand, seven hundred & thirty seven ⁸⁰/₁₀₀ Dollars.
and hereof make due return to our said Court as the law directs.

Witness, HON. JOHN D. CATON, Chief Justice of said Court, and the
Judicial Seal thereof, at Springfield, this Second day
of December A. D. 1861.

Wm. A. Curney Clerk Supreme Court.

Supreme Court--2nd Grand Division.

The People vs.

vs.

SUMMONS.

Abram Highland
Et al.

To January Term, A. D. 1862,

Filed Dec. 17th A. D. 1861.

Wm. L. Curvey Clerk.

I have served the within writ
by Reading the same to the
within named, Abram
Highland N. S. Frankhauser
Thomas E. Stoddard Richard Stoddard
J. H. Johnston William Ricketts
& Robert A. Miles this 5th day
of December 1861.

Fees - Serving - \$3.50

Mileage & Subscribing, 81.50

Ret. turning

10

Saml. Vanmeter

\$35.10

Coroner of Cook Co., Ill.

(See letter
attached
& per chg)

Charleston Collo Co fees

Sir of The Supreme Court has
made any change in fees & all correct
Some time ago I was acting as deputy there
& we made out fees for summing from
the place the summons was issued

Served on } Frankhouse 12 mill
R A Miller 8 miles
Rockets } R & J Stodert
Johnson & Highland in town
now attach the fees according to
law & oblige Yours
D Vanmeter Coroner
of Collo Co

P P I have been practicing
medicine here for 13 long years & I
charge fees for summing as for giving
medicine excuse Best

D Vanmeter

Here - Leaving	3.50
Returning	1.00
Mileage	1.25
	<u>4.85</u>

People

Highland, Etah.

Summit

State of Illinois }
Supreme court }
Second Grand } ss of the January Term thereof A.D. 1882
Division thereof }

The People of the State of Illinois }
vs } In Debt.
Abram Heghlana and others }

It is hereby expressly stipulated and agreed by and between the parties herein by their respective attorneys, that the court enter up judgment for the Debt in the amount of the penalty of the Bond sued on herein, and for the Damages in the amount of twenty thousand two hundred and sixty nine dollars and thirty one cents (\$20,269³¹/100) and for the costs of suit, the Debt to be satisfied by the payment of the Damages, and that execution issue upon said Judgment.

J. B. White, State Atty.
Plffs Atty.

C. M. Fisk
Atty for Deft

No 70

The People

vs

Abraham Highland & al

Agreement

J. B. White
Plffs attorney

O. B. Fiskline
Defds attorney
Jus Jan 1 6/64
Not running
ad

State of Illinois }
Supreme Court } 21
of the Second Grand }
Division thereof }
Of the January Term of the Supreme
Court thereof AD 1862.

The People of the State of Illinois, Plaintiffs

vs
Abram Highland, W. L. Finkhouser, Thomas E. Stoddard,
J. H. Johnston, William Ricketts and Robert A. Miller,
Defendants.

In an action of Debt.

Debt.

\$57,737.80

Damages

\$57,737.80

The Clerk of said Court will please issue summons
in said cause to the ^{clerk} Sheriff of Coles County commanding
he endorse suit brought and Debt and Damages or above
Returnable as the Law directs.

Wm White States attorney
Plffs attorney

The People

"

Abram Highland Hall

In Debt.

Prac.

Sec 2nd. Amount is to Grover of \$50.00.

J. White

Plffs atty.

Filed Dec 2. 1861

J. R. K. C. C.

Dec ¹⁴ 13 1861 Charleston Boles Co

Please find inclosed
summons. Returned in good
order

J Vanmeter Coroner of
Boles Co

Know all Men by These Presents,

That We, Abram Highland Collector, and W L Funkhouser
Thos E Stoddert Richard Stoddert J H Johnston
Wm Ricketts Robert A Miller

securities, all of the County of Coles and State of Illinois,
are held and firmly bound to the people of the State of Illinois in the
penal sum of Fifty Seven thousand Seven hundred and thirty seven ⁵⁰/₁₀₀
Dollars, for the payment of which, well and truly to be made, we bind
ourselves, each of us, our heirs, executors and administrators, firmly by these
presents. Signed with our hands and sealed with our seals, this
Eleventh day of December 1860.

The condition of the foregoing bond is such, that if the above bound
Abram Highland shall perform all the duties required to be per=
formed by him, as collector of the taxes for the year 1860, in the time and
manner prescribed by law, and when he shall be succeeded in office, shall
surrender and deliver over to his successor in office all books, papers and moneys
belonging to said County, or to the State, and appertaining to his said
office, then the foregoing bond to be void, otherwise to remain in full force.

A Highland (SEAL)

W L Funkhouser (SEAL)

Thomas E Stoddert (SEAL)

R Stoddert (SEAL)

J H Johnston (SEAL)

Wm Ricketts (SEAL)

R A Miller (SEAL)

Signed, Sealed and Delivered in presence of

James McCrory

STATE OF ILLINOIS,
County of Coles

ss.

J. James McCrory, Clerk of the County Court
of Coles County, hereby certify that the foregoing bond
has been duly approved by the Board of Supervisors
and recorded.

In Testimony Whereof, I have hereunto set my hand and affixed the seal
of said Court at Charleston this Eleventh day of
December A. D. 1860.

James McCrory County Clerk.

NOTE.—The signing of the bond must be in the presence of at least one witness. See Section three of Collection Laws. The County Clerk will
hand this to the Collector, and as soon as it is duly executed, return it to this office.

STATE OF ILLINOIS, } ss.
County of *Coles*

I Abram Highland Collector in and for said County, do solemnly swear that I will faithfully, diligently and impartially, to the best of my judgment and ability, perform all the duties required of me by law as such Collector of Taxes for the year 1860.

Abram Highland Collector.

Subscribed and Sworn to before me, this *Eleventh* day of *December* 1860
James McCreary County Clerk.

70

Coles County.

BOND, 1860.

Abram Highland Collector.

Received and filed in Auditor's office,

Dec 19 1860

Filed Dec 23 1861.
Wm. H. H. H. H.

Abram Highland Collector of *Coles*

County,

In Account with the State of Illinois,

DR.

To State tax, assessment of 18 ⁶⁰ ,			\$28,695 63
" Amount on real and personal property since added			
" Amount of back taxes due on forfeited and other property.....			173 27
" Amount on forfeited property redeemed.....			
" Amount on real property paid by different claimants.....			
			28,868 90

CR.

By Errors on real property.....			
" Insolvencies, removals, etc., on personal property			
" Real property forfeited to the State.....			
" Errors, etc., on forfeited property.....			
" Commissions, 3 per cent. paid town collectors on \$			
" do 2 " " " " " " " \$			
" do 1 " " " " " " " \$			
" do 2 " " " " " " " \$			
" do 2 " " " " " " " \$			
" do 5 " " " " " " " \$			
" do 3 " " " " " " " \$			
" Mileage miles, at 20 cents per mile.....			

1861 July 16
" " "
" Mar 16

" The school fund interest order.....	469	90	
" " " " tax "	6,061	86	
" " Treasurer's receipt,.....	47	25	6,579 01
			22,289 89
			661 25
			\$22,951 14

The Interest 6 per cent. on \$22,289.89. 5 mo. 28 days.

AUDITOR'S OFFICE, ILLINOIS,

Springfield, *December 26* 1861.

I, *Jesse N. Dubois* Auditor of Public Accounts of the State of Illinois, hereby certify that the within account is correct as to principal, as appears from the proper evidence on file in this office, and that the interest is calculated thereon to the *Twenty* day of *January* 1862, and will at that time be correct, unless payment shall be made on said account previous to that time.

Given under my hand and Official Seal, the day and year above written

Jesse N. Dubois Auditor P. A.

20

Proper

or Highland, Etal

Copy faps

Filed Dec. 29/61.
Wm. C. Curry
J. B.