No. 2769

Supreme Court of Illinois

Madox Maddux et al

vs.

Smith & Wm Rhodes.

(379) 7

Sept Term 1859 Moultrie Cir court
William S. Smith
vs
Thomas A Maddux
& Frederick W Maddux
Assumpsit damages $200.00
Clerk please issue Summons in the above cause Ret as above & oblige
&c A B Lee for Pltff

The State of Illinois Moultrie County ss
The People of the State of Illinois to the Sheriff of said county greeting. We command you that you Summon Thomas A Maddux and Frederick W Maddux 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 Sullivan Ills on the third Monday in the month of September 1859 to answer William S Smith of a plea of trespass on the case on promises to his damage two hundred dollars And have you then and there this writ and make return thereon in what manner you execute the same, Witness Arnold Thomason Clerk of our circuit court at Sullivan this 16th day of August in the year

[2769-1]

of our Lord one thousand eight hundred and fifty nine

Clerk of the Circuit Court Moultrie Co. Ills

Teste Arnold Thomason
Clerk Circuit Court

Aug 16th 1859 Served by reading to Thomas A Maddux & Frederick W Maddux

Serving	1.00
Mileage 22 ms	1.10
Returning	.10
	$2.20

Jos. Thomason Shff
by W Menefee Deptly

Of the September term A D 1859 of the Moultrie county circuit court

State of Illinois } ss.
Moultrie County }

William S Smith the plaintiff in this Suit by A B Lee his Attorney complains of Thomas A Maddux and Frederick W Maddux the defendants in this Suit Who have been Summoned to answer Said Plaintiff of a Plea of trespass On the case upon promises.

For that Whereas the Said defendants heretofore to wit on the tenth day of November A D 1858 to wit at the county aforesaid Made their certain promissory Note in writing the Said Thomas A Maddux Signing by his initials Thos A Maddux & the Said Frederick W Maddux by his initials F W Maddux, bearing date a certain day and year therein

mentioned to wit the day and year aforesaid and thereby then and there promised to pay on or before the first day of December then next ensuing to the order of said plaintiff the sum of two hundred and five dollars and seventy five cents for value received and then and there delivered the said promissory note to the said plaintiff by means whereof the said defendants then and there became liable to pay to the said plaintiff the said sum of money in the said promissory note specified according to the tenor and effect of said promissory note and being so liable they the said defendants afterwards to wit on the day and year aforesaid to wit at the county aforesaid undertook and then and there faithfully promised the said plaintiff to pay him the said sum of money in the said promissory note specified according to the tenor and effect of said promissory note, yet the said defendants not regarding their said promise have not paid the said sum of money in said promissory note specified to the said plaintiff nor to any other person to his order nor any part thereof though often requested so to do, but so to do have hitherto wholly neglected and refused and still do neglect and refuse to the damage of

[3769-2]

Said plaintiff of the sum of two hundred dollars and therefore he brings his suit &c.

A B. Lee attorney
for Pltff

Now the 10 1858

On or before the 1 of Dec next for value received we or either of us promise to pay to the order of William Smith two hundred & five dollars 75/100 for value received. Thos A Maddux
F W Maddux

December 17 received on the within note fifty dollars.
Received on the within note thirty five dollars by F W. Maddux February 17. 1859.

William Smith
vs
Thomas A Maddux &
Frederick W Maddux
} In Assumpsit

And now on this day comes the said Plaintiff by A. B. Lee his Attorney, and it appearing to the Court that the said Defendants herein were duly summoned in this cause more than ten days before the first day of this Term and they being three times solemnly called came not but made default, Whereupon it is considered by the Court that said Plaintiff hath suffered damages by reason of the non performance by the said Defendants of their promise and undertaking to and with the said Plaintiff in Plaintiff's Declaration mentioned, and it further appearing that this suit is brought upon a written instrument for the payment of money only and resting in computation only it is ordered by the

Court, that the Clerk assess the damages in this cause which is done and he reports the same in writing at two hundred and fifteen dollars and eighty three cents, which is approved by the Court, Whereupon it is further considered and ordered by the Court, that the said Plaintiff have and recover of and from the said Defendants the sum of One Hundred and twenty Seven dollars and ~~fifty~~ fifty cents for his damages on account of the non performance of by the said Defendants of their promise and undertaking in said Declaration mentioned together with his costs in this behalf expended, and that he have Execution therefor &c Whereupon said Defendants prayed an appeal to the Supreme Court, which is granted upon their filing their appeal Bond, within thirty days, with good and sufficient security in the sum of One hundred and twenty Seven dollars and fifty cents to be approved by the Clerk of this Court

120.60
.05
20250

Know all men by these presents that we Thomas A Maddux & F W Maddux & W W Maddux of the County of Moultrie & State of Illinois are held & firmly bound unto William S Smith also of the same County and State of Illinois in the penal sum of two hundred & seventy dollars

& 32/100 dollars Current money of the United States for the payment of which well and truly to be made we bind ourselves our heirs executors and administrators jointly severaly and firmly by these presents witness our hands and seals this 15th day of October A D 1859. The conditions of this above obliga=tion is such that whereas the said William S Smith did on the 24th day of September A D 1859 in the circuit court in and for the Co & State aforesaid receive a judgment against the above bounden Thomas A Maddux & F. W. Maddux for the sum of One hundred & twenty seven dollars & 50/100 dollars damages & costs seven dollars and 66 sixty six cts costs from which said judg=ment the said Thos. A. Maddux and F. W Maddux have prayed for and obtained an appeal to the Supreme court of said State, Now if the said Thomas A Maddux & Frederick W. Maddux shall duly pros=ecute their said appeal with effect and shall moreover pay the amount of the judg=ment cost interests and damages rendered and to be rendered against him then in case said judgment shall be obtained in the Supreme court then the above obligation to be void otherwise to be and remain in full force and virtue

Taken and entered into

Thomas A Maddux (Seal)
F. W. Maddux (Seal)
William W Maddux (Seal)

State of Illinois }
Moultrie County } ss

I Arnold Thomason Clerk of the circuit court in and for said county do hereby certify that the foregoing is a true and perfect copy of the record of the foregoing cause as appears of record in my office Witness my hand and the seal of said court at Sullivan this 30th day of December A D 1859

Arnold Thomason Clerk

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120

Maddux
Smith

Filed Jan 4: 60
Wm A Carey
Cl

169

September Term Moultrie County
Court 1859
William Rhodes administrator of Hiram Southern
Vs
Thomas H Meadux John E Meadux &
Alfred Thager
Assumpsit, Damages $100,00
The Clerk will please issue summons in
the above cause, Ret as above & oblige &c
A. B. Lee atty for pltff

The State of Illinois Moultrie County,
Sct: The people of the State of Illinois,
to the Sheriff of said County, Greeting,
We command you that you summons
Thomas H Meadux, John E Meadux and
Alfred Thager, if they shall be found
in your County, personaly to be and ap-
pear before the Circuit Court of said County,
on the first day of the next Term thereof,
to be holden at the Court House in Sullivan
Illinois, on the third Monday in the
month of September 1859. to answer
William Rhodes Administrator of
Hiram Southern Deceased of a plea of
trespass on the case on promises to his
damage one hundred Dollars And have
you then and there this writ; and make

[2769-5]

return thereon in what manner you execute
the same. Witness Arnold Thomason
Clerk of our Circuit Court,
Moultrie County at Sullivan this first day of
Circuit Court September in the year of our Lord
Illinois } one thousand eight hundred and fifty
nine
Teste: Arnold Thomason Clerk Circuit Court

Sept. 2nd 1859 Served by reading to
T. W. Madux & J. E. Madux
Serving $1,00
Mil 24 mis 1,20
Ret. 10 $2,30
Joseph Thomason, Shff.

At the September Term of the Moultrie
County Circuit Court A.D. 1859
State of Illinois }
Moultrie County } ss
William Rhode, administrator
of all and singular the goods and Chat-
tles, Rights and credits, which were of Abram
Santher Nov. deceased the plaintiff in this
suit by A. B. Lee, his attorney complains
of Thomas W. Madux John E. Madux and
Alfred Thayer the defendants in this suit
Who have been summoned to answer said
plaintiff as administrator as aforesaid of a
plea of Trespass on the case upon promise
For that whereas the said defendants
heretofore to wit, on the 31st day of July

A. D. 1858 to wit: at the County aforesaid made their certain promissory note in writing bearing date a certain day and year therein mentioned to wit, the day and year aforesaid and thereby then and there promised to pay twelve months after the date thereof to the said plaintiff as administrator as aforesaid the sum of Sixty four dollars for value received and seventy five cents, and then and there delivered the said promissory note to the said plaintiff as administrator as aforesaid, by means whereof they the said defendants then and there became liable to pay said plaintiff as administrator as aforesaid the said sum of money in said promissory note specified according to the tenor and effect of said promissory note and being so liable, they the said defendants in consideration of the promises afterward to wit; on the day and year aforesaid at the county aforesaid undertook and then and there faithfully promised the said plaintiff to pay him, as administrator as aforesaid, the said sum of money in the said promissory note specified according to the tenor and effect of said promissory note, Yet the said defendants, not regarding their said promises, have not paid

[3769-6]

the said sum of money in said promissory note specified nor any part thereof although often requested so to do but so to do have hitherto wholy neglected and Refused and still do neglect and refuse to the damage of said plaintiff as administrator as aforesaid of the sum of one hundred dollars and therefore he brings his suit &c

A B Lee atty
for plff

July 31st 1858

Twelve Months after date We promise to pay to the order of William Rodes Adm of the estate of Abram Souther Decd sixty four 75/100 Dollars Value Received

T A Madux
J E Madux
A Thayer

William Rhodes Admr
of Abram Souther
vs
Thomas A Madux
John E Madux &
Alfred Thayer
} In Assumpsit

And now on this day comes the said Plaintiff by A B Lee his Attorney and it appearing to the court that the said Thomas A Madux

and John E Madux Defendants herein were duly summoned in this cause more than ten days before the first day of this Term and they being three times solemnly called came not but made default, whereupon it is considered by the court that said Plaintiff have suffered damages by reason of the non performance by the said Defendants of their promise and undertaking to and with the said Plaintiff in Plaintiffs Declaration mentioned; And it further appearing that this suit is brought upon a written instrument for the payment of money only and resting in computation only it is ordered by the court that the Clerk assess the damages on this cause which is done and he reports the same in writing at sixty five dollars and twenty nine cents, which is approved by the court, Whereupon it is further considered and ordered by the court, that the said Plaintiff have and recover of and from the said defendants Thomas H Madux & John E Madux the sum of sixty five dollars and twenty nine cents for his damages on account of the non performance by the said Defendants of their promise and undertaking in said Declaration mentioned together with his costs in this behalf expended, And that he have Execution therefore &c

6.5290

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Whereupon said Defendants prayed an appeal to the Supreme Court, which is granted upon their filing their appeal Bond, within thirty days, with good and sufficient security in the sum of dollars to be approved by the Clerk of this Court

Know all men by these presents that we Thomas A Madden, John E Madden & F W Madden of the county of Moultrie & State of Illinois are held and firmly bound unto William Rhodes Administrator of Abram Souther deceased also of the same County and State of Illinois in the penal sum of One hundred and fifty dollars current money of the United States for the payment of which well and truely to be made we bind ourselves our heirs executors and administrators jointly severally and formely by these presents witness our hands and seals this 13th day of October A D 1859
The condition of the above obligation is such that whereas the said William Rhodes Administrator of Abram Souther deceased did on the 24th day of September A D 1859 in the circuit court and for the county and State aforesaid recover a judgment against the above bounden Thomas A Madden and John E Madden for the sum of sixty five dollars and twenty nine cents damages and seven dollars

and Seventy Six cents costs from which Said Judgment the Said Thomas A Maddux & John E Maddux have prayed for and obtained an appeal to the Supreme court of Said State Now if the Said Thomas A Maddux and John E Maddux Shall duly prosecute their Said Appeal with effect and Shall moreover pay the Amount of the Judgment costs interest and damages rendered and to be rendered against them in case the Said Judgment Shall be affirmed in the Said Supreme court then the above obligation to be void otherwise to be and remain in full force and virtue

Taken and entered into } Thomas A Maddux (Seal)
J E Maddux (Seal)
F. W. Maddux (Seal)

State of Illinois }
Moultrie County } SS.

I Arnold Thomason Clerk of the circuit court in and for Said county do hereby certify that the foregoing is a true and perfect copy of the record of the foregoing cause as appears of record in my office Witness My hand and the Seal of Said court at Sullivan this 30th day of December A D 1859.

Arnold Thomason Clerk

[2769-8]

119

Maddux
Rhodes

N 619

Filed Jan 4. 60
Wm R Turney

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