

8569

No. \_\_\_\_\_

# Supreme Court of Illinois

Illinois Central R.R.Co.

---

vs.

*Delila*

~~Dias~~ Fisher

Jackson County Circuit Court, Decr. Term 1860.

Delila Fisher }  
vs }  
Ill. Cen. R. R. Co. } Appeal from the judgment of  
William Hazler Justice of the  
Peace, Jackson County Illinois

Copy of Account.

April the 29<sup>th</sup> AD 1860

The Illinois Central Rail Road Company  
To Delila Fisher - Dr.

To Paspas in Damage for killing a Cow with the  
bars on the Illinois Central Rail Road in Jackson  
County and State of Illinois on Section Fifty one  
on or about the first of March AD 1860. \$25.00  
Delila Fisher

Copy of Summons, Issued by Justice of Peace

State of Illinois } ss.  
Jackson County } The People of the State of Illinois  
to any Constable of said County Greeting.  
You are hereby Commanded to Summon the Illi-  
nois Central Rail Road Company to appear before  
me at my Office in Jackson County and State of  
Illinois on the 28<sup>th</sup> day of this Instant at the  
hour of eleven O'clock A M of said day to an-  
swer the Complaint of Delila Fisher for a fal-  
se in to pay her a certain amount of damage  
in trespass for killing the Plaintiffs Cow not

exceeding One hundred dollars and have made  
due Return as the Law directs, given under my  
hand and Seal. this 20<sup>th</sup> day of April AD  
1860.

Wm. Hagler J.P.

Indorsement on Summons.

Delila Fisher {  
vs { Summons. { Demand \$25.00  
Illinois C.R.R. Co. { } Cost .31  
Served on Mr. Mason on the 23<sup>rd</sup> of this instant  
by Copy of Summons this 28<sup>th</sup> April 1860  
Cost 00 John Fisher, Const.  
Filed June 4<sup>th</sup> 1860. Ed W. Rice CR. James P. Watson D.P.

Copy of Manuscript from J.P.

Delila Fisher {  
vs { State of Illinois } ss.  
The Illinois C.R.R. Company } Jackson County }  
Demand \$25.00 { April the 20<sup>th</sup> AD 1860  
Judgment \$25.00 { Suit brought on an account  
J.P. Cost \$1.12 { for damage in trespass in  
Constable's Cost 00 { killing a cow on the Illinois  
Witney Fees 50 cent each { Central Rail Road on Section  
Adam Sammons 50 { Fifty One.  
William Fisher 50 { Account of Damage filed April  
Micah Fisher 50 { 20<sup>th</sup> AD 1860. a Summons  
Issued and put into the hands  
of Constable John Fisher and  
set for trial on the 28<sup>th</sup> instant at the house of

11 o'clock A.M., of said day April the 28<sup>th</sup> AD 1860. Summons Returned by Constable John Fisher indorsed Served on William Mason by a Copy of Summons at the hour set for trial the Plaintiff and Witness attended and being Ready for trial there was no defense made the Witness was sworn and interrogated and after hearing the testimony it is considered that the Plaintiff Recover a judgment for the sum of twenty five dollars and costs of said State of Illinois,

Jackson County } I hereby Certify that the above is  
a true Transcript from my Books and that this  
contains all the proceedings and papers in the above  
Cause. Given under my hand and Seal this 15<sup>th</sup>  
day of May AD 1860.

Wm. Hager J.P.

Filed June 4<sup>th</sup> 1860.

Edw. Rees, Clerk. James P. Watson Deputy.

And afterwards to wit on the 26<sup>th</sup> day of July AD 1860. The Clerk of the Circuit Court of Jackson County & State of Illinois. Issued Summons which is in words and Figures following to wit.

Copy of Summons

State of Illinois } ss. The People of the State of Illinois  
Jackson County } To the Sheriff of said County, Greeting:

We command you to Summon Delila Fisher  
If she shall be found in your County, to be and  
appear before the Circuit Court of said County

on the ~~four~~<sup>4</sup> day of the next Term thereof, to be  
holden at the Court House in the Town of Murphys-  
boro, in said County, on the 1<sup>st</sup> Tuesday in the  
month of October next, to answer an appeal taken  
from the judgment of William Hagler a Justice of  
the Peace, in and for said County, by the Illinois  
Central Rail Road Company, which judgment  
was rendered on the 28<sup>th</sup> day of April AD 1860

Witness Jas P Watson Clerk of our said  
Circuit Court, and the Seal thereof at  
Murphysboro, this 26<sup>th</sup> day of July  
AD 1860.

James P Watson Clerk

Indorsement on back of Summons.

Executed By Reading to J. Leslie Fisher on  
the 14<sup>th</sup> of Sept. 1860

Filed Sept 15<sup>th</sup> 1860.  
James P Watson Clerk.

A. C. Davis Shiff  
By W<sup>m</sup> Cox Deputy

At a Regular term of the Jackson County  
Circuit Court begun and held in the Court  
House in the Town of Murphysboro, Jackson  
County State of Illinois, on Tuesday October 2<sup>nd</sup>  
AD 1860.

Present the Hon<sup>ble</sup> Alex and W Jenkins Just  
of the 3<sup>d</sup> Judicial Circuit and Presiding Judge of the  
Jackson County Circuit Court.

A. P. Corder, State Atty, James P. Watson Clerk  
and Abel C. Davis, Sheriff,

Delilia Fisher } Appeal  
vs  
110. Ill. C. R. R. Co. }

There is no Order made at this term.

At a Special Term of the Jackson County Court  
Circuit Court, began and held in the Court House  
in the Town of Murphysboro, Jackson County  
State of Illinois, on Monday December 3<sup>rd</sup> A.D.  
1860.

Present the Honl. Alexander W. Jenkins, Judge  
of the third Judicial Circuit and presiding Judge of the  
Jackson County Circuit Court.

Anderson P. Corder State Atty, James P. Watson, Clerk  
and Abel C. Davis, Sheriff,

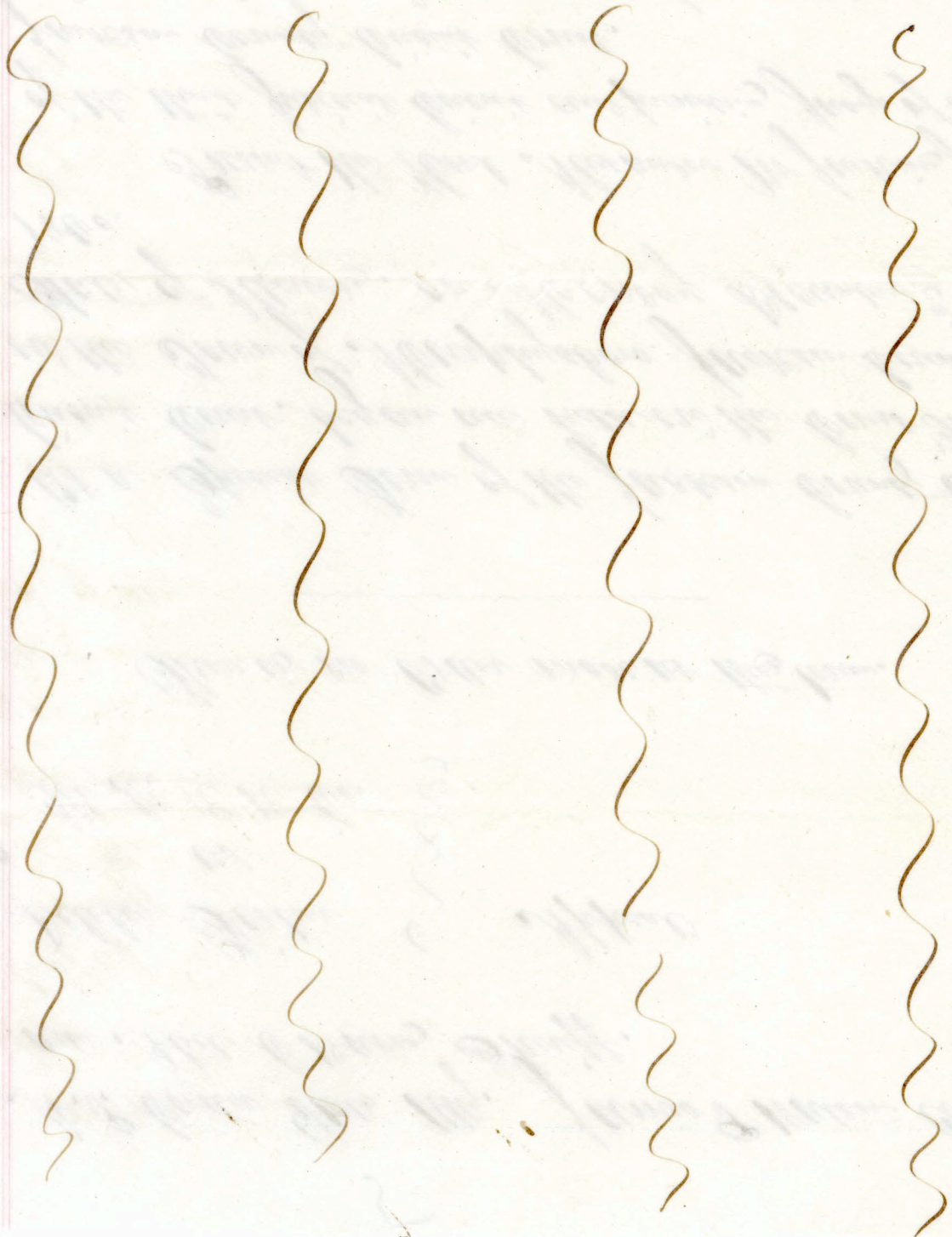
Delilia Fisher } Appeal  
vs  
Ill. C. R. R. Company }

And now on this day came the Plaintiff by  
her Attorney C. S. Ward and the defendants by  
their Attorneys Haysmi & Parish. Whereupon the  
parties waived Trial by Jury and Issue and  
Submitted the Case to the Court for Trial

6

and after hearing the Evidence and Arguments  
of Counsel. and due Consideration. Renders a  
Verdict and Judgment for Plaintiff for Six-  
teen dollars and Costs of this Suit. It is therefore

Ordered and adjudged by the Court that the  
Plaintiff Delila Fisher do have Judgment for  
and Recover from the Illinois Central Rail  
Road Company the Sum of Sixteen dollars  
being the Amount of Damage Sustained, to-  
gether with the Costs of this Suit hereinafter  
to be Paid and may have Execution therefor



Copy of Fee Bill

Delia Hester } Jackson Circuit Court Sta. H. Tenn 1860  
 vs } Appeal  
 M. C. R. R. Co } Judgment vs Defendants for Cost  
 Plaintiffs Cost.

Class Fee Entry App. Att'y 10. Issuing 3 Subp. & Filings 1.20 \$ 1.30  
 Filing 3 spec for Writs 15. Entry & Seal 35. .50 \$ 1.80

Shiff & Davie  
 Serving Subp. \$ 1.25 Writs \$ 2.75 Ret 20 \$ 4.20  
 " " Copy " " 75 " 1.50 " 10. " 2.35 \$ 6.55  
 Justice " Hager. \$ 1.12 Constable Fee John Fisher. 60¢ " 1.72

Witness Fees. Before Justice.  
 Adam Bannum 50. Wm Fisher 50. Rachel Fisher 50 \$ 1.50 \$ 1.50

" " Spl Deer Term Circuit Court 1860.  
 John Hester. 6 days \$ 6.00  
 Adam Bannum 6 " " 6.00  
 Wm Fisher 6 " " 6.00 \$ 18.00 18.00  
 \$ 29.57

Defendants Cost.

Class Fee Docket Sub. Term 20. Entry App. Att'y 10. Issuing .30  
 Writ & Filing 40. Filing papers on Appeal J.P. 50 .90  
 1 Order Contem. 20 Entry Final Judgment. 25 .45  
 Issuing Executions Docket & Return \$ 65. Entry Sates 65  
 Jackson Judgment 15. Making Bill of Cost & Copy 30 .45 \$ 2.75

Shiff & Davie Depty. Exp.  
 Serving Summons. 50 Writs 55. Ret 10 \$ 1.15  
 " " Morris " Sep one 50 " 50 " 10 " 1.10 2.25  
 \$ 34.57

Attest, James P. Watson, Clerk



STATE OF ILLINOIS, }  
JACKSON COUNTY. } SCT.

The People of the State of Illinois to the Sheriff of Jackson County.

GREETING:

WE COMMAND YOU, That of the Goods and Chattels, Lands and Tenements, and Real Estate of  
*The Illinois Central Rail Road Company*

Late of your Bailiwick, you cause to be made the sum of *Sixteen* Dollars, and  
*Seventy Seven* Cents, which

Lately before the Jackson County Circuit Court, in a certain Action of *Appeal*

Recovered against *said Illinois Central Rail Road Company*

With Legal Interest thereon, at the rate of *6* per centum per annum, from the *13th*  
day of *December* in the year of Our Lord one thousand eight hundred and  
*Sixty* until paid. ALSO, that you cause to be made the further sum of *Thirty four*  
Dollars, and *Fifty seven* Cents, which was by the same Court adjudged to *her* for  
Costs and Charges about *her* said Suit in this behalf expended, whereof the said  
*Illinois Central Rail Road Company* *Stands*

Convicted, as appears to us of Record, and that you have the said several sums of money at the Clerk's Office  
of the said Circuit Court, at Murphysboro, ninety days after the date hereof, to render unto the said  
*Delilia Fisher* *with her*

Costs aforesaid: And have you then there this Writ.

WITNESS, JAMES P. WATSON, Clerk of our said Court, at his Office in  
MURPHYSBORO, this *7th* day of *March*  
in the year of Our Lord one thousand eight hundred and sixty *one*  
and the Seal of said Court affixed.

*James P. Watson.* CLERK.

Indorsement on back of Executions.

William Fisher

vs

M. C. R. R. Co.

Ex. No 1133

Am't Judgment \$16.00

" Cost 34.57

Come to hand March the 7<sup>th</sup> 1864. at  
3 o'clock P.M.

Wm. Cox. Shff

State of Illinois } ss.  
Jackson County } I James P Watson Clerk of  
the Circuit Court within and for  
said County and State. Do Certify that the above  
and foregoing is a true and correct Copy of the Orig-  
inal Papers in the Above Entitled Cause, together  
with the Orders of the Court. Officers, Returns, Returns  
and Copy of the Bill and Execution now in the  
hands of the Sheriff with the Indorsement thereon.  
In testimony whereof I have hereunto set  
my hand and the Seal of the Circuit Court  
of Jackson County at my Office in  
Memphisboro this 23<sup>rd</sup> day of March  
A.D. 1861.

James P Watson, Clerk

And the said Illinois Central Railroad  
Company by Haynie & Pouch  
Counsel and say there is no error  
Error in this Record appearing  
and for assigning the same date  
Set down & Show to the Court the  
following Court

1st The Court find in Rendering judgment  
against Defts below for all the  
Costs of the Case below

The Circuit Court having Rendered  
Judgment for a less sum than  
was Record before the Justice  
of the Peace it became the duty  
of the Circuit Court to opportune the  
Costs to the Circuit Court and in  
part so doing to

And the said Court find  
Attorneys to  
Haynie & Pouch  
for Plffs in Error

Joinder in Error  
C. Ward for Deft.

Filed April 12. 1861

W. Johnston C.M.

Paid by Joseph Haynie \$500

No. 15

M. C. R. R. Co. Plff in error

vs

Orlinda Fisher deft in error

The writ of error will be made a supersedeas  
on the Plff in Error executing a bond in  
the penalty of one hundred dollars with  
John N. Haynie Security conditioned  
according to law - April 4. 1861

Wm. H. P. Reese

IN THE SUPREME COURT OF ILLINOIS,  
FIRST GRAND DIVISION.....NOVEMBER TERM, 1861

**ABSTRACT.**

*The Illinois Central Railroad Co.,* }  
VS.  
*Delila Fisher.* }

Page 1 This was a suit by Delila Fisher, Plnt'ff below, vs. Defendants below, (plnt'ffs here,) for killing stock, by R. R. locomotive.

3 On the 28th of April, trial before Hagler, a J. P., of Jackson county, and judgment for plaintiffs below, for twenty-five dollars and costs—Defendants appealed to the Circuit Court.

5 At December special term, 1860, of Jackson Circuit Court, said appeal came on to be tried before Jenkins, judge, a jury being warned—judgement was rendered for plaintiffs below, for sixteen dol-  
6 lars, "being the amount of damages sustained, together with the costs of this suit. hereinafter to be taxed."

7 Costs of Plaintiffs below taxed at \$29,57

Error assigned.

The Court rendered judgement for plaintiff below vs. defendants below, for all the costs, and did not apportion the same, although the judgement of the J. P. was reversed and reduced from \$25 to \$16.

I. N. HAYNIE,  
WM. H. GREEN,

*Attorneys for Plaintiff in Error.*

*Defendant refers to Ill 392*

*Notes*

*710577 Court shall have power to apportion costs*

15-18

The Gls & C. Co  
R R Company

vs  
Ditcalah Fisher

abstract

Julia Ann. 15. 1861

A. Schuman Ch

IN THE SUPREME COURT OF ILLINOIS  
FIRST GRAND DIVISION  
NOVEMBER TERM, 1861

W. H. CHASE  
J. M. HAYDEN

Abstract of the case of  
The Gls & C. Co vs  
Ditcalah Fisher  
Case No. 1117  
Abstract of the case of  
The Gls & C. Co vs  
Ditcalah Fisher  
Case No. 1117

Dear Mayor

I enclose a receipt & Bill  
of five dollars please issue the  
Writ of Error at once to Shy of  
Jackson Co, make it out  
Superior & send me a  
receipt for the five dollars  
I oblige truly  
J. Mayne

Wm. C. K. Road

by

J. Fisher

Receipt

Wm. C. K. Road April 12. 1864.

St. John's City



State of Illinois, }  
SUPREME COURT, } SS  
First Grand Division. }

The People of the State of Illinois,  
To the Sheriff of Jackson County.

Because, In the record and proceedings, and also in the rendition of the judgment of a plea which was in the Circuit Court of Jackson county, before the Judge thereof between

Delila Fisher plaintiff and Illinois

Central Railroad Company

defendants it is said that manifest error hath intervened to the injury of said Illinois Central Railroad Company as we are informed by their complaint, the record and proceedings of which said judgment, we have caused to be brought into our Supreme Court of the State of Illinois, at Mount Vernon, before the justices thereof, to correct the errors in the same, in due form and manner, according to law; therefore we command you, that by good and lawful men of your county, you give notice to the said Delila Fisher

that she be and appear before the justices of our said Supreme Court; at the next term of said Court, to be holden at **Mount Vernon**, in said State, on the first Tuesday after the second Monday in November next, to hear the records and proceedings aforesaid, and the errors assigned, if she shall think fit; and further to do and receive what the said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said Delila Fisher notice together with this writ.

WITNESS, the Hon. John S. Catton Chief Justice of the Supreme Court and the seal thereof, at MOUNT VERNON, this twelfth day of April in the year of our Lord one thousand eight hundred and sixty-one.

Arch Johnston

Clerk of the Supreme Court.

This writ - was served on on delia Fisher By  
the Sheriff Reading the same to her in our  
Presents on the 27th day of June 1841

John Fisher

Michael N. Fisher

SUPREME COURT.  
First Grand Division.

Wm's Central Mill  
vs  
Oam Company

Plaintiff in Error.

VS.

Delia Fisher

Defendant in Error.

Sheriff's fees

100  
100  
100

SCIRE FACIAS.

Wm. C. Fisher

FILED.

The writ of error, issued and filed in this cause,  
is made a Supersederas, and as such, is to be obeyed  
by all concerned. Noah Johnston Ck

Executed the within writ - By Reading the same to  
Delia Fisher on the 27th day of June 1841 in the  
Presents of John Fisher - & Michael N. Fisher  
Wm. C. Sheriff of  
Jackson County Ill.

Know all men by these presents that the Illinois  
Central Railroad Company & Isham Mayne  
are held and firmly bound unto Sabela Fisher  
in the penal sum of one hundred dollars some  
money to for the payment of which well and  
truly to be made we bind ourselves our heirs  
& assigns firmly by these presents with  
our hands and seals on this 10<sup>th</sup> of April  
1861

The Condition of the foregoing Obligation  
is such that whereas the said Sabela Fisher  
did at the Special Session of the  
Jackson Circuit Court 1860. recover a judg-  
ment against the said Illinois C.R.R. Co. for  
fifteen dollars & costs of suit from  
where said judgment the said Illinois  
Central Railroad Company have said  
out a writ of Error to the Supreme Court  
of this State & the same is now to  
be made a supersedeas - Now if  
of the said Illinois Central R.R. Co  
I shall well & truly without delay pay  
into this said Court of Error & shall  
pay all damages sustained by said  
Sabela Fisher & Costs in Case the  
said Cause shall be affirmed then  
this bond to be void else to remain  
in full force & binding

Illinois Central Railroad Comp  
any" per Isham Mayne atty  
for

Isham Mayne

No 157

J. C. H. P. Co

my

Orlela Fisher

Superintendent

Filed April 12. 1864.

A. Schuster Clerk

*[Faint, illegible handwriting in the left margin]*

*[Faint, illegible handwriting in the right margin]*

IN THE SUPREME COURT OF ILLINOIS,  
FIRST GRAND DIVISION.....NOVEMBER TERM, 1861

**ABSTRACT.**

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VS. }  
*Delila Fisher.* }

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At December special term, 1860, of Jackson Circuit Court, said appeal came on to be tried before Jenkins, judge, a jury being warned—judgement was rendered for plaintiffs below, for sixteen dollars, “being the amount of damages sustained, together with the costs of this suit. hereinafter to be taxed.”

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Costs of Plaintiffs below taxed at \$29,57

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I. N. HAYNIE,

WM. H. GREEN,

*Attorneys for Plaintiff in Error.*

*Defendant refers to Do Ill 392*

State of Illinois,  
SUPREME COURT,  
First Grand Division.

} SS

The People of the State of Illinois,

To the Clerk of the Circuit Court for the County of Jackson Greeting:

**Because,** In the record and proceedings, as also in the rendition of the judgment of a plea which was in the Circuit Court of Jackson county, before the Judge thereof between

Orlila Fisher plaintiff and The

Illinois Central Rail road Company

defendants it is said manifest error hath intervened to the injury of the aforesaid Illinois Central Rail Road Company as we are informed by their complaint, and we being willing that error, if any there be, should be corrected in due form and manner, and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distinctly and openly without delay send to our Justices of our Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at **Mount Vernon**, in the County of Jefferson, on the 1<sup>st</sup> Sunday after the 2<sup>d</sup> Monday of December next, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

WITNESS, the Hon. John D. Catron Chief Justice of the Supreme Court and the seal thereof, at MOUNT VERNON, this twelfth day of April in the year of our Lord one thousand eight hundred and sixty-~~one~~

Josh Johnston

Clerk of the Supreme Court.



IN THE SUPREME COURT OF ILLINOIS,  
FIRST GRAND DIVISION.....NOVEMBER TERM, 1861

**ABSTRACT.**

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I. N. HAYNIE,

WM. H. GREEN,

*Attorneys for Plaintiff in Error.*

*Defendant refers to Dec Rec 392*



*copy 1/10/20/18*

*Faint, mostly illegible text, possibly bleed-through from the reverse side of the page.*

**8569**

*Faint text, possibly including a name like "D. de la Roche" and a company name "The Eastern Bank of India".*

*Faint text, possibly "THE EASTERN BANK OF INDIA".*

*Officer*

15

1864

Ill. C. Rail Road Co

vs

Delia Fisher

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vs to Jackson

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Dismissed by Plff on Am

8569

Case bill on Page 472-