

No. 12914

Supreme Court of Illinois

Scofield, et al

vs.

Watkins et al

71641  7

SUPREME COURT.

AMOS H. SCOFIELD, <i>Et. al,</i>	} Points for Plaintiffs in Error.
<i>Plaintiffs in Error,</i>	
V S.	
ALMERON C. WATKINS, <i>Et. al,</i>	} Defendants in Error.
<i>Defendants in Error.</i>	

I.

THE effect of the submission of this case, recited in the decree, was understood by both parties and the Court, to be that every fact alleged in the bill was to be taken as true. There was no answer, and the case was heard upon the stipulation that it should be submitted upon the bill of complaint, and the certified copy of the Statute filed in the cause—the same as if such Statute had been pleaded in bar to the relief prayed. The sufficiency of that plea was the only question. It is the legitimate effect of a hearing, upon sufficiency of plea, that every fact alleged in the bill is taken to be true.

Bogardus vs. Trinity Church, 4 Paige R., and cases cited on page 195.

II.

The supposed confirmatory Statute was no bar to the relief prayed in the bill, and the Court erred in giving such effect to the same.

1. The tax being assessed after the legal voters of the District had voted it down, was wholly void.

Beverly vs. Sabin, 20, Ill. 357.

2. The assessment was not uniform in respect to persons or property within the District, and the Confirmatory Statute was therefore unconstitutional (*Article 9, Sec. 5, Cons.*)—the same as if it had directly required the tax to be collected from a part, and exempted the rest of the tax-payers or taxable property of the District.

It is not a case of mere mistake of law or fact in making assessment; it was made fraudulently. (*See Abstract, page 9, 10.*)

The People vs. Mayor, &c., Brooklyn 4, Comstock 426-7.

3. The act is void because the money proposed to be raised, in this form, was not for the purpose of building a school house, but for private uses. (*Ab. p. 10*). It is simply taking one man's property, in form of a tax, and passing it to another for private use.

Taylor vs. Porter, 4 Hill, 140.

4. The act could not confirm this tax; because being levied after the people had voted it down, it was absolutely void. Void things are no things, and incapable of confirmation. To confirm it in its then state was to keep it void. At the moment the act passed it was void. To confirm it was to render it void permanently.

2 *Thomas' Coke*, 516, * paging.

As to when a thing is void

10 *Bacon Ab.* 374 A.

5. The district was not legally organized; if so, there was no *corporate authority* within said 5th section of article 9, Constitution, which could levy a tax.

4 *Gray R.* 42.

6. The levying of this tax in the manner described, after the people voted it down and for the purposes described, was grossly oppressive, and is an outrage upon private rights. This Court is bound upon those principles of common right and justice adopted for the protection of private rights, to declare a statute which attempts to legalize such proceedings to be beyond the pale of legislative power.

Powers vs. Bergen, 2 Seld. R. 358.

SCATES, McALLISTER & JEWETT,

Attorneys for Plaintiffs in Error.

219-199
Sup Court
Amos H Scofield
et al

vs

Almeron C Watkins
et al

Plffs Points

Filed May 14 1839
Leland
Clerk

Schofield v al }
Watkins v al }

The allegations of fraud
in making this assessment, are
sufficient.

Bayard v Mulcom v al

2 John R 550.
563. 567.

Casely v Freeman 3 Term R 60

Vanhorne's Case v

As to the Constitutional power
to Compel the assessment, which
was made in violation of the
Constitution See .

Vanhorne's Case v Dorrance

2 Dallas R 307 2 Reg

Calder v Bull v al

3 Dallas R 388.

"If the real estate of non-residents, as
in the statute provided, was really
~~taxable~~ liable to taxation,
the voluntary & purposed omission
of such property, would be likely,
upon settled principles, to invali-
date the assessment made upon
other property. For it cannot be re-
garded as competent for the Committee
to exercise an arbitrary discretion,
as to the property, or lists, upon

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in the statute provided, was really
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the voluntary & purposed omission
of such property, would be likely,
upon settled principles, to invali-
date the assessment made upon
other property. For it cannot be re-
garded as competent for the Committee
to exercise an arbitrary discretion,
as to the property, or lists, upon

which they will assess, or omit to
assess a tax. This is a matter
fixed by law"

Adams Hyde 1 Williams Street
R 224

Scots for Appellants

219-194

Schofield et al

vs

Watkins et al

Additional An-
nouncements for Plaintiffs

The answers of the Clerk of the Hill County Circuit Court, within mentioned, to the within writ of certiorari.

The Execution of the within writ appears by the Schedule herunto annexed.



In Testimony Whereof I
have hereunto set my hand and seal
of said Court & attached thereto,
at office in Joliet in Hill County, Illinois
this 11th day of May A.D. 1839

Alexander McEachern
Clerk

STATE OF ILLINOIS, SS. }

Supreme Court, Third Grand Division, at Ottawa: }

The People of the State of Illinois,

To the Clerk of the Circuit Court of Will County

GREETING

WHEREAS, in a certain plea between

Amos H. Scofield and others

plaintiffs and

Almeron C. Watkins et al

defendants lately depending in the

Circuit

Court of said

County, wherein judgment was rendered for the said

dependants

and against the said

Complainants

and the said

Complainants have sued out a writ of Error

from the judgment of said Court, rendered against them

as aforesaid, to the Supreme Court, held at Ottawa, on the first Tuesday after the first Monday in April, and in pursuance of the said writ of Error a transcript of the record and the proceedings in the plea aforesaid was transmitted. And, also, whereas it hath been suggested, on the part of said

Complainants

that the said record has been diminished, inasmuch as a full copy of the bill of Complaint - and all the allegations therein contained

hath not been sent up; and forasmuch as the said Supreme Court are not satisfied that there is a sufficient record sent in the plea aforesaid, but in the record there is a diminution: YOU ARE, THEREFORE, HEREBY COMMANDED, That, without delay, the said bill of Complaint & all allegations therein you cause to be transmitted to the Supreme Court, to be held at Ottawa, on the first Tuesday after the first Monday now in Session next, without any diminution or addition whatsoever, to the end that speedy justice may be done in the premises, according to law; whereof you are in no wise to fail; and send you then there this writ.

Witness The Hon. JOHN D. CATON, Chief Justice of said Court, and the seal thereof, at Ottawa, this 5th day of May in the year of our Lord one thousand eight hundred and fifty-nine

L. Leland

Clerk of the Supreme Court.

by J. B. Rice Deputy

Arms H. Seafeld
vs

Almeron C. Watkins
Certiorari



Arms H. Seafeld
vs

Almeron C. Watkins
Certiorari



"And Your Orators further Show unto Your Honor that in
"Computing And Assessing the said taxes upon Your Orators
"in the said Union District there were and are divers parcels of
"lands Subject to taxation within the aforesaid boundaries of
"said District last mentioned which were not included or
"Assessed at all, that in the South West Corner of Section
"Sixteen Aforesaid there are three Acres of lands of the value of
"At least fifty dollars per Acre belonging to Messrs Ogden &
"Jones which was not included in said Assessment that
"Your Orators are informed and believe and therefore charge
"the facts to be, upon Estimating all of the parcels of lands
"within and a part of said Section Sixteen there are forty
"Acres of said Section besides that belonging to Ogden & Jones
"Aforesaid which were not assessed at all and which lands
"is of the same value as that Aforesaid and is Subject to
"Taxation; that the East half of the North East quarter of
"Section two Aforesaid containing seventy five Acres of the
"value Aforesaid and owned by the said Asahel Hoag; that
"the South half of the North West quarter of said Section two
"containing eighty Acres and the East half of the South West
"quarter of the same Section containing eighty Acres and all
"of the value Aforesaid belonging to said John Sprangler; and
"the South West quarter of the North East quarter of said Section
"two containing about thirty nine Acres, - the West half of the
"South East quarter of said Section two - containing about
"forty Acres and the West half of the South East quarter of
"said Section two containing about eighty Acres of the
"value Aforesaid and belonging to the Aforesaid

"(Cleared) Highlands and all of which said several parcels of
"lands lie within the aforesaid boundaries of the said Union
"District No. One and Subject to taxation therein as your
"Orators are advised and believe to be true, but no part of
"which is included in the said Assessment"

"And your Orators further say that the
"said S R Tobias Lees & Hoag Catharine Beck and Writthrop
"might have as your Orators are informed and believe property
"Real or personal in said District Subject to taxation, "that
"none of said persons were included in said list"

"And your Orators further show unto your Honor
"that as they are informed & believe there are six acres contained
"in said Section ~~21~~ in said District and four acres in the
"West half of said Section twenty two which are not included
"in the aforesaid Assessment in said District"

"And your Orators further Show unto your
"Honor that as they are advised and truly believe the
"Corporate Authority of said supposed School District No.
"One so formed as aforesaid was as respected the assessing
"of taxes for building a School House or building purposes,
"vested in the legal voters of said supposed District and
"that when a vote was taken upon that question and
"Majority of the legal voters thereof; voted against assessing
"said District for that purpose there was then no authority
"in the Directors of said District, in the premises to assess
"the said tax for said purpose and your Orators further
"show, that the said Directors before making out the said

" Certificate and at the time as they are informed ^{and} believe were
" notified & well knew that they had no right to make
" an Assessment for the said purpose; and your
" Orators further upon information & belief show: that the
" said Directors or some of them fraudulently Colluding
" and Conspiring with the said S. J. Hammond and
" said Township Trustees then in Office to injure Oppress
" & harass your Orators and to procure & obtain the Money
" of your Orators not for the purpose of building a School
" House in said District as they pretended, but for the
" purpose of having said Money to use in their own business
" or in that of some of them, made the said tax list & caused said
" Assessment to be made as aforesaid, that they raised by
" Assessment a large Sum of Money for the same pretended
" purpose in the year 1857. to wit; the Sum of Five hundred
" Dollars but the said Directors have not since made any
" Attempt whatever or done any Act towards building any
" School House in said District but as your Orators are
" informed & believe have diverted said Money to other
" purposes and to private uses and that they are seeking
" and endeavoring by virtue of their said office to raise other money to be
" used in the said way and in violation of the trust reposed in them by
" the aforesaid statute. And your Orators Edward M. Miller
" shew unto your Honor that there is the said by encumbrances duly recorded
" in said County of the South West fractional quarter of section three
" of said and said District West of the Indian Boundary line, and the
" fractional part of the North half of the S. W. quarter of said Section West
" of the East Bank of the Dutch river, except that part divided

by Cyrus Ashley wife to Alexander Spencer, containing or having
Said deed as by deed made by Morgan Ashley wife to one
Said March dated the 24th Sept. 1832, and recorded in Book
"Y" Page 187, on the 27th Sept. 1832, and by said March
conveyed to your orator by deed bearing date _____
to which deeds your orator refers, and as by which will
more fully appear.

I the Clerk of the Will County Circuit Court, in and
for the County of Will and State of Illinois, do
under the seal of the said Court, Certify unto the Justices
of the Supreme Court of Judicature of the people of the
State of Illinois the contents and pages of the original
Bill of Complaint, whereof mention is made in the
Writ hereto annexed, together with all things touching
the same, as fully and amply, as the same are now
remaining in my office as by the said annexed Writ
I am commanded to do.



In Testimony Whereof I have caused the seal
of said Court to be hereunto affixed
at my office in the City of Joliet
in said County and State this
17th day of May A.D. 1839.

Alonzo M. Smith Clerk

James N. S. S. & Co.,

vs.
 Messrs C. Walker & Co.,

Clipped copy of 17. 18. 19 & 20.
 pages of original Bill of
 Complaint.

Filed May 14. 1859.
 L. Deland
 Clerk

Supreme Court of Sec. 3^d Division
April Term 1859.

Amos H. Scofield et al.

v.

Almeron C. Watkins et al.

} Brief of depts.
in error.

There are, undoubtedly, some irregularities in the proceedings of the School Trustees & Board of School Directors in this case, but, we doubt whether they were sufficient to entitle the complainants to the relief sought, even if the act of Feb. 9th 1859 were not in the way.

We are, however, unable to discover any Constitutional difficulty in the way of giving effect to the legislative will as expressed in that act, & we think its ~~provisions~~ provisions broad enough to cure all the irregularities complained of. There can be no mistake about what the Legislature intended to do. The act is clearly retrospective, & it was evidently intended to cure all irregularities both in on the part of the School Trustees in uniting Districts 1 & 7, & on the part of the School Directors in levying the tax, so as to make the tax as legal as though all the anterior

Proceedings had been regular.

Had the Legislature the Constitutional power to do so? If so, it is an end of the question, & the decree must be affirmed.

Whatever may be the views of the Court in relation to the propriety & justice of such retrospective legislation as that in this instance, unless the Legislature has violated some clause of the Constitution, the Act must be carried into effect, & the Court cannot enquire into the propriety of the action of the legislature.

The only reasons assigned why the act is not constitutional, are,

1st That the tax was void, because the people of the district had voted against it, & a void act cannot be cured by legislation.

There was no Constitutional right on the part of the people of the district, if any, to vote whether there should be a tax levied or not. The right to vote on the question was given by the Legislature in 1857 & may be taken away by it, leaving things as they were prior to the act of 1857. ~~But had the people a right that no tax should be raised~~ Could not the legislature have enacted that the proviso

"that the people vote the sum as herein-
- after expressed" be & the same is hereby
repealed"? Who would doubt it?

But, had the people a right to vote that
no tax should be raised for building
purposes? (And this is all they have done.)
We claim not, unless the contemplated
building was to cost over \$1000.

The case of *Beverly vs Sabin* 20 Ill.
357 only decides that a vote of the people is
necessary in order to raise money to pay
a debt incurred for building a School
House which had cost more than \$1000.
The Court, it is true, say, that there is not
in the Act after the expression "provided
the people vote the sum as hereinafter
expressed" anything expressed on the
subject, but we respectfully suggest
that in the 48th section, it is provided that
the directors shall not have power to
levy taxes for the purpose of building a
School House to cost over the sum of
\$1000 without the consent of a majority
of those voting at the election.

The "hereinafter expressed instances"
in which a vote of the people is required,
are,

- 1 When a school site is to be purchased, a school-house is to be erected, located, purchased, or changed.
- 2 When the schools are to be extended for a longer time than six months.
- 3 When the directors propose to levy a tax to build a house worth more than \$1000.

When the amount to be raised by taxation is for a school house of less cost than \$1000, the directors have the power to raise the money without the vote. When the question of the selection of the site comes up, the people may be heard as to where the building shall be placed. If a majority do not vote for a ~~peculiar~~ particular site, the directors have the power to select the site & build the house, if it is not to cost more than \$1000 -

So that not even the Statute has been violated by the directors, ~~except, perhaps~~ ~~they ought to have fixed the rate per cent~~ ~~in the order of June 27th 1858.~~

Suppose the tax was void for irregularities, that is no reason why the Legislature could not make it valid, by

removing the irregularities. All levies of Taxes may be called void where the requirements of law are not complied with. When the irregularities which made the tax invalid are made regular, it becomes valid.

The case of *Gougeon vs Long* 15 Ill. 202, seems, in principle, to be precisely analogous to the case at bar. This was a case of a Bill to restrain the collection of an invalid school tax, made valid pendente lite by an Act of the Legislature.

- 11 That the levy of the tax was unconstitutional, because, by reason of the omission of the names of some of the taxable inhabitants & of some of the taxable lands, the taxation was not uniform.

We take it that practical injustice growing out of the improper discharge of their duty by officers acting under a Constitutional law, is no reason why the law is unconstitutional. As well might it be said that private property had been taken for public use without just compensation, because the tribunal designated by law to ascertain the

Compensation had erred in judgment & by reason of some mistake or otherwise, had not awarded to the Claimant just Compensation. There never was, & there never will be, a levy which does not omit the name of some taxable inhabitant or some taxable property. There can, of course, be no difference in principle between real & Chattel property. And if the omission of a chattel required by law to be taxed makes the whole tax unconstitutional & void, then there can never be a Constitutional & valid levy made, because it is wholly impossible for any assessor to get every taxable person & every taxable Chattel on his list. If the legislation on the subject is Constitutional, that is all that can be required -

- III It is also insisted that because it is alleged in the Bill that the Directors, or some of them, colluding with Hammond & the Trustees, did not intend to build a School-house with the tax money, but caused the tax to be levied with the intention of misappropriating the funds

by using them in their private business -
that therefore the money was not raised
for the purpose of building a School
House, but for private purposes & their
property was about to be taken, not
for a public, but for a private use &
therefore the tax so levied was
unconstitutional -

This might be a very good reason
for enjoining those officers from spending
the money about their private business,
on a Bill filed to prevent the defendants
from becoming defaulters - And if a
Court of Equity can, by injunction, effectually
stop people from becoming defaulters,
it would, no doubt, be a most excellent
thing. But we do not see ~~why it should~~
any ~~be~~ reason why the money should
not, at least go into the hands of the
Collector, who is not charged with any
wicked design to spend it, nor do we
perceive what provision of the Constitution
was violated by the Legislature when
they permitted the Collector to collect the
tax, notwithstanding the danger of a
misapplication of the funds after he
should have paid them over - Although

This allegation of the Bill is legally ~~true~~, true, yet we deny that it is true in point of fact. It was one of those "flourishes" in the Bill which was not probably noticed by the attorneys when they pleaded the statute in bar of the relief.

It is said that there was no Corporate authority which could levy the tax, & consequently, it could not be levied under Sec. 5 of Art. 9 of the Constitution.

The only objection to there being a Corporate authority is, we suppose, that there were only two Trustees of the town when the district was formed. We can hardly doubt that the Legislature had power to declare the act of the two valid, if it were not so before. It was merely an irregularity, at most. And when two of these Trustees are expressly made in Sec. 32 a quorum to transact all business, we do not conceive the act of the two to be invalid. We do not suppose the Corporation was dead, during the time which ~~might~~^{have} elapsed after one Trustee went to California & before his vacancy was filled - Consequently

There was an existing Corporation, even if its duties were not regularly performed by the two.

On the subject of retrospective legislation generally, we cite the following authorities, to the point that retrospective legislation like that in this case, is not unconstitutional -

2 Story on Const.	Sec. 1398
Calder vs Ball	3 Dallas 386
Satterlee vs Matthewson	2 Pet. 380
Wilkinson vs. Leland	2 Pet. 627
Watson vs Mercer	8 Pet. 88
Underwood vs Lilly	10 Sergt. & Rawle 97
² Bell vs Roberts	13 Vermt. 582
Thayer vs Scary	2 Fairf. 284
Walter vs Bacon	8 Mass. 468
Goshen vs Stonington	4 Conn. 209.

We see nothing ~~in~~ the authorities cited in the brief of plffs. in error, which conflicts with the views of defts. in error, as herein expressed

Leland & Leland
for defts. in error

217-104
Schopfield coal
vs
Watkins coal-

Brief of
depts. involved

Filed May 18. 1889

Print this when ready
Add to my depts.
in note book for May 18

United States of America
State of Illinois
County of Will

Shas before the Honorable Judge
O. Horton Judge of the Eleventh Judicial Circuit of the
State of Illinois, and presiding at the March Term of the
Will County Circuit Court, begun and held at the Court
House in the City of Joliet in said County & State
on the first Monday, the same being the Seventh day
of March in the year of our Lord one thousand Eight Hundred
and fifty nine, and of the Independence of the United States
the Eighty third.

Present Honorable James O. Horton Judge of the 11th Judicial Circuit
Jas. S. Dutton State Attorney
Alzo Leach Sheriff Will County Illinois

Alfred M. Anderson Master at Law

But Reminded that before to wit. On the Twenty
fourth day of January in the year of our Lord one thousand
Eight Hundred and fifty nine, Alvin R. Scofield and others
by Deane McAllister & Jewett their Solicitors, filed in the
Office of the Clerk of the Will County Circuit Court their certain
Bill of Complaint ^{which said Bill and the answer thereto} in words and figures as follows To Wit

State of Illinois }
County of Will } Will County Circuit Court

To the Honorable Jesse O. Morton Judge of
Said Court in Chancery Setting

Complaining show unto
Your Honor of our Orators Amos H. Schofield Thomas
J. Lang Denison A. Green Ira Hicks Henry Young
Jason Flanders George Motinger Alva D. Freeman
Cyrus A. Ashley Lyman Foster Erastus G. Wright George
McCooper Bela Luce James Gleason Reuben Hagg
Alanson J. Hatch George Moody James R. Ashley
Edward McAllister James R. Ashley Agents of Union
Store of Plainfield Alongo Kenestreet Mills Royce

3.

George W Langley John W D Hagg Rodenick B
 Wright William Walton Hailey Ingersoll Norman
 S Hamlin Meinera Highlands Cyrus Ashley Mary
 Turner Riley B Ashley Charles Hoag Abigail
 Goodspeed Emily Peirson & Henry Geist

All of whom are the owners
 of taxable property Situate ^{lying and being} and being in the School
 District in the town of Plainfield in the County of
 Will Aforesaid known as Number Seven and hereafter
 more particularly described and all of whom reside
 in and are taxable inhabitants of the said town
 of Plainfield Except Riley B Ashley who resides
 in the State of New York but still owns property
 subject to taxation Situate in said District No Seven

Also George W Bradley John S
 Hatch Robert Dolph Elnel Corbin William
 Blackford Alingo B Sharp Stephen R Beggs
 Leonard Marsh Sereno W Culver All and
 Each of the said persons last above named are
 the owners and for a long time have been of
 taxable property Situate lying and being in
 Old District No One in the said town & more
 particularly hereafter described and all all
 inhabitants of the said town of Plainfield

And your Orators further
 Show unto your Honor that long before the year
 AD 1855 and before the attempted alterations
 of Districts Number One & Seven hereinafter

9.

State of Illinois }
County of Will } Will County Circuit Court

To the Honorable Jesse O. Morton Judge of
Said Court in Chancery Setting

Complaining show unto
Your Honor of our Orators Amos H. Schofield Thomas
J. Lang Denison A. Green Ira Hicks Henry Young
Jason Flanders George Motinger Alon D. Freeman
Lynus A. Ashley Symon Foster Erastus G. Wright George
W. Cooper Bela Luce James Gleason Reuben Hagg
Alanson J. Hatch George Moody James R. Ashley
Edward McAllister James R. Ashley Agents of Union
Store of Plainfield Alanzo Hemstreet Miles Royce

4

Mentioned and on to wit about the 20 day of March A.D. 1844 and in the month of April A.D. 1848 by the orders and Actions of the Trustees of Schools of Township Thirty six Range Nine in the County of Will Aforesaid (that Township being the Town of Plainfield Aforesaid) the said Township was divided up into seven school districts the boundaries of each particularly, defined and designated and the said Districts severally and legally organized for school purposes

That in the Division Aforesaid the said District Number one included Sections 15, 16, 21, 22, and the NW¹/₄ of Sec 14 and the Village of Plainfield (the old town meaning) and District Number Seven Aforesaid included Sections No 9, 10, & SW¹/₄ of Sec. three Except the North half West of La Page River & West half of SE¹/₄ of Sec three and East Plainfield & Arnolds Addition to Plainfield as by the Records and proceedings of the said Trustees to which reference is hereby made will more fully and at large appear, and your Orators further shew unto your Honor that for a long time before and at the time of the said attempted alteration of the Districts No one & Seven as hereinafter mentioned there was no suitable & proper site and school house upon each of said Districts and schools kept and maintained in a successful & peaceful manner

And your Orators further shew unto

5

Your Honor that at the time of the said attempt to change and alterations as hereinafter mentioned there was no board of Trustees of said Township having the competent power and Authority as your Orators are advised and verily believe to be true to make any valid or legal change of the said District. That in the Spring of 1848 O. J. Corbin S. Hamlin and W B Goddard were Elected Trustees of said Township that afterwards and in the Spring of 1850 the said W B Goddard left the State of Illinois and went to California and ceased to be a resident of the said Township that from the time of the Election of Trustees for said Township last before mentioned there was ^{other} no Election of Trustees or for a Trustee in or for said Township until after the time of making the said supposed change and alteration attempted as hereinafter mentioned

And your Orators further shows unto your Honor that by the 31st Section of the Act of the State of Illinois Entitled "An Act to Establish and Maintain Common Schools" Approved February 12th 1849 and then in force and by the 36th Sec of the 98 Chapter of the revised Statutes of 1848 it is provided that no person shall be Eligible to the Office of Trustee unless he shall be a resident of the Township.

And your Orators further shows

7

And your Orators further show unto your Honor that by an Act of the Legislature of the State of Illinois Entitled an Act to Establish and Maintain a System of Free Schools in force on the 15th day of February A.D. 1855. in and by the 35th Sec thereof it is Among other things provided as follows; "Trustees of Schools shall prepare or Cause to be prepared a Map of the Township as often as may be necessary on which shall be designated Districts to be styled District No. - in Township No. - which they may alter or change at any regular Session.

Your Orators further say that as they are advised and verily believe the said Section in Effect Contains a prohibition against the Trustees of Schools altering or changing the said Districts or any of them at any time. Except at a regular Session of the Board of Trustees, which by the 34th Sec of the same Act last mentioned was required to be on the first Monday of April and Octobers in Each year

And your Orators further say that the said S. Hamilton & O. J. Corbin Claiming to Exercise the power and Authority vested in the Boards of Trustees under the said last mentioned Act but having as your Orators are advised & therefore charge no power or Authority to act as a Board of Trustees for the reasons before mentioned did on the 27th day of October A.D. 1855 the same

P.

not being a regular Session of said supposed Board of Trustees, make a supposed or pretended order as follows; "After due Consideration in the premises we the said Trustees do Ordain and Constitute one District of the said Districts No 1 & 7 to be recorded and designated as District No 1. with the proviso that the building contemplated to be built for the use of said school shall be built on the South West Corner of Section No ten (10) in Township No 36, Range 9. - East 3 Meridian State of Illinois Ill Oct 27th AD 1855 as by said proceedings will more fully and at large appear

And your Orators further show unto your Honor as they are advised and verily believe to be true that if the said pretended Trustees had been & were at the time last aforesaid a legally constituted Board of Trustees and the time of making the above supposed order had been a regular Session, yet the said Order was wholly void because the Trustees of Schools, by law have no power or Authority, as your Orators are advised and verily believe to be true to require that the building contemplated to be built should be built upon the locality aforesaid nor to decide upon or fix the site of such building and the said supposed Order being made upon that condition is for that reason wholly void

9.

And your Orators further show unto your Honor that under the said supposed order changing the aforesaid school Directors No One and Seven into a District designated as No One. Certain persons to wit: Daniel Munderrall Henry Aulsebrook assumed to act as Directors of said supposed District made out of the Old Districts No One and Seven as aforesaid and designated as number one and as such assumed Directors of said supposed new District No One did on or about the 29th day of June AD 1858. make a pretended Certificate for the purpose of levying a tax upon the Owners of property in said Old Districts one and Seven as aforesaid as follows viz;

We the undersigned Directors of District No One (1) Township No 36. Range No 9. in the County of Will and State of Illinois do hereby Certify that said Board have Estimated and required to be levied for the year 1858 the rate of One thousand dollars for Teaching and Eight hundred fifty four dollars for incidental and building purposes in said Dist June 29. 1858

Daniel Munderrall } Directors
Henry Aulsebrook }

And your Orators further show unto your Honor that as they are advised and verily believe the said supposed Directors Even if they had been legal Directors of the school District and the

said District had been legally authorized had
 no power or Authority to make the Certificate afore-
 said or to Cause the said Amount to be Assessed
 upon the Taxable inhabitants of said District
 That by the 44th Section of the Act of the Legislation
 of the State of Illinois Entitled an Act to Establish
 and maintain a System of free Schools Approved
 February 16th 1857 it is made the duty of the Boards
 of Directors to determine by Estimate the entire
 Amount necessary to be Expended in the District
 to keep in good Condition & operation a sufficient
 Number of free Schools &c over and above the
 available Means &c and such additional Amount
 as the Board may think necessary further Exclu-
 sive purpose of Supplying any deficiency in the
 funds for the payment of Teachers and for the pur-
 pose of Extending the terms of Schools &c and
 shall determine as nearly as practicable what
 rate per cent on the one hundred Dollars Valua-
 tion of all the taxable property in the District Each
 of said Amounts Separately will require to be levied
 Each of which rates so Estimated and required
 to be levied together with a list of all the residents
 tax payers the said Board shall make known
 by Certificate in writing ^{signed} by the President & Clerk
 of the Board or at least two of the Directors to the
 Clerk of the County Court of the County on or

before the first Monday of July next thereafter in each year; Provided that the People vote the same as hereinafter Expressed

And your Orators state upon information & belief that the said supposed Boards of Directors did not make the said Estimate of rates per cent on the one hundred dollars valuation of property in said supposed District nor did said boards make known by Certificate the rates aforesaid so required to be levied as aforesaid with the list of tax payers to the County Clerk of said County as above required; but your Orators charge the fact to be, that the only Certificate made to them for the year 1858 was that which is herein before set forth

And your Orators further shew unto your Honor that before the time of making the said pretended Certificate to the Clerk of said County by the said pretended Directors of said District on to wit the 21st day of June 1858 a meeting of the legal voters in the said supposed District which had been regularly called upon due notice convened within the said supposed District to vote upon the question whether there should be any tax levied for building purposes in said District that the votes of the legal voters within said District was then taken upon the question aforesaid and a Majority of nine upon said vote was cast

12.

Against logging any land for building purposes

And your Orators further show unto your Honor that there are two school sites within the said supposed District designated as No one and these has not at any time since the said attempted organization of said last mentioned District out of Nos. one & seven before described, been any vote taken, as your Orators are informed & believe, of the legal voters of said District to purchase a new site or change or locate one nor to build a school house. Except the vote of the 21st of June aforesaid that the said supposed Directors have caused the said two sites in said supposed new District to be used for school purposes during a considerable of the time since the said pretended change of the Districts

And your Orators state and charge that by the 48th Section of the Act of 1857 last mentioned it is provided that the directors have power to locate and build a school house which shall cost not to exceed the sum of one thousand dollars only in case a vote is taken on the subject of locating a site at an election and a majority of the votes cast at said election, is not obtained for any site

And your Orators further show upon information & belief that there was no vote of the People of said supposed District taken at any time before the making of said certificate to the said

County Clerk as aforesaid Authorizing the Copying of the same or either of them in said Certificate mentioned or for the purpose or purposes therein stated as is required by the said 44th Sec. of the Statutes of 1857 before mentioned

And your Orators further show unto your Honor that on or About the 7th day of April A.D. 1856 the said Goddards remaining out of the said State and the said vacancy, not having been filled by an Election according to said Statute or otherwise the said Of Gordon & S. Hamlin as such Trustees of said Town for the purpose of defining the territorial boundaries of said Union District No one, made an order and pretended to Ordain and Establish that said Union District should include Section, Nine, ten, Sixteen, twenty one, the West half of twenty two, the West half and North East quarter of Sec fifteen, the North West quarter of Sec fourteen the West half of Eleven. All of Section two except forty Acres, the East half of the East half of the South West quarter and Eighty Acres of Section one being the West half of the North West quarter of said Section Also the East half of Section three the South West quarter of Section three except the North half West of the Lee Page River as by the records and proceedings of said Trustees reference being hereby made will

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More fully and at large appear and said Trustees Afterwards to wit on or about the 10th day of June 1856 made or caused to be made a Map or plat of said District Certified by them and caused the same to be duly filed in the Office of the Clerk of said County to which map or plat so on file in said Office or a Certified Copy thereof your Orators hereby refer as a part of this bill. And which as your Orators are advised constitute the boundaries of said District

And your Orators further show unto your Honor that the Directors of the said Union District No one in making the said Certificate of the rates to be assessed as aforesaid and the list of the tax payers in the said District omitted a large number of the names of tax payers in the said District that is to say Asahel Hoag John Spangler Abigail Heylands S R Tobin William Greenwood Goss & Hoag Catherine Peck Winthrop Wright Ogden & Jones. A copy of which list of tax payers and of the said Certificate are hereto annexed marked Schedule "B" and which your Orators pray may be made a part of this bill of Complaint

And your Orators further show that the said list was not made & completed until after the first day of July 1858 that the last Column thereof was as your Orators are informed & believe made out after said first day of July by the said Daniel Turner

And your Orators further shew unto your Honor
 that in Computing and Assessing the said taxes upon
 your Orators and others in the said Union District
 there were and are divers parcels of lands Subject to
 taxation within the aforesaid boundaries of said
 District ~~but~~ ^{but} which were not included or assessed
 at all That in the South West Corner of Section Sixteen
 Aforesaid there are three acres of lands of the value of
 at least fifty dollars per acre belonging to Messrs
 Ogden & Jones which was not included in said
 Assessment That your Orators are informed and
 believe and therefore charge the fact to be upon
 Estimating all of the parcels of lands within and a
 part of said Section Sixteen there are forty acres of
 said Section besides that belonging to Ogden & Jones
 Aforesaid which were not assessed at all and ~~to~~
 which lands is of the same value as that Aforesaid
 and is Subject to taxation, that the East half
 of the North East quarter of Section two Aforesaid
 Containing Seventy five Acres of the value Aforesaid
 and owned by the said Asahel Hoag; that the
 South half of the North West quarter of said Section
 two and Containing Eighty Acres, and the East
 half of the South West quarter of the same Section Con-
 taining Eighty Acres and all of the value Aforesaid
 belonging to said John Spangler and the South West
 quarter of the North East quarter of said Sec two
 Containing thirty nine acres the West half of the

16.

South East quarter of said Section two containing About forty Acres and the West half of the South East quarter of said Section two containing About Eighty Acres of the value aforesaid and belonging to the said Abigail Heyland and all of which said several parcels of land lie within the aforesaid boundaries of the said Union District No one and Subject to taxation therein as your Orators are advised and believe to be true but no part of which is included in the said Assessment

And your Orators further say that the said S R Tobias Lees & Henry Catharine Peck and Winthrop Wright have as your Orators are informed and believe property, real or personal in said District Subject to taxation; that none of said persons were included in said Dist-

And your Orators further show unto your Honor that as they are informed & believe there are Six Acres contained in said Section 21st in said District and four Acres in the West half of said Section twenty two which are not included in the aforesaid Assessment in said District

And your Orators further show unto your Honor that as they are advised and verily believe the Corporate Authority of said Supposed School District No one so formed & as aforesaid was as respected the assessing of taxes for building a School House or building purposes vested in the legal

17.

voters of said Supposed District and that when
 a vote was taken upon that question and majority
 of the legal voters thereof voted against assessing
 said District for that purpose there was then no
 authority in the Directors of said District in the
 premises to assess the said tax for said purpose
 and your Orators further show that the said
 Directors before making out the said certificate
 and at the time as they are informed and believe
 were notified & well knew that they had no right
 to make an assessment for the said purpose and
 your Orators further upon information & belief
 show that the said Directors or some of them frau-
 dulently colluding and conspiring with the
 said H. J. Hammonds and said Township Trustees
 then in Office to injure oppress & harass your
 Orators and to procure & obtain the money of
 your Orators not for the purpose of building a
 School House in said District as they pretend
 but for the purpose of having said money
 to use in their own business or in that of some
 of them that they raised by assessment a large
 sum of money for the same pretended purpose
 in the year 1857 to wit. the sum of five hundred
 dollars but the said Directors have not since made
 any attempt whatever or done any act towards
 building any School House in said District but
 as your Orators are informed & believe have

~~diverted~~ said Money to other purposes and to private uses and that they are seeking & endeavoring by virtue of their said Office to raise other Money to be used in the same way and in violation of the trusts reposed in them by the aforesaid Statute,

And your Orator Edwards M^cAllister shews unto your Honor that he is the owner by Conveyance duly recorded in said County of the South West fractional quarter of Section three aforesaid in said District West of the Indian Boundary line and the fractional part of the North half of the S^W quarter of said Section West of its ^{East} Bank of the Dupage River except that part ceded by Cyrus Ashley & wife to Alexander Spencer containing only about sixty acres as by deed made by Morgan Ashley & wife to one Levi Marsh dated the 24th Sept 1852 and recorded in Book "Y" page 187 on the 27th Sept 1852, and by said Marsh conveyed to your Orator by deed bearing date

To which deed your Orator refers and as by which will more fully appear.

And the said Edwards M^cAllister is the owner of a parcel of land containing only three acres in the North West Corner of the South West quarter of Sec No Ten aforesaid bounded on the South East by the village of East Plainfield

That the first of said foregoing parcels of land belonging to said Edwards M^cAllister is

19.

Assessed for said School District tax as Seventy five
Acres and the parcel later aforesaid mentioned as
five Acres and $\frac{68}{100}$.

And your Orators except the said
Edward McAllister further show that said Edward
McAllister is the owner of Lots No 36, 37, 66 & 67.

Containing an Acre of land & house & improvements
thereon in said Village of East Plainfield of great
value to wit of the value of \$1000.00 and lying
in the said School District but neither of which
said Lots is included in the aforesaid assess-
ments in said District.

And your Orators further Show unto
your Honor that as they are informed and believe the
County Clerk of the said County of Will in pursuance of
the said Certificate so made as aforesaid computed
the tax to be levied of the property of the persons
named in the list of tax payers Except Archibald &
Jesse McAllister also Certified to him; that among
the said list of tax payers so Certified to said Clerk
was each of your Orators, which said tax so Com-
puted was set down opposite to the respective names
of your Orators and others on said list in the tax
book to be delivered to the Collector.

That the ~~tax~~ paper hereto annexed

20.

Marked Schedule "A" Contains the names of your Orators and the Amount set opposite their respective Names in said list is the Amount of tax so assessed to Each of your Orators for the said purposes in the said Certificate mentioned and which your Orators are advised and verily believe is illegal and void as to Each of your Orators

And your Orators further show unto your Honor that Almeron C Watkins is the Collector of the said Town of Plainfield and that the said tax Book containing the said supposed School tax has been delivered to the said Collector and he is about proceeding to collect the same of your Orators and unless restrained by the injunction of this Court will for such illegal taxes as aforesaid, proceed to compel your Orators to pay the same or collect it out of the property belonging to them in said district as aforesaid

Your Orators further show that Jonathan Heager Daniel Vandersoll & Henry Aulsebrook are now and for some time have been acting or claiming to be Directors of said new supposed District no one whom your Orators may may be made parties Defendants in this suit

And your Orators further show ^{that} Daniel Tomner H J Hammond and George A Chittenden are Trustees of Schools of said Township thirty Six Range nine in Will County whom your Orators likewise may may be made parties Defendant to this suit

Your Orators therefore Ask the Aids of this Court in the premises and that the Above named Almeron C Watkins Jonathan Hayer Daniel Vandersall Henry Culebrook Daniel Tomner R J Hammonds and George N Schittendon the Defendants in this Suit may be required to appear in this Court and Answer this your Orators bill. According to the Rules and practice of this Court without oath, there Answer on oath being hereby waived and that a decree may be made Enjoining prohibiting and forbidding the said Almeron C Watkins from Collecting or Attempting to Collect the said tax or any portion thereof so Computed and set down in said tax book against your Orators Severally as aforesaid and declaring the said tax and Every part thereof null and void; And also Enjoining and prohibiting the said Jonathan Hayer Daniel Vandersall & Henry Culebrook from any wise intermeddling with the Affairs of the said Supposed District or from making any Attempts or doing any Acts whatever towards Assessing or levying a tax upon the inhabitants of said Supposed School District and that the said Order changing and Altering the said District No one and Seven may be declared illegal and void.

May it please your Honor to grant unto your Orators the preces writ of injunction Enjoining and prohibiting the said Almeron C Watkins his

22.

Agents Servants or Attorneys from Collecting or attempt-
 ing to Collect the said Sums of Money or any or Either
 of them Assessed against your Orators respectively
 for the purposes of said Supposed School District
 No One in Township 36 Range 9 East in Will County
 And Enjoining and prohibiting the said Jonathan
 Heager Daniel Vandersall & Henry Aulsebrook from
 intermeddling in any wise with the Affairs of said
 District untill the further order of this Court

And for such further ~~other~~ or
 different relief in the premises as may to this
 Court seem meet & proper & consistent with the
^{principles} ~~principals~~ of Equity &c

May it please your Honor to grant
 unto your Orators the Peoples writ of Summons
 issuing in due form of law and requiring the said
 Almeron C Watkins Jonathan Heager Daniel Vandersall
 Henry Aulsebrook Daniel Sonner 10 of Hammond and
 George N Chittendon Defendants to appear in this
 Court at the next term thereof to answer your
 Orators bill &c

Scates McAllister & Jewett }
 Sols for Compls }

"James R Ashley"

"State of Illinois" }
 "County of Will" }

James R Ashley being duly sworn
 deposes and says that he has
 read the foregoing bill of Complaint by him Subscribed
 over

"and knows the contents thereof that the same is true of
"his own knowledge except the matters therein stated to be
"upon information and belief and as to those matters he
"believes it to be true"

"Subscribed and sworn this 22.nd day ³ of January A.D. 1857. before me

"James R Ashley"

"I M^r Allister J. P."
"In the back of said Book of said Court there appears the following agreement
of the Master in Chancery for said County. To wit:—

"State of Illinois }
Will County } "In the absence of the presiding judge

"the following order is made by the
Master in Chancery for said County"

"Let an injunction issue accor-
-ding to prayer of foregoing bill upon Reuben
"Hagg Lyman Foster Amos N. Scofield Dennis D
"Green Esq. W. Bradley & Jason Henders entering into
"Bonds in sum of three thousand dollars
"Muss fee \$5.00 P.D.

"J. A. Bartleson

"Master in Chancery"

List of Complainants & Amt of School
Last Assessed Each Individual

Original No of List	Last	Original No of List	Last
7	Amos N Schofield \$70 71	7	John W H Hagg 17 87
"	Thomas J Sang 15 00	"	Roderick B Wright 3 05
"	Dennis D Green 13 20	1	Geo W Bradley 28 39
"	Ira Weeks 16 20	1	John S Keatch 37 75
"	Henry Young 25 58	7	Wm Walton 14 02

24.

7	Jason Gladders	18 72	7	Heasley Ingersoll	5 68
"	George Motinger	27 02	"	Norman S Hamlin	20 16
"	Cyrus N Ashley	10 13	"	Winifred Wglands	23 40
"	Lyman Foster	39 44	"	Cyrus Ashly	5 62
"	Erastus G Migho	10 85	"	Mary Turner	1 92
"	George W Weaver	11 43	"	Riley B Ashly	1 05
"	Bela Lacey	6 74	1	Robert Dolph	10 63
"	James Gleason	2 80	"	Elisha Ceston	31 00
"	Reuben Flagg	31 40	7	Charles Hoag	4 38
"	Alanson J Hatch	2 08	1	Wm Blackford	5 40
"	George Moody	1 28	1	Alonso B Sharp	6 99
"	James R Ashly	8 63	1	Stephen R Bezgo	48 78
"	Union Store	3	1	Leonard Marsh	33 42
"	James R Ashly ag ³	20 68	7	Alon S Freeman	6 88
"	Edw ^d Wallister	8 92	"	Aligail Goodspeed	2 50
"	Alonso Hemstreet	7 91	"	Emily Persons	20 11
"	Wiles Royce	8 45	Schedule "A" Refers to no the annexed Bill of Complaint		
"	Geo W Langley	2 50			
"	Henry Grist	27 03			
"	Sirano W Butler	36 75			

"Copy"

We the undersigned Directors of District No one, Town-
Ship No 36 Range No 9 in the County of Will and State
of Illinois do hereby Certify that said Boards have
Estimated and required to be levied for the year
1858 the rate of one thousand dollars for Teaching

and Eight hundred & fifty four doll^s for incidental
and building purposes said Dist.

June 29. 1858

Daniel Vanderwell ³
Henry Culebrook ³ Directors

"Schedule B" referred to in the amendment to the
Annexed Bill of Complaint

O J Corbin	L C Curtis	R W Hers
J A Harten	L W Bradley	J D Shreffler
B C Leonard	P J Sesturgeon	W A Fuller
Geo Moody	S S Pratt	Jr Guilds
L A Rice	George Essington	A Wally
M Seasenbach	J R Kent	M Daniels
John C Dillman	W Culebrook	A Mudyke
S W Culver	Leonard Marsh	Henry Grist
Isaac Becker	L D Drew	J E Spangler
Par Boland	H P Norris	A B Sharpe
Dr A B Rogers	James Lawrence	N S Hamlin
Barnes	W Keen	Pattie Goodhue
Mary Turner	Jacob Grist	L Watkins
J W Leav	O Miles	R H Bartlett
A Hemstreet	J Hooper	B W Clary
R Dolph	A Booth	J J Curtis
E Whitley	H Burkistalder	J Gleason
S E Dillman	Henry B Frey	Bela Luce
A B Seville	Franklin Grist	E Snowden
J Pratt	S R Beggs	G J Wood
Charles Stinson	Adam Drumm	M Peison

26

J. Sanders
 Geo W Cooper
 A H Seafields
 D D Green
 Mrs Schinn
 E McAllister
 J McAllister
 A McAllister
 Geo W Saugley
 Charles Keagy
 Gillespie
 A J Keatch
 J R Ashley
 L Meergan
 C Ashley
 H Engersoll
 W D Webb
 C A Ashley
 A Wahr
 D W McLennell
 D Vandross
 Jas Lise
 Ez Wright
 A Lillman
 A Cooper
 Is Molleniger
 Wm E Meergan
 P Burkhardt

Dan Snuffler
 John Keatch
 A C Watkins
 Wm Blackford
 M Heylands
 Henry Goodhue
 J Hicks
 W Lillman
 Wm Warner
 Dan Wright
 W Keagy
 M A Sowden
 S Robinson
 J Keagy
 J Bartram
 J D Keann
 J Osman
 J W Wright
 R Webb Jr
 M Kennelly
 A H Dexter
 John Lewis
 B F Flagg
 M Woolveston
 M Philles
 Dan Beckwith
 A Whittier
 C Hedham Sen

C Hedham Jr
 M Lawrence
 Hannah Burrin
 Robt Webb Sen
 A D Freeman
 Geo W Frey
 Miles Royce
 David Foster
 O H Ross
 E B Wright
 G A Chittenden
 G W Flagg
 Wm Whittier
 Harriett Lee
 S R Kells
 Jas Spangler
 James Russell
 J Tucker
 Geo E Rockey
 J J Lang
 Babcock
 R F Flagg
 R W Lexter
 L Foster
 Jas Keason
 S A Stieb
 H Young
 W Rendell
 (over)

27.

W Walton
 H J Hammonds
 Wm Norton
 O P Bates
 John Becker
 Geo Bennett
 Wm Sandford
 Thos Whitley
 E J Woods
 P M Lewis
 John Welland
 Shaffer Vanderall & Co
 A W Shreffler
 John Evans

L Kessen
 Mary (Clay)
 E Morris
 David Tomlin
 John Baile
 D Kennedy
 E Baker
 G H Henschelenger
 N Alderly
 R Mills
 E Lester
 R B Ashley
 John Bell
 A G Beckwith

Bradley & Platts
 A S Schenck
 J W K. Hagg
 Andrew Greenhoe
 Judson Wyland
 C Weston
 Johnson & Wright
 G W Platts
 D & M Platt
 John Smith
 Judson Templeton
 Union Store
 John Orgel
 W Mills

And afterwards I Wt.

On the day and year last aforesaid
said Complainants by J. H. Seab. W. A. B. J. H. B.
in the office of said Clerk their certain Petition in and
and giving following. To Wit:—

Know All men by these presents that we Reuben
Hagg Symon Foster Amos H. Seafeld Lemuel D
Green Geo W Bradley Jason Henders

of the Town of Plainfield County of W. Va are
held and firmly bound unto Almon H. Watkins
Jonathan Keager Daniel Wundersall Henry A. A. A.
Daniel Tomner R. J. Hammonds and George N
Chittendon of the same place in the penal sum of
three thousand dollars to be paid to the said obligors
their Administrators or Assigns For the payment
of which well and truly to be made we bind our-
selves our heirs Executors and Administrators
jointly, Severally, and firmly by these presents
Sealed with our seals and dated the 22. day of January 1859
Whereas the Above named Reuben Hagg Symon
Foster and others have filed their Bill of Complaint
Against the Above named Obligors in the Court
of Chancery in and for the County of W. Va praying

(over)

29.

Among other things for an injunction to restrain
 the Collection of Certain taxes assessed upon the
 property of the Complainants in Township 36 Range
 nine in the County of Will And to Enforce the
 said Jonathan Heagen Daniel Vandersall and
 Henry Aulsebrook from intermeddling with ^{the} Affairs
 of the Supposed School District Number one in said
 Town and whereas an injunction has been allowed
 for that purpose according to the prayer of said
 Bill upon the said Complainants giving Security
 according to law Now Therefore the Condition
 of this Bond is such that if the above bounden
 Complainants their Executors Administrators
 or any of them shall and do well and truly pay
 or Cause to be paid to the said Obligors their
 Executors Administrators or assigns all such Costs
 and damages as shall be awarded against
 the Complainants in case the said injunction shall
 be dissolved by the said Court then the above
 obligation to be void otherwise to remain in full
 force and virtue.

Witness my hand and seal
 this 24th day of Jan 1839
 A. W. Schuch

Reuben Hagg	Seal
Sydney Foster	Seal
Amos H. Seafeld	Seal
Demison I Green	Seal
Geo W Bradley	Seal
Jason Henders	Seal

Among other things for an injunction to restrain
 the Collection of Certain taxes assessed upon the
 property of the Complainants in Township 36 Range
 Nine in the County of Will and to Enjoin the
 said Jonathan Heagen Daniel Vandersall and
 Henry Aulsebrook from intermeddling with ^{the} Affairs
 of the Supposed School District Number one in said
 Town and whereas an injunction has been allowed
 for that purpose according to the prayer of said
 Bill upon the said Complainants giving Security
 according to law Now therefore the Condition
 of this Bond is such that if the above bounden
 Complainants their Executors Administrators
 or any of them shall and do well and truly pay
 or Cause to be paid to the said Obligors their
 Executors Administrators or assigns all such Costs
 and damages as shall be awarded against
 the Complainants in Case the said injunction shall
 be dissolved by the said Court then the above
 obligation to be void otherwise to remain in full
 force and virtue.

Subscribed and sworn to before me
 N. W. Bradley

Reuben Hagg	Seal
Symon Foster	Seal
Amos H. Seafeldt	Seal
Leamison I Green	Seal
Geo W Bradley	Seal
Jason Henders	Seal

30

And Ordered, That: On the day and year last
aforesaid, there was issued out of the office of the Clerk
of said Court, a writ of Summons, which said writ and
the Sheriff return thereto attached, are in words and
figures following, To Wit:

State of Illinois
County of Will

The People of the State of Illinois To
the Sheriff of said County, Greeting:

We Command you that
you Summons Almeron C. Watkins Jonathan Kager
Daniel Vandersall Henry Culebrook Daniel Farmer
R. J. Hammonds and George N. Chittenden if they shall
be found in your County personally to be and
Appear before the Circuit Court of Will County on the
first day of the next term thereof to be holden at
the Court House in the City of Salem in said County
on the Third Monday of March next to Answer
unto Amos W. Scofield Thomas J. Lang Lemmon D.
Green Ira Wicks Henry Young Jacob Flinders George
Kottenger Alva D. Freeman Cyrus N. Ashley Lyman
Foster Erastus G. Wright George W. Cooper Bela Luce
James Gleason Reuben Hagg Alanson J. Kautch
(over)

George Moody James B Ashley Edwards McAllister James
 R Ashley Agent of Union Store of Plainfield Alongo
 Hemstreet Miles Royce George W Saugley John W C Flagg
 Rodrick B Wright William Walter Hanley Ingersoll
 Norman S Hamlin Minerva Hylands Cyrus Ashley
 Mary Turner Riley B Ashley Charles Doug Abigail
 Goodspeeds Emily Pierson Henry Geist George W
 Bradley John S Hatch Robert Dolph Elihu Perkins
 William Blackford Alongo B Sharp Stephen B Beggs
 Leonard Marsh and Sirius W Culver freely truly and
 directly all and singular the matters and things alle-
 gations and charges contained in their certain Bill
 of Complaint and Injunction lately filed in our said
 Court on the Chancery side thereof and to stand to
 abide by and perform whatever order and Decree
 our said Court shall make in the premises Hereof
 said not or a decree will be Entered against you
 by said Court it and have you then there this writ of



Attest Alexander Mcintosh Clerk of our
 said Court and the Seal thereof hereto
 Affixed at Office in the City of Folsom
 aforesaid this Twenty fifth day of January
 A.D. 1859.

"A Mcintosh Clerk"

Deft Return.

I have read the within document by reading the same to all of the within named
 Deft. Clerk having put each of the within named depts. a true copy of the same.
 This 8th day of Feb. 1859. 8 o'clock A.M. 1859. J. B. M.
 Jany 1st 1859. Alongo Esq. Sheriff.

And afterward, I M. On the day and year last aforesaid, there issued out of the office of said Clerk of said Court, a writ of Subpoena, which said Writ, the limitation thereon ordered by the Complainants Solicitors, and the Sheriff return thereto attached, are in words and figures following. To Wit:

State of Illinois }
County of Will } ss.

The People of the State of Illinois
To

Ameron L. Watkins your Agents
Servants and Attornies and Jonathan Hager Daniel
Vandersall and Henry Anderson. Greeting.

Whereas Amos H Schofield Thomas
J Lang Dennison L Green Ira Wicks Henry Young
Jason Flanders George Mottinger Alva D Freeman
Lejrus St Ashley Lyman Foster Erastus S Wright George
Wheapeer Bela Luce James Gleason Reuben Hagg Alau-
son J Hatch George Moody James R Ashley Edwards
W^c Allister James R Ashley Agent of Union Store of
Ruinfield Alenzo Newstreet Miles Royce Henry W Langley

John W H Flagg, Rodrick B Wright, William Walton, Kearley
Ingersoll, Norman S Naunlin, Minerva Hylands, Cyrus
Ashley, Mary Turner, Riley B Ashley, Charles Wrag, Abigail
Goodspeeds, Emily Primmer, Henry Kirk, George W Bradley,
John S Hatch, Robert Dolf, Elihu Corbin, William Blackford
Alonso B Sharp, Stephen R Beggs, Leonard Marks, and Lorenzo
Whitlock, have filed in the Office of the Clerk of our Circuit
Court of our County of Will their certain Bill of Complaint
on the Chancery side of said Court Against you the said
Almeron C Watkins Jonathan Hager Daniel Vandervall and
Henry Aulsebrook praying Among other things for an
Writ of Injunction enjoining and restraining you the said
Almeron C Watkins, Jonathan Hager, Daniel Vandervall and
Henry Aulsebrook And you and each of your Agents and
Attorney in certain matters in said Bill of Complaint
particularly set forth

And whereas Frederick A Burtchen
Master in Chancery in and for the County of Will and State
of Illinois hath endorsed upon the said Complainant's Bill
of Complaint aforesaid filed as aforesaid an Order
Commanding our said Clerk to issue the Peoples Writ of
Injunction According to the prayer of said Bill of Complaint
upon certain conditions which have been complied with

Now Therefore We Command you the said
Almeron C Watkins your Agents Servants and Attorneys
And Each and Every of them to wholly desist abstain and
refrain from Collecting or Attempting to Collect the Taxes

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or any portion thereof levied upon the property of the
Inhabitants of School District Number one (formerly, Complain-
ing School Districts Numbers One and Seven) in Township
Number thirty first Range nine East in the County of Will and
State of Illinois for the year A.D. 1858. And more particularly
from Collecting or Attempting to Collect the said Sums of
Money or any or either of them assessed against the
Complainants herein before mentioned respectively for the
purposes of a Supposed School Tax for said School
District Number One in the Township & Range aforesaid
(which said Sums so assessed as aforesaid will more fully
and at large appear by Schedule "A" attached to and
made a part of said Bill of Complaint).—

And We Also Command you the said
Jonathan Nager Daniel Vandersall and Henry Audenroth
to wholly desist Abstain and refrain from intermeddling
in any wise with the affairs of said District Above named
until the further or other Order of this Honorable Court
shall be made in the premises

And have you then done this writ &c
Witness Alexander W. McIntosh Clerk of
Our said Circuit Court and the seal
thereof hereto affixed at office in the
City of Joliet in said County and State
the 25th day of January A.D. 1859.

A. McIntosh Clerk

To Sheriff of Will County to Execute

(over)

C. L. S.

It is hereby Stipulated by the Complainant's Attorney
 that the foregoing injunction is limited so far as the
 Assessment of taxes is concerned to the taxes assessed
 upon the property of the persons who are made parties
 to the bill of Complaint described and mentioned in
 said bill and upon no other that is to say, the tax
 and the persons named in the Schedule annexed
 to the said Bill of Complaint & not otherwise
 Jany 31st 1859

Scates McAllister & Jewett
 Comptrolr Solrs

I have Executed the Within writ of
 Injunction by reading the same to all of the within
 named depts also by leaving a true Copy of the
 same with each of the within named Jany 31st
 & Feby 1st 1859.

for 4 Service	\$2.00
" 4 Copyes	2.00
" 40 M travel	2.00
" 1 Return	1.00
	\$6.00

Algeo Leach Shff
 A Boughtelling Deputy

36. And afterwards, To Wit:

On the Seventh of March in the year last
 aforesaid, it being one of the regular days of the March Term
 of said Court, and the same being then judicially sitting, for the
 adjudication of business, the following among other proceedings
 were had, and entered of record by said Court. To Wit:—

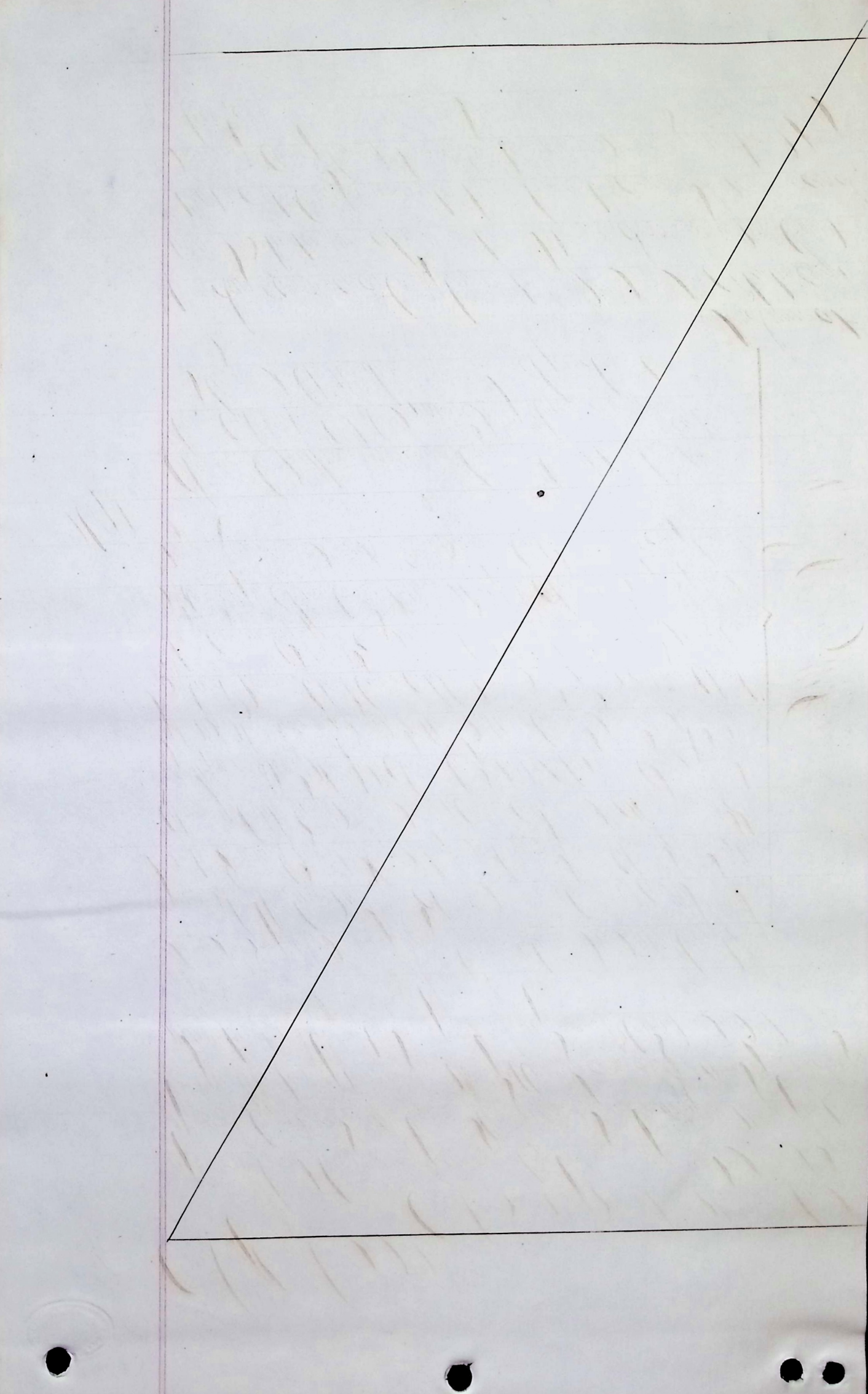
Amos H. Seaford, Amos J. Long, Daniel D. Hunt, John White, Henry Young,
 James Haples, George Welling, Abner D. Freeman, Cyrus A. Ash, Seymour
 Foster, Erastus L. Wright, Roger M. Lupton, Reuben Luce, James Chace, Reuben Hagg,
 Abner J. Heath, George Wadby, Amos Mackey, Edmund McAllister, Jacob C. Ashby,
 (gentleman), John of New York, Abner H. Haples, John D. Haples, David D. Haples,
 John D. Haples, Rodrick D. Wright, William Walton, Charles Agnew, Amos
 D. Haples, Samuel C. Haples, Cyrus Ashby, Mary Ann, Peter D. Ashby, Charles
 Haples, Abigail C. Ashby, Amos Haples, Henry Haples, George D. Haples, John D. Haples,
 Reuben D. Haples, Oliver Haples, William Haples, Abner D. Haples, Stephen D.
 Haples, George Haples, and Simon Haples—complainants.

"All of the above named"

vs.
 Oliver C. Watkins, Jonathan Haples, Daniel Vandercell,
 Henry C. Haples, Daniel Haples, P. J. Haples, and L. Haples
 George A. Haples—defendants.

And it was ordered
 "that day come, said complainants, by J. H. D. Haples, Esq.
 their Solicitor, as above stated. It is ordered by the Court
 that said complainants have leave to amend their said
 Bill of Complaint herein by tomorrow morning, without preju-
 dice."

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And Afterward S. W. T.

On the Thirty first day of March
in the year of our Lord, the said of said S. W. T. by Randall R. Fuller
then Collector, filed in said Court, a certain Legislative enactment.
Legalizing certain proceedings of the School Trustees of Township
36 Range 9 East, when said law is in the arch and figures
following S. W. T.

An Act to legalize Certain proceedings of the School
Trustees of Town 36 R. 9. in Will County and of a
Certain School District therein

Whereas doubts exist whether the
proceedings for the formation of Union School District
Number One in Town thirty Six Range Nine in Will
County are strictly regular, and whereas a Consider-
able sum has been raised for the building of a
School house in said district for the purpose of
removing all doubts as to the regularity of said
proceedings

Sec 1

Be it enacted by the People of the State of
Illinois represented in the General Assembly, that
all the acts and proceedings of the School Trustees
of Town thirty Six Range nine in Will County and

And Afterward S. W. T.

On the Thirty first day of March
in the year of our Lord, the said of said S. W. T. by Randall R. Fuller
then Collector, filed in said Court, a certain Legislative enactment.
Legalizing certain proceedings of the School Trustees of Township
36 Range 9 East, when said law is in the arch and figures
following S. W. T.

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Trustees of Town 36 R. 9. in Will County and of a
Certain School District therein

Whereas doubts exist whether the
proceedings for the formation of Union School District
Number One in Town thirty Six Range Nine in Will
County are strictly regular, and whereas a Consider-
able sum has been raised for the building of a
School house in said district for the purpose of
removing all doubts as to the regularity of said
proceedings

Sec 1

Be it enacted by the People of the State of
Illinois represented in the General Assembly, that
all the acts and proceedings of the School Trustees
of Town thirty Six Range nine in Will County and

of the School Directors of Union District Number
one in said Town in uniting Districts and levying
and Collecting taxes for building School House and
the Support of Schools therein be and the same are
hereby legalized and that all proceedings may
be had in the same manner as if the said before
mentioned proceeding had been strictly regular
and legal

Sec 2.

This Act to take effect and be in force from
and after its passage

W^m R Morrison

Speaker of the House of Representatives

John Woods

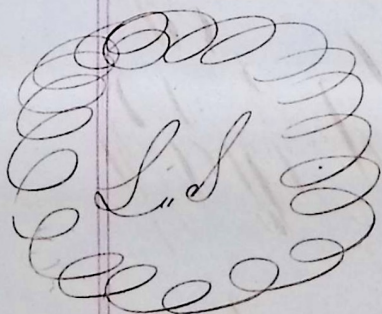
Speaker of the Senate

Approved February 19th 1859

W^m H Bissell

United States of America }
State of Illinois }
I. O. M Hatch Secretary of State

Certify the foregoing to be a true and correct copy of
an enrolled law now on file in my office



In Witness whereof I have hereunto
set my hands and caused the
great Seal of State to be affixed
Done at Springfield this 23rd day
of February 1859.

O M Hatch Secretary

"be submitted to the Court for final hearing upon complainant's bill
 and the certified copy of the act of the Legislature of this State,
 heretofore filed herein by the defendants in this cause, with the same
 effect, as if the said Statute had been pleaded by defendants in bar
 of the relief prayed for in said Bill of complaint, and in pursu-
 -ance of said Statute this cause having this day been brought
 on to be heard upon said Bill of complaint and the sufficiency
 of said Statute as a bar; upon reading the said Bill of
 Complaint, and said Statute, and hearing the said cause for
 the respective parties; it is ordered, adjudged and decreed, by
 the Court, that the said Statute is a sufficient bar to the relief pray-
 ed for in said bill - that the said Bill of complaint be and
 the same is hereby dismissed, and the injunction issued in this
 cause be dissolved, and it is further ordered by the Court, that
 upon the complainants entering into a Bond to the Township
 Trustees mentioned, for the payment by the complainants of
 all taxes assessed against them in said School District in case
 the Supreme Court, shall affirm the decree of this Court, then the
 said Injunction, so far as the collection of the said taxes against
 the said complainants is concerned, shall be continued as a
 temporary Injunction during the pendency of this cause
 in the Supreme Court. - The said Bond being and here
 given as aforesaid, it is ordered by the Court that said
 Injunction be retained as to the collection of said taxes against
 the complainants during the pendency of this cause
 in the Supreme Court and that the complainants pay the
 costs of this suit."

State of Illinois
Chick County, Ill.

I Alexander Mcintosh
Clerk of the Circuit Court, of said County, in the State of said
Illinois, do hereby certify, that the above and foregoing is a full true
correct copy of the said and final order, as the same was
entered of record in said Court, the several writs, and the
Sheriff's return thereon, and the Bill of Complaint, with
amendment thereto, and the Bond upon which the In-
junction was issued, in the case wherein James N. Seafeld
Et al, are Complainants, W. A. Munn & Co, Nathan & Co, are
Defendants, being the foregoing entitled cases.



In testimony whereof I have hereunto
set my hand and caused the
said Circuit Court to be hereunto affixed,
at office and seat in said County
and State, this 15th day of April 1859.

Alexander Mcintosh

Supreme Court

Amos H. Scofield & others
Plffs in error

vs

Almeron C. Watkins et al

Defts in error

Assignment in error

And afterwards to wit on this 7th day of April A.D 1859 before the Justices of the Supreme Court come the afterward plaintiffs in error and by Sealie McAllister & Jewett their Attorneys and say that in the record & proceedings aforesaid and in rendering the decree aforesaid there is manifest error in this to wit,

1st The Court erred in deciding the said Statute filed in said cause was a bar to the relief asked by the Complainants in their said bill

2d The Court erred in deciding to dissolve the injunction granted in this cause.

3rd The Court erred in dismissing the complainants bill.

The Court rendered a decree in favor of the defendants to said bill whereas by the law of the land the said decree should have been rendered in favor of the complainants, wherefore for the said errors and other

errors in said record proceedings the afore
said the said plffs in error pray that
said record may be reversed &c

Scats in testimony & facts
Atty for Plffs in error

Amos & Scofield & als

vs

Almon & Watkins & als

} Supreme Court 3^d Div
} April Term 1859

And now come the defendants in error
by Leland Leland their Solicitors and say
that there is no error in the record & proceedings
in this cause & therefore they pray that the decree
of the Court below may be affirmed

Leland Leland

per atto in error

Filed Apr. 22, 1859
d. Leland Cld.

Will in Court
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Almos H Scofield
et al

vs

Almeron C Watkins
et al

Transcript

Filed April 12 1859
L Leland
Clerk