

No. 12402

Supreme Court of Illinois

Dennis.

vs.

Maynard, et al.

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Ezekiel Dennis

H. R. Maynard
shelton

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12402

1854

STATE OF ILLINOIS,

Supreme Court,

ss.

The People of the State of Illinois,

To the Clerk of the Circuit Court for the county of Winnebago 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 Winnebago county, before the Judge thereof, between

Ezekiel Dennis

plaintiff, and

Miriam R. Claynard, Bela Shaw & Ephraim Wyman

defendants, it is said manifest error hath intervened, to the injury of the aforesaid

plaintiff

as we are informed

ed by his complaint, and we being willing that error, should be corrected if any there be 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 the Supreme Court the record and proceedings of the plea, aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at Ottawa, in the County of La Salle, on the 2^d Monday in June 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. SAMUEL H. TREAT, Chief Justice.

of our said Court, and the Seal thereof, at Ottawa, this 31st day of May
in the Year of Our Lord One Thousand Eight Hundred and Fifty-four.

S. Leland Clerk of the Supreme Court.

Ezekiel Dennis

vs
Arian R. Claynard et al.

Writ of Habeas Corpus

Sheweth that the within writ is return'd
by the Court of the County of Cook
Illinois
That the said Arian R. Claynard
is a free man, and has justice done to him
in the said Court of the County of Cook
Illinois
And that the said Arian R. Claynard
is a free man, and has justice done to him
in the said Court of the County of Cook
Illinois

STATE OF ILLINOIS.

Supreme Court

The People of the State of Illinois.

vs
The People of the State of Illinois.

State of Illinois
Monmouth County }
vs

Pleno in the Circuit
Court begun and held at Rockford within
and for said County of Monmouth on the
day of April AD 1854 before the Hon
Benjamin R. Sheldon presiding Judge
of the fourteenth judicial Circuit of
the State of Illinois

Ezekiel Allen

vs
Howard R. Maynard
Pela Shaw &
Ephraim Maynard }

It is remembered
that heretofore on the 29th day of April
AD 1848 the Plaintiff in the above entitled
cause by Purnap his attorney filed in
the Office of the Clerk of the Circuit of
said County his Declaration in the above
entitled cause, which said Declaration
is in the words and figures following
To wit,

In the Winnebago Circuit Court

Winnebago
County 3d.

of May term in the year
of our Lord one thousand
eight hundred and forty
eight

Hiram R Maynard, Bela Shaw and
Ephraim Wyman were summoned by
the coroner of the County of Winnebago
according to the form of the statute in such
case made and provided to answer unto
Ezekiel Dennis on a plea of trespass. And
thereupon the said Ezekiel Dennis by
Francis Bernap his attorney complains
that the said Hiram R Maynard, Bela
Shaw and Ephraim Wyman defendants
as aforesaid on the first day of April in
the year of our Lord one thousand eight
hundred and forty eight with force and
arms at a certain place within the county
of Winnebago aforesaid seized took and
led and drove away divers cattle, goods
and chattels of the said plaintiff to wit:
one horse and one gelding of great value
to wit of the value of two hundred and
fifty dollars then and there found and
being and converted and disposed of the same
to their own use and other wrongs and
injuries to the said plaintiff then and

there did to the great damage of the said plaintiff and against the peace of the said people.

And also that the said defendants afterwards to wit on the fifteenth day of April in the year last aforesaid with force and arms to wit at Rockford in the county of Winnebago aforesaid seized took led and drove away certain other cattle goods and chattels of the said plaintiff of the like number description and value as the cattle goods and chattels in the said first count mentioned then and there found and being and converted and disposed of the same to their own use and other wrongs and injuries to the said plaintiff then and there did to the great damage of the said plaintiff and against the peace of the people aforesaid. Wherefore the said plaintiff saith that he is injured and hath sustained damage to the amount of five hundred dollars. And therefore he brings suit &c.

Francis Burnap
Atty for Plff.

And afterwards went on the 24th day of
May A.D. 1848 the above named Defendant
Hiram R. Maynard filed his Plea herein
which said Plea are in the words & figures
following to wit

Winnebago Circuit Court
Hiram R. Maynard
impleaded with Bela
Shaw & Ephraim Wyman
and
Ezekiel Dennis

Of the Term of May 1848.

And the Said Defendants
Hiram R. Maynard impleaded with Bela
Shaw & Ephraim Wyman by Marsh & Wright
his attorney comes & defends the force and
injury when &c. and says he is not guilty
of the said supposed trespasses above laid to
his charge, or any part thereof, in manner
and form as the said Ezekiel Dennis hath
above thereof complained against him, and
of this he the said Defendant puts himself
upon the country &c.

Marsh & Wright
for Def^t.

Winnebago Circuit Court
Hiram R. Maynard
impleaded with Bela
Shaw & Ephraim Wymann } May Term 1848
ad
Ezekiel Hennis

And the defendant
Hiram R. Maynard impleaded with the
above named, Bela Shaw and Ephraim
Wymann by Marsh B. Wight his Attorney-
counsel & defends the force and injury when &c.
and says that the plaintiff his action afore-
said ought not to have or maintain, because
he says that before the committing by the
defendants of the several ^{supposed} trespasses, in plain-
tiff's declaration mentioned to wit: On the
25th day of February 1847, a certain Bridge of
said town of Rockford called the Rockford
then being a public highway in said town
and the public then being liable to keep the same
in repair by an act of the Legislature then
of the State of Illinois then sitting at Spring-
field in said State, in relation to said Bridge
and for the purpose of maintaining the same
and then and there duly passed and approved
entitled. "an act to provide for the maintenance
of Rockford Bridge" it was among other things
by said Legislature enacted to the effect following
to wit, Section 1st Be it enacted by the people of
the State of Illinois, represented in the general

assembly, That a Special tax is hereby authorized to be levied upon the taxable property in Rockford precinct in the county of Winnebago for the purpose of repairing and maintaining a bridge across the Rock River at Rockford and defray the debt incurred in its erection and repair. Said tax not to exceed fifty cents on one hundred dollars of taxable property, and expended in the manner hereinafter provided.

Orleton D. Newton Crawford, Bela Shaw Ephraim Wyman and Daniel McKimney are hereby appointed "Bridge Commissioners of the Rockford Bridge" and said Commissioners and their Successors are hereby appointed a body corporate and politic, by such name and style, and are hereby vested with power to declare the amount of tax to be levied on the taxable property of Rockford precinct aforesaid, not exceeding fifty cents on one hundred dollars as aforesaid, and said Commissioners shall make out and deliver to the collector of the County of Winnebago a list of all persons liable to taxation under this act, said list together with the amount and valuation of taxable property to be taken from the last assessment of taxable property in said County and said Commissioners shall deliver to the collector, a warrant to collect said tax and shall take from such collector a good and sufficient Bond for the faithful collection and payment over of said tax.

to the proper authority. And said Commissioners are hereby authorized to appoint a Treasurer to take charge of the funds collected and are also empowered to apply the proceeds of such tax to the maintenance and repair of the Rockford Bridge and to defray the amount of indebtedness incurred in erecting and repairing such bridge. Provided that all accounts in relation to such bridge shall be settled and stated before any appropriation be allowed by said Commissioners to defray part indebtedness, and provided further that said Commissioners shall have full power and authority to determine what amount shall be allowed from such tax to defray part expenses and the defendant in fact says that after the passage of said act to wit; On the 29th day of March of the year aforesaid the said Bela Shaw Ephraim Wyman Newton Crawford & Daniel McKimney, entered upon the discharge of the duties conferred upon them by the said act, as commissioners as aforesaid and took the oaths required by statute as therein required, and in pursuance of said act the said Commissioners named in said act afterwards to wit; on the 30th day of March in the year aforesaid declared the amount of tax to be levied under said act on the amount of taxable property in said precinct a large amount of money then being necessary to

repair said Bridge to wit; the sum of one thousand dollars, and then and there declared such amount to be fifty cents on every one hundred dollars of such taxable property and thereafter to wit; on the 30th day of April of the year aforesaid in pursuance of said act, made out and delivered to the said Hiram R. Maynard then and now Sheriff and collector of said county, a list of all persons liable to taxation under said act together with the valuation of the personal property and real estate of such persons respectively and the amount of their respective taxes to be paid by said persons respectively, (which list of persons and property was taken from the then last assessment of taxable property in said County) in which said list the plaintiff who was then and there an inhabitant of said precinct and an owner of property in said precinct subject to said tax, was charged with a tax, (upon real and personal property owned by him, valued at one thousand six hundred & eighty five dollars) amounting in the whole to the sum of eight dollars forty two cents & five mills, and thereafter to wit; On the 27th day of November in the year aforesaid, in pursuance of said statute, the bridge Commissioners still being such ^{Bridge} Commissioners, made and delivered to the said Sheriff their warrant to collect the same, thereby commanding him to make of the several persons charged in the aforesaid list the sums

Set against their respective names and to
make return of the same to the Treasurer of
said Board on the first Monday of March
1848. And the said defendants in fact further
says that in pursuance of the authority
contained in said warrants, the said defend-
ants as Sheriff and Collector as aforesaid,
having demanded of the plaintiff the said
tax, so assessed against him according to
law, and the plaintiff having refused to
pay the same, and the said goods and
chattles in said declaration mentioned
being in the possession of the plaintiff with-
in the aforesaid Rockford Precinct subject to
be levied upon and distrained for the amount
of said tax the said defendant for the purpose
of making out of said goods and chattles
the amount of said tax so assessed against
the said plaintiff levied upon and distrained
the same as well he might for the cause
aforesaid to wit; in Rockford precinct aforesaid,
which levying upon distraining of said goods
and chattles are the several supposed tres-
passes in plaintiffs declaration mentioned,
and this he is ready to verify, wherefore he
prays judgment if the plaintiff his action
aforesaid ought to have or maintain.

And for a further plea in this behalf
the said defendant impleaded as aforesaid
says action nor because he says ^{that} by an act of
the Legislature of the said State of Illinois,

Entitled an act to provide for the maintenance
of Rockford Bridge approved February 25th
1847 the defendants Bela Shaw Ephraim
Wayman together with Newton Crawford and
Daniel M. Renny were appointed Commis-
sioners of Rockford Bridge in the County of Win-
nebago the said bridge then being a public
highway in the town of Rockford and the
inhabitants of Rockford Precinct then being
liable to keep said Bridge in Repair and
they and their successors were by said act ~~constituted~~
~~constituted~~ body corporate and politic under the ~~same~~
name and style "Bridge Commissioners
of the Rockford Bridge" and in and by
said act (for the purpose of repairing said Bridge
and for paying certain debts incurred in erecting
the same) were authorized to levy and declare
a special tax to be levied on the taxable prop-
erty of said Rockford precinct in said County
not exceeding fifty cents or one hundred
dollars of such taxable property and also
by said act the said Commissioners were
authorized to make out and deliver to the
collector of said County of Winnebago a list
of all persons liable to taxation under the
said act together with the amount and val-
uation of taxable property in said precinct said
list together with the amount and valuation
of said property to be taken from the last
assessment of taxable property of said County
and also their warrant to the collector to collect
said tax and the said defendant in fact

that afterwards to wit; On the 29th day of
March 1847, the said Bridge Commissioners
above named by said act appointed, entered
upon the discharge of the duties and authority
granted and conferred by said act. And on
the 30th day of March in the year aforesaid,
having before that time taken the oath required
by the Statute declared the amount of tax to
be levied under said act to be fifty cents on
every one hundred dollars of taxable property
in said precinct, a large sum of money being
then necessary to repair said bridge to wit;
the sum of one thousand dollars, and after-
wards to wit; the 30th day of April in the year
aforesaid, made out and delivered to the said
defendant the said Hiram R. Maynard
then and now collector & Sheriff of said County
a list of all persons liable to taxation under
said act together with the valuation of the
personal property and real estate of such
persons respectively and the amount of their
respective taxes to be paid by said persons respectively
(which list of persons and property was taken
from the last assessment of taxable property in
said County) in which said list the plaintiff
who was then and there an inhabitant of
said precinct, and an owner of property in
said precinct subject to said tax was charged
with a tax (upon real and personal property
owned by him and valued at one thousand
six hundred and eighty five dollars) amount-
ing

ting in the whole to the sum of eight dollars
forty two cents and ~~five~~ five mills. And
thereafter to wit; on the 29th day of November
in the year aforesaid in pursuance of said
act the said Bridge Commissioners by three
of their number to wit; the said Bela Shaw Ephraim
Wymann & Newton Crawford then being such
Bridge Commissioners as aforesaid made
out and delivered to the said Sheriff the said
defendant then being collector as aforesaid
their warrant thereby commanding him to
make of the several persons charge in the
aforesaid list the sums set against their
respective names and to make return of
the same to Ephraim Wymann Treasurer
of said Board on the first Monday of
March 1848 and the said defendant in
fact further says that in pursuance of the
authority contained in said warrant the
said Defendant as Sheriff and collector
as aforesaid having demanded of the
plaintiff the payment of the said tax so
assessed against him as aforesaid according
to law and the plaintiff having refused
to pay the same and the said goods and
chattles in said declaration mentioned being
in the possession of the plaintiff within
the aforesaid Rockford precinct subject to
be levied upon and distrained for the
amount of said tax the said defendant
for the purpose of making out of said goods
and chattles the amount of said tax so

Assessed against the plaintiff levied upon
and distrained the same as well he might
for the cause aforesaid to wit; at Rockford
Precinct aforesaid which levying upon and
distraining of said goods and chattles are
the several suppose trespasses in plaintiffs
declaration mentioned, And this he is
ready to verify wherefore he prays judg-
ment if the plaintiff his action aforesaid
ought to have or maintain

Marsh & Night
Defendants attorneys

And on the same day to wit the 24th day of
May A.D. 1848 Defendants Bela Shand
& Ephraim Wymond unpleaded with
Hiram R. Wymond filed their Pleas
hereto which said Pleas are in the words
and figures following to wit

Win. Cir. Court

Bela Shaw & Ephraim
Wyman impleaded with
Hiram R. Maynard
vs
Ezekiel Dennis

Of the Term of May 1848

And the Said Defendants
Bela Shaw & Ephraim Wyman impleaded
with the Said Hiram R. Maynard by Marsh
& Wight their Attorneys, came and defend the
force & injury when H. H. say that they are not
guilty of the said supposed trespasses above
laid to their charge or any part thereof in
manner & form as the said Ezekiel Dennis
hath above thereof complained against them,
And of this ^{they} the Said Defendants put themselves
upon the Country H. Marsh & Wight

for Refs.

Winnebago Circuit
Bela Shaw & Ephraim
Wymann impleaded with
Hiram R. Maynard } May Term 1848
vs
Ezekiel Dennis

And the said Defendants Bela Shaw Ephraim Wymann impleaded with the said Hiram R. Maynard, by March & Night their Attorneys come & defend the force and injury when &c. and say that the plaintiff his action aforesaid, ought not to have or maintain against them because they say that before the committing by the Defendants of the several supposed trespasses in plaintiffs declaration mentioned to wit, on the 25th day February 1847, by an act of the Legislature of the State of Illinois then sitting at Springfield in said State and then and there duly passed and approved in relation to a certain Bridge called the Rockford Bridge then a public highway of said town and the public being then liable to keep the same in repair and entitled agencies to provide for the maintenance of Rockford Bridge it was among other things by said Legislature enacted to the effect following to wit, Section 1. Be it enacted by the people of the State of Illinois represented in the general assembly, That a special tax is hereby authorized to be levied upon the taxable

property in Rockford precinct in the County of Winnebago for the purpose of repairing and maintaining a bridge across Rock River at Rockford and defray the debt incurred in its execution, and repair, said tax not to exceed fifty cents on one hundred dollars of taxable property, and expended in the manner hereinafter provided.

Section 2.^d Newton Crawford Bela Shaw Ephraim Wyman and ~~Advised~~ ^{Advised} W. Kinney are hereby appointed Bridge Commissioners of the Rockford Bridge, and said Commissioners and their Successors are hereby appointed a body corporate and politic by such name and style, and are hereby invested with power to declare the amount of tax to be levied on the taxable property of Rockford Precinct aforesaid not exceeding fifty cents on one hundred dollars as aforesaid and said Commissioners shall make out and deliver to the collector of the County of Winnebago a list of all persons liable to taxation under this act said list together with the amount and valuation of taxable property to be taken from the last assessment of taxable property in said County, and said Commissioners shall deliver to the collector a warrant to collect said tax and shall take from the said collector a good and sufficient bond for the faithful collection and payment over of said tax to the proper authority, and said Commissioners are hereby authorized to appoint a treasurer to take charge of the funds collected, and are also empow-

ered to apply the proceeds of such tax to the maintenance and repair of the Rockford Bridge and to defray the amount of indebtedness incurred in erecting and repairing such Bridge: Provided that all accounts in relation to such bridge shall be settled and stated before any appropriation be allowed by said commissioners to defray past indebtedness: And provided further that said commissioners shall have full power and authority to determine what amount shall be allowed from such tax to defray past expenses, And the Defendants in fact say that after the passage of said act to wit: on the 27th of March in the year aforesaid the said Bela Shaw Ephraim Wyman together with the said Newton Crawford & Daniel M. Henry entered upon the discharge of the duties conferred upon them by the said act as Commissioners as aforesaid & then & there took the Oath required by said statute, and in pursuance of said act the said commissioners including the said Bela Shaw and Ephraim Wyman to wit: on the 30th day of March aforesaid, declared the amount of tax to be levied under said act on the amount of taxable property in said precinct at fifty cents on every one hundred dollars a large amount of money being then necessary properly to repair said bridge to wit: the sum of one thousand dollars, And thereafter to wit: on the 30th day of April in the year aforesaid in pursuance of said act

made out and delivered to the said Hiram
R. Maynard then and now Sheriff and
collector of said County, a list of all persons
liable to taxation under said act together
with the valuation of the personal property
and real estate of said such persons respec-
tively. (which list of persons & property was
taken from the then last assessment of taxable
property in said County) in which said list
the plaintiff who was then and there an inhab-
itant of said precinct and an owner of property
in said precinct subject to said tax was charged
with a tax (upon real and personal property
owned by him valued at one thousand six hun-
dred & eighty five dollars) amounting in the
whole to the sum eight dollars forty two cents
& five mills and thereafter to wit, on the
29th day of November in the year aforesaid
in pursuance of said act the said Bridge
Commissioners made and delivered to the said
Sheriff and collector their warrant to collect
said tax thereby commanding him to make of
the several persons charged in the aforesaid
list the sum set against their ~~names~~ ^{respective}
names and to make return of the same to
the Treasurer of said County on the first
Monday of March 1848. And the said
Defendants in fact further that after the delivery
of the said Warrant to the said Hiram R. May-
nard to wit, at the time mentioned in said
declaration & by virtue thereof and in

Pursuance of the aforesaid act the said
Miram R. Maynord still being sheriff
and collector as aforesaid for the purpose
of collecting said tax, levied upon and dis-
trained the said goods and chattels in plaintiffs
declaration mentioned as well he might for
the cause aforesaid to wit: at Rockford aforesaid
which levying upon and detaining by the
said Maynord of the said goods and chattels
are the several supposed trespasses in plaintiffs
declaration mentioned and this he is ready to
verify. therefore he prays judgment if the plain-
tiff, his action aforesaid ought to have or
maintain,

And the said defendants implea-
ded as aforesaid for a further plea in this
behalf, the defendants say action now because
they say that by an act of the Legislature
of the State of Illinois in relation to a
public Bridge in the town of Rockford then
and there being a public highway in said
town, and the inhabitants of said town
and its neighborhood being liable to keep the
same in repair, entitled "an act to provide
for the maintenance of Rockford Bridge
approved February 25th 1847, the defendants Bela
Shaw & Ephraim Wymore together with Newton
Lawford & Daniel McKenny were appointed
Commissioners of the Rockford Bridge in
the County of Winnebago and they and
their successors were by said act constituted

a body Corporate and politic under the name and style of the Bridge Commissioners of the Rockford Bridge, and in and by said act (for the purpose of repairing said Bridge and for paying certain debts incurred in erecting the same) were authorized to lay levy and declare a Special tax to be levied on the taxable property of Rockford precinct in said county, not exceeding fifty cents on one hundred dollars of such taxable property, and also by said act said Commissioners were authorized to make out and deliver to the Collector of said County of Winnebago a list of all persons liable to taxation under said act together with the amount and valuation of the taxable property of said precinct. Said list together with the amount and valuation of said property to be taken from the last assessment of taxable property of said County of Winnebago and also the warrant to the collector to collect said tax, and the said Defendants in fact say that afterwards to wit: On the 29th day of March 1847 the said Bridge Commissioners above named by said act, appointed entered upon the discharge of the duties and authority granted & conferred by said act and took the oath required by said act, and that afterwards to wit: On the 30th day of March aforesaid declared the amount of tax to be levied by said act at fifty cents on one hundred dollars of taxable property, and afterwards to wit:

On the 30th day of April in the year aforesaid made out and delivered to the said Hiram R. Maynard then and now collector and Sheriff of said County, a large Sum of money being necessary to repair said Bridge in a proper manner to wit: the sum of one thousand dollars a list of ~~property~~^{persons} liable to taxation under said act together with the valuation of the personal property and real estate of such persons respectively and the amount of their respective taxes to be paid by such persons respectively (which list of persons and ~~personal~~ property was taken from the then last assessment of taxable property in said County) in which said list the plaintiff who was then and there an inhabitant of said precinct and an owner of property in said precinct subject to said tax was charged with a tax (upon real and personal property owned by him and valued at one thousand six hundred and eighty five dollars) amounting in the whole to the sum of eight dollars forty two cents and ~~two~~^{five} mills, and thereafter to wit: On the 29th day of November in the year aforesaid in pursuance of said act the said Bridge Commissioners by three of their number to wit: the said Bela Shaw Ephraim Wyman & Newton Crawford, then being such Bridge Commissioners as aforesaid made and delivered to the said Hiram R. Maynard then Sheriff and collector as aforesaid their warrant

to collect said tax thereby commanding him to make of the several persons charged in the aforesaid list the sums set against their respective names and to make return of the same to Ephraim Wymard Treasurer of said Board on the first Monday of March 1848, and the said defendant in fact further says that after the delivering of the said Warrant to the said Hiram R. Maynard to wit: at the time mentioned in said declaration and by virtue thereof and in pursuance of the aforesaid act the said Hiram R. Maynard still being Sheriff and collector as aforesaid for the purpose of collecting said tax levied upon and distrained the said goods & Chattles in plaintiffs declaration mentioned as well he might for the cause aforesaid to wit: at Rockford aforesaid, which levying upon and distraining by the said Maynard of the said goods and chattles are the several supposed trespasses in plaintiffs declaration mentioned and this they are ready to verify wherefore they pray judgment if the plaintiff's action aforesaid ought to have or maintain.

Marsh & Night
attorneys for Defendants

~~And after sunds Awt on the ^{9th} day of ^{August} April~~
SD 1852 the ~~from~~ ^{Plaintiff} herein filed herein their certain
~~affidavit which said Affidavit is in the~~
~~words & figures following to wit~~

And after sunds Awt on the 9th day of
August SD 1852 the Plaintiff filed herein
his Replications to the pleas of the defendants
herein which said Replications are in
the words & figures following to wit,

In the Winnebago Circuit Court

Ezekiel Dennis

v.

Miram M. Maynard
Bela Shaw and
Ephraim Wyman

Sept Term. 1849

And the said plaintiff, as to the said plea by the said Bela Shaw, and Ephraim Wyman secondly above pleaded, says that by reason of any thing by them in that plea alleged, he ought not to be barred &c. because he says that the public were not liable to keep in repair the said bridge in the said second plea of the said defendants mentioned, in manner and form as is by them in their said second plea alleged. And thus the said plaintiff prays may be inquired of by the country &c.

II

And as to the said plea of the said Bela Shaw and Ephraim Wyman, by them thirdly above pleaded, the said plaintiff says that by reason of any thing by them in that plea alleged he ought not to be barred &c. because he says that the inhabitants of the said town of Rockford and its neighborhood were not liable to keep in repair the said bridge in the said third plea of the said defendants mentioned, in manner and form as is by the said defendants in their said third plea alleged. And thus the said plaintiff prays may be inquired of by the country &c.

IIIrd

And the said plaintiff, as to the said plea³ of the said Hiram R. Maynard, by him secondly above pleaded, says that by reason of any thing by him in that plea alleged, he the said plaintiff ought not to be barred &c. because he says that the public were not liable to keep in repair the said bridge in the said second plea of the said Hiram R. Maynard mentioned, in manner and form as by him in that plea thereof alleged. And thus the said plaintiff prays may be inquired of by the country &c.

IV.

And as to the plea of the said Hiram R. Maynard by him thirdly above pleaded, the said plaintiff says that by reason of any thing in that plea alleged, he ought not to be barred &c. because he says that the inhabitants of the said Rockford precinct were not liable to keep in repair the said bridge in the said third plea of the said Hiram R. Maynard mentioned, in manner and form as is by him in that plea thereof alleged. And thus the said plaintiff prays may be inquired of by the country &c.

V.

And for a further replication in this behalf as to the said special pleas severally of the said Bela Shaw and Ephraim Wyman, and of the said Hiram R. Maynard respectively, secondly and thirdly above pleaded, the said plaintiff by leave of the court, for that purpose had, according to the form of the statute

in such case made and provided, says that
by reason of any thing in those pleas or either
of them alleged, he ought not to be barred
from having and maintaining his aforesaid
action either against the said ^{William} Wyman or
against the said Maynard respectively.
Because he says that at the time of the
making and delivery of the supposed war-
rant in the said several special pleas
respectively mentioned, to the said Hiram
R. Maynard as alleged in the said pleas,
to wit, on the twenty ninth day of
November, in the year of our Lord one thousand
eight hundred and forty seven, the said
Newton Crawford, Bela Shaw, Ephraim
Wyman, and Daniel M. Kenney were not
such bridge commissioners as in the said sev-
eral special pleas is above in that behalf alleged
And thus the said plaintiff prays may be
inquired of by the country &c.

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephram Wymun, and of the said Abram R. Maynard respectively secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had, according to the form of the statute in such case made and provided, says that by reason of ~~any~~ ^{any} thing in those pleas or in either of them alleged, ~~to~~ he the said plaintiff ought not to be barred from having and maintaining his aforesaid action, either against the said Shaw & Wymun, or against the said Maynard respectively, because he says that by the third and fourth sections of the act of the general assembly of the state of Illinois, intitled "an act for the maintenance of the Rockford Bridge" whereof the first and second sections are recited in the said second pleas of the said respective defendants, and of which the said ^{second} section is referred to in the said third pleas of the said respective defendants, it was enacted as follows, that is to say "Sec. 3. An election of four commissioners under this act, shall be held at the next general election, on the first Monday in August, eighteen hundred and forty seven, and every year thereafter, to be elected by the legal voters of Rockford precinct; and at all such elections the two candidates residing on the east side of Rock River, having the highest number of votes, and the two candidates residing on the west side of Rock River receiving

the highest number of votes shall be declared elected. Sec. 4. Said commissioners and their successors, before entering upon the discharge of their ^{duties} under this act, shall take an oath before some person authorized to administer oaths in this state, that they will well and truly perform all the duties enjoined by this act, as by reference to the said act will more fully appear. And the said plaintiff avers, that although such election was held according to the said third section of the said act, on the first Monday to wit, ^{the third} day of August, in the year of our Lord one thousand eight hundred and forty seven, yet at said election no two candidates residing on the east side of Rock River, had or received the highest number of votes at said election, nor were declared duly elected such commissioners at said election; but on the contrary thereof, the said Bela Shaw, residing on the east side of said Rock River received the highest number of votes at said election of any candidate residing on the said east side of ^{the} said river, to wit, three hundred and nineteen votes; but the said Daniel McKenny, and one Charles Works, two other candidates residing on the east side of the said river, received an equal number of votes at the said election, to wit, one hundred and seventy eight votes each, which was the highest number of votes given for any candidate at the said election residing on the east side of the

said river, except the said Bela Shaw; and
neither the said Daniel M. Kenney nor the
said Charles Works was declared duly elected
one of the said ^{bridge} commissioners. And the said
plaintiff says that the said election was
held long before the time of the making and
delivery to the said Miram R. Maynard, of
the warrant in the said several special
pleas respectively mentioned; and that the
said Daniel M. Kenney after the time of
the said election, did not act as one of the
said bridge commissioners. And this the said
defendant is ready to verify &c. Wherefore he
prays judgement and his damages &c. to be
adjudged to him as well against the
said Shaw and Wyman as also against the
said Maynard

VII

And for a further replication in this behalf
to the said special pleas severally of the said
Bela Shaw, and Ephraim Wyman, and of the said
Miram R. Maynard respectively secondly and
thirdly above pleaded, the said plaintiff
by leave of the court for that purpose had
according to the form of the statute in that
such case made and provided, says that
by reason of any thing in those pleas or in
either of them alleged, he the said plaintiff
ought not to be barred from having and
maintaining his aforesaid action either against
the said Shaw & Wyman or against the said

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Maynard respectively, because he says that the said bridge commissioners, in the said several second and third pleas of the said respective defendants mentioned, did not as mentioned in the said pleas, to wit, on the twenty ninth day of November, in the year of our Lord one thousand eight hundred and forty seven, in pursuance of the said act in the same pleas mentioned, make out and deliver to the said sheriff and collector their warrant to collect the said tax in the said several special pleas or either of them mentioned, in manner and form as in either of the said pleas alleged. And the said plaintiff prays that this replication may be taken as a several replication to each of the said special pleas, and that the same may be inquired of by the country &c.

VIII.

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Wyman and of the said Miam C. Maynard respectively secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had, according to the ^{form of the} statute in such case made and provided, says that by reason of any thing in those pleas or in either of them alleged, he the said plaintiff ought not to be barred from having and maintaining his aforesaid action

either against the said Shaw and Wymon or against the said Maynard respectively, because he says that the said bridge commissioners in the said special pleas of the said defendants respectively mentioned, did not at the time mentioned, in the said special pleas or either of them, to wit on the twenty ninth day of November, in the year of our Lord one thousand eight hundred and forty seven, in pursuance of the said act, make out and deliver to the said sheriff and collector in the said special pleas named, their warrant to collect any tax which the said commissioners were at that time authorised by the said act in the same pleas mentioned, to authorise or cause to be collected. And thus the said plaintiff is ready to verify &c. Wherefore he prays that this replication may be taken as a several replication to each of the said special pleas: and he also prays judgment and his damages &c. to be adjudged to him as well against the said Hiram R. Maynard, as the said Bela Shaw and Ephraim Wymon.

IX

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw ^{and} Ephraim Wymon and of the said Hiram R. Maynard respectively secondly and thirdly above pleaded, the said plaintiff by leave of the court hath according to the form of the statute in such case made and provided

says that by reason of any thing in those pleas or in either of them alleged, he the said plaintiff ought not to be barred from having and maintaining his aforesaid action either against the said Shaw and

Wymon, or against the said Maynard respectively, because he says that the said bridge commissioners in the said several special pleas of the said defendants respectively mentioned, did not at the time mentioned in the said special pleas or either of them, to wit, on the twenty ninth day of November, in the year of our Lord one thousand eight hundred and forty seven, in pursuance of the said act in the said pleas mentioned, make out and deliver to the said sheriff and collector in the said special pleas named, in manner and form as in the said special pleas or either of them alleged, their warrant to collect any tax authorised by the said act. And this the said plaintiff is ready to verify.

Wherefore he prays that this replication may be taken as a several replication to each of the said special pleas: and he also prays judgment and his damages &c. to be adjudged to him as well against the said William W. Maynard, as against the said Bela Shaw and Ephraim Wymon.

X

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Weyman, and of the said Abram R. Maynard respectively secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had, according to the statute in such case made and provided, says that by reason of any thing in those pleas or either of them alleged, he the said plaintiff ought not to be barred from having and maintaining his aforesaid action, either against the said Shaw and Weyman or against the said Maynard, because he says that he the said plaintiff was not by the last assessment of taxable property in said county of Warrimago, made previous to the making and delivery of the said warrant in the said special pleas or either of them mentioned, to the said Abram R. Maynard, charged with a tax upon real and personal property valued at one thousand six hundred and eighty five dollars in manner and form as by the said several special pleas is in that behalf respectively alleged: whereof the said Abram R. Maynard, before and at the time of the making of the said levy and distress, in the said several special pleas respectively alleged, had notice. And thus the said plaintiff is ready to verify. Wherefore he prays that this replication may be

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taken as a several replication to each of the said special pleas: and he also prays judgment and his damages &c. to be adjudged to him, as well against the said Abram B. Maynard as the said Bela Shaw and Ephraim Wymen.

XI

11th Repl

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Wymen and of the said Abram B. Maynard respectively, secondly and thirdly, above pleaded, the said plaintiff by leave of the court for that purpose had, according to the statute in such case made and provided, says that by reason of any thing in those pleas or in either of them alleged, he the said plaintiff ought not to be barred from having and maintaining his aforesaid action either against the said Shaw and Wymen or against the said Maynard respectively, because he says that he the said plaintiff was not by the last assessment of taxable property in the said county of Winnebago made previous to the making and delivery of the said list of persons and valuation in the said special pleas or either of them mentioned, chargeable with a tax upon real and personal property valued at one thousand six hundred and eighty five dollars, in manner and form as by the said

several special pleas in that behalf respect-
^{fully} alleged: whereof the said M^rrim R
Maynard before and at the time of the making
of the said levy and distress, in the said
several special pleas respectively alleged, had
notice. And the said plaintiff prays that
this replication may be taken as a several
replication to each of the said special pleas,
and that the same may be inquired of by
the country &c.

XII

And for a further replication in this
behalf to the said special pleas severally
of the said Peter Shaw and Ephraim Wymon,
and of the said M^rrim R. Maynard respectively
secondly and thirdly above pleaded, the said
plaintiff by leave of the court for that purpose
had, according to the form of the statute in
such case made and provided, says that by
reason of any thing in those pleas or in either
of them alleged, he the said plaintiff ought
not to be barred from having and maintaining
his aforesaid action either against the said
Maynard, respectively, or Shaw and Wymon or
against the said Maynard respectively, because
he says that the said bridge commissioners
took the said list of persons and valuation of
property by them delivered to the said M^rrim
R. Maynard, as in the said special pleas is
respectively alleged, from the assessment of
taxable property in the said county of Wime-
bago, made in the year of our lord one thousand

eight hundred and forty six, contrary to the then constitution and laws of this state in that behalf: whereof the said Hiram R. Maynard before and at the time of the making of the said levy and distress in the said several special pleas in that behalf alleged had notice. And thus the said plaintiff is ready to verify &c. Wherefore he prays that this replication may be taken as a several replication to each of the said special pleas; and he also prays judgment and his damages &c. to be adjudged to him as well against the said Hiram R. Maynard, as against the said Bela Shaw and Ephraim Wymen.

XIII

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Wymen and of the said Hiram R. Maynard respectively secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had, according to the form of the statute in such case made and provided says that by reason of every thing in those pleas or in either of them alleged he the said plaintiff ought not to be barred from having and maintaining his aforesaid action either against the said Shaw and Wymen or against the said Maynard, because he says that the said bridge commissioners took the said

list of persons and valuation of property by them delivered to the said M^rram R.

Maynard, as in the said pleas is respectively alleged, from the assessment of taxable property in the said county of Wⁱⁿⁿebago, made in the year of our Lord one thousand eight hundred and forty six, and not from the assessment of the said county made in the year of our Lord one thousand eight hundred and forty seven contrary to the true intent and meaning of the said act in the said several special pleas mentioned; whereof the said M^rram R.

Maynard, before and at the time of the making of the said levy and distress, in the said several special pleas ^{respectively} alleged had notice.

And this the said plaintiff is ready to verify.

Wherefore he prays that this replication may be taken as a several replication to each of the said special pleas: and he also prays judgment, and his damages &c to be adjudged to him, as well against the said M^rram R. Maynard as against the said Bela Shaw and Ephraim Wymam.

XIV

And for a further replication on this behalf to the said special pleas of the said Bela Shaw and Ephraim Wymam, by them secondly and thirdly above pleaded, the said plaintiff, by leave of the court for that purpose according to the form of the statute in such case made and provided, says that he ought not to be barred by reason of any thing in

the said pleas alleged from having and maintaining his aforesaid action against the said Shaw and Wymon, because he says that the said Hiram R. Maynard did not take or detain the said goods and chattels of the said plaintiff in the said declaration mentioned by virtue of or in pursuance of the said warrant in the said special pleas of the said Shaw and Wymon mentioned, but on the contrary thereof, at the instance and request of and by direction and command of the said Bela Shaw and Ephraim Wymon the said Hiram R. Maynard levied upon and distrained the same goods and chattels long after the return day of the said warrant, and after the expiration of the same, to wit on the first day of April, in the year of our Lord one thousand eight hundred and forty eight. And thus he the said plaintiff is ready to verify &c. Wherefore he prays judgment and his damages &c. to be adjudged to him against the said Shaw and Wymon.

XV.

And for a further replication in this behalf, to the said special pleas of the said Hiram R. Maynard, by him secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had, according to the form of the statute in such case made and provided says that by reason of any thing by the said Maynard in the said

special pleas alleged, he the said plaintiff ought not to be barred from having and maintaining his aforesaid action against the said Hiram R. Maynard, because he says that the said Hiram R. Maynard did not take or distress the said goods and chattels of the said plaintiff in the said declaration mentioned, by virtue of or in pursuance of the said warrant in the said special pleas of the said Hiram R. Maynard mentioned; but on the contrary thereof levied upon and distressed the same goods and chattels long after the return day of the said warrant, and after the expiration of the same to wit, on the first day of April, in the year of our Lord, one thousand eight hundred and forty-eight. And this the said plaintiff is ready to verify &c. Wherefore he prays judgement and his damages &c to be adjudged to him against the said Hiram R. Maynard.

XVI.

And for a further replication in this behalf to the said special pleas of the said Bela Shaw and Ephraim Waterman, by them secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had, according to the form of the statute in such case made and provided, says that by reason of any thing by the said Shaw and Waterman in the said special pleas alleged, he the said plaintiff ought not to be barred from having and maintaining his aforesaid action against the said

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Hiram Pelaguard, because he says that although the said defendant Hiram M. Maynard in and by his said special plea, shew.

Bela Shaw and Ephraim Wymen, because he says that although the said defendants Bela Shaw and Ephraim Wymen in and by their said special plea, shew that the said Hiram Pelaguard levied upon and distrained the said goods and chattels of the said plaintiff in the said declaration mentioned, as a distress at common law; yet the said plaintiff avers that the said Hiram M. Maynard, after the levying upon and distraining of the said goods and chattels as aforesaid, to wit on the fifteenth day of April, in the year of our Lord one thousand eight hundred and forty seven, at the instance and request and by the direction and command of the said Bela Shaw and Ephraim Wymen sold and delivered over the said goods and chattels, and departed with the possession thereof in violation of his duty, and contrary to the course of the said common law in that behalf. Whereby the said Bela Shaw and Ephraim Wymen as well as the Hiram M. Maynard because trespasses on the premises from the beginning. And thus the said plaintiff is ready to verify &c.

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Wherefore he prays judgment and his damages
&c. to be adjudged to him against the said
Bela Shaw and Ephraim Wymann.

XVII.

And for a further replication in this
behalf, to the said special pleas of the said
Miriam R. Maynard, by him secondly and thirdly
above pleaded, the said plaintiff by leave of
the court for that purpose had, according to
the form of the statute in such case made and
provided, says that by reason of any thing
by the said Maynard in the said special
pleas alleged, he the said plaintiff ought
not to be barred from having and maintaining
his aforesaid action against the said
Miriam R. Maynard, because he says that
although the said defendant Miriam R. Maynard
in and by his special pleas shews, that he
levied upon and distrained the said goods
and chattels of the said plaintiff in the said
declaration mentioned, as a distress at the common
law: yet the said Miriam R. Maynard, after
the levying upon and distraining of the said
goods and chattels as aforesaid, to wit on the
fifteenth day of April, in the year of our Lord
one thousand eight hundred and forty seven
sold and delivered over the said goods and
chattels and departed with the possession there
of, in violation of his duty and contrary to
the course of the said common law in that
behalf. Whereby the said Miriam R. Maynard

became a trespasser in the premises from the beginning. And this the said plaintiff is ready to verify &c. Wherefore he prays judgment and his damages &c to be adjudged to him against the said Miram D. Maynard.

XVIII.

And for a further replication in this behalf, to the said special pleas of the said Bela Shaw and Ephraim Wymen and of the said Miram D. Maynard, by them secondly and thirdly respectively above pleaded, the said plaintiff, by leave of the court for that purpose had, according to the form of the statute in that such case made and provided, says that by reason of any thing by the said Shaw and Wymen in their said special pleas alleged, the said plaintiff ought not to be barred from having and maintaining his aforesaid action against the said Bela Shaw ^{and Ephraim Wymen} or against the said Miram D. Maynard because he says that by the third section of the said act in the said several second pleas above in part recited, it was enacted as follows, to wit: "An election for four commissioners under this act shall be held at the next general election, on the first Monday in August, ~~the~~ eighteen hundred and forty seven and every year thereafter to be elected by the legal votes of Rockford Precinct, and at all such elections the two candidates residing on the East side of Rock River having

the highest number of votes, and the two candidates on the west side of Rock River, receiving the highest number of votes, shall be declared duly elected. And the said plaintiff avers, that the said warrant in the said special pleas above mentioned, was made long after the said first Monday of August 1847, and that from the time of the said election held on that day until long after the making of the said warrant, no more than three such commissioners ever met or in any wise acted as such bridge commissioners as aforesaid: and so the said plaintiff says that the said Bridge Commissioners in the said second pleas named did not make their warrant to collect the said tax in the said second pleas respectively named, in manner and form as is by the said act was in that behalf required, nor as in the said second pleas is severally alleged. And this the said plaintiff is ready to verify &c. Wherefore he prays that this his replication may be taken as a several replication to each of the said second pleas: and he also prays judgment and his damages &c to be adjudged to him as well against the said Maynard, as also against the said Shaw and Weyman.

XIX

And for a further replication in this behalf to the said special pleas of the said Miram R. Maynard, by him secondly and thirdly above pleaded, the said

plaintiff by leave of the court for that purpose
 had, according to the form of the statute in
 such case made and provided says that by
 reason of any thing by the said Maynard
 in the said special pleas alleged, he the
 said plaintiff ought not to be barred from
 having and maintaining his aforesaid action
 against the said Miram R. Maynard, because
 he says that within fifteen days after the
 levying upon and distressing of the said goods
 and chattels of the said plaintiff in the said
 declaration mentioned, by the said Miram R.
 Maynard, as in his said special pleas is alleged
 to wit on the fifteenth day of April in the year
 of our Lord one thousand eight hundred and forty
 seven, the said Miram R. Maynard sold and
 delivered over the said goods and chattels, and
 departed with the possession thereof without having
 given more than eleven or twelve days ^{notice} of such sale
 contrary to his duty in that behalf. Whereby
 the said Miram R. Maynard became a trespasser
 in the premises from the beginning. And thus
 the said plaintiff is ready to verify &c.
 Wherefore he prays judgment and his damages
 &c. to be adjudged to him against the said
 Miram R. Maynard.

XX. And for a further replication on this behalf
 to the said special pleas severally of the said
 Bela Shaw and Ephraim Wymen, and of the said
 Miram R. Maynard respectively secondly and
 thirdly above pleaded, the said plaintiff

by leave of the court had according to the form of the statute in such case made and provided. - protesting that no such act was ever passed or warrant was ever made as in those pleas respectively alleged, says that by reason of any thing in those pleas or in either of them alleged he the said plaintiff ought not to be barred from having or maintaining his aforesaid action either against the said Shaw and Wyman or against the said Maynard, because he says that the said defendants at the time when &c. of their own wrong and without the residue of the clause in the said special pleas or either of them alleged committed the said trespass in the said pleas attempted to be justified in manner and form as the said plaintiff hath above in his said declaration complained against the said defendants. And thus the said plaintiff prays may be required of by the country &c.

XXI

And for a further replication in this behalf to the said special pleas severally of the said Obed Shaw and Ephraim Wyman, and of the said Hiram R. Maynard respectively severally aforesaid, the said plaintiff by leave of the court for that purpose had, according to the form of the statute in such case made and provided says that by reason of any thing in those pleas or in either of them alleged, he the said plaintiff ought not to be barred from having and

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maintaining his aforesaid action either against the said Shaw and Wymon or against the said Maynard, because he says, that by the third section of the act in the said third pleas respectively in part recited, it was enacted as follows to wit: "An election for four commissioners under this act shall be held at the next general election on the first Monday in August in eighteen hundred and forty seven, and every year thereafter, to be elected by the legal votes of Rockford precinct, and at all such elections the two candidates residing on the East Side of Rock River having the highest number of votes shall be and the two candidates residing on the West side of Rock River receiving the highest number of votes shall be declared duly elected." And the said plaintiff avers that the said warrant in the said third pleas mentioned, was made long after the said election on the first Monday of August 1847, and that from the time of the said election held on that day until long after the time of the making of the said warrant, no more than three such commissioners as aforesaid ever met or acted as such Bridge Commissioners as aforesaid; and so the said plaintiff says that the said Bridge Commissioners in the said third pleas respectively mentioned, did not by three of their number make or deliver to the said Abram P. Maynard their warrant to collect the said tax in the said third pleas respectively mentioned, in manner

and form as in the same pleas is alleged, or in
manner and form as is required by the said act

And that the said plaintiff is ready to verify
&c. Wherefore he prays that this his replication
may be taken as a several replication to each of
the said special pleas; and he also prays judg-
ment &c. damages &c. to be adjudged to him as
well against the said William H. Maynard as also
against the said Bela Shaw and Ephraim Wymen.

XXII

And for a further replication in this behalf to
the said special pleas severally of the said Bela
Shaw and Ephraim Wymen and of the said
William H. Maynard respectively severally and
thirdly above pleaded, the said plaintiff by leave
of the court for that purpose had, according to
the form of the statute in such case made and
provided, says that by reason of any thing in
those pleas or in either of them alleged, he
the said plaintiff ought not to be barred from
having and maintaining his aforesaid action either
against the said Shaw and Wymen or against the
said Maynard, because he says that heretofore to wit
on the twenty seventh day of February in the year
of our Lord one thousand eight hundred and forty
three, an act was passed by the general assembly of
the state of Illinois, intitled "An act authorizing
the erection of a bridge across Rock River at Rockford"
it was enacted as follows, that is to say: Sec 1. Be
it enacted by the people of the state of Illinois,
represented in the general assembly, That Daniel S.

Haight, George Maskell, S.D. Preston, Charles J. Moreman and their associates, be and are hereby authorized to build a bridge across Rock river, at Rockford in the county of Winnebago, at or near the place where the State road through Rockford crosses Rock River. Sec. 2. Said bridge to be built in a good workmanlike manner, and so constructed as not to obstruct the navigation of Rock River, and when completed - and accepted by the county commissioners of Winnebago county, to be declared a public highway and kept in repair by said county". And the said plaintiff says,

that the said bridge mentioned in the said several special pleas respectively was constructed under and by the authority of the said act.

Nevertheless the said plaintiff avers that the said bridge was not constructed in conformity to the said act but in violation thereof, in this that the said bridge, ever since the construction thereof, has wholly obstructed and still wholly obstructs the navigation of the said river, contrary to the letter and to the true intent and meaning of the said act. And this the said plaintiff is ready to verify &c. Wherefore he prays that this his replication may be taken as a several replication to each of the said special pleas; and he also prays judgment and his damages &c. to be adjudged to him as well against the said Hiram R. Maynard as also against the said Peter Shaw and Ephraim Weyman.

XXIII

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Wyman, and of the said Hiram R. Maynard respectively secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had according to ^{the form of} the statute in such case made and provided. Says that by reason of anything in those pleas or in either of them alleged, he the said plaintiff ought not to be barred from having and maintaining his aforesaid action, either against the said Shaw and Wyman or against the said Maynard, because he says that the said bridge mentioned in the said several special pleas, was not a public highway, as in and by the said special pleas respectively as in that behalf alleged. And this the said plaintiff is ready to verify &c. Wherefore he prays that this his replication may be taken as a several replication to each of the said special pleas: and he also prays judgement and his damages &c. to be adjudged to him ^{as well} either against the said Hiram R. Maynard as also against the said Bela Shaw and Hiram R. Maynard.

XXIV.

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Wyman and of the said Hiram R. Maynard respectively secondly and thirdly above pleaded the said plaintiff by leave of the court for that purpose had, according

^{form of the}
 to the statute in such case made and provided
 be the said plaintiff ought not to be barred
 from having and maintaining his aforesaid action
 either against the said Shaw and Wymen, or
 against the said Maynard, because he says
 that heretofore to wit. on the twelfth day of
 March, in the year of our Lord one thousand
 eight hundred and forty three. a public meet-
 ing of divers citizens of the town of Rockford, ~~in~~
~~the~~ county of Winnebago and its vicinity was
 held at said Rockford in the county of Winne-
 bago, for the purpose of making arrangements
 for the erection of a bridge across Rock River at
 Rockford aforesaid, for the public accomodation
 and at the said meeting Willard Wheeler,
 Eleazer H. Potts, Godfrey A. Sanford, Charles J.
 Morrison and Daniel Howell, then of said town
 of Rockford, persons interested in having such
 bridge erected were appointed a committee to
 construct the said bridge out of such monies
 and otha means as could be raised by them
 by voluntary subscriptions and contributions
 of persons residing in the said town of Rock-
 ford and its neighborhood as well as other places
 and the said persons being so appointed such
 committee, then and there accepted the said
 appointment, entered upon the business so
 assigned to them, and undertook in considera-
 tion of the premises and of the contributions
 and subscriptions to be made as aforesaid to construct

the said bridge out of such sums of money and other means as they could raise by voluntary subscription and contributions as aforesaid.

And the said plaintiff avers, that trusting to the said undertaking of the said committee and their representations to the effect aforesaid which were made by them in that behalf, the citizens of the said precincts of Rockford, at the special instance and request of the said committee, subscribed and contributed to the said committee large sums of money and other things, to a great amount in the whole, to wit to the amount of six thousand dollars for the erection of the said bridge; and the said committee in pursuance of their undertaking in that behalf proceeded to construct and did construct the said bridge. And the said plaintiff further avers, that the said committee and divers of them, long after the erection and finishing of the said bridge, claimed and pretended that they had expended divers large sums of money, amounting in the whole to wit to the sum of one thousand dollars, over and above what they had received from voluntary subscriptions and contributions for that purpose, and afterwards to wit, in the month of February in the year of our Lord one thousand eight hundred and forty seven, in order to obtain the said sum of money claimed by them to have been expended as aforesaid, procured the said act mentioned in the said several

special pleas of the said defendants respectively to be passed by the general assembly of the state of Illinois, in violation of their undertaking aforesaid. And the said plaintiff avers that the said sum so claimed by the said committee, is the same debt for erecting the said bridge, in the said act mentioned, and which the said general assembly have by the said act adjudged to be due to them. And this the said plaintiff, is ready to verify &c.

Wherefore he prays that this his replication may be taken as a several replication to each of the said special pleas: and he also prays judgement and his damages &c to be adjudged to him, as well ^{against} against the said William R. Maynard as also, the said Bela Shaw and Ephraim Weyman.

XIV.

And, for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Weyman and of the said William R. Maynard respectively secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had according to the form of the statute in such case made and provided, says that he the said plaintiff ought not to be barred from having and maintaining his aforesaid action either against the said Shaw and Weyman or against the said William R. Maynard, because, he says

that heretofore, to wit. on the twelfth day of March in the year of our Lord one thousand eight hundred and forty three, a public meeting of divers citizens of the town of Rockford and its vicinity, was held at said Rockford in the county of Winnebago, for the purpose of making arrangements for the erection of a bridge across Rock River at Rockford aforesaid, for the public accommodation, and at the said meeting, William Wheeler, Eleazer M. Potter, Goodyear A. Sanford, Charles J. Morsman, and Daniel Howell then of said town of Rockford, persons interested in having such bridge erected were appointed a committee to construct the said bridge out of such moneys and other means as could be raised by them by voluntary subscriptions and contributions of persons residing in the said town of Rockford and its neighborhood, as well as other places, and the said persons being so appointed such committee then and there accepted the said appointment, entered upon the business so assigned to them, and undertook in consideration of the premises, and of the contributions and subscriptions to be made as aforesaid, to construct the said bridge out of such sums of money, and other means as they could raise by voluntary subscription and contributions as aforesaid. And the said plaintiff avers that trusting to the said undertaking of the said committee, and their representations to the effect aforesaid, which were made by them in that behalf, the citizens

of the said precinct of Rockford, at the special instance and request of the said committee, subscribed and contributed to the said committee large sums of money and other things to a great amount, ^{in the whole} to wit, to the amount of six thousand dollars for the erection of the said bridge; and the said committee in pursuance of their said undertaking in that behalf, proceeded to construct and did construct the said bridge. By reason of which several matters it became the duty of the said committee to use an ordinary and reasonable degree of diligence, care, and attention and skill about the construction of the said bridge. Yet the said plaintiff avers that the said committee did not use an ordinary degree of diligence, care, attention, and skill in and about the construction of the said bridge; but on the contrary thereof, through their gross negligence and mismanagement, the said bridge after the same had been erected and finished by them, to wit, on the first day of April in the year of our Lord one thousand eight hundred and forty six, and at divers times thereafter, and before the passing of the said act in the said several special pleas respectively mentioned, became undermined, broken, ruinous, and greatly damaged by the force of the current of water there, so as to be of a value greatly smaller than the amount of money and other

things paid to the said committee for the construction thereof, to wit, of less than half the amount of such money and other things so paid. And the said plaintiff avers that the said committee and divers of them, after they had erected and finished the said bridge, and after the same had been broken and damaged as aforesaid, claimed that they had expended divers large sums of money in erecting the said bridge, amounting in the whole, to wit, to the sum of one thousand dollars over and above what they had received from voluntary contributions and subscriptions for that purpose as aforesaid, and deserved to be repaid the same: and afterwards, to wit, in the month of February in the year of our Lord one thousand eight hundred and forty seven, in order to obtain payment of the said sum claimed by them, procured the said act mentioned in the said several special pleas to be passed by the general assembly of the state of Illinois. And the said plaintiff avers that the said sum so claimed by the said committee and divers of the persons composing the same, is the same debt for erecting the said bridge in the said act mentioned, and which the said General Assembly have by the said act adjudged to be due to them. And this the said plaintiff is ready to verify &c. Wherefore he prays that

this his replication may be taken as a several replication to each of the said special pleas: and he also prays judgment and his damages &c. to be adjudged to him, as well against the said Hiram R. Maynard as also against the said Bela Shaw and Ephraim Weyman.

XXVII.

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Weyman and of the said Hiram R. Maynard respectively secondly and thirdly above pleaded the said plaintiff by leave of the court for that purpose had according to the form of the statute in such case made and provided, says that he the said plaintiff ought not to be barred from having and maintaining his aforesaid action either against the said Shaw and Weyman or against the said Maynard, because he says that heretofore, to wit, on the twelfth day of March, in the year of our Lord one thousand eight hundred and forty three, a public meeting of divers citizens of the town of Rockford, and its vicinity was held at said Rockford in the county of Winnebago, for the purpose of making arrangements for the erection of a bridge across Rock River at Rockford aforesaid, for the public accommodation and at the said

meeting, Wallard Wheeler, Eleazer H. Potter,
Gordyus A. Sanford, Charles J. Mosman and
Daniel Howell, then of said town of Rockford
persons interested in having such bridge erected
were appointed a committee to construct the said
bridge out of such money and other means
as could be raised by them by voluntary
subscriptions and contributions of persons resid-
ing in the said town of Rockford and its
neighborhood, as well as other places; and
the said persons being so appointed such
committee, then and there accepted the said
appointment, entered upon the business so as-
signed to them, and undertook in consideration
of the premises and of the contributions and
subscriptions to be made as aforesaid, to construct
the said bridge out of such sums of money and
other means as they could raise by voluntary sub-
scriptions and contributions as aforesaid. And
the said plaintiff avers that trusting to the said
undertaking of the said committee, and their
representations to the effect aforesaid, which were
made by them in that behalf, the citizens of
the said precinct of Rockford, at the special
instance and request of the said committee
subscribed and contributed to the said com-
mittee, large sums of money and other things
to a great amount, in the whole to wit, to the
amount of six thousand dollars, for the erection
of the said bridge, besides other large sums
of money and other things subscribed and

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contributed, for the erection of the said bridge as aforesaid. And the said plaintiff avers that the said committee and divers of them, after they had erected and finished the said bridge as aforesaid, claimed that they ought to be repaid for the said monies, and goods wares and merchandise which they had laid out and expended as aforesaid, over and above what they had received as aforesaid, and afterwards, to wit, in the month of February in the year of our Lord one thousand eight hundred and forty seven, in order to obtain payment of the said monies, goods, wares, and merchandise, so claimed by them procured the said act, mentioned in the said several special pleas of the said defendants respectively, to be passed by the general assembly of the State of Illinois. And the said plaintiff avers that the said monies so claimed by the said committee, and several of the persons composing and the price of the said goods, wares and merchandise, constitute the same supposed debt and amount of indebtedness incurred in erecting the said bridge, in the said act mentioned. And this the said plaintiff is ready to verify &c. Wherefore he prays that this his replication may be taken as a several replication to each of the said special pleas and he also prays judgment and his damages &c to be adjudged to him ^{as well} either against the said Abram R. Maynard as also against the said Reuben Shaw and Ephraim Weyman.

were made by them in that behalf, the citizens of the said precinct of Rockford, at the special instance and request of the said committee, subscribed and contributed to the said committee large sums of money and other things to a great amount in the whole, to wit, to the amount of six thousand dollars for the erection of the said bridge, besides other large sums of money and other things subscribed and contributed to the said committee by persons not residing in the said precinct of Rockford, to the amount of three thousand dollars more, which sums of money and other things so subscribed to and contributed to the said committee were ample and abundant to have erected and finished the said bridge, if good management, prudence and economy had been used in expending the same. By reason of which several matters it became the duty of the said committee to use an ordinary and reasonable degree of diligence, care and attention and skill about the construction of said bridge, and to lay out and expend the said money and other things in an economical and prudent manner. But the said plaintiff avers that the said committee did not use such diligence, care, attention and skill as aforesaid, nor such good management, prudence and economy as aforesaid in and about the constructing of the said bridge. But on the contrary thereof, through the bad

of persons residing in said town of Rockford and its neighborhood as well as other places and the said persons being so appointed and such committee then and there accepted the said appointment entered upon the business so assigned to them and incorporated in consideration of the premises and of the contributions and subscriptions to be made as aforesaid to construct the said bridge out of such sums of money and other means as they could raise by voluntary subscription and contribution as aforesaid.

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Weyman and of the said Miram M. Maynard respectively secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had according, to the form of the statute in such case made and provided, says that he the said plaintiff ought not to be barred from having and maintaining his aforesaid action either against the said Shaw and Weyman or against the said Maynard, because he says that heretofore to wit, on the twelfth day of March in the year of our Lord one thousand eight hundred and forty three, a public meeting of divers citizens of the town of Rockford and its vicinity was held at said Rockford in the county of Winnebago, for the purpose of making arrangements for the erection of a bridge across Rock River at Rockford aforesaid for the public accommodation, and at the said meeting, William Wheeler, Eliezer M. Potter, Goodyear T. Sanford, Charles J. Crossman and Daniel Maxwell, then of the said town of Rockford, persons interested in having such bridge erected, were appointed a committee to construct the said bridge out of such money and other means as could be raised by them by voluntary subscriptions and contributions, ~~as aforesaid~~ ~~of persons residing in and about the town of Rockford~~ ~~as aforesaid~~. And the said plaintiff avers that trusting to the said undertaking of the said committee and their representations to the effect aforesaid which

economy and profuse and improvident expenditures by the said committee in erecting the said bridge. the said bridge cost the said committee in erecting the same, more than they received by subscription and contribution for the same as aforesaid: and furthermore through the negligence and mismanagement of the said committee in erecting the said bridge, and the bad and defective manner in which the same was constructed by them, the said bridge soon after the same had been erected and finished by them, to wit, on the first day of April in the year of our Lord one thousand eight hundred and forty six, and at divers times thereafter, and before the passing time of the passing of the said act in the said several special pleas respectively mentioned, by the force of the current of water there, became undermined, broken, ruinous, and greatly damaged, and became and was of far less value than the money and other things subscribed and contributed and paid to the said committee for the construction thereof. And the said plaintiff avers that by reason of the general dissatisfaction which prevailed among the persons interested in having the said bridge erected, with the said expenditures of the said committee, and the bad and insufficient manner in which the said bridge was constructed by them, and with great delays which had occurred in the said construction through the

bad management of the said committee, sufficient money or other means could not be obtained by subscription and voluntary contribution to defray the expenses of the said committee in constructing the same: although the said committee and divers persons composing the same, claimed and alleged that they deserved and ought to be repaid the said monies which the said bridge had cost them over and above what they had obtained for the same as aforesaid, and that the same were of a great amount to wit of the amount of one thousand dollars. And the said plaintiff avers that the said committee and divers persons who composed the same afterwards to wit, in the month of February 1847 caused to be presented to the General Assembly of the state of Illinois a petition signed by a large number, to wit, one hundred and sixty citizens as follows that is to say:

To the Honorable the Senate and House of Representatives of the state of Illinois

The petition of the undersigned inhabitants of Rockford Precinct in Winnebago County State of Illinois

Respectfully sheweth,

That a bridge across Rock River at Rockford was erected by the voluntary contributions of the citizens of Rockford and vicinity in the year 1845, and the sum of about \$6000 was expended in its construction.

That in the spring of 1848 the said bridge

received such damage by a freshet in the River as to require for its repair, the expenditure of the sum of about \$750. which was also raised by subscription, and that a debt of \$600. has been incurred in erecting the same. Your Petitioners further shew that said bridge since the accident to it in 1840. has been in a very poor state of repair, and that considerable expenditure is required in order to keep the same in a safe and proper condition for public travel, and danger exists that such Bridge may be destroyed by some subsequent freshet. That the Bridge has always been kept free for the travel of the public, and your Petitioners consider it desirable that it should continue free from all toll. Your Petitioners also shew that it is necessary that some provision be made to raise necessary funds to defray the expense of repairing and maintaining said Bridge, they being of the opinion that no further adequate means can be raised by voluntary contributions.

Your petitioners therefore ask that a special tax may be levied upon the taxable property in Rockford Precinct to be expended under the direction of a Board of Commissioners for the repair and maintenance of such Bridge, and to defray the debt due on such Bridge.

Your Petitioners therefore pray your Honorable body to pass a Law authorizing such Special Tax, And will ever pray, &c."

And the said plaintiff avers that the words "and that a debt of \$500. has been incurred in erecting the same" meaning the said Bridge; and the words "and to defray the debt due on such Bridge", contained in said petition were falsely and fraudulently interlined and inserted in the said petition after the same was subscribed by the signers thereof, and without their knowledge or consent, and presented to the said general assembly so altered and interlined, by and with the concurrence of the said committee. And the said plaintiff avers that the ^{said} general assembly were deceived by the said petition and in consequence thereof, the said general assembly passed the said act in the said several special pleas of the said defendants respectively mentioned. And the said plaintiff avers that the monies so claimed by the said committee and the persons composing the same, constitute the same supposed debt and amount of indebtedness incurred in erecting the said bridge mentioned in the said act. And this the said plaintiff is ready to verify &c.

Wherefore he prays that this his replication may be taken as a several replication to each of the said special pleas: and he also prays judgment and his damages &c to be adjudged to him as well against the said Abram R. Maynard as also against the said Bela Shaw and Ephraim Weyman.

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Wymon, and of the said Abram R. Maynard respectively, secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had according to the form of the statute in such case made and provided, says that he the said plaintiff ought not to be barred from having and maintaining his aforesaid action either against the said Shaw and Wymon, or against the said Maynard because he says that heretofore to wit, on the twenty seventh day of February, in the year of our Lord one thousand eight hundred and forty three, an act of the general assembly of the state of Illinois was passed intitled "An act authorising the erection of a bridge across Rock River at Rockford" whereby it was enacted as follows, that is to say: Sec. 1. Be it enacted by the people of the state of Illinois, represented in the general assembly, That Daniel S. Haight, George Washell, L.D. Preston, Charles J. Horseman, and their associates, be and are hereby authorised to build a bridge across Rock River, at Rockford in the county of Winnebago, at or near where the state road through Rockford crosses Rock River. Sec. 2. Said bridge to be built in a good and workmanlike manner, and so constructed as not to obstruct the navigation of Rock River, and when completed

and accepted by the county commissioners of Winnebago County, to be declared a public highway, and kept in repair by said county."

And the said plaintiff further says that shortly after the passing of the said act to wit on the twelfth day of March in the year last aforesaid, a public meeting of citizens of the said town of Rockford, and its vicinity was called and held at Rockford aforesaid, by and with the consent of and concurrence of the said, Maight, Maskell, Preston, and Hornsman, in the said act named, for the purpose of providing and making arrangements to carry into effect the intention and provisions of the said act: and that at the said meeting, Willard Wheeler, Eleazer W. Potter, Goodyear A. Sanford Daniel Howell and the said Hornsman, then inhabitants of the town of Rockford aforesaid, and interested in having the said bridge built, were appointed by the said citizens there convened, a committee to construct a bridge under the authority of the said act, out of voluntary contributions and subscriptions to be raised by them for that purpose from citizens of the said town of Rockford and its vicinity, as well as other places and the said persons being so appointed such committee, then and there accepted the said appointment, and entered upon the

business so assigned to them, and undertook
in consideration of the premises, and of
the contributions and subscriptions to be made
as aforesaid, to construct the said bridge in
conformity with the said act, out of such mon-
ies and other means as they could raise by
voluntary subscriptions and contributions as
aforesaid. And the said plaintiff avers that
trusting to the said undertaking of the said
committee and of the said persons composing
the same, and to their representations in that
behalf which were made to the effect aforesaid,
and that the said bridge would be kept
in repair by the county of Winnebago
* aforesaid, the citizens of the said precinct
of Rockford at the special instance and
request of the said committee, subscribed
and contributed to them large sums of money
and other things to the amount and value
to wit, of six thousand dollars for the
erection of the said bridge. Yet the
said plaintiff avers that the said commit-
tee did not build, or cause the said
bridge to be built, in a good and workman-
like manner, according to the said act,
but on the contrary thereof, the same was
constructed by them in a bad and unworkman-
like manner, so that afterwards to wit, on
the first day of April, in the year of our
Lord one thousand eight hundred and forty
six, and at divers other times before the pass

after the same should have been built as

ing of the said act in the said several special pleas respectively mentioned the said bridge by the force of the current of water there, became undamaged, broken, ruinous and greatly damaged, and was for divers long spaces of time useless and impassable in consequence of the bad and unworkmanlike manner in which the same was built by the said committee, and became and was at the time of the passing of the said last mentioned act, of much smaller value than the worth of the money and other things subscribed and contributed and paid to the said committee for the construction thereof, to wit of less than half the worth of the said money and other things so paid and contributed. Nor did the said committee who constructed the said bridge as aforesaid when they had completed the same, offer the said bridge to the acceptance of the county commissioners of the ^{said} county of Winnebago, according to the form of the said act authorizing the building of the said bridge, nor was the said bridge ever accepted by the said county commissioners according to the true meaning and intent of the ^{said} act. And the said plaintiff avers that the said committee and divers of the persons composing the same, after they had built and finished the said bridge as aforesaid, claimed and alleged that they had expended

divers large sums of money in building the said bridge, amounting in the whole to ~~not~~ the sum to wit. ^{one} thousand dollars, over and above what they had received from voluntary subscriptions and contributions for that purpose as aforesaid, and that they ought and deserved to be repaid the same. And the said committee and divers of the persons composing the same, afterwards to wit in the month of February in the year of our Lord one thousand eight hundred and forty seven, in order to obtain payment of the said sum so claimed by them, as well as to cause the said bridge to be repaired and kept in repair at the expense of the said Rockford precinct, contrary to the true meaning and intent of the said act under which the same was built, caused and procured the said act mentioned in the said several special pleas of the said defendants respectively to be passed by the general assembly of the state of Illinois. And the said plaintiff avers that the said sum so claimed by the said committee and the persons composing the same, is the same supposed debt and amount if incurred in erecting the said bridge in the same act mentioned, and further that the supposed debt and amount of indebtedness incurred in repairing the said bridge in the same act ^{also} mentioned, are certain expenses which were incurred in repairing the said bridge by reason of the same bridge having

been and become undermined, broken, and ruinous in consequence of the bad and unworkmanlike manner in which the said bridge had been built by the said committee as heretofore stated. And this the said plaintiff is ready to verify &c. Wherefore he prays that this his replication may be taken as a several replication to each of the said special pleas; and he also prays judgment and his damages &c to be adjudged to him as well against the said Abram B Maynard, as the said Bela Shaw and Ephraim Weyman

XXIX.

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Weyman and also of the said Abram B Maynard respectively secondly and thirdly above pleaded, the said plaintiff before of the court for that purpose had according to the form of the statute in such case made and provided, says that he the said plaintiff ought not to be barred from having and maintaining his aforesaid action either against the said Shaw and Weyman or against the said Maynard, because he says that heretofore to wit on the twenty seventh day of February in the year of our Lord one thousand eight hundred and forty three, an act of the general assembly of the state of Illinois was passed entitled an act authorising the erection of a bridge across Rock

River, at Rockford whereby it was enacted as follows that is to say: Sec. 1. Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Daniel S. Haight, George Haskell, S. C. Preston, Charles J. Crossman and their associates be and are hereby authorised to build a bridge across Rock River at Rockford in the county of Winnebago, at or near where the state road through Rockford crosses Rock River.

Sec. 2. Said bridge to be built in a good and workman-like manner, and so constructed as not to obstruct the navigation of Rock River, and when completed and accepted by the county commissioners of Winnebago county, to be declared a public highway and kept in repair by said county." And the said plaintiff avers that the said bridge mentioned in the said several special pleas of the said defendants respectively, was built by the said Daniel S. Haight, George Haskell, S. C. Preston, Charles J. Crossman and their associates, under and by virtue of the said last mentioned act, long after before the passing of the said act of the said General Assembly of the state of Illinois, in part recited and referred to in the said special pleas of the said defendants respectively, whereby the said bridge became and was the property of the said Daniel S. Haight, George Haskell, S. C. Preston, Charles J. Crossman and their associates, and so continued to be their property until at and after the passing of the said act

in part recited and referred to as aforesaid, and from thence hitherto. And thus the said plaintiff is ready to verify &c. Wherefore he prays that this his replication may be taken as a several replication to each of the said special pleas, and he also prays judgment and his damages &c. to be adjudged to him as well against the said William R. Maynard as also against the said Bela Shaw and Ephraim Wyman.

XXX.

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Wyman and of the said William R. Maynard respectively secondly and thirdly above pleaded, the said plaintiff beleave of the court for that purpose had, according to the form of the statute in such case made and provided says that he the said plaintiff ought not to be barred from having and maintaining his aforesaid action, either against the said Shaw and Wyman, or against the said Maynard, because he says that the said Newton Crawford, Bela Shaw, Ephraim Wyman, and Daniel M. Kenney, in the said several special pleas respectively above named, did not take the oath required by the said act in the said special pleas respectively mentioned, in manner and form as is in the said special pleas respectively alleged. And thus the said plaintiff prays may be argued of by the court &c.

And for a further replication in this behalf as to the said special pleas severally of the said Bela Shaw and Ephraim Wyman and of the said Abram B. Maynard respectively secondly and thirdly above pleaded; the said plaintiff by leave of the court for that purpose had according to the form of the statute in such case made and provided, says that by reason of any thing in those pleas or in either of them alleged, he the said plaintiff ought not to be barred from having and maintaining his aforesaid action either against the said Shaw and Wyman or against the said Maynard respectively, because he says, that by the third and fourth sections of the act of the General Assembly of the state of Illinois, intitled "An act for the maintenance of the Rockford bridge" whereof the first and second sections are recited in the said second pleas of the said respective defendants, and of which the said section is referred to in the said third pleas of the said respective defendants, it was enacted as follows that is to say "Sec. 3. An election of four commissioners under this act shall be held at the next general election, on the first Monday in August eighteen hundred and forty seven, and every year thereafter, to be elected by the legal voters of Rockford precinct, and at all such elections the two candidates residing on the east side of Rock River, having the highest number of votes, and the two can-

didates residing on the west side of Rock River, receiving the highest number of votes, shall be declared duly elected. Sec. 4. Said commissioners, and their successors before entering upon the discharge of their duties under this act, shall take an oath before some person authorized to administer oaths in this state that they will well and truly perform all the duties enjoined by this act".

And the said plaintiff avers that after the said annual election on the first Monday in August, eighteen hundred and forty seven, and before the issuing of the said warrant in the said several special pleas respectively mentioned, successors of the said Newton Crawford, Bela Shaw, Ephram Weyman, and Daniel McKenney elected at the said election, did not take the said oath required by the said fourth section of the said act, in manner and form as by the same act is required. And this the said plaintiff is ready to verify. Wherefore he prays that this his replication may be taken as a several replication to each of the said special pleas: and he also prays judgment and his damages &c to be adjudged to him as well against the said Shaw and Weyman as also against the said Maynard.

Francis Burnap
Attorney for Plaintiffs

And for a further replication in this behalf
 to the said special pleas of the said Bela
 Shaw and Ephraim Wyman, by them secondly
 and thirdly above pleaded, the said plaintiff by
 leave of the court for that purpose had accord-
 ing to the form of the statute in such case
 made and provided, says that by reason of
 any thing by the said Shaw and Wyman in
 their said special pleas alleged, he the said
 plaintiff ought not to be barred from having and
 maintaining his aforesaid action against the said
 Bela Shaw, and Ephraim Wyman, because he says that
 the said goods and chattels of the said plaintiff
 in the said pleas mentioned, to wit the horse
 and horses in each and both of the countenances
 in the said declaration of the said plaintiff
 mentioned, at the said time when &c. was and were
 beast and beast of the plough of the said plain-
 tiff, whereby and wherewith the said plaintiff tilled
 and cultivated his land. And the said plaintiff
 avers that the said Heriam R. Maynard, at the said
 time when &c. distrained the said horse and horses,
 by the direction and command of the said Bela
 Shaw and Ephraim Wyman. And thus the said
 plaintiff is ready to verify &c. Wherefore he prays
 judgment, and his damages, &c. to be adjudged
 to him against the said Bela Shaw and
 Ephraim Wyman.

And for a further replication in this behalf
 to the said special pleas of the said Bela

Shaw and Ephraim Wyman, by them secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had according to the form of the statute in such case made and provided, says that by reason of any thing by the said Shaw and Wyman in their said special pleas alleged, he the said plaintiff ought not to be barred from having and maintaining his aforesaid action against the said Bela Shaw and Ephraim Wyman because he says that the said goods and chattels of the said plaintiff in the said special pleas mentioned, to wit, the said horse and horses in each and both of the counts in the declaration of the said plaintiff mentioned at the said time when &c. was and were beast and beasts of the plough of the said plaintiff, whereby and wherewith he cultivated his land, being a certain farm of the said plaintiff situate in the said precinct of Rockford. And the said plaintiff avers that at the time when &c. he the said plaintiff had at his said farm, other goods and chattels, not being beasts of the plough, nor sheep, sufficient for a reasonable distress for the amount of tax in the said special pleas specified. And the said plaintiff avers that nevertheless at the said time when &c. the said Horiam McMaynard distrained the said horse and horses of the said plaintiff by the direction and command of the said Bela Shaw and Ephraim Wyman, contrary

to the form of the statute in such case made and provided. And thus the said plaintiff is ready to verify &c. Wherefore he prays judgment and his damages &c. to be adjudged to him against the said Bela Shaw and Ephraim Wyman.

XXXIV.

And for a further replication in this behalf to the said special pleas of the said Hiram B. Maynard, by him secondly and thirdly above pleaded, the said plaintiff, by leave of the court, for that purpose had according to the form of the statute in such case made and provided, says that by reason of any thing by the said Maynard in his said special pleas alleged, the said plaintiff ought not to be barred to him having and maintaining his aforesaid action against the said Hiram B. Maynard, because he says that the goods and chattels of the said plaintiff in the said special pleas mentioned, to wit, the said horse and horses, in both and each of the counts in the said declaration of the said plaintiff mentioned, at the said time when &c. was and were beast and beasts of the plough of the said plaintiff, whereby and wherewith he tilled and cultivated his land. And thus the said plaintiff is ready to verify &c. Wherefore he prays judgment and his damages &c. to be adjudged to him against the said Hiram B. Maynard.

XII.

And for a further replication in this behalf to the said special pleas of the said Abram R. Maynard, by him secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had according to the form of the statute in such case made and provided, says that by reason of any thing by the said Maynard in his said special pleas alleged, he the said plaintiff ought not to be barred from having and maintaining his aforesaid action against the said Abram R. Maynard, because he says that the goods and chattels of the said plaintiff in the said special pleas mentioned, to wit the said horse and horses in both and each of the counts in the said declaration mentioned, at the said time when &c. was and were beast and beasts of the plough of the said plaintiff, whereby and wherewith he tilled and cultivated his land, being a certain farm of the said plaintiff situated in the said precinct of Rockford. And the said plaintiff avers, that at the said time when &c. he the said plaintiff had at the said farm other goods and chattels not being beasts of the plough, nor sheep, sufficient for a reasonable distress for the amount of tax on the said special pleas specified; and that nevertheless the said Abram R. Maynard distrained the said horse and horses contrary to the form of the statute in such case made

and provided. And thus the said plaintiff is ready to verify &c. Wherefore he prays judgment and his damages &c. to be adjudged to him against the said Hiram B. Maynard.

Francis Burrup
Atty. for Plaintiff

XXVI.

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Wymian and of the said Hiram B. Maynard by them respectively secondly and thirdly above pleaded, the said plaintiff by leave of the court for that purpose had according to the form of the statute in such case made and provided, says that by reason of any thing in those pleas or in either of them alleged, he the said plaintiff ought not to be barred from having and maintaining his aforesaid action, either against the said Shaw and Wymian, or against the said Maynard respectively, because he says that by the third and fourth sections of the act of the general assembly of the state of Illinois, entitled "An act for the maintenance ^{second} of the Rockford bridge" whereof the first and ^{second} sections are recited in the said second pleas of the said respective defendants, it was enacted as follows, that is to say: "Sec 3. An election of four commis-

soners under this act shall be held at the next general election. on the first Monday in August, eighteen hundred and forty-seven, and every year thereafter, to be elected by the legal votes of Rockford precinct, and at all such elections the two candidates residing on the east side of Rock River, having the highest number of votes, and the two candidates residing on the west side of Rock River receiving the highest number of votes, shall be declared duly elected.

Sec 4. "Said commissioners, and their successors before entering upon the discharge of their duties, under this act shall take an oath before some person authorized to administer oaths in this state, that they will well and truly perform all the duties enjoined by this act", as by reference to the said act will more fully appear. By force of which said enactments it became and was necessary that the said warrant in the said special pleas of the said respective defendants alleged, should be made by all four of the commissioners provided by the said act. Whereas the said plaintiff avers that in truth and in fact the said warrant was made by only three of the commissioners provided by the said act and not by the whole of them. And thus the said plaintiff is ready to verify &c. Wherefore he prays

that this his replication may be taken as a several replication to each of the said several ~~special~~ pleas of the said respective defendants; and he also prays judgment and his damages &c. to be adjudged to him as well against the said Shaw and Wyman as also against the said Maynard.

XXVII.

And for a further replication in this behalf to the said special pleas severally of the said Bela Shaw and Ephraim Wyman and of the said Hiram B. Maynard respectively thirdly above pleaded, the said plaintiff by leave of the court for that purpose had according to the form of the statute in such case made and provided says that by reason of any thing in those pleas or in either of them alleged he the said plaintiff ought not to be barred from having and maintaining his aforesaid action either against the said Shaw and Wyman, or against the said Maynard respectively, because he is that by the first and second sections of the act of the general assembly of the state of Illinois, intitled "An act for the maintenance of the Rockford bridge" approved the 23rd day of February, 1827. referred to in the said third special pleas, and the substance of the second section whereof is stated in the same

pleas, it was enacted in manner and ⁶⁰ form as is in the said second pleas of the said defendants is in that behalf recited and that by the third and fourth sections of the same act, it is enacted in manner and form as in and by the last preceding replication of the said plaintiff is above in that behalf recited. And the said plaintiff says that by force of the said enactments contained in the first, second, third and fourth sections of the said last mentioned act, it became and was necessary that the said warrant mentioned in the said several special pleas of the said defendants by them thirdly above respectively pleaded, should be made by four of them and the whole of their number, and not by three of their number, in manner and form as is in and by the said respective special pleas thereof alleged. And thus the said plaintiff is ready to verify &c. Wherefore he prays that this his replication may be taken as a several replication to each of the said special pleas in this replication mentioned: and he also prays judgment and his damages &c. to be adjudged to him as well against the said Shaw and Weyman as also against the said Hiram Maynard.

Francis Burnap
Atty. for Plaintiff

And afterwards Dint on the 9th day of
(May 1850 - the Refer demits filed
herein then Answered to the Plaintiff
Replications herein which said Replications
Answer is as in the words & figures following Dint

Winnebago Circuit Court
Hiram R. Maynard
Bela Shaw and
Ephraim Wyman
vs
Ezekiel Hennis

March Term 1850

And the said defendants
Bela Shaw & Ephraim Wyman as
to the first replication of the plaintiff to
the second & third pleas above pleaded say
that the ~~above~~^{same} is not sufficient in law.

And the said defendants Shaw and
Wyman as to the second replication of the plaintiff
above replied being to their second and
third pleas by them above pleaded say that
the same is not sufficient in law.

And the said defendant Maynard
says as to the third replication of the plaintiff
by him above replied & being to his second &
third pleas by him above pleaded he says
that the same is not sufficient in law.

And the said defendant Maynard as
to the fourth replication of the plaintiff by him
above replied being to the second and third
pleas of the said Maynard by him above
pleaded says that the same is not sufficient
in law.

And the said ^{defendant} Hiram R. Maynard
Bela Shaw & Ephraim Wyman as to the
fifth replication of the plaintiff by him
fifthly above replied being to several second
& third pleas by them respectively above pleaded

Say that the same is not sufficient in law.

And the said defendants Maynord Shaw and Wymann as to the sixth replication of the plaintiff by him sixthly above replied being to the second and third pleas of the defendants respectively say that the same is not sufficient in law.

And the said defendants Maynord Shaw & Wymann as to the seventh replication of the plaintiff by him seventhly above replied and being to the several second & third pleas of the defendants by them secondly and thirdly above pleaded, say that the same is not sufficient in law.

And the said defendants Maynord Shaw & Wymann as to anything in the plaintiff's eighth replication contained by him eighthly above replied and being to ~~the~~ the several and respective second & third pleas, say that the same is not sufficient in ^{the} law.

And the said defendants Maynord Shaw and Wymann as to the ninth replication of the plaintiff by him ninthly above replied and being to the several & respective second and third pleas of the defendants say that the same is insufficient in law.

And the said defendants Maynord Shaw & Wymann as to the tenth replication

of the plaintiff by him tenthly above replied
& being to their several and respective second
& third pleas say that the same is not suffi-
cient in law.

And the said defendants Maynard
Shaw & Wymann as to the eleventh repli-
cation of the plaintiff by him eleventhly
above replied and being to their several and
respective second ^{and} third pleas say that the
same is not sufficient in law.

And the said defendants Maynard
Shaw & Wymann as to the twelfth replication
of the plaintiff by him twelfthly above repli-
ed and being to their several & respective second
& third pleas say that the same is not suffi-
cient in law.

And the said defendants Maynard Shaw
and Wymann to the thirteenth replication of
the plaintiff by him thirteenthly above replied
& being to their several and respective second
and third pleas by them above pleaded say that
the same is not sufficient in law.

And the said defendants Shaw and
Wymann to the fourteenth replication of the
plaintiff by him fourteenthly above replied
and being to the second and third pleas of the said
Shaw & Wymann say the same is not sufficient
in law.

And the said defendant Maynard as
to the fifteenth replication of the plaintiff by
him fifteenthly above replied & being to the
second & third pleas of the said Maynard

by him above pleaded say that the same is not sufficient in law.

And the said defendants Shaw & Wyman as to the sixteenth replication of the plaintiff by him sixteenthly above replied being to their said second & third plea say that the same is not sufficient in law.

And the said defendant Maynard as to the seventeenth replication of the plaintiff by him seventeenthly above replied and being to his ^{said} second and third pleas say that the same is not sufficient in law.

And the said defendants Shaw and Wyman as to the eighteenth replication of the plaintiff by him eighteenthly above replied, being to their said second and third plea say that the same is not sufficient in law.

And the said defendant Maynard as to the nineteenth replication of the plaintiff by him nineteenthly above replied and being to his said second & third pleas say that the same is not sufficient in law.

And the said defendants Maynard Shaw & Wyman as to the twentieth replication of the plaintiff by him twentiethly above replied being to the several and respective second and third pleas say that the same is not sufficient in law.

And the said defendants Maynard Shaw & Wyman as to the twenty first replication of the plaintiff by him above replied being to the

Several & respective second & third pleas of the said defendants, say that the same is not sufficient in law.

And the said defendants Maynard Shaw & Wymann as to the Twenty second replication of the plaintiff by him above replied, being to the respective second and pleas of the defendants say that the same is not sufficient in law.

And the said defendants Maynard Shaw and Wymann as to the ^{twenty} third Replication of the plaintiff above replied being to the several & respective second & third pleas say that the same is not sufficient in law.

And the said defendants Maynard Shaw & Wymann as to the twenty fourth Replication of the defendants by them severally and respectively above replied say that the same is not sufficient in law.

And the said defendants Maynard Shaw & Wymann as to the twenty fifth replication of the plaintiff by him above replied being to the several & respective second & third pleas say that the same is not sufficient in law.

And as to the twenty sixth replication of the plaintiff by him above replied the said defendants Maynard Shaw & Wymann say that the same is not sufficient in law.

And as to the twenty seventh Replication of the plaintiff by him above replied,

the defendants Maynard Shaw & Wyman say that the same is not sufficient in law.

And as to the twenty eighth replication of the plaintiff by him above replied, the defendants Maynard Shaw & Wyman say that the same is not sufficient in law.

And as to the twenty ninth Replication of the plaintiff by him above replied the defendants Maynard Shaw and Wyman say that the same is not sufficient in law.

And as to the Thirtieth Replication of the plaintiff by him above replied the defendants Maynard Shaw & Wyman say that the same is not sufficient in law.

And also as to Thirty first Replication of the plaintiff by him above replied the defendants Maynard Shaw & Wyman say that the same is not sufficient in law.

And as to the thirty ~~second~~ ^{second} Replication of the plaintiff by him above replied, the defendants Shaw and Wyman say, ^{that, the same} is not sufficient in law.

And as to the thirty third Replication of the plaintiff by him above replied the defendants Shaw & Wyman say that the same is not sufficient in law.

And as to the thirty fourth Replication of the plaintiff by him above replied the defendant Maynard says that the same

is not sufficient in law

And as to the thirty fifth Replication of the plaintiff by him above replied the defendant Maynard says that the same is not sufficient in law.

And as to the thirty sixth Replication of the plaintiff by him above replied the said defendant Maynard Shaw & Wyman say that the same is not sufficient in law.

And as to the thirty seventh Replication of the plaintiff by him above replied the said defendant Maynard Shaw & Wyman say that the same is not sufficient in law.

Marsh & Wright
S^{rs} Attorneys

~~And afterwards sent on the 9th day of
August AD 1855 the ^{Plaintiffs} ~~Plaintiffs~~ ^{Plaintiff} ~~Plaintiffs~~ ^{Plaintiff}
his three Repleaders ~~Plaintiffs~~ of the
Defendants herein which said Repleaders
are in words & figures following sent~~

~~And afterwards sent on the 9th day of
August AD 1855 the Defendants filed
their three Demurs to the~~

And afterwards sent on the 17th day of
April AD 1852 the Parties herein filed
three certain stipulations which said
stipulations is in words & figures following
sent,

Ezekiel Demins Heptimus on bond
April Term 1852

vs
(Bela Shamsals)

It is agreed between the parties that the venue in this cause shall be changed to Warrumbago County.

It is further agreed that no transcript of the Record in this court need be made by the Clerk, but that the Original papers shall be deposited in that Court, and shall be acted upon by that Court as if the cause had never been changed from that Court.

It is further agreed that each party saves to itself all benefit of exceptions to the decision of any question in this Court, and that if the cause shall be taken to the Supreme Court upon appeal or writ of error the Record in this Court shall be incorporated with and form a part of the Record of said cause from the said Warrumbago Court.

It is further agreed that this Court has overruled the Defendants Demins to the fifth seventh & Eleventh thirtieth & thirty first Replications of the Plaintiff, and has sustained said Demins to all the other Replications & has granted leave to the Plaintiff to answer the 20th, 18th, 21st, 23^d & 19th Replications of the Plaintiff.

of the Plaintiff, and also leave to Def^ts
to reply to Pl^{ff}'s 3rd Replikation

To Vinnah & Looph for Pl^{ff}
Vinnah for Def^ts
April 17th 1852

And afterwards Advt. on the 27th day of
April AD 1852. at the April Term of said
Marriage Court, beent beent in the
Record of the proceedings & thereof is the
following entry Advt

Ezekiel Dennis
Peter Shumals }
Pl^{ff} & Def^ts

On Motion of
Plaintiff leave is granted him to amend
his 27th Replikation herein

And afterwards to wit on the 28th day of April
AD 1832 the Defendants filed herein their
Reply & Answer herein which is
in words & figures following And

Now be it remembered

Paula Shum & als

as }
Ezekiel Dennis

And the said Drafts
to the Replications of the Plaintiff by
him fifthly seventhly ^{& eighteenthly} ~~and eighteenthly~~ & thirtiethly
by above replied whereof he has put himself
upon the country both the Sids.

And as to the replication of the
Plaintiff by him thirty firstly
above replied the Defendants

Because they
say that the Successors of the said Bridge
Commissioners in ^{their} Replications did
take the Oath required by the said Statute
after their said Election and of this they
put themselves upon the country &c

And as to the 18th 19th 21st etc
& 27th Replications by the Plaintiff by him
above replied, they say that said Repli-
cations are not, nor are either of them

Sufficient in law, but that each of said
Replications is insufficient in law
(Munsh & Wright
Defts attys

And as to the Eleventh Replication of the
Said Plaintiff by him above made the
Said Defts say actio non because they
say that Said Plaintiff was charged in
the sum of Eight Dollars & forty two
cents & six Mills on the list of persons
taxable by the said last assessment of
taxable property in said County of Winnebago
made previous to the making & delivery
of the said list on the said pleas of the
Said Defendants mentioned & of this they
put themselves upon the County &c
(Munsh & Wright for
Defts

And the said Plaintiff as to the said
several Replications of the said Defendants
whereof they have put themselves upon
the County do in the like
F. P. Munsh atty for
Plff

Rejoinder
to 11th Repl

And after sundry Court on the 30th
day of September AD 1852 at the September
Term of said Court in the Record of the
proceedings of said Court is the following
entry Dwt,

Ezekiel Harris
vs
Belu Shaw & Co }
}

And now come the
parties by their attorneys and the Court
having heard the argument of counsel
on the demurrer of the Defendants to the
Plaintiff's Replication & hereon
overrules the same as to the 18th + 21st ^{amended}
Replications and sustains the same
as to the 19th + 27th ^{amended} Replications

And after sundry Court on the said 30th day
of September AD 1852 the said Defendants
filed hereon their Response to the 18th + 21st
Replications of the Plaintiff which
said ^{Response} ~~Response~~ is in words & figures
following Dwt

Wm C. Cunt

Peter Shaw & als

advs

Ezekiel Dennis & }

And the said

Defendants Shaw Wymond & Wymond
as to the Replications of the Plaintiff
by him Eighteenthly & twenty firstly
above replied say that they said
Judge Commissioners did make
their Warrant to collect said Tax
and deliver the same as they have
in their 2^d & 3^d pleas respectively
above alleged and of this they put
themselves upon the country &c

(Munk & Wright

atys for advts

And afterwards Awt on the said day
of October AD 1853 at the said
September Term of said Court in
the Record of the proceedings of said Court
is the following entry Awt

Ezekiel Dennis
vs
Bela Shumals }

By consent of the
Defendants by their attorneys leave
is granted to the Plaintiff to amend his
18th & 21st amended Replications
and to amend the said Defendants
Answer to the said 18th & 21st amended
Replications, and the court having
heard the argument of counsel thereon
~~over~~ sustains said Answer

And as towards 3 (sent on 27th day) of
April A.D. 1854 at the April Term of
said Court in the Record of the proceedings
of said Court is the following entry sent

Ezekiel Dennis
vs
Bela Shaw
Ephraim Wyman
Aaron R. Maynard

And now come
the Plaintiff by Barnard & Cook his
attorneys and the Defendants by March
& Wright their attorneys also come and
issue being found it is ordered that
a jury come and therefore come a
jury of good and lawful men with
William Fletcher H. Sager E. H. Mack
Robert Coleman F. Stevens John Fuller
R. W. South C. C. Hollister D. Mills
J. J. Simons J. Heath & G. Merrill
who being duly empanelled tried and sworn
well and truly to try the issue found herein
and having heard the evidence and
argument of counsel they retire to
consider of their verdict and thereafter
they returned into court with the
following verdict to wit: "We the jury
find the issues for the Defendants. It is
therefore ordered and considered by the
court that the said Defendants have and
recover of the said Plaintiff. their costs and
charges herein by judgment and that
they have execution therefor,

And afterwards Print on the Eighth
day of June AD 1854 - the following
Bill of Exceptions was filed hereto
which said Bill of Exceptions is in
the words & figures following Print

In the Wmmebago Circuit Court

Ezekiel Adams

vs
Hiram R. Maynard
Belu Shaw and
Ephraim Wymann

Be it remembered
that on the 29th day of April 1854 this cause
was brought on for trial before the Hon
Benjamin R. Sheldon Judge of this
Court and a jury upon the issues of
fact joined between the parties.

And to prove the issues joined
between the parties upon the seventh
replication of the Defendants which denies
the issuing of the warrant in the several
pleas of said Defendants respectively mentioned
as alleged in those pleas the said
Defendants offered in Evidence a paper
writing as follows, that is to say

"To Hiram R. Maynard
Collector of the County of Wmmebago
In pursuance of an act of the Legislature
of the State of Illinois entitled "An Act
for the Maintenance of the Rockford

Bridge approved February 25th 1847
We Command You to make of the several
persons charged on the foregoing list with
a tax for the maintenance of the Rockford
Bridge, the sum set against their
respective names, and that You make
due return of the same to Ephraim
Wynnam Treasurer of this Board on the
first Monday of March 1848, and according
to the conditions of said Bond for the collecting
of said Tax, and in so doing this
shall be Your Warrant

Done by the Board of Commissioners
this 29th day of November 1847

Bela Shaw
Ephraim Wynnam } Commission
Newton Crawford }

and Subjoined and attached to the
said paper was a list of between three
and four hundred names. each page
whereof was headed, and the entries
of names and sums therein was in the
form as follows,

Names	Valuation	Tax
Adams John	43	21.5-
Almy David	79	39.5-
Andrews Edward	20.95-	10.47.5-
Anthony Andrew	120	60.0
Anthony James M	20	10.0
Brown John	259	1,29.5-
Dennis Egekiel	670	3,35.0

The amount of valuation and of tax was cast up at the foot of each page of the said list and at the end thereof is the following entry

whole amount of valuation of personal Property in Rockford Precinct is \$128,871.00
 whole valuation of Real Estate is \$125,266.20
\$254,143.20

and there was also produced by the said Defendants and offered in evidence, but separate and not attached to the said Warrant nor to the said list, a list headed as

follows without any explanation or designation. (Cont.)

L. S. 1. C.	Description	Section	Township	Range East	No of Acres	Value per acre	Total amount Total Assessment	Tax
Names								
J & A. Shafford	N $\frac{1}{2}$	11	43	1	280	20.4	1720	8.60.0
William Mamer	E $\frac{1}{2}$ of E $\frac{1}{2}$ of N $\frac{1}{2}$	12	"	"	40	5.	200	1.00.0
Robert O. Clark	E $\frac{1}{2}$ of E $\frac{1}{2}$ NW $\frac{1}{4}$	"	"	"	40	5	200.	1.00.0
Ezekiel Dennis	N $\frac{1}{4}$ pr	3	"	"	162, ⁶²	6	975	4.87.5

And that upon the production of the said lists defendants produced Newton Crawford as a witness, by whose testimony it was proved that he as secretary of the Board of Bridge Commissioners copied said lists from assessment Rolls of the year 1846. and that said lists so

copied by him & produced in evidence were originally covered by him with Brown paper separately, on which was written by him respectively, 'List of taxable Real Estate in Rockford Precinct for Bridge purposes', and 'List of taxable personal property in Rockford Precinct for Bridge purposes'. And that the said two lists were then put together in one cover of Brown paper and ~~staple~~ stitched together, that the lists were delivered to Defendant Maynard in the month of April preceding the making of said Warrant, that the warrant was made and attached to said lists on the day it bears date, that the Commissioners had not received a copy of the lists when the lists were made out, and when they did receive such copy, the warrant offered in evidence was made.

And therefore the said Plaintiff objects to the said Warrant and lists being given in evidence on the following grounds (to wit)

part The said paper writing was not under the corporate Seal of the said Bridge Commissioners

2^d That the said paper was not under seal whatsoever

3^d That it was signed by only three of the said Bridge & Bridge Commissioners

4th That it was not proved that more than three of the said Bridge Commissioners acted or in the issuing of the said supposed warrant,

5th That the said List attached to the said Warrant did not contain any enumeration or specification of the personal property upon which the Taxes in question were levied

6th That the said Lists were not made from the last assessment previous to the issuing of the said said supposed Warrant

And the said objections are overruled by the Court, and the said paper writings and Lists are given in evidence to the jury and the said Plaintiffs except to the opinion of the Court in this behalf, and his exception is allowed

And the said Plaintiff prays that this
his Bill of exceptions may be allowed
signed and sealed by the said Judge
in order to become part of the record in
this cause and it is so done accordingly
Wm B R Sheldon sent

State of Illinois
Monroe County J. Charles H
Shaffner Clerk of the Circuit Court in & for
said County do certify the foregoing
to be a true copy of the pleadings & the
Record in the above entitled cause on file
& of Record in my Office.
In witness whereof I hereunto
set my hand and affix the seal
of said Court at Rockford in
said County this 3rd day of
July A D 1834

Fees for Court \$ 27.00 Charles H Shaffner
Clerk

33
Supreme Court.

Ezekiel Dennis

vs.

Nathan R. Maynard,
Bela Shaw and
Ephraim Wyman.

Record,

Filed July 12. 1854.
L. Leland Clerk

Burrage

Season 17

1771

Bery

And now, to wit on the second Monday of June, in the year 1854, at the courthouse at St. Louis, before the Justices of the Supreme Court of the State of Missouri, comes the said Ezekiel Dennis, ~~by~~ ~~plaintiff~~ by Francis Burnap his attorney, and says that in the record and proceedings aforesaid, and in the rendition of the judgment aforesaid, there is manifest error, and that the courts below erred therein in the following particulars, that is to say,

1. In sustaining the demurrer of defendants to the first replication of the said plaintiff, and not overruling the same.

2. In sustaining their demurrer to his second replication, and not overruling the same.

3. In sustaining their demurrer to his ~~third~~ replication, and not overruling the same.

4. In sustaining their demurrer to his fourth replication, and not overruling the same.

5. In sustaining their demurrer to his 5th replication, and not overruling the same.

6. In sustaining their demurrer to his eighth replication, and not overruling the same.

7. In sustaining their demurrer to his ninth replication, and not overruling the same.

8. In sustaining their demurrer to his tenth replication, and not overruling the same.

9. In sustaining their demurrer to his twelfth replication, and not sustaining the same.

10. In sustaining their demurrer to his thirteenth replication, and not overruling the same.

11. In sustaining their demurrer to his fourteenth replication, and not overruling the same.
12. In sustaining their demurrer to his fifteenth replication, and not overruling the same.
13. In sustaining their demurrer to his sixteenth replication, and not overruling the same.
14. In sustaining their demurrer to his seventeenth replication, and not overruling the same.
15. In sustaining their demurrer to his eighteenth replication, and not overruling the same.
16. In sustaining their demurrer to his nineteenth replication, and not overruling the same.
17. In sustaining their demurrer to his twentieth replication, and not overruling the same.
18. In ^{sustaining} ~~overruling~~ their demurrer to his twenty-first replication, and not overruling the same.
19. In ~~over~~ sustaining their demurrer to his twenty-second replication, and not sustaining the same.
20. In sustaining their demurrer to his twenty-third replication, and not overruling the same.
21. In sustaining their demurrer to his twenty-fourth replication, and not overruling the same.
22. In sustaining their ~~twenty-fifth~~ demurrer to his twenty-fifth replication, and not overruling the same.
23. In sustaining their demurrer to his twenty-fifth ~~fifth~~ sixth replication, and not overruling the same.
24. In sustaining their demurrer to his twenty-seventh replication, and not overruling the same.
25. In overruling their demurrer to his twenty-eighth replication, and not overruling the same.

26. In sustaining their demurrer to his twenty-ninth replication, and not sustaining the same.

27. In sustaining their demurrer to his thirty-second replication, and not overruling the same.

28. In sustaining their demurrer to his thirty-third replication, and not overruling the same.

29. In sustaining their demurrer to his thirty ^{fourth} ~~third~~ replication, and not overruling the same.

30. In sustaining their demurrer to his thirty-fifth replication, and not overruling the same.

31. In sustaining their demurrer to his thirty-sixth replication, and not overruling the same.

32. In sustaining their demurrer to his thirty-seventh replication, and not overruling the same.

33. In overruling the objections of the Plaintiff to the paper-writing offered by defendants as a warrant and the list attached to the same, and allowing the same to be given in evidence to the jury, on the trial in the courts below.

34. In overruling the objections of the Plaintiff to the list of taxes upon real estate in the precinct, and allowing the same to be given in evidence.

And in the record and proceedings aforesaid, there is error in this, that the rejoinder of the said defendants to the eleventh replication of the said Plaintiff, offers an issue of fact wholly immaterial, and leaves the said eleventh replication unanswered; and the said eleventh replication was and is wholly unanswered.

And in the said record and proceedings there is error in this, that ~~the~~ by the record aforesaid the said judgment appears to have been given in favor of the said defendants against the said Plaintiff, where-

Supreme Court

Leibel Dennis

vs,

Wm R. Maynard

Bela Shaw and

Ephraim Wyman.

Record.

and

Assignment of errors

Errors tried July 27th
1854. L. Leland Clk.
By P. H. Leland

Barnes

as by the law of the land the said judgment ought to have been given in favor of the said plaintiff against the said defendants,

Wherefore, and for other errors in the said record and proceedings being, the said plaintiff prays that the said judgment may be reversed, annulled and altogether holden for naught, and that he may be restored to all things he hath lost thereby.

Francis Barnes

Attorney for plaintiff in error.

STATE OF ILLINOIS,

Supreme Court,

ss.

The People of the State of Illinois,

To the Sheriff of the County of Winnebago - Greeting:

BECAUSE in the record and proceedings, and also in the rendition of the judgment of a plea which was in the circuit court of Winnebago - county, before the Judge there.

of, between Ezekiel Dennis plaintiff and -
Hiram R. Claynard, Bela Shaw and
Ephraim Wyman

defendants; it is said that manifest error hath intervened, to the injury of the said plaintiff

as we are informed by his 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 Ottawa, 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 Hiram R. Claynard, Bela Shaw & Ephraim Wyman

that they be and appear before the Justices of our said Supreme Court, at the next term of said court, to be holden at Ottawa, in said state, on the 2nd Monday in June - next, to hear the records and proceedings aforesaid, and the errors assigned, if they shall see fit; and further to do and receive what said court shall order in this behalf; and have you then there the names of those by whom you shall give the said Claynard, Shaw & Wyman notice, together with this writ.

WITNESS, the Hon. Samuel H. Treat, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 31st day of May in the Year of Our Lord One Thousand Eight Hundred and Fifty-four.

L. Leland

Clerk of the Supreme Court.

Ezekiel Dennis

Hiram R. Maynard
et al.

Sci. Ga. -

I have duly served the
within writ by reading
the same to the within
named Hiram R. Maynard
Belashaw and
Ephraim Wymann
this 7th day of June 1854

Servic 1.50
Mileage 15
Ret. writ 10
\$1.75

H. H. Williken Sheriff
Wm. Co. Ill

Filed July 19th 1854,
L. Leland Clk.
By R. H. Leland
Sdy.

WILLIAMS & CO. Samuel H. Lloyd
of the County of Cook, State of Illinois

Sherriff of the Supreme Court of Ill.

In the Supreme Court,

La Salle
County, ss

2 }
3 } It writ of error directed to the clerk of the Circuit Court for the county of Winnebago, on the complaint of Ezekiel Dennis, commanding him to certify a correct transcript of the record and proceedings in a certain case lately depending in the said Circuit Court wherein the said Ezekiel Dennis was plaintiff and Hiram R. Maynard, Bela Shaw and Ephraim Wyman, were defendants, returnable the first day of next term. 29 May 1854,

Francis Burrage,
Atty for said Dennis.

It writ of scire facias to hear errors in the above cause, directed to the sheriff of the county of Winnebago, returnable the first day of next term, 29 May 1854.

Burrage, Atty,

Supreme Court

Ezekiel Dennis

vs.

Nivorn R. Maynards

Bela Shaw and

Ephraim Wymann.

Præcipe.

Filed May 31. 1854.
L. Kelan Clk.

Brown & Co.

In the Illinois Supreme Court,

June Term, 1854,

Orskel Downs

vs.

Wiram R. Maynard,

Bela Shaw and

Ephraim Wyman.

Error to Winnebago.

It is hereby stipulated and agreed, by and between the parties, that the above intitled cause shall not be argued, nor any rule therein taken against either party, sooner than the twelfth day of July next. Dated 10 June 1854.

Francis Barnard, Atty for Plff in error,

Mark Wight

Atty for Defs in error

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Supreme Court.

Ezekiel Dennis

vs.

Nathan R. Maynard

Bela Shaw and

Ephraim Wyman

Stipulation.

Filed June 14. 1854.
S. Ireland Clk.