

No. 13732

Supreme Court of Illinois

Dunning

vs.

Mathews

71641  7

1
United States of America
State of Illinois
DuPage County

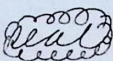
Now before the Honorable
able J W Randall Presiding Judge of the
Eleventh Judicial Circuit in the State of Illinois
at a Circuit Court in and for the County of
DuPage in said Judicial Circuit, began and
held at Naperville in said County on Monday
the 9th day of April in the year of our Lord
one thousand eight hundred and fifty five and
of the Independence of the United States of America
the Seventy ninth

Present The Honorable J W Randall Judge
Sherman W Bowen States Attorney
A C Graves Sheriff of said County
Attest Peter Northrop Clerk

Be it remembered, that heretofore to wit on
the 13th day of Dec. in the year of our Lord 1857
there was issued out of the Office of the Clerk
of the Circuit Court of Kane County the following
Summons to wit:

State of Illinois } The People of the State of Illinois
Kane County } to the Sheriff of said County Greeting:
We Command you that you summon
John Foreach Dunning if he shall be found in

your County, personally to be and appear before
the Circuit Court of said County, on the first
day of the next term thereof to be holden at the
Court House in Geneva in said County on the second
Monday of February next to answer unto Robert
N Mathews in a plea of Trespass to the damage of
the said plaintiff as he says in the sum of three
Hundred Dollars

 And have you shown and there this writ
with an endorsement thereon in what
manner you shall have executed the
same.

Witness Charles B Wells clerk of our said Court
and the seal thereof at Geneva in said County
this thirtieth day of December A.D. 1851.

Charles B Wells clerk

On which said Summons is the following endorse-
ment

⁸⁵³⁻⁴
Kane County Circuit Court
February term A.D. 1851.

R N Mathews
Josiah D Dunning

Summons in Trespass

Personally served on the within named Josiah
D Dunning by reading Dec. 30 1851

Luther Dearborn
Shff Kane Co.

1 Service 50

20 Miles 1.00

Ret

\$7.10
\$1.60

Filed 28 May 1852

John J. Riddle clk

And thereafter to wit, on the ~~28th~~^{30th} day of ~~May~~^{January} 1852
in the year of our Lord one thousand eight hundred
and fifty two there was filed in the Office of the said
Clerk of Kane County & in the Clerks Office of DuPage
County May 28 1852 the following declaration to
wit:

Kane County Circuit Court
State of Illinois
Kane County

February term A.D. 1852
Robert A. Matthews the plaintiff in
this suit in his own proper person complains of Josiah
O. Dunning defendant in this suit who has been
summoned to answer the said plaintiff in an
action of Trespass. For that the said defendant
heretofore to wit, on the fifteenth day of December
A.D. 1851 and on divers days between that time and
the commencement of this suit, with force and
arms, broke and entered the close of the said
plaintiff, that is to say, the east half of the south
east quarter of section 32 and the west half of the
south west quarter of section 33 Township 38 North

Range six East third P Mo situate lying and being
 in the County of Howard and State of Illinois. and
 tore and broke down one hundred rods of rail
 fence and broke and destroyed the rails belonging
 to said fence. Also with force and arms to wit, at the
 time and place aforesaid, broke and tore down one
 hundred rods of rod fence. Also with force & arms to
 wit at the time & place aforesaid, tore and broke down
 one hundred rods of Picket fence, and with horses
 cattle hogs & sheep and hired servants, with their
 feet walking trod down trampled upon the soil
 and free hold of the said plaintiff, and also
 to wit, at the time & place aforesaid with force &c
 and with the feet walking trod down trampled
 upon consumed & spoiled the grass and herbage of
 the said plaintiff then & there growing & being of
 great value to wit of the value of three hundred
 dollars lawful money, and other wrongs to the said
 plaintiff then & there did and to the damage of
 the said plaintiff of the sum of three hundred
 dollars and therefore he brings suit &c)

R W Mathews

In person

On which declaration is the following

Filed 28th May 1852

John F Riddle clk

Filed Jan. 30th 1852

W B Wells clerk

And on the 12th day of February in the year of
our Lord 1852 there were filed in the Office of
the Clerk the following Pleas to wit:
Josiah D Dunning vs. State of Illinois Kane County
ad: Circuit Court February term 1852
Robert W Matthews

The defendant in this suit
comes and defends the force & injury wrongs &c by force
&c complained of in the plaintiffs declaration and
says actio non &c because he says he is not guilty
of the several trespasses alleged in said plaintiffs
declaration or any or either of them in manner and
form as the said plaintiff hath thereof complained
against him and of this he puts himself upon the
country
J D Dunning

And for a further plea in this behalf as to the
charges & wrongs alleged in plaintiffs declaration
mentioned, defendant says actio non because he
says the premises lands fences &c mentioned in said
declaration were at the time when &c situated in
the town of Big Rock in said County of Kane which
County was organized under the act of 1849 providing
for Kans^{as} County organization that the said lands
fences grass &c mentioned &c were at the time &c
within the limits of a public Highway ordered
located & laid out by the Commissioners of High
ways

of said town in April 1850 that the damages for laying out & opening said road were duly assessed in December 1850 that immediately after the assessment of said damages the said Plaintiff Mathews then occupant of the said premises was duly notified to open said road & remove all fences therefrom that at the time when the alleged trespasses were supposed to have been committed the said defendant was an Overseer of Highways for Road District No 6. in said town of Big Rock Elected & qualified at the Annual town Meeting in April 1851 that in entering said close removing fences trampling upon grass &c he was opening & working upon said road under the order & instructions of the Commissioners of Highways of said town and that no more injury was done to fences rails &c than was necessarily required for the opening of said Road which are the same trespasses in the introductory part of this plea mentioned & whereof the said Plaintiff hath complained against him & this he is ready to verify therefore he prays judgment &c

Dunning

And on the 18th day of February in the year of our Lord 1852 there was filed in the Office of the said Clerk of Kane Co. & in the Clerk's Office

he will not receive a fair trial in the above entitled cause for the reason that the judge is prejudiced is prejudiced against him, and therefore prays that the same may be changed from this county to some county where the causes complained of do not exist Your petitioners further sheweth that the knowledge of the above facts has come to this affiant since the last term of this court

Subscribed and sworn to
before me this 10th day
May A.D. 1852.

R. A. Matthews

And on the 28th day of May in the year of our Lord 1852 there was filed in the Office of our said Clerk of said County the following Copy of Record to-wit:
United States of America }
State of Illinois }

Now before the Hon.
Isaac C. Wilson Judge of the Thirtieth Judicial
Circuit of the State of Illinois at a term of said
County Circuit Court began and holden at the
Court House in Geneva in said County on the
10th day of May in the year of our Lord one thousand
eight hundred and fifty two.

Present the Hon Isaac C. Wilson

Judge

Amos B. Coon

State Attorney

Luther Dearborn Sheriff

Attest

Charles B. Wells clerk

Afterwards to wit: On the 10th day of May 1852, it being the day of the May Term of the Kane County Circuit Court for A.D. 1852 the following among other proceedings were had to wit:

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Robert H. Matthews }
 Josiah O. Dunning } Trespass

This day comes the plaintiff and presents his petition to the court for a change of venue herein the court being fully advised orders the venue of this cause changed to the County of Du Page in the Eleventh Judicial Circuit

State of Illinois } ss
 Kane County }

I Charles B. Wells Clerk of Kane County Circuit Court Do hereby certify the foregoing to be a true and perfect copy of the order of change of venue in the foregoing entitled cause as appears of Record in my Office and the papers accompanying same A To All papers on file in my Office in said cause

File

In Witness Whereof I have hereunto set my hand and affixed the seal of said Court at Geneva this 27th day of May A.D. 1852
 Charles B. Wells
 Clerk

And on the 18th Oct 1852 there was filed in
the Office of the Clerk of said DuPage County
the following plea to wit:

State of Illinois DuPage County Circuit Court
June Special Term 1852.

Robert W Mathews

vs
Josiah O. Dunning

Action for Trespass & Change
of Venue from Kane County.

And for a further plea in this
behalf, as to the force, injuries, wrongs & charges
alleged in plaintiffs declaration mentioned
defendant says actio non because he says,
that the premises lands fenced &c mentioned in
said declaration were at the time when &c situate
in Road district number six in the Town of
Big Rock in the said County of Kane; that said
County of Kane was in the first of April 1850
organized under the Act to provide for Township
and County organization in the State of Illinois
approved February 12th 1849 & continued under
such organization up to the time of the commence-
ment of this suit; that at the annual Town
meeting of said Town of Big Rock held on the
second day of April 1850 John Pierce and George
White were elected Commissioners of Highways
for said Town; that afterwards to wit: on the

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23rd day of April 1850 Franklin C Severance
was appointed by the Office of Commissioners of
Highways by the Supervisor Town Clerk & Justices
of said Town of Big Rock; that said Commissioners
served and took control of the public Highways
of said town for that year; that J J Gunning a
resident of said town of Big Rock liable to
be assessed for road labor did apply in writing
to the said Commissioners of Highways on the 3rd
day of April 1850 to alter & relocate a road throu-
gh the premises in said plaintiffs declaration
mentioned; that said J J Gunning did
on the 3rd day of April 1850 post his notices in
writing at three public places in said Town, spec-
ifying the route of the proposed road & the tracts
of land through which the same was proposed to
be laid & stating that freeholders would meet
at the House of said Gunning on the 10th day of
April 1850 at 2 O'clock P.M. to examine said
road & certify in regard to the necessity and
propriety of altering & relocating the same; that
on the said 10th day of April 1850 twelve free
holders of said town of Big Rock not interested
in the lands aforementioned nor of him to the
owner thereof, did assemble at the time and
place in said notice specified; and after
being sworn did examine the roads route

& premises mentioned in said application being
the same premises in the plaintiffs declaration
mentioned and after hearing all the reasons that
were offered for & against the laying out out of said
road did certify to the Commissioners of High
ways of said town that said alteration was neces-
sary and proper and that the same ought to be
made. And afterwards to wit: on the 23^d day
of April 1850 the said Commissioners of Highways
after giving the said R W Mathews proper &
legal notice did meet examine said road
& hear all objections offered to such alteration
& being of opinion that said alteration & reloca-
tion was necessary & proper did order that said
alteration be made & did locate & lay out a
road four rods wide as applied for & declare
the same to be a public Highway & cause said
order to be recorded in the clerk's of said
town on the 24th day of April 1850. And
afterwards to wit: on the ninth day of December
1850 upon the application of said Commissioners
of Highways, by John Pierce one of their members
Theodore C Correll a Justice of the Peace of said
Town issued a Warrant to any Constable of
any other Town in said County to wit: The Town
of Sugar Grove commanding him to summon
twelve disinterested freeholders of said County

not residents of said Town of Big Rock to appear before him at his Office on the 10th day of December 1850 to make a jury to assess the damages for altering & laying out the road mentioned in said order of the Commissioners through the premises aforesaid, that on the said 10th day of December twelve free holders of said town of Sugar Grove answered to their names as returned upon said Warrant by C Abbott Constable from which number six were drawn by said justice & duly sworn to serve as said jury to assess said damages; that after examining the roads routes & premises aforesaid said jury returned into Court their verdict for fifty Dollars damages for said Mathews which verdict was afterwards to wit: on the 1st day of January 1851. filed in the Clerk's Office of said town of Big Rock. and a copy thereof together with a statement of the costs & expenses of said assessment delivered to the Supervisor of said Town; that on the 20th day of December 1850 a Notice in writing signed by said Commissioners of Highways was served upon said R. N. Mathews ordering & requiring him to remove all fences & other obstructions from said road so located as above within sixty days from the service of said notice; That afterwards to wit: on the first day of April 1851. at the annual Town

meeting of said Town of Big Rock John Pierce
(Franklin C. Severance & Harvey Thompson) were
elected Commissioners of Highways of said Town
& acted as such during said year: that J. O. Cum-
mings was elected Overseer of Highways for Road
District number six in said Town, & was duly
qualified & served as such Overseer: That
afterwards to wit on the first day of December
1857 the said Commissioners of Highways noti-
fied & required this defendant then Overseer of
Highways in said road district, to open & work
said road that in pursuance of said order or
requirement this defendant proceeded to open
said road: that no more damages were done
to plaintiffs fences grass &c than was necessarily
required in opening said road and that all
the said acts entries wrongs or injuries aforemen-
tioned are the same trespasses explained of
in plaintiffs declaration & in the introductory
part of this plea mentioned. and of this de-
fendant ready to verify wherefore he prays
judgment &c.

J. O. Cummings

And on the 16th day of June in the year 1852
there was filed in the Office of said clerk
the following Verdict to wit

The State of Illinois } In the Circuit Court of DuPage
DuPage County } County at the Special term 1852

Robert Matthews }
vs }
Josiah O. Dunning } Demurred
to the 2^d plea

(The Plff in person comes and says that for any thing in the Defendants second plea above pleaded he is not bound by the law of the land to answer the same and for reasons following to wit:

1st The Defendant seeks to justify entering on the ground of Plff and pulling down his the said Plff fences & mowing his grass, &c when by law he does not state and when that previous to the opening of the road, admitted to be on Plaintiffs land damages had been tendered or paid to the said Plaintiff for the easement sought to be given to the public

2nd The plea does not aver or state that after said Road was laid out the Plff had 60 days notice in writing to open said road & remove his fence prior to the committing of the trespasses or entering on the grounds to open the said road and pull down said fences named in the declaration

3^d The defendant omits to state and allege

in his 2^d plea at what time the County of Kane
organized under the act of 1849 whether before
or after the time the trespasses are alleged
to have been committed.

4th The 2^d plea is uncertain in this and de-
fective, that it does not admit that plaintiff
was the owner of the land over which the Road
sought to be laid out and opened and yet
admits Def^t was doing the damage on the
identical land mentioned in Pl^{ffs} declaration

5th Plea does not allege that the land trespassed
on was in Road District No 6 in Kane County
Illinois

6th Plea does not allege how that at
the time the trespasses were committed to wit
15th December 1857. Defendant was then and
there acting as such Overseer of Highways in
District No 6 in said County.

Robert A. Mathews
Pl^{ff}

And on the 16th day of June in the year of our Lord 1852 the same being one of the day of the June Special term of the said circuit Court of DuPage County the following proceedings were had to-wit:

At 66
vs
Robert N. Matthews } Chespass
Josiah D. Dunning }

This day comes the plaintiff in his own proper person and by Day his attorney and the Defendant in his own proper person and the Court having heard the parties on the plaintiff's Demurrer to the defendant's second plea and being fully advised in the premises sustains said Demurrer. It is therefore ordered and considered that the said plaintiff have and receive of the said defendant his costs and charges in and about said Demurrer expended and that he have Execution therefor.

And on the 17th day of June in the year last aforesaid the same being one of the days of the term of the said Court the following further proceedings were had to-wit:

Robert N. Matthews } Chespass
vs
Josiah D. Dunning }

This day comes the

described in Plaintiffs declaration; That three notices of such application signed by said applicant were posted in three public places in said town that said notices set forth that a meeting of freeholders would be held at a place specified in said notices near the premises & at a time specified, at least six days after posting said notices to wit; on the 10th day of April 1850 to examine said roads & routes & certify in relation to the proposed alteration & relocation; that on said 10th day of April twelve respectable freeholders of said town not objected to by the parties interested did meet & after being sworn did examine said roads & routes & after hearing all objections to the proposed alteration did certify that such alteration was necessary & proper that the said Commissioners of Highway (after giving to the said Plaintiff (Matthews) reasonable notice) did afterwards to wit; on the 23^d of April 1850 meet examine said premises roads & routes & after hearing all objections from the said Matthews & deeming it necessary and proper for the public interests did order & determine that a public Highway four rods wide be laid out & was laid out as applied for & through the said premises lands fences &c described in plaintiffs declaration & did cause their order establishing said Highway to be filed in the

Clerk's Office of said town on the 24th of
 April 1850 that afterwards to wit; on the 9th day
 of December 1850 Wm Le Cuyell a Justice of the Peace
 of the said town of Big Rock upon the application
 of the Commissioners of Highways issued his Warrant
 sent to a Constable of an other town in said
 County commanding him to summon twelve
 disinterested freeholders of said County not
 residents of said town of Big Rock to make
 a jury to assess the damages for altering and
 relocating said Road that on the 10th day of
 December 1850 said Warrant was returned served
 upon twelve freeholders of Sugar Grove in said
 County all of whom answered to their names
 that six of said freeholders were drawn by said
 Justice and no objection being made were sworn
 to serve as such jury that after examining the
 said premisses and the cost of jury returned into
 Court their assessment or verdict for the dam-
 ages to the said plaintiff. Whereas there a copy
 of said assessment was furnished by the Commis-
 sioners of Highways to the Supervisor of said
 town of Big Rock and by him laid before the
 Board of Supervisors of said Kane County
 at the next meeting thereof after said assess-
 ment that afterwards the Board of Supervisors
 of said County took the matter of said damages

under consideration, in the presence of the said plaintiff Mathews and after hearing the evidence finally fixed upon the amount of damages for said plaintiff Mathews which amount was duly tendered to him by one of the Commissioners of Highways of said town of Big Rock previous to the time of the alleged trespasses in said plaintiff declaration mentioned: that on the 20th day of December 1850 the said Commissioners of Highways notified said plaintiff Mathews in writing to remove all fences and other obstructions from said Highway within sixty days thereafter: that said plaintiff refusing to remove his said fences &c the said Commissioners did thereafter until on the 1st of December 1851 order this defendant who was at the time Cor-
seer of Highways for the Road district in which said Road was situated to open and work said road: that in pursuance of said order this defendant did proceed not with force and arms but in a peaceable manner not to break & tear down one hundred rods of rail fence but carefully removed not exceeding two rods of rail fence from said road in said premises mentioned and also carefully removed about two rods of picket fence only from said road and not one hundred rods

of Picket fence and one hundred rods of
 rod fence that all the trespasses injuries &c
 mentioned in plaintiff declaration were made
 by the necessary acts of this defendant in
 opening said road according to the order of
 said commissions all of which he is ready
 to verify and therefore prays judgment
 J. O. Dunning

And on the 4th day of April in the year last
 aforesaid this cause being one of the days of
 the term ^{of the Circuit Court} the following among other proceedings
 were had to wit

Robert N. Matthews

vs

Josiah O. Dunning

} Trespas

By Stipulation as filed herein
 it is ordered that, this cause

be continued.

And afterwards to wit on
 the 17th day of October in the year A. D. 1853 the
 following Demurrer to 2^d & 3^d pleas were filed to
 wit,

R. N. Matthews

vs

J. O. Dunning

} Outrage. Circuit Court October
 Term A. D. 1853.

And the said plaintiff in his
 own proper person comes and says that the said
 pleas of the said Defendant by him secondly

of DuPage County May 28th 1852 the following
Deemered to wth.
R N Mathews } Name Circuit Court
vs } February term A^d 1852,
J D Dunning }

And the said plaintiff
as to the said plea of the said defendant by
him (secondly) pleaded aith that the same is
insufficient in law to have or preclude again
the said plaintiff from maintaining his afore
said action hereof against the said defend
and and this he is ready to verify wherefore
he prays judgment &c.

R N Mathews
And on the 10th day May in the year last afores
said there was filed in the Office of the said
clerk of Kane Co. the following notice for a change
of venue to wth:

State of Illinois } Kane County Circuit Court
Kane County } May Term A^d 1852
R N Mathews }

vs
Joseph D Dunning } Chaspar
& Patrick Burns }

Patrick Burns pr please
take notice that I shall apply to the judge of the
above court on Monday the tenth day of May next.

& finally above pleaded and the matters and things therein set forth are not sufficient in law to bar the plaintiff from having and maintaining his aforesaid action against the said defendant and this he is ready to verify wherefore &c
And for causes of Demurrer to the said 2^d plea the plaintiff alleges the following

- 1st It is not shown or alleged in said plea that the justices Warrant for summoning a jury to assess the damages was issued at the instance of the commissioners of Highways (but of one of them)
- 2^d It does not appear from said plea that the verdict of the jury assessing damages was ever laid before the Board of Supervisors or acted upon by them & the names of the persons who certified to the necessity of said road & who assessed, are not given
- 3^d It is not averred in said plea that the damages were ever paid to plaintiff or offered him
- 4th The said Plea does not justify the trespass complained of in Plff's Declaration & is in other respects informal & insufficient.

And for causes of Demurrer to said 3^d plea the plaintiff assigns the following.

- 1st No dates are given when the proceedings therein mentioned were had
- 2^d The names are not given of the persons & officers who did the various things in said plea mentioned

3^d The said plea is in other respects entirely informal & insufficient. — it does show how much damages were assessed to plaintiff or which — nor does it justify the trespass alleged in plaintiff's declaration & the said plea is argumentative.

And on the 17th day of October in the year 1883 the same being one of the days of the term of the said Circuit Court, the following proceedings were had to wit:

Robert A Matthews }
 vs } Trespass
 Josiah O Dunning }

This day comes the plaintiff in his own proper person and moves the Court to strike plea from file and the Court having heard the parties then overrules said motion.

And thereafter to wit on 20th day of October in the year last aforesaid the same being one of the days of the term of said Court the following further proceedings were had to wit:

Robert A Matthews }
 vs } Trespass
 Josiah O Dunning }

This day comes the parties in their own proper persons and by agreement it is

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J. S. Jamming

R. A. Matthews
Recd

Alaska fees of DuPage
County \$ 8,300

Filed July 5, 1885
Leland M.

ordered that this cause be continued until next term of this court as per stipulation on file it is further ordered that the plaintiff pay the costs of this term

And on the 12th day of April in the year A.D. 1854 there was filed in the office of the said clerk the following Replication to wit:

Robert A. Matthews }
vs } Pulaski Circuit Court April
Josiah G. Dunning } Term A.D. 1854
1st

And the said plaintiff as to the said pleas of the said Defendant by him 2^dly & thirdly above pleaded says precludi non & because he says that the said Defendant of his own wrong committed the said trespasses in the said declaration mentioned and not for the causes in the said pleas alleged and this the said plaintiff says may be inquired of by the country &c.

2^d And the said plaintiff as to the said pleas of the said defendant secondly & thirdly above pleaded further says precludi non & because he says that no certificate was made by twelve freeholders of the Town of Big Rock that the road in said pleas mentioned was necessary and proper but that one of said persons was not a freeholder and of this the said plaintiff puts himself upon the

Country &c
3^d

And the said plaintiff as to the said pleas of the said Defendant aforesaid, further says precludi non &c because he says that the person who applied for the laying out and relocation of said road in said pleas mentioned was not a citizen of said Town of Big Rock & was not liable to do road labor therein and this he prays may be enquired of by the Country &c.

4th And the said plaintiff as to the said pleas of the said Defendant aforementioned, further says precludi non &c because he says that the six jurors who assessed the damages to the said plaintiff which he would sustain by reason of the laying out said road as mentioned in said pleas were not all freeholders of the County of Kane and of this the said plaintiff puts himself upon the Country &c.

5th And the said plaintiff as to the said pleas of the said defendant by him secondly and thirdly above pleaded, further says precludi non &c because he says that if any assessment was ever made of the damages which the said plaintiff would sustain by reason of the laying out of and opening said road mentioned in said pleas it was another and different assessment from that in said pleas mentioned and of this he

is ready to verify wherefore &c
6[#]

And the said plaintiff
as to the said pleas of the said Defendant by him
secondly and thirdly above pleaded further says
precludi. non &c because he says that previous to
the pretended assessment of the damages of
this plaintiff as is in said pleas alledged to wit;
on the 23^d day of April A^d 1850 the said plaintiff
applied to one Alexis Hall who was then & there an
acting Justice of the peace in and for the said
Town of Big Rock in said County of Kane and the
said Hall Justice as aforesaid then & there issued
his Warrant directed to any constable and com-
manding him to summon twelve freeholders of
said County (not residing in said Town of Big
Rock to appear before said Justice in said Town
of Big Rock to make a jury to assess said plain-
tiff's damages by reason of the laying out of said
road aforesaid which said Warrant was then on the
day aforesaid delivered to one C. Finney a constable
of said Town of Aurora in said County of Kane
who thereupon executed the same by summoning
twelve good and lawful men as he was commanded
and the said persons so summoned by said
constable as aforesaid appeared before said Justice
to wit on the 27th of April 1850 at Big Rock aforesaid
and the said Justice thereupon then and there

draw from said twelve persons six of, their number
to make said jury who were good and lawful men
for that purpose and the said jury after being
duly sworn by said Justice examined the premises
aforesaid & the route of said pretended road and
returned to said Justice their verdict on the day
aforesaid in & by which they assessed the plaintiffs dam-
ages as aforesaid at the sum of nine hundred dol-
lars which said verdict was by said Justice delivered
to the Commissioners of Highways of said Town and
by said Commissioners delivered to the Supervisors of
said Town town: on the day last aforesaid which
said verdict of said jury had never been acted upon
by the Board of Supervisors of said County nor had
they at the time when &c ever completed said assessment
according to the Statute in such cases made and
provided and thus the said plaintiff is ready to
verify wherefore &c.

R. N. Matthews

proper person

R. N. Matthews

vs
J. I. Dunning

No 7

Outage Licent Court A.D. 1887

And the said Plaintiff as to
the said plea of the said Defendant by him sec-
ondly and thirdly above pleaded further says
Rebuttal now because he says that previous to the

pretended assessment of the damages of the plaintiff as in his said plea alleged to wit on the 23^d day of April A.D. 1851 the said plaintiff made application to one Alexis Hall then and there one of the justices of the Peace in and for the said Town of Big Rock in the County of Kane and State of Illinois to issue his Warrant to some Constable of ^{some} other Town of Kane County neither interested nor of kin to any person interested in the ~~same~~ land through which the road was laid out & directed him the said Constable to summon twelve disinterested freeholders residing in some other Town in said Kane County aforesaid other than in said Town where said road was laid out and not of kin to said plaintiff to assess the damages sustained by the laying out of said road. And the said plaintiff avers that the said Alexis Hall Justice of the Peace aforesaid did issue his summons to wit on the 23^d day of April A.D. 1850 to one Columbus Pinney then and there a Constable residing in the Town of Aurora in said Kane County Ills and that the said Pinney was then and there Constable, did then and there summon twelve disinterested freeholders residing in said Town of Aurora according to the mandate of said summons to appear before said Alexis Hall Justice of the Peace of Big Rock as aforesaid

And the said twelve freeholders summoned as
 aforesaid did afterwards tourit on the 27th day
 of April 1850 at the time commanded in said
 summons appear before the said Alexis Hall
 who issued the Warrant, and the said Alexis
 Hall Justice did then and there draw by ballot
 six of the persons attending and summoned as
 the jury by the said Pinney Constable as aforesaid
 who were free from all legal exception to assess
 said damages and the said jury were then and
 there sworn well and truly to determine and
 assess such damages and being so sworn did
 then and there view & examine the premises and
 did then and on the day aforesaid after ex-
 amining the proposed road over the lands of
 the said plaintiff returned a verdict to said
 Justice by which said verdict they assessed the
 plaintiffs damage to the amount of nine hun-
 dred Dollars which said verdict the said jury
 returned to and was received by the said Alexis
 Hall Justice as aforesaid. And the said plaintiff
 avers that the said verdict so received by the said
 Hall Justice as aforesaid still remains in full
 force and effect unreversed and unrescinded
 and this he the said Plaintiff is ready to verify.
 Therefore he prays judgment &c

B R A Mathews in his
 own proper person

And on the 12th day of April in the year A.D. 1854
the same being one of the days of the April term
of the said Circuit Court the following among
other proceedings were had to wit:

Robert N. Matthews }
vs } Chas. Pass
Josiah Dunning }

This day comes the parties in
their own proper persons, motion by the Defendant to
strike from file Replications, thereupon plaintiff
enters his Crier motion and after hearing the argu-
ments and being fully advised in the premises the
Crier motion was sustained by Court.

And thereafter to wit on the thirteenth day of April
in the year of Last aforesaid there was filed in the office
of the said Clerk the following Rejoinder to wit,

J. D. Dimmick

adv

R. N. Matthews

{ On Page No. Civ Court Apr. Term 1854.

And the said Defendants as to the
said 1st 2^d 3^d & 4th Replications of the said Plff to
the said 2^d & 3^d pleas of him the said defendant &
which the said plaintiff prayed that may be enquired
of by the County doth the like

J. D. Dimmick Deft

J. D. Dimmick

adv

R. N. Matthews

{ On Page No. Civ Court Apr Term 1854.

And the said Deft. for Rejoinder
to the 5th 6th & 7th Replications of the said Plaintiff to
the 2^d & 3^d pleas of him the said Defendant says
acts non &c. because he says the allegations & matters
& things set forth in said replications are not true
and thus the said defendant may be enquired of
by the County &c.

J. D. Dimmick Deft

and the Plaintiff do the same like

By Farmworth his Atty

And on the 15th day of April in the year last aforesaid, the same being one of the days of the term of said Court the following proceedings were had, to wit,

Robert A. Matthews
vs
Jonah D. Dunning } Trespass.

This day comes the parties in their own proper persons, and by agreement this cause is continued until the next term of this Court.

And thereafter to wit on the 9th day of April in the year of our Lord one thousand eight hundred and fifty five at a Circuit Court began and held in and for said County at Appleton on the Ninth day of April the Honorable S. W. Randall presiding Judge of said Judicial Circuit, the following among other proceedings were had, to wit,

Robert A. Matthews
vs
Jonah D. Dunning } Trespass

This day comes the Plaintiff by Matthews Day Ballingall, Murray & Farnsworth and the defendant in his own proper person, thereupon issue being joined it is ordered that a jury come, thereupon come the following jury to wit, Edmund O'Paco Benjamin Prentiss.

William R Guild Levi Ballou Thomas W Smith
Eli Rich. Grandin Page Wm F Saylor George Bristol
J B Howe Thos B Tralucha & Henry J Fischer who
were duly impaneled and sworn well and truly
to try the issue joined herein, after hearing the testi-
mony of Witnesses arguments of counsel and being
instructed by the judge retired under the charge of
an officer to consider of their verdict afterwards return-
ed into court delivered the following We the jury
find for the Plaintiff damages to the amount of
one dollar Whereupon the defendant in his own
proper person comes and moves the court for a new trial.

And thereafter to wit on the 10th day of
April in the year last aforesaid the same being one
of the days of the term of said court the following
further proceedings were had to wit:

Robert A Mathews }
vs } Trespass
Josiah G Dunning }

This day comes the parties by
their respective attorneys and the court having heard
them on the defendant's motion for a new trial formerly
entered herein and being fully advised in the
premises refuses said motion It is therefore
Ordered, and considered and adjudged by the court
that the said plaintiff have and recover from the

said defendant the sum of one dollar his damages
herein expended and that he have Execution therefor
Thereupon the defendant in his own proper person
comes and moves the court for an appeal herein
which motion is hereby granted on the following
conditions viz: that the said Defendant within
twenty days execute and file according to law a
Bond in the sum of three hundred dollars, with
Alexis Hall and John Pierce or either of them as
security.

And on the 23^d day of April in
the year last aforesaid, there was filed in the Office
of the said Clerk the following Bond to wit:

Know all men by these presents that
We Josiah Dunning Alexis Hall and John Pierce
are held and firmly bound unto Robert W Mathews
in the penal sum of three hundred dollars lawful mon-
ey of the United States for the payment of which well
and truly to be made we bind ourselves our heirs &
administrators jointly severally and firmly by
these presents. Witness our hands and seals this
20th day of April 1857. The condition of the above
obligation is such that whereas the said Robert W
Mathews, did on the ninth day of April 1855 in the
Circuit Court for Outage Security Illinois recover
a judgment against the above bounden J D Dun-
ning

for the sum of one Dollar damages & the costs of suit
in an action of trespass, from which judgment
the said J Dunning has taken an appeal to
the Supreme Court of the State of Illinois Now
if the said J Dunning shall prosecute his
appeal with effect and shall pay whatever judg-
ment may be rendered against him by the Court
upon dismissal or trial of said appeal and all
cost interest and damages in case said judgment
of the Circuit Court shall be affirmed, then the
above obligation to be void otherwise to remain
in full force & effect

J D Dunning
Alexis Hall

FILED
FILED

State of Illinois }
In Page County }

I, Peter Northrop Clerk of the
United Court, in and for said County and State aforesaid
Do hereby certify, the foregoing in connection with the
papers on file in the Clerk's Office of the Supreme
Court at Ottawa, to be a true and correct ^{copy} of the Record
and papers on file in my office in the above entitled
cause,

Given under my hand and the seal
of said Court at Newville this 28th
day of June A.D. 1855
(P. Postman)

D. Norton
Clerk

And now comes the said appellant & says that in the record & proceedings aforesaid & in in the rendition of the Judgment aforesaid there is manifest error in this to wit the Court erred in excluding the evidence offered by the defendant in the Court below

The Court Erred in finding the
 issue for ~~the~~ the pets

The Court Erred in rendering the Judgment
aforesaid on account of form of present
written error in copy & viz. Sec 9th & 10th
R. Brown

United States of America
State of Illinois Du Page County }
4

Heas before and held
before the Honorable S. W. Randall Judge of the
eleventh Judicial Circuit, and presiding Judge
of the Du Page County Circuit Court, began
and held at Naperville, in said County, on
the ninth day of April in the year of
our Lord one thousand eight hundred and
fifty five.

Present the Honorable S. W. Randall Judge

S. W. Bowen States attorney

A. C. Graves Sheriff

Attest Peter Northrop Clerk.

Robert A. Matthews
Josiah ~~D.~~ Drimming } In Payd Civ. Court.
Josiah D. Drimming } April Term 1855.
acting of Shupar in the case

hundred acres, the road runs through the field from East to West saw Dunning take down the fence from four to six rods, this was done in the fall of 1831, said fence was in Kane County, said witness then testified on cross examination that Dunning's boy was with him at the time said fence was torn down, thinks it was the last of December, here the plaintiff closes his case.

The Defendant then offered and read in evidence the following stipulation in writing marked "D" to wit, which is in words and figures following, to wit.

State of Illinois

On Page Vicinit Court } Vicinit Court April Term
1833.

R. M. Matthews

^{vs}
J. D. Dunning } Trespass
Same

^{vs}
Dunning & Byrns } Trespass.

It is hereby stipulated and agreed between the parties in these suits that the following admissions may be read and used as testimony on the trial of both the above entitled suits, to wit.

The Plaintiff admits that the premises upon which the trespass complained

of in his declarations were committed, and the
 lands as described in defendants pleas and within
 the limits of the road alleged to have been laid
 out, but denies the ^{legality of the} laying out of said road and
 the right of defendants to enter upon open or
 work said road. defendants admit the entrance
 upon the premises of plaintiff described in the
 declarations and pleas, and the removal of the
 fences from the limits of the highway as set
 forth in their said pleas.

It is further stipulated that both said suits
 be continued to the next term of ^{said} ~~this~~ Court &
 that the plaintiff pay the costs of the present term, made
 previous to this date.

R. A. Mathews

J. D. Drimming

J. P. Byrnes

by J. D. Drimming

} Sifts

The defendant then called offered called John
 Pearce a witness who was duly sworn, and testified
 on direct examination that he is acquainted
 with the parties to this suit, plaintiff resides in
 Little Rock Kendall County, defendants ^{reside} in
 Big Rock Kane County, witness resides in Big
 Rock, and was road Commissioner in the
 years 1830 & 1831, witness is acquainted
 the premises described in the defendants

pleas, was present at the meeting of the free holders to examine the road described in defendants pleas, the other two road Commissioners were present when they examined the road, the Commissioners made their decision and an order locating said road. witness was also present when the jury examined the premises and assessed plaintiffs damages. this witness further testified that that he is acquainted with Soren J. Samson known as that he said Samson acted as town clerk of Big Rock in the year 1830, 1831 & 1832, the witness further testified that he is acquainted with the hand writing of said Samson, that he has often seen said Samson write. a paper was then shown to said witness marked "A" which reads as follows.

Tuesday April 2^d 1830.

At a town Meeting held at the School house of the 3^d district in the town of Big Rock, Kane County Illinois
On motion

Josiah D. Dunning was chosen moderator and Shepherd Johnston Jr. Clerk both being sworn according to law.

It was resolved

That the Path Master Poundmaster be elected viva voce.

- Resolved That John Snooks be Pathmaster in Road District No 1
- Resolved That William Drake be Pathmaster in Road District No 2
- Resolved That James Duncap be Pathmaster in Road District No 3
- Resolved That John Price be Pathmaster in Road District No 4
- Resolved That George Barton be Pathmaster in Road District No 5
- Resolved That Josiah D. Dimming be Pathmaster in Road District No 6
- Resolved That there be a Pound in each road District and the Poundmaster and be Pound in each District
- Resolved That John Snooks be Poundmaster in District No 1
- Resolved That William Drake be Poundmaster in District No 2
- Resolved That James Duncap be Poundmaster in District No 3
- Resolved That John Price be Poundmaster in District No 4
- Resolved That George Barton be Poundmaster in District No 5
- Resolved That Josiah D. Dimming be Poundmaster in District No 6
- Resolved That Hogs shall not be free commoners

Moved and Seconded That sheep shall not be free commoners
decided in the affirmative by dividing the house

Moved and Seconded

That board and picket fence four feet high
and rail fence four and one half feet high be
considered a lawful fence. decided in the affirmative
by yeas and nays

Moved and Seconded

That this meeting adjourn to the same place
for the next Election. decided in the affirmative

Upon canvass of votes the following was the result

For Supervisor Josiah D. Dimming

" Town Clerk Lorenzo J. Samson

" Assessor Norman Hart

" Overseer of the Poor John Pierce

Commissioners George White

of } James Dindap

Highways } John Pierce

Justices of } Theodore Briggs

the Peace } Thos. Mudditt

Constable } William Gardner

Collector } George W. Surranes

Robt G. Livingston

"B."

J. D. Dimming Moderator
Shepherd Johnston Clerk

State of Illinois
 Kane County }
 Township of Big Rock }

I, Lorenzo J. Samson Town
 Clerk in and for the township of Big Rock
 County and State aforesaid do hereby
 certify that the above and annexed paper from
 "A" to "B" inclusive is a true and correct copy of
 the record and proceedings of a town meeting
 held at the center School House in said townsh-
 ip on the second day of April A.D. 1850 and
 I do further certify that the same is truly and
 correctly copied from the Records of my Office
 now in my possession as town Clerk of said
 township

In Witness Whereof I have hereunto set my
 hand and seal this 13th day of February A.D. 1852
 L. J. Samson ~~seals~~
 Town Clerk of Big Rock

Witness then stated that he believed that the sign-
 ature to the certificate annexed to said paper
 was in the handwriting of said Samson the defen-
 dant offered said paper marked A in evidence
 to which plaintiff objected and the objection
 sustained by Court & accepted to by the ^{Defendant} plaintiff

Defendant then showed said witness paper
 marked "B" said witness then testified that the

signature of said Dawson on said paper at the several places were genuine and was in the hand writing of said Dawson which paper contains the words and figures following, to wit.

To the Commissioners of Highways of the town of Big Rock Kane County Illinois.

The undersigned who is liable to be assessed for road labors in said town of Big Rock, respectfully represents to your body, that it is necessary and proper that the road leading Westward from his House should be altered & re-located through the lands occupied by Robert N. Matthews, by beginning at the point where the said road now crosses the East line of said Matthews land thence either Southwesterly to the point where said road crosses the South line of said County or Westward in a direct line to the road leading North East from Little Rock known as the North road.

Dated April 3^d 1830

J. J. Dimmick
Notice is hereby given that I have applied to the Commissioners of Highways for the town of Big Rock to alter & relocate a road leading Westward from my House and crossing a lot of land occupied by R. N. Matthews on the West half of the South West quarter of

Sectino 33 Township 38. North of the 3^d Principal Meridian, by beginning at the point where said road crosses the East line of said lot, thence South Westerly in a direct line either to the point where said road crosses the South line of Kame County or Westward to the road leading from Little Rock Northeasterly called the North road, that there will be a meeting of freeholders at my Home in said town on the 10th day of April instant at 2 O'clock P.M. to examine said road & to certify in regard to the necessity & propriety of altering and re-locating the same, at which time & place all persons interested therein may appear if they see fit & show cause if any they have against said alteration

Dated Big Rock April 3^d 1850

J. D. Dunning

State of Illinois
Kane County Jss

Josiah D. Dunning being sworn says that on the 3^d day of April instant this deponent posted a notice of which the within is a copy on the door of the Octagon School House, one at the corner place of posting notices at the four corners near Shepherd Johnsons & also one in the blacksmiths shop occupied by Smith & Sonnt. all in the town

all in the town of Big Rock in said County.

J. D. Dimmings

Subscribed & sworn to

this 22^d of April 1830 before me

Theodore C. Cogell

Judge of the Peace

Rec^d & filed April 24th 1830

L. J. Simson town Clerk

To the Commissioners of Highways of the town
of Big Rock Kane County.

We the undersigned free holders of
said town having been duly sworn & not being
interested in the land through which the road
hereafter mentioned is to be laid, nor of kind to
any owner thereof, have personally examined the
route upon which a road is applied for to be
altered & recreated by J. D. Dimmings as follows, to
wit. Commencing at the point where the road
running West of said Dimmings crosses the East
line of the West half of the South West quarter
of Section 33 in township 38. North Range 6
East, occupied by Robert A. Matthews, thence
Westward in a direct line to the road leading
North East from Little Rock, called the Stage
road, and have carefully heard & consider-
ed reasons that were offered for and against

they laying out of said road, we do therefore certify that we are of opinion that said alteration is necessary & proper, & that the same ought to be made as applied for & as above described.

Given under our hands at Big Rock, this 10th of April 1838.

Theodore D. Cogell, Bradbury Easterbrook,
James W. Swant, Wm Perry, Wm Westerman
Colerott Lowell, J. E. Arment, Manice Price
Cicero Beardsley, P. L. Winslow, Aaron Hagedorn
John W. Perry.

The undersigned Commissioners of Highways for the town of Big Rock in the County of Kane & State of Illinois, on the application of J. D. Dunning (a person liable to be assessed for highway labour in said town) to alter and relocate that part of the road leading West of said Dunning's House, which crosses the West half of the South West quarter of Section Thirty three in Township Thirty eight North Range Six East of the third principal Meridian, the survey of which as proposed to be altered and re-located is as follows, to wit: Beginning at the point where said road crosses the East line of said lot, above described, thence South seventy nine degrees East West twenty eight chains & seventy three links crossing said lot &

lands occupied by Robert N. Mathews, to the center of said the road, leading Northeastly from Little Rock, known as the North or Stage Road, and it being satisfactorily proved to us, that proper & legal notice had been given of the meeting of Twelve freeholders to examine & certify in relation to said alteration and that twelve respectable freeholders of said town free from all legal exceptions, did assemble on the tenth day of April instant examine said route hear all objections, and did certify to us under oath that said alteration was necessary and proper, and the undersigned (after giving the said R. N. Mathews proper & legal notice) having met, examined said road & heard all objections offered to such alteration, and being of opinion that such alteration and relocation is necessary and proper.

It is Therefore ordered that said alteration be made and that a road four rods wide be located & laid out, and the same is located & laid out according to said Survey, and the same is hereby declared to be a public Highway.

Given under our hands and seals at Big Rock this 23^d day of April 1880.

George White *Ed* } Commissioners of
John Pierce *Ed* } Highways for
J. C. Severance *Ed* } the town of Big Rock

Rec and Recorded April 24th 1880, on page 9th first volume town Records
J. J. Lamson town Clerk

We the undersigned freeholders of the town of Sugar Grove, in Kane County, having been duly sworn as a jury to assess the damages for laying out a road in the town of Big Rock, through lands occupied by Robert A. Matthews, which road is described in the papers hereto annexed, and having personally examined said premises & the routes of the road ~~thence~~ ^{thence} and about the same, and after ~~hearing~~ ^{hearing} and considering all the reasons that were offered for and against said alteration & re-location, Do certify that the premises of the said R. A. Matthews ~~are~~ ^{are} are damaged by said alteration, and we therefore find that he is entitled to fifty Dollars damages.

Given under our hands and seals at Big Rock, this tenth day of ~~April~~ December 1830.

John Ains 
 John Morris 
 Clark Pitch 
 Ephraim Smith 
 Wm. W. Hamilton 
 Philo Slater 

Rec on file Jan'y 4th 1831

L. J. Samson town Clerk
 To R. A. Matthews, Esq

Sir Whereas we the undersigned Commissioners of Highways for the

town of Big Rock, in Kane County, and on the
23rd day of April last altered & re-located that part
of the road leading West of J. D. Dimmings House
which crosses the West half of the South West
quarter of Section Thirty three in Township 38,
North Range 6, East of 3rd principal Meridian,
the survey of which road as altered & re-located
is as follows. Beginning at the point where said
road crosses the East line of the lot above described
thence South seventy nine degrees West, twenty^{five} chains
& seventy three links, crossing said lot & land occupied
by Robert S. Mathews, to the center of the road
leading Northeastly from Little Rock, known as the
North or Stage Road. You are therefore hereby
required & notified to open said road by removing
all fences and other obstructions from the same
within sixty days after service of this notice.

Given under our hands at
Big Rock, Dec. 11th 1850. 8

George White, Commissioner
A. C. Severance, J. H. H. H.
John Pierce, J. H. H. H.

State of Illinois
Kane County

John Pierce being duly sworn says that
he served a notice of which the within is a copy on Robert
S. Mathews, by delivering him said notice on the 20th day
of December 1850.

John Pierce

Shown before me this 1st day of January 1831,

Then doth Corjell justify the same

Rec^d on file Jan 4th 1831.

S. J. Samson, Town Clerk.

To the town Clerk of the town of Big Rock Kane County, Ill. Having been elected Overseer of Highways & Road Warden for the said town of Big Rock on the first day of April instant, hereby notify you that I have accepted of both of said Offices.

Witness my hand at Big Rock this 3^d day of April 1831

J. D. Dimming

Rec^d on file April 8th 1831.

S. J. Samson, Town Clerk.

I Lorenzo J. Samson town Clerk of the town of Big Rock Kane County, hereby certify that the foregoing are true copies of Records & papers filed in my Office.

Given under my hand and seal at Big Rock this 29th day of January 1832.

S. J. Samson

Town Clerk.

At the annual town meeting for the town of Big Rock Kane County, Illinois held at the center School House in said town on the first day of April 1831, J. D. Dimming was unanimously chosen moderator and duly sworn by T. C. Corjell.

By Justice of the Peace,

On motion Voted that Path masters & Pomel Masters ^{be elected} by ages
& votes.

Voted That the Board of Supervisors be requested to
procure a Poor House and farm for the maintain-
-ance of the county Paupers.

Voted That each Voter state to the Clerk whether he be
in favor or opposed to Hogs running at large. upon
counting the vote it was decided against Hogs running
at large or being free commoners.

Voted That there be six Pomels, to wit, One in each road
district, and that each Pomel Master Barn Yard or
other place be the public Pomel.

Voted That Levi Bartlett be pomel Master in Dist. No. 1.

" " William Waterman be pomel Master in Dist. No. 2.

" " Geo. W. Severance be pomel Master in Dist. No. 3.

" " John Pierce be pomel Master in Dist. No. 4.

" " Ezra Hodge be pomel Master in Dist. No. 5.

" " J. D. Dimmy be pomel Master in Dist. No. 6.

The following rules & regulations relative to impound-
-ing animals and the duty of Pomel Masters were
unanimously adopted, to wit:

Ordered. That Animals inhibited from running at large
shall be liable to be impounded, when found
running at large, and all animals ^{allowed to run} running at
large shall be liable to be impounded, if found

to have entered the close of any person, through or over a lawful fence or insufficient fence, and any person sustaining damages from or by animals impounded, may have the same collected by sale of such animals, provided a certified assessment of said damages from two or more of the fence viewers be presented to the Pound Master before the sale or discharge of said animals, from Pound.

Ordered That Pound Masters may sell animals impounded at public Sale, to make the damages & costs assessed against them by posting notices six days previous to such sale, one upon the Pound, & one in each of the two most public places within two miles of the Pound, and the balance of the proceeds of such sale, after deducting all damages, fees & charges shall be paid to the original owner or possessor of such animals when called for.

Ordered That Pound Masters shall be entitled to the following fees & charges for keeping, posting & selling animals impounded in addition the fees allowed by law for receiving & discharging, to wit, for keeping & feeding per day, each Horse or Mule ten cents, each head of Horned Cattle, eight cents, each Hog five cents, each Sheep three cents, and for posting each notice of Sale ten cents.

Ordered That any person taking animals to the Pound which

are not inhibited from running at large shall be liable to pay the pound Master fee and charges and all damages unless he shall present to the pound Master a certificate from two of the fence viewers stating that said animal broke through or over a sufficient or lawful fence

The following named persons were duly elected Path Master or Overseer of Highways by appt & may, to wit,
On Road District number One, Harvey Thompson

"	"	"	"	Two	Walter Seary
"	"	"	"	Three	Norman Hart
"	"	"	"	Four	John Pierce
"	"	"	"	Five	Wm. Hodges
"	"	"	"	Six	J. D. Drimming

Voted That all moneys now in the treasury may be expended by the Com. of Highways for the support of bridges

Voted That the sum of One hundred Dollars be raised by tax upon the town for support of roads & bridges

Voted That the next town meeting be held at this place.

The poles being closed & votes canvassed, it was found that seventy two votes had been polled, and that the following named persons had been elected to the offices affixed to their names each having received the number of votes opposite his name to wit,

J. D. Drimming	Supervisor	71	Votes
L. J. Samson	Town Clerk	69	Votes
Joshua W. Ryde	Assessor	68	Votes
Franklin C. Severance	Commissioner	68	Votes
John Price		69	vote
Harvey Thompson	Highways	63	votes
John Price	Overseer of Poor	58	Votes
Norman Hart	Collector	62	Votes
Alexis Hall	Justices of	59	Votes
George White	the Peace	51	Votes
George W. Severance	Constable	45	Votes
Howard Stowell	Constable	52	Votes
L. J. Samson	Town Clerk	J. D. Drimming	Moderator,

Town Clerk Office Big Rock,
Kane County Illinois

I, Lorenz J. Samson
hereby certify that the foregoing is a true copy of
the minutes of the proceedings of the last annual
town meeting in this town duly filed & Recorded
on the town records in my Office.

Given under my hand at Big Rock this 9th
day of April 1851.

Lorenz J. Samson, Town Clerk.

To J. D. Drimming Overseer of Road District
No 4 in the town of Big Rock Kane County

You are hereby notified & required to open & work the road laid out & recorded in said town in April 1830. leading West of your house passing through lands of R. A. Mathews in sections 32 & 33. to the road leading Northeastly from Little Rock, called the North Road, to Aurora.

Dated December 1st 1834.

John Peice } Commissioners of
C. A. Serurance } Highways of Big Rock

To Franklin C. Serurance of the town of Big Rock, Kane County,

Whereas at the annual town meeting in said town of Big Rock, holden ~~at~~ on the second day of April instant said town failed to choose an eligible person for one of the Commissioners of Highways for the current year, and that Office now remains vacant;

Therefore we, reposing full confidence in your integrity and ability, have appointed & do hereby appoint you a Commissioner of Highways for said town, to hold said Office until some other person is chosen or appointed in your stead & you are to exercise the same powers, be subject to the same penalties, and perform the same duties as if you had been chosen to said Office by the

election of said town, & such as are required & fixed
by law.

In Witness Whereof we have hereunto
subscribed our names and fixed our seals at
Big Rock, this 22^d of Apr 1850.

J. D. Dunning Supervisor *JD*

S. J. Samson Town Clerk *SB*

Alvin Hall Justice of Peace *SB*

J. C. Coryell Justice of Peace *SB*

Rec^d on file April 22^d 1850.

S. J. Samson Town Clerk

Clerks Office town of Big Rock. Name to El-

I, S. J. Samson Town Clerk of said
town of Big Rock, Do hereby certify that all the
matter contained in the annexed papers from "E"
to "B" inclusive are correct copies from the records
of said town and from papers on file in said
Office of which I have been Clerk since the first
organization of said town.

Given under my hand and seal at Big
Rock, this 13th day of April 1852.

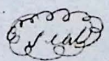
S. J. Samson

Town Clerk *SB*

The defendant then offered said paper marked
"B" in evidence which was objected to by the
plaintiff and the objection sustained by the

Court, and excepted to by the defendant. The Court stated to the defendant that if he proposed to follow up the papers marked "B" by such evidence as would render them material they would be admitted, but he offered no other evidence, this was all the evidence given in this case or offered.

The Jury then gave a verdict in favor of the Plaintiff. The Defendant then moved the Court for a new trial which motion was overruled by the Court, to all of which opinions of the Court in rejecting said evidence and overruling the motion for a new trial the Defendant excepts and prays this Bill of exceptions to be signed and sealed by the Court, and made a part of the record in the above entitled case.

S. M. Randall 
Judge of the 11th Judicial Circuit

State of Illinois
Du Page County

I, Peter Northrop Clerk of
the Circuit in and for said County & State
aforesaid. Do hereby certify the foregoing to be
a true and copy of the original bill of exception
and also the papers marked "A" "B" & "C" as
set forth in said bill and filed in my office
in the foregoing entitled case

Witness my hand and seal of said
Court at Naperville this 5th day of
June A.D. 1855

Peter Northrop
Clerk

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Josiah J. Dunning

W

Robert A. Matthews

Record

1855

Filed June 13. 1858.
Leland Ck

Also from p 23

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13132