

14003

No. _____

Supreme Court of Illinois

School Directors

vs.

Brents

1
Hear at a Circuit Court begun and held at the Court House in Taylorsville in and for the County of Christian and State of Illinois on Monday the Eleventh day of April in the year of our Lord one thousand Eight Hundred and fifty nine Before the Honorable Edward Rice Judge of the Eighteenth Judicial Circuit of the State of Illinois composed of the County of Christian and others.

But it Reminded that heretofore to wit on the 12th day of March A D 1858. there was filed in the office of the Clerk of the Circuit Court of Christian County and State of Illinois an appeal Bond which is in the words and figures following to wit.

Know all men by these Presents that Mr James J Brants Ransom Goudler Joseph Hayward Eli Matthews Elijah Matthews Britian Matthews and Bazel A Prater and E A Miller are held and firmly bound unto the School Directors of District No 5 in Township 14 N Range 3 West in Christian County Illinois in the Penal sum of One hundred Dollars Current Money of the United States for the payment of which well and truly to be made. we

2

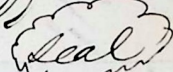
bind ourselves our heirs and administrators
jointly severally and firmly by these
Presents,

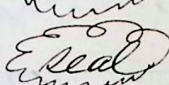
Witness our hands and seals this 12th
day of March 1858

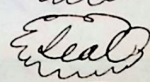
The condition of the above obligation
is such that whereas the said School
Directors for District No 5 Township 12th
N Range 3 West in Christian County Illinois
did on the 12th day of March A D 1858
before Dorcas D Shumway a Justice of
the Peace for the County of Christian
recover a judgment against the above
Bond James G Brents Ransom Yonteler
Joseph Hayward Eli Matthews Elijah
Matthews and Britian Matthews for the
sum of six Dollars and costs of suit
from which judgment the said James G Brents
Ransom Yonteler Joseph Hayward Eli Matthews
Elijah Matthews and Britian Matthews hath
taken an appeal to the Circuit Court for
the County of Christian aforesaid and
State of Illinois.

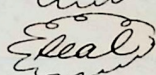
Now if the said James G Brents
Ransom Yonteler Joseph Hayward Eli
Matthews Elijah Matthews and Britian
Matthews shall prosecute their said appeal
with effect and shall pay whatever jud-
gment may be rendered by the Court

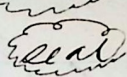
upon dismissal or trial of said appeal
then the above obligation to be void other-
wise to remain in full force and effect

James H. Poynts 

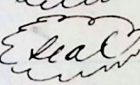
R. Yonteler 

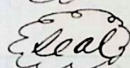
Jos Hayward 

Eli Matthews 

Elijah Matthews 

Britian Matthews 

Bazzel K. Prater 

E. C. Miller 

Taken and Entered into before me at my
office this 12th day of March 1858.
Just W. S. Moore Clerk

Upon the back of the foregoing appeal Bond
appears the following indorsement
Filed March 12th 1858
W. S. Moore Clerk

And afterwards to wit on the said 12th day
of March 1858 there was filed in said Court
office of said Court a Transcript which is
in the words and figures following to wit

State of Illinois)
Christian County)
Transcript of the
proceedings had before me D. D. Murray

an acting Justice⁴ of the Peace in and
for said County of Christian and State
aforesaid.

School Directors
of District No 5
Township 14 N R
3 West of the 3rd
principal meridian

vs
James J. Brants
Random Gontaler
Joseph Hayward
Alexander Matthews
Eli Matthews
Britian Matthews
Elijah Matthews

Trespass Damage \$1000

Summ^{ts} issued
March the 6th 1858
Returnable
the 12th day of March
1858 at 12 o clk M

March the 12th 1858

This day came the Parties and the
cause coming on the Counsel for
the Defendants made a Motion that
this cause be dismissed by order of his
Clients they claiming to be the legal
School Directors named in this suit
which Motion is overruled by the Court
and this cause proceeding a Jury is
called to wit Jesse Mayfield Charles
Lee Daniel Kisenbauer William
Egan William Utt & James

Egan, William Utt & James
Court Clerk of Christian County

L Melugan who being tried Elected and sworn well and truly to try the issue joined after hearing the evidence for the Plaintiffs (the Defendants making no defense) for verdict say. "We the Jury find James J Brents Ranson Yonteter Joseph Hayward Eli Mattheus Britian Mattheus and Elizabeth Mattheus guilty and assess and assess a fine of thirty Dollars damages & costs of this suit". Whereupon the Plaintiffs remit all the above fine Except one Dollar and the costs -

It is therefore adjudged & ordered that the Plaintiffs recover of the Defendants the sum of one Dollar debt and the costs of this suit and may have execution therefor -

The foregoing is a true copy of the proceedings in the above entitled cause Given under my hand & seal this 12th day of March A D 1858.
D D Summay J. P. Seal

And on the day and year last aforesaid there was filed in said Clerk's office a sum in the words and figures following to wit -

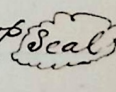
State of Illinois
Christian County

The People of the State of Illinois

6

To any Constable of said County Greeting
You are hereby commanded
to summon James J Brents Ranson
Yontster Joseph Hayward Alexander Matthews
Eli Matthews Britian Matthews and
Elijah Matthews to appear before me
at my office in Taylorville on the 12th
day of March 1838 at 12 O'clock P.M. to
answer the complaint of the School
Directors of District No 5 Township
14 N Range there next of the third
principal Meridian for a failure to
pay them a certain sum not exceeding
one Hundred Dollars in an action of
Trespass quare Clansum feget. and hereof
make due return as the Law directs -

Given under my hand and seal
this 6th day of March 1838

D D Shumway J.P. 

Upon the back of said sume appears the
following indorsement

Served by reading to the within
named Defendants March 8 1838
Wm Louisa Const
C C M

And afterwards to wit on the 12th day of March 1858 there was issued out of the office of the Clerk of the Circuit Court for said County of Christian and State of Illinois a summons which is in the words and figures following to wit

State of Illinois } To the People of the State of Illinois
Christian County } To the Sheriff of Christian County Greeting

The Command You to summons The School Directors of No 5 Township 14 N Range 3 West in Christian County Illinois if to be found in your County to appear before the Circuit Court of Christian County on the first day of the next Term thereof to be holden at the Court House in Taylorville on the first Monday in the month of April ¹⁸⁵⁸ to answer James J. Brents Ransom Monteto Joseph Hayward Eli Matthews Britian Matthews and Elijah Matthews on an appeal and hereof make due return to our said Court as the Law directs

Witness William Schoore clerk of our said Court and the judicial seal thereof at Taylorville this 12th day of March A D 1858.

W. S. Moore clerk

Upon the back of said summons appears the following endorsement
I have served this writ by reading the same to the within named School Directors
March 23 1858

J. C. Christian Sheriff c c 2003

And afterwards At a ~~regular~~ Term of
 the Circuit Court of Christian County and
 State of Illinois begun and held at the
 Court House in Taylorville commencing
 on Monday the 8th day of ~~August~~ in
 the year of our Lord one thousand eight
 hundred and fifty eight
 thus appears the order upon the Records of
 said Court which is in the words and figures
 following to wit

The School Directors
 of District No 5 Township
 14 N R 3 West of the
 3rd principal Meridian

vs

James J Brewster
 Ransom Goutblew
 Joseph Hayward
 Eli Matthews
 Elizabeth Matthews
 Britian Matthews

On Appeal

Ordered by the Court

that this cause be continued -

And afterwards at a Special Term of
 the Christian Circuit Court within and
 for the County of Christian and
 State of Illinois begun and held at

State of Illinois begun and held at

the Court house in Taylorville on Monday
the 6th day of September A D 1858. There appears
an order upon the records of said Court which
is in the words and figures following to wit

The school Directors of
District No. 5 Township
14 N Range 3 West of
the third principal meridian

vs
James J. Prentiss
Ransom Ponteta
Joseph Hayward
Eli Matthews
Elijah Matthews &
Britian Matthews

Trespass on
Appeal

Ordered by the Court
that this cause be continued -

And Afterwards to wit - At a regular
Term of the Christian Circuit Court begun
and held at the Court House in Taylor-
ville on Monday the Eleventh day of
October in the year of Our Lord one
thousand Eight hundred and fifty
Eight. there appears an order on the records
of said Court an order which is in the
words and figures following to wit -

The School Directors of
District N^o 5 Township
14 & Range 3 West of
the third principal Meridian

vs

James J. Brants
Ransom Yontela
Joseph Hayward

Eli Matthews

Elijah Matthews

Brittan Matthews

On appeal

Ordered by the
Court that this cause be continued.

And afterwards to wit At a regular
term of the Circuit Court of Christian County
begun and held at the Court House in
Taylorsville on Monday the Eleventh day
of April in the year of our Lord one
thousand Eight Hundred and fifty nine
there was made and entered of Record on the
Records of said Court a Judgment which is
in the words and figures following to wit

The School Directors
of District N^o 5
Township 14 & Range
3 West of the third
principal Meridian

vs

On appeal

James J. Brents
 Joseph Hayward
 Eli Matthews
 Ranson Yontlev
 Elijah Matthews &
 Britian Matthews

And now at this day
 came the Parties by their Attorneys and there
 upon came a Jury of Twelve to wit. Henry
 Baker John E. Porter James W. Ryan, William
 Tabler, Reuben Willey, William Phingo, Benjamin
 Leigh James, McCallaway William G. Henry,
 Henry Mack Samuel Cogill and Elias Bramell
 who being chosen selected and sworn to truly
 try the cause at issue joined, after hearing
 the evidence argument of Counsel and receiving
 the instruction of the Court retired to consider
 of their verdict, and afterwards returned
 into Court and say for verdict, "We the jury
 find the Defendants guilty and assess the
 damages at Eighty four Dollars. It is therefore
~~ordered and adjudged by the Court that the Plain-~~
~~tiffs receive~~ And thereupon, the Plaintiffs, by
 their attorney and remitted Eighty three dollars of
 said damages assessed as aforesaid. It is therefore
 ordered and adjudged by the Court that the
 Plaintiffs receive of and from the said
 Defendants the sum of One dollar for their
 damages together with their costs and charges

by them about their ¹² suit in this behalf and that they have Execution therefor and thereupon the Defendants ~~by~~ their attorney moves for a new trial in arrest of judgment which motion is overruled by the Court.

Upon the trial of the foregoing cause the Plaintiffs asked the following instructions from the Court

The Court instructs the Jury for the Plaintiffs.

Given
The Court instructs the Jury that to maintain this action it is not necessary to prove that all the Defendants are guilty or alike guilty - but they may find some guilty and against others according to the Evidence

Given
If the Jury believe from the evidence that any one or more of the Defendants are guilty of a trespass upon the school house or school house site in District No 5 J 111 N R 3rd then all persons aiding and encouraging the trespass are guilty - although they may not have been present at the time of committing the trespass.

Given
Every unauthorized entry by the Defendants upon the school house site and school house in said district is a trespass

House in said district is a trespass
and in possession.

If the Jury believe from the evidence
that the Legal Voters of district No
5 - T 14 A R 3 W - held an Election
in said district on the first Monday
in October 1857 for school directors
in said district and that Cobb
and Harris were elected such
directors at said Election and
entered upon the discharge of
the duties of such office and
continued to discharge all the duties
of said office ^{then they were entitled to hold the office} for and during the
term for which they were elected
although there may have been some
irregularity in the election

If the Jury believe from the
evidence that Cobb & Harris entered
upon the duties of the office of school
directors of district 5 & 14 A R 3
W. under an election held in
said district on the first Monday
in October A D 1857 and continued
to act as such and discharge
all the duties of said office and
were in the possession of the School
House site and School House
in said district by employing
a teacher and organizing and
carrying on a school therein

and if they shall further believe from the evidence that the defendants wrongfully entered upon the premises and by force or intimidation expelled the teacher and took possession of the School House the Jury should find for the Plaintiffs

If the Jury believe from the evidence that Cobb & Harris were the acting directors in said School district and that as such were in possession of the School House and the Defendants by force and intimidation took possession of the School House they are guilty of a trespass unless they have shown a better right to possession

If the Jury believe from the evidence that Cobb & Harris were the acting directors of said district and in the possession of the School House as such the Defendants were not justified in expelling the plaintiffs by force or intimidation even though the entry was under the request of persons subsequently elected directors

Upon the trial of the foregoing
cause the Defendants asked the
following instructions from the
court

The Court instructs the Jury for
the Defendants

Unless the Jury believe from the
evidence that the plaintiffs were
in the actual possession of the
premises entered upon by Defendants
they will find for Defendants

If the Jury believe from the
evidence that the defendants
Brents & Goutcher were legally
entitled to the possession of the
premises at the time of defendants
entry and the other defendants
entered by request of Brents & Goutcher
they will find for the defendants

That although other persons might
have been acting school directors
of district No 5 - S 14 A 3 no yet
yet it was competent for the inhabit-
ants to hold a legal election for
other directors in pursuance
of law

Given

If the Jury believe from the evidence that Cobb and Wain were voted for by the inhabitants for school directors on the 5th day of October 1857 and that the school district was formed on that day then the election is void and it was competent for the inhabitants of the district to hold another election for directors in pursuance of law

Given

That if at the time of the committing of the alleged trespass there were two sets of acting directors for district no 5, and if one set was duly & legally elected, and one set was not, that then at that time, the legally elected directors had the right to have the control and supervision of the school house, in said district

Refused

If the jury believe from the evidence that the plaintiffs were ousted from the possession of the school house by the defendant the plaintiffs cannot recover in this action unless they further show from the evidence that

KNOW ALL MEN BY THESE PRESENTS; That we Britain Matthews
Eli Matthews James J Brents Ransom Yontler Joseph Hayward and Elijah
Matthews

of the County of Christian and State of Illinois, are held and firmly bound unto
The School Directors of District No 5 Township 14 R
3 West of the Third principal Meridian
in the penal sum of Five Hundred 100 Dol-

lars, for the payment of which well and truly to be made, we, and each of us, bind ourselves,
our heirs, executors and administrators, jointly and severally, and firmly by these presents,
sealed with our seals, and dated at Way Cross this _____ day of
_____ Anno Domini, one thousand eight hundred and forty five A.D.

The School Directors of District No 5 Township 14
R 3 W of the 3rd principal Meridian
did on the _____ day of April 1857, in the Circuit Court,
_____ within and for the County of Christian and State

of Illinois, obtain a Judgment against the above bounden Britain Matthews Eli
Matthews James J Brents Ransom Yontler Joseph Hayward and
Elijah Matthews for the sum of One

_____ Dollars and _____ Cents, and
costs of suit, from which Judgment the said Britain Matthews Eli Matthews James J
Brents Ransom Yontler Joseph Hayward Elijah Matthews has prayed for and ob-
tained an appeal to the Supreme Court of said State.

Now if the said Britain Matthews Eli Matthews James J Brents
Ransom Yontler Joseph Hayward Elijah Matthews
shall duly prosecute said appeal; and shall moreover pay the amount of the judgement, costs,
interests and damages, rendered and to be rendered against them the said Britain Matthews
Eli Matthews James J Brents Ransom Yontler Joseph Hayward
and Elijah Matthews in case the said Judgment
shall be affirmed in the said Supreme Court, then the above obligation to be null and void,
otherwise to remain in full force and virtue.

Britain Matthews LS
Eli Matthews LS
Elijah Matthews LS
Joseph Hayward LS
James J Brents LS

E. A. Miller LS
Martin Miller L. S.

Refused

That Plaintiffs after such
entry required possession of
the school house

Refused

If the jury believe that Defendants
Wrents & Goutslaw were elected
by the inhabitants of school
district No 3 - T 14 A R 3 west
prior to the entries of the
defendants and at the time
of such entries were acting under
such election and the other
defendants entered by their
consent they will find for the
defendants

State of Illinois, I W S Moor Clerk
Christian County } of the circuit court
within and for said County of
Christian do hereby certify that
the foregoing transcript is a
full and complete record
of all the proceedings in the foregoing
entitled cause Witness my hand
and seal of office at
Jay Lovell this 30th day of
May A D 1859
W S Moor

Filed Dec 3rd 1859
Wm. C. Turner

14003