

8478

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

# Supreme Court of Illinois


H. L. Pace

---

vs.

Jefferson County

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71641  7

1 Pleas held before Hon Edwin Beecher,  
presiding Judge of the Jefferson Circuit  
Court, State of Illinois, at the May term,  
A.D. 1857, in a certain cause therein pend-  
ing, wherein Harvey J. Pace was plaintiff,  
and the County Commissioners of said  
County of Jefferson were defendants.

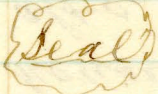
On the 19th day of March, A.D.  
1857, the following record was filed in the  
said Circuit Court, to wit

Order of  
County  
Court.

State of Illinois }  
Jefferson County } J. Joel F. Watson, Clerk  
of the County court of said County, do  
certify that the following is a true copy  
of an order made by said Court and  
entered upon its records, at the March  
term of said Court, A.D. 1857, to wit—

Harvey J. Pace came personally before  
this court and entered his motion to have this  
court release part of block 28 in the town of  
Mt. Vernon, in this county, and the school  
house erected thereon, from taxation; and  
also, part of lot 1, in block 19 in said  
town, with the building thereon, used for  
public worship. And the court ordered that  
said motion be sustained as to the part  
of ~~block 28~~ lot 1 in block 19, and  
overruled as to the part of block 28, and  
the school house erected thereon, it ap-  
pearing to the court that said property in  
block 28 is owned by said Harvey J. Pace  
as his individual property, and that the  
school house erected thereon by him, is  
his individual property, proposing to rent

2 it for school purposes and none other, but not permitting it to be used as a public school house free of rent. Whereupon the said Howey, J. Pace excepts to the opinion of the court as to said school house and grounds, and prays an appeal to the Circuit Court of this county, which is allowed, on the said Howey J. Pace entering into bond and security, as required by law.

Which order now appears upon the records of said court, in my office -  
Given under seal of said court  
 on the 14<sup>th</sup> day of March, A.D.,  
1857- J. F. Watson, Clerk.

The following appeal bond was filed in the office of the Clerk of the Circuit Court, of Jefferson County, on the 14<sup>th</sup> day of March, A.D. 1857-

Appeal  
Bond to  
Circuit  
Court.

Know all men by these presents that we Harvey J. Pace and Calvin D. Morrison, are held and firmly bound unto John R. Satterfield, County Judge, and Franklin S. Leasey and Abisalom D. Estes, associate justices, and their successors in office, for the use of the people of said county and state (the parties all being of said <sup>county</sup> of Jefferson and state of Illinois) in the penal sum of forty dollars, lawful money of the United States, to be void of our respective goods and chattels, lands and tenements, Sealed with our seals and dated this 14<sup>th</sup> day of March, A.D. 1857-

The condition of the above obligation is such, that whereas the above named

county judge and associate justices, did, on the 10<sup>th</sup> day of March A.D. 1857, recover a judgment against the above bound Hawey J. Pace for the sum of sixteen dollars and three cents, in the county court of said county of Jefferson and state of Illinois, aforesaid, and — — dollars and — cents costs, from which said judgment of the said county court, the said Hawey J. Pace has obtained an appeal to the said Circuit Court of the county of Jefferson and state of Illinois, to be commenced and holden at the court house in Mt. Vernon, on the first Monday in the month of May next. Now if the said Hawey J. Pace shall duly prosecute his said appeal with effect, and shall moreover pay the amount of the judgment costs, interest and damages rendered, and to be rendered against him in case the said judgment shall be affirmed or dismissed upon the trial thereof in said Circuit Court, then the above obligation to be void, otherwise to be and remain in full force and virtue.

H. J. Pace (S.S.)

le. & Monism (S.S.)

Taken and entered into and approved by me, at my office in Mt. Vernon, this 14<sup>th</sup> day of March A.D. 1857.

John S. Bagan, Clerk.

And afterwards, to wit, at the May term A.D. 1857, the following proceedings were had, that is to say —

First - 4 <sup>over</sup> H. J. Pace } Appeal from  
Order of } County Court -  
Circuit } Tuesday 5<sup>th</sup> May,  
Court - } of Jefferson County - } This day came  
the appellant by Nelson his attorney, and  
the defendants by Fanner & Leasey their  
attornies, and the said defendants by  
their counsel enter their motion to dismiss  
this suit, which said Motion is overruled  
by the Court.

Second <sup>over</sup> H. J. Pace } Appeal from  
Order } County Court -  
Honorable County Court } Saturday May 9<sup>th</sup>  
of Jefferson County } This day came  
the plaintiff by Nelson, his atty, and the  
defendants by Fanner & Leasey their  
attornies, and by Mutual agreement  
of the parties this cause is submitted  
to the Court, and the Court having heard  
the evidence and examined proofs  
adduced, as also the argument of ~~counsel~~  
counsel, takes the same under consider-  
ation and advisement -

Third <sup>over</sup> H. J. Pace } Appeal from  
Order } County Court -  
Honorable County Court } Monday, May 11<sup>th</sup>.  
of Jefferson County } Came this day again  
the parties by their attornies, and the Court  
having fully considered the proofs, and being  
well advised in the premises, considers the  
order of the County Court, entered herein,  
as sustained and approved. And there-  
upon came the plaintiff by his counsel,  
and prays an appeal <sup>to</sup> the Supreme Court.

5- which said prayer is allowed by the court, on said plaintiffs entering into bond in the penal sum of one hundred dollars, with A. M. Grant, as security within sixty days from this date, conditioned according to law.

And thereupon again came the plaintiff by his counsel, and enters his motion for leave to file a bill of exceptions to the finding of the Court herein, by the first day of the next term of this court, which said motion is sustained and leave accordingly given, and this cause continued.

And afterwards on the first day of July, A.D. 1857, the following appeal bond was filed, to wit:

Appeal  
Bond to  
Supreme  
Court

Know all men by these presents that we Harvey J. Pace, and Angus M. Grant, are held and firmly bound unto the County Court of the County of Jefferson, State of Illinois, in the sum of one hundred dollars for the payment of which, we bind ourselves our heirs, executors and administrators, jointly, severally and firmly by these presents. Witness our hands and seals, this 1<sup>st</sup> day of July A.D. 1857 -

The condition of the foregoing obligation is such, that, whereas, in a certain cause lately pending in the Circuit Court of Jefferson County, wherein the above named Harvey J. Pace was plaintiff and the County<sup>Court</sup> of Jefferson County, were defendants, the said County Court,

+ Gaster and appeared by am.  
at office this 1st day of July  
1857 - John S. Hagan, Clerk. 6

recovered a judgment against the said  
Howey, T. Pace for costs, from which said  
judgment the said Howey, T. Pace  
has ~~obtained~~<sup>prayed</sup> an appeal to the Supreme  
Court of this State. Now, therefore, if the  
said Howey, T. Pace shall well and truly  
pay or cause to be paid all such costs  
as may be awarded against him, in  
case the said judgment shall be af-  
firmed, and shall also duly prose-  
cute his said appeal, then the above  
bond to be void, and of no effect,  
otherwise to remain in full force and  
virtue at law Howey T. Pace by

R. S. Nelson his Attorney (Seal)  
August M. Grant. (Seal)

And afterwards, on the 5th day of October  
A.D. 1857, came the plaintiff and files in  
this Court his bill of exceptions, in  
words and figures following, to-wit,

Bill of  
Exceptions -

Harvey, T. Pace, Appellant,  
vs.  
John R. Satterfield  
Franklin S. Casey, +  
Absalom S. Eastes,  
County Commissioners  
of Jefferson County, Appellees -

} Appeal.

In the Circuit Court of Jefferson  
County, State of Illinois May term  
A.D. 1857 -

Be it remembered that on the trial of the  
above cause, it was proven by appellant  
that he was the owner of a part of block  
28, situate in the town of Mt. Vernon

7

Jefferson county, Illinois, at the time of the same being assessed as taxable property, for the taxes of the year 1856, and that he still is the owner thereof, which lot of ground is 150 in front by 22 <sup>feet</sup> or thereabouts in depth, and had thereon erected and standing a frame building, which was built for the purpose of a female school, and for no other purpose whatever.

That said building is 20 wide by forty feet deep, in dimensions, has windows, writing desks, and other apparatus, and is every way fitted for a public school house, and that a school as hereinafter described, was kept in said building for the first two years after it was erected, which school terminated four years ago, and that since that time, no school has been kept in said building, but that said building is now fit for <sup>the purpose of</sup> a school house, and has been every way adapted for a school, ~~so~~ since it was built, and school was first kept in it - That said H. L. Pace went on to the east and got a school teacher who was a lady well qualified to teach school, and said school teacher, after being regularly examined by the board of directors of the district obtained a certificate of good moral character, and qualification to teach branches required by law. That said teacher was hired by said H. L. Pace



8 who received the tuition bills and public school funds, but said school was under the superintendance and control of the school directors of the district, and kept regular schedules. That said Pace paid said teacher \$300 per annum, and found he board and lodging, which was the school above referred to, and was the only one ever kept in said house, and since that, said house has been unoccupied. That said lot and school house were the private property of said Pace, and said Pace has offered to rent said school house since school ceased to be kept there, for the purpose of teaching a common school in it, but the directors had never applied to him for that purpose. That the reason a motion was not made at the regular term for making motions in the county court, was because said school house had once before, by order of the county court, been released from taxation, and the court had again told the county clerk not to place it on the list as taxable property, but the county clerk had, without any directions from the court put it on the tax list. That said appellant never ~~had~~ gave in the said property himself as taxable property, which was all the evidence in the case and the circuit court upon the above facts affirmed the judgment of the

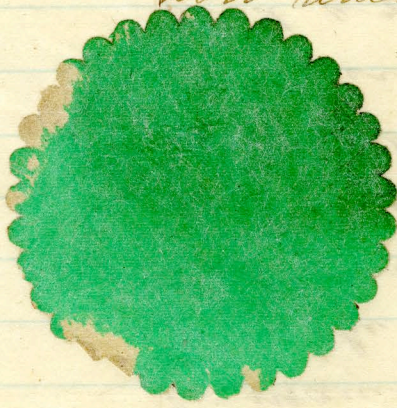
9 Court below, or county court, to which judgment of the Circuit Court said Harvey, J. Pace excepted at the time and prays this his bill of exceptions to be signed, sealed, and made a part of the record, which is done  
Edwin Beecher Seal  
Judge Circuit Court.

State of Illinois S. S.  
Jefferson County

I John S. Boggs, Clerk of the Circuit Court, within and for the county of Jefferson and State of Illinois, do hereby certify that the foregoing pages contain a true and perfect copy of the record in the case of Harvey J. Pace vs. The Honorable County Court of Jefferson County now remaining on the files in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of my said office, at Mt. Vernon, this 21<sup>st</sup> day November A.D. 1857.

John S. Boggs  
Clerk



Clerk's fee for Record \$ 0.50

10 Heavey J. Pace, appellant

vs  
County Court of Jefferson  
County, appellees -

} Appeal from  
Jefferson County,

Came this day the appellants, by Nelson & Johnson his attorneys, and for assigning errors upon the record, &c. says that from the record and proceedings aforesaid there is manifest error, because that he says that the said Circuit Court of Jefferson County rendered a judgment in favor of the appellees, whereas, by the law of the land, judgment should have been rendered in favor of the appellants and against the appellees, and this he is ready to verify, &c.

And for assigning errors specially upon the record the said appellant says that the said Circuit Court rendered ~~it~~ in confirming and approving the order of the County Court of Jefferson County, in refusing to release the school house in question from taxation. 2<sup>d</sup> The Court erred in rendering a judgment & in favor of the County Court of Jefferson County and against appellant. Wherefore the appellant says that the judgment of the said Circuit Court of Jefferson County is erroneous, and ought to be reversed.

Nelson & Johnson for  
Appellant.

Found in error

Same Heavey says  
for debts in error

No 57

Waway J. Pace  
~~Appellant~~  
vs  
People ex  
vs

The County Court of  
Jefferson County.  
~~Appellee~~  
Defendant  
writ to  
Appeal from Jefferson

Filed Nov. 21. 1857.

N. Johnston clk

Refiled August  
14. 1858.

N. Johnston clk  
Paid Aug 25. 1858 - \$5.00

7-11-57

STATE OF ILLINOIS  
SUPREME COURT,

SS. *1st Grand Division* WRIT OF ERROR.  
THE PEOPLE OF THE STATE OF ILLINOIS;

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

*Harvey T. Pass* — — — — —

plaintiff, and *The County Court of Jefferson*

*County Illinois* — — — — —

defendant it is said manifest error hath intervened, to the injury of the aforesaid *Harvey*

*T. Pass* — — — — — as we are informed 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 plaint, aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at

Mount Vernon, in the county of Jefferson, on the *first Tuesday after the 2<sup>d</sup> Monday of*

*November* 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:

*John D. Catlin*

Witness, the Hon. ~~WALTER B. BRANTLEY~~ Chief Justice of our said court, and the seal thereof, at Mount Vernon this

*fourteenth* day of *August*

in the year of Our Lord One Thousand Eight Hundred and Fifty-*eight*,

*North Johnston*  
Clerk of the Court.

Harvey J. Parr  
Plff in error

vs } mt of error

County Court of Jefferson  
County Illinois —

John R. Satterfield —

McLoughly Adams &

Samuel W. Carpenter —

County Judge and

Justices

vs in error

Issued & filed 14 Aug 1854.

H. J. Satterfield Clerk

Next Term Supreme Court 1<sup>st</sup> Judicial Division  
State of Illinois

Harvey T. Pace

John W. <sup>is</sup> Battufield

Willoughby Adams

& Samuel W. Carpenter

County Court of Jefferson

County State Illinois

~~Appellate~~  
Plays in error

~~Appellate~~  
Plays in error

error to Jefferson

The Clerk will please issue  
writ of error in the above Cause  
returnable to next Term

Wm. Johnson

for ~~appellate~~  
in error

Harvey T. Paer

my { Paer

County Court of  
Jefferson County  
Illinois -

John R. Satterfield,  
Melloughby Adams  
Samuel W. Carpenter

Issued Office 14<sup>th</sup> Aug. 1858

St. Johnston Clk  
11



# SUPREME COURT OF ILLINOIS.

## FIRST GRAND DIVISION.

NOVEMBER TERM, A. D. 1857.

Record Page.

### ABSTRACT.

Harvey ~~S.~~ Pace appellant, *self* } *Cur to*  
vs. } *dist* } Appeal from Jefferson.  
County Court, Jefferson County appellees. *self*

### ABSTRACT OF APPELLANT'S CASE.

1. *self* Appellant was the owner of a school-house built out of his own funds, in the town of Mt. Vernon. School was kept in it under the common school system, and subject to the control of the directors of the district. for two years. *self* Appellant employed a teacher and paid her, and received the school moneys from the common school fund, and distributed the same upon the scedule kept by said teacher, which was in due form. For some three or four years past, a school has not been kept in said school-house, but it has always been well adapted for a female school; and has never been appropriated for any other purpose. *self* Appellant has proposed to rent it for a female school, but for no other purposes whatever. The assessor of Jefferson county, assessed said school-house for taxation for the year 1855, and *self* as soon as he found it out applied to the court, at the March term, 1857, to release said school-house from taxation, but the county court refused to release said school-house, from taxation, and on appeal from the order of the county court, at the 4. May term in the year 1857, of the Jefferson circuit court, the judgment of the county court was affirmed, and *self* appealed to this court, and assigns for error the judgment of the circuit court, affirming the judgment of the county court aforesaid; and seeks 10. to reverse the judgment of the circuit court of Jefferson county, aforesaid on account of the aforesaid error:

NELSON & JOHNSON Attys. *for self in error*  
for Appellant

H. J. Paer

by  
County Court

Abstract

Office  
8478

Filed Dec. 1. 1857.  
N. Johnston Clerk  
Refilia C. Tolson Jr 1858.  
N. Johnston Clerk

NEASON & JOHNSON

the foregoing error:

10. to reverse the judgment of the circuit court of Jefferson county, allowing an account of  
ment of the circuit court, affirming the judgment of the county court aforesaid; and seeks  
court was affirmed, and was referred to this court, and assigned for trial the judge  
May term in the year 1851, of the Jefferson circuit court, the judgment of the county  
said school-house, 'tax in taxation' and on appeal from the order of the county court, at the  
1851, to allow and receive money from taxation, but the county court refused to reverse  
1851, and so soon as he found it out applied to the court, at the March term,  
the several judgments of the county court, assessed said school-house for taxation for the year  
1851, and proposed to rent it for a female school, but for no other purposes whatever,  
and applying for a female school, and has never been appropriated for any other purpose.  
said house has a school has not been kept in said school-house, but it has given a poor  
name about the outside parts by said teacher, which was in due form. For some time or  
half part, and received the school monies from the common school fund, and distributed the  
control of the directors of the district, for two years. The school was not opened a teacher and  
Mr. Jackson. School was kept in it under the common school laws, and subject to the  
control of the court of the county of Jefferson, and the court of the county of Jefferson.

ABSTRACT OF

County Court, Jefferson County, Missouri.

Against H. J. Paer appellant, vs. The County of Jefferson,

Record Book

NOVEMBER TERM, A. D. 1857.  
FIRST GRAND DIVISION.  
SUPREME COURT OF ILLINOIS.

STATE OF ILLINOIS, }  
SUPREME COURT. } ss.

*1<sup>st</sup> Grand Division*

THE PEOPLE OF THE STATE OF ILLINOIS,

To the Sheriff of *Jefferson* County,

Because in the record and proceedings, and also in the rendition of the judgment, of a plea which was in the Circuit Court of *Jefferson* County, before the judge thereof, between *Harvey J. Paer*

*plaintiff - and the County Court of Jefferson County Illinois*

defendant, it is said that manifest error hath intervened to the injury of said *Harvey J. Paer* - - - - -

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 Mt. Vernon, before the Justices thereof, to correct the errors in the same, in due form and manner, according to law; therefore we command you, that by good and lawful men of your county, you give notice to the said *County Court of Jefferson County Illinois - John R. Satterfield - Willoughby Adams and Samuel W. Carpenter*

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

*Just Tuesday after the*

*John D. Catron*

Witness, the Hon. ~~Simon H. Taylor~~, Chief Justice of our said Court, and the seal thereof, at Mount Vernon, this *fourteenth* day of *August* in the year of our Lord, one thousand eight hundred and fifty-*eight*.

*Noah Johnston*  
Clerk of Supreme Court.

Harvey S. Pace  
Plff in error

vs } Sci fa

County Court of Jefferson  
County Illinois -

John A. Satterfield,  
Willoughby Adams &  
Samuel W. Carpenter -

County Judge and  
Justices  
Dfts in error



Presented by Tracking This Court of Monroe Co  
John B. Satterfield James W. Carpenter and Willoughby  
Adams this 18th day of September 1858

James Prescott  
Wm D.C.

James Monroe  
Sept 17  
13.0  
8.5  
2.48

RECORDED IN BOOK OF THE CLERK OF THE COURT OF MONROE COUNTY ILLINOIS



**SUPREME COURT OF ILLINOIS.**  
**FIRST GRAND DIVISION.**  
**NOVEMBER TERM, A. D. 1857.**

Record Page.

**ABSTRACT.**

Harvey J. Pace *Plff* } *Renov to*  
 vs. *Def* } Appeal from Jefferson.  
 County Court, Jefferson County *appellts.*

**ABSTRACT OF APPELLANT'S CASE.**

1. *Plff* Appellant was the owner of a school-house built out of his own funds, in the town of Mt. Vernon. School was kept in it under the common school system, and subject to the control of the directors of the district, for two years. *Plff* employed a teacher and paid her, and received the school moneys from the common school fund, and distributed the same upon the scedule kept by said teacher, which was in due form. For some three or four years past, a school has not been kept in said school-house, but it has always been well adapted for a female school; and has never been appropriated for any other purpose. *Plff* has proposed to rent it for a female school, but for no other purposes whatever. The assessor of Jefferson county, assessed said school-house for taxation, for the year 1855, and *Plff* as soon as he found it out applied to the court, at the March term, 1857, to release said school-house from taxation, but the county court refused to release said school-house, from taxation, and on appeal from the order of the county court, at the 4. May term in the year 1857, of the Jefferson circuit court, the judgment of the county court was affirmed, and *Plff* appealed to this court, and assigns for error the judgment of the circuit court, affirming the judgment of the county court aforesaid; and seeks 10. to reverse the judgment of the circuit court of Jefferson county, aforesaid on account of the aforesaid error:

NEILSON & JOHNSON Attys. *Plff in error*  
~~for Appellant~~

*Nelson*

*J. S. 586, 99894 parts 3 & 5 Exempt*

H. L. Pace  
County Court

Abstract

Filed Dec. 1. 1857.  
A. Schuster M  
" "  
Filed Oct. 4. 1858.  
A. Schuster M  
" "

*Handwritten notes in blue ink, mostly illegible.*

NEISON & JOHNSON vs. ...

10. To reverse the judgment of the circuit court of Jefferson county, appearing on record of  
ment of the circuit court, annulling the judgment of the county court aforesaid; and seek a  
court was affirmed, and ~~the~~ ~~judgment~~ of this court, and award for costs the judg-  
ment was in the year 1851, of the Jefferson circuit court, the judgment of the county  
said school-house, from taxation, and on appeal from the order of the county court, at the  
1852, to reverse said school-house from taxation, but the county court refused to reverse  
1852, and ~~the~~ ~~county~~ ~~court~~ ~~refused~~ ~~to~~ ~~reverse~~ ~~the~~ ~~same~~ as he found it not applied to the case, at the March term,  
The taxation of Jefferson county, assessed said school-house for taxation for the year  
not applied for a female school; and has never been appropriated for any other purpose.  
four years past, a school-tax had been levied in said school-house, but it has always been  
paid, and received the school moneys from the common school fund, and distributed the  
control of the directors of the district for two years. ~~The~~ ~~county~~ ~~court~~ ~~granted~~ ~~a~~ ~~teacher~~ ~~and~~  
Mr. Vernon. School was kept in it under the common school system, and subject to the  
control of the directors of the district, as a school-house built out of his own funds, in the town of

ABSTRACT OF A CERTAIN CASE

County Court, Jefferson County, Missouri, vs. ...  
Harris & Price

Record Book

NOVEMBER TERM, A. D. 1857.  
FIRST GRAND DIVISION.  
SUPREME COURT OF ILLINOIS.

1858 — No 28-

H. J. Paer

vs

Jeff. County

~~8478~~  
8478

Case to Jefferson

Affirmed

Nov. Term Supreme Court 1857.

Harvey J. Paer

57

vs

County Court of

Jefferson Co. Ill.

} Appeal from Jefferson

This case is dismissed and leave  
to withdraw papers.

Papers withdrawn & Refiled on writ of Error  
August 14, 1855.

A. Johnston Clerk

No 57

Harvey J. Paul

vs

County Court of  
Jeff. Co. Illinois

8478