

No. 11820

Supreme Court of Illinois

Board of Supervisors

vs.

Town of South Ottawa,

71641  7

La Salle
Board of Supervisors
vs
Town of South Ottawa

112

1820

Prepared

1851

"LaSalle County Circuit Court April Term 1837"

"State of Illinois ss. Now before the Honorable Theophilus S. Dickey
LaSalle County ss. presiding Judge of the ninth Judicial
Circuit of the State of Illinois at a
Circuit Court in and for the County of LaSalle commenced
and held at the Court house in Ottawa on Monday the 28th
day of April in the year of our Lord one thousand eight hundred
and fifty one the same being the twenty fifth year of the
Independence of the United States of America.

"Present the Hon. Theophilus S. Dickey Judge
Philo Lindley Clerk
"Beaton & Cook State Attorney
"R. Eaton Goddell Sheriff"

Be it remembered that heretofore to wit: on the 28th day of
March, 1837, the following summons was sent out of the Circuit
Clerks office of said County viz:

"State of Illinois ss. The People of the State of Illinois to the
LaSalle County ss. Sheriff of said County Greeting.

"We command you to summon the Board of Supervisors of La-
Salle County if they 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 Ottawa in said County on the 28th day of April next to
answer, the town of South Ottawa in a plea of trespass on the
case upon promises to the damage of the said plaintiffs as they
say in the sum of Two hundred dollars. And that you then
and then this writ, with an endorsement thereon in what manner
you shall have executed the same. Witness Philo Lindley Clerk of
said Court and the seal thereof at Ottawa in said County
this 28th day of March A.D. 1837. Lindley Clerk

Upon which summons was the following enclosures
of the Sheriff

Executed this with reading to S. W. Raymond County Clerk & leaving a copy with him Decr. 28th 1837 the Board of Supervisors being then in session
B. E. Condit Sheriff

See & return 60
1 copy 50
1 mile $\frac{5}{115}$

Filed April 17. 1837

Wm. H. Condit Clerk

Afterwards to wit: on the 17th day of April 1837 the Pliffs filed their declaration which is in words & figures following viz:

State of Illinois
LaSalle County and Circuit Court thereof to the April Term A.D. 1837

The Board of Supervisors of LaSalle County State of Illinois were summoned to answer to the town of South Ottawa in said County of a plea of trespass on the case upon promises, and thereupon the said town of South Ottawa of Champion & Wallace her attorney complains.

For that whereas heretofore to wit on the first day of June A.D. 1835 the said plaintiff at the special instance and request of the said defendants paid, laid out and expended a large sum of money to wit the sum of one hundred dollars in and about the necessary supports, care and maintenance of a certain Court pauper named Thomas O'Brien, which said pauper was then and then a Court charge, and said defendants was then and then liable to pay for the necessary care,

Support and maintenance of said pauper, in Consideration
 whereof the said defendants afterwards to wit, on the day and
 year and at the County aforesaid, undertook and faithfully
 promised the plaintiff to pay her the said sum of one hundred
 dollars when the said defendants should be thereunto afterwards
 requested. And also for that whereas on the day and year, and
 at the County aforesaid, the said defendants was indebted to
 said plaintiff in the further sum of one hundred dollars for
 so much money before that time loaned by plaintiff to said
 defendants, at defendants like special instance and request,
 And also for that whereas on the day and year and at the
 place aforesaid the said defendants was indebted to said
 plaintiff in the further sum of One hundred dollars for so
 much money before that time had and received by said defen-
 dants for the use of the said plaintiff, and also for that
 whereas on the day and year and at the place aforesaid the said
 defendants was indebted to said plaintiff in the further sum of
 one hundred dollars for so much money before that time paid
 said out and expended by said plaintiff for said defendants, and
 at said defendants like special instance and request, In
 Consideration whereof said defendants afterwards to wit, on the
 day and year and at the place aforesaid undertook and faithfully
 promised said plaintiff to pay her said several sums of money
 when said defendants should be thereunto afterwards requested,
 Yet the said defendants though often requested hath not paid
 said several sums of money, nor any of them, nor any part thereof
 but so to do hath wholly neglected and refused and still doth
 neglect and refuse to plaintiffs damage two hundred dollars
 wherefore she sues &c.

Champlin & Wallace
 Atty for plff.

Copy of account ^{above} laid on
 Board of Supervisors, LaSalle County In town of South Ottawa Ill
 In the necessary support and maintenance of Thomas O'Brien
 a pauper from June 1st 1850 to March 25th 1851 \$200.00

Afterwards to wit: on the 9th. day of May 1837 the following further proceedings were had in this Cause to wit:

The Town of South Ottawa

vs

vs

Assumpsit

The Board of Supervisors of LaSalle County

This day came the

plaintiffs of Champlin & Wallace their Attorneys and the defendants of Seland their Attorney and by agreement of parties a Jury is sworn and cause submitted to the Court for trial and after hearing the evidence the Court finds the issue in favor of the Plaintiffs and assess their damages at fifty two dollars and fifty cents, and thereupon the defendant excepts to the finding of the Court, which exceptions are overruled by the Court. It is therefore considered that the plaintiffs have and recover of the defendants the said sum of fifty two dollars and fifty cents for their damages together with their costs and charges by them herein expended and that they have execution therefor.

And finally on the day last above mentioned (May 9, 1837) the said parties by their respective Attorneys filed the following agreement viz:

LaSalle County Circuit Court, April Term A.D. 1837

The Town of South Ottawa

vs

Assumpsit

The Board of Supervisors of LaSalle County

It is hereby agreed that the only questions of Law arising in this case are as follows: Are the Board of Supervisors of this County organized under the act entitled "An Act to provide for Township and County organization under which any County

may organize whenever a majority of voters of such County, at
any general election, shall so determine. Approved February
19. 1849. required by that Law to provide for the support and
maintenance of paupers, Or in the towns of such Counties
required by the same Law to support the Paupers within their
limits. It is agreed also that LaSalle County is organized
under said act, and that the town of South Ottawa is one of
the organized towns of said County. It is further agreed that
if the Supreme Court decide that the Board are required
by the act aforesaid to support paupers, the Judgment herein
shall be affirmed, and if the said Court decide that the
towns are to support their own paupers the Judgment is to be
reversed.

"E. S. Ireland for deft"
"Champlin & Wallace for plff"

State of Missouri }
Supreme County }
This Circuit Court, in & for said County
do hereby Certify that the foregoing is a full true
and complete copy of the proceedings in the
foregoing Cause at the same Appraisement
and on file in my office

W. Testimony Whereof I have subscribed
Set my hand and affixed the Seal
of said Court this 27th Day of July
1857

W. W. Kelley, Clerk

La Salle
Town of South Ottawa

vs

Board of Supervisors LaSalle Co.

Manuscript

From the Records

Of LaSalle County, Ill. Courts

Filed July 8. 1854.
S. Leland Clk.