No. 8745

Supreme Court of Illinois

G.L.Jackson, et al,

---

vs.

Samuel E.Bailey, et al,

At a circuit Court begun and and held at the Court House in the Town of Vandalia County of Fayette and State of Illinois on Tuesday the fifth day of June A D 1866

Present

Hon. Charles Emerson Judge
D. L. Bunn States Attorney
John T Donaldson Sheriff &
William Hawkins Clerk

Be it remembered that heretofore to wit on the 23rd day of February A D 1866 a Bill in Chancery was filed in the words and figures following to wit

"State of Illinois } of the June Term A D 1866 of
Fayette County } the Fayette Co Circuit Court

To the Hon. Judge of the aforesaid Court in Chancery Sitting Your orators George S Jackson and Isabella B McLaughlin by Henry Ronke their Attys. would respectfully Shew unto Your Honor, That Your orators are Citizens of Fayette County and State of Illinois, That they reside in Vandalia Township of County where Your orators was for the purpose of taxation for the Year 1865 assessed

[8745-1]

with personal and real property to the Said Jackson to the Value of Seventeen hundred & fifty Dollars as will more particularly appear from Exhibit marked "A" and hereto attached & made a part of this Your orators Bill and that Said Isabella B Mc Laughlin is assessed with property to the amount of $14.151,00 marked Exhibit "B" and made part of this Bill. That Said Fayette County Some time in the year 1859 adopted Township organization & has been operating under that System ever Since in the Transaction of County business that at the February Special Term AD 1865 of the meeting of Said Board of Supervisors of Said County, for the purpose of inducing men to enlist in the Army of the United States and for the purpose of paying Such as did enlist a bounty of three hundred Dollars, the Said Board of Supervisors ordered Bonds to be issued by one Pitch as Special Commissioner in denominations of from fifty to three hundred Dollars Each, Said Bonds were Signed by the Chairman of the Said Board of Supervisors and Countersigned by the Treasurer of Said County and made payable directly to the men who enlisted by name and that when evidence was produced to Said Commissioner that a man had enlisted he was authorized

to fill Bonds payable to the individual for three hundred Dollars that under & by virtue of the said order of said Board of Supervisors the said Commissioner did fill up issue & deliver to individuals who inlisted Bonds of Fayette County to the aggregate amount of about Fifty Six Thousand Dollars, all bearing ten percent interest per annum from date, redeemable & payable three years after date or sooner at the option of said Board of Supervisors and for the purpose of paying one installment of the principal on said Bonds and the interest already accrued the said Board of Supervisors at the September Term 1865 ordered and Caused a tax to be levied of one dollar and forty Cents on all the real and personal property in said County for the Year 1865. upon every one hundred Dollars Valuation one dollar & twenty Cents to pay the first installment on the Bonds & twenty Cents to pay the accrued interest. which said tax was extended on the Collectors Books of the respective Townships and the Township Collectors were and are charged with the duty of Collecting the said Bounty tax in addition to the State & County &c that the Collectors of taxes in the respective ~~taxes~~ Townships are proceeding to collect the same that the said tax at the rate of one dollar and forty

[87445-2]

cents on the one hundred Dollars ~~of~~ Valuation of Your orators property was assessed and one Samuel E Bailey Collector of the taxes for the Year 1865 in said Vandalia Township is charged with the duty of Collecting the same off of Your orators to pay the said Bonds, which tax charged against Your orator Jackson property amounts to the sum of twenty three Dollars fifty cents and said McLaughlin to one hundred & Ninety Eight & 90/100 Dollars and which Your orators will have to pay unless said Collector is restrained from so doing

Your orators would further shew unto Your honor that the said Board of Supervisors had no legal right or authority for either issuing the said Bonds or levying or causing to be levied said tax, to pay the same so that not only are the said Bonds absolutely out and void but also the tax levied to pay them ~~same~~ and the interest also illegally and wrongfully assessed on the property of Your orators and all others in said County, The said Board of Supervisors claim to have the power to issue said Bonds and levy said tax by an act of the Illinois Legislature approved 1865 which act authorized the County Court of Fayette County to issue bonds and sell and hypothecate them in order to raise money to pay bounties and levy tax to pay them

But the said act never authorized the said Board of Supervisors to do and perform this duty although the Legislature well knew that the Board of Supervisors were the proper parties to transact County business so that all the action of the said Board of Supervisors is wholly illegal and void. Your orator therefore prays that the said Samuel E Bailey Collector of taxes of said Vandalia Township and the Board of Supervisors of Fayette County be made parties defts. to this Bill, that Your Honor will grant unto Your orator a writ of Injunction against said Bailey restraining him from collecting off Your orators the tax levied against his property aforesaid to pay said Bonds and interest known on the Collectors Books as Bounty & Special Bounty tax that proper Chancery Summons be issued against the said Bailey and said Board of Supervisors Commanding them to appear at the aforesaid term of the said Court and to answer all the allegations of this Bill without oath and such other and further relief as to Your honor May seem Equitable and just and in duty bound will ever pray &c

Henry & Rouke Attys.

George L Jackson agent of said Isabella

23745-3

McLaughlin being first duly sworn on oath says that the facts setforth in said Bill are true to the best of his knowledge and belief"

Subscribed & Sworn to Feb 23d 1866 } Geo S Jackson
Wm H Hawkins clk }

On the back of which Bill was the following order to wit.

"State of Illinois }
Marion County } ss

The clerk of the Circuit Court of Fayette County will please issue writ of Injunction as prayed in the within Bill. take and approve Bond in 500$
Feb 22d 1866

Silas S Bryan Judge
2d Judicial Circuit, Ills,

After which on the 23d day of February AD 1866 a Bond was filed in the words and figures following to wit.

"Know all men by these presents that we George S Jackson Isabella B McLaughlin and W G Williams are held and firmly bound unto Samuel E Bailey Collector of taxes for the Year 1865 in Vandalia

Township and the Board of Supervisors of Fayette County and their Successors in office in the penal Sum of Five hundred Dollars for the payment of which well and truly to be made we bind ourselves our heirs Executors Administrators and assigns, Jointly Severally and firmly by these presents witness our hands and Seals this 23d day of Feb 1866.

The Condition of the above obligation is such, that whereas the above named George L Jackson and Isabella B McLaughlin has this day prayed an Injunction against the Said Samuel E Bailey restraining him the Said Baily from Collecting what is known and called the Bounty and Special Bounty tax on his Said Collectors Books for the Year 1865 and the Said Board of Supervisors of Fayette County being parties to said Suit now if the Said George L Jackson and Isabella B McLaughlin Shall prosecute the Said writ of Injunction to effect without delay and pay or Cause to be paid all cost and Damages that Said Dfts may Sustain by reason of the wrongfully Suing out of the Same then this Bond to be void otherwise in full force and effect

over

[8745-4]

Approved Feb 28th 1866

Wm Hawkins Clk

George L Jackson (Seal)
J B McLaughlin (Seal)
W G Williams (Seal)

After which on the day and Year last aforesaid a writ issued in the words and figures following to wit

State of Illinois } ss
Fayette County }

The People of the State of Illinois, To Samuel E Bailey Collector of taxes of Vandalia Township and the Board of Supervisors of Fayette County and to Your Attorneys Solicitors Agents and Servants and to Each and every of them Greeting, Whereas it hath been represented to the Honorable Silas L Bryan presiding Judge of the 2nd Judicial Circuit Court of Illinois on the part of Isabella B McLaughlin and George L Jackson Complainants in their Certain Bill of Complaint exhibited before said Judge and filed in the clerks office of the Fayette Circuit Court against You the said Samuel E Bailey and the Board of Supervisors of Fayette County aforesaid, to be relieved touching the matters therein Complained of in which said

Bill it is stated among other things that you are combining and confederating together to injure the complainants touching the matters setforth in said bill and that your actings and doings in the premises are contrary to equity and good conscience and the said Judge having under his hand endorsed upon said bill an order that a writ of Injunction issue out of said Court according to the prayer of said Bill we therefore in consideration thereof and of the particular matters in said bill setforth do strictly command you the said Samuel E Bailey Collector of taxes in Vandalia Township that you absolutely desist ~~and~~ enforcing the collection & collecting the Bounty tax & Special Bounty tax levied for the year 1865 upon all of the property of Isabella B McLaughlin and George L Jackson said property is more fully and correctly discribed in the Exhibits following to wit

Exhibit "B".

Valuation of real and personal estate of Isabella B McLaughlin for the year 1865 in Fayette County Illinois

NE¼	Sec	25	T	6	N	R	1 W	160	Value 480
W½ SE¼	"	"	"	"	"	"	"	80	" 400

[8745-5]

SE¼	Sec 31	T 6 N R 1 W	160	Value	160 00
Lots 1 & 2 SW¼	"	" " " " "	160	"	640.00
SE¼	"	" " " " "	160	"	640.00
NE¼	21	" 6 N 1 E	160	"	800.00
Pt SW¼	21	" " " "	119	"	476 00
SW¼	"	" " " "	125	"	600 00
E pt	"	" " " "	21	"	84.00
W½ SE¼	"	" " " "	71 36/100	"	213.00
E½ NW pt¼	28	" " "	62 24/100	"	186 00
NW¼	29	" " " "	160	"	610.00
NE¼	30	" " " "	160	"	640 00
W½	"	" " " "	200	"	804 00
pt E½ SE¼	"	" " " "	40	"	160 00
W½ SE¼	"	" " " "	80	"	320.00
Lot 4 & pt of Lot 1 in Vandalia					3,200.00
Lots 13, 14, 15 & 17 North Square					1300 00
Out Lots 5, 7, & 12 6 acres Each					280.00
Personal Property					2701.00

Exhibit "A"

Valuation of Real Estate and personal property of George L Jackson in Fayette County Illinois for the Year 1865

Value of personal property	$1150.00
Lots 4 & 5 Block 29 in Vandalia	600.00

And further that the said Samuel E Bailey tax Collector of Vandalia Township and the Board of Supervisors

of Fayette County aforesaid are hereby notified to appear at the next term of the Fayette County Circuit Court to be holden at Vandalia on the first Tuesday of June 1866 to answer to a Bill in Chancery for Injunction filed against them by Isabella B McLaughlin and George S Jackson and you are hereby prohibited from Collecting said tax

Witness Wm H Aukins Clerk of the Said Court and the Seal thereof at Vandalia in said County this 24th day of February AD 1866

Seal

Wm H Aukins Clerk

On the back of which writ was the following Return to wit

"Served this writ on the within named Samuel E Bailey by delivering a true copy thereof to him on the on the 24th day of February 1866"

John O Donaldson Shff
by W C Jarrott Dep

Afterwards to wit on the 12th day of June 1866 at the aforementioned term of said Court a demurrer was

[8745-6]

was filed in the words and figures following to wit.

State of Illinois
Rayette County Circuit Court June Term AD 1866

Samuel E Bailey et al
adv
Isabella B McLaughlin
& George L Jackson
} Injunction

The Defendants in the above entitled Cause not Confessing or acknowledging all or any of the matters setforth in Complainants bill as they are thereby setforth and alleged do demurr to said Bill and for Cause of demurrer show that said Complainants have not by their bill made such a case as entitles them in a Court of equity to any relief in this Court touching any of the matters therein Complained of

Wherefore and for divers other good Causes of Demurrer appearing in said bill these defendants do demur thereto and pray the Judgment of this Court whither they shall be compelled to make any further answer to said bill and they humbly pray to be hence dismissed with

their costs in this behalf expended

J P Vandositan
Atty for Dfts

Afterwards to wit on the day and year last aforesaid the following order was made by said Court to wit

George L Jackson &
Isabella B McLaughlin } Bill for Injunction
vs
Samuel E Bailey

On this day come the said parties by their Solicitors and the defendants file their demurrer to Complainants bill and the demurrer having been argued and the Court being fully advised, It is Considered that the said demurrer be sustained and that the Injunction in this Cause be forever dissolved and made void.

[8745-7]

Exhibit "B"

Valuation of Real & personal Estate of Isabella McLaughlin for the Year 1865 in Fayette County Ills

	Sec	T	R	acres	Value
NE¼	25	6N	1W	160	480
N½ SE¼	"	"	"	80	400
SE¼	31	"	"	40	160
Lots 1 & 2 SW¼	"	"	"	160	640
SE¼	"	"	"	160	640
NE¼	20	"	1E	160	800
Pt SW¼	21	"	"	119	476
SW¼	"	"	"	125	600
E pt	"	"	"	21	8400
W½ SE¼	"	"	"	71 36/100	21300
E½ NW¼	28	"	"	62 24/100	1860
W½ NW pt¼	"	"	"	66 84/100	1980
NW¼	29	"	"	160	6100
NE¼	30	"	"	160	6400
W½	30	"	"	200	8040
pt E½ SE¼	"	"	"	40	160
W½ SE¼	"	"	"	80	320
Lot 4 & pt Lot 1 Block 36 in Vandalia					3200.00
Lot 13, 14, 15 & 17 North Square				"	1300.00
Out Lots 5, 7 & 12 6 acres each				"	280.00
Personal property					2701.00

[8745-8]

[8745-8]

Exhibit "A"

Valuation of Real Estate & personal property of George S Jackson in Fayette County Illinois for the year 1865

Value of personal property	$1150.00
Lots 4 & 5 Block 29 in Vandalia	600.00
	$1750.00

State of Illinois }ss
Fayette County } I William Hawkins Clerk of the Circuit Court in and for said County hereby Certify that the foregoing is a true and Complete transcript of the proceedings in the Case of Geo S Jackson et al vs Saml E Bailey et al as appears from the records and files of my office

Witness my hand and official Seal this 9th day of July AD 1866

Wm Hawkins Clk

CIRCUIT COURT FAYETTE CO. ILLINOIS

Filed August 7 AD 1866
A Johnston Clk
Paid by Ptff $10.00

Fayette Co Circuit Court
Geo S Jackson et al
vs
Saml E Bailey et al
Record

20

State of Illinois,
SUPREME COURT,
First Grand Division. } SS

The People of the State of Illinois,

To the Clerk of the Circuit Court for the County of Fayette 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* Fayette *county, before the Judge thereof between* George L. Jackson and Isabella B. McLaughlin *plaintiffs and* Samuel E. Bailey Collector of taxes of Vandalia Township & the Board of Supervisors of Fayette County *defendants it is said manifest error hath intervened to the injury of the aforesaid* Plaintiffs *as we are informed by* their *complaint, and we being willing that error, if any there be, should be corrected 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 our 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 in 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.*

WITNESS, *the Hon.* P. H. Walker *Chief Justice of the Supreme Court and the seal thereof, at* MOUNT VERNON, *this* tenth *day of* August *in the year of our Lord one thousand eight hundred and* Sixty Six

Noah Johnston
Clerk of the Supreme Court.

[8745-9]

20

SUPREME COURT.

First Grand Division.

Geo. L. Jackson et al

Plaintiffs in Error,

VS.

Samuel E. Bailey et al

Defendants in Error.

WRIT OF ERROR.

Issued FILED August 10 – 1866 –

N. Johnston Cl.

Vandalia Ills
Aug 6 '66

Mr Clerk

Enclosed please find Record and fees which you will please file and place upon the Docket; the case simply goes up on the record upon the Demur. the plaintiffs standing by their bill, I send the Docket fees & Clerks fees $11.00 please acknowledge receipt of the same

Yours

Henry S Frank
Atty for
Pltf

58745-18

State of Illinois,
SUPREME COURT,
First Grand Division. } ss

The People of the State of Illinois,

To the Sheriff of Fayette 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 Fayette county, before the Judge thereof between George L. Jackson and Isabella B. McLaughlin plaintiffs and Samuel E. Bailey Collector of taxes of Vandalia Township and the Board of Supervisors of Fayette County defendants it is said that manifest error hath intervened to the injury of said Plaintiffs as we are informed by their 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 Mount 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 Samuel E. Bailey Collector of taxes of Vandalia Township and the Board of Supervisors of Fayette County that they be and appear before the justices of our said Supreme Court; at the next term of said Court, to be holden at **Mount Vernon,** in said State, on the first Tuesday ~~after 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 Bailey & Supervisors notice together with this writ.

WITNESS, the Hon. P. H. Walker Chief Justice of the Supreme Court and the seal thereof, at MOUNT VERNON, this twelfth day of August in the year of our Lord one thousand eight hundred and sixty six.

Noah Johnston
Clerk of the Supreme Court.

[8745-11]

26

SUPREME COURT.

First Grand Division.

Geo. L. Jackson et al

Plaintiffs in Error,

VS.

Samuel E. Bailey et al

Defendants in Error.

Service	75
Mileage	30
Return	10
	1.15

SCIRE FACIAS.

Ret'd FILED November 6 1866.

N. Johnston Clk

Since the within summons on S. E. Bailey by reading to him the 5th day of November 1866 the balance not found since the summons came to my hands as it did not come to my hands till this day

Arthur J. Carrollson
Sheriff

28

G. L. Jackson et al
Pltffs in error
vs
S. E. Bailey - Collector &c
& Supervisors of Fayette
Co - Defts in error -

Error to Fayette

Dismissed for failure
to comply with rule -
requiring them to assign
error & file abstracts -

Cost bill on Page 12 of
fee book "B"

875

Nothing issued on this -
awaiting orders -