

Record of the Proceedings, Orders and Resolutions of the Board of Supervisors of Livingston County, State of Illinois, at the Regular Meeting, held on the Second Monday in July, A. D. 1893.

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The following report from the committee on poor house and farm was read and on motion of Colehower adopted:

To the Honorable Board of Supervisors of Livingston county Illinois: Your committee on poor house and farm would beg leave to report:

That the term for which Mr. J. N. Guthrie as superintendent having expired on the first of March last, we re-employed him for a term of two and a half years, or until September 1, 1895, at a salary of \$700 per annum.

That we also employed Dr. J. J. Pearson as county physician for one year at a salary of \$250 per annum.

And we ask that this board approve our acts in the premises. Respectfully submitted.

J. E. MORROW, W. E. THOMPSON, A. CRABB, Committee.

Application of Wm. Wilson for the janitorship of the court house was read, and the chairman ordered the same referred to the committee on public property.

Corbin moved that the committee on equalization be instructed to classify lands and town lots and report to the board.

Myer moved to amend, that said committee report within thirty minutes. Amendment carried.

Original motion as amended carried. James Kelagher, assessor of Dwight township, appeared before the board and made a statement regarding certain trust deeds held by parties in said township, which in his judgement should be assessed, but he had not been able to discover who owned such trust deeds, and therefor asked the advice of this board in the premises.

On motion of Myer the board, at 2:30 o'clock p. m., took a recess for thirty minutes.

Tuesday, July 11, 3 o'clock, p. m. Board re-convened. Chairman Cleary, presiding, who announced a quorum present.

The following report from the committee on equalization was read, and on motion of John Thompson adopted:

State of Illinois, Livingston county Board of Supervisors, July term, A. D. 1893.

Mr. Chairman and Gentlemen of the Board of Supervisors: Your committee on equalization, to whom was referred the classification of lands and villages, would beg leave to submit the following report:

LANDS. 1st class—Pontiac and Indian Grove. 2d class—Odell, Chatsworth, Dwight, Eppards Point, Nebraska, Long Point, Reading, Broughton, Forrest, Pleasant Ridge, Saunemin, Rooks Creek, Owego, Avoca, Belle Prairie, Fayette and Pike.

3d class—Walde, Union, Germantown, Newtown, Amity, Esmen, Sunbury, Nevada, Charlotte, Sullivan and Round Grove.

And that there be a difference of 50 cents per acre between each class. CLASSIFICATION OF VILLAGES. 1st class—Dwight. 2d class—Pontiac and Fairbury. 3d class—Flanagan, Odell, Forrest, Emington, Chatsworth and Saunemin.

The balance of the villages to remain as assessed. All of which is respectfully submitted.

A. GIBBONS, Chairman.

Application of Gus Raymann for janitorship of court house was read and the same ordered by the chairman referred to the committee on public property.

The matter of the assessment of trust deeds in Dwight township again coming before the board and Assessor Kelagher having stated that he believed such trust deeds to be the property of Dr. Leslie E. Keeley, John Thompson moved that the county clerk be instructed to return the Dwight assessor's book to the assessor of said township for correction, said assessor to return the book tomorrow.

Motion carried. Moulton moved that the attorney for the board be requested to prepare a notice, to be signed by the chairman and clerk, notifying Dr. Leslie E. Keeley that this board would on Wednesday, July 12, 1893, at 2 o'clock p. m., take action upon a complaint that had been made to them that his assessment of personal property in Dwight for the year 1893 was too low.

Motion carried. There being no further business before the board, on motion of Cornwell, an adjournment was taken until 9 o'clock a. m. tomorrow.

Wednesday, July 12, 1893, 9 a. m. Board met pursuant to adjournment, Chairman Cleary presiding.

The following members answered to roll call: Cornwell, Litchfield, Colehower, Clark, Crabb, Earp, Snyder, Ide, Myer, Morrow, Reed, Barr, Travis, McKenzie, McDowell, Rollins, Gibbons, Goembel, Clow, Moulton, Thornton, Freehill, Sears, Bergan, Hack, Lower, Potter.

Minutes of yesterday's proceedings were read and approved.

The following report from the committee on auditing sheriff's accounts was read and on motion of Clark adopted:

State of Illinois, Livingston county Board of Supervisors, July term, July 12, A. D. 1893.

Mr. Chairman and Gentlemen of the Board of Supervisors: Your committee, to whom was referred

the semi-annual report of Thomas W. Coe, sheriff, of the earnings, receipts and disbursements of his office for the half year ending May 31, 1893, would beg leave to submit the following report and tabular statement compiled from said report, which has been examined and compared with the books of account of said officer, and is believed by your committee to be correct:

ON WHAT ACCOUNT. Earned in this half year \$285 91 Received of the same 388 91 Received of county treasurer, clerk and deputy hire 660 00 Received of previous earnings 392 41 Total received this half year \$1401 22

DISBURSEMENTS. Clerk and deputy hire \$1000 00 Miscellaneous expenses 30 15 Salary for half year 650 00 Total disbursed \$1680 15 Deficiency to draw from treasury \$ 278 84

Your committee would recommend that the said semi-annual report of the aforesaid officer be approved, and that the county clerk be and he is hereby instructed to issue county order payable to said sheriff for the sum of \$278.84, being the deficiency to draw from treasury as shown by the foregoing statement.

All of which is respectfully submitted. E. LITCHFIELD, ABRAM LOWER, J. E. MORROW, Committee.

The following report from the committee on auditing county clerk's accounts was read and on motion of Hack adopted:

State of Illinois, Livingston county Board of Supervisors, July term, A. D. 1893.

Mr. Chairman and Gentlemen of the Board of Supervisors: Your committee, to whom was referred the semi-annual report of John C. George, county clerk, of the earnings, receipts and disbursements of his office for the half year ending May 31, 1893, would beg leave to submit the following report and tabular statement compiled from said report, which has been examined and compared with the books of accounts of said officer, and is believed by your committee to be correct:

ON WHAT ACCOUNT. Earned in this half year \$206 47 Received of the same 1215 67 Received of previous earnings 656 80 Total received this half year \$1879 94

DISBURSEMENTS. Clerk hire \$720 00 Miscellaneous expenses 54 10 Salary for half year 700 00 Total disbursed \$1474 10 Excess to pay into treasury \$ 398 37

Your committee would recommend that the said semi-annual report of the aforesaid officer be approved, and that he be and is hereby ordered to pay the sum of \$398.37 into the county treasury without delay, said sum being the amount of receipts shown to be in his hands in excess of disbursements.

All of which is respectfully submitted. B. F. COLEHOWER, E. T. POTTER, SAMUEL EARP, Committee.

The following report from A. C. Norton, attorney for the board, was read, together with bill attached for amount due him for services, and on motion of Gibbons referred to the committee on judiciary.

To the Honorable Board of Supervisors of Livingston County, Illinois: Pursuant to previous custom, I herewith submit my report of my acts and doings for the preceding year.

The case of C. H. Long vs. The County of Livingston, which has been pending for several years, was continued at the October term on the application of the plaintiff, the Board of Supervisors having consented thereto to permit the plaintiff to file additional counts to his declaration, in the hope that it might save expenses for both parties, and to do away with the taking of testimony.

At the January term, the plaintiff filed five additional counts to the declaration, to which, on behalf of the county, I filed a demurrer. The demurrer was argued before Judge Starr at the January term, 1893, and he decided in favor of the county as to four of the five counts; the case came up for trial at the May term of our court, and in the meantime the plaintiff, through his attorney, made a proposition that if the county would pay the costs, he would take \$11 in payment of his claim, this being the amount which was tendered him several years ago by the county. I did not feel authorized to make this compromise, as I wrote a card to each member of the present board and of those who answered the same, a majority seemed to be in favor of a settlement, and it appearing from the files that a considerable portion of the costs would have to be paid by the plaintiff, I concluded to take this settlement. Judgment was thereupon given against the county for \$11 in agreement, the plaintiff to pay the costs occasioned by his motions for continuance, the county to pay the balance.

In the case of Livingston County vs. Fred Fechter, Sr., for expenses incurred in caring for his insane son, I filed a declaration on behalf of the county, setting up specifically the facts as they occurred. To this the defense filed a demurrer. The matter was argued before Judge Wallace at the March term of the county court and he took the case under advisement until June last, when he decided against the county on the demurrer, holding that there was no liability and could be none against a parent for the support of his child unless a petition had first been filed for that purpose by the state's attorney. I took the orders for an appeal and was allowed ninety days in which to prepare the record, in order that the matter might be submitted to you and you determine

whether or not you desire an appeal taken in the case. The amount involved is less than \$150. When the county collector filed his delinquent list with the county court at the May term, 1893, and asked for judgment, certain railroad companies filed objections to certain portions of their taxes. The T. P. & W. B. R. Co. filed objections to the town tax of Forrest, amounting to \$23.56; the Wabash R. R. Co. filed objections to the town tax of Forrest township, amounting to \$44.30; the town tax of Eppards Point, \$12.80; and the town tax of Newtown, \$245.51. The I. I. & I. R. R. Co. filed objections to the town tax of Newtown, amounting to \$177.35. The ground of the objections in all these cases was that the town tax had been levied by the Board of Auditors, instead of by the town meeting, as required by law. The I. I. & I. R. R. Co. also filed objections to the corporation tax of the village of Dwight, for the years of 1883 to 1891 inclusive, it being a back tax which had been omitted from the levies for those years, and was put upon the books as back tax by the clerk at the request of the president of the board of trustees of the village of Dwight. The ground of these objections was that the schedules of the railroad company then on file did not furnish sufficient data for the assessment and levy of the tax.

I appeared on behalf of the collector in the county court upon the trial of these objections. The court sustained the objections to the town taxes of Forrest, Eppards Point, and the corporation tax of the village of Dwight, and overruled the objections to the town tax of Newtown. In these cases, as in the Fechter case, I took the orders for an appeal and sufficient time was given for filing bill of exceptions to submit the matter to you before taking any further steps.

I would suggest to all supervisors that in the future, they see that the town taxes are levied at the town meeting, and a record thereof made, as that is the only body that has power to levy such tax.

I would also suggest that the I. I. & I. R. R. Co. be required to file with the county clerk a new schedule of their taxable property as required by section 41 of the revenue act.

When States Attorney McDowell filed his annual report in the county court in March, 1890, I appeared on behalf of H. A. Foster, superintendent of schools, and filed exceptions to the report. The matter was heard by Judge Wallace and the report changed by his order and Mr. McDowell charged with \$37 more than he had originally charged himself with in his report. From this decision he took an appeal to the circuit court. While the case was pending in the circuit court, the files were mislaid and for several terms could not be found. The case was finally tried at the May term, 1893, of the circuit court before Judge Starr, together with another case between the same parties hereinafter mentioned. In March 1893, Mr. McDowell, instead of filing a report of his acts of the previous year, filed a report purporting to cover the entire four years of his office as states attorney. I appeared on behalf of the superintendent of schools and filed exceptions to this report. Mr. McDowell took a change of venue and the case was by agreement sent to the circuit court and this case and the preceding one were tried together in May, 1893, by Judge Starr. He held differently from Judge Wallace on some points, but the effect of the final decision was to charge Mr. McDowell on the two reports with \$55 more than he had originally charged himself with. Mr. McDowell as well as myself took orders for an appeal in order that the rights of both parties might be protected until after the present meeting of the Board of Supervisors. My judgment is that there will be nothing gained by the county by appealing the case.

I am ready to make further and more detailed explanation of the matters above referred to, if desired by the board or any committee thereof.

I have attached hereto a statement of my charges for services the past year, which I desire to have examined by you and allowed if found correct.

Respectfully submitted, A. C. NORTON, Attorney for Board of Supervisors.

The following report from the committee on jurors was read and on motion of W. E. Thompson adopted:

State of Illinois, Livingston County Board of Supervisors, July term, A. D. 1893.

Mr. Chairman and Gentlemen of the Board of Supervisors: Your committee on finance would beg leave to report that they have examined all claims presented to them, and recommend the payment of the following, and that the clerk be directed to issue orders on the county treasurer to the claimants for the several amounts allowed, as follows, to-wit:

NAME. FOR WHAT. CLD. ALLD. M. F. Boyard, printing, etc. \$ 2 40 2 4 C. S. Brydia, printing, etc. 18 10 18 1 J. S. Murphy, indse, etc. 8 85 8 8 J. M. Breen, pub. inst. notice, etc. 5 29 5 29 Johnson & Remon, printing, etc. 22 48 22 48 Caldwell & McGregor, stationery, etc. 14 00 14 00 \$72 03 \$72 03

We find there is due Henry A. Foster, county superintendent of schools, for December 1, 1892, to June 1, 1893, the sum of six hundred twenty-three dollars (\$623). All of which is respectfully submitted.

W. P. GOEMBEL, B. F. COLEHOWER, M. A. FREEHILL, C. W. ROLLINS, J. F. COBBIN, W. W. SEARS, J. N. BARR, Committee.

The following report from the committee on finance was read, and on motion of Cornwell adopted:

State of Illinois, Livingston County Board of Supervisors, July term, A. D. 1893.

Mr. Chairman and Gentlemen of the Board of Supervisors: Your committee on finance would beg leave to report that they have examined all claims presented before them, and recommend the payment of the following, and that the clerk be directed to issue orders for several amounts to the several claimants, to-wit:

NAME. FOR WHAT. CLD. ALLD. G. D. Barnard & Co., bks. and sta. \$ 47 70 47 70 election books 21 24 Ill. Printing Co., indse. 18 10 18 10 John Morris Co., fee book. 30 00 30 00 indse. 50 00 50 00 Calaghan & Co., indse. 50 00 50 00 P. F. Pettibone & Co., supplies. 20 60 20 60 Ill. Institute for Blind, Supplies. 31 84 31 84 C. S. Brydia, printing, etc. 71 14 71 14 Anson Advocate, printing, etc. 30 75 30 75 C. A. Winder, printing, etc. 12 29 12 29 Odell Gazette, pub. proceedings. 10 22 10 22 James A. Smith, publishing, etc. 25 00 25 00 J. M. Breen, pub. proceedings. 5 00 5 00 Caldwell & McGregor, stationery. 16 00 16 00 same printing, etc. 35 25 35 25 Pontiac Leader, printing, etc. 20 00 20 00 Johnson & Remon, printing, etc. 20 00 20 00 D. A. Friday, printing, etc. 25 00 25 00 \$ 417 14 \$ 417 14

Charlotte—Stephen Herr, Chatsworth. Sullivan—James Maddin, Colton. Broughton—Richard Johnson, Campus. Round Grove—Michael Smith, Redlick. All of which is respectfully submitted.]

W. M. TRAVIS, M. W. MOULTON, J. W. MCDOWELL, T. W. THOMPSON, E. O. REED, JAMES BERGAN, W. H. CLOW, Committee.

The following report from the committee on jurors was read and on motion of Corbin adopted:

State of Illinois, Livingston County Board of Supervisors, July term, A. D. 1893.

Mr. Chairman and Gentlemen of the Board of Supervisors: Your committee, to whom was referred the matter of petit jurors would beg leave to submit the following report on the matters before them:

That the supervisors from the following towns report the number of jurors by them listed a copy of which is hereto attached: Waldo, 15. Nebraska, 36. Long Point, 25. Reading, 35. Pike, 18. Rooks Creek, 29. Amity, 28. Newtown, 27. Eppards Point, 26. Pontiac, 87. Esmen, 16. Sunbury, 22. Belle Prairie, 13. Indian Grove, 80. Avoca, 21. Owego, 21. Odell, 42. Nevada, 20. Fayette, 14. Forrest, 38. Pleasant Ridge, 13. Saunemin, 32. Union, 20. Dwight, 61. Germantown, 11. Chatsworth, 40. Charlotte, 21. Sullivan, 28. Broughton, 17. Round Grove, 21. All of which is respectfully submitted.

W. M. TRAVIS, W. H. CLOW, J. W. MCDOWELL, E. O. REED, JOHN THOMPSON, M. W. MOULTON, JAMES BERGAN, Committee.

There being no further business before the board, on motion of Colehower an adjournment was taken, for committee work, until 1 o'clock p. m.

WEDNESDAY, July 12, 1893. 1 o'clock p. m. Board met pursuant to adjournment, Chairman Cleary presiding, who announced a quorum present.

The following report from the committee on education was read and on motion of Clow adopted:

State of Illinois, Livingston County Board of Supervisors, July term, A. D. 1893.

Mr. Chairman and Gentlemen of the Board of Supervisors: Your committee on education would beg leave to report that they have examined all claims presented to them, and recommend the payment of the following, and that the clerk be directed to issue orders on the county treasurer to the claimants for the several amounts allowed, as follows, to-wit:

NAME. FOR WHAT. CLD. ALLD. G. D. Barnard & Co., bks. and sta. \$ 47 70 47 70 same election books 21 24 Ill. Printing Co., indse. 18 10 18 10 John Morris Co., fee book. 30 00 30 00 indse. 50 00 50 00 Calaghan & Co., indse. 50 00 50 00 P. F. Pettibone & Co., supplies. 20 60 20 60 Ill. Institute for Blind, Supplies. 31 84 31 84 C. S. Brydia, printing, etc. 71 14 71 14 Anson Advocate, printing, etc. 30 75 30 75 C. A. Winder, printing, etc. 12 29 12 29 Odell Gazette, pub. proceedings. 10 22 10 22 James A. Smith, publishing, etc. 25 00 25 00 J. M. Breen, pub. proceedings. 5 00 5 00 Caldwell & McGregor, stationery. 16 00 16 00 same printing, etc. 35 25 35 25 Pontiac Leader, printing, etc. 20 00 20 00 Johnson & Remon, printing, etc. 20 00 20 00 D. A. Friday, printing, etc. 25 00 25 00 \$ 417 14 \$ 417 14