

14164

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

# Supreme Court of Illinois

Moody

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vs.

Peake

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71641  7

Pleas heard and held at the Court House on Friday the 21<sup>st</sup> day of November in the year of our Lord One thousand Eight Hundred and fifty one within and for the County of Sangamon and State of Illinois.

Before the Honorable August Davis Judge of the Eighth Judicial Circuit in and for the State of Illinois composed of the Counties of Sangamon &

Whereas afterwards to wit: on the 24 day of November, A.D. 1851 there was filed in the office of the Clerk of the Circuit Court in and for said County and State, an agreed case in the words and figures following to wit:

S. B. Moody, Plaintiff  
vs  
John S. Peake Judge Defendant.

The following is an agreed statement of facts, at an Election regularly held, under the Charter and Ordinances, of the City of Springfield, Illinois in April 1851 Seymour B. Moody and G. W. B. Peake were Candidates for Mayor and Treasurer of said City for said year. At such Election the Judges of said Election, of whom said Peake was one, received the votes of Morris Powers, William Kelly, Joseph Walsh, George Barry and Samuel Jones, who immigrated to this Country, since the adoption of the New Constitution, from foreign Countries and at said Election, said Judges received the votes of Thomas Richard Paul Murphy, John Murphy, William Yellin and Thomas Yellin

Citizens of the United States, all of whom resided  
had resided in the city and State, more than  
six months but not one year just next pre-  
ceding said Election, say 10 months in said  
city and State, and which said votes were  
cast for G. L. Berge and against the objection  
of P. B. Moody, and at said Election of unmat-  
rIALIZED foreigners and who came to this State  
since the adoption of the New Constitution and  
who had resided in said city and State twelve  
months and more and who are Michael Connor  
Richard Stele John Wolf and Patrick Morrison  
all of whom voted for Berge and against  
Moody's objection - Moody would have been  
elected had these votes or any of these votes  
been rejected - The Question to be decided by  
the Court is the legality of all such votes  
or any of them - The Constitution of this State  
and the laws made in pursuance thereof -  
City Charter and amendments and Ordinances  
of said city are to be read and recited in  
evidence - It is agreed that the Election of  
Assessor and Auditor was properly submitted  
to the votes of the people of said city  
who were to possess the same qualifications  
as prescribed for Election of Mayor - If the Court  
is of opinion, that the votes or any of them  
were legal, then the Judgment is for  
said defendant and if illegal, the Court  
will give Judgment for plaintiff.

Edwards & Conkling by  
W. H. Herndon for Deft.

And afterwards, to sit, on the day.



Saugamen Circuit Court

Seymour B. Moody

M<sup>3</sup> Warriner

John S. Parker

No 71

1416 2/4

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Filed Leon 13<sup>th</sup> 1837.

W. B. Warriner

clerk