

14026

No. _____

Supreme Court of Illinois

People, ex. rel.

vs.

Couchman et al

State of Illinois }
Hancock County }

Now before the Honorable Ouis. C. Skinner
Residing Judge of the fifteenth Judicial Circuit
of the State of Illinois - At a Circuit Court
begun and held at the Court House in
Carthage on the third day of October (being
the first Monday) in the year of our Lord
one thousand eight hundred and fifty three

Present the Honorable

Ouis. C. Skinner Judge
Calvin A. Warren States Attorney
David E. Head Clerk
Benjamin J. Welch Sheriff

The People of the State of Illinois } Plaintiffs
on the relation of Wesley A. Manier }
vs. } On Duowarrants

Melgar Couchman & Atterton M. Morrill } Defendants

Be it remembered, that
heretofore, to wit: on the Tenth day of June in the year of our Lord
one thousand eight hundred and fifty three at a regular term
of said Court in and for said County then begun and held, an
order was entered of record in the above entitled Cause which
said order is in the words and figures following, to wit:-
" And now on this day comes Calvin A. Warren Esq. Prosecuting
" Attorney for the fifteenth Judicial Circuit of the State of Illinois
" and by leave of court, for this purpose first had and obtained,
and files herein an information in the nature of a Duowarrant
" at the relation of Wesley A. Manier," Which said information
together with the exhibits referred to therein are in the words and
figures following, that is to say,
" State of Illinois, Hancock County } In the Hancock Circuit Court

" At the June Term 1853. The People of the state of Illinois on the
" petition of Wesley H. Manier a Citizen of said County, come and
" by Calvin A. Waneu their attorney give the Court hereto understand
" and be informed that heretofore the General Assembly of the state
" of Illinois enacted a law under the direction of the sixth Section
" of the Seventh article of the Constitution of the State of Illinois
" providing for township organization under which any County might
" organize and adopt Township organization, the first, second,
" third and fourth sections of which law is as follows, to wit:
" Section 1. Be it enacted by the People of the state of Illinois
" represented at the general assembly. That at the next general
" election to be held in the several Counties in this State; the
" qualified voters of each County may vote for or against township
" organization in their respective Counties.
" 2 The County Commissioners Court, or the County Court which ever
" shall be in Commission of their respective Counties, shall at their
" next general election cause to be submitted to the voters of the County
" the question of Township organization under this act by ballot
" to be written or printed, or partly written or partly printed for
" Township organization or against Township organization, to be
" canvassed and returned in like manner votes for state and
" County officers.
" 3 The clerk of the County Court shall enter an abstract of the
" returns of said election to be made out and certified as in
" elections for state and County officers, record the same at length
" upon the record of the County Court of the County and shall
" certify the same to the general assembly, at its next session
" thereafter.
" 4 If it shall appear by the returns of said election that a
" majority of all the votes cast for or against Township organization
" then the County so voting in favor of its adoption shall be governed
" by and subject to the provisions of this act on and after
" the first Tuesday in April 1850; which said law was
" approved on the twelfth day of February 1849 and in force

on the sixteenth day of April 1849. And also that afterwards, to wit,
on the Tuesday after the first Monday in November A.D. 1849
by virtue of the act aforesaid and section of the Constitution aforesaid,
said ^{the} qualified voters of said Hancock County did vote for & against
Township Organization, by ballot, upon the question of Township
of Township organization being submitted to them, & which votes
were returned and canvassed as the law required in all respects
and also that from the returns of said election, it appears that the
whole number of votes cast were two thousand and ninety six
of which one thousand one hundred and seventy six were in
favor of Township Organization making a large majority of all
the votes cast at said election in favor of Township organization
and also that at said election a majority of the voters of
said Hancock County did vote in favor of said Township organiza-
tion, whereby the said County legally and constitutionally
adopted township organization, and became subject to the & the
provisions of the said act providing for township organization from
and after the first Tuesday in April 1850; and that after said
election, to wit, on the first Tuesday in April 1850 the several
officers required by law to be elected by Counties which had adopted
township organization, were duly elected, and the management
of the fiscal concerns of the said County of Hancock ^{were} transferred
from the County Court of said County to the board of Supervisors
of said County elected on the day and year last aforesaid under
the provisions of the general township organization law by
reason of the premises, the jurisdiction before vested in the
County Court of said County as to the management of the fiscal
concerns of said County was diverted entirely and vested in
the said board of Supervisors. And the said People of the State
of Illinois on the relation as aforesaid further give the Court
to understand and be informed that afterwards the general
assembly passed another act to provide for township organization
approved the seventeenth day of February 1851 and which
went in force on the first day of April 1851 whereby it is

provided in article twenty fifth, sections four. and five as follows,
to wit: Upon the petition of fifty legal voters of any County
acting under Township organization it shall be the duty of the
County Clerk, upon the filing such petition with him, to cause notice
to be posted up in three of the most public places in each
Township of such County, at least twenty days previous to the
next annual Town meeting that the question of Township organization
under this act will be voted upon at such meeting, said vote
shall be taken by ballot to be written or printed, or partly written or
partly printed; For Township organization or against township
organization and shall be canvassed and returned in like
manner as votes for State & County officers. If it shall appear
by the returns of said election that a majority of all voters
voting at such election have voted against township organiza-
tion, then the County so voting shall cease to act under
such organization from and after the election and qualification
of such County officers as are provided for in such Counties
as have never adopted Township organization, and
that afterwards on the 6th day of April 1852. under and by
virtue of the act last aforesaid the question of Township
organization was again submitted to the People of said
Hancock County and voted upon, which election resulted
as follows, to wit: 1274 votes were cast in all, of which
669 votes in favor of Township organization and 605
against the same, and the said People of the State of Illinois
further show unto the Court here that the said election was
duly held in the Town of Bear Creek one of the townships
of said County on the said sixth day of April 1852, and that
the whole number of votes cast in said town at said election
was seventy five 75 of which 69 were in favor of such organization
and six against the same, that the poll book of said election
was duly returned to the County Clerk of said County of
Hancock, But the Clerk of the election in said town through
mistake that the said election was held on the 6th day of March

1852 and omitted to state that the said town was in the said County
 of Hancock, The People of the State of Illinois on the
 relation aforesaid further show to the Court here that an election
 was also duly held on the said on the said 6th day of
 April 1852 in the town of St Albans another Township of said
 County, The whole number of votes Cast at said election in
 said Town were 51 of which 48 were in favor of Township
 organization & 3 were against organization
 That the said Poll book was duly returned to the clerk of the
 County Court of said County on the twelfth day of April
 1852 The said People of the State of Illinois on the relation
 as aforesaid show unto the Court also an election was held on the
 said sixth day of April 1853 in the town of Warsaw another
 township of said County, and that said election was held by
 three Judges and two Clerks in the manner required by law in
 Counties which had not adopted township organization,
 and not by the township officers as required by law in Counties
 which have adopted such organization. For greater certainty
 Copies of said poll books marked exhibits A, B, & C are
 herewith filed and prayed to be considered as part of this
 information.

Which said exhibits are in the words and
 figures following, to wit: "A"
 We the undersigned officers of election of the Town of Bear
 Creek Town held on the 6th day of March A.D. 1852 do hereby
 certify that the following number of votes was given for
 and against the Township Organization, to wit:

| | |
|-------------------------------|------------|
| For Township Organization | Sixty nine |
| Against Township Organization | Six |

John M. Wetzel Moderator
 Felix G. Mowring Clerk B. C. T.
 State of Illinois
 Hancock Co. I William W. Stule County Clerk within
 and for the County and State aforesaid certify the above

and foregoing to be a true and correct Copy of the Original Poll Book of Bear Creek Town of an election held on the Sixth day of April A D 1853 For or against Township organization as appears from said Poll Book on file in my office.

In Testimony whereof I have hereunto set my hand and official seal this 9th day of June A D 1853 W. W. Steele Co Clerk

Exhibit "B"

April 6th 1852 At an election held at Liberty School house in the Town of St. Albans Hancock Co Ill for Township Organization or against Township Organization the following votes was taken.

| | |
|------------------|-----------------------|
| For organization | Against Organization. |
| | |
| | |

In canvassing the above votes we find for organization forty eight votes and against organization three votes.

I Certify the above to be correct
Geo. K. Jackson Moderator

Charles E. McCoy Clerk,
State of Illinois Hancock Co. J. William M. Steele County Clerk within and for the County and State aforesaid

Certify the above and foregoing to be a true and correct Copy of the Poll books of an election held in the Town of St. Albans on the 6th day of April A D 1852 For or against Township Organization as appears from the Original Poll books on file in my office.

In Testimony whereof I have hereunto set my hand and official seal this 9th day of June A D 1853 W. W. Steele Co Clerk

Exhibit C.

State of Illinois
Hancock County We and each of us do severally swear

" that we will perform the duties of judges of election
 " for Warsaw Town according to law and the best of
 " our abilities and that will studiously endeavor to
 " prevent fraud, deceit and abuse in conducting
 " the same.

" Sworn to and Subscribed before J. W. Fox
 " me this Sixth day of April Sam. Brown
 " A.D. 1852 John Cox.

" State of Illinois }
 " Hancock County } Thos. C. Sharp J.P. Seal

" We do each of us severally solemnly
 " swear that we will perform the duties of clerks of
 " election for Warsaw Town according to law and the
 " best of our abilities and that we will studiously
 " endeavor to prevent fraud, deceit and abuse in
 " conducting the same

" Sworn to and Subscribed before Thos. C. Sharp
 " me this Sixth day of April A.D. J. F. O'Hanlon
 " 1852 Robt. Miller J.P. Seal

" Poll Books of an Election held in Warsaw in Warsaw
 " Town, County of Hancock and State of Illinois at the
 " Office of Thomas C. Sharp " For Township Organization"
 " and " against Township Organization"

| Names of Voters | | Names of Voters | |
|-----------------|----------------------------------|-----------------|---------------|
| " 1 | Peter Hup. | 12 | O. Kreipke |
| " 2 | J. H. Van Van Linghey | 13 | Geo. C. Baker |
| " 3 | J. C. Wells | 14 | Jno Parr |
| " 4 | Otho Williams | 15 | Levi Clappi |
| " 5 | James Peoples | 16 | E. A. Redell |
| " 6 | Geo Warner | 17 | J. C. Davis |
| " 7 | J. C. Cochran Cochran | 18 | Wilson Monday |
| " 8 | Andrew Peoples | 19 | J. F. Charles |
| " 9 | Allen Rogers | 20 | B. E. Statton |
| " 10 | T. M. Shaw | 21 | M. J. Price |
| " 11 | Joshua J. Somers. | 22 | James Jenkins |

Names of voters

23 H. C. Bryant
 24 Geo Rockwell
 25 J. J. Lynn,
 26 Jno Robbins
 27 Edward Price
 28 William Stattery
 29 Thomas Hill
 30 Elijah Beard
 31 P. J. Haun
 32 B. Stattery
 33 Conrad Hoppe
 34 Peter Parr
 35 W. B. Chipley
 36 W. C. Mayley
 37 D. A. Coxe
 38 Frederick Fellows
 39 G. W. Thatcher
 40 Christian Henecker
 41 W. A. Katz
 42 Michael Ingall
 43 Franklin Knox
 44 Ruben Clark
 45 W. E. Jackson
 46 William English
 47 D. G. Ellifritz
 48 J. W. Pickett
 49 Robert Ayers
 50 Orin Warner
 51 Robert Lowry
 52 A. W. Bliss
 53 Simon Stevens
 54 Edward Collins
 55 William Davis
 56 John Galliker

Names of voters

57 James E. Daugherty
 58 L. S. Grove
 59 Thomas Brawner
 60 A. Stephens
 61 Goodsell Hecox
 62 C. S. Hamilton
 63 Conrad Holser
 64 Charles Hafner
 65 J. W. Brown
 66 J. M. Fox
 67 Jno Coxe
 68 Henry Sejelke
 69 L. F. O'Daniel
 70 George Ailer
 71 W. Gubb
 72 W. A. Grover
 73 Charles C. Hoppe
 74 Thomas C. Sharp
 75 J. B. Taylor
 76 Christian Smith
 77 Peter Smith
 78 Andrew Wieg
 79 Adolph Smith
 80 Christian Krepke sen
 81 G. W. McKendrick
 82 Henry McKee
 83 M. Barnes
 84 Charles Wildo
 85 B. H. Bledsoe
 86 James Stotow
 87 James Galliker
 88 A. B. McDaniel
 89 William Mure
 90 Silman Fry

| | Voters Names | |
|-----|---------------------|-----|
| 91 | Louis K. Wilcox | 124 |
| 92 | A. J. Johnson | 125 |
| 93 | John Anderson | 126 |
| 94 | Saml Harris | 127 |
| 95 | G. F. Barrett | 128 |
| 96 | Moses Harris | 129 |
| 97 | C. R. Davis | 130 |
| 98 | W. S. Hathaway | 131 |
| 99 | James Elder | 132 |
| 100 | Thomas Erwin | 133 |
| 101 | Charles Fralich | 134 |
| 102 | William Ayers Junr. | 135 |
| 103 | B. B. Boriny | 136 |
| 104 | C. Winston | 137 |
| 105 | Elam Hopson | 138 |
| 106 | W. J. Collins | 139 |
| 107 | Fredrick Belstein | 140 |
| 108 | William Beckam | 141 |
| 109 | J. Samuel Cophage | 142 |
| 110 | Thos Crutchfield | 143 |
| 111 | W. M. Giltlett | 144 |
| 112 | Robt Miller | 145 |
| 113 | Philip Roth | 146 |
| 114 | James Mathews | 147 |
| 115 | Alexander Allero | 148 |
| 116 | Smith Johnson | 149 |
| 117 | E. Wendle | 150 |
| 118 | David Renner | 151 |
| 119 | Reuben Howes | 152 |
| 120 | W. Golliver | 153 |
| 121 | H. P. Crawford | 154 |
| 122 | Watson Grinnell | 155 |
| 123 | Jno Scott | 156 |

| | Voters Names |
|--|-----------------------|
| | Chas Coolidge |
| | Conrad Baum |
| | Henry Cheseldine |
| | William Elliott |
| | Benj ^m Cox |
| | Peter Wolf |
| | Andrew Monroe |
| | William Baker |
| | P. A. Barker |
| | W. Miller |
| | W. H. Black |
| | Jno Belstein |
| | Andrew McMahan |
| | J. H. Woodford |
| | Conrad Roth |
| | William Peteritt |
| | Jno. D. Mullen |
| | Adam Shield, |
| | Jno Harold, |
| | Christopher Stephens |
| | Calvin Cole, |
| | J. W. Ketchum |
| | William Bowden |
| | Jacob Rindle, |
| | Augustus Reese |
| | Robert Black |
| | Jno Roth, |
| | et Werneck |
| | Wm Horscomple |
| | Wmston Gold |
| | B. T. Comfort |
| | Jno Lowry |
| | James McKee |

| Names of voters | | Names of voters. | |
|-----------------|-----------------------|------------------|----------------------------|
| 157 | Robert McMahon | 190 | Harrison White |
| 158 | James G. Dillow | 191 | Henry Roth 2 nd |
| 159 | Campbell Thornberry | 192 | Thomas Berry |
| 160 | A. J. Chittenden | 193 | Bennett Smart |
| 161 | Valentine Wilson | 194 | H. H. Mooser |
| 162 | Friedrick Holzer | 195 | John Barnett |
| 163 | Sam. Chandler | 196 | Christian Wieseman |
| 164 | George W. Berry | 197 | A. Judd |
| 165 | Thomas Gregg | 198 | W. A. Harris |
| 166 | Louis Alarmer | 199 | J. M. True |
| 167 | Erastus Marsh | 200 | John Corner |
| 168 | Adam Swivel | 201 | A. D. Brockenbrow |
| 169 | John Gordon | 202 | Geo. E. Perkins |
| 170 | Anson Clark | 203 | Chas. Hilker |
| 171 | Fredrick Peteritt | 204 | James A. Peairs |
| 172 | William Cooper | 205 | John Spitz Sew |
| 173 | Benj ⁿ Hay | 206 | S. R. Holmes |
| 174 | W. A. Ralston | 207 | W. R. Miller |
| 175 | W. Lewis | 208 | James A. Waltham |
| 176 | Joseph R. Barclow | 209 | Sam. Knox |
| 177 | James Black | 210 | John Coffman |
| 178 | C. Homer Mellow | 211 | William S. Spencer |
| 179 | Charles Hay | 212 | L. L. Redell |
| 180 | John P. Mitchell | 213 | L. Kennedy |
| 181 | John Stork | 214 | William M. Mural |
| 182 | D. A. Crutchfield | 215 | Christian Eymon |
| 183 | Jacob Beutley | — | |
| 184 | James Croft | — | |
| 185 | Archibald Clark | — | |
| 186 | Henry Roth | — | |
| 187 | Michael Sella | | |
| 188 | W. Sapsley | | |
| 189 | Shaw Cochran | | |

For Township Organization


" Against Township Organization
" ~~HTT LHT~~
" ~~LHT LHT~~

" At an election held at the office of Thomas C. Sharp
" having been adjourned from the house of Valentine Wilson
" in Warsaw Town in the County of Hancock and State
" of Illinois on the sixth day of April in the year of our
" Lord one thousand eight and fifty two - the following
" votes were polled for and against Township Organization
" For Township Organization had two votes.

" Against Township Organization had Two Hundred and thirteen votes.

" Attest. Certified by us.
" J. F. O'Daniel J. M. Fox } Judges of
" Tho. C. Sharp Sam; W. Brown } Election
" Clerk of Election - John Cox }

" State of Illinois }
" Hancock County } I William, W. Stule County Clerk within
" and for said County certify the foregoing a correct copy
" of the Poll Book of the election in Warsaw Township
" Hancock County Illinois held on the 6th day of April
" A.D. 1853 (on file in my office) "For Township Organization
" and " Against Township Organization"

"  In Testimony whereof I hereunto set my
" hand and official seal this 9th day of
" June A.D. 1853 W. W. Stule Co. Clerk

" The People of the State of Illinois on the relation aforesaid
" further show & inform the Court has that the Justice and County Clerk
" of said County, &c. who opened the poll books of said election
" received and counted the votes on said poll book from
" Warsaw which stood 2 for Organization and 213
" against Organization & excluded and refused to count
" the votes on the said two poll books from Bear Creek
" and St. Albans aforesaid and by excluding the said
" two poll books the votes cast or polled at the other

" Towns in said County at such election were 542 for organization
" and 606 against organization. And the said People
" of the State of Illinois on the relation aforesaid further give
" the Court to understand & be informed that there has been
" no election in said County of any county officers as are
" provided for in such Counties as have never adopted
" township organization since the submission of the
" question of township organization to the qualified voters
" of said County on the said 6th day of April 1852. and
" since the returns of said election, And the said People
" of the State of Illinois on the relation as aforesaid further
" give the Court to understand and be informed that
" afterwards a third election was held by the qualified
" voters of said County on the 7th day of March 1853. by
" virtue of a special act of the general assembly passed at
" its last session a copy of which which is herewith filed
" & marked exhibit "D" & prayed to be considered a part of
" this information;

Which said special act. is in the words &
figures following, to wit;

" An act to authorize the voters of the County of
" Hancock to vote upon the question of Township organization
" Sec 1 Be it enacted by the People of the State of Illinois
" represented in the general assembly, That on the first
" Monday in the month of March next the question of
" Township organization be and the same is hereby submi-
" tted to the legal voters of the County of Hancock to be
" voted upon and against, and the election shall be
" conducted, the votes canvassed, and the returns made
" in like manner as votes for state and County officers
" and the abstract of said votes shall be made out
" and certified to in the manner provided for by an act
" entitled an act to provide for Township organization
" approved February the 17th 1851.-

" Sec 2. If it shall appear by the returns of said election
 " that a majority of the legal voters voting at such election
 " are in favor of township organization then said County
 " of Hancock shall be governed by and subject to the provisions
 " of said act entitled " an act to provide for township
 " organization " approved February the 17th 1857, and the
 " said towns or townships in the said County as heretofore
 " divided and established by the Commissioners appointed
 " by the County Court of said County for that purpose, shall
 " without the appointment of any new Commissioners or
 " the making of any other division thereof be deemed and held
 " a sufficient division of said County in Towns according
 " to the provisions of the act before mentioned, and shall in
 " all courts and for all purposes be considered the legal
 " towns of said County until otherwise altered.

" Sec 3. It shall be the duty of the Secretary of state
 " immediately after the passage of this act to cause a
 " copy thereof to be forwarded to the Clerk of the said County
 " of Hancock, who shall forthwith cause notices to be
 " posted up in three of the most public places in each of
 " the precincts of said County, giving notice of said election
 " or vote to be taken twenty days previous to the holding
 " thereof.

" Sec 4. This act shall take effect and be in force from and
 " after its passage.

John Reynolds
 The Speaker of the House of Representatives
 G. Koerner

Approved Jan 20th 1853 The Speaker of the Senate.

J. A. Matteson,
 United States of America, s.
 State of Illinois } J. Alexander Starne Secretary
 of State of the State of Illinois, do hereby certify, that
 the foregoing is a true and correct copy of the enrolled
 law on file in my office. In Testimony whereof J.



have herein to set my hand and the
Great Seal of State at Springfield
the 21st day of January 1853
Alexander Starnes

Secretary of State

" That said election was held in all respects according to law
" & at which 1436 votes were cast & 1077 for Township organi-
" - zation & 359 against the same
" And the said People of the State of Illinois on the relation
" ^{as aforesaid} give the Court here further to understand and be informed
" that the said County of Hancock having once become duly
" Organized according to law & by the proper Constitutional
" majority would continue & remain under such township
" organization until the same is avoided in the manner
" pointed out by law, and that the same has never been
" divested by a majority of all the votes voting on such
" question as required by law whereby the general township
" organization law remains in full force and effect in
" said County of Hancock and the management of the
" fiscal concerns of said County remains vested in the board
" of supervisors of said County, duly elected and qualified under
" the township organization law and has never been reverted
" in the said County Court of said County, and the jurisdiction
" of County business conferred on the said board of supervisors
" has never been taken away or transferred to any other Court
" or board. And the said People of the State of Illinois on the
" relation as aforesaid further give the Court to understand
" and be informed that on the 6th day of April 1853 that
" the qualified voters of said County elected a board of
" Supervisors from the several proper towns of said County,
" each town electing a Supervisor, and which board
" afterwards took the oath of their office and legally qualified
" themselves for Supervisors of said board, that the said board
" of Supervisors entered into & upon the duties and

responsibilities required of them by law and become legally
invested with Jurisdiction of all the County business of said
County and exercised the powers of their office in the disch-
arge of their duties, received the emoluments, enjoyed the
immunities & privileges appertaining to the same and continued
to have, hold and enjoy the office, and franchise, and
to act under & possess the jurisdiction of County business,
exercise the powers, perform the duties & receive the
emoluments & enjoy the immunities thereof from their
said election & qualification until the sixth day of June
1853. which said board of Supervisors have never ~~deposed~~^{designated}
or forfeited their said offices or been legally ousted from
the same by the Judgment of any Court.

And the said people of the state of Illinois on the relation
aforesaid give the Court further to understand & be informed
that on the 6th day of June 1853 at the County aforesaid,
one Melzar Couchman County Judge of said County and one
Milton M. Morrill claiming to be associated Judge or
Justice of said County under and by virtue of an election
to said office on the ——— day of November A.D. 1849 well
knowing the premises aforesaid, did unlawfully usurp
the office of County Court of said County, for the transaction
of County business and execute the duties required by
law to be executed by said board of Supervisors & to
usurp & exercise the Jurisdiction by law conferred upon
the said board of Supervisors, and did enter into & upon
the powers and duties of said board of Supervisors in
their assumed Capacity of County Court of said County, for
the transaction and management of the business of the
County, and that by such unlawful usurpation and
intrusion aforesaid the said Melzar Couchman and
Milton M. Morrill possessed themselves of the office of
County Court of said County for the transacting of County
business which legally belonged to the said board of

" Supervisors, and exercised ~~the~~ jurisdiction of County business
" which is alone vested in the Board of Supervisors of said
" County & became possessed of the emoluments, immunities &
" privileges appertaining to the said Board of Supervisors
" Contrary to the peace and dignity of the same People of the
" State of Illinois Wesley H. Manier

Exhibited by Calvin A. Warren

And afterwards, to wit, on the Eleventh day of June A.D.
1853 at a regular term of said Court then began and held
in and for said County an order of said Court was entered
in the foregoing entitled Cause which said order is in
the words and figures following, to wit;

" And now comes George Edmunds Jr Esq an attorney of this
" Court, and enters the appearance of the defendants herein,
" Thereupon on motion and by Consent of parties, it is ordered
" that this Cause stand Continued until the next term of
" this Court,

And afterwards, to wit, on the fifth day of October
A.D. 1853. at a regular term of said Court then began and
held in and for said County. an order of said Court was
duly entered upon the record thereof in the foregoing entitled
Cause which said order is in the words and figures following,
to wit;

" And now come the defendants by their attorney, and file
" their pleas 1, 2 & 3 and also their demurrer herein,

Which said Pleas and Demurrer are in the words and figures
following that is to say.

" The People of the State of Illinois on the relation of Wesley H Manier
" vs. Quorum of June Term A.D. 1853.

" Melgar Couchman & Milton, M. Morrill

" And now comes the said defendants Couchman
" & Morrill by A Wheat and G Edmunds Jr their attorneys,
" and say that they did not " unlawfully usurp the
" office of County Court of said County for the transaction

of County business" because they say that under and by
 virtue of the provisions of an act of the general assembly
 of the State of Illinois entitled "an act establishing County
 Courts and providing for the election of Justices of the Peace and
 Constables and for other purposes." Approved February 12th
 1849, at an election duly held by the qualified voters of the
 said County of Hancock, on the Tuesday after the first
 Monday of November A.D. 1849. they were duly elected, the
 said Couchman, to the office of County Judge of Hancock
 County and the said Morrill to the office of additional
 Justice of the Peace, for the district of the said County
 at large, and that at the same election by virtue of
 said act one Robert Miller was duly elected to
 the office of additional Justice of the Peace for the
 district of the said County at large - that the said
 Couchman Morrill & Miller respectively gave the
 Bond & took the oath of Office required by law,
 and were respectively duly commissioned as such
 Officers - and as such afterwards, to wit, on the
 day of December A.D. 1849, were vested with full
 power and authority to sit as a County Court and to
 have, exercise & possess all the power, Jurisdiction &
 authority conferred by law on the County Commissioners
 Court of said State of Illinois, before the passage of said
 act, and did then and there enter upon the discharge
 of the duties of their said offices, and from time to time
 held such Courts for the transaction of County business
 as is required by law, within said County - and that
 the said Couchman as such Judge and the said
 Morrill & Miller as such Justices of the Peace, from
 the time of their aforesaid election & qualification as
 such remained and continued and were on the said
 sixth day of June 1853, and still are, the said Couchman
 such Judge and said Morrill and Miller such Justices

" of the Peace, and as such vested with all the powers
" and authority conferred by law on them as such—and on
" the said six day of June A D 1853. had and from thence
" hitherto have had, the said Conchman as such Judge &
" said Nowell & Miller as Justices (or any two of them) power
" to hold County Courts for the said Hancock County for the
" transaction of County business, and to perform all the duties
" & exercise all the Jurisdiction of County Courts in Counties
" not under township Organization—
" These defendants admit that by virtue of an act of the
" general assembly of the State of Illinois 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 12th A D 1849, the said
" County of Hancock became organized—but the said defendants
" aver that afterwards and under and by virtue of an act of
" the General Assembly of the State of Illinois entitled
" "an act to provide for Township Organization" Approved
" February 17th 1851. a Petition of fifty legal voters of said
" County, was duly filed with the Clerk thereof And that
" said County Clerk thereupon caused notices to be duly posted
" up, according to the provisions of of said act; last named,
" that the question of Township Organization under said last
" named act, would be voted upon at the annual Town
" Meeting to be held in each of the Towns of said County
" on the first Tuesday of April A D 1852, and that at said
" annual Town meeting the said question of Township
" organization was submitted to the legal voters of said
" County, and that by the returns of said election, legally
" and properly canvassed & returned it appeared, that a
" majority of all voters voting at such election had voted
" against Township organization—That at the next
" general election after said annual town meeting

" of the 1st Tuesday of April A D 1852 held in each Town
" and precinct in said County on the Tuesday after the first
" Monday of November A D 1852 an election was held by the
" legal voters of said County for all the officers required by
" law in Counties that have never adopted Township Organi-
" zation except such officers as had been previously elected
" and were entitled to hold over- and such officers were
" at said election duly elected- and afterwards and before
" the 6th day of June A D 1853 became and were duly qualified
" as such- And these defendants further say that the
" legal voters of said County of Hancock had no authority
" for holding an election upon the subject of Township Org-
" anization on the said Seventh day of March A D 1853-
" And these defendants further say that on the said first
" Tuesday (the 6th day) of April A D 1852 David Wigle was
" Supervisor, Christian Shank was a peyor and Christian
" Shank was Collector of the Town of St. Albans in said
" County of Hancock, duly qualified to act as such- and
" that neither said Supervisor, Apeyor and Collector or any
" of them together with another or others appointed, nor did
" any persons elected to act as Judges of said election
" act as such Judges and hold said election or canvass
" or return the votes taken at said election upon the
" subject of Township Organization in said Town of
" St. Albans as was required by law, - but on the contrary
" thereof said pretended election was held and votes
" canvassed & returned by George H. Jackson alone as
" Moderator and Charles E. Hecox alone as Clerk- without
" any authority of law so to do-
" And these defendants further say that on the said first
" Tuesday (the 6th day) of April A D 1852 Almon W. Thompson
" was Supervisor, John M. Witt was a peyor and William
" S. Moore was collector of the Town of Bear Creek in
" said County of Hancock duly qualified to act as such

" and that neither said Supervisor, Assessor & Collector or any of
" them together with another or others appointed, nor did any
" persons elected ^{to act} as Judges of said election ~~or Canvasser or return~~
" act as ^{such} Judges, and hold said election or Canvass or return
" the votes taken at said election upon the subject of Township
" organization in said Town of Bear Creek as was required by
" law.

" And these defendants further say that on the said first Tuesday
" (the 6th day) of April A.D. 1852, Samuel Mussette was Supervisor,
" George W. Thatcher was Assessor and William A. Roosevelt was
" Collector of the Town of Warsaw in said County of Hancock.
" duly qualified to act as such. That neither said Supervisor
" Assessor & Collector or any of them together with another or
" others appointed acted as Judges of said election, but the
" qualified voters of said Town of Warsaw then and there
" elected J. M. Fox, Saml. W. Brown & John Cox qualified
" electors of said Town, Judges of said election, and P. H. Daniels
" Tho. C. Sharp qualified electors of said Town were duly chosen
" Clerks of said election, and which said Judges and Clerks
" after being duly sworn, proceeded to hold and held said
" election, and canvassed & returned the votes taken at said
" election, upon the subject of Township Organization, in
" said Town of Warsaw, in conformity to the laws of this
" State. ~~And~~ this they are ready to verify wherefore
" they pray Judgment &c. Wheat. & Edmunds

Atty for Defts.

" And afterwards, to wit, on the twentieth day of
" October A.D. 1853 at a regular term of said Court then
" began and held in and for said ^{County} an order of Court
" was duly entered upon the records thereof in the
" foregoing entitled Cause which said order is in the
" words and figures following, to wit:
" And now come the Plaintiffs by their attorney and file
" their demurrer to the defendants pleas filed herein,

Which said Error is in the words and figures following
that is to say.

" And the said Plaintiffs on the return as aforesaid as
" to the said pleas of the said defendants by them firstly, secondly
" & thirdly pleaded Come & defend &c and say that said pleas
" & the matters therein contained and stated are not sufficient
" in law to require said P'ts to answer the same, nor to bar
" their aforesaid information & wherefore they pray judgment &c
" Harris & Manier
" Att, for P'tiff.

" Joinder in demurrer.

And afterwards, to wit, on the said Fourteenth day of
October A.D. 1853 at a regular term of said Court continued
and held as aforesaid, a further order of said Court was
duly entered upon the records thereof ~~in the foregoing~~
entitled Cause which said order is in the words and
figures following, to wit:

" This day this Cause coming on to be heard on the demurrer
" filed herein by the defendants to part of the said petition,
" as well as on the demurrer filed herein by the Plaintiffs to the
" pleas of the said defendants. It is considered and adjudged
" by the Court that the defendants said demurrer be sustained
" And that the Plaintiffs said demurrer be overruled, and
" neither the People or the said relator making any
" further answer to the pleas aforesaid. It is considered &
" adjudged by the Court that the defendants be and they
" are hereby acquitted of the charges alleged against them
" in the information, and that the said relator take
" nothing thereby; whereupon by leave of the Court the said
" Wesley H. Manier is permitted to prosecute an appeal
" from this Judgment to the Supreme Court of this State.
" upon his executing a bond to the defendants in the
" penalty of One hundred dollars, with John Harrison
" E. S. Sustin, James Stark, Solomon Woolley, Alexander

" Simpson or any two of them as security, Conditioned that
" he will well & truly prosecute the appeal; and in case the
" Judgment of this Court is affirmed, that he will pay all
" Costs which may be adjudged against him - The bond
" to be executed before the Clerk of this Court within thirty
" days.

And afterwards, to wit: on the Third day of Novem-
ber A.D. 1853 The actor aforesaid caused to be filed in
the Clerk's office of the Circuit Court of said County his
appeal bond herein which said appeal bond is in the
words and figures following, to wit:

" Know all men by these presents, that, we, Wesley H. Manier,
" Alexander Simpson, Slocum Woolley, Alexander
" Simpson and John Harrison are held and firmly
" bound unto Melgar Couchman and Milton M. Morrill
" in the penal sum of one hundred dollars lawful money
" of the United States for the payment of which well and
" truly to be made we bind ourselves, our heirs and administrators
" jointly, severally and firmly by these presents, with our hands
" & seals this first day of November A.D. 1853-

" The Condition of the above obligation is such that whereas
" the said Wesley H. Manier has appealed from the judgment
" of the Circuit Court of the County of Hancock & State of
" Illinois, in the Case of the People of the State of Illinois
" on the relation of Wesley H. Manier vs Melgar Couchman
" and Milton M. Morrill, on information in the nature
" of a subpoena, acquitting the said defendants
" of the Charges alleged against them in said information &c
" Now if the said Wesley H. Manier will well
" and truly prosecute his said appeal and in case
" the Judgment of the Circuit Court is affirmed,
" will pay all Costs which may be adjudged
" against him, then the above obligation

" Simpson or any two of them as security, Conditioned that
" he will well & truly prosecute the appeal; and in case the
" Judgment of this Court is affirmed, that he will pay all
" Costs which may be adjudged against him - The bond
" to be executed before the Clerk of this Court within thirty
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appeal bond herein which said appeal bond is in the
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" Know all men by these presents, that, we, Wesley H. Manier,
" Alexander Simpson, Slocum Woolley, Alexander
" Simpson and John Harrison are held and firmly
" bound unto Melgar Couchman and Milton M. Morrill
" in the penal sum of one hundred dollars lawful money
" of the United States for the payment of which well and
" truly to be made we bind ourselves, our heirs and administrators
" jointly, severally and firmly by these presents, with our hands
" & seals this first day of November A.D. 1853-

" The Condition of the above obligation is such that whereas
" the said Wesley H. Manier has appealed from the judgment
" of the Circuit Court of the County of Hancock & State of
" Illinois, in the Case of the People of the State of Illinois
" on the relation of Wesley H. Manier vs Melgar Couchman
" and Milton M. Morrill, on information in the nature
" of a subpoena, acquitting the said defendants
" of the Charges alleged against them in said information &c
" Now if the said Wesley H. Manier will well
" and truly prosecute his said appeal and in case
" the Judgment of the Circuit Court is affirmed,
" will pay all Costs which may be adjudged
" against him, then the above obligation

" to be void, & otherwise to remain in full force and effect
 " Wesley H. Manier Seal
 " Alexander Symphon Seal
 " Approved November 3^d 1853 }
 " D. E. Head Clerk. } Seal
 " John Harrison Seal

State of Illinois }
 Hancock County }

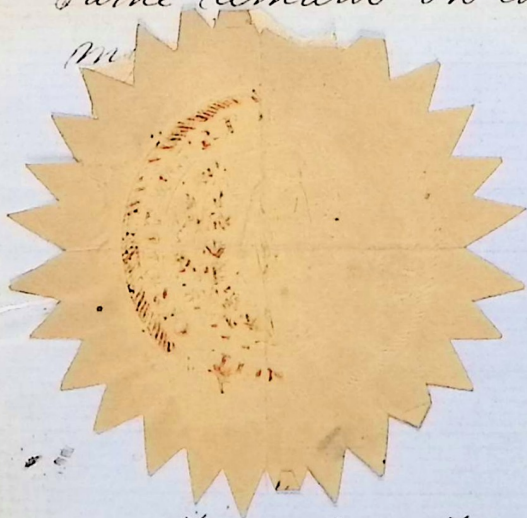
I David, E. Head Clerk of the Circuit Court in and for said County and State do hereby Certify that the foregoing Transcript (Covering twenty two pages and a part of the twenty third pages of foolscap paper) contains a full, true, perfect and complete Copy of the Record and proceedings had or entered in the foregoing entitled Cause in the said Hancock Circuit Court Illinois, in as full and ample a manner as the same remain on the records and among the files of

my Testimony whereof I have hereunto set my hand and affixed the seal of said Court at my Office in Carthage this Twenty Ninth day of November A D 1853

David, E. Head Clerk

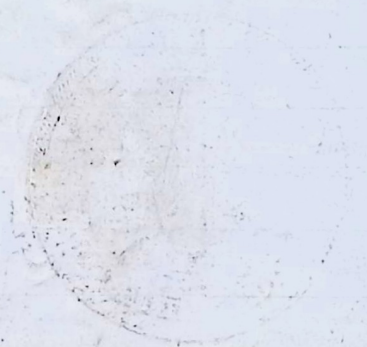
For Making Trans of Record 7326 words @ 10 per hundred \$ 7.37
 Certificate & seal 35
 \$ 7.72

And now comes the sd relator by Lawrence P Blackwell his atty and says there is error in the foregoing record in this
 The Court used in ~~returning~~ ^{returning} said document to said ~~the~~ ^{the} first plea and giving judgment against said relator.
 Lawrence P Blackwell p relator



It is agreed that the Court is to pronounce judgment on the pending record as if it were complete and as if no plea had been filed except ^{the} plea set out in said record; and is to decide upon the

facts as set out in said information & plea. Upon the merits without regard to technicalities or forms of pleading -
July 18. 1854
Williams Lawrence
Wheat & Edmunds



58
The People on
relativ of Memore

M

Cochran et al.

14026

Filed Dec: 30, 1853.

W.B. Hamner edr.

\$5.00 paid by Lawrence

Lawrence