

No. 13782

Supreme Court of Illinois

Campbell

vs.

People

71641  7

No. 11. P. 9.

BUREAU CIRCUIT COURT.

Charles Campbell

vs.

The People of the State of Illinois

CRIMINAL.

Culver, Page & Hoyne, Chicago.

11 P. 11

1075

867.

Eck & Kyle

PLP's Atty.S

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1.

Pleas before the Hon. W. E. Hollister Judge of the Ninth Judicial Circuit of the State of Illinois at a term of the Circuit Court held at the Court House in Princeton within and for the County of Bureau in the State aforesaid on the second Monday in the month of March in the year of our Lord One Thousand Eight Hundred and Sixty-one.

Present Hon. W. E. Hollister, Judge
George M. Radcliffe, Clerk
Daniel M. Donald, Sheriff
D. P. Jones, State Attorney

(To wit, on the second day of said term)
Tuesday morning 8 o'clock A.M.
March 12th A.D. 1861. - Court met pursuant to adjournment.

And now comes Daniel M. Donald Sheriff of said Bureau County and returns into Court the Venue Facias for a Grand Jury issued by order of the Board of Supervisors of said County, by which it appears that the following named persons have been duly summoned as Grand Jurors to attend the present term of this Court, to wit, Watson Freeman, Saml. Heile, James Ross, John Sayers, Richard Meek, Henry Cooley, James Wagh, E. P. Stacy, Enoch Lunny, George Hinedale, Joseph Johnston, E. C. Hall, Joseph W. Kise, Herman Downing, Ellis Fisher, A. Ruthven, D. C. Cooper, D. F. McEwane, Alanson Benson, J. M. Dexter, John S. Robinson, Samuel Dorr and

J. Gordon, who being severally called all answer to their names except John S. Robinson. And the said John Sayers, D. F. McElwane, James Naugh, Joseph Johnston, E. C. Hall and Alanson Benson are excused by the Court from further attendance as Grand Jurors at this term, and by order of the Court the Sheriff summons from the Nehemiah Matron, E. B. Triplett, Henry V. Bacon, James Corbett, D. E. Norton, David S. Peabody, and Mrs. W. Whipple to serve as Grand Jurors at this term of Court in place of those absent and excused as aforesaid. And the Court appoints A. Ruthven the Foreman of said Jury and said Foreman and Grand Jurors, each respectively, having been duly sworn, and having been by the States Attorney duly instructed and cautioned as to their duties, have leave to retire to sit as a Grand Inquest for the said County of Bureau.

(To wit, on the seventh day of said Term)
 Monday Morning 10 o'clock A.M.
 March 18th A.D. 1861 - Court
 met pursuant to adjournment.

And now comes Daniel Mc Donald Sheriff of said Bureau County and returns into Court the Venue Facias issued by order of the Board of Supervisors of said County by which it appears that the following named persons have been duly summoned to attend

as Petit Jurors for the second week of the
 present term of this Court, to wit, Charles
 Crofford, Ellis Wood, William Congdon,
 Arthur Martin, Share Stauffer, F. H. Symonds,
 Adam Wonder, Edwin Bass, A. S. Steele, Isaac
 Heaton, James Brown, James Mc. Cullough,
 John T. Combs, Garret Nevis, John Mills, M. G.
 Loverin, Wm. Matthews, J. C. Rhyne, Seneca Coulter,
 Edgar Williams, E. C. Jones, Wm. Russell, Wm.
 H. Barts and Hiram Hunter, who being
 severally called all answer to their names
 except William Congdon, Share Stauffer and
 Edgar Williams. And the said Charles
 Crofford, Arthur Martin, F. H. Symonds, Adam
 Wonder, A. S. Steele, James Brown, James
 Mc. Cullough, John Mills, Seneca Coulter
 and Wm. Russell are excused by the Court
 from further attendance as Petit Jurors at
 this term; And by order of the Court the
 Sheriff summons from the bystanders James
 Hamerick, James Cain, S. W. Knox, Evan H.
 Swayne, Thomas Walker, Wm. Cowan, G. D.
 Jackson, J. A. Sykes, Increase Hoyt, C. A.
 Stoner, Homer R. Parrish, Sidney Smith and
 Alpheus Cook to serve as Petit Jurors for
 the second week of the present term of this
 Court in place of those absent and excused
 as aforesaid. And the said Jurors are each
 duly sworn well and truly to try and true
 verdict to render according to the evidence in
 all civil causes in which they might be empaneled

as Jurors at the present term of this Court.

(To wit, on the eighth day of said term)
 Tuesday morning 8 o'clock A.M.
 March 19th 1861 - Court met
 Pursuant to adjournment.

This day the Grand Jury aforesaid return into Court and in open Court by their Foreman aforesaid present the following Bill of Indictment as a "True Bill", to wit, Bill of Indictment against Charles Campbell and John F. Brown for Burglary (and the same is in the words and figures following) to wit:

" State of Illinois
 " Bureau County  Es. And of the March Term
 " of the said Bureau County
 " Circuit Court in the year
 " of our Lord One thousand
 " eight hundred and sixty one.
 " 1. The Grand Jurors chosen selected and
 " sworn in and for the County of Bureau aforesaid
 " in the name and by the authority of the People
 " of the State of Illinois, upon their oaths present
 " that Charles Campbell and John F. Brown,
 " late of the County of Bureau aforesaid, on the
 " ninth day of January in the year of our Lord
 " One thousand eight hundred and sixty one,
 " about the hour of eleven in the night of the
 " same day, with force and arms, at and within
 " the County of Bureau aforesaid, the freight

5.

" office then and there situate of the Chicago,
" Burlington and Quincy Rail Road Company,
" a corporation then and there duly and legally
" established, organized and existing under and
" by virtue of the laws of the State of Illinois,
" and then and there being duly and legally
" authorized and empowered, under and by virtue
" of the laws of the State of Illinois, to have,
" hold, own, possess, and enjoy goods and chattels
" Personal Property and real estate, feloniously,
" wilfully, maliciously, and burglariously did break
" and enter with intent the goods and chattels
" and Personal Property of the said Chicago,
" Burlington and Quincy Rail Road Company,
" in the said freight office then and there
" being, then and there feloniously, wilfully,
" maliciously, and burglariously to steal, take
" and carry away, and then and there in the
" said freight office, sixty pieces of the current
" silver coin of the United States of America
" called Quarter Dollars, of the value of twenty
" five cents each, of the goods and chattels &
" Personal Property of the said Chicago,
" Burlington and Quincy Rail Road Company
" then and there being found, then and there
" feloniously, wilfully, maliciously and burglariously
" did steal, take and carry away. Contrary to
" the form of the Statute in such case made and
" provided, and against the peace and dignity
" of the same People of the State of Illinois.

2. And the Jurors aforesaid upon their

6.
" oaths aforesaid, in the name and by the authority
" of the People aforesaid, do further present that
" Charles Campbell and John F. Brown late
" of said County of Bureau, on the ninth day
" of January in the year of our Lord one thousand
" eight hundred and sixty one, about the hour
" of eleven in the night of the same day, with
" force and arms, at and within the County of
" Bureau aforesaid, the office, there situate of
" the Chicago, Burlington and Quincy Rail Road
" Company, a corporation then and there duly
" and legally established, organized and existing
" under and by virtue of the laws of the State
" of Illinois, and then and there being duly
" authorized and empowered under and by virtue
" of the laws of the said State of Illinois, to have,
" hold, own, possess and enjoy goods and
" chattels, personal property and real estate,
" feloniously, wilfully, maliciously and
" burglariously, did break and enter, with
" intent the goods and chattels and personal
" property of the said Chicago, Burlington
" and Quincy Rail Road Company, and also
" the goods and chattels and personal property
" of Henry M. Ingals then and there being, then
" and there feloniously, wilfully, maliciously and
" burglariously to steal, take and carry away,
" and then and there in the said office fifty pieces
" of silver coin current in the said State of Illinois
" by the laws ~~thereof~~ and usages thereof, called quarter
" dollars, of the value of twenty five cents each

7.

" of the goods and chattels and Personal Property
" of the said Chicago, Burlington and Quincy
" Rail Road Company, one tax receipt of the
" value of one dollar, three deeds of the value
" of five dollars each, three promissory notes
" of the value of five dollars each, and one
" insurance Policy of the value of five dollars,
" of the goods and chattels and Personal Property
" of one Henry M. Ingalls, in the said office
" then and there being found, then and there
" feloniously, wilfully, maliciously and burglariously
" did steal, take and carry away, contrary to
" the form of the statute in such case made
" and provided and against the peace and
" dignity of the same People of the State of
" Illinois.

" 3. And the jurors aforesaid upon their
" oaths aforesaid in the name and by the
" authority of the People aforesaid do further
" present that Charles Campbell and John
" F. Brown, late of the County of Bureau
" aforesaid on the ninth day of January in
" the year of our Lord one thousand eight
" hundred and sixty one, about the hour of
" eleven in the night of the same day, at
" and within the County of Bureau aforesaid, with
" force and arms, the store house there situate of the
" Chicago, Burlington and Quincy Rail Road Company
" a corporation then and there duly and legally
" established, organized and existing under and by
" virtue of the laws of the State of Illinois, and

" then and there being duly and legally authorized
 " and empowered under and by virtue of the laws
 " of the State of Illinois to have, hold and possess
 " own and enjoy goods and chattels, personal property
 " and real estate feloniously, wilfully, maliciously
 " and burglariously did break and enter, with
 " intent the goods and chattels, monies and personal
 " property of the said Chicago, Burlington and
 " Quincy Rail Road Company in the said store
 " house there situate feloniously, wilfully and
 " maliciously and burglariously to steal, take and
 " carry away contrary to the form of the statute
 " in such case made and provided and against
 " the peace and dignity of the same people of the
 " State of Illinois.

" 4. And the Jurors aforesaid upon their
 " oaths aforesaid in the name and by the authority
 " of the People aforesaid do further present that
 " Charles Campbell and John F. Brown late of
 " said County, on the ninth day of January in
 " the year of our Lord One thousand eight hundred
 " and sixty one, at about the hour of eleven in
 " the night of the same day, with force and arms,
 " at and within the County aforesaid, the office
 " of Henry M. Ingalls there situate, feloniously,
 " wilfully, maliciously and burglariously, did
 " break and enter, with intent the goods and
 " chattels, monies and personal property of
 " the said Henry M. Ingalls, then and there
 " being, feloniously, wilfully, maliciously and
 " burglariously to steal, take and carry away

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" contrary to the form of the Statute in such
" Case made and provided and against the peace
" and dignity of the same People of the State
" of Illinois.

" 5. And the Jurors aforesaid upon their
" oaths aforesaid in the name and by the authority
" of the People aforesaid do further present that
" Charles Campbell and John F. Brown late of the
" County of Bureau aforesaid, on the ninth day of
" January in the year of our Lord One thousand
" eight hundred and sixty one, about the hour
" of eleven in the night of the same day with
" force and arms, at and within the County of
" Bureau aforesaid the ware house of the Chicago,
" Burlington and Quincy Rail Road Company
" a corporation then and there duly and legally
" established, organized and existing under and
" by virtue of the laws of the State of Illinois,
" and being then and there duly and legally
" authorized and empowered under and by virtue
" of the laws of the State of Illinois, to have,
" hold, own, possess and enjoy goods and
" chattels, personal property and real estate,
" then and there feloniously, wilfully, maliciously,
" and burglariously did break ^{and} enter, with intent
" the goods and chattels, monies and personal
" property of the said Chicago, Burlington
" and Quincy Rail Road Company, in the said
" ware house then and there being, feloniously,
" wilfully, maliciously and burglariously to
" steal, take and carry away, contrary to the

" form of the Statute in such case made and
" provided, and against the Peace and
" dignity of the same People of the State of
" Illinois.

" D. P. Jones
" State Attorney
" 9th Circuit

" (And endorsed thereon as follows, to wit:)

" The People &c.

" vs.

" Charles Campbell
" + John F. Brown
" Indictment for
" Burglary

"
" A True Bill
" A. Ruthven
" Foreman

"
" Witnesses

- " Henry Ingalls
- " John F. Brown
- " Stephen West
- " Lucien A. Howland
- " Henry Kelly
- " John Schroder
- " John Nash
- " Joseph Donaldson
- " Pascal P. Turner
- " James Mc. Intire
- " William Vanmetta
- " Rebecca Mc. Kee
- " Daniel Mc. Donald
- " Michael Cummings

Bail \$ 800. each M. E. Jb.

"
" D. P. Jones
" State Atty

11.

And the Court thereupon orders that the same be filed, that Capias issue against said defendants returnable forthwith, and that said defendants be held to bail in the sum of Eight Hundred Dollars each.

(To wit, on the ninth day of said term)

Wednesday morning 8 o'clock A.M.

March 20th A.D. 1861. - Court met
Pursuant to adjournment.

(On this day there is issued under the hand of the clerk of said Court and the seal thereof a Capias of which the following is a true copy) to wit:

" State of Illinois }
" Bureau County } s.s. The People of the State
" } of Illinois,
" To the Sheriff of Bureau
" County, Greeting: -

" We command you that you
" take the bodies of Charles Campbell & John F.
" Browne and them safely keep so that you have
" them before the Circuit Court of Bureau County
" at the Court House in Princeton, in said County,
" (or the) forthwith, to answer unto the People of the
" State of Illinois for and concerning the crime
" of Burglary with which they stand charged
" before our said Court as by a certain Bill of
" Indictment preferred against them by the Grand
" Jury of said County of Bureau filed in our
" said Circuit Court in that behalf appears

" and have you then and there this writ.

" Witnesses Geo. W. Radcliffe Clerk
 " of our said Circuit Court and
 " the Seal thereof, at Princeton,
 " this 20th day of March in the
 " year of our Lord One thousand
 " eight hundred and fifty-one.



" Geo. W. Radcliffe, Clerk
 " By R. K. Randolph, Deputy
 " (and endorsed thereon as follows, to wit:)

" The Sheriff will hold the Defendants to bail
 " in the sum of \$800. dollars each.

" Geo. W. Radcliffe, Clerk
 " By R. K. Randolph, Depy.

(and delivered the same to the Sheriff of
 said County)

The People of the
 State of Illinois

vs.

Indictment for Burglary

Charles Campbell +
 John F. Brown

And now comes the said
 defendant Charles Campbell by James S.
 Eckels his Attorney and moves the Court
 that the Indictment be quashed. And after
 argument of Counsel, the Court being fully
 advised in the premises, considers and orders
 that the motion aforesaid of the said defendant
 be overruled.

And afterwards, to wit, on this same day comes the

13.

Said defendant Charles Campbell in custody of the Sheriff, with also James S. Eckels his counsel, and the People by D.P. Jones States Attorney, and the said defendant Campbell having been furnished with a true copy of the indictment herein, and being duly arraigned, for his plea herein says, that he is "not guilty," as charged in said Indictment, and of this puts himself upon the Country. And D.P. Jones States Attorney aforesaid, doth the like.

And now on this day M. J. Lovem and E. C. Jones two of the Petit Jurors for the second week of this term are excused from further ~~service~~ attendance upon Court as such Jurors.

(To wit, on the tenth day of said term)
Thursday morning 8 o'clock A.M.
March 21st 1861. - Court met
Pursuant to adjournment.

The People of the State
of Illinois

vs. Indictment for Burglary
Richard Campbell &
James H. Brown

And now by order of the Court the Sheriff summons from the bystanders Tracy Reeve and William Vannatta to serve as Petit Jurors for the second week of the present term in place of E. C. Jones and M. J. Lovem excused. And the said Reeve and Vannatta are duly sworn well and truly to try and true verdict to render

according to the evidence in all civil causes in which they may be empannelled as Jurors at the present term of this Court.

The People of the State
of Illinois

vs. Indictment for Burglary

Charles Campbell +
John F. Brown

And now comes D.P. Jones
States Attorney aforesaid and files his affidavit
in support of motion for a separate trial of the
defendants herein in the words and figures following,
to wit:

And thereupon moves the Court for a separate
trial of said defendants upon said Indictment.
And after argument of Counsel, the Court,
being fully advised in the premises considers and
orders that the said defendants be tried separately
upon the Indictment herein. And the States
Attorney aforesaid electing to try first the said
defendant Charles Campbell by order of the
Court said defendant Campbell is brought
into Court in custody of the Sheriff, and with
him also comes Eckels his Counsel, and a list
of the Petit Jurors for the second week of the present
term having been furnished to said Campbell,
it is now ordered by the Court that a Jury be
empannelled in this cause to try the issues
joined between the People aforesaid and said
defendant Campbell. And thereupon comes

a Jury of twelve good and lawful men, to wit, Alpheus Cook, James Cain, Wm Mathews, Hiram Hunter, S. W. King, Isaac Heaton, Ellis Wood, Tracy Reeve, John T. Combs, Wm H. Barts, Adam T. Galer and Peter H. Martin, of whom the said Adam T. Galer and Peter H. Martin are by order of the Court summoned by the Sheriff from the bystanders, the regular panel being exhausted by challenges. And the Jury aforesaid are each duly empannelled and sworn as a Jury of the Country herein to try the issues joined as aforesaid.

(To wit, on the eleventh day of said term)
 Friday morning 8 o'clock A.M.
 March 22nd A.D. 1861. Court
 met pursuant to adjournment.

The People of the State
 of Illinois

vs. Indictment for Burglary
 Charles Campbell

And now after argument of Counsel this cause is given to the Jury aforesaid upon the testimony produced together with the Instructions of the Court. And the said Jury in charge of a duly sworn officer retire to consider of their verdict.

And afterwards, to wit, on this same day come the Jury aforesaid and bring into open Court their verdict. And said Jury having been severally called and all answering, ~~correctly~~ and

The People by D.P. Jones State's Attorney and said defendant in proper person as well as by his Counsel aforesaid, being present, the Jury aforesaid, for their verdict herein, do say, "We of the Jury do find the defendant Charles Campbell guilty of Burglary in manner and form as alleged in the Indictment, and do fix the term of his imprisonment in the Penitentiary at three years."

And thereupon the said defendant by his Counsel aforesaid moves the Court for a new trial herein.

(To wit, on the fourteenth day of said term)

Tuesday Morning 8 o'clock A.M.

March 26th A.D. 1861. - Court met pursuant to adjournment.

The People of the State
of Illinois

vs. Indictment for Burglary

Charles Campbell

And now the Court, being fully advised in the premises considers and orders that the motion of defendant for a new trial herein be overruled.

And the defendant by his Counsel aforesaid thereupon moves the Court for an arrest of Judgment herein, which motion, the Court, being fully advised in the premises, considers and orders be overruled.

And afterwards, to wit, on this same day, by order of the Court said defendant is brought

17.

into open Court to receive his sentence herein, and, the said defendant being present, it is considered ordered and adjudged by the Court that he, the said Charles Campbell, be confined in the State Penitentiary at Joliet for the term of three years, one day of such term to be spent in solitary confinement upon bread and water, and the remainder of such term to be spent in solitary confinement upon bread and ~~water~~, and the remainder of such term to be spent at hard labor, and that the Sheriff have the period of five days from this day during which to execute the said Judgment of the Court in conveying the defendant to the Penitentiary

(To wit, on the eighteenth day of said term)
Saturday morning 8 o'clock A.M.
March 30th A.D. 1861 - Court
met pursuant to adjournment.

The People of the State
of Illinois

vs. Indictment for Burglary

Charles Campbell

And now comes James S. Eckels
Attorney for said defendant and files his Bill
of Exceptions herein in the words and figures
following, to wit:

" Be it remembered that on the eightth day of the
" said March Term of the Circuit Court of Bureau
" County State of Illinois, being the 19th day of
" March A.D. 1861 the indictment in this cause was returned

into Court against the above defendants, and that
on the ninth day of said term the defendant
Campbell, by his Attorneys, moved the Court to
quash said indictment, which motion was overruled
by the Court, to which ruling of the Court in
overruling said motion the defendant by his counsel
then and there duly excepted. That on the tenth
day of said term being the 21st day of March A.D.
1861 said Cause came on for ~~hearing~~ trial, and that
on the trial the People to make out their case offered
to prove the existence of the Chicago, Burlington and
Quincy Rail Road Company by showing by parol
that the said Company had been using their Road
prior to the time of the alleged burglary and were
still using the same, to the admission of which
testimony the defendant objected, which objection
was overruled by the Court, and the testimony was
permitted to go to the Jury, to which ruling of the
Court the defendant by his counsel then and there^{duly}
excepted. The People further to make out their
case and show that said Company was an
incorporated Company and empowered to own
property offered what purported to be the charters
of the several rail road Companies which make up
said Chicago, Burlington and Quincy Rail Road
Company, to wit, the Chicago and Aurora Rail Road
Company, subsequently changed to the Chicago
and Southwestern Rail Road Company, and
subsequently changed to the Chicago, Burlington
& Quincy Rail Road Company, and also the Central
Military Tract Rail Road Company, and the act

" authorizing the consolidation of said Companies.
 " That to prove the charter of the said Chicago
 " + Aurora Rail Road Company, and the change
 " of name to the Chicago and South Western Railroad
 " Company and its authority to consolidate its
 " stock with the Central Military Tract Road, offered
 " in evidence a book marked "A" purporting to contain
 " the session laws of the 2nd Session of the General
 " Assembly of the State of Illinois of the year 1854
 " some of which were general, and some special acts;
 " Among which special acts offered in evidence is
 " an act entitled "an act to amend the charter of the
 " Chicago and Aurora Railroad Company" approved
 " February 28. 1854 on page 143 of a book marked
 " "A" + made an exhibit herein purporting to contain
 " the general + special laws of the legislature of 1854,
 " and in regard to which book there is a stipulation
 " on file which stipulation is made part of this
 " Bill of Exceptions and is as follows, to wit:

" State of Illinois vs. In Circuit Court
 " Bureau County March Term A.D. 1861.
 " The People &c.
 " vs. Burglary
 " Charles Campbell

" It is agreed by Milo
 " Kendall Attorney for the People and Eckels +
 " Kyle Attorneys for Defendant Campbell that
 " the Book marked "A" and to which this agreement
 " is attached is the book offered in evidence on the
 " trial of said Cause, and by which the People
 " proved the incorporation of the Chicago and Aurora

" Rail Road Company, and the act authorizing
 " the consolidation of said Company with the Central
 " Military Tract Rail Road Company and which
 " is mentioned in the Bill of Exceptions in this
 " Cause as the Book marked "A".

" W. Kendall, Atty. for People
 " Eckels + Kyle, Deft's. Attys.

" To the admission in evidence of which book
 " purporting to contain the Charter of said Chicago
 " and Aurora Rail Road ~~Company~~ and its
 " authority to consolidate its stock with the
 " Central Military Tract Rail Road Company
 " without any further proof than the book itself
 " that it was an authorized copy of the laws of said
 " Session of the General Assembly of said State,
 " (which Company it is alleged forms a part of the
 " consolidated company) the defendant by his counsel
 " objected, which objection was overruled by the Court,
 " and the book was admitted, to which ruling of the
 " Court the defendant by his counsel then and there
 " duly excepted. The People then offered what ^{purported} ~~offered~~
 " to be a copy of the articles of consolidation of the said
 " several Companies, filed in the Office of the Secretary
 " of State, sealed with what purported to be the seals
 " of the different Companies, also certified by the
 " Secretary of State to be a true copy of the original
 " articles filed in the Office of the Secretary of State
 " with the seal of the State attached (and the same is
 " as follows) to wit:

" Articles of Consolidation made and entered into
 " and agreed upon between the Chicago, Burlington

" and Quincy Rail Road Company and the Central
 " Military Tract Rail Road Company this ninth
 " day of July A.D. 1856.

" Whereas the said Companies have
 " their termini fixed by their several acts of incorporation
 " and constitute a continuous line of Rail Road, and
 " are therefore under the laws of the State of Illinois
 " authorized to consolidate their stock and property
 " with each other.

" And whereas by a resolution
 " of the Board of Directors of both the said Companies
 " passed on the fourth and fifth days of June last
 " the following basis was submitted to the Stockholders
 " in each of the said Companies respectively as a plan
 " and as the terms suitable and proper upon which
 " to consolidate the stock and property of the said
 " two Companies with each other, viz:

" The name of the Consolidated
 " Company shall be the Chicago, Burlington and Quincy
 " Rail Road Company.

" Each Stockholder in the Central
 " Military Tract Rail Road Company in exchange for
 " every share of stock he may hold in that Company
 " shall be entitled to one share ^{of the stock} in the Consolidated Company.

" Each Stockholder in the Chicago,
 " Burlington and Quincy Rail Road Company shall
 " be entitled to one share of the stock of the Consolidated
 " Company for every share he may hold in that Company
 " and in addition thereto shall be entitled to one share
 " of the consolidated stock for every two shares held in
 " that Company upon payment therefor within one

" year of Sixty Dollars with interest thereon at the
 " rate of ten per cent per annum, and in case any
 " stockholder shall be entitled to a fractional or
 " half share he may receive a whole share on
 " payment of Eighty Dollars therefor, and interest
 " as above, or if he elect not to receive said share
 " he shall be paid Twenty Dollars for said
 " fractional share.

" A majority of the stockholders in
 " interest shall signify their assent to these terms
 " of Consolidation on or before the ninth day of July
 " this next now instant.

" And whereas a very large majority
 " in interest in the Stock in each of the said Companies
 " have signified by Proxies in writing and by their
 " Proxies at the meeting of the Stockholders of each
 " of the said Companies held at Chicago this the ninth
 " day of July 1856 for that purpose, their approval
 " and assent to the said terms of Consolidation in
 " accordance with the Statute in such case made and
 " provided.

" Now therefore in Consideration of
 " the above premises it is mutually covenanted and
 " agreed by and between the said Parties as follows,
 " viz:

" First. That their entire corporate property
 " and stock be and the same are hereby Consolidated
 " and the said Consolidation shall take effect from this
 " date, and from henceforth the said Companies shall
 " constitute but one corporation in the law.

" Second. The name of the said Consolidated

25.

" To the admission of which articles of Consolidation
" the defendant objected. It was proved however
" that said railroad had been in operation six years
" and over, and had been operated under the name
" of the Chicago, Burlington + Quincy Railroad Company
" some four years at least, but it was not in proof
" what name it was operated under prior to the
" last four years. The Court overruled the ~~objection~~
" defendant's objection and admitted said articles
" of Consolidation in evidence, to which ruling the
" defendant by his Counsel then and there duly
" excepted. The People then showed that the
" Chicago, Burlington and Quincy Rail Road Company
" had been using their road for five years, and
" under their name for four years at least. This
" was all the evidence that was offered by the
" People to show that said Company was a rail
" road Company organized under and by virtue of
" the laws of Illinois and empowered to hold and
" own use and possess property, except the other
" laws showing the charter of the Aurora Branch
" Railroad Co. + the several amendments of ^{the} charter
" + changes of name of said Railroad Co., successively
" from the Aurora Branch Rail Road Company to the
" Chicago, Burlington + Quincy Rail road Co. and
" the laws authorizing the Consolidation of said
" Company with the Central Military Tract Railroad
" Company, and except also proof that the
" Company received and shipped freight and
" passengers for hire + had an office at Malden
" + an agent to take pay for freight + passengers +

had done so for four or five years under the name
 of the C. B. + Q. R. R. Co.
 The People prior to the offering of the charters and
 articles of Consolidation aforesaid Called Norman
 B. Page, who was known as a witness on behalf
 of the People, and testified in the words and
 figures following, to wit:
 I was living at Malden in January last - I am
 in the grain and lumber trade - There is a railroad
 running through the Town of Malden - The road
 was operated under the name of the Chicago,
 Burlington + Quincy Railroad Company - There
 is a warehouse at Malden belonging to the
 said Company - Henry M. Ingalls is the Agent
 of said Company - was acting as said Agent on
 the ^{evening of the} 9th of January - In the North west corner
 of the building the Company had an office with a
 safe in it - There is a counter in the office and
 the safe was put under the counter - The safe was used
 by Ingalls Agent of American Express Company for
 the purpose of transacting the business of said Company
 and the Chicago, Burlington + Quincy Railroad
 Company - I saw the safe in the morning of the
 10th of January - It was blown open - I was
 there in the morning - went with Ingalls - I saw
 Ingalls unlock the door - The window on the West
 end was pried up - There were fourteen lights
 broken out - Ingalls found two chisels on the counter -
 I saw the chisels in the office that morning - Ingalls
 marked the chisels, or at least, he told me so -
 The lock looked as if it had been charged with

27.

" Powder - The ware house is about sixty (60) rods
" from Ingalls dwelling house, and about twenty five
" (25) rods from the nearest dwelling - The building
" stands on the Depot Ground - They have used it
" about five years - Ingalls usually closed the office
" at 9 o'clock - They kept no watch - Ingalls is
" sick and not able to be here - I don't know of
" any money being in the safe - I know he, Ingalls,
" had had deeds for land in Iowa + a deed for his
" dwelling house - He had tax receipts - I don't
" know the value of the real estate - The deeds were
" of value - Don't know the value - Should judge
" they were worth five Dollars - Ingalls kept his
" papers in the safe - I have seen some of his papers
" in the safe - Don't know the time in the morning
" I went into the office - The office was and is a
" Ticket + Freight Office - The office is part of
" the Ware house building, - under one roof, and on
" the same foundation - There is no door into the
" office from the outside - have to enter the ware
" house or freight house to get into the office -
" I was not in the office after dark on the evening
" of the 9th - Ingalls + I went home about 9
" o'clock -

Cross Examination

" I do considerable business with Ingalls - He is
" the Agent of the American Express Company
" and of the Rail Road Company - I don't know
" that those deeds before mentioned were in the
" safe the night it was blown open - Mr. Ingalls
" as Agent of the American Express Company

" transacted his business in that same office -
 " The safe was blown open between the hours of the
 " 9 o'clock of the evening of the 9th and 8 of the
 " morning of the 10th of January - I don't know to
 " whom the safe belonged - I think to the Rail
 " Road Company but I am not certain - I rent
 " the 2^d Story of the ware house for storing grain -
 " I have the Key and Control of the upper part of
 " the building - I have a lease of the upper part
 " from the Company - I have had the upper part of
 " the building for about two years - It was rented
 " by the Company before I rented it - at least
 " that is my impression - There is a spout to
 " conduct the grain from the bins in the 2^d story
 " through the floor over the lower story & into the
 " cars - I have the use of the lower story to run
 " the grain through into the cars - I use the lower
 " part to put freight in - I don't know that at
 " the time I leased the upper part of the building
 " anything was said about my using the lower
 " part - My lease would be worthless unless I
 " could use the under part of the warehouse
 " to pass grain through - I don't swear that the
 " office was locked on the evening of the 9th - It
 " was locked on the morning of the 10th - Ingalls
 " had Henry Hawks to assist him as Agent -
 " My impression is that Hawks left about that
 " time - I think the Company discharged Hawks
 " about that time.

Direct Examination Resumed

" I had no claim on the lower part of the warehouse

29.

" My rent had no connection with the lower part -
" The lower part was used expressly by the Rail
" Road Company - I don't know how long the
" Company has been organized - I have known
" it for two years - We consignors pay the freight
" on goods consigned to us - We paid freight to
" Ingalls as Agent of the R. R. Co. at Malden - the
" lower room in the ware house was used by the
" Company to store its freight in - and was under
" the control of the R. C. or its Agent - The
" office was partitioned off from the lower room
" of the warehouse, and was the office for doing
" the business of the R. C. -

Cross Examination Resumed

" The Company is not engaged in any kind of
" forwarding business except by their cars - They
" furnish cars for the grain buyers and lumber
" men -

" The People then called James M. Intire who
" testified in the words following, to wit:
" I reside in Malden - I reside about thirty rods
" (30) from the ware house of the Chicago, Burlington
" & Quincy Railroad Company - I was at home
" on ~~the nights~~ the 7th, 8th, 9th, 10th & 12th of
" January - I was at home on the night of
" the 9th - I heard an explosion on the evening of
" the 9th or morning of the tenth - It was precisely
" twenty minutes to one o'clock at the time of the
" explosion - I was up with my family, some of
" whom were sick - I went to the warehouse the

" next morning - I went to the depot a quarter before
 " 8 o' clock - I found the safe blown open - When
 " I went Ingalls was there and others - I found
 " no fire - there was no mark of burning - I could smell
 " the powder - I saw a small chisel in the hands
 " of one of the Carpenters who had begun to repair
 " the house - I live Northeast from the ware house -
 " It was an extremely dark night -

Cross Examination

" The Passenger train went along about 11 o' clock
 " on that night -

" Joseph B. Zearing was called by the People and
 " testified in the words following, to wit:

" I reside at Malden - Was not in town on the
 " 9th - I acted in Ingalls place in the month of
 " May 1860 - The safe was an iron safe, 18 x 22 x
 " two feet two inches high - The safe was kept under
 " the counter in the office in the Northwest corner ^{in a room off the long room of the warehouse} -
 " The key hole ran in the centre of the safe - I
 " was not at Malden the evening after the safe
 " was blown open - There was usually money kept
 " in the safe while I was there - also some deeds
 " and an insurance policy - I know he had a
 " deed of land in Iowa and Minnesota, also a
 " deed for his dwelling in Malden - There was a
 " large pocket book in the safe - He had
 " individual notes but I think he had collected
 " the money on them - I have been there occasionally
 " during the sickness of Mr. Ingalls - There was
 " sometimes as much as ten dollars in change -

" During the time I was there, there was more or
 " less change in the safe all the time - The office
 " is 16 x 18 where the Company transact their business.
 " Company has been doing business five years at
 " Chicago, Burlington & Quincy Rail Road Company.
 " There was a road there some six years - They
 " ticket from Malden to Burlington & Chicago -

Cross Examination

" I have lived at Malden for two years - I think
 " I was in Princeton on the night of the 9th -
 " The night 9th was on Wednesday - I was acting
 " for Ingalls - I think the deeds referred to
 " belonged to Charles & Henry W. Ingalls - They
 " held real estate in partnership - The Insurance
 " Policy was in the Stephenson Co. - I don't know
 " of any money, deeds, policy of Insurance or
 " anything being in the safe on the evening of the
 " 9th - I do not know whether there was any
 " money in the safe ~~on that~~ that night or not -
 " I was not there on the day previous to the safe
 " being blown open - I am simply in the employ of
 " Ingalls - I had not examined the papers since
 " December 1860 - I don't think Ingalls had any
 " individual notes at the time of the explosion -
 " Ingalls was the Agent of the Beloit Reaper
 " Company, for the Railroad Company, and for
 " the American Express Company - He used the
 " same office for transacting the business of all
 " the Companies - also put the money received for
 " the different Companies into the same safe - The
 " Company does not do a warehouse business -

" The R. Company use the lower room of the
 " warehouse to store freight received at Malden.
 " The Company furnished a hand to help load
 " the cars - While I have been employed for the
 " C. I never have known a time but that the R.
 " Company had more or less money on hand -
 " They kept change enough in the safe to make
 " change with - They often had as much as ten
 " or fifteen dollars in change - When they got
 " \$25. of ticket money they generally sent it
 " off to Chicago - The Agent at Malden usually
 " made up a daily account of the money received

" The People then introduced upon the stand
 " John F. Brown, one of the defendants, and
 " proposed to examine, to which the defendant
 " objected unless he be discharged from the
 " record which was accordingly done by the
 " People's entering a nolle prosequi in his case
 " and the said Brown testified in the words
 " following, to wit:

" I know Charles Campbell - I have known
 " him from the 12th or 15th of December A.D. 1860.
 " I got acquainted with him in this place - I
 " left Quincy between the 1st and 5th of December
 " 1860 - Put up at the American Hotel - After
 " I had been here four or five days I became
 " acquainted with Campbell - I got in the
 " hack one morning and went to Fiskilwa -
 " Stayed in Fiskilwa to dinner and returned
 " to Princetonia the afternoon - I put up at the

" American Hotel when I returned - The next
 " day I started for the Depot and bought a
 " ticket for Chicago - Campbell remained in
 " Tiskilwa - I went to Chicago and came back
 " the next night - Left Chicago for Princeton in
 " the 11 o'clock train - The next morning I thought
 " I would go to Tiskilwa - As I was getting in
 " the hack I met Campbell and he said he was
 " going to Tiskilwa - ^{We got into the hack and went to Tiskilwa -} He asked me where I had
 " been - He said he had been in Chicago - He
 " asked me what train I had started on - said he
 " had left on the train behind me - and that he had
 " returned in the train after me - We went to Tiskilwa -
 " staid there ten days or two weeks - We left Tiskilwa
 " and went to Bureau Junction - staid one night,
 " ~~and~~ then returned to Tiskilwa - staid two or
 " three days, then went to the Junction - Got on the
 " Peoria ^{rail} road and went to Lacar - staid there
 " three days - Came back to Bureau Junction - Here
 " our travelling came to a stop - We were out of
 " funds - I proposed that we should foot it
 " to Tiskilwa - After some coaxing he consented
 " and we started - On the road Campbell
 " said, Frank, I do not like this mode of
 " travelling without money - I told him, it
 " was rather hard it was a fact - He said he
 " knew where there was a right good stake -
 " He said, if it don't suit you, you need
 " not say anything about it - I told him I
 " would not say anything about it - He went
 " on to tell me how he had been up to Malden -

" He heard some ticket agent talking about wood
" that was about to be bought for the Rail road
" Company - It was to be bought and paid for
" in January - He said they had a small safe
" that he could get into - He told me he could blow
" it open - he thought it was about the time that money
" would be sent from Chicago to pay for the wood -
" We stayed in Tiskilwa two or three days - We
" were nigh broke - We only had a few cents - He
" made this proposition to me again - It was on
" Friday or Saturday - I agreed to go to Malden -
" We got a good stake at Tiskilwa - twelve or
" fifteen dollars apiece - We did not go on the
" Monday agreed upon - We stopped at the
" Perkins House - I think it was not more than
" two or three days - We then agreed to go to Malden -
" Charlie had some one get some powder - That
" evening up in our room we fixed up the needfuls
" for breaking open the safe - The next day we
" thought the matter over and appointed the next
" day to go to Malden - We got aboard the cars
" at Tiskilwa and went to Pond Creek - took
" the track for Chicago, Burlington + Quincy Rail
" road ~~Company~~ We got on board the train and
" went to Princeton - On the cars we found out
" that there was a government train coming on in
" one hour - Charlie said we would have to get
" off and wait until the next day - We got here
" about ten o' clock in the night - Put up at the
" Union Hotel - We spent the next day in the
" Billiard Room and Ball Alley - Took dinner

" at Hyde's Restaurant - We were in the Billiard
" Room until 9 o' clock - We went to Nash's
" Hotel - Stayed there about half an hour, then
" started to the Billiard Room - As we got half
" way back he pulled out two chisels - We got
" over on Main Street - I took the chisels in my
" hand, as we wanted to wait until train time
" put the chisels in an empty barrel on Main Street.
" We played billiards awhile and then we started
" for the train - I went to the barrel and took
" the chisels in a paper and carried them to the
" Depot - We got to the Depot about fifteen
" minutes before train time - took a seat until
" the train whistled - Then Charlie got two tickets -
" We got aboard the train - Charlie sat in one
" end and I in the other end - I had the chisels.
" We arrived at Malden - Charlie got out at
" one end - I at the other - We started for
" the freight house - We stood in the shade of
" the freight house until the train got out of
" sight - We walked around the house - We
" both waited awhile at the door of the ticket
" house - We got back in front of the door of
" the ticket office - Charlie asked for the chisels.
" We both Complained of cold - We knocked
" at the door. Complained of Cold - Charlie
" went to the window - made a noise - looked in -
" Could not see any one - Campbell Commenced
" to pry up the window - He raised the window
" with the chisel - He raised it high enough
" to get his hand under - Then he raised the

window up with his hands about half way -
" Stuck his head in the window and could not see
" anything inside the office - got out again - He
" told me to step away from the freight house
" and watch - I went out to the rail road
" track where I could have a view of two
" sides of the house - Stood there five minutes
" Charlie whistled for me - I came back to the
" window - He had his body inside the freight
" house - He told me to hand him the chisels -
" He could not reach them from the inside - I
" handed him one chisel - He then told me
" to go out and watch - I went ^{out} again to the
" track - Stood there about fifteen minutes - While
" I was on the track the last time I heard a
" loud noise - I then started back towards the
" house - Put my head up to the window and
" asked him what was the matter - He told
" me to never mind and go out again - The
" noise was like heavy weight falling on the floor -
" I went back to the track again - Stood fifteen
" minutes - Charlie came out where I was - I
" asked ^{him} what was the matter - He said that
" it was all right, that it would go off in a
" minute - Said he had touched the fuse -
" Waited two or three minutes - there was a loud
" report - Charlie told me to keep a good
" look out and he ran towards the freight house -
" He got in the window and remained inside
" about three minutes - He came running out
" where I was - had a bundle of papers in his

" hand - I asked him if he had got any money -
" Said he had a lot of silver in his pocket -
" Did not know how much - Started from
" Malden toward Chicago on the Rail Road track -
" We got about one hundred yards - Charlie
" said it would not do - that we should turn
" round and go towards Princeton - Started for
" Princeton on the Rail road track - got about
" a quarter of a mile - we stopped and sat
" down by the track to see what we had - Lit
" some matches - looked over all the papers -
" there was no money in the papers - then we
" scraped the snow away from the track, touched
" a match and set them afire - Charlie took the
" silver out of his pocket to count it by the light of
" the fire - Had some twenty two or twenty three dollars -
" I can't tell exactly how much there was - It was all
" American quarters - I just cast my eyes over the
" papers - Don't know what they were - I could
" not tell what - They were filled with writing -
" Charlie put the money in his pocket again and
" we started for Princeton - Went about a quarter
" of a mile - Turned off in a road on the left hand
" side, that crossed the track - Followed this road
" up about one hour - Came into Princeton at the
" back part of the town - I asked Charlie where
" we should stop - He said we should go to the
" Prairie House - Went to the door of the Prairie
" house - Some young fellow came to the door - We
" asked for a bed - Showed us a bed, and we both
" went to bed - I think we ~~had~~ got to the Prairie

" Woke about 2 or 3 o'clock in the morning - We got
 " the chisel at the Eagle Hotel - Government train
 " did not come on until ^{the} next day - The night was
 " not moonlight but clear - I got up in the morning -
 " Charlie laid in bed - I got breakfast and I went
 " to bed again - At 9 o'clock we went to Tiskilwa in
 " the back - We stayed in Tiskilwa two or three
 " days, then we went to Bureau Junction - from there
 " we went to Henry, and returned to Tiskilwa in
 " about a week - Stayed at Tiskilwa a short time
 " and then went to the Junction - While we were at
 " the Junction a young man told us there was a
 " warrant out for us - We got on the train intending
 " to stop at Tiskilwa - It was the 6 o'clock train
 " AM. - Met ~~with~~ a young fellow at the Depot, who
 " told us that Hank Kelly was after us - We stood
 " aboard the train, paid our fare to Geneseo - Arrived
 " about 8 or 9 o'clock in the morning - Put up at
 " the Howard House - Stayed in Geneseo until
 " the next day about ~~8~~ ⁴ o'clock - Went to the
 " Depot to see the train come in - After the train
 " I went over to the Saloon - Charlie went to the
 " barber shop - I was playing cards in the Saloon -
 " The safe was blown open the night after the
 " government train came along - in January of this
 " year - Defendant's name is Charles Campbell -

Cross Examination

" I left Quincy from the 1st to the 5th of December -
 " Came direct to Princeton - I had acquaintances
 " in Princeton - Had been in Princeton after the
 " Seward Convention in Chicago - Was acquainted

" with Carey's family - Put up at the American
" House - I became acquainted with Charlie
" first at the ten pin alley - Don't know who
" introduced me to Campbell - I knew Fred.
" Bacon by name - I found Campbell a genial
" Companion - a good fellow - After we left
" the freight house we went down the track toward
" Princeton - We sat down along side of the
" track - I held the matches while Campbell
" examined the Papers - We used five or six
" matches - The wind was blowing from Malden
" toward Princeton - We had no candles - Charlie
" had no light in the office unless it was a match -
" Charlie had a gray over coat on that night -
" He took it off before he went into the building -
" I held it on my arm - I held up the coat
" and held the matches behind it - I examined
" some of the Papers - Charlie held the matches
" while I examined the Papers - Charlie put
" the money back into his pocket & afterwards
" divided with me - I have never refunded what
" I got to the Company - They proposed if I
" would confess they would discharge me - Ed.
" Hammond Superintendent of the Chicago,
" Burlington & Quincy Rail Road Company wrote
" a letter proposing to discharge me if I would
" confess - I told Mr. Van Dorn that Charlie
" and I were innocent, that we were not guilty -
" That was a lie - I told Charlie I was not going
" to testify against him, as I could not tell
" anything against him, because we were innocent -

" That was a lie - I had no other object in making
 " this confession than to save myself from the
 " Penitentiary -

" Direct Examination Resumed.

" The reason I refused to ^{turn} State's evidence was
 " that I thought I had been ~~unlucky~~ - unlucky and
 " I thought I would stick with him - I will be
 " twenty years old next April - I gambled for
 " about three months in 1858 - My father died on
 " last Thanksgiving day - He was a miller - When
 " I worked I followed milling -

" Lucius Howland was called by the People
 " and testified in the words following, to wit:
 " I was on the train between Galerburg and Chicago
 " on the evening of the 9th of January - I saw a
 " Conductor - I have seen the defendant - I have
 " seen Brown before - I had two ticket passengers
 " and one without a ticket from Princeton to
 " Malden - Campbell was on the Car that night
 " to the best of my recollection - My attention to
 " the blowing open the safe was called the next
 " day in Chicago - The Assistant Superintendent
 " asked me if I had any recollection of leaving
 " any passengers at Malden - I saw Brown and
 " Campbell ~~with~~ before the Justice - I saw them
 " before they went to trial in jail - It was not
 " far from 11 o' clock at night when I got to
 " Princeton - My recollection is that we were on
 " time all the way -

" Cross Examination

41.

" I paid no particular attention to either Campbell
" or Brown on the cars - I only collected their
" fares as on other occasions - At that time
" Campbell had a mustache - He had on a
" dark overcoat - O. H. Browning of Quincy
" requested me to see Brown and advise him
" to confess - I saw Brown and told him if he
" could do anything to save himself he had better
" do so -

" John Schroeder was then called, who testified
" in the words following -
" I am watchman at the Princeton Depot - I sell
" tickets for the night train - I saw Campbell
" I think on the 9th of January - He bought
" two tickets for Malden - The train was due here
" at ten o'clock at night - He was in the passenger
" office - Did not see Brown - Have seen Campbell
" twice since his arrest -

Cross Examination

" I never had seen Campbell before he bought
" the tickets - He bought the tickets and started
" and I saw him no more until after his arrest -
" I sometimes remember countenances a long time -
" I remember simply from memory that I sold
" two tickets -

" Stephen West called and examined by the
" Attorney for the People, and testified in the
" words following -
" I am acquainted with the defendant - I got

" acquainted with him sometime in the winter -
 " I had seen him often - On the night of the 9th
 " of January I ran my hack to the Depot -
 " I saw Campbell and Brown at the Depot -
 " They were at the Depot when I got there - I
 " stayed there until after the train left - They
 " went out of the house and when the cars stopped
 " they went aboard the cars - I don't know whether
 " they went away on the cars or not - Did not
 " see them about after the cars left - Was busy
 " looking after passengers -

Cross Examination

" Saw them both in the station house before the
 " train arrived - Paid no further attention to them
 " after the cars left - I remember that it was on
 " the 9th - I think the next day Barrie called
 " my attention to it -

" E. P. Stacy was next called and examined
 " on the part of the People and testified in the
 " words following -

" I remember of the safe being blown open - I
 " was present the next morning - The money of
 " that office was always kept in the safe - at
 " least I have seen Ingalls place money in
 " there - Don't know whether there was any money
 " in the safe the night of the explosion -

" John Nash was then called and examined
 " by the Attorney for the People and testified
 " in the words following: -

" The chisels look like mine - The small one
 " I am positive is mine - The other I think is mine.
 " About two weeks after the alleged Burglary a
 " man came to borrow them and I could not find
 " them - I know Campbell - He boarded with
 " me late in the fall -

Cross Examination

" I had not seen the chisels from some time in
 " the fall - Kelly brought them and showed them
 " to me - I cannot swear positively as to one of
 " the chisels - I had a small chisel with a
 " crooked handle and paint on it like this one in
 " Court - I do not swear that there might
 " not be one like it - I don't know that the
 " chisels now shown me are the ones found
 " in the freight house -

" Joseph Donaldson was next called and
 " examined by the Attorney for the People,
 " and testified in the words following - I reside
 " in this town - I keep the Prairie House in
 " Princeton - I know Campbell by sight - He
 " has stopped at my house - The last time
 " he stopped with me was on the morning of
 " the 10th - Brown was with him - Brown paid
 " the bill for both - He paid it in silver -
 " Brown said they were going to Tiskilwa -
 " I keep a register - They did not register their
 " names - Campbell had registered his name
 " when stopping before -

Cross Examination

" I think they came in between two and three o'clock -
 " I get my information as to the day of the month
 " from one Brainard who is a transient-boarder -
 " Came there off the Cars on the morning of the 10th
 " of January - which I know to be the same
 " morning that Campbell + Brown came - and
 " the time Brainard came was noted down in a
 " little memorandum book kept by Brainard -
 " I saw it in his book - I think one piece of
 " the money was a half dollar and the other a
 " quarter, that Brown paid me that morning -

" Henry W. Kelly was next called and examined
 " by the Attorney for the People and testified
 " in the words following: -
 " I am a Constable - I arrested the defendant
 " Campbell and also Brown on the 20th or 21st
 " of January - I found them in Genesee in
 " Henry County - I got track of them first
 " at Ligon - When I returned to Piskilwan
 " I learned they were at Genesee - I brought
 " them back and lodged them in Princeton Jail -
 " I searched both of them - I think Charlie had
 " three American quarters and Brown two - I
 " told them I had arrested them on a charge
 " of horse stealing - They laughed - After I
 " had them arrested and handcuffed I then
 " told them I guessed I was mistaken - I had
 " arrested them for blowing open a safe at
 " Malden - They looked at each other and
 " remained silent some time before they said

" anything -

" Cross Examination

" I was Paid for my trouble by the Chicago,
 " Burlington + Quincy Rail Road Company -
 " I received twenty five Dollars - They had
 " been at Sacon after the burglary - Geneva is
 " about half way between Tiskilwa and
 " Davenport, Iowa - The burglary was committed
 " on the 9th - I swore that I arrested them
 " on the 20th or 21st but I find on looking at
 " the Almanac that I am mistaken - It was
 " on the -

" Michael Cummings was next called and
 " examined by the Attorney for the People
 " and testified in the words following, to wit:
 " I lived at Donaldson's in January last -
 " Campbell stopped there two or three times -
 " I was there on the 9th of January - I saw
 " certain they came there in the night during
 " the fore part of January - I think it was
 " between two and three o'clock - They came
 " there after the hack had come up at 1 o'clock
 " and before the 5 o'clock train in the morning -
 " They awoke me by rapping - I took down
 " the register for them to sign their names
 " and Charlie said he would not as his
 " hands were too cold -

" Cross Examination

" There was a passenger train at 5 o'clock -
 " Don't know which way it came - One

" night before Charlie came in after the rest
 " had gone to bed - I was not surprised to
 " find them come in late -

" Joseph Zearing was recalled by the People
 " and testified in the words following: -

" The express packages came done up in large
 " envelopes - I don't know of any coin being
 " received by express - I don't know the weight
 " of the safe - I should not think it would
 " weigh more than five or six hundred - I
 " suppose the safe belongs to the Company -

Cross Examination

" When notes came for collection, we would
 " collect the money and put it in the safe -
 " We frequently collected Express charges on
 " packages sent by the Express Company and
 " placed the money in the safe in a bag by
 " itself -

" The People here rested their case - The
 " Defendant called no witnesses. The above
 " was all the testimony taken in the case.

" The People by their Attorney asked the
 " Court to instruct the Jury as follows,
 " which he did - to wit:

" 1st If the Jury believe from the evidence that
 " the defendant in this County in the night time
 " + or or about the 9th day of January last past
 " wilfully, maliciously & forcibly broke and entered
 " the office of the Chicago, Burlington & Quincy

" Rail Road Company with intent to steal the
 " Personal Property of said Company there being,
 " or that the defendant then & there wilfully, maliciously,
 " & forcibly broke and entered the Office of Henry
 " W. Ingalls, with intent to steal the Personal
 " Property of said Ingalls there being or that
 " said defendant then & there wilfully, maliciously
 " & forcibly broke and entered the warehouse of
 " said Company with intent to steal the Personal
 " Property of said Company there being, or
 " that the defendant then & there wilfully, maliciously,
 " & forcibly broke & entered the store house of said
 " Company with intent to steal the Property
 " of said Company there being, they should
 " find the defendant guilty & fix the time of
 " his confinement in the Penitentiary at not less
 " than one nor more than ten years.

" 2nd. If it is proved to the Satisfaction of the
 " Jury that the defendant broke and entered a
 " room belonging to the Chicago, Burlington and
 " Quincy Rail Road Company, and occupied
 " and used by them as an office and that said
 " room was in the warehouse or storehouse of
 " said Company, that sustains the allegations
 " in the indictment that the defendant broke and
 " entered the office of said Company, although
 " there was no outside door opening into said office.

" 3rd. If the defendant broke and entered the
 " warehouse or storehouse of said Company

" 4th Under the indictment in this case the Jury
 " may convict the defendant of Burglary or
 " acquit him of Burglary and convict him of
 " larceny, provided the evidence in the case,
 " in the opinion of the Jury, warrants such
 " conviction, + if they convict of larceny they
 " must find the value of the Property Stolen
 " to be of the value of five dollars or upwards
 " in order to his Punishment by Confinement in
 " the Penitentiary.

" 5th If the defendant stole money from the
 " possession of Henry M. Ingalls such
 " possession is prima facie evidence that said
 " money was the property of said Ingalls,
 " and if the defendant stole the money from
 " Ingalls while it was in the possession of
 " Ingalls as the Agent of the Chicago, Burlington
 " and Quincy Rail Road Company such
 " possession of such agent is prima facie
 " evidence that said money was the property
 " of said Company.

" 6th If the evidence shows to the satisfaction of the
 " Jury that the defendant broke and entered the
 " lower room of a ware house or store house belonging
 " to + in the possession of the Chicago, Burlington and
 " Quincy Rail Road Company the charge in the
 " indictment that the defendant broke and entered
 " such warehouse or storehouse is sustained although
 " it should further appear from the evidence that

49.

" Page had a lease of & occupied the upper part
" of said building and was suffered to use said
" lower room without having a lease or the possession
" of the same.

" 7th The degree of credit which ought to be
" given to the testimony of the witness Brown is a
" matter exclusively within the province of the
" Jury, and although the Court will advise the
" Jury not to convict the testimony of Brown
" alone, yet the Jury are at liberty to convict
" the defendant upon his testimony if corroborated
" in the material points by other evidence in the
" case.

" 8th (By the Court) If the Jury find the
" deft. guilty of burglary in manner & form
" as charged in the indictment they will fix
" the term of his imprisonment in the Penitentiary
" at not less than one nor more than ten years.
" If they find him guilty only of Larceny in
" manner & form as charged in the indictment
" and not of burglary, they will find the value
" of the property stolen & if it be of the value
" of five dollars or upwards they will fix the
" term of his imprisonment in the Penitentiary
" for the same period of time mentioned in
" the case of Burglary.

" The defendant by his Counsel objected to the
" giving of said instructions but his objections

" were overruled by the Court and the instructions
 " were given, to each and all of which instructions
 " and ruling of the Court the defendant by his
 " Counsel then and there duly excepted.

" The defendant then asked the Court to instruct
 " the Jury as follows ~~to~~ in behalf of the defendant,
 " to wit:

" The Court instructs the Jury on part of the defendant
 " as follows:

" 1st Penal Statutes are to be construed strictly;
 " If the Jury believe that the Chicago, Burlington and
 " Quincy Rail Road Company rented the whole
 " building in which the freight office mentioned in
 " the first count, to N.B. Page, and only retained the
 " said office to do their own business, and if they
 " further believe that the outside entrance to said
 " office and to the remaining portion of said building
 " is the same, then they must find for the defendant
 " as to the first count.

" 2nd. If the Jury believe from the evidence that
 " the office mentioned in the second count of the
 " indictment is in a building the whole of which
 " except said office has been rented by the Chicago,
 " Burlington + Quincy Rail Company to a third
 " person, and if they further believe that there
 " is but one common entrance from the outside
 " to the said office and the balance of said
 " building, then there is a variance between
 " the proof ~~between~~ and the second count of
 " said indictment, and they cannot find the

" defendant guilty upon the second count.

" 3rd The first and second counts charge the
" defendant with having entered the office of the
" Chicago, Burlington and Quincy Rail road Company.
" If the Jury believe from the evidence that the
" said office was equally the office of the American
" Express Company or of the Beloit Reaper
" Company, they cannot find the defendant
" guilty under the first and second counts.

" 4th If the Jury believe from the evidence that
" the office mentioned in the indictment was that
" of the American Express Company, or that it
" was as much the office of the American Express
" Company as that of the Chicago, Burlington
" and Quincy Rail Road Company, then they
" cannot find the defendants guilty under
" the counts alleging the offence to have been
" committed in the office of the Chicago, Burlington
" and Quincy Rail Road Company or of Henry
" M. Ingalls.

" 5th If there is a reasonable doubt in the
" minds of the Jury that the money charged
" to have been stolen in the first and second counts
" belonged to the railroad Company; if they
" believe it might have been the money of Ingalls
" or of the American Express Company, then they
" should find for the defendants under said counts.

6th A Store house is a building for keeping grain or goods of any kind; and if Prosecution have not strictly shown that the building charged in the 3rd Count of the indictment to have been burglariously entered by Campbell was used as such Store house by The Chicago, Burlington & Quincy Rail Road Company, or if the testimony shows that the said building was the Store house of any else but that of said Rail road Company then the defendant cannot be convicted under the 3rd Count of the indictment.

7th If the Jury believe that the money charged to be stolen in the first three Counts of the indictment was the money of the American Express Company or of Henry M. Ingalls, then, as it is alleged to be the money of the Chicago, Burlington and Quincy Rail Road in said Counts, they cannot find the defendant guilty under these Counts; or if they have any reasonable doubt that said money was the money of said Rail road Company they cannot find the defendant guilty under these Counts.

8th The fourth Count charges the defendant with having entered the office of Henry M. Ingalls; If the Jury believe from the evidence that Ingalls was the Agent of the Chicago, Burlington and Quincy Rail Road Company, then the possession of Ingalls was that of said Rail Road Company, and the Jury cannot find him guilty under

" the Fourth (4th) Count; or if the Jury believe
 " from the evidence that said office was equally
 " the office of the American Express Company,
 " they cannot find the Defendant guilty under
 " the Fourth (4th) Count.

" 9th The Fifth (5th) Count charges Campbell
 " with entering the warehouse of the Chicago,
 " Burlington and Quincy Rail Road Company.
 " If the Jury believe from the evidence that the
 " warehouse in question was rented to N.B. Page
 " prior to the Commission of the offence charged
 " and was then in the occupancy of said Page
 " as lessee, the Jury cannot find the defendant
 " guilty under the fifth (5th) Count.

" 10th The mere fact of three (3) quarter dollars
 " being found on the Person of Campbell at
 " the time of his arrest does not afford evidence
 " of his being connected with the burglary
 " charged in the indictment; unless the Jury
 " believe under their oath that the three quarter
 " dollars were a portion of the same taken
 " out of the building mentioned in the indictment.

" 11th The object of punishment through the
 " aid of a Court of law is to prevent others
 " from committing crimes, and of correcting
 " the offender. And it is the duty of a
 " Jury when they do find a prisoner guilty
 " to go no further in apportioning his punishment

" them to answer the strict ends of justice.

" 12th

" The infamy of an accomplice who is used by
 " the Prosecution for the Purpose of Convicting
 " another defendant in the same Crime, is not
 " removed by his being discharged; the penalty
 " is only removed. The Jury have the right
 " to fix the degree of credit due to the testimony
 " of Brown, and ~~that~~ they have the right to
 " fix that degree by considering the fact, if proved
 " that his final discharge depends upon his
 " swearing upon the witness stand to the
 " Confession made by him for the Purpose of
 " obtaining that discharge; And if the Jury
 " believe that Brown has wilfully sworn
 " falsely in any one material Particular in
 " his testimony, they have the right to exclude
 " all his testimony. And the latter rule
 " of law applies more forcibly to the testimony
 " of an accomplice than to that of an ordinary
 " witness.

" 13th It is a presumption of the law that
 " the Character of Campbell is as good now
 " as if he had not been charged with the
 " offence of burglary. His guilt must
 " be made out by evidence so conclusive as
 " as to exclude any reasonable supposition of
 " his innocence, and the Jury are obliged by the
 " law to give the defendant the benefit of every
 " reasonable doubt.

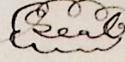
" The first and second of which instructions,
 " the Court refused to give, to which ruling
 " of the Court in refusing the defendant's instructions
 " the defendant by his Counsel then and there
 " duly excepted.

" The Case was then given to the Jury who after
 " having first retired to deliberate on their
 " verdict returned into Court with the following
 " verdict, to wit:

" We, of the Jury do find the defendant Charles
 " Campbell guilty of Burglary in manner and
 " form as alleged in the Indictment, and do fix
 " the term of his imprisonment in the Penitentiary
 " at three years."

" The defendant then moved the Court for a
 " new trial, which motion was overruled by the
 " Court, to which ruling of the Court in overruling
 " defendant's motion for a new trial the defendant
 " by his Counsel then and there duly excepted.

" The defendant then moved the Court in
 " arrest of judgment, which motion was
 " overruled by the Court, to which ruling of
 " the Court in overruling the defendant's motion
 " in arrest of judgment the defendant by
 " his Counsel duly excepted. And forasmuch
 " as the matters and things hereinbefore set
 " forth do not appear as matters of record
 " the defendant asked that this his bill of
 " exceptions be signed and sealed by the
 " Court according to the Statute in such case
 " made and provided, which was done.

M. E. Hallister 
Judge

State of Illinois }
Bureau County } Es. J. George M. Radcliffe
Clerk of the Circuit Court within and for
said County do hereby certify that the foregoing
is a full true and perfect copy from the record
and files of said Court of Proceedings had
therein at the ~~December~~ March Term A. D. 1861
thereof, in a certain Cause wherein The People
of the State of Illinois were Plaintiffs and
Charles Campbell (indicted together with one
John F. Brown for Burglary) was defendant.
And I do further certify that the book
accompanying this transcript of record, marked
"A" and to which is attached ^{with the Seal of said Court} a certain agreement
set out at Page hereof, is the book
mentioned in the foregoing copy of Bill
of Exceptions as marked "A".

In testimony whereof I have
hereunto set my hand and
affixed the Seal of said Court
at Princeton this 13th day of
April A. D. 1861.

Geo. M. Radcliffe Clerk.
by Char. J. Peckham Deputy



Apr 11. P.D

Charles Campbell

vs

The People

records, appointment
of errors

Filed April 17. 1861
A. Belmont
Clerk

W. S. Robinson Clerk

In The Supreme Court
Third Grand Division
April Term AD 1861

Charles Campbell
Plaintiff in Error }
vs } Indictment
The People &c } Burglary.
Defendants in Error }

And now comes the Plaintiff
in Error by Eckelskye his Attorney and says
that there is error in The Record in the above
entitled Cause; and asks that the same may
be enquired into on the following assignment
of Errors

First The Court erred in overruling the Defendants
motion to quash the indictment and
Second each count thereof -

The Court erred in permitting The People
&c to prove the charter of the Chicago and
Aurora Rail Road Company and its
change of name to the Chicago and South
Western Rail Road Company; and its auth-
ority to consolidate its track with the
Central Military Tract Rail Road
Company; by the production of what
purported to be the Session Laws of the
Second Session of the General Assembly

of the State of Illinois for the year Eighteen
Hundred and Fifty-Four (1854) without
requiring any other proof than the book
itself that it was an authorized copy
of said session Laws

Third

The Court Erred in admitting in evidence
the Articles of Consolidation of the Chicago
Burlington and Quincy Rail Road
Company and the Central Military Road
Rail Road Company.

Fourth

The Court Erred in giving the first,
second, fourth, fifth, sixth and seventh
instructions asked by the People.

Fifth

The Court Erred in refusing the first and
second instructions asked by the
defendant

Sixth

The Court Erred in overruling the
defendants motion for a new trial

Seventh

The Court erred in overruling the
defendants motion in arrest of judgment

Considered Error by

D. Jones

State Attorney

No. 11. P. 2

No. 11. P. 2

Charles Campbell
Plaintiff in Error

vs
The People &c
Defendants in Error

Assignment of Errors

Filed April 17, 1861

W. L. L. L.

Clk.