

14334

No. _____

Supreme Court of Illinois

Loucke

vs.

Bd. of Supervisors of
Kendall Co.

STATE OF ILLINOIS,
SUPREME COURT.
Third Grand Division.

No. 94

14834

Lawrence

Lawrence

882

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Supreme Court of Ill. - 3^d Division -

To April Term A.D. 1862.

Walter Loucks

vs

Board of Supervisors of Kendall Co. et al.

Abstract -

by Loucks

Pg. 1. Bill filed in Kendall Co. Circuit Court Nov. 9th 1859 -

2. Bill alleges that Compt. Loucks is a citizen of Ill. & a resident & tax payer of Kendall Co. & owns a large amt. of property in Kendall Co. subject to taxation - that the village of Oswego ~~was~~ when present Constn. of Ill. was adopted, & ever since has been, & now is, the County Seat of Kendall Co. & that said County now owns a parcel of land in Oswego suitable for Co. buildings & has, at ^{the} ~~great~~ expense, ^{of about \$12,000} erected a large Stone Court House & other improvements containing suitable rooms for the transaction of the business of the Courts & of said Co. - that the village of Yorkville lies near the left or south East bank of Fox River in Kendall Co. & about 6 miles from Oswego & that Bristol lies near but not immediately on the right or N. W. bank of Fox River at a point within Kendall Co. & directly opposite Yorkville, but at a point on Fox River directly ~~opposite~~ across said river from Yorkville & that at that

point said river is often too deep to be
forded & too rapid for convenient passage &
that at that point in said river there is an island
lying between said villages about 200 feet wide
& about 600 feet long & is so low as to be subject to
frequent overflow by Fox River when swollen by
freshets & is wholly unfit for a Court House
or any County buildings - that Yorkville is situated
in township called Kendall & Bristol in the
township called Bristol - Kendall Co. having
been organized under the township organization
laws of Ill. that Yorkville & Bristol are rivals &
have been for many years - & from have long been
Candidates for the Co. Seat - that before 1845 the
Co. Seat was at Yorkville - that the subject of
removing Co. seat from Yorkville to some other
point was often agitated & that upon all such
occasions certain of the inhabitants desired Co. seat
to be at Bristol - that on 2 or more occasions elections
were held to ascertain the wishes of the people of the Co.
as to the location of a permanent Co. Seat - & that at
each of these elections Yorkville & Bristol were each
voted for among other places in all cases were rivals -
that the last election held for that purpose before
the adoption of the present Constitution was ^{held in Kendall Co. in September} 1845
under an act of the Legislature passed for that
purpose & the following points rec^d votes as follows:
Oswego 456 - Oswego Mills 4. Orange 18. Lisbon 3.

1
Mts Vernon 55. Newark 108. Bristol 150. &
Yorkville 74. Oswego rec^d: a majority of all the
votes polled & the Co. Seal has remained at
Oswego since then - but the question of its removal
there from has been discussed for many years &
at all times Yorkville & Bristol have each had
numerous advocates - that some years ago said
Kendall township built a bridge across part of
said river leading from Yorkville on the left
bank of said river to said island - & said Bristol
township also built a bridge leading from the right
bank of said river to said island in said river &
that said bridges are entirely distinct & separate
& built by distinct corporations & funds - & the
mode of passage from Yorkville to Bristol was by
said two separate bridges & that there is not & never
has been in Kendall Co. a bridge known as the
"Bristol & Yorkville Bridge" - that the purpose
of the 5th sec. of the 7th Art. of Constn of Ill. was
to give stability to the location of Co. Seats & prevent
their removal unless a majority of the voters of the Co.
had consented to the removal & concurred as to the place
& that no voter should be allowed to vote for a removal
under the influence of a hope that the Co. Seat would be
fixed at a point desired by such voter when the effect
or tendency of such vote might be, to locate same at some
other point - that before the meeting of the
Legislature in Jan'y. 1859 Bristol & Yorkville
had many advocates, but it was generally believed

that neither could get a majority of the votes, but it was hoped by some that by a combination of the friends of Bristol & Yorkville a majority might vote for a removal from Oswego - that in fraud of the terms & intent of the said provision of the Constⁿ & in violation thereof & for the sole purpose of making such combination for a removal from Oswego, a plan was devised & in pursuance thereof, the Legislature was induced to pass "An act for ~~re~~re-locating the County Seat of Kendall Co." Approved Febr. 24th 1859 - (See session laws of 1859 pgs. 45 & 46. or see Record pg. 8-) - that the circle described in 1st sec. of said law ~~is~~ embraces a part of Bristol on which Co. Seat might be located, & also a part of Yorkville on which Co. Seat might be located - & that the device of so describing said point was introduced as an evasion of the Constⁿ & the sole purpose of the language of the description of the point was to embrace within the place to be voted for a point in Bristol & also a point in Yorkville on which Co. Seat might be located & thus combine at the election the friends of both points against Oswego - that said act is unconstitutional & void - that by the terms of said act the space in said circle is not to constitute the Co. Seat but that the enactment, that after the selection of the site for the public buildings the Board of Supervisors shall make arrangements for the erection

of such buildings to be erected before Nov. 1st 1866
 & that when said buildings shall have been erected
 & accepted, the Court, Office & public records shall
 be removed, held & kept in said buildings on
 said site, does in fact provide that the "site"
 so selected after said election shall be the Co. Seat
 & not the space or "point" so called, embraced
 in the Circle - that the place of to which Co. Seat
 is to be removed is not fixed by said Law
 but by the terms of said Act is left to be fixed
 by Com^{rs} after the election - for "the Court
 Office & records" are forever to be held & kept in
 said building or buildings on the site to be
 selected by ^{said} Com^{rs} - that if by virtue of said
 Act, the site selected should be on some
 Block in Bristol & pub. buildings should be
 erected thereon & the Court be removed thence,
 it would be illegal for the Co. authorities therefore
 to select a new site for such buildings in
 Yorkville however desirable, though the new
 site might be within the Circle - that said
 Act on its face is in violation of the Constⁿ.
 & that it is void, also, because it enacts that
 the Co. Seat ~~shall~~ may be removed upon a
 majority merely of the voters voting for or against
 removal, whereas by the Constⁿ a majority of
 the voters of the County is requisite, & the
 intention of the Legislature in this regard is manifest

because the act does not provide for the return of any votes except the votes for and against removal - that said act is void for uncertainty as there is no such bridge as "Bristol & Yorkville Bridge" therein mentioned & therefore the place spoken of in the act is not designated at all - that said act is void in not having prescribed with reasonable certainty the mode of holding the election & in not having provided by law a mode of ascertaining whether a majority of the voters of the Co. ~~have~~ have or have not voted for removal -

(For other objections to the act see the Bill on pages 13, 14, 15 & 16 of the record.)

Bill further alleges, that on 1st Tuesday in April 1859 elections were held in the several townships in Kendall Co. at which votes were cast "for" ^{removal} & "against" ^{removal} removal & that afterwards & before Sept. 12th 1859 Jeremiah J. Cole Clerk of the Co. Court of Kendall Co. spread upon the records of his office a writing (for a copy of which see record pg. 17) purporting to be the election returns &c. showing 1282 votes for removal & 649 against removal - that said writing was not the return made by any board of election nor a copy of any return made by any who acted as officers at said election - nor is it

a just compilation of any document purporting to be returns of an election held under said Act - that said Cole acted unwarrantably & that said elections were irregular & not in conformity with the Act & the result was not ascertained in a manner required by law nor properly attested by the several boards of election - that the returns made to Cole from the boards of election of the several towns (except perhaps one or two) did not purport to be returns of an election held under said Special Act for the re-location of the Co. Seat - nor to be returns of an election held or of votes cast at the time & place of holding town meetings for election of town officers - that about Sept. 12, 1859 Cole notified by written notice, (for a copy of which see pg. 19) the Board of Supervisors at their first meeting after the elections, of the result thereof as he said, which notices Cole spread upon the records of his office - that there were not then returns on file in said office "duly attested according to law" showing any such result as that stated in Cole's notice - but said returns were irregular & not duly attested according to law - that at a part of said elections the elections for & against removal were conducted at ^{the} time & place of & in connection with the elections for town officers, using but one ballot box & each voter using

But one ballot or ticket, & that in some of
the towns the voting was done at a time than
that of holding election for town officers, & this
was unlawful because against said Act.
And the voting in connection with the
election of town officers was invalid because
it furnished no means of ascertaining the
"majority of the votes of the County" as required
by the Constn - That the Board of Supervisors of
Rendell Co. on Oct. 7th 1859 adopted & entered of
record for the purpose of preparing for the removal
of the Co. Seat pursuant to said Act the following
order: "Ordered that a tax of three mills on the
one dollar be assessed on the taxable property for the
purpose of building County buildings" - That
said Cole Clerk as aforesaid is now preparing the
tax lists to be delivered to the collectors of the towns
for the collection of State & Co. taxes, for purposes
general & special & that in the preparation of said
tax lists, said Clerk is putting upon the same
over & above the taxes for ordinary State & Co. purposes,
the said three mill tax ~~so~~^{so} ordered by the Supervisors
& is about to furnish the collectors of the townships
the lists, books & papers to collect said 3 mill tax -
That the Supervisors have not as Courts under
the 5th sec. of said Act selected the site for pub.
buildings & have made no arrangements to
erect same except to levy said tax - that said
Board consists of 9 Supervisors, 3 of whom favor Yorkville

3 favor Bristol & 3 are opposed to locating buildings in either Yorkville or Bristol - that a majority of the Supervisors voted the tax, because they feared if tax was not levied before site selected & other arrangements made for erection that a majority of the Board could not be induced to vote an adequate tax for the erection - that when order for tax made, Board had no evidence tending to show that a majority of the voters of the Co. had voted for removal, except said written statements of said Cole so spread on the records of his office - that a majority of said Board intend soon to take measures for removal of the Co. Seat under said Act by making contracts re. for erection of Co. buildings at some point within said Circle - that Complt. resides near Oswego & is the owner of much real estate in & near Oswego, the value of which is enhanced by Co. Seat being at Oswego. & would be seriously depreciated by a removal & for the purpose of securing this enhanced value, Complt. gave Kendall Co. the land on which present Court House stands without other compensation -

Prayer that said Act may be held void, said elections declared invalid & that Complt. be forever enjoined from taking steps for removal of Co. Seat from Oswego under said Act or said elections, & from collecting said 3 mill tax ^{or erecting public buildings} & that an injunction be granted for these purposes

until the further order of the Court -
Oath waived -

- 25 Order for injunction in conformity with
Prayer - bond in \$2000 -
- 26 Diagram (being Exhibit C A) Showing position
of Bristol, Yorkville River -
- 27 Injunction - issued Nov. 7. 1859 - served Nov.
10. 1859 - return on p. ~~28~~ 29 -
- 32 ~~30~~ Stipulation - that case may be heard in Chamber at ~~Albany~~¹⁰
33. The Original answer of the Board of Supervisors -
filed Jan'y. 20th 1860 - (Answer did answer
after wards filed see p. 69) -

55 to 59 Affidavits of

59 Exceptions to ans. of Board filed Jan'y. 24th 1860. &

62 additional Exceptions Feb. 23. 1860.

65 Order of Circuit Court of Kendall Co. that depts. have leave to file their answers & proffs. - depts. move to dissolve injunction - by agreement ordered that motion be heard in vacation before Judge Hollister at his Chambers in Ottawa - & that decree be entered herein as of present term as per stipulation -

65 On Feb. 14th 1860 in vacation at Chambers in Ottawa before Judge Hollister, venue changed to

66 Kane Co. & entered of record as of Jan'y. 20th 1860.

69 Amended answer of Board of Supervisors - filed May 9th 1860. This answer admits the allegations of the Bill except as herein after stated -

This answer states that the building at Oswego is too small for the convenient transaction of public the Gov. business - the Court room ^{now} may be sufficient, but the offices too small - that Oswego is not a convenient or suitable place for a Co. Seat - to accommodate the whole Co. & that a majority of the citizens have long been dissatisfied with it - desire that Yorkville & Bristol as originally laid out extend to Fox River - that just above & below said villages the water is slack & nearly still at all times & can easily be ferried - that within said circle (but not on the island) are good grounds for public buildings -

or have been
- denies that said Villages are ^{or have been} Rivals,
That said bridges were built by subscrip-
-tions & by funds raised by the two towns jointly,
& that the bridges are connected by an
Embankment across the island & that
the whole is generally known as the "Bristol
& Yorkville Bridge". That since the erection
Each town has agreed to ^{& has} kept in repair that
part within its own limits - that prior to
the meeting of the Legislature in July, 1859 a large
majority of the voters of the Co. were in favor of removal to
either Yorkville or Bristol or the immediate vicinity -
denies fraud & combination & insists that the
act is Constitutional & proper - that the object was
to enable the Supervisors ^{as comes} to select a suitable site upon either
side of the River as they might deem proper - that either
of said Villages would best accommodate the people
generally - that the point for removal is sufficiently
fixed in the act - that the votes for & against
removal were duly returned according to law &
duly certified to the Board of Supervisors & that the
Supervisors were proceeding ~~was~~ according to the
act to locate the site & provide for the erection of the
buildings where enjoined by the writ in this case -
that the election was held in all the towns on the
same day & on the day fixed by the act - that there
were returns on file duly attested - that the returns
made to Co. Clk. show that the proceedings were regular

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that the elections were regular & - that a majority of the voters voting at the election will be presumed to be a majority of the voters of the Co. - denies that the Board have officially expressed their views in ^{favor of any particular} regard to the point for location - believe that the majority would readily agree upon a site - denies that the Board voted the tax for the reason assigned in the Bill -

91 General replication - filed May 31st 1860 -

96 Co's answer - filed Nov. 20th 1860 - This answer states that Cole acted in conformity with what he supposed to be the law - explains how the returns were made & canvassed & - It does not materially conflict with the allegations of the Bill -

108 Gen. replication & filed to Cole's ans. Nov. 20th 1860.

113. Deposition of Elias Black - a Miller - resided in Millford & Yorkville about 14 years - between 100 & 300 people in Yorkville - from 200 to 500 in Bristol - Y. is on S ^{bank} side of River & B on N bank nearly opposite - island is ^{almost} in centre of river - the channel is about 30 ft. narrowest on N. side than on S side - island about 200 ft. wide & 500 ft. long - water overflows the island - The N. line of town plat of Y. runs down to the river & has been so laid out 1 1/2 or 2 years - Suppose the object in fixing the point on the island & making a radius of 20 chains was to give the Supervisors a chance to locate it on either ^{S side} side of the river.

113
- Saw a number of petitions to the Legislature for
removal of P. Seal from Oswego - 15 chains radius in
the petition - township line between Y. & B rivers, Thelie,
near the centre of island - there are 2 bridges - one from
B. to the island 150 ft. - the other from island to Y. 190 ft. -
they were built by towns of Kindell & Bristol partly by tax &
partly by subscription - there is a space over the island
between the 2 bridges of about 200 ft. not bridged - The
original bridges were built by the 2 towns, but being carried
away by a freshet the present bridges were built by the
towns separately - neither of said bridges crosses the town
line between B + K. - island overflowed about once
in 3 years so that could not cross - taking middle of
island for the centre circle would extend beyond bank
of river about 250 ft. less than $\frac{1}{4}$ of a mile on the Bristol
side & about 290 ft. less than $\frac{1}{4}$ of a mile on the Yorkville
side - the land in that circle from 30 to 60 ft. higher
than the bed of river, I think - there is an ear bankment
about 2 ft. high between the bridges & near them a little
higher - in the freshet of 1857 there was from 6 to 10
ft. of water on the island - distance from ear bankment
to W. end of island about 300 ft. - don't know the
average height of banks of island in ordinary stages of the
water - perhaps 2 feet.

119. Deposition of Wm Granwood - a farmer - resided in Bristol 17 years - bridge leading from B. to island is at foot of hill running S to island in center of river - built about 8 years ago - & carried off by freshet about 3 years ago - it was built by the towns jointly & repaired by town of B. after the freshet - present bridge built on original abutments summer after freshet - all the superstructure carried away by freshet & abutments slightly injured - bridge on the Yorkville side built by Dyer & Lane for towns of Kendall & Bristol - Y. is in the town of K. - it was carried off in winter of 1857 - it was repaired at expense of town of K. but a large part of the old materials were used - the island is not a suitable place for a Co. seat - B & Y were both voted for at the election in 1845 - during last 6 or 8 years I have heard citizens say they were dissatisfied with Oswego for a Co. seat & if any combined movement could be made for its removal they would vote for either Y. or B. - heard no other points spoken of - it was not generally understood that it was necessary to combine ^{the vote of} B & Y to effect a removal - had the point of location been fixed in the Act at Yorkville the vote in B would have been different 15 or 20 votes - the village of Bristol is in the town of Bristol & Y. in town of Kendall - B is on the N. side & Y. on the S side of the island - don't know about rivalry, but people of each town think ~~that~~ their town contains best site - have heard that Supervisors were divided - ~~and combining as stated in Bristol~~

- the location at Oswego is good for that town but not for the Co. - the offices are too small - the Court room is a good room for size - think present Court House was built in 1846. - ~~z~~ there are 9 Supervisors in the Co. ^{I know 2 were} ~~z~~ in favor of Bristol, & one in favor of Yorkville - don't know how the other 6 were - the Supervisors levied said 3 mill tax - the Court House in Oswego is about $4\frac{1}{2}$ miles from E line of the Co. & about 3 miles from the N. line - the Co. is 18 miles square -

129. Deposition of Wm Cowdry. Kendall Co. organized in 1842 or 1843, I think - think there is a spirit of rivalry between citizens of Yorkville & Bristol - Y & B were both voted for as separate points at the election for removal of Co. seat from Y. to Oswego - in the last 5 or 6 years the question of removal from O. has been agitated & both Y & B have presented claims & manifested much anxiety for their success - saw only one petition for re-location in fall of '58 or winter of '58-'59 in the hands of Dr. Hopkins only - it was a petition to Legislature to pass an act for the people of the Co. to vote for or against removal of Co. seat to ~~the island~~ ^{some} a point in the island between the bridges as a point from which a radius of 20 chains within the circle of which the Co. seat might be removed - I understood this was to unite the towns of Y & B. in favor of removal - the prominent men of each place wanted the Co. seat there & each had plans therefor -

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- these men deemed it necessary to frame the Bill
in the way it was in order to secure the vote in favor of
removal but don't mean to charge that there was a
conspiracy - had the point been fixed at Y, the
vote would have been different in B. - three of
the Supervisors were in favor of Y, 3 for B + 3 for
the island - the Board voted said 3 mill tax - I
was present - present Court House answers a
first-rate present purpose - island is nearly in
the centre of river between Y + B I step slightly
nearer the Bristol than the Yorkville side - the
circle would take in a respectable portion of Y +
B. - think these towns are miles in feeling &
interest - this rivalry existed in 1858 & for years
prior thereto - the citizens of Y + B intended to unite
to secure the vote for removal - Court House was
built in '46 or '47 - the original contract price was,
I think, about \$7,500 - I think there were extra allowances -
Compt. - donated the land - Board have not yet
voted for or selected a site -

140 Deposition of Geo. M. Rice - don't know no. of
people in township of Bristol - may be 2000 - may be
more - ~~was not a resident of the town~~ - don't think
I would have voted for removal had the point been
fixed at Y. - I thought it would be located at B. +
so voted for removal - think present Co. buildings
insufficient for any considerable length of time if
population should increase as it has done - but
I am not a judge in such matters -

- Should think it natural that rivalry should exist - have heard that the Supervisors were divided - some for Y & some for B -

145 Deposition of Lewis Richard - think the building sufficient for a Court House & all Co. purposes - I reside in town of Bristol - is land not suitable for Co. buildings - Many people would not have voted as they did if they thought the Co. Seat would be at Y. they would have voted against removal in such case - they said they should vote for removal because they thought Co. Seat would be at Bristol - the people of Y. thought they would get it there - the vote of B. would have been 43 less for removal had the point been fixed at Y. - Suppose the Supervisors thought if they voted the tax "they could then go on & stick the stakes & it would all ^{be} right" -

Compt. donated the land in '44 or '45 or there abouts - Y & B have always been prominent points for location when removal agitated. The present bridge on the Bristol side was built by Bristol alone & by tax levied on the town - the bridge on the Yorkville side was built by town of Kendall -

151 Deposition of John Newell - have heard removal agitated twice - first in '45 or '46 or there abouts & second in '59 - the points in '48 were Y. Pavilion & Bristol, I think -

also at the S. end of Au Sable Grove, also the
geographical Centre of the Co, also Sterling &
Oswego - in '59 the points were B, Y, &
Oswego - 3 points, I think - in 1848 & previously
the Co. Seat was at Y. - ^{about} that year it was removed
to Oswego by a vote of the people of the Co. - Compt.
donated the present site at O. - O. is a pleasant
place. & the convenience there good enough - but a
portion of the people of the Co. travel some ways to
get there - Court room ~~is~~ convenient re-
doubt know as to the Offices - saw a petition in
fall or winter of '58-'59 to Legislature for removal
circulated by Rev. M. Lewis - the points
designated was B. or Y. - I think there is some
rivalry & anxiety - between B. & Y. to get the Co. Seat
- island not suitable - it is directly in the river
between Y. & B. & a little nearer B. than Y. - the bridge
from island to Y. was built & is supported by town of
Kendall, & the bridge from island to B. was
built & supported by town of B. - have heard
there was conversation to combine vote of both
towns. to effect a removal - the 3 mill tax
was levied, & it was deducted from my tax receipt
for 1859 - I think there has been no site selected
by the Board - if the point had been fixed in
the act, I think the vote in '59 would have
been somewhat different - the walls of the
Court Hs. are cracked but safe enough - no worse
than they were 5 or 6 years ago - there has never

been a jail built in the Co - don't think the island as good a location for Co. Seat - as the one in Fox River between East & West Aurora in Kane Co - I was present at the election in town of Kendall in Spring of 59 I was then a voter, but did not vote, because I did not like ~~the~~ some of the men on the ticket for town offices & I was indifferent on the question of removal & was threatened that if I did not vote for removal I need not expect ever to be supported for office in the Co. - I felt insulted & therefore did not vote - There is a room about 15 rods from Court Hs, used to keep prisoners in during Court time, but it is not safe without some person as a guard - have attended the Courts for last 2 years as a Constable - Some of the towns have instructed their Supervisors to oppose the building of a jail at Oswego, a portion of the Co. being dissatisfied with O. as a Co. Seat - ~~the~~ ² persons who threatened me reside in town of Kendall -

164. Deposition of Charles H. Raymond - vote would have been different in Bristol, if Y. had been the point of location - I voted for removal from O. - don't know as I should had point been fixed at Y. - I have resided in town of ^{Bristol} B. about 17 years - think there is rivalry in interest & feeling in regard to Co. Seat between Y. & B. -

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165. Deposition of James Greenacre - reside in Bristol
township & have about 23 years - haven't heard
removal from O agitated for last 2 or 3 years -
I voted for removal from O, but think I should
not had Y. been fixed as the point in the Act.

166 Deposition of Stephen Nellis - resided in town of
Bristol in ^{April} 1859 & for a little more than a year
previously - know nearly all the citizens of Y & B.
- have heard them talk of removal - heard the
Bristol folks say they would sooner have it at
Oswego than at Yorkville - I voted for removal
from O - had the point been fixed at Y, don't
know as it would have made any difference with
me in regard to my vote, but have heard others
say that it would with them - the vote of B.
for removal would have been considerably less
had point been fixed at Y in the Act - There is
a spirit of rivalry between Y & B, & it existed
prior to March 1859 - during my residence
in B, question of removal from O, was
agitated by ^{the} people of Y & B, - both were talked
of as prominent points - & it was generally
understood & talked of by people of both Y & B, that
it was necessary to unite & combine the interests &
feelings of both Y & B in order to carry the vote
in favor of removal against Oswego -

169 Deposition of Henry A Francisco - resided in Bristol, nearly 5 years - have heard removal some talked of by citizens of Bristol - I have ^{myself} talked with Hopkins on the subject - both B & Y have been spoken of as points - Some thought Y the most central & some thought B the best - I voted for removal from O in 1859, but would not had Y point been fixed at Y.

170. Deposition of Ebenezer Morgan - reside in town of Oswego - & have since town was organized - I reside about 2 miles from villages of Y & B - & know a good many of the people in those villages & they have agitated the question of removal during last 2 or 3 years & Y & B have been spoken of as prominent points for the Co. Seat - There has been for last 2 or 3 years a spirit of rivalry for the Co. Seat between Y & B - have heard two of the principal property holders (one from Y & one from B) say ^{indirectly} it was necessary to combine to carry the vote for removal - have heard some favor Y, as being more central & others favor B on account of a fine public square.

172 Deposition of Asa Manchester - resided in Big Grove, Kendall Co. since 1839 - have heard removal agitated ~~in~~ during last 3 or 4 years - J & B have been spoken of as prominent points - had point been fixed at Bristol in the Act, vote would have been different in Big Grove - I should have voted against removal - I did not vote at all -

174. Deposition of Albert Cook - have resided in Newark 5 years - question of removal agitated by the citizens of Kendall Co. within last 3 or 4 years - & by a portion of people of J. & B. - J has been the prominent point at all times - there would have been a large majority against removal in town of Big Grove had point been fixed at Bristol in the Act -

175 Deposition of Wm Lutzens - resided in Newark for last 9 years - ^{pretty well} acquainted with people of J & B - they have agitated removal for last 2 or 3 years - & by them J & B have been spoken of as prominent points - there has been a spirit of rivalry between them for last 3 or 4 years - Big Grove would have gone against removal had the point been fixed in the Act at Bristol - ~~the~~ majority at B. G. that I talked with ~~of~~

Favored removal Thinking Co. sent would
be at Yorkville -

181. At May term 1861 of Circuit Court of
Kane Co. injunction dissolved & Bill dismissed -
Compt. excepted & appealed to Supreme Court -

182.

Errors assigned -

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Walter Loucks

vs

Board of Supervisors
of Kendall Co. et al

Abstract.

Loucks vs Board of Supervisors of Mendocino County.

This was a Bill to enjoin the removal of the County seat from Orweyo & to restrain the raising a tax.


We claim that we should have an injunction pending the litigation in the Supreme Court, if there are ~~it~~ ^{its} enough in our case to render it a question about which there may be a reasonable probability that we are right. The removal should not be removed and expenses incurred & inconveniences caused or when the time is so near when ^{the case} ~~it~~ will be decided.

As to the propriety of the present application see *Mauplin vs Morgan* 18 Ill 293.

The main point made is that the act of the Legislature under which the vote on the question of removal was taken is a mere violation of the Constitutional provision "that no County seat shall be removed until the point to which it is proposed to be removed shall be fixed by law, and a majority of the voters of the County shall have voted in favor of its removal to such point."

Perhaps it would be too strictly to claim that the word "point" was used in the Meth-

emotional significance. I am disposed to consider that under this phraseology they go. or Ottawa, or Bristol is a point, but I do not think that ~~any~~ ^{a circle including} two clearly separated municipalities like Yorkville & Bristol can be a point. And any trick by making a circle large enough to include them or portions of them, in order to unite the voters of the two points on the question of removal under the ^{uncertain} hope (not the fixed certainty) that each point respectively may be the successful one in the contest before the Board of Supervisors is an evasion not only of the letter but of the very essence & spirit of the Constitution.

How would it be a more palpable violation of its essence & spirit to make this radius long enough so that Oswego Bristol & Yorkville would be on the circumference of the circle thus ? Suppose Yorkville, instead of being two distinct municipalities opposite each other on the river were ^{one above the other} on the river ^{about} a mile apart would ^{a 20 chain or} a radius describing a circle ^{through} pass ~~the centers~~ of each place do. The trick is too shallow to win. The evidence shows that Bristol & Yorkville had previously been held for as rival points, & that votes were ^{cast} under this law for removal which would not have

* been so east of either Yorkville or Bristol had been fixed in the act - as the points. If this Legislative circle beins we will soon have a triangle with its three angles in the centers of three distinct villages or Towns

2nd

Cell 124

We allege in the bill - that the Board of Supervisors were proceeding under color of legal authority and (setting out the returns upon which they acted) we allege that they returns did not warrant the action of the Clerk nor the action of the Board -

~~The answer also~~ The answer admits the facts - (The returns are only of the votes cast for & against removal & do not show nor was it any where shown that a majority of all the votes cast at that election were cast for removal - nor the data given from which it can be shown

(The case of People vs Warfield XX Ill - page 159 shows that we are right in the law)

To avoid this the answer of the Board sets up that in fact a majority of all the votes cast at that election were for removal

This is denied by replication and no proof whatever was given on the question -

This issue should have been found for us & that carries the case beyond all debate -

Loecks vs Board
of Supervisors

Motion for injunction
or superseding

Suggestions for
Complainant

Dicker Heland

Loucks et al }
v } Appeal from
Kendall Co } Kendall

Brief

The question presented is whether the Law of Feb 24. 1859, is in conformity to the Constitution

The Constitution provides:
"That no county seat shall be removed, until the point to which it is proposed to be removed shall be fixed by law, and a majority of the voters of the county shall have voted in favor of its removal to such point"

The first section of the act fixes the point as follows:
"By a circle having for its radius twenty chains, and for its center the middle of

the Island in Fox River, between Bristol & Yorkville bridge in the County aforesaid"

The main question is whether this act definitely fixes a point within the meaning of the Constitution

First. As to the majority of all the voters of the County. The election was a general one for town officers. The presumption of law is that all the voters of the County vote at all general elections. This is the prima facie case, and must be met by positive allegations that all the votes were not cast.

see

People v Warfield 20 Ill. R. 159.

Second. As to the definiteness of the description in the law of a "point" in the meaning of the Constitution

See for contemporaneous ~~and~~
 legislative constructions—the
 several acts & descriptions
 of the points in locating new
 county seats, under the
 new constitution:

Cass	session acts	1853	p	153
Saline	—	"	"	214
Cass	"	1857	"	193
Mercer	"	"	"	91
Saline	"	"	"	204
Gallatin	"	"	"	208
DuPage	"	"	"	209
Whitesides	"	"	"	336
Alexander	"	1859	"	41
Wilmington	"	"	"	43
Henderson	"	"	"	44

References to Constitution & Statutes

Cook Rev Stat p 69. Sec 5 Const—Co-Seat
 " " 2 Const to Division
 " " 6 Const—Genl Town Law
 " " p 327. sec 1 Town meetings—Officers
 & elections
 358 " 1 Genl elections & officers
 in towns

Cash Stat p 328 see 7. Qualifications in
Town elections

Sec 6 - Curran Town elections
476 Sec 10 - Qualifications for election

pp 468 } see 23 } Returns of elections
478 } " 19 }

First Tuesday of 1859
was 5th day of the month
See Almanac 1859.

Judge Sickey made the
following points - below -

1. Point is too small - being con-
fined to the buildings
2. " Majority must vote for removal
3. " The point is too big
4. " Qualifications of voters too
narrow.

See Sects 2 & 4.

Answer There is no allegation in
the bill that anyone was excluded
at the election.

5. Inconsistency & uncertainty

as to who shall be judges
& who clerks at said election

There is no allegation
that improper persons
acted as judges or clerks

6 Levy before site fixed -
or plans adopted - therefore
act of levy unlawful

These points were elaborated by an
oral argument in addition to the
argument in the body of the bill
- for the bill is a long argument

But I shall not go over all
this ground

Neither an appeal nor a
Super Sedas will prevent the
defendants from executing
the law by the erection of county
buildings - and the removal of the
County Seat.

The plaintiff comes here now
to ask a renewal of the injunc-
tion which the Court below
dissolved - & from which he appealed
This Court has no jurisdiction

to issue original injunctions
The case of *Champion v Morgan*
18 Ill R 293 was not such a
case and will not justify the ac-
tion asked here. That was the
act of this Court, and was a
mere order to stay execution - an
proceedings of that nature in doing
acts on the plaintiff's land
to his prejudice - until the right
to do them could be tried, in
an action then pending for
that purpose. The Court
made the order to stay these
proceedings. Here the court
is asked to issue an injunction
This Court cannot issue an
original writ of that kind
It can only do so by the reversal
of a decree dissolving one -
which has the effect to
renew the injunction

If then the court can do any-
thing, it will be to issue an
order to stay any further pro-
ceedings to levy & collect the
taxes on plaintiff. But he
asks now ~~not~~ only to stay this

Collection of him - but also to enjoin & prevent the Supervisors from removing the records & from proceedings against everybody else to collect the means of erecting public buildings

This is asking much more than a mere protection to his own interests - as was done by Champlin in his case.

But waiving this point - I proceed to meet the application upon the ground that there is no merit in the bill - and the court would not grant an injunction in a case fully open to its jurisdiction

The points made by the bill and Counsel are wholly technical. The People desired a removal of the county seat - and at a legal election so decided by a large majority - a Constitutional majority of all the voters of the County

See provisions act sec 1. Record 8
The act - sects 1-5 - Record pp 8-9 - provides for a removal upon a vote of a majority of the legal

voters of the county

The inspectors of the elections were the Moderator of the town meeting and the Supervisor & Collector - and the town clerk & one additional clerk to be appointed were the clerks of that election. These are the provisions of the act for this election - These provisions are in conformity to the Constitution So then the provisions of the act are good - & no fault can be found with it.

See Sects 5 - and 4 - for mode of certifying the result. Record p 8 - 9.

Exhibit B in Record pp 101 to 106 contains the returns of the election by the judges & clerks of election in the several precincts - and

Exhibit C. is a certificate of the County Clerk of the abstract of the votes by the Board of Commissioners.

Record pp 106 to 108.

also Record pp 17 - 18 -

By these it appears that a majority of all the votes cast on the question

3
were in favor of removal

This is all that is required. It makes out a prima facie case, which the plaintiff must rebut.

The act did not require anything more than the result of the vote on the question of removal, to be put into the certificate of the Clerk. See 2 Record p 8.

It provides that the "vote of said election shall be ascertained by the officers of said election according to the provisions of the general election laws".

The court say in People v Warfield 20 Ills R 164 - that the clerk's certificate would not have been evidence had he certified to more.

Further the court say in that case - that such a law is to be read in the light of the Constitution - and is valid - and will not be taken literally.

They say "the legislature may have assumed, and doubtless did, that all would vote upon the question" The majority

Then, voting on the question of removal, will be presumed, assumed, to be a majority of all the voters of the county.

And if the plaintiff will question this legal presumption, this prima facie case - he can make his allegations - there are none such in this bill - and the court, will try the question. The clerk cannot. He cannot certify that men are legal voters - who do not come forward to vote.

The court in that case in 20 Ill 264 - seem to read the Constitution itself as meaning - by a majority of all the legal voters of the county - a majority of those voting on the subject at least this is prima facie all practically - for neither the clerk nor board of canvassers can inquire into & certify facts not on the poll-books.

The courts must have the power to remedy this defect - and the courts will not make such an

an inquiry - unless the plaintiffs
will make allegations impeach-
ing the prima facie case
made by the poll books & return-
ing officers

The counsel for the plaintiffs
and defendants - differ widely
as to what was decided
in 20 Ills R 264. referred to.

We think that case fully
sustains us & the authority
under which we were pro-
ceeding - and it is for the
plaintiffs to make allegations
and prove them - and not for
the answer to make & prove
allegations sustaining the
prima facie case made by
a return of the votes cast -
which shows the majority required
Pethman v Supervisor Jaywell Co 19 Ills R 413-4
is very much in point. See also 17 Ills R 167.

The next question raised to show
merits in this application is
an objection to the "pouch"
fixed in the act.

I have given a list of acts
on this subject - to show that
the language is as indefinite

in all the cases, as in this - in
the description of the "parish"
& in returning & certifying
the result as a majority of the
legal voters of the County.

The legislature have evidently
proceeded upon the presumption
assumed by this Court - that
all legal voters, cast their votes
at general elections - and on
the question of removal.

The same acts have proceeded
also upon a common sense
practical meaning of "parish".

In Cass Co the points were Virginia
& Boardstown

In Sabine the act directed Commissioners
to fix upon the geographical center
of the County as near as the ground
would allow.

In Outage County the "parish" was
made to embrace a mile square

See Gen acts 1857. p 209.

So it is in Whiteside Co " 236.

See also the other acts.

Chicasso is a parish within the
meaning of the Constitution - and
yet the exact location of the Court

house & building might vary two to 8 miles under such a description. There can surely be no objection to its being in a circle instead of a square.

The real objection here is not to the size or shape as such - but because that size & shape did not exclude either Yorkville or Bristol - and so prevent their union in voting for removal.

The opponents seem to think they have a constitutional right to make & keep the voters of these two villages from uniting.

The proof does not show that the result would have been changed had all the witnesses & all others known to be of the same mind - have voted against removal.

Surely it can be no fraud to so shape a controversy as to reconcile all

hostile interests. The selection of
the ground for a new county seat
has been made with the view
of reconciling as many as
possible - and we think it
done in a meritorious and
commendable spirit - instead
of a fraudulent one.

We hope the Court will
not interfere further to balk
the people in their wish in
managing their local affairs.

W. B. Seates
Counsel for Depts

74
W. Lovells
r

Board Supervisors
Kendall co

Depts. Poets

W. B. Scates
for Depts

United States of America
State of Illinois Kane County }²

Pleas before the Honorable Isaac
G. Wilson Judge of the 13th Judicial Circuit
of the State of Illinois and presiding Judge
of the Circuit Court of Kane County in the State
aforesaid at a regular Term of said Court
begun and held at the Court House in Geneva
in said County on the third Monday (being the
twentieth day) of May in the Year of our Lord
One thousand Eight Hundred and sixty
one and of the Independence of the United
States the Eighty fifth.

Present The Honorable Isaac G. Wilson Judge
Amos B. Coon State Attorney
Demarcus Clark Sheriff

Attest
J. C. Moore Clerk.

Be it Remembered that heretofore to wit: on the
9th day of November AD 1859 there was filed in the
Office of the Clerk of the Circuit Court of Kendall
County in the State aforesaid as appears by the filing
of said Clerk upon the back of the same a bill of com-
-plaint which is in the words and figures following
to wit:

To the Honorable Madison C. Hollister Circuit
Judge of the Ninth Judicial District presiding in the
Circuit Court of Kendall County in the County

side thereof.

Your Orator Walter Lorch brings this his bill, and humbly complaineth sheweth unto your Honor, that he is, and for many years has been, a citizen of the State of Illinois, and a resident and tax payer in the County of Kendall in the State of Illinois, and that he is now the owner of, and possessed of a large amount of property real and personal in the said County of Kendall which is subject to taxation for State & County purposes.

Your Orator further sheweth unto your Honor, upon information and belief, that the Village of Oswego at the time of the adoption of the present Constitution of the State of Illinois was and ever since has been, and now is the County seat of Kendall County aforesaid, and that at said Village of Oswego, said County of Kendall, now owns a parcel of ground suitable for County buildings, and hath heretofore at great expense, erected a large stone Court House and other improvements, that is to say at a cost of about twelve thousand dollars. That said Court House contains a suitable Court Room & suitable rooms for the public business of the said County; and for the transaction of the business of the Courts of said County.

Your Orator further shews unto your Honor, upon information and belief, that the Village of Yorkville lies near the left or South east bank of Fox River in said County of Kendall and about six miles from the said Village of Oswego, and that the Village of Bristol

lies near but not immediately on the right or North West bank of said Fox River at a point within said County of Kendall and directly opposite the said Village of Yorkville, that is to say at a point on said Fox River directly across said River from said Village of Yorkville and that at that point said Fox River is a formidable Stream and is often too deep to be forded and too rapid for convenient ferriage, and that at that point in said River there is an island lying between said villages, which island is about two hundred feet wide and about six hundred feet long, and consists of low ground, so low as to be subject to frequent and perhaps annual overflow by the waters of said Fox River when swollen by freshets, and is a spot wholly unfit for the location of a Court House or any public County buildings and that the said Village of Yorkville is situated in the Township called Kendall and said Village of Bristol is situated in the Township called Bristol - said County of Kendall having been apportioned & organized under the Township organization laws of the State.

That the said Villages of Yorkville and Bristol although lying thus near to each other are rivals in interest and feeling - and have been so for many years - and that from the first organization of said County the two said villages were each candidates for the County seat of said County; and that before 1845 the County seat of said County was at Yorkville - but the subject of the removal of said County of seat from said Village of Yorkville to some other point was often mooted & agitated among the

inhabitants of said County, and that upon all such occasions the Village of Bristol was prominently presented as one of the points to which certain of the inhabitants of said County wished to have said County seat removed, and that on two or more occasions, elections were held to ascertain the wishes of the people of said County as to the location of a permanent County seat; and that at each of these elections Yorkville and Bristol were each prominent among the places voted for and in all cases were presented as rivals - And that the last election held for that purpose before the adoption of the present State Constitution was an Election held in the Year eighteen hundred and forty five in pursuance of an Act of the Legislature passed for that purpose, which election was held in said County to choose the place of the future County seat of said County and at that election divers points were voted for and the following points received votes as follows, that is to say:

Oswego received	456	votes
Oswego Falls	4	"
Orange	18	"
Lisbon	3	"
Mt Vernon	53	"
Newark	108	"
Bristol	130	"
Yorkville	74	"

Said election was held in September 1845 - and Oswego received a majority of all the votes polled at said election

And Your Oration further sheweth upon information and belief that the County seat of said County was located at Newgo in pursuance thereof and so has remained since, but the question of a removal of the County seat of said County from said Village of Newgo to some other point in said County was afterwards brought before the People; and for many years has been mooted and discussed and at all times when that subject has been agitated the village of Yorkville and the Village of Bristol have been each prominently proposed and advocated as suitable points for the location of the County seat of said County, and each of said Villages has, upon all such occasions had numerous advocates and supporters (not only within its own bounds but also in the country lying back of the same) who were of the lawful voters of said County.

And Your Oration further sheweth upon information and belief that some years ago the Township of Kendall in which Yorkville is, constructed a bridge across part of said river leading from Yorkville on the said left bank of said River to said island; And the township of Bristol in which said ^{village of} Bristol is situated also constructed a bridge leading from the said right bank of said River to the said island in said River and that said bridges are entirely distinct and separate and were built by distinct corporations and funds; and the route of passage from Yorkville aforesaid to the said Village of Bristol was by way of said two separate bridges and that there is not and never has been in said County of Kendall a bridge known as the "Bristol and Yorkville Bridge"-

Your Orator files herewith as a part of this bill a diagram marked "A" showing the relative location of said Villages - that part of said Fox River said island - and said bridges.

Your Orator further shews unto Your Honor, that by the 5th section of the 7th Article of the Constitution of the State of Illinois it is provided that "No County seat shall be removed until the point to which it is proposed to be removed shall be fixed by law and a majority of the voters of the County shall have voted in favor of its removal to such point."

Your Orator insists that the plain purpose of said clause in the said Constitution was to give stability to the location of County seats and to prevent the removal of any County seat in any case unless a majority of the voters of the County had not only consented that the same should be removed but had also concurred as to the place to which such removal should be made and that no voter at such an election on such subject should be allowed to vote in favor of a removal of such County seat under the influence of a hope that the said County seat would be fixed at a point desired by such voter when the effect of such vote, or its tendency might be, to locate the same at some other point.

Your Orator further sheweth unto Your Honor upon information and belief, that before the meeting of the Legislature in January 1859 there were among the voters of said County many advocates for the removal of

the County seat of said County to the Village of Bristol and there were also many others who were advocates for the removal of the said County seat to the Village of Yorkville but it was believed generally and no doubt truly that a majority of the voters of said County could not be induced to vote for such removal to said Village of Bristol, and that a majority of the voters of said County could not be induced to vote for the removal of said County seat to the said Village of Yorkville: but it was hoped by some that by combining the friends of both Yorkville and Bristol a majority might be induced to vote for the removal of said County seat from Oswego.

Your Orator further sheweth unto Your Honor upon his information and belief, that in fraud of the terms and intention of said Provision of said Constitution and in violation thereof and for the sole purpose of combining at an election for the removal of said County seat the aid of voters of said County who were in favor of a removal of said County seat but who did not concur as to the place to which said County seat should be removed, a plan was devised which is herein-after shown; and in pursuance of said fraudulent scheme, the legislature of this State was induced to pass, and did pass an act entitled "An act for relocating the County seat of the County of Kendall, which said Act was approved February 24th 1859 and is printed among the session laws of 1859 (published by authority of Law) at pages 45 and 46 and is in the words and figures following to wit:

An Act for relocating the County seat of the County of Kendall

Location.

Section 1 Be it enacted by the People of the State of Illinois represented in the General Assembly That the point to which the County seat of the County of Kendall may be removed be and is hereby described as follows to wit: By a circle having for its radius twenty chains and for its centre the middle of the island in Fox River between Bristol and Yorkville bridge in the County aforesaid: Provided that a majority of the voters of said County vote for its removal to such point.

Election

§ 2. That the qualified voters of the County of Kendall at the time and place of holding ~~such~~ town meetings for the election of town officers to be held on the first Tuesday of April A.D. 1859 are authorized to vote upon the proposition to remove said County seat to said point each voters intention to be defined and declared by the words "For removal" or "Against removal" And the said vote of the said election shall be ascertained by the officers of said election according to the provisions of the general election laws.

Result - how ascertained

And the said vote of the said election shall be ascertained by the officers of said election according to the provisions of the general election laws.

Officers of the election

§ 3 The officers of said election shall in addition to the town clerk and moderator as provided for at town meetings, consist of the Supervisor and Collector of the several towns and also an additional clerk who shall be sworn to perform the duties of their office the same as at general elections, and shall receive for their services the same as at general elections out of the County Treasury.

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§ 4 The result of said election being ascertained in the usual manner and properly attested by the board of said election as well for town officers as for and against removal and the result of said vote "For Removal" and "Against Removal", shall be returned to the County Clerk by the said Board of Election within four days after said election.

Returns

Notice to board of Supervisors

It shall be the duty of the Clerk of the County Court to spread said return on his records and notify by written notice the board of Supervisors at their first meeting of the result thereof.

Commissioners to select site

§ 5 If a legal majority of the votes of said County shall be for removal of said seat of justice to the point aforesaid and according to the provisions of this act the board of Supervisors are hereby constituted and appointed Commissioners to select the site in the aforesaid point for the erection of public buildings.

§ 6 It shall also be the duty of the board of Supervisors at their first meeting or as soon thereafter as practicable (if the vote shall be for removal) to cause the necessary plans and specifications to be made for the erection of a building or buildings for County purposes on said site and to make arrangements so that said building or buildings may be erected within three years from the first day of November 1859 and to levy and collect the necessary tax for that purpose.

Records to be removed

And when said building or buildings shall have been erected and accepted by the board of Supervisors the Court, officers and public records shall be removed

held and kept in said building or buildings on said site.

Provided said Court, officers and public records may be held and kept at its present site in Dewey until said building or buildings are completed and accepted by the board of supervisors.

Notice of
Election

§ 7 Public notice shall be given of said Election by the County Clerk in the newspaper printed in said County, and the Town Clerks of the several towns shall cause a copy of said notice to be posted up in three of the most public places in each town. Said notice shall state that the election is called for the above named purpose of removing the County seat of said County) at least twenty days previous to the holding of said election, but notice of said election may be published and put up in said several towns by any citizen of the County aforesaid and if actually posted up shall be deemed legal and sufficient notice of said election.

Provided also that the refusal of any publisher of any paper in said County to publish said notice shall not render said election invalid.

Expenses

§ 8 The Expenses incurred in said election and in fixing the location and in removing the County seat shall be paid out of the County Treasury of Kendall County. All acts or parts of acts which shall conflict with this act are hereby repealed.

§ 9 This act to take effect from and after its passage
Approved February 24th 1859

Your Orator further sheweth unto Your Honor, on information and belief that the circle described in the first section - said Law is so adjusted that it embraces a part of the Village of Bristol aforesaid on which said County seat might be located and also a part of the said Village of Yorkville on which said County seat might be located

And your Orator upon information and belief charges the fact to be that the device of so describing said 'point' as it is called was intended as an evasion of said provision of said Constitution and that the sole purpose of adopting such language in the description of such 'point' was to embrace within the place to be voted for a point in Bristol on which the County seat might be located and also a point in Yorkville on which said County seat might be located and thus combine at such election the friends of both said points against the present location.

Your Orator therefore insists that said act is unconstitutional and void - that by the terms of said act the space embraced in said circle is not to constitute the County seat of said County but that the enactment that after the selection of the site for the erection of public buildings the board of Supervisors shall make arrangements for the erection of such buildings to be erected before the first day of November 1862 and that when said building or buildings shall have been erected ^{and} accepted the Court, officers and public records shall be removed held and kept in said building or buildings on said site, does in fact provide that the 'site' so selected after said election shall be the County seat and not (so your

Orator insists ^{the} "point" as it is called which is embraced in said circle.

And your Honor will perceive that the place to which it is proposed to remove said County seat is not fixed by said law but is in fact by the terms of the said act left to be fixed by Commissioners after the election; for your Honor will observe that by the terms of said law "the Court officers and records" are forever to be held and kept in said building or buildings on the site to be selected by said Commissioners. And your Orator submits that if, by virtue of said act, the site selected should be on some blocks in said Village of Bristol and public buildings should be thereon erected and the Court removed thereto it would be unlawful for the County authorities at any future period to select a new site for such public buildings in the Village of Yorkville however desirable such a change of site might be, although the ^{said} new site might be within the bounds of said circle, and your Orator submits that said act is in violation of said Clause of said Constitution, and that it so appears on the face of said Act.

Your Orator further insists that said Act is unconstitutional and void because it enacts that said County seat may be removed upon a majority merely of the voters voting for or against removal. Whereas by the Constitution a majority of the voters of the County is made requisite; and the intention of the Legislature in this regard is made manifest by the fact that the act does not provide for the return of any

votes except the votes for and against removal.

Your Orator further insists that said act is void for uncertainty inasmuch as there is no such bridge as that mentioned in said act as "Priest's & Yorkville Bridge" and therefore the place spoken of in said act is not designated at all.

Your Orator further insists that said Act is void in not having prescribed with reasonable certainty the mode of holding said election and in not having provided by Law some mode of ascertaining whether a majority of the voters of said County have or have not voted in favor of such removal.

And Your Orator calls the attention of your Honor in this regard to the following uncertainties incongruities and imperfections in said act:

First - The second section of said act provides that the vote of said election shall be ascertained according to the general election laws which general election laws provide that elections shall be conducted by three "judges of election" to consist of the supervisor assessor and collector of the town and two "clerks of election" to be appointed by said judges of election, while the third section of said act provides that the town Clerk Moderator of the town meeting the Supervisor and the Collector of the town and an additional Clerk shall constitute the officers of said election.

And by the fourth section of said Act it is provided that the result of said election is to be ascertained and attested by the board of said election in the usual manner as well for town officers as for

and against removal- and it will be found that the usual manner of conducting the Election for town officers is that the election is held and the result ascertained declared and recorded by the action of but two Officers to wit: The Moderator of the town meeting and the Clerk of the town meeting.

Your Orator therefore submits that it would be impossible in holding such election to conform to the provisions of the second section of said act which requires the election to be conducted by the Supervisor and collector of the town acting as judges of election assisted by two Clerks of their own appointment acting as Clerks of the said election and at the same time to conform to the provision of the 3rd Section of said act which requires the election to be conducted by a board of officers to consist of the Moderator of the town meeting the Supervisor and collector of the town and the town Clerk and an additional Clerk acting as a "board of election" and at the same time to conform to the provisions of the fourth Section of said act which require or contemplate that the result of the election shall be ascertained and attested in the manner usual in the election for town officers; which usual manner as prescribed in the 5th article of the general Township organization law consists of an election conducted by two officers only to wit: The Moderator of the town meeting and the town Clerk.

Your Orator further submits that the provision of said second Section of said act which requires

said vote to be ascertained according to the general election laws is incompatible with the ^{provisions of the} third and fourth sections of said act in this that by the general election laws the result of an election is required to be certified by the three judges as "judges of the election" and by the two clerks appointed by said judges as "clerks of the election" and such certificate is required to be delivered by one of the judges of election to the clerk of the County Court while by the provisions of the said third and fourth sections of said act said election is to be conducted by a board of five officers as a "board of election" (it being nowhere shown by said act whether said "officers of election" are to be all judges and all clerks or part of them judges and part clerks and if the latter, which of them are to be judges and which clerks) and the result is to be attested by said officers as a "board of election" and to be returned by said board to the "County Clerk"

Your Orator further submits to your Honor that if said Act for removal of said County Seat is to be construed as not requiring the removal of said County Seat upon the majority merely of those voting for and against removal; in such case said act is defective and void because it has provided no mode of ascertaining by law the whole number of votes to be cast at such election.

Your Orator further submits that by the provisions of the fourth section of said act, it is apparent that it was the intention of the legislature that the election for and against removal should be conducted and

Carried on at the same time, and by the same officers with the election for town officers in said County, and inasmuch as the 6th Section of the 7th Article of the Constitution requires that the legislation of the General Assembly on the subject of township organization shall be by a general Law, your Orator therefore insists that the provisions of this act which require said election to be conducted by five officers is in violation of said provision of the Constitution because it is not competent for the General Assembly to provide by a special law for the election of town officers in any given County in a manner differing from the provisions of the general law or in other words that special legislation touching township organization is unconstitutional.

Your Orator further sheweth unto your Honor that the provisions of said Act of the legislature authorizing said question of removal to be determined by the voters of said County qualified to vote for town officers at the town meetings precludes the idea of the question being determined by "a majority of the voters of the County" as required by the Constitution, because by the township organization law those only are qualified to vote at town meetings for town officers who have resided in the town for thirty days preceding the election; whereas by the general election law the citizen proposing to vote is only required to reside in the Township at the time of the election to qualify him to vote at such election, and thus by the terms of said act for the relocation of said County sent a portion of the

Voters of said County are precluded from voting on said question, and thus it was rendered impossible under said act to ascertain what number of voters would constitute "a majority of the voters of said County".

Your Prator further sheweth unto your Honor, upon information and belief that on the first Tuesday in April 1859 elections were held in the several townships in the said County of Kendall at which votes were cast "for removal" and "against removal" and that afterwards and before the 12th day of September 1859 one Jeremiah J. Cole who was Clerk of the County Court of Kendall County aforesaid did spread upon the records in his office a writing in the words and figures following to wit:

Pursuant to an Act entitled an Act for relocating the County Seat of the County of Kendall

An Election was held in the several towns of said County of Kendall on the first Tuesday of April A.D. 1859 as required by said Act for the purpose of voting for "removal" or "against removal"

The result of said election having been ascertained in the manner required by Law and properly attested by the several boards of election in said County it appears by said returns there was cast in the Town

Oswego	18 votes for Removal	and	364 votes against Removal
Little Rock	225 votes for Removal	"	9 votes against Removal
Fox	232 votes for Removal	"	1 vote against Removal
Kendall	240 votes for Removal	"	23 votes against Removal
Wau Au Day	5 votes for Removal	"	119 votes against Removal

Seward 9 votes for removal " 73 votes against Removal
 Lisbon 132 votes for removal " 19 votes against Removal
 Big Grove 170 votes for removal " 36 votes against Removal
 Bristol 259 votes for removal " 5 votes against Removal

And that there was 1282 votes for Removal

and that there was 649 votes against Removal

Attest

Jeremiah J. Cole

County Clerk

But your Orator sheweth unto your Honor upon information and belief that said writing so spread upon said records was not "the return" of the result of said election made by any board of said election nor is there found a copy of any return or returns made by any officer or officers who acted as officers of said election as your orator is informed and believes.

And your Orator charges upon information and belief that the same is not even a just compilation of any documents or returns, purporting to be returns of an election held in pursuance of said act for re-locating the County seat of said Kendall County.

And that the said Jeremiah J. Cole was wholly unwarranted as your Orator is informed and believes in making and signing said written statement which was so spread upon the records, On the contrary, your Orator charges upon information and belief that said elections were irregular and were not conducted according to the requirements of said act and that

the result of said election was not ascertained in the manner required by law nor as he is advised and believes properly attested by the several boards of election in the several towns of said County.

Your Orator charges upon information and belief that the returns made to said Cole from the several boards of election from the said several towns respectively (with the exception heretofore of the returns from one or two of said towns) did not any of them purport to be returns of an election held in pursuance of said special act for the relocation of said County seat nor did they purport to be returns of an election held or of votes cast at the time and place of holding town meetings in said County for the election of town officers.

Your Orator further charges that afterwards and about the 12th day of September 1859 the said Jeremiah J. Cole did notify by written notice the board of Supervisors of said County at their first meeting after the holding of said elections of the result thereof as he said which written notice was spread by the said Cole upon the records in his office and was brought to the attention of said board of Supervisors by said Cole and was and is in the words and figures following to wit

To the Board of Supervisors of the
County of Kendall & State of Illinois
Gentlemen

I respectfully notify you
as required in an Act entitled an Act for relocating

the County seat of Kendall County an Election was held in said County as required by said Act on Tuesday the 5th day of April AD 1859 the result of which was as appears by the returns of said election filed in my office duly attested according to law as follows

1282 votes for Removal

649 votes against Removal

Perman J. Cole

Co. Clerk

Oswego Sept 13th 1859

Your Orator upon information and belief sheweth unto Your Honor, that at the time aforesaid there were not returns of said election on file in the office of said Clerk of the County Court "duly attested according to law" showing any such result as that stated in said notice by said Cole.

On the contrary said returns as your Orator is informed and believes were and are irregular and defective and not duly attested according to Law.

All of which your Orator will make to appear more fully hereafter by filing in this cause full copies of said returns.

Your Orator further sheweth unto Your Honor upon information and belief that at a part of said elections held in said towns respectively the said Election for and against removal were conducted at the time and place of and in connection with the election for

Town Officers using but one ballott box and each voter using but one ballott or ticket, and that in some of the towns aforesaid said voting for and against removal was done at a time other than and different from that of holding the election for town officers, and Your Orator insists that the voting aforesaid done at a time different from that for the election of town officers was unlawful because it was not in accordance with said Act of the legislature; and that the voting aforesaid in those towns in which the election, on that subject, was conducted in connection with the election for town officers was invalid ^{because} ~~for~~ it furnished no means of ascertaining the 'majority of the voters of the County' as required by the Constitution.

Your Orator further sheweth unto Your Honor, that the Board of Supervisors of the County of Kendall at a meeting of said board, held on the 7th day of October, 1839, adopted and caused to be entered records, for the purpose of preparing for the removal of said County Seat pursuant to said Act of the Legislature an order in the words and figures following to wit:

"Ordered that a tax of three 3 mills on the (\$1) one dollar be assessed on the taxable property for the purpose of building County buildings"

And Your Orator further sheweth unto Your Honor, upon information and belief, that said Jeremiah J. Cole, Clerk of the County Court of Kendall County aforesaid is now preparing the tax lists to be delivered to

the Collectors of the respective towns in said County, for the collection of state and county taxes, for purposes general and special, and that in the preparation of said tax lists, said Clerk is putting upon the same, over and above the taxes to be collected for ordinary State & County purposes the aforesaid tax of three mills upon the one dollar for the erection of County buildings as stated in said order of the Board of Supervisors; and that said Clerk of the County Court is about to furnish to the Collectors of the several Townships in said County the necessary lists books and papers to enable them to collect the said tax of three mills on the dollar mentioned in said order,

Your Orator further sheweth unto your Honor, upon information and belief that said board of Supervisors have not yet as Commissioners, under the 5th Section of said Act of the Legislature, selected the site for the erection of public buildings for county purposes, and that they have made no arrangements for the erection of such building or buildings except to levy said tax, in manner aforesaid

Your Orator charges upon information and belief, that said board of Supervisors consists of nine Supervisors; three of whom are in favor of locating the County buildings in the Village of Yorkville and three of whom are in favor of locating said buildings in the Village of Bristol and the remaining three of whom are opposed to locating said buildings in either of said Villages;

And your Orator charges upon information and belief, that the reason why a majority of said board

of Supervisors have proceeded to vote the tax aforesaid before selecting the site & making other arrangements for the erection of County buildings, is this, that they feared that if said tax was not levied before the site for such building or buildings was selected and other other arrangements made for their erection, that a majority of said board could not be induced to vote an adequate tax for the erection of such County buildings.

Your Oration further sheweth unto your Honor, upon information and belief, that at the time of the making of the order for the levy of said tax, by the board of Supervisors aforesaid, the said board had no evidence before them, or produced to them, tending to show that a majority of the voters of said County had voted for the removal of said County seat, except the evidence contained in said statements in writing of said Jeremiah J. Cole above set forth, as having been spread upon the records in his office as aforesaid.

And your Oration further sheweth upon information and belief that a majority of said board of Supervisors intend at an early day, to take measures for the removal of said County seat, in pursuance of said Act for its removal, by making contracts and arrangements for the erection of County buildings at some point within said Circle.

Your Oration further sheweth unto your Honor, that your Oration resides near to the said Village of Oswego, and that he is the owner of a considerable amount of real Estate in and near said Village of Oswego, the value

of which is enhanced by the fact that the County Seat of said County is at Oswego, and the value of which would be seriously depreciated by the removal of said County Seat from the Village of Oswego.

And that for the purpose ^{and with the view} of enhancing the value of the said real estate of your Orator and otherwise promoting the interests of your Orator by having the County Seat at the Village of Oswego, your Orator granted and gave unto the said County of Kendall the grounds upon which the present Court House of said County stands, without any other compensation whatever.

Your Orator therefore prays that said Board of Supervisors of the County of Kendall and said Jeremiah J. Cole Clerk of the County Court of said County, may be made parties defendant hereto.

And that a Subpoena in Chancery may be issued and served on them respectively - and that they may be required to answer the allegations of this bill, but not upon oath which is hereby waived.

And that upon a final hearing of this cause the said Act of the Legislature may be declared void and inoperative, and that said Elections may be declared invalid and of no effect, and that said defendants may be forever enjoined from taking any measures for the removal of the County Seat of said County from the said Village of Oswego under and by virtue of said Act of the Legislature, or under or by virtue of the supposed authority of said elections, and from proceeding

in any manner in the collection of the said three mill tax,
 And that in the meanwhile an injunction may issue restraining said defendants, from in any manner proceeding to collect said three mill tax and from in any manner taking any steps for the removal of said County Seat under and by virtue of said Act of the Legislature for its removal and from making any arrangements for the erection of County buildings within said Circle, until the further order of this Court - And that by the final decree of this Court your Orator may have such other and further relief as to your Honor may seem just: And your Orator will ever pray &c.

Dickey Boal & Dickey Sol for Comp }
 T. Lyle Dickey of Counsel for Comp. } Walter Loncks

State of Illinois }
 Cook County }
 Walter Loncks the Complainant
 in the above and foregoing bill of complaint
 being first duly sworn doth depose and say that he has heard said bill read and knows the contents thereof, that the same is true of his own knowledge except as to such matters as are stated to be upon information and belief and as to those matters he believes them to be true

Subscribed and sworn to Walter Loncks
 before me this 8th Nov 1839

Wm L Church do

In witness whereof I hereto set my hand and the seal of this
 Circuit Court of Cook Co at Chicago

Let the writ of Injunction issue, in conformity with the
 prayer in the above and foregoing bill of Complaint,
 the Complainant filing a Bond in the penalty of
 Two Thousand Dollars with a sufficient Surety
 To the Clerk of the Circuit }
 Court of Kendall County } George Morrison
 Judge } 1st Judicial Circuit
 Ill.

The said bill of complaint is endorsed as follows
 Filed Nov 9th 1859
 J. M. Nollenback Clerk

Said Bill afterwards to wit on the 28th day of February
 AD 1860 the said Bill of Complaint was filed in the
 Office of the Clerk of the Circuit Court of Kendall County
 aforesaid as appears by the filing on the back thereof
 to wit:

Filed Feby 28 1860
 P. R. Wright Clerk

And afterwards to wit on the 9th day of November
 AD 1859 there was filed in the Office of the Clerk
 of the said Circuit Court of Kendall County a paper
 marked "Exhibit marked 'A'" which is in the
 words and figures following to wit:

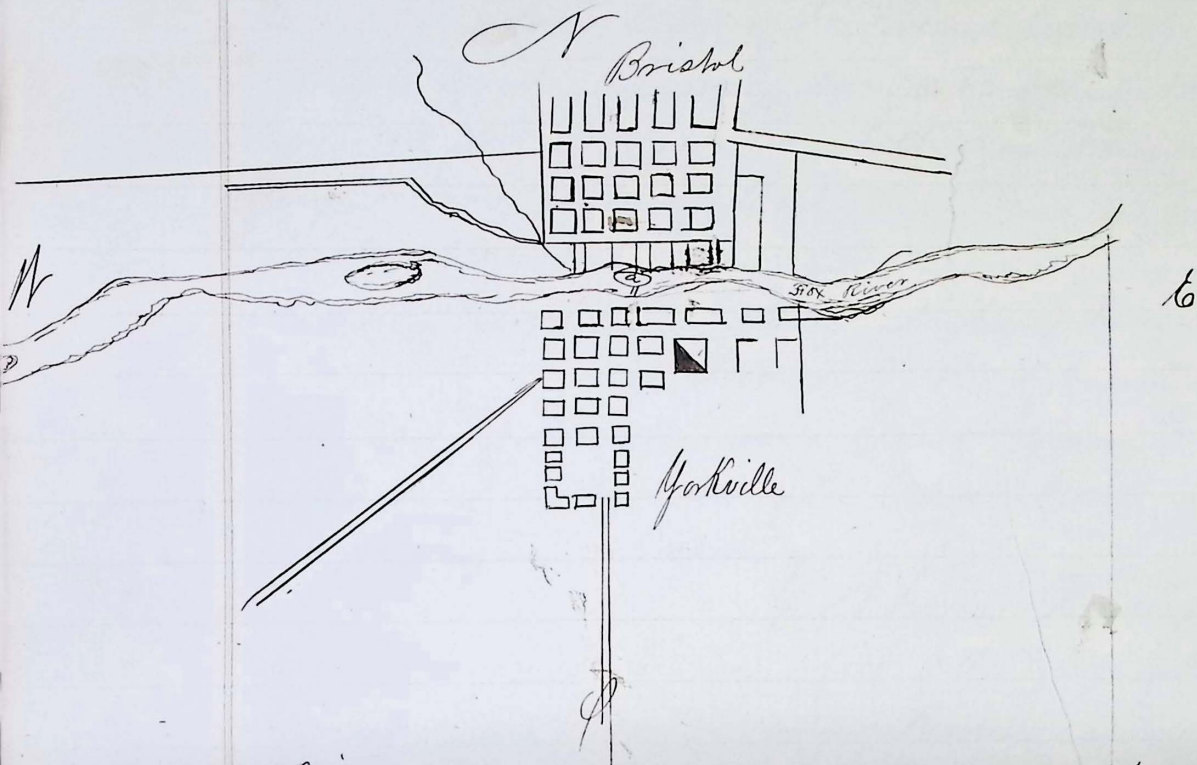


Diagram (marked A) referred to in bill of
Complaint of Walter Lentes vs Board of
Supervisors of Kendall Co. et al

Said paper is endorsed as follows to wit

Exhibit marked
"A"

Filed Nov 9th 1859

S. M. Hollenback Clerk

Said paper was also afterwards filed in the
Circuit Court of Kane County aforesaid as appears
by an endorsement thereon to wit:

Filed Feb'y 28 1860

P. R. Wright Clerk

And afterwards to wit: on the 9th day of November AD 1859 there was issued out of the said Office of the Clerk of the Circuit Court of Kendall County a process & under the seal of said Court a writ of injunction which is in the words and figures following to wit:

State of Illinois }
 Kendall County }
 The People of the State of Illinois to the Board of Supervisors of Kendall County State of Illinois and Jeremiah J. Cole Clerk of the County Court of said County Greeting:

Whereas Walter Louch has this day filed in the office of the Clerk of the Circuit Court of said County of Kendall on the Chancery side thereof his bill of complaint against you the said Board of Supervisors of said County and you the said Jeremiah J. Cole Clerk of the County Court thereof praying for relief concerning certain matters and things therein alleged and set forth, and also praying for an injunction against you enjoining and restraining you from in any manner or way proceeding to collect a tax of three mills on the dollar in said bill alleged to have been by order of said Board of Supervisors ordered to be assessed by you upon the taxable property of said County of Kendall for the purpose of erecting County buildings and from in any manner or way taking any steps for the removal of the County Seat of said County under and by virtue of an Act of the Legislature for its removal entitled "An Act for relocating the County Seat of the County of Kendall Approved February 24th AD 1859"

And from making any arrangements for the erection of County Buildings within the Circle in the first Section of said Act described until the further order of this Court.

And Whereas upon said Bill of Complaint is endorsed under the hand of the Honorable George Maniere Judge of the Seventh (7th) Judicial Circuit of the State of Illinois an order directed to the Clerk of the Circuit Court of said County of Kendall to issue an Injunction in accordance with the prayer of said Bill the Complainant filing a bond in the penalty of two thousand Dollars with a sufficient surety, and the said Complainant having filed a bond in accordance with said order with security approved by the Clerk of said Court.

Now therefore we do enjoin and restrain you the said Board of Supervisors of Kendall County aforesaid and you the said Jeremiah J. Polo Clerk of the County Court of the County of Kendall and each and every of you that you do entirely desist and refrain from any way or manner proceeding to collect the said tax of three mills upon the dollar in said Bill alleged to have been by order of said Board of Supervisors ordered to be assessed by you upon the taxable property of said County of Kendall for the purpose of erecting County Buildings And from in any manner taking any steps for the removal of the County Seat of said County under and by virtue of the Act of the Legislature aforesaid for its removal entitled "An Act for relocating the County Seat of the County of Kendall Approved February 24th AD 1857" and from making any arrangements for the erection

of County Buildings within the circle in the first Section of said Act described unto this Honorable Court in Chancery sitting shall make other order to the contrary. Hereof fail not under the penalty of what the Law directs.

To the Sheriff of Kendall County to execute and return in due form of Law

C. S.

Witness George M. Hollenback Clerk of the said Circuit Court and the Seal thereof at Oswego in said County the 9th day of November AD 1839

George M. Hollenback
Clerk of Kendall County
Circuit Court

which said writ is endorsed as follows to wit:

State of Illinois }
Kendall County }

I Wright Murphy Sheriff of said County certify that I have duly served this writ by reading and by leaving with the defendants the Board of Supervisors to wit: Thomas Finney, J. N. Chapman, A. Sears, J. Black, H. G. Wilcox, J. R. Fletcher, W. McTearns, A. C. Johnson, A. H. Arnold and J. J. Cole & by each of them a copy of the same Nov 10 1839

Wright Murphy Sheriff

Filed Nov 12 1839 G. M. Hollenback Clerk

Said writ was also afterwards to wit on the 28th

day of February AD 1860 filed in the said Office of the Clerk of the Circuit Court of Kane County aforesaid as appears by an endorsement thereon as follows to wit:

Filed Feby 28 1860
R. W. Wright Clerk

And afterwards on the said 9th day of November AD 1859 there was found out of & under the seal of the said Circuit Court of Kendall County a Summons which is in the words and figures following to wit:

State of Illinois }
Kendall County } The People of the State of
County } Illinois to the Sheriff of said
County Greeting:

We command you that you summon the Board of Supervisors of Kendall County and Jeremiah J. Cole if they shall be found in your County personally to be and appear before the Circuit Court of said County on the first day of the next Term thereof to be holden at the Court House in Oswego in said Kendall County on the second Monday of January next to answer unto Walter Loncks in his certain bill of complaint filed in the said Court on the Chancery side thereof. And have you then and there the writ with an endorsement thereon in what manner you shall have executed the same.

Witness George M. Allenback Clerk of said Court and the seal thereof at Oswego in said County this 25th day of Novr

(L S)

ad 1839

G. M. Hollenback Clerk

Which said summons is endorsed as follows to wit:

State of Illinois }
 Kendall county } I Wright Murphy Sheriff certify
 that I have served the within writ by
 leaving with each of the within named defendants Board
 of Supervisors Thomas Finney John W Chapman
 A. Sears J. Black, H. Gilcox J. R. Fletcher
 Wm McEwen O. C. Johnson A. W. Arnold and
 J. J. Cole
 Nov 10 1859
 Wright Murphy Sheriff

" Filed in the Circuit Court this 12th day of Nov 1859
 G. M. Hollenback Clerk
 Said summons was also filed in the Circuit Court of
 said same county as appears by an endorsement there
 on to wit
 Filed Feby 28. 1860
 R. R. Wright Clerk

And afterwards to wit on the 10th day of January
 ad 1860 there was filed in the said Office of
 the Clerk of said Circuit Court of Kendall county as
 appears by an endorsement thereon a paper which is in
 the words and figures following to wit:
 Circuit Court of Kendall County Jan Term
 Matter Locks 1860
 vs
 The Board of Supervisors

of Kendall County
 & J. J. Cole

In Behalf of

It is agreed by & between the parties - that the order of Continuance entered in this cause be set aside - and that the defendants may file their answers at any time during this term and such other papers & documents as it may be competent for them to file with said answers - that upon ^{the} filing of said answers said defendants may enter a motion to dissolve the injunction herein, that said motion shall not be heard or acted upon by the Court until the second Saturday the eleventh day of February ~~1860~~ and that on that day or as soon thereafter as counsel can be heard said cause and said motion may be brought up before the Judge of this Court at his Chambers in Ottawa & the same proceedings may be had before said Judge then & there as if it were then in term, with all the rights & privileges to all parties in that regard & all orders then & there made by said Judge shall be entered of records as of this term of this Court, reserving to all parties all their rights of appeal & of writ of error and of every other kind of right to move or act in this cause then or now the same as if said motion to dissolve had been called up for hearing in open Court & in term time

T. Lytle Sickey for Complainant
 J. C. Glover for Defendants

Said paper is endorsed as follows to wit

Filed Jan 10 1860

B. M. Hollenback Clerk.

Said paper was also afterwards filed in the said Circuit Court of Kane County as appears by an endorsement thereon to wit

Filed Feby 25th 1860

P. R. Wright Clerk

And afterwards to wit: On the 20th day of January AD 1860 there was filed in the said Office of the Clerk of said Circuit Court of Kendall County as appears by an endorsement thereon an Answer which is in the words and figures following to wit:

State of Illinois

Kendall County }^{ss}

Walter Locks

vs

The Board of Supervisors
of the County of Kendall
and Jeremiah J. Cole

And Circuit Court thereof
In January Term AD 1860

Bill for an
Injunction

The separate Answer of
the Board of Supervisors
of Kendall County Illinois to the Bill of Complaint
filed against them and Jeremiah J. Cole in said
Court by Walter Locks.

These respondents having & reserving all
advantage of Exception to the many errors and in-
sufficiencies of said Complainant's Bill herein filed for
Answer thereto or to so much thereof as they are advised
by counsel is necessary for them to answer say that it is
true that said Complainant is a citizen of the State of
Illinois and a tax payer in said County of Kendall

and that he is the owner & proprietor of a large amount of property real & personal which is subject to taxation for State and County purposes.

Respondents further answering say that the said Village of Oswego became & was the County Seat of said County of Kendall on or about the day of AD 1845 - which was before the adoption of the present Constitution and from thence to the time of the removal thereof as hereinafter stated has continued to be.

Respondents further answering say that they are informed that said County of Kendall does own Land in said Village of Oswego upon which are situate a Court House building & other improvements for the use of said County which said buildings & improvements respondents allege only cost the sum of Seven thousand four hundred dollars. Said respondents further allege that said buildings are not suitable for the purposes of County buildings of said County, that the Court room in said building is small, that the other rooms in said buildings are too few in number & too small to properly accommodate the officers of said County & the business necessary to be transacted therein, that the walls of said Court House are badly cracked and said building otherwise out of repair and now affords very scanty accommodations for the requirements of said County.

Respondents further answering admit that said Village of Yorkville lies near the left or South East bank of Fox River in said County of Kendall and about six miles from said Oswego & they

say that the North line of said Yorkville runs nearly parallel with said Fox River and at a point opposite the centre of the Island herein after mentioned said line ~~said line~~ is at a distance of five hundred and seventy five feet from the said left bank of said Fox River and about eight hundred and seventy five feet from the said centre of the said Island.

Respondents further answering admit that said Village of Bristol lies near the right or North East bank of said Fox River in said County of Kendall & opposite said Village of Yorkville that the South line of said Bristol is nearly parallel with the ^{said} right bank of said Fox River and opposite the said centre of said Island is at a distance of two hundred & fifty feet from the said right bank of said Fox River and about five hundred and twenty feet from the said centre of said Island.

Respondents further answering admit that said Fox River runs directly between said Villages of Bristol ^{said} & Yorkville, is often too deep & ford & too rapid for convenient carriage, but they say that just above or just below said Villages the water is slack & ferrable at all times, and they admit that there is an Island lying & being between said Villages in said Fox River which is about two hundred feet wide and about six hundred feet long, that the same is low ground & subject to overflow. But that the Land on the Bank of said Fox River within the Circle herein after described are high & steep & not subject to overflow & are suitable for the site of all kinds of buildings.

Respondents further answering admit that said Bristol is situated in the township of Bristol and said Yorkville in the Township of Kendall and that said County of Kendall has been apportioned & organized under the Township organization laws of said State.

Respondents farther answering deny that said Villages of Bristol & Yorkville are rivals in interest and feeling and they further deny that each of said Villages are candidates for the County seat of said County but on the contrary thereof they alledge that said Villages are united in desiring that said County buildings be located by your respondents upon the point hereinafter described.

Respondents further answering admit that before the year A.D. 1845- the County seat of said County was at Yorkville & that the subject of removal therefrom was often mooted & that elections were held to ascertain the wishes of the people of the County on that subject- that Bristol & Yorkville were each candidates for such county seat and that at the election in the Year A.D. 1845- the number of votes cast for the various places were as stated in said bill and that the County seat of said County was located at said Village of Oswego in pursuance of said election, that the question of a removal of said County seat from said Oswego has often been mooted & discussed but they deny that any particular place had at such times put forth claims for the future location or had been candidates for such location.

Respondents farther answering admit

that the said Fox River has been bridged between the said Yorkville & said Bristol that said Bridge was built in the manner following: The sum of two thousand dollars was raised by a general subscription and each of the towns Kendall & Bristol levied a tax of two mills on the dollar which yielded about the sum of thirteen hundred dollars and with these sums to wit about the sum of thirty three hundred dollars said bridge was built.

Respondents further show that said bridge consists of four spans two of which spans about one hundred and eighty feet in length reach from the South side of said river to the South side of said Island and the other two about one hundred and fifty feet in length extending from the North bank of said river to the North shore of said Island - that said spans are connected by an embankment extending across said Island, that said spans & said embankment were built as and to all intents and purposes are one bridge that the same were not built by distinct corporations but as heretofore stated and that said Bridge is generally known by the name of "The Bristol & Yorkville Bridge"

that the portion of said Bridge within the Township of Bristol has always been kept in repair by said Township of Bristol and the portion of said Bridge within the Township of Kendall has been and still is kept in repair by said Township of Kendall

Respondents further answering admit that the 5th Section of Article 7th of the Constitution of the State of Illinois is correctly set out in said Bill & leave to this Honorable Court the interpretation

thereof - they further admit that before the meet-
 -ing of the Legislature in January A.D. 1839 a large
 majority of the voters of said County were advocates for
 the removal of said County seat from said Village of
 Oswego to one of the Villages of Bristol or Yorkville
 or some point in that immediate vicinity, but they deny
 that there was ever any particular preference among
 the voters of the County outside of said Villages of Bristol
 & Yorkville for one of said places over the other but on
 the contrary thereof they allege that a large majority
 of the voters of said County were ready and anxious to
 vote for the removal of said County seat to either of
 said villages of Bristol & Yorkville or to the immediate
 vicinity thereof, and they further deny that a-
 -mong the voters of said villages of Bristol & Yorkville
 there was any preference for one side of the river over the
 other more than would ordinarily happen in any one
 village for a site upon one block or lot thereon over
 that of another & that in truth & fact a very large ma-
 -jority of the voters of said County of Kendall in en-
 -ding the voters of said Bristol & Yorkville were in
 favor of removing said County seat from said Oswe-
 -go to the point or place hereinafter and in said Bill
 described as a circle of twenty chains radius & having
 its centre at the middle of said Island, and
 they wholly deny that in making such location of the
 point to which said County seat should be removed
 there was any intention whatever to commit any fraud
 whatever or to bring about any combination whatever
 other than a legal & just one & they expressly allege
 that said Act referred to in said Bill was not intended

as a fraud upon or a violation of the said Constitution of the State of Illinois in any way whatever and they expressly deny that the Legislature of said State of Illinois was induced to pass said Act for in pursuance of any fraudulent scheme whatever.

Respondents further answering admit that "An Act for relocating the County seat of the County of Kendall" was passed by the Legislature of the State of Illinois and approved February 24th AD 1839 and that the same is correctly set out in said bill.

They further answering admit that the circle described in said Act is so located as to include a portion of ^{the} said Village of Bristol and a portion of said Village of Yorkville, but they deny that said point was so located for the purpose of evading the provisions of said Constitution, but on the contrary thereof they allege that the purpose of so locating said circle was to embrace sufficient ground to enable the said Supervisors to select a proper suitable & pleasant site thereon.

Respondents further answering deny that said Act is unconstitutional & void.

This respondent denies that at the meeting of the Legislature of this State in January 1839 that a majority of the voters of said County could not be induced to vote for a removal of the County seat of said County either to the Village of Yorkville or to the Village of Bristol, but defendant insists upon information and belief that a majority of the voters of said County would have voted for its removal to either of said places and that a large

majority of the legal voters of said County did petition the said General Assembly to pass the law passed upon that subject. They further show that the County of Kendall is eighteen miles square and that the point designated in the Law of 1859 set out in said bill for the establishment of said County seat is within three and three quarter miles of the Geographical Centre of said County and that the Village of Oswego where said County seat has been located is about two miles and a half off the North line of said County and is only about five miles from the East line of said County and that the necessity of attending Court and transacting other business necessary to be transacted at the County seat has for years been an onerous burden upon a large portion of the inhabitants of said County and is and has been oppressive and they insist that their rights in the premises should not be made subservient to the pecuniary interest of complainant or any one else

Respondent further answering insists that the point to which said County seat should be removed is clearly fixed with certainty and distinctness in said act.

Respondent insists that said act is not unconstitutional as defendant is advised and believes but is the law of the Land. Respondent insists that there is a bridge known & designated as the Yorkville or Bristol Bridge

This Respondent denies that there is any uncertainty or incongruity in said act as

to the mode in which the election should be held for the removal of the County Seat as they are advised + believe.

Respondent further answering says that at the election which was held under and in pursuance of said act in each of the several towns of said County a large majority of the legal voters of said Kendall County did vote for a removal of the County Seat of said County to the point designated in said act and that at said election 1282 legal voters of said County voted for the removal of the County Seat of said County to the point designated in said act and 649 voters voted against such removal.

That the votes for and against removal were returned to the Clerks of the County Court of said County in the manner prescribed in said act as they are informed + believe and that the same were duly certified to the board of Supervisors of said County as required by said act and said board were proceeding to locate the site of public buildings for said County and provide for the erection of the same in the manner specified in said act when they were restrained from so doing by the writ of Injunction issued in this case.

A copy of the abstracts of votes given at said election and of the certificate of the said Clerk are herewith filed marked A, B, C, D. + made part of this answer. Respondent believes that the day when said Election took place is not truly stated in said bill but insists that said election was held on the day fixed by said act. Respondent insists that

At the time said certificate was made by said Clerk there were returns in his office duly attested according to law as respondent is advised and believes showing that said certificate was true.

Respondent insists that said Election was held in said towns of said County in the manner required by said Act. Respondent admits that the board of Supervisors of said County did proceed to levy a tax of 3 mills on the dollar of taxable property for the purpose of erecting County buildings and that the tax lists are being prepared to be delivered to the Collector for the purpose of having said tax collected as stated in said bill.

Respondent admits that said board have not yet selected the site for said County buildings but they were proceeding to do so when they were stopped by the injunction issued in this cause.

Respondent denies that the tax aforesaid was voted by said board before said site was selected for the reason stated in said bill.

Respondents further answering admit that on the first Tuesday in April AD 1859 Elections were held in the seven townships in said County of Kendall at which votes were cast "for removal" and against removal and that afterwards to wit on the day of AD 1859 the said foreman J. Cole who was then and there Clerk of the County Court of said Kendall County aforesaid did spread upon the records in his office a writing in the words and figures set out in said Complainant's

Bill & three respondents allege that at said last mentioned time there were returns of said election on file in the office of said Clerk of said County Const. duly attested according to law showing the result stated in said notice by said vote all of which will more fully and at large appear by copies of said returns and the attestations thereof hereto attached & made part of this answer.

Respondent denies that said Board of Supervisors are divided in opinion upon the question as to what their duty is, in the manner stated in said bill, and they admit that said board does intend at an early day to take measures for the removal of said County seat as required by said act.

Respondent admits that Complainant lives near Oswego and that his property will be diminished in value by the removal of the County seat and submit that his pecuniary interest ought not to override the wishes, the interests and the rights of the remainder of the citizens of said County.

Respondent admits that Complainant did once donate a piece of Land of small value in Oswego to said County for the erection of public buildings. And having fully answered said Prays to be hence dismissed with costs

Florer Hook
Depts Solicitors

State of Illinois }
Kendall County }

Robert Hopkins, Atty.
Arnold Elias A. Black D.V. Johnson

Jacob P. Black J. N. Austin C. J. Dyer
 L. Childs being duly sworn sepr each for himself
 that the statements set forth positively in the fore-
 going answer are true, and so far as the same are
 set forth upon information and belief they are true
 to the best of knowledge information & belief of affiants

A. H. Arowed

Robert Hopkins

D. E. Johnson

Elias A. Black

Jacob P. Black

J. N. Austin

C. J. Dyer

L. Childs

Subscribed and sworn to
 before me this 20th day
 of January AD 1860
 O. H. Arowed J.P.

Said Answer is endorsed as follows to wit:

Filed Jan 20 "1860

J. M. Hollenback Clerk

Said Answer was also afterwards filed in the
 Circuit Court of said Kane County as appears
 by an endorsement thereon to wit:

Filed Feby 28 1860

R. W. right Clerk

And afterwards to wit: on the said 20th day of January
 AD 1860 there were filed in the said Office of the Clerk
 of the Circuit Court of Kendall County aforesaid as ap-
 pears by an endorsement thereon certain exhibits referred
 to the foregoing answer, which are in the words and

figures following to wit:

Lisbon

State of Illinois }
 Kendall County } At an Election held at the
 Lisbon Hotel in the town of
 Lisbon Kendall County and State of Illinois on
 the 5th day of April AD 1859

One Hundred and thirty two votes were cast
 for removal

Twenty votes were cast against removal

Certified by us

Attest }
 G. F. Norton } Clerk }
 6 J. Corwin } of Election }
 D. S. Pennington }
 H. M. Cook }
 John Litzzy } Judges
 of Election

Bristol

At an Election held at the house of A. McLean
 in Bristol Township in the County of Kendall and
 State of Illinois on the 5th day of April AD 1859
 the following named persons received the number
 of votes annexed to their respective names for the
 following described offices & the number of votes
 cast for and against ^{the} removal of the County Seat of
 Kendall County.

The following persons were elected

A. H. Arnold Supervisor

G. B. Lester Town Clerk

J. A. Austin Assessor

Matthews Patterson

F. W. Tilton } Commissioners

James Sherwin } of highways

John Wheat Collector

John Newhiter Overseer of Poor

For removal of the County Seat Two
hundred and fifty nine votes (259)

Against Removal of the County Seat five votes (5)

We certify the above to be correct.

		W. H. Raymond	Judges of Election
A. S. Willall	} Clerk of } Election	John Newitzer	
T. S. Hunt			G. B. Lester

Little Rock At an Election held at the Plains Academy
in Little Rock Township in the County of Kendall
and State of Illinois on the Fifth day of April
in the Year of our Lord one thousand Eight Hundred
and fifty nine the following votes for and against
Removal were polled.

For Removal had Two Hundred and twenty five votes

Against Removal had nine votes

Certified by us

Attest		Archibald Sears	Judges of Election
A. F. Doby	} Clerk of } Election	Darius C. Lincoln	
J. S. McDowell			David H. Shultz

Big Grove At an Election held at the red School House in the
Town of Big Grove in the County of Kendall and
State of Illinois on the 5th day of April one thousand
Eight hundred and fifty nine the following vote was
cast in pursuance of an act entitled an act for
relocating the County Seat of the County of Kendall
For Removal had one hundred & seventy votes
Against Removal thirty six votes

Certified by us

Attest		Hubert S. Hill	Judges
--------	--	----------------	--------

J. F. Moore	} Claims of Election	} Loll Scofield St. J. Wilcox	} Election
George W. Gaylord			

At an Election held at the School House in District No 1 in the Town of Sta Aubrey County of Kendall & State of Illinois on the 5th day of April in the Year of our Lord one Thousand Eight Hundred and fifty nine the following number of votes were cast for the removal of the County Seat, for removal five votes and one hundred and nineteen votes against removal & three votes neither for nor against removal.

J. W. Kellogg	} Claims of Election	} Townsend's Seely George Davis Charles Seaman	} Judges of Election
James Beard			

Kendall At an Election held at the Academy in Long Grove in the Town of Kendall County of Kendall and State of Illinois on the 5th day of April A.D. 1859 the vote upon relocating the County Seat of said County was
For Removal Two hundred and forty
Against Removal twenty three

Jno W LeBaron	} Claims of Election	} John Kellett J. P. Black Horton Harris	} Judges of Election
Edw ^d E Coherer			

Seward At an Election held at the School house in District No 3 in the Town of Seward in the

County of Kendall and State of Illinois on the fifth day
of April in the Year of our Lord one Thousand Eight
hundred and fifty nine the following named persons re-
ceived the number of votes annexed to their respective
names for the following described offices to wit:

Judson R Fletcher had eighty votes for Superior
William A Jordan had seventy one votes for Town Clerk
William Bennett had nine votes for Town Clerk
Judson R Fletcher had one vote for Town Clerk
Austin D. Seals had seventy one votes for Assessor
John T Sands had one vote for Assessor
William Bennett had nine votes for Assessor
John T Sands had seventy one votes for Collector
Solon Worthing had nine votes for Collector
Judson R Fletcher had eighty one votes for Commissioner of Highways
Wells Emery had sixty four votes for Commissioner of Highways
Ebenzer Henderson had eighty one votes for Commissioner of Highways
Frederick J Bean had sixteen votes for Commissioner of Highways
Solon Worthing had seventy two votes for Overseer of the Poor
Charles B Ware had nine votes for Overseer of the Poor
Against Removal seventy three votes
For Removal nine votes

Certified by us

Wm A Jordan	} Clerk of Election	J R Fletcher	} Judges
Wm Angelo		Wm A Lane	
		Joseph Gleason	

At an Election held at the School House near

For
116.

R. M. Barnes in the town of Fox County of
Kendall and State of Illinois on the 5th day of April
in the year of our Lord One Thousand Eight Hundred and
fifty nine, Two hundred and thirty two votes (232)
were cast for removal,

one vote (1) was cast against Removal

Jacob Bonds	} Clerks of } Election	Thomas Finnie	} Judges } of } Election
Edward Walker		Micajah Springer	
		Edward Walker	

George

Against Removal	364 votes
For Removal	18 votes

The foregoing is certified by us this 6th day
of April AD 1859

Justus Burr	} Clerks of } Election	Cyrus Cap Superior	} Judges } of } Election
Lorenzo Rand		J. Coffin Clerk	
		Isabel Newton Moderator	

State of Illinois }
County of Kendall }
I Jeremiah J. Cole Clerk
of the County Court do hereby
Certify that the foregoing are true and correct copies
of the Certificates of Election on the 5th day of April
AD 1859 on file in my office

In witness whereof I have hereunto set my
hand and seal of said Court this 17th
day of January AD 1860
Jeremiah J. Cole
Clerk

Copy (a)

At an Election held in the different Precincts in Kendall County on Monday the first day of September AD 1845 for the permanent location of the County Seat of Kendall County. The following named places received the number of votes annexed to their respective names to wit:

Oswego received	456	votes
Oswego Mills "	4	votes
Orange "	18	votes
Geographical Centre "	"	"
Linton "	3	"
Mount Vernon "	53	"
Newark "	108	"
Pristo "	150	"
Yorkville "	74	"

State of Illinois }
 Kendall County }
 County Commissioners Clerks
 Office Yorkville September 4
 AD 1845

I Marcus A Fenton Clerk of the County Commissioners Court of said County do hereby certify that the above is a true and perfect abstract of the votes taken from the Canvass books in my office.

In testimony whereof I have hereunto set my hand and affixed the official seal of said Court at Yorkville this 4th day of September AD 1845

M. A. Fenton Clerk

14
51
State of Illinois }
County of Kendall }
I Jeremiah J. Cole Clerk
of the County Court of the County of
Kendall and State aforesaid do hereby certify the fore-
going to be a true copy of the Record by the Clerk of the
County Commissioners Court in the Records of said Court
in my office.

In testimony whereof I have hereunto
set my hand and the seal of said
Court at Oswego this 17th day of
January A.D. 1859

Jeremiah J. Cole
Clerk

(B)
To the Board of Supervisors of the County of
Kendall & State of Illinois
Gentlemen.

I respectfully notify you
as required in "An Act entitled an act for the re-
locating the County seat of Kendall County"

An election was held in said County as requir-
ed by said Act on Tuesday the 5th day of April A.D.
1859 the result of which was as appears by the returns of
said election filed in my office duly attested according
to law as follows:

1282 votes for removal and 649 votes against removal
Oswego September 12th 1859

Jeremiah J. Cole
Clerk

Pursuant to an Act entitled "An Act for relocating the County seat of the County of Kendall"

An Election was held in the several Towns of said County of Kendall on the 1st Monday of April AD 1859 as required by said Act for the purpose of voting for removal or against removal. The result of said Election having been ascertained in the manner required by Law and properly attested by the several boards of Election in said County. It appears by said returns there was cast in the Town of

Oswego	18 votes for removal and 314 votes against removal
Little Rock	225 votes for removal and 9 votes against removal
Free	232 votes for removal " 1 vote against removal
Kendall	240 votes for removal " 23 votes against removal
Iron A. Day	5 votes for removal " 119 votes against removal
Seward	9 votes for removal " 73 votes against removal
Leaton	132 votes for removal " 19 votes against removal
Big Grove	170 votes for removal " 36 votes against removal
Bristol	259 votes for removal " 5 votes against removal

And that there was 1282 votes for removal

And that there was 649 votes against removal

Attest

Jeremiah J. Cole County Clerk

Abstract of votes given in the County of Kendall and State of Illinois for the relocation of the County Seat of said County of Kendall on Tuesday the 5th day of April AD 1859

- Oswego Eighteen votes for removal and Three Hundred & sixty five votes against removal
 Little Rock Two hundred & twenty five votes for removal and nine votes against removal
 Fox Two hundred & thirty two votes for removal & one vote against removal
 Kendall Two hundred & forty votes for removal & twenty three votes against removal
 No Nuday Five votes for removal and one hundred & nineteen votes against removal
 Edward Nine votes for removal and seventy three votes against removal
 Lisbon One hundred and thirty two votes for removal and nineteen votes against removal
 Big Grove One hundred and seventy votes for removal and thirty six votes against removal.
 Bristol Roll book incomplete having been returned without the Poll list and thrown out by us. The Certificate returned shows that there was
 Two Hundred and fifty nine votes for removal
 & five votes against removal

Poll Books opened and Abstract made in presence
 of us this 8th day of April A.D. 1859

Benj. Ricketson C. Judge & ex officio J.P.
 Festus Burn. Justice of the Peace

State of Illinois }
 Kendall County } es

Clerks Office County Court
 Oswego April 8th 1859

I Jeremiah H. Cole Clerk of the County Court
 within and for the County of Kendall and State aforesaid
 do certify that the foregoing is a correct statement of the
 votes cast for or against removal of said County as
 therein set forth at an Election held in the different
 Towns in the County of Kendall on Tuesday the 5th day

of April A.D. 1859

In testimony whereof I have hereunto set my hand and affixed the seal of said Court this 8th day of April A.D. 1859
 Jeremiah J. Cole
 County Clerk

L

At a meeting of the Board of Supervisors of the County of Kendall at Oswego on Friday October 7th A.D. 1859 the following was entered of record,

A notice of the County Clerk to this Board respecting the election on the 5th day of April A.D. 1859 giving the vote for relocating the County Seat and against the same be received and entered of record with the canvass,

And at the same meeting held on Saturday the 8th day of October It was ordered that when this board adjourn it adjourn to meet on the first Thursday after the first Monday of November next at 5 o'clock P.M. and commended that this board meet as Commissioners to locate the County Seat at Yorkville the same day at 10 o'clock A.M.

State of Illinois }
 County of Kendall } Jeremiah J. Cole Clerk of the
 County Court in and for said County
 of Kendall & State aforesaid do hereby certify the foregoing copy of Notice to the board of Supervisors by the County Clerk, the number of votes given in the several towns in

Kendall County attested by County Clerk also the
 Canvass of said Election by Benj Ricketson Co. Judge
 & ex officio J.P. and Festus Burr Justice of the Peace
 also the orders of the Board of Supervisors that the
 same be received & entered of records and the order to meet
 at Yorkville as Commissioners on the first Thursday
 after the first Monday of November A.D. 1859 are true and
 perfect copies of the records in my office

In witness whereof I have hereunto set my
 hands and the seal of said Circuit Court
 the 17th day of January A.D. 1860
 Jeremiah J. Cole
 Clerk

which said Exhibits are endorsed as follows to wit:

Filed Jan 20 1860
 S. M. Hollenback Clerk

Said Exhibits were also afterwards filed in the Circuit
 Court of Kane County as appears by an endorsement
 thereon as follows to wit:

Filed Feb 28 1860
 P. W. Wright Clerk

And afterwards to wit on the said 20th day of January
 A.D. 1860 there was filed in said Office of the Clerk of
 the Circuit Court of said Kendall County as appears
 by an endorsement thereon, certain affidavits which are
 in the words and figures following to wit:

Walter Lovick

vs

The Board of Supervisors
of Kendall County &
Jeremiah J. Cole

Kendall County Circuit
Court
In Chancery

N. G. Wilcox one of the members of the Board of Supervisors of said Kendall County being duly sworn deposes and says that he is now and has been for the last twenty years a resident within the territory embraced within said Kendall County, that he is well acquainted with the location of Yorkville and Bristol in said County that there is a bridge over and across Fox River leading from one of said Towns to the other which said bridge is generally known and designated by the inhabitants of said County as the Bristol & Yorkville bridge that said bridge is constructed in two sections, one section reaching from the North bank of a small Island in said river between said Towns of Yorkville & Bristol to the North bank of said River in the Town of Bristol, The other section of said bridge is constructed so as to reach from the South bank of said Island to the South bank of said River in the Town of Kendall & that said sections are connected by an embankment across said Island, said bridge is constructed and located nearly on a direct line from said Village of Yorkville to the Village of Bristol. Deponent further says he is acquainted with many of the leading Citizens of said Villages of Yorkville & Bristol and so far as he is advised

believes it to be the wish of the people of said Village that the County building and County Seat of Kendall County should be located as indicated by the votes of the inhabitants of said County at the election in April last - That the board of Supervisors of said Kendall County of which deponent is now, and has been for several years a member met at the Village of Yorkville for the purpose of selecting the site for the erection of public buildings in pursuance of the Act of the General Assembly of the State of Illinois approved February 24 1859, that before said board was fully organized and proceeded to the discharge of their duty under said act, they were served with a writ of Injunction herein that the allegation of the complainants bill that said board were unable to agree upon a site for the erection of said buildings is untrue.

Subscribed and sworn to } J. G. Wilcox
 before me this 19th day }
 of January A.D. 1860 }
 Saml B. Walker }
 Notary Public }

State of Illinois }
 Kendall County } J. H. Wheat, VI - -
 J. B. Loring F. T. Seely J. Crocker
 Robert Hopkins F. A. Hobbs J. H. Austin C. J. Dyer
 L. Childs John Lyon all residents of the Village
 of Yorkville or Bristol in said County say each
 for himself that the statements contained in the foregoing

Affidavits of H. J. Wilson are true

J. Crocker	J. A. B. Lowry
J. W. Austin	B. H. Johnson
J. M. Hobbs	F. J. Seely
John L. Lyon	C. J. Dyer
Robert Hopkin	L. Childs
J. T. Wheat	

Subscribed & sworn to before me
O. W. Arnold this 20th day
of January A. D. 1860

O. W. Arnold J.P.

Which said affidavits are endorsed as follows to wit

Filed Jan 20, 1860

J. M. Hollenback Clerk

Said affidavits were also afterwards filed in said
Circuit Court of Kane County as appears by an endorse-
ment thereon as follows to wit:

Filed Feb 28 1860

A. R. Wright Clerk

59

Kendall County attested by County Clerk also the
 canvass of said Election by Perry Pickerson Cu. Judge
 & ex officio J. P. and Festus Burr Justice of the Peace
 also the Orders of the Board of Supervisors that the
 same be received & entered of record and the order to
 meet at Gossville as Commissioners on the first Thurs-
 day after the first Sunday of November AD 1859 are
 true and perfect copies of the records in my office

ES

In witness whereof I have hereunto set my
 hand and the seal of said Court this 17th
 day of January AD 1860

Jeremiah J. Cole
 Clerk

Which said Exhibits are endorsed as follows to wit

Filed Jan 20 1860

S. M. Hollinback Clerk

Said Exhibits were also afterwards filed in the Circuit Court
 of said Kendall County as appears by an endorsement thereon
 as follows to wit:

Filed Feby 28th 1860

R. W. Wright Clerk

And afterwards to wit: on the 24th day of January AD
 1860 there were filed in the said Office of the Clerk of
 said Circuit Court of Kendall County certain Exceptions to
 the answer of the defendant ^{the Board of Supervisors} in the above entitled cause, which
 set forth as appears by an endorsement thereon, which
 exceptions are in the words and figures following to wit:

State of Illinois

Kendall County & Circuit Court thereof

In Chancery

Walter Locks

vs

The Board of Supervisors
of Kendall County & Jere-
man J. Code County Clerk

} Bill for Injunction &
Relief

And now again comes
the said Complainant by Dickey & Wallace his Solicitors
and excepts to the answer of the said Board of Su-
pervisors filed herein.

1st For that it is not admitted nor denied in said answer
that Complainant is the owner of and possessed of real
~~estate~~ and personal property in said Kendall County
and subject to taxation thereon as alleged in said Bill

2nd For that it is not admitted nor denied by said answer
that said Villages of Bristol and Goodville "have been"
"rivals" in interest" and feeling for many years" as alleged
in said Bill

3rd For that it is not admitted nor denied in and by said
Answer that "it was believed generally and no doubt
"truly that a majority of the voters of said County could
"not be induced to vote for such removal" &c as alleged
in said Bill.

4th For that it is not stated and shown in and by said
answer in what manner the elections therein spoken of were
conducted, or in what manner the votes thereat were certified

and returned, and it is neither admitted nor denied in and by said answer "that the returns made to said Judo" "did not purport to be returns of an election held in pursuance of said Act" "nor did they purport to be returns of an election held or of votes cast at the time" "of holding town meetings in said County for" "the election of town officers" as alleged in said bill

5th For that it is neither admitted nor denied in and by said answer that "said board of Supervisors consists of nine Supervisors three of whom are in favor of locating the County buildings in the Village of Yorkville, and three of whom are in favor of locating said buildings in the Village of Bristol, and three of whom are opposed to locating said buildings in either of said Villages" as alleged in said bill.

6th For that it is neither admitted nor denied in and by said answer that Complainant granted and gave unto the County of Kendall the ground upon which the present Court House of said County stands without any other compensation whatever" as alleged in said Bill.

In all of which particulars the said answer of the said defendant the Board of Supervisors of said County is as Complainant is advised & believes imperfect insufficient and evasive, and Complainant therefore excepts thereto and prays that said defendant may put in further and better answer to said Bill of complaint

Dickey & Wallace

Solely for Complainant

Which said Exceptions are endorsed as follows to wit
 Filed Jan 24 1860
 G. M. Hollenback Clerk

Said Exceptions were also afterwards filed in the said
 Circuit Court of Kane County as appears by an
 endorsement thereon as follows to wit:

Filed Feb 28 1860

P. R. Wright Clerk

And after ward to wit: on the 23^d day of February
 AD 1860 there was filed in the said Office of the Clerk
 of said Circuit Court of Kendall County, as appears by
 an endorsement thereon, certain additional exceptions to
 the answer aforesaid which are in the words and
 figures following to wit:

Kendall Circuit Court

Vacation after January Term 1860

Walter Locks

vs

Board of Supervisors of
 Kendall County &
 James J. Cole

And Complainant Locks
 by Dickey & Wallace his
 Solicitors by leave of the Judge

of said Court further excepts to said answer on file
 upon the ground that the same is not signed by the said
 board of Supervisors - by its Chairman or by any officer
 or person authorized by law to sign said answer.

2nd Said Answer is not under the sanction of the seal of said County.

3rd That said board of Supervisors being a Corporation can only appear in this Court by their Corporate Seal and cannot appear by Solicitor alone.

4th That said Board cannot be bound by said Answer unless the same is under the seal of said Board as a Corporation

Dickey Wallace
for Compt.

Which said additional Exceptions are endorsed as follows

Filed Feb 23rd 1860

J. M. Hellenback Clerk

Said Exceptions were also afterwards filed in said Circuit Court of Kane County as appears by an endorsement thereon as follows to wit

Filed Feb 28th 1860

P. R. Wright Clerk

And afterwards to wit: on the 28th day of February AD 1860 there was filed in the said Circuit Court of Kane County aforesaid a Record of certain proceedings had in the said Circuit Court of Kendall County which is in the words and figures following to wit:

United States of America
State of Illinois
Kendall County } ss

Pleas before the

Honorable Madison E. Hollister Judge
of the Ninth Judicial Circuit of the State of Illinois
and presiding Judge of the Kendall County Circuit
Court, at a term thereof begun and held at the Court
House in Oswego in said County on the Second Monday
of January AD 1860 being the 9th day of said
Month being also of the Eighty third Year of the Inde-
pendence of the United States of America

Present

The Honorable Madison E. Hollister Judge

N. Bushnell ^{Esq} States Atty for 9th Circuit

J. M. Hollenback Clerk

Wright Murphy Sheriff

Attest

J. M. Hollenback Clerk.

Be it Remembered that afterwards to wit
on the twentieth day of January in the Year of our Lord
One Thousand Eight Hundred and Sixty the same
being one of the days of the term of the Court aforesaid
sitting for the transaction of business at the Court House
aforesaid the following among other proceedings were
had in said Court and entered of record to wit:

Walter Loncks

or
The Board of Supervisors
of Kendall County and
Jeremiah J. Cade

Bill of Injunction

And now on this day
comes the said

dependants by Charles Glover and Cross their Solicitors and have leave of the Court to file herein the answer of the said dependants and their proofs, and thereupon again send the said dependants by their Solicitors aforesaid and enter their motion to dissolve the Injunction herein and thereupon cause the said complainant by Dickey and Wallace his Solicitors and by agreement of the parties it is considered that the motion to dissolve the Injunction herein shall be heard in Vacation before the Judge of this Honorable Court at his Chambers in Ottawa and a decree entered herein as of this present term of this Court as per stipulation filed herein.

And afterwards to wit: on the fourteenth day of February A.D. 1860 in Vacation after the January Term A.D. 1860 of the Court aforesaid before the Hon. M. E. Hollister Judge of said Court at his Chambers in Ottawa the following proceeding was had and entered of record in said Court as of the 20th day of January A.D. 1860 said 20th day of January being one of the days of the January Term A.D. 1860 of the Court aforesaid to wit:

State of Illinois

Kendall County

} & Circuit Court thereof - Vacation
after the January Term 1860

Before the Hon. M. E. Hollister Judge of said
Circuit Court at his Chambers in Ottawa

Walter B. Locks

The Board of Supervisors
of Kendall County And
Jeremiah J. Cole

In Chancery

Be it Remembered that
on the 14th day of February
A.D. 1870 the aforesaid Complainant Walter B. Locks
by William H. L. Wallace one of his solicitors in this cause
presented to the Hon. M. E. Hollister Judge of said Court
at his Chambers a petition and affidavit for a change of
venue in said cause which Petition is hereto attached,

And be it further remembered that said defendants also
came at the same time before said Judge at his said Cham-
bers and said petition with the suggestion of the parties were
then and there submitted to the said Judge for considera-
tion and now the said Petition and affidavit having been
fully considered - And the said Matthew E. Hollister
Judge of the Circuit Court of said Kendall County do
hereby award a change of venue in said cause to the
County of Kane in the State of Illinois and to the Circuit
Court thereof and a change of venue in said cause to
said County of Kane is hereby ordered and directed by me
said Judge of said Circuit Court of said Kendall County
The Clerk of said Circuit Court of said Kendall County
is therefore directed to file this order & also the said
petition for said change of venue as of the last day of
the January Term 1870 in his office and shall make
out a copy thereof and a fair transcript of the record and
proceedings in said cause, as of the last day of said

I January Term and shall certify and transmit the same to the Circuit Court of Kane County aforesaid together with all papers filed in said Cause & appertaining or forming part of the Record in said Cause.

Done at Ottawa this 14th day of February 1860.

M. E. Hollister *Seal*
Judge of said Circuit Court
of Kendall County Illinois

State of Illinois }
Kendall County } + Circuit Court thereof, Vacation
after January Term 1860 before
Hon M. E. Hollister Judge of said Court at his Chambers
in Ottawa.

Walter Locks
&

The Board of Supervisors of
Kendall County and
Jeremiah J. Cole

State of Illinois } La Salle County ss

In Chancery

Walter Locks the Complainant in the above Cause being first duly sworn according to law on oath deposes and says that he fears that he will not receive a fair trial in the Court and before the Judge in which and before whom said Cause is now pending on account that the Judge of said Court is prejudiced against complainant in said Cause so that complainant cannot expect a fair trial of said Cause and that the knowledge of such prejudice came to affiant's knowledge for the first time &

Since the last term of said Court and within the last ten days affiant therefore prays said Court and Judge to make an order in said Cause changing the venue therein to some County where the causes aforesaid do not exist

Subscribed and sworn to before Walter Locks
 and the 11th day of February
 1856

Arthur Lockwood Justice of the Peace

Filed January 20th 1856

G. M. Hollenback Clerk

State of Illinois

Kendall County

vs
 George M. Hollenback
 Clerk of the Circuit Court

in and for said County do hereby certify that the above and foregoing is a true and correct transcript of all proceedings had and entered of record in said Court in the matter of Walter Locks against the Board of Supervisors of Kendall County and Jeremiah J. Cole and that the accompanying papers marked from "A" to "N" inclusive are all the papers remaining on file in my office except the Petition and order for the change of venue herein (true copies of which are marked "O" in the foregoing transcript) which by the order of said Court I am directed to keep on file in my office

In witness whereof I have hereunto set my hand and affixed the seal of said

CS S

Court the 24th day of February ad
1860

J. M. Hollenback

Clerk

which said Record is endorsed as follows to wit

Filed Febry 28 "1860

P. R. Wright Clerk

And afterwards to wit: on the 1st day of March
ad 1860 the same being one of the days of the February
Term of said Circuit Court of Kane County ad 1860
the following among other proceedings in said Court
was had and entered of record therein in the words and
figures following to wit:

Nalter Loncks

v

The Board of Supervisors
of Kendall County ad
Jeremiah J. Cole

Bill in Chancery
Change of Venue from
Kendall County

7313

This day came the defend-
ants by McAllister their Solicitor and on their motion
leave is given them to file an amended answer herein

And afterwards to wit: on the 9th day of May ad
1860 there was filed in the said Circuit Court of Kane
County aforesaid an amended answer of the Board of
Supervisors in the above entitled suit in the words and
figures following to wit:

State of Illinois County of Kane ss
 In the Circuit Court of said County
 In Chancery

Walter Loncks

vs

The Board of Supervisors
 of Kendall County, Illinois
 & Jeremiah J. Cole

} Bill for Injunction

The separate and
 Answered answer of the
 Board of Supervisors of Kendall County Illinois
 one of said defendants to the bill of Complaint of
 Walter Loncks Complainant.

These defendants now and ^{at} all times
 hereafter ^{saving and} reserving unto themselves all and all manner
 of benefit and advantage of exception which can or may be
 taken to the many errors uncertainties and insufficiencies of the
 Complainant's said bill of Complaint for answer therunto or unto
 so much and such parts thereof as these defendants are
 advised it is material or necessary for them to make answer
 unto answering say, That they admit it to be true as
 stated in said Bill of Complaint that the said Complain-
 ant Walter Loncks is and was at the time of the filing
 of said Bill a citizen of the State of Illinois and a resident
 and Tax Payer in the County of Kendall in and said
 State of Illinois and that he was then and is now the
 owner of and possessed of property real and personal
 (but to what extent or to what amount these defendants do not

know and are not informed, which is subject to taxation for state and County purposes and which was and is situated in said Kendall County

And these defendants further answering admit that the Village of Oswego was at the time of the adoption of the present Constitution of the State of Illinois the County seat of Kendall County aforesaid and that the same was established as such County seat some time in the Year 1845 and remained as such up to the time of the removal thereof, as hereinafter stated, But these defendants reciting and believing that the proceedings for the removal of said County seat were and are regular and valid deny that said Village of Oswego is now or was at the time of the filing of said Bill of Complaint the County seat of said Kendall County - And these defendants admit upon information and belief that said County of Kendall owns a parcel of ground in said Village of Oswego pleasantly located and so far as the ground itself is concerned suitable for County buildings, and that a Stone Court House has been erected thereon by said County at an expense as these defendants are advised of about seven or eight thousand dollars, and that said Building contains a Court room and sundry offices for County purposes, but these defendants expressly state the fact to be that said building is too small for the convenient transaction of the business of said County - That whilst the Court room may be now and has heretofore been of sufficient size for all practical purposes, the offices in said building are already too contracted and do not well or sufficiently accommodate

the records and officers of said County, and that neither said Offices nor said Court room will be large enough for the ^{convenient} transaction of the business of said County for many years to come - And these defendants further expressly state that said Village of Oswego is not a suitable place for said County seat and that said County of Kendall as a whole has not been and is not now accommodated by the location of said County seat at said Village - That said County of Kendall is eight - ten miles square consisting of nine Townships and that said Village of Oswego is about four miles from the Eastern and about three miles from the Northern boundary of said County, and that for a long time past a majority of the Citizens of said County have been dissatisfied with the location of said County seat at Oswego.

And these defendants further answering admit that said Village of Yorkville lies near the left or Southern bank of Fox River in said County of Kendall and about six miles from said Village of Oswego but they deny upon information and belief that the original plat of said Village of Yorkville extended to said Fox River, but insist that the North line of said Town Plat runs nearly parallel with said River and at a point opposite the centre of the Island hereinafter mentioned said line is at a distance of five hundred and seventy five feet from said left bank of said Fox River and about eight hundred and seventy five feet from the said centre

of said Island, But these defendants are informed and upon such information admit it to be true that the owners of the Land lying between said original flat and said Fox River have laid the same out into Blocks and Lots as an addition or addition to said Village of Yorkville.

And these defendants further answering admit that said Village of Bristol lies near the right or Northern bank of said Fox River in said County of Kendall and nearly opposite said Village of Yorkville - and they further state upon information and belief that the South line of said Village of Bristol is nearly parallel with the said right bank of said Fox River and opposite the centre of said Island aforesaid is at a distance of about two hundred ^{and} fifty feet from the said right bank of said River and about five hundred and twenty five feet from the said centre of said Island. Defendants also admit that said Village of Yorkville is in the Township of Kendall and the Village of Bristol in the Township of Bristol and that the County of Kendall aforesaid has been apportioned and organized under the Township Organization Laws of the State of Illinois.

And these defendants further answering admit that said Fox River lies between said Villages of Yorkville and Bristol and that the same is often too deep to ford and too rapid for convenient ferryage at any point directly between the said Villages - but they insist and state the fact to be that just above and just below said Villages the water of said River is slack and

nearly still at all times and that at either of said
 joints said river can be ferried without difficulty -

And these defendants also admit that there is a small
 Island in said Fox River and near the centre thereof be-
 tween said Villages, that said Island is about two hundred
 feet wide and from five to six hundred feet long, and
 they also admit that said Island is low ground and subject
 to be overflowed in times of freshets and that in the opinion
 of these defendants said Island is not a suitable place for
 the location of County Buildings for the reason that other
 and as they believe better ground for that purpose lies within
 the circumference of the circle described as hereinafter
 stated, and these defendants insist that within the
 limits of said circle and upon either bank of said Fox
 River are high and dry grounds which are never overflowed
 ranging from ten to fifty feet above the bed of said river and
 which are in every respect suitable for the sites of all
 kinds of public and private buildings.

And these defendants further answering upon
 information and belief deny that there is any rivalry of
 interest or feeling between the said Villages of Yorkville
 and Priests: but they admit that the citizens of each
 of said Villages have a desire to improve the towns in which
 they respectively reside, and they are each of them anx-
 ious to secure for their respective towns or Villages all the ad-
 vantages within their reach - That each of said Village
 has been spoken of at various times since the organization
 of said County of Kendall as a suitable place for the

location of the County seat of said County not only by the inhabitants of said Villages respectively but also by those living in that portion of said County more immediately adjacent and tributary to them - And these defendants admit upon information and belief that the citizens of Yorkville and the adjacent country on the Southern bank of ^{the} Fox River now prefer and for several years have desired that the County seat of said Kendall County should be located at Yorkville and that a considerable portion of them have so voted whenever the question of the location of said County seat has been before the people of said County to be voted upon

And that the citizens of Bristol and the adjacent country on the Northern bank of said River have in like manner preferred and expressed their preference in favor of Bristol as a place for the location of said County seat.

But these defendants upon information and belief deny that the said Villages have been rivals or rival candidates for the location of said County seat otherwise than is above expressed - or that the citizens of either of said Towns or Villages have any jealousy of or ill will towards the citizens of the other - or that they are in any way disposed to injure or prejudice the interests of each other - And these defendants further expressly state upon information and belief that the citizens of said Villages and the country adjacent to them are now and for some time past have been willing that these defendants under the act hereinafter mentioned and recited at length in said bill of Complaint should select the place for the location of the County buildings of said County anywhere within the limits of the Circle in said Act defined

As in their Judgment they should think best - and that the citizens of said Villages and country adjacent would cheerfully acquiesce in the action of these defendants in the premises - notwithstanding their individual preferences might not be followed.

And these defendants further answering admit that before the Year AD 1845 - the County seat of said County was at Yorkville and that the subject of a removal of the same therefrom was often mooted and Elections were held to ascertain the wishes of the People of said County upon that subject - that Yorkville and Bristol were each Candidates for such County seat and that at the Election held in said Year 1845 - the number of votes cast for the various places were as stated in said bill of complaint and that the County seat of said Kendall County - was located at the town of Oswego in pursuance of said vote - that the question of a removal of said County seat from Oswego has often been discussed & agitated since that time but that no vote has ever been taken upon the question of removal since 1845 - until the Spring of 1839 - that when said question has been agitated various places have been spoken of for the future location of said County seat and amongst others the Villages of Yorkville & Bristol - but these defendants upon information and belief deny that any claims have been specially presented by said Villages other than such as their locations respectively might furnish but to what extent the voters of said County had or expressed preferences in favor of one or the other of said Villages these defendants are not

advised and cannot state, but they admit ^{that} as a matter of choice some preferred the Village of Yorkville and some the Village of Bristol.

And these defendants further answering deny upon information and belief that the Townships of Kendall and Bristol separately constructed bridges from the banks of the said Fox River to the Island between said Villages of Yorkville and Bristol as stated in said bill of Complaint - and they state the fact respecting the construction of said bridge or bridges to be as follows: That several years ago the citizens of said Townships being desirous of having a bridge across said River between said Villages raised by subscription for that purpose about the sum of Two Thousand Dollars and that the said townships of Kendall & Bristol for the purpose of adding to the funds so raised each levied a tax of two mills on the dollar on all its taxable property within said Township amounting in the aggregate to about the sum of thirteen hundred dollars, and with funds so raised by the said Townships jointly the said Bridge or bridges were constructed - That said Bridge consists of four spans, two of which being together about one hundred and eighty feet in length reach from the South side of said River to the South side of said Island and the other two being together about one hundred and fifty feet in length reach from the North bank of said River to the North side of said Island - That said spans are connected by an embankment extending across said Island and that said spans and embankment are to all intents and purposes one bridge reaching across said Fox River between the Villages of Yorkville and Bristol

And are so commonly spoken of + considered - That the same were not built by separate and distinct corporations or towns but in the manner heretofore stated, and that the same is generally known by the name of the "Bristol and Yorkville Bridge" But these defendants admit upon information and belief that after the construction of said Bridge the said towns of Bristol and Kendall agreed between themselves that each should keep in repair that portion of said Bridge being within its territorial limits the boundary line between said Townships being near the centre of said Island and that the said Bridge has been so repaired and kept in order by said Towns separately.

And these defendants further answering admit that the 5th Section of the 7th Article of the Constitution of the State of Illinois is as set forth in the said Bill of Complaint, and they lead to this Honorable Court the interpretation and construction thereof, and they also admit that prior to the meeting of the General Assembly of the State of Illinois in January A.D. 39 a large majority of the voters of said County of Kendall were advocates for the removal of the County Seat of said County from the Village of Oswego to Yorkville or Bristol or some point in that vicinity, but they deny upon information and belief that there was any particular preference amongst the voters of said County outside of the said Villages of Yorkville and Bristol for one of said places over the other - but on the contrary thereof they state the fact that a large majority of the voters of said County were ready and anxious to vote for

the removal of said County seat to either of said Villages or to the immediate vicinity thereof, - And they further deny that amongst the voters of the said Villages of Yorkville and Bristol there was any preference for one side of the River over the other more than would ordinarily happen and be felt and expressed in any one village for one part of the State over another. And these defendants upon information and belief expressly deny that it was generally believed or that it was or is true that a majority of the voters of said County could not be induced to vote for the removal of said County seat to either of said Villages of Yorkville and Bristol and they state the fact to be that a very large majority of the voters of said County including those residing in said Villages are in favor of removing said County seat to a more central place in said County and as these defendants believe would have voted for either of said Villages had the same been mentioned in the Act of the Legislature of the State of Illinois hereinafter described and in said Bill of Complaint set forth.

And these defendants further answering admit that an Act entitled "An Act for relocating the County seat of Kendall County" was passed by the Legislature of the State of Illinois and approved February 24 1839 and that the same is correctly set out in the said Bill of Complaint the validity constitutionality and construction of which is by these defendants submitted to this Honorable Court denying now and at all times that said Act is unconstitutional or void by reason of anything appearing upon the face thereof or of any act or thing done or suffered in or about the

passage thereof by said Legislature or by reason of any other act or thing whatever.

And these defendants further answering admit that the circle described in the first Section of said Act to wit: "A circle having for its radius twenty chains and for its centre the middle of the Island in Fox River between the Bristol & Yorkville Bridge" would include and does include a portion of the Village of Bristol and a portion of the Village of Yorkville, but they expressly deny upon information and belief and also of their own knowledge so far as they have any knowledge upon the subject, that any fraud was intended by the particular description in said Act, of the point to which said County seat might be removed, or that any fraud in Law or in fact was perpetrated thereby, or that the same was intended to effect a combination of all the voters in favor of removing said County seat from the town of Oswego, but who did not concur in the place to which said County seat should be removed, or that said description did in fact occasion or produce any fraudulent or improper combination of the voters of said County, or that the same was intended to operate or did in fact operate as a fraud upon the provision of the Constitution of the State of Illinois aforesaid.

And they also expressly deny upon information and belief that the Legislature of said State was induced to pass said Act in pursuance of any fraudulent scheme whatever or that any such scheme ever existed respecting the passage of said Act or the relocation of the said County seat. And these defendants further state that the object and purpose of

describing the point to which said County seat might be removed as in said act so far as these defendants have any knowledge information or belief concerning the same was to enable the Board of Supervisors of said County acting as Commissioners under said Law to select a suitable proper and pleasant site for the location of the County buildings upon either side of said River as they might think proper. - and these defendants aver that there are within the limits of said Circle and on either side of said river suitable and proper location for said County buildings upon both the Bristol and Yorkville sides of said River.

And these defendants further answering state that a very large number of the legal voters of said Kendall County and as the defendants are informed and believe a majority of them petitioned the Legislature of the State of Illinois for the passage of the act aforesaid authorizing the relocation of the said County seat and that they so petitioned for the purpose of obtaining a more central location for said County seat - That the point upon the Island aforesaid designated in said act as a centre is within little more than three miles of the Geographical centre of said County and that said Villages of Yorkville and Bristol are the only Villages of any importance within many miles of said geographical centre and would best accommodate the People of said County generally. That since the removal of said County seat from Yorkville in the year 1845 - as aforesaid the portion of said County of Kendall to the West of said Villages as well as the said Villages of Yorkville and Bristol themselves

have greatly increased in population and business and the location of said County seat at Oswego is now and for several years has been a matter of great inconvenience as well as injustice to the inhabitants of that part of said County, and they have insisted and do now insist that their rights in the premises should not and ought not to be made subservient to the pecuniary interests of the said complainant or any other person or persons - And these defendants insist that the point to which said County seat should be removed is clearly and with sufficient certainty and distinctness fixed in and by the Act aforesaid - That the said Act is not in that respect or in any other particular unconstitutional or void as charged in said bill but is in fact the law of the land and as such binding upon the said complainant & all persons within its operation.

And these defendants further answering say that they are advised and believe that said Act does provide with reasonable certainty the mode of holding the Election and of ascertaining whether a majority of the voters of said County have or have not voted for the removal of said County seat, and they deny that there is so far as they are advised or can understand the same any uncertainties incongruities or imperfections in the said Act in this respect. -

And these defendants further answering say that an Election was held in said County of Kendall in pursuance of said Act and in each of the several Towns of

said County and that at such election a large majority of the voters of said County did vote for the removal of the County seat of said County to the point designated in said act, and that at said election twelve hundred and eighty two (1282) legal voters of said County voted for the removal of said County seat and six hundred and forty nine (649) voters of said County voted against such removal - That the votes for and against removal were returned to the Clerk of the County Court of said County in the manner prescribed in said act and in accordance with the law in that behalf as these defendants are informed and believe and the same were duly certified to the Board of Supervisors of said County of Kendall and the said Board of Supervisors as Commissioners for that purpose were proceeding to locate the site for the County buildings of said County and to provide for the erection of the same in the manner specified in said act when they were restrained from so doing by the writ of Injunction issued in this cause

And these defendants refer to the abstracts of votes given at said election and the certificates of said County Clerk heretofore filed in this cause marked A, B, C & D. and which are prayed to be taken as a part of this answer

And these defendants further answering say that said election was held in all the Towns of the said County on the same day and on the day fixed by said Act of the Legislature aforesaid, but whether the day is correctly stated in said Bill of Complaint they do not now remember and they further state upon

information and belief that at the time the votes aforesaid for and against the removal of said County seat were so certified by the Clerk of the County Court of said Kendall County to the said Board of Supervisors there were returns of said votes from the several Townships of said County of Kendall in the Office of said Clerk duly attested according to law as these defendants are advised and believe showing that said Certificate was true - And these defendants expressly insist and state that said Election was held in the manner and at the time required by said Act in the several Townships of said County and that the same was in all respects regular and properly conducted and the results thereof legally and properly attested and returned - but these defendants state it to be true that they have no knowledge of the manner in which said Election was conducted in said Towns generally or how the results thereof were returned & authenticated other than is derived from the returns of the same made to said County Clerk as set forth in the Abstracts and Certificate of said Clerk copies of which are filed in this Cause. And these defendants admit that the defendant Jeremiah J. Cole was Clerk of said County Court of Kendall County at the time of such Election & has ever since continued to be and that he did at or about the time mentioned in said Bill of Complaint, spread upon the Records of his office a writing such as is set forth in said Bill, and as they are

informed and believe to be true the returns of said Election then in his office justified him in so doing.

And these defendants admit that said Election to determine the question of removal of said County seat under said Act was held at the same time and place of and in connection with the Election for town officers and that in some cases and it may be in all but one ballot or ticket was used by each voter having upon it the names of the persons voted for, for town officers and the words "For Removal" or "Against Removal" according as each desired to vote upon the question of the removal of the County seat - but these defendants deny that said Election was invalid for that reason or for any reason or that there was on that account or ^{on} any account any difficulty in determining the majority of the voters of said County as required by the Constitution - And these defendants are advised and so insist that a majority of the voters voting at said Election is and will be presumed to be a majority of the voters of said County.

And these defendants further answering submit that at an adjourned meeting of said Board of Supervisors of said Kendall County held in the month of November A.D. 1859 or about that time said Board did make and cause to be entered upon the Record of their proceedings the order in said Bill of Complaint set forth, and that said tax of three mills on the dollar was intended for the purpose of erecting County Buildings in pursuance of the Act aforesaid and that at the time of the filing of said Bill of Complaint the

Tax lists were being prepared including said tax of three mills on the dollar aforesaid for delivery to the several town Collectors of said County with the intention of having said tax amongst others collected - That at the time of filing of said Bill of complaint the site for the erection of County buildings had not been selected by the Board of Supervisors of said County pursuant to the Act aforesaid, but that they were about to select the same & were examining the grounds described in said Act for that purpose and with a view of making such selection when the writ of Injunction issued in this cause was served upon them, and that but for the issuing of said writ said site would have been selected long ago as these defendants verily believe.

And these defendants further answering admit that the board of Supervisors of said County of Kendall is and was at the time of the filing of said bill, composed of nine persons being one Supervisor for each of the townships of said County, but they expressly deny that any vote has been taken in or by said Board upon the question of selecting a site for said County buildings or that there has been any official expression of the views of said Supervisors upon that subject. - And these defendants further say that it may be true that the said Supervisors are in private opinion and preference divided as stated in said bill, but if such is the fact, they deny that they have any proof or knowledge of the same and

state that they are well advised and verily believe that a majority of said Board would readily and easily agree upon the site of said buildings, And they expressly deny that said tax was levied by said Board before selecting the site for said buildings and making arrangements for the erection thereof, for any such cause or reason as is assigned in said Bill or for fear that there would be in said Board any difficulty in agreeing upon the location of said buildings or for fear that no tax would be voted in case said site was first selected.

And these defendants insist that the voting of said Tax prior to the Selection of the site for said Building was only a matter of convenience - And they admit that it was the intention of a majority of said board so far as such intention was or could be known in the absence of official action, immediately to select said site and to take measures for the removal of said County Seat, in pursuance of said Act by making contracts for the erection of County buildings at some point within the circle aforesaid and they insist that in the Certificate of said County Clerks as to the result of said election upon the question of removal of said County Seat and in the returns of said Election which have been officially made to said Board they were fully justified in so doing.

And these defendants further answering admit upon information and belief that said Complainant Walter Loucks is and was at the time of the filing of said Bill of complaint a resident of the Village of Oswego and the owner of a considerable amount of real property

in and near said Village, but whether or not the value of his property is or will be affected by the location of the County seat of said County of Kendall these defendants do not know, but admit that the value of the same may be affected by the removal of said County seat.

And these defendants further admit upon information and belief that the ground on which the present Court House of said Kendall County stands was donated to said County by said Complainant but for what purpose or with what view these defendants do not know.

And these defendants further answering insist that at the Election aforesaid the question of the removal of said County seat of Kendall County was fairly & properly determined by the voters of said County in pursuance of the Act of the Legislature aforesaid in favor of removal - and that the returns of ~~the~~ said Election were duly and properly made according to law as appears by the Copy of said returns on file in this cause as aforesaid - That said Board of Supervisors of said County were duly notified of the result of said Election upon the question of removal by the notice thereof from said County Clerk as aforesaid which was substantially in the words and figures set out in said bill of Complainant - And that at the time of ^{the} giving of said Notice to said Board there were on file in the office of said Clerk returns of said Election duly attested according to Law as these defendants are advised and believe showing the result stated in said notice as will appear by the copies thereof

or file in this cause & the attestations of the same which are made part of this answer as aforesaid - and they admit that said returns were made as set forth in said copies and insist that the same are in all respects legal and sufficient.

And these defendants further answering deny all and all manner of fraud combination and fraudulent proceedings charged and set forth in said Bill of Complaint, without that any matter cause or thing in the said Bill of Complaint contained and not therein and hereby well and sufficiently answered confessed and avoided traversed or denied is true to the knowledge or belief of these defendants, all of which said several matters and things these defendants are ready and willing to aver maintain and prove as this Honorable Court shall direct, and they humbly pray to be hence dismissed with their reasonable costs and charges by them about this suit in this behalf most wrongfully sustained

By order of the Board of Supervisors of the County of Kendall in the State of Illinois

E. S. D.

N. G. Wilcox

Chairman

Jeremiah J. Cole
Clerk

N. G. Wilcox

Archibald Starr

} Special Committee of the
Board of Supervisors of
Kendall County Illinois

Scates McAllister & Jewett
Sols for Depts

State of Illinois }
 County of Kendall }^{ss}

This day personally appeared before G. M. Hollenback Clerk of the Circuit Court within and for the said County of Kendall in the State aforesaid H. S. Wilcox and Archibald Sears who being severally sworn according to law depose and say that they are two of the members of the Board of Supervisors of said Kendall County and were by special order of said Board for that purpose appointed a Committee to represent and act for said Board of Supervisors to employ Counsel and take all necessary measures to dissolve the Injunction served upon said Board in the cause in which the foregoing answer in Chancery is entitled, That they have enquired into the facts pertaining to said cause and are acquainted with the same That the foregoing answer of said Board of Supervisors has been read by them and they know the contents thereof, and that the several matters and things therein stated as of the knowledge of the said Board of Supervisors are true and as to those stated upon information and belief they believe them to be true.

H. S. Wilcox

Subscribed and sworn Archibald Sears

to before me Clerk of the Circuit Court of Kendall County aforesaid this 7th day of March A.D. 1860 as witness my hand and the seal of said Court

G. M. Hollenback Clerk

[Handwritten initials]

91.

Which said answer is endorsed as follows to wit:

Filed May 9th 1860

W. R. Wright Clerk

And afterwards to wit: on the 31st day of May A.D. 1860 the same being one of the days of the May Term of said Circuit Court of Kane County for said year the following among other proceedings in said Court was had and entered of record therein to wit:

Walter Locks

7313

vs

The Board of Supervisors of Kendall County and Jeremiah J. Cole

} Bill in Chancery

This day comes the complainant by T. L. Dickey his Solicitor and on his motion leave is given to the complainant to file a Replication to the answers herein.

And afterwards to wit: on the 31st day of May A.D. 1860 aforesaid there was filed in the said Circuit Court of Kane County a Replication which is in the words and figures following to wit:

State of Illinois

Kane County Circuit Court thereof
In Chancery, at the May term thereof

of A.D. 1860

Walter Locks

vs

The Board of Supervisors

} Bill for Injunction & Relief

of Kendall County &
Jeremiah J. Cole

} Change of venue from
Kendall

The replication of Walter Lorchs
Complainant to the amended answer in the above cause
of the Board of Supervisors of the County of Kendall

This replicant saving and reserving to
himself now and at all times hereafter all and all
manner of benefit and advantage of exception which
may be had or taken to the manifold insufficiencies of the
said answer for replication therunto says, that he will
aver maintain and prove his said bill of Complainant
to be true certain and sufficient in the law to be
answered unto and that the said answer of the said
defendants is uncertain untrue and insufficient to
be replied unto by this replicant; without this that
any other matter or thing whatsoever in the said
Answer contained material or effectual in the law
to be replied unto and not herein and hereby well and
sufficiently replied unto confessed and avoided trans-
-posed or denied is true, All which matters and
things this replicant is and will be ready to aver
maintain and prove as this Honorable Court shall di-
-rect, and humbly prays as in his said bill he has
already prayed

J. Lyle Dickey
Sol for Complainant

Which said Replication is endorsed as follows to wit:
Filed May 31st 1860
P. R. Wright clerk

And afterwards to wit: on the 2^d day of July
A.D. 1860 the same being one of the days of the July
Special Term A.D. 1860 of the Hancock County Circuit
Court the following among other proceedings in said
Court was had and entered of record to wit:

Walter Loochs

7813

The Board of Supervisors
of Kendall County
Jeremiah J. Cole

Bill for Injunction
Change of Venue from
Kendall County

This day came the defendants
by Plato their solicitor and the complainant being
three times solemnly called comes not nor any person
for him, but herein makes default, which is ordered by the
Court to be entered of record, And on motion of the de-
fendants by their Solicitor aforesaid it is further order-
ed by the Court that this cause be dismissed for want
of prosecution.

It is therefore considered by
the Court that the defendants have and recover of the
complainant their costs in this cause expended and
have execution therefor.

And afterwards to wit: on the 10th day of July A.D.
1860 the same being one of the days of the aforesaid
July Special Term of said Circuit Court of Hancock

County the following among other proceedings was had and entered of record in said Court to wit:
Walter Loncks

7313

The Board of Supervisors
of Kendall County and
Jeremiah J. Loto

Bill for Injunction

This day comes the complainant by his solicitor and moves to set aside the judgment and order of the Court heretofore entered herein at this term dismissing this cause for want of prosecution.

And afterwards to wit: on the 11th day of July AD 1870 the same being as yet one of the days of the aforesaid July Special Term AD 1870 of said Circuit Court of said Kane County the following among other proceedings was had and entered of record in said Court to wit:
Walter Loncks

7313

The Board of Supervisors
of Kendall County and
Jeremiah J. Loto

Bill for Injunction

This day come the parties to this suit by their respective solicitors and the complainants motion to set aside the judgment and order of dismissal heretofore entered herein coming on to be heard, after argument of counsel the Court being fully advised sustains said motion and orders said judgment and order of dismissal set aside.

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and that this suit be continued And upon motion of the Complainants Solicitor the said defendant Jeremiah J. Cole is ruled to file his answer to said Complainants bill by the first day of October next.

And afterwards to wit: on the 20th day of November AD 1860 the same being one of the days of the November Term AD 1860 of said Circuit Court of Kendall County the following among other proceedings was had and entered of record in said Court, to wit:

Walter Londs

7313
The Board of Supervisors of Kendall County And Jeremiah J. Cole

} Bill for Injunction Change Venue from Kendall County

This day comes the defendant Cole by Herrington his Solicitor and on his motion leave is given him to file his answer herein, And the said Board of Supervisors by Wells their solicitor come & move for a rule upon the complainant to give additional security on the Injunction bond herein on motion of the Complainant by Dickey his Solicitor this cause is set down for final hearing upon the Bill Answers & Replications at the next term of this Court.

And afterwards to wit: on the day last aforesaid there was filed in said Circuit Court of Kendall County an Answer of the above named defendant Cole to the complainants bill herein which is in the words and figures following to wit

State of Illinois }
 County of Kane }
 In the Circuit Court
 of said County
 In Chancery

Walter Loncks

vs

The Board of Supervision
 of Kendall County Illinois
 and Jeremiah J. Cole Respondents

Bill for Injunction

The separate answer
 of Jeremiah J. Cole to the Bill of Complaint filed in
 said Court against him and the Board of Supervi-
 sors of Kendall County by Walter Loncks

Said respondent Jeremiah J. Cole
 having and reserving all advantages of exception to the many
 errors and insufficiencies of said Bill of Complaint for an-
 swer to so much thereof as he is advised by counsel is
 necessary for him to answer unto answering says:

That he admits that Complainant at the
 time of filing said Bill was and for many years has
 been a resident and tax payer of Kendall County and
 was the owner of and possessed of a large amount of
 property in said County which was subject to taxation
 for State and County purposes as alleged in said Bill
 of Complaint.

Respondent further admits that at
 the time of the adoption of the present Constitution of Illi-
 nois the Village of Oswego was and ever since has been
 and now is the County Seat of Kendall County aforesaid
 and that said County now owns in said Village a Court

Atmos County buildings and grounds as alleged in said bill, and that the Villages of Yorkville and Bristol are situated in said County on opposite sides of Fox River and located in the manner set out in the bill and that the statements of the bill in relation to the character of the river at that point, and in relation to the character and location of the Islands in the river at that point ~~and~~ are substantially correct.

Respondent further admits that Kendall County was apportioned under the Township organization Law of this State as alleged in said bill, and that Bristol and Yorkville are and for many years have been to some extent rivals and have each been from time to time advocated as suitable locations for the County seat as alleged in said Bill and that the County seat of said County was formerly at Yorkville and was afterwards removed to Oswego at the time and in the manner alleged in said bill.

Respondent is not informed and cannot answer whether the statements of said bill as to the manner in which said Bridge or Bridges were built are correct or not nor can respondent answer as to the means, motives and purposes which are alleged in said Bill to have brought about the passage of said act of the Legislature mentioned in said Bill.

Respondent admits the enactment of the act of the Legislature as set out in said Bill and that on the first Tuesday in April 1857 elections were held in the several Townships of the County of Kendall at which votes were cast for removal and against

removal as alleged in said Bill and that afterwards and before the twelfth day of September 1859 respondent who was then and still is the Clerk of the County Court of Kendall County aforesaid did spread upon the records in his office a writing in the words and figures in that regard set out in the Bill.

And respondent says that in so doing that he supposed that he was performing his official duty required of him by said Act and that the same were warranted by the provisions of said Act and the circumstances under which he acted which are hereinafter set out and respondent cannot answer further than the statements which are hereinafter contained whether said Elections were regular or irregular or were or were not conducted according to law or whether the result was or was not properly ascertained and properly attested by the several boards of Election.

Your Orator further admits that on the twelfth day of September 1859 and that he as such Clerk did notify by written notice the Board of Supervisors of said County of said Election and of its results which written notice was spread by Respondent upon the Records in his office and which written notice is correctly set out in said Bill of Complaint. Respondent further answering states that at the time aforesaid there had been returned to his office from the several Towns in said County Election returns a full copy of which are hereto attached and marked Exhibit B and respondent further answering says that upon the 8th

day of April 1859 at the office of Respondent in Oswego said Election returns were opened by respondent in the presence of Benjamin Ricketson County Judge and Festus Burr Justice of the Peace of said County and by them and respondent then and there canvassed and an abstract thereof made and certified a copy of which canvass and abstract is hereto attached marked Exhibit C. and respondent further answering states that said returns a copy of which is contained in said Exhibit "B" and said Canvass contained in Exhibit C constitutes the basis, and the whole basis upon which he acted in spreading the result of said Election upon the records as aforesaid and in notifying said Board thereof as aforesaid and whether such returns are duly attested according to law or whether said returns show such result as that stated by said respondent in said notice or whether they are irregular and defective are questions which this respondent respectfully submits to this Court.

Respondent further answering says that the aforesaid Election returns a copy of which is contained in Exhibit "B" are all the election returns relating to said Election which were ever returned to the office of this respondent.

Respondent has no information or knowledge that will enable him to answer further or more particularly as to the manner in which said Elections were conducted in the ~~several~~ ^{several} towns in said County or as to the time and place at which said several Elections were held.

Respondent admits that on the seventh day of October 1859 the Board of Supervisors of Kendall

County aforesaid adopted and caused to be recorded an order that a tax of three mills or a dollar should be assessed on the taxable property in said County for the purpose of building County buildings as alleged in said bill of complaint and that respondent as County Clerk of the County Court of said County was preparing tax lists and taking steps with a view to the collection of said tax in pursuance of said order as alleged in said Bill of Complaint and that the said Board of Supervisors had not selected the site for the erection of County buildings as required by said Act, and that the same has not as yet been selected.

Respondent denies all other allegations in said Bill which are not herein above answered unto and having answered fully asks to be discharged with his reasonable costs.

Jeremiah J. Cole

of Council for defendant (C) }
 A. M. Harrington

(Exhibit B)

State of Illinois }
 County of Kendall }
 Lison } At an Election held at
 the Lison Hotel in the Town of
 Lison Kendall County and State of Illinois on the
 5th day of April A.D. 1839

One Hundred and thirty two votes were cast for removal
 Nineteen votes were cast against removal

Certified by us

Allest		S. P. Bushnell	Judges of Election
G. T. Norton	Clerks of Election	W. M. Coors	
W. J. Lewis		John Liberty	

Bristol

An Election held at the town of A. M. Lea in Bristol Township in the County of Kendall and State of Illinois on the 5th day of April A. D. 1859 the following named persons received the number of votes annexed to their respective names for the following described offices & the number of votes cast for and against the removal of the County seat of Kendall County

The following persons were elected

A. H. Arnold	Supervisor
G. B. Lester	Town Clerk
J. A. Austin	Speaker
Matthew Patterson	Commissioners of Highways
J. W. Tilton	
James Sherwin	
John Wheat	Collector
John Newhiter	Overseer of Poor

For removal of the County seat Two Hundred and fifty nine votes (259)

Against Removal of the County seat five votes (5)

We certify the above to be correct

W. S. Willett	Clerks of Election	W. S. Raymond	Judges of Election
J. S. Hunt		John Newhiter	
		G. B. Lester	

Little Rock

At an Election held at the Plano Academy in Little Rock Township in the County of Kendall and State of Illinois on the fifth day of April in the Year of our Lord one thousand eight hundred and fifty nine the following votes for and against removal were polled.

"For Removal" Had two hundred and twenty five votes

Against Removal Had nine votes

Certified by us

Attest

Archibald Sears	Judges of Election
James C. Lincoln	
David H. Shultz	Moderator

H. F. Doty

J. S. McSwain

Big Grove

At an Election held at the P. S. School House in the Town of Big Grove in the County of Kendall and State of Illinois on the 5th day of April one thousand eight hundred and fifty nine the following vote was cast in pursuance of an act entitled an Act for relocating the County Seat of the County of Kendall

For Removal had one hundred and seventy votes

Against Removal thirty six votes

Certified by us

Attest

Hubert S. Hills	Judges of Election
Lott Scofield	
St. G. Wilcox	

J. F. Moor

George C. Gaylord

W. A. Sawyer

State of Illinois
Kendall County

At an Election held at the

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School House in District No 1 in the Town of Ira And Jay County of Kendall & State of Illinois on the 5th day of April in the Year of our Lord one Thousand eight hundred and fifty nine the following number of votes were cast for the removal of the County seat for removal five votes and one hundred and nineteen votes against removal & three votes neither for nor against removal

		Thomson Seely	Judges of Election
G.M. Kellogg	} Clerks of Election	George Davis	
James Baird		Charles Snydam	

Kendall

At an Election held at the Academy in Long Grove in the Town of Kendall County of Kendall and State of Illinois on the 5th day of April AD 1839 the vote upon relocating the County seat of said County was,

Kendall

For Removal Two hundred and forty
Against Removal Twenty three

		John Kellest	Judges of Election
Jno N. LeBaron	} Clerks of Election	J.P. Black	
Edw ^d E. Cherr		Stonon Harris	

Seward

At an Election of held at the School House in District No 3 in the Town of Seward in the County of Kendall and State of Illinois on the fifth day of April in the Year of our Lord one thousand eight hundred and fifty nine the following named persons received the number of votes annexed to their respective

names for the following described offices to wit:
 Judson R. Fletcher had eighty votes for Supervisor
 William A. Jordan had seventy one votes for Town Clerk
 William Bennett had nine votes for Town Clerk
 Judson R. Fletcher had one vote for Town Clerk
 Austin D. Swalls had seventy one votes for Apefor
 John H. Sands had one vote for Apefor
 William Bennett had nine votes for Apefor
 John H. Sands had seventy one votes for Collector
 Solon M. May had nine votes for Collector
 Judson R. Fletcher had eighty one votes for Commif-
 -sioner of Highways
 Wells Comery had sixty four votes for Commissioner
 of Highway
 Ebenezer Henderson had eighty one votes for Commif-
 -er of Highway
 Frederick J. Bean had sixteen votes for Commif-
 -er of Highways

Swards

Solon Worthing had seventy two votes for Overseer
 of the Poor
 Charles B. Ware had nine votes for Overseer of
 the Poor

Against Removal seventy three votes
 For Removal nine votes

Certified by us

Albert	J. R. Fletcher	} Judges of Election
William A. Jordan	Milton McLann	
Wm D. Angell	Joseph Blanton	

Fr

At an Election held at the School House near R. M. Carnes in the Town of Fox County of Kendall and State of Illinois on the 5th day of April in the Year of our Lord one thousand eight hundred and fifty nine.

Two hundred and thirty two ⁽²⁷²⁾ votes were cast for removal. One (1) vote was cast against removal

Thomas Finnie } Judges
Jacob Buda } Claims of } Major Springer }
Edward Walker } Election } Edward Walker } Election

Full list of an Election held on the fifth day of April 1859 at the Court House in the Town of Oswego in the County of Kendall and State of Illinois

James			
For Supervisor		For Collector	
Cyrus Cass	179	J. Sanderson	370
John W. Chapman	201	J. Coffin	8
For Town Clerk		J. New	1
A. Mead	111	M. Bond	2
D. Cliff	77		
W. F. Sutherland	171	For Commissioners of Highways	
J. B. Stratemeyer	9	H. Wormley	167
For Assessors		W. C. Treman	166
A. Edson	237	A. Edson	138
A. N. Alke	140	W. Bond	208
		W. Louch	208
		A. Small	222

For Constables		For Overseers of the Poor	
D Hall	191	W. Noz	274
Mc Hopkins	121	J. Lockwood	104
J. M. Chapman	125		
D Ladd	188	Against Removal	364
J. Felling	65	For Removal	18
F Coffin	25		

Against Removal 364 votes
 For Removal 18 votes

The foregoing is certified by us this 6th day of April AD 1839

Cyrus Case Superior }
 F. Coffin Clerk } Judges
 Asahel Newton Moderator } Election

Attest
 F. Burr }
 Lorenzo Rank } Clerks of Election
 (End of Exhibit B)

Exhibit C

Abstract of votes given in the County of Kendall and State of Illinois for the relocation of the County seat of said County of Kendall on Tuesday the 5th day of April AD 1839

Oswego Eighteen votes for removal and three hundred and six by five votes against removal
 Little Rock Two hundred and twenty five votes for removal and nine votes

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against removal

Fox Two hundred and thirty two votes for removal and one vote against removal.

Kendall Two hundred and forty votes for removal and twenty three against removal

MacAnay Five votes for removal and one hundred & nineteen votes against removal

Seward Nine votes for removal and seventy three votes against removal

Linton One hundred and thirty two votes for removal and nineteen votes against removal

Big Grove One hundred and seventy votes for removal and thirty six votes against removal

Preston Poll Book incomplete having been returned without the Poll list and thrown out by us - The certificate returned shows that there was

Two hundred and fifty nine votes for removal and five votes against removal

Poll Books opened and abstract made in presence of us this 8th day of April AD 1859

Benj. Pickett Co. Judge & Ex. officio J. P.

Hester Burr Justice of the Peace

State of Illinois }
County of Kendall }^{ss}

Clerks Office County Court
Oswego April 8 1859

I Jeremiah J. Cole Clerk of the County Court within and for the County of Kendall and State

aforesaid do certify that the foregoing is a correct statement of the votes cast for or against removal of said County as therein set forth at an Election held in the different Towns in the County of Kendall on Tuesday the 5th day of April AD 1859

In testimony whereof I have hereunto set my hand and affixed the seal of said Court the 8th day of April AD 1859

Jeremiah J. Cole
County Clerk

which said Answer is endorsed as follows to wit:

Filed Nov 20th 1860

R W right Clerk

And afterwards to wit: on the day last aforesaid there was filed in the said Circuit Court of Kane County a replication of the above named Complainant to the answer of the defendant Cole, which is in the words and figures following to wit:

State of Illinois

Kane County Circuit Court thereof In Chancery
Nov Term 1860

The replication of Walter Lonck to the separate answer of Jeremiah J. Cole, to the Bill of Complaint of said Lonck vs said Cole of the Board of Supervisors of Kendall County Illinois

Said repliant for replication thereto says that he will aver and prove his said bill of

Complaint to be true certain and sufficient & that said answer in so far as it denies the said bill or any part thereof is uncertain untrue & insufficient all which the repliant is ready to prove aver & show as the Court may direct & pray as he has prayed in his original bill

J. Lyle Dickey
 D^o for Compl^t.

which said Replication is endorsed as follows to wit
 Filed November 20th 1860
 P. R. Wright Clerk

And afterwards to wit; on the 10th day of December A.D. 1860 there was filed in the said Circuit Court of Kane County certain Depositions which are in the words and figures following to wit:

State of Illinois } Kane Circuit Court
 Kane County } Venue changed from Kendall County
 Bill + Injunction

Walter Lorch

vs
 The Board of Supervisors
 of Kendall County &c
 vs
 Math J. Cole defendants

To the above named defendants or their Solicitors Glover & Cook

You will please take notice that the depositions of the witnesses whose names are hereto attached will be taken by & before Justice

Burr Esq. a Justice of the Peace in & for the town
 of Oswego in the County of Kendall & State of Illinois
 at the Office of said Justice in Oswego, Commenc-
 -ing on the 28th day of February inst at the hour of
 ten o'clock of the forenoon of said day & continuing from
 day to day until the depositions of said witnesses are all
 taken, said depositions to be read & used as evidence on
 the trial said Cause in said Court and also in resisting
 the motion to dissolve the Injunction on the part of
 said Complainant when and where you can appear
 and crop examined if you desire

Yours to

Dickey Wallace Smith
 of Counsel for Complainant

Lyman Childs
 John C. Schofield
 James Greenacre
 Henry A. Francis
 Lewis Rickard
 William Greenwood
 A. H. Austin
 E. G. Foment
 John Newell
 John N. LaBaron
 Charles Raymond
 Arimrod Youngs
 James Hadden
 Stephen Willis

O. C. Johnson
 Fletcher
 John Carnes
 William Bowdoy
 Isaac Foote
 Ebenezer Morgan
 William Sedgens
 George W. Hartwell
 Albert Cook
 Robert Gates
 Joseph W. Helme
 Lewis B. Judson
 A. W. Wheeler

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Ruben Hunt
 P. G. Hawley
 Oliver H. Sherwood
 Lewis Morgan
 Henry Simpson
 Daniel Platt
 E. D. Bradley
 Samuel B. Hopkins
 Daniel G. Johnson
 Blexton Harris
 A. B. Smith
 Valentine Vermilyea
 George Watson
 Mrs. Coy

Richards Ferris
 J. J. Grooms
 Joseph Widney
 Jonathan Raymond
 George M. Rice
 John Litze
 William L. Fowler
 Edward Meun
 James Shepard
 Elias Black
 George Van Emmon
 Alper Snook
 John A. Coy

State of Illinois }
 Kendall County } I Wright Murphy being duly
 sworn do depose and say that on
 the 18 day of February 1860 I delivered a true copy of
 the within notice to Charles G. Wilcox President of the
 Board of Supervisors of said County
 Wright Murphy

Subscribed and sworn to before
 me this 21st day of February
 AD 1860
 Festus Burr J.P.

State of Illinois } Name Circuit Court.
 Name County } Venue changed from Kendall

County
 Walter Lovels
 v
 The Board of Supervisors
 of Kendall County +
 Jeremiah J. Cole
 Defendants

Bill of Injunction

To the above named de-
 -fendants or their Solicitors Glover & Cook

You will please take notice that the
 depositions of the witnesses whose names are hereto at-
 -tached will be taken by & before Festus Burr Ely a
 Justice of the Peace in and for the town of Oswego
 in the County of Kendall + State of Illinois at the office
 of said Justice in Oswego commencing on the 25th
 day of February inst at the hour of ten o'clock of the
 forenoon of said day & continuing from day to day until
 the depositions of said witnesses are all taken, said depo-
 -sitions to be read & used as evidence on the trial of said
 Cause in said Court and also in resisting the motion to
 dissolve the injunction on the part of said Complainant;
 when and where you can appear and cross examine
 if you desire

Yours to
 Dickey Wallace & Smith
 of Counsel for Complainant

State of Illinois }
 Kendall County } vs

J. Wright Magrath being

duly sworn do depose and say that on the 18
day of February 1860 I delivered a true copy of the
within notice to Harlow G. Wilcox President of the
Board of Supervisors of said County

Wright Murphy

Subscribed and sworn to
before me this 28th day of
February AD 1860
Festas Burr J.C.

Depositions taken before the undersigned
Justice of the Peace in and for said County of Kendall
in the State of Illinois aforesaid commencing on the
28th day of February AD 1860 in the above entitled
Cause.

Elias Black sworn

First Interrogatory, What is your age, occupation
and residence.

Answer. Age 42. place of residence Yorkville
Occupation Miller.

2nd Int: How long have you resided in the State
of Illinois and at what places have you resided.

Answer Resided in the State about fourteen
years at Milford and Yorkville

3rd Int: What has been your principal business
since you resided in the State.

Answer Milling.

4th Int: Do you know the number of inhabitants
in Yorkville if so please state.

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Answer. I think probably between one and three hundred.

5th Intⁿ Do you know the number of inhabitants in Bristol if so please state.

Answer. Probably from two to five hundred.

6th Intⁿ Are you acquainted with the location of the Island between Yorkville and Bristol which is made a point by the Act of the General Assembly of the State of Illinois, passed February AD 1859 for the relocation of the County Seat of Kendall County if so please state how said Towns Bristol and Yorkville are situated in reference to said Island.

Answer. Yorkville is situated on the South bank of the river. Bristol on the North bank of the river and nearly opposite.

I am acquainted with the location of the Island, the Island is located almost in the centre of the river, the Channel of the river is about 30 feet narrowed on the North side than on the South, the Island is about two hundred feet wide, the Island is about five hundred feet long.

7th Intⁿ Does the Water in the river ever overflow the said Island, and is said Island a suitable place to put County buildings upon, (Objected to by Sept. Council)

Answer The water does overflow the Island, I

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thinks it a suitable place to build if we could not get any better.

8th Intⁿ Do you know where the North line of the Town plat of Yorkville is located, if so please state:

Answer It runs down to the river.

9th Intⁿ How long is it since said Town was laid out, down to the river.

Answer One year and a half or two years

10th Intⁿ Is there any rivalry in interest and feeling between the Towns of Yorkville and Bristol in relation to the location of the County seat, as to which side of the river, the same should be located.

(Objected to)

Answer No more I think than if Bristol or Yorkville had been named a point in the bill

11th Intⁿ What was the object in fixing the point on the Islands as in the Act referred to by the Legislature and making a radius of twenty chains.

(Objected to)

Answer. I suppose it was to give the Supervisors a chance to locate it on either side of the river

12th Intⁿ Was not the object of fixing said point upon the Islands between said Towns for the purpose of uniting the strength of both Towns upon a point.

(Objected to)

Answer. I do not know, as I was not present when the bill was drawn up.

13th Int^r Did you ever see the petition that was drawn up for the removal the County seat from Oswego Kendall County to said point mentioned in said Act of the Legislature mentioned during the winter of 1858 & 9

Answer I saw a number of petitions that were drawn up for the removal of the County seat, that were circulated for signers petitioning the Legislature for the removal of the County seat.

14th Int. Did any of those petitions which you say, you saw circulated for signers in your answer to the last interrogatory fix the point upon the Island having for its radius 20 chains; (Objected to)

Answer I think not, there was fifteen chains fixed in the petition, but the bill was fixed at 20 chains.

15th Int Do you know where the Town line runs in reference to said Island between the Township of Kendall and the Township of Bristol - if so please state

Answer I believe it runs somewhere near the centre of the Island

16th Int Is there a bridge leading from Bristol across the river to Yorkville,

Answer, There is two bridges, one extends from Bristol to the Island 150 ft, the other

from the Island to Yorkville 190 ft. They were built by the Towns of Kendall and Bristol, partly by tax and partly by subscription.

17th Int: Is there any space between those two bridges over the Island that is not bridged if so please state the distance,

Answer There is about two hundred feet.

18th Int: Were those bridges built by the Towns of Kendall and Bristol jointly or otherwise, please state if you know?

Answer The original bridges were built by the two Towns, then the Towns concluded to keep up its own bridge, the original bridges having been taken away by a freshet, the present bridges were built by the separate Towns.

19th Int: Do either of said Bridges run across the Town line as located between Bristol and the town of Kendall?

Answer They do not.

Acrop Examined by Defts Counsel

1st Acrop Interrogatory, How often and to what extent has the Island between Yorkville and Bristol been overflowed to your knowledge? (Subject is)

Answer I should think probably one in three years, It has not been overflowed but once since the bridges were built so but that they

could crop and that at the time of the great freshet

2nd Crop Int. Taking the middle of the ob-
-land for the centre with the radius of twenty
chains, how far would the circle described extend beyond
the banks of the River on either side and what would be
and what would be the character of the Land included
in the limits of the circle? (Objected to)

Answer. About 250 feet less than a quarter
of a mile on the Bristol side, and about 290
feet less than a quarter of a mile on the Yorkville side, and
the Land within that circle I should judge was from
30 to 60 feet higher than the bed of the river.

Direct Examination resumed

20th Interrogation Do you know the distance from
the bridge connecting the Yorkville side
to the Bristol bridge if so state?

Answer About 200 feet.

21st Int Is there an embankment between the
two bridges, and how high is it; if so state
it

Answer. There is, and about two feet high and
near the bridges something higher.

22nd Int. Was you present at the time of the
great freshet in 1857, when the Yorkville
and Bristol Bridges were carried away, and if so how
deep was the water upon the embankments between the

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bridges

Answer ~~When~~ I was, there was not much em-
-bankment there at that time, I should judge
there was from six to ten feet of water on the Islands at that
time.

23^d Int: Do you know the distance from the
North end of the Bridge on the Bristol side
to the Town Plat of the Village of Bristol

Answer I do not know.

24th Int: Do you know the distance from the
embankment to the West end of the Islands
and what is the average height of the banks of the Islands
in ordinary stages of the water.

Answer. Distance about 300 feet the height
of the banks I do not know perhaps two feet
E. A. Black

Second day February 29th 1860
William Greenwood sworn

1st Interrogatory

What is your age residence
and occupation and how long have you resided in
the Town of Bristol

Answer My age is 42 years residence Town
of Bristol, occupation a farmer, resided
in the town of Bristol nearly seventeen years

2nd Int

Are you acquainted with the loca-
-tion of the Bridge leading from the Bristol

side to the Island in the center of ^{the} river if so state how situated:

Answer I am acquainted with the location situated at the foot of the hill running South to the Island in the center of the river.

3rd Int.

State if you know, when the said Bridge was built, and whether by Bristol or Yorkville or by both jointly:

Answer The Bridge was built about eight years ago (the original bridge) it was carried off by the freshet about three years ago, the present bridge was erected on the original abutments the summer following the freshet the original bridge was built by the Town jointly and repaired by the Town of Bristol after it was taken away.

4th Int. What was the amount of the repairs and expense of the said Bridge? (Objected to by defts Counsel)

Answer I do not know

5th Int How much of the old bridge referred to was taken away by said freshet, and what amount of injury done to the abutments of said bridge? (Objected to by Defts Counsel)

Answer All the Superstructure was carried away the abutments were slightly injured.

6th Int- Was not a public notice given for proposals for the reconstruction of said Bridge and by whom? (Objected to by depts Comrs)

Answer I think there was but have no knowledge of it.

7th Int- State if you know the distance from said Bridge on the Bristol side to the bridge on the Yorkville side of the Island referred to in the foregoing of this your examination?

Answer I do not know.

8th Int- Is there a Bridge on the Yorkville side of the Island referred to and by whom was that Bridge constructed?

Answer. There is such a bridge It was built by Dyer and Lane for the towns of Kendall & Bristol.

9th Int. Is Yorkville in the town of Kendall

Answer. Yes.

10th Int. Was the said Bridge on the Yorkville side of the Island swept away by the freshet in the Spring of 1857 if so, by whom reconstructed, whether by Yorkville or Bristol or by both jointly. (Objected to by depts Comrs)

Answer The bridge was carried off in the winter of 1857 It was not reconstructed by either of the places referred

11th Int. By whom was the bridge on the Yorkville
-side reconstructed whether by the Town of Kendall or
Town of Bristol or by the said Towns jointly? (Objected
to by defts Counsel)

Answer That the Bridge was repaired at the
expense of the Town of Kendall a large part of
the materials of the old bridge were recovered and used
in the erection of the present bridge.

12th Int. State whether or not you know the loca-
-tion of the Island between Yorkville and Bristol
which was fixed as a point for the relocation of the
County seat of Kendall County by the General Assembly
of the State of Illinois in February of 1839 if so
whether it be a suitable place for the County seat of said
Kendall County. (Objected to by defts Counsel)

Answer I know the location of an Island between
Yorkville & Bristol don't know of its being fixed as a
site for the County seat of Kendall County. I think it is
not a suitable place for the County seat of said County.

13th Int. Did you reside in the Town of Bristol at
the time vote was taken in 1845, for the removal
of the County seat from Yorkville to Oswego and were not
Yorkville and Bristol points voted for at that election for
the location of the County seat of Kendall County.

(Objected to by defendants Counsel)

Answer I resided in the Town of Bristol at that

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time - Bristol & Yorkville were both voted for as locations for the County seat.

14th Int. Has not the question of removal of the County seat of Kendall County from the town of Oswego been agitated for the last five or six years or more and if so has not Yorkville and Bristol been talked of as prominent points for the location of said County seat, (Objected to by depts Councils);

Answer. I have for the last six or eight years frequently heard citizens of this County say they were dissatisfied with the present location of the County seat and if any combined movement could be made for its removal they would vote for its removal to either Yorkville or Bristol those have been the prominent points spoken of. I do not recollect that I ever heard a man speak of any other place in reference to the removal.

15th Int. In speaking of the combined movement alluded to in your Answer to the last interrogatory was it not the separate interest of Yorkville and Bristol which it was intended to combine in order to effect a removal of the County seat from Oswego and was it not generally understood that it was necessary to effect a combination of the two places in order to effect the object of removal? (Objected to by depts Councils)

Answer. To the last part of the question I say No what I meant by a combined movement was that whenever the people in this County would sign a petition

praying the Legislature to pass a bill removing or giving power to remove the County seat they were willing to sign such a petition and vote for its removal.

16th Int. Would not the vote in the Town of Bristol for the removal of the County seat from Oswego in your opinion have been different from what it was at that Election had the point of location been fixed at Yorkville in the act authorizing the said removal passed by the General Assembly of the State of Illinois in 1859? Objected to by depts Comrsd.

Answer I think it would have made from fifteen to twenty votes difference in the town.

17th Int. State if you know whether the Village of Bristol is in the town of Bristol and whether the Village of Yorkville is in the town of Kendall, and the relative position of the two Villages to the Island which was fixed as a point from which a radius of 20 chains was to be the location of the County seat of Kendall County mentioned in the act of the General Assembly of the State of Illinois February 1859 and whether there is not rivalry of interest and feelings between the two said Villages.

The last part of the question is objected to by depts Comrsd.

Answer The Village of Bristol is in the town of Bristol, Yorkville is in the town of Kendall

Bristol is on the North side and Yorkville is on the South side of the Island. I live two miles from the Village of Bristol and know nothing about the rivalry or nothing definite between the two places

18th But Do you not know that there is a spirit of rivalry and have you not frequently heard a spirit of rivalry expressed by the residents of the said Villages of Yorkville and Bristol or either of them (Objected to by depts concerned)

Answer I know of two persons residents of the town of Bristol who told me they had subscribed towards the erection of a meeting house which they supposed will be located in Bristol but the meeting house was built in the Village of Yorkville and they said they should not pay their subscription on that account that is all I know about the rivalry.

19th But Do you not know that there is a feeling of rivalry between the said Villages of Yorkville and Bristol in regard to the location of the County seat of Kendall County in pursuance of the act of the general assembly of the State of Illinois passed February 1839 and have you not heard this feeling of rivalry expressed by the residents of said Villages or either of them and do you not know and is it not generally understood in and through said County of Kendall that there is a difference of opinion among the board of Supervisors as to which

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time - Bristol & Yorkville were both voted for as locations for the County seat.

14th Int. Has not the question of removal of the County seat of Kendall County from the town of Oswego been agitated for the last five or six years or more and if so has not Yorkville and Bristol been talked of as prominent points for the location of said County seat, (Objected to by depts Counsel)

Answer. I have for the last six or eight years frequently heard citizens of this County say they were dissatisfied with the present location of the County seat and if any combined movement could be made for its removal they would vote for its removal to either Yorkville or Bristol. There have been the prominent points spoken of. I do not recollect that I ever heard a man speak of any other place in reference to the removal.

15th Int. In speaking of the combined movement alluded to in your Answer to the last interrogatory was it not the separate interest of Yorkville and Bristol which it was intended to combine in order to effect a removal of the County seat from Oswego and was it not generally understood that it was necessary to effect a combination of the two places in order to effect the object of removal? (Objected to by depts Counsel)

Answer. To the last part of the question I say so. What I meant by a combined movement was that whenever the people in this County would sign a petition

praying the Legislature to pass a bill removing
or giving power to remove the County seat they were
willing to sign such a petition and vote for its remo-
-val.

16th Inst. Would not the vote in the Town of
Bristol for the removal of the County seat from
Oswego in your opinion have been different from what
it was at that Election had the point of location been fixed
at Yorkville in the act authorizing the said removal
passed by the General Assembly of the State of Illinois
in 1859? Objected to by depts Comrs.

Answer I think it would have made from fifteen to
twenty votes difference in the town.

17th Inst. State if you know whether the Village
of Bristol is in the Town of Bristol and whether
the Village of Yorkville is in the Town of Kendall, and
the relative position of the two Villages to the Island
which was fixed as a point from which a radius
of 20 Chains was to be the location of the County seat of
Kendall County mentioned in the Act of the General
Assembly of the State of Illinois February 1859 and
whether there is not rivalry of interest and feelings between
the two said Villages.

The last part of the question is objected to by
depts Comrs.

Answer The Village of Bristol is in the Town of Bris-
-tol, Yorkville is in the Town of Kendall

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Objected to by depts Council
 Answer I answer in the affirmative

21st Int. State whether or not you are well ac-
 -quainted with the condition of the Court House
 in Oswego the present County seat of Kendall County
 and whether or not it be a convenient location and whether
 or not the present Court House be not a convenient and
 suitable building for the purposes of holding Court
 and for the convenience of the County Officers of said
 County of Kendall? Objected to by depts Council

Answer I am somewhat acquainted with the con-
 -dition of the Court House at Oswego. It is not a
 good location for the County, but for the time it is
 a good location. The offices are inconvenient being
 too small, The Court room I should think a good
 room for size - for the purpose of holding Court.
 I do not know.

22^d Int Do you know in what year or about
 what year the present Court House was erected?
 Do you know the original contract for the erection of
 the present Court House? Do you know the extra
 amount paid over and above the original Contract? Do
 you know the total amount which the said building
 costs, or about the amount including all incidental
 expenses; if so state all the facts.

Objected to by depts Council
 Answer I don't know the year it was built. I think

it was in the year 1846 I do not know the amount of the contract. I do not know the amount paid over and above the original contract and do not know any thing about the whole costs.

23^d Int. Do you ^{not} know among the voters of Kendall County that many were in favor of removal to Bristol and many were in favor of removal to Yorkville

Answer I do not know.

24th Int. Do you know the number of Supervisors in Kendall County and how each voted as to the site for Yorkville or Bristol or against removal
Objected to by dep^y comm^r

Answer There are nine Supervisors in the County. I know of two who were in favor of locating the County seat at Bristol, how many more in favor of Bristol I do not know. I know of one in favor of locating the County seat at Yorkville, how many more I do not know - the other six I have no knowledge of where they wanted to locate it.

25th Int. Do you know or have you understood that the board of Supervisors of Kendall County did at their September term of 1839 levy a tax of three mills on the dollar on the taxable property of Kendall County for the erection of county buildings.
Objected to by dep^y comm^r

Answer I do.

26th Int. Do you not know and was it not

understood by the citizens of Bristol and Yorkville that unless the tax was levied before the site for County buildings was selected, that a portion of the board of Superiors would refuse to levy the tax. Should the site for County buildings be at Bristol
 Objected to by Defts Counsel

Answer I do not know, neither do I know how the citizens of Bristol + Yorkville understood it.

Cross Examined by Defts Counsel
 1st Cross Interrogatory.

How is Oswego the present County seat of Kendall County situated with reference to the geographical centre of said County?

Answer The Court House in Oswego is about four and a half miles from the East line of said County and about three miles from the North line. The County is eighteen miles square.
 Wm Grimwood

3rd day March 1st 1870

1st Interrogatory to William Cowdry Sworn.

State your age residence occupation and how long you have resided in Kendall County.

Answer. Age 46 years my residence in the County since its organization and some time before my occupation a farmer. I live now in the town of

Oswego.
 2nd Int. State if you know what year the County of Kendall was organized or about what time?

Answer My best recollection is that it was organized in the year 1842 or there

3rd Int. State if you know whether the Village of Yorkville is in the town of Kendall and whether the Village of Bristol is in the town of Bristol.

Answer. By the Township organization law the Village of Yorkville is in the town of Kendall the Village of Bristol is in the town of Bristol

4th Int. State if you are well acquainted with the ^{citizens of the town of Kendall and the} Citizens of the Village of Yorkville? State if you are well acquainted with the Citizens of the town of Bristol?

Answer I suppose I am.

5th Int. State if you know, if there is not a spirit of rivalry between the Village of Yorkville and the Village of Bristol and to what extent and your opportunity of knowing the fact.

Objected to by defrs - Comured

Answer To the first portion of the interrogatory from my observation I believe there is, To the second part I cannot determine to what extent, My means of knowing is from my frequent intercourse with the People of both places.

6th Int. Was you a resident of Kendall County at the time the vote was taken for the removal

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of the County seat of Kendall County from the Village of Yorkville to the Village of Oswego - and if so state if you know whether Yorkville and Bristol was not voted for at that election and made points for the County Seat - and how many votes each place received if you know.

(Objected to by depts. Council)

Answer 1st I was. 2nd My recollection is that Yorkville and Bristol were both voted for as separate points. I do not recollect how many ^{votes} each received.

3rd Int.

Has not the question of removal of the County seat of Kendall County been agitated among the citizens of Yorkville and Bristol for the last five or six years or more, if so has not Yorkville and Bristol been prominent points for relocation and a spirit of rivalry manifested and expressed which should secure the site for County buildings of said County?

(Last clause of the question objected to by depts. Council)

Answer It has been much agitated, Both places have presented claims and manifested much anxiety for their success

4th Int. State whether or not during the fall of 1838 or winter of 1838-9 you saw one or more petitions petitioning the General Assembly of the State of Illinois to pass a bill authorizing the inhabitants of Kendall County to vote for the relocation of the County seat of Kendall County, and if so by whom were those petitions circulated.

Objected to by depts. Council

Answer. I think I saw one petition in the hands of Doct. Hopkins only.

9th Int. State whether or not you read that petition and what was the contents of the same.
(Objected to by depts counsel)

Answer. I did not read the petition. I supposed I knew the contents without reading it.

10th Int. State how you knew the contents and from whom you received information of the same, if from any one?

(Objected to by depts counsel)

Answer. From no one in particular it was a matter of public notoriety.

11th Int. State as near as you are able what the purpose of the said petition was as you understood it from the general information you rec^d.

(Objected to by depts counsel)

Answer. It was a petition to the Legislature of the State of Illinois asking them to pass an act authorizing the people of the said County to vote for or against the removal of the County Seat of Kendall County to a point specified in said petition.

12th Int. Did you not understand that a portion of the petition designated the Island in Fox River between the Yorkville and Bristol bridge as a point from which a radius of 20 chains within the circle of which the County Seat of Kendall County might be removed

(Objected to by depts counsel)

Answer I did so understand it.

13th Int Did you not understand and was it not understood by a portion of the citizens of Kendall County, that the object of fixing the point in the centre of the Island with a radius of 20 chains in order to include the Villages of Yorkville and Bristol within the circle of said radius was to unite the two interests of Bristol and Yorkville in favor of Removal of the County seat of Kendall County.

Objected to by depts Comms

Answer. Such was my understanding. I cannot answer for the understanding of others.

14th Interrogatory

Did you ever have any conversation with any of the Citizens of Yorkville or Bristol that it was necessary to frame the bill authorizing the removal of the County seat of Kendall County to unite the interest of Yorkville & Bristol in order to carry the vote in favor of removal and if so state by whom and what was said as near as you can recollect?

Objected to by depts Comms

Answer. I have had conversation with individuals in both of those places prominent men, the substance of it was that each of them had plans for the securing the ultimate location of the County seat on his own side of the river, the people of Yorkville seemed to want the County seat located at Yorkville, and the people of Bristol wanted it located at Bristol, the conversation was with several persons in both places, it was

my understanding from the conversation that they deemed it necessary to frame the bill in the way it was in order to secure the vote in favor of removal,

I do not want to convey by this the idea of a conspiracy, I decline giving the names of the persons with whom I had the conversation alluded to in the last interrogatory

15th Int Was it not spoken of and by some of the Citizens of Yorkville and Bristol that by uniting their strength they might carry the vote against C. = W. = W. = W. in favor of removal?

Objected to by Defts Counsel

Answer It was not the conversation.

16th Int Would not the vote in your opinion have been different in town of Bristol had the point been definitely fixed at Yorkville?

(Objected to by Defts Counsel)

Answer I feel certain it would have been different.

17th Int State what in your opinion from your knowledge of the Citizens of Bristol what that difference would have been?

Objected to by Defts Counsel

Answer I cannot say what the difference would have been.

18th Int Do you know the number of Supervisors in Kendall County? Do you know from your knowledge or by common report how the board of

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Supervisors stood as to where the County buildings should be located pursuant to the act of the Legislature of the State of Illinois passed February 22 1839, what portion was in favor of locating it at Yorkville, what portion was in favor of locating it at Bristol, and what portion in favor of locating it on the Island between the Yorkville and Bristol Bridges or opposed to either place Yorkville or Bristol, if so state all the facts.

All objected to except the first clause by depts Amused.

Answer I do know the number of Supervisors in Kendall County - there are nine. I do know from the best authority how the Supervisors stood on that question, Three were in favor of Yorkville three were in favor of the Island and three were in favor of Bristol.

19th Int. Do you know what the board of Supervisors of Kendall County did at their September Term of 1839 levy a tax of three mills on the dollar on the taxable property of said County for the erection of County buildings if so state the fact.

Objected to by depts Amused

Answer. I do know that such a vote was taken by the board, I think I was present.

20th Int. Have you heard any of the members of the board of Supervisors of Kendall County or other persons assign as a reason why the tax was levied before the site was selected for fear that it would

create a division in the Board of Supervisors if the site for ~~the~~ County buildings was selected at Yorkville?

Objected to by Defts counsel

Answer I think I have not,

21st Int. Are you acquainted with the situation of the present Court House as to its convenience for holding Court - its different offices, if so state if it is not convenient for all practical purposes for the present business of the County?

Objected to by Defts counsel.

Answer I am well acquainted with the present Court

House building and in my opinion it answers a first rate present purpose.

22nd Int. Are you acquainted with the location of the Island, the centre of which was fixed as a point from which the radius of 20 chains should include the location of the County Seat of Kendall County referred to in the act passed by the General Assembly of the State of Illinois if so state its relative position to the Villages of Yorkville and Bristol?

Objected to by Defts counsel on the ground that the defendants have offered and do now offer to sign a stipulation in this cause admitting the exact locality of the Island engraved about and its position as to said towns.

Answer. I am acquainted with the Island in question and its relative positions with

create a division in the board of Supervisors if the site for ~~the~~ County buildings was selected at Yorkville?^s

Objected to by Defts counsel

Answer I think I have not,

21st Int. Are you acquainted with the situation of the present Court House as to its convenience for holding Court - its different offices, if so state if it is not convenient for all practical purposes for the present business of the County?

Objected to by Defts counsel.

Answer I am well acquainted with the present Court

House building and in my opinion it answers a first rate present purpose.

22nd Int. Are you acquainted with the location of the Island, the centre of which was fixed as a point from which the radius of 20 chains should include the location of the County Seat of Kendall County referred to in the act passed by the General Assembly of the State of Illinois if so state its relative position to the Villages of Yorkville and Bristol?^s

Objected to by Defts counsel on the ground that the defendants have offered and do now offer to sign a stipulation in this cause admitting the exact locality of the Island enquired about and its position as to said towns.

Answer. I am acquainted with the Island in question and its relative positions with

Yoskville and Bristol, it lies nearly in the centre of the river between the two Villages, slightly nearer the Bristol than the Yoskville side.

23^d Int. Would a circle inscribed with a radius of 20 Chains from the point at the centre of the Island referred in the last interrogatory include a portion of the Villages of Yoskville and Bristol or either of them -

Answer. It would take in a respectable portion of said Villages both of them.

24th Int. Do you not know of your own knowledge or personal observation that there exists a rivalry of interest and feeling of the two said towns of Yoskville and Bristol as to the prosperity of each.

Objected to by Deft Answered

Answer. By my observation I think there does

25th Int. Did not this rivalry of interest alluded to in your answer to your last interrogatory exist in the year 1838 and for years prior to that time, and have you not understood by conversations with the citizens of Yoskville and Bristol that it was necessary to compromise this spirit of rivalry alluded to in order to effect the removal of the County seat of Kendall County from Oswego.

Objected to by Deft Answered

Answer. To the first part I answer it did. I understood from conversations that the citizens of Yoskville and Bristol intended to unite for the purpose of

securing the vote in favor of removal, as to the necessity of amending to secure that object I do not know what the citizens of Ypsowille and Bristol thought.

26th Int. State if you know in what year the present Court House of Kendall County was built and what was the original contract price and what was the amount of the additional allowances made for the payment of the same, and what was the whole expense of building the present County buildings to the best of your opinion;

Objected to by def's counsel

Answer, The Court House was built in 1846 or in 1847 the original contract price was I think about \$7,500 there were extra allowances I do not know what they were, I do not now recollect the total expense.

27th Int. State if you know whether or not the land upon which the present County buildings is located was not donated to Kendall County and if so state by whom?

Objected to by def's counsel

Answer. I have always understood that it was donated to Kendall County by Walter Long's.

28th Int. Do you know the boundaries of the South line of the town plat of the Village of Bristol?

Answer. I think I do not unless the Fox

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River is the boundary. -

1st Cross Interrogatory

By whom has your examination in this cause on the part of the Complainant been principally conducted,

Answer. By Albert Snook Esq and John W. Chapman

2nd Cross Int. Is not Mr Chapman at this time one of the Supervisors of Kendall County and if so what Town does he represent?

Answer. Mr Chapman is one of the Supervisors of Kendall County and represents the town of Oswego.

3rd Int. Has the complainant Walter Locke been present at any time during your examination?

Answer He has not been present.

4th Int. Has any vote been taken by the Supervisors of Kendall County respecting the selection of a site for the County Seat of Kendall County, or has any place been designated by the board of Supervisors of said County for the location of said County Seat under the act referred to in your direct examination?

Answer Objected to by Complainants Counsel I have understood that no vote has been taken and no site selected.

5th Prop. Interrogatory

What did you mean when you said in reply to 18th direct interrogatory that three of said Supervisors were in favor of Gosville three in favor of the Island and three in favor of Bristol as a site for the location of said County Seat?

Answer. I understood that they had their preferences, as stated in the answer to the 18th interrogatory.

Wm Cowdry

4th day March 2nd 1870

George H. Rice sworn

1st Interrogatory

State your age residence and how long you have resided in the County of Kendall?

Answer, My age is 35 years my residence in Bristol, occupation a farmer and have resided in the County of Kenball six years.

2nd Int.

What has been your principal business since you resided in the County.

Farming.

Do you know the number of inhabitants in the Township of Bristol or about how many? State as near as you can from the best of your knowledge.

Answer

I do not know; there may be two thousand and may be more.

4th Int.

State whether you are generally acquainted with the citizens of the town of Bristol,

Answer

In that part of the town where I live I am, In the northern part of the town I am not so well acquainted

5th Int

Are you generally acquainted with the citizens of the Village of Bristol?

Answer

I know many of them by name, but ~~am~~ not personally acquainted with them,

6th Int

Has not the question of ^{the} removal of the County seat of Kendall County been agitated by the citizens of Bristol for the last four or five years?

Answer.

Well I do not know, the first I heard of the matter was a year ago last winter.

7th Int

Have you had any conversation with any of the citizens of Bristol as to where the County seat of Kendall County would be located in case a vote was given in favor of removal, and if so state with whom the conversation was had and what was said as far as you can recollect;

Answer

(Objected to by deputy counsel)
I think I have had conversation with two or three different individuals. I can not recall but one name that was Doct. Hopkins, I think I met him one day and asked him on what side of the river the County seat would be placed. I think he said that it would eventually be placed at Bristol, I think he said that the site would be better in Bristol and he thought a majority of the Supervisors to be chosen

would be in favor of Bristol, this was before the election of Supervisors last Spring.

8th Int

Did you at the time in the conversation referred to in your last answer, tell Doct Hopkins that your vote for or against removal would depend some thing on where you thought the County seat would be located?

Answer

Objected to by Dept Comrod
I think not I might have said that I preferred to have it at Bristol.

9th Int

Did you not tell Doct Hopkins or some other person that you would not have voted in favor of removal if you had thought the County seat was to be located at Yorkville?

Answer

10th Int.

Objected to by Dept Comrod
I have said so.
Would you have voted in favor of removal of the County seat of Kendall County from Oswego, had the point been definitely fixed at Yorkville?

Answer

11th Int.

Objected to by Dept Comrod
I think I should not, but I do not know what circumstances might have induced me to do.
Was you not induced to vote in favor of re-removal of the County seat of Kendall County from the assurance of Doct. Hopkins and others that it would be located at Bristol?

Answer

Objected to by Dept Comrod
I made up my mind myself and it was my

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Opinion was that it would go to Bristol and on that account I voted for removal.

12th Int.

Have you had any conversation with any of the Citizens of Bristol how they would have voted had they believed the County seat would have been located at Yorkville?

Answer

13th Int.

Objected to by Depts Comms
I have not.
In your opinion and from your knowledge of and conversation with the Citizens of Bristol would not the vote been different for removal if the point had been definitely fixed at Yorkville?

Answer

Objected to by Depts Comms
I don't know as it would have made any difference, for the reason that it was my opinion and the opinion of others with whom I conversed, that the County seat would be moved at some time and that the present County buildings were insufficient for any considerable length of time, and that it was thought best that the County seat should be removed before new buildings were erected, and that was the greatest reason that induced me to vote for removal.

14th Int.

Are you acquainted with the location of the present Court House and its present condition, if so state whether or not it is not suitable for all practical purposes for the business of the County - for several years to come?

Answer

Objected to by Depts Comms
I am acquainted with the location, but am not

acquainted with the condition of the House particularly, it might answer for a year or two, but if the population should increase for four or five years as it had done, I should not think it sufficient, I am not a judge in those matters.

15th Feb

Is the Village of Yorkville in the Township of Kendall? Are you acquainted with the Citizens of Yorkville?

Answer

I have always understood that the Village of Yorkville was in the town of Kendall, I am not much acquainted with the Citizens of Yorkville, I am with some of them.

16th Feb.

Are you acquainted with the relative position of Yorkville and Bristol?

Answer

I am.

17th Feb

Do you not know that there is and has been a spirit of rivalry between the two places Yorkville and Bristol which one should secure the County Seat of Kendall County?

Answer

Objected to by depts Counsel
I don't know as there has been any rivalry between Bristol & Yorkville, but it is natural that such rivalry should exist between towns only divided by a river. I should think there was no rivalry now about the location of the County Seat from the conversations I have had with the people in Bristol.

18th Feb.

Have you not heard different citizens of Kendall County say that there was a difference of

opinion among the board of Superiors and that some of the board of Supervisors of Kendall County were in favor of locating the County seat at Yorkville and that some was in favor of locating it at Bristol

Objected to by Super Armes

Answer

Yes Sir, I have.

19th Int.

Do you know how many Supervisors there is in Kendall County.

Answer

I know how many there ought to be, I don't know whether they are all living or not.

20th Int

Did you see a petition in the fall of 1858 asking the Legislature of the State of Illinois to pass an act authorizing the citizens of Kendall County to vote for the removal of the County seat of said County, if so state where you saw said petition

Objected to by Super Armes

Answer I did not.

G. M. Rice

Lewis Richards Sworn

1st Int

What is your Age occupation and place of residence?

Answer

Age 40 years Occupation Farmer and live in the town of Bristol.

2nd Int.

Are you acquainted to the parties to this suit or either of them?

Answer

Yes Sir, I am acquainted with Mr Armes Mr Black H. Sears. W. Chapman J. J. Cole and O. C. Johnson and also the complainant Walter

Locks

3rd Int

Do you know the Court House building in Oswego, if you how long have you known it, and how particularly do you know it, and what did said building cost?

Answer

I do know the Court House building and have known it ever since it has been built, I have been there and seen the whole of it at different times. I do not recollect what it cost.

4th Int

Are you sufficiently acquainted with said building to state whether the same is suitable for a Court House and other County purposes, if you state what you know on that subject?

Answer

Objected to by Defts Counsel
I should think it sufficient for a Court House and all County purposes.

5th Int

Are you acquainted with the Islands between Yorkville & Bristol where the Legislature fixed the point in 1839 within a certain radius for the relocation of the County seat of Kendall County? If so please state whether said Islands is a suitable place to erect County buildings.

Answer

Last clause objected to by Defts Counsel
I am acquainted with the Islands and do not think it is a suitable place for County buildings

6th Int

Was you residing in Bristol at the time a vote was taken in the Spring of 1839 for the relocation of the County seat of Kendall County? If you state

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whether you know of any rivalry of interest and feeling between the Villages of Bristol and Yorkville in relation to the relocation of said County seat. Please state fully.

Objected to by depts counsel

Answer

I was residing in Bristol at the time the vote was taken. I cannot say that any rivalry existed between the towns of Bristol and Yorkville, but I know of a good many people that would not have voted as they did if they knew the County seat would have been located at Yorkville.

7th Int

Do you know for what point those persons you speak of in your answer to the last interrogatory would have voted for the County seat at that time had they supposed that the County seat would have been located at Yorkville?

Objected to by depts counsel

Answer

I suppose they would have voted against removal.

8th Int.

Do you know how those persons did at that election? Please state.

Objected to by depts counsel

Answer

I did not see them vote, but they told me they should vote for removal feeling satisfied that the Court House would be located at Bristol.

9th Int.

Do you know what the object was in framing the bill for relocation of the County seat of Kendall County fixing the point upon the Island between Yorkville and Bristol giving a radius of 20 Chains within which the County seat might be located by the Supervisors

of said County if so please state:

Answer

10th Inst

Objected to by depts Comred

I do not know.

Do you know whether there has been talk between the People of the towns of Bristol and Yorkville in relation to the relocation of the County seat of Kendall County at times prior to circulating the petition for removal in the winter of 1858 if so how did the People of Bristol & how did the people of Yorkville stand in relation to the points of removal, and what were the points talked of by them?

Answer

Objected to by depts Comred

I don't know how they stood, the Bristol people thought they would have it at Bristol and the Yorkville people thought they would have it at their place. I don't know what points were talked of in particular.

11th Inst.

Are you acquainted with the citizens residing in the town of Bristol and if so state what in your opinion would probably have been the difference in the vote for the relocation of the County seat in said Town of Bristol, had the point been definitely fixed at Yorkville in the act passed Feb'y 22^d 1859 for the removal of the County seat of Kendall County.

Objected to by depts Comred

Answer

I am acquainted with the citizens of the town of Bristol. I think it might have been a third difference in the town if the point had been fixed at Yorkville said difference would have been a third

less for removal

12th Int.

Are you acquainted with the citizens of within the Town of Kendall?

Answer

Very few of them.

13th Int

Do you know that the board of Supervisors of Kendall County did at their September Term of 1859 levy a tax of three mills on the dollar on the taxable property of said County for the erection of County buildings if so state the reasons which has generally been assigned for levying the tax before the site was selected for the erection of County buildings.

Objected to by deft Counsel

Answer

I do know that a three mill tax was levied by the Supervisors at said term I suppose they then thought they could then go on and erect the stables and it would be all right

14th Int.

Have you not heard it talked of by different individuals that the reason for levying the tax before the site was selected was from fear that it would create a division between Yorkville and ~~the~~ ~~to~~?

Objected to by deft Counsel

Answer

I do not recollect

15th Int

Do you know whether the Lands upon which the present Court House stands was donated to Kendall County by any person, if so please state, and if so by whom if you know?

Answer

It was donated by Walter Lorch

16th Int

Do you know about what time or what year the

donation was made by Walter Loucks to Kendall County?

Answer
17th Feb.

In 1844 or 1845 - or thereabouts.

Have you heard any of the citizens ^{of the town of} of Kendall say that the vote would have been different had the bill authorizing the relocation of the County seat of Kendall County passed February 22 1839 definitely fixed the point to which the County seat ought be removed to Bristol?

Objected to by depts Council

I think not.

Answer
18th Feb.

At all times when removal from Oswego has been agitated has not Yorkville and Bristol been prominent points for relocation?

Answer

I think they have.

19th Feb.

Do you by whom the present Bridge leading from the Island to the Bristol side of the River was built, whether by Bristol alone or Yorkville and Bristol jointly?

Objected to by depts Council

Answer

By the Town of Bristol alone

20th Feb.

Do you know whether the funds for building the Bridge referred to in your last answer was raised by Subscription or raised by tax levied upon the town?

Objected to by depts Council

Answer

It was by tax levied upon the Town.

21st Feb.

Do you know the amount raised by tax upon the town for the construction of the present bridge,

Answer

I do not.

22^d Int Do you know whether the bridge on the York-
ville side of the river was built by the town of Yorkville
or by Yorkville & Bristol jointly

Answer

It was built by the town of Kendall.
Lewis Rickard

Friday March 2^d 4 1/2 P.M. adjourned to
Monday March 5th at 9 7/8 A.M.

Monday March 5th 1860 Cause called up
and by consent of parties cause adjourned to Wednesday
March 7th 1860 at 9 7/8 A.M.

Wednesday March 7th 1860 Suit called
up and on motion the justice having other business
to attend to, Suit continued to Thursday the 8th
inst at 9 7/8 A.M.

March 8th 1860 Suit call^d Plaintiff pres-
ent.

John Sewell sworn
1st Interrogatory.

What is your age occupation
residence and how long have you resided in the
County of Kendall and State of Illinois?

Answer

My age is 41 years Occupation a former
resident of the town of Kendall in the County of Kendall
and State of Illinois, have resided in the County nearly
26 years

2^d Int

Have you ever heard the question of removal of
the County seat of Kendall County agitated at any time
since your residence in said County of Kendall, if

You state how many different times, and at what time and what points were designated as prominent places for the location of said County seat, at each different time?

Answer

I have heard the question agitated twice since I have lived in the County. I think the first time was in 1845 or 1846. I may be mistaken as to that being the year, and the second time was in the year 1859. The points in 1848 were Yorkville Pavilion, I think Bristol was included, was a point voted for at the South end of the New Table Groves and some for the Geographical Center of the County and some for the place call'd Serling and others for Oswego. The points designated in 1859 were Bristol or Yorkville and Oswego.

3rd Int

In answer to your last interrogatory you state that Bristol or Yorkville and Oswego were prominent places talked of for the relocation of the County seat of Kendall County in the year of 1859 do you mean to be understood in that answer that the people of Kendall County talked of Yorkville & Bristol as one place for the relocation of the County seat of Kendall County, or that there were three different places talked of as suitable points for relocation of said County seat to wit: Bristol Oswego and Yorkville,? State fully.

Answer

In answer to that I should think there were three points Bristol or Yorkville and Oswego

4th Int

It here was the County seat located at the time the question of removal was agitated the first time you referred to in answer to the 2^d Interrogatory given to you in this examination as being in the year 1848, and was the County seat removed at that time in pursuance to the vote of the citizens of Kendall County, if yea state to what place said County seat was removed?

Answer

The County seat previous to 1848 was located in Yorkville and was at that time located there. It was removed by a vote of the people of Kendall County from Yorkville to Oswego about the year 1848.

5th Int.

State if you know whether the site of the present County seat of Kendall County was donated to the said County by any one for the purposes of a County seat if yea by whom?

Answer

I have so understood from the County Clerk that Walter Locks the plaintiff here donated the said site.

6th Int-

State whether or not the present site of the present County seat of Kendall County be a pleasant and convenient location for County buildings for said County?

Answer

I call it a pleasant place, the convenience after the people get to Oswego is good enough it causes a portion of the County to travel some ways to get to the County seat.

7th Int.

Are you acquainted with the present condition of the Court House of Kendall County, if yea state whether or not it be in good condition ^{and} repair, and whether or

not the Court room, and office rooms of said Court House be convenient and suitable for the purposes of holding Courts and doing County business

Objected to by depts

Answer

I am somewhat acquainted with the Court House, the Court room is quite convenient for the purpose of holding Court in, my experience in attending the Circuit Courts, I think it is convenient and suitable, with regard to the offices I am not prepared to state, so far as the repair of the House I have seen no difference for the last five or six years they are in ordinary repair.

8th Int.

Did you at any time during the Autumn of 1858 or winter of 1858 & 9 see any petition circulated among the Citizens of Kendall County purporting to petition the General Assembly of the State of Illinois for a removal of the County seat of Kendall County from Oswego, if you state by whom said petition was circulated and the contents of said petition, state fully.

Objected to by depts.

Answer

I saw a petition requesting the Legislature to pass an act that the people might have a chance to vote for or against the removal of the County seat of Kendall County, the petition was circulated by the Rev. M. Lewis.

9th Int.

Was there any point or place designated in the petition referred to in your Answer to the 8th Interrogatory to which the County seat of Kendall County should be removed, if you state to what point place

or places?

Objected to by depts.

Answer

The points designated were Bristol or Yorkville I heard of no other points.

10th Int

State if the Village of Yorkville be in the town of Kendall, and if the Village of Bristol be in the town of Bristol,

Answer

Yorkville is in the town of Kendall, Bristol is in the town of Bristol.

11th Int

State if you know whether or not ^{there exists} a spirit of rivalry between the two said Villages of Bristol & Yorkville?

Answer

I think there is some, there is some anxiety on both sides which shall have the County seat.

12th Int.

Are you acquainted with the Island in Fox River which was designated as a point from which a radius of 20 chains should describe a circle to include the location of the County seat of Kendall County mentioned in the bill passed by the General Assembly of the State of Illinois in February 1859? State whether that Island in your opinion be a suitable place for the location of the County buildings of Kendall County?

Answer

I am acquainted with the Island, I should think the Island was not a suitable place.

13th Int

State the relative position of the Island referred to in your answer to the 12th interrogatory to the Villages of Yorkville and Bristol.

Answer

The Island lies directly in the river between

Yorckville and Bristol a little nearer Bristol than Yorckville.

14th Feb. State if there be a bridge over Fox River leading from said Island to Yorckville, and another bridge leading from said Island to Bristol and at whose expense each of the two said bridges were built.

Objected to by lefts

Answer

There is a bridge leading from said Island to Yorckville, there is also a bridge running from said Island to Bristol. The bridge from said Island to Yorckville was built and is supported by the town of Kendall, The bridge from said Island to Bristol I think was built & supported by the town of Bristol

15th Feb.

Do you not know and was it not generally understood, that it was necessary to frame the bill passed by the General Assembly of the State of Illinois July 1859 authorizing the Citizens of Kendall County to vote for the removal of the County seat of Kendall County as to compromise the interest and spirit of rivalry then existing between the two said towns of Yorckville & Bristol in order to out vote the rest of the said County and effect the removal of the County seat of Kendall County from Oswego?

Objected to by lefts

Answer

I do not know it to be so. I have heard that there was such conversation.

16th Feb

Do you know the number of Supervisors that

Composed the present board of Supervisors of Kendall County, if you state how many and how they were divided in regard to the location of the County Seat of Kendall County in pursuance to the vote authorized by the bill referred in the 10th Interrogatory book: How many were for locating the County Seat of Kendall County at Bristol, how many at Yorkville and how many at the Island, how many against removal?

Answer

Objected to by Defts
I do. the number is nine, I cannot tell how they were divided I cannot tell how many were for or against removal.

6th day March 9th 1860

17th Feb.

Do you know from common report or otherwise that the present board of Supervisors of Kendall County at one of their regular meetings levied a tax of three mills on the dollar on the taxable property of Kendall County for the purpose of paying the expense of removal of the County seat of Kendall County from Oswego in pursuance to the Act passed by the General Assembly of the State of Illinois in February 1859 authorizing said removal of the County Seat?

Answer

Objected to by Defts
I know that it was the common report that such a tax was levied, I know too that such a tax was levied for that amount was deducted from any tax receipt for the year 1859.

17th Int.

State whether or not a site for the relocation of the County Seat of Kendall County has ever been selected by the present board of Supervisors of Kendall County in pursuance of the said Act passed February 1859 by the General Assembly of the State of Illinois empowering the said Board of Supervisors to make such selection of said site and why the said site was not selected before the said tax referred to in your answer to the 17th interrogatory, was levied.

Objected to by depts

Answer

I think there has been no site selected, and do not know the reason why the site was not located before levying the tax.

19th Int.

Has it not been the common report among the citizens of Kendall County, that a certain portion of the board of Supervisors of Kendall County were fearful that if they selected the site for the County seat of Kendall County before they levied the tax to pay the expense of the same, there would be such a division among the board of Supervisors as to prevent any selection at all of the site for the County buildings of said County and entirely frustrate the design of said removal.

Depts object to the interrogatory.

Answer

I never heard of any such report.

20th Int.

Would not the vote on the removal of the County Seat of Kendall County had in the Spring of 1859 in pursuance to the act of the General Assembly of the State of Illinois passed February

1859 in your opinion have been different from what it was had a definite point been fixed for the relocation of said County Seat in said Act authorizing said removal of said County Seat.

Answer

I think it would have made some difference if the point had been fixed.

21st Int.

State who have been present and conducted this your examination on the part of the Plaintiff - State the names and capacity in which each has acted?

Objected to by defts

Answer

Albert Sooks on the part of the plaintiff acting as Counsel and Walter Sooks the plaintiff

22nd

Interrogatory

Have the defendants or either of them or any counsel for them been present at any time during this your examination?

Objected to by defts

Answer

There has been none of the Supervisors of A. Cole present during this my examination, James R. Long was present for the defendants

1st Cross Interrogatory

In your Answer to the 3rd Interrogatory do you mean to be understood that there was any other point voted for than the point mentioned in the Act of the General Assembly of the State of Illinois passed February 1859 authorizing the People of Kendall County to vote for removal of the

County seat of said County, ⁵

Objected to by Plffs

Answer

2nd Cross Int.

The vote was taken for removal of the County seat to the point designated in the bill referred to. Is not the walls of the present Court House of Kendall County, referred to in your answer to the 7th Interrogatory badly cracked and is it safe to hold Courts in and is there any jail about said Court House, or has there ever been, any erected in said County of Kendall?

Objected to by Plaintiff

Answer

The walls are cracked but I think they are safe enough to hold Courts in. The cracks are no worse now than they were five or six years ago. There is no jail attached to the Court House, there never has been any built in the County.

3rd Cross Interrogatory

How does the Court House referred to in your last answer compare with the Court Houses in the surrounding Counties in the State of Illinois?

Answer

I do not know.

4th Cross Int.

Is not the Island referred to in your answer to the 12th Interrogatory as high above low water marks, as easy of access, and as good for locating County buildings on, as the Island lying in the Fox River between East and West Aurora in Kane County Illinois

Answer

I don't think it is.

5th Prop Int, Were you a voter at the time the vote was taken in the town of Kendall for and against removal of the County seat of Kendall County in the Spring of 1839 referred to in your answer to the 20th Interrogatory, were you present at said election and did you vote for or against removal and if you voted how did you vote?

Answer *Objected to by Plaintiff*
I was a voter at the time, in the town of Kendall, and went to the polls about 4 o'clock P.M. but did not vote.

6th Prop Int, What was your reason for not voting as stated in your last answer?

Answer *Objected to by Plaintiff.*
I went to the polls with the expectation of voting the reason I did not vote at the time I was there was there were certain men's names on the ticket for town office that I did not like to vote for and I was in-different on the question of removal, and I was threat-ened that if I did not vote for removal I should not expect to ever be supported for any office in this County I felt insulted and consequently I did not vote

23rd direct Interrogatory

State whether or not there be a jail room in a certain House near the Court House in Kendall County sufficient for the purposes of holding prisoners of Kendall County during the sittings of the

Circuit Court of Kendall County, State the distance from said Jail room to the said Court House, and State whether or not the reason why the Board of Supervisors of Kendall County have not considered it necessary to erect a jail in and for said County was that they could support the prisoners of said County in jails of other Counties at much less expense than they could at home in their own County even if they had a jail already erected?

Objected to by Dept.

Answer

There is a room that has been fitted up for the purpose of keeping prisoners during the sitting of the Courts. I have kept prisoners there during the sitting of the Court I do not consider the room safe to keep prisoners in without some person with them. The distance of said room from the Court House is about fifteen rods.

To the last part of the interrogatory I think it is not the reason ^{that} they have not built a jail

24th Int.

State whether or not you are now and have been for a number of years past a peace officer of Kendall County and have not attended the Circuit Courts of said County of Kendall acting in the capacity of a peace officer?

Answer.

I have attended every session of the Circuit Court for the last two years in the

Capacity of a Constable

7th Cross Interrogatory State what the reason is that the Supervisors of Kendall County have not erected a Jail at Oswego in said County before this time, Please state fully the reasons as gathered from the people of said County?

Answer,

The reason is that a portion of the County are dissatisfied with Oswego as the location of the County seat of said County. Some of the towns have instructed their Supervisors to oppose the building of a Jail at Oswego.

23rd direct Interrogatory.

State the place of residence of the person referred to in your Answer to the 6th Cross Interrogatory who said if you did not vote for the removal of the County seat of Kendall County you would never get another County office.

Answer

There are two of them, both reside in the town of Kendall County of Kendall and State of Illinois

John A. Newell

March 9th 1860 adjourned to Monday March the 12th 1860 at 9 o'clock A.M.

March 12th 1860 Suit called and at plaintiff's request adjourned to the 23rd day of April 1860 at 9 o'clock A.M.

The above adjournment objected to by
defts counsel on account of unnecessary delay
Festus Burr J. C.

April 23^d 1860 Just called Plaintiff appears
by John W. Chapman as counsel, defendants did not
appear

Charles N. Raymond sworn.
1st Interrogatory.

Answer State your age, ^{residence and} occupation.
My age is forty two years. My residence is the
Town of Bristol and my occupation is that of a
Farmer.

2nd Int How long have you resided in the town of
Bristol?

Answer About seventeen years.

3rd Interrogatory Are you acquainted with the location of
the town of Bristol and Yorkville in Kendall
County?

Answer I am.

4th Int State how they are situated as to location.

Answer Bristol is in the town of Bristol and Yorkville is
in the town of Kendall

5th Int Has not the removal of the County seat from
Orange been agitated more or less for the last six or
eight years, among the citizens of Yorkville and
Bristol?

Answer I do not know that it has.

6th Int. Was it not been agitated for the last two or three years?

Answer I can not say that it has been, if so I did not hear it.

7th Int. Would there have been any difference in the vote in favor of removal in your opinion had the point been fixed at Yorkville for the location of the County seat of Kendall County?

Answer It would have made a difference in the town of Bristol as for other Towns I can not say.

8th Int. Did you vote for removal of the County seat from Oswego?

Answer I did.

9th Int. Would you have voted for the removal of the County seat from Oswego had the point been fixed at Yorkville in the bill authorizing the removal passed by the Legislature of the State of Illinois February 1839?

Answer I don't know that I should.

10th Int. Is there not a spirit of rivalry between Yorkville and Bristol in interest and feeling which shall secure the County seat of Kendall County?

Answer Yes I should think there was some.

C. N. Raymond

James Grenacre Swin

1st Interrogatory. State your residence age and occupation.

Answer My age is forty years my residence is Bristol Township my occupation Farmer.

2nd Interrogatory

How long have you resided in the Town of Bristol?

Answer About twenty three years.

3rd Int

Have you heard the question of removal of the County Seat from Oswego agitated for the last two or three years?

Answer No I believe not.

4th Int

Did you vote for the removal of the County Seat from Oswego?

Answer I did.

5th Int

Would you have voted for the removal had the point been definitely fixed at Yorkville in the bill authorizing the removal from Oswego?

Answer I dont think I should.

James Greenacre.

Stephen Nellis sworn

1st Interrogatory

State your age and occupation

Answer

My age is forty three years, My occupation is that of a farmer.

2nd Int.

Where did you reside in April A.D. 1839

Answer

In the town of Bristol.

3rd Interrogatory

How long had you resided in Bristol previous to March 1839?

167.

Answer

A little more than a year.

4th Feb

Are you acquainted with the citizens of Yorkville and Bristol?

Answer

I am with pretty much all.

5th Feb

Have you heard the question of the removal of the County seat from Oswego talked of by the citizens of Yorkville and Bristol, and if so state as near as you can recollect what you have heard on that subject?

Answer

I have heard them talk of removal, I have heard them say that they would sooner have it at Oswego, than at Yorkville, (that is the Bristol folks

6th Feb

Did you vote for the removal of the County seat from Oswego?

Answer

I did.

7th Feb

Would you have voted for the removal of the County seat from Oswego had the point to which it might be removed been fixed at Yorkville?

Answer

I don't know that it would have made any difference with me but I have heard others say that it would with them.

8th Feb

Would not the vote in the town of Bristol been much less for removal had the point for relocation been fixed at Yorkville in the bill authorizing the removal passed February 1859?

Answer

I think it would, it would have been some less, considerable.

9th Feb

From your knowledge of the citizens of

Yorkville and Bristol, do you not believe that there is a spirit of rivalry between the two places (Yorkville & Bristol)

Answer I do so believe.

10th Int. Did not that spirit of rivalry, exist previous to March A.D. 1839

Answer " It did exist.

11th Int. During the time you resided at Bristol, was not the question of the removal of the County seat from Oswego talked of and agitated by the citizens of Yorkville and Bristol?

Answer It was.

12th Interrogatory Was not Yorkville & Bristol both talked of as prominent points, for the re-location of the County seat of Kendall County?

Answer It was.

13th Int. Was it not generally understood and talked of, by the citizens of Yorkville and Bristol that it was necessary to unite and combine the interest and feelings of the two places in order to carry the vote in favor of removal against Oswego?

Answer It was, I had conversations with several on that subject and they thought it was necessary to so unite their interest and feelings in order to carry the vote.

Stephen Nellis

April 23^d 1860 adjourned to Monday the 30th inst at 10 1/2 AM. Festus Burnst.

Monday April 30th Suit called and
Henry A. Francisco sworn

1st Interrogatory

State your age residence and occupation?

Answer to 1st Interrogatory

My age is 65 years my residence is
Bristol, my occupation a farmer,

2nd Int. How long have you resided in the
Town of Bristol?

Answer Nearly five years.

3rd Int. Are you acquainted with the citizens of York-
ville and Bristol?

Answer I am very little acquainted with the
people of Yorkville and not much acquainted with
the people of Bristol or Village of Bristol, some
more acquainted about Bristol Station.

4th Int. Have you heard the question of the
removal of the County seat from Aswego agitated
by the citizens of the town of Bristol more or less
for the last two or three years?

Answer I have not heard it very much agitated.
I have heard it some talked of, I have talked
some on the subject myself with Hopkins in re-
lation to the matter.

5th Whenever the question of removal has
been agitated has Bristol and Yorkville been
prominent points for relocation spoken of?

Answer I think Bristol was, and both have
been spoken of, Some have mentioned that Yorkville

was the most central and others that Bristol was the best place.

6th Int

Did you vote for the removal of the County seat from Oswego in April 1839?

Answer

I did.

7th Int

Would you have voted for the removal of the County seat from Oswego, had the point to which it might be removed been definitely fixed at Yorkville?

Answer

I think I would not.

Henry A. Francis

Ebenezer Morgan Moore

1st Interrogatory

State your age residence and occupation.

Answer

My age is sixty years this spring. My residence is the town Oswego and my occupation a farmer.

2nd Int

How long have you resided in the town of Oswego?

Answer to 2^o Int

I have lived here since the Town was organized.

3rd Int

How far do you reside from the Villages of Yorkville and Bristol?

Answer

About two miles.

4th Int

Are you acquainted with the citizens of Yorkville and Bristol?

Answer
5th Int. I am acquainted with a good many of them
Have you heard of the removal of the
County seat of Kendall County agitated by the citi-
-zens of Yorkville and Bristol for the last two or
three years?

Answer
6th Int. I have.
Whenever the question of the removal of the County
seat from Oswego has been ^{agitated} ^{has} ^{Yorkville} & ^{Bristol} been
points for relocation?

Answer
7th Int. They have been.
Was there been a spirit of rivalry existing between
the villages of Yorkville and Bristol for the last two
or ^{three} years?

Answer to 7th Int. I should think there had been, in re-
-gard to the location of the County seat.

8th Int. Did you ever have any conversation with any of
the citizens of Yorkville and Bristol that it was
necessary to unite the interests of the two places
to carry the vote in favor of the removal of the County
seat from Oswego, or words to that effect?

Objected to by depts council

Answer From two of the principal property holders
(one from each place) I have heard conversation to
that effect.

1st Crop Interrogatory What evidence have you of the
existence of a spirit of rivalry between the towns
of Yorkville & Bristol?

Answer

In a conversation with two prominent individuals one in each place, advocating the removal of the County seat, one of them said he thought the only proper place was Bristol as being a superior locality the other carried the idea that it might go to Yorkville in consequence of the improvements that he had made there, and I have heard various persons say, that it ought to go to Yorkville on account of its being more central and others that it ought to go to Bristol on account of a fine public square there.

3rd Corp Int

Was it from the fact of hearing the conversation alluded to in the above answer that you made up your minds that there was a rivalry existing between the two Villages, Bristol and Yorkville?

Answer

It was.

3rd Corp Int.

Did you ever hear any person an inhabitant of Yorkville or Bristol say directly that it would be necessary to combine the influences of the said towns of Yorkville and Bristol in order to effect the removal of the County seat of Kendall County?

Answer

I don't know that I have directly
E. Morgan

A. A. Manchester Sworn

1st Interrogatory

State your age residence and occupation

Answer

My age is fifty years my residence Big Grove Township in Kendall County my occupation Farmer.

2nd Int.

How long have you resided in the town of Big Grove?

Answer.

Since the year 1839

3rd Int

Have you heard the question of the removal of the County seat of Kendall County agitated for the last three or four years?

Answer

I have heard it agitated within the last three or four years.

4th Int

Has not Yorkville and Bristol both been spoken of as prominent points for relocation whenever the question has been agitated?

Answer

They have been spoken of as prominent points.

5th Int

Are you acquainted with the location of Yorkville and Bristol if so state what Township each is located in?

Answer

I am acquainted with both places, I do know what towns they are located in, one is on one side of the river and the other is on the other side.

6th Int.

Would there have been any difference in the vote in your opinion in the town of Big Grove had the point to which the County seat of Kendall County been definitely fixed at Bristol in the bill authorizing the removal of the County seat of Kendall County passed by the Legislature of the State of

Illinois February 1859.

Objected to by depts. Council

Answer

I think it would I should have voted against removal whereas I did not vote at all. That is all the difference I knew of its making.

7th Int.

Was it not generally understood among the voters of Big Grove that if the vote was in favor of removal the County Seat would be located at Yorkville?

Objected to by depts. Council

Answer

I cannot say.

At Manchester

Adjourned until tomorrow May 1st 1860 at One 1/2 P.M.

Festus Burr

May 1st 1860 Court call^d up and by agreement of parties adjourned until tomorrow

May 2nd at 9 1/2 A.M.

Festus Burr

May 2nd 1860 case called

Albert Goode sworn

1st Interrogatory

State your age residence and occupation

Answer

My age is 37 years residence Newark and occupation a Justice of the Peace.

2nd Int.

How long have you resided in the town of Newark?

Answer

Five Years.

3rd Int.

Are you acquainted with the Citizens of

175
Yorkville and Bristol?

Answer I am acquainted with some of them.

4th Int. - Have you heard the question of the removal of the County seat from Oswego agitated by the citizens of Kendall County within the last 3 or 4 years?

Answer I have.

5th Int. Have you heard the question agitated by the citizens of Yorkville and Bristol?

Answer I have by a portion of them.

6th Int. Whenever the question of the removal of the County seat from Oswego has been agitated has Yorkville and Bristol been prominent ~~points~~ for relocation?

Answer I think that Yorkville has been the prominent point at all times.

7th Int. Would the vote have been different in the Town of Big Grove in favor of removal in your opinion had the point been definitely fixed at Bristol in the act authorizing the removal from Oswego?
If so please state.

Answer My opinion is ^{that} there would have been a large majority against removal to Bristol.
Albert Cook.

William Lutzens Horn

1st Interrogatory

What is your age occupation and place of residence?

Answer My age is 42 years I live in Newark and keep a public house there.

2nd Int How long have you resided in the Village of Newark?

Answer I have lived there for the last 20 years.

3rd Int Are you ^{generally} acquainted with the citizens of Yorkville & Bristol?

Answer I am pretty well acquainted with them.

4th Int Has the question of the removal of the Court from Oswego been agitated by the Citizens of Yorkville and Bristol within the last two or three years?

Answer I think it has.

5th Int When the question of removal has been agitated has not Yorkville and Bristol been spoken of as prominent points for relocation?

Answer It has by the Bristol and Yorkville people

6th Int

From your knowledge of the Citizens of Yorkville and Bristol is there any spirit of rivalry existing or has there been for the last three or four years between the towns of Yorkville and Bristol?

Objected to by depts Council

Answer I should rather think there had been

7th Int

Would there have been any difference in the vote in the town of Big Grad in favor of the removal of the County seat from Oswego in your opinion had the point been definitely fixed at Bristol in the bill authorizing the removal from

Queso: And if so please state what that difference would have been?

Objected to by depts. Comred.

Answer It is my opinion there would have been I think Big Grove would have went against removal.

1st Corp Int What is the foundation for your belief in the existence of a spirit of rivalry between the towns of Yorkville and Bristol?

Answer It is in consequence of hearing the people of the two places talk on the subject of removal. Those of Yorkville would say it would come there and those from Bristol would say it would come there.

2nd Corp Int. What proportion of the inhabitants of Big Grove have you conversed with in regard to the removal of the County Seat of Kendall County and how many of them were favorable to the location of the County Seat?

Answer I have talked perhaps with the small proportion of them a majority of those I talked with were in favor of removal thinking it would go to Yorkville

M. F. Sutzers

State of Illinois }
Kendall County } I Festus Burr a Justice
of the Peace of said County do certify

that the foregoing depositions was taken by me at the times and place mentioned in the same and that the said witnesses were first duly sworn, and that the same was carefully read to said witnesses and signed by them.

Dated this 3rd day of May AD 1860
Fester Burr J. P.

Which said Depositions are endorsed as follows to wit

Filed Dec 10th 1860

T. W. Moore Clerk

And afterwards to wit: on the 13th day of December AD 1860 the same being as yet one of the days of the aforesaid November Term of said Kane County Circuit Court AD 1860 the following among other proceedings in said Court was had and entered of record to wit:

Walter Loncks

7313
v
The Board of Supervisors
of Kendall County and
Jeremiah J. Cole

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Change Venue from
Kendall

This day came the defendants by Wells their solicitor and enter their motion for a rule on the Complainant to file an additional injunction bond herein, the Court being fully advised sustains said motion.

It is therefore ordered and adjudged by the Court that the Complainant file an

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Additional injunction bond herein by the first day of February next in the sum of Three Thousand Dollars with such sureties as may be approved by the Master in Chancery of this Court.

And afterwards to wit: on the 31st day of January AD 1861 there was filed in the said Circuit Court of Kane County a bond which is in the words and figures following to wit:

Know all men by these Presents that we Walter Locks as principal and James A. Durand A. B. Hall Dwight Ladd Wm Stroffman A Snook Morris Gray and William Cowdry Wm Noble Davis Chas L. Roberts and Charles D. Townsend as securities are held and firmly bound unto the Board of Supervisors of Kendall County & State of Illinois and Jeremiah J. Cole in the penal sum of Three Thousand Dollars for the payment of which we and our selves our heirs and legal representatives firmly bind these presents. Dated this 19th day of January AD 1861

The condition of this bond is such that the abovesaid Walter Locks sued out a writ of Injunction against the said Board of Supervisors of Kendall County aforesaid & said J. J. Cole in a certain suit in Chancery in the Kendall County Circuit Court wherein he was & is complainant & they were & are defendants which

Suit is now pending in the Circuit Court of Kane County by Change of Venue & whereas a rule has been granted requiring said complainant to give additional injunction bond & security. Now therefore if the said Lorchs shall prosecute his suit with effect or in case of defeat shall pay to said defendants whatever damages they shall have suffered by reason of the wrongful suing out of said injunction then this bond to be void otherwise of force.

Walter Lorchs	Seal	J. A. Demand	Seal
A. J. Hall	Seal	Wm. Stropman	Seal
Dwight Ladd	Seal	Wm. Cowdry	Seal
Wm. Noble Davis	Seal	Morris Gray	Seal
C. L. Roberts	Seal	C. D. Townsend	Seal
A. S. Cook		Seal	

Approved by me at my office in Geneva Kane County Illinois Jan 31st 1861

Chas. B. Wells

Master in Chancery

Which said bond is endorsed as follows to wit:

Filed Jan'y 31st 1861

T. W. Moore Clerk

And afterwards to wit: on the 31st day of May 1861 the same being one of the days of the May Term of said Circuit Court of Kane County 1861 the following among other proceedings in said Court was had

and entered of record therein to wit:
Walter Loncks

7313

v
The Board of Supervisors
of Kendall County and
Jeremiah J. Cole

} Bill for Injunction

} This cause again
coming on to be heard

this thirty first day of May A.D. 1861 and the
Court being now fully advised dissolves the injunc-
tion and dismisses the Complainant's bill of com-
plaint herein, and thereupon the complainant by his
counsel excepts to the ruling of the Court in dissolving
the injunction and dismissing his bill and prays
an appeal herein to the Supreme Court of the State
of Illinois, which is allowed on condition that com-
plainant execute an appeal bond in the penal sum of
Five Thousand Dollars with security to be approved
by the Clerk of this Court, the bond to be filed within
thirty days.

It is therefore considered
by the Court that the defendants have and recover
of the Complainant their costs in and about this suit
expended and have execution therefor.

And afterwards to wit: on the 25th day of June
1861 there was filed in the Circuit Court last aforesaid
an appeal bond which is in the words and figures
following to wit:

Know all Men by these Presents
that we Walter Loncks as principal and

Asher B. Hall Thos. D. Wayne J. A.
 Arzand C. D. Townsend Dwight Ladd
 Morris Gray Wm. Noble Davis G. L. Roberts
 And Mr. Cowdry as securities are held and
 jointly bound unto the Board of Supervisors of
 the County of Kendall and unto Jeremiah J. Cole
 Clerk of the County Court of said County and unto each
 of them respectively in the penal sum of Five Thou-
 sand (\$5000) Dollars for the payment of which well and
 truly to be made we jointly and severally hereby bind ourselves
 by these presents. Signed and sealed this thirtieth
 day of June AD Eighteen hundred and sixty one

The condition of this bond is such that
 whereas at the May Term AD 1861 of the Circuit
 Court of Kaw County in a certain Chancery cause
 therein then pending wherein the said Walter Loxeks
 was complainant and the said Board of Supervisors
 and said Jeremiah J. Cole were defendants a
 decree was entered in favor of the said defendants in
 said cause and against the said complainant there-
 in dissolving the injunction therein and dismissing
 the bill therein, and requiring said complainant
 Loxeks to pay the costs therein, and whereas the said
 Walter Loxeks has taken an appeal from the decree
 of said Circuit Court in said cause to the Supreme
 Court of the State of Illinois. Now if the said
 Walter Loxeks shall duly and successfully prose-
 cute said Appeal and shall pay or cause to

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paid all judgments and costs adjudged against him on the trial or dismissal of said appeal and all damages which said obligees or either of them shall suffer by reason of said prosecution of such appeal if not successfully prosecuted then this bond to be ~~void~~ otherwise to remain in full force

Walter Loncks	Read	A. B. Hall	Read
Thos. D. Wayne	Read	J. A. Durand	Read
C. D. Townsend	Read	Dwight Ladd	Read
Morris Gray	Read	Mrs Noble Davis	Read
C. L. Roberts	Read	Mrs Cowdry	Read

Which said bond is endorsed as follows to wit:

Filed & Approved June 25th 1861

T. C. Moore Clerk

State of Illinois

Kane County

I, Thomas C. Moore Clerk of the Circuit Court in and for said County in the State aforesaid do hereby certify that the above is a complete transcript of the record in the case lately pending in said Court wherein Walter Loncks was complainant and the Board of Supervisors of Kendall County & Jeremiah J. Cole were defendants said records being compared

of the processes issued pleadings, bonds and
depositions filed and all orders of court entered of
record in said court, as appears from the files
and records of said Court in my office.



Witness my hand and the seal of
said Court at Geneva in said
County this 25th day of July
1861

J. C. Moore
Clerk

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Walter Loucks

vs

Board Supervisors
Randall Co. et al.

Record

Filed Aug. 1st 1861.
L. Seland