

In the Supreme Court of the State of Illinois held at McVernon
Novr Term 1854 First Grand Division

The People on the relation of
of Thomas Moore

vs

Hiram Burnett

} Mandamus

And now on this day
comes the said Defendant Hiram Burnett
and waives the issuance of an alternative
writ of Mandamus in the above entitled
Cause, and for his return in the above
styled Cause states that he admits all the
allegations in the Pltffs petition to be true
in manner and form as they are alleged
and set forth therein with this exception
that he does not nor can he admit that
Raleigh is the County Seat of Saline County
and as an excuse for not issuing the writ of
summons as demanded of him by the relator in
the above styled Cause, He would respectfully
state to this Honorable Court, that by virtue
of an act of the General Assembly of the
State of Illinois entitled "an act to relocate
the County Seat of Saline County Approved
February the 7th 1837" which said act is
in the words and figures following to wit.

"Be it enacted by the People of the State of Illinois
represented in the General Assembly. That at the

Election to be held on the Tuesday after the first Monday in November One Thousand Eight Hundred and fifty seven in the County a poll shall be opened at each of the Election precincts in said County to decide upon the relocation of the County seat of said County. The place to be voted for shall be Raleigh the present County seat and Harrisburg the proposed County seat and no others.

The qualified voters of said County may vote upon said question. Those desiring the County seat to remain at Raleigh shall have printed or written upon their ballots

"For County Seat Raleigh" those wishing to remove said County seat shall have printed or written upon their ballots. "For County Seat Harrisburg"

Sec 2 When the County Clerk of said County ~~shall~~ give notice of the Election in November A.D. 1857 it shall be his duty to state in said notice that said poll will be opened at the Election precincts of said County according to the provisions of this Act

Sec 3 The judges and Clerks of said Election shall make returns of said Election in the manner and time now prescribed by Law in regard to other elections in this State

Sec 4 When the returns shall have been made to the Clerk of the Court, Court of said County of Saline, he shall proceed to open and count the votes given for the relocation of the seat of justice at the Town of Harrisburg, and also the votes given for retaining the seat of justice at Raleigh. The opening and counting of said votes shall be in accordance with the Laws requiring the opening and counting of the votes of the elections in this State, and if a majority of all the votes cast ~~for~~ and against the removal and relocation are in favor of locating at Harrisburg, then Harrisburg shall be ~~and~~ remain the permanent seat of justice of said County of Saline and the County Court of said County shall provide temporary buildings for the accommodation of the County officers and the Courts of said County - and shall as soon as practicable ^{public} proceed to erect permanent buildings and the officers of said County shall on or before the first day of January A.D. 1858 remove their offices to said new County Seat together with all the books papers records documents and appurtenances, belonging thereto, and the County and Circuit Courts of said County

shall be held in the town of Harrisburg

Dec 5th This act shall take effect
and be in force from and after its
passage

Approved Feb 7th 1857 an elec-
tion was held in Saline County for the
relocation of the County Seat of
said County. and Richard N
Worfield the County Clerk of
Saline County, having as the
Defendant understands stated
officially that Harrisburg had the
majority of the votes cast at said
election, Deft concluded that Harris-
burg was the County Seat of said County
of Saline, but whether Harrisburg or
Raleigh had a majority of the votes
cast at said election this Deft
did not then know nor does he yet
know otherwise than on the Certificate
of the County Clerk, which Deft took
as evidence of that fact, and for that
reason refused to issue the summons as
demanded of him by the relator in
this Cause and this Defendant
~~further states that whether Raleigh
or Harrisburg really had the majority~~

That an injunction has been issued from
the Circuit Court of Saline County at the
instance of one ~~Wm H~~ Dove a citizen
of Harrisburg which writ was issued by
this Defendants deputy informing him
from exercising his office at Raleigh
and which writ was issued from

Harrisburg from an office kept
there by this Defendant & which had
no influence on this Dept. as he did
not attempt to issue a writ at Raleigh
but did all his business as clerk of
the Circuit Court at Harrisburg

Though he still believes that
^{as copy of which said bill is now referred to & made a part of}
~~this return~~ ^{the County Seat} ~~Raleigh~~ ^{about}

that it would so appear if the polls
were legally purged, but that
the first Bill that was filed by
one Lansing B. Barnes was illegally
dismissed without the consent of the
parties interested in it & would
have been now settled were it not
for the dismissal of said Bill &
Whether Raleigh or Harrisburg has
the Majority of all the legal

of votes cast at said Election has never
been ascertained except as above stated

All of which matters and things as above
set forth by him the Defendant submits
to this Honorable Court as his
return in the premises and humbly
prays to be hence dismissed &c.

Henry J. Gunder

^{vs} Hiram Burnett

Def to attorney

State of Illinois }
Jefferson County }

This affiant Hiram
Burnett being first duly sworn accord-
ing to Law deposes and says that the
matters & things set forth in the
above going return are true to the
best of his knowledge & belief
Sworn to & subscribed Hiram Burnett
before me this 19th day
of Nov. AD. 1859

A. Johnston *ck*

59

Aram Burnett
at
People &c

Return to Mandanians

Henry S. Guinner
Atty for Def

Filed Nov. 19. 1859.
N. Johnston City

In the Supreme Court State of Illinois
First Grand Division

People of the State of Illinois
Ex rel Tho^s Moore
vs

Hiram Burnett

Noor

Term

1859

Petition for
Mandamus

I do hereby enter my
appearance in the above Cause
& waive notice of petition for
Mandamus ~~being hereby waived~~ this 17th day of November
1859

Hiram Burnett

59

People of Re
Thos Moore
vs

Heran Burnett

Petition for Mandamus

Appearance of Deft
entered

Filed Nov. 17. 1859-

A. Schuster clk

Henry T. Sumner
att'y for Deft

State of Missouri } Nov Term of Supreme
Jefferson County } Court 1859.

This day personally came before the undersigned clerk, Green B. Rame, William A. Shicklin, Do Robinson Citizens of Soline County Mo, who being duly sworn say on oath, that on the 17th day of November instant an information in the name of the people is upon the relation of Thomas P. Moore vs Hiram Burnett, was filed in the Clerk's office of this Hon. Court (to which reference for its contents is asked) praying that a mandamus be awarded by this Hon. Court against said Defendant Burnett, who is stated to be clerk of the Circuit Court of Soline County Mo. Com manding him to issue a certain process. Said to have been demanded by said Relator to be issued against Thomas B. Vaughn. Affiants further state, that said Relator - Moore, and said Defendant Burnett both now reside at and in the town of Raleigh in Soline County, and are property holders in said town and directly interested in its prosperity. ~~and~~
~~from both of~~

Appellants further state, that hitherto to wit up
to and until the Tuesday after the first
Monday of November 1857, the town of
Raleigh had been under the laws
then in force, the County Seat of Saline
County, Ill., and the proper place for
all the County officers to exercise the
the functions and discharge the duties
of their offices. But that on that day
by and under the provisions of an
act of the Legislature of this State entitled
"An act to relocate the County Seat of
Saline County" a poll was opened to
a vote of the people taken upon the
question of Relocation; They further state
that the Contest in said Election was
between the towns of Harrisburg the
proposed future County Seat, and
the town of Raleigh the then County
Seat, and they further show, that at
and during the pendency of said
Contest & Election, the said Moore who
is now the relator and the said Swift
& Burneth, were active and industrious &
zealous partisans of & for the then
County Seat, to wit Raleigh, where they
then resided and still reside — But
appellants show, that at said Election

in said County on said question there
was fourteen hundred and ~~forty~~ fourteen
votes polled, and there was besides truly
six persons who voted at said Election who
did not vote on said questions of relocation.
They further state that of the votes cast at said
Election there "was for relocation at the
town of Harrisburg" the number of seven
hundred and truly five - being more
than a clear majority of all the votes
cast at said Election - Affiants further
state that upon the result of said Election being
known, all the officers of said County
remained their offices to the town of
Harrisburg except the defendant in
this mandamus case ^{+ one William Matthews} Burnett, who
declined & refused to ~~obey~~ ^{concede} the right or acknowledge the duty of
County officers to remove to said
town. That after said Election was
held & said question determined by
said vote, of the people as aforesaid
one Benson B. Leornis filed his bill in
Chancery as Complainant against
Hiram Burnett, (the deft. here) Messrs
P. M. Glick, James Stoddard & William
Watkins the former then and now Circuit
Clerk & the three latter constituting
the County Court of Saline County

also Richard A. Warfield County Clerk
and William Roark then Sheriff of
Linn County - Affiant further States
that ~~Said Complaints~~ the Contents of said
Complaints will will be seen by reference
to an exhibit or statement thereof annexed
in the Case of the People vs the Return
of Mitchell vs Warfield decided at
the Spring term of this Year Court 1858,
at Ottumwa, Ill., and reported on page
161 of 20th Ill. to which affiants ask
this Year Court to Refer, the Statement
there being the Substance of said
bill for an injunction - Affiants
also State that upon said Bill, an injunction
was issued & served on said Defendants
And, that said Henry Burnett then
admitted the bill of Complaint to be
true; Affiant further States that pending
said injunction the information upon
the Relation of Mitchell vs Warfield
et al was filed - for full particulars with
reference to which reference is added
to the Case decided & reported on page
160 & Sequence of 20th Ill. Reports -
and that after the decision of said
Court and the determination of the
questions involved therein, the officers

of said County who had removed to the country
returned and established their offices again
at Raleigh in conformity with the decision
of the Supreme Court, - Appellants further
state that at the November term 1858, of the
Ancient Court of Soline County, the
Complainant in the injunction suit
obtained a change of venue from
said County & Circuit to the County of
Williamson then in the 3rd Circuit
Soline County then being in the 1st
Judicial Circuit, and that at
a special term of the Ancient Court
of Williamson County held on the
8th day of January 1859, the said
Bill filed by Lenson B. Garner was
dismissed and said injunction
dissolved.

Appellants further state that, after the
dismissal of said injunction suit, to-wit
on or about the 15th day of January
1859, all of the said County officers
not excepting even the said William
Bumatt, removed their offices from
the old County Seat of Raleigh to the
new County Seat at Heaensburg -
and have from thence hitherto kept -
them there, and now still keep them
there - & there exercise their several offices

Affiant further states, that said Thomas
Burnett has not removed his residence
from Raleigh to Hamburg, but only
his office, the duties of the same
being performed by Thomas A. Jones
a lawfully constituted Deputy
of said Burnett, Affiant further
states that since the disavowal of the
bill for impeachment as forming the
~~County~~ removal of all of said officers
to the town of Hamburg, and after
the same was recognized and ignored
by a large majority of the Citizens as
the County Seat, ~~the County~~, and
after the Regular terms of the Circuit
and County Court had been held at
Hamburg, by the Circuit and
County Judges, the County Court,
Contracted for the erection of the
necessary public buildings of
the town of Hamburg, at a cost of
over fifteen thousand dollars, and
have now paid ~~over~~ ~~five~~ thousand
dollars upon the same, and the
Contractors have furthermore gone to great
expense and made great outlay
in procuring material for said
public buildings —

But. Officants Show further that notwithstanding all these things are true, that Some few persons were still dissatisfied and discontented with the matter as it now stand, and among those persons were and are the said relative Moore and said defendant in said relation, Miriam Burnett, — By means whereof it was removed and suspected that, another attempt would be made to disturb the justice again and compel a removal to the town of Raleigh, and in order to prevent the same and, and afford to the County officers some protection in the large expenditures they were making & to make and to preserve quiet and restore peace on said question, one William H. Bone as Complainant, therefore went on the 5th day of November 1894, filed his bill of Complaint in the Circuit Court of Soline County for injunction making the judges of the County Court the clerks of the Circuit and County Court and the Sheriff of said County defendants, and thereby an order only return upon the same by the Hon. William H. Allen judge of said Court

Said injunction was issued
bearing date the 5th day of November
1859. ~~and the said injunction was~~
~~issued on the 5th day of November~~
~~1859.~~ - Affiants also state that
the object and scope of the said bill
& injunction is to settle the question, now
attempted to be raised upon in this
Mandamus case, with reference to
where the County Seat of said County
now should be, and to this end (since
the former bill has been dismissed) to
determine the question as to the legality
of the votes cast at said Election, and
as to the Majority of the legal votes of
said County having been cast for
the Town of Hornsburg -

Affiant further states that said
injunction & said Bill is pending
and undisturbed in the Circuit
Court of said Saline County - where
said question will in due time be
adjudicated & settled as affiants
hope and believe -

They, further state that said writ of
Injunction was after its issue duly served
on the said Burnett, on the 5th of November
1859. and has since been served on

Some of
the County Clerk & Judges of the County
Court, Affiants further state, that well
knowing the facts aforesaid, and the
inclination and desire of said Relator
and said Defendant, and furthermore
that they are intended as above stated
they do hereby believe said Relator &
said Burnett have colluded and
now are colluding together & with each
other and perhaps with others to these
affairs unknown, to have a Mandamus
issued upon the relation made by said
Moore, and with the law of ~~determining~~ ^{determining}
Some questions connected with said County
Seat, without having the same fully and
fairly presented according to the true
state of facts, for they state that Harrisburg
now is the County Seat ^{of said County} & that Raleigh is
not, and that said Burnett now has
his office in Harrisburg & not at Raleigh
as stated in said Relation, and that the
^{room in} the house formerly known as the Court house
at Raleigh ~~is now occupied by~~ and
formerly occupied by said Burnett as his Clerk's
office is now as officers are informed
and believe & have occupied by a Shoemaker
for his Shoemaker's Shop — &
~~known~~

Defendants further say that they are
each and all citizens of Saline County
and feel deeply interested in the
peace, quiet and Harmony of said
Citizens upon said questions, and are
interested as taxpayers of said County
in preserving the public funds thereof
from being uselessly squandered
and wasted - Wherefore they
pray that said Mandamus upon
the relation of said Moore may
not be allowed by this Honorable
Court and further say not
to

Witness the hands of { Green B. Ransom
- within the 17th { Miller A. Strickland
Any of November { J. Robinson
1859 -
Noah Johnston cly

CW

Affidavit

The People
in Relation of Moore
vs

Hiram Burnett

for

Mandamus

Filed Nov. 18th 1859
J. S. Johnston Clerk

Hayden Parsh
for outsiders

State of Illinois }
Saline County }
This affiant Lenson

B. Barnes a resident of Saline County
and State of Illinois States that he
was requested by a number of Citizens
and Tax Payers of said County of
Saline and State of Illinois aforesaid
to allow his name to be used as nomin-
al Complainant in a Bill in Chan-
cery filed in the Saline Circuit Court
against Hiram Burnett Clerk of the
Circuit Court of said County of Saline,
Moses D. McGehee County Judge, and
others to prevent by Injunction the Records
of the Circuit Court, and County Court
and other County Officers being removed
to Harrisburg from Raleigh in said
County, and that whilst said Suit was
pending the Attorney employed on be-
half the Citizens of Harrisburg and other
interested in the town of Harrisburg
prevailed upon this affiant in a
secret and clandestine manner to dis-
miss the Suit in Chancery so commenced
in his name, and that those interested
in said Suit in Chancery knew nothing
about his doing so until after it was

done, And that the said Suit would not have been dismissed by him but for the false representations and inducements held out and made to him by the attorneys and agents of the people of Harrisburg, as well as threats against him if he did not dismiss said Suit.

That there were other inducements of a pecuniary nature personal to himself which he does not feel bound to disclose, but that he had no interest in the Suit himself and his name was only used by his Consent (bonafide given) by others really most deeply interested in the Suit, and that he is now truly sorry he was induced to dismiss said Suit and is satisfied that it was an error on his part and was only intended to defeat the investigation of the matters in Controversy by a final hearing of said Cause, And further this affiant sayeth not.

Attest

Ephraim Williams

L. B. Kears

State of Illinois 2nd
Saline County 3rd

This day came before

me the undersigned an Acting Justice
of the Peace in and for said County

Leon B. Harnes whose name is
above subscribed, and who being duly
sworn according to Law deposes and
says that the foregoing affidavit is
true in substance and in fact.

In Testimony whereof I have
hereunto subscribed my name
and affixed my Seal this the
11th day of November A.D. 1859

Wm. Burkhardt

State of Illinois 3rd
Saline County 3rd

I Rev. Mayfield
Clerk of the County
Court in and for the County of
Saline State aforesaid Certify that
William Burkhardt before whom
the foregoing affidavit appears to
have been made is and was
at the time taking the same a legal
acting Justice of the Peace in and
for the County of Saline State of Ill.
lawfully elected and qualified and

"all his official acts"
as such Justice of the Peace is entitled
to and should receive full
faith and credit



Given under my hand
and the official seal of
said County Court at
Harrishury on this 14th
day of November 1859
R. V. Warfield Clk

The people
of
Barnett

Wardens
of
the
County

Filed Nov. 18. 1859
N. J. Superior Ct.

In the Supreme Court of the State of Illinois

1st Circuit Division

November term AD 1859

The people of the State of Illinois
on the Relation of Thomas, P. Moon

vs

Petition for Writ of Habeas Corpus

Heriam Burnett

To the Honorable John, D. Catron
Chief Justice, and the Honorable Sidney
Breese and Puckney, H. Walker associate
Justices of the Supreme Court of the
State of Illinois,

Your Petitioners the people
of the State of Illinois on the relation of
Thomas, P. Moon Relator in the above
styled Cause respectfully represent
to your Honors that the said Thomas
P. Moon is now and was on the 7th
day of November 1859 a resident
Citizen of Saline County and State
of Illinois aforesaid and that
one Thomas, B. Van Meter there has
also a resident of Saline County
and still is resident there and
was on the day & year last aforesaid
justly indebted to the said Thomas
P. Moon in the sum of \$ 121.26
for which the said Thomas, P. Moon

then and there had and now
has a legal Cause of action in
the Circuit Court of Saline County
against the ^d Vaughan for the
recovery of the said Sum of
Money.

Your Petitioner further states
that the town of Kalligh in the
County of Saline, was on the 7th
day of November 1859 apointed the
County seat of Saline County and
still is the County Seat thereof &
was then & there is now as such
the place assigned by Law for
the transaction of the Public busi-
ness of the County of Saline, and
that one Hiram Burnett the
defendant in this Petition was
then and there and still is
the Circuit Clerk in and for the
County of Saline duly elected Com-
missioner and qualified to act as
such Clerk.

Your Petitioner further states
that on the 7th day of November 1859
at the County of Saline apointed the ^d
Thomas P. Brown did at the office
of the said Hiram Burnett Circuit

clerk of Saline County aforesaid, at
and in the Court house of Saline
County, in the town of Raleigh the
County seat of the said County of
Saline, deliver to him the said
Hiram Bennett a written precept
or demand in writing subscribed
by him the said Thomas, B. Moore
(a copy of which I precept is hereto
annexed & referred to as exhibit
(A)) by which said precept
he the said Hiram Bennett was
requested by him the said Thomas, B. Moore
to issue a Summons on his behalf
as plaintiff against the said Thomas, B.
Vaughan as debt in an action
of assumpsit, and it then and
there became and was part of the
official duty of him the said Hiram
Bennett as Circuit Clerk of Saline
County aforesaid to issue a writ
of Summons against the said
Thomas, B. Vaughan at and from his
office in the Court house at the
town of Raleigh, Saline County
aforesaid, summoning the said
Thomas, B. Vaughan to appear at
the next term of the Circuit Court

of said County State of Illinois
to be holden at the Court House
in the Town of Raleigh ~~the said~~
County said by said County
as aforesaid, on the first Monday
in the month of April AD 1860
to answer him the said Thomas
P. Moore in ~~the~~ action of
assumpsit. ~~so~~ ~~Common~~ and
your Petition further state that
in the said Thomas P. Moore did
at the time of demanding the
Summons of him the said Hiram
Bennett as such Circuit Clerk, then
and there tender him all fees
which there were on might become
due to him the said Hiram Bennett
for the filing of precept in his
said office and issuing the
Summons, yet that notwithstanding
the premises the said
Hiram Bennett so being such
Clerk to issue said writ of
Summons according to the
request of him the said Thomas
P. Moore wholly failed & refused
and still does fail & refuse.
Wherefore your Petitioners pray

having no other legal remedy to compel the
 said Hiram Burnett as such clerk, to show this writ ^{that} ~~proves~~
 that the proper writ of alterna-
 tive Mandamus ^{by this Honorable Court} May, be awarded
 herein commanding the said
 Hiram Burnett as such Circuit
 Clerk to issue said writ of
 Summons as demanded of
 him by the said Heneas, &
 to show or shew Cause why
 he does not issue the same
 & Petitioner will ever pray &c

Copy of precept marked as exhibit
 (A) & referred to in foregoing Petition

Thomas P. Moore

Chf
vs

Thomas B. Vaughn } all reap sit.
 } Damages \$120.20

To Hiram Burnett Clerk of the Circuit Court
 of said County State of Illinois
 Sir

You will please issue
 a Summons in the above styled
 Cause returnable at the next term of
 the Circuit Court of said County State
 of Illinois, to be holden at the Court House
 in Raleigh, ^{in said said County of said} ~~in said~~ ^{County of said}
 "on the 1. Munday in the

month of April 1860

Witness my hand & seal this 1. day of November 1859, (Signed) Thomas P. Moore pff

State of Illinois
Franklin County J.P.

This Thos. personally came before
me the undersigned Clerk of the County
Court in and for the County of Franklin & State of
Illinois, P. Moore the latter in the
following Petition for Warrant
who being first duly sworn according
to Law deposes & says that the
Matters & Things in the foregoing
Petition are true to the best of
his knowledge & belief

J. P. C. Moore

I James A. Pollins Clerk
of the County Court in and
for the County of Franklin
& State of Illinois do hereby
Certify that Thomas P. Moore
whose Name is subscribed
to the foregoing affidavit after
being first duly sworn according
to Law declared upon oath
that the Contents of the foregoing
affidavit is true to the best
of his knowledge and belief
In testimony whereof I have



Sum to set my hand &
Affixed my seal of office
this 7th day of November
1859 at my office in
Benton Frankland Co Mo
James F. Collins
County Clerk

The people on the
Refutation of
Monras, P. Moore
is P. W. J. Maud
Hiram Bunt

59

Filed Nov. 17-1859.
A. Johnston Clerk
Paid by A. L. M. \$5.00

State of Illinois } November Term
Jefferson County } Supreme Court of
the people on the Relation of } Illinois 1839
Thomas P. Moore ~~petitioner~~
vs }
Hiram Bennett } Petition for Mandamus

This day personally came before me
The undersigned Clerk of said Supreme
Court in the first ^{Ind.} division Hiram Ben-
nett and after being duly sworn
upon his oath says that he is the
defendant in the above Cause
and that he most positively denies
that there is or ever has been
any collusion between him
and the above named ^{Relation} ~~petitioner~~
as charged in the joint affidavit
of Green B. Haines & Robinson
& Miller & Stricklin This day filed
with the papers in this Cause
He further states that as to the
result of the election mentioned
in the aforesaid affidavit he
admits that he has believed and
does now verily believe that the
Society of Harrisburg did not
at said Election receive a

a majority of the legal votes
cast at said Election and that
he does believe that ^{the favor of} Raleigh in
said Saline County is according to
the Constitution & laws of this
State the County seat of said County.
He further swears that although
he lives at Raleigh in said Saline
County yet he does not desire to
hold & exercise his office as
Clerk of the Circuit Court of said
County at that place or any
other place which is not the
County seat of said County
but all he desires or wants
in this case is to know where
he should exercise his office at
or in other words if Harrodsburg
has been declared the County
seat of said County by an authority
or power competent to decide
such questions he is ready &
willing to abide such decision
& for that purpose intends to make
a full answer & return to the
writ of Mandamus if awarded.
In above case so as to present
all the facts concerning the

The Case before this Court
and further he says not
Hiram Burnett

Sworn to and Subscribed
before me. 18th Nov. 1859
A. Johnston clk

57 9

People's Co.

By

Wm. M.

af 87.

8

Filed Nov. 18. 1859
N. Johnston M

The people on the station
of Thomas Moore

7 } Merchants
Hiram Burnett

and the petitioners
by whom & ~~and~~ their associates
once and say that the
said return of the said Hiram
Burnett is not sufficient in Law
& that they are not for reason
of any thing therein contained
bound any further to answer
the same & this they are ready
to verify &

A D Daff &
H. Shelton
for petitioners

The prop^r or
the relation of
Thomas Moore

for c. c.

William Bennett

(Bennett)

~~870~~

Lib^y Nov. 19. 1859

St. Johnston cl^y

State of Illinois } November Term
 Jefferson County } Supreme Court 1839
 The people on the Relation of }
 Thomas & Moore ~~petitioners~~ } Relators for
 us } Mandamus
 versus }
 Gerard Bennett

This day personally came before
 me the undersigned Clerk of the
 said Supreme Court Thomas &
 Moore the above ~~petitioners~~ ^{Relators} after
 being duly sworn upon his oath
 says that he most positively
 denies that there now is or
 has ever been any collusion
 between him and the above
 defendant as charged in the
 recent affidavit of J Robinson
 Green B Ransom & Willis A. Stucklin
 this day filed with the papers
 in this above cause. He further
 states & swears that as to the
 election mentioned in said affi-
 davit & the choice of Harrisburg
 as the County seat &c this affiant
 states that he is informed & believes
 that ~~and~~ the result of said election
 has never yet been legally decided

or determined that the votes have
never been canvassed as contem-
plated by the Constitution of this
State and that when they are
so canvassed it will be found
that a majority of the legal
votes cast at said Election
were against Hornsby &
he further states & swears
that he very believes that
the Complainant Dore Men-
tioned in said Affidavit is
fraudulently colluding with
all the defendants mentioned
in said Bill & Affidavit except
Burnett & Watkins and he
further swears that Melis &
Shutkin one of the defendants
in said Bill mentioned who
is stated in said Bill as
& maintains that & declares that
Raley is the County seat &
that said Election was fraudu-
lent & he and who it is said
in said Bill is threatening to remove
his office as Sheriff of said County
to Raley is the same individual
Melis Shutkin who forges

with Jo Robinson & G B Ramm
in the affidavit filed
this cause as aforesaid
This affidavit further swears
that from these facts & others
of a like character he does
verily believe that the bill
filed for impoundment as
mentioned in said Robinson
Ramm & Shuckles affidavit
was filed for the express purpose
of fraudulently & unlawfully
keeping & retaining the said
several officers & the public
misuse generally of Saline
County Illinois as Township
contrary to law & to prevent
& hinder the officers of said
County from holding & exercising
their offices at Raleigh the County
seat of said County & to hinder
the due course of law & the
administration of justice in
said County of Saline

Sworn to & subscribed

before me. 18. Nov. 1859

N. Johnston Clerk

Wm. P. Moore

59
The People
Barnett

Wandering
at 9 noon

Filed Nov. 18. 1889
H. Johnston Clerk

People in the

Thomas P. Moore

as

Henry Burnett

Notes for Manning

8677

some 3