

No. **12639**

Supreme Court of Illinois

People ex-rel.

vs.

Warfield.

71641  7

277 = 1/10
The People's Rel.

John Mitchell

Richard N. Warfield

277

12639

1858

State of Illinois $\frac{2}{3}$ of The June Term
Saline County $\frac{2}{3}$ of the Saline Circuit
Court a d 1858.

To the honorable Wesley Stowe
Judge of the 19th Judicial Circuit in the
State of Illinois and presiding judge
of the Saline Circuit Court in Chancery
Sitting

Your orator Lewis B. Karnes
who is a tax payer and citizen of the
County of Saline and State of Illinois
on behalf of himself and the other tax
payers of and in said County of
Saline humbly complaining sheweth
unto your honor that by an act of the
General assembly of the State of Illinois
the town of Raleigh was made & still
is the County Seat of the County of Saline
in the State of Illinois and as such
according to the public laws of the said
State of Illinois the Circuit Courts and
County Courts both for the Transaction
of Probate & County business in and
for said County have been opened
and held in the Town of Raleigh
aforesaid and that by virtue of the
laws aforesaid the County Clerk Circuit
Clerk and Sheriff of said County were
required to hold & keep their respective
offices at Raleigh and that said
Clerks & Sheriff until the grievances
hereinafter complained of kept their
offices at said Town and that by the
laws aforesaid the Clerks both of the

Circuit & County Court of said County were required to reside & live at and in the said Town of Raleigh it being the County Seat as aforesaid and that in accordance with the laws of the State of Illinois the County Court of Saline County have long since at the expense of said County caused to be built and erected at the said Town of a Raleigh a Court house Jail and Offices for the several Clerks & Sheriff of said County at a cost of some six or seven thousand Dollars

And your orator further sheweth unto your Honor that according to the 5th Section of the 7th article of the New Constitution of the State of Illinois 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

And your orator further shews unto your Honor that on the 7th day of February ad 1857 the General assembly of the State of Illinois passed an act entitled "an act to relocate the County Seat of Saline County" a copy of which act is herewith presented marked "A" and prayed to be taken as a part of this your orators Bill that the said act is in violation of and directly contravenes the said Section of the Constitution of this

State in as much as the 4th Section thereof declares that the County Seat of said County shall be removed to Harrisburgh upon a contingency not specified in said Constitution but on the contrary directly & plainly denied to-wit: that such Removal shall take place upon a majority of those voting for or against such Removal casting their votes for Harrisburgh and not a majority of the voters of the County as contemplated & expressly Required by the Constitution and the Complainant charges and avers that the aforesaid act is & was unconstitutional void & of no effect and contrary to & in violation of said Constitution for the further Reason that the point to which said County Seat was to be Removed was as is not fixed and described in & by said law as Required by the 5th Section of the 7th article of the Constitution of this State

But your orator further sheweth unto your Honor that in pursuance of the provisions of the aforesaid unconstitutional act the Clerk of the County Court of Saline County aforesaid gave notice as required by the 2^d Section of said act that Polls would be opened at the several Precincts in said County at the general election Tuesday after the 1st Monday in November 1857 for the voters of said County

to vote for Raleigh and for Harrisburgh
for County Seat of said County and
that in pursuance of said Notice
Polls were opened at the Respective
Precincts in said County for Raleigh
and for Harrisburgh for County Seat
of Saline County and that from the
returns made to the Clerk of said
County Court there appears to have
been four thousand four hundred & forty (4440)
votes cast & Polls in said County
at the election aforesaid that seven
hundred and twenty five (725) of
these are returned as having voted
for Harrisburgh for County Seat
Six Hundred and Eighty nine (689) for
Raleigh and twenty six who voted at
the Election & whose names are upon
the Poll Lists did not vote either
for Raleigh or Harrisburgh for Co Seat
having as your orator is informed
& believes an apparent majority in
favor of Harrisburgh of but five votes
according to said Returns and
the Complainant avers that there was
some 40 or 50 Legal votes in said
Co who did not vote at said Election
who when taken into consideration
would leave Harrisburgh in a minority
of 35 or 40 votes according to the
Constitution of this State leaving
out of view the fraudulent votes
hereafter mentioned as he has
been informed & believes.

But your orator further shows unto
your Honor & in fact charges it in this
his Bill of Complaint that a majority
of the legal voters of said County did
not at said Election vote in favor of
Harrisburgh but in favor of Raleigh
for County Seat that 123 votes returned
counted & canvassed for Harrisburgh
were given and cast by illegal voters
& persons who were not entitled to
vote in said Election at the time
and place they did vote that the whole
number of legal votes cast at said
Election was only 1314 and that the
whole number of legal votes cast
for Harrisburgh was but 602 and
that the voters named upon the Schedule
hereto annexed and made Exhibit "B"
& prayed to be taken as a part of this
Bill as your orator is informed &
believes all cast their votes for Harrisburgh
and were at the time of said Election
each & every of them illegal voters for
the Reasons annexed to their respective
names - Your orator therefore charges
that 123 of the votes which appears to
have been given for Harrisburgh were
cast through fraud and that the
same number were fraudulently
received counted and canvassed for
Harrisburgh and that the present
result of said Election that is the Election
of Harrisburgh as County Seat is a
gross fraud upon the People of said

County and in violation of the Laws
of the Land and the rights & interests
of the Citizens of said County produced
& brought about by a reckless perversion
of the Electors franchise and a base
prostitution of the Ballot Box and
your orator expressly charges that
Raleigh is the County Seat of Saline
County and was so elected by the
Legal voters of said County at the
election aforesaid and that Harris-
burgh did not receive a majority
of the Legal votes cast at said elec-
tion but that the apparent majority
for the said Town of Harrisburgh is
the result of fraud & is of no force &
virtue in Law & that said Election
is void & of no effect because of
the frauds practiced as aforesaid

And your orator further shows
unto your Honor that since the returns
of the aforesaid fraudulent Election
held under the aforesaid unconsti-
tutional Law R A Warfield Clerk of
the County Court of Saline County Illinois
has removed the County Records pertain-
ing to his Office to the Town of Harrisburgh
and is now keeping and retaining
said Records and also his Office at
said Town of Harrisburgh and that
Hiram Burrill the Clerk of the Circuit
Court of said County is yet holding
& keeping his Office at Raleigh but talks
of moving the same to Harrisburgh

Within a short time and that William
Rount the Sheriff of said County and
Ex officio collector of the Public Revenue
of said County has also removed his
Office to the said Town of Harrisburgh
and is requiring all tax payers to attend
his Office in said Town as the Co Seat
to pay their taxes instead of at Raleigh
the County Seat where he should hold
his Office Moses P McGhee Co Judge
James Strickland & William Watkins Co
Justices who are the members of the County
Court of said County since return of
the aforesaid fraudulent Election have
proceeded to order said County Clerk
to remove and keep his Office and the
Books & Records pertaining to the same
at Harrisburgh and are now threatening
& intending to hold the County Courts
of said County hereafter to be holden
at the same place and the said members
of the said County Court are now arrang-
ing and intending unless prevented by
the interposition of this Hon Court to
proceed within a short time & without
delay to let out a contract with some
person or persons for the building a
Court house Jail & Offices for the
Clerks & Sheriff of said County at & in
the Town of Harrisburgh which buildings
will cost said County a large sum of
money perhaps six or seven thousand
Dollars which contracts & buildings
if not prevented will greatly embarrass
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enthrall and enslave the said County
of Saline and enslave and oppress your
orator & other tax paying citizens thereof

And your orator further
shows unto your Honor that the said
Moses P M of the County Judge of said
County is intending and threatening
to hold and conduct the County Courts
for Probate business hereafter at & in
the said Town of Harrisburgh & not
in the Town of Raleigh where by Law
it has been & yet should be holden &
conducted Your orator expressly
charges in this his Bill that Raleigh yet
is the County Seat of Saline County
and as such the County & Circuit Courts
and Sheriffs Offices ought to be kept & held
there and that by Law the County Courts
both for County & Probate purposes
should be opened & held there and that
the Circuit & County Clerks should
both live & reside at said Town of
Raleigh

And your orator further shows
unto your Honor that the aforesaid
County Court as such are threatening
to sell & dispose of the Court house &
other Public Buildings in the Town
of Raleigh to the great detriment of the
citizens of said County as well as to
your orator

And your orator sheweth
unto your Honor that he himself as
well as many other citizens of this County

on whose behalf as well as for himself
he makes this complaint have frequently
and in a friendly manner applied to
the said Clerks & Sheriff and desired
them and each of them to keep and
retain their respective Offices at Ra-
leigh the County Seat of said County
and to receive & live there as the Law
requires and also to the said Moses P
McGhee James Strickland & William Wat-
kins members of the County Court
aforesaid and desired them to desist
from their unlawful course and to still
hold their Courts at Raleigh and not
at Harrisburgh and not to erect Public
Buildings at Harrisburgh as they threaten
& intend doing at the expense of said
County.

But so it is may it please your
Honor the said Clerks and members
of the County Court in concert with
each other alludge pretend and say
that said Law and the Election thereun-
der was & is valid and binding upon
the Citizens of Saline County and that
the Town of Raleigh is not any longer
the ^{but that Harrisburgh is now the County Seat of said County} County Seat of said County and
the said Clerks and members of the
County Court refuse to regard Raleigh
as the County Seat in violation of the
Law and the Constitution of Illinois
but because of the aforesaid fraud-
ulent and void Election held as
aforesaid under the unconstitutional

Law as aforesaid and the said Moses
P. McGhee Co Judge James Strickline
William Watkins County Justices members
of said Court are still going on to contract
with some person or persons to erect &
Build expensive Court house & other
Public Buildings Office Jail &c at a
great and heavy cost to and upon
the said County of Saline and to the
great & irreparable loss & injury of
said County and all the tax payers
therein.

All of which actions doings promises
and refusals are contrary to Equity & good
conscience and tend to the manifest
wrong hardship oppression and
injury of your Orator and the other
tax paying Citizens of Saline County
Illinois.

In consideration whereof and
in as much as the aforesaid act af-
fords no legal remedy in a Court of
Law to redress & relieve the Citizens of
this County against the gross frauds
practiced at said election and the
irreparable mischief & injurious conse-
quence about to result from the same
to your orator and the other Citizens
of this County and in as much as
your orator & the others upon whose
behalf this Bill is filed can only have
adequate relief in a Court of Equity
where matters of this nature are reliva-
ble and cognizable

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To the end therefore that the said Hiram Burnett Clerk of the Circuit Court
R A Warfield Clerk of the County Court
and William Rorer Sheriff & Moses P
McGhee James Stricklin & William Watkins
members of the Co Court of Saline County
may to the best of their knowledge infor-
mation & belief full true direct & perfect
answers make to all and singular
the matters aforesaid & that as particularly
as if the same were here repeated & they
& every of them distinctly interrogated
thereto

And may it please your Honor to
grant unto your orator not only the
peoples most gracious writ of Injunc-
tion issuing out of & under the Seal of
this Hon Court to be directed to the said
Hiram Burnett Circuit Clerk & R A War-
field County Clerk of said County &
William Rorer Sheriff of said County
Moses P McGhee James Stricklin & William
Watkins members of the County Court
restraining and enjoining the said
Clerks & Sheriff from removing keeping
or holding their respective Offices or the
Books & papers thereof at or to the Town
of Harrisburgh and the said Moses
P McGhee James Stricklin & Wm Watkins
as members of the County Court of said
County from holding their respective
Courts at Harrisburgh or from in any-
way whatever contracting for the build-
ing or erection of any Buildings in

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Harrisburgh or from erecting there
or having it done at the expense of
said County or from selling or dis-
posing of the Public Property in Raleigh
and from spending or in any way
pledging any of the funds of said
County either Swamp Land funds or
such as has been or may be received by
taxation or used about the improve-
ment of Harrisburgh as the County Seat
of said County or in laying off and
making Roads to or from said Town
and also enjoining and commanding
the said R N Warfield Clerk of said
County Court forth with and without
delay to remove all the Books Papers
Records & Archives pertaining to his
said Office from the Town of Harris-
burgh or wherever kept by him back
to the Town of Raleigh the present
County Seat and that William
Rount Sherriff of said County be
required to return to Raleigh & bring
back to said Town his Books as ex of-
ficio collector of the Public Revenue
of said County & to keep his Office
at said Town of Raleigh But also
the peoples most gracious writ of Sum-
mons in Chancery to be directed to the
said Hiram Burnett Clerk of the Circuit
Court R N Warfield Clerk of the County
Court and William Rount Sherriff
Moses P M Chee James Streckline
& William Watkins members of the

Co Court of said County Thereby
Commanding them at a certain day
& under a certain pain therein to be
limited personally to be and appear
before your Honor in this Honorable
Court and there and there full true &
perfect answers make to all and sin-
gular the premises & further to stand
to perform & abide such other & further
order direction & Decree therein as to
your Honor shall seem meet

And may it please your
Honor upon a final hearing of this case
to make said Infjunction perpetual
and grant unto your orator such
other & further relief in the premises as
the circumstances of this particular
case may require & your Honor Deem
meet- As in duty bound your
orator will ever pray &c

Lenson B. Karros

State of Illinois. }
Saline County. }
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This day personally appear-
ed before me the undersigned Clerk of the
Circuit Court of Saline County & State
aforesaid Lenson B. Karros Compt
in the foregoing Bill who being by me
first duly sworn according to Law
deposes and says that the material
allegations in the foregoing Bill con-
tained so far as he states the same
of his own knowledge are true and so

far as he states the same upon information derived from others he believes to be true to the best of his knowledge & belief

Subscribed & Sworn to }
before me at Office at }
Raleigh this 10th day }
March 1858 }
H. H. Horace Burnette CLK } Linson B. Karnes

"Exhibit A"

An act to relocate the County Seat of Saline County -

Section 1. 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 of Saline, a Poll shall be opened at each of the Election Precincts in said County to decide upon the relocation the County Seat of said County. The places 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

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Council Seat shall have practice or
exercise upon their Ballots, "For County
Seat, Harrisburg."

§ 2. When the County Clerk of said County
gives notice of the Election in November,
a. d. 1857, it shall be his duty to state
in said notices that said Poll will
be opened at the Election Precincts
in said County according to the
provisions of this act.

§ 3. The judges and clerks of said Elec-
tion shall make returns of said
Election in the manner and time
now prescribed by Law in regard
to other Elections in this State.

§ 4. When the returns shall have been
made to the Clerk of the County Court
of said County of Saline, he shall pro-
ceed 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 lo-
cation 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 courts of said County, and shall as soon as practicable proceed to erect permanent public buildings, and the Officers of said County shall on or before the 1st 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.

§ 5. This act shall take effect and be in force from and after its passage.
Approved Feb 7th 1857

"Schedule Exhibit B"

Cottage Grove Precinct Saline Co Ills

Lewis Decker non resident

A. W. Padillo minor under the age of 21 years

J. W. Slator not resided in the State 12 mo

J. W. Belts " " " " " " "

J. C. Mercer " " " " " " "

W. P. Strong " " " " " " "

W. A. Graves " " " " " " "

Summerset Precinct

Jackson Louchenau minor

Benjamin Louchenau "

Jefferson Govee unnaturalized foreigner
 Wm S Moore minor
 Calvert Leet "
 James Moore "
 Wm F Scroggins "
 Humphrey Scroggins "
 Philip Gerrall non resident of the precinct
 of Mr Leets unnaturalized foreigner & non Res
 Michael Weedman " " "
 John Moody resident of Hardin Co Ill
 Joseph Bowles non of the precinct
 Harrisburgh or Monroe Precinct

Wm Riley a resident of White Co Ill
 John W. Root a citizen of Raleigh precinct
 Henry Shant unnaturalized foreigner
 John B Wright a non resident
 Samuel Robinson minor & not a resident 12 mo
 David B. Russell a citizen of Williamson Co Ill
 August Kamechoid unnaturalized foreigner
 Henry Doll " " " "
 Philip Sessler unnaturalized foreigner
 B. F. Irvine a resident of Raleigh precinct
 Charles Mall unnaturalized foreigner
 P. F. C. Mosier a minor under 21 years
 Axel Niberg unnaturalized foreigner
 John Berry would twice first time at cartage prove under ^{of J B Berry} ~~under~~
 James McElrath unnaturalized foreigner
 Hugh McElrath " " non resident
 Chalon Fowl a minor
 James Oreal none
 James Barker minor
 Ben W. Cooke minor

Nancy Garrison " "
 Alsey Harris resident of Stamford Precinct
 Alexander Sturison minor
 Henry Sturbs unaturalized foreigner
 M L Strickline a minor & non of the precinct
 B. F. Summers a minor
 Edward Markham non resident
 S J B Markham " "
 Aaron Arnold died before election Day
 Wilson Brown non resident
 Dennis C. Butler minor
 Timothy Reeves non resident
 Edward Cuic minor & non resident
 Labney Riley non resident
 Franklin Keith non "
 James Ward a resident of Union Co Ill
 A J Garing " " " Hamilton " "
 James M C Dumont a foreigner unaturalized
 Isham Cuic a minor & non res
 John M C Elrath unaturalized foreigner
 Wm Cuic a Resident of Stamford Precinct
 Wm Perkins a minor
 Joseph B. Potter a minor & non Resident
 Timothy Ingraham a resident of Hempstead precinct

Independence Precinct

Roy Gasthuis a minor & non Resident
 Henry Priest not here in State 12 mo
 Jasper Fitzgerald minor
 Wm Simmons a non resident
 J J Harmon a non resident
 Andrew Harmon not a resident of State 12 mo
 J W Travis a minor & non res
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John Hester a non res
 C. V. Morris citizen of Pope Co Ill
 G. W. Buchanan not in state 12 mo
 Perry Bush resident of Harrisburgh Precinct
 Leonard Hargrove a minor
 J. C. Corcoran non resident
 J. D. Canley " "
 J. W. Rogers " "
 Patrick Hughes " "
 F. J. Griffith " "
 A. J. Griffith " "
 Moses Land a minor & non
 Jonathan L. Kelgore a resident of Independence precinct
 Andrew Dorris " " "
 James C. Hancock non resident
 Jacob Schaefer " "

Stonfort Precinct

Richard Harris a minor
 Thos W. Russell " & resident of Williamson Co Ill
 David Doad a minor & non resident
 Zachariah Harris a minor
 John B. Gault a non resident
 B. F. Hancock a non of the Coality
 David Vauyard a minor & non resident
 Levi C. Randolph a minor
 Josiah Gurley a non resident
 Thomas Talbot a minor
 Thos Garvin a minor & non resident
 C. McKinnis " "
 J. P. Willis Junior " "
 Alexander R. Willis " "
 James M. Eaton " "
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Alsey Harris voted at Harrisburgh same day

Brushy Precinct

Jasper A Strickland a minor
James B. Muddling a minor & non resident
Archibald Blackburn " "
Isaac Patter " minor
Ephraim Patter " "
Samuel Neal (Jas Strickland voted for him by proxy)
Wm C Donahoe " minor
Jail Donahoe " "
James A. Harris " "
Lafett Craig " " & non resident

Galatia Precinct

Wm Bond a minor
G H Pullum a resident of Hamilton Co Ill
Andrew Hurdum non resident
Benjamin Hurderson defrauded out of his ^{voter for Raleigh} vote intended to
Joseph S. Watson " minor
Jacob Pole " "
Clara Brady a non resident
Marion Hale a resident of Brushy Precinct

Raleigh Precinct

Wm Fly a minor

Filed this 19th day of December A D 1857
Hiram Burnin CLK

State of Illinois }
19th Judicial Circuit } At Chambers

Ordered that the clerk of the
Circuit Court of Saline County in the
Circuit aforesaid issue the writ of Injunc-
tion as within prayed for on Complaints
acts executing and filing in the Clerk's
Office of said Circuit Court a bond in
the penal sum of one Thousand Dollars
payable to Defendants conditioned as
the Law directs with W. C. Burnett & B.
Vaughan W^m Chesser Attalio Chesser
D. D. Wiseman D. M. Stinson John M. Burnett
Charles Burnett & William Malone as security
Dec 21 1857

Wesley Sloan Judge C

State of Illinois }
19th Judicial Circuit } At Chambers
of Saline County It being represented
to me that the Sheriff of Saline County
is a party interested in the matters of the
within Bill and that there is no Coroner
in the said County of Saline in the Circuit
aforesaid, it is therefore ordered that
Charles Burnett be and he is hereby
authorized and empowered as an
Elector to serve all writs and other
process issuing or to issue out of the
Circuit Court of said Saline County in
the within cause.

Wesley Sloan

Judge C

Lenson B. Karnes } Special March Term
 vs } Bill in chancery } Circuit Court Saline
 Hiram Burnell et al } County Illinois a.d. 1858

The separate answers of Moses
 P. McGhee Judge of the County Court of
 Saline County Illinois to the Bill of Com-
 plaint filed herein by the said Complain-
 ant Lenson B. Karnes

This respondent saving
 and reserving to himself the benefit of
 all exceptions to any or all of the allega-
 tions in said Bill contained, and to all
 manner of errors, inaccuracies, mis-
 statements, inconsistencies and irrele-
 vant matter therein set forth, for an-
 swer thereto or to so much thereof as
 he is advised it is necessary or natural
 for him to answer unto answering
 says. That true it is as he is infor-
 med and believes, by an act of the
 General Assembly of the State of Illinois
 Entitled "an act passed on
 the day of a.d. 1841, the
 town of Raleigh was made the County
 Seat of Saline County in the State
 of Illinois; but your respondent re-
 spectfully denies that at now is or has
 been since the 1st day of January
 a.d. 1858, the County Seat of said
 County

And your Respondent further
 admits the fact, which he is informed
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and believes to be true, that on the 4th day of February A.D. 1857 the General Assembly of the State of Illinois passed an act entitled "An act to relocate the County Seat of Saline County" but your Respondent expressly and most positively denies that said act so passed by the said General Assembly was unconstitutional, void, invalid or at all inoperative by reason of any of the causes statements or reasons made assigned or stated in said Bill of Complaint, but your respondent here states and charges the fact to be, that said act of the General Assembly entitled as last aforesaid was valid, constitutional, binding and operative.

Your Respondent further admits the fact to be true that in pursuance of the provisions of the aforesaid and last mentioned act of the General Assembly the Clerk of the County Court of said Saline County gave notice as required by the 2nd Section of said act that Polls would be opened at the several Precincts in said County at the General Election Tuesday after the 1st Monday in November 1857. for the voters of said County to vote for Raleigh and for Harrisburg for County Seat for said County of Saline and that in pursuance of said notice Polls were opened in the respective Precincts in said County for Raleigh and for

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Harrisburg for County Seat of said Saline County and your Respondent admits the fact to be true that from the returns made to the Clerk of the said County Court there were 1440 votes cast and Polled in said County at the General Election aforesaid that at said Election held for the purpose aforesaid 725 of the voters of said County voted for Harrisburg as the County Seat of said Saline County at the Election aforesaid for the purpose aforesaid and in pursuance of the Law aforesaid And that but 689 of the voters of said County at said Election so held as aforesaid for the purpose aforesaid voted for Raleigh as the County Seat aforesaid Saline County.

Your Respondent admits that at said General Election so held as aforesaid there were 26 voters voting at said Election who did not vote either for Raleigh or for Harrisburg for County Seat leaving as your respondent is informed and verily believes a majority of five votes in favor of Harrisburg as the County Seat of said Saline County.

But your Respondent expressly and most positively denies that a majority of the legal voters of said County did not vote at said Election in favor of Harrisburg, and he further denies most positively that a majority

of said voters at said Election voted
in favor of Raleigh for County Seat
as aforesaid And he most distinctly
denies that 123 votes returned, counted
and canvassed for Harrisburg were
given and cast by illegal voters or
persons who were not entitled to vote
at said election at the time and
place they did vote or that any
number of voters sufficient to change
the result in favor of Harrisburg so
found and declared by the Clerk as
aforesaid were cast by persons not
entitled to vote And this Respondent
states the fact to be true to the best of
his knowledge information and belief
that David B. Russell Philip Sigler
B. F. Irvine Charles Mann John Berry
Hugh McCreath Chas. Toll Benjamin
W. Cook, Alsey Harris junior Alsey
Harris (senior) B. F. Summers Aaron
Arnold Nelson Brown, Franklee
Keith A. J. Young Wm Perkins Timothy
Ingram, Roy Gaskeis whose names
appear upon said Schedule marked
"B" annexed to the said Bill of Com-
plaint and charged as being illegal
voters at said election and as hav-
ing voted for Harrisburg for County
Seat, were in truth and in fact legal
and competent voters at said election
at the time and place each and every
of them did vote as aforesaid -

Respondent cannot state whether

the above named persons cast their votes at said Election for Harrisburg or for Raleigh for County Seat, as to the other persons whose names appear upon said Schedule this Respondent can state nothing of his own knowledge nor has he sufficient information in reference to their qualifications as voters to give any reliable opinion nor can Respondent state whether they voted for the town of Harrisburg or for the town of Raleigh for County seat at said Election but your respondent believes and so charges the fact to be that a majority of the legal voters of said County at said Election so held as aforesaid voted in favor of Harrisburg for County Seat of said County.

Your Respondent most positively denies that there were only 1317 legal votes cast at said Election, as well as the accompanying allegation in said Bill that the whole number of legal votes cast for Harrisburg were but 602, but charges the fact to be true that the whole number of votes cast at said Election were 1440 and that the number of legal votes cast for Harrisburg were 725 as aforesaid.

Your Respondent expressly denies that the votes shown upon the Schedule annexed to said Bill and made in

Exhibit marked "B" were illegally cast or cast by illegal voters or any sufficient number of them to change the result of said Election for County Seat of said County found by the Clerk as aforesaid upon canvassing the returns of said election for County Seat as aforesaid.

And Your Respondent further denies that the said illegal voters or any considerable number thereof as charged in said Bill of Complaint (if any such were cast at said Election) as having voted at said election cast their votes in favor of Harrisburg for County Seat but Your respondent states and charges the fact to be true, based upon his information and belief that at said Election so held as aforesaid there were cast 48 illegal votes for Raleigh for the County Seat of said County the said persons so casting such illegal votes at said Election in favor of Raleigh for County Seat as aforesaid being that and there incompetent and unqualified voters upon the Schedule hereto annexed and marked "A" and prayed to be taken as a part of this answer which said Schedule so marked as aforesaid embraces and contains the names of the said illegal voters voting at said Election in favor

of Raleigh for County Seat

And your respondent further states and charges the facts so to be that instead of Harrisburg receiving a majority of only five votes for County Seat at said Election the real and true majority of all the legal votes cast at said Election in said County in favor of said town of Harrisburg was 44 that instead of there being 1440 legal votes cast at said Election there were in truth and in fact but 1362 and that 725 of said legal votes so cast as aforesaid were cast in favor of Harrisburg for County Seat of said County being a clear and unmistakable majority of all the legal voters in said County

And your Respondent further states that by virtue of said act of the General Assembly last referred to, and the election held thereunder for the relocation of the County Seat of Saline County and the true and declared result thereof Harrisburg is and was from and after said result of said Election so ascertained and declared by the said Clerk of the County Court as aforesaid the County Seat of Saline County, that this result was not accomplished by fraud, a resultless perversion of the Elective franchise

(27)

or a base prostitution of the Ballot Box, but was a consequence of the free unbiassed, and considered choice of the legal voters of said County of Saline voting at said Election

If said Ballot Box was prostituted or the Elective franchise perverted it was on the part of Those voting for Raleigh in seeking to stifle the Public voice and prevent Public justice, desiring to accomplish by indirection and fraud that which the honest and fair sentiment of said County gave them no assurance of accomplishing by direct and honest action

Your Respondent further admits that after it was legally ascertained that Harrisburg was the County Seat of said Saline County as the result of the said Election so held in pursuance of the said act of the General Assembly as aforesaid the Clerk of the County Court of said County did as was his duty and legal duty remove his said Office of Clerk of the County Court on or about the 12th day of December ad 1857 and before the commencement of this suit, from Raleigh to Harrisburg and that said Clerk of the County Court has from thence hitherto resided at said Town of Harrisburg, kept his Office

(28)

There and been in the faithful discharge of the duties of the same

This Respondent further admits that as Judge of the County Court of said Saline County he has as was his bounden duty under the Laws of the State of Illinois exercised the duties of his Office at the town of Harrisburg since the removal of the Records and Documents appertaining to the Office of the Clerk of the County Court of said County to Harrisburg, he positively denies that the said Clerk removed his said Office to said town of Harrisburg in conformity to an order of the County Court ordering him so to do, but as this Respondent is informed and believes said R N Warfield Clerk of the County Court as aforesaid was influenced in removing his said Office as aforesaid, alone by what he conceived to be his imperative duty under the Constitution and laws of the State of Illinois and in conformity to the will of the majority of the voters of said County as expressed through the Ballot Box, at the Election aforesaid so held for the purpose aforesaid

Your Respondent admits that he was cognizant of and cheerfully acquiesced in the removal of the Office of said Clerk from the town of

Raleigh to the town of Harrisburg as he conceives was his bounden duty so to do in conformity with the Constitution, Laws and Elections aforesaid

Your Respondent admits that as Judge of the County Court of said Saline County he has held three terms of the County Court of said County for the transaction of Probate business and that assisted by James Strickline one of the associate Justices of said County he has held two terms of the County Court of said County for the transaction of Public business at the said town of Harrisburg since the removal of the Office of the Clerk of the County Court of said County to the town of Harrisburg as aforesaid

By our respondent further answering says that at the said terms of County and Probate Courts held as aforesaid there has been business of vital importance transacted affecting the interest of many citizens materially and other business now remains in said Courts undisposed of of an important character instituted at Harrisburg

This respondent further admits that William Rusk Sheriff of said Saline County as aforesaid has removed his Office to Harrisburg and for all the purposes of his Office

recognizes the same as the County Seat
of Saline County.

Your respondent denies that
said County Court have ever proceeded
to or made any attempt or motive
to erect permanent Public Buildings
at said town of Harrisburg or have con-
tracted or contemplated contracting
with any person or persons for the
erection of the same.

Your respondent ~~further~~
thence denies most positively that said
County Court have squandered any
of the Public funds or any of the
Swamp Land funds of said County
or contemplate squandering the same.
He further denies that said County Court
have proceeded or contemplate proceeding
to sell the Court House or any other
Public Buildings of said County at
Raleigh or in any manner to take
such action as will effect pecuniarily
the rights or interests of said Complain-
ant or any other of the tax payers of
this Saline County otherwise or differently
than they would be effected had said
Courts been held at Raleigh.

Your respondent positively
denies that Raleigh is the County Seat
of Saline County or that Courts County
Probate or Circuit can or of right
ought to be held there or that any of the
Officers of said Courts should reside
or keep their Offices there, but charges

as he has charged above, that Harrisburg is the County Seat of Saline County for all purposes whatever and that said Courts should be held there and said Officers thereof should reside and keep their Offices at said town of Harrisburg

Your respondent neither admits nor denies (having no knowledge of the fact) that any number of the legal voters of said County, did not vote at said Election so held as aforesaid

Your respondent further states that at the time the general assembly passed said act, for the relocation of the County Seat of Saline County the town of Harrisburg was and had long been regularly laid off, platted, dedicated and known as a town in said County of Saline situated near the geographical center of said County some six miles south of the town of Raleigh, contained a large number of inhabitants, and that all the legal voters of said County voting at said Election well knew it to be the same Harrisburg mentioned in said act of the General Assembly for the relocation of the County Seat of said County there never having been any other town or place of that name in said County

And now having answered

as fully as he is advised it is material
for him to answer said Bill he prays
to be hence dismissed — with his reason-
able costs well charges in this behalf
must wrongfully expended &c

Moses P. McGehee

Exhibit "A"

"Raleigh Precinct"

D W Thomas not 12 mos in the State
R H Lancaster minor under 21 yrs of age
Isaac Musgrave not 12 mos in the State
John Stubbs minor under 21 yrs of age & unnaturalized foreigner
Thos Stubbs unnaturalized foreigner
J. M. Shutridge not 12 mos in the State
Linnell Loftis non resident of the County
Alfred Patterson not 12 mos in the State
W L Jessmings " " " " "
Francis Kernes " " " " "
Wm Kernes minor
James Harrison non resident of the Co
J O Cantrell minor under 21 years of age
Lorenzo West not 12 mos in the State
J R Trebble " " " " "
Henry Hays non resident of the Co
J C Trebble not 12 mos in the State
T G Williams non resident of the Co
Thos Redman jr minor under 21 yrs of age
Wm Redman " " "
H D Perregron non resident of the Co
Wm Rely minor under 21 yrs of age
H Patterson non resident of the County

Elijah Davis non resident of the County
Alex M Leay " " " "
W G Leale unaturalized foreigner
Sol Reed not 12 mos in the State
Thos Meadows non resident of the Co
Wm F Brown minor under 21 Years of age
James Perry " " " "
Joab Sessions minor under 21 yrs of age
H N Cox minor under 21 yrs of age & non resident
James Tuckro no such man in the County
J C Hicks not 12 mos in the State
Geo Stursultz unaturalized foreigner
M W Learkuff not 12 mos in the State

"Saline Precinct"

Wells Janner minor under 21 yrs of age
Daniel Tate non resident of the County
Wm Knight non resident of the County
James H. Wain " " " "
John D Johnson not 12 mos in the State
G W Pulliam not " " " "
Lee Travis " " " "
Henry Ramsey non resident of the County
Seldon Harris minor under 21 yrs of age
Harrell Adames minor under 21 yrs of age & non resident
Geo A Ramsey non resident of the County
James Bayd " " " "
Thos Lane " " " "
Wm H Rhine not 12 mos in the State
Josiah Toliver minor under 21 yrs of age
Rolla Orquar non resident of the County
Ellison Ray no such man in the precinct
John Johnson non resident of the precinct
(34)

James W. Beales not 12 mos in the State
 Alfred Dodd " " " " "
 Samuel Beales " " " " "
 J. F. Johnson no such man in the precinct
 A. C. Holiday non resident of the County
 Richard Baldrick " " " "
 John A. Sprain " " " "
 Isaac Lane " " " "
 Elzie Pugh not 12 mos in the State
 John D. Kuchler not 12 mos in the State

"Curran Precinct"

John Baldwin minor under 21 yrs of age
 Richard M. Burnett minor under 21 yrs of age &
 resident of Raleigh Precinct
 Elliot Gales minor under 21 yrs of age
 James McDougall non resident of Precinct
 James A. Beakler minor under 21 yrs of age non resident
 John Bixler minor under 21 yrs of age
 Simon Reader minor under 21 yrs of age non resident
 Wm. Johns unnaturalized foreigner
 Peter A. Pennell minor under 21 yrs of age
 A. J. Maden non resident
 John Martin unnaturalized foreigner
 Joshua Reardon not 12 mos in the State

"Bruskey Precinct"

G. W. Dorris minor & non resident of precinct
 Joseph Centrell non resident of County
 G. B. Claytor not 12 mos in the State

State of Illinois
Saline County



Set

On this day personally
appeared before me the undersigned Clerk
of the Circuit Court in and for said
County and State Moses P M Ghee
who being duly sworn according to law
on his oath states that the matters and
things contained in the foregoing an-
swer so far as stated from his own
knowledge are true, and so far as stated
from the information of others he believes
them to be true in substance and in
fact

Sworn to and subscribed

to before me this 11th day of

March A D 1858

Horace Burnett CLK

Circuit Court

Moses P M Ghee

Amended answer sworn to and
subscribed before me this 12th day of
March A D 1858

Horace Burnett CLK Circuit Court

Filed March 11th 1858

Horace Burnett CLK



Saline Circuit Court March Term
1858 - In Chancery

The Replication of Lenson
Bleas Complainant to the separate
answer of Moses P. M. Ghee

This Complainant for replication to said answer saith that the same is uncertain informal and untrue as the same is above stated & set forth and that he the said Complainant can & will aver maintain and prove his Bill and the matters therein contained to be true certain & sufficient as the same are set forth and alleged

Wherefore he prays judgment as by his Bill he hath already prayed &c

Nelson Maclean & Duff

for Complainant

Filed March 12th 1858

Hiram Burnett CLK

Lenson B. Karnes & Special March Term
vs & Bill in Chancery. & Circuit Court of Saline
Hiram Burnett et al & County Dec ad 1858

The separate answer of
James Stricklin Associate Justice of
the County Court of Saline County
to the Bill of Complaint filed herein
by the said Complainant Lenson
B. Karnes

This respondent saving and
reserving to himself the benefit of all
exceptions to any and all of the al-
legations in said Bill contained
and to all manner of errors, inac-
curacies misstatements miscon-
structions and irrelevant matters therein
set forth for answer thereto or to so
much thereof as he is advised it is
material for him to answer in an-
swering says

That true it is as he is informed
and believes by an act of the General
Assembly of the State of Illinois entitled
'an act' passed on the
day of ad 1841 the town
of Raleigh was made the County Seat
of Saline County State of Illinois, but
your respondent respectfully denies
that it now is or has been since the
1st day of January 1858 the County
Seat of said County

And your respondent
further admits the fact which he is
informed and believes to be true

that on the 7th day of February 1857 the General Assembly of the State of Illinois passed an act entitled "an act to relocate the County Seat of Saline County" but your respondent expressly denies that said act so passed by the said General Assembly was unconstitutional void invalid or at all impugnable by reason of any of the causes statements or reasons made assigned or stated in said Bill of Complaint, but your respondent here states and charges the fact to be that said act of the General Assembly entitled as last aforesaid was valid, constitutional binding and operative.

Your Respondent further admits the fact to be true that in pursuance of the provisions of the aforesaid and last mentioned act of the General Assembly the Clerk of the County Court of said Saline County gave notice as required by the 2^d Section of said act that Polls would be opened at the several precincts in said County at the General Election Tuesday after the 1st Monday in November 1857 for the voters of said County to vote for Raleigh and for Harrisburg for County Seat for said County of Saline.

And that in pursuance

of said notice Polls were opened in the respective Precincts in said County for Raleigh and for Harrisburg for County Seat of said Saline County.

And your respondent admits the fact to be true that from the returns made to the Clerk of the said County Court there were 1440 votes cast and Polled in said County at the General Election aforesaid that at said Election held for the purposes aforesaid 725 of the voters of said County voted for Harrisburg as the County Seat of said Saline County at the Election aforesaid for the purposes aforesaid

And that but 689 of the voters of said County at said Election so held as aforesaid for the purposes aforesaid voted for Raleigh for County Seat of said Saline County

Your Respondent admits that at said General Election so held as aforesaid there were 26 voters voting at said Election who did not vote either for Raleigh or for Harrisburg for County Seat leaving as your respondent is informed and verily believes a majority of five votes in favor of Harrisburg as the County Seat of said Saline County

But Your Respondent must

positively denies that a majority of the legal voters of said County did not vote at said Election in favor of Harrisburg, and he further denies most positively that a majority of said voters at said Election voted in favor of Raleigh for County Seat as aforesaid. And he most distinctly denies from his knowledge information & belief that 123 votes returned counted and canvassed for Harrisburg were given and cast by illegal voters or persons not entitled to vote at said Election at the time and place they did vote or that any number of voters, sufficient to change the result in favor of Harrisburg so found and declared by the Clerk as aforesaid were cast by persons not entitled to vote but your respondent believes and so charges the fact to be that a majority of the legal voters of said County at said Election so held as aforesaid voted in favor of Harrisburg for County Seat of said County.

Your Respondent states that Jasper N. Stricklin, Archibald Blackburn, Samuel Neal & Alsey Harris of Stone fort precinct (there being two of said name) who are charged as being illegal voters and whose names are upon the

(40)

Schedule of Supposed illegal voters
appended and attached to said
Bill are in truth and in fact
legal voters in said County and
were entitled to vote at said Election
so held as aforesaid for the purposes
aforesaid at the time and place
they did vote, As to the other sup-
posed illegal voters contained
and named in said Schedule
this respondent for answer thereto
says that according to the best of his
knowledge information and belief
said supposed illegal voters were
entitled to vote at said Election
at the time and place they did vote
but as to whether they voted for
Raleigh or for Harrisburg he knows
not the statement in said Schedule oppo-
site the name of Samuel Neal alleging
that (James Strickline) this affiant acted
as the proxy of said Neal and cast
his vote for him is utterly untrue, said
Neal was present and voted for him-
self at said Election

Your Respondent most
positively denies that there were only
1317 legal votes cast at said Election
as well as the accompanying allegation
in said Bill that the whole number
of legal votes cast for Harrisburg
were but 602 but charges the fact
to be true that the whole number
of votes cast at said Election were
(41)

1440 and that the number of legal votes cast for Harrisburg were 725 as aforesaid.

Your respondent expressly denies that the votes named upon the Schedule annexed to said Bill and made an exhibit marked "B" were illegally cast or cast by illegal voters or any sufficient number thereof to change the result of said Election for County Seat of said County found by the Clerk as aforesaid upon canvassing the returns of said Election.

And Your Respondent further denies that the said illegal voters or any considerable number thereof as charged in said Bill of Complaint (if any such were cast at said Election) as having voted at said Election cast their votes in favor of Harrisburg for County Seat of said County.

But Your Respondent states and charges the fact to be true based upon his information & belief that at said election so held as aforesaid there were cast 78 illegal votes for Raleigh for the County Seat of said County the said persons so casting their illegal votes at said election in favor of Raleigh for County Seat as aforesaid being then and there incompetent and

unqualified voters upon the Schedule hereto annexed and marked "A" and prayed to be taken as part of this answer which said Schedule so marked as aforesaid embraces the names of the aforesaid illegal voters voting at said election in favor of Raleigh for County Seat.

And your respondent further states and charges the fact to be that instead of Harrisburg receiving a majority of only five votes for County Seat at said Election the real and true majority of the legal votes cast at said Election in said County in favor of said town of Harrisburg were 44 that instead of there being 1440 legal votes cast at said Election there were in truth and in fact 1362 and that 425 of said legal votes so cast as aforesaid were cast in favor of Harrisburg for County Seat of said County being a clear and unmistakable majority of all the legal votes in said County.

And your respondent further states that by virtue of the aforesaid act of the General Assembly last referred to and the Election held thereunder for the relocation of the County Seat of Saline County and the true and declared result thereof Harrisburg is and was from

and after said result of said Election so ascertained and declared by the said Clerk of the County Court as aforesaid the County Seat of Saline County, that this result was not accomplished by fraud a reckless perversion of the Elective franchise or a base prostitution of the Ballot Box but was a consequence of the free unbiased considerate choice of the legal voters of the County of Saline voting at said Election

If said Ballot Box was prostituted or the elective franchise perverted it was on the part of those voting for Raleigh in seeking to stifle the public voice and prevent public Justice seeking to accomplish by indirection and fraud that which the honest and fair sentiment of said County gave them no assurance of accomplishing by direct and honest action

Your Respondent further admits that after it was legally ascertained that Harrisburg was the County Seat of said County of Saline as the result of the said Election so held in pursuance of the said act of the general assembly as aforesaid, the Clerk of the County Court of said County and as was his bargain & legal duty, remove his said Office of Clerk of the County

(H H.)

Court of said County on or about
the 12th day of December A D 1857
and before the commencement of
this suit from Raleigh to Harrisburg
and that the said Clerk of the County
Court has from thence hitherto resided
at said Town of Harrisburg kept
his Office there and been in the faith-
ful discharge of his duties of the same

This respondent admits that
he has as one of the associate Justices
of the County of Saline and State of
Illinois, exercised the duties of his
Office at the Town of Harrisburg
since the removal of the Records
and Documents appertaining to the
Office of Clerk of the County Court
of said County to Harrisburg - he
positively denies that said Clerk
moved his Office to Harrisburg
in obedience to an order of the
County Court ordering him so to do

Again Respondent admits
that he was cognizant of and acqui-
esced cheerfully in the removal of
said Clerk's Office to Harrisburg as
aforesaid as he conceived was his
lawful duty so to do in conformity
with the Constitution, Laws and the
declared result of said Election
so held as aforesaid

Again Respondent admits
that as such associate Justice he has
assisted by Judge McGehee held two
(45)

terms of the County Court for County purposes at the said town of Harrisburg, since the removal of the office of the County Clerk of said County from Raleigh to the town of Harrisburg as aforesaid

Your Respondent further answering says that at the said terms of the County Court so held as aforesaid there has been important County business transacted affecting the interest of the Citizens of the County and that for all purposes Your Respondent recognizes Harrisburg as the County Seat of Saline County

Your Respondent denies that the said County Court have ever proceeded to or made any attempt or motion to erect permanent Public Buildings at said town of Harrisburg or have contracted or contemplate contracting with any person or persons for the erection of the same

Your Respondent most positively denies that the said Court have squandered any of the Public money of said County or any of the Swamp Land funds or ever contemplated squandering the same. he further denies that said Court have proceeded or contemplate proceeding to sell the

Court house or any of the Public Buildings of said County at Raleigh or in any manner to take such action as will effect pecuniarily the rights or interest of said complainants or any other of the tax payers of this Saline County otherwise or differently than they would be effected had said Courts been held at Raleigh.

Your Respondent positively denies that the County Seat of Saline County is at Raleigh or that Courts County Probate or Circuit case or of right ought to be held, or that any of the Officers of said Court should reside or keep their Offices there, that Harrisburg is the County Seat of Saline County for all purposes whatever, and that said Courts should be held there, and the Officers thereof should reside and keep their Offices at said town of Harrisburg.

Your Respondent neither admits nor denies (having no knowledge of the fact) that any number of legal voters of said County did not vote at said Election so held as aforesaid.

Your Respondent further states that at the time the Legislature passed said act for the relocation of the County Seat of Saline County, the town of Harrisburg was and had long been regularly laid

(47)

act placed dedicated and known
as a town in said County of Saline
situate near the geographical centre
of said County some six miles south
of Raleigh contained a large num-
ber of inhabitants and that all the
legal voters of said County voting
at said Election well knew it to be
the same Harrisburg mentioned in
said act of the General Assembly
for the relocation of the County Seat
of said County, there never having
been any other town or place of that
name in said County

And now having
answered as fully as he is advised
it is material for him to answer
said Bill he prays to be hence dis-
missed with his reasonable costs
and charges in this behalf most
wrongfully expended &c.

James Stricklin

"~~11~~"
"11"
"

"Exhibit A"

Raleigh Precinct

L W Thomas not 12 mos in the State

R H Lancaster minor under 21 yrs of age

Isaac Misgrave not 12 mos in the State

John Stubbs minor under 21 yrs of age & unnaturalized foreigner

Thomas Stubbs unnaturalized foreigner

J M Shortridge not 12 mos in the State

Lemuel Loftis non resident of the County

Alfred Patterson not 12 mos in the state
 W S Jennings " " " "
 Francis Karnes " " " "
 Wm Karnes minor
 James Harrison non resident of the County
 J A Cantrill minor under 21 yrs of age
 Lorenzo West not 12 mos in the state
 J R Trebble " " " "
 Henry Hais non resident of the County
 J C Trebble not 12 mos in the state
 T G Williams non resident of the County
 Thomas Redman jr minor under 21 yrs of age
 Wm Redman " " " "
 A D Pennington non resident of the County
 Wm Fly minor under 21 years of age
 A Patterson non resident of the County
 Elijah Davis non resident of the County
 Alex McLeay " " " "
 W G Cole unaturalized foreigner
 Sol Reed not 12 mos in the state
 Thos Meadows non resident of the County
 Wm F. Brown minor under 21 yrs of age
 James Perry " " " "
 Joab Simmons minor under 21 yrs of age
 A A Cox minor under 21 yrs of age non resident
 James Forks no such man in the Co
 J C Hicks not 12 mos in the state
 Geo Stunsultz unaturalized foreigner
 M W Clarkuff not 12 mos in the state

"Saline Precinct"

Willis Jaimir minor under 21 yrs of age
 David Tate non resident of the County

Daniel G. Ray no such man in the County
 Wm Knight non resident of the County
 James T. Wynn " " "
 John D. Johnson not 12 mos in the State
 G. W. Pulliam " " " "
 Lee Travis " " " "
 Henry Ramsey non resident of the County
 Seldon Harris minor under 21 yrs of age
 Horrell Adams minor under 21 yrs of age ^{Resident} & non-
 Geo H Ramsey non resident of the County
 James Boyd " " " "
 Thos Lane " " " "
 Wm H Rhine not 12 mos in the State
 Josiah Toliver minor under 21 yrs of age
 Ralla Orgau non resident of the County
 Ellison Ray no such man in the precinct
 John Johnson non resident of the Precinct
 James W. Beales not 12 mos in the State
 Alfred Dodd " " " " "
 Samuel Beales " " " " "
 J. F. Johnson no such man in the precinct
 A. C. Holiday non resident of the County
 Richard Baldric " " "
 John A. Spaine " " "
 Isaac Lane " " "
 Elzee Pugh not 12 mos in the State
 John D. Kincheloe " " " " "

Curran Precinct

John Baldwin minor under 21 yrs of age
 Richard M. Burnett minor under 21 yrs of
 age & resident of Raleigh precinct
 Elliot Gatis minor under 21 yrs of age

James McDougale non resident of the precinct
Jas H. Beukeler minor under 21 yrs of age
& non resident

John Bixler minor under 21 yrs of age

Simon Reader minor under 21 yrs of age
& non resident

Wm Johns annaturalized foreigner

Peter A. Pinnell minor 21 yrs of age

A J Maden non resident

John Martin annaturalized foreigner

Joshua Reader not 12 mos in the state

Brushey Precinct

G W Dorris minor & non resident

Joseph Centrell non resident of the Co

G B Clayton not 12 mos in the State

"#"

State of Illinois

Saline County

Set

On this day personally
appeared before me the undersigned
Clerk of the Circuit Court James Strick-
lin who being duly sworn on his oath
says that that the matters and things
stated in the foregoing answer so far
as stated upon his own knowledge
are true and so far as they are stated
from the information of others he believes
them to be true in substance and in
fact

Sworn to and subscribed J James Stricklin
before me this 11th day of March

a d 1858 Hiram Burnett Clerk Circuit Court
Saline Co Ill

(58)

"#"

March Term Saline 5
Circuit Court 1858 3 In Chancery
The Replication of Senon
B Carns Complainant to the Sepa-
rate answer of James Stricklin the
above Defendant

The Complainant for Replica-
tion to sd answer saith that the same
is untrue as the same are alleged &
set forth and that he can & will aver
maintain & prove his Bill and the
matters therein contained are true
certain & sufficient

Wherefore he prays as by his
Bill he hath already prayed

Nelson, Macklin & Duff

Filed March 12th 1858

Hiram Burnett cler

Lenson B Karnes vs Billie Chauncy
Hiram Burnett
Special March term
Circuit Court Saline
County Illinois ad 1858

The separate answer of Rich
ard N. Warfield the Clerk of the County
Court of Saline County and State of
Illinois to the Bill of Complaint
filed herein by the said Complainant
Lenson B Karnes

This Respondent saving
and reserving to himself the benefit
of all Exceptions to any or all of the
allegations in said Bill contained
and to all manner of errors, inac-
curacies misstatements, inconsistencies
and irrelevant matter therein set forth
for answer therunto or to so much
thereof as he is advised it is material
for him to answer unto answering
saith

That true it is as he is informed
and believes, by an act of the general
assembly of the State of Illinois
entitled "an act
passed on the day of
ad 184- the town of Raleigh
was made the County Seat of Saline
County in the State of Illinois but
your respondent respectfully denies
that at now is or has been since the
1st day of January ad 1858 the
County Seat of said County

And your Respondent fur-
ther admits the fact which he is
(54)

informed and believes to be true that on the 7th day of February A.D. 1857 the General Assembly of the State of Illinois passed an act entitled "An act to relocate the County Seat of Saline County" But your Respondent expressly and most positively denies that said act so passed by the said Legislature was unconstitutional void invalid or at all inoperative by reason of any of the causes statements or reasons made assigned or stated in said Bill of Complaint, but your Respondent here states and charges the fact to be that said act of the Legislature entitled as aforesaid was valid constitutional binding and operative

Your Respondent further admits the fact to be true that in pursuance to the provisions of the aforesaid and last mentioned act of the Legislature the Clerk of the County Court of said Saline County gave notice as required by the second section of said act that Polls would be opened at the several precincts in said County at the general Election Tuesday after the 1st Monday in November 1857 for the voters of said County to vote for Raleigh and for Harrisburg for County Seat for said County of Saline And that in pursuance of said

notice Polls were opened in the respec-
tive precincts in said County for
Raleigh and for Harrisburg for County
Seat of said Saline County and
your Respondent admits the fact
to be true that from the returns made
to the Clerk of the said County Court
there were 1440 votes cast and polled
in said County at the Election afore-
said that at said Election held for
the purpose aforesaid 725 of the voters
of said County voted for Harrisburg
as the County Seat of said Saline
County at the Election aforesaid
for the purposes aforesaid, and in
pursuance of the Law aforesaid, and
that but 689 of the voters of said
County at said Election so held
as aforesaid for the purposes afore-
said voted for Raleigh as the County
Seat of said Saline County

Your Respondent
admits that at said General Elec-
tion so held as aforesaid there were
26 voters voting at said Election
who did not vote either for Raleigh
or Harrisburg for County Seat leav-
ing as Your Respondent is informed
and verily believes a majority in fact
and not a mere apparent majority
of five votes in favor of Harrisburg
as the County Seat of said Saline
County

But your Respondent expressly
(56)

and must positively deny
that a majority of the legal voters
of said County did not vote at
said Election in favor of Harrisburg
and he further denies most posi-
tively that a majority of said voters
at said Election voted in favor
of Raleigh for County Seat as aforesaid
and he most distinctly denies that
123 votes returned counted and
enrolled for Harrisburg were
given and cast by illegal voters or
persons who were not entitled to vote
at said Election at the time and
place they did vote, or that any
number of voters sufficient to
change the result in favor of Harris-
burg so farmed and declared by
the Clerk as aforesaid were cast by
persons not entitled to vote in favor
of Harrisburg but your Respondent
believes and so charges the fact
to be that a majority of the legal
voters of said County at said
Election so held as aforesaid
voted in favor of Harrisburg for
the County Seat of said County

Your Respondent
must positively deny that there
were only 1317 legal votes cast at
said Election, as well as the accom-
panying allegation in said Bill that
the whole number of votes cast
for Harrisburg were but 602 but
(57)

charges the fact to be true that the whole number of votes cast at said Election were 1440 and that the number of legal votes cast for Harrisburg were 725 as aforesaid

Your Respondent expressly denies that the votes named upon the Schedule annexed to said Bill and made an Exhibit marked "B" were illegally cast, or cast by illegal voters or any sufficient number of them to change the result of said Election for County Seat of said County named by the Clerk as aforesaid upon canvassing the returns of said Election for County Seat as aforesaid

And your Respondent states the fact to be true according to the best of his knowledge information and belief that the following named persons whose names appear upon the said Schedule marked "B" annexed to Complainant's Bill and charged as being illegal voters at said Election in favor of Harrisburg for County Seat were in truth and in fact legally entitled to vote at said Election at the time and place they did vote, viz: Jefferson Good Calvin Let Wm F. Scroggins Humphrey Scroggins David B. Russell Philip Sizer B F Iron Chas Matt John Berry Hugh McDrath Chalon Powl Ruf W Lewis Raney Garrison Hazy Harris Jr Almy

Harris Sr B F Successors Wilson Brown
A J Young Isham Cain Wm Perkins Jos
B Porter Timothy Ingraham Ray Gastkins
Jasper Fitzgerald J W Travers C V Morris
G W Buchanan Berry Bush Thomas
J Griffith Moses Lund Jonathan L.
Kilgore Andrew Darris James C Han-
cock Richard Harris Zachariah Harris
John B Yalis B F Hancock David
Vineyard Levi E Randolph Josiah
Grady Thomas Tolbert Thomas Garbis
C Wilkins J P Willis Jr Alex^r Willis
James McEaton Jasper H. Stricklin
James B. Medlic Josiah Patten Ephraim
Patten Samuel Keel William C Donahoo
Lufit Craig Wm Bond & Marion Hale
and this Respondent states that the
above named persons did vote at
said Election and were then and
there legal and competent voters at
said election at the time and place
they did vote as this respondent is
informed and verily believes but this
respondent does not know whether
they voted for Raleigh or for Harrisburg
This Respondent charges the fact to be
true that James Baker named upon
said Schedule as having voted in
Monroe precinct for the town of
Harrisburg for County Seat did not
vote at said Election As to the other
persons whose names appear upon
said Schedule this Respondent can
state nothing of his own knowledge

nor has he any definite information as to their competency or incompetency to vote at said Election nor can he state as to the truth or error of the supposed causes of incompetency or disability to vote at said Election opposite their respective names as found in said Schedule annexed to said Bill nor can he state whether they voted for the town of Harrisburg or for the town of Raleigh for County Seat at said Election.

Your Respondent further denies that the said illegal voters or any considerable number thereof as charged in said Bill (if any such were cast at said Election) as having voted at said Election cast their votes in favor of Harrisburg for County Seat, but your respondent states and charges the fact to be based upon his information and belief, that at said Election so held as aforesaid there were cast 78 illegal votes for Raleigh for the County Seat of said County the said persons so casting such illegal votes at said Election in favor of Raleigh for County Seat as aforesaid being then and there incompetent and unqualified voters for the reasons annexed to their respective names upon the Schedule hereto annexed and marked "A"

(60)

and prayed to be taken as a part of this answer which said Schedule so marked as aforesaid embraces and contains the names of the said illegal voters voting at said Election in favor of Raleigh for County Seat

And Your Respondent further states and charges the fact so to be that instead of Harrisburg receiving a majority of only five votes for County Seat at said Election the real and true majority of all the legal votes cast at said Election in said County in favor of said town of Harrisburg was 44 that instead of there being 1440 legal votes cast at said Election there were in truth and in fact but 1362 and that 725 of said legal votes so cast as aforesaid were cast in favor of Harrisburg for County Seat of said County being a clear and unmistakable majority of all the legal voters in said County

And Your Respondent further states that by virtue of said act of the Legislature last referred to and the Election held thereunder for the relocation of the County Seat of Saline County and the true and declared result thereof Harrisburg is and was from and after said result of said Election so declared

(61)

by the said Clerk of the County Court as aforesaid the County Seat of Saline County, that this result was not accomplished by fraud or reckless perversion of the Elective franchise or a base prostitution of the Ballot Box but was a consequence of the free unbiased and considerate choice of the legal voters of said County of Saline voting at said Election.

If said Ballot Box was prostituted or the Elective franchise perverted it was on the part of those voting in favor of Raleigh in seeking to stifle the Public voice and prevent the ends of Public Justice, desiring to accomplish that by seduction which the honest and fair sentiment of said County gave them no assurance of accomplishing by direct and honest action.

If our Respondent further admits that after it was legally ascertained that Harrisburg was the County Seat of said Saline County as the result of the said Election so held in pursuance of the said act of the Legislature as aforesaid he did as was his canonical and legal duty remove his said Office of County Clerk on or about the 12th day of December A.D. 1857 and before the commencement of this Suit from Raleigh to Harrisburg

(62)

used has from thence hitherto re-
sided at said town of Harrisburg
Kept his Office there and been in the
faithful discharge of the duties of
the same that three terms of the County
Court of said Saline County for
Probate Business and two for County
Business have been held at said town
of Harrisburg since respondents
removal thereto with his office as
aforesaid and important business
been transacted in said Probate and
County Courts effecting the interests
of divers individuals of said County
and State, and other business of an
important character now remains
undisposed of in said Courts insti-
tuted at Harrisburg that a number
of marriage licenses have been
issued by him as Clerk as aforesaid
at said town of Harrisburg and all
the various duties pertaining to his
said Office have been performed by
him since his removal to said town
of Harrisburg as aforesaid that
his office is still there and will remain
there till this Honorable Court shall
decide that Raleigh is and Harrisburg
is not the County Seat of Saline
County unless restrained and in-
joined from holding keeping & exer-
cising the duties of his said Office
at said town of Harrisburg by this
Honorable Court

This Respondent further admits that William Rouns Sheriff of said Saline County as aforesaid has removed his Office to Harrisburg and for all the purposes of his Office recognizes the same as the County Seat of Saline County

And your Respondent further admits the fact to be that Moses P. McGehee and James Stricklin the County Judge and one of the Associate Justices of said County have held Courts at Harrisburg and most fully recognized the same as the County Seat of said County but your respondent most positively denies that said County Court have ever proceeded to, or made any attempt or motion to erect permanent Public Buildings at said Town of Harrisburg or have contracted or contemplate contracting with any person or persons for the erection of the same or squandering any of the Public funds or any of the Swamp Land funds or proceeded to sell the Court House or other Public Buildings at Raleigh or in any manner to take such action as will effect pecuniarily the rights or interests of the said Complainant or any other of the tax payers of said County otherwise or differently than they would be effected had

(64)

Said Courts been held at Raleigh

And your Respondent further answering states that he does not know whether one of his Co defendants

Hiram Burnett Clerk of the Circuit Court of Saline County ever talked of removing his Records and residence to said town of Harrisburg or not one thing respondent knows and that is, that said Hiram Burnett is still residing in Raleigh keeping his Office there recognizing it as the County Seat of Saline County and not endangering as respondent believes by his action the rights or interests of said Complainant

Your Respondent positively denies that Raleigh is the County Seat of said Saline County or that Courts County Probate or Circuit can or of right ought to be held there or that any of the Officers of said Courts should reside or keep their Offices there but charges as he has charged above that Harrisburg is the County Seat of Saline County for all purposes whatever and that said Courts should be held there and the Officers thereof reside and keep their Offices at said town of Harrisburg

Your Respondent neither admits nor denies (having no knowledge of the fact) that any number of the legal voters of said County did not

vote at said Election so held as afore-
said

Your Respondent further states
that at the time the Legislature passed
said act for the relocation of the County
Seat of Saline County the town of
Harrisburg was and had long been
regularly laid off plotted dedicated
and known as a town in said County
of Saline situated near the Geograph-
ical centre of said County some
six miles South of the town of Raleigh
contained a large number of in-
habitants and that all the legal
voters of said County voting at
said Election well knew it to be the
same Harrisburg mentioned in
said act of the Legislature for the
relocation of the County Seat of said
County there never having been any
other town or place of that name
in said County

And now having an-
swered as fully as he is advised it
is material for him to answer said
Bill he prays to be hence dismissed
with his reasonable costs and charges
in this behalf most wrongfully ex-
pended &c

R. N. Warfield

"A"

"Raleigh Precinct"

"#"

D W Thomas not in the State
(66)

R N Lancaster minor under 21 years of age
Isaac Musgrave not 12 mo in the State
John Stubbs minor under 21 years of age
& unaturalized foreigner

Thomas Stubbs unaturalized foreigner
J M Shortridge not 12 months in the State
Lemuel Loftis non resident of the County
Alfred Patterson not 12 mo in the State
W S Jennings " " "

Francis Karns " " "
Wm Karns minor " " "
James Harrison non resident of the County
J A Cautrell minor under 21 years of age
Lorenzo West not 12 mo in the State
J R Trubble " " "

Henry Hais non resident of the County
J C Trubble not 12 mo in the State
T G Williams non resident of the County
Thomas Redman Jr minor under 21 years of age
Wm Redman " " "

H D Pennington non resident of the County
Wm Fly minor under 21 years of age
H Patterson non resident of the County
Elijah Davis non resident of the County
Alex McLeay " " "

W G Leale unaturalized foreigner
Sol Reed not 12 mo in the State

Thos Meadows non resident of the Co
Wm H Brown minor under 21 years of age
James Perry " " "
Joab Sammons minor under 21 years of age
H H Cox minor under 21 years of age
& non resident of Co

James Toole no such man in the County
(67)

36 J. C. Hicks not 12 mo in the state
Geo. Steusatz unnaturalized foreigner
In W. Carruff not 12 mos in the state

Saline Precinct

Willis Jaines minor under 21 years of age
David Tate non resident of the County
Daniel G Ray no such man in the County
William Knight non resident of the County
James F. Wynn " " "
John D. Johnson not 12 mo in the state
G W Pullman " " " "
Lee Travis " " " "
Henry Rumsey non resident of the County
Seldon Harris minor under 21 years old
Hornel Adams minor under 21 years of age
non resident
Geo. A. Rumsey non resident of the County
James Bayd " " "
Thomas Lane " " "
Wm. A. Rhine not 12 mos in the state
Jasiah Toliver minor under 21 years of age
Rella Organ non resident of the County
Elliason Ray no such man in the precinct
John Johnson non resident of the precinct
James W. Bealis not 12 mo in the state
Alfred Dodd " " "
Samuel Bealis " " "
J. F. Johnson no such man in the precinct
- Al. Halliday non resident of the County
Richard Baldrie " " "
Jno A. Spain " " "
Isaac Lane " " "

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Elzee Pugh not 12 mo in the State
 Jno D Kuchelac not 12 mo in the State

Curran Precinct

John Baldwin minor under 21 years of age
 Richard McBurnett minor under 21 years
 of age & resident of Raleigh precinct
 Elliot Gatis minor under 21 years of age
 James McDangle non resident of precinct
 Jas N. Beakler minor under 21 years of
 age & non resident
 John Butler minor under 21 years of age
 Simon Reader minor under 21 years
 of age & non Resident
 Wm Johns unaturalized foreigner
 Peter H Pennell minor under 21 years of age
 A J Maden non resident
 John Martin unaturalized foreigner
 12 Joshua Reader not 12 mo in the State

Bruskey Precinct

G W Darris
 Joseph Cutrell non resident of County
 3 G B Clayton not 12 mo in the State

(78 in all)

##

State of Illinois 5 set
 Saline County 2

On this day personally
 appeared before the undersigned Clerk
 of the Circuit Court in & for said County
 (69)

& State Richard N. Warfield who
being duly sworn according to law
on his oath states that the matters
and things contained in the forego-
ing answer so far as stated from
his own knowledge are true and
so far as stated from the information
of others he believes to be true in sub-
stance and in fact

Sworn to and subscribed }
before me this 11th day of }
March A D 1858 } R. N. Warfield
Hiram Burnett Clerk }
Circuit Court & Co. Dees }

Filed March 11th 1858

Hiram Burnett Clerk

Amended answer sworn to and
subscribed before me this 12th day of
March 1858

Hiram Burnett Clerk

Circuit Court

##

Saline Circuit Court March term
1858 in In Chancery

And the said Complainant
Luron B. Leams for Repliation
to the foregoing answer saith that
the the matters and things in the
said answer as the same are above
set forth are informal uncertain
 untrue and insufficient and that
said Complainant can & will aver
maintain & prove the allegations &
avmts in his Bill to be true certain
& sufficient Therefore he prays judgment
as by his Bill he hath already prayed &c
Nelson Macklin & Duff
Sol for Complainant

Filed March 12th 1858

Horace Burnett clk

Lenson B. Karnes } Special March Term
vs } Bill in Chancery } Circuit Court of Saline
Hirshie Burnett } County Illinois a d 1858

The separate answer of William
Rount Shreff and ex officio collector
of the public Revenue of Saline County
Illinois to the Bill of Complaint
filed herein by the said Complainant
Lenson B. Karnes

This Respondent swearing
and reserving to himself the benefit
of all exceptions to any and all of the
allegations in said Bill contained and
to all manner of errors inaccuracies
mistatements inaccuracies and
irrelevant matter therein set forth
for answer thereto or to so much
thereof as he is advised it is material
for him to answer unto answering
saith

That true it is as he is informed
and believes, by an act of the General As-
sembly of the State of Illinois entitled
"An act- passed on the
day of a d 184~ the town
of Raleigh was made the County Seat of
Saline County in the State of Illinois
but your Respondent respectfully denies
that it now is or has been since the
1st day of January a d 1858 the
County Seat of said County

And your Respondent further
admits the fact which he is informed
and believes to be true that on the 7th day

of February a c 1857 the General Assembly of the State of Illinois passed an act entitled an act to relocate the County Seat of Saline County But your Respondent expressly and most positively denies that said act so passed by the Legislature as aforesaid was unconstitutional and invalid at all and operative by reason of any of the causes statements or reasons made assigned or stated in the said Bill of Complaint but your Respondent here states and charges the fact to be that said act of the Legislature entitled as aforesaid was valid constitutional binding and operative

Your Respondent further admits the fact to be true that in pursuance of the provisions of the aforesaid and last mentioned act of the Legislature the Clerk of the County Court of said Saline County gave notice as required by the second Section of said act that Polls would be opened at the several precincts in said County at the General Election Tuesday after the 1st Monday in November 1857 for the voters of said County to vote for Raleigh and for Harrisburg for County Seat of said County of Saline, and that in pursuance of said notice Polls were opened in the respective precincts in said County for Raleigh and for Harrisburg for County Seat of said Saline County, and your Respondent admits the fact to be true

That from the returns made to the Clerk of the said County Court there were 1440 votes cast and polled in said County at the Election aforesaid that at said Election held for the purpose aforesaid 725 of the voters of said County voted for Harrisburg as the County Seat of said Saline County and that but 689 of the voters of said County at said Election so held as aforesaid for the purpose aforesaid voted for Raleigh as the County Seat of said Saline County

Your Respondent admits that at said General Election there were 26 voters voting at said Election who did not vote either for Raleigh or for Harrisburg for County Seat, leaving as your Respondent is informed and believes a majority in fact, and not a mere apparent majority of five votes in favor of Harrisburg as the County Seat of said Saline County But your Respondent expressly and most positively denies that a majority of the legal voters of said County did not vote at said Election in favor of Harrisburg, And he further denies most positively that a majority of said voters at said Election voted in favor of Raleigh for County Seat as aforesaid And he most distinctly denies that 123 votes returned counted and canvassed for Harrisburg were given and cast

(74)

by illegal voters or persons who were not entitled to vote at said election at the time and place they did vote, or that any number of voters sufficient to change the result in favor of Harrisburg so found and declared by the Clerk as aforesaid were cast by persons not entitled to vote in favor of Harrisburg but your Respondent believes and so charges the fact to be that a majority of the legal voters of said County at said Election so held as aforesaid voted in favor of Harrisburg for County Seat of said County.

Your Respondent most positively denies that there were only 1317 legal votes cast at said Election as well as the accompanying allegation in said Bill that the whole number of votes cast for Harrisburg were but 602 but charges the fact to be true that the whole number of votes cast at said Election were 1440 and that the number of legal votes cast for Harrisburg were 725 as aforesaid.

Your Respondent expressly denies that the votes named upon the Schedule annexed to said Bill and made an Exhibit marked "B" were illegally cast or cast by illegal voters or any sufficient number of them to change the result of said Election for County Seat of said County found by the Clerk as aforesaid.

upon canvassing the returns of said
Election for County Seat as aforesaid
And this Respondent states
the fact to be true to the best of his knowl-
edge information and belief that Lewis
Decker A. T. Patillo J. C. Mercer W. P. Strong
W^m A. Graves W^m S. Moore W^m F. Scroggins
Humphrey Scroggins Michael McDermott
John Moody David B. Russell Philip
Buzler B. F. Truitt Charles Muir John B.
Birney John Birney Hugh M. Devath
Chalon Towle Henry Harris B. F. Summers
Wilson Browne Transelle Keith A. J. Young
Jos B. Porter Ray Gastins Jasper Fitzgerald
W^m Simmons Andrew Harmon C. V. Morris
Berry Bush Leonard Hargrave Thos J
Griffith Jonathan Kelgore Richd Harris
Dana Dodd Zachariah Harris John
B. Yeates B. F. Hancock David Vineyard
Lew E. Randolph Josiah Greely Thomas
Talbert Thomas Harris C. Weekins J. P. Wicks
jr Alex R. Willis James M. Eaton Saml
Neal and Marion Hale whose names
appear upon the said Schedule marked
"B" annexed to the said Bill of Com-
plaint and charged as being illegal
voters at said Election did ~~not~~ vote
at said Election were in truth and
in fact legal and competent voters
at said Election at the time and place
each and every of them did vote as
aforesaid As to the other persons whose
names appear upon said Schedule
this Respondent can state nothing of his

own knowledge nor has he sufficient information in reference to their qualifications as voters to give any reliable opinion nor can Respondent state whether they voted for the town of Harrisburg or for the town of Raleigh for County Seat at said Election.

And your Respondent further avers that the said illegal votes or any considerable number thereof (as charged in said Bill if any such were cast at said Election) as having voted at said Election cast their votes in favor of Harrisburg for County Seat. But your Respondent states and charges the fact to be, based upon his information and belief that at said Election so held as aforesaid there were cast 78 illegal votes for Raleigh for the County Seat of said County the said persons so casting such illegal votes at said Election in favor of Raleigh for County Seat as aforesaid being true and true in competent and unqualified voters for the reasons annexed to their respective names upon the Schedule hereto annexed and marked "A" and prayed to be taken as a part of this your Respondent's answer which said Schedule so marked as aforesaid embraces and contains the names of the said illegal voters, voting at said Election in favor of Raleigh for County Seat.

And your Respondent
(77)

further states and charges the fact so to be that instead of Harrisburg receiving a majority of only five votes for County Seat at said Election the real and true majority of all the legal votes cast at said Election in said County in favor of Harrisburg was 44 that instead of there being 1440 legal votes cast at said Election there were in truth and in fact but 1362 and that 725 of said legal votes so cast as aforesaid was cast in favor of Harrisburg for County Seat of said County being a clear and unmistakable majority of all the legal voters in said County

And your Respondents further states that by virtue of said act of the Legislature last referred to and the Election held thereunder for the relocation of the County Seat of Saline County and the true and declared result thereof Harrisburg is and was from and after the said result of said Election so declared by the said Clerk of the County Court as aforesaid, the County Seat of Saline County that this result was not accomplished by fraud or recklessness on of the Elective franchise or a base prostitution of the Ballot Box but was a consequence of the free unbiassed and Considerate Choice of the legal voters of said Saline County voting at said Election

(78)

Your Respondent further admits that after it was legally ascertained that Harrisburg was the County Seat of said Saline County as the result of the said Election so held in pursuance of the said act of the Legislature as aforesaid this Respondent states that he does not reside in Harrisburg but in the County but has as was his bounden and legal duty recognized said town of Harrisburg as the place of keeping & holding his Office of Sheriff & Ex-officio collector of the Public Revenue of said County from the date of his notices to taxpayers it being the 1st day of December A.D. 1857 and before the commencement of this suit and has from thence hitherto kept his office at said town of Harrisburg and been all the discharge of his duties as such Sheriff collecting the Revenue and receiving things recognizing said Harrisburg as the County Seat

Your Respondent further admits the fact to be that Moses P. McGhee & James Strickline the County Judge and one of the associate Justices of said County have held Courts at Harrisburg and must fully recognize the same as the County Seat of said County

Your Respondent positively denies that Raleigh is the County Seat of Saline County

or that Courts County Probate or Circuit
Court or of right ought to be held there
or that any of the Officers of said
County should reside or keep their
Offices there but charges as he has
charged above that Harrisburg is
the County Seat of Saline County
for all purposes whatever and that
said Courts should be held there and
the Officers thereof reside and keep
their Offices at the said town of
Harrisburg

Your Respondent neither
admits nor denies having no knowledge
of the fact that any number of the
legal voters of said County did not
vote at said Election so held as
aforesaid

Your Respondent further
states that at the time the Legislature
passed said act for the relocation
of the County Seat of Saline County
the town of Harrisburg was and had
long been regularly laid off platted
dedicated and known as a town
in said County of Saline, situated
near the geographical centre of said
County some six miles south of the
town of Raleigh contained a large
number of inhabitants and that
all the legal voters of said County
voting at said Election well knew
it to be the same Harrisburg mentioned
in the said act of the Legislature

for the relocation of the County Seat
of said County there never having
been any other town or place of that
name in said County.

And now, having answered
as fully as he is advised it is material
for him to answer said Bill he prays
to be hence dismissed with his rea-
sonable costs and charges in this be-
half most porangfully expended &c

W^m Roark

"A"

Raleigh Precinct

D W Thomas not 12 months in the state
R A Lancaster minor under 21 years of age
Isaac Musgrove not 12 months in the state
John Stubbs minor under 21 years & unnatural-
ized foreigner

Thos Stubbs unnaturalized foreigner
J M Shortridge not 12 months in the state
Lemuel Loftis non resident of the County
Alfred Patterson not 12 months in the state
W S Jennings not 12 months in the state
Francis Karns not 12 months in the state
Wm Karns minor

James Harrison non resident of the County
J C Cantrell minor under 21 years of age
Lorenzo West not in the state 12 months
J R Tribble not in the state 12 months
Henry Huis non resident of the County
J C Tribble not 12 months in the state
T G Williams non resident of the County
Thomas Redman Jr minor under 21 years of age

Wm Redman minor under 21 years of age
H G Pennington non resident of the County
William Fly minor under 21 years of age
H Patterson non resident of the County
Elijah Davis non resident of the County
Alex McLeay non resident of the County
William G Cole immaterialized foreigner
Sol Reed not 12 months in the State
Thomas Meadows non resident of the County
William F Brown minor under 21 years of age
James Perry minor under 21 years of age
Joab Simmons minor under 21 years of age
H. D. Cox minor under 21 years of age & non
resident of the County
James Tallis no such man in the County
J C Hicks not 12 months in the State
George Steinsuetz immaterialized foreigner
M W Carsuff not 12 mos in the State

Saline Precinct

Willis Janner under 21 years of age
David Tate non resident of the County
Daniel G Ray no such man in the County
William Knight non resident of the County
James F. Winn non resident of the County
John D Johnson not 12 months in the State
G W Pulliam not 12 months in the State
Lee Travis not 12 months in the State
Henry Ramsey non resident
Seldon Harris minor under 21 years of age
Hornell Adams minor under 21 years of age
³/₃ & non Resident
George A. Ramsey non resident of the County
(82)

James Boyd non resident of the County
Thomas Lane non resident of the County
Wm H Rhine not 12 months in the State
Josiah Taliver minor under 21 years of age
Rolla Orgau non resident of the County
Ellison Ray no such man in the precinct
John Johnson non resident of the precinct
James W. Beals not 12 months in the State
Alfred Dodd not 12 months in the State
J. T. Johnson no such man in the precinct
A. C. Halliday non resident of the County
Richard Buldrick non resident of the County
Jno A. Spain non resident of the County
Isaac Lane non resident of the County
Elzer Pugh not 12 months in the State
John D. Kerscheloe not 12 mos in the State

Curran Precinct

John Baldwin minor under 21 years of age
Richard M. Burnett minor under 21 years
 $\frac{2}{3}$ & resident of Raleigh precinct
Elliott Gates minor under 21 years of age
James McDougale non resident of the County
James H. Beakler minor under 21
 $\frac{2}{3}$ yrs of age & non resident
John Bixler minor under 21 years of age
Simon Reader minor under 21 yrs of age
 non resident
Wm Johns unaturalized foreigner
Peter H. Pannell minor under 21 years of age
A. J. Maume non resident
John Martin unaturalized foreigner
Joshua Reader not 12 mos in the State & minor
(83)

Brushy Precinct

G. W. Donnis minor & non resident of precinct
Joseph Cutrell non resident of the County
G. B. Clayton not 12 months in the State

#

State of Illinois } set
Saline County } 3

On this day personally appeared before the undersigned Clerk of the Circuit Court in and for said County & State William Roark who being duly sworn according to law on his oath States that the matters & things contained in the foregoing answer so far as stated from his own knowledge are true and so far as stated from the information of others believes to be true in substance and in fact

Amended answer sworn }
to & Subscribed before me } William Roark
this 12 day of March ad }
1858 Hiram Burnett Clerk }

#

Filed March 11th 1858

Hiram Burnett Clerk

State of Illinois, Saline County 55
Luson B Karns } March Term
vs } of the Saline Circuit
Hiram Burnittal } Court ad 1858
In Chancery

The Replication of Luson
B. Karns Complainant to the separate
answer of William Rourke

The said Complainant
as to the said answer says that the
same is informal uncertain insuffi-
cient & untrue and that the matters
and things therein contained can
not be maintained and proved
and that Complainant can & will
ever prove & maintain the allega-
tions and averments in his Bill
of Complaint as the same are therein
alleged and set forth and hence he
prays as by his Bill he hath already
prayed &c

Nelson Macklin & Duff
Sol for Com

Filed March 12th 1858

Hiram Burnitt Clk

Hiram Burnett Circuit Clerk
William Watkins associate Justice
of Saline County & others
vs

Leeson B Karnes et al

The joint answer of Hiram
Burnett ^{Circuit Clerk} and William Watkins two
of the defendants in the above styled
cause to the Bill of Complaint of
Leeson B Karnes and others citizens
tax payers &c of Saline County

These Respondents au-
swering say that the Respondent Hiram
Burnett is the Circuit Clerk of Saline
County Illinois and the said William
Watkins is one of the associate justices
of said County and State duly
elected & qualified, and that these
Respondents admit the material
allegations in Complainant's Bill
to be true, and that believing the
allegations of said Bill to be sub-
stantially true as therein charged
and set forth, Respondent Burnett
still holds his Office as Circuit
Clerk & ex officio Recorder at Raleigh
and retains the Records thereof &
there resides & not at Harrisburg.
And the said Respondent Watkins
has never as such associate justice
held or exercised his Office at Harris-
burg but is now and at all times
has been ready & willing to hold &
exercise his office at Raleigh the
(86).

County Seat of Saline County
And having thus fully
answered they humbly pray to be
hence dismissed with their lawful
costs in aid about this suit in this
behalf sustained &c

Hiram Burnett
W^m Watkins

State of Illinois } ss
Saline County }

This day personally ap-
peared before the undersigned
Justice of the Peace within & for
said County Hiram Burnett &
William Watkins the above named
Respondents & after having been by me
first duly sworn say that the
matters and things contained in
the foregoing answer so far as they
state them from their own knowledge
are true and so far as as they state
from information derived from
others they believe to be true

Sworn to & subscribed }
before me this 11 March } Hiram Burnett
1858 } W^m Watkins
Napoleon Chesser JP }

Filed March 11th 1858

Hiram Burnett clerk

Monday March 8th Special Term
1858. Circuit Court Saline County Illinois

Lenson R. Karnes

vs

Hiram Burnett Moses P McEha }
James Stricklin William Watkins } Injunction
Rich^d N Warfield William Roark }

Defendants Moses

P McEhee, James Stricklin, R N Warfield, William
Roark Hiram Burnett & William Watkins by Wm
J. Allen their Solicitor enter their appearance in
this cause, defendants enter motion to dis-
miss bill & dissolve the Injunction. M.

Motion to dismiss the Bill overruled & the
injunction dissolved & leave to amend the Bill.

The Bill amended & motion for injunction,
motion for injunction sustained, and injunction
ordered as prayed for, on Complainant exe-
cuting and filing bond in the penal sum of
\$2000. payable to the defendants conditioned that
Complainant shall pay all such damages as
may be sustained by defendants by reason of
the issuing of said injunction & also such
costs and charges as may be awarded
against the Complainant by the Court in case
the injunction be dissolved, & the bond being
approved by the Court ordered that injunction
issue. - Defendants ruled to answer by tomorrow
morning at 9 o'clock W.

Answers filed, exceptions to answers in part
sustained (see exceptions) J.

(Minutes of the Court in said Cause)

(89)

#47

The People Exrs
John Willchick
vs 211

Rect Warfield
Motion for writ of
Mandamus

Exhibit filed by
Defendant and
made a part of
his return

Filed April 24 1858
S. Leland
clerk

[Faint, illegible handwriting, likely bleed-through from the reverse side of the page. The text is arranged in several horizontal lines across the page.]

The People of the State
of Illinois, in the relation
of

vs

Richard A. Warfield Co
Clerk of Saline County

In the Supreme Court

3^d Grand Division

Ottawa Ill.

April term 1858

This Affiant Lemson B. Kames being first duly sworn according to Law deposes and says that he is a citizen and Tax-payer of Saline County Illinois, and that he ^{with others} has filed a Bill ^{in Chancery} a copy of which is hereto annexed on the Chancery side of the Circuit Court of Saline County aforesaid for the purpose of restraining the said Richard A. Warfield, Clerk of the County Court, from removing keeping, or holding his office, or the books and papers thereof at or to the town of Hannibury and also Enjoining and commanding the said R. A. Warfield Clerk of said County Court, forthwith and without delay he remove all the Books, papers Records and archives pertaining to his said office from the town of Hannibury or wheresoever kept by him back to the town of Raleigh the present County seat, that at the March term of the Saline Circuit Court AD 1858 the Hon. Wesley Sloan, Judge of said Court, ordered an Injunction as prayed for in the Bill, that on the 15th day March 1858 said Injunction issued out, and under the seal of said Court, which Injunction was served on the said Richard A. Warfield, on the 15th March 1858, by reading and leaving copy with him, by Thomas G.

Reynolds, Elson of said County, that the said Richard
Stearns, refuses to obey said Injunction and
stands in defiance thereof, he the said Stearns
still keeping, his office, Books and papers at the
town of Hamisburg, instead of bringing them
back to Raleigh as commanded, and that this
suit is commenced, in defiance of said Injunc-
tion, and that the parties are now in con-
tempt, and that the motion for a mandamus
is a sham suit, got up by arrangement, between
Richard Stearns County Clerk as aforesaid and
the Relator, in order to defeat the Injunction
issued out of the Saline Circuit Court, and
served upon the said Stearns

L. B. Ransom

Seen to and subscribed before me at my
office in Raleigh Saline County Ills.
this 18th April 1888. as witness my hand
and seal of my said office

Horace Burnett Clerk
Circuit Court

This Affiant Joseph W Irvine being
first duly sworn according to Law deposes and
says that he is a citizen and tax-payer of Saline
County Illinois, and has with others in the name
of Gustav B Kames, filed a Bill in Chancery
a copy of which is hereto annexed on the Chan-
cery side of the Circuit Court of Saline County
aforesaid for the purpose of Restraining Richard
St Hayfield Clerk of the County Court of Saline
County Illinois from removing Keeping or hold-
ing his office, or the Books and papers thereof at
or to the town of Hannibury, and also Enjoining
and commanding the said Richard St Hayfield
Clerk of said County Court, forthwith and without
delay, he remove all the Books, papers, records
and archives pertaining to his said office from
the town of Hannibury or wheresoever kept by him
back to the town of Raleigh the present County-
seat that at the March term of the Saline
Circuit Court AD 1858, the Hon. Wesley Sloan Judge
of said Court, ordered an Injunction as prayed
for in the Bill, and that on the 15th day of
March 1858, said Injunction issued out, and under

the seal of said Court, which injunction was served
on the said Richard St Wafield on the 15th day of
March 1858, by reading and leaving copy with him,
by Thomas G. Reynolds Esq of Saline Co Mo,
that the said Richard St Wafield refuses to
obey said Injunction, and stands in defiance
thereof, he the said Wafield still keeping his
office, Books and papers, at the town of Hannas-
burg instead of bringing them back to Raleigh
as Commanded, and that this suit is com-
menced in defiance of the Injunction and
that the parties are now in contempt, and
that the motion for a Mandamus is a sham
suit got up by arrangement between the Clerk
and the Relator in order to defeat the In-
junction, issued out of the Saline Circuit
Court; and served upon the said Wafield.
Joseph W Devin

I have to and subscribed before me this
the 16th day April AD 1858 at my office
in Raleigh Saline County Mo as wit-
ness my hand and seal of office
Hiram Burnett Clerk
Circuit Clerk

Richard St Warfield on the 15th day March 1888
by reading and leaving copy with him by J V
Reynolds Esq of Saline County Ills, that the said
Richard St Warfield refuses to obey said Injunction
and stands in defiance thereof, he the said Warfield
Still keeping his office, Books and papers, at the
town of Harrisburg, instead of bringing them back
to Raleigh as commanded, and that this suit is
Commenced in defiance of the Injunction and that
the parties are now in Contempt, and that the
Motion for a Mandamus is a sham suit got up
by arrangement between the Clerk and the Relator
in order to defeat the Injunction, issued out of
the Saline Circuit Court, and served upon the
said Warfield.

Chas Burnett

I have read and subscribed before me this
the 14th day April 1888. In testimony
whereof I hereunto set my hand and
affix the Judicial Seal of my said
Office at Raleigh Saline Co Ills
Hiram Burnett Clerk
Circuit Clerk

This affiant Cornelius W Ruddle being
first duly sworn according to Law deposes and
says that he is a citizen and tax-payer of
Saline County, State of Illinois, and has with
others in the name of Lemson B Barnes, filed
a Bill in Chancery, a copy of which is hereto
annexed, on the Chancery side of the Cir-
cuit Court of Saline County aforesaid, for
the purpose of restraining the said Richard
St Newfield, Clerk of the County Court of Sa-
line County, Illinois from removing keeping or
holding his office, or the Books and papers there-
of at or to the town of Harrisburg, and also
Enjoining and commanding the said Richard St
Newfield, Clerk of said County Court forthwith
and without delay, he remove all the Books,
papers records and archives pertaining to his
said office from the town of Harrisburg or
whenever kept by him, back to the town
of Raleigh the present County seat, that at the
March term of the Saline Circuit Court-
AD 1850 the Hon. Wesley Sloan, Judge of said
Court ordered an Injunction as prayed for
in the Bill and that on the 15th day March

1858, said Injunction issued out, and under the
Seal of said Court, which Injunction was served
on the said Richard St Warfield on the 15th day
March 1858, by reading and leaving copy with
him, by J. V Reynolds. Elms of Saline Co Ills
that the said Richard St Warfield refuses to
obey said Injunction, and stands in defiance
thereof, he the said Warfield still keeping his
office, Books and papers at the town of Har-
visburg, instead of bringing them back to
Raleigh as commanded, and that this suit
is commenced in defiance of the Injunction
and that the parties are now in contempt
and that the motion for a mandamus is a
Sham suit, got up by arrangement between
the Clerk and the Relator in order to defeat
the Injunction, issued out of the Saline Co
Circuit Court, and served upon the said War-
field.

C. W. Burnett

Shown to and subscribed before me
at my office at Raleigh Saline Co
Ills this 14th April 1858. in witness
whereof I have hereunto set my
hand and affix the Seal of
my office

Herbert Burnett Clerk
Circuit Court

This Affiant Stephen W Grimes being
first duly sworn according to Law deposes and says,
that he is a citizen and tax-payer of Saline County
State of Illinois, and has with others, in the name
of Lenson B Kames, filed a Bill in Chancery a
copy of which is hereto annexed, on the Chancery
side of the Circuit Court of Saline County aforesaid
for the purpose of restraining the said Richard N
Mayfield, Clerk of the said County Court of Saline Co,
Illinois from removing, keeping or holding his office
or the Books and papers thereof at or to the town
of Harrisburg, and also Enjoining and commanding
the said Richard N Mayfield, Clerk of said County
Court forthwith and without delay, he remove all
the Books, papers, Records and archives, pertaining
to his said office from the town of Harrisburg or where-
soever kept by him, back to the town of Raleigh
the present County seat, that at the March term of the
Saline Circuit Court, AD 1858, the Hon. Wesley Sloan, Judge
of said Court, ordered an Injunction as prayed for
in the Bill, that on the 15th day of March 1858, said
Injunction issued out, and under the seal of said
Court, which Injunction was served on the said

Richard A. Warfield, on the 15th day March 1888, by
reading and leaving copy with him, by J. Y. Rey-
nolds, Esq. of Saline County Ills., that the said
Richard A. Warfield refuses to obey said Injunc-
tion, and stands in defiance thereof, he the said
Warfield keeping his office, Books and papers at
the town of Hannibury, instead of bringing
them back to Raleigh, as commanded, and
that this suit is commenced in defiance of the
Injunction, and that the parties are now
in contempt, and that the Motion for a Man-
damus is a sham suit got up by arrange-
ment, between the Clerk and the Relator
in order to defeat the Injunction issued out
of the Saline Circuit Court, and served upon
the said Warfield

Stephen W. Givens

Shown to and subscribed before me
this the 14th day of April 1888. In
testimony whereof I hereunto set my
hand and seal of my said office
at Raleigh Saline Co. Illinois
Hiram Burnett Clerk
Circuit Court

The Affiant William J Moore being
first duly sworn according to Law deposes and says
that he is a citizen and tax-payer of Saline County,
State of Illinois, and has with others in the name
of Lenson B Kamm filed a Bill in Chancery, a
Copy of which is hereto annexed, in the Chancery side
of the Circuit Court of Saline County aforesaid for the
purpose of restraining the said Richard A Warfield,
Clerk of the County Court of Saline County Illinois
from removing keeping or holding his office or the
Books and papers thereof ~~at~~ or to the town of Harris-
burg, and also enjoining and commanding the said
Richard A Warfield, Clerk of said County Court forth-
with and without delay, he resume all the Books, pa-
pers, records and archives pertaining to his said office
from the town of Harrisburg, or whosoever kept by him
back to the town of Raleigh the present County Seat-
that at the March term of the Saline Circuit Court
AD 1888 the Hon. Wesley Sloan, Judge of said Court or-
dered an injunction as prayed for in the Bill, and
that on the 15th day of March, AD 1888, said Injunction
issued out, and under the seal of said Court, which
Injunction was served on the said Richard A Warfield
on the 15th day March 1888 by reading and leaving copy

with him, by J. M. Reynolds, Esq. of Saline County Ills.
~~and~~ ^{that} the said Richard St. Warfield refuses to obey said
Injunction, and stands in defiance thereof, he the said
Warfield still keeping his office, Books and papers at
the town of Hannibury, instead of bringing them back
to Raleigh as Commanded, and that this suit
is commenced in defiance of the Injunction, and
that the parties are now in contempt, and that the
Motion for a mandamus is a sham suit, got up
by arrangements between Richard St. Warfield, County
Clerk as aforesaid and the Relator in order to
defeat the Injunction, issued out of the Saline
Circuit Court, and served upon the said Warfield

Wm. J. Moore

- Sworn to and subscribed before me at
my office in Raleigh Saline Co. Ills.
this 14th day of April 1858 as witness
my hand and Judicial seal of my
office.

Wm. Burnett Clerk
Circuit Court

(2)
29 It being the County Seat as aforesaid; and that
30 in accordance with the laws of the State of Illinois, the
31 County Court of Saline County ~~Shall~~ ^{have} since, at
32 the expense of said County, caused to be built
33 and erected at the said Town of Raleigh, a Court
34 house, jail and offices, for the several clerks & Sheriff
35 of said County, at a cost of some six or seven
36 thousand Dollars.

37 And your orator further sheweth unto your
38 Honor, that according to the 5th section of the 7th
39 article of the new constitution of the State of
40 Illinois, "no County seat shall be removed, until
41 the point to which it is proposed to be removed
42 shall be fixed by law, and a majority of
43 the voters of the County shall have voted in
44 favor of its removal to such point."

45 And your orator further shows unto your
46 Honor, that on the 7th day of February AD
47 1857, the General assembly of the State of Illinois
48 passed an act entitled "An act to relocate
49 the county seat of Saline County," a copy of which
50 act is herewith presented, marked "A," and
51 prayed to be taken as a part of this, your
52 orator's bill, that the said act is in violation
53 of, and directly contravenes the said section
54 of the constitution of this State and contrary to
55 & in violation of said constitution for the further
56 reason that the ~~point~~ to which the said
57 County seat was to be removed, was and is not
58 fixed and described in & by said law as re-
59 quired by 5th section of the 7th article of the Con =

52609-124

60 Statutes of this State, inasmuch as the 4th
61 Section thereof declares that the county seat of
62 said County, upon a contingency not specified
63 in said constitution but on the contrary
64 directly & plainly aimed, to wit: "that such removal
65 shall take place upon a majority of those voting
66 for or against such removal casting their votes
67 for Hannibury, and not a majority of the
68 votes of the county, as contemplated & required
69 by requirement by the Constitution; and the com=
70 plainant charges and avers that the ^{act} ~~act~~ ^{proposed}
71 is thus unconstitutional, void & of no
72 effect. But your orator further sheweth unto
73 your Honor, that in pursuance of the provisions
74 of the aforesaid unconstitutional act, the clerk
75 of the County Court of Saline County aforesaid
76 gave notice as required by the 2nd section
77 of said act, that polls would be opened at the
78 Annual precincts in said county, at the
79 Annual election Tuesday after the 1st Monday
80 in November 1857, for the votes of said County to
81 vote for Ralight and for Hannibury, for
82 County seat of said County, and that
83 in pursuance of said notice polls were
84 opened at the respective precincts in said
85 County for Ralight and for Hannibury for County
86 seat of said County, and that from the
87 returns made to the Clerk of said County Court
88 there appears to have been four hundred &
89 forty (1440) votes cast ~~and~~ polled in said
90 County at the Election aforesaid, that

If there are

91 seven hundred and twenty five (725), and
92 returned as having voted for Hamisburg for County
93 Seat, six hundred and eighty nine (689)
94 for Raleigh, and twenty six who voted at
95 the election & whose names are upon the
96 poll list, did not vote either for Raleigh
97 or Hamisburg for Co. Seat, leaving, as your
98 Orator is informed and believes, an apparent
99 majority in favor of Hamisburg of but five
100 votes, according to said returns; and the com-
101 plainer avers that there was some 40 or
102 50 legal votes in said Co., who did not vote
103 at said election, who, when taken into con-
104 sideration, would leave Hamisburg in a minority
105 of 35 or 40 votes, according to the Constitution
106 of this State, leaving out of view, the fraud-
107 ulent votes herein after mentioned, as he has
108 been informed & believes.

109 But your orator further shows unto your
110 Honor, and in fact charges it in this his
111 bill of complaint, that a majority of the legal
112 voters of said County, did not at said election
113 vote in favor of Hamisburg, but in favor of
114 Raleigh for County seat, that 123 votes, returned
115 counted and ^{canvassed} ~~cast~~ for Hamisburg, were given
116 and cast by illegal votes, and persons who
117 were not entitled to vote in said election
118 at the time and place they did vote, that
119 the whole number of legal votes cast at said
120 election, was only 1317, and that the whole
121 number of legal votes cast for Hamisburg was

122 but 602, and that the votes were upon
123 the schedule hereto annexed and made exhibit
124 "B" & prayed to be taken as a part of this Bill,
125 as your orator is informed and believes
126 all cast their votes for Hannisburg, and were at
127 the time of said election, each ~~and~~ ^{and} every of them
128 illegal votes for the reasons annexed to this respec-
129 tive names. Your orator therefore charges that 128
130 of the votes which appears to have been given
131 for Hannisburg were cast through fraud, and
132 that the same manner were fraudulently used
133 counted and canvassed for Hannisburg, and
134 that the present result of said election, that is
135 the election of Hannisburg as County Seat, is a gross
136 fraud upon the people of said County, and in
137 violation of the laws of the land, and the
138 rights ~~of~~ ^{the} interests of the citizens of said
139 County, produced & brought about by a reckless
140 perversion of the elective franchise, and
141 a base prostitution of the Ballot box. And
142 your orator expressly charges that Raleigh is, ~~and~~ ^{the}
143 County Seat of Saline County, and was so elected
144 by the legal votes of said County at the election
145 aforesaid, and that Hannisburg did not re-
146 ceive a majority of the legal votes cast
147 at said election, but that the apparent ma-
148 jority for the said town of Hannisburg, is the
149 result of fraud & is of no force or virtue in
150 law & that said election is void & of
151 none effect because of the frauds practiced
152 as aforesaid.

15-3 And your Orator further shews unto your Honor
15-4 that since the returns of the aforesaid fraudulent
15-5 election, held under the aforesaid unconstitutional
15-6 law, R. St. Warfield Clerk of the County Court of
15-7 Saline County Illinois, has removed the County Re-
15-8 cords pertaining to his office to the town of Harris-
15-9 burg, ~~and is now~~ ^{and is now} keeping and detaining said
16-0 Record and also his office at said town of Har-
16-1 risburg; and that Miriam Burnett, the Clerk of the
16-2 Circuit Court of said County, is yet holding &
16-3 keeping his office at ~~said town of~~ Raleigh, but
16-4 talks of moving the same to Harrisburg within
16-5 a short time, and that William Roark the Sheriff
16-6 of said county and Ex-officio collector of the public
16-7 Revenue of said county has also removed his
16-8 office to the said town of Harrisburg, and is re-
16-9 quiring all tax-payers to attend his office in said
17-0 town, as the Co. Seat, to pay their taxes, instead of
17-1 at Raleigh, the County seat where he should hold
17-2 his office; Moss P. McCabe Co. Judge, James Stick-
17-3 lin & William Matthews Co. Justices, who are the members
17-4 of the County Court of said County, since the
17-5 returns of the aforesaid fraudulent election, have
17-6 proceeded to order said County Clerk to remove
17-7 and keep his office, and the books ~~and papers~~ ^{& Records}
17-8 pertaining to the same at Harrisburg, and are
17-9 now threatening & intending to hold the County Courts
18-0 of said County hereafter to be holden, at the same
18-1 place, and the said members of said County
18-2 Court are now arranging and intending, un-
18-3 less prevented by the interposition of this Hon. Court

184 to proceed within a short time ~~to~~ without delay.
185 to let out a Contract with some person or
186 persons for the building a court-house fair
187 & officers for the Clerk & Sheriff of said County
188 at & in the town of Harrisburg, which buildings
189 will cost said County a large sum of money
190 perhaps six or seven thousand dollars, which
191 contracts & buildings, if not prevented, will
192 greatly embarrass, enthrall and impoverish
193 the said County, ^{of Saline} and injure and oppress
194 your orator & other tax paying citizens thereof;
195 And your orator further shows unto your
196 Honor that the said Moses P. McElhenny, County
197 Judge of said County is intending and threatening
198 to hold and conduct the County courts for
199 Probate business hereafter at ^{said} the town of
200 Harrisburg & not in the town of Raleigh;
201 when by law it has been & yet should be
202 held & conducted. Your orator expressly
203 Charges, in this his bill, that Raleigh yet
204 is the county seat of Saline County, and
205 as such the County & circuit Clerk's & Sheriff's
206 offices ought to be kept & held thereat that by
207 law, the County courts both for County & Probate
208 purposes should be opened & held thereat that
209 the Circuit & County Clerks should both live
210 and reside at said town of Raleigh.
211 And your orator further sheweth unto your
212 Honor that the aforesaid County Court, as
213 such, are threatening to sell ~~and~~ ^{to} dispose of
214 the Court house & other public buildings in

215- the town of Raleigh, to the great detriment of
216 the citizens of said County, as well as to your
217 orator; and your orator sheweth unto your
218 honor that himself as well as divers other citi-
219 zens of this County on whose behalf as well
220 as for himself he makes this complaint
221 have frequently and in a friendly manner
222 applied to the said clerks & Sheriff and
223 desired them and each of them to keep and
224 retain their respective offices at Raleigh, the
225 County Seat of said County and to remain
226 & live there as the law requires, and also
227 to the said Moses P. McElher, James Stricklin
228 ~~the~~ William Matthews members of the County
229 Court aforesaid and desired them to desert
230 from their unlawful power and to still
231 hold their Courts at Raleigh, and not at
232 Harrisburg and not to erect public buildings
233 at Harrisburg as they threaten and intend doing
234 at the expense of said County.

235- But so it is in my it please your
236 Honor, the said clerks and members of the County
237 Court, in consent with each other, alludge, put in
238 and say, that said law and the election thereunder,
239 was & is valid and binding upon the citizens
240 of Saline County, and that the town of Raleigh
241 is not any longer the County Seat of said
242 County, but that Harrisburg is now the
243 County seat of said County, and the said clerks
244 and members of the County Court refuse to re-
245 gard Raleigh as the County Seat in violation

246 of the law and the constitution of Illinois
247 but because of the aforesaid fraudulent and
248 void election, held as aforesaid under the uncon-
249 stitutional law as aforesaid, and the said
250 Men O'Neil County Judge James Sticklin Mellen
251 Madison County Justice members of said court are
252 this going on to contract with some person
253 or persons to erect & build a prison Court House
254 & other public buildings, officers jail &c, at an
255 great and heavy cost to and upon ^{the} said county
256 of Saline, and to the great & irreparable loss &
257 injury of said county and all the tax payers
258 therein; all of which actings, doings, puttings and re=
259 fusals are contrary to equity & good conscience
260 and tend to the manifest wrong, hardship,
261 oppression and injury of your orator and the
262 other tax paying citizens of Saline County
263 Illinois.

264 In consideration whereof, and in as much
265 as the aforesaid act affords no legal remedy in
266 a court of law, to redress ~~and~~ relieve the
267 citizens of this County against the gross frauds
268 practised at said election, and the irreparable
269 mischief & injurious consequences about to re=
270 sult from the same to your orator and the other
271 citizens of this County, and inasmuch as your
272 orator & the other upon whose behalf this Bill
273 is filed, can only have adequate relief in a
274 Court of Equity - when matters of this nature are
275 relievable and cognizable. To the end, therefore
276 that the said Hiram Bennett Clerk of the Circuit

277 Court; R. N. Waifield clerk of the County - court, and
278 William Roark Sheriff & Moses P. McElhen James Stricklin
279 & William Watkins members of the Co. Court of Saline
280 County, may to the best of their knowledge, in-
281 formation & belief, full, true, direct & perfect an-
282 swers make to all and singular the matters
283 aforesaid & that as particularly as if the same
284 were here repeated & they severally of them distinctly
285- interrogated thereto. And may it please your
286 honor to grant unto your orator not only the
287 peoples most-gracious writ of injunction, issue-
288 ing out of & under the seal of this Hon Court, to
289 be directed unto the said Hercules Burnett
290 Circuit Clerk & R. N. Waifield County Clerk, and
291 William Roark Sheriff of said County - & Moses P
292 McElhen, James Stricklin & William Watkins, members
293 of the County-court, restraining and enjoining
294 the said Clerks & Sheriff from removing, keeping
295- or holding their respective offices, or the books
296 & papers thereof at or to the town of Harrisburg
297 and the said Moses P. McElhen James Stricklin
298 & William Watkins as members of the County-
299 Court of said County - from holding their re-
300 spective courts at Harrisburg or from in any-
301 wise whatever contracting for the building or erec-
302 tion of any buildings in Harrisburg, or from
303 erecting them or having it done at the ex-
304 penses of said County, or from selling ~~or~~ or
305- disposing of the public property in Raleigh,
306 and from spending or in any way pledging
307 any of the funds of Saline County, either

308 Swamp^d land for D., or such as has been, or
309 may be raised by taxation, in and about
310 the improvement of Harrisburg as the County
311 seat, ^{of said County} or in laying off and making Roads to
312 or from said town, and also enforcing and
313 commanding the said R. N. Warfield Clerk of
314 said County Court, forthwith and without delay
315 to remove all the books, papers, records &c. =
316 items pertaining to his said office from the
317 town of Harrisburg, or when soever kept by him
318 back to the town of Raleigh, the present County
319 seat; and that William Roark Sheriff of said
320 County be required to return to Raleigh ~~and~~
321 bring back to said town his books as ex-offi-
322 cio collector of the public revenue ~~to~~ of said
323 County & to keep his office at said town of
324 Raleigh; but also the People's most gracious
325 writ of Summons in Chancery to be directed
326 to the said Abram Burnett, Clerk of the Circuit
327 Court, R. N. Warfield Clerk of the County Court
328 and William Roark Sheriff, Moses P. McGhee James
329 Strickland & ~~John~~ Matthews members of the Co. Court
330 of said County thereby commanding them at a
331 certain day ~~and~~ under a certain pain therein to
332 be limited personally to be and appear before
333 your honor in this Honorable Court and
334 there ~~stand~~ ^{and} there full true & perfect answers
335 make to all and singular the premises &
336 further to stand, perform & abide such other
337 & further order direction & decree therein as
338 to your Honor shall seem meet

339 And may it please your Honor upon a final hearing
340 of this case, to make said injunction perpetual
341 and grant unto your Orator such other &
342 further relief in the premises, as the circum-
343 stances of this particular case may require
344 & your Honor shall deem just, as in Duty bound
345 your Orator will ever pray &c
346 Lenson B. Karnes

State of Illinois }
Saline County } set: This day personally appeared
before me, the undersigned Clerk of the Circuit
Court of Saline County & State aforesaid, Lenson
B. Karnes Compt^r in the foregoing Bill, who
being by me first duly sworn according to law
deposes and says, that the material allegations
in the foregoing Bill contained, so far as he states
the same of his own knowledge, are true, and so
far as he states the same upon information
derived from others he believes to be true to
the best of his knowledge & belief.

Lenson B. Karnes

Subscribed & sworn to before
me, at office in Raleigh
this 10th day of March

1888

Hermond Burdette Clerk

Exhibit "A"

An Act to relocate the county seat of Saline County.

Section 1.

Be it enacted by the People of the State of Illinois, Represented in the General Assembly:

That at the election to be held on Tuesday after the first Monday in November, One thousand eight hundred and fifty seven, in the County of Saline, 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 places 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 at upon the 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."

§ 2. When the County clerk of said County gives notice of the election in November, A.D. 1857, it shall be his duty to state in said notices that said poll will be opened at the election precincts in said County, according to the provisions of this act.

§ 3. The Judges and clerks of said elections shall make returns of said elections in the manner and time now prescribed by Law in regard to other elections in this State.

§ 4. When the returns shall have been made to the Clerk of the County 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 Hanniburg, 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 location at Hanniburg, then Hanniburg 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 accommodations of the County officers and Courts of said County, and shall as soon as practicable proceed to erect permanent public buildings, and the officers of said County shall, on or before the 1st 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 Hanniburg.

§ 5. This act shall take effect and be in force from and after its passage.

Approved Feb 7. 1857.

Schedule. Exhibit "B."

Cattage from Precinct Saline Co. Ill.

- 1 Lewis Decker non resident
- 2 A. J. Patella minor under the age of 21 yrs
- 3 L. W. Statum not resided in the State 12 mos.
- 4 S. M. Belts " " " " " " "
- 5 J. E. Merce " " " " " " "
- 6 W. P. Strong " " " " " " "
- 7 W. A. Evans " " " " " " "

Summers Precinct.

- 8 Jackson Saurheaven minor
- 9 Benjamin Saurheaven "
- 10 Jefferson Goode, unmatualized foreigner
- 11 ~~William~~ S. Moore, minor
- 12 Calvin Sert " "
- 13 James Moore "
- 14 Wm F. Scroggins "
- 15 Humphrey Scroggins "
- 16 Philip Cerrall, non resident of the precinct
- 17 J. M. Lutes, unmatualized foreigner & non Res.
- 18 Michael Weideman " " " "
- 19 John Moody, Resident of Harder Co. Ill's.
- 20 Joseph Bowles Non, Res. of the Precinct

Persons living Precinct.

- 21 Wm Kelly Resident of White Co. Ill's
- 22 John W. Rost Citizens of Raleigh Precinct
- 23 Henry Shatt unmatualized foreigner
- 24 John B. Wright Non Resident
- 25 Samuel Robinson Minor & non res. 12 mos.

- 26 David B. Russell, citizen of Williamson Co. Ark.
- 27 August Kamchow, unnaturalized foreigner
- 28 Henry Doll " "
- 29 Philip Suran " "
- 30 B & F Irwin, a resident of Raleigh precinct
- 31 Charles Mall, unnaturalized foreigner
- 32 P. & E. Motier, a minor under 21 years
- 33 Azel Stibey, unnaturalized foreigner
- 34 John Berry, voted twice, first time at ^{the name J B Berry} College Grove under
- 35 James Mc Elrath unnaturalized foreigner
- 36 Hugh Mc Elrath " " non resident
- 37 Chalow Towle a minor
- 38 James O. Neat " non resident
- 39 James Baker " "
- 40 Ben W. Leoker " "
- 41 Nancy Garrison " "
- 42 Alsey Harris, resident of Stone Fort
- 43 Alexander Stinson, minor
- 44 Henry Stubbs unnaturalized foreigner
- 45 M & L Stricklin, a minor and non. r. of the pre. ^{cont.}
- 46 B & F Summers a minor
- 47 Edward Markann non resident
- 48 S. J. B. Markann " "
- 49 Aaron Arnold, died before Election day
- 50 Wilson Barrow non resident
- 51 Fines E. Butler minor
- 52 Timothy Reeves non resident
- 53 Edward Blair, minor & non resident
- 54 Dabney Riley non resident
- 55 Franklin Keith non "
- 56 James Ward, a resident of Union Co. Ark.

- 57 A J Young, a resident of Hamilton Co. Ill.
- 58 James Mc Dermott, a foreigner unaturalized
- 59 Isham Leair, a minor and now resident
- 60 John Mc Elreath, unaturalized foreigner
- 61 William Leair, a resident of Stone Mt. Pct.
- 62 William Perkins a minor
- 63 Joseph B Potter, a minor & now resident
- 64 Timothy Ingraham, a resident of Independence pct.
- 65 Independence Precinct
- 66 Roy Garkins a minor & now resident
- 67 Henry Priest, not been in State 12 mos
- 68 Jasper Fitzgale minor
- 69 Wm Lemmons a non-resident
- 70 J. L. Harmon, a " "
- 71 Andrew Harmon a " " of State 12 mos
- 72 J. W. Travis, a minor & now resident
- 73 John Hitter " "
- 74 C. V. Morris, Citizen of Pope Co. Ill.
- 75 G. W. Buchanan not been in State 12 mos
- 76 Benj Bush resident of Harrisburg Precinct
- 77 Leonard Hargraves, a minor
- 78 J. C. Lescrau, a non resident
- 79 J. D. Lemely " "
- 80 J. W. Boyers " "
- 81 Patrick Hughes " "
- 82 J. J. Griffith " "
- 83 A. J. Griffith " "
- 84 Moses Land minor & " "
- 85 Jonathan L. Kilgore, a resident of Independence Precinct
- 86 Andrew Davis " "
- 87 James A. Handcock, a non resident

88 Jacob Schum, a non-resident
Stone Fort Precinct

89 Richard Harris

90 Thomas W Russell a minor & resident of Williams Co^{La}

91 David Doad " & non resident

92 Zachariah Harris, a minor

93 John B Yeals a non-resident

94 B F Hancock " " of the County

95 David Briggan a minor

Stone Fort Precinct

96 Levi E Randolph, a minor

97 Lonnie Brumley a non resident

98 Thomas Talbot a minor

99 Thomas Garin " & non resident

100 C H McKim " " "

101 J P Willis junr " " "

102 Alexander R Miller " " "

103 James W Eather " " "

104 Alby Harris, voted at Harrisburg same day

Brumby Precinct

105 Jasper A Sticklin a minor

106 James B Medling a minor & non resident

107 Archibald Blackburn " " "

108 Isaac Potter a minor

109 Ephraim Potter " "

110 Samuel Neal (Jas Sticklin voted for him by proxy)

111 Wm. C Donahoe, a minor

112 Lovel Donahoe, " "

113 James A Harris " "

114 Lafayette Leray " & non resident

Galatia Precinct

- 115 Wm Bond a minor
- 116 G W Pullum, a resident of Hamilton Co. ~~was~~
- 117 Andrew Henderson now resident
- 118 Benjamin Henderson, defrauded out of his vote ^{to vote for Raleigh} intended
- 119 Joseph L. Watson, a minor
- 120 Jacob Potts "
- 121 Helen Bundy a now resident
- 122 Marion Hale, a resident of Bundy precinct
Raleigh Precinct
- 123 William Fy a minor

Copy of Injunction

State of Illinois } The People of the State of Illi.
Saline County } v. Hiram Burnett, Clerk
of the Circuit Court of said County, Richard A. War-
field, Clerk of the County Court of said County
Moses P. McGee County Judge of said County and
James Stricklin and William Watkins Associate
Justices of said County and William Roark, Sheriff
of said County, to Each and Every of them Greeting.

Whereas Hiram B. Barnes has lately Exhibited his Bill
of Complaint to the Judge of the Circuit Court, in
and for the County and State aforesaid on the
Chancery side thereof against you the said Hi-
ram Burnett, Richard A. Warfield Moses P. McGee
James Stricklin William Watkins and William
Roark as officers aforesaid wherein among
other things it is alleged that you Hiram
Burnett, Clerk of Saline County for the Cir-
cuit Court therein that you contemplate moving
the Records of said Court together with the
office to the town of Hannibury in said County
we therefore in consideration of the premises com-
mand Injoin and restrain you the said Hiram
Burnett from moving keeping or holding your office
or the Books and papers thereof at or to the town
of Hannibury, and whereas amongst other things
it is alleged that you the said Richard A.
Warfield, Clerk of the County Court, within and for
said County have lately removed your office Books
Papers and Records to said office belonging

to the town of Hannibury wherefore in consideration of the premises. we command Enjoin and restrain you the said Richard H. Warfield Clerk of the County Court aforesaid, from Keeping or holding your said office in or to the town of Hannibury and also that you forthwith and without delay remove all the Books papers records and archives pertaining to your said office from the town of Hannibury, or wheresoever kept by you back to the town of Raleigh the present County seat. And whereas also it is alleged that you Messrs P. McQueen County Judge James Stricklin and William Watkins Associate Justices of the County aforesaid, amongst other things that you intend making a contract or contracts with some person or persons for the purpose of putting up public buildings in the town of Hannibury at the Expense of said County, in consideration of the premises you are hereby commanded, enjoined and restrained as members of said County Court from holding Probate or County Courts in the town of Hannibury or from or in any wise whatever Contracting for the Building or Erection of any Buildings in Hannibury or from Erecting them or having it done at the Expense of said County or from selling or disposing of the public property in Raleigh and from Spending or in any wise pledging any of the funds of Saline County either Swamp Land funds or such as have been or may be raised by taxes

town in and about the improvement of the town of
Harrington as the County seat of said county, or in
laying off or in making roads to or from said
town of Harrington and whereas amongst other
things it is alleged that you William Roark
Sheriff of said county as Ex-Officio Collector of
the public revenue have also removed your office
to the town of Harrington and are requiring all
Tax-payers to attend your office in said town
as the County seat to pay their taxes instead
of at Raleigh the County seat we therefore com-
mand Enjoin and restrain you the said Wil-
liam Roark from keeping or holding your
office as Sheriff in said town of Harrington
and also command that you bring back the
Books and papers as Ex-Officio Collector of the
public revenue to said town of Raleigh and
that you keep your office at said town of
Raleigh until our said Court makes other
orders to the contrary. And hereof fail not
under the penalty of what the Law directs.

To Thomas G. Reynolds, Clerk in said Cause
to Execute

In testimony whereof I Brian Burnett
Clerk of the Circuit Court have here-
unto set my hand and seal of my
said office at Raleigh Saline Co Mo
this 15th day March AD 1858

Seal

Brian Burnett Clerk
affidavit having been filed
in my office by Lemmon

State of Illinois }
Saline County }

B Reminds that the Sheriff William Roark is a party interested in this cause, and that there is no coroner in the county. I hereby appoint Thomas Y Reynolds an Elim to serve all writs, injunctions and process that may issue in this cause

Read

In testimony whereof I have hereunto set my hand and seal of Office this the 15th day March 1858

Striame Bennett Clerk

(On the Back of which is the following returns.)

Executed the within writ by leaving copy with William Watkins and reading the within Injunction this March 18th 1858.

J Y Reynolds Saline Co Illinois

Executed the within writ by reading the within Injunction to James Stricklin, also by giving him copy this ~~March~~ March 24th 1858

J Y Reynolds Elim Saline County Ills

Executed the within writ on Striame Bennett, Richard A Warfield, William Roark and Messrs P McQueen Defendants in the within cause by reading and also leaving copy with each of them this March 15th 1858

J Y Reynolds

Elim Saline County Illinois

(1)

Pleas before the Hon Wesley Sloan Judge
of the 19th Judicial Circuit and presiding
Judge of the Saline Circuit Court State of Illinois
commenced and holden at the Court House in
Haleigh Saline County Illinois on Monday
the 8th day of March A.D. 1868 whereupon
the following Orders were made in the case of
Lenson B Harnes, vs. ^{vs.} Hiram Burnett,
Richard N Warfield Et.al,

Bill in Chancery.

Monday March 8th 1868 }

Lenson B Harnes,

Complainant

vs. } Bill in Chancery

Hiram Burnett, Moses P McGhee,

James Stricklin, William Watkins }

Richard N Warfield and William
Hoark,

Defendants

Now on this day came the Com-
plainant by Duff, Macklin & Nelson his solicitors
whereupon the defendants Moses P McGhee, James
Stricklin, R N Warfield, William Hoark, Hiram
Burnett and William Watkins enter their appearance
in this Cause by William I Allen their Attorney,
whereupon the defendants entered a motion to dismiss
the Bill and dissolve the Injunction.

And afterward to wit on Tuesday, March
the 9th 1868 the following order was had
in the above styled Cause to wit.

Lenson B. Barnes } Complainant
vs } Bill for Injunction
Hiram Burnett
Moses P. McGhee }
James Stricklin
William Watkins
Richard A. Warfield } Defendants
William Noark }

And now on this day
came the said Complainant, and the Defendants,
having called up their motion entered herein to
dismiss the "Bill and dissolve the Injunction, and
Argument being heard, and the Court being
fully advised. It is Ordered and adjudged that
said Motion as to the dismissing of the Bill be
overruled, And Sustained as to the dissolving
of the Injunction, and that said Injunction be
dissolved, And therefore on motion of said Com-
plainant leave is given him to amend his Bill.

And afterwards to wit on Wednesday
the 10th day of March A.D. 1868 the
following Order was had in the foregoing
Subject Cause to wit

Lenson B. Barnes } Complainant
vs } Bill in Chancery for Injunction
Hiram Burnett
Moses P. McGhee }
James Stricklin
William Watkins
Richard A. Warfield }

vs William Roark }
 Defendants

Defendants

And now on this day came the said Complainant and files his Bill as amended, and thereupon moves the Court to grant the writ of Injunction as prayed for in his said Amended Bill. which Motion to grant the writ of Injunction as prayed for in Complainant's Amended Bill is sustained, on Complainant executing and filing a Bond with good and Sufficient Security, in the Penal sum of Two Thousand Dollars, Payable to the Defendants, Conditioned that Complainant shall pay all such damages from the issuing of said Injunction, and also such Costs and damages as may be awarded against Complainant by the Court in case the Injunction be dissolved, And the said Complainant having executed and filed a Bond as afore said, And the same being approved by the Court It is ordered that the said writ of Injunction be issued as prayed for in said Complainant's Amended Bill. And the defendants herein are ruled to answer said Amended Bill by Nine O'clock Tomorrow morning

And afterwards To wit on Thursday the 11th day of March A.D. 1858 the following order was had in said Case
 To wit,

Lenson B Karnes } Complainant.
 vs. } Bill in Chancery for Injunction
 Hiram Burnett
 Moses D McGhee
 James Stricklin
 William Watkins
 Richard N Warfield }
 William Roark } Defendants

And now on this
 day came the said defendants and file
 their Separate Answers to Complainant's
 Bill as amended, - And thereupon the
 Complainant files his Exceptions to the
 said Answers, And the Court being fully
 advised, It is ordered that Exceptions
 number three & seven be allowed, and that
 Exceptions Nos, One, two, Four, ^{five} Five, Six,
 eight, and nine be disallowed, and there
 upon on Motion Defendants have leave
 to file amended Answers, —————

And afterwards to wit on Friday the 12th
 day of March A.D. 1858 the following order
 was had in the above styled Cause to wit.

Lenson B Karnes } Complainant
 vs. } Bill in Chancery
 Hiram Burnett
 Moses D McGhee
 James Stricklin
 William Watkins }

Richard N Warfield
& William Roark }

Defendants.

And now on this day
Came the said defendants and filed their amended
answers, and the Complainant thereupon
files his several Replications thereto; And the
said Cause being now at issue, the said
defendants make their motion to dissolve the
said Injunction, which Motion is overruled,
and to which opinion of the Court overruling
said Motion the defendants excepts,
And thereupon the Complainant files his Affidavit
for a Continuance of this Cause, And the same
is set down for hearing at the next Term, with
leave to both parties to take Depositions.

And this Cause is Continued by the Com-
plainant.

State of Illinois
Saline County. }³ ^{sub.}

I, Hiram Burnett, Clerk of
the Circuit Court, within and for the County
and State aforesaid do hereby certify, that
the Bill books annexed in the case
of ~~William B. Ramey~~ vs. Hiram Burnett
Richard A. Wapfield et al., also the In-
junctions read and issued, together with
the Judges orders in said case, are
true and correct copies of the originals
to be found in my office.

In testimony whereof I have this
the 15th day of April 1858, at my
Office in Raleigh Saline Co. Ill.
Set my hand and affixed the
Judicial Seal of my said
Office.

Hiram Burnett Clerk
Circuit Court.

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Exhibits

Filed April 26. 1838

in Belmont

~~Filed April 26. 1838~~

Do. Solting

Clerk

The Return of Richard N Warfield
Clerk of the County Court of Saline
County and State of Illinois to
the alternative ^{writ of} mandamus issued
in behalf of The People of the State of
Illinois upon the Relation of John
W. Mitchell commanding him to
show cause why he fails and
refuses to issue a marriage
license authorizing the marriage
of the said John W. Mitchell and
Mollie Province.

The said Richard N Warfield
Clerk of the County Court of said
County of Saline and State of
Illinois now comes in his own
proper person, in obedience to
the alternative writ of mandamus
of aforesaid, And for return
thereto and for the purpose of
showing cause why he has
failed and refused to issue the
marriage license in said
petition mentioned, Says that he
admits the statements and allega-
=tions in said petition contained
in manner and form as therein
(1)

stated to be true.

And for further return thereto he says 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 7th 1857. (which is prayed to be taken as part of this return,) an Election was held in the County of Saline and State of Illinois on the Tuesday after the 1st Monday in November 1857. for the relocation of the County Seat of Saline County Illinois, that at said Election so held as aforesaid there were cast and polled Fourteen Hundred and forty votes, that Seven Hundred and Twenty five of said votes were cast and polled for Harrisburg for the County Seat of Saline County Illinois and that Six Hundred and Eighty Nine of said votes were cast and polled for Raleigh for County Seat of said County, and that twenty six of the votes polled at said Election were ~~not~~ polled and cast

by persons who did not vote
either for Raleigh or for Harris-
burg for County Seat of said County
of Saline.

And for further return there-
unto he says that in compliance
with the aforesaid act of the Legis-
lature, he the said Richard H
Warfield on or about the 12th
day of December AD 1857. as
Clerk of the County Court of Saline
County and State of Illinois removed
his said office and the books papers
and appurtenances thereof from
the said town of Raleigh to the said
town of Harrisburg and entered
upon the discharge of the duties
thereof at said town.

And for a further return
thereunto he says that on or about
the 14th day of December AD 1857
one Benson B Kerner a citizen and
tax payer of said Saline County and
State of Illinois filed his bill in Chancery
with the Clerk of the Circuit Court
of Saline County making Moses P
McGhee, James Stricklin, and William
Watkins Members of the County Court of

Saline County Miram Burnett
Clerk of the Circuit Court of said
County, William Roark Sheriff of
said County, and this defendant
Richard A Warfield Clerk of the
County Court of Saline County, defen-
dants. An examined copy of which
^{together with the answers, replications and exhibits therein alluded to.}
said Bill, as now appears on file
with said Circuit Clerk is herewith
filed and prayed to be taken as
part of this return.

And for ~~the~~ further return
thereunto he says that at a special
Term of the Circuit Court of Saline County
and State of Illinois begun and held
at the Town of Raleigh on the 8th day
of March A.D. 1858. Moses P. McGhee
James Stricklin, William Watkins,
Miram Burnett, William Roark
and the said defendant Richard A
Warfield ^{filed} their answers unto the said
Bill of Complaint of the said Lenson
B. Karnes, and said Complainant
then and there filed his replications
to said answer, which will more
fully appear reference being had
to examined Copies of said answers
and replications herewith filed and

prayed & be taken as part of this return
And for further return thereunto
he says that on the 12th day of
March 1858. at the special term
of said Circuit Court held as aforesaid
an injunction was ordered by said
Court as prayed for in said Bill
of Complaint, of which the said
defendant Richard A Harfield
had due notice, which said
order for an injunction will more
fully appear reference being had to
the minutes of the Court in said Cause
an examined copy whereof is herewith
filed and prayed to be taken as part
of this return.

The said defendant says
that at the time the said John W
Mitchell applied to him for said
marriage license he the said
defendant was at a loss to know
how to proceed, the said law and
the Election thereunder requiring him
to exercise the duties of his office
at Harrisburg, and the injunc-
-tion (awarded but not then issued)
of the Circuit Court of said County
requiring him keep & hold his

said office in the said town of ~~Harrisburg~~
~~Harrisburg~~ Raleigh, that he refused
to issue said marriage license
as above stated, And now comes
into this Honorable Court and submits
whether it is his duty to remove
his said office back to the town of
Raleigh and perform the duties
there, or whether it is his
duty to keep, hold, and exercise
the duties of his said office at the
said town of Harrisburg, and
issue to the said John W. Littlehill
the marriage license aforesaid.

Wherefore the said defendant
submits to this Honorable ^{Court}, the foregoing as a
return to said alternative writ of mandamus,
of the reasons why he did not issue said
marriage license to said Relator,

And prays to be hence dismissed
with his reasonable costs &c,

R. V. Warfield

State of Illinois
County of LaSalle

3^d Grand Jurisdiction Supreme Court.

Richard N. Worfield being duly sworn, states that he is County Clerk of Saline County, Illinois, that the foregoing is his return to the Petition of the People & Rel. John W. Mitchell for a mandamus against him and that the statements in said return are true in manner and form as therein stated.

Subscribed & sworn to before R. N. Worfield
on this 24th day of April 1858.

~~Subscribed & sworn to before~~ J. B. Rice, Clerk
by J. B. Rice, Deputy

State of Illinois
In the Supreme Court
Third Grand Division
Ap^l Term 1858.

The People & C. Ex Rel	}	Demurres to Return to Writ of Mandamus
John W. Mitchell		
vs		
R. N. Warfield County Clk. Saline Co.		

And the
said Relator by Green B. Raum
his atty comes and defends
the writ and injury where he
And says that the Return of the
said defendant to the alterna-
-tive writ of mandamus herein
is not sufficient in law
wherefore he

Green B. Raum atty
for Relator

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The People &c
Ex Rel J W Atchell
vs
R B Warfield

Declarator

Filed April 24, 1858
L. L. Leland
Clerk

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The People Ex Re
John Willitball

vs
R. V. Warfield

Return of dist. to
the writ

Filed April 24 1858
Leland
Clk.

In the Supreme Court of the State
of Illinois, Third Grand Division
To the Hon

The Judges of the Supreme
Court of the State of Illinois.

of the People of the State of Illinois at the residence of
The petition of John W Mitchell
a single and unmarried free white male
citizen of the County of Saline and State of
Illinois of the age of twenty one years
and upwards sheweth, That Richard N.
Warfield is the acting Clerk of the County Court
of Saline County State of Illinois, duly
Elected commissioned and qualified as
such, And that according to the provis-
ions of the laws of the State of Illinois
it is made his duty to issue marriages
licenses in and for the said County of
Saline and State of Illinois to such per-
sons applying therefor as are legally en-
titled under the laws of the State of
Illinois to be joined together as husband
and wife,

Your petitioners further sheweth
that on the 12th day of March AD 1858
the said Richard N Warfield in pursu-
ance of the laws of the State of Illinois
was holding, keeping and exercising the
duties of his said office at the town of
Harrisburg in said County and State

Your petitioners further sheweth that
the said John W Mitchell
he, as was his right to do, at the said
town of Harrisburg applied to the said
Richard N Warfield Clerk of the County
Court aforesaid on the said 12th day of

March AD 1858. for a marriage li-
cense, authorizing the joining together
as husband and wife of ^{the} your said
~~petitioner~~ ^{John C. Mitchell} and Miss Mollie J. Provine
a single and unmarried free white
female resident of the County and State
aforesaid of proper age, whose consent,
and the consent of all others legally
interested therein had been obtained
to the celebration of said banns, of
which the said Richard N. Warfield
Clerk of the County Court as aforesaid had
due notice,

And your petitioner further
sheweth that he offered to pay said
Clerk his fees for issuing said license
and did then and there tender him
the said Clerk the sum of One Dollar
as his fee for issuing said marriage
license.

But so it is may it please your
honor the said Richard N. Warfield
Clerk of the County Court aforesaid not
regarding the requirements of the
Laws of the State of Illinois in such
cases made and provided, and
disregarding the rights and privi-
leges of your said petitioner, utterly
refused to issue said marriage li-
cense as aforesaid, authorizing the
joining together as aforesaid of your
said petitioner and the said Miss Mollie
J. Provine.

Wherefore and for that the

Said Richard N Warfield Clerk of
the County Court aforesaid still doth
refuse to issue said marriage license
as is his bounden duty according to
the laws of this State your petitioner
prays that an alternative mandamus
issue directed to the said Richard N
Warfield Clerk of the County Court of
Saline County Illinois requiring him
to issue a marriage license to your
said petitioner, authorizing the joining
together as husband and wife your
said petitioner and the said Miss Mollie
I Province as aforesaid, or to show cause
to this Honorable Court why he does
not issue said marriage license
as aforesaid,

John W. Mitchell

State of Illinois
Saline County On this 8th day of April
A.D. 1858, before the under
signed Notary Public in and for said County
personally came John W Mitchell who
subscribed the foregoing petition and who
being sworn according to law deposed
and says the matters and things therein
contained are true in substance and in fact
John W. Mitchell

Sworn to and subscribed before me the day
and year above written,

Witness my hand & Notarial Seal
at office in Harrisburg Saline Co. Mo.

Wm A. Goring Notary Public

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The People vs Ex rel
John W Mitchell

^{vs}
Richard A Warfield
Clk. P. Court Saline
County Illinois

Petition for mandamus

Filed April 24. 1888

L. LeClerc
Clk.

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