

8832

No. _____

Supreme Court of Illinois

Robert Shannon, et al

vs.

James Gill^l~~spec~~, et al

seat at that place as in said act is directed, And
your Orators further show that William McKay Mill
Volger and Phillip Lathrop Judges of said Election for
the Chester precinct in said County wilfully, knowingly
and fraudulently did accept and receive as genuine
and legal a large number to wit two hundred spurious
illegal and fraudulent votes at said Election in
the said Chester ^{precinct} all of which said illegal votes were
given in favor of the town of Chester as the County
seat which said illegal votes were received by the
said Judges for the purpose of fraudulently causing the
said County seat to be located at the said Town of
Chester. And your Orators further show that
of the legal votes given at the said Election in said
County a legal majority to wit a majority of one
hundred were given in favor of the Town of
Sparta as the County seat and that therefore
as before stated it became the duty of the said
County Commissioners to establish the County seat at
that place But so it is may it please your Honor
that the said County Commissioners knowing and
conceiving a fraud in aid of the said frauds so as afore-
said committed by the said Judges of the Election in
Chester precinct and having confederated with the said
Judges in their fraudulent designs, are about to proceed
to remove the public records of said County to the
town of Chester and to erect public buildings there
at great expense to the said County under the false
pretence that the said town of Chester received a majority
of the legal votes given at said Election your Orators
further represent to your Honor that the location
of the said County seat at Chester instead of
Sparta where it of right ought to be located will

200 illegal votes, 200 for Chester

5. W. 9. 100 majority

page 1

To Ebenezer Leavenworth master in chancery in
& for Randolph county State of Illinois

Humbly complaining show unto your Honor your
Orators Robert G. Haman Jos. A. Foster Joseph
Faman William Roseborough Robert B. Little and
J. C. Wolbrook citizens & residents of Randolph
County Illinois that the Legislature of the State of Illinois
by an act entitled an act for the relocation of the county seat of
Randolph county" ~~and~~ appointed the 30th day of January
A.D. 1847 (which act is here referred to and made a
part of this bill) directed an election to be held in
the said county of Randolph for the purpose of
determining the place at which the said county seat
should be relocated. Your Orators further show
that said act provided that said county seat
should be permanently located at the place which
should receive a majority of all the legal votes given
at such election and makes it the duty of the
county commissioners of said county to remove the public
records of said county to and erect suitable public
buildings at such place to wit at the place which should
receive a majority of all the legal votes given as aforesaid
all of which will fully appear by reference to said act
and your Orators further show that in pursuance of
said act and in conformity thereto an election was
held in the said county of Randolph on the 7th day
of June A.D. 1847 and that at that election the
town of Sparta in said county received a majority
of all the legal votes given, and by reason thereof it became
and is the duty of the said commissioners of Randolph
County to remove the public records of said county to
the said town of Sparta and to erect public
buildings there, and thus establish the county

[932-1]

be productive of great inconvenience to your orators
in as much as it will require them to travel
much further to reach the county seat and further
that it will greatly injure their pecuniary interests
in this that it will depreciate greatly the value
of certain Real Estate owned by your Orators
at and near Sparta and will in other respects
work them irreparable injury And in consideration
of the premises your Orators respectfully pray
your Honor to grant the peoples writ of subpe-
ona to issue against the said William McKay
Will Wopert and ~~John~~ Philip Lathrop as well
as against the said county commissioners whose names
are James Gillespie Edward Campbell and
William McBride requiring them to appear and
answer fully all the allegations and facts in this bill
alleged And your orators further pray that a writ of
of Injunction may issue against the said James
Gillespie Edward Campbell and William Mc-
Bride commissioners as aforesaid restraining and
enjoining them and their successors and all
persons acting under them or by their order from
removing the said records to the said Town of
Chester and from erecting a Court House or
other public buildings there and from all acts
having in view the location of the said County
seat at the said town of Chester until this
Honorable Court shall have heard the proofs
in support of this bill. And your Orators also
pray for such other and further relief as the nature
of this case requires and as in Equity they are
entitled to receive Morrison & Bissell for counsel

State of Illinois } set
Randolph County }

This day personally
appeared before the undersigned
Master in Chancery in and for Randolph County
Robert G. Shannon James A. Foster Robert B. Little
Joseph Faman William Rosborough and J. C. Nobbrook
who being duly sworn depose that the matters and
things in this bill contained so far as they
rest in their own knowledge are true and
so far as they rest upon information derived
from others they believe them true

Robert G. Shannon
Jas. A. Foster
Robert B. Little
Joseph Faman
William Rosborough
J. C. Nobbrook

Subscribed and sworn
to before me

Ebenezer Cravenworth
Master in Chancery
Randolph County

Robert G. Shannon & others

vs
James Gillespie & others

Bill in Chancery
for Injunction

The undersigned master
in Chancery in and for Randolph County State of
Illinois and by law authorized and empowered to
grant writs of Injunction having examined the
allegations and facts set forth in the bill compl-
-aint connected herewith wherein Robert G. Shannon
& others are complainants and James Gillespie and
others county commissioners are made respondents
praying for a writ of Injunction submitted to
me for consideration, do by virtue of my
office of Master in Chancery aforesaid grant the
prayer of the said bill, Therefore and in consideration
of the premises above stated and by the authority
invested in me by law, I do hereby direct and
authorize Charles J. Kane clerk of the circuit
court of the above named county to issue from
his office immediately a writ of Injunction
against James Gillespie Edward Campbell
and William McBride county commissioners
of the County of Randolph Illinois and their
successors in office agents servants officers and
all others acting by their authority or order enjoining them
from removing the public records of said County from
Kaskaskia to Chester and likewise restraining
them from proceeding farther in the erection of a court
house, jail, or other public buildings in the said Town
of Chester and from all other acts having in view the
location of the county seat at Chester until the Hon'ble
circuit court of Randolph County sitting in Chancery shall hear
the proofs and allegations of the aforesaid

Complainants

Given under my hand and seal this 22nd day of
November A.D. 1847

Ebenezer Leavenworth *Seal*
Master in Chancery
Randolph County Ill

State of Illinois & of
Randolph County, To James Gillespie Edward
Campbell and William McBride county commis-
sioners of Randolph County in the State of
Illinois Their successors in office agents and servants
Greeting. Whereas it is represented to the master
in Chancery in and for the County of Randolph
exercising Chancery jurisdiction, in a certain Cause
depending in our Circuit Court in & for the County of
Randolph upon a petition for a Writ of Injunction
Wherein Robert G. Shannon James T. Foster Joseph
Garman William Rosborough Robert B. Little and
J. C. Holbrook citizens and residents of Rand-
olph County Illinois are the complainants and
You are Defendants and it is set forth and
alleged that the Legislature of the State of Illinois
by an act entitled an act for the relocation of
the County Seat of Randolph County approved
the 30th Day of January A.D. 1847 directed an
Election to be held in the said County of Randolph
for the purpose of determining the place at which
the said County Seat should be relocated and whereas
it is further alleged that said Act provides that said
County Seat should be permanently located at the
place which should receive a majority of all the
legal votes given at such Election and makes
it the duty of the County Commissioners of

Said County to remove the public records of said County to & erect suitable public buildings at such place to wit at the place which should receive a majority of all the legal votes given as aforesaid And whereas it is further alleged that in pursuance of said Act and in conformity thereto an election was held in the said County of Randolph on the 7th day of June AD 1887 and that at that election the Town of Sparta in said County received a majority of all the legal votes given & that by reason thereof it became the duty of the said ^{County} Commissioners of Randolph County to remove the public records of said County to the said Town of Sparta & to erect public buildings there & thus establish the County seat at that place as in said Act directed and whereas, It is further alleged that William McKay William Volpert and Phillip Sathrop judges of said Election for the Chester precinct in said County wilfully knowingly and fraudulently did accept and receive as genuine and legal a large number to wit Two Hundred and Sixty illegal & fraudulent votes at said Election in the said Chester precinct all of which said illegal votes were given in favor of the Town of Chester as the County seat which said illegal votes were received by the said judges for the purpose of fraudulently causing the said County seat to be located at the said Town of Chester And whereas it is further alleged that of the legal votes given at said Election in said County a large majority to wit a majority of One hundred were given in favor of the Town of Sparta as the

County Seat and that therefore it became
the duty of the said County Commissioners to
Establish the County Seat at that place as before
stated and it is further alleged that the said County
Commissioners knowing and conniving at and in aid of
the said frauds. So as aforesaid committed by the said judges
of the said election in Chester precinct and having
confederated with the said judges in their fraudulent
design are about to proceed to remove the public records
of said County to the Town of Chester and to erect public
buildings there at great expense to the said County
under the false pretense that said Town of Chester
received a majority of the legal votes given at said election
and whereas it is further alleged that the location of
the said County Seat at Chester instead of Sparta
where of right it ought to be located, will be
productive of great inconvenience to said complainants
inasmuch as it will cause them to travel much farther
to reach the County Seat and further that it will
greatly injure their pecuniary interests in this that
it will depreciate greatly the value of certain
real estate owned by said complainants at and
near Sparta and will in other respects work them
irreparable injury wherefore in consideration of the
premises and as the complainants are without
remedy save in a court of equity they pray the
Master in Chancery to grant them the peoples
most gracious writ of Injunction commanding
you the said James Gillespie Edward
Campbell and William McBride County
Commissioners of Randolph County your suc-
cessors in office, agents servants and officers acting
by your authority or order to desist from all

other or further actions in the premises in
and about the removing the public records of the
said county of Randolph to the said Town of
Chester or the erecting of any public building
in the said Town of Chester and from all
other acts having in view the location of the said
county seat at the Town of Chester until
the Honorable the Circuit court of the county of
Randolph in Chancery sitting shall have heard
the proofs in support of the said complainant's
petition and whereas upon the examining the
said petition and application for an injunction
it is ordered that the Clerk of the Circuit
court of Randolph County aforesaid shall
issue a writ of injunction according to the
prayer of the said petition which order is
signed & endorsed upon the said petition by the
Master in Chancery in & for the County of
Randolph and State of Illinois upon the
22^d day of November A.D. 1847 We therefore
in consideration of the premises do strictly
injoin and command you the said James
Gillespie Edward Campbell and William
McBride county commissioners of Randolph
county and your successors in office your agents
servants and officers and all others acting by
your authority or order and each and all of
you that you do from hence forth absolutely and
entirely desist from removing the public records of the
said county of Randolph to the said Town of Chester
and from erecting any public buildings in the
said Town of Chester and from doing any act or
acts whatsoever in and about the locating the
county seat of Randolph county in the

Town of Chester in said county until the further
Order of the circuit court of Randolph County
in the premises and hereof fail not under the
penalty of what the Law directs

To the Sheriff of said county to Execute
Witness Charles I. Kane Clerk of
our said court at his office in the
Town of Kaskaskia this 24th day of
November in the year of our Lord one
Thousand Eight Hundred and forty seven
C. I. Kane Clerk
of the circuit court of Randolph
County

William McKay & others defendants
at
Robert G. Shannon complainants
I shew

The defendants in this cause move the court to dissolve the injunction herein granted because
1 The said complainants bill contains not any matter of equity whereon they can ground any decree or give the complainants any relief or assistance as against these defendants
2 That by the complainants own shewing in their bill they have not nor has either of them any interest or title in & to the subject matter of this suit nor have they authority or good right to have or maintain this suit
3 That by the complainants own shewing in their bill the questions sought by them said complainants to be raised are purely political and in no wise legal or judicial in their character nor has this honorable Court jurisdiction or power to decide the same
4 Whether the said election in said bill mentioned has been fairly or fraudulently conducted and whether or not the result thereof has been legally or illegally declared, this honorable court has no power or authority to enquire or decide
5 The several matters and things which the said complainants seek to call in question by their said bill in this honorable court are political & not legal in their character and are such whereof this court has not jurisdiction or cognizance and
6 the said complainants bill of Complaint is not duly verified by oath, for which I shew their causes apparent in said bill of Complaint their

No. to discontinue in this cause

defendant to pray the court to dissolve the injunction
herin is providently answered

Baker & Trumbull
Sols. & of Council with
defendants

Randolph circuit court
William McRay William Tolport
Philip Lathrop James Gillespie
Edward Campbell & William
McBride

Defendants

at
Robert G. Shannon, James
A. Foster Joseph Farnam William
Rusborough Robert B. Little &
J. C. Holbrook

In Chancery

Complainants

The said Defendants
by protestation not confessing or acknowledging all or
any of the matters & things in the complainants bill
alleged & set forth to be true in such manner &
and form as the same are thereby set forth saying they
are advised by their counsel that there is no matter
or thing in the said bill contained good & suffi-
cient in Law to call these defendants in question in
this honorable court for the same, but there is
good cause of ~~of~~ demurr therunto, and therefore
these defendants do demur therunto, and for causes
of demurr these defendants say: That

demur to bill
The complainants said bill of complaint (in case
the allegations therein contained were true which
these defendants do in no wise admit) contains
not any matter of equity whereon they can ground
any decree or give the complainants any relief or
assistance as against these defendants; That by
the complainants own shewing in their bill they
have not nor has either of them any interest or
title in or to the subject matter of this suit
nor have they authority and good right to and
maintain this suit. That by the complainants
own shewing in their bill the questions sought
by them the said complainants to be raised are
purely political and in no wise legal or judicial
in their character nor has this Honorable Court
jurisdiction or power to decide the same;
And whether the said election in said bill men-
-tioned was & has been fairly or fraudulently
conducted and the result thereof legally or illegally
declared, this honorable court has no power or
authority to enquire or decide; And the several
matters and things which the said complainants
seek to call in question by their said bill in
this honorable court are political and not
legal in their character and are such whereof
this court has not jurisdiction or cognizance for which and
divers other causes in said bill appearing these defendants
do demur in law unto the complainants said
bill of complaint and the matter and things therein
contained and demand the judgment of this honorable
court whether they or either of them shall be compelled
to make any other or further answer thereto and pray to
be have dismissed with their reasonable costs &c
Baker & Humbull Solicitors of Counsel with said defendants

William McKay & others defendants
at vs
Robert G. Shannon & others complainants }
John
Chambers

No to appear in
The defendants in this case move
the court to dissolve the injunction herein granted
for the causes in their demand filed to the complainants
bill of complaint and for other causes apparent upon
the face of the said bill as also because the it
does not appear that the statements in said bill
contained have been duly verified by oath
Baker & Trumbull
Solrs of Counsel with
defendants

Know all men by these presents that, We Robert
B. Little J. C. Holbrook, Andrew Borders James
H. Wheeler & John A. Langlois all of the county
of Randolph and State of Illinois are held and firmly
bound unto James Gillespie Edward Campbell and
William McBride the county commissioners of
Randolph county and of the State of Illinois in the
penal sum of Three hundred dollars (the sum affixed
by this court) current money of the United States for the
payment of which well and truly to be made we bind
ourselves our heirs Executors and administrators jointly
severally and firmly by these presents, Which our names
and seals this twentieth day of May A.D. 1848

The condition of this obligation is such that whereas
Robert G. Shannon James A. Foster Joseph Farman
William Roseborough and the said Robert B. Little and
J. C. Holbrook did file their bill of complaint in
Chancery in the circuit court in and for the county
of Randolph wherein they the said Robert G. Shannon
James A. Foster Joseph Farman William Roseborough
Robert B. Little & J. C. Holbrook were complainants
and the said James Gillespie Edward Campbell
& William McBride the county commissioners of
Randolph county were Defendants and such
proceedings thereupon that the said Bill of complaint
was dismissed by the said court & a decree
entered by the said court at the April Term in the
year 1848 for costs in favor of the said Defendants above
named and against the said complainants
which costs have been taxed to the sum of ten
— dollars and sixty two cents from which there
is made as aforesaid in the said case so pending as
aforesaid in the said circuit court in Chancery

between the said Robert G. Shannon James
A. Foster Joseph Farnam William Rostborough
Robert B. Little & J. C. Holbrook complainants
and James Gillespie Edward Campbell and
William McBride the county commissioners as aforesaid
defendants they the said complainants have prayed
an appeal to the Supreme court of this State which
said appeal was allowed upon their entering into
bond within twenty days from the entering of
said decree in the penal sum above mentioned
within Andrew Borders James M. Wheeler
& John A. Langlois as their securities Now
the condition of this obligation is such if the
said complainants shall pay the said judgment
of said Supreme court costs interest in the case the
said judgment be affirmed and shall also duly
prosecute their said appeal then this obligation
to be void otherwise to be in full force

Robert G. Shannon (Seal)

James A. Foster (Seal)

William Rostborough (Seal)

J. C. Holbrook (Seal)

John A. Langlois (Seal)

Andrew Borders (Seal)

Joseph Farnam (Seal)

Robert Little (Seal)

James M. Wheeler (Seal)

Wednesday April 26th 1848

No 12

Robert G. Shannon & others

In Chancery

James Gillespie Edward Campbell
and William McBride the county
commissioners of Randolph county

And now at this
time comes the defendants by Trumbull their
Solicitor and moves the court to dissolve the
Injunction in this cause granted and the said defen-
dants are ruled to answer whereupon come the
said Defendants and file their demands which
demands is sustained therefore said motion is allow-
ed and the said complainants bill is dismissed
and it is adjudged that the said Defendants
recover of and from the said complainants their
costs and charges in this behalf expended and
thereupon came the complainants and prayed
an appeal to the Supreme court which
appeal was allowed upon their entering into
bond within twenty days in the penal
sum of three hundred dollars Conditional
according to Law with Andrew Borders
John A. Langlois or James M. Wheeler as
their securities

State of Illinois }
Randolph County }

I Charles J. Kane
Clerk of the circuit court within and for the
County of Randolph and State of Illinois
do hereby certify that the foregoing is a
true and correct copy of the Bill and
the answers and Bonds and
of the decree in the above entitled cause
as appears of Record in my office

In testimony whereof I have
hereunto subscribed my name
and affixed the official Seal of
said Circuit Court at office in
Kaskaskia this 13th day of
November A.D. 1848
Charles J. Kane Clerk
As above said

for
for transcripts \$6.28
Certificate & Seal .50
\$6.78

In the Randolph Circuit Court -
Robert G. Shannon vs
S. Foster Joseph Farnam,
William Roseborough, Robert
B. Little & J. C. Holbrook
vs
James Gillespie, Edward
Campbell & William de C.
Bridg. County Commissioner
for Randolph County, and
William McKay, William Tol-
bert & Philip Lathrop

Transcript of Record

8832

per p. 28

certified true
J. C. Little

Filed 7th Dec 1849

W. H. H. H.
Lewis H. H. H.

R. G. Shannon vs
others vs
J. C. Little & others
Bridg. County Commissioner

In the Circuit Court in and for the County of Randolph of the
April Term in the year of our Lord One thousand eight hundred
and forty eight. Wednesday April 26.th 1848.

Before Hon. Gustavus Koerner Judge of said
Court in chancery sitting.

Robert G. Shannon, ~~Joseph A. Foster,~~
~~Joseph Tarnan, William Hensborough,~~
~~Robert B. Little & J. C. Holbrook, Complainants.~~

against

James Gillespie, Edward Campbell,
and William McBride County Commissioners
of Randolph County, William McKay,
William Volpert & Philip Lathrop ~~defendants.~~

In chancery

And now at this ^{time} ~~day~~ comes
the defendants by Turnbull their Solicitor and moves the Court to dis-
solve the injunction in this cause granted and the said defendants
are ruled to answer whereupon come the said defendants and
file their answer which answer is sustained, therefore said
Motion is allowed and the said complainants bill is dismissed
and it is adjudged that the said defendants recover of and
from the said complainants their costs and charges in this behalf
expended and thereupon came the complainants and prayed an
appeal to the Supreme Court which appeal was allowed upon
their Entering into bond within twenty ~~eight~~ days in the penal sum
of three thousand dollars conditional according to law with An-
drew Borden, John A. Langlois or James M. Wheeler as their securities.

State of Illinois

Randolph County, Ill. I Charles D. Kane, clerk of the Circuit Court within and for the county of Randolph State of Illinois do hereby certify that the within is a true and correct copy of the final order & decree as also of the order allowing an appeal to the Supreme Court in the cause within entitled *et cetera*, as the same appears of record in my office. I also further certify that an appeal bond executed by Robert G. Shannon, James A. Foster, William Robertson, J. C. Holbrook, John A. Langdon, Andrew Borden, Joseph Farnam, Robert Little and James M. Wheeler to and payable to James Gillespie, Edward Campbell and William McAnide the County Commissioners of Randolph County in pursuance of the within order was filed in my office on the twentieth day of May in the year 1848

In testimony whereof I have hereunto subscribed my name and affixed the seal of said Court at office in Kaskaskia on this thirtieth day of November in the year of our Lord one thousand eight hundred and forty eight

Chas. D. Kane

clerk of said Court

Fees for certificate & seal 50 cents

fees 50^{cs}

for Randolph Circuit Court
Robert G. Shannon, James
A. Foster, Joseph Farnam,
William Roseborough, Robert
B. Little & J. C. Holbrook
Complainants

v7

~~William McKay, William~~
~~Volpert, Philip Lathrop,~~
James Gillespie, Edward
Campbell & William Mc
Bride, County Commissioners
for Randolph County, and
William McKay, William
Volpert & Philip Lathrop -
defendants

copy of Decree & certificate

Daria J. Baker

Atty for defendants

Filed Dec. 7th 1848

John Melcher, C. C. J.

W. H. - Clerk of the Court

per L. J. Cary, Sec.