

**S**HALL the "Old Capitol" be  
Preserved and Its Splendid  
History, Tradition, Legend and  
Story Perpetuated?

IN SUPPORT OF } House Bill No. 548  
                          } Senate Bill No. 42



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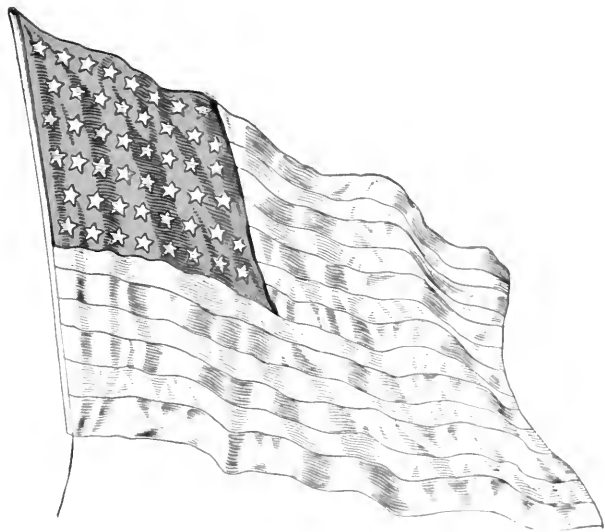
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ILLINOIS HISTORICAL SURVEY









## PROCEEDINGS OF THE BAR ASSOCIATION.

At the Court House of Fayette County, Ill., March 6, 1913.

**A**ND now on this day, it being one of the Judicial days of the February term of the Circuit Court of Fayette County, Illinois, The Hon. Albert M. Rose, one of the Judges of this the Fourth Judicial District, presiding, His Honor ordered that the Court take a recess for the following reason, "That a special meeting of the Bar of this county might be had."

Thereupon the Bar of this county was called to order by John A. Bingham, Esq., who in a few brief words stated the object of the meeting. It was moved by J. M. Albert, Esq., and duly seconded, that John A. Bingham, Esq. be elected permanent chairman, and the motion being put it was carried unanimously.





G. T. Turner, Esq. moved, and it was duly seconded, that W. H. West be elected secretary of this meeting, and the motion being put it was declared carried.

The object of the meeting having then been more definitely explained, and generally discussed by the members of the Bar present, it being for the purpose of devising ways and means, working in harmony and conjunction with the representatives of the people, "The Board of Supervisors" and the "Members of the Legislature" from this district, and through them the members of the other districts in the State, for the disposition of the present court house.

It was moved and duly seconded that the following members of the Bar be appointed a committee to wait on the "Board of Supervisors" Monday, March 10th, 1913, and that the result of the said meeting be reported



to The Hon. Arthur Roe, member of this Legislature and from this County, in order that he might be able to govern himself accordingly. Following are the members of the Bar Committee: John A. Bingham, Esq., G. T. Turner, Esq., John J. Brown, Esq., B. W. Henry, Esq., and F. M. Guinn, Esq.

It was moved and seconded that the Bar of Fayette County do now adjourn subject to the call of John A. Bingham, Esq., chairman of this meeting.

Attest: W. H. WEST, Secretary.

STATE OF ILLINOIS, }  
County of Fayette, }<sup>ss.</sup>

I, W. H. WEST, Deputy Circuit Clerk, do hereby certify that the foregoing is the sum and substance of the proceedings of the meeting of the Bar of Fayette County, in which I was elected Secretary by the aforesaid Bar to record the minutes of said meeting. W. H. WEST.

Subscribed and sworn to before me this 21st day of April, A. D. 1913.

M. L. STAFF,  
Circuit Clerk and Ex-Officio Recorder.









committee of the Fayette County Bar, looking to this end.

Moved by Mr. Workman, and seconded, that the Resolution be adopted. Motion carried.

Chairman appointed as Committee mentioned in "Resolution", R. Kelley, Adolph Ambuehl and E. B. Reeves.

STATE OF ILLINOIS, }  
County of Fayette, } ss.

I, GEO. A. BROWN, do certify that I am the County Clerk of the County of Fayette, in the State of Illinois, and as such the custodian of all papers and records on file in the office of said Clerk, and that the above and foregoing is a full, true and perfect copy of a "Resolution" adopted by the Board of Supervisors of Fayette County, and which is now on file in said office and of the record thereof as the same appears of record in my said office.

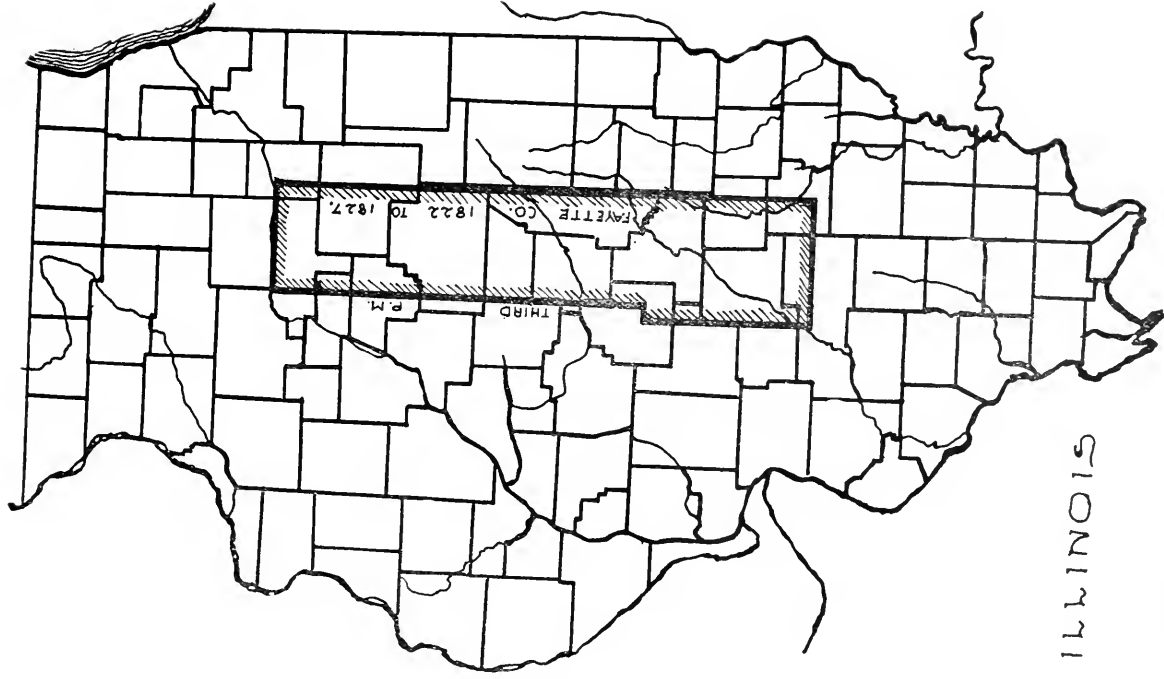
In witness whereof I have hereunto set my hand and affixed the seal of the County Court of said Fayette County this 21st day of April, A. D. 1913.



*Geo. A. Brown*  
COUNTY CLERK.







ILLINOIS

Showing the Boundary Lines of Fayette County as Organized 1822 to 1827, Including what is now all or parts of Eighteen Counties.



## PECULIAR RELATION OF FAYETTE COUNTY.

IN order to demonstrate the peculiar relation that a large section of the State of Illinois sustains to the present Fayette County and the old State Capitol Building, we have caused to be printed on the preceding page an outline map of the State of Illinois, upon the face of which is shown the boundary lines of the original Fayette County established by the Laws of Illinois of 1821 at page 164, a portion of which reads:

“February 14, 1821. All that tract of unorganized country lying north of a line running east from the southwest corner of Township Three North, Range One West, commencing at said southwest corner six miles west of the Third Principal Meridian, running thence north 51 miles, thence east 6 miles



to the Third Principal Meridian, thence north on the Meridian Line to the Illinois River, thence along the Illinois River to the east line of Range 6, 3 East of the Third Principal Meridian, thence south to the southeast corner of Township Three North, Range Six East of the Third Principal Meridian, thence west to the place of beginning.”

Which territory includes what is now the following counties: The northeast corner of Clinton, all of Fayette, the east portion of Montgomery and Christian, all of Macon, DeWitt, nearly all of McLean, the east half of Woodford, the east portion of Marshall, the south half of LaSalle, the west half of Grundy, more than two-thirds of Livingston, all of Piatt, Moultrie, Shelby, nearly all of Effingham, Clay and the north half of Marion counties; eighteen counties which from 1821 until 1827, constituted Old



Fayette, when Shelby was carved out. All of this territory transacted their business in the Court House, (or the then capitol building), situated in Vandalia, in the present County of Fayette, for years after and the records, court proceedings and files of the business transacted in the various courts are still to be found in the archives of the building that is made the subject of the present booklet; thus the accumulation of valuable files, records, court proceedings and administration of estates dating back ninety-two years to the present date have been carefully preserved by the Board of Commissioners and Supervisors, who have represented Fayette County from that day until now, which together with the accumulation since that time are now overtaking the capacity of the vaults and the rooms provided for same in said old Court House or State Capitol, and we feel that the patriotic citizens of the various portions of the then unorganized territory of Illinois,

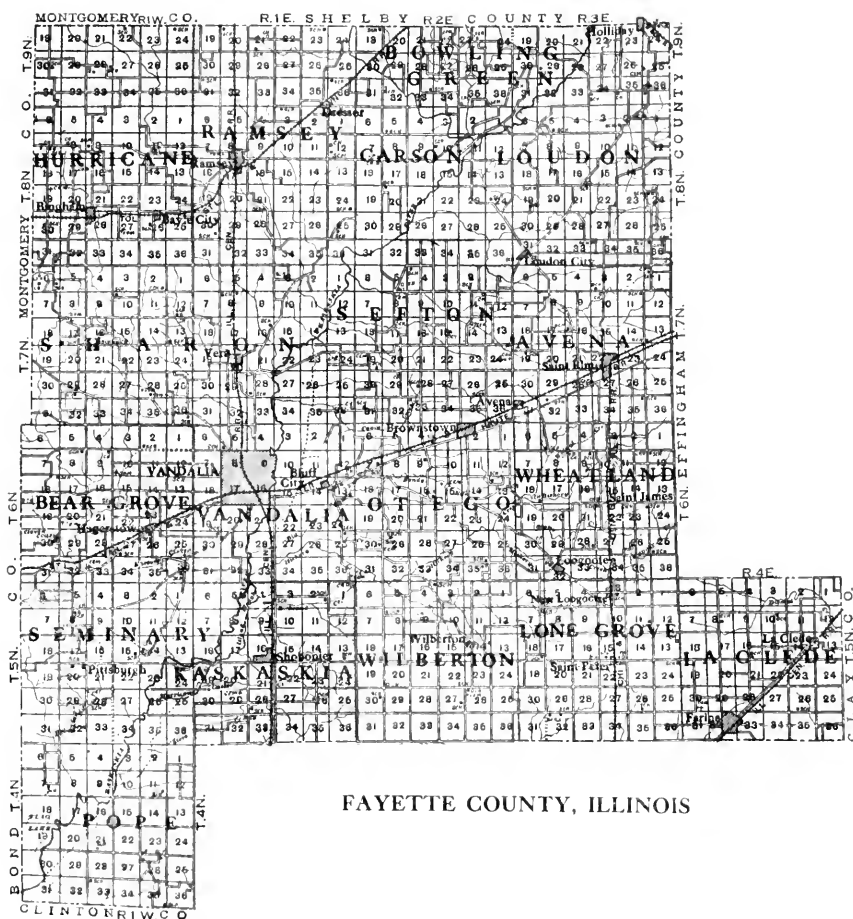




among the most prosperous and occupying one of the richest portions of God's universe, will find it a pleasant duty to co-operate with those of us who stand between the generations of the past and the future, in preserving not only this old historic building but the records therein contained, of which you are the guardians.







FAYETTE COUNTY, ILLINOIS



## THE TITLE TO THE PARK AND CAPITOL BUILDING.

**F**IRST: An Act of Congress approved March 3, 1819, authorizing the State of Illinois to select four sections of land for a seat of government for the State of Illinois.

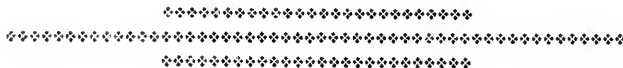
SECOND: An Act of the Legislature of the State of Illinois, approved January 27, 1821, approving the selection of Sections 8, 9, 16 and 17, in Township 6 North, Range One East of the 3rd Principal Meridian, by the Commissioners before appointed by the State to make selection of a suitable place for the seat of government for the State of Illinois, for a period of 20 years.

THIRD: An Act of Congress approved March 2, 1821, wherein the



title to said four sections selected by the Commissioners of the State of Illinois was declared vested in the State of Illinois.

FOURTH: An Act of the Legislature of the State of Illinois in 1839, declaring the title to the plat of ground in Fayette County for public purposes.



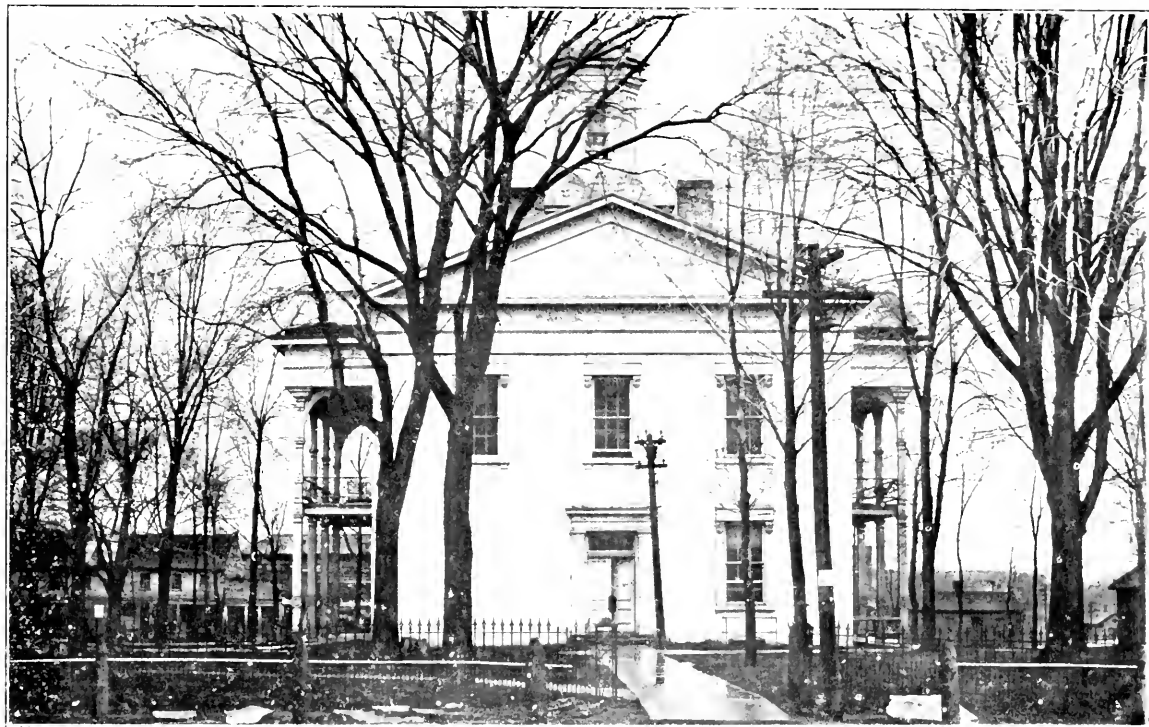






THE FIRST STATE CAPITOL OF ILLINOIS - SOUTH EXPOSURE  
FROM PHOTOGRAPH APRIL 1st 1913.

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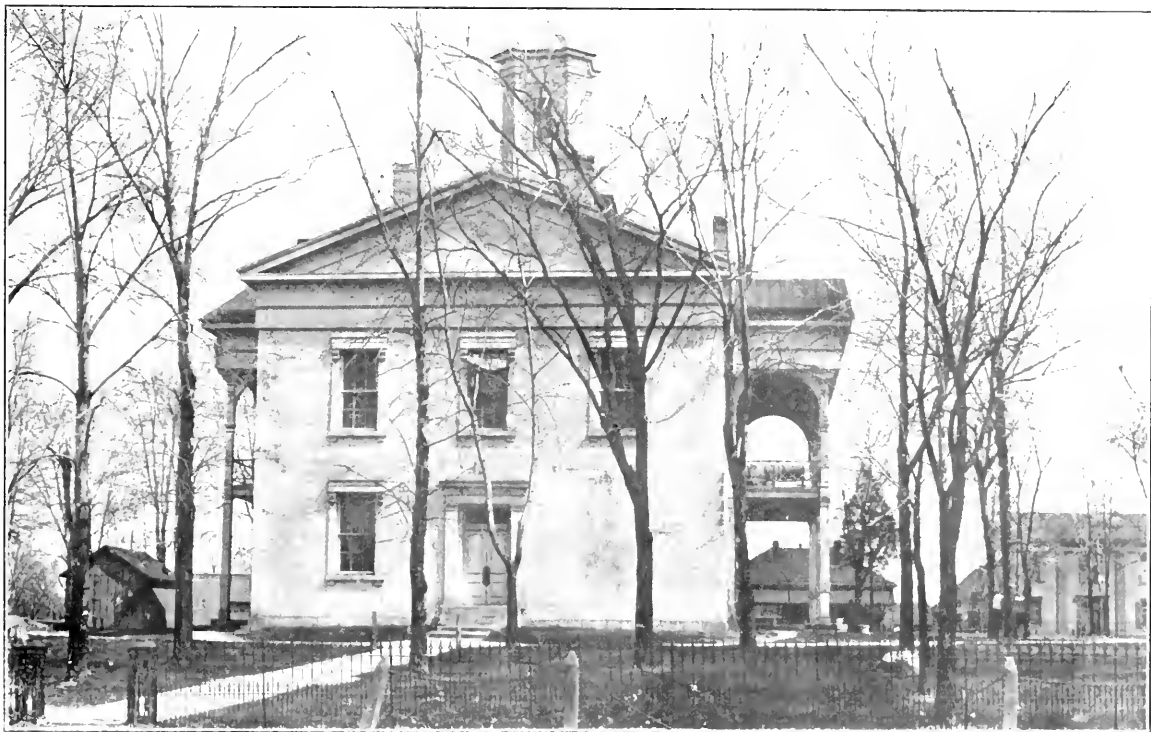
THE FIRST STATE CAPITOL OF ILLINOIS EAST EXPOSURE  
FROM PHOTOGRAPH APRIL 1ST 1913.





THE FIRST STATE CAPITOL OF ILLINOIS NORTH EXPOSURE  
FROM PHOTOGRAPH APRIL 1st. 1913.





THE FIRST STATE CAPITOL OF ILLINOIS. WEST EXPOSURE.  
FROM PHOTOGRAPH APRIL 18C. 1913.









## THE BUILDING AND GROUNDS.

THE four views in this booklet, taken in April, 1913, show the north, south, east and west exposures of the building, the walls of which are eighteen inches thick from ground to roof, and all partition and division walls are thirteen inches thick, all on a stone foundation, constructed in the most substantial manner, built for use, and situated in the center of the park of ground, 320 feet square, filled with a large growth of forest trees. The building is in a good state of preservation, and is as originally constructed with the exception that the large brick columns that supported the north and south porches were taken down in 1899 and replaced by the present iron columns and structures at a cost to the county of over \$2000.00. Two



large vaults constructed of reinforced steel and cement are in the circuit and county clerks' offices, respectively, each of which vaults is equipped with the modern Geo. D. Barnard & Co. filing boxes and shelving, which in 1903 displaced the old equipment at a cost to the county of \$3000.00.

The park or grounds is surrounded by a most substantial iron fence four and one-half feet high, at a cost to the county of \$3000.00. The grounds occupied by this Court House Square are reasonably worth and would sell for business purposes for \$75,000.00.

We have caused to be photographed and incorporated in this booklet the four exposures which speak for themselves as to the present condition of the building; and one of the grounds, drawn to a scale, one inch to 50 feet, showing location of building to grounds, and the relation they all sustain to this historic city.



The streets surrounding the square are paved with brick and the building has adequate sewerage, city water, and electric lights. The fact that this structure has stood the ravages of time for all these years, and today is in almost perfect condition of preservation, is sufficient to commend itself to the members of the Legislature.

The interior of the building is as well preserved and cared for as the exterior. We have not been able to procure cuts of the interior views but will try to truthfully and correctly describe same for your consideration.

The lower half of the building is divided by a wide hall sixteen feet in width running north and south; a similar hall nine feet wide divides the building east and west. These halls divide the lower floor into four large rooms. The southwest corner room is now occupied by the circuit clerk's office, in the west end of which is located the large vault heretofore





mentioned. The room opposite on the northwest corner of the building is occupied by the sheriff's office. The room on the northeast corner is occupied by the county treasurer's office and the records of same. The southeast corner is occupied by the county clerk's office and vault heretofore mentioned and described.

There is a massive stairway from the lower floor to the second floor, which is the original stairway as constructed with the building. From the landing at the top of said stairway, turning west, you enter what was the House of Representatives, preserved intact. It has been used since then as a court room, and the other rooms on the second floor east of the stairway and hall was the Senate Chamber, which has been cut up and is now used by the county superintendent of schools, the Board of Supervisors and jury



rooms, all of which rooms have been frescoed recently and are in a very presentable condition today.

There are two large porches off this floor, one on the north side and the other on the south, each of which is 12 feet wide by 45 feet long. There are large and modern water closets in the basement of the building and also suitable water closets on the second floor for the accommodation of the court and court officers.

One historic and memorable fact connected with this legislative room is the large window at the southwest corner of the room and of the building. It was out of this building that Abraham Lincoln jumped, whilst a member of the legislature then in session, in order to defeat a quorum. By this act he broke the quorum and prevented the continuation of the capital of Illinois at this place for another twenty years.



Whilst history records the fact that Lincoln jumped out of this window, the fact is he stepped outside of the window and stood on the window sill and defied the clerk and sergeant-at-arms to count him present. If Thomas B. Reed had been the presiding officer he would have applied the rules that gave him the name, Czar, and counted Lincoln present on the proposition that he could not be absent for cussedness and present for business.

It is also a historic fact that within this legislative hall in 1832, that the magnificent City by the Lake was granted her first village charter.

These are but a few of the many historic incidents that link this building and this old town into the chain of history of this great state.



## THE SUPREME COURT OF ILLINOIS.

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THE constitution of 1818 provided that the Supreme Court should consist of a Chief Justice and three Associate Justices, with authority to the General Assembly to increase the number after 1824. They were appointed "by the General Assembly by two-thirds vote of each house" and the Justices so appointed were to hold office until January 1, 1824. The Court was organized by the appointment by the Legislature October 9, 1818, of Joseph Phillips, Chief Justice, and Thos. C. Brown, John Reynolds and William P. Foster as associates. Foster resigned June 22, 1818, never having taken his seat as a member of the court. It has been stated that he was not a lawyer and was uneducated, but that he was a man of fine personal





appearance and attractive manners. William Wilson was appointed in Foster's place August 7, 1819. At the session of the General Assembly begun on the first day of January, 1824, Wilson was elected by the General Assembly Chief Justice and Thos. C. Brown, Samuel B. Lockwood and Theophilus W. Smith were elected associate justices.

A term of the court was held in December, 1819, and another in July 1820, in Kaskaskia. Five opinions are reported in Breeze's Reports as filed at the first term and six at the second term. The first term held in Vandalia was in December, 1820, and thereafter the court was held in Vandalia until December, 1838.

At that time the court had very little statutory law to guide it as the organization of the court and of the first state legislature were substantially concurrent events. After the construction of the State Capitol building the



Supreme Court moved into and continued to hold its sessions therein until the capital was moved to Springfield, where the first term of court was held in July, 1839.

The Supreme Court of that day apparently had abundant time for the preparation of their opinions. There were few of them as compared with any of the periods since, as all of the opinions filed by this court during the period from 1820 to 1838 could easily be bound in one volume of our present supreme court reports; and that they did have this time is demonstrated by the historic fact that by the laws of the State of Illinois of 1827, page 119, Sec. 4, the legislature at this time legislated out of office all of the circuit judges of the state of Illinois and for two years there was not a circuit judge on the bench in the state and the Supreme Judges assigned themselves to circuit work as follows: First Circuit, Justice Lockwood; Second Circuit, Justice Smith; Third Circuit, Justice Browne; Fourth Circuit, Justice Wilson.



This is the first judicial recall known to this country and especially to Illinois.

The decisions of this court during this formative and constructive period were carved out through the forests of unwritten law and blazed the way so well that few of the opinions then filed have been modified, distinguished or overruled.

It is not the purpose of this pamphlet to do more in this connection than to merely call attention to the fact that the Supreme Court for eighteen years held its sessions in the building which it is hoped will be preserved by the State on account of the historical events of our State associated with it. Those eighteen years were rich in Illinois history and the highest branch of the judicial department of the State contributed its share thereto. Surely the building, hallowed by such memories, is worthy of preservation by the State.



## THE LEGISLATURE.

The Legislature of the State of Illinois convened in Vandalia in 1819, and remained here until 1839, a period of 20 years.

We find from the inscription on a monument standing at the entrance to South Hill Cemetery, the following:

"In memory of Wm. M. McHenry, a member of the House of Representatives from White County, died in Vandalia January, 1825."

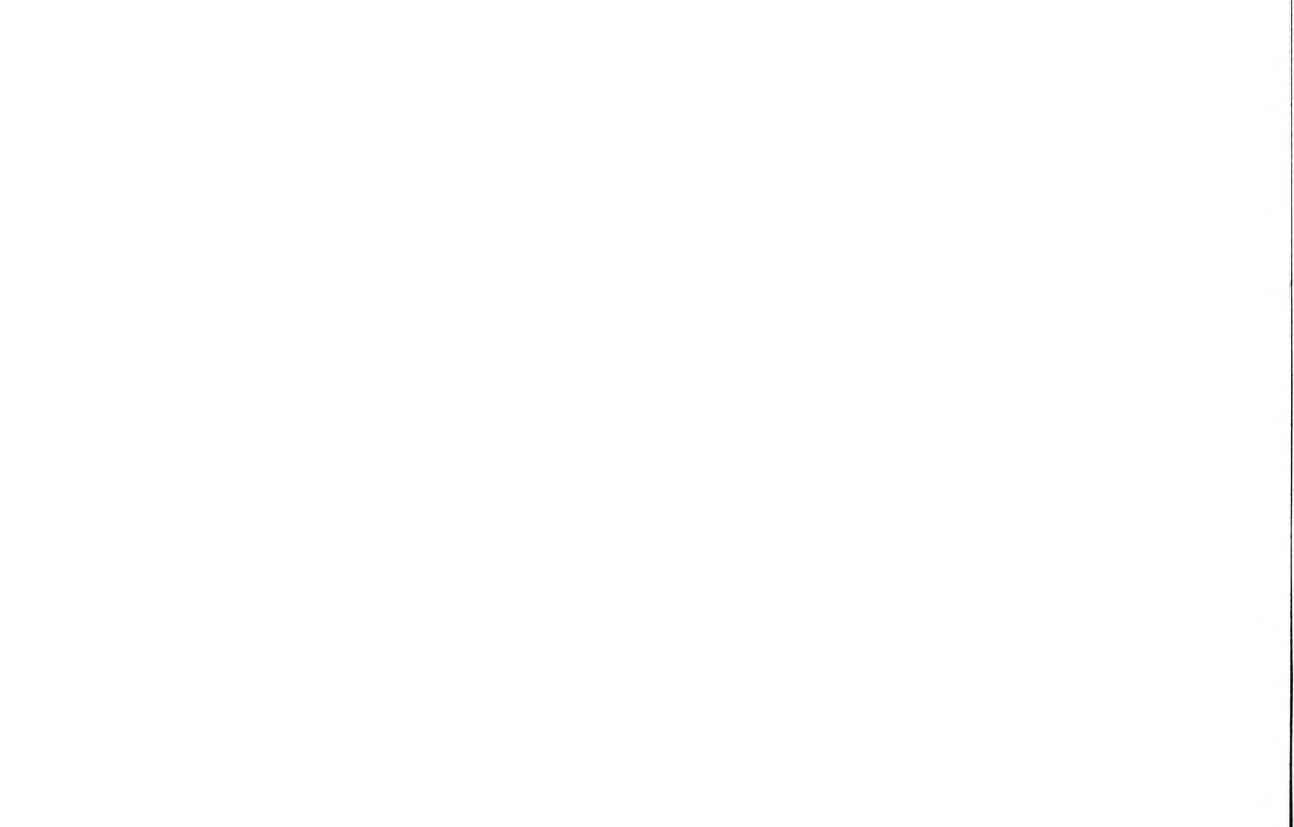
"In memory of John B. E. Canal, a Representative from Madison County to the General Assembly of Illinois, died at Vandalia, December 31, 1830."

"In memory of John Thompson, a member of the House of Representatives, who died at Vandalia in the winter session of 1836."

"In memory of Benjamin A. Clark, a member of the House of Representatives from Wayne County, died at Vandalia, June 7, 1836."

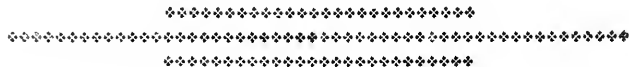
"In memory of Alexander F. Grant, Circuit Judge of the Third District, born in Iverness, Scotland, March 27, 1805, died in Vandalia June 12, 1836,"

In addition to the capitol building, we have with us the graves of the





above named members of the legislature, and also the grave of one of the circuit judges of this district. Those graves are carefully preserved and kept and their final resting place marked with a modest stone upon which the above inscription appears; a further evidence that the good people of Fayette have discharged their whole duty toward both the old capitol building and the graves of those who died while serving in it.





## FIRST CAPITOL BUILDING OF THE STATE OF ILLINOIS.

SHALL it be preserved and perpetuated and the memory of its early history and those who contributed to make it, be rescued from oblivion, or shall it cease to exist and its precious memory be forgotten forever? The first capitol building of the State of Illinois was built on its present site in the City of Vandalia in 1822, and now stands in the midst of a park some 320 feet square. It is a plain two story building, constructed of brick, with heavy walls built to stand the waste of time, and is now a sturdy, old fashioned building encrusted with the rust of antiquity. It, with the plot of ground on which it stands, was donated by the State of Illinois to the County of Fayette in 1839. This capitol building has been used jointly by the



County of Fayette as originally organized, and the State of Illinois, up to 1839, and since by the present County of Fayette, for court house purposes. It has become inadequate for court house purposes, largely for lack of room. The accumulated records and files of Fayette County from its creation to the present time have been carefully cared for in the vaults and rooms of the building, are crowding out and demanding additional space for their preservation, and we have reached a time when we must either build additional vaults and store rooms for the preservation of its ancient records and files, or build anew for our present use.

The good people of Fayette County are forced to build a new court house elsewhere, or raze this old historic structure to the ground. Feeling that if we do the latter the people of the State, and particularly those who now reside in, and are connected with, that portion of the State formerly



Fayette county, and having such interest in this grand old structure, would regret the destruction of the building, and with it the archives and historic memories of the memorable scenes begun and enacted in it. It was here that the sons and daughters of young Illinois met almost in the primeval forest to array her in her robes of state, and right proudly has she worn them. It was within these old walls that her second governor in 1822-23 snatched the young state from the slave power and dedicated her to freedom. Governor Nathan Coles, himself a Virginian, a southerner by birth, education and association, formerly the private secretary of President Madison, in the memorable years of 1822-23, when the legislature of the State of Illinois was pro-slavery and desperately determined to force Illinois into the group of slave states, by almost superhuman power, this old patriot, around whom the anti-slavery party of Illinois rallied, defeated the slave power, and





it was through him and his efforts that Illinois remained free. We challenge all history for a single deed, fraught with greater importance for humanity, furnishing the inspiration for David Blackwell, editor of the Vandalia "Intelligencer", the fire brand of the anti-slave party in 1822-3, Elijah P. Lovejoy at Alton in 1837, and the subsequent career of Abraham Lincoln.

It was here that the great system of judicature was established and put into operation and that system has borne the test of time. It was within these walls that the legislative body of the state made and wrought highly and well for the then present and future glory of this great state. The voices of its members no longer echo through its halls and corridors but their influence is bound up in the volumes of our laws and is manifested in the vast development of our state. 'Twas here in these old walls, when they were new and young, that these young knights of pluck, ambition and



patriotism first put on their spurs; many of them became men of nation-wide fame, and some whose fame is bordered only by the world's civilization.

Shall Shadrick Bond, Nathan Coles, Ninian Edwards, Pierre Menard, John Reynolds and Nathan Pope, as governors, be forgotten, and the place of their services be torn down? Shall the court room where first sat our supreme court be permitted to crumble to dust? Shall the place of assembly of the law making power where wrought such men as Abraham Lincoln, Stephen A. Douglas, John Thomas, Silas Kent Kane, Joe Gillespie, Daniel P. Cook, Aaron Gridley, Fields Ewing Roberts, Morris Beck, David Blackwell, George Churchill, Samuel D. Lockwood, Thomas Lippincott, Harper Warren, George Farquar; Thomas Mother, Ossian M. Ross and others cease to exist, or shall we of this generation, in commemoration of the deeds they wrought, preserve this historic building as a monument to their memory, for its influence on the coming generations?



48th G. A.

HOUSE BILL No. 548

1913

[Senate Bill No. 424]

Introduced by Mr Arthur Roe, April 16, 1913.

Read by title, ordered printed and referred to Committee on Appropriations.

## A BILL

For an Act to purchase and maintain the old capitol building and grounds at Vandalia, and to make an appropriation therefor.

WHEREAS, The State Capitol was located in Vandalia for the period of twenty years from 1820 to 1840; and

WHEREAS, The old building used as a capitol by the State and the grounds are still in existence in their original form; and

WHEREAS, It is desirable that this building and grounds be maintained and kept by the State as a memorial of the history of our State during that formative period of our history, and that the building be not permitted to be torn down or destroyed; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor, Secretary of State and Auditor of the State of Illinois, and three citizens to be appointed by the Governor to serve for a period of four years, and until their successors are elected or appointed and qualified, two of whom shall be citizens of Fayette County, all to serve without remuneration, shall constitute a board of trustees, and by the name and style of "The Old Capitol Trustees" shall have power to



receive a conveyance from the County of Fayette of that certain block of ground, together with the buildings thereon, constituting the present site of the old capitol building and grounds at Vandalia, Illinois, but at a price not to exceed the sum of seventy thousand dollars (\$70,000.00); and to hold the same in perpetuity, but in trust for the State of Illinois. And that said old capitol buildings and grounds shall be forever kept in good repair and free of access to the public, under such regulations as said trustees may deem wise for the proper preservation of the property aforesaid.

Sec. 2. Said board shall have full authority over and control of said property; shall have power to make contracts with reference to the proper care and custody thereof; of all such articles personal property connected with the early history of the State, or such other articles of antiquity or curiosity as may there be collected, and with reference to the restoration and proper care of said property; to the employ of a suitable person to care for the same and exhibit it to the public, and in said name and style may sue in reference to any matters pertaining to the powers and trusts hereby created.

Sec. 3. There is hereby appropriated the sum of three thousand dollars (\$3,000.00), or so much thereof as may be necessary, to defray the expenses of purchasing said premises and employing a custodian and carrying out the purposes of this Act for the period of two years after the approval of this Act, to be paid out of the moneys of the treasury of the State not otherwise appropriated, on warrants of Auditor upon the Treasurer, approved by the Governor, on the direction of a majority of said board, from time to time as the same may be required for the purposes of this Act.

Sec. 4. Said board shall report to each General Assembly before the 20th day of each regular session, a detailed account of all their transactions and of all expenditures made by them, and also recommendations as they may deem proper for the consideration of the General Assembly.





**COMMITTEES.**

BAR ASSOCIATION

John A. Bingham, Chairman

William H. West, Secretary

George T. Turner

John J. Brown

Beverly W. Henry

Francis M. Guinn

BOARD OF SUPERVISORS

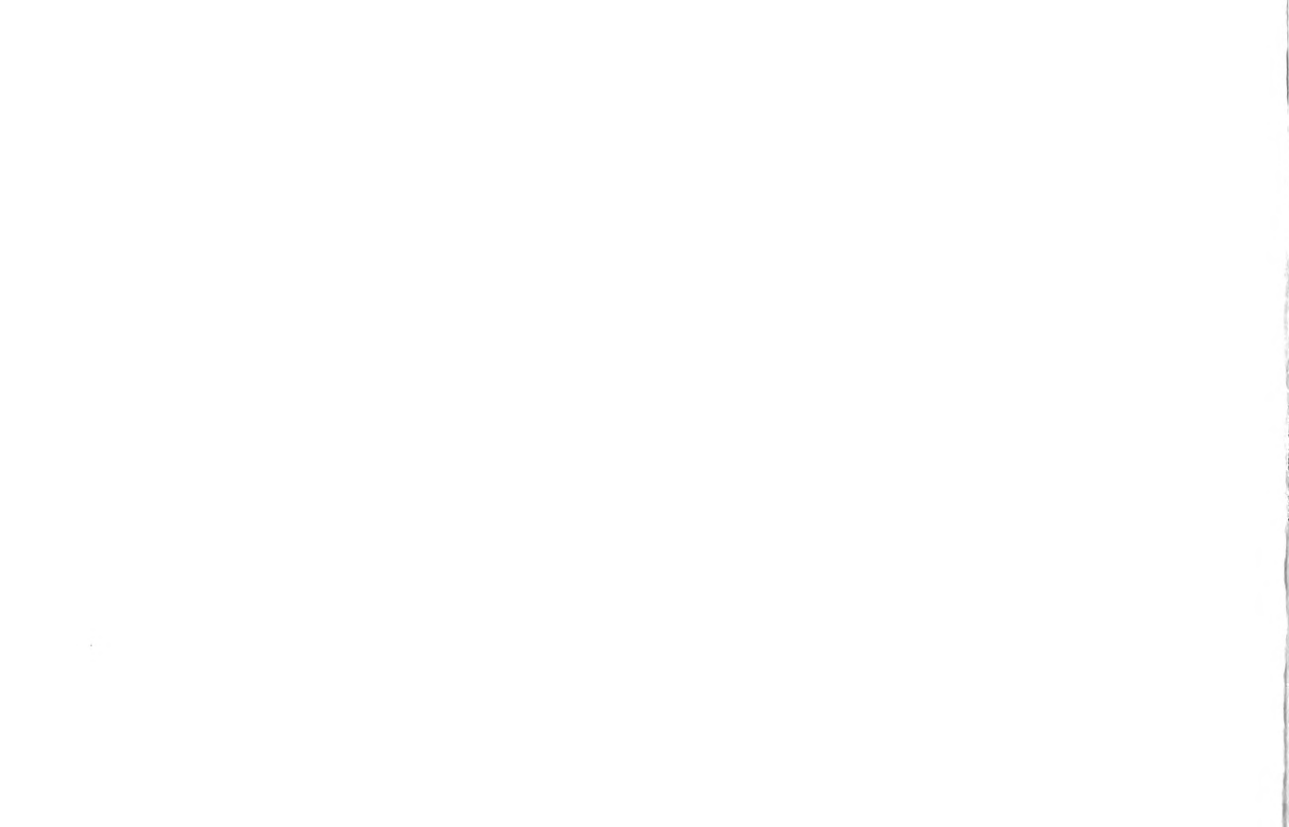
Rodey Kelley, Chairman

Adolph Ambuehl

E. B. Reeves









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