

14340

No. _____

Supreme Court of Illinois

Lewis.

vs.

Lindley.

71641  7

STATE OF ILLINOIS,
SUPREME COURT.
Third Grand Division

14340

No. 10.

338 150

338

Lemuel
Lindley

1862

Refused

Ottawa April 25/62

Mr A Turney Esq

Dear Sir

I wrote to you
some days since requesting you to
send up the papers in the case of
a motion made in the Supreme Court
at Springfield to amend an excec-
-tion issued on a judgment in favor
of Mr. Donoghue vs. Drindley & al
which motion last winter was ord-
-ered to be sent to this court to be
heard at this term

On my arrival here on Tuesday
the Clerk informed me that the
papers had not arrived. The Clerk
also informed me that you had
written to him that you expected to
be here this term and that you
would probably bring the papers up
with you. I wish you would
send them up immediately.

So that they will reach here by
Tuesday next if possible and
oblige

Yours Truly

E. A. Powell

By way of Solist

William A. Turney
Clerk of Supreme Court
Springfield
Illinois

State of Illinois } In Supreme Court 2nd
Peoria County } Grand Division January
Term AD 1862

This day personally appeared before me the undersigned a Notary Public within and for the city & County of Peoria and State of Illinois Oliver Powell who being duly sworn deposes and says that at the December Term of the Supreme Court of the State of Illinois AD 1837 one William Dougherty received a judgment in said Court against Oliver Lindley and John B. Doolittle for the sum of \$244.10. That execution was duly issued on said judgment on or about the 26th day of December AD 1837 which was duly returned unsatisfied. Affiant further states that some time in the year AD 1839 as affiant is informed the said William Dougherty departed this life and subsequent to his death one Thomas Lewis was appointed administrator of said William Dougherty and in pursuance of the Statute in such case made and provided did said Thomas Lewis as such administrator did cause the return of administration so issued to him to be recorded in the said Supreme Court. And that afterwards to wit on the 8th day of July AD 1843 an execution was issued upon said

judgment directed to the Sheriff of Bureau County to execute, and which execution was duly delivered to the Sheriff of Bureau County, and the Sheriff of said County by virtue of said execution levied upon ^{the} lands described in his return on said execution which return is here referred to for greater certainty. Affiant further states that in executing the said execution the Clerk made a mistake, and described the judgment incorrectly and made a variance between the amount of said judgment and the amount stated in the said execution, that said execution was really issued upon the said judgment.

Affiant further states that the lands levied upon and sold by virtue of said execution were levied upon and sold as the property of said Oliver Lindley and that the legal title to said lands was in said Oliver Lindley at the time of the rendition of the said judgment and that said judgment became a lien upon said lands before said Oliver Lindley failed with his interest in said lands.

Affiant further states that the said Irvin B. Dostille has long since departed this life but at the time of

the levy and sale of said lands
the said Oliver B. Doolittle nor his
heirs had no interest in the said lands.

Affiant further states that
the said Oliver Doolittle sometime
after the said judgment became a
lien upon the said lands sold the
same ~~by ^{conveyed} ~~conveyed~~~~ to one John Loo-
dley who in like manner sold said
~~conveyed~~ the said lands to one
James Barber. Affiant further states
that said Oliver Doolittle as affiant
has been informed has left the State
of Illinois but where affiant is not
advised. Affiant further states that
he has been informed that one William
W. Wheaton either claims title to the
lands sold on said execution under
mesne conveyances from said Oliver
Doolittle or that he represents those who
do claim title under mesne conveyances
from said Oliver Doolittle and that
affiant caused a notice of the motion
to be duly served upon said William
W. Wheaton as will more fully appear by
a copy of such notice filed herewith.

Subscribed & sworn to E. A. Powell

before me this 3rd day of

January A.D. 1861 At which my hand and
seal Notarial the day and year last aforesaid

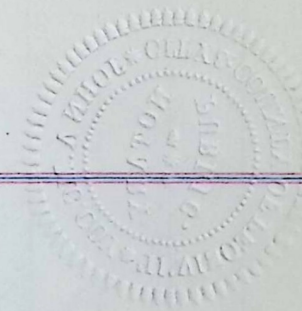
J. A. McCoy Notary Public



Thomas Lewis
Administrator of
William Douglass

vs
Flores Lindley et al

affidavit



Fred Lawson
McKung
et al

Thomas L. Loring
 Attorney at Law of
 William Doughty
 vs

Oliver Loring
 vs J. D. Doughty

Police Affidavit
 and Proof &c
 In Supreme Court

Subscribed —
 Henry J. 1861

This case to be subd.
 with 1861
 117

State of Illinois

Bureau County, ^{3rd} ~~John~~ Richard C. Master James G. Forrester & Michael C. Master greeting

Whereas by writen of a writ of Execution to me directed
issued out of the Supreme Court of the State of Illinois bearing date
the eighth day of July AD 1843 commanding me to levy the amount
therein specified of the goods and chattels lands and tenements of Rice
Lindley and Irvin B. Footittie the defendant in Execution to satisfy Thomas
Lewis administrator of the estate of William Daugherty ^{the Plaintiff in the said Execution} the amount
of his judgment therein described. I have seized and taken in Execution
the following described property of the said Rice Lindley to wit

The S.W. 1/4 of section 34 Town 18 North Range 10 East of 1 st P.M.	Acres	160.
SW 1/4 " 34 " 18 " " 10 " " "	"	160.
SW 1/4 " 27 " 18 " " 10 " " "	"	160.
W 1/2 SW 1/4 26 " 18 " " 10 " " "	"	80.
W 1/2 SW 1/4 35 " 18 " " 10 " " "	"	80.
SW 1/4 35 " 18 " " 10 " " "	"	160.
W 1/2 NW 1/4 2 " 17 " " 10 " " "	"	80.13
N E 1/4 4 " 17 " " 10 " " "	"	159.22
E 1/2 NW 1/4 4 " 17 " " 10 " " "	"	79.20
E 1/2 SW 1/4 5 " 17 " " 10 " " "	"	80.00

all in the County of Bureau and State of Illinois

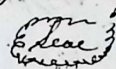
Now therefore according to the statute in such cases made and
provided I do hereby call and appoint you the said Richard C. Master

James G. Forrester & Robert C. Master on inquest and do require
of you month forthwith to view estimate and appraise the reason-
able and fair valuation of said property in ordinary times and
return to me your doings under your hands and seals Given
under my hand and seal this 25th day of August AD 1843

Seal

Stephens Smith Sheriff Bureau County

Personally appeared before me Stephen Smith Sheriff of the County of
Bureau the above named Richard C Masters James G Fornaster &
Robert C Masters appraisers aforesaid who were sworn according
to law to well and truly value and appraise all such property by me
pointed out and discharge the duties of said appointment. Given under
my hand and seal this 25th day of August AD 1843

 Stephen Smith Sheriff of
Bureau County Illinois

To Stephen Smith Sheriff

of Bureau County Illinois { In pursuance of the foregoing appointment we
have proceeded upon actual view of the property by you taken in
Execution as the property of Oliver Lindley at the suit of Thomas
Lewis Administrator of William Daugherty deceased that is to say The

SW¹/₄ Section 34 Town 18 North Range 10 East of 4th pt. Mth Conty. 160.

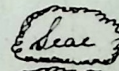
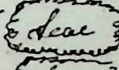
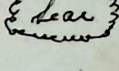
NW ¹ / ₄	"	34	"	18	"	"	10	"	"	160.
SW ¹ / ₄	"	27	"	18	"	"	10	"	"	160.
W ¹ / ₂ SW ¹ / ₄	"	26	"	18	"	"	10	"	"	80.
W ¹ / ₂ NW ¹ / ₄	"	35	"	18	"	"	10	"	"	80.
SW ¹ / ₄	"	35	"	18	"	"	10	"	"	160.
W ¹ / ₂ NW ¹ / ₄	"	2	"	17	"	"	10	"	"	80.13
N ¹ / ₂	"	4	"	17	"	"	10	"	"	159.22
E ¹ / ₂ NW ¹ / ₄	"	4	"	17	"	"	10	"	"	79.20
E ¹ / ₂ SW ¹ / ₄	"	5	"	17	"	"	10	"	"	80.00

and have proceeded upon actual view of said lands and premises
to estimate the fair and reasonable value thereof in ordinary
times to wit — — — — —

The SW¹/₄ S¹/₄ 34 T 18 N R 10 E of 4th pt. Mth 160.00 at the sum of \$325.00
NW¹/₄ " 34 " 18 " " 10 " " 160.00 — " " 200.00
SW¹/₄ " 27 " 18 " " 10 " " 160.00 " " 475

W ¹ / ₂ SW ¹ / ₂ "	26	"	18	"	10	"	"	80.00	"	"	500.
W ¹ / ₂ NW ¹ / ₂ "	35	"	18	"	10	"	"	80.00	"	"	200.
SW ¹ / ₂ "	35	"	18	"	10	"	"	180.00	"	"	425.
W ¹ / ₂ NW ¹ / ₂ "	2	"	17	"	10	"	"	80.13	"	"	100.
NE ¹ / ₄ "	4	"	17	"	10	"	"	159.22	"	"	300.
E ¹ / ₂ NW ¹ / ₂ "	4	"	17	"	10	"	"	79.20	"	"	150.
E ¹ / ₂ SW ¹ / ₂ "	5	"	17	"	10	"	"	80.00	"	"	450.

Given under our hands and seals this 25th day of August AD 1843

Richard C. Masters 
 James C. Lorrissall 
 Robert C. Masters 

Received this writ of habeas corpus the 29th day of July A.D. 1843, and by
virtue of the command therein, I did on the same day to wit: the 29th day
of July A.D. 1843 proceed to lay upon the following described real
estate to wit: (The South west quarter of section thirty four (34) containing
160. acres more or less. North west quarter of section thirty four (34) con-
-taining 160 acres more or less. South west quarter of section twenty-
-seven (27) containing 160. acres more or less The three above described lots
are in Township Number Eighteen (18) North of base line Range 1st
Ten^(th) East of the fourth principal Meridian Also the west half of the
North west quarter of section two (2) containing 80^{3/4} acres more or less
North East of quarter of section four (4) containing 159^{3/4} acres more or less
- East half of North west quarter of section four (4) containing 79^{3/4} acres more
or less and East half of South west quarter of section five (5) containing
80. acres more or less, the four last described tracts are in Township 18 seven-
-teen (17) North of base line Range 1st Ten^(th) East of the fourth principal Meridian
And all of the above mentioned tracts are situated in Bureau County (Illinois)
as the property of the said Oliver Lindley one of the defendants named in this
writ. And afterwards to wit: on the twentieth day of August A.D. 1843.
I proceeded to the premises aforesaid and did appoint there and there as
appraisers Richard C. Martin on the part of the defendant who was absent. and
James G. Forrestell on the part of Sheriff and Robert C. Martin on coas
appointed by the plaintiff All of them being freeholders of said county
of Bureau. who were sworn by me to well and truly without partiality
or prejudice appraise said real estate and make return according to law
Which said appraisement of said appraisers, and their return of the value
of the premises is hereto attached and made part of this my return -
And having duly advertised said lands for sale by posting up advertise-
-ments of the time and place of sale, in three of the most publick places

in said County of Bureau for the space of twenty days previous to day of sale. And in pursuance of said advertisement I proceeded to offer said lands for sale at public vendue at the door of the Sheriff's office in Princeton in said County of Bureau on the twenty-fifth day of August AD 1845 - between the hours of nine o'clock A.M. and six o'clock P.M. of said day to the highest and best bidder for ready money. And that William B. Doolittle being the highest and best bidder became the purchaser thereof for the sum of three hundred dollars for the first tract mentioned. And the sum of two hundred dollars for the second tract mentioned. And the sum of four hundred dollars for the third tract mentioned. And the sum of seventy-five dollars for the fourth tract mentioned. And the sum of two hundred dollars for the fifth tract mentioned. And the sum of one hundred dollars for the sixth tract mentioned. And the sum of three hundred dollars for the seventh and last tract mentioned in all the sum of one thousand five hundred and seventy-five dollars, and that being more than two thirds of the appraised value the said real estate was then and there sold and struck off to him at that price and have executed a certificate of purchase to the said William B. Doolittle for the above described tracts this 26th day of August AD 1845

Sheriff's fees - \$5.50

Stephen Smith Sheriff of
The Co. of Bureau Ill.

Auctioning property for sale - .25
 12 miles travel to view appraisals - 75
 Summoning appraisers - 25 each - 75
 Securing law to view property - 18
 Making certificate of purchase - 25
 Commission on \$1575 - \$241.37
 Appraisers fees - 1.50
 \$478.55

State of Illinois

Bureau County

To Richard C. Master, James G. Farwell & Robert C. Master Justices
Whereas by virtue of a certain writ of Execution to
me directed Issued out of the Supreme Court of the
State of Illinois Dated at Springfield the eighth day July
A.D. 1843. Commanding me to levy the amount therein specified
of the goods and chattels lands and tenements of Oliver Lindsey
and Heir B. Dootelle. ~~the~~ the Defendants in Execution to satisfy
Thomas Lewis Administrator of the Estate of William Daugherty, Deced
Plaintiff in said Execution ~~to satisfy~~ the amount of his judgment
therein described. I have levied upon and taken in Execution the follo-
-ing described lands as the property of the said Oliver Lindsey to wit:
The W^{1/2} of S W^{1/4} of Section 26 = The W^{1/2} of N W^{1/4} of section 35 = The E^{1/2} of
N E^{1/4} of section 34 = The W^{1/2} of S W^{1/4} of section 35 = The E^{1/2} of S W^{1/4} of
section 35 = The above described five tracts are in Township Eighteen (18)
North of base line Range No. Ten (10) East of the fourth principal
Meridian - The E^{1/2} of N E^{1/4} of section 7 = The W^{1/2} of S W^{1/4} of section 5 = The
N W^{1/4} of S E^{1/4} of section 7 = The three last described tracts are in Town
seventeen North of base line Range No. Ten East of the fourth principal
Meridian and all the above described lands are situate in Bureau
County Illinois - Now therefore according to the Statute in such case
made and provided I do hereby call and appoint you the said Richard
C. Master, James G. Farwell and Robert C. Master an Inquest and
do require of you an oath forthwith to view estimate and appraise
the reasonable and fair valuation thereof in ordinary times and return
to me your doings under your hands and seals

Given under my hand and seal this 18th day of Sept: A.D. 1843

Stephen Smith Sheriff Bureau
County Illinois

Personally appeared before me Stephen Smith Sheriff of Bureau County
 Ill. The above ~~named~~ named Richard C. Masters James G. Forsittell and
 Robert C. Masters appraisers aforesaid who were sworn by me according
 to law to well and truly value and appraise said property by me pointed
 out and discharge the duties of said appointment
 Given under my hand and seal this 18th day of Sept 1843.

Seal } Stephen Smith Sheriff Bur Co Ill.

To Stephen Smith Sheriff }
 Bureau County Illinois } In pursuance of the foregoing appointment we
 have proceeded upon actual view of the premises by you taken in Execution as the
 property of Oliver Lindley at the suit of ^{Thos. Lewis Administrator of} William Daugherty deceased. That
 is to say, The NW 1/4 of SW 1/4 of S 26 = The NW 1/4 of SW 1/4 of S 35 = The E 1/2 of SW
 1/4 of S 35 = The NW 1/4 of SW 1/4 of S 35 = The E 1/2 of N E 1/4 of S 34 = The above described
 five tracts are in Township 18 North Range 10 East of 4th pt. Meridian
 The E 1/2 of N E 1/4 of S 7 = The NW 1/4 of SW 1/4 of S 5 = The N E 1/4 of S E 1/4
 of S 7 = The three last described tracts are in Township 17 North Range
 10 East of 4th pt. Meridian all in Bureau County State of Illinois and
 have proceeded upon actual view of said lands and premises to estimate
 the fair and reasonable value thereof in ordinary times to wit

The NW 1/4 SW 1/4 S 26. 7 18 N R 10 E of 4 th pt. Meridian	St. value at	\$500.	33340
" NW 1/4 SW 1/4 " 35 " 18 " 10 "	St. value at	200.	17340
W 1/4 SW 1/4 " 35 " 18 " 10 "	St. value at	300.	2000
E 1/2 SW 1/4 " 35 " 18 " 10 "	St. value at	125.	
E 1/2 N E 1/4 " 34 " 18 " 10 "	St.		
E 1/2 N E 1/4 " 7 " 17 " 10 "	St. value at	175.	11670
W 1/4 SW 1/4 " 5 " 17 " 10 "	St. value at	175.	11670
NW 1/4 SE 1/4 " 7 " 17 " 10 "	St. value at	100.	6670

Given under our hands and seals this 18th day of Sept 1843 Richard C. Masters (Seal)
 James G. Forsittell (Seal)
 Robert C. Masters. (Seal)

Received this writ 3.P.M. the 29th day of July AD 1843. And by virtue
of the command therein I did on the same day levy upon the
following described lands to wit. the west half of South west quarter
of section twenty six (26) containing 80. acres more or less. The west
half of North west quarter of section thirty five (35) containing 80 acres
more or less. The west half of South west quarter of section thirty
five (35) containing 80 acres more or less. The East half of South west
quarter of section thirty five (35) containing 80 acres more or less.
The East half of North East quarter of section thirty four (34) containing
80 acres more or less. The above described five tracts are in Township
Eighteen⁽¹⁸⁾ North of base line Range No Ten (10) East of the fourth
principal Meridian. Also the East half of North East quarter
of section Seven (7) containing 80 acres more or less. The west half
of South west quarter of section five (5) containing 80 acres more or
less and the North west quarter of South East quarter of section
Seven (7) containing 80 acres more or less the three last described tracts
are in Township No Seventeen (17) North of base line Range No Ten
(10) East of the fourth principal Meridian all are in the County
of Bureau and State of Illinois. all as the property of the said
Oliver Lindley Defendant in this Execution. And afterwards to wit
on the 30th day of September AD 1843 I proceeded to the premises
aforesaid and did appoint there and there as Appraisers Richard
C. Masters on the part of the defendant he being absent. And
James G. Foushee on the part of the Sheriff And Robert C. Masters
was appointed by the plaintiff all of of them being freeholders
of said County of Bureau who were sworn by me to well and truly
without partiality a prejudice appraise said lands and make return
according to law Which said Appraisement of said Appraisers and

their return of the value of said lands as here attached and
 made part of ~~their~~ my return And having duly advertised said
 lands for sale by posting up advertisements of the time and place
 of sale in three of the most publick places in said County of
 Bureau for the space of twenty days previous to day of sale And in
 pursuance of said advertisements I proceeded to offer said lands for sale
 at publick vendue at the door of the Sheriff's office in ^{Princton} said County
 of Bureau on the third day of Oct^r 1843 between the hours of
 nine o'clock A.M. and six o'clock P.M. of said day to the highest and
 best bidder for ready money And that William B. Forbiter
 he being the highest and best bidder became the purchaser thereof
 for the sum of 480. dollars for the first tract mentioned and
 the sum of 150. dollars for the second tract mentioned And
 the sum of 200 dollars for the third tract mentioned and
~~the sum of~~ -- dollars for the ~~fourth~~ tract mentioned And
~~the sum of~~ -- dollars for the ~~fifth~~ tract mentioned And
 the sum of 1175 dollars for the sixth tract mentioned and
 the sum of 125 dollars for the seventh tract mentioned And
 the sum of 67 dollars for the eighth tract mentioned and
 in all the sum of Eleven hundred and thirty nine dollars
 and that being more than two thirds of the appraised value
 the said lands was then and there sold and struck off to him
 at that price and I have executed a certificate of purchase to
 the said William B. Forbiter for the above described lands this
 third day of October 1843

Stephen Smith Sheriff
 Bureau County Mo
 Received my fee in full
 on this execution
 Stephen Smith Sheriff

Stephen Smith Sheriff
 Bureau County Mo
 Received my fee in full
 on this execution
 Stephen Smith Sheriff

Supreme Court.)

SS.

The People of the State of Illinois,

To the Sheriff of Bureau

County, Greeting

WE command you that of the goods and chattels, lands and tenements of Oliver Ludleg
and John B. Doolittle
you cause to be made the sum of four thousand one hundred and thirty

Dollars and fifty six Cents debt,

Dollars and Cents damages,
fourteen dollars & eighteen and three fourth cents Dollars and

Cents costs in the Circuit Court of Jazewell county, and the sum of
ten Dollars and seven Cents

costs in the said Supreme Court, which Thomas Lewis administrator of William
Lougherty deceased
lately recovered against them before the Justices of our said Supreme Court as appears
to us of record, and make return hereof in ninety days

WITNESS, the Hon. William Wilson, Chief Justice of our said
Court, and the seal thereof, at Springfield, this eighth
day of July in the year of our Lord, one
thousand eight hundred and forty-three

Peck

Clerk of the Supreme Court

Supreme Court.

~~Robert Lewis~~ admtr

vs
Oliver Lindley et al

Plu Execution.

Debt

Damages \$4113.56

Costs C. C. 14, 12³/₄

Costs S. C. 10, 07¹/₂

There is paid on this Execution the sum of Eleven hundred and thirty five dollars as per Sheriff's Return attached to this writ of ~~1st~~ 3rd 1843 as bid by William B Doolittle the plaintiff in this Execution Wm B Doolittle

by J. B. Doolittle gmb

Filed 13th Dec 1843

Wm B Doolittle

Received this writ 3rd Dec 1843 P. M. Dec 29th 1843 July 1st 1843
There is paid on this Execution by the Sheriff of property the sum of fifteen hundred and twenty five dollars as per Sheriff's Return attached to this writ
Twenty dollars is applied in next pay to Sheriff for his fees the remainder
seventy five hundred and fifty five dollars is applied on this Execution
August 20th 1843
Wm B Doolittle

Thomas Lewis } In The Supreme Court
Administrator of } of The State of Illinois
William Daugherty } for The Second Grand
as } Division at Springfield
Oliver Sindley / Illinois To The January
Term B Dootittle Term AD 1862

To William W Heaton Esq

You are hereby notified that a motion has been made and in The Supreme Court of The State of Illinois at Springfield which is still pending in said Court to annul an execution issued by The Clerk of The Supreme Court of The State of Illinois on a judgment rendered in said Supreme Court at The December Term thereof AD 1837 in favor of William Daugherty vs Oliver Sindley and Jervis B Dootittle which execution was issued on the eighth day of July AD 1842 and directed to the Sheriff of Bureau County Illinois to execute said execution was issued in the name of Thomas Lewis administrator of William Daugherty vs Oliver Sindley and Jervis B Dootittle when and where you may appear and show cause why said motion should not be allowed

December 5th 1861

E. A. Powell
Attorney for said

CATON LINES.

Illinois and Mississippi Telegraph Company.

IN CONNECTION WITH ALL OTHER LINES IN THE
UNITED STATES AND CANADAS.

TERMS AND CONDITIONS ON WHICH MESSAGES ARE RECEIVED BY THIS COMPANY FOR TRANSMISSION:

The public are notified, that, in order to guard against mistakes in the transmission of messages, every message of importance ought to be repeated, by being sent back from the station at which it is to be received to the station from which it is originally sent. Half the usual price for transmission will be charged for repeating the message. This Company will not be responsible for mistakes or delays in the transmission or delivery of unreported messages, from whatever cause they may arise; nor will it be responsible for damages arising from mistakes or delays in the transmission or delivery of a repeated message, beyond an amount exceeding two hundred times the amount paid for sending the message; nor will it be responsible for delays arising from interruptions in the working of its Telegraphs, nor for any mistake or omission of any other Company over whose lines a message is to be sent to reach the place of destination. All messages will hereafter be received by this Company for transmission, subject to the above conditions.

J. D. CATON, Pres't, Ottawa, Ill.

63 207 paid 18'6
By Telegraph from Clinton Ill 8 18'6

To Hon J D Caton

While enroute to Springfield yesterday morning I was badly scalded by a collision of cars & am laid up here. In matter of motion to amend & excuse in case of Tho Lewis & C VS Lindley & Doolittle motion by E N Powell. I wish to resist motion please say to Powell to let stand until I recover or get some one to answer.

W W Keaton