

Leopold Massure
vs Joseph D Noble
Excerpt of Supreme Court
of the State of Illinois
June Term 1850
Error from Jo Danes County

And now at this time comes
the said Plaintiff and says there is most
manifest error in the Record and the
proceedings of the Circuit Court in said
Cause and assigns for error

The following

1 The Court improperly admitted the
testimony of Thomas Drummond Esq
to prove the regularity of the proceedings

Because the facts sworn to are improper
evidence

Because the witness proves conclusions
of Law, and not facts from which such
conclusions are to be drawn

The witness could not prove a title
from January to Farnsworth, in that way.
This should have been of Record, if any
existed.

Farnsworths right to an undivided
interest in the premises, was the foundation
of all proceedings, and must be shown

This right is not, and cannot be
shown in this way

2nd The Court improperly admitted the
Record and proceedings in the petition
for partition between Farnsworth and Massure

There was no proper foundation shown
authorizing any petition in partition - no
title in Farnsworth is shown

The Circuit Court had no jurisdiction
and power to make any such order in the
cause - title laid at the foundation - and
Farnsworth must show an interest before
the Court could make any order in the
cause

Even if the Court had Jurisdiction and power to make the order - no opportunity to contest Harisworth's right was given. Massure had no day in Court - nor was he in Court - no rule to show cause was ever taken, on filing the report.

Massure should have had a day in Court - to have shown the premises were susceptible of division, on the report of the Commissioners.

The acts and proceedings of the Commissioners under the order of Court were never completed - no report of sale was made and "approved" by said Court -

No Judgment of partition, no divesting of title out of Massure and January.

The proceedings were continued generally and title remained in them.

3rd The Court improperly admitted in evidence all the various Deeds offered and read by defendant on the hearing of said cause.

Because there was no foundation laid for said deeds.

Because the title was never shown out of January and Massure.

Because Harisworth who files the petition in partition had no interest in the premises at the beginning of said suit.

4th The Court improperly admitted the Release of Massure to Wain et al.

This was a Release for money & does not prove anything in this suit.

5th The Court erred in rendering a verdict and Judgment for the defendant.

Because the verdict and Judgment should have been for the Plaintiff for the premises named in the declaration.

The Court erred in overruling a motion
for a new Trial

Because a New Trial should
have been granted for the reasons filed
(see the Record on file)

The Court erred in rendering a
final Judgment for Costs against the
Plaintiff

Because the Judgment should
have been for the Plaintiff for the prem-
ises mentioned in the declaration

And for the above and other errors in
said Record and proceedings, pray that
the same may be reviewed, reversed
annulled and set aside &c

Wherefore he prays Judgment to

M V Johnson
Att'y of Peff

And now comes the said defendant
and says there is no error in the record
proceeding and judgment ^{of the Court} in this case
by his Attorney, Hempstead & Washburne

30
Supreme Court

Leopold Massine

is

Joseph D. Noble

Assignment of
Goods

Filed May 13. 1850.
William Clark.

State of Illinois
In Damp County

Cases in the Jo Damp County Court begun and
held within and for the County of Jo Damp
aforesaid on the 20th Day of Aprill a d 1847
before the Hon Hays S Dietrich presiding Judge
of said Court

Wm P Millard Shff Geo M Dutcher clark

Leopold Massum { Plaintiff
Joseph D Noble { Defendant

Be it remembered that Pursuant
to Act on the 29th day of Aprill a d 1847 at
the April Special term a d 1847 of said Court
The Plaintiff above named by his attorney Comes
into open Court and files his Declaration and
Motion in Ejectment against the said Defendant
wherein said Declaration and motion are in the
words and figures following to Wit

State of Illinois { In the Jo Damp County
Jo Damp County { Court April Term a d 1847

Leopold Massum plaintiff in
this Court complains of Joseph D Noble defen-
dant in a plea of Ejectment and Ejectment
That whereas the said Plaintiff on the tenth day of
April a d 1837 was possessed as of his own right
in fee of the undivided half of the following
described premises situated lying and being
in the City of Galena County of Jo Damp and

State of Illinois I wit Lat number forty three
in the town now City of Galena being twenty
one feet six inches fronting on Main Street
and running through to Bench Street and
fronting on Bench Street twenty three feet with
all and singular the appurtenances thereon belonging
and being so possessed thereof the said defendant
afterwards to Wit on the tenth day of November A.D. 1839
at the County and State of said with force and arms
entered upon the west half of said lot number
forty three aforesaid fronting on Bench Street twenty
three feet and running towards Main Street one
hundred and five feet and ejected said Plaintiff
therefrom said tenements and the appurtenances
and unlawfully withholds the possession thereof
from said Plaintiff and other wrongs to the said
plaintiff then and there done against the peace
and dignity of the people of the State of Illinois
And to the damage of said Plaintiff of Three
thousand dollars and therefore he sues of
Christman & Johnson
attys for Deft

To Joseph D Noble
Sir

You will take notice that on the
tenth day of the next term of the 70th Juss County
Court to be holden in and for 70 Juss County and
State of Illinois Commencing on the third Monday of
April next I shall file the within declaration
in Expectant a copy of which is herewith served
in the said County Court And upon filing the same
shall move said Court for a rule against you
to appear and plead to said declaration within

twenty days thereafter and in default of such
plea or answer judgment will be entered aga-
inst you and I shall recover possession of the
premises therein described

Respectfully, Yours &c
Leopold Massena
By Chumbeum & Johnson
his attys

Juliana Apr 12th
1847

Served the within declaration & notice this 14th
day of April 1847 by delivering a true and
certified copy of original to the within named
Joseph D Noble
Jas 68 3/4
Wm P Willard Sheriff
of Stump County Ill

Subscribed and sworn
before me this 29th of April
1847

Geo M Willard
Clerk

Enclosed filed
29th of April 1847

Geo M Willard
Clerk

And afterwards to Put on the 29th day of April
A D 1847 at the April Term A D 1847 of said
Court in the Record of the Proceedings thereof in said
Cause is the following entry to Wit

Leopold Massum

vs
Joseph Noble

Extempore

The Plaintiff by his atty comes
and files his declaration & Notice and on his Motion
it is agreed by the Court, that the case be docketed
and that the Defendant be ruled to plead to said
Declaration within twenty days from this date

and afterwards to that on the 8th Day of May 1847
The said Defendant by his atty files in
the Clks office of said Court his Demurrer to
the Plaintiffs Declaration in the words and
figures following to Wit:

Noble

vs

Massum

In C Court

And now the said Defendant
comes & says that the said Declaration of the said
Plff is not sufficient in law and that he is not
bound to answer the same wherefore he prays
judgt de

Hempstead & Washburne

attys for deft

Johnson in Demurrer

Johnson for Plff

Endorsed filed 8th May 1847

J. M. Driscoll

Ch. K.

And afterwards to wit on the 6th Day of April 1848
at the April Special term a 1848 of said Court
in the Record of the Proceedings therein in said Cause
is the following entry to wit

Scapala Massum

vs
Joseph D Noble

} Expectant

Now came on to be heard the
Demurrer of the Defendant heretofore filed to
the Plaintiffs Declaration which after argument
is overruled by the Court and the Defendant moves
by his Attorney moves the Court for leave to substitute
the names of Frederick L Brown & Frederick Hock
as parties defendants to this suit

And afterwards to wit on the 11th Day of April 18
48 as yet of the April Special term a 1848 of said
Court in the Record of the Proceedings therein in said Cause
is the following entry to wit

Scapala Massum

vs
Joseph D Noble

} Expectant

The Defendant by his attorney
comes and files his Plea

The Plea is in the words and figures following to wit

Noble

vs
Massum

} Expectant

And now comes the said debt

when he and defends the wrong & injury & says
that he is not Guilty of said supposed trespass
and excitement as the said plff had complained
against him and of this he puts himself upon
the Country

Hampstead & Washburn

Entered file

11th April 1848

Geo M. Mifflin

CLK

and afterwards to wit on the 10th Day of May ad
1849 at the May term a d 1849 of said Court in
the record of the proceedings thereof in said Cause
is the following entry to wit

Lepold Masson

^{vs}
Jmpt Noble

} Excitement
}

Now at this day came the
parties by their attys and upon issue joined
by agreement they waive the intervention of a
jury and for trial put themselves upon the Court
and the Court after hearing the evidence takes the
Case under advisement

and afterwards to wit on the 18th Day of May
a d 1849 as yet of the May term a d 1849 of said
Court in the record of the proceedings thereof in said
Cause is the following entry to wit

Scapala Massum
 vs
 Joseph D Noble } Ejectment

The Court having fully con-
 sidered and being fully advised upon the issue
 how far the facts for the Defendant and the
 Plaintiff by his atty move the Court for a new
 trial

and afterwards to wit on the 19th Day of May
 a D 1849 as yet of the May term a D 1849 of
 said Court in the Record of the proceedings thereof
 in said Cause is the following entry to wit

Scapala Massum
 vs
 Joseph D Noble } Ejectment

The Court having fully considered
 and being fully advised upon the Motion brought
 filed by the Plaintiff by his atty for a new trial as
 this Cause overrules the Motion to which ruling and
 decision of the Court the Plaintiff by his atty ~~yet~~
 and the Defendant by his atty move the Court for
 judgment upon the aforesaid matters entered. It
 is thereupon considered by the Court that the Defendant
 have and recover of the Plaintiff his costs by him
 about his defence in this behalf expended and that
 Execution issue therefor &

on the same the Plaintiff by his atty made
 the following exceptions which were allowed
 by the Court

Bill of Exceptions

Leopold Massieu
vs
Esquirement
Noble

In the County Court of St
Clair County, May term
A.D. 1849

Be it remembered that on the hearing of this cause on this the 10th day of May A.D. 1849 the said parties appeared by their attys and waived the intervention of a jury & submitted said cause to the Court whereupon the Plaintiff to sustain his cause introduced and read as evidence a Patent issued out by the United States for the Lands described in his Declaration issued to the Pff and one January as tenants in common to "his".
Rec'd Receipt & Register Certificate No 84. The United States of America, To all to whom these presents shall come greeting; Whereas Samuel A. January and Leopold Massieu have deposited in the General Land office of the United States a certificate of the Register of the Land office at Dixon whereby it appears that full payment has been made by the said Samuel A. January and Leopold Massieu according to the provisions of the act of Congress of the 2d day of July 1836 entitled an act to amend an act "entitled" an act authorizing the laying off a town on Bean River (Sevier River) in the State of Illinois, and for other purposes approved Fifth February 1829 for lot numbered Forty three on Main Street in the town of Salem containing One hundred and Eight thousandths of an acre according to the official plat of the Survey of the said town returned to the General Land office which said lot has been

purchased by the said Samuel A January
and Leopold Massieu Now know ye that
the United States of America in consideration of
the premises and in conformity with the several acts
of Congress in such case made and provided
have given and granted and by these presents do
give and grant unto the said Samuel A Jan-
uary and Leopold Massieu and to their heirs
the said Lot above described to have and to hold
the same together with all the rights privileges
immunities and appurtenances of whatsoever
nature therunto belonging unto the said Samuel
A January and Leopold Massieu and to their
heirs and assigns forever as tenants in common
and not as joint tenants. In testimony whereof
I James K Polk President of the United States
of America have caused these letters to be made
Patent and the Seal of the General Land office
to be hereunto affixed Given under my hand at
the City of Washington the Fourth day of August
in the year of our Lord one thousand Eight hundred
and forty seven and of the independence of the
United States the Seventy Second. By the President

James K Polk
By J Wm Walker Secy
Record vol 1 page 81 (C) S H Laughlin Recorder of the
General Land Office

also the Register of the Dixon Land office Receipt showing
the purchase of the premises from the United States by the
same parties in April 1837 Wm M

United States Land office Dixon Ills Jan'y 29th
1847 O Geo Mixer Register of the Land office at Dixon
Ills do hereby certify that Samuel A January and

Leopold Massum on the 30th day of March a 1837
purchased of the United States according to Law as
appears from the Records of this office Lot No 43
on Main Street in the Town of Salem containing
¹⁰⁸/₁₀₀₀ of an acre for which they paid Five dollars
Geo Mixer

Register

The Plaintiff then proved that the Defendant
was in the Exclusive possession of that part of
the land described in the Declaration ~~with~~ declaration

The Defendant to sustain his cause introduced
and read the proceedings had in the Circuit
Court of W Dump in partition between Terah
B Hamsworth Complainant and Leopold
Massum Defendant do Wit

Monday July 17th 1837

Terah B Hamsworth

vs

Leopold Massum

} Petition for Partition

And now on this day came
the Petitioner by his attorney and the defendant being
then times solemnly called came not but made
defunct It is then upon record and considered by
the Court that the matters set forth in said petition
be taken as confessed And the court on hearing
the said petition and the proof being of opinion
that partition of the said lot of land described
in said petition should be made according to
the prayer thereof nominates and appoints D B
Morehouse Horatio Newhall and Daniel Mann
Commissioners to make partition of the said lot
described in said petition by meters and corners

agruately to the rights of the parties if such lot be
Susceptible of a division and if said lot be not
Susceptible of a division to so report to this Court

and afterwards to Met on the 18th Day of July
a d 1837 in the Records of said Circuit Court is
the following entry to Met^s

J B Harnsworth
vs
Leopold Massieu } petition for Partition

It appearing to the Satisf-
-action of the Court that one of the Commissioners
appointed in this case yesterday Horatio Newhall
refuses to act in this matter the Court nominates
and appoints Reuben W Brush to act in place
of the said Newhall

and afterwards to Met on the same day
to Met on the 18th Day of July a d 1837 in the
Records of said Circuit Court is the following
entry to Met^s

Leah B Harnsworth
vs
Leopold Massieu } Petition for partition

Daniel Mann, R W Brush
and J B Harnhouse the Commissioners appointed
to make partition of the lot of land described
in the said Petition on this day came into Court
and make the following report "We the undersigned
having been appointed by the Court Commissioners
to make partition of the lot of land mentioned

and described in the Said Petition between the
Said Terak B Hamswat and Leopold Massure
do in conformity with law and said report
that having been first duly sworn according to law
and being well acquainted with a lot of land
described in Said Petition we are of opinion
that the Said lot of land is so circumstanced
that a decision thereof cannot be made without
manifest prejudice to the proprietors of the
Same dated at Galena this 18th day of July
A D 1837

Daniel Mann
R W Brush
D B Morehouse } Commissioners

which report is approved by the Court and ordered
to be filed and recorded. And it is thereupon
ordered by the Court that the Said Daniel Mann
R W Brush and D B Morehouse or any two of them
proceed to sell the Said lot of land in said petition
described at public auction to the highest and
best bidder on the premises on the first day
of September next, and it is further ordered by the
Court that the Said Commissioners shall require
of the person so purchasing the Said lot at said
Sale the one third of the purchase money at the
time of said Sale and the balance shall be
secured by good and sufficient security to be
paid in two equal payments at six and twelve
months and the Said Commissioners shall give
at least two weeks public notice of the time
and place of the Said Sale in the Anti Western
Gazette and Galena Advertiser published at
Galena, and the Said Commissioners shall thereupon
make and execute good and sufficient convey-
ances to the purchaser or purchasers of the Said

lot at the said Sale, and having so done the
said Commissioners shall make full report
of their proceedings herein at the next term of
the Court, And it is ordered that this cause
be continued until the next term

The Defendant also introduced and read in
evidence a deed from Daniel Mann Reuben
W Bush and J B Purchase to William
A Jordan and John Atchison in the words
and figures following to Wit

Daniel Mann, Reuben W Brush }
and Dickenson B Morehouse } Commissioners
vs }
Deed }
William A Jordan and }
John Atchison }
~~~~~

This Indenture made the second day of September in the year of our lord one thousand eight hundred and thirty seven by and between Daniel Mann Reuben W Brush & Dickenson B Morehouse of Galena Illinois of the one part and John Atchison and William A Jordan of the same town and state of the other part Witnesseth that whereas heretofore to Wit at the July Term of the Circuit Court of W & Samps County Illinois in the year one thousand eight hundred and thirty seven, a petition for partition was filed in the said County Court by Sarah B Morehouse against Leopold Massum, upon which a summons issued to the said Massum which was duly served on him and the said Court after hearing the said petition and the proof thereon ordered and directed a division of the property described in the said petition, and appointed the above named Daniel Mann, Reuben W Brush and Dickenson B Morehouse Commissioners to divide the said property by metes and bounds and the said Commissioners having reported that the said property could not be so divided without manifest prejudice to the proprietors thereof, the said Court thereupon ordered the said Commissioners to proceed to sell the property described in the said petition on the first day of September next then ensuing at public vendue, on the premises, to the highest <sup>& best</sup> bidder or bidders, requiring of the person purchasing one third of the



purchase money at the time of sale and the balance to be secured by good and sufficient security to be paid in two equal payments at six and twelve months they giving two weeks notice of the time and place of sale in the North Western Gazette and Galena Advertiser, and that the Said Commissioners should thereupon make and execute good and sufficient conveyances to the purchaser or purchasers of said property. And whereas by virtue of the order of the Said Court, and according to the Statute in such case made and provided the Said Commissioners after having given two weeks notice of the time and place of sale in the North Western Gazette and Galena Advertiser as more fully appears by a copy of the notice inserted therein came the certificate of the clerk thereof hereto annexed did sell the property described in the Said petition on the first of September instant at public vendue on the premises to William A Jordan and John Atchison they bidding the sum of one thousand nine hundred and fifty dollars which was the highest and best bid for the same & paying to the Said Commissioners at the Said sale the sum of six hundred and fifty dollars the one third of the purchase money and giving their notes with David B Barnsworth as security payable in six and twelve months for the remaining two thirds of the purchase money which is consumed by the Commissioners good and sufficient security for the same which property described in the Said Commissioners petition and so sold as aforesaid to the Said John Atchison and William A Jordan is the following to wit a certain tract or lot of land in the town of Galena St. Joseph County Illinois known and designated in the Surveyed plat of



Said town on lot numbered forty three (43) and bounded on the East by Main Street on the South by a lot of ground now or lately owned by Leopold Massier on the North by a lot now or lately owned by Doct Horatio Newhall and on the West by Birch Street Said lot containing twenty two feet more or less on Main Street and comprising  $\frac{108}{1000}$  of an acre more or less being the same lot which Daniel Warren and John Henry Commissioners of lot in Galena conveyed as belonging to Samuel A January and Leopold Massier and include said lot now so entered in their joint names in the land office at Galena Illinois and being the same lot the undivided half of which was conveyed by the said Samuel January to Josiah B. Harmons by deed dated the twenty second<sup>day</sup> of May A.D. 1837 and Recorded in the Records office of St. Louis County in Book C, pages 254 and 255 Now therefore Daniel Warren Robert<sup>W</sup> B. B. and Jackson B. Merchants as Commissioners aforesaid according to the Order of the Court and according to the Statute in such case made and provided and for and in consideration of the sum of Six hundred and fifty dollars the one third of the purchase money to them in hand paid by the said William A. Jordan and John Atchison the Receipt whereof is hereby acknowledged and in consideration of his promissory note the one payable in Six months for Six hundred and fifty dollars and the other in twelve months for Six hundred and fifty dollars Executed by the said William A. Jordan and John Atchison with Josiah B. Harmons as Security to the said Commissioners the Receipt whereof is hereby acknowledged that their granted bargained and sold and by these presents do give grant bargain and sell unto the said William A. Jordan and John Atchison and to their heirs and their assigns forever the tract or lot of land fully described as aforesaid to have and to hold the same with all and singular the privileges and appurtenances thereto belonging or in anywise appertaining unto them the said William A. Jordan and John Atchison their heirs and assigns forever In Witness whereof the said Daniel Warren Robert B. B. and Jackson B. Merchants Commissioners as aforesaid have hereunto set their hands and seals the day and year first above written



Signed Sealed and delivered  
in presence of  
J W Foster  
Elyah Charles

Daniel Warrum (L.S.)  
Ruben W Brooks (L.S.)  
D. B. Marchesse (L.S.)

State of Illinois

In Cass County I, Elyah Charles a Justice of the peace  
of said County do Certify that Daniel Warrum Ruben W Brooks and  
Dickson B Marchesse whose signatures appear to the foregoing Deed and  
who are personally known to me to be the persons described in and who  
executed the same did acknowledge the same to be their free and voluntary  
act and deed for the uses and purposes therein mentioned Given under my  
hand and seal the second day of September in the year of our Lord one thousand  
Eight Hundred and thirty Seven

Elyah Charles J. P. (L.S.)

J. S. M. Bartlett one of the Editors of the Galena Advertiser do Certify  
that the annexed advertisement was published in said paper for four weeks  
successively previous to the sale

J. S. M. Bartlett

For Sale

By virtue of an order of the Circuit Court of Jo Darre County  
under proceeding in partition will be sold by us on the premises on the first  
day of September next at 11 O Clock A. M. to the highest bidder all  
that lot of land in the town of Galena known and designated on the Surveyed  
Map of said town as lot numbered forty five three (453) between Main and  
Bank Streets bounded on the North by lot now owned and occupied by  
W. Pembroke on the South by a lot owned by Leopold Masson on the East  
by Main Street and on the West by Bank Street said lot containing  
twenty two feet in Main Street <sup>being</sup> the lot now occupied by Mr. James -  
Johnson together with all the buildings privileges and appurtenances to  
thereunto belonging Terms - one third of the purchase money in hand  
the balance in six and twelve months with satisfactory security

Daniel Warrum }  
R. W. Brooks } Commissioners  
D. B. Marchesse } sale



July 28, 1837

Record Sept<sup>th</sup> 1837

James G. Ireland Recorder

The defendant also introduced and was in evidence  
a deed from John Atchison & wife to W<sup>m</sup> A Jordan  
in the words & figures following to wit

John Atchison & wife }  
To } Deed }  
W<sup>m</sup> A Jordan }  
State of Missouri and Emily C the wife of the said John Atchison  
for and in consideration of the sum of three hundred and twenty five  
dollars to us in hand paid by William A Jordan of the County and  
State aforesaid the Receipt whereof we do hereby acknowledge have  
granted bargain sold and conveyed Remised and quit Claimed  
and by these presents do bargain sell Remise and quit Claim unto  
the said William A Jordan and to his heirs and assigns forever all  
our and each of our Right title Interest Estate Claim and demand  
both at law and in Equity and as held in possession as in Expectancy  
if in and to that Certain Piece of land situate and being in the town  
of Galena in the County and State aforesaid to wit the West half  
of lot No (43) forty three in said town of Galena and which said  
West half of said lot is bounded as follows to wit on the East by  
the East half of said lot forty three (43) heretofore sold by the said  
John Atchison and Emily C his wife and the said William A Jordan  
to one Leopold Wopreuer on the South by a lot of Ground now or lately  
owned by the said Leopold Wopreuer on the North by a lot of Ground  
now or lately owned by Doct Horatio Newhall and on the West by lands  
abandoned with all and singular the Hereditaments and appurtenances  
thereunto belonging <sup>same</sup> to hold etc to the said William A  
Jordan and to his heirs and assigns forever In Witness whereof  
We the said John Atchison and Emily C, his wife have hereunto



Set our hands and seals the Eighth day of January in the year  
of our Lord Eighteen Hundred and thirty Eight

Signed sealed and delivered in presence of John Atchison (LS)  
Philip W Bradley Emily C Atchison (LS)

State of Illinois

In Dancy County I Samuel Smother Clerk of the Circuit  
Court for the County aforesaid do Certify that John Atchison and  
Emily C his wife who are personally known to me to be the persons  
In and among who signed and sealed the foregoing Instrument - of  
Writing came before me and acknowledged that they had signed  
and sealed the same freely and voluntarily as their act and deed  
for the use and purposes therein expressed and the said Emily  
being by me Examined separate and apart from her said husband  
and the contents of said Instrument made known and explained  
to her acknowledged that she had executed the same voluntarily  
and without compulsion of her husband and was still satisfied  
thereunto given under my hand and seal of said Court at  
my office at Galena this day of January in the year of our Lord one  
thousand Eight Hundred and thirty Eight

Witness my hand and seal this 8th day of January 1838  
James G. Fenland Recorder

The defendant also introduced and read in  
evidence a doc from William A Johnson  
and wife to Charles S Hempstead Trustee  
in the sums and figures following to wit



William A Jordan et al  
vs Decd  
The Indenture made and entered  
Charles S Hempstead trustee into the Eight day of Oct in the year  
1838 Between William A Jordan and Mary Margaret his wife  
of the County of St. James and State of Illinois of the one part and  
Charles S Hempstead of the same County and State of the other part  
Witnesseth that the said parties of the first part in consideration of  
the Special Trust and Confidence Reposed in the said Charles S -  
Hempstead the Covenants Hereinafter mentioned and the sum of Ten  
Dollars to the said parties of the first part paid by the said Charles  
S Hempstead the Receipt whereof is hereby acknowledged -  
Have granted bargained and sold and by these presents do grant  
bargain and sell unto the said Charles S Hempstead all the Right  
Title Interest and Claim which the said parties of the first part  
have or which they may hereafter have in and to all that lot or tract  
piece or parcel of land lying and being in the town of Galena being  
the first part of lot number forty three No (43) Running from  
Bank Street to Main Street according to the Survey of said  
town which first half of said lot is twenty three and a half feet front  
on Bank Street Running one hundred and ten feet deep to the  
same more or less and which is the same lot sold and conveyed in  
part by John Litchman and Wife, the said William A Jordan by  
Deed dated the day of 183 and Recorded in the Records office of  
said County of St. James in Book as will more fully appear  
by Reference to said Record and the other part by the Commission  
of Sale in Partition between J B Hansworth and Leopold Marman  
as may appear by Reference to the same in Record To have and  
to hold the above described premises together with all and singular  
the Improvements Rights Privileges and Appurtenances thereunto  
in anywise belonging unto the said Charles S Hempstead his heirs  
and assigns forever in trust for the uses and purposes hereinafter declared  
and for no other <sup>now</sup> Know ye that whereas the said William A Jordan  
stands and is indebted to George Curley for the sum of Twenty  
Ninety six \$ 29.00 by notes bearing date hereunto for



the sum of Eleven hundred and fifty three dollars and two Cents  
Each one payable in four and six Months the other in six Months  
from the date the Payment of which will and truly to be made by  
the said parties of the first part to the said George Carly for the  
use aforesaid at the time specified in the said Note now in default  
of Payment so as to be made as aforesaid the said parties of the first  
part hereby authorize and empower the Charles S Hempstead  
to enter upon and take possession of the said premises above described  
and a disposal of them at public Sale after giving thirty day Notice  
of such sale in the nearest newspapers to the highest and best bidder  
for Ready Money and to apply the proceeds of said Sale to the pay  
of the said Notes above mentioned and should there be any surplus  
after paying the said Notes and all costs and Expenses attending  
or arising from said Sale to pay the same to the said George Carly  
for the use aforesaid and the said Charles S Hempstead upon making  
Sale as aforesaid is hereby authorized and empowered in trust  
if willing to execute and deliver to the purchaser or purchasers —  
without good and sufficient deed therefor Conveying all the Right  
of the said parties of the first part therein in as full and ample manner  
as the said parties of the first part might or could do but should  
the said William A Jordan pay and satisfy said Note to the  
said George Carly for the use aforesaid according to the tenor thereof  
then the deed of trust is to be void and of no effect otherwise to  
remain in full force and virtue In testimony Whereof We the undersigned  
William A Jordan and <sup>Mary</sup> Margaret his wife have hereunto set our  
hands and seals day and year hereunto written

In presence of

L. Machinew

W. H. Bradley

William A Jordan (L.S.)

Mary M Jordan (L.S.)

State of Illinois

De Lane County

I Samuel Snodder Clerk of the Circuit  
Court in and for said County do hereby Certify that William  
A Jordan whose signature appears to the foregoing deed and



granted bargained and sold to the said Charles S Hempstead  
all the Right-tittle Interest and Claim which the said parties  
of the first part had or might have thereafter in and to all that  
certain lot of ground situate and lying and being in the town  
of Baltimore and County of said city being the West part of lot number  
forty three running from Bench Street to Main Street according  
to the survey of said town which West half of said lot is twenty  
three and a half feet front on Bench Street - running one hundred  
one foot deep be the same more or less and which is the same lot  
sold and conveyed in part by John Atchison and wife to said  
William A Jordan and the other part by the Commissioners of  
partition sale in partition between J B Harnsworth and Sophia  
Marrison as may more fully appear by Reference to said deed.  
in Record which said <sup>deed</sup> lot of Ground said Charles S Hempstead  
was to have and to hold with all the privileges and appurtenances  
unto him and his and assigns forever In trust for the purpose  
and Object following that is to say That Whereas the said William  
A Jordan was indebted to George Cary for the use of Cary & Watson  
of Baltimore by note bearing date thereinfor for the Sum of -  
Eleven hundred and sixty three dollars and two Cents Each  
one payable in four of the other in six Months from the date of said  
deed the payment of which note and truly to be made by the said parties  
of the first part to the said George Cary for the use aforesaid at the  
time specified in the said notes in default of payment - as to be made  
as aforesaid said parties of the first part thereby authorized and Empow-  
ered the said Charles S Hempstead to enter upon and take possession  
of said premises above described and dispose of them at public sale  
after giving thirty days Notice of said sale in the nearest newspaper  
to the highest and best bidder for Ready Money and to apply the  
proceeds of said sale to the payment of said notes as above men-  
tioned and it was further provided that should there be any surplus  
after the payment of all debts and Expenses attending or arising from  
said sale to pay the same to said George Cary for the use aforesaid  
Meaning for the use of said parties of the first part and the said



Who is personally known to me to be the identical person  
who signed the same this day appeared before <sup>me</sup> and acknowledged  
that he had signed sealed and delivered the same for the use  
and purposes therein expressed and Mary Margaret Wife of the said  
William A Jordan having been by me examined separately and  
apart from her said husband acknowledged that she had ex-  
ecuted the same and Relinquished her dower to the lands and  
tenements therein conveyed voluntarily freely and without the  
consent of her said husband Intestimony Whereof I have  
hereunto set my hand and seal affixed the seal of said Court at  
my Office in Galena this 9th day of October A D 1838

LS

Wm Samuel Smith Clerk

Recorded Oct. 11<sup>th</sup> 1838

James G. Sulist Recorder

The defendant also introduced and was in evidence  
a deed from Chs S Hempstead Trustee to P F Schomer  
in the words and figures following to wit:

Charles S Hempstead  
Trustee of William A  
Jordan's wife

To

P F Schomer

This Indenture Made and entered  
into the twenty six day of September  
in the year Eighteen hundred and thirty nine Between Charles S  
Hempstead of the County of Jo Davis State of Illinois  
of the one part and Philip F Schomer of the same County  
and State of the <sup>other</sup> ~~same~~ part Witnesseth that Whereas one  
William A Jordan and Mary Margaret his wife on the  
Eight day of October in the year Eighteen hundred and thirty eight  
Created a certain deed of Trust of that date by which he



Charles J Hempstead was empowered by the Said deed upon <sup>Sale</sup> ~~deed~~ as aforesaid in trust of selling to Execute and deliver to the purchaser or purchasers thereof good and Sufficient deeds therefor Conveying all the Right of Said parties of the first part therein in as full and ample a manner as the Said parties of the first part might or could do and it was finally Stipulated by said deed that should said Williams & Jordan pay and satisfy <sup>the</sup> Said debt to the Said George Cary for the use and purposes therein then the Said deed was to be void and of no Effect, otherwise to Remain in full force and Effect all which may more fully and at large appear by Reference to said deed duly Executed and acknowledged and Recorded on the Ninth day of October Eighteen Hundred and thirty Eight in the office of the Recorder of Jo Duane County aforesaid in Book D pages 125, 126, & 127. and whereas on the Eight day of February in the year Eighteen Hundred and thirty Nine the first note of \$1163 <sup>00</sup>/<sub>100</sub> mentioned in said deed of Trust Remained wholly unpaid and the second note of \$1163 <sup>00</sup>/<sub>100</sub> mentioned in said deed on the Eight day of April Eighteen Hundred and thirty Nine also Remained wholly unpaid and for the purpose of paying Same according to the power and trust vested in the Said Charles J Hempstead by the Said deed of Trust the said Charles J Hempstead having previously entered upon the said lot of Ground in said deed mentioned having published a notice in the nearest Newspaper to wit the Galena Democrat printed in <sup>the town of</sup> Galena and County of Jo Duane aforesaid for twenty days according to the Requisitions of said deed of Trust did on the <sup>said</sup> Twentieth day of September in the year Eighteen Hundred and thirty Nine at the premises in the town of Galena in pursuance of said notice and said deed of Trust proceed to sell said lot of Ground to wit a certain lot of Ground both <sup>the</sup> ~~all~~ appurtenances Situate and lying and being in the town of Galena being the West part of lot Number forty three Running from Bench Street to Main Street according according the Survey of said town which West half of said lot is twenty three and an half feet front on Bench Street Running one hundred and five feet deep to the same More or less



and which is the same lot sold and conveyed in part by John  
Meherson and Wife to William A Jordan by a deed

Eighteen Hundred &

& Recorded in the Records

Office <sup>in the</sup> County of St. Joseph

& and the other

part by the Commissioners of Sale in partition between Sarah B.  
Harrison and Leoda Maparian which deed may more fully appear  
by Reference to the same <sup>in</sup> Record at public Sale to the highest and  
best bidder and the Philip F Schermer having bid the Sum of  
Twenty four hundred and fifty dollars and thirty one Cents for  
said lot of Ground and then being the best and highest and best  
bid for said premises the same were at the said public sale -  
stricken off to him the said Philip F Schermer as the purchaser  
under said deed of Trust Now therefore in Consideration of the  
matters and things before Recited and the said Sum of Twenty  
four hundred and fifty dollars and thirty one Cents to the said  
Charles F Hempstead in hand paid by the said P F Schermer -  
the Receipt Whereof is hereby acknowledged before <sup>the</sup> sealing and  
advising of these presents the said Charles F Hempstead has according  
to the power in him vested by the said deed of Trust granted  
bargained and sold all the Right title Interest and Claim -  
Which the said William A Jordan and Mary Margaret his  
Wife had on the Eight day of October in the year Eighteen hundred  
and thirty eight or which they <sup>now</sup> may have or which the said Charles  
F Hempstead has in and to the said lot of Ground unto the  
said Philip F Schermer his heirs and assigns forever, To have  
and to hold the same unto the said Philip F Schermer  
his heirs and assigns forever In testimony Whereof the said  
Charles F Hempstead trustee as aforesaid has hereunto set  
my hand and affixed <sup>my</sup> seal the day and year first herein  
before written

Signed sealed and delivered in presence of

B F Hempstead J F Hulsey

Charles F Hempstead  
Trustee &c



State of Illinois  
In DuPage County I Samuel Smither Clerk of the  
Circuit Court in and for said County and State aforesaid  
do hereby Certify that Chas. J. Hempstead the Signature appears  
to the foregoing Instrument of Writing and who is personally  
known to me to be the Identical person who signed the same this  
day personally appeared before me and acknowledged that he had  
signed sealed and delivered the same as his free act and deed  
and for the use and purposes therein expressed

In testimony whereof I have hereunto set my hand  
and affixed the Seal of said Court at my office  
in Galena the 6<sup>th</sup> day of Decr A.D. 1839

Attest Samuel Smither Clerk

Recorded the 9<sup>th</sup> day of December A.D. 1839

Thomas B. Butler, Recorder

The respondent then introduced and read in evidence  
a deed from Philip F. Schermer & wife to Frederick  
L. Brauns & Frederick Focke with the words and  
figures following to wit

Philip F. Schermer & wife

To Deeds

Frederick L. Brauns &

Frederick Focke

Know all men by these presents that  
I Philip F. Schermer of the City of Galena in the County of  
DuPage and State of Illinois In Consideration of Ten dollars  
to me paid by Frederick L. Brauns and Frederick Focke of the  
City of Baltimore Md the Receipt whereof is hereby acknowledged  
do by these presents grant Remise Release and forever quit Claim unto  
the said Frederick L. Brauns and Frederick Focke and their  
Heirs and assigns all my Right title Interest and Estate in and to  
that following certain lot or parcel of Ground Situate lying and being  
in the City of Galena in French Street being the West part of lot number



Yardly three (Pl 113) on the East side of Bench Street between it  
and Main Street being twenty three (23) 1/2 feet front - on Bench  
Street by one hundred and five feet (105) deep being the same  
being the same lot formerly owned by William A Jordan and  
by him and wife conveyed in trust to Charles S Hempstead -  
Trustee by him as such Title at public sale to the undersigned  
Philip F Schirmer and conveyed as by may by Reference to the  
And therefore dated September the 26 A C 1834 and Recorded  
in Records Office in York, C Pages 25, 26, 27. To have and to hold  
the above granted premises with all my Right title Interest and  
Estate in and to the premises and appurtenances to the premises  
belonging to me the said Ferdinand S Brauns and Frederick Focke  
and their heirs and assigns forever and I the said Philip F Schirmer  
for myself and my heirs Executors and administrators do covenant  
with the said Ferdinand S Brauns and Frederick Focke and their  
heirs and assigns forever, that I the said Philip F Schirmer for  
myself that I will and my heirs and Executors and administrators  
shall warrant and defend the same to the said Ferdinand S Brauns  
and Frederick Focke their heirs and assigns forever against the lawful  
Claims and demands of all persons claiming by through or under me  
and none other In Witness Whereof I the said Philip F Schirmer  
and Eugenie my wife who in token of her voluntarily Relinquishment  
of her dower and to the lot of ground herein before described and  
conveyed have hereunto set our hands and seals the fifth day  
of July in the year of our Lord Eighteen hundred and forty one  
Agreed sealed and delivered in  
Presence of

Philip F Schirmer (L.S.)  
Eugenie Schirmer (L.S.)

State of Illinois  
City of Galena  
I Charles S Hempstead Mayor of and  
for the City of Galena do certify that Philip F Schirmer  
whose Signature appears to the foregoing deed of conveyance and who  
is personally known to me to be the identical person who signed  
the same the day appeared before me and acknowledged that



He had signed Sealed and delivered the same in his free act-  
and deed for the uses and purposes therein expressed and I  
do <sup>Further</sup> Certify that Wife of the said Philip H. Schomer  
Who is personally known to me to be the identical person who  
signed the said Haringben by me made acquainted with  
the contents of said deed and being by me Examined Separately  
and apart from her said husband Acknowledged that she had  
Executed the same and Relinquished her dower to the land and  
Tenements therein conveyed Voluntarily and freely and without  
the Compulsion of her said husband In testimony Whereof I have  
Hereunto set my hand and the City Seal of the said City of Galena  
the fifth day of July A.D. 1841

TS

Charles J. Hempstead Mayor

Recorded this fourth day of July A.D. 1841 at Ten O'clock A.M.  
Jesse H. Recorder

The defendant after showing to the Court  
that the original papers in the partition pro-  
ceedings had been filed in said Court and had  
produced The Drunken ~~Eye~~ a witness who  
testified that as atty of Farnsworth he filed  
the original petition in partition and out  
process, that the same was duly served on Messrs  
and that the petition and all the proceedings were  
regular and in proper form and that the petition  
set forth all that was necessary as to the rights of the  
parties, and other matters necessary and proper



The defendants then introduced and read in evidence  
Masses Release to the Commissioners & found  
in the names and figures following to wit

Whereas by virtue of an order of the Circuit Court  
of St. Louis County, Illinois upon proceedings  
in partition, a certain lot of land to wit Lot  
No forty three between Main & Birch Streets  
Galena Illinois, was sold at Public Vendue  
on the Second day of September instant to John  
Atchison and William A Jordan for the sum  
of Nineteen Hundred and fifty dollars by the  
Commissioners of Sale Daniel Mann, Reuben  
W. Brink & Dickson B. Marchess the said  
Jordan and Atchison paying to the said  
Commissioners the sum of six hundred and  
fifty Dollars in cash and giving them two notes  
the one payable in six the other in twelve months  
for six hundred and fifty dollars each with  
Irish B. Harnsworth as security, and whereas  
the said J. B. Harnsworth and myself were  
jointly interested in the said lot No forty three  
and it was so sold of our property and the said  
Harnsworth was and is entitled to the one half  
of the proceeds of the said sale and myself to  
the other half, and whereas I have purchased  
of the said Jordan and Atchison the lower half  
of said lot No forty three this day and as  
a part of the Consideration money of the said  
purchase wish to release all my claim to my  
portion of the proceeds of said sale; Now know  
all men by these presents that I Leopold Mass  
sir of St. Louis County, Illinois have released



released and forever discharged, and by these  
presents do for me my heirs, executors, administrators  
release and forever discharge the said Commissioners Samuel Warm Rendon  
W Burch and Dickson B Monkhouse, as well as  
the said Jacob and Catherine from the payment  
to me of my portion of the proceeds arising from  
the sale of the said lot, both from what has been  
already paid to the said Commissioners and from  
what is still due and owing on the said promises  
my notes given as aforesaid and from all manner  
of action Causes of action Suits debts, and sums  
of money which might otherwise attach to me. In  
witness whereof I have hereunto set my hand and  
Seal this seventh day of September one thousand  
eight hundred and thirty seven

Attest

Elyas Charles

Leopold Massman (Seal)

State of Illinois

In Sangamon County }

This day personally came before  
me the undersigned a justice of the peace in and for  
said County Leopold Massman whose signature  
appears to the foregoing instrument and who is  
personally known to me to be the real person who  
executed said instrument, and did acknowledge  
that he signed sealed and delivered the same  
freely and voluntarily for the uses and purposes  
therein mentioned. Given under my hand & Seal  
this 7<sup>th</sup> Sept 1837

Elyas Charles Jr (Seal)

Received September 7<sup>th</sup> 1837

James G. Sordland Recorder



To the Introduction of all of which Pleas, and the various orders of the Court in the Matter of Partition between the said Peff and Harnswatt, and also to all and each of the various Deeds introduced by the Defendant as evidence in this Cause, and also as to the Release introduced and used as evidence and also as to all the parol testimony introduced by the Defendant showing that a partition had been made, as well as the filing of the original papers and the proceedings thereon had & to the introduction of all of which said testimony the Peff by his atty, at the time of offering the same then and then objected but stated no particular objection to the introduction of the above deeds making only general objection and the Court overruled the objection and received said testimony to all of which ruling and decisions of the Court the Peff then & there excepted. Whereupon the Court rendered the following Judgment To Wit "The Court having fully considered and being fully advised upon the issues herein finds for the Defendant" and the Plaintiff by his atty moves the Court for a new trial in the words & figures following to Wit

Masson }  
" } County Court May Term 1849  
Stable }

The Plaintiff comes and moves the Court for a new trial in this Cause

- 1 Because the verdict is contrary to Law
- 2 Because the evidence does not warrant a verdict for the Defendant
- 3<sup>rd</sup> Because improper evidence was admitted & considered by the Court
- 4<sup>th</sup> Because the Evidence and Law entitles



the Plaintiff to a verdict

Johnson Pepp atty

Indorsed filed 19<sup>th</sup> May 1849

Thos M. Frederic

CLK

And afterwards to wit on the 19<sup>th</sup> Day of May  
a 1849 as yet of the May term a 1849 of Said  
Court in the Record of the proceedings therein  
in Said Cause is the following entry to wit

Lapold Messure

vs  
Joseph D. Noble

Effectment

The Court having fully consid-  
ered and being fully advised upon the Motion  
heretofore filed by the Plaintiff by his attorney for  
a new trial of the Cause overrules the Motion to  
which ruling and decision of the Court the Plaintiff  
by his attorney excepts - and the defendant by his  
attorney moves the Court for judgment upon the  
Verdict heretofore entered - It is thereupon considered  
by the Court that the Defendant have and recover  
of the Plaintiff his costs by him about his defense  
in this behalf expended and that Execution issue  
therefor

To all of which ruling and decisions of the Court  
in overruling the motion for a new trial the Plaintiff  
then and there excepts and prays that his Bill  
of Exceptions may be signed & sealed in pursuance  
to Law which is accordingly done

Henry T. Dickson

Clk

Indorsed & filed 21<sup>st</sup> May 1849

Judge

Thos M. Frederic CLK



State of Illinois

Jo Damp County } p

I George M. Mitchell clerk  
of the Jo Damp County Court in and for said  
County do hereby certify that the foregoing trans-  
cript is a true and correct copy from the record  
of all the proceedings which were had in the  
said Court in the aforesaid case of Leopold  
Mussur against Joseph S. Noble

In testimony whereof I have hereunto  
set my hand and affixed the seal  
of said Court at Salem this  
3<sup>rd</sup> Day of May a d 1880

Attest

G. M. Mitchell

Clerk



30  
Lapold Massin  
vs 3 Transcript  
Joseph & Noble  
~~~~~

Filed May 13th 1850
J. Ireland Clerk.



Due for Transcript \$11.40
Outstanding \$55
\$11.40

State of Illinois, Ect.

WRIT OF ERROR.—FREE TRADER, OTTAWA.

The people of the State of Illinois,

To the Clerk of the ~~circuit~~ ^{County} Court for the county of *Jodavip*—Greeting:

BECAUSE in the record and proceedings, as also in the rendition of the judgment of a plea which was in the ~~Circuit~~ ^{County} Court of *Jodavip* — county, before the Judge thereof, between *Seapold Massure*

plaintiff and

Joseph S. etable

defendant it is said manifest error hath intervened to the injury of the aforesaid

plaintiff

as we are informed by *his* complaint, and we being willing that error, if any there be, should be corrected in due form and manner, and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distinctly and openly without delay, send to our Justices of the Supreme Court the record and proceedings of the plaintiff aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at Ottawa, in the county of La Salle, on the *second* *Monday of June* next, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

WITNESS, the Hon. *Samuel H. Treat*

Chief Justice of our said Court, and the seal thereof at Ottawa, this *13th* day of *May* in the year of our Lord one thousand eight hundred and *forty*-

A. Heland

Clerk of the Supreme Court.

Seapold Assurance

Joseph D. Noble

Writ of Error

To June Term 1880

Filed May 13th 1880.
L. Heland Clerk.

Clerk of the Supreme Court

one thousand eight hundred and

in the year of our Lord

and thereof at Ottawa, this 13th day of

Chief Justice of our said Court, and the

WITNESS, the Hon. *John A. Macdonald*

the law.

we may cause to be done therein, to correct the error, what of right ought to be done according-

next, that the record and proceedings, being inspected,

before our Justices aforesaid at Ottawa, in the County of La Salle, on the *eleventh* day of

November, with all things touching the same, where, then, we say, so that we may have the

say, and to our Justices of the Supreme Court, the record and proceedings of the plaintiff

and command you that if judgment thereof be given, *undisputedly* and openly without de-

not be corrected in the form and manner, and *vice* be done to the parties afores-

we are appointed *pro* *complain*, and we *are* willing that error, if any there be,

judgment of the Justices of the Supreme Court, and the Justices of the said Court,

plaintiff and

Joseph D. Noble

the 1880, between

judgment of a fact which was in the *entirely* Court, *undisputedly* *undisputedly* before

BECAUSE in the record and proceedings as also in the rendition of the

To the Chief of the *County* Court for the County of *La Salle* - *Illinois*;

The people of the State of Illinois;

State of Illinois, etc.

FILED MAY 13 - 1880

Scopold claspure

or

Enor to Jodaviss County Court.

Joseph D. stable -
Riffs. cats =

Fil. transcript 15, Sh. care 10, apper. 25, fil. juv. 5, fil. cross 5,	.40
Mit of eno & fil. 55, Sci. fa. & seal & fil. 80, fil. abstrats. &c. 30,	1.65
Ent. party argt. 25, contd. for further argt. 25, argt. concl. 25, Ent. subm. 25,	1.00
Ord. taking time 25, Ord. revq. 25, Ord. remedy 25, fil. opinion 5,	.80
Ent. judt. & opm. 1.10, copy of same 1.10, Cert. & seal 25, Ent. judt. 25,	2.70
Ord. for exm. 25, Sh. judt. 25, bill of costs 25, copy 25, Execution 25,	1.25
Fil. & Sh. 15, Shiffs. etc. 10, portg. 20, sat. pr. 25, transcript. &c. 11.75,	12.45
Servg. retg. Sci. fa. 60, copy & mil. 55,	1.15

At. & \$ 21.60

At true copy from my fee book as taxed & recorded therein.
L. Leland Clark.

Massachusetts

Bill of exchange \$21.60

Recd one hundred dollars in full of
of my fee on the within Dec 16th
1850

My B. P. late
Sheriff of Middlesex

Recd eleven dollars and seventy five cents the
amount of transcript paid by me and one
dollar the amount deposited with the
Clerk as Off in the Court of Essex
Dec 16/50. I am Sir, Yours
J. W. Chapman

State of Illinois, }
 Supreme Court, } ss.

The People of the State of Illinois

TO THE SHERIFF OF Jodavisp County.

Because in the record and proceedings, and also in the rendition of the judgment, of a plea which was in the ~~circuit court of~~ Jodavisp County Court county, before the Judge thereof, between Leopold Ellasene, plaintiff, and Joseph D. Coble

defendant it is said that manifest error hath intervened to the injury of the said plaintiff

as we are informed by his complaint, the record and proceedings of which said judgment, we have caused to be brought into our Supreme Court of the State of Illinois, at Ottawa, before the justices thereof, to correct the errors in the same, in due form and manner, according to law; therefore we command you, that by good and lawful men of your county, you give notice to the said Joseph D. Coble

that he be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State, on the second Monday in June next, to hear the records and proceedings aforesaid, and the errors assigned, if he shall think fit; and further to do and receive what the said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said Joseph D. Coble notice, together with this writ.

WITNESS, the Hon. Daniel A. Treat
 Chief Justice of our said Court, and the seal thereof,
 at Ottawa, this 13th day of May
 in the year of our Lord, one thousand eight hundred
 and fifty.

V. Ireland

Clerk of the Supreme Court.

Supreme Court 30

Scapold classme

Joseph D. Noble 16

Sci Fa.

To June Term 1850.

I, Marshall B. Pierce Sheriff of Jackson County Illinois, do hereby return to the within writ that I have this 16th day of May A.D. 1850, according to the exigency thereof, by John Doe & Richard Roe, good & lawful men of my County, caused the same to be made known to the within named Joseph D Noble by reading this writ in his hearing & delivered him the said Joseph D Noble a true & certified copy thereof at the same time

Shiffs Fee

Delivery & Retz 60

Copy & mileage 55

\$1.15

Mr. B. Pierce Sheriff.

of Jackson County Ill

Filed May 22 1850.

St. Keland Clk.

For fd. Clk. by R. H.

State of Illinois, ss.

Supreme Court, Third Grand Division, at Ottawa:

The People of the State of Illinois, to the Sheriff of *Jo Daviess* County---Greeting:

WE COMMAND YOU, That of the goods and chattels, lands and tenements, and real estate of

Joseph S. Noble

you cause to be made the sum of *twenty one* dollars and *sixty* cents costs in the said Supreme Court, which *Leopold* *Massini*

lately recovered against *him* before the Justices of our said Supreme Court, as appears to us of record, and make return hereof in ninety days.

WITNESS, the Hon. SAMUEL H. TREAT, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this *second* day of *October* in the year of our Lord one thousand eight hundred and *fifty*.

A. Heland Clerk of the Supreme Court.

212014-28

*Clk of Supreme Court will issue
process directed to Sheriff of this County
returnable to June Term
My Johnson*

Excellence

Chur. of 24.65

23.3-0

Received of the
26th day of November 1850
a money paid to Mr. A.
Johnson Attorney in the case of
the

Feb. 19. 1850.

May 13, 1880
Chelmsford

Leopold Massmer

30 vs

Em to J. Davis County Court.

Joseph D. Cottle

Depts. costs.

Appr. 25, fil. & cert. join du 30, bill of costs 25, .80
Copy 25, Cert. & cert. 25, fil. & ch. 15, Supp. ret. 10, .75
Sh. fr 1.25, cert. & copy 25,
Ch. & . 1.50
Ch. & . 3.05

State of Illinois, ss.

Supreme Court—Third Grand Division, at Ottawa:

The People of the state of Illinois to the sheriff of J. Davis county---Greeting:

WE COMMAND YOU, that of the goods and chattels, lands and tenements of

Joseph D. Cottle

sum of

three

you cause to be made the

dollars and

five

cents, the amount of the foregoing bill, which is due and unpaid, and is a true

copy from the Fee Book in my office; and hereof make due return in ninety days.

WITNESS, the Hon. SAMUEL H. TREAT, Chief Justice of
our said Court, and the Seal thereof, at Ottawa, this

22 day of October

A. D. 1880.

L. Heland Clerk of the Supreme Court.

paid 24
October 1850

The bill of \$3.00

Returned Saturday this 26th
day of November A.D. 1850 and
Money paid to Mr. G. Johnson attorney
in the case

Wm. B. Price Sheriff
of Davidson County Tenn

Filed Dec. 14, 1850.
A. Wilson Clk.