

No. 14320

# Supreme Court of Illinois


Feabody

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vs.

McIntosh

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71641  7

STATE OF ILLINOIS,  
SUPREME COURT,  
Third Grand Division.

---

No. 287

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14320

*Peabody*  
*vs*  
*McIntosh*

1862

United States of America }  
State of Illinois }  
Lee County }

Shew in the Lee County Circuit Court in the 22<sup>nd</sup> Judicial Circuit of the State of Illinois in the matter of Stephen S. McIntosh, Plaintiff, against Andrew C. Peabody, Defendant in a certain action of Replevin in said Court in said County lately pending:

Do it remember that on the thirteenth day of April A.D. 1859 the said Plaintiff filed his plaint and affidavit in said Court that is to say:

" State of Illinois } Lee County Circuit Court  
Lee County } Term Nov. 1859.  
S. S. Mc<sup>e</sup> McIntosh }

Plaint.

A. C. Peabody }  
Stephen S. Mc<sup>e</sup> McIntosh }  
plaintiff in this suit being duly sworn and depose and say that he is lawfully entitled to the possession of the following described and chattels to wit: One Span of Gray, one lumber wagon, one red and white cow about eight years old, one red and white cow about six years old, one white cow about

Plaint  
Continued

five years old, one red and white heifer, about  
three years old, one brown heifer, about  
years old, two steers about two years old,  
red, and the other red and white, four young  
Calves, red and white, and one brindle  
about two years old, one double horned  
seven hogs, all of the value of about five  
hundred and fifty dollars; that one A. C.  
Parker, on or about the 20<sup>th</sup> day of  
April 1859, wrongfully took and wrongfully  
detained the said goods and chattels, that  
same have not been taken for any tax or  
assessment of fine levied by virtue of any law  
of this State, nor seized under any Execution or  
attachment against the goods and chattels  
of this plaintiff liable to execution or  
attachment.

Subscribed and sworn to  
before me this 30<sup>th</sup> day of April  
A.D. 1859.

Stephen S. McJannet

Isaac S. Doremus Clerk  
per Joseph Dall D. C.

On the back of said Plaint and Affidavit  
is the following endorsement to wit:

"Filed April 30<sup>th</sup> 1859, Isaac S. Doremus Clerk  
per Joseph Dall D. C."

And upon the filing of the said Plaint & Affidavit  
a Writ of Replevin was issued in the words following,  
that is to say:

State of Illinois, }  
LEE COUNTY. }

THE PEOPLE OF THE STATE OF ILLINOIS TO THE SHERIFF OF LEE COUNTY, GREETING:

vs *Stephen J Mc Intosh* shall give you good and sufficient security to prosecute his suit to effect, without delay, and to make return of the following described goods and chattels, the property of *him*

the said *Stephen J Mc Intosh* to wit:

*One span of gray horses; one lumber wagon  
One red and white Cow, about eight years old  
One red and white Cow, about six years old. One white  
Cow, about five years old, one red and white heifer,  
about three years old, One brown heifer about two  
years old, Two steers about two years old, one red  
and the other red and white, both yearling calves,  
red & white, One brindle steer, about two years  
old, one double harness, and seven hogs; all*

~~of great value, to wit~~ of the value of *Two Hundred and fifty* Dollars,  
which *A. O. Penhooky* also of said  
County, wrongfully took, and wrongfully detains—and return the said property, if  
return thereof be awarded—and further to save and keep you harmless in restoring  
said property; then you are to cause the said goods and chattels to be replevied and  
delivered to said plaintiff without delay. And summon the defendant personally to  
be and appear before our Circuit Court in and for said Lee County, on the first day  
of the next term thereof, to be holden at the Court House in Dixon in said Lee County,  
on the *first* Monday of *May* A. D. 1859,  
to answer to the said plaint of the said plaintiff for wrongfully taking and wrongfully  
detaining the goods and chattels aforesaid. And make due return of the Bond to  
be taken of the said plaintiff aforesaid, together with this Writ, to the Clerk of our  
said Court, with an endorsement hereon as to your doings in the premises.

{ *L S* }  
{ of Court }

WITNESS, ISAAC S. BOARDMAN, Clerk of said Court,  
and the seal thereof, at Dixon, in said County, this  
*30<sup>th</sup>* day of *April* A. D. 1859.

*Isaac S. Boardman* CLERK.  
*Wm. Bull*

*Replevin*

And the said Writ of Replevin so issued under the  
of said Court was by the Sheriff of said  
County returned endorsed as follows, to wit:

" Served the within by making the same to  
in hearing of the within named W. O. Seal  
and by delivering the within described  
to John Stevens agent of S. P. McIntosh  
30<sup>th</sup> day of April 1859. Lester Horrobin, S.  
Sheriff, fees 2.50 paid by Plaintiff By E. A. Snow Deputy

And the said Writ so returned was then  
endorsed as follows, to wit: -

717  
**REPLEVIN.**

1859

Term May

S. P. McIntosh

vs  
W. O. Seal

1859

Filed July 16<sup>th</sup>

James A. Bondurant  
CLERK.

W. J. Smith and Co.

James & Sons Attorneys

{ But because no Replevin Bond  
to be found amongst the papers, is  
reason why none is here annexed

~~Plaintiff, and~~

~~Defendant.~~

At a regular term of the Lee County Circuit Court, begun and holden at the court house in the city of Dixon, in said Lee county, on the *first* Monday (the same being the *11<sup>th</sup>* day of *May* A. D. 18*89*,) then being present,

Honorable *John O. Eustace* Judge  
of the said *22<sup>d</sup>* Judicial Circuit.

*Robert C. Durrell* State's Attorney  
for said *22<sup>d</sup>* Judicial Circuit.

*Samuel S. Bondman* Clerk  
of said Lee County Circuit Court.

and *Lester Krumholz* Sheriff  
of said Lee County.

*Record*

**BE IT REMEMBERED,** that on the *sixth* day of *May* A. D. 18*89*, (the same being one of the regular days of said *May* Term,) the following proceedings were had in said cause, as appears to us of record, that is to say :

"*Stephen J. Mc Intosh* }  
*A. O. Penbody* } *Replevin*

*On this day came the Plaintiff by Jus & Jues his attorney, and on his motion this case is continued for service "*

~~Plaintiff, and~~

~~Defendant.~~

At a regular term of the Lee County Circuit Court, begun and holden at the court house in the city of Dixon, in said Lee county, on the *first* Monday (the same being the *11<sup>th</sup>* day of *May* A. D. 18*89*,) then being present,

Honorable *John O. Eustace* Judge  
of the said *22<sup>d</sup>* Judicial Circuit.

*Robert C. Durrell* State's Attorney  
for said *22<sup>d</sup>* Judicial Circuit.

*Samuel S. Bondman* Clerk  
of said Lee County Circuit Court.

and *Lester Kramling* Sheriff  
of said Lee County.

*Record*

**BE IT REMEMBERED,** that on the *sixth* day of *May* A. D. 18*89*, (the same being one of the regular days of said *May* Term,) the following proceedings were had in said cause, as appears to us of record, that is to say :

"*Stephen J. Mc Intosh* }  
*A. O. Penbody* } *Replevin*

*On this day came the Plaintiff by Jus & Jues his attorney, and on his motion this case is continued for service "*

And afterwards to wit: the said Hunt  
on the 16<sup>th</sup> day of November AD 1859,  
his Declaration in said Cause in  
words and figures as follows to w.

"State of Missouri }  
Lee County } ss Lee County Circuit Court  
November Term 1859

Stephen P. McIntosh

Defendant

vs  
Andrew O. Peabody

Plaintiff

Andrew O. Pe.

Defendant in this suit was summoned  
answer Stephen P. McIntosh plaintiff  
this suit of or plea where he took the goods  
& chattels of the said plaintiff and wrongfully  
detained the same until &c and thereafter  
the said plaintiff by Jues & Joes his attorneys  
complain for that the said Defendant  
heretofore to wit, on the 20<sup>th</sup> day of April A.D. 1859,  
at Amber, in the County aforesaid wrongfully  
took & wrongfully detaining to wit. One span of  
Gray horses, One lumber wagon, one red & white  
Cow, about eight years old, One red & white Cal  
about six years old, one white Cow about  
years old, One red & white heifer about 4  
years old, One brown heifer about two years old  
two steers, about two years old one red &  
other red & white, few yearling Calves,  
white & one brindle steer, about two  
old, one double handed & a new Ray  
property of him the said Plaintiff of great  
value to wit of the value of two hundred

& fifty Dollars & wrongfully detained the  
same until &c.

Whereupon the said Thomas  
Smith he is injured, and hath sustain  
damage to the value of Two Hundred &  
Dollars, & thereupon he brings suit &c.

Jnes & Jnes  
Atty for J. H. H.

And on the back of said Declaration  
is endorsed the words & figures as follows  
to wit: Filed Nov 16<sup>th</sup> AD 1859

J. S. Bondman Clerk  
for Joseph Ball D.C.

And afterwards on the 15<sup>th</sup> day of  
December AD 1859 the said Deferoli  
filed his pleas in the words and  
figures following that is to say:

Andrew O. Seabody  
Stephens & Mc Intosh

Superior Court of the County of  
November Term 1853

Pleas -

And the said Defendant  
Horton & Goodwin his Attorneys comes and says  
the wrong & injury when &c and says that  
did not take and detain the said Goods  
Chattels in the said declaration mentioned  
any or either of them or any part thereof  
manner and form as the said Plaintiff  
hath above thereof complained against him  
and of this the said Defendant puts himself  
upon the Country &c

Horton & Goodwin  
Defts Attys

And the said Plaintiff doth the like  
Dues & Dues Pliffs Attys

- 2 And for as further plain this behalf the said  
Defendant says actis now because he  
that the said Goods and Chattels in the  
said Declaration mentioned at the said  
when &c were the property of the said Defendant  
and not the property of the said Plaintiff  
as in the said Plaintiffs declaration  
and this he is ready to verify wherefore he  
prays judgment &c And he also prays a return  
of the said Goods and Chattels together with

Plas,  
Continued -

with his Damages in this behalf according to  
the form of the Statute in such case made  
and provided to be adjudged to him &c

Wooten & Goodwin  
Defts Attys

- 3 And for a further plea in this behalf the  
Defendant says, actio non because he  
thats at the time when so the said goods &  
chattels in the said Declaration mentioned  
were the property of our Friend Barlow  
Snow Stevens, and not the property of the said  
Plaintiff as in said Plaintiffs Declaration  
alleged, and this he is ready to verify, wherefore  
he prays judgment &c, and he also prays a  
return of the said goods and chattels together  
with his Damages in this behalf according  
to the form of the Statute in such case made  
and provided to be adjudged to him &c

Wooten & Goodwin  
Defts Attys

- 4 And for a further plea in this behalf the  
said Defendant says actio non because  
says, that herebefore to and before the  
where so mentioned in the said Plaintiffs  
declaration to wit: on the 27<sup>th</sup> day of  
A D 1859 before one Simon Tubbs a Justice  
of the Peace, in and for the County of  
in the State of Missouri, in favor certain

then and there pending before  
Justice as aforesaid in which one Simon  
Anderson was plaintiff, and one Friend  
Barlow and Jon Stevens were Defendants,  
the said Simon Anderson recovered by  
certain judgments against the said Friend  
Barlow and Jon Stevens, each for the  
sum of Seventy five Dollars and th  
eight cents for his Damages and costs,  
his said suit taxed by said Justice as  
aforesaid at one dollar and twenty five cents  
each, which the said Friend Barlow and  
Jon Stevens stood convicted as appears by  
Record in and among the Records of said Justice  
And afterwards to wit on the day and year afo  
said four Executions were issued one on  
each of said judgments by said Simon Justice  
Justice as aforesaid, directed each to my Clerk  
of the said County of Lee Commanding him that  
of the goods and chattels of the said Friend  
Barlow and Jon Stevens in his County  
make the sum of Seventy five Dollars and  
thirty eight cents debt and one Dollar and  
twenty five cents costs on each and see  
thereof, and that he should make return  
thereof to the said Justice within seven  
days from the date thereof, and within  
said Executions were on the day and year

Pleas,  
Continued.

last aforesaid delivered to the said Defendant  
to execute according to law, he the said Defen-  
dant, being then and there a Constable in and  
for said County of Dec. And afterwards  
on the day and year aforesaid as he lawfully  
might and as it was his duty to do, the said  
Defendant, as Constable as aforesaid by virtue  
of the said several Executions, and while  
the same were in full force, and effect levied  
upon and detained the said goods and chattels  
in said declaration mentioned, which is  
the same taking and detaining complained  
of in said plaintiffs declaration. And the  
said Defendant avers, that at the time and  
place when and where so, the said goods and  
chattels were the property of the said Friends  
Barlow and Ann Stevens, and not the property  
of the said plaintiffs and that the same were  
lawfully liable to be levied upon and detained  
under and by virtue of said Executions and  
thus the said defendant is ready to answer  
wherefore he prays judgment so. And he  
prays, as return of the said goods and  
chattels together with his damages so.

Heratou & Goodwin  
Def's Attys

5 And for a further plea in this behalf the said Defendant says actio non because he says that at the time when &c the goods and chattels in said Declaration mentioned were the property of the said John Stevens, and not the property of the said plaintiff, as in said plaintiff's declaration alleged, and this he is ready to verify: whereupon he prays judgment &c and he also prays a return of said goods & chattels together with his Damages in this behalf according to the form of the Statutes in such case made and provided to be adjudged to him &c.

Watson & Goodwin  
Defts attys.

6 And for a further plea in this behalf the said Defendant says actio non because he says that he &c before the time when &c mentioned in the said plaintiff's declaration to wit on the twenty seventh day of April A.D. 1859 before a Simon Tubbs a Justice of the peace in and for said County of Lee in the State of Maine in &c certain actions then and there pending before said Tubbs Justice as aforesaid in which one

Pleas,

Continued,

Samuel Anderson was Plaintiff, and  
one Friend Barlow and Ira Stevens were  
defendants the said Samuel Anderson  
received four certain judgments against  
the said Friend Barlow and Ira Stevens  
each for the sum of seventy five Dollars  
and thirty eight cents for his Damages  
and costs of his said suits taxed by said  
Justice as aforesaid at one dollar  
and twenty five cents each of which the said  
Friend Barlow and Ira Stevens stand  
convicted as appears of Record in and  
among the records of said Justice. And  
afterwards to wit on the day and year  
aforesaid four Executions were issued  
one on each of said judgments by said  
Simon Tubbs Justice as aforesaid directed  
each to any Constable of the said County of  
Lex Commanding him, that of the goods  
and chattels of the said Friend Barlow  
& Ira Stevens in his County he make  
the sum of seventy five Dollars and  
thirty eight cents debt, & One Dollar and  
five cents Costs on each and every of them  
& that he should make or cause them  
the said Justice within seventy days  
the date thereof, and which said Executions  
were upon the day and year last aforesaid

... upon the day and year last ...  
said delivred to the said Defendant &  
execute according to law, he the said  
Defendant being then and there a  
-stable in & for said County of Lee.  
And afterwards to wit on the day and  
year aforesaid as he lawfully might  
as it was his duty to do the said Defen-  
-dant as Constable as aforesaid by virtue of the  
said several Executions, and while the  
same was in full force & effect  
upon and detained the said goods & Chattels  
in said Declaration mentioned, which  
is the same taking and detaining Complain-  
-ed of in said Plaintiff's declaration, and  
the said Defendant avers, that at the time  
and place where & where so the said goods  
and Chattels were the property of the said  
Plaintiff & that the same were lawfully taken  
to be levied upon and detained under law  
by virtue of said Executions & that  
said Defendant is ready to verify, when  
he prays judgment &c, and he also prays  
a return of the said goods & Chattels  
together with his damages &c

Hutton & Gordon  
Attys for Def + P

endorsed "Filed Dec: 15 1859"

A. Boardman Clerk of Court

And afterwards to wit on the 22<sup>d</sup> day  
of February A D 1860 the said Plaintiff  
filed his Replications in the words and  
figures as follows to wit:-

Replications " State of Illinois } In Said County Court  
Said County } Febry Term 1860  
Andrew O Seabody }  
" }  
Stephen J Mc Intosh }

And the said Plaintiff  
by way of replication to the second plea of  
of the said Defendant by him above pleaded  
says and shews now because he says that  
the said goods & chattels in said declaration  
mentioned at the time when so were the  
property of the of the said Plaintiff and  
not the property of the said Defendant  
and this he prays may be enquired of by  
the Court &c

And the said Drft doth the like

Wrotew Goodwin Drfts att

And for replication to said third &  
pleas of said Defendant by him above  
pleaded the said Plaintiff says and shews  
because he says that the said goods  
and chattels in said declaration men-  
tioned at the time when so were the

the property of Ineud Barlow & Iron  
Stevens, but was the property of the  
said plaintiff and thus the said plaintiff  
prays may be required of by the County,  
And the said Draft doth the like

Heatons & Goodwin  
And for a replication to the said fifth  
and sixth pleas of the said Defendants  
by him above pleaded, says procludi now  
because he says, that the goods & Chattels  
mentioned in the said Declaration at  
the time when &c. were not the property  
of Iron Stevens but were the property of  
the said plaintiff, and thus the said  
plaintiff prays may be required of by  
the County &c,

Jess & Jess Attys  
And the Draft doth the like

Heatons & Goodwin  
Drafts Attys

Record

And afterwards at a Regular Term  
of the said Lev County Circuit Court  
began and holden at the Court House  
in Dixon on the first Monday (the  
same being the 7<sup>th</sup> day) of May A.D. 1861  
then present

Honorable John O. Eustace Judge  
of the said 22<sup>d</sup> Judicial Circuit

Robert C. Drayton State At-  
torney of said Judicial Circuit

Isaac S. Boardman Clerk  
of said Lev County Circuit Court  
and

Lester Harding Sheriff  
of said Lev County

And on the eighth day of May aforesaid  
(the same being one of the regular days  
of the said May Term) the following  
proceedings were had in said Court  
appears to us of Record to wit:

" Stephen J. McIntosh }  
" Andrew C. Peabody } Replein

On this day a writ  
the Defendant by Horatio Gardner his attorney  
and moves for a rule on the Sheriff

to file Replevin Bond, which said motion is overruled to which ruling the said Defendant by his counsel then and there excepted.

And afterwards at another regular day of the said May Term to wit on the eighth day of May A.D. 1860, the following proceeding in said cause appears to us of Record that to wit:

Record  
"Stephen J. Mc Intosh }  
Andrew O. Forbush } Replevin

On this day again comes the Plaintiff by Ines & Smudell his attorneys, also comes the Defendant by Ines & Goodwin his attorneys, also come a jury of good and lawful men to wit: Charles Regan, Jonathan Feaster, Bill Logan, James Hatch, Jason Young, Abel Mead, W. B. Andrews, James Fitzpatrick, John Williamson, H. W. Townsend, Matthew Atkinson & David Jones who were duly elected tried and sworn well and truly to try the issue joined, and having heard the evidence and the arguments of Counsel, now act in to consider of their verdict; and by agreement of parties

the jury are directed to deal their verdict, and  
to meet the Court to morrow morning at eight  
O'Clock in

And the Instructions asked in said case  
upon the trial thereof are as follows.

Instructions.

*Given*  
"The Defendant asks the Court to instruct  
the jury, that if they believe from the evidence  
that John Stephens was the former owner  
of the property in question, and that after  
a sale under a Chattel Mortgage the property  
was left, and did remain in the actual  
possession of said John Stephens until the  
Execution in this case was levied upon  
the same, that such possession is a fraud  
upon the Creditors of Stephens."

*Given*  
"That in all cases of the sale of personal  
property, possession must accompany  
the sale, and remain with the purchaser  
& if supposed to remain with the grantor,  
such sale is absolutely void,  
and void as to the creditors of such grantors."

*Given*  
"That the assignment of the Mortgage  
note after the mortgage had been  
closed, while the possession of the

property, remained with Stephens, conveyed  
no right of property to M<sup>r</sup> Tuttle upon  
which to bring this action "

endorsed "Filed May 16<sup>th</sup> 1860

S. S. Bondman Clerk  
Joseph Ball De "

And afterwards to wit on the 16<sup>th</sup> day of  
May aforesaid (as yet one of the regular  
days of the said May Term) the following  
entry appears to us of Record, that is to say:

"Stephen S. M<sup>r</sup> Tuttle

vs  
Andrew C. Seabury

} Replevin

Record -

On this day  
again came the said parties by their  
respective Counsel, also came the  
jury heretofore empanelled in this behalf,  
and the said jury now return as verdict  
that they find the issues for the Defendant  
whereupon the said Plaintiff entered  
his motion for a new trial "

The Verdict as actually rendered is in  
the words following to wit:

Verdict

"That the jury find the issues for the Defendant "



Came to hand his Bill of Exceptions signed  
in thirty days from this date

appeal Bond

And afterwards on the eighth day of June  
A.D. 1860 the said plaintiff filed his appeal  
Bond in the words & figures as follows to wit:  
" Know all men by these presents that we  
Stephen S. Mc Intosh of Lee County Missouri  
and Henry C. Dodger of the same place  
held and firmly bound unto Andrew O  
Seabody in the sum of Two Hundred Dollars  
lawful money of the United States of America  
to be paid to the said Andrew O Seabody  
to his assigns for which payment well and  
truly to be made we and ourselves and  
each of our heirs, executors, administrators  
jointly and severally, firmly by these presents  
sealed with our seals: dated this 7<sup>th</sup> day of  
June A.D. 1860. Whereas the above bounden  
Stephen S. Mc Intosh has appealed from the  
decision of John V. Coakley judge of the  
twenty second judicial Circuit of the State  
of Missouri on a case made and settled  
in or cause to be pending in the Supreme  
Court of the State of Missouri, wherein the  
said Stephen S. Mc Intosh is plaintiff and  
and the said Andrew O Seabody is Defendant

Appeal Bond } Now the Condition of this Obligation is such  
Continued } that if the said Stephen S. McIntosh shall  
pay all such Costs, interest & Damages & judg-  
ment as shall accrue and be adjudged  
against him upon such appeal, and that  
said party prosecute his appeal to effect  
without delay, then this obligation to be  
paid, otherwise to remain in full force  
and virtue.

Scaled and delivered } S. S. McIntosh } Seal  
in presence of } H. E. Dodge } Seal  
E. J. Sues }

On the back of the said appeal Bond is  
endorsed the words and figures, to wit:

"Approved & filed June 8<sup>th</sup> 1865  
S. S. Bondman's Clerk  
for Joseph Dull D. C."

Bill of Costs in said Cause -  
Plaintiff's Cost:-

Costs -

apptd 25 - Doc case 40 - 3 Certs 60 - afft 10	\$ 1.50
Summ & fil 40 - Writ of Replevin 40 - and for services	1.00
fil & pas 40 - 3 pas & fil 1.20 - and over mo as to Bond	1.80
and call July 20, call July 15 - 4 Certs 20 - and seal Bond	75
6 affts 60 mo for new trial 20 Exception 20, mo for	1.00
appeal 20, and grant, appeal 20, mo as to Bill of Except 20	00
order as to fily same 40 Bill of Cost 30 Copy 20	70
Sheriff's Fees. Replevin pd by afft 350, Bond 220, Rent 385 - Spas	9.55
Witness - Friend Bowler of Days 37 miles. \$ 8.85	8.85
~ ~ Iron Stevens 16 ~ 40 ~ \$ 18.70	18.70
~ ~ A A Stett 2 ~ 17 ~ \$ 2.85	2.85
	<u>\$ 46.45</u>

Defendants Cost:-

apptd 25 - fil 5 pas 25 - 3 pas & fil 1.20, 10 affts 40	\$ 2.10
40 Certs 20 - mo for rule as to Bond 20, Ent exceptions 20	00
and call Ent 10 - and over mo for new trial 20 July 25 Jan set	80
and return property 20, and Writ for 20 and Certs 20 and Ent 20	80
Transcript 10 3.00; Bill of Cost 30 Copy 20 Ent 10 35	8.85
Sheriff's Fees (Bond 385. Spas - July 3.00	6.85
Witness - Simon Stubbs 12 Days 36 miles \$ 4.80	4.80
~ ~ A J Clark 4 ~ 16 ~ \$ 4.80	4.80
~ ~ S. J. ... 15 ~ \$ 4.90	4.90
	<u>\$ 44.50</u>
Total Costs	\$ 90.95

I certify the foregoing to be a correct Copy  
of Costs in said Cause from my file Book  
Benj. F. Shaw Clerk  
pt Joseph Ball D.C.

State of Missouri  
Dev County

J. Benjamin F. Show

Certificate

Clk of the Circuit Court in and for the  
County of Dev in the State of Missouri do  
hereby certify that the foregoing is a full  
true and complete exemplification of  
all the Record in said Cause, and the  
Bill of Costs thereon as appears by the  
Books and files in my Office

In Witness whereof I hereunto  
set my hand and the Seal of  
said Court at Dixon, this 11<sup>th</sup>  
day of April A.D. 1862.

Benjamin F. Show Clk  
W Joseph Bull D.C.

287

Record in Re

Andrew C. Papkody  
Appellant

Stephen P. McSpencer  
Appellee

Filed April 24, 1862

L. Leland  
Clerk