

12377

No. _____

Supreme Court of Illinois

Duncan, et al.

vs.

Allen, et al.

State of Illinois
Hogans County

Filed before
the Hon. Hugh Henderson Judge of the
Eleventh Judicial Circuit of Said
State of Illinois, at a Circuit Court
of Hogans County aforesaid at the
Court house in Mississippi on Mon-
day the thirteenth day of May in the
year of our Lord One thousand Eight
hundred Fifty

The Hon. Hugh Henderson presiding:
Among other pro-
ceedings at Said Term were the
following to wit:

William J. Allen & Emily Allen
his wife, Andrew P. Andrews
& Elizabeth Andrews his wife
and Ada Duncan

vs
Darius Duncan, Francis Duncan
Samuel Duncan, John M. Duncan
Minerva Duncan, Henry Stephenson
Martha Stephenson, James Norris
Adelia Norris, Adaline Norris
William B. Knox, Minerva Knox
Kennell Duncan, Edward Duncan
Benj. F. Duncan, Emiline Duncan
Elizabeth Duncan, Mary Duncan, James
Duncan, Isaac Buntight, Ruth Buntight
Henry S. Ellsworth, Elihu Hardy, Nicholas H. Ridgely
& John Calhoun, Trustees of the State Bank of Illinois

Whereas heretofore to wit on the Seventy
day of February in the year of our Lord
one thousand Eight hundred and fifty
the Complainants filed in the office of
the Clerk of said Court a Petition which
reads in the words and figures following
to wit:

"State of Illinois Mcquay's Co's Court
Mcquay's County Term A.D. 1850
4 of the 11

To the Honorable
Hugh Henderson Judge of the Eleventh Judicial
Circuit in the State of Illinois in Chancery
Sitting - Your petitioners William P. Allen
and Emily his wife former Emily Kennell
Ambrose P. Andrews and Elizabeth his
wife and Asa Kennell all of the County of
Vermillion in the State of Illinois
would respectfully represent unto your
Honor that one Hugh Kennell departed
this life sometime in the month of

A.D. 1841 leaving your petitioners the
Said Elizabeth Andrews & Emily Allen
also leaving Christiana Duncan wife
of Said Asa Duncan, Margaret Duncan
wife of Said David Duncan, Martha
Stephenson wife of Henry Stephenson
Mary J. Norris wife of James Norris, Emily
Allen wife of William J. Allen Minnie Knox
wife of William C. Knox, his heirs at Law,
who are each entitled to the one ninth
of the Estate of Hugh Russell, also leaving
James Russell deceased his father
who was entitled to two ninths of the

Estate of Hugh Kennell de^{ce} and your
petitioners would further show that since
the death of the said Hugh Kennell the
said Christiana Duncan has departed
this life leaving her Duncan her husband
Kennell Duncan Edward Duncan,
Benjamin H. Duncan & Melvin Duncan,
Elizabeth Duncan, Mary Duncan, & James
Duncan her heirs at law, by said her
Duncan, & each entitled to one seventh part
of the Estate of the Mother Christiana Duncan
in the said Estate of the said Hugh Kennell
deceased subject to tenancy by courtesy of her
Duncan. And your petitioners would
further show unto your honor that since
the death of the said Hugh Kennell James
Kennell has departed this life leaving
the said Elizabeth Andrews Margant
Duncan Martha Stevenson, Mary J. Norris
& Emily Allen Minerva Knox & the said
Christiana Duncan, his heirs at law, which
the said Margant Duncan has departed
this life leaving the said Darius Duncan
her husband, also Frances, Samuel, John W.
& Minerva Duncan her heirs at law, by
said Darius Duncan, & further that
Mary J. Norris has since departed this life
leaving James Norris her husband also
Adelia and Adeline Norris her heirs at
law by the said James Norris.

And your petitioners would further show
unto your honor that at the time of the
death of the said Hugh Kennell de^{ce} he

was seized in fee Simple of the follow-
ing town lots in the Town of Middle-
port in said County of Rogers, to
wit: Lots 5. 6. 7. 8 in Block 3. Lots 1. 2. 3. 4
5. 6 in Block 4. lots 1. 2. 3. 4. 5. 6 in Block 5.
Block 6. lots 1. 2. 3. 4 in Block 8 lots 1. 2. 3
in Block 9. lots 1. 2. 5 & 6 in Block 11 lots
5. 6 in Block 13 lots 1. 2. 3. 4 in Block 14 lot
4 in Block 15. lots 2. 3. 4 Block Block 16 lots 1
2. 3 in Block 17. Block 18 lots 6. 7. 8 in Block
23 lot 1 Block 25 lot 5 in Block 26 lots
3 & 4 in Block 28 lots 5. 6. 7. 8 in Block 29
lots 1. 2. 3. 4. 5 in Block 30. lot 3 in Block 39
lot 3 in Block 40 lots 2. 7 in Block 41 lots
7. 8 in Block 42. Lots 1. 2. 3. 4. 7. 8 in Block 43
lots 7. 8 Block 44 lots 7 in Block 45 lots 2. 4
in Block 52 lots 6. 7 Block 55. lots 1. 2.
Block 56. lots 1. 2. 8. 9. 10 Block 65 Lots 1. 4. 6
Block 66 lots 1. 2. 5. 6. 7 Block 67. Also the
Nth Lot One of the North West quarter of
Section two in Township Twenty five
North of Range twelve, West - Also the
North West quarter of the North West
quarter of Section twenty five Township
twenty nine North of Range thirteen West
Also one undivided third part of the
Eth of the Sth 1/4 Sec. 30 T 27 N of R 11 West &
that residue of the last mentioned tract
is owned by & belongs in fee Simple to the
President, Directors & Company of the
State Bank of Illinois or the Trustees of said
Bank - Also one undivided third part
of the West half of the South West quarter

of Section thirty in Township twenty seven
North of Range 11 West - And your Petitioners
would further show unto your Honor that
Isaac Beantight & Ruth his wife of the Seis
County of Kansas is for seized in fee of & en-
titled to one undivided third part of the
last mentioned tract of land, the said Ruth
in right of Isaac - & one Henry S. Ellsworth of
the County of Tipton Kansas & State of Indiana,
is seized in fee of one undivided third part
of said lands, & entitled to the same, last
mentioned. And your Petitioners would
further show unto your Honor that Eliz-
abeth Andrews wife of Andrew P. Andrews
Martha Sterenson wife of Henry Sterenson,
Emily Allen wife of William J. Allen Min-
nie Knox wife of William C. Knox, are each
entitled to one seventh part and the heirs
of Christiana Duncan de - entitled to one
seventh part (subject to the tenancy of Curtis
of said Ora Duncan, & the heirs of the said
Mary J. Norris de^{ad} - are entitled to one seventh
part subject to the tenancy by Curtis of said
James Norris, & the heirs of Maryant Duncan
de^{ad} - are entitled to the one seventh part
subject to the tenancy by Curtis of said Daisy
Duncan of the said premises, of which the
said Hugh Russell de^{ad} was seized.

To the end therefore that partition may be
made of the said west half of the south
west quarter of Section thirty in Township
twenty seven North of Range eleven
West, among the said heirs of the said

Hugh Kenell dec^d, Isaac Countight and
Ruth his wife & Henry S. Blunwith agree
dine to their respective shares & interests in
the same & also that the said 6th of the Sth of
of Section 30 of 27th Nov - may also be divided
among the heirs of the said Hugh Kenell dec^d
& the President Directors & Company of the
State Bank of Illinois or the Trustees of said
Bank according to their respective shares -
And also that partition may be made
of the residue of said premises which so
belonged to the said Hugh Kenell dec^d
among the said heirs of the said Hugh
Kenell dec^d according to their respec-
tive shares and that your petitioners
may have such other and further relief
in the premises as the nature of the case
shall require and as to your honor shall
seem meet

May it please your honor to grant
unto your petitioners the most gracious
writ of Subpoena of the People of the State
of Illinois to be directed to the said
Isaac Countight & Ruth Countight his wife
Henry S. Blunwith, Henry Sturgeson, Martha
Sturgeson, William C. Knott Minerva Knox
Kenell Duncan, Edward Duncan,
Benjamin F. Duncan, Melvin Duncan
Elizabeth Duncan, May Duncan, James
Knox Duncan, Cairns Duncan, Frances
Duncan, Samuel Duncan, John W. Duncan
Minerva Duncan James Knox Adeline Knox
Adeline Knox & the Trustees of the President

Directors & Comptroller of the State Bank of
Illinois, thereby Commanding them & each
of them, that on a Certain day & under
a Certain Pain them to be Specified
personally to be and Appear before your
honour in this Honorable Court & then &
them to answer all & singular the premises
& to per stand to, perform & abide Such
Order & Decree therein as to your honour
shall seem meet & agreeable to equity
& good Conscience & your petitioners
will obey &c

Andrew P. Andrews
Elizabeth Andrews, William
J. Allen Emily Allen
Mae Duncan

And with the foregoing petition was
filed the affidavit of Geo. B. Joins which
reads in words & figures following,
to wit:

"State of Illinois

"Hoguen's Court Es. Personally appeared
before me Jesse Bennett Clerk of the Hoguen's
Cir Court Geo. B. Joins & after being duly
Sworn deposes & says that the matters
& things set forth & contained in said
petition are true in substance & matter
of fact as he is informed & believes & further
says that
Geo. B. Joins
Subscribed & sworn to before me
this 7th day of July - A. D. 1850

Jesse B. Bennett Clk

And afterwards to wit: on the same day
the seventh day of February A.D. 1850 there
was filed in the said Circuit Clerk's office
the following affidavit of Geo. B. Jorin.
To wit:

"State of Illinois

"Inquirer County ss. Personally appeared
before me Jesse Bennett Clerk of the Inquirer
County Circuit Court Geo. B. Jorin & after
being sworn deposes & says that the above
named Henry S. Ellsworth is not a resident
of the State of Illinois & further says that

Geo. B. Jorin
Subscribed & sworn to before me this
7 day of February A.D. 1850

Jesse Bennett clk
And on the back of said Petition
is the following endorsement

"Duncan et al v Duncan et al

"Filed Feb. 7 - 1850 Jesse Bennett clk "

"Filed September 8 - 1850 as amended

J. Bennett clk "

And afterwards. To wit: on the said
seventh day of February in the year of
our Lord one thousand eight hundred
and fifty a summons was issued
against the defendants in the foregoing
entitled cause out of the office of the
Clerk of the Circuit Court aforesaid,
which said summons reads in the
words and figures following. To wit:

"State of Illinois

"Inquirer County ss.

"The People of the State of
Illinois to the Sheriff of Hoar's County,
Greeting - We Command you that you
Summon Darius Duncan, Francis Duncan,
Samuel Duncan, John W. Duncan, Minerva
Duncan, Henry Stevens Martha Stevens
Martha Stevens James Norris, Adelaide
Norris, Adeline Norris William C. Knox
Minerva Knox, Samuel Duncan, Edward
Duncan Benjamin F. Duncan, Emeline
Duncan Elizabeth Duncan, Mary Duncan
James Duncan, Isaac Countight, Ruth Count-
right, Henry S. Ellsworth & the President & Di-
rectors of the State Bank of Illinois, if to
be found in your County personally to let
appear before the Circuit Court of said
County on the first day of the next term thereof
to be holden at the Court house, in the town
of Middleport, on the second Monday in the
month of May next, to answer the Matters
and things contained in a certain Bill
in Chancery exhibited against them in said
Court by William J. Allen Emily Allen Andrew
P. Andrews Elizabeth Andrews and Asa Duncan
and further to abide the the Order of the Court
in the premises and have you then and
there this writ - Witness Jesse Bennett Clerk
of said Court and the Seal thereof
hereunto affixed at Middleport this seventh
day of February Anno Domini 1850
J. Bennett Clerk"

which said summons was
afterwards placed in the hands

of the Sheriff of Logans bounty and
afterwards returned by him with
an endorsement thereon which
reads in the words and figures
following. To wit;

"February 26-1850 Served the within
writ on the within named Isaac
& Ruth Counright by Copy the rest
not found in the County of Hoyle Shff
6 miles travel 30. Services \$100

Return \$140" and on the back of
said summons is the following
endorsement: "Allen et al vs Kennell's
kins. Served May Term 1850

And afterwards To wit; on the third
day of the aforesaid Term of said Court
it being the fifteenth day of May in the
year of our Lord one thousand eight
hundred and fifty held at the Court
house aforesaid and before the Hon.
Hugh Henderson Judge as aforesaid
the following proceedings ^{in said case} were had
& entered of Record by said Court in
words & figures following, To wit;

"And now at this time Comes the
Complainants by Allen their Solicit-
or and on his motion this Cause is
continued until the next Term of this
Court, and leave is given the Compl-
ainants to amend their petition herein

And afterwards To wit; On the eighth day of September in the year aforesaid 1850 a Summons issued out of the Clerk's office of the said Circuit Court of said County against said defendants which reads in words & figures following:
To wit:

"State of Illinois

"Inquis County } ss

The People of the

State of Illinois to the Sheriff of Sangamon County, Greeting: We Command you that you Summon Darius Duncan Francis Duncan Samuel Duncan John M. Duncan Mirna Duncan Henry Stevenson, Martha Stevenson, James Norris Adelia Norris Adaline Norris, Wm B. Knox, Mirna Knox, Kenneth Duncan Edmund Duncan, Benjamin F. Duncan Emeline Duncan, Elizabeth Duncan Mary Duncan James Duncan, Isaac Countight Ruth Countight Henry S. Glessworth, Wm. Hardy Nicholas H. Ridgely & John Calhoun Trustees of the State Bank of Illinois, if to be found in your County personally to be and appear before the Circuit Court of said County on the first day of the next term thereof to be holden at the Court house in the Town of Middletown on the Second Monday in the month of October next to answer the matters & things contained in a Certain Bill in Chancery exhibited against them in

in said Court by William J. Allen Emily
Allen Ambrose P. Andrews Elizabeth Ambrose
and Isaac Demmon and further to abide the
order of the Court in the premises - and hence
you then and there this writ. Witness Jesse
Bennett Clerk of our said Circuit Court
and the said three Justices affixed at Mid-
-dleton this 8-day of September Anno Dom-
-ini 1850

(S.S.)

J. Bennett Clerk

which said Summons was after-
wards placed in the hands of the Sheriff
of Sangamon County, and afterwards
returned by him with an endorsement
thereon which reads in the words and
figures following. To wit:

"I have executed the Service on the
within named John Calhoun one of the
Trustees of the State Bank of Illinois by deliv-
-ering to him a true Copy of the within
Summons in Chancery - and on the within
named Nicholas K. Ridgely one of the Trustees
of the State Bank of Illinois by leaving for
him a true Copy of the within Summons
in Chancery, at his place of his residence
with a member of the family a free
white person over the age of ten years, the
Contents thereof, so far as could be, made
known, this 8th day of October A.D. 1850
the other defendants not in my Bailwick -
date above - 2 Services 1.00

postage paid 5-

2 Miles travel 10

2 Copies 1.00

Return 10 \$2.20

Recd - Cash on pay
#1

Charles Arnold

And on the back of said Summons
is also the following endorsement To wit
"Wm. Allen et al vs W. Duncan et al.
Served Oct. 1850

And on the said 8-day
of September 1850 aforesaid a Summons
issued out said Clerk's Office against said
defendants which reads in words and
figures following To wit:

"State of Illinois
"Joey's County vs The People of
The State of Illinois To the Sheriff of Ver-
million County. Greeting:

We Command you that you Sum-
mon Darius Duncan Francis Duncan
Samuel Duncan John W. Duncan, Min-
erva Duncan Henry Stevenson Martha
Stephenson James Morris Adelia Morris
Adaline Morris William C. Knox, Minerva
Knox Nellie Duncan, Edward Duncan
Benjamin H. Duncan, Emeline Duncan
Elizabeth Mary Duncan James Duncan
Isaac Countight Ruth Countight, Henry
P. Colburn Uri Hardy Nicholas W. Rigely
John Calhoun Trustees of the State Bank
of Illinois if to be found in your County
personally to be and appear before the the Cir-
cuit Court of said County on the first
day of the next Term thereof to be holden at the
Court house in Mississippi on the second
Monday in the month of October next to
answer the matters and things contain-
ed in a certain Bill in Chancery

exhibited against them in said Court by
Mr J. Allen Emily Allen Andrew P. Andrews
Elizabeth Andrews & Isaac Duncan, and
abide the order of the Court in the premises -
And have you then and there this writ
Witness J. P. Bennett Clerk of our said
Court and the seal thereof hereunto affixed
at Hadesport this 8th day of September
Anno Domini 1850

J. Bennett Clerk

Which summons was afterwards
placed in the hands of the Sheriff of Vermilion
County and afterwards returned by him
with an endorsement thereon which
reads in the words & figures following:
To wit: Executed the within writ by
reading the same to all the within named
defendants and delivering to them true copies
of the within writ, in case Isaac Countight
Ruth Countight Henry S. Ellsworth, Wm. Manly
Nicholas W. Ridgely & John Calhoun who are
not found in my County and also except
James Kovies who has departed this life
October 3rd

Wm. Keckman Sheriff

Vermilion County Illinois

And By James G. Miles Deputy

Serving 18 Depts \$9.00

Travel 180 Miles 9.00

Returning 10 \$18.10

And on the
back of said summons is also the
following endorsement - To wit: Allen &
Duncan et al, Sums Oct. 1850

And afterwards to sit at the October
Term of Said Circuit Court for the year
1850 ~~on~~ the held at the Court house
house aforesaid and before the Honorable
Thos. W. Dickey Judge of the ~~the~~ Judicial
~~district~~ ~~district~~ ^{Circuit} in the State of Illinois
and presiding in exchange with the
Hon. Hugh Henderson Judge of the
Eleventh Judicial Circuit of the Said
State of Illinois, the following pro-
ceedings were had To-wit:

"William I. Allen & Emily Allen his wife
"Andrew P. Andrews & Elizabeth his wife
"Dre Duncan

^{vs}
Deac Bounting & Ruth his wife
Henry S. Ellsworth, Henry Stevenson Martha
Stevenson William C. Knox, Minna
Knox, Kenneth Duncan, Edward
Duncan, Benjamin F. Duncan, Melina
Duncan, Elizabeth Duncan,
Mary Duncan James Duncan, Daniel
Duncan, Francis Duncan, John W. Duncan,
Samuel Duncan, Minerva Duncan,
Adelia Norris Adeline Norris
The Trustees the President & Directors & Co. of the
State Bank of Illinois.

"And now, Come
the complainants by their Solicitor
and suggests the death of James Norris
one of the defendants

Paulson

W

W

W

W

W

W

W

W

W

W

W

W

W

And afterwards at said October Term
of said Circuit Court the following
proceedings were had in the foregoing
entitled cause & entered of Record in
words & figures following, to wit:

"Come now the Complainant by
"R. A. Chandler Esq. as Solicitor, and it
appearing to the Satisfaction of the Court
by return of process herein issued that
all the defendants herein have been
served with process herein more than
ten days prior to the first day of the present
term of said Henry S. Ellsworth. And it
appearing further to the Satisfaction of
the Court that said Henry S. Ellsworth has
been notified of the pendency of this Suit
by a notification published in the Illinois
Citizen, a weekly newspaper published at
Danville Illinois for four successive
weeks - first insertion being the first of
February 1850 which reads in the words
and figures following: To wit:

"State of Illinois } Hoquas County Circuit
"Hoquas County } ss. Court May Term 1850

William S. Allen, Emily Allen, }
Ambrose P. Andrews, Elizabeth Andrews } In Chancery
And Asa Duncan } Petition for
as } Partition

Darius Duncan Francis Duncan }
Samuel Duncan John M. Duncan }
Minerva Duncan Henry Stevens Martha
Stevens James Norris Adelia Norris
Adeline Norris William C. Hunt
Minerva Knox Russell Duncan

Edmund Duncan, Benjamin F. Duncan
Emeline Duncan, Elizabeth Duncan
Mary Duncan James Duncan Isaac Court-
right Ruth Courtright, Henry S. Ellsworth and
the President & Directors of the State Bank of
Illinois.

The above named defendants
will take notice that the Complainants
William I. Allen Emily Allen, Andrew P.
Andrews, Elizabeth Andrews and Asa
Duncan have filed their Certain petition
in Chancery against them the above named
defendants, this day - that a Summons
in Chancery has been issued thereon made
returnable on the first day of the next term
of the Supreme Court Circuit Court to be
held for said County, at the Court house
in Madesport, on the second Monday in the
month of May next. that unless they per-
sonally be and appear at the time and
place aforesaid and plead answer or
demurr to the same the matters and
things contained in said Bill will be
taken as by them confessed and a
decree will be rendered accordingly
Jesse Bennett Clerk

"I do certify And attached to the said
publication above is the Certificate of
the proprietor of said weekly newspaper
which said Certificate reads as follows
To wit: I do certify that the annexed
advertisement was printed for 4 suc-
cessive weeks in the "Illinois Citizen"
a weekly newspaper published at Dan-
ville Illinois the first insertion being Feb'y
7. 1850
J. Hollingsworth Prop'r Citizen

Thereupon the Solicitor of the Complainant moves the Court to appoint James F. Hetcher attorney of this Court Guardian ad litem for Adelia Storrs Adeline Storrs Newell Duncan, Edward Duncan, Benj. F. Duncan, Elizabeth Duncan, Mary Duncan, Emeline Duncan, James Duncan, Francis Duncan, Samuel Duncan, John W. Duncan, & Minerva Duncan infant defendants, which motion is granted by the Court. And the said James F. Hetcher thereupon files the answer of the defendants which reads in the words & figures following, To wit;

State of Illinois
In Equity
"In Equity Circuit Court October Term A.D.
1850. William D. Allen &
Emily Allen his wife
vs

In Chancery

Newell Duncan et al. vs } Petition for
Partition

The Answer of Adelia Storrs, Adeline Storrs, Newell Duncan, Edward Duncan, Benjamin F. Duncan, Emeline Duncan, Elizabeth Duncan, Nancy Duncan, James Duncan, Francis Duncan, Samuel Duncan, John W. Duncan, Minerva Duncan, infants under the age twenty one years by their next friend James F. Hetcher their next friend, appointed by this Honorable Court. The defendants now and at all times reserving to themselves all

manor of benefit of advantage to the
many errors insufficiencies of the Com-
plainants Said Bill of Complaint Con-
tained for answer thereto or to so much
thereof as these Defendants are advised
is material for them to answer unto
they answer and say that they are in-
fants under the age of twenty one years,
and know nothing about the matters &
things contained in the Said Complainants bill
of Complaint contained, & therefore
require ~~strong~~ ~~that~~ ~~proof~~ strict proof
of the same, and they pray that the Court
will protect their rights & they further
pray that they may be hence ~~discharged~~
discharged with their reasonable costs
in this behalf most wrongfully sustained
Adelia Davis Adeline Davis & Samuel
Duncan, Edward Duncan, Benjamin
A. Duncan, Elizabeth Duncan, Nancy
Duncan, Emeline Duncan, James Duncan
Francis Duncan, Samuel Duncan John W.
Duncan Minerva Duncan By

James F. Litcher Esq. a Justice of the Peace
Thereupon the attorney for the Complainant
moves the Court to take the Bill pro. Con-
fesso for want of an answer, which
motion is granted. And the Said adult
defendants being three times solemnly
called, come not but wholly fail and
make default herein. It is therefore
ordered by the Court that Said Bill of the
Complainant be taken, as to the Said

adult defendants, as confessed, and this Bill, with the answer of the said infants is referred to the Master in Chancery to take proofs herein.

And now at this time comes the Master in Chancery and files his Report herein which Report reads in the words and figures following, To wit:

"To the honorable High Henderson Judge of the Eleventh Judicial Circuit of the State of Illinois -

The undersigned Master in Chancery to whom was referred the Bill of Complaint of William Allen and Emily his wife & others would beg leave to Report to this Honorable Court that it was proved to the satisfaction of the undersigned that One Hugh Keenell departed this life in the year eighteen hundred and forty one without issue and leaving also the following his heirs at Law to wit, James Keenell his father and only surviving parent, leaving also Elizabeth Andrews wife of Archibald P. Andrews Minerva Knox wife of William C. Knox Emily Allen wife of William C. Allen, Martha Stevenson wife of Henry Stevenson, Christiana Duncan wife of Asa Duncan, Margaret Duncan wife of Darius Duncan, & Mary J. Morris wife of James Morris his sisters & only heirs at Law. - It is further proved to my satisfaction that at the time the said Hugh Keenell departed this life he was seized in fee simple of the following lands and

Trimmings situate in the County of Duquoin
and State of Illinois; being the following town
lots in the town of Middletown in the County
of Duquoin & State of Illinois To wit: Lots 5, 6, 7
8 in Block 3 Lots 1, 2, 3, 4, 5 & 6 in Block 4 Lots 1, 2
3, 4, 5 & 6 in Block 5 Lots Block 6 Lots 1, 2, 3, 4
in Block 8 Lots 1, 2 & 3 in Block 9 Lots 1, 2, 5 & 6
in Block 11 Lots 5 & 6 in Block 13 Lots 1, 2, 3, 4
in Block 14 Lot 4 in Block 15 Lots 2, 3 & 4 in
Block 16 lots 1, 2 & 3 in Block 17 & the whole of Block
18 Lots 6, 7 & 8 in Block 23 Lot 1 Block 25 Lot 5 in
Block 25 Lots 3 & 4 in Block 28 Lots 5, 6, 7 & 8 in block
29 Lots 1, 2, 3, 4, 5 in Block 30 Lot 3 in Block 39
Lot 3 in Block 40 Lots 2 & 7 in Block 41 Lots 7 & 8
in Block 42 Lots 1, 2, 3, 4, 7 & 8 in Block 43 Lots
7 & 8 in Block 44 Lot 7 in Block 45 Lots 2 & 4
in Block 52 Lots 6 & 7 in Block 55 Lots 1 & 2 in
Block 56, Lots 1, 2, 8, 9, 10 in Block 65 Lots 1, 4 & 6
in Block 66 Lots 1, 2, 5, 6 & 7 in Block 67 - also the
North half of lot one of the North West quarter
of Section 2 Township 25 North of Range
11 West - also the North West quarter of the
North West quarter of Section 25 in Township
29 North of Range 13 West - also the undiv-
ided $\frac{1}{2}$ part of the East half of the South East
West quarter of Section 30 in Township 27
North of Range 11 West - And the other
 $\frac{2}{3}$ of said last mentioned tract of land is
owned in fee simple by the President & direc-
tors & Company of the State Bank of Illinois
or the Trustees of said Bank

Also the said Hugh Russell died seized of
the ^{undivided} $\frac{1}{3}$ part of the West half of the South West

quarter of Section thirty in Township 27 North
of Range 11 West, and that Isaac Countryright &
Ruth his wife is entitled to Down therein,
were seized in fee Simple of the one third
of said last mentioned lot of land, & one
Henry L. Ellsworth was seized in fee Simple
of the other one third of said last mention-
ed lot of land - It was further proved that
Since the death of the High Sheriff
his father James Keene hath de-
parted this life. Said Elizabeth Andrews
Margaret Duncan, Christiana Duncan
Minerva Knowl, Mary J. Norris & Martha
Stephenson & Emily Allen his daughters
& only heirs - It was further proved that since
the death of the said James Keene the
said Christiana Duncan his daughter has
departed this life leaving surviving
her husband Asa Duncan, & leaving also
Neswell Duncan, Edmund Duncan, Benja-
min F. Duncan, Cornelia Duncan,
Elizabeth Duncan, Mary Duncan, & James
Duncan her children and heirs at law
by her husband - It was further proved that
since the said James Keene the said
Margaret Duncan his daughter has departed
this life leaving her survivors Davis Duncan
her husband and also leaving Francis Duncan
Samuel Duncan John W. Duncan and
Minerva Duncan her children and heirs
at law by her said husband - It was further
proved that since the death of the said James
Keene the said James Norris and

May J. Stovins his daughter wife & daughter
of said James Stovins have both departed this
life leaving them surviving Adeline Stovins
and Adelia Stovins their children & heirs
at Law - All of which is respectfully submitted
to this Honorable Court

State of Illinois See County to Master
County of Joquins in Chancery Ind for
said Count Oct 11 - 1850

And on Motion the Solicitor this cause is
submitted to the Court, and upon the Bill,
Answer and Report of the Master, and upon
said Subscription the Court Orders & Decrees
that the said lands mentioned in said pet-
ition be divided, as follows. To wit: the
following town lots in the town of Eldersport
County of Joquins & State of Illinois To wit:
Lots Number 5, 4, 7 & 8 in Block 1 & 3 lots 1, 2, 3, 4, 5 & 6 in
Block 4 lots 1, 2, 3, 4, 5 & 6 in
Block 5. Block 6 lots 1, 2, 3, 4 in Block 8 lots
1, 2 & 3 in Block 9 lots 1, 2, 5 & 6 in Block 11
lots 5 & 6 in Block 13 lots 1, 2, 3 & 4 in Block
14 lot 4 in Block 15 lots 2, 3, & 4 in Block 16
lots 1, 2 & 3 in Block 17 & the whole of Block
18 lots 6, 7 & 8 in Block 23 lot 1 Block 25
lot 5 in Block 26 lots 3 & 4 in Block 28
lots 5, 6, 7 & 8 in Block 29 lots 1, 2, 3, 4, 5
in Block 30 lot 3 in Block 39. Lot 3 in Block
40 lots 2 & 7 in Block 41 lots 7 & 8 in Block
42 lots 1, 2, 3, 4, 7 & 8 in Block 43. lots
7 & 8 in Block 44 lots 7 in Block 45 lots
2 & 4 in Block 52 lots 6 & 7 in Block 53

lots 12 & 1 in Block 56 lots 1, 2, 8, 9, 10 in
Block in Block 65 lots 1, 4 & 6 in Block 66
lots 1, 2, 5, 6 & 7 in Block 67 - also the North
half of lot one of the North west quarter of
Section 2 Township 25 North of Range Twelve
(17) West - also the North west quarter of the
North west quarter of Section 25 Township
29 North Range 13 West - also the undi-
-vided ~~half~~ $\frac{1}{3}$ part of the East half of the
South West quarter of Section 30 Township
27 North of Range 11 West - also the one
undivided third part of the west half of the
South West quarter Sec. 30 T 27 N 11 W -
to Elizabeth Anderson, Emily Allen, Martha
Stephenson Minnie Knox, each one
seventh part of said lands - and to
Russell Duncan Edward Duncan
Benjamin F. Duncan, Melvin Duncan
Elizabeth Duncan Mary Duncan, James
Duncan children and heirs of Christina
Duncan dec'd who is the daughter of
James Russell dec'd and sister of
Hugh Russell dec'd the one seventh
of said lands, which said seventh
part is to be divided equally between
said children and heirs, being the
seventh of one seventh to each subject
however to the tenancy of Country
of Asa Duncan their father - And to
James Duncan John W. Duncan Samuel
Duncan Minnie Duncan children &
heirs of Margaret Duncan dec'd who
was the daughter of James & Russell dec'd

and sister of Hugh Stowell deceased
one seventh part of said lands being the
part due their mother to be equally
divided among them which is one fourth
of one seventh to each. Subject how-
ever to the tenancy of the Country of
Darien owned by their father - And to
Adelia Morris and Adeline Morris Children
Heirs of Mary Jane Morris dec'd who was
a daughter of James Stowell dec'd and
a sister of Hugh Stowell dec'd the other
seventh part of said lands to be equally
divided & between them that is one half
of one seventh to each. And to the
Trustees of the President Directors & Co. of
the State Bank of Illinois two thirds of
the East half of S^W 1/4 Sec. 30 T 27 N 11 W
and to Isaac Countight and Ruth his
wife one third of the N^W 1/4 of the S^W 1/4 of
Sec. 30 T 27 N 11 W - and to Henry L.
Bellworth the other third part of the
N^W 1/4 of S^W 1/4 Sec. 30 T 27 N 11 W

And the Court appointed Charles
Gardner Spotswood & Washington
A. B. Ross Commissioners who are
disinterested and not related to either
of the parties, to make partition of the
lands aforesaid among the persons inter-
ested aforesaid, in pursuance of this decree
who were now sworn in open Court
fairly and impartially to make partition
of said lands in accordance with the
judgment of this Court as to the rights

and interests of the parties if the same can
be done consistently with the interests
of the Estate.

And now at this time
come said ^{Commissioners} ~~petitioners~~ and present this
Report which Report reads in the
words and figures following, To wit:
State of Illinois

McHenry County $\frac{1}{2}$ ss. McHenry Cir-
cuit Court October term 1857

The undersigned Charles Gardner Spotts-
wood Washington and Asa B. Roff
Commissioners appointed by this Honor-
able Court, at its present Term thereof,
to make partition of the following lands
& Tenements to wit, the following lots
in the town of Middletown in the County
of McHenry Ill. Lots 5, 6, 7 & 8 in Block 3
Lots 1, 2, 3, 4, 5 & 6 in Block 4 lots 1, 2, 3, 4, 5 & 6
in Block 5 the whole of Block 6 Lots 1, 2, 3
4 in Block 8 lots 1, 2 & 3 in Block 9 lots 1
2, 5 & 6 in Block 11 lots 5 & 6 in Block 13 lots
1, 2, 3 & 4 in Block 14 Lots 4 in Block 15
Lots 2, 3 & 4 in Block 16 Lots 1, 2 & 3 in Block 17
& the whole of Block 18 lots 6, 7 & 8 in Block 23
Lots 1 in Block 35 Lot 5 in Block 26 Lots 3 & 4
in Block 28 Lots 5, 6, 7 & 8 in Block 29
lots 1, 2, 3, 4 & 5 in Block 30 Lot 3 in Block
39 Lot 3 in Block 40 Lots 2 & 7 in Block 41
lots 7 & 8 in Block 42 Lots 1, 2, 3, 4, 7 & 8 in Block
43 Lots 7 & 8 in Block 44 Lot 7 & Block 45 lots
3 & 4 in Block 52 lots 6 & 7 in Block 55 lots
1 & 2 in Block 56 lots 1, 2, 8, 9 & 10 in Block 65

lots 1 4 & 6 in Block 66 lots 12 56 & 27 in
Block 67 - also the north of lot one of in the
north west quarter in Section 2 in Township
25 North of Range 14 West - also the North
west quarter of the North west quarter of
of Section 25 in Township twenty nine North
of Range thirteen west - also the East half
of the South west quarter of Section 30 in
Township 27 North of Range 11 west sit-
uated in the County of Hoquiam & State
of Illinois among the following persons,
to wit: Elizabeth Andrews. Minerva Knapp.
Emily Allen Martha Stephenson & several
Duncan Edward Duncan Benjamin
H. Duncan, Ornelius Duncan Elizabeth
Duncan Mary Duncan, James Duncan
Francis Duncan Samuel Duncan,
John W. Duncan, Miriam Duncan
Adeline Corvis Adeline Corvis & the
President & Directors of the State Bank of
Illinois or the Trustees of Said Bank
Henry S. Bellworth Isaac Combsight &
Ruthie wife, they leave to Report that
after taking an oath of qualification
unprecedented to examine said lands
upon said examination we further
Report that said lands are so circum-
stanced that a decision there cannot
be had without manifest prejudice to the
proprietors of the same - We witness whereof
we have hereunto set our hands & seals
this 17th day of October A.D. 1850 Charles Gaudin (S)
S. A. Washington (S)
M. B. Rolt (S)
Commissioners.

from which Report it appears that said
lands are so encumbered that a
division thereof cannot be had without
manifest prejudice to the proprietors of
the same. Whereupon on motion the
Solicitor of the Complainants It is
Ordered by the Court that said lands be sold
at public vendue at the Courthouse door
in the town of Hillsport in said County
upon giving at least thirty days notice
of the time place and terms of said sale
by publishing a notice thereof in the Illinois
Citizen a weekly newspaper published
at Danville Illinois and also by putting
up manuscript notices in the towns of
Hillsport Hillsport & Leonora in said
County of Rogers; on the following terms
to wit: One tenth of the purchase money
to be paid in cash at the time of sale
the balance of said purchase money to
be paid one half in one year with inter-
est, the other half in two years with
interest, the purchaser to give his note
with good personal security payable
to the Commissioner appointed to
sell said lands and also to give a
mortgage on said lands to secure the
purchase money, the Commissioner
to make deed or deeds to the purchaser
or purchasers of said land. And it is
further Ordered by the Court that Charles
Gardner be and he is hereby appointed
Commissioner to sell and convey

said lands and that he Report his doings
herein to the next term of this Court &
this cause is Continued"

And afterwards, Term, on the
fifteenth day of May in the year of our
Lord one thousand eight hundred and
fifty one, It being of ~~the~~ the fourth Judi-
-cial day of the May Term of said
Hogreville Circuit Court for the said
year eighteen hundred & fifty one held
at the Court house in Middleport in
said County and before the said Hugh
Henderson Judge of the Eleventh Judicial
Circuit of the State of Illinois, the follow-
ing proceedings were had and entered of
Record by said Court, in words &
figures following:

"William J. Allen et al.

vs

Darius Duncan et al

Petition for
partition
of Real
Estate

And now

Come the petitioners and move the
Court to extend the time for the Com-
-missioners to Report. It is therefore
ordered that time be extended until
the next term of this Court for report.
It is further ordered that the cause be
Continued"

And afterwards, Term, on the
fourth Judicial day of the October
term of said Hogreville Circuit Court

for the year eighteen hundred and
fifty one it being on the 33-day
of October A-D 1851 held at Middletown
and before the said Honorable Hugh
Henderson Judge of the Eleventh Judicial
Circuit of the State of Illinois the fol-
lowing among other proceedings were
had and entered of Record by said
Court in words and figures following
To-wit:

William D. Allen et al } Petition to
as } sell Real
Darius Duncan et al } Estate

Now Comes the
plaintiffs by their Solicitor and
moves the Court to have time for the
Commissioner to Report his doings
herein extended to next term.

It is Ordered by the Court that time
be extended for Report until next
term - And further Ordered that this
Cause be Continued.

And afterwards to wit on the first
day of the May Term of said Circuit
Court for the year eighteen hundred
and fifty two being the twenty seventh
day of May in said year 1852 held at
the Court house in Middletown in
said County and the Honorable Judge^{Hugh}
Henderson Judge of the Eleventh Judi

- cial Circuit of the State of Illinois
the following among proceedings were
had and entered of Record by said
Court in words & figures following
to wit:

"William D. Allen et al	}	Petition to
as		sell Real
Darius Duncan et al	}	Estate

And now Comes the Com-
missioner heretofore appointed by this
Court to sell and convey the lands
herein named and a Report of his pro-
ceedings is filed whereupon the
Court rules the defendants to show
cause why said Report shall not be
affirmed.

And afterward to wit: on the
same day last above mentioned the 27
day of May in the year eighteen hundred
and fifty two being the fourth judicial
day of said May Term of said Circuit
Court and said Judge Henderson
presiding the following among other
proceedings were had and entered of
Record by said Court in words &
figures To wit:

"William D. Allen et al	}	Petition to sell
as		Real Estate
Darius Duncan et al	}	

It appearing to
the Court that the fees in the Report

charged by the Commissioner were too high. It is Ordered by the Court that said Commissioner herein be allowed \$70 for making the deeds and \$10 for making his Report. And it is Ordered that the balance of the Charges of said Commissioner in his Report stand continued to be acted on by the Court at its next Term. And It is Considered by the Court that the Report of the said Commissioner, with the exceptions above Ordered be and it is hereby affirmed and It is Ordered that said Report be spread spread upon the record which is as follows:

"In the Matter of William D. Allen

Deputy Commissioner

To the Honorable Hugh Henderson
Judge of the Eleventh Judicial Circuit in
Chancery Sitting in and for the County of
Dequies and State of Illinois;

Your Commissioner
appointed to sell and convey the lands
&c of Hugh Russell dec'd & others, hereby
have most respectfully to Report that
in pursuance of the Order and Decree of
your most Hon. Court, at the Oct. Term
thereof A.D. 1850, I did proceed to give
notice of at least thirty days of the
time, place and terms of said Sale

by publishing & in the Illinois Citizen
a weekly newspaper published at Dan-
ville Illinois, and also by putting up
manuscript notices thereof in the towns
of Milford Middletown and Concord
in the County of Ingham (a copy of
which notice is herewith presented)
to this Honorable Court and made part
of this Report. That I did in pursuance of
said Order and Decree proceed on the
first day of January A.D. 1881 at the
Court house door, in the town of Mid-
dletown, between the hours of 10 O'clock
A.M. and 6 O'clock P.M. of said day
to sell at public vendue to the highest
bidder, the said lands and town lots
described in said petition, and num-
bered and described in said Order
and Decree: To-wit: Lots 5, 6, 7, 8 in Block
No. 3. Lots No. 1, 2, 3, 4, 5 & 6 in Block No. 4
and Lots No. 1, 2, 3, 4, 5 & 6 in Block No. 5 and
the whole of Block No. 6 & Lots No. 1, 2, 3 & 4
in Block No. 8 & Lots No. 1, 2 & 3 in Block
No. 9 and Lots No. 1, 2, 5 & 6 in Block No. 11
& Lots No. 5 & 6 in Block No. 13 & Lots 1, 2, 3 & 4
in Block No. 14 and Lot No. 4 in Block
No. 15 and Lots No. 3, 3 & 4 in Block No. 16
& Lots 1, 2, 3 in Block No. 17 & Block No. 18
& Lots 6, 7 & 8 in Block No. 23 & Lot No. 1 in Block
No. 25 & Lot No. 5 in Block No. 26 & Lots No. 3
& 4 in Block No. 28 & Lots No. 5, 6, 7 & 8 in Block
No. 29 and Lots No. 1, 2, 3, 4 & 5 in Block
No. 30 & Lot 3 in Block No. 39 & Lots No. 3 in

No 40 and lots No 227 in Block No 41
 & lots No 728 in Block No 42 & lots No 1, 2,
 3, 4, 728 in Block No 43 and lot No 708
 in Block No 44 and lot No 2 & 4 in Block
 No 52 and lot No 7 in Block No 45 & lot No 6
 & 7 in Block No. 55 and lots No. 1 & 3 in Block
 No 56 and lots No 1 & 2 8, 9, 10 in Block No. 65
 and lots No. 1, 4 & 6 in Block No 66 &
 lots No. 1, 2, 5, 6 & 7 in Block No 67 all
 in the town of Middleton in the
 County of Peoria & State of Illinois
 and also the North half of lot No of the
 North east quarter of Section No. 2 Town
 25 N 12 W and the SW 1/4 of Sec
 No 25 & 29 N 13 W and the E 1/2 SW 1/4
 & the NW 1/4 SW 1/4 of Sec 30 T 27 N 11 W
 That at said sale as aforesaid in
 pursuance of said decree aforesaid the
 following lots and parcels of land were
 struck off to the following persons they
 being the highest & best bidders for the
 same:

Lots	Block		\$	Cts
5	3	Mrs D. Allen	1	00
6	"	Mrs D. Allen	1	00
7	"	Mrs D. Allen	1	00
8	"	Mrs D. Allen	1	00
1	4	Maria Trazin	4	00
2	"	Maria Trazin	4	00
3	"	Mrs Shellenbarger	4	25
4	"	Mrs Shellenbarger	6	40
5	4	Mary Trapp	7	25
6	"	Mary Trapp	7	30

1	5	AB. Roff	8 20
2	"	W. Roff	8 00
3	"	Wm I Allen	8 30
4	"	Jacob Hrazin	13 00
5	"	Wm I Allen	9 00
6	"	Peltiah Davis	7 00
1	6	J W Hrazin	6 50
2	"	J. W. Hrazin	6 50
3	"	Wm I. Allen	9 25
4	"	Henry Hrazin	9 50
5	"	J W Hrazin	7 00
6	"	J W Hrazin	7 00
7	"	J W. Hrazin	7 50
8	"	Wm I. Allen	9 50
1	8	Wm I. Allen	4 25
1	8	Wm I. Allen	8 25
3	"	J W Hrazin	4 25
4	"	Peltiah Davis	6 00
Not sold	1	no bidder (Eman) not sold to his g	4 50
	2	Wm I Allen	7 25
	3	J W Hrazin	10 00
	1	Henry Hrazin	10 50
	2	Wm I. Allen	10 50
	5	Jas W Hrazin	10 00
	6	Wm I Allen	17 12 1/2
	5	AP. Andrews	14 00
	6	S. S. Younglove	1 00
	1	J W Hrazin	1 00
	2	Wm I. Allen	25
	3	Wm I. Allen	90
	4	Wm I. Allen	2 00
	4	Wm I Allen	

2	16	Mr J. Allen	50
3	"	Peltiah Davis	75
4	"	Samuel D. Thompson	95
1	17	Charles Stryker	1 60
2	"	Charles Stryker	1 40
3	"	Charles Stryker	1 12 1/2
	18	Mr J. Allen	10 50
6	23	Mr J. Allen	1 00
7	"	Henry Tronk	4 50
8	"	Henry Tronk	6 99
1	25	Mr J. Allen	13 00
5	26	Mr J. Allen	26 00
3	28	S. A. Washington	10 30
4	"	Henry Tronk	11 00
5	29	Hugh Vandusen	55
6	"	Samuel Kauriland	1 51
7	"	Samuel Kauriland	3 00
8	"	Samuel Kauriland	2 00
1	30	William J. Allen	1 00
2	"	He. Tronk	1 00
3	"	He. Tronk	1 13
4	"	L. Phillips	1 05
5	"	L. Phillips	91
3	39	John Brady	27 55
3	40	John Brady	33
2	41	Isaac Countight	4 00
7	41	W. Patterson	229 00
7	42	A. P. Andrews	25 50
8	"	Isaac Countight	31 00
1	43	Peter D. Frazer	65 00
2	"	Peter D. Frazer	4 00
3	"	John W. Frazer	4 10

4	43	Jan W. Frazer	70	00
7	"	John C. Kiser	4	00
8	"	E. Hutchinson	48	00
7	44	Wm D. Allen	13	50
8	"	Wm D. Allen	18	50
7	45	P. P. Lewis	12	00
2	52	Isaac Countinph	10	55
4	"	AP. Andrews	16	05
6	55	Hugh Vandem	15	00
7	"	Hugh Vandem	15	05
1	56	Phenias Frazer	22	50
2	"	Hugh Vandem	16	62
1	65	H. Thompson	8	00
2	"	Wm D. Allen	9	00
8	"	Joseph Egbert	19	00
9	"	Joseph Frazer ^{Wm D. Allen}	7	62
10	"	Peltiah Davis J. Frazer	7	62
1	66	Peltiah Lewis	7	00
4	"	Lena Lewis	7	60
6	"	Alfred H. Anderson	8	00
1	67	Wm D. Allen	2	80
2	"	Wm D. Allen	2	85
5	"	Henry Thompson	5	75
6	"	Wm D. Allen	7	12
7	"	Wm D. Allen	5	06

Whf Lot No. 1 q of 64 sec. 27 27 12 W Wm D. Allen 50 00

Wm D. Allen Dec 25 D 29 B 13 W
I Countinph 26 00

64 Wm D. Allen Dec 30 D 27 11 W Reported in Sales of

Lots sold 8 May 1852 Wm D. Allen

Whf SW Dec 30 To 27 B 11 W reported in sales of 1852
Wm D. Allen

1053 49

And your Commission would further show unto your honorable Court that at said Sale begun and held as aforesaid on the said first day of January A.D. 1851 the following Lands were returned not sold for want of Bidders. To wit 8th Sec 30 & 27 R. 11 N. and 8th Sec 30 & 27 R. 11 N. and further that the following Town lots in the Town of Middleport after having been sold & struck off at said Sale were forfeited by the purchasers thereof by reason of their non compliance with the Terms of said Sale To wit Lot no 3 in Block no 8 Lots no 1, 2, 5, 6 & 7 in Block no 6 Lot no 3 in Block no 9 Lot no 5 in Block no 11 Lot no 1 in Block no 14 & Lots no 1, 2, 3 & 4 in Block no 43 in said Town of Middleport -

And your Commission would further show that in pursuance of the Order & Decree of your honorable Court herein at the Oct. Term A.D. 1850 I did proceed to give notice of at least thirty days of the time place and terms of sale by publishing a notice thereof in the Illinois Citizen a weekly newspaper published at Danville Illinois and also by putting up notices thereof in the towns of Millport Middleport and Concord in said County of Tazewell (a copy of which notice is herewith presented to this Honorable Court and made part of this Report) and that

I did in pursuance of said Order decree
 & notices proceed on the 8th day of May
 A.D. 1852 to sell the last mentioned
 lands & town lots, at the Court house
 door in the town of Middletown in said
 County of Rogers, between the hours of
 ten o'clock AM and the 6 o'clock PM,
 of said day, which said Lands & town
 lots were then and there sold and
 struck off to the following named persons
 for the following prices, they severally
 bid the highest and best bids for the same.
 as per the following Schedule of Sale to wit

Lot Block

3	8	David B. Gardner	4	00
1	6	Mastus	5	00
2	"	Mastus	6	75
5	"	Mastus	7	00
6	"	Mastus	7	00
7	"	Mastus	7	80
3	9	Mastus	8	10
5	16	Mr. J. Allen	10	50
1	14	Mr. J. Allen		26
1	43	David B. Gardner	50	00
2	"	J. D. Kelly	35	00
3	"	Mastus	33	00
4	"	Mr. J. Allen	40	00
3 1/2 Mr Sec 30 7 27 11 1/2 Mr J. Allen			43	40
Mr Mr Sec 30 11 27 11 1/2 Mr J. Allen			46	00
			301	81

and that I did take from each
 of said purchasers a note payable in
 one & 2 years with interest from date

with approved security - and that I did
 take from each of said purchasers a
 mortgage on the land so purchased
 by them, to secure the purchase money for
 the same, & left to the heirs entitled to
 distribution, according to said order
 & decree of this Hon. Court - and that
 I did execute to the purchasers thereof
 a good and sufficient deed as such
 Commissioners - and that I did
 require the purchasers thereof to pay
 one tenth of said purchase money
 at the time of sale - and that I have
 in all respects complied with the
 order, decree and directions of this
 Court herein, as far as could be done
 according to said decree -

In witness whereof I have hereunto
 subscribed my name this 24 day of
 May A D 1852 - And you Commis-
 sion would ask time to make
 Supplemental Report as to Receipts
 disbursements, distribution of proceeds
 &c at next term of this Court

Charles Gardner

Commissioner

Apr 27 deeds @ \$5 each	11000
for acknowledgment same	6.75
paid publication	10.93
Recording Mortgages	10.00
per cent of sale 3 ds	600
Commission on Sales 1355 ²⁰	23.32
Ch of Sale	600
Refund	1000

and It is Ordered by the Court that
this cause be continued until next
Term of this Court.

And afterwards to wit: On the third
judicial day of the July Special Term
of said Circuit Court for the year
A.D. 1853, being the 20th day of July
in said year at the Court-house
in Middleport in said County and
the Honorable Hugh Henclum Judge
of the Eleventh Judicial Circuit - of
the State of Illinois the following
among other proceedings were heard
and entered of Record by said Court
in words and figures following
to wit:

"William J. Allen et al } Petition
vs }
"Lewis Seim et al } Partition

And now comes Joins
for Complainers and now for
a Continuance for Commission
to report - It is Ordered this Cause
be Continued until next Term"

State of Illinois
Hogans County ss. I, Jesse Bennett clerk of the
Circuit Court in and for said
County do hereby certify the pre-
ceeding to be a full complete and
perfect transcript of all the pro-
ceedings had in the said
Cause above stated and all

papers on file in my office apper-
-taining to or forming a part of
the Record in this cause

In testimony whereof
I hereunto subscribe my name
and affix the Seal of said
Court at my office in
Middleport this 24th day
of December A.D. 1853
J. Bennett Clk

Charles Fries for Transcript

137 fol

ff 13,70

Certificate of Deal

135

\$14.05

Read the above fees of

J. H. Murphy

J. Bennett & Co

Storius Rem can & others

Enor to Proqueis

21

William J. Allen 20th May

And now come the Defendants
John Colborn Nicholas H
Pridgley & Uri Monley

John Colborn Nicholas H

Ridgley & Uri Moulton

Trustees of the State Bank of Illinois and

Say that in the Record and proceedings aforesaid
and in the rendition of the Judgment aforesaid
there is manifest error in this (verdict)

Swiss Count Emma

188. In appointing a Guardian ad litem for minors it

not being shown by the bill or otherwise that there were
any minors in the suit.

2. In rendering a dictu pro confesso to Mary & Elizabeth there was no need at all of the

Elizabeth Sumner, or any deced at all - there being
no service of process on them.

3 In Rendering a decree against Henry J. Eldworth
the following bill is to be filed with the decree.

There being no sufficient notice to him of the pendency
of the suit.

4. Perfessing a debt against the State Bank

or the Trustees of the State Bank of Illinois
there being no sufficient service on them.

5 The Petition is informal & insufficient for

The following reasons

1st. Because it does not show the relations of the
Parties to Hugh Russell who died seized of the Estate

2. It does not show that no other persons were
interested in the Estate.

6. The Petition can not be maintained because
all the Parties have not an interest in all
the Land sought to be divided

7. The Proofs and allegations of Petition do not correspond.

8. The Record contains no notices of sales.

9. Court ends in not dismissing the Petition & in rendering
a final decree approving the Report of Sale

For these & other errors in said Record they pray
that said Decree may be reversed or nullified and
set aside & wholly for nothing esteemed

June 16th 1854.

Wm. D. Allen for
Trustees &c

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Wm. D. Allen & al
ats.

Darius Duncanson

transcript

Filed May 13. 1854.
J. C. Celand Clerk.

X

Darius Duncan & others } Error to Jroquois
as
William J. Allen & others }

This day this Cause came on to be heard upon the ~~Motion~~^{Order} herein before entered that the Defendants Join in Error in said Cause, and the said Defendants having failed to Join in Error and make default in that respect, it is ordered adjudged and decreed (by Consent of the Counsel for the Plaintiff in Error) that as to the said Plaintiff John Calhoun, Nicholas H. Ridgley & Wm Manley Trustees of the State Bank of Illinois; who alone prosecute the writ of Error in this Cause; and so far as the the decree of the Circuit Court related to the East half of the South West quarter of Section Thirty (30) in Township Twenty Seven (27) North of Range Eleven (11) West in said Decree mentioned; the Decree of the said Circuit Court be and the same is hereby reversed set aside and wholly for nothing esteemed

2 Decree for costs
2 Execution therefor

Duncan vs Allen

order

Recorded - 266

STATE OF ILLINOIS,

Supreme Court,

ss.

The People of the State of Illinois,

To the Sheriff of the County of *Vermilion* - Greeting:

BECAUSE

in the record and proceedings, and also in the rendition of the judgment of a plea which was in the circuit court of *Croquois* county, before the Judge there-

of, between *William J. Allen, Emily Allen his wife, Ambrose P. Andrews, Elizabeth Andrews his wife & Asa Duncan, Petitioners & Jarvis Duncan, Francis Duncan, Samuel Duncan, John M. Duncan, Minerva Duncan, Henry Stephenson, Martha Stephenson, James Stonis, Adelia Stonis, Adaline Stonis, William C. Knox, Minerva Knox, Sewall Duncan, Edward Duncan, Benjamin F. Duncan, Emeline Duncan, Elizabeth Duncan, Mary Duncan, James Duncan, Isaac Courtwright, Ruth Courtwright, Henry C. Ellsworth, Uri Mauley, Nicholas H. Ridgely, John Calhoun, Trustees State Bank of Illinois*

defendants, it is said that manifest error hath intervened, to the injury of the said *Defendants*

as we are informed by *their* 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 *William J. Allen, Emily Allen his wife, Ambrose P. Andrews, Elizabeth Andrews his wife & Asa Duncan*

that *they* 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 *they* shall see fit; and further to do and receive what said court shall order in this behalf; and have you then there the names of those by whom you shall give the said *Petitioners*

notice, together with this writ.

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 Fifty-*four*.

S. Leland
Clerk of the Supreme Court.

David Duncan & Co

William J. Allen & Co.

See Pa. 2

James J. Allen
Ambrose R. Andrews
Elizabeth Andrews
Asa Duncan

Filed June 12th 1854.

A. J. Duncan & Co.
By J. H. Duncan & Co.

May 26, 1854. Executed by reading to the within
named William J. Allen, Emily Allen, Ambrose R. Andrews,
Elizabeth Andrews and Asa Duncan,
Serving a R of 0.60
J M Travel 20
\$ 2.85
J M Parlow Sheriff
Vermilion County
Illinois.

STATE OF ILLINOIS,

Supreme Court,

ss.

The People of the State of Illinois,

To the Clerk of the Circuit Court for the county of *Coyne's* Greeting:

BECAUSE in the record and proceedings, as also in the rendition of the judgment of a plea which was in the circuit court of *Coyne's* county, before the Judge thereof, between *William J. Allen et al.*

plaintiffs, and *Darius Duncan et al.*

defendants it is said manifest error hath intervened, to the injury of the aforesaid *Defendants* as we are informed by *the* complaint, and we being willing that error, should be corrected if any there be 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 plaint, 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 *22nd Monday in 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 Fifty-four.

L. Lelander Clerk of the Supreme Court.

Duncan et al.

Allen et al.

Writ of error

Filed May 13. 1854.
S. Keland Clerk.

STATE OF ILLINOIS,

The People of the State of Illinois,

In Supreme Court. Term Term
1854

William J. Allen Emily Allen his wife
Ambrose J. Andrews, Elizabeth Andrews
his wife and Asa Duncan
vs

For Partition

x Cassius Duncan & Francis Duncan
x Samuel Duncan x John M. Duncan
x Minerva Duncan x Henry Stephenson
x Martha Stephenson x Samuel Norris
x Adelia Norris x Adeline Norris
x William C. Knox x Minerva Knox
x Russell Duncan x Edwards Duncan
x Benj. H. Duncan x Emeline Duncan
x Elizabeth Duncan, Mary Duncan
x Louis Duncan x Isaac Courtwright
x Ruth Courtwright, Henry C. Elsworth
Wm Manley, Nicholas H. Ridgley +
x John Calhoun Trustee State Bank
of Illinois

I saw and of Error & Scin Facias
in the above ^{Cons.} in favor of the Defendants below
against the Plaintiffs below Returnable to next
Term Supreme Court To the Sheriff of
County -

Druple Sawyer
Defts Attys

May 11th 1854.

Having been sworn within bonds

by

William J. Allen sworn within bonds

In Supreme Court
June Term 1854

I do hereby enter myself security for costs in this cause and acknowledge myself bound to pay or cause to be paid all costs which shall accrue in this action either to the opposite party or to any of the Officers of this Court in pursuance of the laws of this State.
Witness my hand May 11th 1854.

A. J. Sample

Filed May 12. 1854.
A. J. Sample

Rec. & paid for costs

Allen et al.

32
Duncan et al.

22
Darius Duncan et al
William J. Allen et al.

22

Certs Taxed

12377

7854