

No. 13365

Supreme Court of Illinois

Barnard

vs.

Brown et al

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Proceedings

At a Term of the Circuit Court begun and held at the Court House in the City of Pekin on the first Monday of the month of September A.D. 1860. Present Hon James H. Harts Judge 2^d Judicial Circuit of the State of Illinois composed of the Counties of Mason, Tazewell &c. Hugh Fullerton Prosecuting Attorney. C. B. Rees Sheriff and Merrill Young Clerk.

Be it remembered that on the 19th day of September A.D. 1860 it being the 13th day of said Term a decree was entered on the Chancery side of said Court, which said Decree was in the words and figures following. To wit: -

State of Illinois	} In Circuit Court
Tazewell County	

John Barnard	} In Chancery to Foreclose Mortgage
vs	
Abraham Brown	
Amanda Brown	
Samuel P. Bailey & Benjamin S. Pellyman	

And now at this day came the complainant John Barnard by his Solicitors Roberts & Ireland, And the defendant Samuel P. Bailey having at the February Term 1860, of this Court filed his answer, and at the same Term the complainant having filed his replication thereto, and at the June Term 1860 of this Court the said Bailey having filed his cross bill herein, and the said complainant having filed his answer to the same, and said defendants Abraham Brown and Amanda Brown having been brought into Court by publication in the Tazewell Register a weekly newspaper published in Pekin Tazewell County Tazewell County Illinois, the first publication thereof having been on the 9th day of November A.D. 1859 and the last on the 8th day of December 1859, said publication having been for four successive weeks, and said Benjamin S. Pettyman having been duly served with process more than ten days before the 1st day of the February Term 1860, and summons having been returned, not found as to Abraham Brown and Amanda Brown, and said Benjamin S. Pettyman, Abraham Brown and Amanda Brown having all been three times solemnly called came not but made default, it is ordered and decreed by the Court that complainant's bill and all things therein contained be taken for confessed as against the said Benjamin S. Pettyman, Abraham Brown and Amanda Brown.

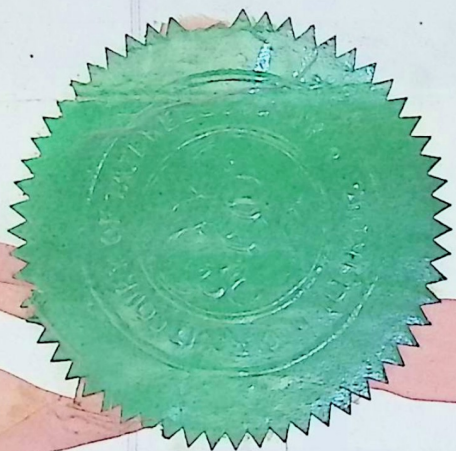
and said cause having come on for hearing
and complainant having produced said
original note in said bill mentioned, for the
sum of Six thousand Dollars, dated the 2^d
of October 1855 due on demand and payable
to said John Barnard and signed by said
Samuel P. Bailey, and it further appearing
to the Court after allowing the credits admitted
by the Cross bill and shown by the receipts and
other evidence held and produced by the said
Samuel P. Bailey, that there is yet due upon
said Six thousand Dollars note above mentioned
and described, the sum of Three thousand
five hundred and twenty six & ⁷/₁₀₀ Dollars
And it further appearing by the introduction
and proof of the original mortgage, given
by said Abraham Brown and Amanda Brown
his wife to said Samuel P. Bailey, and by the
introduction of nine of the original notes
given by said Brown to said Bailey to wit:
all of said notes dated the 14th day of October
1853, one due thirty months after date, one thirty
six months after date, one forty two months after
date, one four years after date, one four & a half
years after date, one five years after date, one
five and a half years after date, one six years
after date, and one six and a half years after
date, all for the sum of Three hundred Dollars
each (and being all the notes due upon said

mortgage) that there is due and unpaid upon said notes and mortgage given by said Brown and wife to said Bailey, the sum of Three thousand Ninety one ⁵⁰/₁₀₀ Dollars, and it further appearing to the Court that all of the notes which said Mortgage from said Brown and wife to said Bailey, and also said Mortgage were duly assigned by said Bailey to the complainant as collateral security to secure the payment of said note of Six thousand Dollars given by said Bailey to said Complainant, and it further appearing to the Court that said sum of Three thousand five hundred and twenty six ⁰⁷/₁₀₀ Dollars is still unpaid on said Six thousand Dollar note. It is therefore ordered, adjudged and decreed by the Court that the Defendants in this cause in twenty days from the adjournment of this Court pay the said complainant John Barnard the said sum of Three thousand and ninety one ⁵⁰/₁₀₀ Dollars and costs of this suit and in default thereof it is ordered, adjudged and decreed by the Court, that said mortgaged premises being the North east quarter of the South west quarter of Section one (1) The North west quarter of the South west quarter of Section one (1) and the South half of the South west quarter of Section one (1) the North east quarter of the North west quarter of Section Twelve (12), the North west quarter of

the North west quarter of Section Twelve, the South east quarter of the South east quarter of Section Two (2) all in Township Twenty four (24) North range five (5) West of the 3^d principal meridian, except the land and water on which stands the large lake known as Bailey's Lake, also the right of way to the same of thirty feet, also the right of laying water pipes to convey said water in said Lake to Pekin, be sold at the front door of the Court House in Pekin Tazewell County Illinois, at public auction, in separate parcels to the highest bidder for cash, and it is further ordered that the time, terms and place of said sale, be previously published for the space of three successive weeks before said sale in some public newspaper published in Pekin Illinois and out of the proceeds of said sale, the costs of this suit and the expense of sale be first paid, and the balance be paid to said John Barnard, to be by him credited on said Six thousand dollar note, and that Charles Turner Esq. be appointed Special Commissioner to carry this Decree into effect, and that he report his actings and doings to this Court and that this cause stand Continued

State of Illinois }
Tazewell County }
J. George H. Harlow Clerk of

the Circuit Court, do hereby certify that the foregoing 5 pages contains a full true and complete copy of the decree rendered at the Term and in the cause therein mentioned as fully as the same appears of record in my office.



Witness my hand and the seal
of said Circuit Court hereunto
affixed at Pekinⁱⁿ said County
this 30th day of January A.D. 1861.
George H. Marton Clerk
per A. O. Griswold Deputy

And now afterwards to wit; on the
same day, the following proceedings were had
to wit:—

John Barnard

Abraham Brown

Amanda Brown

Samuel P. Bailey &

Benjamin S. Pettyman

} Foreclosure

Now on this day comes
Samuel P. Bailey one of the defendants in the
above entitled cause, and prays an appeal
which is granted by the Court, with bond to be
filed in 30 days in the sum of Two hundred
dollars with Thomas C. Reeves as Security.

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And now afterwards, to wit: on the 25th day of September AD 1860, an appeal bond was filed in the office of the Clerk of said Court which said bond is in the words and figures following, to wit:—

Know all men by these presents that we Samuel P. Bailey and Thomas C. Reeves are held & firmly bound unto John Barnard in the sum of two hundred dollars for the payment of which well & truly to be made, we bind ourselves our heirs, executors & administrators, jointly, severally & firmly by these presents, sealed with our seals this 22nd day of September 1860.

Whereas in a certain cause wherein John Barnard is plaintiff and Samuel P. Bailey and others are defendants on the Chancery side of the Tazewell Circuit Court of the September term 1860, and whereas the said Samuel P. Bailey one of the said defendants in said cause has prayed an appeal from a decree made in said cause to the Supreme Court of the State of Illinois now the condition of the above obligation is such that if the said Samuel P. Bailey shall prosecute his said appeal with effect and pay whatever judgment, interest & costs that may be adjudged against him, together with all damages by reason of the wrongfully taking said appeal then this obligation to be null & void, otherwise

to remain in full force and effect
Witness our hands & seals this 22nd day
of September 1860

Samuel P. Bailey *Seal*
Thomas C. Reeves *Seal*

State of Illinois }
Tazewell County } I, Geo H. Karlon Clerk of the
Circuit Court within and for said County, do
hereby certify that the foregoing contains a
true copy of the record of proceedings had on the
appeal of said cause, and the appeal bond
on file in said cause, as fully as the same
appears of record in my office

Witness my hand, and the
seal of said Court hereto
affixed at Pekin this 16th
day of April A.D. 1861.

Geo H. Karlon Clerk
per A. P. Griswold deputy



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Samuel P. Bailey
Wm. P. Bailey

John Barnard

Transcript

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1861

Filed April 19. 1861

A. C. Keland

Off.

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Prob. to City

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