

Pleas before the Hon^{ble} Walter B. Scates,
Judge of the Third Judicial Circuit for
the State of Illinois and Presiding Judge
of the Circuit Court for and within the
County of Jackson (in said circuit) began
and held at the court house of said County
in Brownsville on the fourth Monday
of April in the year of our Lord One Thou-
sand Eight Hundred and forty, and of the
Independence of the United States of A-
merica the ^{first} fourth -

Be it remembered that heretofore to wit on the
10th day of June in the year of our Lord One Thousand
Eight Hundred and thirty nine there was issued out
of and from the Clerk's office of the County Com-
missioners Court for St. Clair County a certain
writ in the words and figures following viz:
State of Illinois } The People of the State of Illinois. To the
St. Clair County } Sheriff of said County. Greeting -

We command you, to summon twelve good and
lawful men who are of kin to neither of the legal
owners of the following described tract or parcel of land
situate in St. Clair County State of Illinois between
Cahokia Creek and the Mississippi River opposite
St. Louis to wit. Beginning on the west side of Cahokia
Creek from a post in the edge of the creek, from which
a forked Elm (the N.E. corner of the Campbell Survey
of 100 Acres) said Elm is 14 in. di. and bears N 21 $\frac{1}{2}$ ° W 72 links
and a maple 6 in. di. bears S 87° W 26 links distant, and
run from said post South 87 $\frac{1}{2}$ ° W at 6.04 Chains a Sycamore
26 in. di. at 11.50 Chains intersected the Mississippi
River, thence go to the place of beginning and run thence
down Cahokia Creek S 2 $\frac{1}{2}$ ° E. Three hundred feet to a
Post in the Edge of the Creek, from which an ash 6 in. di.
bears S 88° W 65 links. & run from said post S 87 $\frac{1}{2}$ ° West
at 8.32 Chains a Sycamore 8 in di. 12.50 Chains intersected
the Mississippi River, to meet on the Land above described
on the 14th day of June inst. as furors. After being by
you sworn to Enquire of the damages in view of the
said Land, to certify the amount of the damages which
the Owner or Owners of said Land may sustain by rea-
son of the taking and appropriating the Land aforesaid
for a road and ferry landing, and also that you cause
the Certificate or verdict signed by all the said Jurors

and containing the metes and bounds, of the land taken and appropriated as aforesaid to be filed in the Office of the Clerk of this Court, and make due return of this writ - Witness James M. Reynolds Clerk of the County Commissioners Court of St. Clair County at Belleville this 16th day of June in the year of our Lord one thousand eight hundred and thirty nine and of the Independence of the United States the sixty third - J. M. Reynolds, Ckr.

which said writ being put into the hands of the Sheriff of St. Clair County aforesaid was by him afterwards returned with the following endorsement to wit, -

"On the 14th day of June 1839 as within Commaned I summoned the following named persons as a Jury, twelve in number, viz. Wm Baker, Wm G. Goforth, Seth Gathin, A. H. Leach, A. H. Mullin, Wm Hendricks, Joseph J. McKimmon, John Bradshy, Daniel Baldwin, Edward Tate, Thornton Peoples, A. Hookey, who after being duly sworn, proceeded to appraise the damages sustained by the Owner or Owners of the within described Land which will more fully appear by reference to the report of said Jury herewith filed - Samuel B. Chandler Sheriff St. C. Co.

State of Illinois
St. Clair County } we the undersigned, and each of us do solemnly swear, that we will impartially and to the best of our Skill and Judgment, view the Land upon which a road and ferry landing between Cahokia Creek and the Mississippi River opposite St. Louis has been located in the writ of a quo damnum described, and that we will in view of the Land inquire of, and certify the amt. of the damages which the Owner or Owners of said Land may sustain by reason of the taking and appropriation of said Land for a road and ferry Landing as aforesaid. So help us God.

William Baker John Bradshy Ambrose H. Leach
W. G. Goforth Wm Hendricks Daniel Baldwin
Edward Tate Thornton Peoples Alex. H. Mullin
Joseph J. McKimmon Aaron Hookey Seth Gathin
I Samuel B. Chandler Sheriff of Saint Clair County aforesaid do hereby certify that the above oath was by me administered to each of the above named individuals being twelve in number and by them subscribed in my presence - Dated the 14th day of June A.D. one thousand eight hundred and thirty nine - Samuel B. Chandler Sheriff St. C. Co.

We of the Jury, being duly sworn by the Sheriff of St. Clair County, to Enquire of the damages sustained by the Owner or Owners of the Land by reason of the location of a road and ferry landing between Cahokia and the Mississippi River opposite St. Louis, having met upon the appropriated for said road and ferry landing, and which is in the writ of ad quod damnum and return, do hereby certify the following: Beginning on the west side of Cahokia Creek from a post in the Edge of the Creek from which a forked Elm, (the N.E. Corner of the Campbell tract of 100 acres) said Elm is 14 in. di. bears N 21 $\frac{1}{2}$ ° W 72 Links & a maple 6 in. di. bears S 87° W 36 links distant and run from said Post South 87 $\frac{1}{2}$ ° W. at 6.04 Chains a Sycamore 26 in. di. at 11.50 Chains intersected the Mississippi, thence go to the place Beginning and run thence down Cahokia Creek where set a post from which an ash 6 in. di. bears S 88° W. 35 Links, and run thence from said post S 87 $\frac{1}{2}$ ° W. at 8.32 Chains a Sycamore 8 in. di. 12.50 Chains intersected the Mississippi River, are of opinion the Owner or Owners of said Land will sustain damage to the amount of Seventy four dollars by reason of the location of said road and ferry landing, and we do, according to the view of the Land aforesaid, Certify the damages which such Owner or Owners may sustain by reason of the location of said road and ferry landing as aforesaid at Seventy four dollars.

Thomson Lepley

Edward Tate

Joseph S. McKimmon

Daniel Baldwin

Seth Gathin

John Braden

William Barker

W. G. W. forth

Ambrose H. Leach

Aaron Hooker

Alex. H. Mullish

William Hendricks

I certify that the foregoing is a copy of all the proceedings had before me, the Original papers having been filed with the Clerk of the County Commissioners Court before Notice was given me of an intention to take an appeal from the assessment of the Jury - July 24th 1839.

Saml B. Chandler Sheriff St. Cl.

And afterwards to wit on the 30th day of March A.D. 1840 there was filed in the Clerks office of the Jackson County Circuit Court a transcript from the records of the St. Clair County Circuit Court which said transcript is in the words & figures following, viz:

Pleas before the Hon^{ble} Judge Breese Judge of the Second Judicial Circuit for the State of Illinois and Presiding Judge of the Circuit Court for and within the County of St. Clair (in said Circuit) began and held

at the Court house of said County in Bellefille on the thirty
day Monday of February A.D. Eighteen hundred and forty
and of the Independence of the United States of America the sixth month
St. Clair County ss.

Be it remembered that heretofore to wit on the 24th July
A.D. Eighteen hundred and thirty nine, Adam L. Mills & others
filed in this Court a certain record from the County Com-
missioners Court of said County on the appt. of damages
for jury land, from which judgment the said Adam L.
Mills & others appealed; returnable to the August term of
said year last aforesaid. August Term 1839.

Advs. } on appeal from the appt. of
The County Commissioners } damages
of St. Clair County } Cont^d generally.
November Special Term 1839.
Wednesday 6th November 1839.

Adam L. Mills & others }
Advs. } Cont^d by Consent
The County Commrs Court }
February Term 1840.
Monday 17th February 1840

Adam L. Mills & others }
Advs. }
The County Commrs Court } The parties by their atts. file
their affidavit for a change of venue motion for change
of venue resisted by L. Sumball Atty. Motion granted
and it is ordered that the change of venue be to the
County of Jackson, and the clerk transmit the papers
accordingly.

Copy of affidavit for change of venue
of the Feb'y term of the St. Clair Circuit Court A.D. 1840.
State of Illinois } Adam L. Mills & others
County of St. Clair } Advs.
The County Commrs of St. Clair County

Be it remembered that this day personally
appeared in open Court before the Circuit Court
upon his oath says, that he verily believes, that a
fair and impartial trial, can not be had in the Circuit
Court of St. Clair County, of the appeal now depending
in said Circuit Court, which was taken from the appt.
ment of damages, made by the Jury under a writ of
ad quod damnum issued from the County Commissioners.

Court of said county for the purpose of ascertaining the damages sustained by the owners of the Land upon which has been located the road and ferry landing between Cahokia Creek and the Mississippi River opposite St. Louis on account that the People of said County are interested against the Cause of the said Mills and other appellants and owners of said Land.
Sworn to and subscribed
A. S. Mills

in open Court February 17th 1840
John Hays Clerk

Amount of fee bill filed 18.81 1/4

State of Illinois }
St. Clair County } ss. I John Hays Clerk of the Circuit Court for and within the said County of St. Clair do hereby certify that the foregoing Exemplification is a true transcript of the orders taken on the said as appearing on the records of said, and that the papers herein transmitted are all the papers appertaining to the same.

In testimony whereof I have hereunto set my hand and Seal of said Court at Belleville this twentieth day of March in the year of our Lord Eighteen hundred and forty -
John Hays

And afterwards to wit at a Circuit Court for Jackson County aforesaid begun and held at the Court house in Brownsville in and for said County before the Honble Matthew B. Seaton on Tuesday the 28th day of April in the year of our Lord One thousand eight hundred and forty the following order was entered of Record viz:

Adam S. Mills & others

vs
Saint Clair County } Appeal
the defendants by Counsel their attorney And entered a motion founded on an affidavit to dismiss the appeal - which said affidavit is in the words and figures following to wit:

"Change of venue from St. Clair
Adam S. Mills, John H. Gay, Charles Mylchkin, John O'Fallon, William C. Higgins, Andrew Christie, Melaner Christie, Joseph A. Christie, Elizabeth Christie Maria S. Christie, the heirs of Samuel C. Christie and minors by their next friend Melaner, Emile Pratte, Emile & Ranney Brooks, Raymond Pratte Louis Devoynt & Thurey his wife, Stephen L. Nield & Celestie his wife, Louis V. Rogy & Pelogie his wife, & Joseph Blair & Diana his wife

appellants

vs.

County Commissioners
of St. Clair County, appellants
State of Illinois
Jackson County

Jackson Circuit Court April Term
1840
On appeal from a judgment
of damages —

Samuel B. Chandler being duly
sworn upon his oath states that the appellants in the
above case are now and were at the time of the com-
mencement of this suit non residents, residing without
the limits of this State of Illinois & further he saith not
subscribed sworn to in open
Court this 27th apt 1840. Daniel W. Moshell.

And afterwards, to wit, on the 29th day of April in
the year last aforesaid, at the said Circuit Court the
following order was made and entered upon the
records of the said Court. viz. —
Adam L. Mills and others

vs.
The Co. Comm. Court of St. Clair Co.

Appeal

And now at this day came again the said
plaintiffs by Shields & E. D. Baker their attorneys and
the defendants by Mumbrell & D. L. Baker their attor-
neys, and after judgment heard by the Court upon
the motion entered herein to dismiss the appeal it is
considered by the Court that the said motion be dis-
allowed.

And afterwards, to wit, on the 30th day of April
in the year last aforesaid the following order was made
and entered upon the records of the Jackson Circuit Court,
viz: Adam L. Mills & others

vs.
Co. Comm. Court of St. Clair Co.

Appeal from apt. of
damages —

And now at this day came the said plain-
tiffs by Mumbrell, Dougherty and McElernand their
attorneys, and the said defendants by Shields, Field,
E. D. Baker and Gatewood their attorneys, and the said
Adam L. Mills in person, and by order of the Court
then came a jury to wit, B. F. Conner, Nathaniel Her-
ring, Jas. Horn, Isaac Kinget, Wm. Husband, David
Reynolds, John Gill, John Purdy, Wm. Etheaton, Michael
Robert, Arthur Croft, & James Moore, twelve good and
lawful men, who being duly sworn well say truly
to enquire and assess the damages that will be suste-
tained by the legal owners of the land by reason

of the location of a road & ferry landing between Cahokia Creek and the Mississippi River opposite St. Louis, after evidence heard and instructions of the Court, do upon their oaths say we the Jury certify that the damages which the legal owners or owners of the Land upon which a road & ferry landing has been located between Cahokia Creek & the Mississippi River in St. Clair County amount to the sum of six hundred Dollars. It is therefore ordered by the Court that the Clerk certify to the County Commissioners Court of St. Clair County a copy of this order and also the damages and costs herein.

and afterwards to wit on the 30th day of April in the year of our Lord one thousand eight hundred and forty then was filed in the Clerk's office of the Jackson Circuit Court a Bill of Exception in the words following, viz: -

The County of St. Clair

The Legal Owners of the Land opposite St. Louis

Jackson Circuit Court
April Term 1840 -

Be it remembered that on the trial of this cause and after the empanelling of the Jury the plffs. introduced John Mespenger, a citizen and a Tax payer of the County of St. Clair as a witness and upon being asked the question whether he was a Tax payer in St. Clair County answered in the affirmative, whereupon the D^r. Owners by their attys. objected to the D^r. Mespenger giving testimony on the ground of his interest which objection the Court overruled and permitted the witness to give evidence in reference to the damages to which opinion of the Court in permitting D^r. witness to give evidence the defts. by their attorneys excepts & prays this their bill of exception may be signed & sealed & made a part of the record -

and afterwards to wit on the first day of May in the year aforesaid ~~that~~ an additional bill of Exception was filed in the Clerk's office of the said Court in the words following, viz:

State of Minn^o }
Jackson County } Adam L. Mills & Others

The Court of St. Clair -

Be it remembered that on the hearing of this cause

after the Jury were sworn the Appellants by their Counsel moved the Court for leave to introduce their testimony first and before the County offered any proof, which the Court overruled. He it further remembered that after the County had closed their proof, the appellants introduced a witness who was duly sworn, who proved that they the said appellants had been for seven years in peaceable possession of said land as well above as below being the same on which the St. Louis Ferry is and has been located and that they derived their possession immediately from one Samuel Wiggins who had also been in continued and peaceable possession ever since the witness knew the land which was six years before said appellants got possession. They then asked said witness what was the value of said ferry on said land occupied and run by said appellants to which question the County of St. Clair by their Counsel objected and the objection was sustained by the Court, the Court upon such objection deciding that the appellants could not enquire into the value of said ferry of said appellants or as to any injury done to said ferry privilege. The Counsel for appellants also moved the Court at the ~~same~~ conclusion of the testimony for leave to open and ~~close~~ the argument to the Jury which was refused by the Court. To which orders and decisions of the Court in refusing the appellants by Counsel to open and conclude the proof and argument and in sustaining the objection of the County of St. Clair by Counsel to proof of the value of said ferry and in deciding that the appellants could not enquire into the value of said ferry or as to any injury done said ferry the appellants by their Counsel during the trial excepted and tender this their bill of exception which they pray may be signed sealed and made a part of the record, which is accordingly done. The depts. and owners of the land after the testimony was closed moved the Court to instruct the Jury as follows. The depts. by their Counsel moves the Court to instruct the Jury that in estimating the damages to the land appropriated for the road and ferry landing they will take into consideration the damages done to the

Ferry rights of the Owners of the Land over which
Said Road passes -

That if they believe from the Testimony that the
Owners of the Land in question are now in possession
and use of a Ferry and that the appropriation
and use of Said Road and ferry landing by the County
of St. Clair will injure the use of Said Ferry rights
and lessen the value of the Land, they will take
Said damage and injury into consideration -
which instructing the Court, refused to which opinion
of the Court in refusing instructions the
defts. by their Counsel except, & pray this bill
to be signed and sealed and made a part of the
Record -

Walter B. Seatez, *Deft*

And afterwards to wit, at a circuit Court of Jackson
County held at the Court house in Moundsville on
Friday the 1st day of May A.D. 1840. the following
order was made and entered upon the records
of the Said Court viz: -
Adam L. Mills & others

} Appeal

vs.
Co. Comm. Court of St. Clair Co.

This Day came the parties by their at-
torneys, and the Said plaintiffs prayed an appeal herein
to the Supreme Court which was allowed according
to upon the Said Adam L. Mills entering into bond
in the sum of six hundred dollars with James Shields
and Thomas Cohen Security within twenty days, Con-
ditioned as the law directs -

Whereupon the Said Adam L. Mills filed in
the Clerks office of Said Court a bond in the
words and figures following to wit:

Know all men by these presents, that we Adam
L. Mills, Thomas Cohen, and James Shields are held
and firmly bound unto the County Commissioners
Court of St. Clair County in the State of Illinois in
the pending sum of six hundred dollars lawful
money for the payment of which well and truly
to be made and performed we and each of us
bind ourselves our heirs, Ex^{rs} & Admin. jointly,
severally and firmly by these presents, witness our
hands and seals this first day of May 1840.

The Condition of this obligation is such that
whereas the Said Adam L. Mills & Others did on the

30th day of April A.D. 1840, in the Circuit Court in & for the County of Jackson & State aforesaid, recover a judgment against the said County of St. Clair for the sum of six hundred dollars damages besides costs; from which said judgment of the said Circuit Court the ^{2d} Adam L. Mills & others have prayed, for & obtained an appeal to the Supreme Court of said State. Now if the said Adam L. Mills & others shall duly prosecute their said appeal with effect and shall moreover pay the amount of any judgment & all costs interest or damages that may be rendered against them in the said Case in said Supreme Court, then their above obligation to be void, otherwise to remain in full force & virtue -

Taken & entered into
before me this 1st May
1840. Daniel H. Bush clk

A. L. Mills for himself & each
and as agent for others owners of the ferry
Thos Cochrane
John Shields

and the cost having been taxed in the said
Case amounts to the sum of — \$75.31 1/4

State of Illinois
Jackson County } I Daniel H. Bush clerk of
the Circuit Court for Jackson County aforesaid do
certify the above & foregoing to be a full and
complete transcript of the record and proceedings
had in the said Court in the case between Adam
L. Mills and others, and the County Commissioners of
St. Clair County, as the same now remains upon
record in my office -

In Witness whereof I hereunto set my
name and affix the official seal of the
said Court at Brownsville this 14th day
of May A.D. 1840.

Daniel H. Bush clk

Jackson
Adam L. Mills & others
vs
Saint Clair County
Transcript of Records

^{by}
Filed June 2, 1840
Jm Duncan

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