

No. 11843

Supreme Court of Illinois

Ballance.

vs.

McFadden.

71641 7

Peoria - ct 3
Charles Ballance
vs
James ell^e Fadden

~~#1~~

Box
2
7C 11843

Peoria - ct 2
Charles Ballance
vs
James ell^e Fadden

53

11843

Box 2

1851

Northern

1/
Proceedings of the Circuit Court in & for Peoria County State of Illinois
at the May Term thereof A.D. 1849, to wit, Tuesday May 29th 1849.
James Mc Fadden

vs
ejectment
Jacob Young

Rule to plead =

This day came the said James Mc Fadden by Norman H. Purple his
declaration herein and proved to the satisfaction of the Court due service of a
copy thereof & of the notice thereto annexed on the said defendant ten days previous to
this day, Whereupon on motion of the plaintiff it is ordered that the said Jacob
Young plead to the said declaration in twenty days from this date.

Said declaration & notice are in the words & figures following, to wit:
Declaration: State of Illinois }
Peoria County } In the Circuit Court of Peoria County, May Term A.D. 1849.
James Mc Fadden Plaintiff, in this
suit complains of Jacob Young the Defendant in this
suit. For That the said Plaintiff on the tenth day of May
A.D. 1849 at the county aforesaid, was possessed of the
following described real Estate (to wit) beginning at a
post from which the North corner of French Claims
numbered, 1. 11. 41742. as hereinafter described, bears
north 46° 30' West 30 feet. Thence South Forty six and
one half degrees East one hundred and nine feet to
the Northwesterly edge of Water street as laid out by
Bigelow & Underhill thence South 50° 30' West along the
North westerly edge of said Water street twelve feet and
Eight inches thence North 39° 30' West one hundred and
Eight feet to the place of beginning, being part of a
certain lot designated as covered by claims Number 1.
11. 41742 in the South East fractional quarter of fractional
section nine in Township Eight North of Range Eight
East of the fourth principal Meridian Illinois according
to the survey approved, 1 September 1840 by the Surveyors
of the public lands in the state of Illinois and Missouri,
which said premises the said Plaintiff claims to own
in fee and being so possessed of the said premises. That

2)

the said Defendant afterwards to wit on the Eleventh day of May A.D. 1849 at the county aforesaid entered into the same and unlawfully withholds from the Plaintiff the possession thereof to the damage of the said Plaintiff One hundred dollars and therefore he brings his suit

N. H. Purple Plff. atty
H. O. Meriman

To Mrs Jacob Young

Notice -

Sir You are hereby notified, That on the first day of the next term of the Circuit Court to be holden at the Court House in Peoria for the County of Peoria and State of Illinois or as soon thereafter as Counsel can be heard, the foregoing declaration in Ejectment will be filed in said Court. That upon the filing of the same a rule will be entered requiring you to appear and plead thereto within twenty days after the entry of such rule, and That if you neglect so to appear and plead Judgment by default will be entered against you and the Plaintiff will recover possession of the premises therein described

May 13th 1849

N. H. Purple Plff. atty
H. O. Meriman

afft sworn -

State of Illinois ss
Peoria County ss

I Clark Cleveland do swear that on the 19th day of May A.D. 1849. I served the within declaration and notice on the within named, defend ant Jacob Young by delivering him a true copy of the same.

Sworn to & subscribed before me this
26 May A.D. 1849

Clark Cleveland
Deputy Sheriff P.C.

L. B. Stebbins A.P.

3) And afterwards, to wit, on the ninth day of June A.D. 1849
the defendant filed his plea to said declaration, as follows, to wit,

plea - State of Illinois } On the Circuit Court
County of Peoria set } October Term 1849

James M. Fadden }
vs } Ejectment
Jacob Young }

The said defendant defends the
wrong and says he is not guilty of unlawfully with-
holding the premises claimed by the plaintiff as alleged
in said declaration and of this he puts himself upon the
Country &c

C. Ballance for deft
Proceedings at a term of the Circuit Court begun and held
at the Court-house in the City of Peoria in and for the
County of Peoria in the State of Illinois on the fourth Monday
of August in the year of our Lord, one thousand eight
hundred and fifty it being the twenty sixth^{day} of said
Month. Present the Honorable William Kellogg Judge
of the tenth Judicial circuit in the State of Illinois
to wit,

Wednesday September 4th A.D. 1850
James M. Fadden

vs } Ejectment
Jacob Young }

This day came the parties to this suit by
their attorneys and, on motion of Charles Ballance
the attorney for the defendant. he the said Charles
Ballance is admitted and made defendant in this
suit in place of the said defendant Young he the said
Charles Ballance admitting himself to have been in

Substitution of }
Ballance, deft. }

trial

possession of the premises at the time of the service of the declaration in ejectment issue being joined herein it is ordered by the Court that a jury be empanelled to try said issue whereupon came a jury of twelve good and lawful men to wit Jacob Spears Peter Hawley Powell Hoff John A Thomas Edie Stewart William Widenham John Ry nolds George Wivelbiss. Mittow. W. Keenish John Cameron. John F. Buck and Saml Case. Who being duly chosen tried and sworn well and truly to try the issue joined and a true verdict give according to Evidence upon their oaths aforesaid do say. We the Jurors in the Case of James M Padden against Charles Ballance do find the said defendant guilty of unlawfully withholding the possession of the premises in the plaintiffs declaration described in manner and form as therein stated and that the title of the said plaintiff to said premises is a fee simple and do assess the plaintiffs damages herein at six cents. Thereupon the defendant moved for a new trial herein at common law because

- 1st The Court ruled out proper evidence.
- 2nd The Court gave improper instructions.

Motion for
new trial

James M. Padden

Bk of Exceptions.

vs

Ejectment

Charles Ballance

Be it remembered, that on the trial of the above cause the plaintiff to maintain the issue on his part, read to the jury an act of congress approved May 13th 1820 entitled An act for the relief of the inhabitants of the village of Ponia in the State of Illinois. 2. He then read in evidence an Act of Congress approved 3rd March 1823 entitled an act to Confine certain claims to lots in the Village of Ponia in the State of Illinois,

Friday, September 6th A.D. 1850
James Mc Gadden

^{vs}
Charles Ballance ejectment

ms. overruled =

This day came on to be heard the motion of the defendant for a new trial in this cause and the court being fully advised in the premises overruled said motion.

judgt. - Therefore it is considered that the said James Mc Gadden recover of the said Charles Ballance possession of the premises in the said declaration mentioned and that a writ of possession issue therefor. And it is further considered that the plaintiff have and recover of the defendant the sum of six cents damages together with his costs and charges by him about his suit in this behalf expended and that he have execution therefor.

appeal - Whereupon the said Charles Ballance prayed an appeal of this cause to the Supreme Court of this State, which is allowed on his filing in the office of the clerk of this court

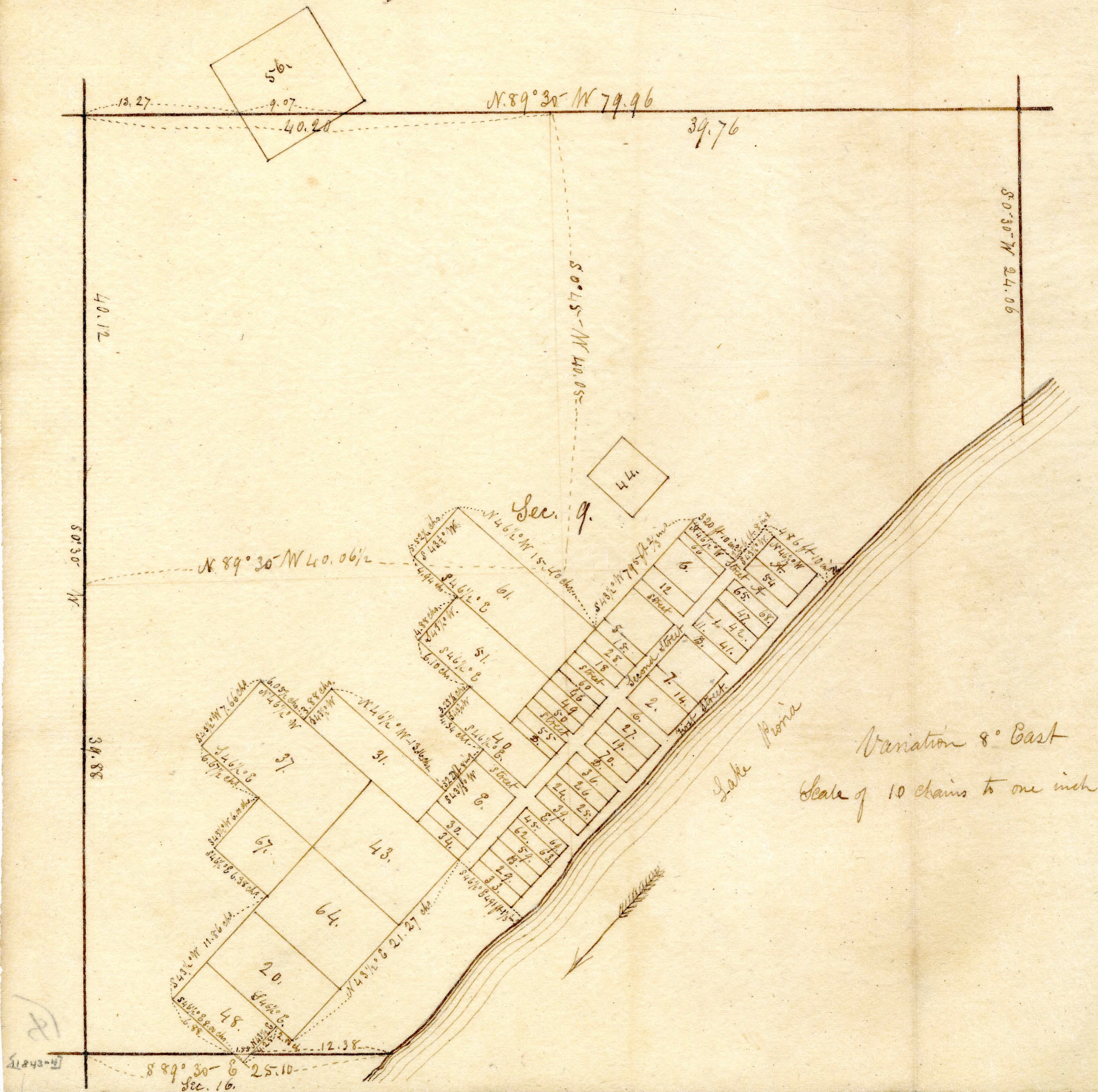
6)

in thirty days an appeal Bond in the penal
sum of five hundred dollars, conditioned according
to law with Samuel Davis or John C. Schmedley
as surety -

And afterwards at the same term of said Court last
aforesaid, the said Charles Ballance filed in said
Cause in said Court, his Bill of Exceptions, duly
signed and sealed by the Judge of said Court
in the words and figures following. To wit:

7)

We then read in evidence the plat and official survey of the French village approved the 10 of September 1840 which is as follows. Plat of the New Village of Ponia and of such of the out lots and field lots in the neighborhood thereof as are connected with said new Village in one continuous survey, and description of the out boundaries of the said town and continued connection of out lots and field lots situate in sections 9 and 16 Township 8 North of the base line Range 8 East of the 4th principal Meridian.



9)

Description:

Begin at the upper end of the south eastern edge of First street on the North west bank of Lake Peoria: thence $N 46\frac{1}{2}^{\circ} W$ one hundred feet to the Eastern corner of unclaimed lot A 420 feet 10 inches the North corner of said unclaimed lot A; at the North East end of the S.E. edge of second street. 486 feet 10 inches to the N.E. end of the N.W. edge of second street; thence $S 43\frac{1}{2}^{\circ} W$ with the N.W. edge of second street 236 feet 8 inches to the intersection with the N.E. edge of street A: thence $N 46\frac{1}{2}^{\circ} W$ with the N.E. edge of street A 320 feet 10 inches to the N.W. end of the N.E. edge of said street A; thence $S 43\frac{1}{2}^{\circ} W$ 66 feet the North corner of lot N^o 66 at the N.W. end of the S.W. edge of said street A: 108 feet $9\frac{1}{3}$ inches the West corner of lot N^o 66. and North corner of unclaimed lot C: 322 feet 8 inches the West corner of unclaimed lot C. and the North corner of lot N^o 12: 408 feet $2\frac{2}{3}$ inches the West corner of lot N^o 12. and the N.W. end of the N.E. edge of street B: 474 feet $2\frac{2}{3}$ inches the N.W. end of the S.W. edge of street B: and the North corner of lot N^o 8: 709 feet 6 inches the North corner of lot N^o 15: 795 feet and $\frac{2}{3}$ of an inch to the West corner of lot N^o 8. which is also the West corner of lot N^o 15. and East corner of lot N^o 61. and North corner of lot N^o 28: thence $N 46\frac{1}{2}^{\circ} W$ with the N.E. boundary of lot N^o 61 - 15 chains and 40 links to the North corner of lot N^o 61: thence with the N.W. boundary of lot N^o 61 $S 43\frac{1}{2}^{\circ} W$ 5 chains and $52\frac{1}{4}$ links to the West corner of lot N^o 61: thence with the S.W. boundary of lot N^o 61. $S 46\frac{1}{2}^{\circ} E$ 4 chains and 94 links to the North corner of lot N^o 31 at the intersection of the N.W. boundary thereof with the S.W. boundary of lot N^o 61: thence with the N.W. boundary of lot N^o 31. $S 43\frac{1}{2}^{\circ} W$ 4 chains and 88 links to the West corner of lot N^o 31: thence with the S.W. boundary of lot N^o 31. $S 46\frac{1}{2}^{\circ} E$ 6 chains and 10 links to the North corner of lot N^o 40. at the intersection of the N.W. boundary thereof with the S.W. boundary of lot N^o 31: thence with the N.W. boundary of lot N^o 40 $S 43\frac{1}{2}^{\circ} W$ 3 chains and

10)

23½ links to the west corner of lot N^o 40: thence with the S.W. boundary of lot N^o 40. S 46½° E 4 Chains and 34 links to the N.W. end of the N.E. edge of Street E on the S.W. boundary of lot N^o 40: thence S 43½° W 66 feet to the N.W. end of the S.W. edge of Street E and the North corner of unclaimed lot E: 322 feet 8 inches to the east corner of lot N^o 31 at the intersection of the N.E. boundary thereof with the N.W. boundary of unclaimed lot E: thence with the N.E. boundary of lot N^o 31 N 46½° W 13 Chains and 16 links to the North corner of lot N^o 31: thence with the N.W. boundary of lot N^o 31. S 43½° W 3 Chains and 88 links to the west corner of lot N^o 31 at the intersection of the N.W. boundary thereof with the N.E. boundary of lot N^o 37: thence with the N.E. boundary of lot N^o 37 N 46½° W 3 Chains and 5½ links to the North corner of lot N^o 37: thence with the N.W. boundary of lot N^o 37 S 43½° W 7 Chains and 66 links to the west corner of lot N^o 37: thence with the south west boundary of lot N^o 37 S 46½° E 6 Chains and 67½ links to the North corner of lot N^o 67 at the intersection of the N.W. boundary thereof with the S.W. boundary of lot N^o 37: thence with the N.W. boundary of lot N^o 67. S 43½° W. 6 Chains to the west corner of lot N^o 67: thence with the south west boundary of lot N^o 67. S 46½° E 6 Chains and 38 links to the south corner of lot N^o 67. on the N.W. boundary of lot N^o 64: - thence S 43½° W 1 Chain and 66 links to the west corner of lot N^o 64 and North corner of lot N^o 20 7 chains and 91 links to the west corner of lot N^o 20 and North corner of lot N^o 48: 11 Chains and 86 links to the west corner of lot N^o 48: thence with the S.W. boundary of lot N^o 48. S 46½° E 6 Chains and 88 links to the point of intersection of the S.W. boundary of lot N^o 48 with the section line between sections 9 and 16 Township 8 North Range 8 East of the 4th principal meridian which point is 13 Chains and 93 links N 89½° W of the corner to fractional sections 9 and 16 on the Lake: 8 Chains to the south

corner of lot No 48: thence with the south East boundary of
 lot No 48. $N 43\frac{1}{2}^{\circ} E$ 1 chain and 6 links the point of intersection
 of the SE boundary of lot No 48 with the section line between
 sections 9 and 16 Township 8 North Range 8 East of the 4th
 principal Meridian which point is 12 chains and 38 links
 $N 89\frac{1}{2}^{\circ} W$ of the corner to fractional sections 9 and 16 on the lake
 4 chains and 23 links to the East corner of lot No 48 on the
 SW boundary of lot No 20: thence with the SW boundary of lot
 No 20. $S 46\frac{1}{2}^{\circ} E$ 2 chains to the south corner of lot No 20:
 thence $N 43\frac{1}{2}^{\circ} E$ 8 chains and 93 links the East corner of lot
 No 20. and south corner of lot No 64 - 13 chains and 61 links
 the East corner of lot No 64 and south corner of lot No 43: - 21 chain
 and 27 links to the East corner of lot No 43 and south corner of
 lot No 34 at the SW end of the N.W. edge of second street: thence
 $S 46\frac{1}{2}^{\circ} E$ 66 feet the SW end of the SE edge of second street and
 West corner of lot No 33: 386 feet 10 inches the south corner of lot
 No 33: 491 feet 11 inches to the lower end of the SE edge of First
 street on the N.W. bank of Lake Peoria: thence along the N.W.
 bank of Lake Peoria the following courses and distances $N 38^{\circ}$
 $E 176$ links: thence $N 42^{\circ} E 432$ links: thence $N 17\frac{3}{4}^{\circ} E 130$ links
 thence $N 78^{\circ} E 72$ links: thence $N 47\frac{1}{2}^{\circ} E 417$ links: thence $N 37^{\circ} E$
 188 links: thence $N 44\frac{3}{4}^{\circ} E 2448$ links to the place of beginning
 Then for connection with the public surveys run from said
 place of beginning along the N.W. bank of Lake Peoria the
 following courses and distances. $N 44\frac{3}{4}^{\circ} E 1081$ links: thence
 $N 50\frac{3}{4}^{\circ} E 1300$ links to the point of intersection of the section
 line between sections 9 and 10 with the N.W. bank of Lake Peoria
 which point is 2406 links $S 0^{\circ} 30' W$ of the corner to sections 3, 4,
 9, and 10 Township 8 North Range 8 East of the 4th principal
 Meridian. Also from the lower end of the SE edge of First
 street the following courses and distances along the bank of
 the lake were taken for connection $S 51\frac{3}{4}^{\circ} W 198$ links: thence

12)

S 29° W. 819 links. thence S 41 1/4° W. 216 links: thence S 49 1/2° W 287 links. thence S 83° W 116 links to the point of intersection of the section line between sections 9 and 16 Township 8 North Range 8 East of the 4th principal Meridian. which point is 2310 links S 89° 30' E of the corner to sections 8, 9, 16 and 17 of said Township. Surveyed on the several days designated in the foregoing separate descriptions of the lots, by Joseph C Brown Deputy Surveyor, under instructions from Daniel Dunklin, Surveyor of the public lands in the State of Illinois and Missouri bearing date 11th of April 1837

Examined and approved, this first day of September 1840

(signed) William Milburn
Surveyor of the public lands in the
State of Illinois and Missouri

Surveyors Office
Saint Louis May 2nd 1849

The foregoing plat and description of the out boundary of the New Village of Peoria in the State of Illinois; is correctly copied from Pages 79+80 of a book on file in this office entitled "Record of Surveys, Peoria Illinois"

A. R. Conway
Surveyor of the public land in the
State of Illinois and Missouri

4th We then offered in evidence the patent to the legal representatives of Francis Willett which is as follows.

The United States of America,

To all to whom these Presents shall come Greeting
Whereas there has been deposited in the General Land Office a certificate numbered Two of the Register and Receiver of the Land Office at Edwardsville, Illinois. whereby it appears that in the Report dated 10th November 1820 of Edward

Patent to Willett's
representatives

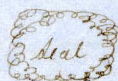
13)

Coler. Register of the Land Office at Edwardsville Illinois
the claim of Etienne Bernard, is entered, as Number one,
the claim of Louis Pitette, in right of his wife Angelica, the
daughter of the late Francis Witette, is entered as num-
ber eleven, the claim of Felix Fontaine is entered as number
forty one [the said numbers eleven and forty one, according
to the survey, being for the same land, and covering the
South West part of claim number one] and the claim
of Felix Fontaine is entered as number forty two [covering
according to the survey, the North East part of said claim
number one] and whereas it further appears from the
Certificate aforesaid that the said Francis Witette is the
inhabitant or settler within the purview of the confirmato-
ry act of Congress approved 3rd March 1823, entitled "an
act to confirm certain claims to lots in the Village of
Peoria, in the State of Illinois," and that it has appeared
to the satisfaction of the said Register and Receiver that
the said inhabitant or settler did not prior to the said
act of 3rd March 1823 receive "a confirmation of claims, or
donation of any tract of land, or Village lot from the
United States," and that the legal Representatives of the
said Francis Witette, in virtue of the confirmatory act
aforesaid are entitled to a patent for a certain lot
described as follows to wit. - The lot containing fifty
four thousand eight hundred and ninety eight square
feet, and fourteen hundredths of a square foot, surveyed
and designated as covered by said claims numbers
one, eleven, forty one, and forty two in the South East
fractional quarter of fractional section nine, in Townsh-
ip eight North, of Range eight East, of the fourth Princi-
pal Meridian, Illinois, according to the survey approved
1st September 1840 by the Surveyor of the public Lands
in the State of Illinois and Missouri; and whereas

14)

in the confirmatory act aforesaid of the 3^d March 1823 it is provided that "Nothing in this act contained, shall be so construed as to affect the right, if any such there be, of any other person or persons to the said, lots, or any part of them, derived from the United States, or any other source whatever:" &c. Now I know Ye that in consideration of the premises, and pursuant to the second section of the act aforesaid of the 3^d March 1823. There is Granted by the United States to the Legal Representatives of the said Francis Witette, and to their heirs, the lot of land above described, subject to the proviso aforesaid, - To Have and To Hold, the said lot of land, with the appurtenances unto the said Legal Representative of Francis Witette, and to their Heirs and assigns forever, subject to the proviso aforesaid.

In testimony whereof, I James N. Polk President of the United States, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed. Given under my hand, at the City of Washington, the twenty eighth day of August in the year of our Lord, one thousand eight hundred and forty five and of the Independence of the United States the seventieth.



By the President James N. Polk
By J. Knox Walker Secy

S. W. Laughlin Recorder of the General Land Office

Recorded, Vol 10 page 30, 31 & 32 -

Er

Which was objected to but the objection overruled and said patent was read to the jury.

3th We then read subject to exceptions a deed from Bartholomew Portier and wife to James McFadden the Plaintiff

due to McFadden which is as follows. To wit, This Indenture made this

15)

seventeenth day of April A.D. 1849 between Bartholomew Porten and Angelica his wife of St. Clair County in the State of Illinois of the first part and James McPadden of Peoria in the County of Peoria and State aforesaid of the second part Witnesseth. That the said parties of the first part for and in consideration of the sum of Five thousand dollars to them paid and secured to be paid by the said party of the second part the receipt whereof is hereby acknowledged - have granted bargained and sold and by these presents do grant bargain and sell unto the said party of the second part and to his heirs and assigns forever in fee simple the following described lots or tract of land that is to say The lot or lots containing fifty four thousand eight hundred and ninety eight square feet, and fourteen hundredths of a square foot, surveyed and designated as Coverts by Claims Numbered One, Eleven, Forty One, and Forty two in the South East fractional quarter of fractional section nine in Township Eight North of Range Eight East of the fourth principal Meridian in Illinois according to the survey approved 1st September 1840 by the surveyor of the public lands in the States of Illinois and Wisconsin, which said lots are particularly described in a certain patent from the President of the United States to the legal Representatives of Francis Witette and their heirs dated the 28th day of August A.D. 1845 to which for greater certainty reference is hereby made.

To have and to hold, the premises aforesaid to the said party of the second part and to his heirs and assigns forever. and the said parties of the first part do for themselves and their heirs covenant and agree with the said party of the second part that the said

16)

Angelica wife of the said Bartholomew Fortier is the sole heir and legal representative of Francis Witell mentioned and described in the patent aforesaid and that they will warrant and defend the title to the said premises against all persons claiming the same from by or through the said parties of the first part.

Witness our hands and seals the day and year above written

Witness A. S. Rugg

Bartholomew ^{his} Fortier ^{mark} seal

Witness to the signature of

Mrs Fortier Thos Engelmann

Angelica ^{his} Fortier ^{mark} seal

J M Hopkins

Anderson Grimes

State of Illinois }

A Clair County }

This day appeared before the undersigned Clerk of the Circuit Court of the county of St Clair Bartholomew Fortier and Angelica his wife who are personally known to me to be the persons whose names are subscribed to the foregoing deed as having executed the same and acknowledged that they had executed the same for the use and purposes therein expressed and the said Angelica being of lawful age and by me separate and apart from her said husband examined and the contents of the said deed having been fully made known and explained to her acknowledged that as her act and deed she had executed the same freely and voluntarily and without the compulsion or under influence of her said husband and that she does not wish to retract and also further acknowledged that she did voluntarily and freely and without the compulsion or under influence of her said husband execute said deed and relinquish her right

17)

of dower in and to the premises aforesaid.

Witness my hand, and Official seal at Belville
this twentieth day of April A.D. 1849

Seal

Theo^t Engelmann

State of Illinois

County of Piana

Recorders Office

A. Charles Pettette

Recorder of said County do Certify the within deed is
duly recorded, in said Office in Book V pages 36 & 37
this 24th day of April A.D. 1849

Charles Pettette R.R.C.

6th We then offers in evidence a deposition of one Glodon
which is as follows, to wit,

Deposition of
Glodon

James McFadden

vs

Alfred G. Curtin

John L. Griswold

Matthew Griswold

In the circuit court of Piana
County.
Exemption

The Depositions of Madeline Glodon Lewis Le Comp
te Residents of the County of St Clair in the state of
Illinois taken before the undersigned Francois Lacroix
a Justice of the Peace in and for said County at my
Office in the Village of Cahokia County of St Clair
and state aforesaid pursuant to the annexed notice
and agreement of the parties on the seventh — day of
September A.D. 1849 commencing at the hour of nine
O'clock A.M. of said seventh day of September A.D. 1849
and ending at the hour of 12 O'clock of the same day
of the same month & year: Each of the said witnesses
having been first by me duly sworn to testify the truth
the whole truth and nothing but the truth in relation

to the matters in controversy in said suit,

The said Madeline Glodow in answer to the first Interrogatory on the part of the Plaintiff -

What is your age, occupations and place of residence answering says she is fifty four years old, and lives on a farm in St Clair County and State of Illinois
Question, did you know one Francis Willette and his wife if so when and where, and what was his wife name,

Answer, she knew them both in Peoria Illinois her name was Charlotte both lived there forty four years ago, he died there about thirty six years ago, she died there about thirty one or two years ago.

Question, at the that you knew them did they or not live together as husband & wife and when they or not Reputed to be such among all their friends & acquaintances
Answer, they were known as such and so Reputed, and very Respectable People

Question, was said Willette a settler & french claimant at Peoria if so at what time.

Answer, he was a settler at the time I knew him at Peoria and during all that time and his wife lived on the same lot after his death until she died.

Question, about, when was the lot.

Answer - about a half acent above the outlet of the lake next above Daniel's lot ^{a gully} ~~or gully~~ between Daniel and his lot.

Question, had he any Children at the time of his death if so what was their names are they or any of them dead or alive and what are the names of those now living and where do they reside -

Answer, they had one only, her name was Angelica

19)

Willette and she alive in the neiborwoods of Cahokia
St Clair County State of Illinois she is now the wife of
Bartholomew Fortier of said St Clair County.

Question, is or not said Angelica at this time, and
has she or not since the death of her parents been
the only decendant of her said parents.

Answer, they had no other children or decendant
at any time.

Question, did you live at Peoria when and how
long.

Answer, I came there when I was a small child
and lived about twenty years except two years
that I was absent, at Cahokia and further said
not.

Madaline ^{her} Glodow
mark

Cross interrogatories by E N Powell Esq
Council for the Defendants to Madaline Glodow

Question at about what time did Francis Willette
die

Answer, I cannot tell the year but she believed it
was about thirty six ago.

Question, did you know Felix fountain

Answer, I know perfectly well.

Question did you not know said Willette gived
the lot on which he lived and built house to Josette
Caseran.

Answer I never knew Josette Caseran I knowed
Mr Willette Reuping house and never knowed him
to build house for other persons.

Question, was M^r Willette dead when the French
settlers were chaise from Peoria.

Answer, Mr Willette & his wife were dead when the

French was chained from Peoria.

Question who was living on Wilette lot when the French were chained.

Answer - no person

Question. did not Felix Fontaine live on the said, when Captain Craig expelled the French from Peoria

Answer - No he lived neighbor to the said lot & did whether is lot or not.

Question did not Felix Fontaine cultivate the Wilette lot, after Wilette & his wife were dead.

Answer - No I never saw him cultivate it

Question did you know whether Francis Wilette ever married

Answer - no I never knew him to be married ^{but} by they well thought of and where honest persons.

Question. were there good many persons at Peoria living together without being married

Answer - No I never knew any, those that ^{wish} to many ~~use~~ to come down and were married by some Justice of the peace.

Question how old was Angelica Wilette at the time of her father's death.

Answer. I can ^{not} tell, but I believe she was about twelve year old.

Question did you know John Baptist Maitlette

Answer. No I did not know him

Question did you know Hypotite Maitlette

Answer - I did for he was my step father

Question after the death of Wilette did Angelica ever lived on said Wilette lot.

Answer No after the death of her father & mother she come to live in St Louis.

Question who was living on the lot at the time the

19)

Wilette and she alive in the neiborhood of Cahokia
St Clair County State of Illinois she is now the wife of
Bartholomew Fortin of said St Clair County.

Question, is or not said Angelica at this time, and
has she or not since the death of her parents been
the only descendant of her said parents,

Answer, they had no other children or descendant
at any time.

Question, did you live at Peoria when and how
long.

Answer, I came there when I was a small child
and lived about twenty years except two years
that I was absent at Cahokia and further said
not.

Madaline ^{her} Glodow
mark

Cross interrogatories by E N Powell Esq
Council for the Defendants to Madaline Glodow

Question at about what time did Francis Wilette
die

Answer, I cannot tell the year but she believed it
was about thirty six ago.

Question, did you know Felix fountain

Answer, I know perfectly well.

Question did you not know said Wilette gave
the lot on which he lived and built house to Josette
Caseran.

Answer I never knew Josette Caseran I knowed
Mr Wilette keeping house and never knowed him
to build house for other persons.

Question, was Mr Wilette dead when the French
settlers were chased from Peoria.

Answer, Mr Wilette & his wife were dead when the

French was chained from Peoria.

Question who was living on Willette lot when the French were chained.

Answer - no person

Question. did not Felix Pontaine live on the said when Captain Craig expelled the French from Peoria

Answer - no he lived neighbor to the said lot & did whether is lot or not.

Question did not Felix Pontaine cultivate the Willette lot, after Willette & his wife were dead.

Answer - no I never saw him cultivate it

Question did you know whether Francis Willette ever married

Answer - no I never knew him to be married ^{but} by they well thought of and where honest persons.

Question. when there good many persons at Peoria living together without being married

Answer - no I never knew any, those that ^{wish} to many ~~use~~ to come down and were married by some Justice of the peace.

Question how old was Angelica Willette at the time of her fathers death.

Answer. I can ^{not} tell, but I believe she was about twelve year old.

Question did you know John Baptist Maitlette

Answer. no I did not know him

Question did you know Hypotite Maitlette

Answer - I did for he was my step father

Question after the death of Willette did Angelica ever lived on said Willette lot.

Answer no after the death of her father & mother she come to live in St Louis.

Question who was living on the lot at the time the

21)

French was expelled,

Answer she say no Body

Question did you know whether the lot was sold by administrator after Witette's death (Question objected by the Plaintiff's Council)

Answer I don't know

Question how long after Witette's death before his daughter went to St Louis

Answer - I don't know but it was before the war

Question how do you know that Angelica Witette was the legitimate daughter of Francis Witette

Answer I know she was Madame Witette's daughter but I don't know whether she was the daughter of Francis Witette

Question did Witette and his wife ^{live} ~~live~~ together as husband & wife when you first knew them.

Answer Yes they lived as husband and wife when I first knew them

Re-examination Question by the Plaintiff's Council when you say in answer "how did you know that Angelica Witette was the legitimate daughter of Francis Witette" you say I know she was Madame Witette's daughter But I don't know she was the daughter of Francis Witette" do you or not only mean to say that no person except the mother can certainly tell who is the father of their child (Question objected to by the defendant's Council)

Answer. I mean that no person can tell who is the father of a child unless it is the mother herself.

Question how do you know that Angelica Witette was the daughter of Francis Witette as stated in your direct examination.

22)

Answer, I know by them living as husbands and wife and being the Reported daughter of him further the deponent saith not

Madaline ^{her} Glendon
mark

To the reading of which deposition defendant objected but the Court overruled said objection and said deposition was read to the jury.

7th He then read in evidence the deposition of Louis de Compte which is as follows.

deposition of
de Compte

And the said Louis de Compte in answer to the first interrogatory, do you know Bartholomew Hortier if so is he or not married and what is the name of his wife. - were you present at their marriage and when and where did it take place.

Answer I knew Bartholomew Hortier he was married to his present wife Angelica formerly Angelica Willette about eleven years ago at Cahokia at. I was present at the marriage and was a witness to the marriage. -
Question - did you know Francis Willette and his wife Charlotte if so when where and how long did you know them.

Answer I know them in Peoria about ten or twelve years before the french settlers were driven off by Captain Craig from Peoria. They were living on a lot in Peoria.

Question - did the said Willette wife have any children if so what were their names and where do any of them now reside.

Answer. They had only one daughter Angelica she is now alive and lives near Cahokia and is the wife of Bartholomew Hortier

Question what is your age place of Residence and

what is your occupation.

Answer. I live in Cahokia. I am fifty six years old, and I farm and further saith not.

Louis ^{is} + LeCompte

8th Admitted that defendant was in possession ^{mark} when the suit was commenced.

Plaintiff here closed his cause and defendant made to the jury

1st The preemption papers of John L Bogardus filed to obtain a pre-emption to the S.E. quarter of section 9 T 8 N. R. 8 E. which were as follows to wit.

Pre-emption
papers of Bogardus

I do solemnly swear that I am an actual settler and housekeeper on a tract of public lands, viz. The South East quarter of section nine in Township Eight North Range Eight East of the fourth principal meridian in the State of Illinois. which said tract or quarter section contains about twelve acres; and I hereby apply to enter the same for pre-emption, under the provisions of the acts of Congress approved the 5th of April 1832, entitled "an act supplementary to the several laws for the sale of public lands," which will include my improvements.

John L Bogardus

State of Illinois }
County of Peoria ss }

July 24th. 1832. Sworn to before me

Isaac Water Clerk pro tem

Cir. Court.

I Augustus Langworthy of Peoria in the State of Illinois testify and say that I am well acquainted with the situation of the several lots of land bordering on the Illinois River in Township Eight North Range Eight East of the fourth principal meridian and that the lot upon which John L Bogardus has made various improvements by the erection of buildings, enclosing and cultivating a

part of the lot, and by the establishment of a ferry adjoining it over the Illinois River, is the south East fractional quarter of section nine in said Township. I further testify that I have been a resident in said Township for six or seven years past, and that during that period the said Bogardus has occupied and improved said lot. I further say that I am in no way interested in the same

Augustus Sangworthy

State of Illinois }
 Peoria County ss }

August 15, 1832, Augustus Sangworthy above named, who is personally known to me, made oath to the truth of the foregoing affidavit by him subscribed, before me,

Isaac Waters Clerk pro tem

Seal

Cir. Court. said, Co.

I, Isaac Waters of Peoria in the State of Illinois, testify and say that I removed to the County of Peoria some or eight years ago, and have known John L. Bogardus of said Peoria ever since. When I first removed here the said Bogardus had established a ferry over the Illinois River, at the outlet of Lake Peoria, and has since erected sundry buildings on the west side of the river on the lot of land on which the ferry landing is located. He has also enclosed and cultivated a part of the lot, and has hitherto kept up and maintained said ferry, and occupied and improved said lot and buildings by himself and tenants. I further testify that, in my opinion, the said ferry is of great public utility and necessity. I further say that I have no interest in the subject matter of this affidavit.

Isaac Waters

State of Illinois }
 Peoria County ss }

July 30, 1832, Then the above named Isaac Waters, who is personally known to me, appeared,

and made oath to the truth of the foregoing affidavit by him subscribed, before me.

A. Wren. J.P.

I Stephen Carel of the County of Peoria in the State of Illinois testify and say that I came to the Illinois River about Eleven years ago, and have lived at and near Peoria on said River ever since, except about two years that I resided at Galena. When I first came to this County John L. Bogardus of said Peoria lived with his family on the west bank of the Illinois River near where his ferry now is. About three years afterwards he established the ferry, which is situated at the outlet of Lake Peoria and from time to time erected sundry houses and buildings on the west side of the River upon the lot upon which the ferry landing is established, and also enclosed and cultivated a part of the lot.

I further testify and say that the said Bogardus has ever since kept up and maintained said ferry, and occupied and improved said lot and buildings, by himself and tenants. I further say that I have no interest in the subject matter of this affidavit.

Stephen ^{his} Carel
mark

State of Illinois }
County of Peoria } July 27. 1832. Then Stephen Carel above named, who is personally known to me, appeared, and made oath that the foregoing affidavit by him subscribed is true - before me.

Isaac Waters Clerk pro tem

Circuit Court P. Cy.

I William Wright testify and say that seven years ago last autumn I came to this County and crossed the Illinois River in the ferry established by John L. Bogardus at the outlet of Lake Peoria; at that time there was a house on the west bank of the River near the

ferry landing, in, which Stephen French then lived as tenant of Mr Bogardus and tended said ferry, since that time Mr Bogardus has erected sundry other buildings on the same lot or tract of land, and enclosed and cultivated a part of the same. I further testify that said lot is understood to be public lands, and the fractional quarter section nine in Township Eight North, Range Eight east of the fourth principal meridian: and that ever since my first acquaintance with the said Bogardus he has occupied and improved said land and buildings, by himself or his tenants, and kept up and maintained said ferry. I further testify that about two years ago a log cabin two stories high was erected by Mr Bogardus, as I understood, on the East Bank of the River at the ferry landing, for the convenience and accommodation of travellers and passengers. I further say that I have no interest in the subject matter of this affidavit

Wm Wright

State of Illinois
County of Peoria July 24, 1832 Then William Wright above named, who is personally known to me, appeared and made oath to the truth of the foregoing affidavit by him subscribed before me Isaac Waters Clerk, pro tem Cir. Court.

Land Office, Quincy, January 4, 1833. I hereby certify that on the fourth day of August 1832, John L. Bogardus of Peoria in the State of Illinois, filed in this office, evidence of his right of pre-emption to the South East fractional quarter of section nine in Township Eight North, Range Eight East of the fourth principal meridian, under the act of Congress of April 5, 1832

Saml Alexander
Register

N^o 13,238. Land Office, at Quincy, Ill 15th Nov 1837.

It is hereby certified, That, in pursuance of Law, John L Bogardus, New York County, State of New York, on this day purchased of the Register of this Office, the Lot or South East Fractional Quarter of Section N^o Nine in Township N^o 8 North of Range No. 8 East, containing Twenty three $\frac{93}{100}$ acres, at the rate of one dollar and 25 cents per acre, amounting to Twenty nine dollars and 91 $\frac{1}{4}$ cents, for which the said John L Bogardus has made payment in full as required by law.

Now therefore be it known, That, on presentation of this certificate to the Commissioner of the General Land Office, the said John L Bogardus shall be entitled to receive a Patent for the lots above described, subject however to the rights of any and all persons claiming under the Act of Congress of 3rd March 1823 entitled an act to confirm certain claims to Lots in the Village of Peoria in the State of Illinois

Sam^l. Leach, Register

[Certified, on the foregoing, the following, &c.]

Spued by order of the Comr. of the Genl. Land Office
Dated 4th Sept 1837.

Sam^l. Leach

Reg^r

Certificate

N^o 13,238. The United States of America.

To all to whom these presents shall come Greeting;
Whereas, John L Bogardus of New York County, New York, has deposited in the General Land Office of the United States, a certificate of the Register of the Land Office at Quincy, whereby it appears that full payment has been made by the said John L Bogardus, according to the provisions of the act of Congress of the 24th April, 1820 enti-

attid. An act making further provisions for the sale of the Public Lands, for the South East fractional quarter of Section Nine, in Township Eight North of Range Eight East, in the District of Lands subject to sale at Quincy, Illinois, containing twenty three acres, and ninety three hundredths of an acre, according to the official plat of the survey of the said Lands, returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said John L. Bogardies.

Now Know ye, That the United States of America in consideration of the premises, and in conformity with the several acts of Congress, in such case made and provided, have given and granted, and, by these presents do give and grant, unto the said John L. Bogardies and to his heirs, the said tract above described; To have and to hold, the same, together with all the rights, privileges, immunities and appurtenances, of whatever nature thereunto belonging, unto the said John L. Bogardies and to his heirs and assigns forever, subject however to the rights of any and all persons, claiming under the act of Congress of 3rd March 1823, entitled "an act to confirm certain claims to lots in the Village of Peoria in the State of Illinois."

In testimony whereof, J. Martin Van Buren President of the United States of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed
 Given under my hands, at the City
 of Washington, the fifth day of
 January in the year of our Lord
 one thousand eight hundred and
 thirty eight and of the Independence of

The United States the sixty
seconds

By The President Martin Van Buren

By Van Buren Sec'y.

Hudson M Garland, Recorder of the General Land Office

General Land Office

December 4th 1847

I Richard M Young, Commissioner of the General
Land Office, do hereby Certify that the foregoing on
pages 147 & conclusive are true Copies of the originals on
file in this Office and of page 149 of Quincy Illinois
Patent records Volume 1—

In testimony whereof I have hereto subscribed
my name and caused the seal of this
Office to be hereto affixed on the day
and year last above written



Richard M Young
Commissioner

Which were read without objection except as to their
relevancy

I A Certificate of Register Holmes which is as follows to wit:

Land Office Quincy Ill

2^d June 1848

I hereby Certify. That it appears from the Records of this
office, that the legal title, to the South East fractional
quarter of sec 2, in Township 8 North, of Range 8 East of
the 4th principal Meridian, in the district of lands subject
to sale at this office, was on the 3rd day of August 1834,
and during the whole of said month in the United States
and had not been previously sold by the United States,
But was subsequently sold, to wit on the 13th of November

Holmes certificate

1837. to John L. Bogardus under the provisions of the
pre-emption Act of 1832—

Saml Holmes Register

3 Deed from Bogardus to Underhill which is as follows
to wit:

Deed from
Bogardus
to
Underhill

I know all men by these presents that I John L. Bogardus of Peoria in the County of Peoria and State of Illinois in consideration of One thousand and fifty dollars to me in hand paid by Isaac Underhill of said Peoria the receipt whereof is to do hereby acknowledge do hereby grant sell and convey unto said Underhill all my right and interest in and unto the South East fractional quarter of Section Nine in Township Eight North Range Eight East of the fourth principal meridian in said Illinois, and also in and unto the ferry established across the Illinois River in said Peoria together with all the Boats and other implements thereunto belonging. To have and to hold the same to the said Isaac Underhill his heirs and assigns forever with all the privileges & appurtenances thereunto belonging. In Witness Whereof I have hereunto set my hand and seal this fifth day of August AD 1834 John L. Bogardus
Signed sealed & delivered in presence of
of Orrin Hamlin

State of Illinois Peoria County ss This day personally appeared before the undersigned an acting Justice of the peace in and for Peoria County John L. Bogardus who being personally known to me to be the same person and acknowledged the within to be his act and deed for the uses and purposes therein contained. Given under my hand and seal this fifth day of August One thousand Eight hundred and thirty four Orrin Hamlin J.P.

State of Illinois }
 County of Peoria } Records Office

Charles Pittette

Recorder of said County, do Certify the foregoing is a true Copy from the Records of said Office as appears of record, in said Office. Given under my hands and private seal (No official being provided) this Eighteenth day of June - A.D. 1849. Charles Pittette, Recorder, R.O.

To the reading of which to the jury plaintiff objects on the ground that it did not convey the ground in controversy & was not an operative conveyance, but the Court overruled said objection & said that they were to try the

4 - A deed from Isaac Underhill to Charles Ballance was read, which is as follows, to wit,

deed from Underhill to Ballance } This Deed, made this seventh day of July, Eighteen hundred and forty one Witnesseth: That Isaac Underhill and Jane S. Underhill his wife, of the Town of Peoria, County of Peoria, State of Illinois, in consideration of One Thousand Dollars to them paid by Charles Ballance of the County of Peoria State of Illinois the receipt of which is hereby acknowledged do by these presents grant, bargain, sell, convey and confirm to the said Charles Ballance the following described Real Estate, viz Lot No Eight (8) Nine (9) and Seven (7) in Block No Thirty four (34) and lots No Five (5) and Six (6) in Block No Thirty Eight (38) in Bigelow & Underhills addition to Peoria as laid off in 1836 reference being had to plats in Records Office at Peoria. To have and to hold the afore-described premises, with the appurtenances therunto belonging, to the said Charles Ballance his heirs and assigns, forever. The said Isaac Underhill and Jane S. Underhill, hereby covenanting, that they will warrant and defend the title to the aforesaid premises to the said Charles Ballance his heirs and assigns, forever, against all persons claiming by through or under said Isaac Underhill John S. Bogardus and Lewis Bigelow

on either of them and none other whomsoever. In testimony
-only whereof, the said Isaac and Jane S Underhill have
hereunto set their hands and seals. The day and year
above written

Done in presence of
Alennis Blakely

Isaac Underhill IL
Jane S Underhill JS

State of Illinois }
County of Peoria ss } I Alennis Blakely an acting Justice
of the peace within and for the County aforesaid, do certify
that Isaac Underhill and Jane S, his wife, whose sign-
-atures appears to the foregoing Deeds, and who are personally
known to me to be the persons described in, and who executed
-ted the same, did severally acknowledge that they executed
the said conveyance for the uses and purposes therein
mentioned. And the said Jane S Underhill, having been
by me made acquainted with the contents of the said
Deeds, and examined separate and apart from her said
husband, acknowledged that she executed the same
and relinquished her dower to the premises therein con-
-veyed, voluntarily, freely, and without compulsion of
her said husband. Given under my hand and
seal, this seventh day of July in the year of our
Lord, one thousand eight hundred and Forty one
Alennis Blakely ALB

State of Illinois }
County of Peoria } Records Office Peoria July 7th 1841
I Charles Kettelle Recorder of said County of Peoria
do hereby certify the foregoing Deeds and Certificate of
Proof are duly Recorded in said office in Book M
-page 81 on this 7th day of July A D 1841

Charles Kettelle R. R. K.

A patent from the said Bogardus for the land in controversy which is as follows to wit,

(Patent to Bogardus)

The United States of America

Certificate } To all to whom these Presents shall come Greeting
No 13238 } Whereas, John L Bogardus, of New York County,

New York has deposited in the general Land Office of the United States, a Certificate of the Register of the Land Office, at Quincy whereby it appears that full payment has been made by the said John L Bogardus according to the provisions of the act of Congress of the 24th of April 1820, entitled "An act making further provision for the sale of the Public Lands, for the South East fractional quarter of Section Nine, in Township Eight, North, of Range Eight, East, in the District of Lands subject to sale at Quincy, Illinois, containing Twenty-three acres, and ninety-three hundredths of an acre, according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said John L Bogardus. Now Know Ye That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress, in such case made and provided, Have given and granted and by these presents do give and Grant unto the said John L Bogardus and to his heirs, the said Tract above described, To have and to hold the same, together with all the rights, privileges immunities and appurtenances of whatsoever nature thereunto belonging, unto the said John L Bogardus and to his heirs and assigns forever subject however to the rights of any & all persons claiming under the act of Congress of 3^d March 1823, entitled "an act to confirm certain claims to lots in the Village of Peoria in the State of Illinois." In testimony whereof, I Martin Van Buren

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed. Given under my hands, at the City of Washington, the fifth day of January in the year of our Lord, one thousand eight hundred and thirty eight and of the Independence of the United States the sixty second. By the



By the President, Martin Van Buren

By — A Van Buren Secy.

Hudson, M. Garland, Recorder of the General Land Office

Recorded, Vol 1 Page 149.

General Land Office

Oct^r 2, 1849

A. S. Butterfield, Commissioner of the General Land Office do hereby certify, that the annexed is a true and literal exemplification from Vol 1, Page 149 of the Patent Records of this office. In testimony whereof, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, at the City of Washington, on the day and year above written.



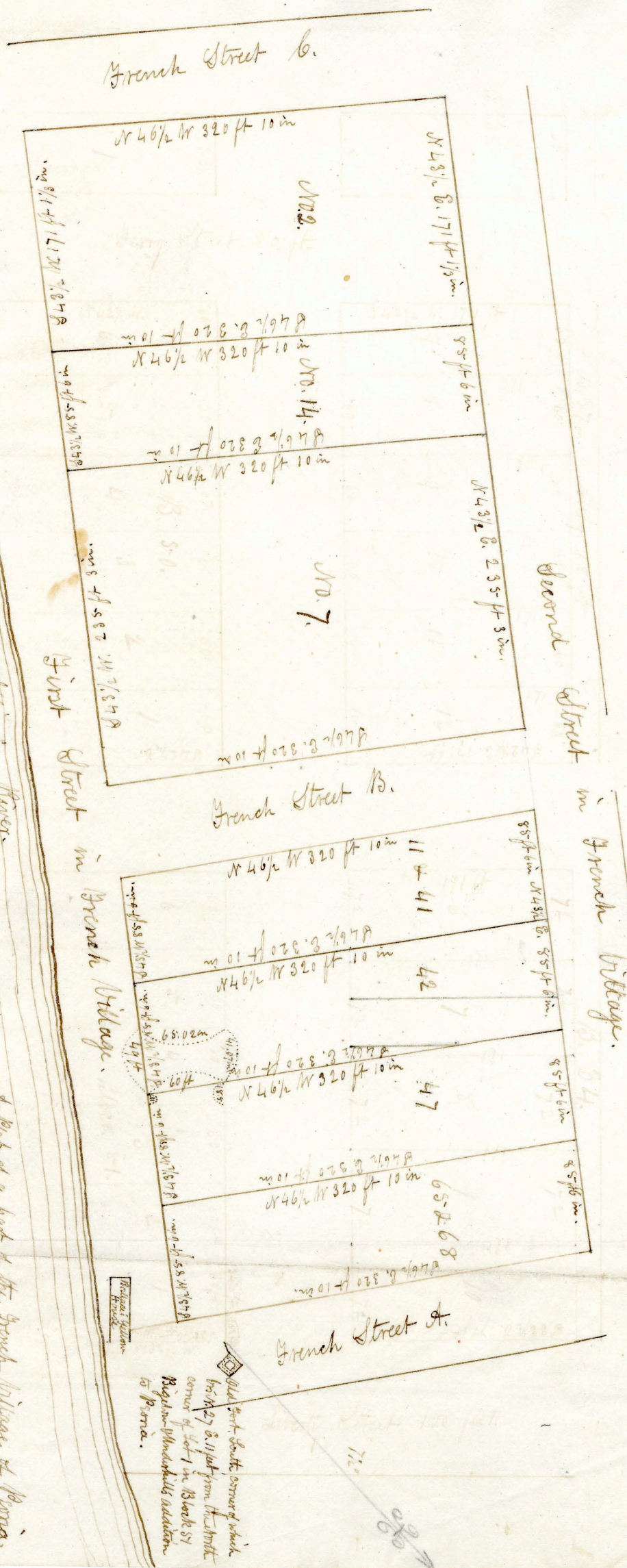
A. S. Butterfield

Commissioner of the General Land Office

6 Defendant offered to prove twenty years adverse possession in himself and those under whom he claims; to the introduction of which evidence plaintiff objected, and the Court sustained said objection and said evidence was ruled out.

7 Defendant offered to prove in himself seven years peaceable possession of the ground in dispute, connected with actual residence thereon before this suit was commenced, to which evidence plaintiff objected, and the Court sustained said objection and said evidence was ruled out.

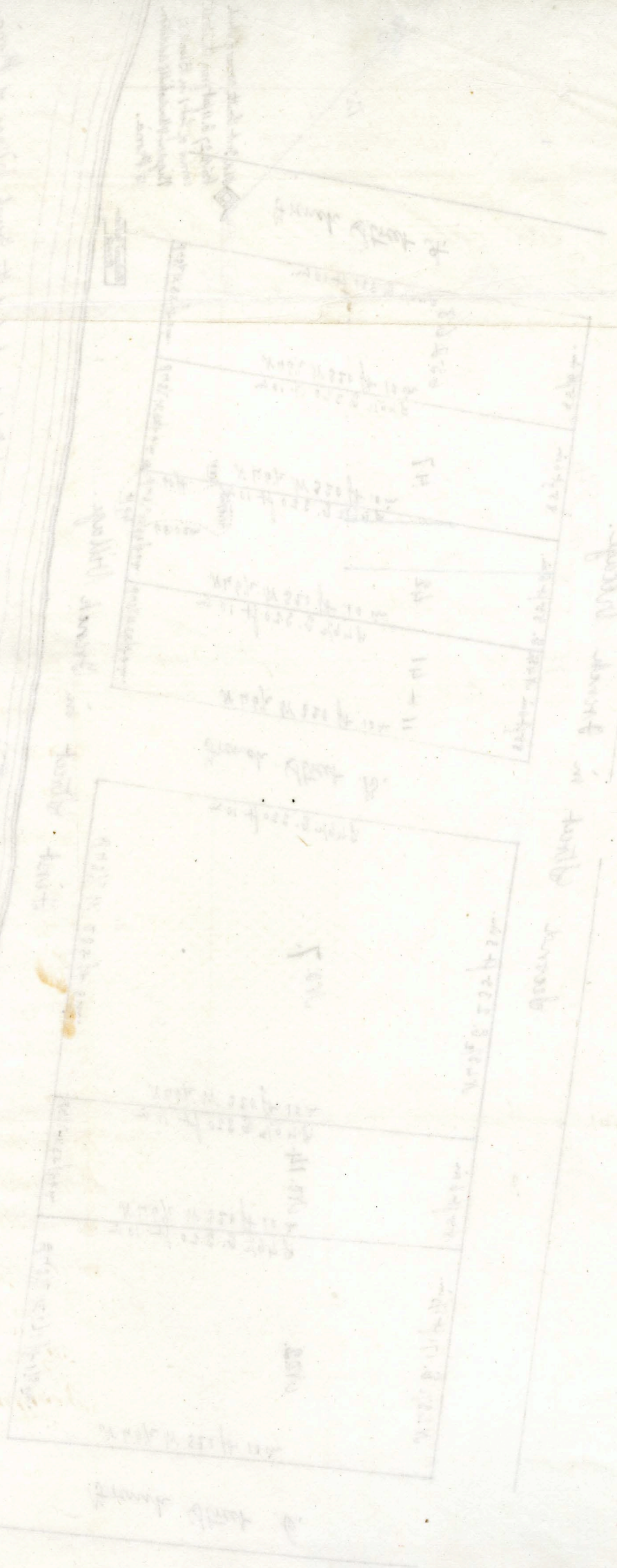
8. Defendant then offered a plat signed by George C. Mc Gadden which is as follows-



addition to those shown on the above plat signed by the black line. The red line on the above plat represent a part of Register's plan of 1848, is not shown in this plat. The corner witnesses marked in red are for the lots in Register's plan of 1848 (Examination 712.)

A part of a part of the French Village of Paris situated on the S.E. fractional quarter of Section 9 S. 8. R. 6. E. represents the above plat represent a part of Register's plan of 1848, is not shown in this plat. The corner witnesses marked in red are for the lots in Register's plan of 1848 (Examination 712.)

G. C. Mc Gadden S. B. R. 6.



Plaintiff admitted said plat to be correct but objected to it on the ground of
 impertinence, but the court overruled said objection and said plat was
 given to said jury as evidence in the cause.

37) 9 Dependants then offered to introduce to the jury a certified copy of Felix Fontaine papers filed in the land office at Edwardsville, in support of his right to the property covered by plaintiff's patent, to the legal representatives of Francis Miteff. which are as follows. To wit.

Felix Fontaine's
papers — }

To the Register of the Land Office at Edwardsville
Sir

Please to take notice that, under the act of Congress of 13th May 1820 for the relief of the inhabitants of the Village of Peoria — I Felix Fontaine in right of my wife Rosette Caseran ditto Fontaine claim a lot in said Village containing Eighty feet front by Three hundred feet back french measure bounded Eastwardly by Main Street which separates it from the Lake Northwardly by a lot belonging to their heirs of Louis Le Roushier Westwardly by a street & Southwardly by a lot owned & occupied by myself, & which I also claim. Which lot is bounded Eastwardly by a street separating the said lot from the Lake Northwardly by the lot above mentioned, claimed by myself, Westwardly by a street and Southwardly by a street, containing Eighty front & Three hundred feet in the rear French measure I also claim Nine arpents of Land bounded as follows on the South by Antoine Lafrance on the North by Racine West & East by an unoccupied lands about half of a mile Southwestwardly from the said Village of Peoria.

Edwardsville 7th September 1820 }
Leste

Felix ^{his} Fontaine
mark

Wm P McKee

I also claim an out lot containing about two arpents & an half of ground in the Prairie about one fourth of a mile distant from the Village of Peoria — Westwardly from the said Village which park or field is unconnected

+ adjoining no other field whatever
 Edwardsville 30th Sept 1820 } Felix ^{his} Fontaine
 Witness Wm P. Mc Kee } mark

State of Illinois }

Madison County } Thomas Forsyth being duly sworn
 depose on the Holy Evangelists of Almighty God That
 about the year 1808 or 1809 he was requested to go to the
 house of the late Charlotte Aup Clain being the widow
 of the late Francis Willette her first husband That he
 with another person estimated the property of said Char-
 lotte Aup Clain for Louis Buisson who told him ^{1st}
 deponent he had a letter of Administration for the goods
 and Chattels of said Charlotte That said deponent did
 with another person estimate said property and it
 was sold at Public Auction, but ^{1st} deponent does
 not recollect That the House and Lot was sold at
 Public auction but understood That Antoine Deschamps
 had bought said House and Lot as he seen him the ^{1st}
 Deschamps in possession of said house & Lot and after-
 wards in possession of Felix Fontaine untill 1812 when him
 the said Fontaine with the other inhabitants were brought
 away by force by Captain Craig and fastly said Lot was
 bounded as follows to the East by Main Street to the North
 by a Lot which belonged to him the ^{1st} Fontaine on the
 West by lands unoccupied on the South by a crop Street
 Sworn and subscribed before me }

This 7th day of September 1820 }

John J. Sawyer J.B.

Thomas Forsyth

State of Illinois }

Madison County } Hypolite Martlet and Pierre Savais
 Leinrd Chamberlain being duly sworn depose and say
 That Francis Willette enclosed and cultivated about
 the year 1797 or 1798 a Lot in the Village of Leona bounded

East by a street separating it from the Lake Peoria North by a lot owned by Louis La Brosseier, West by a street South by a lot occupied by Felix Fontaine containing Eighty feet front by 300 feet dup French Measure - That these deponents understood that the said Francis Millette about two years afterwards gave the said lot above described to one Rosette Roseman who was afterwards married to Felix Fontaine. That the said Rosette Roseman immediately after said donation of Millette built a house thereon which she continued to occupy with her said husband till expelled therefrom by Captain Craig in the fall of the year 1812.

That the said Francis Millette also improved another lot in the said Village of Peoria about the year 1797 or 1798 and built a house thereon where he continued to reside till the time of his death which was about the year 1804 or 1805 - said lot was bounded on the North by the above described lot East by Main Street separating it from Lake Peoria South and West by streets containing 80 feet front by 300 feet French Measure dup - That the widow of P Millette continued to live on said last mentioned lot till her death which happened about two years after the death of her said husband at which time they understood it had been purchased by Antoine Meschamps who occupied it for two or three years after which it was occupied by Felix Fontaine who these deponents are of opinion purchased it of said Meschamps and that he Fontaine occupied the same till the place was destroyed by Capt Craig in the fall of the year 1812.

That the said Felix Fontaine also improved an out lot about or near half a mile from said Village of Peoria which lot was first improved in the

40)

year 1807 by Antoine Deschamps who occupied it for three years after which these deponents understood Deschamps had sold it to said Fontaine who continued to occupy it till the fall of 1812 said lot was supposed to contain about Nine Arpents and was distant nearly half a mile south west of said Village that said lot was bounded on the south by Laponce And further they say not
 Pierre ^{his} Lavapins dit Chamberlain _{mark}

Thomas Forsythe }
 Waterproctor }

Hypolite ^{his} Maillott _{mark}

Sworn to and subscribed before me this 8th day of September 1820
 John Y. Sawyer J.P.

Witness

Edward Coler

State of Illinois }

Madison County }

Jaques Mette and Antoine L. Blain being duly sworn depose and say that Felix Fontaine during the spring of the year 1810 made an improvement or field of about two or two and one half Arpents of ground in the prairie about one fourth of a mile west from the Town of Peoria and that he cultivated the same till the destruction of the Village or Town of Peoria by Capt. Craig And further they say not

Jaques Mette

Sworn and subscribed before me this 30th day of September 1820

John Y. Sawyer J.P.

St Louis County }

Missouri Territory }

Antoine Deschamps sweareth on the holy Evangelists of Almighty God, that the first time he saw the Village of Peoria on Illinois River was in the year 1792 that he seen a lot of ground now claimed by Felix Fontaine and bounded as follows Eastwardly by main Street which

deponatus said lot from Lake Peorias. northwardly by a
lot belonging to Pette Carnew dit Fontaine and latterly
occupied by P. Felix Fontaine Westwardly by unoccupied
lands Southwardly by a cross street in possession of
Oscar Baptiste Maillet That said deponent seen P.
Maillet cultivate P. lot in 1792. and that P. Maillet
did give P. lot to Francis Willet who remained in
possession of P. Willet until his death which happened
in 1804 That Charlotte Willet widow of said P. Willet
remained in possession of said lot until her death
which happened about the year 1805 or 1806 That after
her death Louis Louis Buisson took out a letter of
Administration from the Court of St. Clair County
in the state of Illinois by the authority of P. letter of
Administration the P. Louis Buisson did sell the whole
of the property of P. Francis Willet and Charlotte his
wife deceased That this deponent did at public Auction
buy several articles of household furniture some horned
Cattle as also the lot above described which P. lot this
deponent did continue to occupy until he sold it to
Felix Fontaine which was in the year 1811 That this
deponent took into his family Angelica Willet only
Child of Francis and Charlotte Willet and maintain-
ing her as one of his family for one year That this
deponent did settle all the accounts belonging to the
estate of said Francis & Charlotte Willet deceased for
the Administrator L. Buisson and paid to her the
said Angelica (who is now married and lives at
Cahokia) the sum of One Hundred and odd dollars
being the balance due her after all debts were paid
as only heir to Francis & Charlotte Willet above mentioned
That said lot contained Eighty feet in front and about
Three Hundred feet in depth all french measure and

further this deponent doth not

Antoine Deschamps
Sworn to and subscribed before me this 30 day of
September 1820 at St Louis

J. Walsh Deal

a Justice of the Peace

I Certify That Patrick Walsh has been regularly commis-
sioned as a Justice of the Peace and now acts as such
in this place Sept 30, 1820

Mr. Clark

N^o 41 Pely Fontaine claims a lot in Peoria of Eighty
feet in front by three hundred feet in depth (French
measure) and bounded Eastwardly by a street separating
it from Oak Peoria Northwardly by a lot formerly occu-
pied by Antoine Deschamps, but now claimed by him
Fontaine and to the South & West by streets Proof
Antoine Deschamps testifies on oath that he saw the above
described lot in possession of and cultivated by John
Baptiste Maillot in the year 1792 and that Maillot gave
it to Francis Wittlette who remained in possession of it
until his death in the year 1804. Hypolite Maillot
and Pierre Lavassieur dit Chamberlain testify in like
manner that Francis Wittlette made an improvement
and built and house on the above described lot about
the year 1797 or 1798 when he continued to reside until
his death in the year 1804 or 1805 and all these of the
deponents testify that his widow continued to occupy
the said house and lot until her death which happened
about two years after the death of her husband - and
the said Deschamps further testifies that after the death
of Wittlette and his wife he (Deschamps) purchased from
Wittlette's administrators the said lot and occupied
it until the year 1811 when he sold it to Pely Fontaine
and the said Maillot and Chamberlain further testify

That the said Fontaine continued to occupy the said lot until the Village of Peoria was destroyed and the inhabitants driven off by Captain Craig in the year 1812 and that the said lot was about Eighty feet in front by about three hundred feet in depth

Remark

This lot is also claimed by Louis Pillet in right of his wife who was the daughter of the above named Francis Witette as will be seen by reference to Claim N^o 11

N^o 42 Felix Fontaine in right of his wife Rosette Caseran dit Fontaine claims a lot in Peoria of Eighty feet in front by three hundred feet in depth (French measure) and bounded Eastwardly by a street separating it from Lake Peoria - Northwardly by a lot claimed by the heirs of de Boushier - Westwardly by a street and Southwardly by a lot on which he (Fontaine) lives

Proof

Hypolite Maillet and Pierre La Vapieur dit Chamberlain testify on oath that Francis Witette enclosed and cultivated the above described lot in Peoria about the year 1797 or 1798 and that the said lot was about Eighty feet front by about three hundred feet in depth that they had understood that the said Witette about two years after he made the improvement gave the said lot to one Rosette Caseran who afterwards married the above named Felix Fontaine and that soon after the lot was given it was built upon and that they (Fontaine and his wife) continued either to live upon the said lot or to cultivate it until they were driven from Peoria by Captain Craig in the year 1812.

The above is a true copy so far as relates to Claims 4th

44)

42. of Village lots in Peoria (Claimed by Philip Fontaine of the Report &c of the Register of the Land office at Edwardsville Illinois made to the Secretary of the Treasury of the United States under and by virtue of the act of Congress entitled an act for the Relief of the inhabitants of the Village of Peoria in the State of Illinois approved May 13th 1820.

I Matthew Gillispie Register of the Land office at Edwardsville Illinois do hereby certify that the foregoing copies of notices affidavits and the Report of the Register of said Land office as before and herein stated are true and perfect copies of the Original now on file and of record in my said office and the same contain all the evidence and all the account of proceedings in relation to said claims No 41 & 42 (as claimed by Philip Fontaine) of Village lots in Peoria to be found in the Records and papers on file in my ^{said} office

Witness my hand this 27th day of September A.D. 1849

M Gillispie Register

to the introduction of which papers plaintiff objected and the Court sustained said objection. and said papers were ruled out.

10 Defendant then offered in evidence a certified copy of Pilette's Papers or those filed in said office as the foundation of Plaintiff's title. which are as follows to wit:

the Pilette papers

To the Register of the Land office at Edwardsville. Sir
I Louis Pilette hereby give notice that I claim a lot in the Village of Peoria. bounded. Westwardly by a Street. Northwardly by a Street. Eastwardly by the lots of Antoine Deschamps & Southwardly by a Street. running between the Illinois River. and said lot - also and

other lot in the rear of the before described lot in said Village, bounded Eastwardly by the lot of Antoine Deschamps, Westwardly by a street, Southwardly by a street, & Northwardly by open commons, each of which lots contain about one half of an arpent, also one out lot, lying North Eastwardly, from said described Town or Village lots; about the distance of $\frac{3}{4}$ of a mile containing fifteen or twenty arpents I claim said lots of land, as heir at Law of Francis Wittette; under the act of Congress of May 15th 1820

Louis^{his} Pilleth
mark

State of Illinois }
Madison County, } ss. Norey Blondeau being duly sworn
deposeth and saith that Francis Wittette improved
a two Village lots in the Village of Peoria one bounded
Southwardly by a street dividing it from the River
Illinois; Westwardly by a street; Northwardly by a street.
Eastwardly by the lot of Antoine Deschamps - Containing
one half arpent of land, also one other lot of ground in
said Village immediately in the rear of the above descri-
bed lot bounded Southwardly, Northwardly and Westwar-
dly by streets and Eastwardly by the lot of Antoine
Deschamps Containing one half arpent of ground - also
one out lot distant three fourths of a mile North Eastwardly
from said Village lots and containing from fifteen
to twenty arpents of land.

That the said Francis Wittette improved and lived
on the front lot; and occupied the rear lot with
stables and other out houses and cultivated and im-
proved the said out lot from the Year 1786 till the year
1806 or 1808 - said Wittette commenced the improvements
of the Village lots during the years 1788 or 1789 and lived
thereon till the time of his death in 1806 or 1808

43

45/11843-25

That the said Wittette died sometime during the year 1807 or 1808 and his wife one or two years after leaving an only daughter the wife of Louis Pitette - And further that this deponent believes the said lots were never sold or disposed of by said Wittette or Louis Pitette And further he saith not

J. H. Hamtramick }
Acting Interpreter }
Edward Colver }

Wesley Blundean

sworn and subscribed before me this fifteenth day of August 1839

John C. Sawyer

Jus. Peace

State of Illinois }

Madison County } Simon Roy being duly sworn deposes and saith that he this deponent went to live at the Village of Peoria sometime during the year 1793 as well as this deponent recollects and that this deponent there found Francis Wittette the living on and improving the lots above described in the said Village of Peoria and that he has often assisted Wittette in raising his wheat and that he continued to reside there till after the death of Wittette and his wife. and that he does not know that he (Wittette) ever sold or disposed of said lots - And further that Angelica the daughter of said Wittette after the death of her father and mother married Louis Pitette and that the said Angelica was the only child of said Francis Wittette.

And further this deponent says that the lots occupied by said Wittette are situated and bounded as described by Wesley Blundean in the foregoing affidavit and that the quantity of land therein described he believes to be correct

J. H. Hamtramick }
Edward Colver }

Simon ^{his} Roy
mark

sworn and subscribed before me this 13th day of August
1820

John F. Sawyer
Just Peace

N^o 11 Louis Pitette on right of his wife Angelica
the daughter of the late Francis Wittette of the Village
of Peoria Claims a lot in Peoria containing about
one half of an arpent of land and bounded Northwardly
by a street - Eastwardly by the lot of Antoine Meschamps
Southwardly by a street separating it from the Illinois
River and Westwardly by a street

Proof

Doogy Blondeau testifies on oath that Francis Wittette
built an house on and improved the above described lot
in Peoria in the year 1788 or 1789 and lived thereon till
his death in 1806 or 1808. Simon Roy testifies on oath that
he went to live in Peoria about the year 1793 at which
time he found Francis Wittette living on the above descri-
bed lot in Peoria where he continued to reside untill
his death and both Blondeau & Roy. testify that the
said lot contained about one half of an arpent of
land, and that Francis Wittette died leaving but one
child, who to their certain knowledge is now the wife
of the above named Louis Pitette

Remark

It is believed there is an unintentional mistake
in the boundaries of the above described lot. For it to
correspond with the descriptions given of the other lots
in Peoria it should have been Northwardly by Antoine
Meschamps lot Eastwardly by a street separating it
from the Illinois river and to the South & West by streets

This lot is also claimed by Felix Fontaine who contends
that Francis Wittette sold it as will be seen by reference
to his claim N^o 41

State of Illinois }
 St Clair County } Present Bartholomew Fortier and
 Angelique his wife before me a Justice of the Peace
 in and for said County and made oath that the said
 Angelique is the daughter and heir of Francis Willette
 who was a settler in Peoria, and that said Angelique
 is the wife of the said Fortier the said Fortier and Ange-
 lique his wife state also on oath: that the said Francis
 Willette has not received from the United States any
 donation, grant or confirmation of land whatsoever
 sworn and subscribed before me this 28th Dec 1844
 Bartholomew ^{his} Fortier
 mark

A. Hapel A.P. 

Angelique ^{her} Fortier
 mark

State of Illinois }
 St Clair County } I, P. William McClintock Clerk of
 the County Commissioners Court of St Clair County,
 do hereby certify that A. Hapel whose name is subscrib-
 ed to the foregoing instrument of writing was at the
 time of signing the same namely the 28th day of Decem-
 -ber A.D. 1844 an acting Justice of the Peace in and
 for the County of St Clair regularly commissioned and
 qualified and as such full faith and credit are
 and of right ought to be given to all his official acts
 In Witness Whereof I hereunto set my hand
 and affix the seal of the said Court at
 Office in Belleville the 28th day of
 December A.D. 1844



Wm. McClintock Clerk
 C. C. C. St. C. Co.

The above is a true copy so far as relates to the Claim
 No 11 (Claimed by Louis Pitette) of Village Lots in Peoria
 of the Report of the Register of the Land Office at Edwa-
 rdsville Illinois made to the Secretary of the Treasury

49)

of the United States under and by Virtue of the act of Congress entitled an act for the relief of the Inhabitants of the Village of Peoria in the State of Illinois approved May 18th 1830.

I Matthew Gillespie Register of the Land Office at Edwardsville Illinois do hereby Certify that the foregoing Copies of Notices. affidavits and of the Reports of this Register of the said Land Office as before and herein stated. are true and perfect copies of the originals now on file and of Records in my said Office and the same contain all the Evidence and all the Account of the proceedings in relation to said Claim No 11 (as claimed by Louis Pilette) of Village lots in Peoria to be found in the Records and papers on file in my said Office

Witness my hand this 29th day of September A.D. 1849

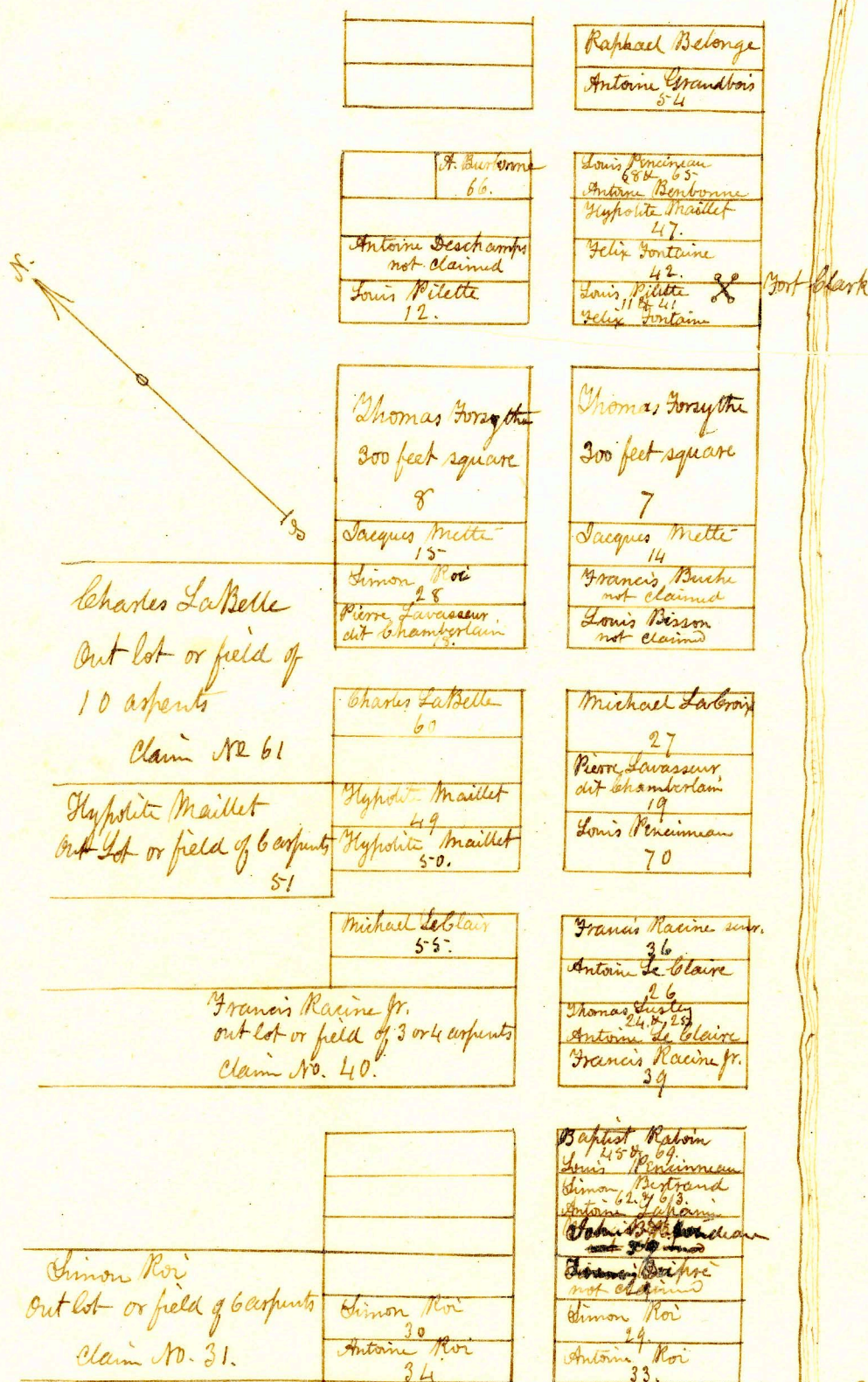
M. Gillespie Register

To the Introduction of which papers plaintiff objected. which objection was sustained by the Court and said papers were ruled out

11 Defendant then offered in evidence in connection with the said affidavits from Edwardsville Land Office in support of said Fontaine and Pilette claims, a plat from said Land Office certified by Matthew Gillespie Register which is as follows

49) (1843-25)

A Map of the New Village of
Peoria.



Francis Racine and
out field of about
20 aspen.
Claim 27.

I Matthew Gillespie Register of the Land Office at Edwardsville
 Ills. do hereby certify that the above and within described Plats
 of the Old & New Towns of Provia are true and correct copies
 and exemplifications of said Plats as now on record and
 file in this office. Given under my hand this 28th day
 of August A.D. 1850
 M. Gillespie, Register.

53)

Which plat but not said documents was read to the jury

12 Defendant then proved that Fort Clark which is marked on said last named plat, is in Street A. on the plat of 10 September 1840 and in Liberty Street on the plat of Peoria certified by said Mc Padden.

13 Defendant then offered to prove by survey or Mc Padden that he had measured the grounds in controversy and that the patent introduced by plaintiff covered lots forty one and forty two as represented on the plat of Sept 10th 1840 introduced by plaintiff to which evidence plaintiff objected and the Court overruled said objection and said evidence was admitted.

14 Defendant then proved that the land district west of the Illinois river of which Quincy is the place of the land office was formed prior to A.D. 1833.

15 Defendant then offered in evidence a document containing instructions from the Commissioner of the general land office to the register and receiver at Edwardsville signed Tho H Blake Commissioner which was read without objection. as follows, to wit.

"Copy

General Land Office

November 18th 1840

Genl Land Office

Instructions

3 Gentleman,

The Report of Edward Coles, Register at Edwardsville, Illinois, November 10th 1820 on certain Peoria Claims is embraced in the 3^d volume of American State papers public lands, printed by W. Green, pages 421 to 431 inclusive - Transcripts of the surveys certified Novr 19th 1840, have been returned to this office from the S. Genl^l Office, St Louis. Mo, of all of these Claims except Nos 32, 33, 38 & 33.

Objections were alleged against the correctness of the surveys

by C Ballence Esq. of Peoria, Illinois. into which I directed an enquiry, which resulted in the objections not being sustained -

Application having been made for Patents for some of these Claims an examination has been made in regard to all of them as embraced in said Report and designated in the survey, in connexion with the previous action that has been had relative to the quarter sections within the limits of which said Claims are situated - and also in connexion with the confirmatory act bearing on said Report, Viz the act of Congress approved 3rd March 1823 entitled "an act to confirm certain Claims to lots in the Village of Peoria" &c. Clarke's Comp. Land laws page 831 N^o 468. - By that act you will perceive there is "granted to each of the French and Canadian inhabitants and other settlers in the Village of Peoria" whose Claims are contained in said Report "and who had settled a lot in the village aforesaid, prior to the 1st January 1813 and who have not hitherto received a confirmation of Claims, or donation of any tract of land, or Village lot from the "U. S." the lot so settled upon and improved; when the same shall not exceed 2 acres; and where the same shall exceed two acres, every such Claimant shall be confirmed in a quantity not exceeding 10 acres: provided &c. The 2nd Sect of said act made it the duty of the Surveyor of the public lands to cause a survey to be made of the several lots, and to designate on a plat thereof "the lot confirmed and set apart to each Claimant," and requires patents to be issued in favor of such Claimants as other Cases. - In view of certain applications that have been made to this office the following cases are now brought to your attention Claims of the "Heirs of Gabriel Leve" entered as N^o 4 and 5 in said Report. In regard to N^o 4 the evidence shows -

That it is a claim under Louis Chatellereau" who built a house on and cultivated the lot long prior to 1st January 1813. (The period mentioned in the confirmatory act) and continued to reside on it until his death. That it was subsequently sold by Chatellereau's adms. and bought by Gabriel Lermi - The same lot is claimed under No 6 in the same Report by the son of "Louis Chatellereau".

To bring the case within the said confirmatory act. The party claiming should, be required, to show by affidavit of a respectable person, that the original inhabitant or settler had, not received prior to the said act of 3rd March 1823 "a confirmation of claims, or donation of

any tract of land, or village lot from the United States

On receiving such an affidavit, you are requested, in order that a patent may be granted, pursuant to the 2nd section of the said act of 3rd March 1823, to issue a patent certificate according to the enclosed, from A herewith, in which you will perceive that both claim No 4 of the "Heir of Gabriel Lermi" and, No 6 of the son of Chatellereau are recited, and, the legal representatives of Louis Chatellereau are declared, entitled, to a patent for the lot - a similar recital is proposed, for the patent leaving conflicting rights to be settled by the proper tribunals

Claim No 5 of the "Heir of Gabriel Lermi" is for an out lot, also, under Chatellereau, - said out lot adjoining the one on which Chatellereau, lived, and, having been cultivated, by him long prior to 1st Jan'y 1813 -

In my opinion the said act of 1823, only confirms a right to but one lot in one and the same persons, confirming the confirmation to "the lot so settled upon and improved" and therefore the said claim No 5 is not within its purview.

5th

Claims of Thomas Forsyth entered in said Plona Report
as Nos 7, 8, 9, & 10.

In reference to Claim No 7. - From the proof in this case it appears that John Baptiste Maillat lived on and cultivated the lot long prior to 1st Jan'y 1813 - after the death of Maillat in 1801 "witness" understood "the lot was sold, to Coursole, by whom it was sold, to Thomas Forsyth, who continued to occupy and cultivate it until 1812.

The survey shows that about $\frac{1}{4}$ of this lot No 7, in the S. W. part of it, is covered by the Claim No 14 in the name of Jacques Metti proof similar as in No 7 as to the original settlement by Maillat, the witness further testifying that "they always understood" said Metti purchased the lot and recollect he continued to occupy it until the spring of 1812.

On the receipt by you of an affidavit that Maillat had, no coup- or donation prior to 3rd March 1828, you are requested to issue a patent Certificate according to the form B, herewith, for the portion of Claim No 7 not covered by Claim No 14.

In reference to Claim No 8, by said Forsyth - This claim appears to be leased upon the cultivation only by said Maillat alleged sale to Forsyth and his (S^{rs}) cultivation about $\frac{1}{4}$ of this claim on the S.W. is covered by another claim of Jacques Metti, entered as No 15 resting also on the cultivation of Maillat; alleged sale to Metti, and the latter cultivation -

According to the decision in regard to Claim Nos. Claims Nos 8 and 15 are inadmissible under the laws Claims Nos 9 and 10 of Robert Forsyth are found to fall within the limits of certain quarter sections, located as late War Bounty lands patented in 1814, and consequently disposed of before the Plona report was made & the confirma-

story act was shaped.

Claims Nos 11, 12 and 13, entered in the report in the name of Louis Pitette in right of his wife Angelica, daughter of the late Francis Willette -

From the proof in Claim No 11 it appears that Willette built a house on and improved the lot in 1788 or 1789 - lived on it until his death in 1806 or 1808, and left but one child the wife of Pitette -

The same lot is claimed under No 14 in the same report by Felix Fontaine - one of the witnesses in the latter case. Deschamps, states that he purchased the lot from Willette adm^r and occupied it until 1811, when he sold it to Fontaine who occupied until 1812, -

The lot covered by said claims Nos 11 and 41 constitutes the 1/2 of the Etienne Bernard Claim No 1.

Under No 42 said Felix Fontaine, in right of his wife Solette Carreman, claims a lot, which constitutes the 1/2 of the Bernard Claim No 1. This claim also under Willette, who, it is alleged (under No 42) gave it to Solette Carreman, who afterwards married said Fontaine, and soon after the lot was given, Fontaine's wife "continued either to live upon the said lot, or to cultivate it" until 1812 -

The proof in the Bernard Claim No 1 represents that he "improved and and cultivated a lot" "about the year 1778, and continued to cultivate the same for about ten years: when he was driven off the premises by the depredations of the Indians" and the report states that "the evidence in this case was not taken in the presence of the Register, the deponents being (it was said) too old and infirm to attend at his Office.

In the opinion of this Office, the Bernard Claim yields to Willette subsequent residence and improvement

and on the receipt by you of an affidavit that Wittette had not sec^d prior to 3^d March 1823 a confirmation or donation, you are requested to issue a patent certificate according to the form C. herewith, in which you will find all the said claims to the lands recited and the legal representatives of Francis Wittette recognized as the parties entitled to the patent, leaving as in an analogous case in the foregoing, conflicting interests to be settled elsewhere. Claim N^o 12 of Pitette in right of Wittette - proof shows that Wittette built stables & out houses on the lot and used the same until his death in 1806 or 1808 - Claim N^o 13 of Pitette in right of Wittette proof shows that it was improved & cultivated as an out lot being prior to 1st January 1813 by Wittette -

According to the principal recognizing, as regards claim N^o 5 only a right to but one lot in one and the same person, confining the confirmation to the "lot so settled upon and improved" claims N^{os} 12 & 13 are not within the purview of the said act of 1823.

From the foregoing then you will perceive it is desired on the presentation of the requisite affidavit that you will issue Patent Certificate for the following claims, according to the forms A, B, C herewith, viz

For the lot covered by claims N^{os} 4, and 6, situated in the NE fractional $\frac{1}{4}$ of fractional sec 3 T8 N R. SE of the 4th P. M. Illinois

For the partition of the lot in claim N^o 7, not covered by claim N^o 14, situated in the SE, fr. $\frac{1}{4}$ 7-8 N 8 E 4th P. M. Illinois.

For the lot covered by claims N^{os} 11, 41 and 42, situated also in the SE fr. $\frac{1}{4}$ of fr. sec 9-8 N. 8 E

The said NE q^d was sold at Springfield as public lands and patented in 1837 to John Burkett, without reservation in the Patent, being long prior to the return

to this office of the official surveys of the Peoria claims. The said & E for 1/4 of tract, see - it appears was sold at Quincy to John L. Bogardus. and patented in 1838 subject however to the rights of any & all persons claiming under the aforesaid act of 3^d March 1823.

Herewith I transmit for your information a copy from the certified transcript in this office of the connected plat of the old Village of Peoria, and of such of the out lots & C. situated in Sec. 3. 8th & E. - also a copy from the certified transcript in this office of the connected plat of the new Village of Peoria & C. situated in sections 9 & 16 8th & E. 18th & E.

You are requested to number the patent certificates you may issue in consecutive order, and keep and subtract of them, which abstract, or a transcript of it, you will please forward to this office - You are requested also to return the Patent Certificates to this office to the end that patents may issue, unless the claimants desire to have the certificates delivered to them for that purpose.

Very respectfully
Your obt. servant
Thos A Blake
Commissioner

Register & Receiver }
Edwardsville }
Illinois }

16 Defendant then offers the report and plat of Edward Coles register of the Edwardsville land, as the same is found in the printed volume of American State papers which plaintiff objected to but said report was read to the jury.

To all of which opinions and decisions defendant then and then excepted and prays that this his bill

of exceptions should be sealed, signed, and made of record which is done

Wm. Kellogg Seal

On the ninth day of September A.D. 1850 the following Bond was filed in said clerk's office,
Appeal Bond = I know all men by these presents, that we Charles Ballance and Samuel Voss as his security are held, and firmly bound unto James M. Padden in the penal sum of five hundred dollars, lawful money of the United States for the payment whereof well and truly to be made, we bind ourselves our heirs executors and administrators jointly, severally and firmly by these presents, In witness whereof we have hereunto set our hands and seals this seventh day of September A.D. 1850.

The condition of the above obligation is such, that whereas at the September term of the Peoria County Circuit Court, for the present year, which is still in session, there was pending an action of ejectment, for certain premises on Water Street, in the city of Peoria, which are more particularly described in the declaration in said suit, in which cause James M. Padden was plaintiff, and Jacob Young was defendant, but in which cause by an order of said Court, said Ballance was substituted as defendant, instead of said original defendant, and in which suit such proceedings were had, at the present term of said Court, that a final judgment was rendered against said Ballance, in favour of said plaintiff, for the recovery of said premises; and whereas at the time of the rendition of said judgment an appeal was therefrom prayed by the said Ballance, to the Supreme Court of the State of Illinois, which was granted by said Circuit Court. Now therefore if the said Charles Ballance shall pay the judgment, costs, interest and damages, in case

61)

The said judgment shall be affirmed, by said supreme Court, and, also shall duly prosecute said appeals, then this bond, to be void, otherwise to remain in full force and virtue

C. Ballance seal
Saml Vore seal

State of Illinois

Preria County

I Jacob Gale clerk of the Circuit Court in and for the county of Preria in the State of Illinois do hereby certify that the foregoing is a full and correct transcript from the Record of the proceedings in said Court in a certain Cause therein of James Mc Gadden against Charles Ballance as the same remains of Record and on file in my office -

In testimony whereof I hereto set my hand and the seal of said Court at Preria this sixth day of June in the year of our Lord one thousand eight hundred and fifty one -
Jacob Gale, clerk.

Clerk's fees: for transcript and certificate & seal \$22.⁰⁰ Received payment of Charles Ballance -
Jacob Gale, clerk.

And the said appellant Ballance comes says that in the above record there is manifest error in this to wit

1st The said circuit court erred in refusing legal and competent evidence offered by the defendant below who is plaintiff here

2nd The said court erred in rejecting receiving illegal and incompetent evidence offered by plaintiff below

3rd Said court erred in refusing to give to said jury legal instructions asked for by defendant below

4th Said court erred in giving improper instructions asked

4th for by said plaintiff below

5th said court erred in refusing a new trial on motion of defendant below

6th said judgment on the whole case made in the court below ought to have been for said defendant and not for said plaintiff for which errors and others apparent in said record he prays that said judgment may be reversed set aside and held for nought &c

C. D. Wallace

And the said Appella Court and says
that in the Record and proceedings and
in the Rendition of the Judgment apace
said then it is no error wherefore
he prays that the said Judgment
may be in all things affirmed
Jan 12th 1851

Wm. H. People
Appella, & atty

Chas. D. Wallace
no 11 Nov
Darius McShaden

Florida

Charles Ballance

by
James McCadden

Record &
appt. of errors -

54

Filed June 10. 1857.
Clerk Ckr.

~~11/17/57~~

1851

Proceedings in the Circuit Court within & for Peoria County
in the State of Illinois at the May term thereof in the year of
our Lord one thousand eight hundred & forty nine, to wit
Tuesday May 29th A D 1849 —

James M^c Fadden

Pinalt ^{as} Clatten

Ejectment

This day came the said
James M^c Fadden by Norman St P
ple his attorney & filed his declaration herein & proved to the
satisfaction of the Court due service of a copy thereof & of the
notice thereto annexed on the said Pinalt Clatten ten days
previous to this day — Whereupon on motion of the plaintiff
it is ordered that the said Pinalt Clatten plead to the
said declaration in twenty days. ~~As follows to wit~~
~~Which declaration is in the words and figures following to wit~~
On the Circuit Court of Peoria
County May term A D 1849

State of Illinois

Peoria County ³ vs James M^c Fadden ^{Plaintiff} in this suit Com-
plains of Pinalt Clatten the defendant in this suit,
for that the said Plaintiff on the tenth day of May
A D 1849 at the County aforesaid was possessed of the
following described real estate (to wit)

Beginning at the North corner of French claims Numbered
1, 11, 41 & 42 as herein after described, thence South $46^{\circ} 30'$
East 50 feet thence South $39^{\circ} 30'$ East one hundred and
Eight feet to the North westerly edge of water street as
laid out by Bigelow & Underhill Thence South $50^{\circ} 30'$
west along the North westerly Edge of said water street
Thirty six feet, thence North $39^{\circ} 30'$ west one hundred and
fifty seven feet to the North westerly edge of said claims
No 1, 11, 41, 42 Thence North $43^{\circ} 30'$ East along the North
westerly edge of said claims Twenty nine feet to the place
of beginning being part of a certain lot designated as

covered by claims Number 1, 11, 41 + 42 in the South East fractional quarter of fractional section nine in Township Eight North of Range Eight East of the fourth principal meridian Illinois according to the survey approved 1st September 1820 by the Surveyor of the Public lands in the states of Illinois and Missouri which said premises the said Plaintiff claims in fee. And being so possessed of the said premises, that the said defendant afterwards comes on the eleventh day of May A D 1849 as the county aforesaid entered into the same and unlawfully withholds from the Plaintiff the possession thereof to the damage of the said Plaintiff One hundred dollars and therefore he brings suit for

A H Purple Plffs atty

A O Merriman

To Mr Pinal Blaken

Sir

You are hereby notified that on the first day of the next term of the Circuit Court to be holden at the Court house in Peoria for the County of Peoria and state of Illinois or as soon thereafter as counsel can be heard the foregoing declarations in Exekment will be filed in said Court, that upon the filing of the same a rule will be entered requiring you to appear and plead thereto within twenty days after the entry of such rule and that if you neglect so to appear and plead judgment by default will be entered against you and the plaintiff will recover possession of the premises therein described

May 15th 1849

A H Purple Plffs atty

A O Merriman

And afterwards to wit on the ninth day of June in the year last aforesaid, the said defendant filed in the office of the clerk of said ^{Court} his plea in said cause as follows, to wit,

which among other things it is agreed that judgement shall be rendered against the defendant herein and that said defendant may appeal the same to the Supreme Court of this state and on the trial thereof in that Court may use the same Bill of exceptions taken in the case tried in this court of the plaintiff against said Ballance substituted defendants in place of Jacob Young: Therefore it is considered that the said James Mc. Fadden have and recover of the said defendant possession of the premises in the said declaration mentioned and that a writ of possession issue therefor; and it is further considered that the plaintiff have and recover of the defendant the sum of one cent damages, together with his costs by him about his suit in this behalf expended and that execution issue therefor. Whereupon the said Charles Ballance prayed an appeal in this cause to the Supreme Court of this state, which is allowed him upon his filing an appeal bond in the penal sum of five hundred dollars conditioned according to law, with Samuel Voss or John C. Schenckly as surety, in the office of the clerk of this court in thirty days.

And on the same day last aforesaid a stipulation between the said parties was filed in the office of the clerk of said court, as follows, to wit.

1 James Mc. Fadden
vs

Charles Ballance admitted to
defend for Jacob Young

2 James

vs
Charles Ballance admitted
to defend for John Thaffer

Agreement

3. Same

^{vs}
Charles Ballance admitted
to defend for Small Blatten

Agreement

It is stipulated by the Parties to the above suits that whereas a verdict and Judgment has been rendered in the above cause first named and the said defendant desires to take a bill of Exceptions in the same and appeal to the Supreme Court and whereas the two last cases depend upon the same facts and the same title on the part of Plaintiff and defendants. It is therefore agreed that Judgment shall be rendered against said Defendants in said two last cases and that said Defendants may appeal the same or either of them to the Supreme Court and on the trial thereof in that Court may use the same bill of Exceptions filed in the case first above named in the same manner as he might or could do in the said case in which the same is filed & that if either of said suits shall be reversed in said Supreme Court the effect of said Reversal shall extend to the whole of said suits whether taken to said Supreme Court or not.

Attest
J. H. Purple
Plffs atty
at Ballance

Sept 6. 1850

And afterwards, to wit on the ninth day of June in the ^{year} last aforesaid the said Charles Ballance filed in said cause his appeal Bond in the office of the clerk of said Court which is in the words and figures following to wit.

Know all men by these presents that we Charles Ballance as principal and Samuel Toris as se-

curity, are held and firmly bound unto James Mc
Gadden in the penal sum of five hundred dollars, lawful
money of the United States for the payment whereof
well and truly to be made, we bind ourselves, our heirs,
executors and administrators, jointly, severally and firm-
ly, by these presents. In witness whereof we have hereunto
set our hands and seals, this seventh day of September
1850.

The condition of the above obligation is such, that
whereas, at the September term of the Peoria County
Circuit Court, of the present year, which is now in
session, an action of Ejectment, wherein James
McGadden was plaintiff and Renalt Elaker
was originally defendant, for the recovery of certain
premises on Water Street, in Peoria which are more
particularly described in the declaration in said
Cause (but in which Cause said Ballance was sub-
stituted as defendant at the present term of said Court

final judgment was rendered against said Ballance
in favor of said plaintiff, for the recovery of said pre-
mises; and whereas at the time of the rendition of
said judgment, an appeal was therefrom prayed, by the said
Charles Ballance, to the Supreme Court of the State of Illinois;
which was granted by Circuit Court.

Now therefore if the said Charles Ballance shall pay
the Judgment Cost, interest and damages in ^{case} said the said jud-
gements shall be affirmed by said Supreme Court, and also
shall duly prosecute said appeal, then this bond to be void
otherwise to remain in full force and virtue

Charles Ballance *Seal*
Samuel Davis *Seal*

State of Illinois
Peoria County

I Jacob Gale, clerk of the circuit court in and for said Peoria County hereby certify that the foregoing is a full & correct Transcript from the Record of the proceedings in said Court in a cause wherein James M^o Hadden is plaintiff & Charles Ballance is defendant, as the same remains of Record & on file. In testimony whereof I have set my hand and affixed the Seal of said Court as my office in Peoria this twenty seventh day of May in the year of our Lord one thousand eight hundred and fifty one

Jacob Gale clerk

clerk's fee for transcript certificate paid \$2.⁰⁰ paid by Ballance
Jacob Gale

And the said appellant Ballance comes and says that in the above record there is manifest error in this to wit

- 1st The said circuit court erred in refusing legal and competent evidence offered by the plaintiff here
- 2nd The said court erred in receiving illegal and incompetent evidence offered by the defendant here
- 3rd Said court erred in refusing to give to said jury legal instructions asked for by said plaintiff
- 4th Said court erred in giving improper asked for by said defendant
- 5th Said court erred in refusing a new trial on motion of said plaintiff
- 6th Said judgment on the whole case as made in the court below ought to have been for said plaintiff and not for said defendant Wherefore for said errors and others apparent in

And must be prays that said judgment be set aside annulled
and held for naught &c

G. Dalloway

And the said Appellee consents and says that in the
Record and proceedings aforesaid and rendition
of the Judgment aforesaid there is no Error
wherefrom he Prays that said Judgment may
be affirmed

June 30th 1857

J. P. Purple

Atty for Appellee

Charles Dalloway

vs. No 2

James Mc Gadden

Appeal from Penn

Filed June 9. 1857.

J. L. Lardner

James M. Fadden

vs
Charles Ballance
admitted to defend
as Landlord of
Jacob Young

Exemption

The counsel for the Plaintiff requests
the Court to instruct the Jury,

1st That if the Jury believe from the evidence that Angelica
Portier was at the time of the conveyance by Portier and
wife to the Plaintiff the only legal Representative of
Francis Wilette and that said Wilette was a ^{settler} ~~tenant~~ upon
said lot described in the French Patent at Peria
Cairo to the 1st day of January A.D. 1813, the Plaintiff
is entitled to recover,

2nd That the Book "American State papers is Evidence
only for the purpose of showing whether the Legal Represen-
tatives of Francis Wilette were claimants under the
Act read in Evidence,

3rd That the Survey & Patent to the Legal Representa-
tives of Francis Wilette are Evidence that such
Legal Representatives are entitled to the land des-
cribed in the Patent,

James M. Stadden
vs
Charles Ballance

Exemption,

Defendant asks the court to instruct the jury that no act of the register of the land office at Edwardsville in the premises was valid after the establishment of the Quincy land district and that a patent issued on a patent certificate issued by the register at Edwardsville after the change of the office is void.

2nd If the jury believe from the evidence that said Patent to Milettes representatives was issued on evidence any part of which was filed in the land office at Edwardsville after the establishment of the Quincy land district they should find for the defendant.

~~Additional instruction asked by defendant.
If the defendants were in possession of the premises in controversy under a lease for three years terminating on the 1st June 1848, and the plaintiff suffered and permitted said defendants to retain possession of said premises without notice to quit or any notice of the wish of the plaintiff that said defendant should quit possession, until the 1st day of December A D 1848, the law would create a new tenancy and would authorize the defendants to hold possession for the term of one year from the 1st June 1848 and the jury will find for defendants~~

State of Illinois
Perrin County ss. I Jacob Gale clerk of the
Circuit Court in and for said County do hereby
certify that the foregoing are true copies of the
Instructions to the jury asked for by the plaintiff and
defendant respectively on the trial at the August
term of said Court A.D. 1850 in a certain cause
wherein James Mc Gadden is plaintiff and Charles
Ballance is defendant substituted as defendant in
place of Jacob Young, as the said Instructions
remain on file in said cause in my office
and cause having been approved by the Supreme Court of this State by the defendant
in witness whereof I subscribe

Set my hand and seal at
Perrin this thirteenth day of June
A.D. 1851-

Jacob Gale, clerk.

No. 1

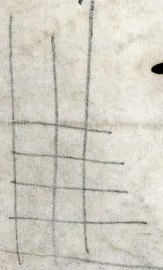
Ballance well Hadden

Amendment to record

54-1851

Filed June 17. 1854.
S. Leland Clk.

11843



[Faint, illegible handwriting, likely bleed-through from the reverse side of the page.]

Proceedings in the Circuit Court within & for Peoria County in the State of Illinois
at the May Term thereof in the year of our Lord one thousand eight hundred &
forty nine, to wit. Tuesday, May 29th A.D. 1849
James Mc Fadden

sule to plead } vs ejectment

John Schaefer This day came the said James Mc Fadden by
Norman B. Purple his attorney & filed his declaration herein & proved to the satisfaction of
the court due service of a copy thereof & of the notice thereto annexed on the said John Schaefer
ten days previous to this day. Whereupon on motion of the plaintiff it is ordered that the
said John Schaefer plead to the said declaration in twenty days.

In the Circuit Court of Peoria County
May term A.D. 1849

Declaration -

State of Illinois
Peoria County

James Mc Fadden Plaintiff complains
of John Schaefer, defendant in this suit For that the
said Plaintiff on the Tenth day of May A.D. 1849 at the County
aforesaid was possessed of the following described real
estate to wit Beginning at the easterly corner of the
Poundry now occupied by William Peters thence North
40°. West one hundred and fifty five feet to the northwe-
sterly edge of French Claims Numbered 1.11.41 & 42 as herein
after described. Thence North 43°. 30' East along the North
Westerly edge of said Claims twenty nine and a half feet.
Thence South 39°. 30' East one hundred and fifty seven
feet to the North Westerly Edge of Water Street as laid out
by Bigelow & Underhill thence South 50°. 30 West along
the North Westerly edge of said Water Street twenty eight
feet and two inches to the place of beginning being
part of a certain lot designated as covered by Claims
Number 1.11.41 & 42 in the South East fractional quarter
of Fractional Section nine in township Eight North of
Range Eight East of of the fourth principal Meridian
Illinois according to the Survey approved, 1st September
1840 by the Surveyor of the Public lands in the States

of Illinois & Missouri which said premises the said
Plaintiffs claim to own in fee. And being so possessed
of the said premises, that the said defendant afterwards
to wit on the Eleventh day of May A.D. 1849 at the
County aforesaid entered into the same and unlawfully
withholds from the plaintiff the possession thereof
to the damage of the said Plaintiff One hundred, doll
ars and therefore he brings his suit &c

N. H. Purple Plffs Atty
H. C. Memmian

notice - To Mr John Schaefer
Sir

You are hereby notified that on the first day of the
next term of the Circuit Court to be holden at the Court
house in Peoria for the County of Peoria and State of
Illinois, or as soon thereafter as counsel can be heard
the foregoing declaration in Ejectment will be filed
in said Court. That upon the filing of the same a rule
will be entered requiring you to appear and plead
thereto within twenty days after the entry of such rule,
and that if you neglect so to appear and plead,
Judgment by default will be entered against you
and the Plaintiff will recover possession of the premises
therein described.

May 15 1849

N. H. Purple Plffs Atty
H. C. Memmian

affidavit of service -

State of Illinois 3
Peoria County 3^{ss}

I, Clark Cleveland do swear that on
the 17th day of May A.D. 1849 I served the within Declaration
and notice on the within named defendant John Schaefer
by delivering him a true copy of the same Clark Cleveland, Deputy
Sworn to and subscribed, before me this 26th day of May A.D. 1849

C. B. Stebbins, J.P.

And afterwards, to wit, on the ninth day of June
in the year last aforesaid, the said defendant filed
in the office of the clerk of said court his plea in said cause
as follows, to wit.

plea -

State of Illinois } On the circuit Court
County of Peoria } of the Oct Term AD 1849

James M. Padden }

vs

John Schaefer }

In Ejectment

Said defendant comes and defends
the wrong and injury when he and says he is not
guilty of unlawfully withholding the premises claimed
by the plaintiff as alleged, in his said declaration
and of this he puts himself upon the country &c

C Ballance for deft

Proceedings at a term of the circuit court began and held
at the court house in the City of Peoria in and for the
County of Peoria in the State of Illinois on the fourth Monday
of August in the year of our Lord one thousand eight
hundred and fifty it being the twenty sixth^{day} of said
month. Present the Honorable William Kellogg Judge
of the tenth Judicial Circuit in the State of Illinois to wit

Friday September 6th AD 1850

James M. Padden

vs

Ejectment

John Schaefer

judgt & appear }

This day came the parties to this suit
by their attorneys and on motion of Charles Ballance the
attorney for the defendant he the said Charles Ballance
is admitted and made defendant in this suit in
place of the said defendant John Schaefer he the said
Ballance admitting himself to have been in possession

of the premises at the time of the service of the declaration in ejectment. Whereupon the said parties filed a stipulation in this cause signed by Norman H. Purple the attorney of the plaintiff and by the said, Charles Ballance in and by which among other things it is agreed, that judgment shall be rendered against the defendant herein and that said defendant may appeal the same to the supreme court of this state and on the trial thereof in that court may use the same bill of exceptions taken in the case tried in this court of the plaintiff against said said Ballance substituted defendant in place of Jacob Young. Therefore it is considered that the said James McPadden have and recover of the said defendant possession of the premises in the said declaration mentioned, and that a writ of possession issue therefor and it is further considered, that the plaintiff have and recover of the defendant the sum of one cent damages together with his costs by him about his suit in this behalf expended, and that execution issue therefor. Whereupon the said Charles Ballance prayed an appeal in this cause to the supreme court of this state which is allowed him upon his filing an appeal bond in the penal sum of Five Hundred dollars conditioned, according to law with Samuel Voss or John C. Schnebley as surety in the office of the clerk of this court in thirty days.

And on the same day last aforesaid a stipulation between the said parties was filed in the office of the clerk of said court, as follows, to wit,

James McPadden

vs

Charles Ballance

admitted to defend
for Jacob Young

in the case of James McPadden vs Charles Ballance
appealed May 10th 1881 and is subject to the
order of the court in the case of James McPadden vs Charles Ballance

2

Same
or
Charles Ballance
admitted to defend
for John Shaffer
Same

Ejectments

3

Charles Ballance
admitted to defend
for Rinalt-Clakin

It is stipulated, by the Parties to the above
suits that whereas a Verdict and Judgment had been rendered
in the above cause first named, and the said Defendant
desired to take a bill of Exceptions in the same and appeal
to the Supreme Court and Whereas the two last cases depend
upon the same facts and the same title on the part of
Plaintiff and defendants. It is therefore agreed, that
Judgment shall be rendered against said defendant
in said two last cases and that said Defendant may
appeal the same or Either of them to the Supreme Court
and on the trial thereof in that Court may use the
same bill of Exceptions filed in the case first above named
in the same manner as he might or could do in the said
case in which the same is filed & that if either of said
suits shall be reversed in said Supreme Court the Effect of
said Reversal shall extend to the whole of said suits whether
taken to said Supreme Court or not

N. W. Purple
S. J. P. Atty
C. Ballance

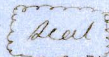
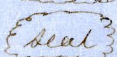
Sept 6, 1830

And afterwards, to wit on the ninth day of June in the year
last aforesaid the said Charles Ballance filed in said cause
his appeal Bond in the office of the Clerk of said Court
which is in the words and figures following to wit:

Know all men by these presents, that we Charles Ballance and Samuel Voss as his security are held and firmly bound unto James McFadden, in the penal sum of five hundred dollars, lawful money of the United States, for the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly, severally and firmly by these presents, In Witness whereof we have hereunto set our hands and seals, this seventh day of September. A.D. 1830

The condition of the above obligation is such, that whereas at the September term of the Pionia County Circuit Court for the present year, which is still in session, there was pending an action of Ejectment, for certain premises on water street, in the City of Pionia, which are more particularly described in the declaration in said suit, in which cause James McFadden was plaintiff, and John Shaefer was defendant but in which cause by an order of said Court, said Ballance was substituted as defendant, instead of said original defendant, and in which suit such proceedings were had, at the present term of said Court: That a final judgment was rendered against said Ballance, in favor of said plaintiff, for the recovery of said premises; and whereas at the time of the rendition of said judgment an appeal was therefrom prayed, by the said Ballance, to the Supreme Court of the State of Illinois, which was granted by said Circuit Court,

Now therefore if the said Charles Ballance shall pay the judgment, Costs, interest and damages, in case the said judgment shall be affirmed, by said Supreme Court and also shall duly prosecute said appeal, then this bond to be void, otherwise to remain in full force and virtue

C Ballance 
Saml. Voss 

State of Illinois
Pioria County ss:

I Jacob Gale, clerk of the circuit court in and for said Pioria County hereby certify that the foregoing is a full & correct Transcript from the Record of the proceedings in said court in a cause wherein James Mc Gaddin is plaintiff & Charles Ballance is defendant, as the same remains of Record on file.

In testimony whereof I hereto set my hand and affix the seal of said court at my office in Pioria this twenty seventh day of May in the year of our Lord one thousand eight hundred and fifty one -

Jacob Gale, clerk.

Clerk's fee: Transcript, certificate & seal \$2.00 paid by Ballance

And the said Charles Ballance comes and swears that in the above record there is manifest error in this to wit
1st The said circuit court erred in refusing legal and competent evidence offered by the defendant below who is plaintiff here

2nd The said court erred in receiving illegal and incompetent evidence offered by plaintiff below

3rd Said court erred in refusing to give to said legal instructions asked for by defendant below

4th Said court erred in giving improper instructions asked for by said plaintiff below

5th Said court erred in refusing a new trial on motion of defendant below

6th Said judgement on the whole case made in the court below ought to have been for defendant below and not for plaintiff below For which

errors and others apparent in said record he prays that said judgment may be annulled set aside and held for nought &c.

Chas Ballance

And the Said Appelle comes and says that in the Record of aforesaid there is no Error of Law that the Judgment may be affirmed

June 29 1857

J. E. Purple
Att'y for appelle

Filed June 9. 1857.
C. C. C. C. C.

Charles Ballance
vs
James McShadden
Appeal from Parish