No.___8429

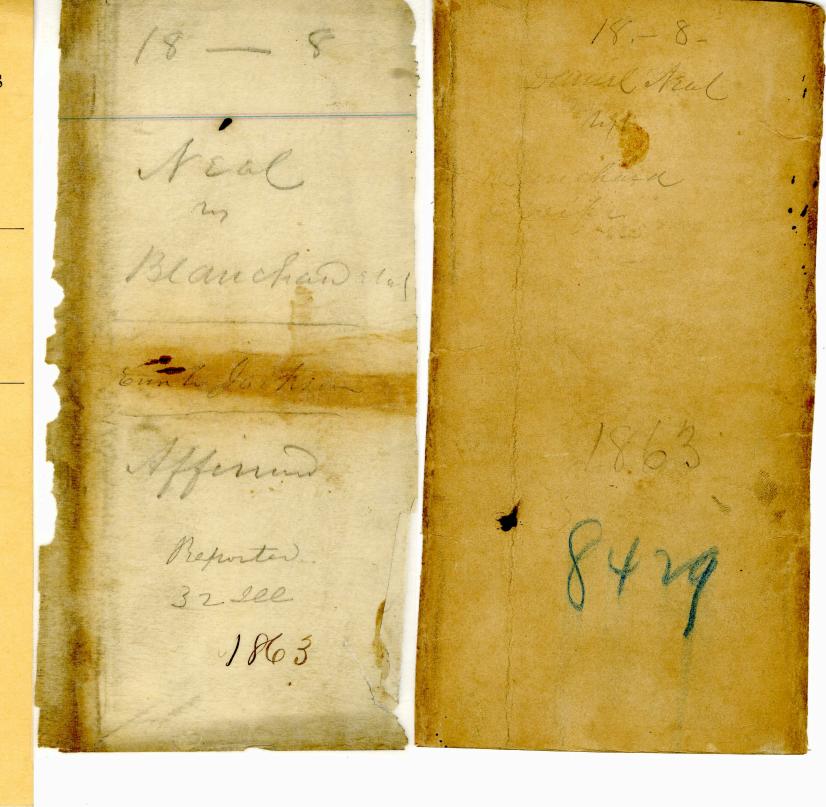
Supreme Court of Illinois

Daniel Neal

VS.

Israel Blanchard, et. ux.





ackson County Circuit Court Mayler 1862 At a Regular Irm of the Jackson County Quicin Court began and hile in the bourt House wi the Your of Muphy bere Jackson County Illinois on Steesday May Therend the Honorable Alexander M Jenking Judge of the 3th Judicial District State of Illinois, and Judiciality Judge of the Jackson Count Cricuis Court James & Watson, Clerk, Hilliam Cox Shiff Wherefur the Hollowing proceeding were had, State of Illicion St. Of the May bern AN 18/2 Jackson County 3 of the Jackson County Cicini Count Danie Nal the defendant en this Duis has been Oremma to ausure unto Brail Blanchand and Sorthula of Blanchan his Wife the plaintiffs wi this Suis of a plea of Trespap and Exelment. For that whereas heretofare to Wit outher Just day of Deplember S.K. 1861 and within said Country of Jackson and State of Ellinois the Said planitetts Avail Blanchan and Dolluta A Blanchan in the right of the Said Northula A Blanchan wife of the Sain Manel Hanchen were properted of their own demosse in fee Dringle of Certain real Estate Situature

[8429-1]

Strated in Said County ain State of Illinois Known and described as follow to hit, Tols Munder One and Vigle in Tolock Member Swelve in the Town of Musphysben in Said Country and State with the appurtenances thenento belongine and the said plaintiff, being then and then so properties of Pain fremises he the said defendant afternaids to his outle day and year last afereraine at the County and State aforeraid entered into an upon the said de-Scubed premises and from the time last after Said at the bounty and State afacraice has unlawfully withheld from the Said Santiff the possession of the said premises to the Samage of the Daid plaintiff of One Mousand Hollars and therefore they bring their Deir K Allent Thomas Ally for Mentiff

To Mr Danie Neal

Jou are herby Motefleid that the Declaration, with a Copy of which you are now herewith Server and to which this Police is Subjoined wile be filed in the Circuit Court in and for the Country of factored State of Illinois, on Friday the Dix teenthe May of May A.R. 1862, being the Fourth day of the myst Ilm of said Circia Court, to be buggen and beld at the Court house in the Fourtof Mushys 3 bors, ou the Decen Flesday sie the Month of May AN 1862, and that repen Geling the Dame a rule will be entered requiring youte appear In pleas to the said declaration within Seventy days after the lutry of said sule and that of you niglest on to appear and plear a program by defends will be entered agains you and Daid plaintiff will receive possession of the premises Thecificia and described wither Said Declaration Dates this 14th day of April A. 10, 1862 Allea & Thomas My for Ills State of Illinois (Glito May term AN 1862, of the Jackson County) Gatter May term AN 1862, of the Avail Blanchand & The Exeternal Sorthula Al Manchand & Manage & 1000, 00 Danie Neal Grad Blanchan bling duly Swow accurring to dan deposes and Days that he die on the 15 day of Afine A.D. 1862 Serve Daniel Neal the dependant withis Duit with atru Copy of the above and Jucyoing Micha-

Valur and Said Motice in Writing notte Said

Daniel Neal and by reading the Same to

[2427-2]

Fini on the 18th day of April A.W. 1862, Subsculie and Swow to Defere me this 15th day & Israel Blanchand of April A.W. 1862. James & Walten, Clark 3 Flice May 16 to 1860. James & Walson Clerk. State of Illinois Sutte Jackeson County Jackeson County Serious Court. Samil Nanchan r Sofielinent Sorttula A Blemchane his More Un the said Dunie Neal by O.S. Johnson his attorney Comes and defends the five and enjury when of and Jays that he is not quilty of the Said Supposed treppasan existenent above laid to his charge or ofany hast thurof his manner and form as the said Israel Blanchow & Dorthela & Blanchan have above thereof Complained against him; and of this he the Said Daniel Neal puts Geneself Upon the Country of 6. G. Johnson, Alty Defendant, Free May 26th 1862 Jaims & watsun Clk.

Frail Blanchan & Northulact. & Planchair his Wife & Epidment Danie Neal Muday May 16 6 18/13 an now on their day came the plaintiffs by their attomys, Whereupon the Dependent Danie Neal is Ruled to ausion in Verney And afternaid to his at a Regular term of the Jackson Ceruty beien bour began and buld in the Court House in Muflysboro Jackson County Ills. on Juesday Deptember 30 th 1862 Frail Manchan & Dorthula a & Efections Dunie Neal This bourse Stands Continue, No order, Un afternaids to Wil at a Regular Sermof Muie Jackson County Circuit Court, began and hela at the Court House in the Young Murphys boro fleeteson County State of Illinois, Ou the In Mesony being the 12 to day of may In [8429-3] The following proceedings were had,

Arail Blanchaw & Dorthulo Sefectionens Danie Neal Tuesday May 19th 813. Und now on this day came the Plaintiff Frad Manchan and Sorthula A histige and by their attorneys Mm Joblen and Cymus Themas, and the Defendant Danie Neal by his attomys. John 16 Mulkey and Richand Midding, whereupen by agreement of franties Plaintiff and Defendant and by their att orners It is agreed that the Houl Isham h Haynie an attorning of this bourt Mould Threside as Judge in Said trace instead of Houl A.M. Justing Judge of said Cicio Cour, and thereign the Said Houl Show No Waynie took the proges Dear and the trice Groceeder, Mhereupen Ossue Joine, and a Jury of Jurelue good and langue men being Called who were Elyah Robinson, Ham best W Harris, Banister Crews, Mm R Thelps, Jonathan Heiple, Joseph Brasley Jz Thomas Modelin, Hillary Ripley, Andrew Reinen, Evan Hollew, John martin, James A Brutto, who other duly Snow according to daw, and after heaving the Eve dence and ary uneuts of Coursel, Retired

to Consider of their berdies, and Returne Into Open bout the Hollowing berdiel We the Jury Sence the Issue for Plaintiff, fine the Haintiff to be the Owners in fee Simple of Lots No 1 +8 in Block No 12 in the Your of Muphysber Jacksen County Illinois, Whereupen a motion is made by before and for a new trial and in arrest of program, Motion five new trial and in arrest of Judgment Overruled bythe bourt, and It was theufue Ordered by the bout that the Paintiff Ismail Plancher and Hothula A Blanchaw his Wife have Judgment and do Recover of and from the Davie Defendant Daniel Neal Hold number One (1) and Eight (8) in Black number Twelve (12) in the Tour of Mufly bon Jackson County State of Illinois, Cogetten with the bosts of this Buir hereinto be Paxed, And Wei futher Order by the bourt than a Writ of propersion Issue therefor, ON Haynie Tresiduy by agront. " Motivi fu a New trico" Planchen Hickory & Exelinar and the Daie Defendant Comes following Causes.

It The bourt orred in admitting the deed of Trench to dogan without proof of the Execution the acknowledgment being informal and not in accordance with the provision of the Statute The bout wired in excluding the fee Bile or Tweefs upon Which the Saw su' Controversy mes Gold on account of the alleger variance between the The Book and the The Wile or procep. The bout me in excluding the fee Dile is process On the ground that the fee book had not been introduced as a foundation The new trial is asked in this base for the above reasons and not under the Statute that for the purpose of this motion being expuss ly Maired, Wall & Mulkey Fileie May 2016-18/13. for Deft James & Watsen Elic

Franchand Hige & Athe Jackson Danie Mal. Elicus Court May Elicus May 1863. afectional The it Remember that we the trial of this Cause it was agrew by Consent of harties plaintiff & Defendant that How It Haynie an attorning of this bout Should preside as Judge in said trad in their of the Hon A.M. Junis Juoge of said Circuit Court. Upm said trial a Juny having been called this and Mou accerding to Law, the Plainliff fuit offend in Evidence the following Instrument to Will " James Mouroe President of the United , States of america to all to when these pur-, luts That Come Freeting. Know de their Joseph French of Randolph County Illinois hewing deposclew wi the Lennal Law office a Certificate of the Register of the Law office as haskas. Kin Whereley it appears that full haymund has been made for the Douth half of Section Four and the Morth half of Section Now in Township New Boutto of Raige In West Containing Dis hundre and Forty [8429-5] acres, of Lands direction to be Dola at

10 Hustraskia legthe acts of languess. relative to the disposal of the public Sand in Mining There is Frante beg the United States in Jun Suance of the Olds of Congrep suithar Case provided unto the said Joseph Frenche the the half sections of land others described to have and to hold the Said half sections of saw with the appulenances linto the Jaine Joseph French his hein and apegins forever In testimony whereof I have Course these Letters to be made Tatent and the Deal of the General Land Office to be hereunto afferie Geven under my hum at the bety of mashenglin the Fourth day of September with year of Our Ind One Thousand Eight hun du and Thenty three and of the Professince of the United States of america the Forty Eight James monroe (28.3) By the president Graham, Commission of the General Law office Veenow Vol 3 page 327. To the Introduction of Which Evidence the defen-

It the Introduction of Which Evidence the defendant by his his bourse objection but the Court overrules Sais Objection and allows sais with ment to go his Evidence to the Jury to Which while of the Court the Defendant by his Course

there and there at the line by cepted. The Plaintiff next offere in tordence the following instrument to Wit-This Muluture made the thind day of October in the year of our Lina one houran Eight hunder and twenty two between Joseph French and Darah his tripe of faction County State of Ellinois of the fine part and John Logan of Perry County State of Missouri of the Brown had, Withipette that said Joseph Freude and Darah his Wife fir and his Consideration of the Dun of Ino thousand Dollan langue Many of the United States to Joseph Fundle hi hew well and truly paid the Receipe Whereof is hereby acknowledged Have grante bargaine Obla aliene releaser, Conveyed and Confirme and by these presents dograms bargain sell alien release Cornory and Comprime unto Said John Logan his hein and aprigns ferrer all than lestain had or purcel of saw designated and known on the play of the United States Lands offere In Dale ar Huskuskin by the South half of betien Four and all that parel of the North West quarter of Section Mine lying outto Mith Dide of Big Muddy River in

Township Mine Bouth of Range In West

of the thine principal Mendian line inclusing

two Jail Perin it being part of a track hur-There by said French from the United States (which will more fully appear by reference to the Books in United States Clane Office as Haskaskin on the first day of Deplew ber One Mourain Eight hunder and Fourteen for centry unbered beventy fourare all the estate right little interest claim and deman of him the Said Joseph Truck and Darah his tripe of in and to the Said Jumises and every part thenof Together nette all the privileges and appentenances to the Dame belonging or in any wire appertaining and the rents ofsus and mosels thurs; To Have and hold the Junies hereby bargaine and Sold a means or intended to be so to be with the appulmance, to the only proper use and behoof of the Said John Jogan his heir and assigns for liver - and the Said Joseph Theuchi his heirs Executers administrators and aprigns de Cevenant francise and agree to and with the said John Logan his him Executors administrators and assigns that he the said Joseph Trende is thotaw and lawful owner of the Junises hereby grantld and has good right full power and lawful authority to bill and Convey the

Same in manner and form aferes aid - Am farther that he the Said Joseph French his heirs Executors and Adminis trators Will warrant and Genever Depend the aforesaid framises mitto their appointenances and every part and hance thereof unto the Bail John Logan his him and addigns against all Justing Clarining or to Claim by from or under him the Said Joseph Freuch them or any ofthew; or by fun or under any other peison or persons whomsower. In mitrul whereof the party of the first part have hereunto det their hands and Deals the day aw year above written Sealed and delivered & Joseph French Lines Such French Reals whresence of us foel mauning Wiley OHarrington State of Illinois Jackson County SS. Defere me foel manning a Justice of the Place within and for said besuty pusemally appeared Joseph Fruch and arah his Nige and acknowledged the fingoing dea of Cours ance to be their voluntary act and deed forthe purposes therein expuper, the Said Garah being Separate and apart from hu Said husband by me examined and hearmy said del read and being otherwise liformed of its Contents Confepe delland 28429-7]

and acknowledged the above Induture to be her voluntary act and dea for the uses and purposes therein mentioned method any Compulsion or coercin of her said husband, Intestimony whereof, I have hereunto su My haw and Deal this thind day of October in the year of our End One thousandighe Munde and Menty thro Foll Maining Tals On which are the following indusements" Joseph Freuch & Mighe To John Logan Deed" Recorded with Recorders office of Jacken Courts Illewin October 3 1822 in Wook Bfor bleds page 193 Etc Muning Ree State of Illinois for Office of Boun of Investigation Jackson County 5 October 9 # 1843. I do Certify that this deed has been duly recorded withis Office willook a myages 320 + 321. D. 4x Brush Sucy To the Antroduction of which instrument in Voidence to the Jury the defendant by his Coursel at the time objected but the Court overruled Daie Objection and allowed the Same to be read in Evidence to the Jury; to Which ruling of the bout the defendant by his Council at the time then and there

13 Excepted.

The Plaintiff, next office to read the Soldowing instrument his Militing to Mit; But before being allower to read the Sound to Saine the Sound the Sound the Sound the Sound the Sound the Sound the Original writing of which their furported to be a boy, was not his his properties or control and that he did not know where Sound Original Could be found

John Jogan and Myle to Jackson County " Dled " Whereas the Commissioners appointed to rele-Cate the County Dravof Jackson County withe State of Illinoin, by an act of the legislation of said State Contilled Un act su'relation to the County Deal of Jackson County, approved Hob OHE AN 1843. have located the Jaid County Dear on the Bouth West quarter of Section (4) Grow in Journation (9) Mine South Range (2) In Mest, Which Saidras of down belongs to John Logan, and whereas it is Prorried by the thine Section of the above receiled Ach that of the location of the County Seas of said Country Shall be made on Invate Property, the Owner Shall be require to Donate a track of dans not less than thout

[8429-8]

Acres which Shall Include the Journ Site Selected by Said Commissioner, and Shall Convey the Dane by a good bled to the County of Janken. Thow all men by these Thesents that John Logan and Elizabette his Wife of the County of faction and State of Illinoin wi Consideration of the David County Deal of Sain County of Jacleson bling locate ou said Doutte West quarter Section of Section Mundera (4) four, si Cownelis Munden (9) Mine Doutto si Range Munder le (2) two West of the thine finicepal meredian line, and wi Compliance with the Requisitions of the above receive all, of the Legislature of the State of Illinois have granted baryained Dold aliend, released, Conveyed and Confirme and by these hesents, does grant baryain, Lele alien, release Convey and Confirm, unto the County of Jacksen wi the State of Illinois the Inhabitants thereof and their mecepers, the following describin piece or parcel of law being a hear of said Douth West quanter of Section (4) four in Township (9) mine

South, wi Range (D) two West of the think principal Meridian Person em describue as follow to Mit, beginning (27) twenty Som Rods Morth De Degrees West from the South

Cast Corner of the above describes quarter Section of Law, and running thence Matto (57) Fife, Seven Rods, Thence West (56/2) fifty Bix and a half Rods, Thence Doutto (57) Fifty Seven Rods, and thence olest (36/2) Fifty Die and a half Roas to the place of beginming, Containing Menty acres and Threnty One hundred and Distiett harts of an acre. (20 00) To Have and to Hold the above describe rice or hance of law, mitto all an Engelar the rights finivileges improvements and appurtenences to the Fame belonging or in anywine appertaining to the said bounty of Jackson wi the State of Illinois the Inhabitauto thereof and their mocepers fireour and the Said John Logan and Elizabette, does hereby Council too and notto the County of Jainson the inhabitants thereof and their mocepers, that they are the legal own end of the Said piece of law, that it is unencumbered and that they have good right and lawful authority to but and Conous the Dame wi manner and form as they herve done and that themselves their heirs executors and administrators will firever manrant and defend the little to the Same against all Claims of every Kina of any other puser In Mility Wherof they have hereunto Subscrie their humes and affixed their class this 1175

Sevententh day of August AD 1843
Signid Sealed and John Logan Tener
deliving in presence of Am Jenkins Elizabette Logen Jeules Geo Butchen The Word Moth with Eight line from the top outto Secon frage interline before Signing Mate of Illinois f. Jackson County 3 Theremally appeared before me the undersigne an acting Justice of the peace Lie one for said Country of Jackson and State afresain John Logan and Elizabeth Logan his tripe, who are presonally known to me to be the Same pusous who made and Signa the fungoing deed of Conveyance and not nonledge that they Eryne Dealer and deliv. ned the Same fruly and firthe uses and purposes therein mentioned and the Said Celina betto being examina ley me privately apent from her said husband and the Contents of David Dew made known unto her, The actnowledge that The has Digne and Sealed the Sune boluntarily of his own accord freely mother any threats or Compulsion from her Said husband that the freely relinquished her right of Dow to the premises and desir that the same might be recorde.

Givin smon my haw and Scae this 17th day of August AN/843.
See Putetin Reals
Received Sept 13 the 1843.

So, 14, Brush Reads Jo State of Ellinois Is. James & Malen, Clark Cio Recover mitturi and for said bounty to lestity that the above and Jougoing is alie and lived boy of a dew made by John togan & mife To faction County Illinois as Oppeare from the Receros nowcie my Office Intestimony, whereof, I have here-US 3 unto burny hum and afficient the Lal of my Office at Mullysboro This gle day of May AN 1813. To the reading of which instrument sa Evidence to the pery the defendant by his Course then and there objected but the bernt orrrule the dais Objection and allower the Dais instrument to be read in Evidence to the July by the plain lifts to which while of the bout the defewdant by his bounce thew are there as The time Excepted,

The plaintiff thew tutiodice Underf Osbern as a withy withen behalf who being duly mon lestified, I am acquainted with the location of the town of Murphysbon I washerlut when the Commissioned met to lay offthe County Sear of Jackson County, Menphysbon_ I think the Pour described with deed from John Logan Mife to the Country of Jackson is the Dune law Embraced wither Survey of the Town of Musphysboro - I have seen Several Buroup made of the lown play thew is some variance in the Bury, but the law withis bled from Logan to the County Imbraces the lown place I know where Soti No 1 + 8 wi Block 12 are Bituation, These lots were included in that Durvey Dependant Neal Has the hopepein of them, has occupied said Lots for the last year or two has Mude Some improvements on the Dame, The town of Muphysboro is on the Str See 4. 9. 2 M. The planiteffs next introduce John I Clinton as a witness withen behalf, who being from testifice as follows. I don't think I was present when the Town of Muphyobers was laid our-I know when the Your is located I know from the Record & Surveys,

It is in the on See H. G. 2. W 21 Do not Remember exactly when the Cerun Commences - but it is not the bane of the declein, The Willing is here shown the hew from John Loyan & Wife to the Country of Jackson above repense to, and States That the land Couvered in the deed is the Same land on Which the Town of Mulligsberro the Country leav of Jackson County is tocated I Know where lots 1 + 8 Block 12 hi said Jour are Situate they are a point of vaid livel. The defendant is in properties of them, and was in April 15- 1862 and has been sincehe has made some improvements on the Same an Office on one and agarden of

The plaintiff next introduced That I Have as a mituely in their behalf who after being. Imm testifie as follows,

Ormity Illinois, This Book in my hands is one of the Record of the bernety bound of said bounty, which I have in my Custody and Keeping. The Said Ming them I have so the following new from said Book

At a Special Form of the County Coming Jackson

22 County held as the Cline Office in Brownsville on Thursday the 17th day of august AN 1843. Thomas O Hile Cominipaining Peter Gile This term of the Court was called for the purpose of receiving the Cutificate of Samuel I Rufsell, William CoMcupley and John Coch-Van Commissioners appointed by the legislatur of Illinois by an ackentitled "An ack in relation to the Country Sear of Jackson County" approved on the It - Hebruary 1843. re-locatring the Said Country Seal and firthe funhose of making allowance to said Commitsecured for their Dervices in Re-locating the low by Sear aferesaid, Maning the said County seals Ordered that the Fair Dunnel I Ruface Milian & Muphy and John Wehran be allowed Iwelve dollars and fifty Cents each en full firthin sain Derrices having been engaged five days therein, The Daid Commispeines returned to the Cluse of this bout a Certificate of theirelocation of the Country Sear of Jacksen County, Which fail Certificate is in the Mond and figures following, to Wil; -

Mate of Muioir Jackson County August

We the underseyne Commissioners apple to relocate the Country Seat of Jackson Country bey an Act of the Legislature of the State of Illinois Entitled an act si relation to the County seal of Jakson County" approved February 24 to 1843. dia li pusuance with the provisions of the above recitie det meet hi Brownsville hi Said County, on the Secure Monday of august untant, being the 14 to day of the Month AN 1843 for the purpose of relocating the Country dear of said Country having first been advised that a large majority of the voters of said bornety had on the monday preceeding, at their Election then held, voted in favour of the removal of said bounty beat after being duly morn agreeable to the proviswis of said Act to the faithful deschange of Ourduties, a Certificate of which Outto is herto attache, we proceeded to ascertain the centre of said bounty, and to Examine all such hads of the County as seeme to us necepany and all such Dites as were fronted out to us in the vicinity of said centre, and all such others as we could find and to Campully examine their localities, advantages and dis advantages, Taking ento Considuation the public good and having due regard to the public interest and Conveneence, after herving done this we have decious

in Laver of line located the County Seal of raid Country of Jaulean in the State of Illinois on a pair of the Douth West qualter of Section Mindered form in Cownship membered Mine South Mange minder two West, of the think Trincipal Meridian line - which Town Lite Do Selected by us as the Country Deat of said Country of faction Contains Iwenty acres. and Iwenty one hundre and Distietto parts of an acre and is known and described as follows vin: being a frent of the Douth West quarter of Lection four (H/ in Cownship Mine (9) South Range to (2) West of the thine principal Meridian line, begliving at a Cerur (27) Twenty Seven Rods Matto, Twenty (20 degrees. West from the Frutte last Cirus of the above describe Quarto Section of law, running thence North (07) fifty seven rods, thence West (56/2) hipty Dix and a half rodo, thence Bouth (37) Fifty Seven rods, Thence East (56/2) fifty Die and a half roos to the place of beginning Containing twenty acres and Swenty one hundred and distietto haits of an lieu which is withow in said Vour Dite, and donated by John Logan and Elizabeth his tripe to Jaisesen County the inhab-Stants thereof and their mecepers said John Loyan being the owner of the above described quarter Section

of daw, said price of law encluded his said form

Lete as before States, has been also Conveyed lysaid John Logen and his Wife by a good and Sufficient deed to the bounty of Jeules en the inhabitants thereof and their seccessors and the deed so made deposited in the hand of the County Commis-Cours of Daid Jackson County State of Illinois We do hereby Certify the above of foregoing to be a true Statement of Our proceeding as such Commissions, and that we have by bestew of the althority wins vester legthe above recitio act relocated and established the County bear of the Country of Jackson with State of Minois, on the quarter Section of law and on the orte as herein before described. In testimony of all which we have hereunto Subscribed our names day and date fun above Mitten Danue I Rupele M.C. muply John Coelwan Ordered by the Court that the her County Stat of Jackson County Selection and Relocation by the Commissioner aferesaid, be named Mur-Musborough Court the adjourne to Court in Everse Ge Butter Peter Gile Thos 19 Yrile Tothe reading of which he torduce the deft

26 by his Coursel Objected but the Court overrute Said Objection and primited said recesso to berea in Evidence to the Jury towhice ruling of the Court the deft by his Coursel then I then at the time Excepted The plaintiff must offered to read in Erroine to the Jury in their behalf, the following instrumed be writing to the reading of which in Cordence the Defendant by his Counse Objected; and the bout refused to admit the Dane in Evidence until the plainty Thould explain the Evasures and interlineateurs appearing withe body and lecknowledgment of the instrument; Whereufen Said plaintiff introduced and read to the But from the Record of the Country Court of Juksen County Theviously produced by Thosal Hale the leve and read from June 12 thereof the following entry at a Regular term of the County Commission Coul of Januar County Illinois began and hete at Murphy boro on Minday the Decend day of September AN 1844 resul Junge Butchen Peter Gile Country Commissioners Jeffersen allen who who was at the last. Muyest Election duly elective a County Commissioner of said County Carrie and took the Oaths required for him to take a such Commissioner si Open Court and afternais on Juiges 18, 80 + 83. Thorning that fifteen Allen had Brigned his name as Commissioner to the Orders and Trocading of said County

Commissioners Coul.

Saw plaintiffs to the bout the bout primitive the saw instrument to be read in Evidence to the fung by sain plaintiff in their behalf which saw instrument is wither words and figures pollowing to this, the Several brasures and intilineations wither body and acknowledgment through being by act, as the Same appear in the Original

This Polletie made and later the Gear of this foruth day of Beptember in the year of Durkers One Thousand leight Hundred and forty first believe George Butetin, Peter Cite and Jufferson allew George Butetin, Peter Cite and Country in the Blate of Illinois, of the first hands and John Logan of the Cumity and State abourand of the Second front Witnepette That the Said State Cours and State about the George Butetin, Peter Gete and House State State Inoger of the Country Commission Court of Jackson Country Commission Court of Jackson Country a feeraid for and the Country

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ation of the One of one hunow and will six dollard lawful Miny of the lenter States, to them we have paid by the Said John Loyan to and for the use and benefit of the Said County of Jaksen, the receipt whereof is hereby ac-Knowledge have granted bargaine, Sola aliened, released, remised Couraged and Confirme and by these presents do grant bargain, sele, alien, remise release, Coursey and Confirm untothe said John Logan his him and apigns, all of the following Town dots in Country afereraid, and designated and known report the mash of said Jour now on record with office of the Recorder of said County as Lots Mundered One (1) Ino (2) Leven (7) and Tought (8) in Polock number Swelve (121, also Sols Mundean One (1) and Engle (8) ly Hock num bered thirteen (13), also Not numbers, thou (7) in Block number Eightew (18) and also Lots number Five (5) and Sig (6) in Block numbered Notaty 201 and being her of the Houty acres of laine Conveyed to Jackson Country by John Logan and Wefer by dea bearing date the Seouteenthe day of august withe year of Our Low One thousand Teight hunder and Harty three - Which said Aled has been duly received in the Receivers office the & aid bounty of James in Book & an

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hages disty five, Disty Sei, and by ty Seven The Davie Theuty acres bling described as follow, Vizi being a hast of the South West quante of Section Munder four (4) in Township number mie (9) South of Range munden Ino (2) West, beginning twenty seven rod North 20 degrees West from the bruth bast corne of said quarter Section of Sand, and running thence North fifty Seven roos, thence West fifty Dix verilage root, thence bouth fifty seven root thence bare fifty by and one half rods to the place of begruning - Together with all and Bugular the rights, profile, privileges and immunities to the Said dolo belonging or enaugrice thereunto appertecining, To Have and to Hold the said hereby granted and Sola dots in to Jour of muphysberough the new County dear of Juleson County with the hereoclamuely and appointeneuses thereof, unto the Said John Logan his heirs and akeins to his another They proper use benefit t beloof feverer and the Still George Button, Petu Gile as aforesaine for themselves and their Sucrep. ond in Office, the Said herby granted from esis, unto the Each John Logan his him an apigus against themselves as County Comsuspeines aferesaid and their duccepers in Office, and against all and every other hersen and

husing whomsower lawfully claiming or to Claim by from a under them a othermine Shall and mile Warrant and foreon defend by these presents, In testimony Whereof the said parties of the first has have hereunto in the character and Capacity of County Vermissioners as apresaid, Set their heurs and affixed their Deals the day and year first herein Untlew Ge Butcher Wilny Dand Ho Brish 3 Peter Gile Quela efferson allen State of Illinois & I. Danie & Brush Jackson Country & I. Danie & Brush Clerk of the County Commissiones Court of Jackson County aforesaid do Certify that on this Peter Gile and Describe Better County Comsuperiors of the Duie County, all pusmally well known to me to be the real persons who executed the fregoing dew to John Loyan and acknowledged the Execution thereof to be their and each of their free and voluntary all and dew forthe rises and purposes Meren Expresse

Seal 3 nume & affin the Official State of the Suice Court ar affice in

Musphusber Hui Ht day of Septem ber AD 1844.

Danl 46 Brush

State of Ellinois of Recovers Office Deer 8th 1845. I De Certify that this dea has been duly Remon wing office in Dook & an pages 388 & 389.

DYN Drush Reeds

In which the defendant leg his Council objected but the Court overrules the Objection and allowed a Said Instrument to be read in Evidence to the Juny, to which ruling of the Court the defendant by his Council them and there at the time by cepted

The plaintiff must office to read in Evidence to the Jury in their behalf the following Wile of John Logan (Which appears to have been duly probated with wood and figures following to mir.

State of Illinoing Soa Umen, I Solve Logan Physician of the County of Jack In State of Illinois being Sick in body but popels of my right reason, being also minoful of my mortality do this day the yearday of

Defitember in the year of the Son One thou-Send leght Hunter and Hofty three make and Jublish this my last Will and Testament in manner and form, to Wit; First - I desire to be decently buried at the Famalia Frave yare near Muphysbore Secondly I give and device to my Dunghter Louisa O Cumins One Your Tot lie the Town of Murphysbon in Jackson County, being Lot number (1) One in Block number (3) three li said Jown in addition to What I have heretofore given hu. Thirdly of give and bequeth to my you John A Logan One Bedstew, Wear Bedding tie addition to what have heretofue quie him, and further it is my desire that While he remains single he Continue to reside with his Mother and the Children free of any charge for Houthety, I give and bequett to my Son Thumas Mi Logen One half of my Stock Hogs on my farm in an about the Your, of Munphysbow, when I now reside, in acditin to what have hutofire give him-Fifthly I give and devise to my two Daughlen Deratha adlin Thomas & Dorthuta angeline Logan all that price or havel oflaw Ostrate in faction County apresaid and boun

ded as follows. vin bast by the road or lane suning or leading out from the Your of Mus-Thysbor towards I C Halls Steam Mile South by the Jour Hat of the apresaid Jour of Mun hlipson Mest by the Law hertofine deeded to John A and Thimas M. Loyau, & Moth by the Mutte line of the Douth West quanter of Section four (4) in Courselip None South Range two (2) West, of which Quarter brechin it is a frast, Containing Huity acres more or lep, in addition to what Thave heretofere given them and their husbands. Mythety I give and devine to my daughter Sorthula Angelin Logan all the Law down with Douth West Quale of Section form (4) li Township Mine Doutte Range two (2) West, lying Douth of the Jour of Musphysboro in said fackson bounty and between the road beading from Mupligations to the Ferry on Muddy above and near the Coal Bank outho Dame, and the bast line of the law heretofire deede by myself and hige Is John A and Thumas M Logan bling a fact of the Same quale delin also Tour Lots munbered One (1) Seven (7) and Eight (8) In Block Sevelve (12) in the afereraid Your of Mulhysbero in addition to what I have hentofive given to them as well in this my last Will & Vestament as Otherwise.

Seventhely- I give an bequitte to my Don William Ho dayaw five Columns of Books tobe Selected by him fun my Vibrary, and also my Wateto Orighthety I give and bequeath to my son James V Logan - Paris Medical Dictionary Dorry's and Thomas' Fractice of Midicine_ and I also give and device to alexander m Jenkins Lot member (H) for in Block No 17 in the Town of Muphysbero-Monthly I give and devise to my mo Dons William Hodogan in James O Loyan the Douth East quarter of Section (4) form Journalis (9) nine South Rang two West Situate Cart of and adjoining the Your of Muphysboro afere-Tenthy - I divet that all my Stock of Hours except two work horses - my stock of medicine on haw, Thop furnitur, Tooks, except such as I have herein before bequeatten to my two Sous be dold by my Executors and our of the proceeds of buch bute, and money to be Collected from debts due me, all my just debto be paid Seventhe after the playment of all my debts and all the Legacies, devises and bequests herein before made I give am bequetett to my Wife Elizabeth dogen all the rest and residue of my Estate both Real and pusonal, including the houses

35-

and Lots in the Cour of Musphyslen in Jackson County State of Illinois on which we now reside, and all other dots in Said Town not before desposed of, and all other property Choses in action & Whatsown and Wheresower of What nature Kind and quality Bower the Dame may be and not herewibefore gevin or desposed of, during her natural lefe, Juriles The remains a maion to be used by her with the advice and Council of my Dons John A and Thomas M Logan for the purposes herein after menteine-Molfthe Sis my Mile that my Mife chijabette Loyau have the Controle and Management of the Farm on the piece of saw herein devised to my Minin Dons Me It Logan and James & Loyan until they respectively arrive at the age of hours one years, provide she remain a moion. And that with the Boys Must and fames & Conduct and manage the busing of the Your House sie the aference Jour of Muphysbaro to the best advantage they Can, and that the money arising from the Said Garn and Jown House with the debts due me beap. propriated by his under the mutual advice and direction of my two Down John a Loyan I Themas Me Logan to the Buful of herself and the Duppert Education of my too Dong William H Logan & James & Logan, all it

36

Is my desire that William be educated and frepared for the practice of the Vaw, and fames for the fraction of Medicine.

Miteutte Fri my Will and direction that Cumediately afterny decease my Executors have all the property both real an personal of which my wife Elizabette Logan gets into hofreprin by vitue of this my last Will and Elsteinent simentoried and appraised and that bail Inventory and Bile of appraisement be felice in the Clerks Office of the County Court of Said County - Thoula my Mighe Colinabette Logan Murry another person before my said Jour William H Loyan and James & Voyan become of the age of Inenty one years this my wile that my sons John A Loyew X Thinas Me Logan Should immediately take popepin the law and the furn herein devised and bequeattive to the said Pm Hogan I James to doyan and the property both real and personal herein devised and bequestion to the Buil Clinabette during her natural lefe on Condition The remains my Midon, and have her dower afrigued and bet aparto her of all the baid property both real and purinal as Their Entitled by Lan to have and with what remains after her hower's assigna, and the proceeds of the farm, pro-

Cer to Complete the education of the said Wallain and fames as huein fraviou for and directed Mould any thing remain after their oducatein is Completed it is to be diviou equally between them Should the Guid Chijabette Marry after the said William and James become of the age of trenty one years my our John a Logen and Thina, he Logen are to proceed in the Dame manner with the property devised & bequeather to her during her Widowhood as directed herein, li Care The Frould Moury before they become of age and what remain of the Said property botto real and hersinal devises & bequeattue to her as aforesaid after her Down is akigned I give and bequatte to my Children John & Logan, Thimas M. Logan, Stratter of Themas Dorthula augeline Logan, Mm It Loyan & James O Logan to be divida between them equally Sastly Utto decease of the said Elizabetto Logar it is my Male that the Daid William Ho Logan and James O Logan, When I Logan Tumas Magan Derotta adeline Themes I Northula a dogen have all the rest and les colon of my Estate both real and pusinul and huly Device and bequeath is to them. and do herby Constitute and appoint my Wife Elizabeth my Orecutry and my the sens John A loyan and Thomas m

[8429-19]

Logar my Executivo of this my last Mile and Vestament. Me With Whiriof I have hereunto set my haw and Seal the day and year fin huin When Loyan Estal Drynd & Sealed in our Tresurce we being called as Witness by the lestation and the Evasuus and the Interlineation devicines a Lot to a. M. Julinisas? made before said Mile was Dunio tale ofthe interlementions Michael & Smartylope J. H. Malls. To the reading of Which in Tordence to the Jury the defendant by his Coursel then and there arther

defendant by his Counsel then and there arther time objection - but the Count overruled said objection and allowed the said Instrument to be read in Evidence by the plaintiff, to the Jury To which ruling of the Count the defendant by his beause them are then at the time by his beause them are them at the time by his beause them are them at the

The said plaintiff next offered and were frumitted to read in Evidence to the Jury the following Mother withours to Will

faircen bounty The People of the State of Illinois to any person by Law authorized to Foleming the liter of matrimony, You are hereby Authorized to Joen together as hurban and Nighe Mr. Israil Henchan and him Dorthula Augeline Logan, and return a Certificate thereof to my Office, and for so doing this shall be your Dufficeen Warrant 2 Matries That I Have Clerk of the Seal Zar Office appined in Murphyporo 28th day of January Ano 1856 Thos & Male, Cla This is to Certify that the built of matrimony was Golemnize between Man Planchur an N. A. Logan according to Saw by me on the 30 day of Jan 1856 If It wall Gospel minister State of Illinois & I Hosel Hale bline of the County Court mittin and for the Country & State afresaid, do hereby Certify that the above aw feregoing, is a true and Vorice Copy from the Original, as appears fun the felis of my Office The lestiming wheroof I have here-28427-20 into set my have and official

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State of May AD 1863.

The South 33 of May AD 1863.

The South State Clark

My North Spitz

The Maintiff next offered the testimony of Alexanda M Jenkeis who by Coursel of harters was allowed to testify mithrour first being han ano who statue as follows, Ham acquainted with Mrs Munchure the hije of Israel Manchan plaintiff lie this mir Their the daughter of my seiter & John Logan - I have Known hersence a Chila - John Logow was the husband of my Dister and always musture and raised Mrs Blenchard as his Chila ? know her to be the Dune person name as one of the plaintiff, in this Drive and the same hersin named in the Mile of John Logan as his daughter - I drew the mile myself - The Plaintiffs offere no Mutter Estimony and Rester their Case

The Defendant them Antroduced James Phalum as a Mility with behalf who being find duly From testified as follows to Wis-I am bluk of the bisenis bout of Jackson bounty Illinois and have the Endoy of the Record of said bout. The Book inny hunds One of the books of the Recios of Sail bour - I find the following lutry

of a proceeding in Said bout outto 19 April 1848 being of the april Verm 1848 ofsaid

Cucin Cour

Brush & Housen & appeal John Loyan

This day come the plainlifts by their attomy, allew; and came also the Defendant in hersen they his allowing Marshale The attorny firthe defendant files an Offidavit for a Continuance within base, and on his motion founded on said affet the Case is Continued to next term of Court as the Cost of the defendant; Muchin Wis Considered that the plaintiff do receive from the Said Dependent their Costs and Charges herew to be Jayer He To the recoing of Which Reen the fless by their attorney Objected but the bene overrules their Objection and pumittee Daid Reuro to be Read

The defendant the offend to New in Evidence in his behalf the following fee Dile mitte the beveral indorsements therew, to wit

Jackson berouis but April Jern 1848 Mush & Hansen so John Logew Bill of the Costs of the Vern for which Judgment local against Deft. Clerks. Enearing Neps to afft. 12 feling affl 1 183 Assuring 3 Bubpoenas 1.50 filing them 183. 1.683 Meaning A to affer 510 filing affle 25 ,75 Outering Judyt- for Costs 25 Continue Satis-25 flection of Same 25 Locketing Same 122 372 Malling Copy of fee Wili 25 - Certificato Value an Sain 15 4.00 Muif Redfield. in 3 Bulyromes Miliage 3.06 7 Serving on tew 2.50 Returning 3 372 5 5,933 Mitinger 13. J. Ytolliony 2 a 18 a Harris 1 s. 1 %. 2.00 Rolldaines 2 Mg 11. Jus Moosley 2 Mg 1/2 2.00 \$ 13,933 State of Illinois In People of the State of Illinois Jackson County To the Shriff of Jackson County Greeting I, Danie Ho Bush Cline of the Jackson lineis bout do certify the above to be a corner bile of the Costs of said Verm wi Said base for Which prognest was Render against the Said We therefore Command you that of the goods ochattets Lands & Tenements of the Duice John Logan in your bounty you cause to be made the Duiedum of Minteen Dollars and Minely three of 3/4 Cents

the and of serie Wile together with your Costs and make du return thereof to the leves 43 Office of Said Court mitter minity days from the date hereof Mitrup my han I deal Official Leve 2 ar muphysbero this Ol day of Ce 3 April 201848 Dy Brush Ceke Come to haw on the low aprice and oclock Am. John Redfula Bhile Shiff, I have levice this fee bile on lots No One, two, Seven our leight in Block No twelve in Murplus bero and advertige the Dance for sale on the 24th day of June 1848_ June 84. 1848 I Sola said lots to Bush & Hansen the piffs herein as follows vin dot no one for four dollars Lot No two for four bollens lot eto beven for form dollars & lot Member Eight for fores dollars + 7 cents amounting in all to oxpleen Dollars & Stow Cents which Butispeis this fee Will in full The Redfield Muiff Elev Mer \$ 13. 933 etan sale 25 Entificato offace 50 76 16.07/2 Petumo Batispiù ly lerging ou four Form Sols which was breato filfs.

John Redpiela Shop Helia June 2 / 16 1848 D. Fr. Brush Clk It the reading of Which the Evidence the Maintiffs Objected, and the Court Sustaine the obejiction and Refusa to allow the same to be read until the Defendant Should fine Two duce the fee Book fun which Said fee Die purporter to be Copies To Which Ruling of the bout in refusing to allow said fee Poice to go in Evidence the Dependant by his bounse thew and there artho time Excepted The Defendant thew recaller as a minig in his behalf frames I Watson who Statue, thus he was blute of said Jackson Circuis bout as afresain the Book winy hands is the fee Book of said bout, the following is the Entry & Recon In Said fee Book wither Case of Brush & It ausen set John Logan on page 18%. being the Bile of Costs in Said Cause to Wil

Well of Cost of Very for Which progrant age heft. Clerks. Emaning beft to Off. 12 d'iling affel. 6' 183 1.683 Assering the Subpoenas 1.50 Jeling Bum 183. Entering frogt for Costs Entering Satisfaction of Samuel 25 Copy of fee Bile 25% Clfs & Seal 30

June 24 - The Pile returno Datisfico by Sale of data to Plas.

Shof John Reofield in 3 Subpas Milage 3.06 Seving on 3 5.933

Shiff Cost les to Reoficea on 13+ 14's Books

Mitnes of Bollion 220. \$1 a Youris & Da 14 2,00 Rhusoing 2 ds 1/8. Jas Woosley 2 ks 1 %. 2.00 Metropes fees a to them on 194 14's Books.

Which said Entry and Recon in Sais fee Book was by the allowed to be read in Toroince #6 to the Jury.

47

Thereas Alluie It Brush and John M Hansen did at the april Jean of the Jackson County living bout held as murphys bero wi fackson bounts in the year of Our down One thousaw Eight Hundrew and Forty Eight, receiver a programmed against John Logan for the Costs of the Verm in a certain Our then hunding in said bourt between saw parties which progress was for the Sum of Thelve dolland and Orighto One Cents, Upon which Judgment a fle Bile was Issue dater outto Thenty Seem day of april AN 1848 direction to John Reofice then Muiff of said bounty to Execute, and by Vertue of the Said The Bile the said John Red feeled levier upon the cown lots in murphysboro hereinafter described and the Same were Thuck off and Bold to said Danie HBrush & John M Hausen on the 24 th day of June AN 1848. firthe Sun of Dixteen Nollars and Seven Cents, they being the higher and best bedders therefor, and the time and place of the rule thereof heaving been duly advertised acceroing to dan- Non therefore, town all by this dew that I John Elmire ming of said County of Jainson the said John Redfield being no longer Shriff | in Consider leatin of the premises and of the Daid Sum of Dixleen Dollars and Seven Cents to thusaid John Redfile Muiff as afereraid tu haw haid by the said Bush & Hausen have

granted bargained and Sold and do hinly Convery to the David Daniel & Brush & John m Hansen their heirs and apeigns, the following described Jown Lots in Muphysboro in Jaid County, to Wil; Sols Munder One(1) Two (2) Seven (7) and lot munker bight (8) in Block Mimber Twelve (12) in Said Jour, So Have and to Hola the Said describe premises with all the appurtuances thereto belinging to the Said Danie & Brush and John Me Housen their Heirs & akigns finever. Within my hew and lead this I wenty sevente day of June in the year of Our Lin One thow Saw Orghe Hundra and Fifty John Elmere Chief Seals of Jauleson Co. Ills Mate of Illinois Janson County & Ou this day personally chheard before the unsurigned Clink of the Circuit bout the and for the Country of Jackson afore-Said John Clowre Justinally Well known to me to be the real person who executed the foregoing dew and also to be Muiff of said County and acknowledge that he freely and Voluntarily Executed Said Deed for the leses & Justoses therein mentione -In Witnes Whereast Set My name and affects the Seal

49

Seve 3 this 27 day of June AD 1850 Dave Ho Brush lelk by Rich Dudding Depy

Gelie In Reun 27 June 1830 & Recurs Sum day ai Book letter It on pages 451 +462 Saul PABnuch Clay face bir bount by Richel Studding Septy

In which the plaintiffs by their Coursel Objection and refused to allow the Buil Pretrument in Writing to go to the Juny - To which suling of the Course the defendant by his Course their and there at the time he cepture. The defendant mest of fend to warie oridence in his behalf the following instruments in Writing to With

This Predentine made and Entered into this 21st day of affice AND 1860 between Hanie & Brush of Justian and State of Ellinois of the fait has, and Daniel Allinois of the Green fact Mathefatte: that the Buil hast part Mathefatte: that the Buil haster of the Start fact, and fact for the first hast, and for and in Consideration of the Buil hast,

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One hunow dollars in han, the receipt whereof is hereby acknowledge, dohuly grant, burgain, bell, Courry and Confirm unto the harty of the Decen har her hein and apigns fivever, all and Omjular, the following described Law or Jour lots Situate liging and being in the County of Jantison and State of Illinois an designated as follow: - The One undivide half hus of Lots number One, two, seven and leight in Block Mumber Frelve in Murphysbiro, County and State apresaid, Jogethe mitte all and Singular the hereditaments and apportenues thereinto belinging or in any wire appertaining. It have and to hold the above described premises, unto the said harty of the Brown from his heirs and als signs firever. and the Daie parties of the first har do Evenant to and mitte the Jaid hady of the seem part, that they mile forever warrant and depend the title and hopep ein of the Said dans or Town dats from the Claim or claims of all and every puse lawfully elecining the Same - In testimony Whereof the Said harters of the first have have hereunto set their hunds and dals the day and year above mitten Julia Brush wals Signed Seroles and delivered &

Hate of Illiving, Juksen County S.S. I the underseigne Det Hamilian Police Magistrate of Carbonoale mittin and for the Dail County, do herby Certify that Dunie & Brok and Julia his Wife Whose Dynatures appear to the foregoing hew of Conveyance, and who are pusmally Known to me to be the Idution pusies whose names an Subscried to Tail Dee as having Executed the Suns, this day appeare befire me and acknowledges That they has Fregne Fealer and deliverette Dance as their free act and deer fortheleses and Justoses therein expurper, and the Said Julia Brush wife of the Said & TH Brush being examine by me Deparate and apart from his said husband & the Contents & effect of laid Aled mude Known & Explaine to her declare that the of her own free mile and accend executed the Dame thruly releasings. my all right to Nover in Said Fremises fruly + Voluntarily withour Coursein or Compulsion on the part of her Dand husband In Minis Whereof I hereunto del my name and affeir my Grae this Of a day of aline NO 1860,

Milie for Reine april 21 the 1860, Reinowie Book N Page 124 June 10th 1860. Ed It Rees Clk

ly b. m. Davis

In which the plaintiff by his Council objection and Refund to allow the Same to go air Evidence to the form the Same to go air Evidence to the Jury - to which Ruling of the Count the defendant by his Council them and there at the line Exception.

The Rependant here rester his basse; and no more or other Evidence was offered on the trial of seine Cause by either party plaintiff or defendant but the above is all the Evidence offered by the harties respectively on the trial of said basse,

The Course being Bubmitted to the pary the Jury Retirie to Consider of their verocies, and afternasos returned into Open Course the following berdies to Mit,

Sind the Spice for Plaintiffs - find plainlifts to be the owners in fee Stimple of lots No 1 + 8 in Block No 12 in the Your of murphysbiro Jackson County Illinois"

On afternais Comes the Said defendant by his bound and enters his motion for a Men trial, his Writing which is in the Morse and figures following to Wil

Menchan & Mike & Existenent & Melal 3 And the David Dependant Corner and moves the bern for a new trial, for the following Causes The Court error in admitting the dew of Much to dogan million proof of the Execution The actinowledgment being informal and not in accerdance with the provision of the Matule. In The beaut erred in excluding the Fee Bile or process upon which the Law in Controvery was sola on account of the allege variance between the Gree Book and the Gree Bile or 3ª The Court Erro will checing the Thee Dile or process on the ground than the Her Book her not been tutroduce as a Moundatein. The new trial is asked in this base futto above reasons and not mon the Statute - that for the purpose of this motion being expreply Maire Mill & Mulky for Alege. Gulia May 20to 1863. James Phaton Che

28429-27

54 But the Court repused to grant a new trial It's said beune and overrule the motion and rendered programmed for the plaintity Outto verdice of the Many to Which ruling of the bout in refusing a new trial and in rendering Judgment on said berdict the said Defendant leghis Councel thew and there at the time excepted, and now again outher day comes again the Daid Defendant and lender this his Bile of Exceptions and Jurays that the Jame may be Synce and Scales and made a has of the recen which is accordingly dine ON Huynie Statz Musioning by agreement of Coursel A. M. Jukuis Judge 3° Judicial Cir Iles. and presiding proge of the Jackson Co Cricuit Court. Ills.

Helia May 212/8/13. James & Malson, Clusto

State of Ellinois St. James I Walten Jackson County 3 O. James I Walten Clark of the Cuicie Count

within and for said bounts of Jackson tow State of Illinois, No hereby Certify that the above and fingoing is a true and Cornel Copy of all the Original papers, Orders of Court Bill of resception, and all other papers appertaining thereto in the above entitled bause as appears from the Recesos, and hapers on Hele cirpny Office. Me l'estimera Whenof I have hereunto bet my hour and affix the Sul of the Circuit Court at muflysbero this 30th day of June 200 1863. flower & Malson Clerk And now Comes the Said deft by his atty and days then is Enor appoint on the Record aprocustings in this Cause, and afrigues to fallowing Curses of Error 1the Court End in admitting the clark from French to Jugan The land end in admitting the dark from the launty Ensurpers to Jugan 30 The Court and in testimating the mile of John Logan 4 The Can't and in Excluding the Fee Bell I The land and in Excluding the dud from Skinff to Buch Hanton based an the Sale under the he Bell The Coul End in Excluding the Red from Much sup 18429-28]) he Court Evel in refrering a Tuestheal

The Cured ened in readering feedyment for fleft. The land und in not rulling Judgment for deft When for seed for other Enses appoint upon this Record the Defendant beings the Could before the Suferime Camb and asks that I well Judgust oc hay be remed & p John & Merlying Mow thou atty for Down Scal Plff in Euros butween come the said Defendants) in Eur, Grael Blanchard and orthula A. her wife by W.b. Gone 200 Whiller, their afty. I day that in the intrement question there is as enor in the many that Dain his some appearance the sain his some Hundrad Hage.

IN THE SUPREME COURT OF THE STATE OF ILLINOIS.

FIRST GRAND DIVISION.

At Mount Vernon, November Term, A. D. 1863.

DANIEL NEAL Plaintiff in Error, ISRAEL BLANCHARD, et ux. Defts in Error.

Error to Jackson.

ABSTRACT.

This was an action of Ejectment, brought by defendants in error against plaintiff in error. Declaration filed and rule entered in Jackson Circuit Court, 1 to 5. May term, 1862. Plea filed, "Not guilty."

At the October term, 1862, the cause stood continued without order; at the May term 1863, the cause came on for trial by agreement of parties, the Hon. I. M. Haynie. an attorney of said Court, was selected to preside as Judge at said trial in place of Hon, A. M. Jenkins, Judge of the Circuit Court. Jury [6.] was called tried and sworn.

The evidence being heard and the arguments of counsel, the jury returned into Court a verdict for the plaintiffs, finding them to be the owners in fee simple of Lots 1 and 8, Block No. 12, in town of Murphysboro Jackson County, Illinois; whereupon defendant moved for a new trial in arrest of judgment, but said motions were overruled by the Court, and judgment was entered on [7.] the verdict; And it was ordered that writ of possession issue for the premises.

BILL OF EXCEPTIONS.

Be it remembered, that upon said trial the plaintiff first offered in evidence to the jury a patent from James Monroe, President of the United States, to Joseph French, for the south half of section four, and the north half of section nine, in township nine south, range two west, dated the 10th day of December 1823, to the introduction of which said evidence defendant by his counsel objected; but the Court overruled said objection and allowed said instrument to go in evidence to said jury, to which ruling of the Court the defendent by his [9.10.] counsel then and there at the time excepted.

The plaintiff next offered in evidence an instrument under seal, from Joseph French and Sarah his wife, conveying unto John Logan his heirs and assigns forever, the south half of section four, and all that parcel of the north west quarter of section nine, lying on the north side of Big Muddy river, in township [11.] nine S., R. 2 W., 3 P. M. To which said instrument was attached the follow-

ing certificate of acknowledgment, to wit:

Before me Joel Manning, a Justice of the peace State of Illinois, Sackson County. within and for said county, personally appeared Joseph French and Sarah his wife, and acknowledged the foregoing deed of conveyance to be their voluntary act and deed for the uses and purposes therein The said Sarah being separate and apart from her said husband by me examined, and hearing said deed read, and being otherwise informed of its contents, confessed, declared, and acknowledged the above indenture to be her voluntary act and deed, for the uses and purposes therein mentioned, without any compulsion or coercion of her said husband. In testimony whereof I have hereunto set my hand and seal this third day of October 1822.

Joel Manning. [SEAL.]

Upon which said deed was the following endorsement of record:

Recorded in the Recorder's office of Jackson County, Illinois, Oct. 3rd 1822, in Book B for Deeds, page 193.

James Manning, Rec.

State of Illinois, Jackson Co. Office of Board of Investigation.
October 9th 1843.

I do hereby certify, that this deed has been duly recorded in this office in Book A, on pages 320 & 321.

D. H. Brush, Sec'y.

To the introduction of which instrument in evidence to the jury, deft. by his counsel at the time, objected; but the Court overruled the objection and and allowed the said instrument to go to the jury, to which deft. by his coun-

[13 14] sel then and there objected.

Plff. next offered in evidence a deed of conveyance under seal, from John Logan and Elizabath Logan his wife, dated and acknowledged Augst 17th 1843, reciting that, whereas, the commissioners appointed to re-locate the county seat of Jackson county, under an act of Legislature, approved Feb. 24th 1843, had located said county seat on the S. W. qr. of sec. 4, T. 9 S., R. 2 W., which said land belonged to said John Logan; and whereas, it was provided by the said Act, that if said county seat should be located on private property, the owner thereof should donate a tract of land not less than twenty acres, which should include the town site selected by said commissioners. Now therefore, in consideration of said premises, the said John Logan and his wife, granted, bargained, &c., unto said Jackson county, the inhabitants thereof, and their successors, the following piece of land, being a part of said S. W. qr. of sec. 4, T. 9 S., R. 2 W., to wit: beginning 27 rods north 20 degrees west from the S. E. corner of the above described qr. sec., running thence north 57 rods, thence west 56.1.2 rods, thence west 56.1.2 rods, thence west 56.1.2 rods thence gentle 57.

[15 16 thence west 56 1-2 rods, thence south 57 rods, thence east 56 1-2 rods to the 17 18] place of beginning, containing 20 20-100 acres. To the introduction of which instrument the defendent objected, but the Court overruled the objection, to

which the defendant then and there excepted.

The plaintiff next introduced Lindorf Osborne as a witness in their behalf, who testified: I am acquainted with the location of the town of Murphysboro, was present when the commisssoners met to lay off the county seat of Jackson county, Murphysboro: think the land described in deed from John Logan and wife to Jackson County, is the same land embraced in the survey of the town of Murphysboro. Have seen several surveys made of the town plat. There is some variance in the surveys, but the land in this deed from Logan to the county embraces the town plat. I know where lots 1 and 8 in block 12 are situated; these lots were included in that survey. Deft. has had possession of them for the last year or two; Murphysboro is on the S. W. qr. sec. 4, 9 2 W. Plaintiff next introduced John B. Clinton, who testified: Don't think I was present when the town of Murphysboro was laid out; know where the town is located; I know from the records and surveys; it is the S. W. qr. of sec. 4, 9 2 W; don't remember where the qr. commences, but it is not the corner of the section. Witness is here shown the deed from John Logan and wife above referred to, and states that the land conveyed in the deed is the same land on which the town of Murphysboro is located. I, know where lots 1 and 8, B 12 in said town are situated; they are a part of said tract; defendent was in possession of them April 15th 1862, and has been since.

Plff. next introduced Robert L. Hall, who testified: Am County Clerk of Jackson county; the book in my hands is one of the records of the County 20 21] Court of said county, and proceeds to read therefrom. At a special term of the County Commissioners' Court of Jackson county, held at the Clerk's office in Brownsville, Thursday August 17th 1863. Present, George Butcher, Thomas B. Hill, Peter Gill, County Commissioners. This term of the Court was

called for the purpose of receiving the certificate of Samuel Y. Russell, Wm. C. Murphy, and John Cochran, Commissioners appointed by the Legislature by an act entitled an act in relation to the county seat of Jackson County, approved Feb. 24th 1843, re-locating the said county seat, and for the purpose of making allowance to said commissioners &c. * * * * * *

The said commissioners returned to the Clerk of this Court a certificate of their re-location of the county seat of Jackson County, which said certificate is as follows: Here follows the certificate as it appears on said record, in which the said commissioners report that they had located the said county seat on the following described land, containing 20 20-160 acres, described as follows: Beginning &c. (Being the same description as appears in the deed from Logan and wife to said Jackson county, above referred to.) After which certificate appears on the record the following order: Ordered by the Court, that the new county seat of Jackson county, selected and re-located by the commission-

new county seat of Jackson county, selected and re-located by the commission-[23 24 ers aforesaid, be named Murphysboro. Court then adjourned. The reading

25.] of which record in evidence the defendant objected, but the Court overruled the objection, and permitted the said record to be read in evidence to the jury, to which ruling of the Court the defendant then and there by his counsel ex-The plaintiff next offered in evidence the following instrument in writing, the reading of which the defendant objected, and the Court refused to admit the same until the plaintiff should explain the erasures and interlineations appearing in the body and acknowledgment of the instrument, wherereupon the plaintiff read from the records of the County Court of said county from page 72, the following entry: "At a regular term of the County Commissioners' Court of Jackson County, Illinois, held at Murphysboro, on the 29th day Present—George Butcher, Peter Gill, County Commissioners. Jefferson Allen, who was at the last August election duly elected a County Commissioner, came and took the oath required for him to take as such Commissioner in open Court." And afterwards on page 78 80 and 83, showing that Jefferson Allen had signed his name as commissioner, to the order and proceedings of said County Commissioners' Court. On these proofs submitted by the plaintiff, the Court permitted said instrument to go to the jury, in which instrument appear several erasures and interlineations, as follows:

"This indenture, made and concluded the 4th day of Sept. in the year of Jefferson Allen

our Lord 1844, between Geo. Butcher, Peter Gill, and Thomas B. Hill, county commissioners of Jackson county, State of Illinois, of the first part, and John Logan of the county and State aforesaid of the second part, witnesseth, Jefferson Allen

that the said George Butcher, Peter Gill, and Phones Butch, Judges of the 27.] County Commissioners' Court of Jackson County, for and in consideration of sixty-six Dolls. &c., &c., conveying unto the said John Logan his heirs and assigns the following town lots in Muryhysboro, "Lots No. One (1) Two (2) Seven (7) & Eight (8) and Lot No. Twelve (12) also Lots No. One (1) and Six (6)

Eight (8) Block No. Thirteen (13) also Lot No. Sect. (7) Block No. eighteen (18) also Lot No. Five (5) and Six (6) in Block No. Twenty (20) and being

[28.] part of the twenty acres of land conveyed to Jackson County by John Logan and wife by deed bearing date the 17th of August 1843." Said instrument after containing the usual clauses of conveyance, signed and sealed by George Butcher, Peter Gill, and Jefferson Allen. The acknowledgement is in the usu-

[30.] al form, and containing an erasure of the name of Thomas B. Hill, and the interlineation of the name of Jefferson Allen, as appears above in the body of the

[31. deed. To the reading of which instrument the defendant objected. The Court overruled the objection, and the defendant excepted. The plaintiff next of-

fered in evidence the will of John Logan, and read the same to the jury, to the reading of which the defendant objected, the Court overruled the objection, the defendant excepted. The sixth clause of said will contains a devise as as follows: "I give and devise to my daughter Dorthula Angeline Logan all the land down in the S. W. gr. of sec. 4, in T. 9 S., R. 2 W., lying south of the town of Murphyshoro in said Jackson county, and between the road leading from Murphysboro to the ferry on Muddy, above and near the coal bank on the same and the east line of the land heretofore deeded by myself and wife to John A. and Thomas M. Logan, being a part of the same qr. sec., also town lots No. One (1) Seven (7) and Eight (8) in Block Twelve (12) in the pp 32 aforesaid town of Murphysboro, in addition to what I have heretofore given

to 36] to them in this my last will and testament as otherwise.

The plaintiff next proved marriage of plaintiff Israel Blanchard, to Dorthupp 39 la Angeline Logan, and that the said Dorthula is the same person named in 40] the said will of John Logan deceased.

The plaintiff offered no more testimony, and here rested their case.

The defendant then introduced as a witness in his behalf, James P. Watson, who swore, I am Clerk of the Circuit Court of Jackson County, Illinois, and have the custody of the records of said Court. The book in my hand is one of the books of the records of said Court. I find the following entry of a proceeding in said Court on the 19th April 1848, being of the April term 1848 of said Circuit Court.

Brush & Hanson, vs. Appeal.

This day came the plaintiffs by their atty. Allen, and came also the defendant in person, and by his atty. Marshall. The atty for the defendant filed an affidavit for continuance in this case, and on his motion founded on said affidavit the case is continued to the next term of Court, at the cost of the defendant, whereupon it is considered that the plaintiffs do recover from the said defendant their costs and charges herein to be taxed, &c. To the reading of p 41.] which record the plaintiffs objected, but the Court overruled the objection and permitted said record to be read. The defendant then offered to read in evidence the following Fee Bill, with the several endorsements thereon, to wit: Jackson Circuit Court, April term, 1848. Brush & Hanson vs. John Logan.

Bill of costs of the term, for which judgment went against the defendant. Clerk's 18% Swearing deft. to affidavit 12 filing afft. 62 Issuing 3 subpoenas 1.50 filing them 184 1.68% Swearing 4 to affts 50c. filing affidavits 25 75 Entering judgment for costs 25 entering satis 25 372

faction of same 25 docketing same 122 Making copy of fee bill 25 certificate & seal on same 50 75

\$4.00 \$3.06 £ } 37 £ } Sheriff, Redfield on 3 subpoenas, milage 5.93 Serving on 10 \$2.50 returning on 3 Witness B. J. Holliday 2 d 1 A. Harris 2 d 1 & /2 Dudding 2018 Jos morty 2018 2.00 $13.93\frac{3}{4}$

State of Illinois, Jackson County. ss. Jackson County, Greeting: The People of the State of Illnois, to the Sheriff of

I, Daniel H. Brush, Clerk of the Jackson Circuit Court, do hereby certify the above to be a correct bill of the costs of said term in said case for which judgment was rendered against the said defendant. We therefore command

you, that of the goods and chattels, lands and tenements of the said John Logan in your county, you cause to be made the said sum of thirteen dollars and ninety-three and cents, the amt, of said bill, together with your costs, and make due return thereof to the Clk's office of said Court within ninety days from the date hereof. Witness my hand and seal official at Murphysboro

[SEAL.] this 22nd day of April 1848. D. H. Brush, Clk. Came to hand on the 25th April at 9 o'clock a. m. John Redfield, Sheriff. I have levied this Fee bill on lots No. one, two, seven and eight, in block No. twelve in Murphysboro, and advertized the same for sale on the 24th day of June 1848.

June 24th 1848. I sold said lots to Brush & Hanson the plaintiffs herep 43.] in as follows, viz: Lot No. one for four dollars, lot No. two for four dollars, lot No. seven for four dollars, and lot No. eight for four dollars and seven cents, amounting in all to sixteen dollars and seven cents, which satisfied this fee bill in full. John Redfield, Sheriff.

Ser. & Ret.	$$13.93^{3} \\ 62^{\frac{1}{2}}$
Adv. Sale	25
Certificate of sale	50
Commission	76
-0	\$16.07 2

Returned satisfied by levying on four town lots which were sold to plffs. John Redfield, Sheriff.

Filed June 26th 1848, D. H. Brush, Clk.

To the reading of which the plaintiff objected, and the Court sustained the objection, and refused to allow the same to be read until defendant should first produce the fee book from which said fee bill purported to be copied, to which ruling of the Court the defendant by his counsel then and there excepted. The defendant then re-called the said Clerk, James P. Watson, who stated,

p 44.] the book in my hands is the fee book of said Court, the following is the entry and record in said fee book in case of Brush & Hanson vs. John Logan on page

187, being the bill of costs in said cause, to wit;

187.

BRUSH & HANSON vs. JOHN LOGAN. APRIL TERM 1848. 1848 Bill of Costs of term for which judgment agst. Defendant. June 24. Fee bill returned satisfied by sale Clerk's swearing Deft. to afft. 12/2 filing afft. 6' 183/4 of Lots to Plffs. Issuing 3 subpoenas 1.50 filing same 183 1.63^{3} Swearing 4 to affts 50c. filing affts 25 75 Docketing judgment 12/2 Entering jugt. for costs entering satisfaction of same 25c 25 Copy of fee bill 25c ctft & seal 50c Shff. John Redfield on 3 subpoenas milage 3.06' Serving on ten 2.50 returning 3 spa. 37/2 5.933 Shrff. costs Cr. to Redfield on B. & H.'s Books. Witness B. J. Holiday 2 da \$1. A. Harris 2 da \$1. 2.00 R. Dudding 2 D \$1. Jas. Woosley 2 D \$1. 2.00 Witness fees Cr. to them on B. & H.'s Books.

Defendant then offered to read to the jury, Sheriff's Deed from John Elmore, Sheriff of said county, for said Lots One, Two, Seven, and Eight, Block 12 to Brush and Hanson, based on said sheriff's sale, which deed and acknowledgment will be found on pages 47 and 48 of record. To the reading of which deed the plaintiffs objected, and the Court sustaining the objection, refused to

p 49.] allow the said instrument to go in evidence to the jury, which ruling of the

Court the defendant excepted to.

Defendant then offered to read deed from Brush and wife to himself for the undivided half of said lots 1, 2, 7, and 8, in block 12, which deed and acknowledgment will be found on pages 49, 50, and 51, of the record. To the reading of which the plaintiff objected. The Court sustained the objection, and refused to allow the same to go to the jury, to which ruling of the Court the defendant then and there excepted.

The defendant here rested his case, and no more evidence was offered by p 52.] either party. Cause was submitted to the jury, who retired to consider, and

returned into open Court with a verdict for the plaintiffs.

The defendant moved for a new trial for the following reasons: Court erred in admitting the deed of French to Logan without proof of the execution, the acknowledgment being informal, and not in accordance with the provisions of the statute. Second-The Court erred in excluding the fee bill upon which the land in controversy was sold, on account of the alleged vari-Third—The Court erred in excludance between the fee Book and fee Bill. p 53.] ing the fee bill, on the ground that the fee book had not been introduced as a

foundation, &c.

But the Court refused to grant a new trial in said cause, and overruled the motion and rendered judgment for the plaintiffs on the verdict of the jury, to which ruling of the Court in refusing a new trial and rendering judgment on the verdict the defendant then and there excepted.

The defendant brings the cause into this Court, and makes the following ASSIGNMENT OF ERRORS.

1. The Court erred in admitting the deed from French to Logan.

- 2. The Court erred in admitting the deed from the County Commissioners to Logan.
- 3. The Court erred in admitting the will of John Logan.
- 4. The Court erred in excluding the Fee Bill.
- 5. The Court erred in excluding the deed from Sheriff to Brush & Hanson, based on the sale under the Fee bill.
- 6. The Court erred in excluding deed from Brush & wife to defendant.
- 7. The Court erred in refusing a new trial.
- 8. The Court erred in rendering judgment for plaintiff.
- 9. The Court erred in not rendering judgment for defendant.

For these and divers other errors apparent on the Record, defendant, asks that the judgment may be reversed, &c.

J. H. MULKEY, GEO. W. WALL, For Plaintiff in Error.

t + 18 Seal Blanchan Ales, Julea Nov. 10. 1863.

State of Illinois, SUPREME COURT, First Grand Division.

ss

The People of the State of Illinois, To the Clerk of the Circuit Court for the County of factors. Greeting:

Because, In the record and proceedings, as also in the rendition of the judgment of a plea which was in the Circuit Court of County, before the Judge thereof between

Isruel Blanchan and Inthula A Blunchum his wife plaintiffsand -

Daniel Atal defendant it is said manifest error hath intervened to the injury of the aforesaid Doniel

Mul as we are informed by king complaint, and we being willing that error, if any there be, should be corrected in due form and man= ner, and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distinctly and openly without delays send to our Justices of our Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our fustices aforesaid at Mount Vernon, in the County of Jefferson . on the 1st Leandery after The 2? Monday in November next, that the record and proceedings, being inspected, we may cause to be done therein, to correct

the error, what of right ought to be done according to law.

WITNESS, the Hon! John D. Cation Chief Justice of the Supreme Court and the seal thereof, at Mount Vernon, this Lexile day of Cetaler in the year of our Lord one thousand eight hundred and Sisty-Three.

Noch Selector Gerk of the Supreme Court.

SUPREME COURT. First Grand Division. Daniel Mul Plaintiff in Error, VS. Blanchad Luife Defendant-in Error. WRIT OF ERROR. Sesur Sealer, Stamper Come FILED. Cetalu 6-1863-A Selwaten Cly

IN THE SUPREME COURT OF ILLINOIS,

FIRST GRAND DIVISION -----NOVEMBER TERM. 1863.

Daniel Neal,
VS
Israel Blanchard, Et Ux.

BRIEF FOR PL'FF IN ERROR

The main question presented by this record is upon the construction of sec. 41 Practice act. (Scates' stat. p. 266) which provides that a Fee Bill not in substance a copy of the recorded bill on the Fee Book shall be void. In this case the Defts, in Error, (plff's below) insist that there is a fatal variance between the Fee Bill as issued, and the record in the Fee Book, because the clerk in making up the Record of costs on the Fee Book emitted to state the "amount' charged for "entering judgment for cos's," which the law fixes at twenty-five cents, (25 cts.) The "item" is charged, but the "amount" of his fee therefor is not stated. The Fee Bill as issued, contains the item and the amount charged therefor. Is not this, "in substance, a copy of the recorded bill?" If the Legislature had intended that the Fee Bill should be an exact copy of the Fee Book, would they have used the words, "in substance?"

The fair and rational import of the words in connection with the subject matter is the true

The court may look at the inconveniences, heedless and absurd consequences, that would follow a particular construction; and it is always to be presumed that the Legislature intend the most reasonable and beneficial construction of their acts. 19 Ver. R. 131, 3 Kelly R. 143, 21 Ver. R. 152, 3 Mo. R. 496, 25

493, 9 Cranch R. 203, 3 Scam. 153.

Statutes should be so construed, if the words and subject matter will admit of it, that the existing rights of individuals will not be impaired. 4 Gilman, 272.

The court should have allowed the Fee B.ll to go to the jury without requiring the Fee Book to be produced as a foundation.

The Deed from French to Logan should have been excluded, the abknowledgment not being sufficient.

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Kedl Peffs Bf. Julia Nov. 11-1868-A. Selwitin Cly The People of the State of Illinois,

To the Sheriff of County.

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Israel Blancham and Forthela &. Blancham his wife plaintiff and

Daniel Arch defendant it is said that manifest error hath intervened to the injury of said Daniel
as we

are informed by Line complaint, the record and proceedings of which said judgment, we have caused to be brought into our Supreme Courts of the State of Illinois, at Mount Vernon, before the justices thereof, to correct the errors in the same, in due form and manner, according to law; therefore we command you, that by good and lawful men of your county, you give notice to the said.

A Blunchaux his beign

that They be and appear before the justices of our said Supreme Court; at the next term of said Court, to be holden at Mount Vernon, in said State, on the first Tuesday after the second Monday in November next, to hear the records and proceedings aforesaid, and the errors assigned, if They shall think fit; and further to do and receive what the said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said Menual Sur Tuest notice together with this writ.

WITNESS, the Hon! Jame D, Gatan Chief

Justice of the Supreme Court and the seal

thereof, at Mount Vernon, this Listed

day of Catalan in the year of

our Lord one thousand eight hundred

and List, Three.

With Shuston
Coork of the Supreme Court.

SUPREME COURT. First Grand Division. Daniel Aral Plaintiff in Error, Blanchaux duife Defendants in Error. 1863 SCIRE FACIAS. FILED. Lerving 2 50 Evel 100 Milese 1000 Action

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Daniel Neal, VS Israel Blanchard, Et Ux.

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G. W. WALL, For Plaintiff in Error.

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IN THE SUPREME COURT OF THE STATE OF ILLINOIS.

FIRST GRAND DIVISION.

At Mount Vernon, November Term, A. D. 1863.

DANIEL NEAL Plaintiff in Error,

Error to Jackson.

ISRAEL BLANCHARD, et ux. Defts in Error.

ABSTRACT.

pp. 1 to 5. This was an action of Ejectment, brought by defendants in error against plaintiff in error. Declaration filed and rule entered in Jackson Circuit Court, May term, 1862. Plea filed, "Not guilty."

At the October term, 1862, the cause stood continued without order; at the May term 1863, the cause came on for trial by agreement of parties, the Hon. I. M. Haynie. an attorney of said Court, was selected to preside as Judge at said trial in place of Hon. A. M. Jenkins, Judge of the Circuit Court. Jury [6.] was called tried and sworn.

The evidence being heard and the arguments of counsel, the jury returned into Court a verdict for the plaintiffs, finding them to be the owners in fee simple of Lots 1 and 8, Block No. 12, in town of Murphysboro Jackson County, Illinois; whereupon defendant moved for a new trial in arrest of judgment, but said motions were overruled by the Court, and judgment was entered on [7.] the verdict; And it was ordered that writ of possession issue for the premises.

BILL OF EXCEPTIONS.

Be it remembered, that upon said trial the plaintiff first offered in evidence to the jury a patent from James Monroe, President of the United States, to Joseph French, for the south half of section four, and the north half of section nine, in township nine south, range two west, dated the 10th day of December 1823, to the introduction of which said evidence defendant by his counsel objected; but the Court overruled said objection and allowed said instrument to go in evidence to said jury, to which ruling of the Court the defendent by his [9.10.] counsel then and there at the time excepted.

The plaintiff next offered in evidence an instrument under seal, from Joseph French and Sarah his wife, conveying unto John Logan his heirs and assigns forever, the south half of section four, and all that parcel of the north west quarter of section nine, lying on the north side of Big Muddy river, in township [11.] nine S., R. 2 W., 3 P. M. To which said instrument was attached the follow-

ing certificate of acknowledgment, to wit:

State of Illinois, and Sarah sis wife, and acknowledged the foregoing deed of conveyance to be their voluntary act and deed for the uses and purposes therein expressed. The said Sarah being separate and apart from her said husband by me examined, and hearing said deed read, and being otherwise informed of its contents, confessed, declared, and acknowledged the above indenture to be her voluntary act and deed, for the uses and purposes therein mentioned, without any compulsion or coercion of her said husband. In testimony whereof I have hereunto set my hand and seal this third day of October 1822.

Joel Manning. [SEAL.]

Upon which said deed was the following endorsement of record:

Recorded in the Recorder's office of Jackson County, Illinois, Oct. 3rd 1822, in Book B for Deeds, page 193. James Manning, Rec.

Office of Board of Investigation. State of Illinois, ? Jackson Co. October 9th 1843.

I do hereby certify, that this deed has been duly recorded in this office in Book A, on pages 320 & 321. D. H. Brush, Sec'y.

To the introduction of which instrument in evidence to the jury, deft. by his counsel at the time, objected; but the Court overruled the objection and and allowed the said instrument to go to the jury, to which deft. by his coun-

[13 14] sel then and there objected.

Plff. next offered in evidence a deed of conveyance under seal, from John Logan and Elizabath Logan his wife, dated and acknowledged Augst 17th 1843, reciting that, whereas, the commissioners appointed to re-locate the county seat of Jackson county, under an act of Legislature, approved Feb. 24th 1843, had located said county seat on the S. W. qr. of sec. 4, T. 9 S., R. 2 W., which said land belonged to said John Logan; and whereas, it was provided by the said Act, that if said county seat should be located on private property, the owner thereof should donate a tract of land not less than twenty acres, which should include the town site selected by said commissioners. Now therefore, in consideration of said premises, the said John Logan and his wife, granted, bargained, &c., unto said Jackson county, the inhabitants thereof, and their successors, the following piece of land, being a part of said S. W. qr. of sec. 4, T. 9 S., R. 2 W., to wit: beginning 27 rods north 20 degrees west from the S. E. corner of the above described qr. sec., running thence north 57 rods, [15 16 thence west 56 1-2 rods, thence south 57 rods, thence east 56 1-2 rods to the

17 18] place of beginning, containing 20 20-100 acres. To the introduction of which instrument the defendent objected, but the Court overruled the objection, to which the defendant then and there excepted.

The plaintiff next introduced Lindorf Osborne as a witness in their behalf, I am acquainted with the location of the town of Murphyswho testified: boro, was present when the commissioners met to lay off the county seat of Jackson county, Murphysboro: think the land described in deed from John Logan and wife to Jackson County, is the same land embraced in the survey of the town of Murphysboro. Have seen several surveys made of the town plat. There is some variance in the surveys, but the land in this deed from Logan to the county embraces the town plat. I know where lots 1 and 8 in block 12 are situated; these lots were included in that survey. Deft. has had possession of them for the last year or two; Murphysboro is on the S. W. qr. sec. 4, 9 2 W. Plaintiff next introduced John B. Clinton, who testified: Don't think I was present when the town of Murphysboro was laid out; know where the town is located; I know from the records and surveys; it is the S. W. qr. of sec. 4, 9 2 W; don't remember where the qr. commences, but it is not the corner of the section. Witness is here shown the deed from John Logan and wife above referred to, and states that the land conveyed in the deed is the same land on which the town of Murphysboro is located. I know where lots 1 and 8, B 12 in said town are situated; they are a part of said tract; defendent was in possession of them April 15th 1862, and has been since.

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The said commissioners returned to the Clerk of this Court a certificate of their

- [22.] re-location of the county seat of Jackson County, which said certificate is as follows: Here follows the certificate as it appears on said record, in which the said commissioners report that they had located the said county seat on the following described land, containing 20 20-160 acres, described as follows: Beginning &c. (Being the same description as appears in the deed from Logan and wife to said Jackson county, above referred to.) After which certificate Ordered by the Court, that the appears on the record the following order: new county seat of Jackson county, selected and re-located by the commission-
- [23 24 ers aforesaid, be named Murphysboro. Court then adjourned. The reading 25.] of which record in evidence the defendant objected, but the Court overruled the objection, and permitted the said record to be read in evidence to the jury, to which ruling of the Court the defendant then and there by his counsel ex-The plaintiff next offered in evidence the following instrument in writing, the reading of which the defendant objected, and the Court refused to admit the same until the plaintiff should explain the erasures and interlineations appearing in the body and acknowledgment of the instrument, wherereupon the plaintiff read from the records of the County Court of said county from page 72, the following entry: "At a regular term of the County Commissioners' Court of Jackson County, Illinois, held at Murphysboro, on the 29th day Present—George Butcher, Peter Gill, County Commissioners. Jefferson Allen, who was at the last August election duly elected a County Commissioner, came and took the oath required for him to take as such Commissioner in open Court." And afterwards on page 78 80 and 83, showing that Jefferson Allen had signed his name as commissioner, to the order and proceedings of said County Commissioners' Court. On these proofs submitted by the plaintiff, the Court permitted said instrument to go to the jury, in which instrument appear several erasures and interlineations, as follows:

"This indenture, made and concluded the 4th day of Sept. in the year of Jefferson Allen

our Lord 1844, between Geo. Butcher, Peter Gill, and Thomas B. Hill, county commissioners of Jackson county, State of Illinois, of the first part, and John Logan of the county and State aforesaid of the second part, witnesseth, Jefferson Allen

that the said George Butcher, Peter Gill, and Thomas B. Hill, Judges of the 27.] County Commissioners' Court of Jackson County, for and in consideration of sixty-six Dolls. &c., &c., conveying unto the said John Logan his heirs and assigns the following town lots in Muryhysboro, "Lots No. One (1) Two (2) Seven (7) & Eight (8) and Lot No. Twelve (12) also Lots No. One (1) and Six

Eight (8) Block No. Thirteen (13) also Lot No. Second Block No. eighteen (18) also Lot No. Five (5) and Six (6) in Block No. Twenty (20) and being

[28.] part of the twenty acres of land conveyed to Jackson County by John Logan and wife by deed bearing date the 17th of August 1843." Said instrument after containing the usual clauses of conveyance, signed and sealed by George Butcher, Peter Gill, and Jefferson Allen. The acknowledgement is in the usu-

al form, and containing an erasure of the name of Thomas B. Hill, and the interlineation of the name of Jefferson Allen, as appears above in the body of the

To the reading of which instrument the defendant objected. The Court overruled the objection, and the defendant excepted. The plaintiff next offered in evidence the will of John Logan, and read the same to the jury, to the reading of which the defendant objected, the Court overruled the objection, the defendant excepted. The sixth clause of said will contains a devise as as follows: "I give and devise to my daughter Dorthula Angeline Logan all the land down in the S. W. qr. of sec. 4, in T. 9 S., R. 2 W., lying south of the town of Murphysboro in said Jackson county, and between the road leading from Murphysboro to the ferry on Muddy, above and near the coal bank on the same and the east line of the land heretofore deeded by myself and wife to John A. and Thomas M. Logan, being a part of the same qr. sec., also town lots No. One (1) Seven (7) and Eight (8) in Block Twelve (12) in the aforesaid town of Murphysboro, in addition to what I have heretofore given

to 36], to them in this my last will and testament as otherwise.

The plaintiff next proved marriage of plaintiff Israel Blanchard, to Dorthupp 39 la Angeline Logan, and that the said Dorthula is the same person named in 40] the said will of John Logan deceased.

The plaintiff offered no more testimony, and here rested their case.

The defendant then introduced as a witness in his behalf, James P. Watson, who swore, I am Clerk of the Circuit Court of Jackson County, Illinois, and The book in my hand is one have the custody of the records of said Court. of the books of the records of said Court. I find the following entry of a proceeding in said Court on the 19th April 1848, being of the April term 1848 of said Circuit Court.

Brush & Hanson,
vs.
John Logan.
Appeal.

This day came the plaintiffs by their atty. Allen, and came also the defendant in person, and by his atty. Marshall. The atty for the defendant filed an affidavit for continuance in this case, and on his motion founded on said affidavit the case is continued to the next term of Court, at the cost of the defendant, whereupon it is considered that the plaintiffs do recover from the said defendant their costs and charges herein to be taxed, &c. To the reading of p 41.] which record the plaintiffs objected, but the Court overruled the objection and permitted said record to be read. The defendant then offered to read in evidence the following Fee Bill, with the several endorsements thereon, to wit: Jackson Circuit Court, April term, 1848. Brush & Hanson vs. John Logan.

Bill of costs of the term, for which judgment went against the defendant. Swearing deft. to affidavit 122 filing afft. 64 Clerk's 184 Issuing 3 subpoenas 1.50 filing them 184 1.684 75 Swearing 4 to affts 50c. filing affidavits 25 25 Entering judgment for costs 25 entering satis 37% faction of same 25 docketing same 12½ Making copy of fee bill 25 certificate & seal on same 50 75

\$4.00 Redfield on 3 subpoenas, milage 5.93^{3} Serving on 10 \$2.50 returning on 3 Witness B. J. Holliday 2 d 1 A. Harris 2 d 1 & A. Dudling 2d 1 for Monly 20 1 # 2.00 13.93

State of Illinois, Jackson County. Ss. The People of the State Jackson County, Greeting: The People of the State of Illnois, to the Sheriff of

I, Daniel H. Brush, Clerk of the Jackson Circuit Court, do hereby certify the above to be a correct bill of the costs of said term in said case for which We therefore command judgment was rendered against the said defendant.

you, that of the goods and chattels, lands and tenements of the said John Logan in your county, you cause to be made the said sum of thirteen dollars and ninety-three and cents, the amt, of said bill, together with your costs, and make due return thereof to the Clk's office of said Court within ninety days from the date hereof.

Witness my hand and seal official at Murphysboro

[SEAL.] this 22nd day of April 1848. D. H. Brush, Clk. Came to hand on the 25th April at 9 o'clock a. m. John Redfield, Sheriff. I have levied this Fee bill on lots No. one, two, seven and eight, in block No twelve in Murphysboro, and advertized the same for sale on the 24th day of June 1848.

June 24th 1848. I sold said lots to Brush & Hanson the plaintiff's herep 43.] in as follows, viz: Lot No. one for four dollars, lot No. two for four dollars, lot No. seven for four dollars, and lot No. eight for four dollars and seven cents, amounting in all to sixteen dollars and seven cents, which satisfied this fee bill in full.

John Redfield, Sheriff.

	\$13.93
Sec. & Ret.	62/2
Adv. Sale	25
Certificate of sale	50
Commission	76
	\$16.07%

Returned satisfied by levying on four town lots which were sold to plffs.

John Redfield, Sheriff.

Filed June 26th 1848.

D. H. Brush, Clk.

To the reading of which the plaintiff objected, and the Court sustained the objection, and refused to allow the same to be read until defendant should first produce the fee book from which said fee bill purported to be copied, to which ruling of the Court the defendant by his counsel then and there excepted. The defendant then re-called the said Clerk, James P. Watson, who stated, tho book in my hands is the fee book of said Court, the following is the entry

p 44.] the book in my hands is the fee book of said Court, the following is the entry and record in said fee book in case of Brush & Hanson vs. John Logan on page 187, being the bill of costs in said cause, to wit:

Defendant then offered to read to the jury, Sheriff's Deed from John Elmore, Sheriff of said county, for said Lots One, Two, Seven, and Eight, Block 12 to Brush and Hanson, based on said sheriff's sale, which deed and acknowledgment will be found on pages 47 and 48 of record. To the reading of which deed the plaintiffs objected, and the Court sustaining the objection, refused to

p 49.] allow the said instrument to go in evidence to the jury, which ruling of the Court the defendant excepted to.

Defendant then offered to read deed from Brush and wife to himself for the undivided half of said lots 1, 2, 7, and 8, in block 12, which deed and acknowledgment will be found on pages 49, 50, and 51, of the record. To the reading of which the plaintiff objected. The Court sustained the objection, and refused to allow the same to go to the jury, to which ruling of the Court the defendant then and there excepted.

The defendant here rested his ease, and no more evidence was offered by p 52.] either party. Cause was submitted to the jury, who retired to consider, and

returned into open Court with a verdict for the plaintiffs.

The defendant moved for a new trial for the following reasons: First—The Court erred in admitting the deed of French to Logan without proof of the execution, the acknowledgment being informal, and not in accordance with the provisions of the statute. Second—The Court erred in excluding the fee bill upon which the land in controversy was sold, on account of the alleged variance between the fee Book and fee Bill. Third-The Court erred in exclud-

ing the fee bill, on the ground that the fee book had not been introduced as a

foundation, &c.

But the Court refused to grant a new trial in said cause, and overruled the motion and rendered judgment for the plaintiffs on the verdict of the jury, to which ruling of the Court in refusing a new trial and rendering judgment on the verdict the defendant then and there excepted.

The defendant brings the cause into this Court, and makes the following ASSIGNMENT OF ERRORS.

- 1. The Court erred in admitting the deed from French to Logan.
- 2. The Court erred in admitting the deed from the County Commissioners to Logan.
- 3. The Court erred in admitting the will of John Logan.
- 4. The Court erred in excluding the Fee Bill.
- The Court erred in excluding the deed from Sheriff to Brush & Hanson, based on the sale under the Fee bill.
- 6. The Court erred in excluding deed from Brush & wife to defendant.
- 7. The Court erred in refusing a new trial.
- 8. The Court erred in rendering judgment for plaintiff.
- 9. The Court erred in not rendering judgment for defendant.

For these and divers other errors apparent on the Record, defendant asks that the judgment may be reversed, &c.

> J. H. MULKEY, GEO. W. WALL, For Plaintiff in Error.

Abs. Argues Sor. 12 Julia Nov-10.1863. A. Selvatan ell

Scal Blanchand

BRUSH & HANSON vs. JOHN LOGAN.

Bill of Costs of term for which judgment agst. Defendant. 18% Clerk's swearing Deft. to afft. 12'2 filing afft. 6' 1.633 Issuing 3 subpoenas 1.50 filing same 183 75 Swearing 4 to affts 50c. filing affts 25 Docketing judgment 12/2 Entering jugt. for costs entering satisfaction of same 25c 25 Copy of fee bill 25c ctft & seal 50c Shff. John Redfield on 3 subpoenas milage 3.06' Serving on ten 2.50 returning 3 spa. 37/2 5.933 Witness B. J. Holiday 2 da \$1. A. Harris 2 da \$1. 2.00 2.00 R. Dudding 2 D \$1. Jas. Woosley 2 D \$1.

APRIL TERM 1848.

1848

June 24. Fee bill returned satisfied by sale of Lots to Plffs.

Shrff. costs Cr. to Redfield on B. & H.'s Books.

Witness fees Cr. to them on B. & H.'s Books.