

12271

No. _____

Supreme Court of Illinois

Ballance.

vs.

Lewis.

Be it remembered that heretofore, to wit, on the twenty third day of January in the year of our Lord one thousand eight hundred and fifty, there was filed in the office of the clerk of the Circuit Court of the County of Peoria in the State of Illinois a Bill in Chancery and affidavit thereunder written, which are in the words and figures following, to wit.

Bill -

To the Honorable Theophilus W. Dickey, Judge of the Circuit Court of the County of Peoria and State of Illinois in Chancery sitting, Humbly complaining sheweth unto your Honor, your Orator Charles Ballance, that heretofore, to wit, on the seventh day of May A.D. 1818 the President of the United States (James Monroe) for and in consideration of certain Military services, before that ^{time} performed by one Elijah Hood, granted to the said Elijah Hood a patent conveying the whole title in law and equity of a certain tract of land, known and described as the South East quarter of section twenty seven in Township eight North of the base line and range seven East, in the tract of land appropriated for military bounties, in the then territory of Illinois, now being in the County of Peoria and State of Illinois, which patent is herewith shewn to your Honor and prayed to be made a part hereof.

Your orator further sheweth unto your Honor, that afterwards, to wit, on the fourteenth day of January A.D. eighteen hundred and twenty two, the said Elijah Hood, together with one Allen Hood (who joined with him

in said deed) for the consideration of seventy five dollars, to them in hand paid, by one George Crawford executed to said George Crawford a general warranty deed, to said tract of land, which deed is herewith shown to your Honor, and prayed to be made a part hereof.

Your orator further sheweth unto your Honor, that afterwards, to wit, on the tenth day of July A.D. one thousand eight hundred and twenty two, for the sum of one hundred and sixty dollars to the said George Crawford, in hand paid, by one Joseph Burnside, the said Crawford conveyed by deed the said tract of land to said Burnside, which deed is herewith shown to your Honor, and prayed to be made a part hereof -

Your orator further sheweth unto your Honor, that afterwards, to wit, on the sixteenth day of July, in the year of our Lord one thousand eight hundred and twenty eight, for and in consideration of the sum of one hundred and sixty dollars, to the said Joseph Burnside, in hand paid, by one Francis Meadows, the said Burnside by a deed of that date, conveyed said tract of land to said Meadows which deed of conveyance from said Burnside to said Meadows is herewith shown to your Honor and prayed to be made a part hereof.

Your orator further sheweth unto your Honor, that afterwards, to wit, on the seventh day of October eighteen hundred and twenty nine, for the consideration of one dollar, to the said Francis Meadows in hand paid, by one Linty Rouch,

the said Meadows, by a deed of conveyance of that date, conveyed said tract of land, to said Lanty Rouch, which deed of conveyance is herewith shown to your Honor, and prayed to be made a part hereof.

Your Orator further sheweth unto your Honor that afterwards to wit; on the ninth day of May in the year of our Lord one thousand eight hundred and thirty five, in consideration of fifty dollars, to the said Lanty Rouch in hand paid, by one W. G. Mc Cain, he the said Lanty Rouch by a deed of conveyance of that date, conveyed the said tract of land to said W. G. Mc Cain; which deed of conveyance, from said Rouch to said Mc Cain is herewith shown to your Honor and prayed to be made a part hereof.

Your Orator further sheweth unto your Honor, that afterwards to wit; on the third day of August A. D. eighteen hundred and thirty six, the said W. G. Mc Cain by a letter of attorney of that date, authorized and empowered one David Wells to sell and convey said tract of land, for such price and on such terms, as to him the said Wells should seem proper which letter of attorney, is herewith shown to your Honor, and prayed to be made a part hereof.

Your Orator further sheweth unto your Honor, that afterwards, to wit; on the eighteenth day of August A. D. eighteen hundred and thirty six, for the consideration of one hundred dollars to the said David Wells, as the attorney in fact of said Mc Cain, in hand paid, by one John C. Flanagan, the said David Wells, as attorney in fact as aforesaid,

by a deed of conveyance of that date conveyed said tract of land to said Flanagan, which deed of conveyance from said McLean by his said attorney in fact to said Flanagan, is herewith shown to your Honor and prayed to be made a part hereof.

Your Orator further sheweth unto your Honor that afterwards, to wit: on the sixth day of May A.D. eighteen hundred and thirty seven, for the consideration of one thousand dollars, to the said Flanagan, by one Benjamin Groff, in hand paid, the said Flanagan by a deed of conveyance of that date, conveyed said tract of land, to said Groff, which deed of conveyance from said Flanagan to said Groff, is herewith shown to your Honor, and prayed to be made a part hereof.

Your Orator further sheweth unto your Honor, that afterwards, to wit: at the April term A.D. 1837, of the Peoria Circuit Court, in the State of Illinois, in a certain suit in Chancery, wherein said Benjamin Groff was complainant and said Flanagan was defendant, such proceedings were had, that said Flanagan recovered judgment against said Groff for eight dollars and thirty seven and a half cents, costs of suit, upon which judgment, afterwards to wit: on the sixth day of January A.D. eighteen hundred and forty, an execution of fieri facias was issued to Thomas Bryant, sheriff of said Peoria County, to execute, and the said Sheriff levied said execution on the West half of said tract of land, and advertised the same for sale pursuant to the statute in such case made and provided, and pursuant

to said notice, did on the sixth day of March A.D. 1840, expose to said half quarter section to sale, to the highest bidder, and one William Mitchell, bid therefor the sum of fifteen dollars and eighty eight cents, and the same was sold and struck off to said William Mitchell, for said sum, all of which will more fully and at large appear, by reference to the bill and other proceedings in said Chancery cause, and the record and said execution aforesaid, and return on said execution, all of which are herewith shown to your Honor and prayed to be made a part hereof.

Your Orator further sheweth unto your Honor, that at the time of the sale aforesaid, said Thomas Bryant by his deputy Henry Hahn, executed to said William Mitchell a certificate of purchase of said West half of said quarter section, which certificate of purchase is herewith shown to your Honor and prayed to be made a part hereof.

Your Orator further sheweth unto your Honor, that afterwards, to wit: on the fifteenth day of January A.D. one thousand eight hundred and forty one, for the consideration of twenty dollars paid to said Mitchell by Your Orator, the said Mitchell assigned said certificate of purchase to your Orator, which assignment from said Mitchell to your orator is herewith shown to your Honor, and prayed to be made a part hereof.

Your Orator further sheweth unto your Honor, that said tract of land not having been redeemed from said sale, one Christopher Orr, sheriff of said Ponca county and successor in office, to said Thomas Bryant, did on the twenty second day of July A.D. one thousand eight hundred and fifty one, make and execute a deed of conveyance to your Orator, to said half quarter section of land, which deed of conveyance is herewith shewn to your Honor and prayed to be made a part hereof.

Your Orator further sheweth unto your Honor, that on the fifteenth of August A.D. eighteen hundred and thirty nine, where such proceedings were had before one Edmund S. Buxton (who was then and there a Justice of the Peace in and for said county of Ponca), in a certain cause, wherein your Orator was plaintiff and said Benjamin Groff was defendant, that a judgment was given against said Groff and in favor of your Orator for fifty seven dollars and forty four cents, and one dollar and forty three cents, costs of suit, upon which judgment an execution was issued on said day to Alexander Cooper a constable of said county, which execution was returned to said Justice by said Constable, endorsed "No property found in my county whereon to levy. And afterwards to wit, on the sixteenth day of said month, a transcript of all the proceedings had in said cause, before said Justice, was certified by him, and filed

in the office of the clerk of the Circuit Court of said Peoria County, upon which judgment so certified, an execution was issued by said clerk, dated on the sixth day of January A. D. 1840. directed to said Thomas Bryant, then Sheriff of said county, to execute and by virtue of said execution, the said Sheriff laid upon the East half of said quarter section, and after having advertised the same, according to law, and offered it for sale, to the highest bidder, at the door of the Court House, in and for said Peoria County, said East half was struck off to your Orator, your Orator being the highest bidder therefor, All of which will more fully and at large appear, by reference to said transcript, and said ~~two~~ executions, and the returns thereon indorsed, which are herewith shown to your Honor and prayed to be made a part hereof.

Your Orator further sheweth unto your Honor, that at the time of said last mentioned sale, said Thomas Bryant, Sheriff as aforesaid by Henry Mehn his deputy, executed to your Orator a certificate of purchase of said East half of said quarter which certificate of purchase, is herewith shown to your Honor, and prayed to be made a part hereof.

Your Orator further sheweth unto your Honor that said tract of land, last aforesaid, not being redeemed from said sale, according to law, afterwards to wit: on the fourteenth day of August A. D. eighteen hundred and thirty nine Christopher Orr, the Sheriff of said Peoria County, and successor of said Thomas Bryant, executed to your

Orator a deed of conveyance to said last mentioned tract of land, which deed of conveyance is herewith shown to your Honor, and prayed to be made a part hereof.

Your orator further sheweth unto your Honor, that by virtue of said several transfers and other documents aforesaid, the whole title, both in law and equity, to said South East of Section Twenty Seven, became transferred to and was, and now is, the property of your orator, unless however some one or more of said transfers shall be deemed by your Honor irregular and defective, and in that case your Orator, by reason of the payments aforesaid, is the owner of the equitable estate in said tract of land, and whosoever is, by reason of said irregularity or defect the owner of the title at law is, and in equity ought to be held to be the trustee of your Orator and as such ought to be compelled to convey the legal title thereof to your Orator.

Your orator further sheweth unto your Honor, that said deed to said Flanagan, he apprehends is informal and defective in this, to wit: said deed is not signed W. G. McLean, by David Wells his attorney in fact, as it ought to have been done but by David Wells atty in fact for W. G. McLean. Wherefor your Orator prays that said W. G. McLean may be made a defendant herein.

Your orator further sheweth unto your Honor, that divers other persons pretend to claim said tract of land, and set up title title thereto, to the great damage of your

Orator's title and to the disturbance of his enjoyment thereof, Your Orator has frequently endeavored to sell said quarter of section of land, and but for said pretended claims, could sell it for a fair price, upon what foundation said claims are based, or to whom they belong your orator does not know, but one ~~man~~ Woodruff, a land agent residing at Quincy, Ill., has sometimes paid the tax on it, professing to act as the agent of some eastern land speculator, but your orator believes that the title represented by said Woodruff has several times changed hands, and he cannot tell to whom it belongs, but as the last deed on record, in the Records Office in Peoria County, Illinois, vests the title in one Rachel M. Lewis, and your Orator knows nothing to the contrary, he charges that she is now the owner thereof, and prays that she may be made a defendant to this bill.

Your Orator further sheweth unto your Honor that in searching the records of the Records Office of the county of Peoria aforesaid, he finds the following deeds recorded to wit: a deed from Russell H. Stevin to Charles F. Moulton, Daniel Low, David H. Stevin, John N. Gofler, John W. Leavitt, Joseph L. Joseph, Samuel S. Lewis, Amos Brinney, James C. Dunn, Samuel Lamb, Joseph Swift, Charles Ottwater, James B. Danforth, also a deed from Samuel Lamb and Margaritta his wife, Thomas Dunlap and Ann W. his wife to David H. Stevin and John Hatelyne, also a deed from said David H. Stevin and John Hatelyne

to Rachel M. Lewis, but whether any of those grantors or grantees now pretend to own said tract of land or any part of it, your Orator does not know, for he knows none of those persons, and supposes them to be non residents of the State of Illinois but as by those deeds they seem to have, or to have had, an interest therein, and as the fact of those deeds being on record as aforesaid casts a cloud over your Orator's title, and prevents a sale of said land, your Orator prays that they be severally made defendants to this bill.

Your Orator further shows unto your Honor, that the last above named grantors and grantees are now resident speculators in Illinois lands, and that such speculators frequently transfer their land claims from one to another, without having their deeds recorded, and it is consequently impossible for your Orator to know and your Orator does not know further than as appears from said records, as aforesaid, who owns the claim, whatever it may be of said grantors and grantees.

Wherefore and in as much as your Orator is without relief by the rigid rules of the common law, but is relievable only in a court of equity, where matters of this kind are properly cognizable and relievable, and to the end that the said defendants, and all other persons interested or who pretend to be interested in said quarter section of land, may true, full and perfect answer make to all and singular the allegations aforesaid as fully and truly as if the same

were here repeated and they severally interrogated
thereto, and that they, and each of them may state
and set forth particularly what title or claim they
have to said quarter of section of land, or any part
thereof, And that the said error in the convey-
ance from said M^r Cain to said Flanagan may
be corrected or said M^r Cain decreed to execute to
your Orator a good and sufficient deed to said
quarter section, or in default of his so doing the Master
in Chancery of this Honorable Court be directed to
execute a deed to your Orator, in his stead, and that
all other defects in your Orators said chain of title
be in like manner corrected, or said original Pat-
enter be decreed to make a deed to your Orator, or
in default of his so doing, that the Master in
Chancery of this Honorable Court be directed to do so,
and that all said defendants, and every one else
claiming, or to claim title to said quarter section,
adverse to the title of your Orator, may be forever
enjoined from setting up title to said quarter
section, adverse to the title of your Orator, and that
your Orator may have such other and further
relief in the premises, as to equity and justice
shall appertain, and to your Honor shall seem meet;
May your Honor grant a writ of Summons to
be issued out of and under the seal of this Honorable
Court, to be directed to each of said defendants, and a

notice hereof published in some public newspaper,
published in the county of Ponia aforesaid, directed to
each of said defendants residing out of the State of Illinois,
commanding them and each of them to appear in this Honor-
able Court, on a day therein specified, and then and
there full true and perfect answers make as afore-
said, and your Orator will ever pray &c.

C. Ballance.

afft. of court-

I Charles Ballance the above named complainant,
do swear, that from the best information I have been
able to obtain I believe the above named Rachel Mc-
Leain, Charles F. Moulton, Daniel Low, David H.
Owens, John W. Gofler, John W. Leavitt, Joseph L.
Joseph, Samuel S. Lewis, Amos Binney, James C.
Gunn, Samuel Lamb, Joseph Swift, Charles Atwater,
James B. Danforth, & John Mestyn are not residents
of the State of Illinois. I know not the residence
of said Dr. G. McLeain, in 1836, he lived in Pike
County in the State of Illinois, since then I have not
heard from him, I further state that if the defendants
above named are not now the owners of the tax title to
cancel and nullify which is the object of this suit, I know not
who is, I have heard a person named as being interested
in it other than those above, but do not remem^{er} his name,
but his residence I believe is Philadelphia.

Subscribed & sworn to before me this C. Ballance.

23rd day of January A.D. 1850. Jacob Hale, clerk.)

Certificate of public State of Illinois,
filed Aug. 29th 1880 Peoria County, Ill.

In the Circuit Court.

Charles Dallance — compl^r

vs

} In chancery,
} For Injunction.

Rachel M. Lewis, Charles F. Moulton,
Daniel Law, David H. Stearns,
John W. Gessler, John W. Leavitt,
Joseph L. Joseph, Samuel S. Lewis,
Amos Binney, James C. Dunn,
Samuel Lamb, Joseph Swift,
Charles Atwater, James B. Canforth,
John Mestyn, W. S. McCain,
and others, the Unknown claimants of
the South East of Section 27 in Township
8 N. R. 7 E. — Defendants.

Notice is hereby given to the
above named defendants, that a suit is now pending in
the Circuit Court, in and for Peoria County, in the State
of Illinois, on the chancery side thereof, in favor of the above
named complainant, and against the above named defen-
dants, that summons therein has been duly issued, return-
able to the next term of said court to be holden at the
court house in the City of Peoria, in said county of Peoria,
Now unless you the said defendants shall appear before the
said court, on the first day of the next term thereof, to be
held as aforesaid, and plead, answer or demur to said

complaints be, the matters and things therein contained,
will be taken for confessed against you, and a decree en-
tered by said court according to the prayer thereof.

Dated at Peoria this 22^d day of Jan. A. D. 1850.

Jacob Hale, clerk,

vs Ballance, Sol^r for Comp^t.

I do hereby certify that the annexed notice was
published for four weeks successively in the Peoria
Champion, a daily newspaper published in Peoria,
Illinois, and that the first publication was made
on the 22^d day of January A. D. 1850.
J. J. Pickett Publisher,

The clerk of said court issued a summons in said cause
in the words & figures following, to wit,

Summons = "The People of the State of Illinois,
To the Sheriff of Peoria County, Greeting;
We command you to summon Rachel Mc. Levis, Charles H.
Mcoulton, Daniel Low, David H. Perkins, John N. Tessler,
John W. Leavitt, Joseph L. Joseph, Samuel S. Lewis,
Amos Finney, James C. Dunn, Lemuel Lamb, Joseph
Swift, Charles Ottwater, James B. Ganforth, John
Hestryne, and W. J. Mc Cain if they may be
found in your county to appear before our circuit court
on the sixth day of the term thereof, to be held at Peoria,

within and for the said county of Peoria, on the fourth Monday of March next then and there in our said court, to answer the matters and things contained in a certain bill of complaint exhibited against them and others, the unknown claimants of the South East quarter of Section 27 in Township S. N. 7. E. in our said court on the Chancery side thereof by Charles Ballance, complainant, and make return of this writ, with an endorsement of the time and manner of serving the same, on or before the first day of the term of the said court to be held as aforesaid.

Witness Jacob Gale, clerk of our said court,
and the seal thereof, at Peoria, this 21st day of
January in the year of our Lord one thousand
eight hundred and fifty one.
Jacob Gale, clerk.

Which summons was returned endorsed as follows, to wit:

Return -

State of Illinois,
Peoria County, ss. Neither of the within named
persons are to be found in my county,
Feb 17th 1851. James L. Rygo, Sheriff Peoria Co.

On the sixth day of March A.D. 1851, the Complainant
filed a certificate of publication of notice of suit, which
is in the words and figures following, to wit,

State of Illinois, Peoria County, ss. In the
Circuit Court — Charles Ballance, complainant,
vs Rachel Mc. Lewis, Charles F. Moulton, Daniel
Law, David H. Stevens, John W. Gopler, John W. Lewis,
Joseph L. Joseph, Samuel L. Lewis, Amos Binney, James C.
Dunn, Samuel Lamb, Joseph Swift, Charles Ottwater,
James B. Danforth, John Hestryre, W. L. Mc. Cain, and
others, defendants, the unknown claimants of the South
East quarter of Section 27, in township 8 N. Range 7 E.
In Chancery, for injunction &c. —

Notice is hereby given to the above named
defendants, that a suit is now pending in the circuit
court, in and for Peoria County, in the State of Illinois,
on the Chancery side, thereof, in favor of the above named
complainant, and against the above named defendants,
that summons therein has been duly issued returnable to
the next term of said court to be held at the court house,
in the city of Peoria, in and for said county of Peoria, on
the fourth Monday of March next. Now unless you,
the said defendants, shall appear before the said court on
the first day of the next term of said court, to be held
as aforesaid, and plead, answer or demur to said complain-
ants bill, the matters and things therein contained will be
taken for confessed against you, and a decree entered by
said court according to the prayer thereof. Dated at Peoria,
this 21st day of January A. D. 1851

Jacob Gale, clerk.

I do hereby certify, that the annexed notice was published for four weeks successively in the Peoria Republican, a public newspaper published in the City of Peoria, county of Peoria and State of Illinois — and that the first publication was made on the 24th day of Jan. 1851. J. J. Pickett,
March 6, 1851. Publisher.

Proceedings in chancery before the circuit court began and held in the City of Peoria, within and for the county of Peoria and State of Illinois, on Monday the twenty sixth day of August in the year of our Lord one thousand eight hundred and fifty — the Honorable William Kellogg, Judge of the tenth Judicial Circuit, presiding.
Thursday August 29th 1850.

Charles Ballance

vs

For Injunction

Rachel M. Lewis,
Charles F. Moulton & al.

This day came the complainant in person and proved to the satisfaction of the court that due notice of the pendency of this suit had been given to the said defendants by the publication of a notice thereof for four weeks successively in the daily Champion a newspaper published in Peoria County, the date of the first publication being January 23rd 1850; and the said defendants being

three times solemnly called came not but made default,
and thereupon on motion of the complainant leave is
given him to amend his bill filed herein

On the 23rd day of November A.D. 1835, the complainant
filed his amended bill with affidavit attached in the
words & figures following, to wit,

"The amended bill of Charles Ballance to a
bill in Chancery heretofore filed by him on the chancery
side of this Honorable Court against Rachel Mc Leis
and others this Complaint reserving &c. for amendment
to said bill further complaining, saith that he is in-
formed and believes and therefore charges that the claim
of said Rachel Mc Leis to said tract of land, con-
sists in two tax titles, one obtained at the tax sale
had at Vandalia by the Auditor of Public Accounts
for the taxes due the State of Illinois, for the year eigh-
teen hundred and twenty three and the other for the
taxes of eighteen hundred and twenty six, both of
which tax titles your Orator is informed and believes
are void and incapable of being established either in
a court of law or equity. Your Orator does
not know how defective said tax titles are for
he has not seen them but as they operate as a
cloud on your Orators title, he prays that said
Leis may be required to bring forward her title

to said land if any she has and litigate the same with your Orator and that the same may be adjudged to be null and void, and that the said Lewis may be forever enjoined from setting up the same against your Orator and that she may be compelled to convey by quit claim deed to your Orator such title as she may be supposed to have.

And as the name of said Rachel Mc, Lewis is by mistake written in said bill Rachel Mc, Lewis your Orator prays to amend said bill so as to make it read Lewis. wherever Lewis occurs, And your orator will ever pray as before he has prayed.

C. Ballance.

I Charles Ballance, do solemnly swear that I have reason to believe and do believe that the within named Rachel Mc, Lewis is not a resident of the State of Illinois, and further affiant saith not.

C. Ballance.

Subscribed & sworn to before me this 22nd day of November A.D. 1850. Jacob Gale, clerk.

And on the twenty eighth day of November A.D. 1850 the complainant filed an amended Bill which with the affidavit thereunder written is in the words and figures following, to wit,

The Amended bill of Charles Ballance filed to a bill
heretofore filed by him, against Rachel M. Lewis and
others, claimants to the South East quarter of section
twenty seven in Township Eight North of Range Seven East
of the fourth principal meridian, in the Peoria Circuit Court,

To the Honorable William Kellogg, Judge of
said Court, Your Orator further sheweth that your Orator
has been informed and believes, and therefore charges
that said defendant Rachel M. Lewis is properly called
Rachel M. Lewis, and should have been so called
in said bill and other proceedings, and prays that all
the proceedings herein may be amended in that particu-
lar and that summons and advertisement may be
had against her, in that name.

Your Orator has further ascertained, and
therefore charges, that all the title said defendants
or any of them, (except said McLean) claim to
said premises, is founded upon two tax titles, the
one obtained from the Auditor of the State of Illinois,
for the taxes due said state for the year eighteen hun-
dred and twenty three, and the other for the taxes
due said state for the year eighteen and twenty six,
and that both said titles after being passed through
all said other defendants, except said McLean,
have concentrated in said Rachel M. Lewis and that
she is the sole owner of said tax titles. Your Orator
is informed and believes, and therefore charges, that said

tax titles are both void and incapable of being established in a court of law or equity, on account of the revenue laws not having been complied with by the Auditor in said tax sales, and for the further reason that at each of the tax sales for the taxes of eighteen hundred and twenty three and for the taxes and for the taxes of eighteen hundred and twenty six, there was a combination among the bidders to prevent competition at said sales,

Your Orator charges that at said sales it was agreed, among said bidders, that no person should bid but one, and that he should in no case bid less than the whole amount of said tract, and that said bidder held in his hand a list of all those who had entered into said combination and bid for each tract in rotation in the name of each bidder as they stood on said list, and your Orator charges that the purchaser of said tract of land, belonged to said combination, and said tract was purchased by him in manner aforesaid and not otherwise. Your orator further says he does not know the residence of said McLean but has learned that he does not reside in said county of Pike.

Your Orator supposed that all said defendants except said Rachel have ceased to have any interest in said premises, but as your Orator does not know that this is so, he prays that they may answer and that he may have relief against them as before.

He has prayed, and he prays that the said Rachel may answer as before he has prayed, and that she be compelled to bring forward her pretended title, and have the same litigated, and that she may be forever enjoined from setting up the same against the your Orator, and that she may be decreed to convey her said pretended title to your Orator, and in default of said conveyance, that a Commissioner may be appointed to convey the same, and that your Orator may have such other and further relief in the premises, as to equity and justice may pertain. Your Orator will ever pray &c.

C. Ballance,

I, Charles Ballance do solemnly swear that I do not know certainly the ~~residue~~ residence of the above named Rachel Mc. Lewis but from the best information in my possession she is not an inhabitant of the State of Illinois and that I have no information that leads me to doubt that fact.

C. Ballance,

Subscribed & sworn to before me this 28th day of November A.D. 1850, Jacob Gale Clerk. *will*

Proceedings in the Chancery before the Circuit at Court at a term thereof begun and held at the Court house in the City of Peoria, in and for the county of Peoria,

in the State of Illinois on Monday the Eighth
day of May in the year of our Lord one thousand
and eight hundred and fifty four. The Honorable
Onslow Peters, Judge of the sixteenth Judicial Cir-
cuit in the State of Illinois, presiding to wit;

Monday May 2nd A. D. 1854.

Charles Gallance

vs

For Injunction &c.

Rachel Mc. Lewis, Charles H. Moulton,
Daniel Law, David H. Steins, John T. Goble,
John W. Leavitt, Joseph L. Joseph, Samuel L. Lewis,
Amos Birney, Samuel Dunn, Samuel Lamb,
Joseph Swift, Charles Ottwater, James B. Canforth,
John Hestryne, W. J. McCain and others.

This cause
coming on to be heard upon the bill and exhibits in
said cause and the said defendants having been
defaulted and said bill having been taken for confessed
as against them, said Complainant moved the court
for a decree against them in pursuance of the prayer of
said bill, which motion the court over-ruled and
dismissed said bill without prejudice.

State of Illinois
Peoria county of I, Jacob Gale clerk of the Circuit Court
in and for the county of Peoria in the State of Illinois, do
hereby certify, that the foregoing is a correct transcript
of the Record and proceedings of said Circuit Court in a

certain cause therein of Charles Ballance against Rachel
Mr. Lewis and others in chancery, as the same remains
of Record and on file in my office -

In witness whereof I hereunto set my
hand and affix the seal of said Court
at my office in Proria this nineteenth
day of June A.D. 1834 -
Jacob Gale, clerk.

Clerks fees: for transcript. ent Seal 5: 5-0 paid by compt -
Jacob Gale, clerk.

Charles Ballance

vs.
Rachel Lewis

4581

1677

Copy of Exhibits referred to in the
bill of complaint in the case of Charles Bal-
lance vs Rachel M. Lewis et al in the District
Circuit Court viz

"I, James Monroe President of the United
States of America to all to whom these presents shall
come, greeting: Know Ye, that, in pursuance of the Act of Congress
appropriating and granting Land to the late Army of the United
States, passed on and since the sixth day of May, 1812, Elijah
Hood having deposited in the General Land-Office a warrant in his
favour, numbered 15, 183, there is granted unto the said Elijah Hood,
--- late a private in Cook's Company of the thirty-fifth Regiment
of Infantry, --- a certain Tract of Land, containing one hundred
and sixty acres - being the South East 1/4 of Section 21 of Township
eight North in Range Seven East in the Tract appropriated (by the
Act aforesaid) for Military Bounties in the Territory of Illinois -
To have and to hold the said Quarter Section of Land, with the
appurtenances thereof, unto the said Elijah Hood - - and to his
heirs and assigns for ever,

In Testimony whereof, I have caused
these Letters to be made patent, and the seal of the General Land
Office to be hereunto affixed: Given under my Hand, at the City
of Washington this Eleventh day of May, in the Year of our Lord
One thousand eight hundred and Eighteen and of the Independence
of the United States of America the forty-second

By the President

James M. McKim

Joshua H. McGehee, Commissioner of the General Land Office

This Indenture made and entered into this fourteenth January
in the year one thousand, eight hundred and twenty-two between
Elijah Hood and Allen Hood of the one part and George Crawford
of the other part ^{that} Wisconsin, the said Elijah Hood and Allen
Hood for and in consideration of seventy five dollars, to them
in hand paid by the said George Crawford the receipt whereof is hereby
acknowledged by the said Elijah Hood and Allen Hood, at or before

the enacting and delivery of these presents have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said George Crawford his heirs and assigns forever a certain tract or parcel of land lying and being in the state of Illinois, Patent on No. 16,183 Warrant containing one hundred and sixty acres being the South East quarter of Section twenty seven of township eight North in range seven East, in the tract appropriated for Military claims in the state of Illinois to have and to hold the said tract or parcel of land with all the houses, buildings, gardens and other improvements and appurtenances thereto belonging and appertaining to him the said George Crawford his heirs and assigns forever.

And the said Elijah Wood and Allen Wood for themselves, their heirs, executors and administrators do hereby covenant and agree to and with the said George Crawford, his heirs, executors administrators, and assigns, that they the said ~~Elijah~~ Wood and Allen Wood and their heirs the said tract or parcel of land with all and singular its appurtenances unto him the said George Crawford his heirs and assigns, against them the said Elijah Wood and Allen Wood and their heirs, and against all persons whomsoever shall and will by these presents forever warrant and defend.

In witness whereof the said Elijah Wood and Allen Wood have hereunto set their hands and affixed their seals, the day and year above written

Elijah ^{his} Wood 
Allen Wood 

Clarendon County, to wit,

Wm Gregory, Thomas B. Wells, magistrates of said county hereby certify that ~~Elijah~~ Wood and Allen Wood parties to the within conveyance have duly acknowledged the same before us on the 14 day of January in the year one thousand eight hundred and twenty-two and desired us to certify the said acknowledgment in order that the aforesaid conveyance may be recorded in such manner and form as the law of Illinois may require, As witness our hands and seals this day and year above written

Wm Gregory 

Filed February 7th 1850 & Recorded
in book W pages 257 & 258

Thos. B. Wells 

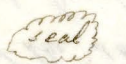
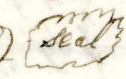
Jacob S. L. W. & Co.

This Indenture made this 10th day of July in the year of our Lord 1822, Between George Crawford of the county of Chesterfield and State of Virginia of the one part and Joseph Burnside of the county of Kanawha and Commonwealth of Virginia of the other part Witnesseth that the said George Crawford for and in consideration of the sum of One hundred & sixty dollars lawful money of Virginia to him in hand paid by the said Joseph Burnside the receipt whereof is hereby acknowledged - hath given, granted, bargained and sold and by these presents doth give, grant, bargain and sell unto the said Joseph Burnside his heirs and assigns forever, a certain tract or parcel of land lying and being in the State of Illinois containing one hundred and sixty Acres being the South East quarter of Section Twenty seven of Township eight North in range seven East, in the tract appropriated for military bounties by the Government of the United States - being the same land patented to Elijah Wood and Samuel 10, 1813 which said land is conveyed by Elijah Wood and Allen Wood to said George Crawford - to have and to hold said Tract or parcel of Land together with all and singular the premises and appurtenances thereunto belonging unto him the said Joseph Burnside his heirs and assigns forever. And the said George Crawford hereby agrees and covenants to warrant said Joseph Burnside all his right, title and interest of in and to said land free from the claims of him and his heirs, and of all their persons claiming by thought or under him, hereby assigning to the said Burnside the full benefit and advantage of warrants contained in the deed from Elijah & Allen Wood to said George Crawford. In testimony whereof the said George Crawford hath hereunto set his hand and seal the day & year first above mentioned.

George Crawford 

Kanawha County, to wit,

W^c Alexander Quance & Thomas L. Buster Justices of the Peace in and for the county aforesaid in the State of Virginia, Do hereby certify that George Crawford party to the foregoing Deed of Bargain and Sale from himself to Joseph Burnside personally appeared before us in our county aforesaid on the 10th day of January 1825 and desired to certify his said acknowledgment in order that the said Deed might be recorded - as witness our hands & seals.

Alex. Quance 
Thos. L. Buster 

This Indenture made this 16th day of July in the year of our
Lord 1828. Between Joseph Burnside of the county of Shenandoah and state
of Virginia of the one part and Francis Meadows of the same county
and state of the other part, Witnesseth that the said Joseph Burnside
for and in consideration of the sum of one hundred and sixty dollars
lawful money of Virginia to him in hand paid, the receipt whereof is
hereby acknowledged, hath given, granted, bargained and sold and by these
presents doth give, grant, bargain and sell unto the said Francis Meadows, his
heirs and assigns forever, a certain Tract or parcel of Land lying and being in
the state of Illinois, containing one hundred and sixty acres being the
South east quarter of section twenty-seven of Township Eight North, in range
Seven East, in the tract appropriated by the Government of the United States, being
the same land patented to Elijah Wood and numbered 15.183 which said
land is conveyed by Elijah Wood and Allen Wood to George Crawford and by
him conveyed to the said Joseph Burnside by deed bearing date the 16th day
of July 1828. To have and to hold the said tract or parcel of land together with all
and singular the appurtenances, therunto belonging unto him the said Francis
Meadows his heirs and assigns forever, and the said Joseph Burnside hereby
agrees and covenants to warrant to the said Francis Meadows all his right, title
and interest of in and to said land free from the claims of him or his heirs
and of all other persons claiming by through or under him, hereby assigning to the
said Meadows the full benefit and advantage of the covenant of warranty
contained in the deed from George Crawford to him the said Burnside
In testimony whereof the said Joseph Burnside hath hereunto set his
hand and seal the day and year first above written

Joseph Burnside (seal)

Shenandoah, to wit-

We David Buffin and Lewis Buffin Justices of the Peace in the county
aforesaid, in the State of Virginia do here by certify that Joseph Burnside
a party to the Deed of bargain and sale from himself to Francis
Meadows, personally appeared before us in our county aforesaid and ~~acknowledged~~
acknowledged the same to be his act and deed and desired us to certify
the said acknowledgment to the clerk of the county court of Shenandoah
in order that the said deed may be recorded, given under our hands and

seals this 18 day of July 1828.

Droid Ruffner Seal
Lewis Ruffner Seal

This Indenture made this Seventh day of October one thousand eight hundred & twenty nine Between Francis Meadows of the county of Kanawha and state of Virginia of the one part and Sarty Roach of the same county and commonwealth of Virginia of the other part Witnesseth that the said Francis Meadows for and in consideration of the sum of one dollar lawful money of Virginia to him in hand paid by the said Sarty Roach the receipt whereof is hereby acknowledged - hath given, granted, bargained and sold and by these presents doth give, grant bargain and sell unto the said Sarty Roach his heirs and assigns forever a certain tract of land lying and being in the State of Illinois containing One hundred and Sixty Acres being the South East quarter of Section twenty seven of township eight north in range Seven East in the tract appropriated for military Bounties by the Government of the United States, being the same land patented to Elijah Wood and numbered 16, 183 which said land is conveyed by Joseph Bainsides to Francis Meadows to have and to hold said tract or parcel of land, together with all and singular the premises and appurtenances therunto belonging unto him the said Sarty Roach all his right title and interest of in and to said land free from the claims of him and his heirs and of all other persons claiming by through or under him hereby assigning to the said Roach the full benefit and advantage of the covenants of warranty contained in the deed from Joseph Bainsides to Francis Meadows. In testimony whereof the said Francis Meadows hath hereunto set his hand and seal the day and year first above mentioned.

Francis Meadows Seal

Virginia Kanawha county to wit,

Levi Welch and Andrew Parks justices of the peace ^{in and} for the county aforesaid in the state of Virginia do hereby certify that Francis Meadows party to the foregoing deed of Bargain and Sale from himself to Sarty Roach personally appeared before us ^{in our} the county aforesaid on the 9th day of October 1828 and desired us to certify this said acknowledgment

In order that the said deed May be recorded - as witness our hands and seals this 9th. day of October 1829

L. Welch.

And^d Parks



This Indenture, made the ninth day of May in the year of our Lord of Madison County and State of Indiana of the one part and N. G. McCain of county and State of said one thousand eight hundred and thirty five between Lanty Roach, for and in consideration of the sum of Fifty dollars to him in hand paid by the said N. G. McCain the receipt whereof is hereby acknowledged hath granted, bargained, sold, Conveyed, and Confirmed and forever quitted & claimed and doth by these presents grant, bargain, sell, Convey and Confirm unto the said N. G. McCain and his heirs and assigns forever, all his in Trust, right title or claim whatever in and to the following described lot or parcel of land, to wit, the South East 1/4 of Section twenty Seven of Township eight North in Range Seven, East, in the tract appropriated by the Government of the United States for Military Bounties in the State of Illinois being the same which was patented to Elijah Wood a late private in Cookes Company of thirty fifth Regt. of Infantry and numbered 15. 183 containing One hundred and sixty acres be the same more or less; together with all the Privileges and appurtenances therunto belonging and the reversions, remainders, and profits thereof, and all the stock title interest and claim and profits thereof and all the stock, title interest of the said Lanty Roach, in and to the same, To have and to hold the premises aforesaid, with all the appurtenances to the only proper use, benefit, and behoof of the said N. G. McCain and his heirs and assigns forever; And the said Lanty Roach for himself, his heirs, Executors and Administrators doth covenant and agree to and with the said N. G. McCain his heirs and assigns that the said Lanty Roach is lawfully seized in fee of the Premises aforesaid. And that the said premises are free from all incumbrances And that he has good right to Sell and Convey the Same in manner and form aforesaid, And that he will and his Executors and Administrators, Shall warrant and defend the Same to the said N. G. McCain his heirs and Assigns against all lawful claims of himself or his heirs, And against the Claims of all Persons Claiming from a

under him or them And it is further agreed to and by the parties to
this deed of Conveyance that the said Mr Cain is to take this deed with
out any recourse or Remedy whatever against the said Roach for any
title or claim what ever which may be set up by any person or Persons
to the said described lot of land, except the said title or claim be de-
rived from the said Sany Roach or some other person claiming
from or under him —

— Signed Sealed & delivered in presence of us

Alfred Wilgord.

Wm H. Keneshorn.

Sany Roach.



State of Indiana. Madison County, to wit. — Be it remem-
bered, that the within named Sany Roach came this day person-
ally before me the undersigned — a Justice of the Peace in for the county
of Madison afore said and acknowledged that he did sign, seal and
deliver the within indenture, as his act and deed for the purposes therein
specified, Given under my hand & Seal this ninth day of May — in
the year of our Lord Eighteen hundred thirty five.

Wm H. Keneshorn

all
deeds
made

Justice of the Peace.

Know all men by these presents that I N. G. McCain of Monta-
gama, Pike county, Illinois do hereby constitute and appoint David
Wells of the town of Peoria, Peoria county Illinois my true and lawful
attorney for me and in my stead to sell, grant and convey at such
price and on such terms as to him may seem proper all that certain
tract of land situated, lying and being in the county of Peoria
upon said long Southeast quarter of Section twenty seven township Eight
north of the base line of range seven east of the fourth principal Meridian
and on such sale to give in my name and under my seal a deed in
fee simple without a general warranty; executing and delivering such
deed in my stead and receiving the consideration thereof, and in
general to do all act and things necessary or proper in the premises in as
ample a manner as I could were I personally present hereby satisfying

and confirming whatsoever my said attorny shall lawfully do in the premises.

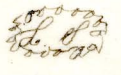
In testimony whereof I have hereunto set my hand and seal this the 3rd day of August in the year of our Lord one thousand eight hundred and thirty six.

In presence of us
Jonathan Simmons

N. G. McLean



State of Illinois } This day personally appeared N. G. McLean whose
Pike County } whose name appears to the above power of attorney
before me one of the Justices of the Peace for the county of Pike author-
ized and qualified to take acknowledgement of deeds & other Instru-
ments of writing and acknowledged the same to be his own free
and voluntary act & deed August, 3rd 1836.

Jas. Farrington, 

State of Illinois }

Peoria county } S. B. Recorder's Office August 30th 1836

I Charles Keetelle Recorder of said county do hereby Certify that the within power of attorney and Certificate of proof was this day duly recorded in said office at Peoria in Book G. Page 147. In Testimony Whereof I have hereunto set my hand and private seal (No official being provided) this 30th day of August A.D. 1836

Charles Keetelle 

Rec^r. Peo. Co.

This Indenture, made and entered into this Eighteenth day of August in the year of our Lord one thousand eight hundred and thirty six, between N. G. McLean of the town of Montgomery of the County of Pike and State of Illinois of the first part, and Jas. C. Clanagan of the town of Peoria of the County of Peoria and State of Illinois of the second part; - That the said N. G. McLean party of the first part, for and in consideration of the sum of One hundred Dollars, in hand paid, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and confirm unto the said

party of the second part, his heirs and assigns forever, the following described tract of land situated, lying, and being in the said County of Peoria and marked as being South East quarter of Section twenty seven of Township Eight North in Range Seven East. In the tract appropriated for Military Bounties in the State of Illinois. Containing one hundred and sixty acres be the same more or less. Being the same property which Party First by Indenture bearing date the ninth of May 1835 conveying the above to said N. G. McCain. Together with all and singular the appurtenances therunto belonging, as in anywise appertaining to have and to hold the above described premises unto the said party of the second part his heirs and assigns forever. And the said N. G. McCain the afore said premises ^{unto the said party} of the second part his heirs and assigns, ~~forever~~ against the claim or claims of all and every person whatsoever, ~~as doth~~ and warrant and forever defend by these presents.

In witness whereof, The said party of the first has hereunto set his hand and affixed his seal the day and year first above written.

Signed, Sealed and delivered)

in presence of }

David Wells. [S.S.]

Atty. in fact for N. G. McCain [S.S.]

State of Illinois)

Peoria County } I Andrew M. Hunt a Justice of the Peace of the county, do certify that David Wells (att. in fact for N. G. McCain) whose signature appears to the foregoing deed of conveyance, and who is personally known to me to be the identical person who signed the same, this day appeared before me and acknowledged that he had signed, sealed and delivered the same, as his free act and deed, for the use and purposes therein expressed. Given under my hand and seal of at Peoria this eighteenth day of August in and in the year of our Lord one thousand eight hundred and thirty six

A. M. Hunt Jr. Peace

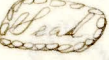


State of Illinois)

Peoria County } Records Office August 30th 1836

I Charles Kittle Recorder of said county do hereby

Certify that the within deed and Certificate of Proof was this day duly recorded in said office at Peoria in book G pages 149 and 150. In Testimony whereof I have hereunto set my hand and Private Seal (no official being provided) this 30th day of August A.D. 1836

Charles Kettle. 

Rec^d Peo. Co.

This Deed, made this Sixth day of May eight hundred and thirty seven Witnesseth: That Jno. C. Flanagan of the county of Peoria State of Illinois in consideration of One Thousand dollars to me paid by Benjⁿ. Groff ~~has~~ acknowledged of the county of Lancaster State of Pennsylvania the receipt of which is hereby acknowledged, doth by these presents grant, bargain, sell, convey and confirm to the said Benjamin Groff, his heirs, executors, administrators and assigns all that certain described piece or parcel of Land, Situated, lying and being in the county of Peoria as follows. Being the south east quarter of section twenty second of township eight north in range seven east in the tract appropriated for Military Bounties in the State of Illinois. Containing One hundred and Sixty Acres be the same more or less. Being the same property which W. G. McCain by David Miller his attorney in fact conveyed to Jno. C. Flanagan by Deed dated August 18th A.D. 1836 & Recorded in Deed Book G. pages 149 & 150. Aug. 30 1836

To have and to hold, the above described premises, with the appurtenances thereunto belonging to the said Benjamin Groff, his heirs and assigns forever; The said Jno. C. Flanagan his heirs and assigns hereby covenanting that he will warrant and defend the title to the above said to the said Benjamin Groff his heirs and assigns forever, against all persons whomsoever.

In Testimony Whereof the said Jno. C. Flanagan hath hereunto set his hand and seal, the day and year above written.

Done in presence of
William Mitchell

Jno. C. Flanagan. 

State of Illinois)
County of Peoria) Ch.

I William Mitchell Clerk County Commissioners Court of the County aforesaid, do certify John C. Schanahan whose name appears the foregoing deed is personally known to me to be the person described in; and who signed and sealed the same, did acknowledge that he executed the same conveyance for the use and purposes therein mentioned.

Given under my hand and seal at Peoria the sixth day of May in the year of our Lord one thousand eight hundred and thirty ^{seven} ~~four~~

William Mitchell.
Clerk

State of Illinois Records Office May 9th 1837. I Charles
County of Peoria & Retelle Recorder of said county do hereby
Certify that the within deed and Certificate of proof was this
day duly recorded in said Office in book W page 352 & 353. Given
under my hand and private Seal, (its official being so provided)
this May 9th 1837.

Charles Retelle R. R. C. Seal

State of Illinois... Peoria county, Ch.

I Thomas Bryant, Sheriff of the county of Peoria and State of Illinois, do hereby certify, That by virtue of a writ of execution to me directed, from the clerk of the Circuit Court of the county of Peoria, and state of Illinois, in favor of John C. Schanahan vs. Benjamin Goff I did on the sixth day of March D. 1840 expose to public sale, in the town of Peoria, a certain tract or lot of Land, lying, being and situate in the county and state aforesaid, to wit; The west half of the North East quarter Section 27 Eight north Seven East Containing 80 acres, and that William Mitchell bid the sum of ^{therefor} Fifteen Dollars and Eighty eight cents; which being the highest and best bid the said tract or lot of Land was struck off to him the said William Mitchell and that the William Mitchell will be entitled to a deed for the premises so sold to him on the Sixth day of June D. 1841 unless

the same be deemed according to law.

Given under my hand and seal this sixth day of March A.D. 1840
Sheriff's Office, Peoria

Thomas Bryant. Sheriff Peoria ^{County}

By

Henry Hahn. Deput. Sheriff P.B.

For and in consideration of the sum of twenty dollars to me in hand paid I hereby assign to Charles Ballance his heirs and assigns all my right title and interest in the within named tract of land and its appurtenances and hereby authorize the Sheriff of Peoria when the proper time shall arrive to make to him his heirs and assigns a deed thereto, I also covenant with and to said Ballance his heirs and assigns to execute to him or them at any time hereafter a quit claim deed therefor if he shall deem it necessary to meet the legal title therein to him. Dated this 15th January 1840

William Mitchell,

Whereas John C. Flanagan did at the April term of Circuit Court for the County of Peoria and State of Illinois D. 1839 receive a judgment against Benjamin Groff for the sum of eight dollars and thirty seven and a half cents costs of suit, upon which judgment an execution dated on the sixth day of January A.D. 1840. directed to Thomas Bryant Sheriff of Peoria county, to execute, and by virtue of said execution the said sheriff levied upon the lands herein after described, and the same was struck off and sold to William Mitchell being the highest and best bidder therefor and the time and place of the sale thereof having been duly advertised according to law. And the said William Mitchell having duly assigned his certificate of purchase to Charles Ballance of Peoria.

Now therefore all know all, by this Deed, that I, Christopher Orr Sheriff of said county of Peoria and successor in said office to said Thomas Bryant in consideration of the premises have granted, bargained and sold and to do hereby convey to the said Charles Ballance his heirs and assigns, the following tract of land, to wit, the West half

of the South East quarter of section twenty seven (27) in township
eight (8) North of the base line and range seven (7) East of the fourth
principal meridian.

To have and to hold, the said described premises, with all the
appurtenances thereto belonging, to the said Charles Ballance
his heirs and assigns forever. Witness my hand and seal this the
twenty second day of July, in the year of our Lord one thousand
eight hundred and forty one.

~~Christopher On~~ 
Sheriff Peoria County, Ill.

State of Illinois

Peoria County I, William Mitchell clerk of the Circuit court
of said county do hereby certify that on this day Christopher On
(who is personally known to me to be the person whose name is
subscribed to the within deed as having executed the same
appeared before me and acknowledged that he had executed
said deed for the uses and purposes therein expressed given
under my hand and seal of said court this 22nd day of July 1841,
William Mitchell
Clerk,

State of Illinois

County of Peoria

Records Office

I Charles Catlett Recorder of said county
of Peoria do certify the within Deed of Certificate and page are
this day duly recorded in said office in book 26 page 101 this 24th
day of July 1841.

Charles Catlett. R. R.

State of Illinois, Peoria County. 38

I Thomas Bryant Sheriff in the county of Peoria and
state of Illinois, do hereby certify, that by virtue of a writ of
execution to me directed, from the clerk of the Circuit Court of the

county of Peoria, and State of Illinois, in favor of Charles Ballance
V.S. Benjamin Croff I did on the sixth day of March A.D. 1840
expose to public sale, in the town of Peoria, a certain tract or lot of
land, lying, being, and situate in the county and state aforesaid,
to wit: the East half of the South East quarter Section 28 Eight
North Seven East containing 80 acres and that Charles Ballance bid
the sum of ^{dollars} ~~seven~~ and no cents therefor; which being the highest and
best bid the said tract or lot of land was struck off to him
the said Charles Ballance and that the said Charles Ballance
will be entitled to a deed for the premises so sold to him on
the sixth day of June A.D. 1841 unless the same be redeemed
according to law.

Given under my hand and seal this sixth day of March
A.D. 1840.

Shuff's Office Peoria

Thomas Bryant Shuff Peoria County

By

Henry Hahn Deft. Shuff, P.C.

Whereas Charles Ballance did on the fifteenth day of
August A.D. 1839 before Edmund S. Braten a justice of the
in and for the county of Peoria and state of Illinois recover a
judgement against Benjamin Croff for fifty seven dollars and
fifty four cents and $\$1.43$ costs of suit Upon which judgement
an execution was issued on said day to Alexander Cooper a
constable in and for said county which execution was returned
to said justice by said constable endorsed "No property found
in my county whereon to levy" And afterwards to wit
on the sixteenth day of said month a transcript of all
the proceedings had in said cause before said justice was
certified by him and filed in the office of the clerk of the
circuit court of said county, upon which judgement so
certified an execution was issued by said clerk dated
on the sixth day of January A.D. 1840 directed to Thomas

Bryant sheriff of Peoria county to execute, and by virtue
of said execution the said sheriff levied upon the lands
hereinafter described, and the same was struck off
and sold to Charles Ballance he being the highest and
best bidder therefor and the time and place of the sale
thereof having been duly advertised according to law.

Now therefore know all by this deed that I Christopher
Bry sheriff of said county of Peoria and supervisor to said
Thomas Bryant in consideration of the premises here
granted, bargained, and sold and as hereby coming to
the said Charles Ballance his heirs and assigns the fol-
lowing tract of land to wit the East half of the South East
quarter of section twenty seven (27) Township eight (8)
North of the base line and range seven (7) East of the fourth
principal meridian.

Together with all the appurtenances thereunto
belonging or in anywise appertaining.

To have and to hold the said described premises, with
all and singular the appurtenances thereunto belonging to the
said Charles Ballance his heirs and assigns forever.

Witness my hand and seal this the 22nd day of
July in the year of our Lord one thousand eight hun-
dred and forty one.

Christopher Bry Esq
Sheriff Peoria county Ill

G. Wallace

11

H. Levinthal

Exhibits

1221