

14635

No. _____

Supreme Court of Illinois

McCormick

vs.

Wheeler, Mellick & Co

STATE OF ILLINOIS,

SUPREME COURT,

THIRD GRAND DIVISION.

No.

202

121

J. W. Middleton & Co., Stationers, 126 Lake St.

McConnick
B
Wheeler

1864

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14635

ABSTRACT OF RECORD.

In the Supreme Court at Ottawa,

APRIL TERM, A. D., 1864.

CYRUS H. McCORMICK,
Appellant,
vs.
WHEELER, MELLICK & CO.,
Appellees.

APPEAL FROM ROCK ISLAND COUNTY.

PLEAS BEFORE HON. IRA O. WILKINSON, JUDGE, &C.

- 1 This was an action of ejectment commenced at the January term A. D. 1863, of the Circuit Court of Rock Island County, by appellees, against one Michael Grogan, tenant of appellant, and for whom appellant was substituted as defendant in said Court.
- 2 It was brought to recover possession of the west 100 acres of the north east quarter of section seven (7), in township nineteen (19) north range three (3) east of the 4th P. M., in said Rock Island County.
- 4 Issue was joined in due time, and at the January term, A. D. 1864, of said Court, the said cause, by agreement of parties, was tried by said Court without the intervention of a jury, and issue found for appellees. Appellant moved for a new trial, which motion was overruled, and ap-
9 pellant excepted, whereupon judgment was rendered upon said finding of the Court in favor of said appellees, and an appeal prayed by appellant, which was allowed by the Court, and duly perfected.

The bill of exceptions shows, that upon the trial of said cause, the following stipulation was entered into by the parties thereto :
10 "It is stipulated by the parties, to this cause, that at the time of suit brought in this cause, Michael Grogan was in possession of the land described in the declaration in this cause as the tenant in and under said McCormick. That the said McCormick was, by the consent of all parties, substituted as defendant in this cause in place of said tenant, and the possession of said tenant is to be considered as the possession of said McCormick, so that no prejudice may arise to said plaintiff by said substitution. That both parties to this suit claim title to said land only under William Marshall, Jr., but this stipulation is not to be construed to prevent said defendant showing any tax title to said premises."

- The plaintiff then suggested the death of Alexander Wheeler upon the record, and being unable to give the names of the heirs of said Wheeler, it was further stipulated, in order that the trial might proceed :
11 "It is further stipulated and agreed, that this cause shall be tried as if Alexander F. Wheeler were alive, but as soon as he can do so, the said plaintiff may substitute the names of the heirs of said Wheeler, heirship of parties so substituted admitted."

It was further agreed, that a jury be waived and the cause be tried by the Court; whereupon the said plaintiffs, to maintain the issues upon

their part, offered and read in evidence the record of a judgment in the
12 Circuit Court of said Rock Island County, rendered at the March term,
A. D. 1858, of said Court, on the 23d day of March, of said year, in
favor of George W. McCarn and Thomas Scott, partners, &c., McCarn
& Scott, and against Orville N. Whitford and William Marshall, Jr., for
the sum of \$258.67. To the introduction whereof defendant excepted.

13 And thereupon said plaintiffs offered and read in evidence an execution
and fee bill and the endorsements thereon, issued upon said judgment,
bearing date the 22d day of July, A. D. 1858. The return of the Sher-
iff thereon was dated October 14th, 1858. Said execution was issued
16 to the Sheriff of said Rock Island County, and the return showed
that the sum of \$102.50 was made thereon by the sale of one brown
stallion, and that the writ was not satisfied. To the introduction where-
of said defendant excepted.

17 And thereupon said plaintiffs offered and read in evidence an alias
execution and fee bill and the endorsements thereon, issued out of
the office of the Clerk of said Court to the Sheriff of said Rock
Island County, upon the aforesaid judgment, bearing date the 9th day
of February, A. D. 1861, and with a credit thereon endorsed by said
Clerk of \$102.50, made on a former writ October 14th, 1858. The
Sheriff's return thereon bears date on the 8th day of May, A. D. 1861.
The endorsements thereon are:

20 "By virtue of this writ and accompanying fee bill, I have levied this
day on the following described property, as the property of the defend-
ant William Marshall, Jr., to-wit: The west one hundred acres of the
north-east quarter section seven (7), in township nineteen (19), north
range three (3), east of the 4th P. M., (and other property,) all lying in
Rock Island County and State of Illinois, this 11th day of February,
A. D. 1861."

Also :

"By virtue of this writ and accompanying fee bill, and in accordance
with the levy hereon endorsed, and after having advertised the time and
place of said sale, by putting up notices, &c., all and each of which no-
22 tices further specified that said lands would be offered by me at public
sale at the door of the Court House, in the said city of Rock Island, on
the 9th day of March, A. D. 1861, between the hours of 9 o'clock A. M.
and sunset of said day, to satisfy the within execution, &c., I did, on the
9th day of March, A. D. 1861, at the hour of 11 o'clock A. M., at the
door of the Court House, offer the property described in the levy hereon
endorsed, at public sale, for cash in hand, in the following manner, to-
wit:

24 "I first offered, &c. I then offered the said west one hundred acres of
the north-east quarter of section seven (7), in township nineteen (19),
north of range three (3), east of the 4th Principal Meridian, together
with the said south-east quarter of section thirty-six, township twenty,
north range two east of the 4th P. M., and both in said Rock Island
County, which was together struck off and sold to George W. McCarn,
at and for the sum of \$228.32, he being the highest and best bidder
25 therefor," &c. Execution returned satisfied.

To the introduction of said execution, fee bill and Sheriff's returns,
said defendant then and there excepted.

And thereupon said plaintiffs offered and read in evidence the record
of a certain judgment in the Circuit Court of said county, rendered at
the January term thereof, A. D. 1861, and on the 8th day of February,
A. D. 1861, in favor of the plaintiffs herein, and against William Mar-
26 shall, Sr., William Marshall, Jr., and George Marshall, for the sum of
\$6,472.42. To the introduction whereof said defendant excepted. And
27 thereupon said plaintiffs offered and read in evidence an execution and
fee bill and the endorsements thereon, issued out of the Clerk's office of
said Court to the Sheriff of said Rock Island County, upon the last
above named judgment, bearing date the 9th day of July, A. D. 1861.
The Sheriff's return thereon bears date August 3d, 1861, by which it ap-
pears that said writ was returned not satisfied. To the introduction
whereof said defendant excepted. And thereupon said plaintiffs offered
and read in evidence an alias execution and fee bill and the endorsements

thereon, issued out of said Clerk's office to the Sheriff of said county, upon the last aforesaid judgment, bearing date the 17th day of March, 33 A. D. 1862. The Sheriff's return on said execution is dated April 12th, 1862, and was filed in the Clerk's office June 19th, 1862, and shows as follows :

"By virtue of this writ and accompanying fee bill, I have levied upon the following described property as the property of the defendant William Marshall, Jr., to-wit: The west one hundred acres of the north-east quarter of section seven (7), in township nineteen (19), north range two (2), east of the 4th P. M., all in Rock Island County, State of Illinois, this 17th day of March, A. D. 1862."

Also :

- 35 "By virtue of this writ and accompanying fee bill, and in accordance with the levy hereon endorsed, after having advertised, &c., (a copy of which said advertisement is hereto attached,) I did, at the hour of 2 o'clock P. M. on the 12th day of April, 1862, at the door of the Court
- 36 House, in said city and county of Rock Island, Illinois, in accordance with said notice, offer the property described in said levy at public auction in manner following, to-wit: I first offered the north-west quarter of section ten (10), in township nineteen, north range two, east of the 4th P. M., in the county and State aforesaid, for which I received a bid of fifty-five cents, said sum being the amount for which said property was sold, with ten per cent. interest thereon, for the use of the purchaser, on a sale made to Geo. W. McCarn on the 9th day of March, A. D. 1861, on a judgment obtained in the Circuit Court of said Rock Island County and State aforesaid, on the 23d day of March, A. D. 1858, in favor of George W. McCarn and Thomas Scott, and against Orville N. Whitford and William Marshall, Jr., and redeemed by the plaintiffs in this writ as judgment creditors of the said William Marshall, Jr., and receiving no other bid therefor, the said land was then and there sold and struck off to plaintiffs in this writ.
- 38 "I then offered the west one hundred acres of the north-east quarter of section seven (7), in township nineteen, north range three east of the 4th P. M., and the south-east quarter of section thirty-six, in township twenty, north range two east of the 4th P. M., for which I received a bid of two hundred fifty-one 22-100 dollars, the same being the amount of the redemption money and interest at the rate of ten per cent. per annum as aforesaid, on the judgment in favor of and against the parties aforesaid, and redeemed by said plaintiffs as judgment creditors of the said William Marshall, Jr., and receiving another bid of Cyrus H. McCormick of two hundred and sixty dollars; I then received a bid of twenty-five hundred dollars, and the said two tracts of land were then and there sold and struck off to the plaintiffs in this writ, for which I have issued to them a certificate of their said purchase, &c., this 12th day of April, 1862."
- 35 By said Sheriff's advertisement of said sale, notice is given as follows :
"I shall offer said premises at public sale, at the door of the Court House, in the city and county of Rock Island, in said State, on the 12th day of April, A. D. 1862, between the hours of 9 o'clock A. M. and sunset of said day, for cash in hand, to satisfy said execution, and dated March 17th, 1862."
- 39 To the introduction of which said execution, fee bill and endorsements
- 40 said defendant then and there excepted. And thereupon said plaintiffs offered and read in evidence a certificate of redemption from the Sheriff of said Rock Island County to the plaintiffs in this suit, reciting the redemption from the aforesaid sale to George W. McCarn, bearing date March 17th, 1862, and recorded on the day of the date thereof in the Recorder's office of said Rock Island County.
- 42 And thereupon said plaintiffs offered and read in evidence a certificate of purchase from said Sheriff to the plaintiffs in this suit, reciting the last above named sale, and bearing date on the 12th day of April, A. D. 1862, and certifying that said plaintiffs would be entitled to a deed at the expiration of sixty days from the date thereof. Said certificate was recorded on the day of the date thereof, and also recites said redemption from said Geo. W. McCarn.

44 And thereupon said plaintiffs offered a certificate of purchase from said Sheriff to Geo. W. McCarn, and the receipts thereon endorsed, (the genuineness of the signatures thereto being admitted,) which said certificate was dated the 9th day of March, 1861, and recorded in the Recorder's office of said county on the same day, which said certificate recites the said sale to Geo. W. McCarn upon the said judgment in favor of said McCarn & Scott, &c. The receipts thereon were:

47 "Received of Wheeler, Mellick & Co. the sum of two hundred and fifty-two 82-100 dollars, the same being in full for the redemption money due on this certificate of purchase, the same being redeemed as a judgment creditor.

"March 9, '62.

DAVID HAWES,
Sheriff of R. I. Co., Ill."

Also: "Received of David Hawes, Sheriff of Rock Island Co., Ills., the sum of two hundred and fifty-two 82-100 dollars, the full amount of the redemption money due me on this certificate.

"April 3d, 1862.

G. W. McCARN."

To the introduction of the three last above certificates and the receipts thereon, said defendant excepted.

47 And thereupon the said plaintiffs offered and read in evidence a deed from said David Hawes, Sheriff of said Rock Island County, to the plaintiffs, bearing date the 19th day of June, A. D. 1862, and recorded in the Recorder's office of said county on the 15th day of May, A. D. 1863. Which said deed recites the aforesaid sale on the McCarn & Scott judgment, and also the sale to said plaintiffs, and conveys said premises to said plaintiffs.

54 To the introduction whereof said defendant excepted. Thereupon said plaintiffs offered and read in evidence the return of the Sheriff endorsed upon the declaration in this case, which shows that the said Michael Grogan was duly served and was in possession of the premises in controversy 54 sy at the time of said service. It was also admitted that plaintiffs had, after the making of the aforesaid deed, and before the commencement of this suit, demanded possession of the premises in controversy of said Grogan, and thereupon said plaintiffs rested.

And thereupon the said defendant, to maintain the issues upon his part, 55 produced the record of a certain judgment in the Circuit Court of said Rock Island County, rendered at the December term, A. D. 1857, to-wit: on the 10th day of December, A. D. 1857, in favor of Wm. L. Lee and against William Marshall & Co., which said record showed that the defendants in said cause had been defaulted and judgment rendered against them for the sum of \$180.90, and was marked No. 150 on said judgment 56 record. Defendant stated to the Court that he desired to make a motion to amend said record, and produced a certain notice directed to William Marshall, Jr., Sylvester Brigham and William Johnson, which was as follows:

56 "STATE OF ILLINOIS, } Rock Island County, } WHEELER, MELLICK & CO. } vs. CYRUS H. McCORMICK.	ss. In the Circuit Court of said County, of the January term, A. D. 1864. } Ejectment.
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To William Marshall, Jr., Sylvester Brigham and William Johnson:

You are hereby notified that upon the trial of the above entitled cause, the defendant therein will apply to the said Court to amend the record of a certain judgment in favor of William L. Lee and against you, rendered in said Court on or about the 16th day of December, A. D. 1857; also to cause a certain order made by said Court at the September term, A. D. 1859, setting aside the levy and sale upon a certain execution issued upon said judgment, to be spread upon the records of said Court; also to amend a certain alias execution, issued in said cause, and for such other and further amendments and orders as may then appear necessary in said cause, or in a certain other cause in said Court, wherein Harper & Steel were plaintiffs and you defendants, wherein judgment was rendered on or about the 9th day of June, A. D. 1858, when and where you can appear if you desire.

"A. WEBSTER, Defendants' Attorney.

"January 1st, 1864."

56 Which said notice was, on the day of the date thereof, served upon said Marshall, Brigham and Johnson, and also a similar notice was, on the same day, served upon said plaintiffs.

Thereupon said defendant produced the Court files in case No. 150 upon the Court Docket for said December term, A. D. 1857, in a certain cause wherein William L. Lee was plaintiff and William Marshall, Jr., Sylvester Brigham and William Johnson, partners, as William Marshall & Co., were defendants. The precipe in said files was as follows:

58 "WILLIAM L. LEE

vs.

WILLIAM MARSAALL, JR.,
SYLVESTER BRIGHAM and
WILLIAM JOHNSON, late
partners, &c.,
WILLIAM MARSHALL & CO.

To the December term, 1857, of the
Rock Island Circuit Court, Illinois.
Trespass on the case upon prom-
ises. Damages \$350.

"The Clerk will please issue summons directed to Sheriff of Rock Island County," &c.

58 The writ in said files commanded the said Sheriff to summon William Marshall, Jr., Sylvester Brigham and William Johnson, late partners in business under the name and style of William Marshall & Co., to an-
59 swer unto William L. Lee, &c., and was duly served upon all of said de-
fendants.

61 The declaration was as follows, after giving the proper heading:

"William L. Lee, plaintiff, by his attorney, complains of William Marshall, Jr., Sylvester Brigham and William Johnson, late partners under the style of Wm. Marshall & Co., defendants of a plea," &c.

To the introduction of which said files said plaintiffs excepted.

65 And thereupon said defendant produced to the Court the Judge's docket for said December term, A. D. 1857, and offered and read to the Court the entrys thereon in case No. 150 upon said docket, together with the memoranda of the Judge thereon, which was as follows:

"No. 150.

65 "WILLIAM L. LEE,

vs.

WILLIAM MARSHALL, JR.,
SYLVESTER BRIGHAM, and
WILLIAM JOHNSON, late part-
ners, &c.,
WILLIAM MARSHALL & CO.

Assumpsit.

Judge's Minutes.

Defendant called and defaulted.
Judgment by default. Clerk as-
sess the damages. \$180.90."

To the introduction whereof said plaintiffs excepted.

66 The said defendant then called as a witness Charles P. Lyman, who, being first duly sworn, testified as follows:

I was Deputy Clerk of the Circuit Court within and for the county of Rock Island and State of Illinois, during the year 1857, and so continued until the year 1861. The Judge's docket for the December term, A. D. 1857, was prepared by me, and is in my handwriting, except the minutes of the Judge thereon, which are in the handwriting of J. Wilson Drury, who was Judge of said Court at said term thereof. The judgment record here in evidence is in my handwriting, and was written up by me as the judgment upon the cause No. 150 upon the Judge's docket. The Court files here in evidence are the files in said cause, and the endorsement upon the wrapper thereof is in my handwriting. I have examined the records of said Circuit Court, and find that there was not any other cause between the same parties at the said December term, A. D. 1857, or at any other term. To the introduction of which said evidence and every part thereof, said plaintiffs excepted.

67 The said defendant thereupon moved said Court to amend the said record so that it should show who, in fact, the defendants therein were, and the Court allowed said motion and ordered the same to be amended, which was done. To the allowance of which said motion said plaintiffs excepted. And thereupon said defendant offered and read in evidence said amended record, which was as follows:

"WILLIAM L. LEE,

vs.

WILLIAM MARSHALL, JR.,
SYLVESTER BRIGHAM and
WILLIAM JOHNSON, partners,
&c., as
WILLIAM MARSHALL & CO.

Assumpsit.

67 "This day came the plaintiff, by his attorneys, and defendants being called," &c.

To the introduction whereof said plaintiffs excepted.

Thereupon the said defendant offered and read in evidence the record
68 of a judgment in the Circuit Court of said Rock Island County, rendered at the June term, A. D. 1858, and on the 9th day of June, 1858, in favor of John Harper and Alexander Steel, partners as Harper & Steel, and against William Marshall, Jr., Sylvester Brigham and William Johnson, for the sum of \$226.79. To the introduction whereof said plaintiffs excepted.

70 And thereupon said defendant offered and read in evidence an execution and fee bill upon the last above named judgment, with the endorsements thereon, issued out of the office of the Clerk of said Circuit Court to the Sheriff of said Rock Island County, bearing date the 16th day of June, A. D. 1858. Which said writ was returned to said Clerk's office
73 September 28, 1858. The Sheriff's return thereon shows a levy on the west one hundred acres of the north-east quarter of section seven (7); also the north-west quarter of section six (6), both in township nineteen (19), north range three (3), east of the 4th P. M., (also other property,) all in Rock Island County, State of Illinois. August 2d, 1858. Said return further shows, that on the 28th day of August, A. D. 1858, said
74 property (and other property) was sold and struck off to said Harper & Steel, at and for the sum of two hundred and fifty-four 10-100 dollars, which satisfied said writ. To the introduction whereof said plaintiffs excepted.

And thereupon said defendant offered and read in evidence an execution and fee bill, and the endorsements thereon, issued out of the Clerk's
75 office of said Circuit Court, to the Sheriff of said Rock Island County, upon the aforesaid judgment, in favor of said William L. Lee, bearing date the 19th day of July, A. D. 1858. Which said writ was returned to said Clerk's office September 28th, 1858. The Sheriff's return upon
78 said writ shows, a levy upon real estate and a sale of the same in full satisfaction of said writ.

79 The said defendant then stated that he desired to move the Court to cause the order of said Court rendered at the September term, 1859, in the matter of the above execution, levy and sale, to be spread upon the records of the Court, and therefore produced to the Court the files in a certain cause wherein William L. Lee was plaintiff and William Marshall, Jr., Sylvester Brigham and William Johnson were defendants, being No. 246 upon the Judge's docket for said September term, A. D. 1859. Which said files contained the following notice:

80 "To William Marshall, Jr., Sylvester Brigham and William Johnson:

"You will please take notice, that at the next term of the Circuit Court to be held within and for the county of Rock Island and State of Illinois, I shall make application to said Court to set aside the levy and sale made by the former Sheriff of said county, E. M. Beardsley, Esq., on an execution in my favor against you, issued on a judgment in my favor and against you, at the December term, A. D. 1857, which judgment was for the sum of \$180.90, damages and costs \$8.85. Reasons for the above are on file in the office of the Clerk of said Court.

"WM. L. LEE,

"By BEARDSLEY & SMITH,

"August 22d, 1859."

The above notice was served upon the persons therein named on the
26th August, 1859.

Said files also contained a motion which, with the proper heading, was as follows:

81 "And now comes the said William L. Lee, by Beardsley & Smith, his attorneys, and moves said Court to set aside the levy and sale made by the Sheriff of said county on an execution in favor of him, the said Lee, against said Marshall, Brigham and Johnson, which execution was dated July 19th, 1858, and was issued on a judgment recovered by said Lee against said Marshall, Brigham and Johnson, at the December term of said Court, A. D. 1857, and by which said judgment said Lee was adjudged his damages, amounting to \$180.90, with costs of suit. Reference is hereby made to the record and files of said suit and the execution

issued on said judgment and the Sheriff's levy and return thereon, and made part hereof. Reasons for setting aside said levy and sale—because the estate and lands sold by the Sheriff of said county, on said execution, have previously been sold on execution against the said Marshall, Brigham and Johnson, all which was unknown to him, the said Lee.

“BEARDSLEY & SMITH,
“Attorneys for said Lee.”

The said defendant then produced the Court docket, showing the entries in said cause No. 246, at said September term, 1859, of said Circuit Court, which were as follows, to-wit:

82 “No. 246.

“WILLIAM L. LEE, vs. WILLIAM MARSHALL JR., SYLVESTER BRIGHAM and WILLIAM JOHNSON.	} Motion to set aside levy and sale on execution. } <i>Minutes of Judge.</i> Oct. 7, '59. Motion sustained.”
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And thereupon the defendants recalled Charles P. Lyman, who testified: The docket for September Term A. D. 1859, here produced, is in my hand-writing, except the minutes of the Judge thereon, which are in the hand-writing of the then presiding Judge of this court, and the court files here produced are the files in said cause, so entered upon said docket. It was then admitted by the plaintiff herein that there was no record showing the action of said court in said cause. To the introduction of all the above testimony and evidence upon said motion said plaintiff excepted.

83 The said defendant then moved the court that the memoranda of the court upon said docket, of the cause aforesaid, be written out and spread upon the records of this court, and the said court sustained said motion, and ordered the clerk of the court to write up said records, to which order of the court said plaintiffs excepted.

The said record being written up the said defendant then offered and read the same in evidence. To the introduction whereof said plaintiffs excepted.

85 Thereupon the said defendant offered an alias execution and fee bill, and the endorsement thereon, issued out of the Clerk's office of said Circuit Court to the Sheriff of said Rock Island County, upon the aforesaid judgment, in favor of said William L. Lee, said execution bearing date the 25th of October A. D. 1859, and returned Nov. 17, '59. Said execution was, with the proper heading, as follows:

“We command you again that of the goods and chattels, lands and tenements of William Marshall, Jr., Sylvester Brigham and William Johnson, in your county, you make or cause to be made the sum of one hundred and eighty and 90-100 Dollars, which, on the 16th day of December A. D. 1859, William L. Lee recovered in the Circuit Court of said county against the said *plaintiffs*, with legal interest thereon from said date until paid, and also the further sum of twenty-four and 06-100 dollars, which was adjudged to the said William L. Lee, by said court, for his costs and charges in this behalf expended, whereof the said *plaintiffs* stand convicted as appears to us of record,” &c.

87 The Sheriff's return upon said writ shows a levy upon the property in
89 controversy Oct. 25, A. D. 1859. It also shows a sale of said property to the defendant in this suit, he being the highest and best bidder therefor, at and for the sum of five hundred and thirty-four dollars, two hundred and eighty-four 73-100 dollars being the amount of money thereon placed in my hands to redeem land hereon endorsed, to-wit: The west one hundred acres of the north-west quarter of section seven, in township nineteen, north range three (3) east of the 4th P. M., (and other property) all in Rock Island County, State of Illinois, from a sale to John Harper and Alexander Steel, made on the 28th day of August A. D. 1858, by virtue of an execution issued out of the Clerk's office of the Circuit Court of said county, dated July 16th, 1858, in favor of said Harper & Steel, and against William Marshall, Jr., Sylvester Brigham and William Johnson, upon a judgment rendered in the said court of said county, on the 9th day of April, 1858, and sold as aforesaid to satisfy said judgment and costs, the balance to apply on this execution and fee bill, and which satisfied the same this 17th day of November, 1859.

The said defendant then made a motion to correct the mistakes in said

91 execution, and re-called as a witness *Charles P. Lyman*, who testified:
 The alias execution here produced is in my hand-writing. I know by an
 examination of the records of this court that there is no record of any
 other judgment between the same parties, William L. Lee and William
 Marshall, Jr., Sylvester Brigham and William Johnson, than the one the
 record whereof is here in evidence. This execution was issued by me
 upon said judgment, and the statement therein that said judgment was
 rendered on the 16th day of December A. D. 1859, is a blunder of mine.
 The judgment was, in fact, rendered at same term A. D. 1857. It is also
 a blunder of mine stating therein that the judgment was against the
 plaintiff. It was in fact against the defendants. To all of which testi-
 mony the said plaintiffs excepted. The court then ordered the mistakes
 in said execution to be corrected, which was done, and thereupon said
 defendant offered and read in evidence said execution as amended, fee
 92 bill and endorsements as herein above set forth. To the introduction
 whereof said plaintiffs excepted.

93 The said defendant thereupon offered and read in evidence the record
 of a certificate of purchase from the Sheriff of said Rock Island County
 to said Harper & Steel with the receipt endorsed thereon (the signatures
 thereto being admitted to be genuine) and no objection being made be-
 cause it was a record, and it being admitted that the same was recorded
 on the day of the date thereof, in the Recorder's office of said Rock Island
 95 County. Said certificate is in due form and bears date the 28th day of
 August A. D. 1858. The endorsements thereon are:

"Received of William L. Lee two hundred eighty-three 60-100 dollars,
 the full amount due on this certificate for the redemption thereof.

M. D. MERRILL, Sheriff.

Oct. 25th, 1859."

96 "Received of M. D. Merrill, Sheriff, \$283,60, the amount of the above
 redemption in full, Oct. 25th, 1859.

CHAS. M. OSBORN."

Said Osborn, attorney for plaintiffs in this case, then admitted that
 97 said certificate was assigned to him on October 25th, 1859.

The said defendant then offered and read in evidence the record of a
 certificate of redemption from the Sheriff of said Rock Island County to
 William L. Lee, bearing date said Oct. 25, 1859, and admitted to have
 been recorded in the Recorder's office of said county on the day of the
 date thereof, no objection being made because it was a record. Said
 certificate recites the redemption of said Lee from the sale to Harper &
 Steel, and is in due form.

98 The said defendant then offered and read in evidence the record of a
 certificate of purchase on said Lee judgment to the defendant herein,
 bearing date Nov. 17, 1859, and admitted to have been recorded in the
 Recorder's office of said county on the day of the date thereof, no objec-
 tion being made because it was a record.

Said certificate recites the sale on said alias execution on the Lee judg-
 99 ment, to the defendant herein, and is in due form, reciting said judgment
 correctly, and not as said judgment was recited in said execution, and cer-
 tifies that said purchaser would be entitled to a deed in sixty days from
 the date thereof.

101 The said defendant then offered and read in evidence a certified trans-
 script of a judgment in the United States Circuit Court within and for the
 Northern District of the State of Illinois, in favor of John W. Thompson
 and Horatio G. Barner and against William Marshall, Jr., Sylvester
 Brigham and William Johnson, rendered at the July term A. D. 1859,
 to-wit: on the 7th day of July, 1859, for the sum of \$1180,28. To the
 introduction whereof said plaintiffs excepted.

103 The said defendant then offered a certified transcript of an execution,
 and the endorsements thereon, issued out of the office of the Clerk of said
 U. S. Circuit Court and directed to the U. S. Marshal of said Northern
 District of the State of Illinois, bearing date the 29th day of November,
 1859. The returns upon said execution are:

"After receiving five hundred and thirty-seven 45-100 dollars from the
 plaintiffs herein, as redemption money on a former sale, as will appear
 more fully by a copy of a certificate of redemption hereto attached and
 made a part of this return, and in accordance with the within execution

I have levied the same this day upon the following lands, (those in controversy as well as others,) this December 10th, 1859."

- 105 "By virtue of the within writ, and in accordance with the levy hereon endorsed, after having advertised the time, place, &c., I did at the hour of 11 o'clock A. M. on the 5th day of January A. D. 1860, at the door of the Court House in the city and county of Rock Island and State of Illinois, and in accordance with said notices offer said property, &c., and the same were then and there sold to John W. Thompson and Horatio G. Barner, they being the highest and best bidders therefor at and for the sum of eighteen hundred dollars, &c., this 5th day of January A. D. 1860. To the introduction whereof said plaintiff excepted.

The said defendant then offered the record of a certificate of redemption, issued by said U. S. Marshal to said Thompson & Barner, which said certificate was admitted to have been recorded in the Recorder's office of said Rock Island County, on the day of the date thereof, and bearing date the 10th day of December A. D. 1859. Said certificate recites the former sales on the Harper & Steel judgment, and on the Lee judgment, and the redemption therefrom by said Thompson and Barner, and is in due form.

- 109 The said defendant then offered and read in evidence a deed from the said U. S. Marshal to the defendant, bearing date the 31st day of May A. D. 1860, and recorded in the Recorder's office of said Rock Island County on the 8th day of June A. D. 1860. Said deed recites the afore-said sales on the Harper & Steel judgment, and on the Lee judgment, as well as on said judgment in favor of Thompson and Barner; also recites the assignment of the certificate of purchase from said Thompson and Barner to the defendant in this suit, and an order of said U. S. Circuit Court to said U. S. Marshal to make said deed. To the introduction whereof said plaintiffs excepted.

- 115 It was then admitted by said plaintiffs that an order was made by said U. S. Court directing said Marshal to make said deed as therein recited.

It was also admitted that the signature of Henry Curtis, Jr., to the receipt on the alias execution on Lee judgment was the genuine signature of said Henry Curtis, Jr. Said receipt was as follows:

- 88 "Received of M. D. Merrill, Sheriff, five hundred and nine 80-100 dollars, the amount of judgment, interest and costs due me on this execution.
HENRY CURTIS, Jr., Assignee.

November 18, 1859."

- 115 It was also admitted by said plaintiffs that the body of the Sheriff's return upon the alias execution upon the McCarn & Scott judgment herein above set forth, was in the hand-writing of the said Henry Curtis, Jr. It was also admitted by said plaintiffs that the said Henry Curtis, Jr., acted as attorney for McCarn & Scott in the issuing of the alias execution upon said judgment in their favor, and in the making of the levy and other proceedings thereon, but not before that time.

- 116 The said defendant then recalled as a witness Charles P. Lyman, who testified: Upon the wrapper containing the court files, in the case of the motion of William L. Lee, to set aside the levy and sale upon the execution in his favor and against William Marshall, Jr., Sylvester Brigham and William Johnson, being No. 246, at the September term A. D. 1859. There is endorsed in pencil as follows: "*Clerk's fees \$3.40; Sheriff's fees \$6.85. Curtis pays this,*" in my hand-writing. This endorsement was made soon after the September term A. D. 1859. I think I asked Henry Curtis, Jr., about the case soon after said term, knowing he had an interest in the case, and he told me he would pay the costs. I could not tell which party he acted for. The reason I spoke to him about it was because I knew he had an interest in the case, but how I learned it I do not recollect. I would not have made the minute there if I had not asked Mr. Curtis about it. I think I do remember making it.

The said defendant then offered and read in evidence the execution docket of the first execution upon said Lee judgment, and the memoranda thereon which were as follows:

- 117 "WILLIAM L. LEE
vs.
WILLIAM MARSHALL, Jr.,
SYLVESTER BRIGHAM, and
WILLIAM JOHNSON. } Execution issued July 19, 1858.
} Judgment rendered Dec. 16, 1857.
} Amount, \$180.90 and costs.
"I return this writ satisfied in full Aug. 28, 1858.
"E. M. BEARDSLEY, Sheriff.

"Levy and sale set aside September term 1859."

The last above memoranda was admitted to be in the hand-writing of said Henry Curtis, Jr.

Said defendant then called A. Webster as a witness, who testified: I think I saw the above memoranda "Levy and sale set aside Sept. term 1859," upon the execution docket here in evidence, four years ago this winter, or in the winter of 1859 and 1860, but am not positive as to the time. It was about that length of time since. I recollect it from having occasion to examine the condition of the judgments against William Marshall, Jr.

- 118 It was then admitted that Charles M. Osborn, attorney for plaintiffs in this case, was the attorney for the plaintiffs in bringing suit and recovering the judgment in their favor here in evidence.

- 118 The said defendant then called as a witness Daniel Zimmerman, who testified:

Defendant McCormick took possession of the premises in controversy in October, 1861, claiming title thereto under the U. S. Marshal's deed here in evidence. Grogan was the tenant of Marshall before defendant took possession, under an agreement with the Marshalls, and no change of tenants was made. Grogan merely consented to pay rent to defendant.

And thereupon said defendant rested his case, and the above is all of the evidence offered by either party on said trial. The Court found the issues for the plaintiffs, and that at the time of the commencement of this suit, the said plaintiffs were seized of the title in fee simple to the whole of the lands described in their declaration herein, and that the said defendant is guilty of withholding the possession thereof as charged, and assessed their damages at one cent. And thereupon the said defendant moved for a new trial, which said motion was overruled by the Court, to which ruling defendant excepted. And thereupon judgment was rendered upon the finding of the Court in favor of said plaintiffs and against said defendant.

ERRORS ASSIGNED.

1st. That the Court below erred in admitting improper evidence on the trial of this case on the part of the appellees.

2d. That the Court below erred in finding the issue for the appellees and against the appellant on the trial of this case.

3d. That the Court below erred in overruling the motion of appellant for a new trial.

4th. That the Court below erred in rendering judgment in favor of appellees and against appellant.

202 12

C. H. McCormick
vs
Wheeler & McKibbin

Abstract

Filed Apr. 20, 1864
J. L. McDowell

Pleas. before the Honorable Ira Wilkinson Judge
of the Sixth Judicial District of the State of
Illinois, at a Term of the Circuit Court begun
and held at the Court House within and for
the County of Rock Island and State aforesaid
on the Second Monday the Eleventh day
of January in the year of our Lord, one
thousand eight hundred and sixty four

Present. Honorable Ira Wilkinson, Judge

C. A. McLaughlin, Sheriff

Robt Thompson, Clerk

And be it remembered that on the seventhth
day of January AD 1863, there was filed in the
Office of the Circuit Clerk of Rock Island County,
situated in the City of Rock Island and State
aforesaid a Declaration in Ejectment which
is in the words and figures following to wit-
State of Illinois

County of Rock Island³⁸ Rock Island County Circuit Court
January Term AD 1863.

Michael Crogan the Defendant in this
suit summoned to answer, Alexander F. Wheeler-
Along Wheeler and William B. Willick, partners under
the name and firm style of Wheeler Willick & Co, the
Plaintiffs in this suit in a plea of Trespass and
Ejectment, and thereupon the said plaintiff by
his Attorney complains for that, whereas, heretofore
to wit- on the first day of October AD 1862, at
and within the County of Rock Island and

2
State of Illinois, the said plaintiff was possessed
as of his own demesne, in fee simple, of a certain
tract of land situated at and within the said
County and State, and known as the West One
hundred acres of the North East quarter of Section
Seven (7) in Township Nineteen (19) North of Range
No Three (3) East of the fourth Principal Meridian
in the County of Rock Island and State of Illinois

And the said plaintiff being then and
there so possessed of the said premises, he the said
Defendant then afterwards, to-wit- on the day and
year aforesaid, entered into the said described premises
and from the time last aforesaid, he unlawfully with-
eld and does now unlawfully withhold from the
said plaintiff the possession of the said premises
to the damage of the said plaintiff in the
sum of one hundred dollars and therefore they
bring this suit

Charles M Ostrom Plaintiff's Attorney

Notice.

To Mr Michael Crogan

You are hereby notified that the declar-
ation, with a copy of which you are now herewith
served, and to which copy this notice is subjoined
will be filed in the Rock Island County Circuit
Court in the State of Illinois, on the first day
of the January Term thereof A.D. 1863, or as soon
thereafter as counsel can be heard, and that
upon filing the same, a rule will be entered-

3
requiring you to appear and plead to the said Declaration, within twenty days after the entry of said rule, and that if you fail so to appear and plead, a judgement by default will be entered against you, and the plaintiff will recover possession of the premises specified in the said Declaration.

Dated December the Eleventh A.D. 1863.

Charles M. Ostrom Plaintiff's Attorney

On the back of said Declaration in Effectment are the following endorsements.

State of Illinois
Rock Island County

1863
Charles, A. McLaughlin being first duly sworn, deposes and says that he served the within Declaration and notice upon the within named Michael Grogan at the County of Rock Island aforesaid on the 2nd day of January A.D. 1863, by leaving a copy of said Declaration and notice with him and explaining the same to him, and at the time of the service aforesaid he the said Michael Grogan defendant herein was in possession of the premises described in the said Declaration Sworn and subscribed to

before me this 5th day of January A.D. 1863
Charles. A. McLaughlin.
Edward A. Parman Clerk

Wheeler Millick Esq. In the Circuit Court of Rock Island
County, State of Illinois.
Michael Grogan
January Term A.D. 1863.

I do hereby enter myself security for costs in the above entitled cause and acknowledge myself bound to pay or cause to be paid all costs which may accrue either to the opposite party or to any of the officers of this Court in pursuance of the laws of this State.

Dated December 11th A.D. 1843

Charles M. Osborn.

And be it further remembered that afterwards to-wit on the 31st day of January A.D. 1843. there was filed in the office of the Circuit Court of Rock Island County situated in the City of Rock Island, County & State aforesaid, Defendants Plea which is in the words and figures following to-wit-

State of Illinois }
Rock Island County } Traction after January Term A.D.
1843. of the Circuit Court of said County

And now comes the Defendant in the above entitled cause by A. Webster his Attorney and defends *re* and says that he is not guilty of unlawfully withholding the premises claimed by said Plffs, as the said Plffs have in their Declaration above thereof alleged. And of this he puts himself upon the Country *re*.

By A. Webster

Defts Atty

3-
* And the said bill says suggested the death of
Alexander F. Wheeler one of said Plaintiffs and by leave of the Court substituted
the name of Josephine Wheeler and Anna B. Wheeler the heirs at law of said
deceased as plaintiffs in his place & stead

And it is further remembered that afterwards
and on the 16th day of January A. D. 1864 the
same being one of the days of the January
Term A. D. 1864 of the Hon. Deland County
Circuit Court the following proceedings
were had in said Court.

Alexander F. Wheeler }
Alonso Wheeler and }
William B. Mellick }
partners &c }
Wheeler Mellick & Co }

vs
Cyrus H. McCormick
substituted as Deft-
for Michael Brogan }

Exhibit

This day came the plain-
tiffs and the defendants by their attor-
ney, and this cause coming on for
trial upon issue joined by agreement
of parties it is submitted to the Court
for trial without the intervention of a
jury and the evidence on the part of
the plaintiffs having been heard by the Court
the Deft moves the Court that the record of
a certain Judgment ^{rendered} ~~recorded~~ in the
Court at the December Term thereof A. D. 1857
in favor of William L. Lee and against
William Marshall be so amended as

to show who in fact the Deft in said
Judgment really were

6
And it appearing to the Court that William
Marshall & Sylvester Brigham and William
Johnson, at the time of the rendering of said
Judgment composed said firm of William
Marshall & Co and were in fact the Deft
in said Judgment and it further appear-
ing to the Court that said last named
persons and the Plff in this suit have
each been duly notified that said motion
would be made on this trial, it is ordered
by the Court that the record of said judg-
ment be amended as asked for by said
motion so as to show that said judg-
ment was in fact rendered against
said William Marshall & Sylvester Brigham
& William Johnson partners as William Marshall
& Co which is done and thereupon the said
Defendant moves the Court to cause the
order of this Court ^{rendered} Record, at the September
Term A.D. 1859 in said last named cause
whereby it was ordered that the levy & sale
upon the Execution issued upon said last
named Judgment on the 19th day of July
A. D. 1858 be set aside and held for naught
to be entered at length upon the record of
this Court, that the Deft in said Judgment
and the plaintiff in this suit had been notified

7
that this motion wold be made upon the
trial of this cause and it further appearing
that said order of the Court had never been
written ~~that said order of the Court~~ out at
length upon the record of this court it is
ordered by the Court that said order be written
out as asked by said motion which is done
in the words & figures following to wit:

William. L. Lee

vs

William Marshall Jr

Sylvester, Brigham &

William Johnson

partners &c

William Marshall & Co

Assumpsit

This day came the plff in this
Cause by his Attorney and moved the Court that
the Levy & Sale made upon the execution issued
on the 19th day of July A.D. 1858 upon the Judg-
ment rendered in this cause at the December
Term A.D. 1857 be set aside & held for naught
and it appearing to the Court that the Dep-
in this cause have each been notified that
this motion wold be made at this time and
that there is sufficient cause for the granting
of said motion it is ordered by the Court
that said motion be allowed and that said
Levy & Sale be set aside & held for naught
and that an Alias Execution be ordered.

And thereupon said defendant further to moved the Court that the Alias Execution issued upon the Judgment aforesaid be amended in its recital of said Judgment so as to make it correctly describe said Judgment and it appearing to the Court that the Deft in said Execution and the Plff in this Motion have each been duly notified that this motion would be made on the trial of this cause, the said Court being fully advised allowed said motion and ordered said Alias Execution to be ^{so} amended which is done.

And the said Court having heard all the evidence in this cause being fully advised in the premises finds the issue for the Plff and at the time of the commencement of this suit the said plaintiff were seized of the title in fee simple to the whole of the lands described in their declaration herein and that the defendants is guilty of withholding ^{the possession} thereof as charged and assessed ^{their damages} at one cent whereupon the said defendant moved the said Court for a new trial ^{and a new trial} which said motion is overruled by the Court to which said ruling of the Court the said Deft Excepts, It is therefore ordered by the Court that the said ~~Deft~~ Plffs recover of the said Defts the possession of the premises mentioned & described in said Plff declaration in

9
this cause filed, and the said sum of one
cent - damages by the said plffs in this behalf
sustained and the Costs of this suit to be taxed
and that they have execution thereon where-
upon said Deft tendered his Bill of exceptions
which is signed by the said Court and
made a part of the Record of this cause and
it prayed an appeal to the Supreme Court
which was allowed by said Court on con-
dition that said Deft file his appeal Bond
herein in the penal sum of Two hundred &
Fifty dollars with Daniel Guinerman
as security which said Bond is duly
filed and approved by said Court.

And be it further remembered that afterwards
~~at~~ on the same day the said deft presented
to the Court his certain Bill of exceptions
which was signed & sealed by the Court
& now and is in the words & figures follow-
ing to wit

State of Illinois } of the January Term A.D. 1864 of
Rock Island County } the Circuit Court of said County

Wheeler Mellien & Co }
vs }
Cyrus H. McCormick }

10
And be it remembered that on this 16th day
of January A.D. 1864, the same being one of the
days of the above named Term of the above named
Court, the above entitled cause, coming on to be
heard, a certain stipulation was entered into
for the purpose of this trial by the parties
to the above entitled suit: which said stipula-
tion was and is in the ^{words &} figures following
to wit:

Rock Island Illinois January 16th 1864
" Alexander F. Wheeler. Ejectment in
" Alonzo Wheeler & Circuit Court
" William B. Mellick of Rock Island
" Cyrus H. M. McCormick County Illinois
" Substituted as defendant - { January Term 1864
" for Michael Groyon

" It is stipulated by the parties in this cause
" that at the time of suit brought in this
" cause Michael Groyon was in pos-
" session of the land described in the Decla-
" ration in this cause as the tenant in and
" under said McCormick-

" That the said McCormick was by the consent
" of all parties substituted as defendant in
" this cause in place of said tenant & the
" possession of said tenant is to be considered
" as the possession of said McCormick so
" that no prejudice may arise to said
" Plffs by said substitution - that both parties
" to this suit claim title to said land only

under
William Marshall Jr but this stipulation
" is not to be construed to prevent said
" defendant showing any Tax title to said
" premises

"C. M. Osborn Atty for Plffs.

"A. Webster atty for Deft &

" also for M. Grozon"

The Plffs then suggested the death of Alexander
F. Wheeler upon the Record & being unable to
give the names of the heirs of said Wheeler it was
further stipulated in order that the trial
might proceed to wit:

It is further stipulated and agreed that the
said cause shall be tried as if Alexander F.
Wheeler were alive but as soon as he can so
do the said plaintiff may substitute the
names of the heirs of said Wheeler - heirs ship.
of parties so substituted admitted

A. Webster Deft Atty

It was also further agreed that a jury be ^{waived} ~~reserved~~
& that the cause be tried by the Court without
the intervention of a jury, and the said cause
coming on for ~~final~~ hearing before the Hon
Jsa. O. Wilkinson, the Judge of said Court
the said plaintiff to maintain the issue upon
their part offered the Record of a judgment
in the above named Court rendered at the
March Term ^{thereof} A.D. 1868 to wit: on the 23rd day

12
of March A.D. 1858 which was and is in the ^{mass} figures following to wit:

" George. W. McCarn

" Thomas. Scott partners &c

" McCarn & Scott

vs

" Orville Whitford &

" William Marshall jr

Assumpsit

" This day came the plaintiffs by their Attorneys &
" Defendants being three times solemnly called
" come not but herein made default, it-
" is therefore considered by the Court that
" plaintiff have and recover of and from the
" Defendant their damages by them here in
" sustained.

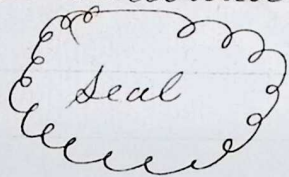
" And it appearing to the Court that this suit-
" is brought upon a note for the payment of
" money & the damages being unknown to the
" Court it is ordered that the Clerk assess the
" same. thereupon the Clerk assessed and ^{reported} ~~defeated~~
" the damages in the sum of \$255⁶⁷/₁₀₀ which
" report is accepted by the Court. It is therefore
" ordered by the Court that plaintiffs have &
" recover of said defendant the said sum of \$255⁶⁷/₁₀₀
" damages assessed as aforesaid together with their
" costs & that they have Execution therefor" To
the introduction of which said Rule the
said defendant then & there objected, but ^{the} said
Court overruled the said objection & admitted

said Record to which said order of the Court-
the said Dept-then & there excepted -

13
The said Plffs further to maintain the
issues then offered ^{an} execution upon said Jud-
gment, and also a fee Bill therewith issued
together with the endorsement thereon, which
said Execution & endorsement were in the
words and figures following to wit:

State of Illinois } ss. The people of the State of Illinois
Rock Island County } to the Sheriff of Rock Island County, Greeting
We command you, that of the goods and chattels, lands
and tenements of, Orville. N. Whitford and William
Marshall jr. in your County you make or cause
to be made, the sum of Two Hundred and fifty Eight
Dollars and Sixty Seven Cents. which, on the twenty
third day of March 1838 George. W. McCarn & Thomas
Scott partners vs McCarn & Scott. recovered in the
Circuit Court of said County, against the said
Whitford & Marshall, with legal interest thereon,
from said date until paid, and also the further
sum of Seven Dollars and forty five Cents,
which were adjudged to the said McCarn &
Scott, by said Court, for their costs and charges,
in that behalf expended, whereof the said Orville
N. Whitford and William. Marshall jr. stand
convicted, as appears to us of record, and that
you have the said sum of money and interest
and cost, at the Clerk's office of our said Court,
at Rock Island, within ninety days from the

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date thereof, and have you then there this writ-
Witness Quincy. McNeil. Clerk of the said Court,
and the Seal thereof affixed, this 22^d day of July
in the year of our Lord one thousand Eight
hundred and fifty Eight.



Quincy. McNeil, Clerk

McCarn & Scott }
vs } Rock. Island. Circuit Court
Orville. N. Whitford } March Term 1858
Wm. Marshall Jr }

Plaintiffs Costs

Clerks fees:- Docketing Suit: 10. Ent. Plffs appearance
5. Atty do. 10. Summons. 35. Filing papers 20. order
Recovery. 20. Order to assess. 20. Assessment. 25.
Accepted. 20. Judgment. 25. Docketing. 10. Satisfaction.
15. Order for Execution. 20. Execution. 40. Dock-
eting. 10. Sheriffs return. 10. Filing. 5. Bill of costs
30. Certificate and Seal. 35. Copy 20 — 3.85-

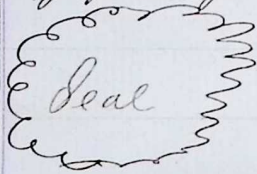
Sheriffs fees. C. M. Beardsley On Sum 3.60
7.45

Defendants Costs

Clerks Fees:- Defendants. Default- 40. Bill
Costs. 30. Certificate and Seal 35. Copy 20. 1.25.
8.70

State of Illinois } The people of the State of Illinois
Rock. Island County } the Sheriff of Said County. Greeting
We command you that you cause to be made the

15
Sum of One dollar and twenty five Cents
to be levied of the goods and chattels, lands and
tenements of the above named Orrillo, N. Whitford
& Wm Marshall Jr in your County, which sum
is the amount of costs recovered against them
as Defts, at the term and in the cause above men-
tioned, and hereof make due return as the law
directs. In testimony whereof, and the above is a
true Copy of the Fee Book of Fees in said case.
Quincy McNeil, Clerk of our said Court, ^{has hereunto set his hand and affixed the seal of our said County,} this 22nd
day of July 1858. Quincy McNeil Clerk.



McCarroll & Scott Received of E. M. Beardesley
as
Orrillo, N. Whitford Sheriff of Rock. Island
and County Seventy Six & 15/100
William Marshall Jr dollars on sale of Brown
Stallion. Sold as the property of Orrillo N
Whitford

Rock. Island Oct-14th 1858

McCarroll & Scott

This writ came into my hands at 4 o'clock
P.M. July 22nd 1858

E. M. Beardesley Sheriff

By M. D. Merrill Dep

By return of this writ and accompanying

14
and afterwards to wit on the 29th day of
October 1858 the said Execution was returned
into the office of the Clerk of the Circuit
Court of said Rock Island County, with
the following endorsement thereon to wit

This Writ came into my hands at 4. O.
Clock P.M. July 22^d 1858

E. M. Beardsley Sheriff

By M. D. Merrill Dep

By virtue of this Writ and ^{accompanying} fee bill I have
levied upon the following described property,
as the property of the Defendants to wit:
One Brown Stallion Horse about Eight
years old, this Oct 1st 1858

E. M. Beardsley Sheriff

Rock Island Co Ill

By virtue of this Writ & fee bill & in accor-
dance with the levy hereon endorsed, I
have after having advertised the property
described in said levy according to law sold
& struck of the same, to he being the
highest & best bidder therefor at & for the sum
of One hundred & two ⁵⁰/₁₀₀ dollars. I therefore
return this Writ & fee bill not satisfied this
14th day of October A.D. 1858

E. M. Beardsley Sheriff

R. I. Co. Ill

Received of E. M. Beardsley the full amount
due me on this Writ. less his fees

17

17

17

17

16
Twenty Seven dollars and twenty five cents which were adjudged to the Plaintiffs by said Court for their costs and charges, in that behalf expended, whereof the said Defendants stand convicted, as appears to us of record, and that you have the said sum of money and interest and costs, at the Clerk's office of our said Court, at Roan. Island, within thirty days from the date hereof, and have you then and there this writ:

Witness Edward. H. Bowman Clerk of the said Court, and the Seal thereof affixed this 9th day of February in the year of our Lord one thousand Eight hundred and Sixty one

Edward. H. Bowman Clerk

The above Execution entitled to a credit of One hundred and two & ⁵⁰/₁₀₀ Dollars made on former writ Oct-14th, 1858

E. H. Bowman Clerk

McCarn & Scott
vs
Orville W. Whitford
& William Marshall Jr

Roan. Island Circuit Court
March Term 1858

Plaintiff Costs

Clerk's fees:- Docketing Suit 10^{cts}; Ent. Plff
appearance & ^{cts} Atty Do 10^{cts} sum 35^{cts} for papers
20^{cts} order recovery 20^{cts} order to assess 20^{cts} assessment
20^{cts} accepted 20^{cts} judge 25^{cts} docket 10^{cts} entry 15^{cts}

McNeil

order for execution 20^{cts} Execution 40^{cts} docket 10^{cts}
Shff at 10^{cts} fil 5^{cts} Bill Cost 30^{cts} Cert & Seal 35^{cts}
Copy 20^{cts} 3.85-

Bowman

Alia Ex 40^{cts} docket 10^{cts} Shff at 10^{cts} fil 5^{cts}
Bill Cost 30^{cts} Cert & Seal 35^{cts} Copies 40^{cts} Cor Dale 75^{cts} 2.45-

Shff

E. M. Beardsley on Sum \$3.60

same

" Ex 2122 17.65

27.25-

\$27.55-

clerks fees

McNeil

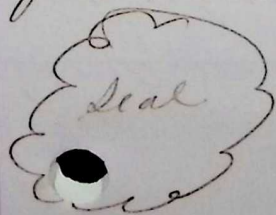
Defendants Costs

Deft default 40^{cts} Bill Costs 30^{cts} Cor & Seal 35^{cts}

Copy 20^{cts}

\$1.25-

State of Illinois } ss The people of the State of Illinois
Rock. Island County } to the Sheriff of said County Granting
We command you again that you cause to be
made the sum of one dollar and twenty five
Cents, to be levied upon the goods and Chattels, lands
and tenements of the above named Whitford &
Marshall in your county, which sum is the
amount of Costs recovered against them at
the term and in the cause above mentioned,
and hereof make due returns as the law directs
In testimony whereof, and that the above is a
True Copy of the Fee Books of Fees in said Case
Edward, H. Bowman Clerk of our said Court
has hereunto set his hand and affixed the Seal
of our said Court, this 9th day of February 1861
Edward, H. Bowman Clerk



4
20
And afterwards to wit; on the 8th day of May 1861 the said Execution was returned into the office of the Clerk of the Circuit Court of said Rock Island County with the following endorsements thereon to wit:-

This writ came into my hands at 3 O'clock P.M. February 9th 1861

David Hawes Sheriff

By virtue of this writ, and accompanying fee bill, I have levied this day on the following described property, ~~as~~ the property of the defendant William Marshall ~~for~~ to wit: The North West-quarter of Section Six (6) and the West One hundred acres of North East quarter Section Seven (7) both in Township Nineteen (19) North Range three (3) East of the 4th principal meridian, also the North West quarter, and North half South West quarter of Section ten (10) Township Nineteen (19) North Range two (2) East of the 4th principal meridian, also the South East quarter of Section thirty Six (36) in township twenty (20) North Range two (2) East of the 4th principal meridian all lying in Rock Island County & State of Illinois this 11th day of February A.D. 1861

David Hawes Sheriff

By C. O. McLaughlin Deputy

By virtue of this writ and accompanying fee bill, and in accordance with the levy.

21
herein endorsed & after having advertised the
time & place of holding the sale of the property
described in said levy for the space of
twenty days, by putting up written notices
thereof in the following places in Rock
Island County, State of Illinois (being three of
the most public places in said County) to wit:
One in the post office in the City of Rock
Island, and at the Hotel known as the "Rock
Island House" in said City, and one at the
Court House in said City, all and each of
which notices specified the names of the
Plaintiffs and of the Defendants in the
within Execution, and also the description
of the lands described in the levy herein en-
dorsed and all and each of which notices
further specified that said lands would be
offered by me at public sale at the door of
the Court House in the said City of Rock
Island, on the Ninth day of March A.D. 1861
between the hours of 9 o'clock A.M. and Sun-
set of said day to satisfy the within Ex-
ecution.

And in addition to the above notice caused
a similar Notice, to those above described,
to be published for three successive weeks,
once in each week, in a Newspaper printed
in said Rock Island County, called the Moline
Independent to wit: - for the weeks ⁱⁿ which
occurred the 13th 20th & 27th days of February

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1861 and the 6th day of March respectively:-
I did on the Ninth day of March A. D. 1861
at the hour of Eleven O'clock A.M. at the
door of the Court House in the City and
County of Rock Island and State of Illinois
offer the property described in the levy herein
endorsed, at public Sale, to the highest
bidder for cash in hand to satisfy the
within Execution & accompanying the bill
in the following manner to wit:-

I first offered the North West quarter
of the South West quarter of Section ten
in Township Ninteen North of Range two
East of the 4th principal Meridian in Rock
Island County and State of Illinois & receiving
no bid thereon, I then offered the North
East quarter of the South West quarter of
said Section ten, and receiving no bid
therefore I then offered the North half of
the South West quarter of said Section ten,
and the same was then and there struck off
and sold to George W McCarn, he being
the highest and best bidder therefore, for
the sum of fifty Cents, I then offered the
North West quarter of the North West quarter
of said Section ten, and receiving no bid
therefore, I then offered the North half of
the North West quarter of said Section ten
and receiving no bid therefore, I then

offered the said North half and the South
 West quarter of the North West quarter of
 said Section ten, and receiving no bid
 therefore, I then offered the whole of the
 North West quarter of said Section ten
 which was then and there struck off and
 sold to George W. McGara, at and for the
 sum of fifty Cents he being the highest bid-
 der therefore, I then offered the North
 fifty acres of the West one hundred acres
 of the North East quarter of Section Seven
 in Township Twenty, North of Range Three
 East of the 4th principal Meridian, in Rock
 Island County and State of Illinois and
 receiving no bid therefore, I then offered
 the East fifty acres of the said one
 hundred acres, and receiving no bid
 therefore, I then offered the West fifty
 acres of the said One hundred acres,
 and receiving no bid therefore, I then offered
 the whole of the said West one hundred
 acres of the said North East quarter, and
 receiving no bid therefore, I then offered
 the said one hundred acres together with the
 North West quarter of the South East quarter
 of Section thirty Six (36) in Township Twenty
 North of Range Two East of the 4th principal
 Meridian in Rock Island County State of
 Illinois and receiving no bid therefore, I
 then offered the said one hundred acres

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 together with the North half of the South
 East quarter of said Section thirty Six and
 receiving no bid therefore, I then offered
 the said one hundred acres together with
 the said North half of the South East quarter
 of said Section thirty Six, together with the
 South East quarter of the said South East
 quarter of said Section thirty Six, and re-
 ceiving no bid therefor, I then gave no-
 tice that I should upon the whole of ^{the} said
 one hundred acres and the said South East
 quarter of said Section thirty Six together,
 and inquired if any person would bid upon
 any less portion of the said last above described
 land, than the whole thereof, and no person
 desiring so to bid, I then offered the said
 West one hundred acres of the North East
 quarter of Section Seven in Township
 Number North of Range three East of the
 4th principal Meridian, together with
 the said South East quarter of Section thirty
 Six Township Twenty North of Range two
 East of the 4th principal meridian and
 both lying in Rock Island County & State
 of Illinois, which was together struck off and
 sold to George W. McCann at & for the sum
 of two hundred and twenty Eight dollars
 and thirty two Cents, he being the highest and
 best bidder thereof, and said amount so bid
 being sufficient to satisfy the said Execution

of fee bill, I did not offer the remaining tract of land in the said levy mentioned, I therefore return this execution satisfied, by sale as aforesaid, in full this Ninth day of March A.D. 1861

David Hawes Sheriff of
Rock Island County Ills
By Charles A. McLaughlin Depy Secy

To the introduction of which said execution, Fee Bill & endorsements the said defendant objected but the Court overruled the said objection and admitted the same to be read in evidence to which said order of the Court the said Deft then & there accepted

And the said Plffs further to maintain the ~~xxxx~~ issues upon their part then offered an ~~affidavit~~ ~~Execution~~ ~~Fee Bill~~ together with the ~~xxx~~ ~~xxxx~~ to ~~there~~ as the record of a Judgment in the above named Court rendered at the January Term A.D. 1861 to wit: on the 8th day of February A.D. 1861, which was and is in the ^{words} figures following to wit

Alexander F. Wheeler, Alonzo Wheeler &
William B. Mellick late partners & c
Wheeler Mellick & Co

vs

William Marshall & William Marshall & Geo. Marshall

Assumpsit

This day came the Plaintiffs in the above entitled cause and the defendants not appearing in answer to the summons of this Court duly served. The Court orders the defendants to be called which was duly done, but said defendants came not but made default herein, wherefore it is ~~is~~ considered by the Court that Plaintiffs have judgment against the defendants for their amages & the costs of suit. The Clerk is ordered to assess the damages & report, which he does & reports that the damages are ~~four~~ ~~hundred and~~ ~~seventy two~~ ~~dollars and~~ ~~forty two~~ ~~Cents~~ upon two promissory notes on which suit is brought, in the sum of Six thousand four hundred and Seventy two dollard and forty two Cents, the Court accepts the report. It is thereupon ordered by the Court that Plaintiffs have and recover ~~from~~ of the said defendants the said sum of Six thousand four hundred and Seventy two dollard and forty two Cents damages assessed as aforesaid together with the Costs in this behalf incurred and that they have execution thereof.

To the introduction of said Record the said defendant then & there objected but the said Court overruled said objection & admitted said Record to which said order of the Court the said Deft. then & there excepted.

The said Plaintiffs further to maintain said issues then offered an Execution &

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fee bill and the endorsement thereon upon
the last above named judgment which said
Execution & endorsements were in the words &
figures following to wit:

State of Illinois $\frac{3}{3}$ to the people of the State of Illinois
Rock Island County $\frac{3}{3}$ to the Sheriff of said County, greeting
We command you that of the goods and chattels,
land and tenements of William Marshall Senr
William Marshall Junr and George Marshall
defendants in your County, to make or cause
to be made, the sum of Six thousand and four
hundred and Seventy two dollars and forty
two Cents, which on the eighth day of February
in the year of our Lord One thousand Eight-
hundred and Sixty One Alexander F. Wheeler,
Alonzo Wheeler & William B. Mellick late part-
ners &c Wheeler, Mellick & Co. Plaintiffs recovered,
in the Circuit Court of said County, against
the said defendants with legal interest there-
on, from said date until paid, and also the
further sum of Nine dollars and Ninety Five
Cents, which are adjudged to the said plain-
tiffs by said Court for their costs and charges
in that behalf expended, whereof the said def-
endants stand convicted, as appears to us of
record, and that you have the said sum of
Money and interest and costs, at the Clerk's
office of our said Court, at Rock Island,
within Ninety day from the date hereof, and

have you then there this writ.

Witness Edward. H. Bowman, Clerk of our said Court, and the Seal thereof affixed this twenty Ninth day of July in the year of our Lord One thousand Eight hundred and Sixty one

Edw^d H. Bowman Clerk

Seal

Alex^r F. Wheeler. Alongo
Wheeler & W^m. B. Mellick
partners & Wheeler Mellick & Co

Rock. Island County Circuit Court

Term 1861

vs

William Marshall Senr
William Marshall jr
& George Marshall

Plaintiffs Costs

Bowman

Clerks fees: -Docketing Suit 10^{cts} Ent. Plffs appear-
ance 5^{cts} Attorney do 10^{cts} Summons 35^{cts}
filing papers 15^{cts} order Recovery 20^{cts} order
to assess 20^{cts} Assessment 25^{cts} accepted 20^{cts}
Judgment 25^{cts} Docketing 10^{cts} Sheriffs re-
turn 10^{cts} Filing 5^{cts} Bill of Costs 30^{cts} Certif-
icate & Seal 35^{cts} Copy 20^{cts} Art & Seal 75^{cts}

4.60

Sheriff fees M.D. Merrill on Summons

5.35

9.95

Defendants Costs

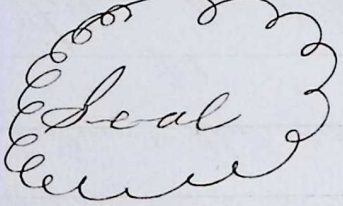
Clerks fees. defendants default 20^{cts} Bill of
Costs 30^{cts} Certificate & Seal 35^{cts} Copy 20^{cts}

1.05

State of Illinois } b.s. The people of the State of Illinois
Rock. Island County } to the Sheriff of Rock. Island County, greeting

We command you, that you cause to be made the sum of one dollar and five cents, to be levied of the goods and Chattels, land and tenements of the above named William Marshall or William Marshall or George Marshall in your County which sum is the amount of cost recovered against them, at the term and in the cause above mentioned, and hereof make due return as the law directs

In testimony whereof, and that the above is a true copy of the Free Book of Fees in said Case Edward H. Bowman Clerk of our said Court, has hereunto set his hand, and affixed the seal of our said Court, this twenty ninth day of July A.D. 1861



Edward. H. Bowman Clerk

And afterwards to wit on the 5th day of August A.D. 1861 the said Execution was returned into the office of the Clerk of the Circuit Court of said Rock. Island County with the following endorsement thereon to wit:

This writ came into my hands at 10 o'clock A.M. July 31st 1861

David Hawes Sheriff

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I cannot find in my County any property belonging to defendants whereon to levy. I therefore return this writ Not satisfied this 3^d day of August A.D. 1861

David Hawes Sheriff
By C. A. McLaughlin Dep. Shff

To the introduction of which said execution & Fee Bill and endorsements the said defendant then & there objected but the said Court overruled said objection and admitted the same, to which said order of the Court the said defendant then & there accepted

And the said Plffs the further to maintain the said issues then offered an alias Execution Fee Bill & the endorsements thereon upon said last above named Judgment which were and are in the words and figures following to wit:-

State of Illinois }
Rock Island County }

The people of the State of Illinois to the Sheriff of Rock Island County, greeting. We command you again^{that} of the goods and Chattle, Land and Tenements of William Marshall & William Marshall junr and George Marshall defendants in your County, you make or Cause to be made the sum of Six thousand four hundred and

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 Seventy two dollars and forty two cents, which, on the Eighth day of February in the year of our Lord One thousand Eight hundred and Sixty One, Alexander, F. Wheeler, Alongo Wheeler and William, B. Mellick late partners &c Wheeler Mellick & Co., Plaintiffs recovered in the Circuit Court of said County, against the defendants, with legal interest thereon, from said date until paid, and also the further sum of thirteen dollars and fifty Cents, which are adjudged to the said Plaintiffs by said Court, for their costs and charges in that behalf expended, whereof the said defendants, stand convicted, as appears to us of record, and that you have the said sum of Money and interest and costs, at the Clerk office of our said Court, at Rock Island, within Ninety days from the date hereof and have you then there this writ
 Witness Edward, H. Bowman, Clerk of the said Court, and the Seal thereof affixed this Seventeenth day of March in the year of our Lord one thousand Eight hundred and Sixty two

Edward, H. Bowman Clerk

Alex. F. Wheeler Alongo Wheeler	3	
William B. Mellick partners	3	Rock Island County
&c Wheeler Mellick & Co	3	Circuit Court
vs	3	January Term 1861
William Marshall Sr & Marshall Junr	3	
& George Marshall	3	

Plaintiffs Costs

Clerk fees: = Docketing Suit 10^{cts}; Ent-Plffs appearance 5^{cts} Attorney do 10^{cts} Summons 35^{cts} Filing papers 15^{cts} order to assess 20^{cts} Assessment 35^{cts} Accepted 20^{cts} Judgment 35^{cts}
 M^cNeil Docketing 10^{cts} Satisfaction 15^{cts} order for Execution 20^{cts}
 Bowman Execution 40^{cts} Docketing 10^{cts} Sheriff return 10^{cts} Filing 5^{cts}
 32 Bill of Costs 30^{cts} Certificate & Seal 35^{cts} Copy 20^{cts} 83.85-
 Order for Alias & 20 Ex 40 Docketing 10 Sheriff Ret 10 file 5-
 Bill of Costs 30 Cer & Seal 35 Copy 20 Cer Sale 75- 2.45-
 Sheriff Fee M. D. Merrill on Summons 3.35-
 D. Hawes on Execution No 3537 1.85-

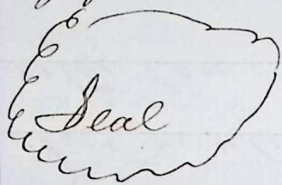
Defendants Costs

Clerk Fees Defendants Default 60^{cts} Bill Costs 30^{cts} Cert. & Seal 35^{cts}
 Copy 20^{cts} 81.45-

State of Illinois } & S The people of the State of Illinois
 Rock Island County } to the Sheriff of Rock Island County, Greeting
 We command you, that you cause to be made the
 sum of One dollar and forty five Cents to be levied
 of the goods and Chattles, Land and Tenements of
 the above named defendants in your County
 which sum is the amount of Costs recovered
 against them at the Term and in the cause
 above mentioned, and hereof make due return
 as the Law directs

In testimony whereof and
 that the above is a true copy of the Fee Book of
 fees in said Case. Edward H. Bowman Clerk

of our said Court, hardacreunto set his hand
and affixed the Seal of our said Court this 17th
day of March 1862



Edward H. Bowman Clerk

And afterwards to wit: on the 19th day of
June 1863 the said Execution was returned
into the office of the Clerk of the Circuit Court
of said Rock Island County, with the following
endorsements thereon to wit: This writ
came into my hands on the 17th day of March
A.D. 1862 at 11 o'clock A.M.

David Hawes Sheriff

By virtue of this writ and accompanying fee
bill, I have levied upon the following described
property as the property of the defendants, ^{William Marshall, Jr.} to wit:
The North West quarter of Section Ten (10) Township
Nineteen (19) North Range Two (2) East of the 1st Principal
Meridian. Also the North half of the South West
quarter of Section ten (10) in Township Nineteen
(19) North Range two (2) East of the 4th Principal
Meridian. Also the West one hundred acres of
the North East quarter of Section Seven (7) in
Township Nineteen (19) North Range Three (3) East of
the 4th Principal Meridian. and the South East
quarter of Section thirty Six (36) in Township
Twenty (20) North Range Two (2) East of the 4th
principal Meridian all of ~~Township~~ twenty

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the above land situated in the County
of Rock Island and State of Illinois this 17th
day of March A. D. 1863.

David Hawes Sheriff
By C. A. McLaughlin Dep. Shff

Sheriff's Sale

By virtue of an Alias Execution and fee bill
to me directed and delivered, by the Clerk of
the Circuit Court of Rock Island County in the
State of Illinois, in favor of Alexander F. Wheeler
Monzo Wheeler & William B. Mellick late
partners &c, under the name and style of
Wheeler Mellick & Co and against William
Marshall Sr ~~and~~ William Marshall Jr and
George Marshall. I have levied upon the
following described real estate to wit, the
North West Quarter of Section Ten, Township
Nineteen North Range Two East of the 4th
Principal Meridian, also the North half
of the South West quarter of Section Ten in
Township Nineteen North Range Two East
of the 4th principal Meridian, also the West
one hundred acres of the North East quarter
of Section Seven, in Township Nineteen, North

Range three East of the 4th principal Meridian, and the South East quarter of Section thirty Six in Township twenty North Range two East of the fourth principal Meridian all of the above land situated in the County of Rock Island and State of Illinois, as the property of said defendant W^m Marshall for which I shall offer at public Sale, at the door of the Court House in the City and County of Rock Island, in said State, on the 12th day of April A. D. 1862 between the hours of nine O'clock A. M. and Sun Set of said day, for Cash in hand to satisfy said Execution.

David Hawes Sheriff of R. I. Co

Dated this 17th day of March, A. D. 1862

By virtue of this writ and accompanying fee bill, and in accordance with the levy herein endorsed, after having advertised the the property described in said levy by posting up notices in three of the most public places in the County of Rock Island and State of Illinois to wit: One at the Court House, One at the Post Office and one at the Rock Island House Hotel in the City of Rock Island in said County and State aforesaid, for twenty days previous to the time appointed for said Sale, and also by causing said Notice (a copy of which is hereto attached marked A") to be printed for three consecutive

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week once in each week, in the "Rock
Island register" a newspaper published in
the City of Rock Island and having a general
circulation in said County aforesaid. The
first insertion thereof appearing on the 19th
day of March A.D. 1862. and the last insertion
thereof on the 9th day of April A.D. 1862. I did
at the hour of two O. Clock. P.M. on the 12th
day of April A.D. 1862. at the door of the Court-
House in the City and County of Rock Island
and State of Illinois, in accordance with said
Notice, offer the property described in said
levy, at public auction in the manner
following that is to say. I first offered the
North West quarter of Section ten (10) in
Township nineteen⁰⁹ North Range two (2) East
of the 4th principal meridian in the County
and State aforesaid. for which I received
a bid of fifty five Cents, said sum being
the amount for which said property was
sold with ten per cent interest thereon
for the use of the purchaser on a sale made
to George M. M. Carne on the 9th day of
March A.D. 1861 on a judgment obtained
in the Circuit Court of said Rock Island
County and State aforesaid, on the 23^d day
of March A.D. 1858 in favor of George M.
Carne and Thomas Scott and against Orville
W. Whitford & William Marshall Jr. and
redeemed by the Plaintiffs in this suit &

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as Judgment Creditors of the Said William
Marshall Jr. and receiving no other bid
therefore the said land was then and there sold
and Struck off to Alexander. F. Wheeler, Alonzo
Wheeler & William. B. Mellick late partners &c
Wheeler Mellick & Co they being the highest
and best bidders therefor, at and for the sum
of fifty five Cents,

I then offered the North half of the South
West quarter of Section ten (10) in Township
Nineteen (19) North Range Two (2) East of the 4th
principal Meridian in the County and State
aforesaid, for which I received a bid of
fifty five Cents. Said sum being the
amount for which said property was sold
with ten per cent interest thereon for the
use of the purchaser, on a Sale made to George
W. McCane on the 9th day of March A.D. 1861
on a Judgment obtained in the Circuit
Court of said Rock Island County and
State aforesaid on the aforesaid 23^d day
of March A.D. 1858 in favor of the aforesaid
George. W. McCane & Thomas Scott and against
the said Orville W. Whitford and William Marshall
Jr and returned by the plaintiffs in this writ as
Judgment Creditors of the aforesaid William
Marshall Jr. and receiving no other bid therefor
the said land was then and there sold and Struck
off to Alexander. F. Wheeler, Alonzo. Wheeler
& William. B. Mellick late partners &c Wheeler

Mellick & Co they being the highest and best bidders therefor at and for the said sum of fifty five Cents, and said above described Sales become absolute from the date hereof and the said Alexander, F. Wheeler, Alongo, Wheeler and William, B. Mellick late partners &c Wheeler Mellick & Co are entitled to a deed for the premises above described.

I then offered for sale the West one hundred acres of the North East quarter of Section Seven (7) in Township Nineteen (19) North Range three (3) East of the 4th Principal Meridian, and the South East quarter of Section thirty Six (36) in Township twenty (20) North Range two (2) East of the 4th principal Meridian in the said County and State aforesaid, for which I received a bid of Two hundred fifty one & ⁷²/₁₀₀ Dollars the sum being the amount of the Redemption Money and interest at the rate of ten per Cent per annum, as aforesaid at the sale described as aforesaid on the Judgment in favor and against the parties aforesaid and redeemed by the said Plaintiffs as Judgment Creditors of the said William Marshall Jr. and receiving another bid of Daniel Binnumerman as agent of Cyrus H. McCormick of One hundred and Sixty dollars. I then received a bid of Twenty five hundred dollars, and the said two tracts of land were then and there sold and struck off to Alexander, F. Wheeler, Alongo

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Wheeler and William B. Mellick late partners &c
Wheeler Mellick & Co they being the highest and best
bidders therefor at and for the said sum of
Twenty five hundred dollars for which I have
issued to said Alexander. H. Wheeler, Alonzo Wheeler
and William B. Mellick late partners &c Wheeler
Mellick & Co a Certificate of their said purchase
that unless said property shall be redeemed
from them in Sixty days from the date hereof
they would be entitled to a deed for said des-
cribed Land, the said sale amounting in the
aggregate to the sum of Twenty Seven hundred
& One dollars and ten cents. I therefore return
this writ and accompanying Fee Bill Not
Satisfied this 12th day of April A. D. 1863.

David Hawes Sheriff of
Rock Island County Ills
By C. A. McLaughlin Depp Shff

To the introduction of said Execution Fee Bill
& endorsement the said Deft objected but
the said Court overruled the said objec-
tion and admitted the same to which said
order of the Court the said Deft then & there
excepted

And the said Plaintiffs further to maintain
the issues upon their part then offered a
Certificate of Redemption from the Sheriff
of said Rock. Island County to the Plffs

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reciting the Redemption from the afore-
said sale to George W. McCarn which said
certificate was duly recorded on the day
of the date thereof in the recorder's office
of said Rock Island County and was in
the words and figures following to wit:

State of Illinois } S.S.
Rock Island County }

I David James Sheriff of
said County, do hereby certify that Alexander
F. Wheeler, Alongo Wheeler and William B.
Mellick late partners & C Wheeler Mellick & Co
has this day placed in my hands to execute
an alias Execution, issued out of the Clerk's
Office of the Circuit Court of the said County
of Rock Island, as a judgment in their
favor and against William Marshall Senr
William Marshall Junr and George Marshall
for the sum of Six thousand Four hundred
Seventy two dollars and forty two cents debt,
and fourteen & 95/100 dollars costs, and
at the request of the Plaintiffs in said
Execution I have this day levied the same
upon the North West quarter of Section ten (10)
Township nineteen (19) North Range two (2)
East of the 4th principal Meridian, also
the north half of the South West quarter of
Section ten (10) in Township nineteen (19)
North Range two (2) East of the 4th principal

Meridian. Also the West One hundred
 acres of the North East quarter of Section
 Seven (7) in Township Ninteen (19) North
 Range Thru (3) East of the 4th principal
 Meridian, and the South East quarter of
 Section thirty-Six (36) in Township (20)
 North Range Two (2) East of the 4th principal
 Meridian all situated in the County of
 Rock Island & State of Illinois, and the
 said Wheeler Mellick & Co. has thereupon
 paid to me for the use of the purchaser of
 said land, as hereinafter mentioned, the
 sum of Fifty five Cents for the first describ-
 ed tract of Land, and also for the second
 piece of Land herein described the sum
 of fifty five Cents, and for the last two
 described pieces of Land herein described
 the sum of two hundred & Fifty one &
 $7\frac{1}{100}$ dollars, in the aggregate the sum
 of two hundred & fifty two & $82\frac{1}{100}$ dollars
 (\$252. $82\frac{1}{100}$) and the costs of making and record-
 ing this Certificate as and for the Redemption
 of said described Land from a Sale thereof
 to George. W. McCarn on the 9th day of March
 A.D. 1861, for the sum of Two hundred &
 twenty nine & $32\frac{1}{100}$ Dollars, by the Sheriff of
 said County upon an Execution in favor
 of the said George. W. McCarn and Thomas
 Scott partners & McCarn & Scott and against
 Orville. W. Whitford and William Marshall jr

and the said sum so paid me being the amount
required by law for the redemption of said
land from said Sale.

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I do hereby certify that the said described
Land has this day been redeemed from the
said Sale thereof to George. W. McGarr by said
Alexander. H. Wheeler Alongo. Wheeler & William
B. Mellick, late partners &c Wheeler Mellick & Co
Judgment Creditors of said William Marshall
Senior William Marshall junior and George Marshall
in pursuance of the Statute in such cases
made and provided

Witness My hand and Seal this 17th day of
March A. D. 1863

David Hanes {Seal}

Sheriff of Rock. Island County Ill

By C. A. McLaughlin Depy Shff

The said Plaintiffs further to maintain the
issues then offered in evidence a Certificate
of purchase from said Sheriff to the Plffs which
was duly recorded in the recorder's office of
said Rock. Island County on the day of the
date thereof and was & is in the words and
figures following to wit

Circuit Court 3d S.

Rock. Island County I David Hanes Sheriff of
Rock. Island County in the State of Illinois do
hereby certify that by virtue of an Alias Execution

and fee bill to me directed by the Clerk of the Circuit Court of said County. dated the 17th day of March A.D. 1862. by which I was commanded to make of the goods, Chattels, lands and tenements of William Marshall Senior, William Marshall Junior & George Marshall the Sum of Six thousand four hundred & Seventy two & $\frac{4}{100}$ dollars, damages and fourteen & $\frac{9}{100}$ dollars cost of suit. which on the 5th day of February A.D. 1861. Alexander. F. Wheeler Alongo. Wheeler and William. B. Mellick late partners re. Wheeler. Mellick & Co. recovered in the Circuit Court of said County against the said William Marshall senior. William Marshall junior and George Marshall. and by which I was directed to collect interest on said judgment for damages from said date until paid. all of which will more fully appear by reference to said writ and fee bill. I have after having duly advertised the time and place of Sale, according to law, sold and Struck off at public vendue, according to the Statute in such cases made and provided, and Alexander. F. Wheeler. Alongo Wheeler and William. B. Mellick, who was the highest and best bidder therefor. for the sum of Twenty five hundred (\$2500.00) dollars the following described Real Estate. to wit: The West One hundred acres of the North East quarter of Section Seven (7) in Township Nineteen (19) North Range three (3) East of the 4th principal Meridian. and the South East quarter of

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Section Thirty Six (36) in Township Twenty
(20) North Range Two (2) East of the 4th principal
Meridian all situated in the County of Rock
Island and State of Illinois. And this Sale
will become absolute at the expiration of
Sixty days from this date, at which time
the said Alexander F. Wheeler, Alonzo Wheeler
and William^B Mellick late partners &c as aforesaid
Wheeler, Mellick & Co or their assigns will be
entitled to a deed, unless said Real Estate
shall be redeemed from them previous to
that time according to law

Given under my hand and Seal, this 12th day of
April. A.D. 1862.

David Hawes Sheriff
Rock Island County

And the Said Plaintiffs further to maintain
the issue then offered the Record of a Certificate
of purchase from David Hawes Sheriff as
aforesaid to George. W. McGarn and a Rec-
eipt thereon endorsed Signed by said
George. W. McGarn (the genuineness of the
signature being admitted) which said Certificate
was duly Recorded in the Records Office
of said Rock Island County, on the day of the
date thereof & was in the words and figures
following to wit

Circuit Court } 88.

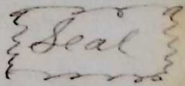
Rock Island County } I David Hanes Sheriff of

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Rock Island County, in the State of Illinois, do hereby Certify, that by virtue of an Alias Execution and fee bill to me directed by the Clerk of the Circuit Court of said County dated the 9th day of February A.D. 1861. by which I was commanded to make of the goods, Chattels, lands and tenements of Orville. W. Whitford and William Marshall Jr the Sum of Two hundred & Fifty Eight & ⁶⁷/₁₀₀ dollars, Less a Credit of One hundred & two & ⁵⁰/₁₀₀ Dollars, damages, and Twenty. Eight & ³⁰/₁₀₀ Dollars, cost of suit, which on the 23^d day of March A.D. 1858. George. M. Carn and Thomas Scott partners v c M. Carn & Scott. recovered in the Circuit Court of said County. Against the said Orville. W. Whitford and William Marshall Jr, and by which I was directed to collect interest on said Judgment for damages. From said date until paid - all of which will more fully appear by reference to said writ & fee bill, I have after duly advertising the time and place of Sale according to law, sold and Struck off at public vendue, according to the statute in such cases made and provided, to George W. M. Carn. who was the highest and best bidder therefor, for the sum of Two hundred Twenty Nine & ³⁰/₁₀₀ dollars, the following described Real Estate, to wit: The North West quarter of Section ten (10) Township. Nineteen (19) North Range

44
two (3) East of the 4th principal meridian
which was Struck off and Sold to George
W. M. Carn at and for the Sum of fifty Cents
also the North half of the South West qua-
ter of Section ten (10) in Township. Ninteen
(19) North Range two (2) East of the 4th
principal Meridian. Which was Struck off
and Sold to George M. Carn, at and for the
Sum of fifty Cents. also the West one hundred
acres, of the North East quarter of Section
Seven (7) Township. Ninteen North Range three
(3) East of the 4th principal Meridian, and
the South East quarter of Section thirty
Six (36) Township twenty⁽²⁰⁾ North Range two
(2) East of the 4th Principal Meridian
which was Struck off and Sold to George. W.
M. Carn, at and for the Sum of Five hundred
& twenty Eight & $\frac{32}{100}$ Dollars, all of the above
land Situated in Rock. Island County and
State of Illinois, And this Sale will become
absolute at the expiration of fifteen Months
from this date. at which time the said
George. W. M. Carn or his assigns, will be
entitled to a deed, unless said Real Estate shall
be redeemed from him previous to that time
according to law.

Given under my hand and Seal this 9th
day of March A. D. 1861

David Hanes Sheriff 
Rock. Island County

Received of Wheeler Mellick Co the Sum of
 Two hundred & fifty two & $\frac{82}{100}$ Dollars the
 same being in full for the Redemption Money
 due on this Certificate of purchase the same
 being redeemed as a Judgment Creditor
 Rock Island Ills }
 March 9th 1863 } David Hawes Sheriff
 By C. A. McLaughlin Dep. Shy

Received of David Hawes Sheriff of Rock
 Island Co Ills, the sum Two hundred & Fifty
 two & $\frac{82}{100}$ Dollars. The full amount of the
 Redemption due me on this Certificate
 Rock Island Ills }
 April 3rd 1862 } G. W. McCann

To the introduction of the three last
 above named Certificates. The said Dep-
 then and there objected, but the said
 Court overruled said objection and ad-
 mitted the same to which order of the
 Court the said Dep then & there ex-
 cepted

The said Plffs further to sustain
 the issues upon their part there offered
 in evidence a deed from David Hawes
 Sheriff of Rock Island County to the
 Plffs which said deed was duly recorded
 in the Records Office of said Rock Island
 County on the 15th day of May A.D. 1863.

And was and is in the words & figures following to wit:

46 Whereas George. M. McCarn and Thomas. Scott partners, under the name firm and style of McCarn & Scott, did at the March Term A.D. One thousand Eight hundred and fifty Eight, of the Circuit Court, within and for the County of Rock Island in the State of Illinois, recover a judgment against Orville. M. Whitford and William Marshall jr for the sum of Two hundred and fifty Eight Dollars, and Sixty Seven Cents, and Cost of suit. upon which judgment an Execution was issued dated on the 22^d day of July A.D. One thousand Eight hundred and fifty Eight, directed to the Sheriff of Rock Island County to execute, and the said Execution was returned on the 14th day of October A.D. 1858, not satisfied, and with an endorsement of One hundred & Two & $\frac{50}{100}$ Dollars, made by sale of property, and the time and place of ^{the} sale thereof having been duly advertised according to law.

And whereas afterwards to wit: on the 9th day of February A.D. one thousand Eight hundred and Sixty one, an alias Execution was issued, on the judgment above described, directed to the said Sheriff #

of said County of Rock Island, to execute and by virtue of said Alias Execution the said Sheriff on the 11th day of February A. D. 1861. levied upon the lands herein after described, and the same were on the 9th day of March A. D. 1861 Struck off and Sold to George W. M. Carn, he being the highest and best bidder therefor, and the time and place of the sale thereof having been duly advertised according to law.

And whereas, the premises so sold were not redeemed within twelve Months from the date of said Sale,

And whereas Alexander F. Wheeler, Henry Wheeler and William B. Mellick late partners under the name firm and Style of Wheeler Mellick & Co, did at the January Term A. D. one thousand Eight hundred and Sixty one, of the Circuit Court within and ^{the aforesaid} for said County of Rock Island in the State of Illinois, recover a judgment against William Marshall, Senior William Marshall Junior and George Marshall, for the sum of Six thousand four hundred and Seventy two dollars and forty two Cents, and Costs of Suit, upon which judgment an Execution was Issued, dated on the 29th day of July A. D. one thousand Eight hundred and Sixty one, directed to the Sheriff of Rock Island County, to execute, and on the

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3^d day of August A. D. 1861, said Execution was returned into said Court with the following return endorsed thereon to wit: I cannot in my County find any property belonging to defendants, whereon to levy. I therefore return this writ - not satisfied and whereas afterwards to wit: on the 17th day of March A. D. one thousand Eight hundred and Sixty two, there was issued from said Court of aforesaid an Alias Execution on the Judgment last above described, directed to the Sheriff of said County of Rock. Island and placed in the hands of said of said Sheriff on the 17th day of March A. D. 1862.. to execute, and upon said Alias Execution there was endorsed as Credit of Fifty Nine Dollars and fifty Eight Cents, paid By William Rowland and Robert Rowland, Garnishees of said Alexander F. Wheeler, Alougo, Wheeler & William B. Mellick, late partners as aforesaid, Wheeler Mellick & Co, and thereupon the said Sheriff endorsed upon the back of said Alias Execution last above described, a levy ^{on} ~~upon~~ the lands hereinafter described, which the said Alexander F. Wheeler, Alougo, Wheeler, and William^B Mellick, late partners as aforesaid Wheeler Mellick & Co having at the same time of the said delivery of the said Alias Execution last above mentioned, paid to the said Sheriff in whose hands they placed the said Alias

51
Execution the sum of Two hundred and
Fifty one ^{& 72/100} dollars, being the amount of
Money for which the said lands hereinafter
described were sold, with Ten per Centum per
annum interest thereon, from the date
of the first described sale of said Lands, for
the use of the said George. W. McGarr, his
executors, Administrators ~~and~~ ^{or} assigns.

And whereas the said Sheriff on the said
17th day of March A.D. 1862, did file in the
records office of the said County of Rock
Island, in which said premises are situated
a Certificate of the Redemption thereof by
the said Alexander F. Wheeler, Henry O. Wheeler
and William B. Mellick, late partners as
aforesaid. Wheeler Mellick & Co. under the said
Alias Execution, and by virtue of said Alias
Execution the said premises hereinafter
described, were on the 12th day of April
A.D. 1862, struck off and sold to the said
Alexander F. Wheeler, Henry O. Wheeler and William
B. Mellick, late partners as aforesaid.
Wheeler, Mellick & Co. they being the highest and
best bidders therefor at and for the sum of
Two Thousand Five Hundred (\$2500.) Dollars.
And whereas the lands hereinafter described
having sold for more than the amount of the
redemption money and interest thereon as
aforesaid, and a Certificate of purchase of the
lands and tenement, hereinafter described

72
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was delivered to the said purchasers, and a duplicate of said Certificate of purchase was filed in the Clerk's office of the said Circuit Court as aforesaid on the 12th day of April A.D. 1862, In which Certificate of purchase, among other things it was recited that said Sale would become absolute at the expiration of sixty days, from the date thereof, at which time the said Alexander F. Wheeler, Alonzo Wheeler and William B. Mellick late partners &c as aforesaid Wheeler, Mellick & Co., or their assigns, would be entitled to a deed, unless said Real Estate as hereinafter described, should be redeemed from them previous to the time according to the statute, in such case made and provided and the time and place of the sale thereof having been duly advertised according to law, and the time of the Redemption of said premises having expired.

Now therefore know all by this deed, that I David Hawes Sheriff of said County of Rock Island, in consideration of the premises, have granted, bargained and sold, and do hereby convey to the said Alexander F. Wheeler Alonzo Wheeler and William B. Mellick, late partners &c under the ^{firm} name and style of Wheeler, Mellick & Co., their heirs and assigns the following described Real Estate to wit:

5-3
The West one hundred acres of the North
East quarter of Section Seven (7) in Township
Nineteen (19) North Range three (3) East of
the 4th principal Meridian; and the South
East quarter of Section Thirty Six (36) in
Township twenty (20) North Range two (2)
East of the 4th principal Meridian all
situated in the County of Rock Island
and State of Illinois.

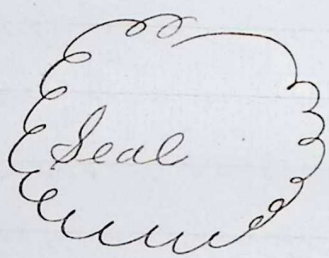
To have and to hold the Said described
premises, with all the appurtenances there-
to belonging, to the Said Alexander, F.
Wheeler, Alonzo Wheeler, and William B.
Mellick, late partners as aforesaid, Wheeler
Mellick & Co their heirs and assigns forever.
Witness my hand and Seal this 19th day
of June, in the year of our Lord one thousand
Eight hundred and Sixty two.

David Hawes {Seal}

Sheriff of Rock Island County Ill

State of Illinois }
Rock Island County } S.S.
I Edward H. Bowman
Clerk of the Circuit Court of Rock
Island County, do certify that David
Hawes Sheriff of Rock Island County
personally known to me to be the real
person whose name is subscribed to

3-4
the within annexed Deed, this day
acknowledged before me, that he executed
the said deed as such Sheriff voluntar-
ily freely and for the uses ~~therein~~ and
purposes therein set forth



Given under my hand
and the Seal of said Court
at my office in the City
of Rock, Island this 19th
day of June A. D. One Thou-
sand Eight hundred and
Sixty Two

Edward H. Bowman

CLM

To the introduction of said deed the said
Def^t objected, but the said Court overruled
the said objection and admitted the same to
which order of the Court the said Def^t then &
there excepted,

The said Plaintiffs then offered in evidence
the return of the Sheriff endorsed upon the
Declaration as herein above set forth and
it was duly admitted that the said plffs
had after the making of the aforesaid Deed
to them & before the commencement of this suit
demanded possession of the premises in con-
troversy of Michael. Groyon, who was then
in possession thereof, and thereupon the said

Plffs rested their case.

35- Thereupon the said defendant to maintain
the issues upon his part produced the Record
of a certain Judgment in the above named
Court rendered at the December Term thereof
A. D. 1857 to wit: on the 18th day of December
A. D. 1857 in favor of William. L. Lee and
against William Marshall & Co which said
Record was in the words and figures fol-
lowing to wit:

Wm L. Lee

vs

William Marshall & Co

Assumpsit

This day came Plaintiffs
by his Attorneys and Defts being called came
not but made default. It is therefore ordered
by the Court that Plaintiff have and recover of
Defts his damages and those damages are
unknown to the Court, it is ordered that the
Clerk. assess the same, thereupon the Clerk
assessed and reported the damages in the
sum of One hundred & Eighty Dollars & Ninety
Cents. which report is accepted by the Court.
It is therefore ordered ordered by the Court
that Plaintiff have and recover of Defts the
sum of One hundred & Eighty Dollars & Ninety
Cents, together with his cost and that he
have Execution

18
34
The said Defendant then stated to the court
that he desired to make a motion to amend
the said Record and produced a certain
Notice with endorsement thereon, which was
read to the Court, the signature to the said
notice and endorsement being admitted
to be genuine, and the said plffs admitted
that they had been served with a copy of said
notice on the day of the date of the said en-
dorsement, which said notice and endorse-
ment were in the words and figures
following to wit:

State of Illinois } S.S. in the Circuit Court of said County
Rock Island County } of the January Term A.D. 1864.

Wheeler Millican & Co }
vs } Ejectment
Cyrus H. McCormick }

To William Marshall Jr Sylvester Brigham
& William Johnson & to the plffs

You are hereby notified
that upon the trial of the above entitled cause
the Deft therein will apply to the said
Court to amend the Record of a certain
Judgment in favor of William. L. See and aga-
inst you, rendered in said Court on or
about the 16th day of December A.D. 1857, also to

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cause a certain order made by said Court-
at the September Term A.D. 1859 setting aside
the levy & Sale upon a certain Execution issued
upon said Judgment to be spread upon the
Records of said Court-also to amend a
Certain Alias Execution issued in said cause
and for such other & further amendments & orders
as may then appear necessary in said cause
or in a certain other cause in said Court
wherein Harper & Stute were Plffs & on Defts
wherein Judgment was rendered on or about
the 9th day of June A.D. 1858. ^{appears if you desire} When & where you can.
January 1st 1864, } A. Webster Defts Atty

We do hereby acknowledge that we were served
with a copy of the Within Notice this 1st day
of January A.D. 1864

William Johnson
William Marshall Jr
Silvester Brigham

The said Defendants then produced the Court
files in cause Number 150 upon the Court
Docket for said December Term A.D. 1857
in a certain cause wherein William L. Lee
was Plaintiff and William Marshall Jr Silvester
Brigham and William Johnson partners as
William Marshall & Co were defendants which

said files were in the words of figures following
to wit:

5-8 State of Illinois } S.S. To the Dec^r Term 1857 of the Rock
Rock. Island County } Island Circuit Court

William L. Lee

vs
William Marshall Jr
Sylvester Brigham &
William Johnson late
partners (William Marshall & Co.)

Traspass on the
Case upon promises
Damages \$350.⁰⁰

The clerk will please issue
summons directed to Shff of Rock. Island
County; - parties, form of action, damages.
and return as above. Nov 19. 1857

Wilkinson & Pleasants.

Atty for Plff.

State of Illinois } The people of the State of Illinois
Rock. Island County } to the Sheriff of Rock. Island County, Greeting

We command you to summon William Marshall
Sylvester Brigham William Johnson, late partners in
business, the name and style of Wm Marshall
ob, if to be found in your County, personally
to be and appear, before the Circuit Court
of said County on the first day of the next
Term thereof, to be holden in the Court House
in Rock. Island on the first Monday of

59
December next, then and there to answer unto
William. L. Lee of a plea of Trespass on the case
upon promises to pay his damages in the
sum of Three hundred and fifty Dollars as
he says. and have you then and there this writ
and make return thereon in what manner you
execute the same.

Witness Quincy McNeil. Clerk
of the said Court, and the Seal
thereof affixed, this Twentieth day
of November, in the year of our
Lord one thousand Eight hundred
and fifty Seven

Quincy, McNeil, Clerk.

I have executed this writ by reading the same to
the within named defendants, William Marshall Jr
Sylvester Brigham and William Johnson this 24th day
of Nov 1857

E. M. Beardsley Sheriff
By C. A. McLaughlin Dep. Shff

\$180. # Note W^m. Marshall & Co dated Rk. Isl.,
Sept 14/57 payable 60 d^y date

State of Illinois
City of Rock Island Ill.

Rock Island County } Be it known, that on this
Sixteenth day of November, in the year of
our Lord one thousand Eight hundred & fifty

60
Seven, J. J. H. Kinney. Notary Public. duly
commissioned and sworn, and residing in
the City of Rock Island in said County and
State, at the request of the holders thereof
with the Original Note which is herewith
attached, to Rock Isl Bank where the same
is made payable and demanded payment
thereof which was refused. Whereupon I said
Notary, at the request aforesaid did protest; and
by these presents, do solemnly protest; as well
against the makers of said Note, and the endor-
sers thereof, as against all others whom it doth
or may concern, for exchange, re-exchange, and
all costs, charges, damages, and interest already
incurred, by reason of the nonpayment of the said
note, And I the said Notary, do hereby certify;
that on the same day, and year first above written,
due notice of the protest was put in the Post
Office at Rock Island, as follows:

Notice for Wm Marshall & Co

" for Wm Geo Marshall

Said Notices being addressed according to
the reputed places of residence of the parties
respectively, to whom such notice was directed.
In testimony whereof, I have hereunto set my
hand and affixed my official Seal, the day and
year first above written



J. J. H. Kinney Notary Public

Fees. Noting 25^{cts} Protest & Record 50^{cts} Notices 50^{cts}
Seal 25^{cts} Certificate 25^{cts} Postage 16^{cts} = \$1.81

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State of Illinois }
Rock Island County } To the December Term A. D. 1857 of the
Rock Island County Circuit-Court. William L.
Lee, plaintiff, by Wilkinson & Pleasants, his Attor-
neys. Complain of William Marshall Jr
Sylvester Brigham William Johnson late partners
in Business, under the name and style of
Wm Marshall & Co defendants, of a plea of
trespass on the case upon promises, for that
whereas the said defendants heretofore to wit
on the fourteenth day of September A. D. 1857
at the County aforesaid made their certain
promissory note to Wm & Geo Marshall by which
said note said defendants promised to pay
sixty days after the date thereof to the order
of the said Wm & Geo Marshall One hundred &
Eighty Dollars, for value received, payable at
at Rock Island Bank, and the said Wm &
Geo. Marshall afterwards to wit: on the
same day & year aforesaid, at the County
aforesaid, assigned the said note by their
endorsement thereon made in writing to
the said plaintiff, of which said endorse-
ment the said defendants then & there had
notice, By means whereof and by force of the
Statutes, in such case made and provided

62.
the said defendants then & there became liable
to pay to the said plaintiff the sum of Money
in the said promissory note specified.
According to the tenor & effect of the said
promissory note, and being so liable the
said defendants, in consideration thereof,
afterwards to wit: on the same day and year
aforesaid at the County aforesaid undertook & there
faithfully promised the said plaintiff
well and truly to pay unto the said plaintiff
the said sum of Money in the said promissory
note specified according to the tenor and
effect of the said promissory note.
And whereas also, the said defendants, after-
wards to wit: on the Eighteenth day of November
A.D. 1857 and at the place aforesaid were
indebted to the plaintiff in the further sum
of Three hundred and fifty Dollars, of lawful
Money as aforesaid, for Money before that
time lent and advanced by the said plaintiff
to the said defendants, and at the like request
of the said defendants, and for other Money
by the said plaintiff, before that time paid,
laid out, and expended for the said defendants
and at the like request of the said defendants
and for other Money by the said defendants
before that time had and received to and for
the use of the said plaintiff, and being so indebted,
the said defendants, in consideration thereof

63
afterwards, to wit: on the same day and year
last aforesaid, and at the place aforesaid, under-
took, and then and there faithfully promised the
said plaintiff, well and truly to pay unto the
said plaintiff, the said several sums of money
in this Court mentioned, when the said debt
should be thereunto afterwards requested. And
whereas also the said defendants, afterwards
to wit: on the same day and year last aforesaid
and at the place aforesaid, accounted together
with said plaintiff of and concerning divers
other sums of money, before that time due
and owing from the said defendants, to
the said plaintiff and then and there being
in arrear and unpaid, and upon such
accounting, the said defendants then and
there, were found to be in the arrear, and
indebted to said plaintiff, in the further
sum of Three hundred ^{no} fifty dollars, of law-
ful money as aforesaid. And being so found
in arrear and indebted to said plaintiff the
said defendants in consideration thereof,
afterwards, to wit: on the same day and year
last aforesaid, and at the place aforesaid, under-
took, and then and there faithfully promised the
said plaintiff well and truly to pay unto the
said plaintiff the said sum of money last men-
tioned, when the said defendants should be
thereto afterwards required.

64
Nevertheless the said defendants (although often required &c) have not yet paid the several sums of Money above mentioned, or any or either of them, or any part thereof, to the said plaintiff but to pay the same, or any part thereof to the said plaintiff, the said defendants have hitherto refused, and still do refuse, to the damage of the said plaintiff of three hundred and fifty dollars, and therefore the said plaintiff brings suit &c

(note filed)

Wilkinson & Pleasants

Attys for Plff

(Copy account send on)

W^m Marshall & Co

To William L. Lee Dr

1857
Nov 16
To Money lent & advanced to you \$350. 00
" " paid laid out & expended for you 350.
" " had rec'd. by you to my use 350.
" " found due me on A/c Stated 350.

said files were in the records & figures
following to wit:

65- William L. Lee

vs

William Marshall Jr Dykster

Brigadier and William Johnson

late partners of W. Marshall & Co

Assumpsit

To the introduction of which the said Plaintiffs
then and there objected, but the Court overruled
the objection and admitted the evidence where-
upon the Plffs excepts.

The said Defendants then produced to the Court
the Judges Docket for said December Term
A. D. 1857 and offered the entry thereon in case
No 150 upon said Docket together with the
memorandum of the Judge upon said Docket
which said entry upon said Judges Docket
were as follows to wit:

William L. Lee

vs
William Marshall Jr
Dykes & Brigham
& William Johnson
late partners of
William Marshall & Co

Assumpsit

Defts called & defaulted Judgment by
default, Clerk assess the damages

\$180.90

To the introduction of which the said Plaintiffs
then and there objected, but the Court over-
ruled the objection and admitted the
evidence whereupon said Plaintiff excepts

66
The said Defendant then called a Witness
Charles J. Lyman, who being first duly
sworn, testified as follows.

I was Deputy Clerk of the Circuit Court
within and for the County of Rock Island
and State of Illinois during the year A.D. 1857
and so continued until the year A.D. 1861.
The Judges Docket for the December Term
A.D. 1857, was prepared by me and is in
my hand writing, except the memoranda
of the Judge thereon, which are in the
hand writing of J. Wilson Drury who was
Judge of said Court at said Term thereof.
The Judgment Record here in evidence is in
my hand writing, and were written up by me as
the Judgment upon the cause No 150 upon
the Judges Docket. The Court files here in
evidence are the files in said cause and the
endorsements upon the wrapper thereof is in
my hand writing. I have examined the Records
of said Circuit Court, and find that there
was not any other case between the same
parties at said December Term A.D. 1857
or at any other Term. To the introduction of
which said evidence and every part thereof
the said Plaintiff objected then & there, and
the Court overruled the objections whereupon
Plaintiffs Excepts.

The said Defendant then moved the Court to

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67
amend the said Record, so that it should show who in fact the Defts therein were, and the said Plffs objected to the allowance of said motion but the said Court overruled the said objection, and allowed the said motion to which said order of the Court the said Plff then & there excepted. Whereupon the said Record was amended and the said Defendant then offered said Amended Record of said Judgment in evidence in this cause, which said amended Record was in the words and figures following to wit:

William. L. Leo	Assumpsit
vs	
William. Marshall Jr	
Sylvester Brigham	
& William Johnson	
partners & as William Marshall & Co	

This day came the Plaintiff by his Attorney and Defts being called came not but made default. It is therefore ordered by the Court that the Plaintiff have and recover of Deft his damages and as those damages are unknown to the Court it is ordered that the Clerk assess the same thereupon the Clerk assessed and reported the damages in the

sum of One hundred and Eighty Dollars & Ninty Cents, which report is accepted by the Court. It is therefore ordered by the Court that Plaintiffs have and recover of Deft the sum of One hundred & Eighty Dollars & Ninty Cents, together with his Cost and that he have Execution.

To the introduction of said amended Record of said Judgment the said Plffs objected, but the said Court overruled said objection and admitted said Judgment to which said order of the Court the said Plffs then & there excepted.

The said Deft further to maintain the issues upon his part then offered in evidence the Record of a Judgment in the Circuit Court of Rock Island County rendered at the June Term A.D. 1858. to wit: on the 9th day of June A.D. 1858 in favor of John Harper and Alexander Steel partners as Harper & Steel and against William Marshall Jr Sylvester Brigham and William Johnson which said Record was in the words and figures following to wit:

John Harper & Alexander Steel
Partners & C Harper & Steel

vs

William Marshall Jr Sylvester Brigham W^m Johnson
William Marshall & Co

Assumpsit

69
This day came Plaintiffs by their Attorneys, and Defendants being three times solemnly called, came not, but herein makes default, it is therefore considered by the Court that Plaintiffs have and recover of and from the Defendants their damages by them herein sustained, and it appearing to the Court, that this suit is brought upon a note for the payment of money, and the damages being unknown to the Court, it is ordered that the Clerk assess the same, thereupon the Clerk assessed and reported the damages in the sum of Two hundred and twenty Six Dollars, and Seventy Nine Cents which report is accepted by the Court.

It is therefore ordered by the Court, that Plaintiffs have and recover of the said Defendants the sum of Two hundred and twenty Six Dollars and Seventy Nine Cents, damages assessed as aforesaid, together with their costs, and that they have Execution therefor.

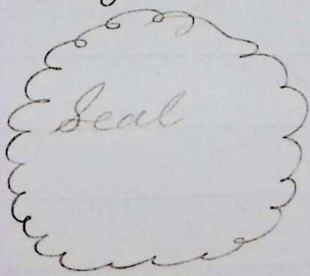
To the introduction of said Judgment the said Defendant objected but the said Court overruled the said objection and admitted said ~~objection~~ Record and the said Plffs then & there excepted.

The said Defendant further to maintain the issues on his part, then offered an Execution of a Bill upon the last above judgment with the endorsements thereon, which said Execution and the endorsements thereon were read and is

in the words and figures following to wit?

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State of Illinois }
Rock Island County } S.S. The people of the State of Illinois
Greeting
We command you, that of the goods and Chattles,
lands and tenements of William Marshall Jr
Sylvester Brigham & William Johnson late
partners vs William Marshall & Co. in your
County, you make or cause to be made, the
sum of Two hundred & twenty Six Dollars and
Seventy Nine Cents. which, on the Ninth day of
June 1858 John Harper and Alexander Steel
partners vs Harper & Steel, recovered, in the
Circuit Court of Said County, against the said
William Marshall & Co. with legal interest thereon,
from said date until paid and also the further
sum of Nine Dollars and twenty Cents, which were
adjudged to the said Harper and Steel by said
Court for their Costs and charges, in that behalf
expended, whereof the said Marshall & Co stand
convicted, as appears to us of Record and that you
have the said sum of Money and interest and Cost,
at the Clerks office of our said Court, at Rock
Island, within Twenty days from the date
thereof, and have you then there this writ.



Witness Quincy McNeil, Clerk
of the said Court, and the Seal
thereof affixed, this 16th day of
June, in the year of our Lord

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One thousand Eight hundred and fifty-Eight

71 Quincy. McNeil Clerk

Harper v Steel

vs

William Marshall & Co

Rock Island Circuit Court

June Term 1858

Plaintiffs Costs

Clerks Fees

Docketing Suit 10^c Est Plffs appearance 5^c Atty do 10^c

Summons. 35^c Filing papers 20^c order recovery 20^c

Order to Assess 20^c Assessment 25^c Accepted 20^c

Judgment 25^c Docketing 10^c Satisfaction 15^c Order

for Execution 20^c Execution 40^c Docketing 10^c

Sheriff return 10^c Filing 5^c Bill of Costs 30^c

Certificate & Seal 35^c Copy 20^c

\$3.85-

Sheriff fee

E. M. Beardsley on Summons

5.35

9.20

Defendants Costs

Clerks Fees

Defendants default 60^c Bill costs 30^c Certificate

& Seal 35^c Copy 20^c

1.45

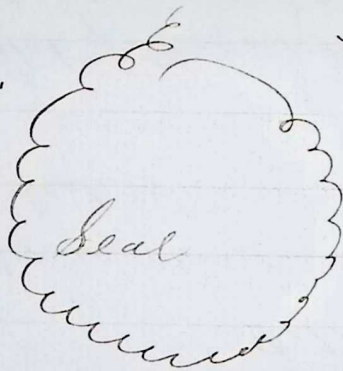
10.65

State of Illinois } The people of the state of Illinois

Rock Island County } To the sheriff of said County. Greeting

We command you, that you cause to be made
the sum of one dollar and forty five cents
to be levied of the goods and chattles, lands and

72
tenements of the above named William Marshall
& Co in your County, which sum is the amount
of costs recovered against them as Defts at the
term in the cause above mentioned, and here
of make due return as the law directs



In testimony whereof, and that
the above is a true copy of the
Fee Bill of Fees, in said case
Jurney M Neil Clerk of our
Said Court, has hereunto set
his hand, and affixed the
Seal of our said Court, this
16th day of July 1858.

Jurney M Neil Clerk

And afterward to wit on the 28th day of
September A.D. 1858 the said Execution was
returned into the office of the Clerk of the Circuit
Court of said Rock Island County with
the following endorsements thereon to wit-

This writ came into my hands at 3 o'clock
P.M. July 16th 1858

E. M. Beardsley Sheriff
M. D. Merrill Depp

By virtue of this writ and accompanying fee bill,
I have levied upon the following described prop-
erty, as the property of the defendant, to wit-

73
The West one hundred (100) acres of the
North East qr of Section Seven (7) also the
North West qr of Section Six (6) both in Town-
ship Nineteen (19) North Range three (3) East of
the 4th principal Meridian, also the East
half of the South East qr of Section thirty
Six (36) in Township twenty (20) North
Range two (2) East of the 4th P.M. in Rock
Island County & State of Illinois

August 2^d 1858

E. M. Beardsley Sheriff

R. I. Co Ills

Rec^d of E. M. Beardsley Sheriff the full amount
due on this writ less his fees

Samuel M. Neil Clk.

By virtue of this writ and accompanying
Fee Bill, and in accordance with the levy
herein endorsed, I have, after having advertised
the property described in said levy, by posting
up notices in three of the most public places
in Rock Island County, and also by caus-
ing said notice to be printed in a
Newspaper published and having the greatest
circulation in said County, the time specified
by law, I did, on the 28th day of August A. D.
1858, at the door of the Court House, in the
City and County of Rock Island and State of
Illinois, in accordance with said notices,
offer the property described in said levy

74
at public Auction first Each parcel separately &
receiving no bid, then all together, and the
same was then and there sold and Struck off
to John Harper and Alexander Steel they
being the highest and best bidder therefor, at
and for the sum of Two hundred & fifty four
& 11/100 Dollars. I therefore return this writ
and accompanying fee bill Satisfied in full
this 28th day of August A. D. 1858

E. M. Beardsley, Sheriff

Rock Island County Ills

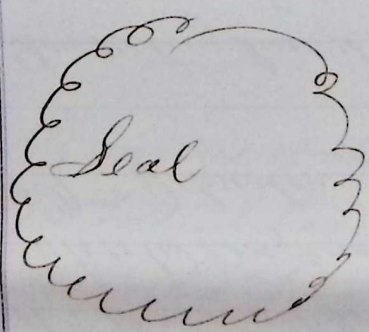
By M. D. Merrill Sp

To the introduction of which said Execution
by Bill & the endorsement thereon the said
Plffs objected but the said Court overruled
said objection and admitted the same to
which said order of the Court the said
Def^t then & there excepted.

The said Defendant ^{the} further to maintain
the issues upon his part then offered an
Execution fee bill & the endorsement
thereon upon the first of the last above
named Judgment which said Execution
and Endorsements were in the words &
figures following to wit:

State of Illinois } ss. The people of the State of Illinois
Rock Island County } To the Sheriff of Rock Island Co. Greeting

75- We command you, that of the goods and
chattels, lands and tenements of William Marshall
Jr Sylvester Brigham^{and} William Johnson, in
your County, you make or cause to be
made, the sum of One hundred and Eighty
Dollars and Ninety Cents, which, on the Six-
teenth day of December 1857, William S. Lee
received, in the Circuit Court of said
County, against the said, Marshall J
Brigham & Johnson, with legal interest
thereon, from said date until paid, and
also the further sum of Eight Dollars and
Eighty five Cents, which were adjudged
to the said Plaintiffs, by the said Court,
for his costs and charges, in that behalf
expended, whereof the said Defendants
stand convicted, as appears to us of
Record, and that you have the sum of Money
and interest and Cost, at the Clerks office
of our said Court, at Roan. Island, within
Ninty days from the date thereof, and
have you then there this writ?



Witness, Quincy McNeil Clerk
of our said Court, and the Seal
thereof affixed, this 19th day of
July in the year of our Lord one
thousand Eight hundred and
fifty Eight

Quincy McNeil Clerk

76 William L. Lee

vs

Wm Marshall Jr
Sylvester Brigham
& Wm Johnston

Rock Island Circuit Court
December Term 1857

Plaintiffs Costs

Clerks fees

Docketing Suit 10^c Ent Plffs appearances 5^c Atty 5^c 10^c
Summons 35^c Filing papers 20^c order recovery 20^c
Order to Assess 20^c Assessment 25^c Accepted 20^c
Judgment 25^c Docketing 10^c Satisfaction 15^c order for
Execution 20^c Execution 40^c docketing 10^c Sheriff return 10^c
Filing 5^c Bill of Costs 30^c Certificate & Seal 35^c Copy 20^c 3.75

Sheriffs fees

E. M. Beardsley on Summons

3.10

8.85

Defendants Costs

Clerks fees

Defendants default 50^c Bill of Costs 30^c
Certificate & Seal 35^c Copy 20^c

1.45

\$10.30

State of Illinois } The people of the State of Illinois
Rock Island County } to the Sheriff of said County Greeting

We Command you, that you cause to be made
the sum of One Dollar and forty five cents,
to be levied of the goods and chattels, lands
and tenements of the above named Wm Marshall
Jr Sylvester Brigham and Wm Johnston, in
your County, which sum is the amount of
costs recovered against them on their def-

77
endants at the term and in the cause
above mentioned, and hereof make due return
as the law directs.

In testimony whereof, and that the
above is a true copy of the fee book
of fees in said case, Quincy
McNeil, Clerk of our said Court
has hereunto set his hand and
affixed the Seal of our said Court
this 19th day of July 1858

Quincy McNeil Clerk

And afterwards to wit on the 28th day of
September A.D. 1858 this said Execution was
returned into the office of the Clerk of the
Circuit Court of said Rock Island County
with the following endorsement thereon to wit-

This writ came into my hand at 4 o'clock
P.M. July 20th 1858

E. M. Beardsley Sheriff
By M. D. Merrill Depp

By virtue of this writ and accompanying
fee bill, I have levied upon the following
described property, as the property of the
defendant, to wit: The South West qr of
Section thirty one (31) in Township twenty

(20) North Range two (2) East of the 4th P. M.
also the North half of the South West qr of
Section ten (10), ^{inly} Township Nineteen (19) North
Range two (2) East of the 4th P. M. Rock Island
County & State of Illinois.

August 2^d 1858.

E. M. Beardsley Sheriff

R. I. Co Ills

Recd of E. M. Beardsley Sheriff the full
amount due on this writ less his fees

Quincy McNeil CLK

By virtue of this writ and accompanying
fee bill, and in accordance with the levy herein
endorsed, I have, after having advertised the
property described in said levy, by posting
up notices in three of the most public places
in Rock Island County, and also by caus-
ing said Notice to be printed in a Newspaper
published and having the greatest circulation
in said County, the time specified by law, I
did on the 28th day of August A. D. 1858, at the
door of the Court House, in the City and
County of Rock, Island and State of Illinois,
in accordance with said notices, offer the
property described in said levy at public
Auction, first each tract separately & re-
ceiving no bid, then all together and the
same was then and there sold and struck
off to William L. Lee he being the highest

17
79
and best bidder therefor, at and for the
sum of Two hundred and Eleven & 94/100
Dollars. I therefore return this writ and
accompanying fee bill satisfied in full
this 28th day of August A.D. 1858.

E. M. Beardsley Sheriff
By M. D. Merrill Depy
Rock Island County Ill

The said Defendant then stated to the
Court he desired to move the Court to
cause the order of said Court rendered
at the September Term 1859 in the matter
of the above Execution Levy & Sale to be
spread upon the Records of the Court and
~~judgment~~ ^{produced} to the Court the files in a
certain Cause wherein William S. See
was Plffs and William Marshall Jr
Sylvester Brigham & William Johnson were
Defendants, being No 246 upon the Docket
for said September Term A.D. 1859,
which said files were in the words &
figures following to wit:

To William Marshall Jr Sylvester Brigham
& William Johnson
Gentlemen

you will please take
notice that at the next term of the

Circuit Court, to be held within and
for the County of Rock Island in the
State of Illinois. I shall make appli-
cation to said Court to set aside
the levy & Sale made by the former
Sheriff of said County. E. M. Beardley
Esq on and ~~in~~ ⁱⁿ my favor, against
~~issued as a judgment in my favor & against you~~
you at the Dec term of said Court
A. D. 1857, which judgment was for the
sum of \$180.90/100 damages & costs \$8.85c

Reasons for the above are on file
in the office of the Clerk of the said Court
Aug 22^d 1859

W^m L. Lee

By Beardley & Smith
his Atty

I have served this notice by reading the
same and delivering a true copy hereof
to the within Name Sylvester Brigham
& William Johnston and by leaving a true
copy thereof at the residence of William
Marshall Jr this 26th day of August A. D. 1859.

M. D. Merrill Sheriff
By C. A. McLaughlin Esq

87
State of Illinois } I.D.

Rock Island County } In the Circuit Court of said
County at the Sep Term thereof A.D. 1859

William L. Lee

vs

Wm Marshall Jr
Sylvester Brigham
& Wm Johnston

And now comes the
said William L. Lee by Beardsley & Smith
his Attys, and moves said Court to set
aside the levy and Sale made by the Sheriff
of said County on an Execution in favor
of him the said Lee against them the
said Marshall, Brigham & Johnston, which
Execution was dated July 19th 1858 and
was issued on a Judgt (recorded by said
Lee against said Marshall, Brigham and
Johnston, at the December Term of said
Court A.D. 1857 and by which said
Judgt said Lee ^{was} alljudged his damages
amounting to \$180,79/100 - with costs of suit
reference is hereby made to the record and
files of said suit and the Ex^{ce} issued
on said Judgt and the Sheriff's levy &
return thereon and such part hereof
Reasons for setting aside said levy and Sale
1st Because the Estate and lands sold by the

by the Sheriff of said County on said Execution have previously been sold on Execution against the said Marshall, Brigham, and Johnson, all which was unknown to him the said Lee

all which is respectfully
Submitted by

Beardsley & Smith
Attys for W. L. Lee,

The said Defendant then produced the Court Docket showing the entry in said Cause No 246, at said September Term of said Circuit Court, which said Docket entry were in the words & figures following to wit:

B & S

William L. Lee

246

vs

William Marshall Jr

Sylvester Brigham

Mrs Johnson

246

No to set aside Levy

& Sale & Ex

Oct-7 No sustained

The said Defendant then recalled the said Charles J. Lyman as a witness, who testified as follows. The Docket for Sept Term A. D. 1859 here produced is in my hand writing except the minutes of the Judge

18
83
thereon which are in the hand writing
of the then presiding Judge of this Court
and the Court files here produced are the
files in said Cause. so entered upon said
Docket. it was then admitted by the Plffs
herein that, ^{then} ~~there~~ was no Record showing the
action of said Court in said Cause,
and at the time and place the said several
evidences offered on said last mentioned motion
to sustain the same were respectively offered,
to wit: the files last above mentioned, the
Court Docket last above mentioned, and
the testimony of Charles P. Lyman last above
mentioned, the said Plaintiffs then & there
objected, to the introduction thereof each
respectively, but the Court overruled the several
objections, and permitted each to be put in
evidence, whereupon the said Plaintiffs
by their Councils excepted to the ruling of the
Court,

The said Deft then moved the Court that the
memoranda of the Court upon said Docket
of the Cause aforesaid be written out and
shd upon ~~said Docket of the Cause~~
~~aforesaid~~ the Records of this Court to the
allowance of which said motion the said
Plffs objected but the Court overruled said
objection and allowed said motion, and
ordered the Clerk of the Court to write
up said Record, to which said order of

The Court. The said Plffs then & there ex-
 cepted. The said Clerk having written up
 said Record the said Defendant offered
 the same as evidence. which said Record
 was in the words & figures following to wit-

William. L. Lee

vs

William. Marshall Jr

Sylvester Brigham

William. Johnston

Motion to set aside

Servy & Sale

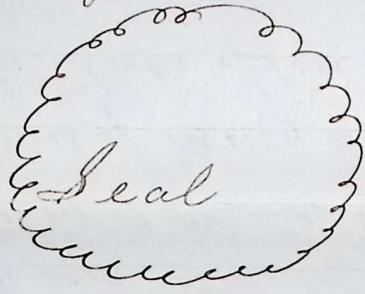
This day came the Plffs
 in this Suit by his attorneys and entered
 his motion, that the Servy & Sale upon the
 Execution hereto fore issued upon the
 Judgment rendered between the parties
 hereto at the at the December Term A. D
 1857 be set aside - and it appearing to
 the Court, that the Deft herein have been
 duly notified of the pending of this pro-
 ceeding the said Deft were duly called
 and came not but made default. where-
 upon the said Court being sufficiently
 advised in the premises ordered that said
 motion be sustained. To the introduction of
 which
 said Record the said Plffs objected but the
 said Court overruled said objection and
 admitted said Record to which order of
 the Court the said Plffs then and there ex-
 cepted

85-
The said Defendants further to maintain
the issues on his part then offered an
Alias Execution of the bill vendoremments
upon said judgment first-above named
which said Execution vendoremments
thereon, were in the words and figures
following to wit:

State of Illinois } s.s. The people of the State of Illinois
Rock Island County } to the Sheriff of Rock Island County greeting

We Command you again that of the goods and
Chattles, lands and tenements of William Marshall
jr Sylvester Brigham and William Johnson
in your County, you make or cause to be
made, the sum of One hundred and Eighty
Dollars and Ninty cents, which on the sixteenth
day of December 1859. William. L. Lee recovered
in the Circuit Court of said County, against
the said Plaintiffs with legal interest thereon
from said date until paid, and also the further
sum of Twenty four Dollars and Six Cents,
which was adjudged to the said W^m
L. Lee by said Court, for his costs and
charges, in that behalf expended, whereof
the said Plaintiffs stand convicted, as appears
to us of Record, and that you have the said
sum of money and interest and cost, at
the Clerk's office of our said Court, at Rock
Island, within ninty days from the date

thereof. and have you then there this writ.



Witness Quincy McNeil, Clerk
of the said Court. and the
Seal thereof affixed this 25th
day of October in the year
of our Lord One thousand
Eight-hundred & Fifty nine
Quincy McNeil Clerk

W^m. L. Lee

vs

W^m. Marshall
Et. al

Roch. Island Circuit Court
December Term 1857

Plaintiff's Costs

Docketing Suit 10^c. Ent. Plffs Appearance 5^c
Atty do 10^c. Summons 35^c Filing papers 20^c
Order recovery 30^c Order to assess 20^c Assess-
ment 25^c Accepted 20^c Judgment 25^c Docketing 10^c
Satisfaction 15^c order for Execution 20^c Execution 40^c
Docketing 10^c Sheriff return 10^c Filing 5^c Bill of
Costs 30^c Certificate & Seal 35^c Copy 20^c 3.75-

Alias F. Fa

Alias Ex 40^c docket 10^c Shff. Ret-10^c fil 5^c
Bill of Costs 60. 2 Cer & Seal 70 Copy 20 2.15-

Sheriff's Fees

E. M. Beardsley on Sum 5.10
" " " on former Ex 13.06

Defendants Costs

24.06

Clerk's Fees

Defendants Default 60^c Bill Costs 30^c certificate &
Seal 35^c Copy 20^c 1.45-

19
87
State of Illinois ^{minors} The People of the State of Illinois
Rock Island County To the Sheriff of Said County. Greeting

We command you again, that you cause
to be made the sum of One Dollar and forty
five Cents, to be levied of the goods and chattles
lands and tenements, of the above named
William Marshall & et al in your
County, which sum is the amount of costs
recovered against them at the Term and
in the cause above mentioned, and hereof
make due return as the law directs,



In testimony whereof, and that
the above is a true copy of the
Fee book of fees in said case
Quincy McNeil, Clerk of our
said Court, has hereunto set
his hand and affixed the Seal of
of our said Court this 25th day
of October 1859

Quincy McNeil Clerk

This writ came into my hands at 4 O'clock P. P.
Oct 25th 1859

M. D. Merrill Sheriff

By virtue of this writ and accompanying
fee bill, I have levied upon the following
described property as the property of the
defendants, to wit: The West One hundred acres

of the North East quarter of Section Seven
 (7) also the North West-quarter of Section Six
 (6) both in Township Nineteen (19) North Range
 Three (3) East of the 4th P.M. also the East half
 of the South East-quarter of Section Thirty
 Six (36) in Township Twenty (20) North Range
 Two (2) East of the 4th P.M. in Rock Island
 County and State of Illinois.

Oct 23rd A.D. 1859.

M. D. Merrill Sheriff.

By C. A. McLaughlin Dep. Sh.

Rec^d of M. D. Merrill Sheriff Five hundred
 & Nine & ⁸⁰/₁₀₀ dollars, the amount of Judgment
 interest and Costs, due me on this Execution
 November 15th A. D. 1859

Henry Curtis Jr
 Assignee

Rec^d all my costs in full upon this writ.
 M. D. Merrill Shff

By virtue of this writ and accompanying
 feebill, and in accordance with the levy
 heron endorsed, I have, after having advertised
 the property described in said Levy, by pos-
 ting up notices in three of the most public
 places in Rock Island County, and also by
 causing said notice to be printed in a
 Newspaper published, and having the greatest
 circulation in said County, the time specified
 by law, I did at the hour of 3. O'clock P.M.

89
on the Seventeenth day of A. D. 1859. at the
door of the Court House, in the City and County
of Rock Island and State of Illinois, in accor-
dance with said notices, offer the property
described in said levy, at public auction,
first offering each piece separate, and receiving
no bid therefor. I then offered the whole together
and the same was then sold and struck off
to Cyrus, H. McCormick, he being the high-
est and best bidder therefor, at and for
the sum of Five hundred and thirty four
Dollars, Two hundred and Eighty four
+ $73/100$ Dollars, being the amount of Money
with interest thereon placed in my hands
to redeem, said hereon endorsed "Is wit"
The West one hundred acres of the North East
quarter of section Seven. also the North West quarter
of section Six both in Township. Nineteen
North Range three East of the 4th S. M. also the
East half of the South East quarter of section
Thirty Six in Township Twenty North Range
Two East of the 4th S. M. in Rock Island County
State of Illinois from a sale to John Harper
& Alexander Steel made on the 28th day of
August A. D. 1858, by virtue of an Execution
issued out of the Clerk's office of the Circuit
Court of Rock Island County State of Illinois
dated July 16th 1858 in favor of the said John
Harper & Alexander Steel against William
Marshall Jr Sylvester, Brigham & William

90
Johnson for a judgment ~~recorded~~ ^{rendered} in the
Circuit Court of Said County & State aforesaid
against the said William Marshall Et al,
on the 9th day of June 1858 for the sum of
\$226.79/100 and sold as aforesaid to satisfy
said Judgment, & the Cost thereon accruing,
the balance to apply on this Execution I therefore
return this, ^{Execution &} fee Bill satisfied in full this 17th
day of November A. D. 1859

M. D. Merrill Sheriff
Rock Island County Illinois

For value received I hereby assign transfer
and set over to Henry Curtis Jr a certain
Judgment rendered in the Circuit Court
of Rock Island County, Illinois, at the December
Term A. D. 1857 in my favor and against Wm
Marshall Jr, Sylvester Brigham and William
Johnson Partners &c Wm Marshall &c for
the sum of One hundred and Eighty 90/100 Dollars
and Costs, and all my right and interest there
in, to have and to hold to themselves and their
assigns, to their own sole use forever, with
full power in my name and at his costs, to
take and use all lawful means and meas-
ures for the securing and collecting of
said Judgment, in as full a manner as I
could do, if this assignment were not made
Witness my hand and Seal this 18th day of

20
November A. D. 1859

Witness $\frac{2}{3}$

Wm L. Lee cor

Seal

The Rock Island Bank

91
The said Defendant then made a motion to correct the mistakes in said Execution and recalled as a witness Charles P. Symare who testified as follows, The Alias Execution here produced was in my hand writing, I know by an examination of the records of this Court that there is no record of any other Judgment between the same parties William L. Lee and William Marshall Jr Sylvester, Brigham and William Johnson than the one the Record whereof is herein evidence this Execution was issued by me upon said Judgment and the Statement therein that said Judgment was rendered on the 16th day of December A.D. 1859 is a blunder of mine, the Judgment was in fact rendered at same Term A.D. 1857- it is also a blunder of mine stating that the Judgment was against the Plaintiffs, it was in fact against the Defendant and the said Plaintiff objected to the testimony of C. P. Symare anywhere in evidence and to every part thereof at the time and place the same was so taken but the Court overruled the objection whereupon the said Plaintiff then there excepted

The Court then ordered the mistakes in said Alias Execution to be corrected which was done and thereupon the said Deft offered said amended Alias Execution in evidence to which the said Plffs objected, but the said Court overruled said objection and admitted the same to which order of the Court, the said Plffs then & there Excepted, and the said Amended Alias Execution was read in the words & figures following to wit:

State of Illinois }
 Rock Island County } ^{ss} The people of the State of Illinois
 } To the Sheriff of Rock Island Co. greeting

We Command you again, that of the goods and chattels, lands and tenements of William Marshall & Sylvester Brigham and William Johnson in your County, you make or cause to be made the sum of One hundred & Eighty Dollars and Ninety-Cents, which on the 16th day of December 1857, William S. Lee, recovered, in the Circuit Court of said County, against the said Defendants with legal interest thereon, from said date until paid, and also the further sum of Twenty four Dollars and Six Cents, which were adjudged to the said W^m S. Lee by said Court for his costs and charges, in that behalf expended, whereof the said,

93
Defendants stand convicted, as appears
to us of Record, and that you have the
said sum of Money and interest and
Costs, at the Clerks Office of our said Court
at Rock Island, within ninety days from
the date thereof, and have you then there
this writ

Seal } Witness: Quincy M Neil, Clerk
of our said Court, and the Seal
thereof affixed, this 25th day of
October in the year of our Lord
One thousand Eight-hundred
and fifty Nine
Quincy, M Neil, Clerk

The said Defendant further to maintain
the issues on his part then offered the
Record of a Certificate of purchase from
the Sheriff of said Rock Island County
to Harper & Steel with the receipt endorsed
thereon, the signatures thereto being admit-
ted to be genuine and no objection being
made because it was a Record and it
being admitted that the same was Recorded
on the day of the date thereof which said
Certificate and Receipt were in the words
and figures following to wit:

Circuit Court } \$8
Rock Island County } I Ezra. M. Beardsley

94
Sheriff of Rock Island County, in the
State of Illinois, do hereby certify that by
virtue of an Execution and fee bill, to me
directed by the Clerk of the Circuit Court
of said County, dated the 16th day of
July A.D. 1858, by which I was commanded
to make of the goods and chattels and lands
and tenements of W^m Marshall Jr Sylvester
Brigham and W^m Johnson the sum of Two
hundred and twenty six ⁷⁹/₁₀₀ dollars, dam-
ages, and Ten ⁸⁵/₁₀₀ Dollars, Cost of suit,
which on the 9th day of June A.D. 1858 John
Harper & Alexander Steel, recovered in the
Circuit Court of said County, against
the said Marshall Et. al. and by which
I was directed to collect interest on said
Judgment for damages from said date
until paid - all of which will more
fully appear by reference to said writ-
and fee bill - I have, after having duly
advertised, the time and place of sale,
according to law, struck off this day at
public vendue, according to the statute
in such cases made and provided, to
John Harper & Alexander Steel who
was the highest and best bidder there-
for, for the sum of Two hundred and
fifty four & ¹⁶/₁₀₀ Dollars, and Cents -
the following described Real Estate to wit:
The West One hundred acres of the North

27
95-
East quarter of Section Seven (7) also the
North West qr of Section Six (6) both in
Township Nineteen (19) North Range three (3)
East of the 4th P. M. also the East half
of the South East qr of Section thirty
Six (36) in Township Twenty (20) North Range
Two (2) East of the 4th P. M. in Rock Island
County & State of Illinois. and this Sale
will become absolute at the expiration
of fifteen months from this date, at which
time the said John Harpur & Alexander Steel
or their assigns, will be entitled to a
deed, unless said Real Estate shall be
redeemed from him previous to that time
according to law.

Given under my hand and Seal this 28th
day of August A. D. 1858

E. M. Beardsley Sheriff
Rock Island County
By: M. D. Merrill Depy

Recd of William E. Lee Two hundred
Eighty three & 60/100 Dollars, the full
amount due on this Certificate for
the redemption hereof
October 25th A. D. 1859

\$283. 60/100

M. D. Merrill Sheriff
By: C. A. McLaughlin Depy Sheriff

Rec^d of M. D. Merrill Sheriff \$283.60
 The amount of the above Redemption in
 full October 25th A.D. 1859

Chas^r M. Osborn

Said C. M. Osborn Attorney for Plffs
 admits that said Certificate was assigned
 to him on 25th October 1859, the
 said Defendant then offered in evidence
 the Record of a Certificate of Redemption
 from the Sheriff of said
 Rock Island County to William L.
 Lee dated October 25th 1859, and admitted
 to have been recorded on the day of the
 date thereof no objection being made
 because it was a Record, which said Record
 was and is in the words & figures
 following to wit:

Sheriff of R.I. Co. Cert of Redemption to Wm L. Lee

State of Illinois }
 Rock Island County } I M. D. Merrill Sheriff of
 Rock Island County do hereby certify that
 Wm L. Lee, has this day placed in my hands
 to execute an Alias Writ of Execution issued
 out of the Clerks Office of the Circuit Court
 of the said County of Rock Island on a
 Judgment in his favor, and against Wm
 Marshall Jr. Wm H. Johnson & Sylvester

Brigham, Partners &c under the name and Style of W^m Marshall & Co., for the sum of One hundred & Eighty & 90/100 Dollars debt and Twenty Five & 5/100 Dollars costs, and that at the request of the plaintiffs in said Execution, I have this day levied the same upon the West one hundred acres of the North East quarter of Section Seven (7) also the North West quarter of Section Six (6) both in Township, Twenty (20) North Range three (3) East of the 4th Principal Meridian, also the East half of the South East quarter of Section Thirty Six (36) in Township, Twenty (20) North Range two (2) East of the 4th Principal Meridian, all in Rock Island County and State of Illinois, and the said W^m & Co. has thereupon paid to me for the use of the purchaser of said land as hereinafter mentioned, the sum of Two hundred Eighty three & 6/100 (\$283.⁶/₁₀₀) Dollars, and the cost of making and recording this Certificate, as and for the Redemption of said described land from a sale thereof to John Harper and Alexander Steel on the 28th day of August A.D. 1858, for the sum of Two hundred & fifty four & 6/100 Dollars, by the Sheriff of said County, upon an Execution in favor of the said John Harper and Alexander Steel Partners &c Harper & Steel and against W^m Marshall jr, Sylvester Brigham and W^m

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H. Johnston. Partum &c under the name and
style of W^m Marshall & Co. and the said sum
so paid me being the amount required by law
for the redemption of said land from said
sale. I do hereby certify that the said
described land has this day been redeemed
from the said Sale thereof to John. Harper
and Alexander Steel as aforesaid, by said
W^m L. Lee, Judgment creditor of said W^m
Marshall Jr Sylvester Brigham, and W^m
H. Johnson in pursuance of the Statute
in such cases made and provided.

Witness My hand and Seal this
25th day of October A. D. 1859.

M. D. Merrill {Seal}

Sheriff of Rock Island County Ill

The said Deft then offered the record of a
Certificate of Purchase on said Lee Judg-
ment to the Deft- herein dated on the
17th day of November A. D. 1859 and admitted
to have been Recorded, on the same day in the
Recorders office of said Rock. Island County
no objection being made because it was
a Record which said Certificate was and
is in the words and figures following to wit:

Circuit Court- 88

Rock. Island County J. M. D. Merrill Sheriff of

99
 Rock Island County, in the State of Illinois.
 do hereby certify that by virtue of an Exec-
 ution and fee bill to me directed by the
 Clerk of the Circuit Court of Said County,
 dated the 23rd day of October A.D. 1859. by
 which I was commanded to make of the
 goods, Chattels, lands and tenements of William
 Marshall Jr Sylvester Brigham & William
 Johnson the sum of One hundred and
 Eighty & $\frac{90}{1000}$ Dollars, damages, and Twenty
 five & $\frac{50}{1000}$ Dollars, Cost of Suit, which on the
 16th day of December, A.D. 1857. William L. Lee
 recovered in the Circuit Court of said County
 against the Said William Marshall Jr Sylvester
 Brigham and William Johnson, and by which I was
 directed to collect interest on said Judgment
 for damages from said date until paid - all
 of which will more fully appear by refer-
 ence to writ and fee bill - I have, after ^{having} duly
 advertised the time and place of Sale, according
 to law. Sold and Struck off at public vendue
 according to the Statute in such cases
 made and provided to Cyrus H. McCormick,
 who was the highest and best bidder
 therefor, for the sum of Five hundred and
 Thirty four Dollars the following described
 Real Estate to wit: The West One hundred
 acres of the North East quarter of Section Seven
 (7) also the North West quarter of Section
 Six (6) both in Township Nineteen (19) North

100
Range Three (3) East of the 4th P. M. also
the East half of the South East quarter of
of Section Thirty Six (36) in Township
Twenty-(20) North Range two (2) East of the
4th P. M. the same being & lying in the
County of Rock. Island & State of Illinois.
And this sale will become absolute at
the expiration of Sixty days from this date
it being sale by judgment creditor, at
which time the said Cyrus. H. McCormick
or his assigns. will be entitled to a deed,
unless said Real Estate shall be redeemed
from him previous to that time, according
to law.

Given under my hand and Seal this
Seventeenth day of November A. D. 1859.

M. D. Merrill Sheriff 
Rock. Island County.

The said Defendants then offered a Certified
Transcript of a Judgment in the United
States Circuit Court, within and for
the Northern district of the State of Illinois
in favor of John. W. Thompson & Horatio
G. Barner, and against William. Marshall
Jr Sylvester. Brigham and William Johnson
rendered at the July Term A. D. 1859 to wit,
on the 7th day of July A. D. 1859. which said
Judgment was in the words & figures following
to wit:

101
John. W. Thompson^{Esq}
Horatio. G. Barner

or

William. Marshall Jr
Sylvester Brigham^{Esq}
William. H. Johnston

Assumpsit

Now came the Plaintiffs
by M. R. M. Wallace Esq. their Attorney and it
appearing to the Court that the defendants
have been regularly served with process
and they being now ruled to plead instantly
and failing to plead on answer to said
rule, and the defendants being now each
three times solemnly called came not but
made default, it is therefore considered
by the Court, that their default be en-
tered and that the plaintiffs have and
recover of the defendants their damages,
but as those damages are not certainly
known and it appearing to the Court
that this action is instituted upon a
certain promissory note of hand for
the payment of Money only. It is ordered
that it be referred to the Clerk to assess
the damages thereon, and the Clerk hav-
ing assessed said damages, at the sum
of One thousand One hundredth Eighty
Dollars. and Twenty eight Cents. and re-
ported the same to the Court which
being approved

It is thereupon considered and adjudged, by the Court, that the plaintiffs have and recover of the defendants the said sum of One thousand One hundred and Eighty dollars and twenty eight Cents their damages so as aforesaid assessed together with their costs, by them about their suit in this behalf expended amounting to the sum of Forty two dollars and thirty one Cents and that they have Execution therefor.

To the introduction of which said Judgment the said Plffs then & there objected, but the said Court overruled said objection, and admitted said Record to which said order of said Court the said Plffs then & there excepted. The said Defendant then offered Transcript of an Execution and the endorsements thereon issued upon the last above named Judgment, which the said Execution and the return thereon was and is in the words and figures following to wit:

Writ of Fi Fa.

United States of America } S.D.
Northern District of Illinois }

The United States of America to the
 Marshall of the Northern District of
 Illinois Greeting. We command you
 again, that of the goods and Chattels
 Lands and tenements of William Marshall
 Jr Sylvester Brigham and William H.
 Johnston, defendants in your district
 you cause to be made One thousand two
 hundred twenty two dollars and fifty
 nine Cents, which John W. Thompson
 Attorney G. Barner plaintiffs lately in
 our Circuit Court of the United States
 for the Northern District of Illinois
 before the Judges thereof at Chicago
 in the District aforesaid recovered
 against said Defendant for damages
 which said plaintiff had sustained as
 well by occasion of the non performance
 of certain promises and undertakings in
 that behalf as for their costs and charges
 by them about their suit in this behalf
 expended whereof said defendants are
 convicted as appears to us of record, and
 have you that Money at the Clerks office of
 our said Court in thirty days from the
 date hereof to render to the said plaintiffs
 for their damages as aforesaid and this
 writ.

Witness the Hon Roger B

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Saucy Chief Justice of the Supreme Court
of the United States of America at
Chicago as aforesaid this twenty ninth
day of November, in the year of our
Lord One thousand Eight hundred and
fifty Nine, and of our Independence
the 84th year

Wm. H. Bradley Clerk

Cause to hand Nov 29th 1859 at 10 o'clock
A. M.

After receiving Five hundred and
thirty Seven dollars & $45/100$ from the plain-
tiffs herein as redemption Money on
a former Sale as will appear more fully
by a copy of a Certificate of redemption
hereto attached & made a part of this re-
turn and in accordance with the within
Execution I have levied the same this
day upon the following land to wit:
The west one hundred acres of the North East
quarter of Section Seven (7) also the North
West quarter of Section Six (6) both in
Township Nineteen (19) North Range Three
(3) East of the 4th Principal Meridian
Also on the East half of the South
East quarter of Section thirty Six (36)
in Township twenty (20) North of Range
Two (2) East of the 4th Principal Meridian

all business at 11 o'clock

* By virtue of the within writ and in accordance with the levy herein endorsed, I have after having advertised the time place and terms of the sale of the property described in said levy by posting up notices in three of the most public places in Rock Island County Illinois and also by causing notices by same to be published in a newspaper published and having the greater circulation in said County, the time specified by law I did at the hour of 11 o'clock A.M. on the fifth day of January A.D. 1860 at the door of the Court House in the City and County of Rock Island and State of Illinois, and in accordance with said notices offer the property described in said levy at public Auction first offering each piece separately and receiving no bids therefor. I then offered all the lands described in the levy herein endorsed together and the same were then and there sold to John W. Thompson and Horatio G. Barner they being the highest and best bidders therefor at and for the sum of Eighteen hundred dollars. I therefor return this writ not satisfied this 5th day of January A.D. 1860

C. N. Pine

U.S. Marshall Northern District by
J. C. Bullock deputy

all lying and being in the County of
Rock. Island and State of Illinois and being
the property of the said defendants -
Rock. Island December 16 1859 -

C. N. Pine U. S. Marshal
by J. C. Bullock Clerk
U. S. Marshall Northern
District of Illinois

*
The said Deft then offered the Record of a
Certificate of Redemption issued by the
United States Marshall of said Northern
District of Illinois to said Thompson and
Barner, which said Certificate of Redemp-
tion was admitted to have been Recorded
in the ^{Recorders Office of said Rock. Island County on the day of the date thereof and}
in the ^{was} and in words & figures

following to wit: I Charles N. Pine
United States Marshall for the Northern
District of Illinois, do hereby certify
that John W. Thompson and Horatio. S.
Barner this day placed in my hands to
execute an alias writ of Execution issued
out of the Clerks office of the Circuit Court
of the United States of America for the
Northern District of Illinois, in a judgment
in his favor and against. Wm. Marshall
Jr. Wm. H. Johnson and Sylvester Brigham
for the sum of One thousand two hundred
and twenty two ³/₁₀₀ Dollars. Debt and Cost

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Endorsed by Clerk

Judgment rendered July 7th A.D.

W^m H. Bradley clk

1859

Filed Jan 19th A.D. 1860

W^m H. Bradley clk

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and that at the request of the Plaintiff
in said Execution. I have this day levied
the same upon the West one hundred
acres of the North East quarter of Section
Seven (7) also on the North West quarter of
Section Six (6) both in Township Nineteen
(19) North of Range three (3) East of the 4th
Principal Meridian. also on the East
half of the South East quarter of Section
thirty Six (36) in Township Twenty (20)
North of Range two (2) East of the 4th Principal
Meridian. all lying and being in the County
of Rock Island and State of Illinois. and the
said John. W. Thompson and Horatio P.
Barner have hereupon paid to me for
the use of the purchasers of the said land
as hereinafter mentioned the sum of Five
hundred and thirty Seven dollars $45/100$
dollars ($\$537 \frac{45}{100}$) as and for the redem-
ption of said described land from a Sale
thereof to Cyrus. H. M. Cormack on the Seven-
teenth day of November A. D. 1859. for the
sum of Five hundred ³⁴ thirty four ($\$534$)
dollars - Cents by the Sheriff of the said
Rock Island County, in the State of Illinois
upon an Execution in favor of William. L.
Lee and against W^r Marshall Jr William
H. Johnson and Sylvester Brigham partners
&c under the name and style of W^r Marshall

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do, and the sum so paid me being the amount required by law for the redemption of the said land from said sale. The said Mr Lee having as a judgment creditor of the said Mr Marshall Jr. Mr H. Johnson and Sylvester Brigham, partners &c styled Mr Marshall &c Sued out the said Alias Execution upon his said judgment and placed the same in the hands of the said Sheriff to execute and thereupon, the said Sheriff having endorsed upon the back of the said Alias Execution a levy upon the said lands which the said Lee wished to redeem, and the said Lee having paid to the said Sheriff the sum of Two hundred and Eighty Three dollars (\$283.) and Sixty One Cents, (61) being so and for the redemption of said described land from a sale thereof to John Harper & Alexander Steel on the 28th day of August A.D. 1858 for the sum of Two hundred and fifty four ¹⁰/₁₀₀ Dollars by the Sheriff of said County upon an Execution in favor of the said John Harper & Alexander Steel, partners &c under the name and style of Harper & Steel and against Mr Marshall Jr Sylvester Brigham and Mr H. Johnston. Partners &c under the

name and style of Mrs Marshall &c
The said sum so paid me being the amount
required by law for the redemption of said
land from said last mentioned sale. I do
hereby certify that the said described land
has this day been redeemed from the said
sale thereof to the said Cyrus. H. McCormick
as aforesaid by the said John. W. Thompson
and Horatio. G. Barner judgment cred-
itors of the said Mrs Marshall for Mrs H.
Johnston and Sylvester. Brigham in
pursuance of the Statute in such case
made and provided.

Witness My hand and
Seal this tenth (10th) day of December A.D.
1859 C. H. Pine & Seal

U. S. Marshal Northern
District of Illinois
by J. C. Bullock Deputy

The said Deft then offered a deed from the
United States Marshal to said Deft which
said deed was in the words & figures
following to wit-

Know all men by these presents That
 whereas John Harpur and Alexander Stule
 did at the June term AD 1858 of the Circuit
 Court of the County of Rock Island recover a
 judgment against William Marshall Jr.
 Sylvester Brigham & William H Johnson for the
 sum of two hundred and twenty six dollars
 and seventy nine cents and costs of suit upon
 which judgment an Execution was issued
 dated on the 16th day of July AD 1858 directed
 to the Sheriff of said County to execute & by
 virtue of said execution the said Sheriff
 levied upon the lands hereinafter described
 and the same were struck off and sold
 on the 28th day of August AD 1858 to John
 Harpur & Alexander Stule for the sum of
 Two hundred and fifty four dollars and
 sixteen cents they being the highest and
 best bidders therefor and the time and place
 of the sale thereof having been duly adver-
 tised according to law.

And whereas William L Lee did at the
 December term AD 1857 of the Circuit Court
 for said County recover a judgment a-
 gainst the said William Marshall Jr.
 Sylvester Brigham & William H Johnson
 for the sum of one hundred & eighty dol-
 lars and ninety cents & costs of suit
 which last mentioned judgment was
 by the said William L Lee assigned

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on the 25th day of October AD 1859 to
Charles M Osborn an execution was
issued upon the same dated on the 25th
day of October AD 1859 directed to the
Sheriff of said County to execute and the
said Charles M Osborn thereupon paid to
said Sheriff the sum of Two hundred &
Eighty three dollars and sixty one cents
being the amount of money for which
said premises had been sold with ten
per centum interest thereon from the
date of such sale for the use of the
said John Harper & Alexander Stale
their Executors Administrators or assigns
for the purpose of redeeming said prem-
ises from said sale & thereupon the said
Sheriff filed a certificate of such redem-
tion in the Records Office of said
County & by virtue of said last mention-
ed execution the said Sheriff having
hoied upon the said lands the same
were on the 17th day of November AD
1859 struck off and sold to Cyrus H
McCormick for the sum of Five hundred
and thirty four dollars he being the high-
est and best bidder therefor and the
time and place of the said last men-
tioned sale thereof having been duly
advertised according to law

And whereas John W Thomson and

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Horatio G Barnum did at the July
Term AD 1859 of the Circuit Court of
The United States for the Northern Dis-
trict of Illinois recover a judgment
against the said William Marshall for
Sylvester Brigham & William H Johnson
for the sum of Eleven hundred & Eighty
dollars and twenty eight cents damages
and forty two dollars and thirty one cents
costs of suit upon which said last
mentioned judgment an execution was
issued dated on the 29th day of Novem-
ber AD 1859 directed to the Marshall of
the said Northern District of Illinois
to execute and the said John W Thom-
son & Horatio G Barnum thereupon paid
to the said Marshall the sum of Five
hundred & thirty seven dollars & forty
five cents being the amount of money
for which said premises had been sold
on said last mentioned sale with ten
per centum per annum interest thereon
from the date of such last mentioned
sale for the use of the said Cyrus H
McCormick his Executors administrators
or assigns for the purpose of redeeming
said premises from said last mentioned
sale & thereupon the said Marshall filed
a certificate of said last mentioned re-
demption in the Recorder's Office of

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Said County and by virtue of said last mentioned execution the said Marshall having laid upon the said lands the same were on the 5th day January AD 1860 struck off and sold to the said John W Thomson & Noratio G Barnum for the sum of One thousand Eight hundred dollars they being the highest and best bidders therefor & the time and place of said last mentioned sale there of having been duly advertised according to law and the said John W Thomson & Noratio G Barnum having duly assigned their certificate of purchase to Cyrus H McCormick

And whereas the said Marshall of the Northern District of Illinois at the time of the said last mentioned sale was Charles A Pine who was after the making of said sale removed from the office of Marshall as aforesaid and the undersigned Thomas Hogue appointed Marshal of the said Northern District

And whereas the said Circuit Court of the United States for the said Northern District of Illinois did by an order made and entered in said Court on the 9th day of May AD 1860 order that the undersigned do make execute and deliver to the said Cyrus H McCormick

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a deed for the said lands

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Now therefore know all men by these presents that I Thomas Hoynes Marshal of the circuit & District Courts of the United States for the Northern District of Illinois & Successor in office of the said Charles A Pine late Marshal of said District in consideration of the premises above recited & in consideration of one dollar to me in hand paid by the said Cyrus H McCormick have granted bargained & sold & do hereby grant bargain & sell & convey to the said Cyrus H McCormick and to his heirs & assigns forever the following described lands to wit

The west one hundred acres of the North East Quarter of Section seven (7) also the North West Quarter of Section six (6) both in Township Nineteen (19) North of Range three (3) East of the 4th Principal Meridian

Also the East half of the South East Quarter of Section Thirty six (36) in Township twenty (20) North of Range two (2) East of the 4th Principal Meridian

All lying and being in the County of Rock Island & State of Illinois

To have & to hold the same and all

the interest right & title of the said
William Marshall Jr Sylvester Brigham
& William Johnson in & to the same
to the said Cyrus B. McCormick his
heirs & assigns forever —

Witness my hand and seal
at Chicago in the State and Northern
District of Illinois This 31st day of
May AD 1860 without making myself
responsible for the truth of any of the
foregoing recitals &

Signed sealed and
delivered in the presence of Th Hoynes
U.S. Marshal Northern
District Illinois
Joseph E. Gary

United States of America
Northern District of Illinois } ss

I William H. Bradley clerk
of the United States Circuit Court in
and for the Northern District of
Illinois aforesaid do hereby certify
that on this day Thomas Hoynes
United States Marshal in and
for said District appeared
before me and acknowledged
that he executed and delivered
the foregoing deed of conveyance
as such Marshal for the uses and

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purposes therein set forth and
for none other - he the said Thomas
Hoogen Marshall being well known
to me to be the person who signed
sealed & delivered said deed afore
said. In witness whereof I have
set my hand and affixed the seal
of the said Court this second day
of June AD 1860.

Filed & entered June 8th 1860 - Wm H Bradley Clerk -
Volume 29 page 259 Being the actual Recorder

To the introduction of which said deed
the plaintiffs then and there objected. It
was admitted by said Plffs that an order
was made by said United States Court
directing the said Marshall to make
said deed as in said deed it is recited -
It was also admitted that the signature
of Henry Curtis Jr to the receipt on the
Alias Execution on Lee Judgment Dated
Nov 16th / 1859 herein above set forth was
the genuine signature of the said Henry
Curtis Jr. it was also admitted that the
body of the Sheriff's return upon the Alias
Execution upon the McCarn & Scott Judgment
herein above set forth was in the handwrit-
ing of the said Henry Curtis Jr. It was also
admitted by said Plffs that Henry Curtis Jr
acted as attorney for McCarn & Scott in
the issuing of the Alias Execution upon said

McCaru & Scott Judgment and in the making of the levy and other proceedings thereon but not before the said Deft then recalled as a witness Charles. F. Lyman who testified as follows - upon the wrapper containing the Court files in the case of the motion by William L. Lee to set aside the levy & sale upon the Execution in his favor and against William Marshall Jr. Sylvester, Brigham & William Johnston being No 246 at the September Term A. D. 1859. This is endorsed in pencil as follows "Clerks fees \$3.40" "Shffs fees \$6.85" "Curtis pays this" in my hand writing this endorsement was made soon after the September Term A. D. 1859. I think I asked Henry Curtis Jr about the case soon after said Term. Knowing he had an interest in the case, and he told me he would pay the costs. I could not tell which party he acted for, the reason I spoke to him about it was because I knew he had an interest in the case but how I learned it - I do not ^{recall} ~~recall~~. I would not have made the minutes there if I had not asked Mr Curtis about it. I think I do remember making it. The said Deft then offered in evidence the Execution Doct of Executions No 2108 being the first Execution upon

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the Lee Judgment & the Memoranda
thereon, which said Docket entries &
memoranda were in the words and
figures following to wit-

2108	William. L. Lee	Judg rendered Dec 16	amt of Judgt
	vs	1857	\$180.90
July 20 1868	M ^r Marshall & Sylvester Brigham	Jury & Cost	amt of costs
	And William Johnson		\$10.30

I return this writ satisfied in full

Aug 28th
Levy and Sale set aside, Sept Term 1859
E. M. Beardsley Shff
per Merrill Dep

To the introduction of which the Plaintiff
then and there objected. The memoranda
upon said docket "Levy and Sale set
aside September Term 1859" was admitted
to be in the handwriting of said Henry
Curtis Jr. the said Deft then prod-
uced as a witness Alfred Webster
who being first duly sworn testified
as follows to wit: I think I saw the
above memoranda "Levy & Sale set aside
September Term 1859" upon the execution
Docket here in evidence four years
ago this winter, or in the winter of 1859
and '60 but am not positive as to the time

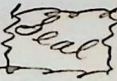
It was about that length of time since I recollected it from having occasion to examine the condition of the judgment against William Marshall &c.

It was then admitted that Charles M. Osborn Atty for the Plffs in this case was the Attorney for the plffs in bringing suit and ~~reversing~~ ^{converting} the judgment in their favor herein evidence.

The said Defendant then produced as a witness ~~one~~ Daniel Brimmerman who being first duly sworn, testified as follows. Defendant McCormack took possession of the premises in controversy in October A. D. 1861 claiming title thereto under the Marshall's deed herein evidence. Groyon was the tenant of Marshall on the land before McCormack took possession. McCormack took possession under an agreement with the Marshalls and no change of tenants was made Groyon nearly consented to pay rent to McCormack ~~here~~ ^{the} paid. Dess then rested his case and the above is all of the evidence offered upon the trial of this case by either party thereto. And the said Court being sufficiently advised in the premises found the issues for the Plaintiffs. whereupon the said Defendant by his counsel entered a

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motion for a new trial, and the said Court being sufficiently advised overruled the said Motion for a new trial to which decision of the Court the said Defendant then and there excepted.

Whereupon the said Court entered Judgment in favor of said Plaintiff and against said Defendant and the said Defendant then and there prayed on appeal therefrom, which was duly granted. And forasmuch as the several matters herein above stated do not otherwise appear upon the Record of said Court the said Defendant hereby prays that this his bill of exceptions herein may be signed sealed and made a part of the Record of this Cause, which is duly done

Ira. C. Wilkinson 
Judge &c

And be it further remembered that afterwards to wit: on the 16th day of January A.D. 1864 the said Defendant filed in the office of said Circuit Court his certain appeal Bond which was and is in the words and figures following to wit: Know all men by these presents that we Cyrus H. M. Cormick and Daniel Bimmerman

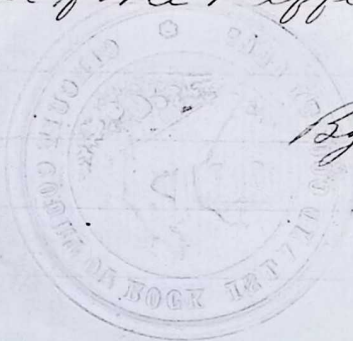
are held and firmly bound unto Alonzo Wheeler, William B. Mellick and Josephine B. Wheeler and Anna B. Wheeler heirs at law of Alexander F. Wheeler in the penal sum of Two hundred and fifty dollars for the payment of which well and truly to be made we bind ourselves our heirs executors and administrators and assigns jointly severally and firmly by these presents Witness our hands & Seals this 16th day of January A.D. 1864, The consideration of this obligation is such that whereas the above named Alonzo Wheeler, William B. Mellick, and Josephine B. Wheeler & Anna B. Wheeler heirs at law of Alexander F. Wheeler, did at the January Term A.D. 1864 of the Circuit Court in and for the County of Rock, Indiana and State of Illinois, record a judgment against the above bounden Cyrus H. McCormick for the record of the possession of ~~the~~ certain Real Estate in controversy in a certain ejectment suit between said parties then pending and tried in said Court and for the sum of one cent damages by them sustained and cost of said suit to be taxed, and whereupon the above bounden Cyrus H. McCormick has prayed an appeal from said judgment. to the Supreme

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Court of said State of Illinois. Now if
 the said Cyrus H. McCormick shall pros-
 ecute said appeal with effect and pay
 or cause to be paid and perform or cause
 to be performed the judgment of the said
 Supreme Court upon the trial and
 dismissal of said Appeal, then this
 obligation to be null & void, otherwise
 full force & effect-

C. H. McCormick {Seal

By D. Zimmerman his atty in fact {Seal
 D. Zimmerman {Seal



State of Illinois) ss.

Rock Island County)

I, Edward H. Bowman,
 Clerk of the Circuit Court

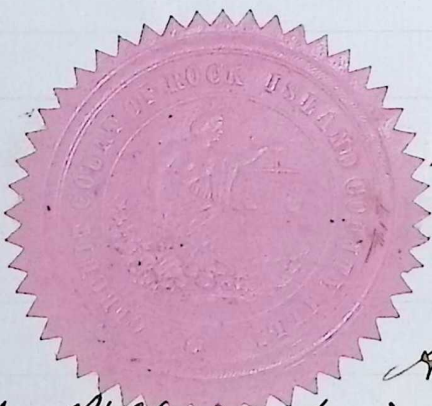
of the County and State aforesaid, hereby Certify
 that the foregoing is a true and correct Copy of
 all the files and Orders of the Court in said Cause,
 so far as the same purport to be copied therein,
 and of all such files and Orders, as I am
 directed to copy.



Witness my hand and seal of
 said Court Affixed this 4th day
 of April, A.D. 1864.

Edward H. Bowman

Clerk



Fees \$32.65 paid by Deft

McCormick, paid. E. H. Bowman
 Clerk

And now on this day comes
 the Appellant in this case by Attorney
 his atty and says that there is manifest
 Error in the foregoing Record and for Causes
 of Error assigns that

- 1st That the Court below erred in admitting im-
 proper evidence on the trial of this case on the
 part of the appellees —
- 2nd That the Court below erred in finding the

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issue for the Appelles & against the
Appellant on the trial of this case -
3rd That the Court below erred in award-
ing the motion of Appellant for a
New Trial -

4th That the Court below erred in render-
ing judgment in favor of Appelles and
against Appellant -

S. Webster

Atty for Appellant

And now on this day come the Appel-
les in this case by Charles McBurn
and say that there is no error in the
foregoing Record and

Charles McBurn

Atty for Appelles -

202 121

Cyrus A. McCormick
to
Howard Wheeler Stats
Record

Filed April 20, 1864,
L. Veland
Ch.