

William King }
v } Error to Quay
Eliza B Brown }

The Clerk will issue
Seire Facias for defendant
to show cause

R L Hannebaum
for aff

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William King

Eliza B Brown

Error to Know

Principle

Filed April 18. 1861
L. Deland
clerk

Transcript of Proceedings
lately had in the Circuit Court
in the Tenth Judicial Circuit, in
and for the County of Knox and
State of Illinois, before the Honour-
able Saml Tyler Judge, wherein Elo-
isa R. Brown was Plaintiff, and,
William King was Defendant, as
follows, to wit;

Copy of Declaration and Notice
in Ejectment, viz;

"State of Illinois }
County of Knox, } ss.

In the Knox Circuit Court,
Of the February Term, in the
Year of our Lord, one thousand Eight
Hundred and Sixty one.

Eloisa R. Brown
Plaintiff by H. M. Mead, her attorney,
comes and complains of William King
Defendant who is notified by notice and
copy of Declaration, according to the Statute
in a Plea of Ejectment.

For that whereas the said
Plaintiff, heretofore, to wit; on the first
day of January in the year of our Lord
one thousand eight hundred and Sixty
one, was possessed of a certain piece of

land, with the appurtenances, situate in Knox County, and known, designated and described as follows, viz;

The north East Quarter of Section numbered thirteen in Township No. Ten north of Range No. Four East of the 4th Principal Meridian,

Which said Premises, the said Plaintiff claims in fee simple, and the said Plaintiff Eliza A. Brown, being so possessed thereof, the said Defendant, William King, afterward, to wit; on the first day of February, in the year of our Lord one thousand eight hundred, and sixty one, entered in the said Premises and ejected the said Plaintiff therefrom, and unjustly withholds from the said Plaintiff the Possession thereof, to the damage of the said Plaintiff of Fifty Dollars, and therefore she brings suit, &c.

By H. M. Whead,

Attorney for Plaintiff;

To William King, above named Defendant;

You are hereby notified, that the Declaration, with a copy whereof you are now herewith served, and to which copy this notice is subjoined, will be filed in the Circuit Court, of Knox County, Illinois, on the 8th day of March 1861.

That upon filing the same

a rule will be entered, requiring
you to appear, and plead ^{the} said Declara-
tion, within Twenty days after the entry
of such Rule; and that if you neglect
so to appear and plead, a Judgment by
Default will be entered against you,
and the Plaintiff will recover posses-
sion of the premises, specified in the said
Declaration.

Dated this 4th day of March
A.D. 1861

H. M. Weed,
Attorney for Plaintiff

Which said Declaration and
Notice in Ejectment, was filed
as follows, to wit:

"Filed 8th Mar. 1861,
J. H. Lewis Clerk"

Copy of Order entered of Record
at said February Term, of said
Circuit Court, to wit:

"Closa R. Brown, March 8th A.D. 1861

vs
William King & Ejectment

This day came the
Plaintiff by her attorney, and filed
her Declaration, notice and

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Proof of Service herein, and on Sur-
motion it is ordered by the Court,
that the Defendant plead to the Plain-
tiff's Declaration within twenty days
from the date hereof."

Copy of Defendant's Plea. To wit:

State of Illinois } ss.
Knox County }

Clara R. Brown } Knox County Circuit Court
vs. } February Term 1861
William King } Ejectment

And the said William King,
By H. L. Hannaman, his attorney, comes
and defends the force and injury, when
&c. and says that he is not guilty of the
said supposed trespass and ejectment,
above laid to his charge, or of any part
thereof, in manner and form as the said
Plaintiff hath above thereof complained a-
gainst him, and of this the said De-
fendant puts himself upon the Country &c.
H. L. Hannaman
att. for Deft.

Copy of agreed State of Facts + filing thereon

" Elvira R Brown }

vs

William King }

In the Knox Circuit Court
February Term AD 1861

Ejectment for the recovery of the NE 13. 10. 7. 6.
4. E

In this case it is agreed as follows
as to P'tfs title

1st. The land in controversy was Patented
to John Carter by the United States 9th March
1818.

2^d. John Carter Deeded to Asahel Langworthy
20th June 1818

3^d. Asahel Langworthy died in Texas in
the Month of September AD 1834.

4. The Plaintiff is the sole and only heir
at Law of said Langworthy

5. The plaintiff was married to Charles Brown
on the 1st of July 1826, and was divorced
from him two years since

6. The defendant was in possession of the
premises at the time of the commencement
of this suit

It is agreed as follows as to defendants
Title

1st That Defendant claims title and has
a regular chain of conveyances from R. L.
Kearnsman who purchased said land
at a sale made under & by virtue of an
Execution issued from the Circuit Court
of Schuyler County Illinois on the 29th
day of October A.D. 1835

The sale was made on the 30th
day of January A.D. 1836 by the Sheriff
of Knox County and under the execution
aforesaid which was in the usual form &
dated 29th Oct. 1835 as aforesaid

2. That said execution was issued in an
Attachment suit commenced in the Schuy-
ler Circuit Court by Calvin Hobart
against Asahel Sangworthy on the 15th
day of July A.D. 1831

That on that day the said
Calvin Hobart appeared before the clerk
of said Court & filed an affidavit & Bond
in due form, which affidavit set forth that
Sangworthy owed him (Hobart) the sum
of \$900. & that he resided in New York &c

Upon filing the affidavit & Bond Five writs
of Attachment were issued by the clerk as
follows, One to Schuyler. One to McDonough
One to Knox & Two to Fulton, which were

in due form, but said writs were not served.

At the October Term A D 1831 of said Schuylar Circuit Court the cause was entered on the Docket of said Court and the Plaintiff's Attorney suggested the death of the Plaintiff & the cause was continued.

On the 5th day of April A D 1832 the Plaintiff's Attorney filed with the Clerk of said Court the following Precipe:

Sarah Hobart Channsey Hobart
& Morris Hobart Administrators
of Calvin Hobart deceased

vs

Asahel Longworthy

for Attachment
Damages \$1,000.

The Clerk of Schuylar Circuit Court will issue Writs of Attachment to the Counties of McDonough Putnam Knox & Schuylar returnable to the next Term of this Court.

W A Minshall
Atty for Plff

The Attachments were issued on the same day in the name of Calvin Hobart against Asahel Longworthy & the one directed to the Sheriff of Knox County was duly levied on the land in controversy on the same day of April A D 1832 by the Sheriff of Knox & returned in due season. The Attachments were made returnable on the 3^d Monday in May 1832.

At the May Term 1832 on the 21st day
of May the case was entered on the Docket
in name of Calvin Hobart vs Asahel
Langworthy & was continued and afterwards
on the 22^d day of May the following order
was made in said case

Calvin Hobart.

vs

Asahel Langworthy

Attachment

It being suggested that
plaintiff is dead, the order of yesterday was
set aside & leave given to revive this suit
in the name of the administrators of the
deceased & the cause continued

On the 17th day of September A.D. 1832
the Declaration was filed & was entitled
as follows

Sarah Hobart Chauncy Hobart &

Norris Hobart, Administrators

of Calvin Hobart deceased.

vs

Asahel Langworthy

Declaration in

Debt on a

penal writ

The following is a copy of
the Bond sued on

Know all men by these
presents that I Asahel Langworth of St Albans
in the County of Franklin and State of
Vermont am held and stand firmly bound
unto Calvin Hobart of St Albans his heirs

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Executors and Administrators in the penal sum
of One thousand Dollars for the payment of
which I bind myself, my heirs Executors &
administrators firmly by these presents.

Conditioned nevertheless that whereas the
undersigned Asahel Longworthy was indebted
to the ^{sd} Calvin Hobart for which
indebtedness he was to deliver to ^{sd} Hobart
Warrants for three hundred acres of land with
the right of location in the State ~~in the State~~
of Indiana Being what is called Canadian
Volunteer Rights And whereas the undersigned
has given Hobart the privilege of taking
his land in the State of Illinois instead
of Indiana and has executed to ^{sd} Hobart
Hobart a warrant deed of four hundred and
eighty acres of Land in the State of Illinois
which is in full satisfaction of the debt of
^{sd} Hobart for the 300 acres of Indiana land

Provided Nevertheless that if ^{sd} Hobart
shall on a view of the Country conclude
to settle in Indiana and does return to
me the deed for the three rights of Illinois
land now in his hand within a reason-
able time after moving to the Country
And having also reasonable time to go and
examine the Military lands then and in
that case I am to convey to him the
three hundred acres of Indiana land a-
foresaid within a reasonable time after
the said Hobart has signified his wishes
to take Indiana Land and has returned

sd Deed, or in case sd Hobart should dis-
pose of any part of the Military Land, in
Illinois then I am to deduct from the
Indiana Land in proportion as 4800 is 300
and convey to him the difference in Indiana
Land but If Hobart Chooses to keep sd Illinois
Land then this Bond is void said Hobart being
Completely paid but Not otherwise Now in
Case the undersigned performs all things
on his part to perform then this bond is
void and of no effect but otherwise to be
and remain in full force and virtue.

In testimony whereof I have here-
unto set my hand and seal this 27th
day of September A.D. 1821

In presence of 3 Asahel Sengworthy Seal
Horace Jones 3

At the October Term 1832 of said Court the
Case was continued

At the May Term A.D. 1833 of said Court
the following order was made

"It Appearing that the Attachments
have been levied Notice is ordered to be pub-
lished for four successive weeks in the
Illinois Patriot and that Defendants plead
in or before the next Oct Term

The notice was duly published in
apt time but it was simply a notice of the pen-
dency of the suits & calling upon defendants
to appear & plead

On the 11th June 1834 the defendant was called & defaulted & a writ of inquiry ordered. On the 13th June 1834 a jury was empaneled who rendered a verdict of one Cent damages, whereupon the plaintiff moved to set aside the verdict & for a new trial.

June 14th The verdict was set aside & a new trial granted. On the 19th of June the order granting a new trial was set aside & judgment was rendered in favor of the plaintiff for \$1000. debt & one cent damages and Execution ordered to issue therefor

The Execution in the usual form was issued to Knox County on the 29th day of October 1833 under & by virtue of which the land in controversy was sold to the persons under whom the ~~plaintiff~~ defendants claim.

The Sheriff had the land appraised by three disinterested free holders who fixed its value at \$150. and it was sold afterwards for \$13.00

The record does not show that any Scire Facias was ever issued or that any notice was ever published for the purpose of making the ~~said~~ the said Sarah Hockett & others plaintiffs parties to the suit.

It is further agreed that the Circuit Court shall enter judgment in favor of the party whom he thinks is entitled to same.

upon the foregoing state of facts, and that
the case shall be taken to the Supreme Court
at upon Writ of Error. & that the parties will
enter an appearance in said Supreme Court
at the April Term A.D. 1861 & submit said
cause for trial & that the decision of the
supreme Court in the premises shall be
final and conclusive upon the parties

Wm Head for Plff.
R L Hanneman
for Deft.

Filed Mar 12/61

J H Lewis Clk

the Court, that the Defendant is Guilty
of withholding the Premises described
in the Declaration, and Plaintiff at
the time of commencement of the suit,
was the owner thereof in fee simple,
and Plaintiff's Damages assessed at One
Cent. Judgment against Defendant, for
costs —

A. Tyler Judge "

It is therefore considered by the
Court that the Plaintiff recover of the
Defendant the possession of the premises
in said Plaintiff's Declaration mentioned
and described, and have a Writ of Poss-
ession therefor. And it is further consid-
ered that the Plaintiff recover of the De-
fendant, the sum of One Cent, the am-
ount of her Damages, assessed as aforesaid,
together with her costs ^{by her} in this suit
expended, and may have Execution there-
for.

State of Illinois
Knox County

30 John H. Lewis, clerk
of the Circuit Court, in and for
said County of Knox, do hereby certify
that the foregoing is a true and com-
plete copy of the Record, and Proceed-
ings in the foregoing case of Elvira
P. Brown against William King, as
the same appears from the Files and
Records of my Office.

In Testimony whereof I
have hereunto set my hand
and affixed the Seal of said
Knox Circuit Court, at my
Office in Knoxville this 15th
day of April, A. D. 1861.

By John H. Lewis, Clerk
J. M. Gibson, W. Secy. clerk.

OK fee \$4.00 paid by R. L. Keannaman
for Lewis & Co

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William King 69
02 31

Eliza R Brown

Record

Filed April 25, 1861
L. Leland
clerk

H. M. Weed
atly.