

11881

No. _____

Supreme Court of Illinois

Moderwell.

vs.

Camp, et al.

71641  7

Adam P. Moderwell
vs
Orrin Camp et al.

Henderson

71

1852

11881

State of Illinois }
Anderson County }

Shas before the Honorable
Stephen A. Douglass at a Circuit
Court began and held at the
Court House in the Town of
Ogawka on Monday the
fifth day of June in the Year
of our Lord one thousand
Eight hundred and forty three
And of the Independance of the
United States the sixty seventh.

Present the Hon Stephen A. Douglass Judge

Adam P. Modenill } Plaintiff
George Samell & }
Orin Camp } Defendants

Be it remembered that heretofore
to wit, on the 7th day of June A.D. 1843, the said
Plaintiff by his attorney filed in the Clerk's
office of the Circuit Court of the County and
State aforesaid his Declaration, Notice and
affidavit of service, which read in the words
and figures following, to wit,

State of Illinois } Circuit Court June Term
County of Anderson } A.D. 1843
Orin Camp & George Samell
was summoned to answer unto Adam P

Modenwill of a Plea of Trespass and Ejectment
forthat Whereas heretofore, to wit, on the first day
of May A D 1843 at and within the County of
Henderson and State of Illinois, the said
Plaintiff was possessed as of his own demesne
in fee Simple of a tract of land situate and
within the said County and State, and known
as the South West quarter of Section thirty six
in Township Number Eleven North of the base
line, and Range Number five West of the fourth
principal meridian, containing one hundred
and sixty acres of land, And the said
Plaintiff being then and then so possessed of
said premises, and from the time last aforesaid
hath unlawfully withheld and doth now
unlawfully withhold from the said Plaintiff
the possession of the said premises to the damage
of the said Plaintiff the sum of one hundred
dollars and therefore he brings suit &c
At Spring's atty for Plff

To Mr. Amin Camps
To Mr George Darnell

You are hereby notified that
the Declaration with a copy of which You are
now herewith served and to which copy this
notice is subjoined will be filed on the third
day of the next June Term of the Circuit
Court for the County of Henderson and State
of Illinois that upon filing the same a rule
will be entered requiring You to appear and
plead to the said declaration within twenty
days after the entry of the said 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 the possession of the premises specified in the said Declaration, dated this twentieth day of May AD 1843

A. J. Modenwell atty for Plff

Adam J. Modenwell } Plaintiff
Orin Camp & George Daniel } Defendants

William D. Henderson being duly sworn deponent and saith that he did on the 20th day of May AD 1843 personally serve the defendants Orin Camp and George Daniel who are the actual occupants of the premises for which this action is brought with a true copy of the Declaration hereunto annexed, and also a true copy of the notice in writing thereto subjoined and likewise hereto annexed by leaving the same with each of the defendants subscribed and sworn to before me this 20th May 1843

W. D. Henderson }
J. S. Follock clk }
per C. B. Patterson Depy }

And afterwards, to wit, at the Court then holden on the same day, to wit, the 7th day of June 1843 the following order was made

A. J. Modenwell } Ejectment
Orin Camp & George Daniel }
This day came the Plaintiff

by his attorney and on his motion leave is given
him to place this suit on the Docket, and also
filed his Declaration, Notice and affidavit of
service to the satisfaction of the Court, And on
his further Motion it is ordered that the said
defendants be ruled to plead to the Plaintiffs
Declaration filed herein within twenty days
from the date hereof, or that their default will
be entered

And afterwards On the same day to wit, June
7th 1843 the following order was made, to wit,

A. S. Modenwell

vs
Orin Camp & George Samell

Exemption

This day came the
defendants by their attorney and filed their Plea
to the Plaintiffs Declaration herein

Which said Plea reads in the words and figures
following to wit,

State of Illinois } In the Circuit Court of said
Anderson County } County of June Term AD 1843

Orin Camp & George Samell
vs

Exemption

Adam S. Modenwell

And the said defendants
Orin Camp and George Samell by their attorney
H. Harding come and defend the force & injury
whereof and say they are not guilty of unlawfully

And afterwards on the same day to wit, the 8th
day of November AD 1843 the following order was
made, to wit,

Adam J. Modewell

^{vs}
Orin Camp & George Danell

} Ejectment

This day came the
Plaintiff by his attorney and on his motion it is
ordered by the Court that the Plaintiff have
leave to reinstate this cause upon the Docket
upon the payment of the costs of this suit,

And afterwards at a Court holden at the Court
House in Oquawka on the 4th day of November
AD 1845 the following order was made, to wit,

Adam J. Modewell

^{vs}
Orin Camp & George Danell

} Ejectment

This day came the parties
by their attorneys, and issue being joined they
for trial put themselves upon the Country, thereupon
came the jurors of a Jury, William C. Elliott, Alvan
Myler, Rufus Sides, Theodore Curtis, William Rodman
James Morgan, Alexander Anderson, Lewis Huff
Thomas Melvins, William Foster, Benjamin Toliver
and Samuel Gilbrath who being elected tried
and sworn, well and truly to try the issue joined
between, and having heard the evidence on the
part of the said plaintiff (and the said plaintiff
having elected to proceed against the said defendant
George Danell alone, and to prosecute his said suit

herein on Yesterday and upon their oaths do say "We the Jury find the said defendant George Darnell not guilty in manner and form as the said Plaintiff hath above thereof complained against him.

And thereupon the Plaintiff by his attorney entered his motion for a new trial herein

And afterwards, to wit, at and during the same term of the Court, to wit, on the 17th day of November AD 1845 the following order was made, to wit,

Adam T. Modenwell }
George Darnell } Ejectment

This day came the Plaintiff by his attorney and presented to the Court his bill of exceptions, which is signed ordered to be filed and made a part of the record herein.

Which said bill of exceptions reads in the words and figures following, to wit, ~~in said~~
~~page~~

"State of Illinois }
County of Henderson } In the November Term of
of the Circuit in and for the }
said and State AD 1845

Adam T. Modenwell

Carin Camp }
George Darnell }

Do it remembered that

at the trial of the said cause at the said term of the said Court, the said Plaintiff introduced in evidence before the said Jury in said cause the legal chain of title from the United States to the said Plaintiff showing the legal Patent title in himself at and before the time of the commencement of said suit, and the said Plaintiff having proved the said Civil Camp in possession of a part of the said land in the declaration mentioned and the said George Darnell in possession of an other part of said land, the said George Darnell admitted that at the time of the service of the said declaration in said cause, he the said George Darnell was in possession of One hundred acres off the South side of the said quarter section of land mentioned in the said declaration. Whereupon the said Plaintiff elected to proceed against the said George Darnell in said suit, Thereupon the said Plaintiff having closed his evidence, the said Defendant Darnell after proving the hand writing of the Auditor to said deed, offered in evidence the following deed from the Auditor of the State of Illinois "The Auditor of Public Accounts for the State of Illinois, To all to whom these presents shall come, Greeting, Whereas the tax and costs due on the S.W. quarter of section thirty six, Eleven North five West, lying in the military tract in the State aforesaid, remaining unpaid on the 15th day of December 1823, and whereas the whole of the said tract, was on the same day sold at the door of the State House in the Town of Vandalia to William J. Manlove he bring the best bidder for the same, for Five dollars 53 cents being the


tax and cost due for the Years 1821 & 1822, Now
Know Ye that in pursuance of the several Statutes
and the "act for levying and collecting a tax on
land and other property" approved February 18th,
1823, in such case made and provided, the Auditor
of Public accounts for the State aforesaid hath
bargained and sold unto the said William
J. Manlove the whole of the South West quarter of
Section thirty six Eleven North five West lying
in the Military tract aforesaid to have and
to hold the same with the appurtenances to the
said William J. Manlove his heirs and assigns
Provided however that if the above described
tract shall within one Year from the date of
these presents, be redeemed in pursuance of
the act last above recited, then this instrument
to be null and void, In testimony whereof
I have (as Auditor) hereunto set my hand and seal
this 15th day of December 1823.

E. C. Perry Auditor.

1823
Dec 15

of the recording of which deed there was no evidence
whatever offered by the said Darnall, and which
said deed was so offered in evidence for the
purpose of afterwards showing seven Years
continued possession thereunder by the said
Darnall next before the commencement of said
suit, to the introduction of which deed for
the purpose aforesaid the said Plaintiff objec-
ted, but the said Court overruled such objection
and the said deed was read in evidence
to the jury - The said defendant Darnall then
introduced in evidence the deed of William J

Manlove and Lavinia his wife, bearing date the sixth day of July AD 1832, and recorded in Warren County, the 10th day of September AD 1832 conveying the said quarter section of land to Jesse Elliott, The said defendant Darnell then introduced in evidence the deed of Jesse Elliott and Nancy his wife, bearing date the sixteenth day of July AD 1836 conveying the said quarter section of land to Harley Doss the said Darnell then bearing proved the execution of the following obligation, offered the following obligation, offered the same in evidence for like purpose as the Auditors deed aforesaid "Know, all men by these presents that I Harley Doss of the County of Mercer State of Illinois, am held and firmly bound unto Samuel Darnell of Henderson County & State aforesaid in the sum of twelve hundred dollars to which payment well and truly to be made I bind myself my heirs, Executors & administrators firmly by these presents - Sealed with my seal and dated this twenty third day of February one thousand eight hundred & forty three - The condition of this bond is such that whereas Samuel Darnell has this day executed three notes of hand payable to Harley Doss, all of which notes bears even even date herewith, amounting in all to six hundred dollars, Now, if upon the payment of said notes promptly and without default by the said Darnell according to the tenor thereof the said Doss shall make execute and deliver unto the said Darnell a deed of Quit claims to one hundred acres off the South side of the

South West quarter of Section No. thirty six in
Township Eleven North, in Range five West of the
fourth principal meridian, which deed is to be
executed and delivered by the said Joes on the
prompt payment of the last mentioned Note, then
this obligation to be void. It is further understood
that a failure on the part of the said Darnell
to pay promptly any of the notes aforesaid as
they become due, shall liberate and release
the said Joes from this obligation
Signed sealed and delivered J. Harley Joes 
in presence of J. W. Burleigh & "

There was no proof
whatever that the said obligation had ever been
recorded, to the introduction of which obligation
for the purpose aforesaid, the said Plaintiff objec-
ted; which objection was overruled by the
Court and the said obligation read in evidence
to the Jury. The said defendant Darnell
then offered in evidence a deed from Harley
Joes and Ruth his wife to Samuel Darnell
bearing date the thirtieth day of October A.D.
1844, the execution of which was properly proved
and which was duly recorded in the County
of Henderson on the twentieth day of May
A.D. 1845, to the introduction of which last
mentioned deed in evidence the said
Plaintiff objected, which said objection was
overruled, and the said last mentioned deed
read in evidence to the Jury. The said
defendant Darnell then proved that the said
Jesse Elliott commenced making improvements
on the said One hundred acres off the South

Side of said quarter section in the fall of the Year one thousand Eight hundred and thirty three, that the said Elliott commenced residing thereon with his family in the Spring of AD 1834, that said Elliott continued to reside thereon up to AD 1837, and until Harley Joes commenced residing thereon with his the said Harley's family, that the said Harley resided thereon till the Spring AD 1839 when the said Harley with his family moved off the said one hundred acres, and left in possession thereof Jefferson Joes, that said Jefferson occupied said one hundred acres (residing thereon) under the said Harley until his the said Jefferson's death in the fall of AD 1840: that afterwards the widow of the said Jefferson continued to reside thereon up to April AD 1843, that she claimed under the said Harley Joes - that during the time said widow resided thereon other persons occupied parts of said one hundred acres under the said Harley and at the time of so occupying the same did not reside thereon, that Theodore Curtis so occupied fifteen acres during two seasons - that Paris also occupied fifteen acres one season in like manner - that in April 1843 the said widow moved off the said one hundred acres, and that the said defendant Darnell, claiming under Samuel Darnell as tenant from Year to Year moved on the said premises last described on the same day that the said widow moved off, and that the said defendant Darnell continued to reside thereon with

his family up to the time of the commencement of this suit, and to the introduction of so much of the said defendants said evidence as proved or tended to prove the possession of said last mentioned premises in any other person or persons, than the person or persons having the title under which the said defendant claims, and to so much as showed or tended to show, the possession of the said Samuel Danks by his tenant or tenants or otherwise under the said obligation from the said Harley Doss or to the possession of the said defendant under said obligation the said Plaintiff objected, which objection the Court overruled - and permitted the evidence as aforesaid to go to the Jury. - The evidence being closed the said Plaintiff asked the Court to instruct the jury as follows

1. If the jury believe from the evidence that during some part of the seven years next preceding the commencement of this suit, the title set up by the defendant was in Harley Doss, and the land in controversy was not in the possession of the said Harley Doss by the said Harleys actually residing on the said land but that the same was in such possession by said Harleys tenants during such part of said seven years, then the said Harleys afterwards conveying his interest in the said land did not convey a possession and title which the defendant could set up under the "seven years possession law" so as to bar the Plaintiffs right of recovery, if the

Plaintiff has shown a good title in law otherwise, and law independant of seven Years continued possession next before the Commencement of this said and possession thereof at the commencement of this suit" which the said Court gave with this qualification - ~~and~~ - "commencing then the said Harley afterwards conveying his interest in the said land" insert = "unless the possession passed with the conveyance" - did not convey a possession and title &c - to which qualification the Plaintiff objected - Yet the Court inserted the said qualification in the said instruction, 2. That the Plaintiff has shown the better title and that the law is for the Plaintiff unless they believe from the evidence, that the defendant or the persons or persons from whom he derives his title had been in continued possession of the land in controversy by actual residence thereon for the space of seven Years next preceding the commencement of this suit" which the Court gave as requested -

3. That the possession mentioned in the preceding instruction could not have been held by the defendants tenant or tenants, or the tenant or tenants of the person or persons from whom he derives title during any part of said seven Years" which said last mentioned instruction the Court refused to give

4. That if the Jury believe that Pepe Elliott had possession of the land in controversy from 1833 to 1837 by actual residence thereon, and that Harley does had possession by actual residence thereon to 1839 or to any other time so that that the said Harley's possession and

Elliott's possession did not constitute seven years such possession, and that then the said Harley left the actual possession of said land leaving it only in the possession of his tenants up to February 1843 when he sold to Samuel Darnell, and that the defendant only claimed as tenant from Year to Year to Samuel Darnell, still they must find for the Plaintiff — which last mentioned instruction was refused by the Court,

"5 That if they believe from the evidence that the defendant is only tenant from Year to Year of Samuel Darnell, he cannot set up the title shown in Samuel Darnell with seven years possession in other persons to bar the Plaintiff's right of recovery, if such title and such possession was not continued for the said seven years nor unless such possession and such title were conveyed at the same time to the said Samuel Darnell" which instruction last aforesaid was refused by the Court,

"6 That if they believe from the evidence that for the space of two Years any time within the seven Years next before the commencement of this suit the possession of the land in controversy was in others than those in whom the title set up by the defendant was during such two Years, the Plaintiff has shown the better title in law and is entitled to recover, which instruction last aforesaid the Court gave with the following qualification 'That if they believe from the evidence that for the space of two Years any time within 7 Years next before the commencement

of this suit the possession of the land in controversy was in others than those or their tenants in whom the title set up &c. inserting the words "or their tenants": to which qualification the said Plaintiff objected, but the Court gave notwithstanding,

"7. That if they believe from the evidence that Samuel Darnell was never in the possession of the land in controversy by actual residence thereon and that the defendant was in possession as tenant from Year to year under Samuel Darnell, then they will find for the Plaintiff, which instruction last aforesaid the Court refused.

The said defendant then prayed the Court to instruct the jury as follows:

1. The Court will instruct the jury for the defendant that if they believe from the evidence that Elliott occupied the land in controversy by actual residence thereon in 1834 and that whilst his possession so continued by actual residence thereon Harley Ives moved on claiming under Elliott, and that whilst the possession of Harley Ives so continued Jefferson Ives moved on claiming under him, and that after the death of Jefferson Ives, his widow, continued in possession claiming under Harley Ives, and that whilst the possession of the widow so continued the defendant moved in claiming under Harley Ives through Samuel Darnell and that this possession continued for seven Years before this suit was brought, that then they will find a verdict for the defendant -

"2. That if they believe from the evidence that the defendant and those under whom he claims have had possession of the land in controversy by actual residence thereon for seven years immediately preceding the commencement of this suit having a connected title in law or in equity, therefore deducible of record from this State or the United States, or from any public officer authorised by the laws of the State to sell the land for non-payment of taxes, that then they will find a verdict for the defendant."

"3. That the deed from the Auditor to Manlove from Manlove to Elliott, and from Elliott to Joss given in evidence in this case constitute a sufficient title to protect a possession which may have continued for seven years by actual residence on the land therein conveyed before the commencement of this suit, and that if they believe from the evidence that the defendant and those under whom he claims have had actual possession of the land in controversy by residence thereon for seven years before the commencement of this suit under the title aforesaid, that then they will find for the defendant."

To which several instructions of the said defendant as prayed by him the said Plaintiff objected, yet they were given in the words above set forth, which said evidence above set forth was all the evidence given in said cause, and which said instructions were all the instructions prayed for, refused, qualified and given in said cause,

And to the opinion of said Court, in admitting
the said evidence offered by the said defendant
and objected to by the said Plaintiff as aforesaid
and in adding the said qualifications to the
instructions of the said Plaintiff as aforesaid
and in refusing the said instructions prayed
by the said Plaintiff, and in giving the said
instructions prayed by the said defendant,
Darell the said Plaintiff excepts, and
forasmuch as the matters and things do not
appear in the record of the proceedings in the
said cause, the said Plaintiff hath embodied
them in this his bill of exceptions, and prayed
the Judge of the said Court Court to sign and
seal the same and be made a part of the record
in said cause, according to the Statute in such
case made and provided, and it is done,
November 7, 1845. N. H. Triple *Tru*

And afterwards, to wit, at the same term of said
Court on the 8th day of November, A.D. 1845 the
following order was made, to wit,

Adam P. Modewell }
George Darell } Ejectment

This day again came the
parties by their attorneys and the Court after
hearing the arguments of counsel upon the
motion for a new trial entered herein and
being fully advised in the premises, doth order
that said motion be overruled. And it is
further ordered that the said defendant have
and recover of the said plaintiff his costs by

him in this behalf expended and the he
have execution therefor &c.

And afterwards on the same day, to-wit, November
8th A.D. 1845 the following order was made to-wit,

Adam J. Modenwell }
George ^{by} Danell } Ejectment

This day again came the
Plaintiff by his attorney and presented to the Court
his bill of exceptions N. 2, which is signed, ordered
to be filed and made part of the record herein,

Which said bill of exceptions N. 2 reads in the
words and figures following, to-wit,

State of Illinois } Anderson Circuit Court
County of Anderson } November Term A.D. 1845

Adam J. Modenwell }
George ^{by} Danell }

Be it remembered that
at the trial of said cause at said term of said
Court the Jury having returned a verdict in
favour of the said defendant, the said Plaintiff
moved the said Court to grant a new trial in
said cause for the following reasons to-wit,

1. The said verdict is contrary to evidence the
weight of evidence given in said cause
2. The said verdict is contrary to law,
3. The Court gave the jury erroneous instructions.

4. The jury misapprehended the instructions of the Court.

5. The jury misapprehended the law,
Which Motion of the said Plaintiff the said Court overruled, and to the opinion of the said Court in overruling the said motion, the said Plaintiff accepts, and forasmuch as the matters and things aforesaid do not appear of record in said cause, the said Plaintiff herein sets them forth and prays the Judge of the said Court to sign and seal this bill of exceptions, to be made a part of the record in said cause, and it is done
November 8th 1845 N. H. Purple *Truce*

State of Illinois
Henderson County
I, John S. Pollock, Clerk of
the Circuit Court within and for said County,
do hereby certify, that the above and foregoing
Pages contain a full and complete transcript
of the record in said cause, as appears of
record in my Office

Given under my hand and the
Seal of said Court here affixed
at Quincy this 4th day of
October A. D. 1850
John S. Pollock Clerk

State of Illinois ss Supreme Court
Third Grand Division
June Term A. D. 1857.

Adam P. Moderwell vs
George Darnell et al Error to Henderson

And now comes the said Adam P. Moderwell by his attorney Julius Manning and says that in the rendition of judgment in the said cause and in the proceedings therein, and the record thereof now brought before the court here there is manifest and manifold error. And the said Adam P. Moderwell shews to the court here, and assigns upon the said record the following errors to wit:

1. The said circuit court of Henderson County erred in rendering judgment in favor of the said George Darnell.

2. The said court erred in not rendering judgment in favor of the said Adam P. Moderwell for the recovery of the possession of the ~~the~~ said one hundred acres in the pleadings in said cause described.

3. The court erred in overruling the said Moderwell's motion for a new trial.

4. The court erred in permitting the said Auditor's deed to be read in evidence to the jury.

5. The court erred in permitting the said of date February 23^d 1843 to be read in evidence to the jury.

6. The said court erred in permitting the said deed from Harley Ives and Ruth his wife to Samuel Darnell to be read in evidence

Adam P. Modenwell
vs
George Strickland

And the said defendant in Error Court and days Mr.
in the Records and proceedings aforesaid and in the
of the Judgment aforesaid there is no Error correction
Prays that the said Judgment may be affirmed
James W. 11th 1851
A. P. Modenwell for George Strickland

to the jury.
plaintiff below.

8. The court erred in refusing the third instruction prayed by the plaintiff below.
9. The court erred in refusing the fourth instruction prayed by the plaintiff below.
10. The court erred in refusing the fifth instruction prayed by the plaintiff below.
11. The court erred in giving the qualification to the sixth instruction prayed by the plaintiff below.
12. The court erred in refusing the seventh instruction prayed by the plaintiff below.
13. The court erred in giving the first instruction prayed by the defendant below.
14. The court erred in giving the third instruction prayed by the defendant below.
15. The said proceedings are otherwise erroneous, illegal and informal. Wherefore for the errors aforesaid the said Adam P. Modenwell prays that the said judgment may be reversed, set aside, annulled and for nothing esteemed. And that the said Adam P. Modenwell is ready to verify.

Julius Manning, atty for plff.

Filed May 29, 1851.
d. Williams CM.

Richardson County
Modenwell
vs
Campbell
Record

State of Illinois ss Supreme Court
Third Grand Division
To the June Term A.D. 1857.

Adam F. Moderwell
Origin Camp, and Error to Henderson County.
George Darnell

I do hereby enter myself
security for costs in this cause and acknowledge
myself bound to pay or cause to be paid all
costs which may accrue in this action either
to the opposite party or to any of the officers
of this court in pursuance of the laws of
this state. Dated this 11th day of September
A.D. 1857

Approved and filed this
4th day of October
A.D. 1857, by me
L. Leland Clk.

J. M. G. G. G.

A. P. Moderswell
to
Camp. Darnell
Bond for costs

Filed Oct. 4. 1850.
d. Island Ck.

Knoxville, Knox Co. Ill
Oct. 1. 1858

Mr. Selans.

Dear Sir. will you please to issue
procep, on the accompanying precipe.

I suppose that the security for costs
is good: he is represented to me to be so.

If he is not there can be further security
given. Enclose the papers and direct them

to "Manning & Hannaman" at this place.

We are in great haste in this matter, as
you will see that our five years for suing
out the writ are nearly expired.

Yours Very Truly
Julius Manning

Celt. Sap. Levant.

State of Illinois,
 Supreme Court, } SS.

The People of the State of Illinois

TO THE SHERIFF OF *Henderson* County.

Because in the record and proceedings, and also in the rendition of the judgment, of a plea which was in the circuit court of *Henderson* county, before the Judge thereof, between *Adam P. Modewell* plaintiff, and *Armi Camp & George Samuell*

defendants, it is said that manifest error hath intervened to the injury of the said

Adam P. Modewell

as we are informed by *his* complaint, the record and proceedings of which said judgment, we have caused to be brought into our Supreme Court of the State of Illinois, at Ottawa, before the justices thereof, to correct the errors in the same, in due form and manner, according to law; therefore we command you, that by good and lawful men of your county, you give notice to the said *Armi Camp & George Samuell*

that *they* be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State, on the *second* Monday in *June* next, to hear the records and proceedings aforesaid, and the errors assigned, if *they* shall think fit; and further to do and receive what the said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said *Camp & Samuell* notice, together with this writ.

WITNESS, the Hon. *Samuel H. Treat*
 Chief Justice of our said Court, and the seal thereof,
 at Ottawa, this *fourth* day of *October*
 in the year of our Lord, one thousand eight hundred
 and *sixty*.

J. Ireland

Clerk of the Supreme Court.

State of Illinois }
Henderson County }

J. Julius Gifford Sheriff of said County
and State do hereby certify that I did
on the 10th day of October A.D. 1850. at the

Said County - and State serve the within said Facis on the
within named George Hancock by reading the same to him
personally by delivering to him a true copy thereof and by
exhibiting to him the Seal of the Supreme Court
thereof attached, Witness my hand this 10th day of Oct
1850.
Julius Gifford Shff. H. Co. Ill.

State of Illinois }
Henderson County }

D. Booth Not Public Sheriff
of said County and State do hereby certify and
return that I did on the 28th day of January A.D.
1857. at the said County and State serve the within
said Facis on the within named John Hancock
reading the same to him personally by delivering to him
him a true copy thereof, and by exhibiting to him the
Seal of the Supreme Court thereof attached. Witness
my hand this 28th day of January A.D. 1857.
D. Booth Shff. H. Co. Ill.

John Hancock
D. Booth
Henderson County

next to have the records in proceedings hereunder and the errors re-
spected, if you shall think fit; and further do and receive what the said Court shall
order in this behalf; and have you then to give notice to those by whom you shall give
the said notice together with

WITNESSETH the Hon. Judges of the Supreme Court of our said State, and the seal thereof,
in the year of our Lord one thousand eight hundred and

Clerk of the Supreme Court.

Fits
May 29. 1857.
A. Williams Clk.

Henderson County

State of Illinois ss. Supreme Court
Third Grand Division

To the June Term A. D. 1857.

Adam P. Moderwell, plf. in Error
vs
Orrin Camp, and
George Darnell, defendants in Error

Error to Henderson

Judgment in ejectment against
the plaintiff in error at the
November Term A. D. 1845, in
the Henderson Circuit Court in
a cause wherein Adam P. Moderwell
was plaintiff, and Orrin Camp and
George Darnell defendants.

Clerk of Supreme Court, please issue a writ
and scire facias to hear errors
of error in said cause returnable to the said
Term of said Court, directed to the sheriff of
Henderson County to execute.

Julius Manning
Atty for plf in error

Adams & Moderwell
vs
Camp. & Darnell
Error to Henderson

Receipt

Filed Oct. 4. 1850.
J. Heland Clk.