

8785

No. _____

Supreme Court of Illinois

Albert Caldwell, et al,

vs.

Harry Eddy, et al,

71641  7

State of Illinois }
Gallatin County } set

The People of the State of Illinois: To the Sheriff of said County Greeting: We command you to summon Henry Eddy, John Marshall Sr. William A. Docker Alexander Kirkpatrick, James C. Sloo John C. Marshall Sarah Marshall, Annie Marshall Sarah Marshall John McKee Peoples Robert Peoples, John T. Jones, Amos Seabolt, Margaret and John J. Mardin, Elizabeth and George B. Vincivino, Calvin Gold John J. Morris, Thomas Morris, Mary E. M. Morris Sarah A. and Thomas C. Lawler, Mary Kuddick, Oliver C. Vandaudingham, Rebecca Reis Olga J. Kirkpatrick George W. Simenick William Simenick, Mary A. Simenick Orval Pool, Amira and Richard S. Nelson, Mary and Hazard Wilson, Martha and Snott, Ann Vaught, Eleanor Vaught, Elizabeth Vaught, James Neil William A. Redman, Charles S. Redman, Mary J. Redman Elizabeth E. Redman, Sarah A. and Addison C. Posey, Harrison Wilson, Edmund J. Nicholson, Lora Posey, Elizabeth J. Posey, John D. Richeson, Moses M. Rawlings, Stephen R. Rowan, John Ellis, Alexander Fehrer, George Beck, Peter Baker, John Marshall Jr. Francis Kestekmer, Peter Bittman, James Grunden, and the President and Treasurer of Shawneetown if to be found in your County, to appear before the Circuit Court of said County, on the first day of the next Term thereof to be holden at the Court-house in Shawneetown on the third Monday in the month of June next to answer to a bill of Complaint filed in our said Court on the Chancery side thereof against them by Albert S. Caldwell and Ebenezer L. Ryan assignees of the President, Directors and Co. of the Bank of Illinois. And hereof make due return to our said Court as the law directs, and

28.

Witness J. E. Hall clerk of our said Court and
the judicial seal thereof at Shawanetown this
13th day of April A.D. 1849.
J. E. Hall Clerk

We severally acknowledge service of the within sum-
mons, &c
Henry Eddy
James C. Hood
C. Gold

Executed the above summons on Annie Marshall
Sarah Marshall, Mary E. Morris, Rebecca Reid, Eliza
J. Kirkpatrick, Lorn Posey, by leaving a true copy of
the original summons at their usual place of residence
with ~~out~~ a white person over the age of ten years or upwards
and John Marshall Sr, William A. Docker, Alexander Kirkpatrick
John C. Marshall, Sarah Marshall, John McKee Peeples,
Robert Peeples, John S. Gones, A. Seabolt, Margaret Hardin
John G. Hardin, J. T. Morris, Thomas Morris, Sarah Lawler,
Thomas R. Lawler, Mary Timenick, O. Pool, W. A. Keiman,
Marrison Wilson, E. J. McHolson, Elizabeth Posey, John D.
Richeson, Alexander Scherer, Stephen R. Rowan, John Ellis
George Beck, Peter Baker, John Marshall Jr, and Joseph
Logsdon, President of the Board of Trustees of Shawanetown
by handing to them a true copy of the original summons.
this 29th of May A.D. 1849. John S. Watten S. C.

Tuesday 19th June 1849. In the Gallatin Circuit
Court.

A. G. Caldwell & E. L. Ryan }
assignees &c vs. } In Chancery
Henry Eddy et al. }

Defendants ruled to plead, answer or
Demur by nine o'clock on Thursday week.

January Special Term 1850

Thursday 4th Feby 1850

A. G. Caldwell & E. L. Ryan
assignees of the Bank of Illinois, vs. } Bill In Chancery
Henry Eddy et al. }

On this day came a portion of the
Defendants and Demur to the complainants bill
herein and taken under advisement.

(Memorandum)

Bank of Illinois vs Corporation et al.

Appearance by Demurrer.

- 1 William Simenck Washington Simenck, and Mary
A. Simenck.
- 2 The President and Trustees of Shawneetown.
- 3 Arwal Pool
- 4 W. A. Docker
- 5 G. J. Wardin & wife
- 6 Harrison Wilson E. J. Nicholson, John S.
Morris, Thomas Morris, M. E. Morris, Sarah A.
and Thos. Lawler, John Marshall Sr. John
Marshall Jr.
- 7 G. & S. Marshall, and A. & W. Redman and
S. Marshall
- 8 Amos Seabolt.

(Demurrer No 1)

William Simenck Washington
 Simenck & Mary A Simenck }
 impleaded with others }
 ats. }
 A. G. Caldwell et al }
 assignees &c }
 1st Term Gallatin Circuit Court
 1850.
 Bill

This Defendants William, Washington
and Mary A Simenck by protestation not confessing
any of the matter and things in the said Bill to be.

true as therein alleged. Saith that they are advised by their Counsel that the said Complainant, said Bill is insufficient and to which, by the rules of this Hon. Court these Defendants ought not to be compelled to make or give any answer and for Cause, of Demurrer thereto these Defendants sheweth.

That it appears by the said Bill that the same is exhibited against these Defendants and St Eddy and others for several distinct matters & causes in many whereof as appears by the said Bill these Defendants are not in any manner interested or concerned by reason of which distinct matters the said bill is drawn out to a considerable length and these Defendants are compelled to mingle their rights and Defences with others & other distinct matters, and by joining these Defendants and distinct matters & others together which do not defend on each other in the said bill, the pleadings order and proceedings will in the progress of the said suit, be intricate and prolix and these Defendants put to unreasonable and unnecessary charges in defending the same although several parts thereof and the rights Equities questions & defences of the other Defendants no ways relate to or concern them:—

The said Bill does not set forth & shew any performance of contract on the part of complainant, assignee or complainant. The said Bill shews that complainant's remedy is at law to recover on a guaranty, — as the said Bill shews that complainant's remedy is by bill for a foreclosure upon each lot or lots of the respective obligors & sale. — The said Bill shews that the Defendants are not liable in any action or bills to any judgment a general judgment or decree against their persons or property generally but if there be any liability, at all it is & specifically in Rem upon the lot or lots for which reasons and for divers other errors and insufficiencies, & uncertainties in the framing of said complaint, appearing in the said bill

These Defendants doth demur thereto and they pray judgment
of this Honorable Court whether they shall be compelled to make
any further or other answer to the said bill: And they humbly
pray to be dismissed from hence with their reasonable cost
in this behalf sustained &c.

Scates & Olney for Defendants

(Demurrer No 3) of Trustees)

The Demurrer of the President & Trustees of the Town
of Shawneetown (who appear by Olney their Attorney) impleaded
with Henry Eddy et. al. to the title of Complaint of Albert G.
Caldwell and Ebenezer J. Ryan assignees of the Bank of Illinois.

These Defendants by protestation &c doth Demur
thereto the said Bill of Complaint, and for cause of Demurrer
sheweth:-

1st That their said predecessor in office had no authority
to borrow money on the credit of said Corporation and that
these Defendants are not required or authorized by Law or
Equity to pay the Complainants demands.

2^d That Complainants remedy against these Defendants (if
they have any) is at Law not in Equity

3^d That Compls Bill is Multifarious.

4th That complainants have no authority whatever to sue
these Defendants

5 That no Equity is shown in the said Bill.

wherefore they pray judgment &c

Olney for Defendants.

(Demurrer no 3)

The Demurrer of Orval Pool impleaded with Henry
Eddy et. al. Defendants to the Bill of Complaint of Albert
G. Caldwell and Ebenezer J. Ryan as assignees of the
Bank of Illinois complainants. This Defendant by protestation
not confessing or acknowledging all or any of the matters
and things in the said complainants Bill to be true in

such manner and form as the same are therein set forth and alledged do demur thereto and for cause of Demurrer sheweth, That. That

1st That complainants bill doth not shew any matter of Equity whereon this Court can ground any decree in favor of complainants.

2^d That it appear by the said Bill that the same is exhibited by the complainants against these Defendants and divers other persons as Defendants thereto for several distinct matters and causes in many whereof as appears by the said Bill these Defendants are in no way interested - and ^{that} distinct matters are joined together in said Bill.

3^d That complainants have not made or stated such a case as does or ought to entitle them to any such relief as is sought and prayed for from or against this Defendant.

Wherefore this Defendant demands that judgment of this Hon. Court whether he shall be compelled to make any further or other answer to the said Bill or any of the matters and things therein contained and prays to be hence dismissed with his reasonable costs in this behalf sustained. Obedy for Def^t
(This belongs to the close of Demurrer 3)

And the Defendant by his counsel doth confessing or acknowledging all or any of the matters and things in the complainants said Bill to be true in such manner and form as the same are therein set forth and alledged, doth demur thereto for cause of Demurrer sheweth that.

1st Compl^ts Bill doth not shew contain any matter of Equity whereon this Court can ground any decree in favor of complainants.

2^d That Compl^ts have not made or stated such a case as does or ought to entitle them to any such relief or discovery as is sought and prayed for from or against this Defendant.

3^d That complainant's Bill is multifarious.

4th That complainant's Bill shews that this Defendant has paid and been released from and under his liability on account of said loaning if any ever existed.

Therefore he prays &c.

Alney for Def^t

(Demurrer No 5)

The Demurrer of John J. Hardin & Margaret his wife impleaded with Henry Eddy et al. Defendants to the Bill of Complaint of Albert S. Caldwell and Ebenezer L. Ryan as Assignees of the Bank of Illinois, Complainants.

These Defendants by protestation not confessing or acknowledging all or any of the matters and things in said complainant's Bill to be true in such manner and form as the same are therein set forth and alleged do demur thereto and for cause of Demurrer shew that,

Complainant's bill doth not contain any matter of Equity whereon this Court can ground any decree in favor of Complainants.

1^d That complainants have not made or stated such a case as does or ought to entitle them to any such discovery or relief as is sought and prayed for from or against these Defendants.

3^d That it appears by the said bill that the same is exhibited by the complainants against these Defendants and divers other persons as defendants thereto for several distinct matters and causes, in many whereof as appears by the said Bill, these Defendants are in no way interested. Therefore these Defendants respectfully demand the judgment of this Hon Court whether they shall be compelled to make further answer to the said bill and pray to be hence dismissed with their reasonable costs in the behalf sustained.

Alney for Defendants

(Demurrer No 6)

The joint and several Demurrer Harrison Wilson E. J. Nicholson, John T. Morris, Thomas Morris, Mary E. H. Morris, Sarah Ann and Thomas, R. Lawler, John Marshall senior and John Marshall Junior, to the Bill of Complaint of Albert G. Caldwell and Ebenezer J. Ryan assignees of the Bank of Illinois, Complainants.

These Defendants by protestation, not confessing any of the matters, in and by the said bill complained of to ~~be~~ be true, in manner and form as the same are set forth severally say that they are advised that there is no matter or thing in said Bill good and sufficient in law to call these Defendants to account in this Hon Court for the same, but that there is good cause of Demurrer thereunto, and they do Demur accordingly and for cause of Demurrer say:

- 1st That said Bill in case the same were true, contains no matter of Equity whereon this Court can ground any decree, or give Complainants any relief as against these Defendants.
- 2^d That it appears by the said bill, that the same is exhibited by said Complainants against these Defendants, and divers other persons, as Defendants, thereto for several distinct matters, and causes, in many whereof as appear by the said Bill these Defendants, are in no way interested; and by reason of such distinct matters, the said bill is drawn out to a considerable length and these Defendants compelled to be put at charges in respect thereof and by joining distinct matters together, which do not depend on each other, the proceedings in the progress of the said Suit will be intricate and prolix, and these Defendants put to unnecessary charges and expenses, in matters which in no way relate to or concern them.
- 3^d That complainants, have not made or stated such a case as does or ought to entitle them to any such relief as is sought and prayed for from and against these Defendants.

Wherefore and for divers other errors in said Bill contained, and appearing on the face thereof these Defendants do demur thereto and humbly crave the judgment of this Hon Court, whether they are Compellable, or ought to make any answer thereunto otherwise than as aforesaid, and these Defendants humbly pray to be hence ~~discharged~~ dismissed with their costs and Charges in this behalf most wrongfully sustained

(Demurrer No 4)

The Demurrer of John P. Richeson impleaded with Henry Eddy et al. Defendants to the Bill of Complaint of Albert G. Caldwell and Ebenezer J. Ryan assignees of the Bank of Illinois complainants.

This Defendant by protestation, not confessing or acknowledging all or any of matters and things in said complainants bill to be true in such manner and form as the same are therein set forth and alleged, doth Demur thereto and for cause of Demurrer sheweth that.

1st Complainants bill doth not contain any matter of Equity whereon this Court can found a Decree in favor of Complainants.

2^d That complainants have not made or stated such a case as does or ought to entitle them to any such discovery or relief as is sought and prayed for from or against this Defendant.

3^d That it appear by the said Bill that the same is exhibited by the complainants against these Defendants and divers other persons as Defendants thereto for several distinct matters and causes in many whereof as appear by the said bill. This Defendant is in no way interested and for that distinct and several matters are joined together in the said bill against the same Defendants.

Wherefore this doth demand the judgment of this Court if he shall be compelled further to answer to the said Bill and prays to be hence dismissed with his reasonable costs in this behalf expended
Olney for Defendant.

(Demurrer No. 8)

The Demurrer of Amos Seabolt and John McKee Peeples, impleaded with Henry Eddy et al Defendants, to the bill of Complaint of Albert G. Caldwell and Ebenezer T. Ryan as assignees of the Bank of Illinois.

This Defendant by protestation &c doth Demur to the said Bill of complaint and for cause of Demurrer sheweth 1st That this Defendants Guardian had no authority to execute the said Mortgage.

2^d That so far as this Defendant is concerned the Bill shews no grounds of Equity Jurisdiction.

3^d That Complainants Bill is multifarious, several distinct matters being joined in some of which part of the said Defendants are not liable or interested.

4th That Trustees of Shawneetown had no authority to borrow money. Wherefore he prays to be hence dismissed &c.

Attest for Defendants.

Wednesday 26th June 1850

A. G. Caldwell & E. T. Ryan assignees

Bank of Illinois vs

Henry Eddy, John Marshall sr, William A Docker, Alexander Kirkpatrick, James C. Sloo, John C Marshall Sarah Marshall Amie Marshall, Sarah Marshall John McKee Peeples, Robert Peeples, John T. Jones, Amos Seabolt, Margaret & John J. Hardin Elizabeth & George B. Genovine, Calvin Gold John T. Morris, Thomas Morris, Mary E. M. Morris, Sarah A & Thomas K. Lawler, Mary Ruedrich Oliver C. Bauldwinham Rebecca Reid, Eliza J. Kirkpatrick, George W. Lemenek, William Lemenek, Mary A. Lemenek, Orval Pool, Amira & Richard J. Nelson Mary & Margaret Nelson Martha & Annott, Ann Vaught, Eliza Vaught, Elizabeth Vaught, James Weir, William A. Redman, Charles J. Redman, Mary J. Redman, Elizabeth E. Redman, Sarah A. & Addison T. Redman, John A. Redman, Edward J. Redman, Louisa Redman, Eliza Redman, John A. Redman

Bill in Chancery

Posey, Harrison Wilson Edmund J. Nicholson, Lora
 Posey Elizabeth J. Posey, John D. Richeson, Moses M. Rawlins
 Stephen R. Rowan, John Ellis, Alexander
 Fehcher, George Beck Peter Baker, John Marshall
 Francis Kerstner, Peter Pittman, James Grunden & the
 President & Trustees of of Shawneetown.

On this day at the calling of this cause, the same
 having been taken under advisement by the Court at the
 last term the Court now being fully advised in the premises
 It is considered by the Court that the Demurrer to the
 complainants bill be sustained, and the complainants de-
 -clining to amend their bill after leave given to amend.
 It is ordered adjudged and decreed, that the Complai-
 -nants bill herein be dismissed, and it is further ordered
 and adjudged that the Defendants recover of the Com-
 -plainants their costs and charges in this behalf expen-
 -ded, and that they have Execution &c.

State of Illinois }
 Gallatin County } 3rd.

I John C. Hall clerk of the Circuit
 Court in and for said County, do hereby certify that
 the foregoing is a true copy of the Record, in the case
 above stated as appears from the papers and Records
 in my Office.

In Testimony whereof I have hereunto
 set my hand and affixed the seal of said
 Court at Shawneetown this 13th day of Novr.
 A.D. 1851

J. C. Hall Clerk

Fees in Gallatin Circuit Court \$ 32.50 }
 Clerk's fee for copy of Record 10.50 }
 \$ 43.00

Robert Caldwell &
Ebenezer L. Ryan Assignees
of President & Directors
of Bank of Illinois

Harry Eddy et al.

Filed the 18th Nov.

A. D. 1851

J. D. Preston

Copy of Record

8785

Prepared

Charges for \$10.00



Abstract of the Ex. Emb. & Pavet. in the several Divis-
Illinois, Together with the private Act. of Alfred Richeson
apportioned costs of the Lots respectively.

| Division No 1 from S. A. S. to 1 st S. | Yards | | Cts. | Dolls. | Cts. | Dolls. | Cts. |
|---|-------------|-----------|------------------|---------------|-----------|----------------|-----------|
| Embankment | 3025 | 54 | 37 $\frac{1}{2}$ | 1134 | 54 | | |
| Excavation | 4259 | 17 | 25 | 1064 | 79 | | |
| Excavation as Embankment | 4259 | 17 | 25 | 1064 | 79 | | |
| Pavement | 1021 | 44 | 6.00 | 6128 | 63 | | |
| | | | | <u>9392</u> | <u>78</u> | | |
| Private Act of R. for same | | | | | | | |
| Changing Grade by Order of C ^{ty} | 100 | 00 | | | | | |
| Dropping D ^{itch} Do. | 200 | 00 | | | | | |
| Reducing Survey of St. to Part | 29 | 50 | | | | | |
| Securing foot of Part | 66 | 31 | | | | | |
| Removing logs | 83 | 87 | | | | | |
| Securing upper end of Part | 210 | 30 | | | | | |
| Landings 1021.44 sq. ft at 25 cts | 255 | 36 | | | | | |
| Ring Bolts 20 at 5.00 each | 100 | 00 | | | | | |
| | <u>1045</u> | <u>34</u> | | <u>1045</u> | <u>34</u> | | |
| | | | | | | | 10438 12 |
| First North Street | Yds. | at | at | | | | |
| Embankment | 43 | 21 | 37 $\frac{1}{2}$ | 16 | 29 | | |
| Excavation | 512 | 65 | 25 | 128 | 16 | | |
| Do as Embankment | 512 | 65 | * | 128 | 16 | | |
| Pavement | 154 | 41 | 6.00 | 926 | 24 | | |
| | | | | <u>1198</u> | <u>97</u> | | |
| Private act. of R. for same | | | | | | | |
| Securing foot of | 17 | 70 | | | | | |
| Ring bolts 4 at 5 each | 20 | 00 | | | | | |
| Landings 154.41 at 25 | 38 | 60 | | | | | |
| Removing logs | 41 | 93 | | | | | |
| | <u>118</u> | <u>23</u> | | <u>118</u> | <u>23</u> | | |
| | | | | <u>\$1317</u> | <u>20</u> | <u>1317</u> | <u>20</u> |
| | | | | | | <u>\$11755</u> | <u>32</u> |

ions of the survey of the River Bank in Front of Shawneetown
for Extra work performed on the same. Also the

Division No. 1

| Acq. Lot | Part of | By whom owned | Front Sta. | Dolls. | Cts. | Dolls. | Cts. |
|----------|---------|-------------------------|---------------|--------|------|--------|------|
| 1119 | A. H. | W. Eddy | 79 | 1304 | 77 | | |
| --- | S. H. | John Marshall, | 79 | | | | |
| 1118 | Whole | Same | 79 | 2609 | 52 | | |
| 1117 | Do. | Alex. Kirkpatrick | 79 | 1304 | 77 | | |
| 1116 | Do. | Same | 79 | 1304 | 77 | | |
| 1115 | " | Heirs of Robert Peoples | 79 | 1304 | 77 | | |
| 1114 | " | Wm. A. Docker | 158 | 2609 | 52 | | |
| | | | 632 | 10438 | 12 | 10438 | 12 |
| | | Alley | | 25 | | | |
| | | Whole Front | 154 | | | | |

Front North Street

Am't. Carried over to page 4

1317 20
11755 32

Abstract continued

Dolls. ct.
11755 32

Amt. brought forward
Division No 2

| Yds | 100 | at | Dolls | ct. |
|-------|------|----|-------|------------------|
| Emb | 3211 | 39 | 372 | 829 27 |
| Exca. | 6238 | 14 | 25 | 1559 53 |
| Pave | 486 | 44 | 6.00 | 2918 64 |
| | | | | <u>\$5307 44</u> |

Private acct of R for same)
Securing foot of
Ring Bolts 12 at 50
Sanding 300 sqs. at 25

| | | | | |
|--|--|--|--|---------------|
| | | | | \$72 36 |
| | | | | 60 00 |
| | | | | 75 00 |
| | | | | <u>207 36</u> |

5514 81 5514 80

Main Street

| Yds | 100 | at | Dolls | ct. |
|------------|-----|----|-------|-----------------|
| Emb | 970 | 53 | 252 | 1242 63 |
| Excavation | 327 | 23 | 25 | 81 80 |
| Pavement | 107 | 00 | 6.00 | 642 00 |
| | | | | <u>\$965 43</u> |

Private of R for same)
Securing foot of
Ring bolts 3 at 5 each
Sanding 107 sqs. at 25
Removing logs

| | | | | |
|--|--|--|--|-----------------|
| | | | | 16 65 |
| | | | | 15 00 |
| | | | | 26 75 |
| | | | | 62 95 |
| | | | | <u>\$121 35</u> |

1087 98 1087 98

Division No 3

| Yds | 100 | at | Dolls | ct. |
|------------|------|----|-------|------------------|
| Embankment | 3957 | 65 | 78 | 1184 11 |
| Ex. | 489 | 06 | 2.5 | 122 26 |
| Pavement | 409 | 47 | 6.00 | 2456 82 |
| | | | | <u>\$4063 19</u> |

Private acct of R. for same
Securing foot of
Ring bolts 12 at 50
Sanding 308.27 at 25 ct.
Removing logs

| | | | | |
|--|--|--|--|---------------|
| | | | | Dolls ct. |
| | | | | 73 70 |
| | | | | 60 00 |
| | | | | 77 06 |
| | | | | 125 81 |
| | | | | <u>336 57</u> |

\$4393 76 4399 76
\$22757 66

Amt. Carried to page 5.

Abstract Continued Cost of Lots respectively
Amount brought forward

11755 32

| Lot No | Part of | By whom owned | Dolls | Cts |
|--------|----------|---------------------------------|---------|----------|
| 1127 | 1/2 part | Jno. Marshall | 22ft | 290 87 |
| " | 1/2 part | Alex. Kirkpatrick | 30 1/2 | 398 48 |
| 1138 | 1/4 | Jas C & Has. H. same | 260 7/8 | 344 675 |
| | 1/4 | Jas. C. Hoo | 260 7/8 | 344 675 |
| 1139 | Whole | M. M. Rawling | 52 1/4 | 689 350 |
| 1140 | | Weir of Saml. Marshall deceased | 52 1/4 | 689 350 |
| | | Alley | 16 50 | |
| 1141 | | M Jones, 56 ft | 52 1/4 | 689 350 |
| 1142 | | | | |
| 1143 | | Wm. A Docker 100 ft. | 104 28 | 1378 700 |
| 1144 | | Weir of Seabolt | 52 1/4 | 689 350 |

4362 1/2 5514 80 5514 80

Real Front or length on Front Street 4394 1/2 ft

Main Street
Division No 3

| Lot No | Part of | By whom owned | Front | Dolls | Cts |
|--------|---------|----------------------|-------|-------|-----|
| 1145 | } | Calvin Gold | 118.5 | 824 | 96 |
| 1145 | | | | | |
| 1145 | 1/4 | Thomas Morris | 118.5 | 824 | 96 |
| 1147 | Whole | Same | | | |
| 1148 | Whole | O. C. Van Lanningham | | | |
| 1149 | 1/4 | E. J. Reid | 790 | 549 | 97 |
| 1149 | 1/4 | S. K. Rowan | 375 | 274 | 99 |
| 1150 | Whole | Jno. Simenick | 395 | 274 | 99 |
| 1152 | Whole | O. Pool | 790 | 549 | 97 |

1580 1099 92 4399 76

Alley
Whole length - 65 7/8

5) Abstract continued
 Amount brought from page 3 22757.66

| | Yds. | 100 | at | Dolls | cts. | |
|----------------------------|----------|-----|--------|-----------|------|---------|
| First South Street | | | | | | |
| Embankment | 3000 | 85 | 37½ | 1125 | 31 | |
| Excavation | 108 | 88 | \$6.00 | 653 | 28 | |
| Private acct of R for same | | | | \$1778 59 | | |
| Securing foot of | 16 | 13 | | | | |
| Ring bolts 2 at 5¢ | 10 | 00 | | | | |
| Sanding 108 88 at 25 | 27 | 22 | | | | |
| Removing logs | 62 | 94 | | | | |
| | \$116 29 | | | 116 29 | | |
| | | | | 1894 88 | | 1894 88 |

| | | | | | | |
|-----------------------------|------|-----|--------|------------|----|---------|
| Division No 4 | Yds. | 100 | at | | | |
| Emb | 1960 | 50 | 3/8 | 735 | 18 | |
| Excavation | 305 | 41 | 1/4 | 76 | 35 | |
| Emb of Gullys in Front St. | 150 | 44 | 3/8 | 56 | 41 | |
| Parse 280 65 at | 280 | 65 | \$6.00 | 1683 | 90 | |
| | | | | 2551 84 | | |
| Private acct of R. for same | | | | Dolls cts. | | |
| Securing part of | 73 | 92 | | | | |
| Ring bolts 5 at 5¢ each | 40 | 00 | | | | |
| | | | | 113 92 | | |
| | | | | 2665 76 | | 2665 76 |

| | | | | | | |
|----------------------------|--------|-----|----|--|--|--------|
| Second Street | | | | | | |
| By Agreement | \$ | 230 | 00 | | | |
| Private acct of R for same | | | | | | |
| Securing foot | 19 | 70 | | | | |
| Ring bolt 1 at 5¢ | 5 | 00 | | | | |
| | 254 70 | | | | | 254 70 |

| | | | | | | |
|------------------------------|--------|----|--|-------------|--|--------|
| Division No 5 | | | | | | |
| By Agreement | 270 | 00 | | | | |
| Private acct. of R. for same | | | | | | |
| Securing foot | 21 | 00 | | | | |
| Do. End | 136 | 00 | | | | |
| | 427 00 | | | | | 427 00 |
| Whole cost of work | | | | \$28,000 00 | | |

Amounts contained of 100, respectively
 Amt brought from page 4

22759 66
~~1894~~ 88
 1894 88

Division No 4

| Lot No. | Part of | By whom owned | Front | Dolls | cts | |
|---------|----------|---------------------|---------------|-------|-----|---------|
| 1153 | whole | Rowlings & Rickson | 158 | 666 | 44 | |
| 1155 | whole | Heirs Thomas Docker | 79 | 333 | 22 | |
| 1156 | | Thomas F Yaught | 79 | 333 | 22 | |
| 1157 | | John Marshall | 79 | 333 | 22 | |
| 1158 | | Parmenas Redman | 79 | 333 | 22 | |
| 1160 | S. H. | Redman & Gold | 79 | 333 | 22 | |
| 1160 | S. H. of | E of Nicholson | 79 | 333 | 22 | |
| | | | 632 | 2665 | 76 | 2665 76 |
| | | | Alley Front - | 25 | | |
| | | | Whole Ditto | 157 | | |

Second South Street
 Trustees (by Agreement)

254 70

Division No 5

| Lot No. | No. | By whom owned | Front | Dolls | cts | |
|---------|------|----------------|-------|-------|-----|--------|
| | 1161 | W. A. G. Posey | 158 | 427 | 00 | 427 00 |

State of Illinois

Gallatin Circuit Court June Term A.D. 1849

To the Honorable William A. Burdick Justice of the
Third Judicial Circuit of the State of Illinois
and presiding in the said Gallatin Circuit Court
In Chancery, Your Obedient Servant Robert G. Caldwell
and Ebenezer G. Ryan Assignees of the President
Directors and Company of the Bank of Illinois
appointed and qualified as such Assignees and
duly invested by assignment with the personal estate
rights, credits, and debts of said Bank at

Shawneetown and the Branch Bank at Ligonville
under and by virtue of an act of the General
Assembly of the State of Illinois, entitled an act,
supplemental to an act entitled an act to reduce
the Public debt one million of Dollars and put
the Bank of Illinois into liquidation approved
25th day of February 1848, and the act of the General
Assembly of the State of Illinois amendatory thereof
respectfully complaining show unto your Honor,

That the "Trustees of Shawneetown" incorporated
by and under an act of the General Assembly of
the State of Illinois entitled an act concerning
the "Town of Shawneetown" approved 10th January
1825, and several other acts amendatory to the
same, wished to borrow from the said President
Directors and Company of the Bank of Illinois
a sum of money sufficient to enable them to
make certain public improvements in said
Town, that to enable the said Trustees of Shawneetown
to effect such loan and to guarantee &c

repayment thereof to the amount of Twenty
Thousand dollars and interest on the same
at the rate of six percent per annum to the
Said President Directors and Company of
of the Bank of Illinois the owners of certain lots
in the said Shawanetown executed a mortgage
to the Said President Directors and Company
of the Bank of Illinois in the following words and
figures " This Indenture made this 28th day
of August 1837 between the undersigned proprietors
of lots in ^{the town} Shawanetown of the first part and the
President Directors and Company of the Bank
of Illinois of the second part, witnesseth
that for and in consideration that the Said
Bank has agreed to ~~xxxx~~ loan for the term of
ten years to the Trustees of Shawanetown in their corporate
capacity a sum not exceeding twenty thousand
dollars for the purpose of grading and paving with
rock the river Bank opposite said town from the
South side of North Second Street to a point opposite
the lower corner of the Lot No 1161 in said
Town, the Said Trustees paying interest annually
at the rate of six percent per annum on such
portions thereof as may from time to time be
drawn for the purpose aforesaid from the respective
times when the same shall be drawn and
paying the principal of said loan actually drawn
in installments ~~xx~~ of ten percent per annum
after the first day of January 1839. The undersigned
do hereby respectively each for himself grant
to the Said ~~Trustees~~ ^{parties of the second part} of the second part their heirs
executors and assigns forever a lien in the nature

of a mortgage on the lot or part of lot or lots set
down numbered and described opposite to his
~~respective~~ name, To have and to hold the same
to them the said parties of the second part their
Successors and assigns as collateral security
for the punctual payment by the said trustees
of the interest and for the eventual payment
of the principal of said loan agreeably to the
Contract of said trustees, Provided first and it
is the distinct understanding of the parties thereto
that it shall at all times be competent for any
of the undersigned, his heirs, Executors, Adminis-
trators or assigns so soon as the expense of said
Grading and paving shall be known to pay the
said Bank his proportioned share of said expense
to be made out according to the number of feet
front which he or she ~~is~~ has subscribed,
and be released from this mortgage without
affecting the liability of ^{the} other parties, 2nd It is
further understood that the undersigned incur
by this instrument no personal or other liability
there to the effect of the value extent of the value of
the property mortgaged by them respectively nor
upon that beyond his or her fair ratable share
and proportion agreeably to the number of feet
he or she has, 3rd It is further understood
that after any one shall have released his or
her property from the lease hereby created upon
the same by the payment of the money agreeably
to the full of the above provisions he or she shall be
entitled to have the same refunded in that proportion
or wholly if in the end the whole loan shall
be paid by the said trustees, In witness

whereof the said parties of the first part have
heretofore set their hands and seals the day and
year first above written

Henry Eddy {seal} 1/2 of Lot No 1119.
Saml Marshall {seal} 1/2 1119, 1118 part 1137, part 1157
Alex^r Whitcomb {seal} 1117, 1116, part 1137, part 1138.

W. A. Drake {seal} 1114, 1142, 1143, 1155,
James C. Stov {seal} 1/2 1138,
Saml Marshall {seal} Lot No 1140,
Henry Eddy {seal} Admors of Saml Marshall decd.,
Michael Jones {seal} 1141,
P. Redman {seal} 1144,
Thos Morris {seal} Guardian Wm John Stott decd.,
Henry Eddy {seal} {seal}
C. Cold {seal} part of 1145 & part of 1160,
Thomas Morris {seal} 21 part of 1145,
Thomas Reddick {seal} 1147.

Alex^r Reed Guardian for heirs of Jas Reed part of 1149,
part of 1149.

John Linnick {seal} 1150,
Orval Pool {seal} 1152,
Orval Pool {seal} 1153,
Thos F. Beaight {seal} 1/2 1156,
James Win by
P. Redman Agent {seal} part 1158,
P. Redman {seal} part 1160,
E. J. Nicolson {seal} part 1160,
W. A. G. Posy {seal} No 1161,
M. M. Rawlings {seal} 1139.

That the said President Directors and Company of the Bank of Illinois in consequence of such mortgage security and security of repayment did from time to time, - to and in favor of said Trustee of Shawanutown large sums of money of which as appears by the Cash account in said Bank a balance is still standing due and unpaid of thirty eight thousand three hundred and eleven dollars and thirty nine cents by note of the Trustee of Shawanutown dated the first of January 1841, and bearing interest from date at the rate of six per cent per annum (See document) and one thousand six hundred and eighty eight dollars and fifty one cents by book account,

That with the funds so borrowed the said Trustee proceeded to the completion of the work referred to in the above cited mortgage at an expense and cost of,
as will appear by the report of the work and estimates made thereof reported to the said Trustee of Shawanutown on the 11th day of _____ 1859 a copy whereof is herewith filed (See document) whereby and by means of which improvements the said several lots embraced within said limits mentioned in the said mortgage and report were secured from the encroachments of the Ohio river, that certain lots were then owned by proprietors who were not parties to said mortgage but which lots however were embraced in said improvements and equally benefited by it to wit

Lot No 1115, owned by Robert Dupuis, Lot No 1148³
owned by Oliver C. Vaulandingham part of
Lot No 1149, owned by the heirs of John Caldwell
and the undivided half of lot No 1156 owned
by Oliver C. Vaulandingham and Thomas
F. Vaught as tenants in common that certain
of said lots are still held and seized by the origi-
-al mortgagees or their heirs to wit Nos. 1157
& part of 1137 by John Marshall Sr., No. 1117
1116, & and 1138 by Alexander Kirkpatrick
Nos. 1114, 1142, 1143, by William A. Docker
Sr of No 1138 by James C. Sloss No 1140, by
heirs of Samuel Marshall to wit John Warren
Marshall, Sarah Marshall, and Ann Marshall
his children, and Sarah Marshall his widow,
No 1144 by heirs of John Seabolt to wit Amos
Seabolt, Elizabeth intermarried with George B.
Spencer and Margaret intermarried with
John A. Hadden No 1148 by Oliver C. Vauland-
ingham part of 1145, and part of 1160 to Calvin
Gold part of 1145 by heirs of Thomas Morris to wit
John T. Morris, Thomas Morris, Mary E. Morris, and
Sarah Ann intermarried with Thomas R.
Lawler No 1156 by Oliver C. Vaulandingham
and heirs of Thomas F. Vaught to wit Ann
& Richard S. Nelson, Mary and Hazard Wilson
Motha and Ann Vaught, Ann Vaught
Eleanor Vaught, and Elizabeth Vaught, No. 1149
No 1149 by heirs of James Reid to wit Rebecca
Reid and his widow Eliza S. intermarried
with Alexander Kirkpatrick, No 1152 by Grovel
Pool part of No 1160 by Edward S. Nicholson No
1161 by heirs of W. A. Posey to wit Lou Posey
and his

and his widow Elizabeth J. Posny.

That the titles to the following lots since the completion of the said improvements have vested as follows No. of No 1119 in Lawrence Buckman and Peter Pittman No. of 1119 and No 1118, in John Marshall Sr, part of ~~++~~ No 1137 in George Beck and Peter Baker No 1155 in John Ellis No 1141 in John J. Jones No. 1139 and 1147 in heirs of Thomas Morris to wit, John Morris, Thomas Morris, Mary & S. Morris, and Sarah Ann intermarried with Thomas R. Sawyer, No 1153 in John D. Richardson and John J. Jones No 1158 in James Gaudin part of No 1160 in Harrison Wilson,

That the said several Grantors have received the said several titles with actual notice of the said City Loan and have by mortgage on the said several lots and parts of lots in favor of the said President Directors and Company of the Bank of Illinois,

That the said Trustees of Shawneetown became and were long since wholly insolvent and the inhabitants of said Shawneetown abandoned their said Charter and recently organized under the 25th Chapter of the revised Statutes of the State of Illinois and have elected John D. Richardson, Orval Pool, Peter Merrimack, Joseph Cogsdon and Peter Baker Trustees who are now the "President and Trustees of the Town of Shawneetown" Your orators further represent and charge that the residue of the funds so borrowed by the said Trustees of Shawneetown deducting the cost

of the completion of the said work mentioned
in the said mortgage was expended by the
said Trustee for the use and benefit of the
inhabitants of Shawmutown and with their
consent by making further improvements
in connection with said work just
mentioned by means of which improvements
the value of the property of the proprietors of the lots
above set forth was and is greatly enhanced
and they in Justice should be required to
pay and discharge the whole of said debt,

Your orators further represent that on the 19th
day of October 1848 William A. Deben paid to
your orators the sum of six thousand
two hundred and eighty two dollars and ten
cents as the amount with interest intended
and reported as aforesaid as the proportion of
said work mentioned in said mortgage
due from and payable by the said William
A. Deben on lots Nos. 1144, 1142, 1143, and 1155
that although the said several sums of money
so loaned to the said Trustee of Shawmutown
have been long since due and payable yet
the same was not paid to the said Bank
of Illinois before said assignment nor to your
orators since said assignment but on
the contrary remains due and unpaid
with interest thereon and your orators have
frequently urged the payment thereof by the said
mortgagors proprietors of said lots and inhab-
itants of said Shawmutown,

But now so it is may it please your
Honor the said mortgagors proprietors Trustee and

Substantants have refused to pay the same or any part thereof pretending &c. all of which actings and doings are contrary to Equity,

In Consideration whereof and to the end that the said several parties and their confidential persons whom discovered may true and proper answers make to the matters herein as if the same were specially interrogated but without the same being taken and received as evidence against your Orators, And that your Hon will take an account of what is due your Orators for principle and interest of money so due and owing to your Orators. and that the said parties or such of them as the Court may deem equitably liable, be Decreed to pay your

Orators such rateable proportion of said debt as the Court may accord and that the Court Grant such other and full relief in the premises as may seem meet to your Honor upon a full hearing of the same and that such other persons be made parties from time to time as may become necessary

May it please your Honor to Grant to your Orators the Peoples most Gracious writs of Summons and Subpoena to be directed to the
Mr. Shury Eddy, John Marshall Sr., William A. Dobson, Alexander Kirkpatrick, James C. Stov., and John Carran Marshall, Sarah Marshall Annis Marshall Sarah Marshall, John McNeil Dupuis, Kotat Dupuis, John T. Lous, Amos Cabott, Magawatt and John T. Haddin Elizabeth and George B. Gurewin, Calvin Gold and John T. Morris, Thomas Morris, Mary E. Morris, and Sarah Ann

and Thomas N. Lawton, Mary Puddub, Oliver
C. Fauldingham, Rebecca Mead, Elizabeth
Kubstait, George W. Linnick, William
Linnick, Mary Ann Linnick, Orval Pool
Amia and Richard S. Nelson, Mary and
Hazard, Wilson, Martha and ~~Smith~~
Ann Vaught, Eleanor Vaught, Elizabeth
Vaught, James Weir, William A. Redman
Charles Redman, Mary O. Redman
Elizabeth E. Redman, Sarah Ann and
Addison S. Dosey, Harrison Wilson, Edward
S. Nicolson, John Dosey, Elizabeth S. Dosey,
Miss M. Hawkins, John D. Nicholson, Stephen
H. Rowan, Alexander Furaha, John Ellis,
George Buh, Atu Baku and John Marshall
Sr., Atu Bittman and Francis Kuchner,
James Gurdue and the President and
Trustees of Shaumontown and their confederates
when discovered, thereby commanding
them and every of them at a certain day
and under pain to be therein limited
personally to be and appear before your
Honor in this Court and there ^{there} and fall,
true and direct and pufut answer make
to all and singular the premises &c,
as in duty bound &c,
Caldwell for complainants

State of Illinois,
Gallatin County,

This day personally appeared before the undersigned Clerk of the Circuit Court of said County - Albert G. Caldwell, who being duly sworn, deposes and says that he has been informed and verily believes that Elizabeth and George B. Youwine, Oliver C. Mauland ~~Langham~~, George W. Limerick William Limerick, James Weir, Moses M. Rawlings, Peter Wittman, Francis Kirtchner, Charles S. Redman, Mary J. Redman Elizabeth E. Redman, Sarah Ann and Addison J. Posey - parties mentioned in the foregoing bill, are not residents of this State.

Sworn to and subscribed before me at my office in Shawneetown this 13th day of April A.D. 1849
J. E. Wall clk

Bank of Illinois

\$38,311.³⁹/₁₀₀

Shawneetown 1st Jan'y. - 1841.

On or before the first day of January next, we the Trustees of Shawneetown, and our successors in Office promise to pay the President, Directors and Co. of the Bank of Illinois the sum of thirty eight thousand three hundred and Eleven Dollars and thirty nine cents, payable with interest from the date thereof untill paid, at the rate of six per cent per annum without defalcation for value received.

In witness whereof the said Trustees of Shawneetown have caused their common seal to be hereunto affixed the day and date first above written.

Attest

James M. Jones Clerk

W. A. Packer Pres^t
of the Board of Trustees

"Rec^d 19th Oct 1848 of W. A. Docker Six Thousand two hundred and Eighty two ¹⁰⁰ dollars on the within."

To the Hon^{ble} The Trustees of Shawnee town.

The undersigned your com^r would respectfully submit to your Hon^{ble} body the within abstract of the amount of Ex. Emb. & Fare together with private account of A. Dickson the contractor for work done and not anticipated by the contract as also that of the ascertained cost of the lot on Front known as his final report.

Shawnee town 1839 A. G. Caldwell.