No. 11892

Supreme Court of Illinois

Rodgers.

vs.

Brent.

71641 7

Ct. 26

James Rodgers
vs
Richard W. H. Brent

1849

11892

Lee County, Circuit Court

State of Illinois
Lee County } ss.

Pleas before the Honorable Thomas C. Browne one of the Justices of the Supreme Court of the State of Illinois and presiding Judge of the Sixth Judicial Circuit in said State at a Term of the Circuit Court begun and held at the Court House in the Town of Dixon in and for said County on the third Monday of August A.D. 1848

Present The Hon Thomas C. Browne Judge

Be it remembered that heretofore to wit, on the 17th day of April A.D. 1847 at a term of the said Circuit Court then being held came Richard W. H. Brent by Heaton & Noble his attorneys and presented to said Court his declaration in ejectment against James Rodgers which said declaration is in the words and figures following to wit

"State of Illinois } Lee County Circuit Court
Lee County ss. } April term A.D. 1847

Richard W. H. Brent by Heaton & Noble his attorneys complains of James Rodgers defendant in a plea of trespass and ejectment for that heretofore to wit on the first day of February A.D. 1847 the said plaintiff was the owner in fee simple and in the possession of the South East quarter of Section thirteen in Township numbered twenty one North of Range nine East of the fourth principal Meridian lying and being in Lee County and State of Illinois, containing

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one hundred & sixty acres of land, and being so the owner and possessor of said premises, The said defendant afterwards to wit on the day and year last aforesaid unlawfully entered into said premises and unlawfully withholds the same from the possession of the said plaintiff, to the damage of the said plaintiff of one thousand dollars & therefore he brings suit &c.

Heaton & Noble
attorneys for plaintiff

To the above named defendant
Mr James Rodgers

Sir - You are hereby notified that the declaration of which the above is a copy will be filed in the Lee County Circuit Court on the first day of the next term thereof upon the filing of which a rule will be entered requiring you to appear & plead to said declaration within twenty days from the day of entering such rule & that if you neglect so to do a judgment by default will be entered against you & the said plaintiff recover the possession of the premises in said declaration mentioned.

Dixon April 8th 1847

Yours &c
Heaton & Noble
attys for plaintiff

And such proceedings were thereupon afterwards to wit on the 17th day of April A.D. 1847 had in the said Lee County Circuit Court at the April term thereof as that the following order was then entered upon its records which said order is in the words and figures following to wit

"Richard W. Ho Brent
v
James Rodgers

Ejectment. Saturday April 17th 1847"
"This day came the plaintiff by Heaton & Noble his attornies and filed his declaration in this cause together with an affidavit that a copy of the said

declaration had been delivered to the said defendant as required by law it is therefore on motion of the said plaintiff ordered that the said defendant file his plea to the said declaration within twenty days from this date"

And afterwards to wit on the said 17th day of April A.D. 1847 came the said defendant by his attorney and filed in the office of the Clerk of said Court his plea to the said declaration which said plea is in the words and figures following to wit

"State of Illinois
Lee County Circuit Court April term 1847
Richard W. H. Brent vs James Rodgers.

And said James Rodgers comes and defends the force and wrong &c when &c and says that he is not guilty in manner and form as said Brent has in his declaration in this cause alleged & complained against him & of this he puts himself upon the country.

By Fuller & Southwick his attys"

And such proceedings were afterwards to wit on the 21st day of August A.D. 1847 had in the said Lee County Circuit Court as that the following order was entered upon the records of said Court which said order is in the words and figures following to wit.

Saturday August 21st 1847

Richard W. H. Brent
vs
James Rodgers
} Ejectment

This day came the said plaintiff by Heaton & Noble his attorneys and the said defendant by Southwick his attorney and by their agreement it

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is ordered by the Court that this Cause be Continued to the next term of this Court"

And afterwards to wit on the Eleventh day of april A.D. 1848 at the april term of said Court such proceedings were had in said Court as that the following order was Entered upon the records thereof which said order is in the words and figures following to wit

"Tuesday april 11th 1848

Richard W. H. Brent
" } Ejectment
James Rodgers

This day Came the said plaintiff by Hunton & Robb his attorneys and the said defendant by Southwick his attorney and by their agreement it is ordered by the Court that "this Cause be Continued to the next term hereof"

And afterwards to wit on the 24th day of august A.D. 1848 at the august term of said Court such proceedings were thereupon had in said Court as that the following order was entered upon the records thereof which said order is in the words and figures following to wit

Thursday august 24th 1848

Richard W. H. Brent
vs
James Rodgers } Ejectment.

This day came the said plaintiff by Heaton & Noble, Knox & Denny his attorneys and the said defendant by Southwick his attorney and issue being joined thereupon came a jury of good and lawful men to wit M. F. Davison Ephraim Whitney, Edwin Ellsworth, John Fender Hosea Town John Sunatt Samuel Kiddlesberger William Hudson Martin Phelps James Porter William B. Stewart and David A. Holley who being duly elected tried and sworn to try the issue joined between the said parties after having heard the evidence retired to consider of their verdict and afterwards they returned into Court the following verdict to wit "We the jury in the above case find the defendant guilty and find the Estate in fee simple of the W. ½ quarter of section 13 T. 21. N. of Range nine east of the 4th P. M. to be in said plaintiff"

Therefore it is considered that the said plaintiff do recover against the said defendant the possession of the said premises according to the said verdict of the said jury — also his costs by him the said plaintiff about this suit in this behalf expended — and it is further considered that the said plaintiff have execution upon his said judgment against the said defendant according to force form and effect of his said recovery

And afterwards to wit on the twenty fifth day of

6 August one thousand Eight hundred and forty Eight at the August term of said Court such proceedings were had in said Cause as that the said defendant produced the following bill of his Exception to the decision of said court which said bill of Exceptions was upon the said twenty fifth day of August A.D. one thousand Eight hundred and forty Eight duly filed in the Office of the Clerk of the said Lee County Circuit Court and is in the words and figures following to wit.

Richard W. H. Brent vs James Rodgers } State of Illinois, Lee County and Circuit Court thereof, August Term A.D. 1848 Ejectment.

Be it remembered that on the trial of this Cause the plaintiff to support the issue on his part introduced in Evidence the following patents which are in the words and figures following to wit

Certificate No 11540

The United States of America
To all to whom these Presents shall Come Greeting.

Whereas Jesse Bowman assignee of Samuel M. Bowman has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Galena whereby it appears that full payment has been made by the said Samuel M. Bowman according to the provisions of the act of Congress of the 24th of april 1820 entitled "An act making further provisions for the Sale of the Public Lands" for the East half of the South East quarter of Section thirteen in Township

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Twenty one, of range nine East in the District of Lands subject to Sale at Galena Illinois, containing Eighty acres according to the official plat of the Survey of the said lands returned to the General Land office by the Surveyor General which said tract has been purchased by the said Samuel M. Bowman. Now Know Ye that the United States of America in consideration of the premises and in conformity with the several acts of Congress in such case made and provided have given and granted and by these Presents do Give and Grant unto the said Jesse Bowman and to his heirs the said tract above described

To Have and To Hold the same together with all the rights privileges immunities and appurtenances of whatsoever nature thereunto belonging unto the said Jesse Bowman and to his heirs and assigns forever -

In testimony whereof I John Tyler President of the United States of America have caused these letters to be made patent and the Seal of the General Land Office to be hereunto affixed

Given under my hand at the City of Washington the first day of May in the year of our Lord one thousand Eight hundred and forty three and of the Independance of the United States the Sixty Seventh

Seal

United States General Land Office

By the President
John Tyler

Recorded Vol 19 page 222
J. Willcomson
Recorder of the General Land Office.

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Certificate
No. 11541

The United States of America
To all to whom these Presents shall come Greeting

Whereas Jesse Bowman assignee of Samuel M. Bowman has deposited in the General Land office of the United States a Certificate of the Register of the Land office at Galena whereby it appears that full payment has been made by the said Samuel M. Bowman according to the provisions of the act of Congress of the 24th of April 1820 Entitled "An Act making further provisions for the Sale of the Public Lands" for the west half of the South East quarter of Section thirteen in Township twenty one of Range nine East in the District of Land Subject to Sale at Galena Illinois Containing Eighty acres, according to the official plat of the Survey of the said Lands returned to the General Land office by the Surveyor General which said tract has been purchased by the said Samuel M Bowman, Now know Ye That the United States of America in Consideration of the Premises and in Conformity with the several acts of Congress in such Case made and provided Have Given And Granted and by these Presents Do Give And Grant unto the said Jesse Bowman and to his heirs the said tract above described To Have and to Hold the Same Together with all the rights privileges immunities and appurtenances of whatsoever nature thereunto belonging unto the said Jesse Bowman and to his heirs and assigns forever

In testimony whereof I John Tyler President of the United States of America have caused these letters to be made Patent and

the Seal of the General Land Office to be hereunto affixed.

Given Under my hand at the City of Washington the first day of May in the Year of our Lord one thousand Eight hundred and forty three and of the Independance of the United States the Sixty Seventh

By the President

John Tyler

Recorded Vol 19 Page 223.

J. Williamson Recorder
of the General Land Office

he then offered in Evidence the following deed to wit

This deed made and Entered into this first day of December eighteen hundred and forty six by and between Jesse Bowman and Anna Bowman his wife of Columbia County State of Pennsylvania parties of the first part and Richard W. H. Brent formerly of the State of Maryland but now of Lee County State of Illinois party of the second part Witnesseth, That the said parties of the first part in consideration of one thousand dollars to them paid by the said party of the second part, the receipt of which is hereby acknowledged do by these Presents grant bargain and sell convey and confirm unto the said party of the second part the following described real Estate — to wit — ~~the east~~ the East half of the north East quarter of section twenty four — the west half of the north East quarter of section twenty four — the East half of the north west quarter of section twenty four — the west half of the north west quarter of section twenty four — the East half of the South East quarter of section thirteen — and the west half of the South East quarter of section thirteen, all in Township twenty one of Range nine East in the District of Lands subject to Sale at Galena Illinois, containing four hundred and Eighty acres more or less, and is the same

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land patented by the Government of the United States to the said Jepe Bowman as per patent certificates numbered 11557. 11558. 11559. 11560. 11540. and 11541 situate lying and being in Lee County State of Illinois, To have and to Hold the same together with all the rights immunities privileges and appurtenances to the same belonging unto the said party of the second part and to his heirs and assigns forever the said Jepe Bowman hereby covenanting that he his heirs executors and administrators shall and will warrant and defend the title to the premises to the said party of the second part and to his heirs and assigns forever against the lawful claims of all persons.

In Witness Whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written

Done in presence of
I. T. Davis
Wm Candy

Jepe Bowman (Seal)
Anna Bowman (Seal)

State of Pennsylvania } SS;
County of Columbia }

Be it remembered that on this twenty ninth day of december A.D. Eighteen hundred and forty six before me the undersigned I. T. Davis a justice of the peace in and for said County Came Jepe Bowman and Anna Bowman his wife who are both personally known to me to be the same persons whose names are subscribed to the foregoing instrument of writing as parties thereto and severally acknowledged the same to be their act and deed for the purposes therein mentioned and the said Anna Bowman having been by me first made acquainted with the contents of the foregoing instrument of writing acknowledged on

an Examination Seperate and apart from her said husband that she signed the same and relinquished her dower to the property therein conveyed freely and without the compulsion or undue influence of her said husband.
Taken and Certified the day and year aforesaid

J. T. Davis
J.P.

State of Pennsylvania
Columbia County ss. I, Jacob Eyerly Prothonotary of the Court of Common Pleas in and for the County aforesaid do hereby certify that John T. Davis esquire before whom the written acknowledgement was taken was at that time and still is an acting justice of the peace in and for the County aforesaid duly Commissioned and sworn as such and to whose official acts due faith and credit is and ought to be given as well in courts of justice as elsewhere - In testimony whereof I have hereunto set my hand and affixed the seal of the said court at Danville the twenty Eighth day of January A.D. Eighteen hundred and forty seven - Jacob Eyerly Prot

(Seal)

State of Pennsylvania
Columbia County ss. Be it remembered that on the twenty first day of June in the year of our Lord one thousand Eight hundred and forty Eight, before the undersigned Prothonotary of the Court of Common Pleas of Columbia County came Jesse Bowman and Anna Bowman his wife who are both personally known to me to be the same persons whose names are subscribed to the foregoing instrument of writing as parties thereto and severally acknowledged the ~~said~~ same to be their act and deed for the purposes therein mentioned. And the said Anna Bowman having been by me first made acquainted with the contents of the foregoing instrument of writing acknowledged on an Examination Seperate and apart from her said husband that she signed

the same and relinquished her dower to the said property therein conveyed freely and without the compulsion or undue influence of her said husband and I also certify this acknowledgement to be in due form according to the laws of this State.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court at Bloomsburg the day and year above written.

Seal

Jacob Eyerly Prothy

which ~~said deed~~ was objected to by the defendant and the objection overruled to which decision of the court in overruling said objection and admitting said deed in evidence the defendant Excepted. The plaintiff then introduced Charles Edson as a witness who testified that the defendant had been in possession of the premises claimed in the plaintiffs declaration on the 17th day of april A.D. 1847 and for three years previous; defendant never lived upon the land; that in the fall of the year 1846 deft sowed a crop of wheat upon said land; said wheat was winter killed and was never harvested although some portion of it in the opinion of witness would have been worth harvesting; said deft looked at the wheat in the Spring of 1847 and had the same general oversight of the premises he had for the previous years, but witness knew of no other act of possession or ownership done by said defendant during the year 1847, The fences needed repair every Spring. This was all the evidence introduced by the plaintiff.

The defendant then offered in Evidence the following certificate after proving the signature of the same to be the hand writing of George

Mister and that the said George Mister was at the date of the said Certificate Register of the Land office of the United States at Dixon Illinois

Land Office Dixon Ills
August 20th 1847

I, Geo. Mister Register of the Land office at Dixon Illinois do hereby Certify that Samuel M. Bowman on the 19th day of May 1840 purchased of the United States according to law and as appears from the records of this office the tracts of land designated on the plats of the United States Survey as the South East quarter of Section No. Thirteen (13) and the north half of Section No. Twenty four (24) in Township No. Twenty one (21) North Range nine East of the 4th P.M. Containing 480 acres for which he made payment in full at the rate of One Dollar and twenty five cents per acre

Geo. Mister
Register.

The defendant stating that he Expected to prove that the Certificate of sale upon which the patents aforesaid were ispined were held by said Samuel M. Bowman and not apsigned by him until the 5th day of april A.D. 1843 to the reception and reading in Evidence of said Certificate the plaintiff objected which objection was sustained and the said Certificate Excluded to which decision of the Court in Excluding said Certificate the defendant Excepted, The defendant then offered in Evidence the following certificate and copy of apsignment

General Land Office

July 30th 1847

I. Richard M. Young Commissioner of the General Land Office do hereby certify that the annexed is a true and literal Exemplification of the original on file in this office -

In testimony whereof I have hereunto subscribed my name and caused the seal of this office to be affixed at the City of Washington on the day and year above written.

Richard M. Young
Commissioner of the General Land Office

L.S.

Land Office United States

"Assignment"

For value received I. Samuel M. Bowman of the County of Lee and State of Illinois do hereby sell and assign, subject to all Equity subsisting between me and the United States, unto Jesse Bowman of the County of Columbia and State of Pennsylvania all my right and title to the lands designated as per Receivers Receipts Nos 11557. 11558. 11540. 11541. 11559. 11560 as the East half of the north East quarter of Section No twenty four, The west half of the north East quarter of section No Twenty four, the East half of the South East quarter of Section No Thirteen and the west half of the South East quarter of Section No Thirteen, and the East half of the north west quarter of section No Twenty four and the west half of the north west quarter of Section No Twenty four of Township No Twenty one of Range No nine and East of the fourth principal meridian in the district of lands subject to Sale at Dixon Illinois

Attest
Otis A Eddy
Ed B. Stiles

Witness my hand and Seal

this 5th day of April A.D. 1843.

Samuel M. Bowman (Seal)

Acknowledged before me this 5th day of April A.D. 1843

John Hogan
Register.

after proving the signature to said certificate to be the hand writing of the said Richard M. Young; to the reception of which the plaintiff objected which objection was sustained and the said certif= =icate and copy of a pignment was excluded, to which decision of the Court the defendant excepted The defendant then offered in Evidence the following record of a judgment in said Lee County ~~[illegible]~~

Henry F. Rodney and William Rodney Merchants partners doing business under the name firm and style of H. F. & W. Rodney	Monday September 12th 1842
vs	
Samuel M. Bowman & Charles A. Lane late partners merchants doing business under the name firm and style of Bowman and Lane —	A Pumpsit —

This day came the said plaintiffs by Edward Southwick their attorney legally authorized by the said defendants as per their power of attorney on file in this cause and confessed them to be in= debted to the said plaintiff in the sum of twelve hundred and ninety Seven dollars and Seventy six cents being the sum mentioned in said power of attorney and requested that judgment be entered against them for the same, Whereupon it is considered by the Court that the said plaintiffs have and recover of the said defendants the said sum of

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Twelve hundred and ninety seven dollars and seventy six cents together with their costs by them about this suit in this behalf expended and that they have execution therefor.

and also the following Execution Sheriffs return and Sheriff's deed

Execution

State of Illinois } ss.
Lee County } ss.

The People of the State of Illinois to the Sheriff of said County Greeting

We command you of the goods and chattels Lands and Tenements of Samuel M. Bowman and Charles A. Lane which shall be found in your County you cause to be made the sum of twelve hundred and ninety seven dollars and seventy six cents which Henry F. Rodney and William Rodney hath lately, in the Circuit Court of said County recovered against them for their damages, by reason of certain trespasses by them the said Samuel M. Bowman and Charles A. Lane to the said Henry F. Rodney & William Rodney lately done. And also the further sum of three dollars and fifty two and a half cents which were adjudged to them for their costs and charges in that behalf expended, whereof the said Samuel M. Bowman & Charles A. Lane are convicted as appears to us of record; And have that money ready in Ninety days from the date hereof to render to the said Henry F. Rodney and William Rodney for their damages and costs aforesaid. Hereof fail not and make return of this writ in ninety days from the date hereof with an Endorsement thereon as to the manner in which you executed the same

Lee County Seal

Witness Charles T. Chase clerk of our said Court and the seal of said Court at Dixon this Twenty Eighth day of September A.D. 1842

Charles T. Chase, Clerk

By virtue of the the annexed execution I have levied upon the following described property

Lot 3 in Block 20. Lots 5 & 1 in Block 51
Lot 3 in Block 69. Lot 3 in Block 76
Lot 4 in Block 92

All of said lots lying and being in the Town of Dixon as Recorded in the Recorders office in and for the County of Lee and State of Illinois Also the North half of Section (24) Twenty four and the South East quarter of Section (13) Thirteen, Township (21) Twenty one North Range (9) nine East of the fourth principal Meridian this 3rd day of December A. D. 1842.

James Campbell
Sheriff Lee County.

Lot 3 in Block 20		$50.00 – 33.34
" 3 " do 76		5.00 – 3.33
" 5 " do 51		20.00 – 13.34
" 1 " do 51		30.00 – 20.00
" 3 " do 69		15.00 – 10.00
" 4 " do 92		5.00 – 3.34

South East quarter of Section thirteen Township twenty one North Range nine East of fourth principal Meridian } At $2.75 per acre

North half of Section twenty four Township twenty one Range nine East of the fourth principal Meridian } $1.50 per Acre

After being duly sworn, We the undersigned hereby certify that the above prices set opposite the property mentioned were agreed to by us, and that we have prized the said property as stated above

Appraisers appointed to appraise } Erastus De Wolf, Charles Edson, J. T. Little.

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the above property taken to satisfy
an Execution in favor of Henry F.
Rodney & William Rodney vs Samuel M.
Bowman & Charles A. Lane

Received this Execution for collection this day of october A.D. 1842
at the hour of 9 oclock A M.
Made Six hundred and ninety seven dollars and Seventy
Six cents and paid the same as per
receipt on this Execution - James Campbell
Fees levying 50 returning 12½ appoint Sheriff of Lee Co
ing 3 appraisers who did not agree 75
Levying same 18¾ advertising 25 appointing 3 appraisers 75 Levying same 18¾
per cent on 697.76 19.44 december 26th 1842
appraisers fees 1.15 this certificate 25 - filing same 50 James Campbell Sheriff Lee Co

We this day bid off the property levied upon by virtue of the within Execution the sum total of which sale amounts to Six hundred and ninety seven dollars and Seventy Six cents which said amount is to be Endorsed as so much received by said plaintiffs upon the within Execution
Dated December 26th - 1842. E. Southwick atty
for said plaintiffs -

"Sheriffs deed"

Whereas, Henry F. Rodney and William Rodney did at the term of the Circuit Court for the County of Lee in the State of Illinois held on the second monday of

September in the year of our Lord one thousand Eight hundred and forty Two recover a judgment against Samuel M. Bowman and Charles A. Lane for the sum of thirteen hundred and one dollars and thirty Eight cents for their damages and costs of suit upon which judgment an Execution was issued tested the twenty Eighth day of September A.D. Eighteen hundred and forty two, directed to James Campbell Sheriff of said County of Lee State of Illinois, to Execute by virtue of which said Execution I the said James Campbell levied upon the lands hereinafter described and the same were struck off and sold to Edward Southwick he being the highest and best bidder therefor and the time and place of the sale thereof having been duly advertised according to law Now therefore Know all by these presents that I, James Campbell Sheriff of said County of Lee in consideration of the premises have granted bargained and sold and do hereby convey to the said Edward Southwick his heirs and assigns the following described tract of land To wit The South East quarter of section number thirteen (13) in Township number (21) twenty one north range (D) nine East of the (4th) fourth principal Meridian situated in said County of Lee. To have and to hold the said described premises with all the appurtenances thereunto belonging to the said Southwick his heirs and assigns forever. Witness my hand and seal this seventeenth day of December in the year of our Lord one thousand Eight hundred and forty four.

James Campbell (Seal)
Sheriff of Lee Co. Ills

State of Illinois }
Lee County } SS. I, Charles T. Ohare clerk of the circuit

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Court in and for said County Certify that James Campbell whose name is subscribed to the within deed of Conveyance and who is personally known to me to be the identical person who signed the same, this day appeared before me and acknowledged that he had signed sealed and delivered the same as his free act and deed for the uses and purposes therein expressed.

Witness my hand and the Seal of said Court at Tiffin in said County this Seventeenth day of December A.D. 1844.

Charles T. Chase Clerk –

to the introduction of each of which the plaintiff objected which objection was sustained and the said record, Execution, Sheriff's return and deed were excluded; to all of which decisions of the Court the defendant excepted at the several times when they were made. The defendant then introduced Erastus De Wolf as a witness who testified that he was called upon as an appraiser to appraise the land in question upon the sale upon the Execution aforesaid. The defendant then asked said witness what acts the said Samuel McBoroman did in relation to turning out said land to be sold on said Execution, and whether or not one of the appraisers were appointed or chosen by said Samuel McBoroman, to which questions said questions the plaintiff objected and the court refused to allow said questions to be answered to which decision of the Court the defendant excepted, witness testified that at that time he was not upon the land but in sight five miles from the land but that he was acquainted with the land

This was all the Evidence offered in the case

The Jury found the following verdict

"We the jury in the above Case find the defendant guilty" and find the Estate in fee simple of the S. E. quarter of Section 13. T. 21 N. of Range nine East of the 4th P. M. to be in said plaintiff—"

The defendant prays this his bill of Exceptions be signed sealed and Enrolled and made a part of the record which is done.

Thos. C. Browne Seal

State of Illinois } I. Charles T. Chase Clerk
Lee County } of the Circuit Court in and for said County. Do hereby certify that the foregoing is a true full and perfect Transcript from the records of said Court of the proceedings had therein in the above mentioned cause. Wherein Richard N. H. Brent is plaintiff and James Rodgers defendant

In Testimony whereof I have hereunto set my hand and affixed the seal of said Circuit Court at Dixon in said County of Lee this fifteenth day of January A.D. 1849

Charles T. Chase Clerk

Clerks fees. Making Transcript 6192 words — $10.75
Certificate seal .50
$11.25 settled

by E. Southwick defendants atty

C. T. Chase Clerk

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Richard W. H. Brent
vs
James Rodgers

Ejectment.

It is hereby agreed by and between the parties to this Suit by their respective attorneys duly authorized that upon filing with the Clerk of the Supreme Court at Ottawa Illinois the within mentioned transcript or record which is the transcript or record of the above Case of Richard W. H. Brent vs James Rodgers that the above Entitled Cause may be Entered upon the docket of said Supreme Court, and that upon the second day of the Sitting of said Supreme Court, (the commencement of the session of which is upon the first Monday of February next) the appearances of both the said Brent and Rodgers by their respective attorneys hereto may be duly Entered in said Court and the said Cause on the said second day of the term of said Court set down for a hearing or as soon thereafter as the Court aforesaid will hear the arguments therein. And it hereby further agreed that the issuing and serving of a writ of Error and all writs and processes in this Cause be Entirely waived and the said Supreme Court without requiring the same to have jurisdiction of the above ~~cause~~ ~~Entitled~~ Entitled Cause upon the filing in said Court the said transcript or Record

Deaton & Noble
attys for Deft

C. Southwick attorney
for said Defendant.

Dated at Lee County Illinois
January 13th 1849.

James Rodgers plaintiff in Error
vs
Richard W. H. Brent defendant in Error

Supreme Court of Illinois 3d Grand Division Ottawa Mr.

Now Comes the said plaintiff in Error by Southwick & Cook & Glover his attorneys and assigns the following Errors appearing upon the record in this Cause

1st The Court Erred in admitting in Evidence the deed from Jesse Bowman & Anna Bowman to Richard W. H. Brent.

2d The Court Erred in Excluding the Certificate of George Miller Register of the Land office of the date of August 20th 1847 from the jury.

3d The Court Erred in Excluding the Copy of assignment from Samuel M. Bowman to Jesse Bowman dated 5th of April A.D. 1843, together with the Certificate of Richard M. Young Commissioner of the general Land office which were offered in Evidence by the defendant Rodgers.

4th The Court Erred in Excluding the record of the judgment in favour of Henry F. Rodney and William Rodney

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against Bowman & Lane which was offered in Evidence by the defendant Rodgers.

5th The Court erred in Excluding the Execution and the Sheriffs return thereon which was offered in Evidence by the Defendant Rodgers

6th The Court erred in Excluding the Sheriffs deed which was offered in Evidence by said Rodgers

7th The Court erred in refusing to allow the witness Erastus De Wolf to testify in answer to the interrogatories pro-pounded by said Rodgers.

8th The Court erred in admitting improper Evidence on the part of said Brent and Excluding proper Evidence which was offered by said Rodgers

9th The Court erred in rendering the judgement aforesaid upon the verdict of the Jury aforesaid

Cook & Glover &
E. Southwick attys
for said Rodgers.

And now comes the said defendants in Error and says that there are no such errors in said record & proceedings as are above alleged. He therefore prays that said judgment may

be affirmed

C. S. Leland. and
Mr Heaton for Defts

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James Rodgers
vs
Richard W. H. Brent

Record

Filed June 11. 1849.
S. Leland Clk.

A assignment of error
filed June 12. 1849.
S. Leland Clk.

Richd W. H. Brent
vs
James Rodgers

State of Illinois, ss.

Supreme Court, Third Grand Division, at Ottawa:

The People of the State of Illinois, to the Sheriff of Lee — County — Greeting:

WE COMMAND YOU, That of the goods and chattels, lands and tenements, and real estate of Richard W. A. Brent

you cause to be made the sum of forty five dollars and twenty one cents costs in the said Supreme Court, which James Rodgers

lately recovered against him before the Justices of our said Supreme Court, as appears to us of record, and make return hereof in ninety days.

WITNESS, the Hon. Samuel H. Treat, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this Eighth day of August in the year of our Lord one thousand eight hundred and forty nine.

L. Leland *Clerk of the Supreme Court.*

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Supreme Court

James Rodgers
vs
Richard W. H. Brent

Execution

Bill of Costs $45.21
Fee Bill 3.31¼
Amt. $48.52¼

This Execution returned satisfied in full
Sept 11th 1850

James Coble
Sheriff

Filed Clerk 13. 1850.
Leland Clk.

By virtue of the within
Sept 11th 1849

Received on the within
Sept 11th 1849

$48.52
Jas. Coble

Rec'd January 1st 1850 Eleven dollars & twenty five cents for the marking out of the boundaries in the within case made out & shown to which I have entitled & agreement with Clerk & Counsel. G. Gantt

Supreme Court, 3d Grand Division - June Term 1849.

James Rodgers
vs
Richard W. H. Brent } Error to Lee.

Deft's. costs -

Ent. appe. 25, fil. jordn 6¼, fil. agreement 6¼,	.37½
Bill of costs 37½, copy 25, cert. & seal 50, fil. & Sh. 18¾,	1.31¼
Sheff. retn. 12½, Satisfn. 25, Sh. fee 1.25	1.62½
Amt.	$3.31¼

State of Illinois, ss.

Supreme Court—Third Grand Division, at Ottawa:

The People of the state of Illinois to the sheriff of Lee county---Greeting:

WE COMMAND YOU, that of the goods and chattels, lands and tenements of Richard W. H. Brent you cause to be made the sum of three dollars and thirty one & a fourth cents, the amount of the foregoing bill, which is due and unpaid, and is a true copy from the Fee Book in my office; and hereof make due return in ninety days.

WITNESS, the Hon. Samuel H. Treat, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 8th day of August A. D. 1849.

L. Leland *Clerk of the Supreme Court.*

[11892-15]

Supreme Court.

James Rodgers
vs
Richard W. H. Brent

Fee Bill ~~~ $3.34

Filed May 13. 1850.
V. Leland Clk.

Pleas before the Honorable Thomas C. Browne one of the judges of the Supreme Court of the State of Illinois and Presiding judge of the Sixth judicial circuit in said State of which said circuit the County of Lee was a portion; Be it remembered that at a term of the said Circuit Court in said County of Lee held upon the Second Monday of September one thousand eight hundred and forty two before the Honorable Thomas C. Browne aforesaid of the judge of the said circuit court aforesaid in said County of Lee the following proceedings were had in said Court to wit as appears by the records thereof

Henry F. Rodney & William Rodney merchants partners doing business under the name firm & style of H. F. & W. Rodney
vs
Samuel M. Bowman & Charles A. Lane late partners ~~merchants~~ doing business under the name firm & style of Bowman & Lane

} ~~A Monday September 18th 1842~~ A Pumpsit

This day came the said plaintiffs by Edward Southwick their attorney legally authorized by the

[11892-16]

by the said defendants as per their power of attorney on file in this Cause and confessed them to be indebted to the said plaintiffs in the sum of twelve hundred and ninety seven and seventy six cents being the sum mentioned in said power of attorney and requested that judgment be entered against them for the same whereupon it is considered by the court that the said plaintiffs have and recover of the said defendants the said sum of twelve hundred and ninety seven dollars and seventy six cents together with their costs by them about this suit in this behalf expended and that they have execution therefor

State of Illinois
Lee County ss:

I Charles T. Chase clerk of the circuit court in and for said county of Lee do hereby certify that the foregoing order appears of record in my office and is the same record of a judgment which was made part of a ~~judgment~~ bill of exception in a Cause which was tried at the August term of the Lee county circuit court aforesaid being an action of Ejectment ~~wherein~~ which trial was on the twenty fourth day of August one thousand eight hundred

and forty Eight the plaintiff in which said action of Ejectment was Richard W. H. Brent and the defendant was James Rodgers and that it also appears by the records in my office that the foregoing order was duly entered upon the twentyth day of September one thousand Eight hundred and forty two

In Testimony whereof I have hereunto set my hand and the seal of said Court at Dixon in said County this 26th day of June A.D. 1849

Charles T. Chase Clerk.

Dixon June 26th/49

Mesrs Cook & Glover – Enclosed please find what I hope is sufficient

Yours respy

E. Southwick

[11892-1]

26

Rodgers vs Brent

$286.10

47.
7½
329
24
353
16
2118
353
72/5648 | 78
504
608
576
232

115.60
69.90

82
18
656
82
14.76

82
15
410
82
12.30

Filed June 29. 1849.
L. Leland Clk.

PAID 5

OTTAWA
JUN 27
IL.

Messrs Cook & Glover
attys at Law
Ottawa
La Salle Co.
Ills

Supreme Court, 2d Grand Division = June Term 1849.

James Rodgers
vs
Richard W. H. Brent } Error to Lex.

~~Appellants costs~~ = Plffs. costs.

Fil. transcpt. 20, Dk. cause 12½, Ent. appear. of Plff. 25,	.57½
Fil. mend 6¼, Ent. joinder 25, writ of error & fil. 18¾, affdt. & fil. 18¾,	1.31¼
Sag'tr. of Diminution 25, Ord. for certiorari 25, Fil. affdt. to mend 6¼,	.56¼
Fil. 4 abstrts. 25, Ent. argt. 25, Ent. subm. 25, Ord. taking time 25,	1.00
Ord. reg. 25, Ord. remdy. 25, Fil. opinion 6¼,	.56¼
Ent. judt. & opinion 82 fol. 14.76, copy of judt. & opinion 12.30,	27.06
Certif. & seal 50, Ent. judt. for costs 25, Ord. for exctn. 25,	1.00
Execution 50, fil. & Dk. 18¾, Shffs. rtn. 12½, postage 20,	1.01¼
Bill of costs 37½, copy 25, satisfn. 25, transcpt. &c. 11.25,	12.12½
Amt.	$45.21

A true copy from my fee book as taxed & recorded therein.

S. Leland Clk. Sup. Court.

[11892-18]

Rodgers vs Brent

Bill of costs $45.21

James Rodgers
vs
Richard H. W. Brunt

State of Illinois
Supreme Court
3rd Grand Division
June Term A.D. 1849

B. C. Cook atty for the plaintiff in error ~~stated~~ being sworn states on oath that the whole ~~record~~ proceedings in this case does not appear in the record filed in this Court that a material portion of the record of the judgment which was offered in evidence of the defendant in the Court below and the whole of which was made a part of the bill of exceptions, is omitted in copying into the record filed in this Court and he prays for a writ of certiorari directing the Clerk to send up a complete record

B. C. Cook

Subscribed & sworn to before me June 20, 1849.
S. Leland Clk.

[11892-19]

Rodgers vs Brent

Appeal for Certiorari

Filed June 20. 1849.

S. Leland Clk.