

11888

No. _____

Supreme Court of Illinois

Spillman, et al.

vs.

Curtenius.

71641  7

Peoria Co.

Spillman et al.

vs

A. G. Curtenius.

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Prepared

1851

Pleas at a term of the Circuit Court begun and held in and for the county of Peoria and State of Illinois on the fourth Monday of March in the year of our Lord one thousand eight hundred and fifty, to wit.

Be it remembered that heretofore to wit, on the twenty seventh day of May A.D. 1847 at a term of said Circuit Court then begun and held at Peoria in and for said county of Peoria the following proceedings were had therein to wit.

Alfred G. Curtinuis

Rule to plead }

vs defendant

John Spellman

Philip Spellman

John P. Palmer

This day came the plaintiff by Elisha N. Powell his attorney and filed his declaration and notice in this suit and proved to the satisfaction of the court that a copy thereof had been served on each of the said defendants more than ten days previous to this time. On motion of said plaintiff's attorney Ordered that the said John Spellman, Philip Spellman and John P. Palmer plead to said declaration within twenty days from this time.

The said declaration and notice are in the words and figures following, to wit,

Declaration }

State of Illinois, Circuit Court Peoria County
Peoria County, Moey Term A. D. 1847

Alfred G. Curtinuis complains of John Spellman Philip Spellman and John P. Palmer, for that whereas on the eighth day of March in the year of our Lords one thousand eight hundred and forty three at the County of Peoria and State of Illinois, he the said Alfred G. Curtinuis was proprietor of Lot Number Four in Block Number Fifty one in Bergelow and Underhills addition to the Town of Peoria together with all and singular the buildings and improvements thereon the title to which said premises he claims in fee, and that being so proprietor thereof the said Defendants John Spellman, Philip Spellman and John P. Palmer afterwards to wit, on the tenth day of March in the year of our Lords one thousand eight hundred and forty three at the County aforesaid entered into the said premises and unlawfully withholds

2) from the said Alfred G. Courtenius the said plaintiff the possession of the said premises to the damage of the said plaintiff One hundred Dollars and therefore he brings suit &c -
E. N. Powell
Atty for Plff

Notice }

To John Spellman, Philip Spellman, and John P. Palmer Defendants in the above suit
Gentlemen - Take notice on the fourth Monday of May next at a Term of the Circuit Court there to be held or as soon thereafter as counsel can be heard the above declaration will be filed in the Circuit Court of Peoria County, that upon the filing of the same a rule will be entered requiring you to appear and plead to such declaration within twenty days after the entry of said rule and that if you neglect to appear and plead a judgment by default will be entered against you and the plaintiff will recover possession of the premises described in the said declaration - E. N. Powell
March 6th 1847 - Atty for Plff

And afterwards on the twenty first day of July A.D. 1847 the defendants filed their plea to said suit in the words of figures following to wit

Plea }

John Spellman
Philip Spellman
John P. Palmer
as
Alfred G. Courtenius
In Ejectment
Peoria Circuit Court

And the said Defendants come and defende the wrong and injury when &c and say they are not guilty of the trespass and ejectment in said Declaration mentioned in manner and form as the said plaintiff hath thereof complained against them and of this they put themselves upon the Country &c to be Ballanced
Atty for Defts

And afterwards at the May Term of said Court A.D. 1848 the following proceedings were had therein to wit
Monday, June 5th A.D. 1848 -

affid on motion }
for writ of Restitution }

Alfred G. Courtenius

In Ejectment

John Spellman }
Philip Spellman } I Charles Bullen, do depose and say
that I have for many years, before the commencement of this suit, been in the quiet and peaceable possession of said premises, by actual and person occupancy thereof, under a claim of right, and that said Defendants had no interest in said premises only as my tenants, that after the commencement of this suit, I bought back the lease by which they were in possession, and took possession thereof, together with a house said Defendants had built thereon, that while so in possession, I leased said premises including said house to one Chester Helmliu, who entered into the possession thereof, and occupied as my tenant, that while I was personally occupying said premises as aforesaid, one Isaac Underhill, under whom said plaintiff claims title, brought an action of ejectment, for said premises, against me, and had it pending for a long time in this Court, but finally his Attorney being fully persuaded as a matter of law, that said suit could not be sustained, dismissed it at the costs of said Underhill, and afterwards sold his right (such as it was) to said Courtenius, and upon that night the present suit is brought, that on the seventh day of June A. D. 1848. this suit was tried by a jury of the County who found in favor of the Defendants, and said plaintiff took a new trial, and the cause is therefore still pending in this Court for all which proceedings, in said suits, the records of this Court, and the papers on file, in said causes, are here referred to, and made part hereof, furthermore that said plaintiff, either because he had no hopes of recovering said premises by law, or because he was unwilling to await the process of law, in the case, on or about the date last aforesaid, took forcible possession of said premises, by forcing the door of said house, while it was locked, and the key thereof in the pocket of said Helmliu, who was occupying it as my

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4)

tenant as aforesaid, and said plaintiff still for eilly - holds the same, and said possession was, ever taken and is still held against my will, and without my consent - and as I have been informed and believe, without the consent of said Heunlin - Wherefore I hereby pray, that a writ of restitution may be granted under the seal of this Court, directed to the Sheriff of Plencia County, commencing him with the power of the County if need be, to reinstate affiant in possession of said premises - C. Ballance
 Subscribed and sworn to before me this 28th day of March A.D. 1850
 Jacob Gale, Clerk.

And afterwards at the term of said Court first aforesaid the following proceedings were had in said Court in said Cause, to wit

Thursday March 28th A.D. 1850

Motion for writ
 of Restitution

Alfred G. Courtenais

vs

Ejectment

John Spellman

Philip Spellman

Defendants by C. Ballance their Attorney
 moves for a writ of restitution against said plaintiff

Friday March 29th A.D. 1850

Motion overruled

Alfred G. Courtenais

vs

Ejectment

John Spellman

Philip Spellman

This day this cause came on to be heard on the Defendants motion for a writ of restitution against the plaintiff herein, on consideration whereof the Court overruled said motion - -

Death of Palmer
suggested -

Alfred G. Curtin

Ejectment

vs
John Spellman
Philip Spellman
John P. Palmer

This day came the plaintiff by E. L. H. A. Powell his Attorney and suggested and proved to the satisfaction of the Court that the Defendant John P. Palmer has since the commencement of this suit departed this life, and thereupon on his motion, ordered that this suit proceed against the said John Spellman and Philip Spellman, in the same manner as if they had been originally the sole Defendants to this suit.

And afterwards on the 28th day of March A.D. 1850 there was filed in said cause an affidavit, in the words and figures following, to wit,

Friday, March 29th A.D. 1850

Verdict & Judgment

Alfred G. Curtin

Ejectment

vs
John Spellman
Philip Spellman

This day came the parties by their respective attorneys, and issue being joined - It is ordered by the Court that a jury be impanelled to try said issue whereupon came a jury of twelve good and lawful men - to wit - Lemuel Lovell, George Stewart, Samuel Mc Isaacson, Nathan Johnston, Joseph Moresett, Benjamin Brown, Stephen Pinckney, Luther Ward, Thomas B. Reed, Ira Smith, Milton McCormack, and Joseph Giles, who being duly chosen, tried and sworn to well and truly try the issue joined and a true verdict give according to the evidence, do say, We of the jury do find the Defendants guilty in manner and form as the Plaintiff has complained against them, and that the Plaintiff has an estate in fee simple in the premises in his declaration mentioned, therefore it is considered that the said Alfred G. Curtin have and receive

5/11/50

6)

of the said John Spellman and Philip Spellman -
possession of the premises in the declaration mentioned
to wit, Lot Number Four in Block Number Fifty one
in Bigelow and Minderhills addition to the Town of
Peoria together with all and singular the buildings
and improvements thereon and that a writ of possess-
ion issue therefor and it is further considered that the
said Alfred G. Courtenius have and recover of the said
John Spellman and Philip Spellman his costs and
charges by him about his suit in this behalf expended and
that he have execution therefor - -

And afterwards on the fourth day of April A.D. 1850 a Bill of
Exceptions was filed in said cause duly signed & sealed by the Judge
of said Court, which is in the words and figures following, to wit -

March Term A. D. 1850 - of the Peoria Circuit
Court in the State of Illinois -

Alfred G. Courtenius
vs
John Spellman et al

In Exception

Be it remembered that on the
trial of this cause the complainant, to prove the issue
on his part offered in evidence the following certificate -

Bogardus Certificate
of Preemption

Land Office Quincy Illinois - I William G. Flood
Register of the United States Land Office at Quincy
Illinois do hereby certify that John L. Bogardus, on the
15th day of November 1837, purchased at said office
by virtue of a preemption under the preemption act
of 1832, the South East fractional quarter of Section
No. Nine in Township No Eight North of Range No Eight
East of the 4th principal Meridian containing Twenty
three acres and ninety three hundredths of an acre with
the following conditions, agreeably to instructions contained
in a letter from the Commissioner of the General
Land Office dated 4th September 1837, viz, "Subject
however to the right of any and all persons claiming
under the act of Congress of 3 March 1823, entitled" and

act to confirm certain claims to lots in the village
of Peoria in the State of Illinois - all of which appears of
record in this office - Given under my hand at
Quincy this 23^d day of March A. D. 1840 -

William G. Flood, Register

To the introduction of which in evidence Defendant
objected, for the reason that the patent was better evidence,
and after so great a lapse of time, the Court would presume
no patent had been issued, if the entry was legal -
which objection the Court overruled, and said certificate
was given in evidence - -

Plaintiff then reads the following deed -

Deed of Bogardus
to Underhill

Know all men by these presents that I John L. Bogardus
of Peoria in the County of Peoria and State of Illinois
in consideration of one thousand and fifty dollars to
me in in hand paid by Isaac Underhill of said Peoria
the receipt whereof I do hereby acknowledge, do hereby grant
sell and convey unto said Underhill all my right and
interest in and unto the South East fractional quarter
of Section Nine in Township Eight North Range Eight
West of the fourth principal Meridian in said Illinois,
and also in and unto the ferry established across the
Illinois River in said Peoria, together with the boats and
other implements thereunto belonging, to have and to
hold the same to the said Underhill his heirs and assigns
forever, with all the privileges & appurtenances therein to
belonging - In Witness whereof I have hereunto set my hand
and seal this fifth day of August A. D. 1834 -

Signed Sealed & delivered in presence of
John L. Bogardus (S) 3
Orin Heamlin 3

This day personally appeared
before the undersigned an acting Justice of the Peace in
and for Peoria County, John L. Bogardus, who being person-
ally known to me to be the same person and acknowledged
the within to be his act & deed for the uses and purposes
therein contained - Given under my hand & Seal this
fifth day of August one thousand eight hundred and
thirty four -

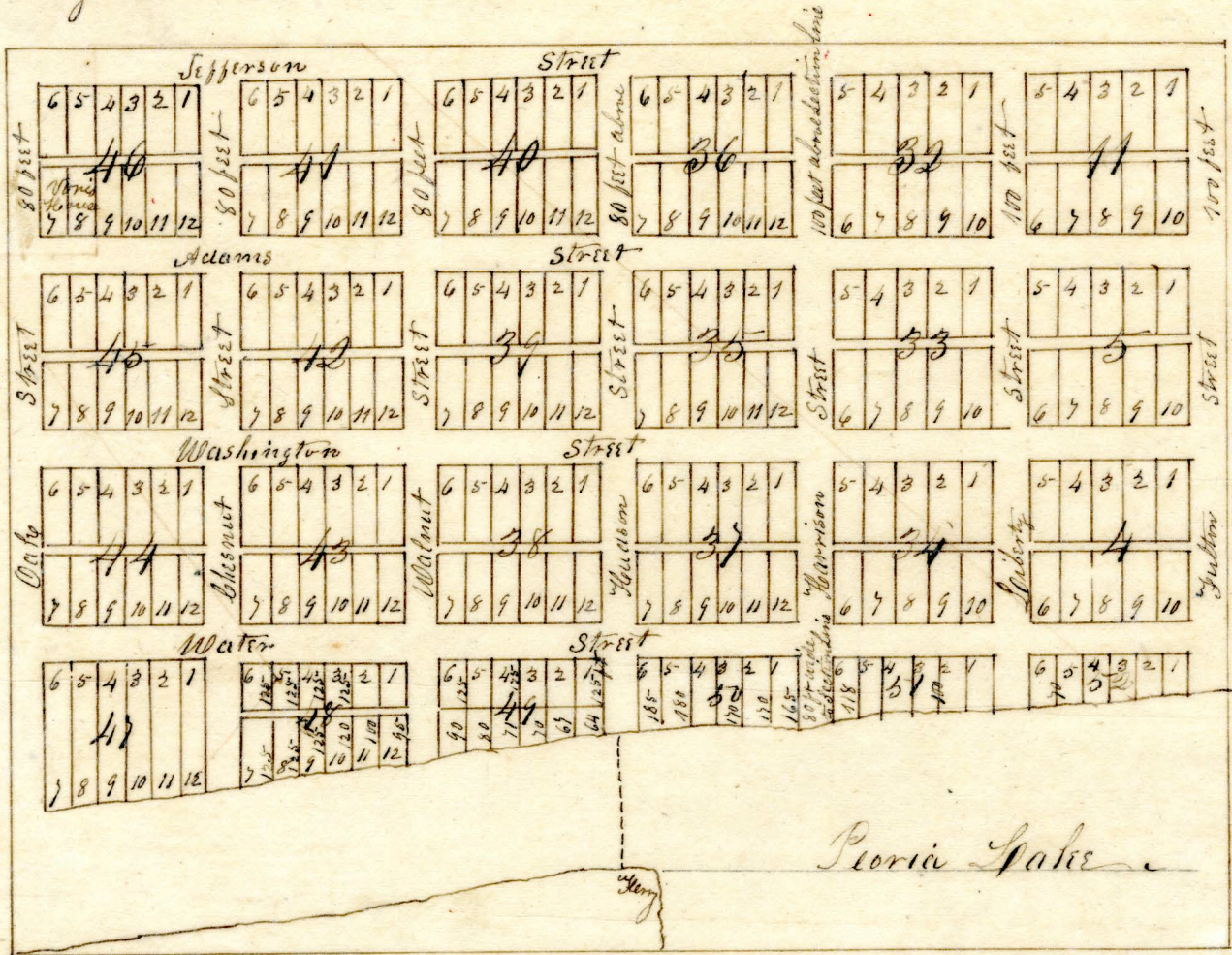
Orin Heamlin J. P. (S)

4)
To the reading of which Defendants objected, but the Court overruled said objection, and said deed was given in evidence to the jury — —

Plaintiff then reads without objections a Deed from said Underhill to plaintiff, and proved that Defendants were in possession of the lot of lands described in the declaration on the day the declaration in ejectment was served on them — — —

Plaintiff then offered in evidence the following plot

Bigelow and Underhills addition to Peoria Ills.



The Lots inside the Roads lines are Bigelows & Underhills addition to The Town of Peoria. Blocks 40, 41, & 42. Bigelows valley - Lots in Blocks 34-72 feet front by 171 feet deep - On Blocks 48 & 49, 60 ft front on Water Street by 125 ft deep - Blocks Nos. 50, 51, & 52, 60 ft front, depth marked on the plat - the balance of the Lots are 60 ft front by 171 ft deep - alleys 18 ft wide except the alley in Block 48, which is 14 ft wide - Surveyors Office Peoria June 22 1836 I Thomas Phillips County Surveyor of Peoria County do certify that the within named plat is a true and correct survey -
 Thos. Phillips

To the introduction of which Defendants Counsel objected, but the Court overruled said objections, and said plat was given in evidence to the jury — —

Plaintiff here rested — and Defendant offered in evidence a Deposition of Alexander Caldwell, which is as follows — — The deposition of Alexander Caldwell taken at the Randolph house in Groveland in Saywell County between the hours of ten O. clock A. M. and from 1 clock P. M. on the twenty first day of April A. D. 1848, pursuant to the inclosed notice to be read in evidence on the part of the Defendants in the said entitled cause —

Caldwell
Deposition

Question first by Bellance in behalf of the Defendants 1st Are you or are you not acquainted with lands about the City of Peoria. If yes how long have you been acquainted with them
Answer, — I have been acquainted about Peoria and neighbourhood ever since the latter part of the year 1827 —
2nd by same Did you ever live in Peoria, if yes when did you remove there, and when away, and where have you lived since —

Answer — I lived in Peoria from the latter part of the year 1827 — until about twelve years ago —

3rd by same have you at any time possession of any portion of the S. E. fractional quarter of Sec. 9. in T. 8. N. R. 8. E. — commonly called the Boyardus or Perry fraction, if yes state the nature of your possession, when it commenced and when it ended — —

Answer — I bought a claim on said tract in 1828. and occupied it until 1832 or 1833. and then I sold my claim to William R. Swinerton and gave him possession —

4th by same did you build the house you occupied or was it there before you come to the County —

Answer — the house was on the place when I came to Peoria, and appeared to be an old house at that time —

5th by same, as long as you remained in possession thereof did any one dispute your right to be there —

Answer — they did not, nor any one pretend to claim against me — Further this Deponent saith not —

Alexander Caldwell —

State of Illinois
 Tazewell County set $\frac{3}{3}$ I, John O. Brien a Justice of the peace
 of said County do hereby certify that the above Deposition was
 taken before me at the time and place in the in close &
 notice specified, and all the questions therein were propo-
 unded to said Witness by me, and the answers thereto commit-
 ted to writing by me, and further that said witness was
 duly sworn according to law by me, and subscribed his
 name to said Deposition in my presence — Given from
 under my hand this 21st day of April A. D. 1848 —
 John O. Brien (Seal)
 Justice of the peace —

For the purpose of proving in connexion with other
 evidence twenty years possession, before the commencement of
 this suit, and also that this was part of the grounds —
 granted by the Act of Congress 8th March 1823, entitled, "An
 act to confirm certain claims to lots in the Village of Peoria,
 in the State of Illinois", to the introduction of which evidence
 plaintiffs, counsel objected, and the Court sustained said
 objection, and said deposition was excluded —

Defendants Attorney then proved by N. H. McKeen that
 Defendants were the tenants of Charles Bullence, and that
 he had known said Bullence to be in possession since the
 Spring of the year 1839 —

Defendants counsel then offered in evidence the following
 Subjuration and awards —

Whereas Lewis Bigelow and Isaac Underhill claim
 a right of preemption to the South East quarter of Section
 nine in township 8 North of Range 8, E. of the 1st principal
 Meridian, under John St. Boyardus, and have divers improvements
 thereon, and Charles Bullence claims the same under purchase
 made from William R. Swinerton and Abigail W. Allen, and
 has likewise several houses and other improvements thereon,
 and several suits have grown out of said controversy, to wit,
 an action of trespass by said Bullence against said —
 Underhill and George Dupree, which suit is now pending
 in the Supreme Court of Illinois, and an action of
 forcible entry and detainer, commenced in Peoria and

Submission?

carried by change of venue to Putnam, and now pending
in Tazewell, Now therefore these articles of agreement, witness
that said Bigelow Underhill and Ballance, for and in consi-
deration of the premises covenant and agree as follows, to wit,
Said Ballance agrees to withdraw his objection to the entry of
said land by said Underhill and Bigelow, in the name
of said Bayardus, and all of said parties agree that Saml
Stone, John Ervatt and George B. Parker, shall act as
arbitrators in the premises, and decide what is just and
equitable both with regards to the cost of said suit and the
land likewise, and it is hereby respectively agreed between
said parties that whatever decision, the said arbitrators -
shall make with regards to said cost we will abide by and
severally pay, and whatever portion or division of said land
(if any) said arbitrators shall adjudge to said Ballance,
the said Bigelow and Underhill for the consideration aforesaid
and for the further consideration of one dollar to them in hand
paid the receipt whereof is hereby acknowledged, do covenant
and agree to convey to said Ballance his heirs and assigns
by a good and sufficient deed containing covenants warran-
ting the title thereof to said Ballance, his heirs and assigns
against the said Bigelow and Underhill and all persons
claiming through or under them or either of them, and
no other persons whomsoever - It is further agreed -
between the parties aforesaid, that if either of said arbitr-
ators shall die or refuse to act, then either of the parties
aforesaid shall appoint a time on which we will meet
and appoint another, who shall be clothed with all the
powers of the one so dying or refusing to act - We also agree
to refer to said arbitrators any suit or suits, either in law or
equity which have been or may be commenced on certain
covenants between said Bayardus and Ballance, respecting
said land dated in February 1834, - It is further agreed
that all parties shall remain in possession of so much of
said land as he or they are now in possession until the
award of said arbitrators shall be made, and then yield
possession accordingly - Provided said award shall
not be unnecessarily delayed by the fault of either of -

14)

Said parties - Signed and Sealed this 15th day of -
November A. D. 1837 -
Lewis Bigelow (Seal)
Isaac Underhill (Seal)
C. Bellance (Seal)

Award }

Pursuant to the foregoing and annexed agreement of Submissioin, we the undersigned Dan Stone, John Ewalt and George B. Parker, met at the Court house, in the Town of Peoria and County of Peoria State of Illinois, on the eighth day of February in the year A. D. 1838, the parties to said Submissioin to wit, Lewis Bigelow, Isaac Underhill, (by William Frisby his Attorney) and Charles Bellance being present, and proceeded to hear the proofs exhibits and testimony of witnesses of the respective parties, and the law and arguments submitted by each, adjourning from day to day until the tenth day of said month, and having considered of the testimony and arguments submitted to us by each of said parties, we do here now award and adjudge - That the said Isaac Underhill and Lewis Bigelow shall, within thirty days from the date of this award, make execute, and deliver to the said Charles Bellance, a good and sufficient - Deed in fee Simple with a covenant of warranty, saving and excepting any French claimant or French claim, as so known and understood, in said Peoria to Lots numbered One and two, as described and numbered on the plat and map of Bigelow and Underhills addition to Peoria, being a part of the South East quarter of Section Nine in Township Eight North of Range 8 East of the 4th principal Meridian described in said Submissioin, and we do further award and adjudge that the said Charles Bellance, shall within the period of thirty days from the date of this award, make execute and deliver to the said Bigelow & Underhill a good and sufficient deed of quit claim, releasing, remitting and forever quitclaiming to them their heirs and assigns the whole of the said South East fractional quarter of Section nine aforesaid, except the said Lots one and two before mentioned, and excepting also such lot or lots or parts of

Lots which the said Bellance may have heretofore in good faith sold and conveyed or by bond heretofore executed covenanted and bound himself to convey, and we do further award that the said Bellance for all sales of any part of said fractional quarter section, he may have thus heretofore made shall within six months from the date hereof pay or cause to be paid to the said Bigelow and Underhill, all moneys he may have received or may receive as a consideration for such sale or sales, and also transfer, assign and deliver over to said Bigelow and Underhill all notes, bonds, mortgages, assurances, and all personal property of every kind which he may have received or may receive upon, for or on account of any sales of any part of said fractional quarter section, and we do further award and adjudge, that the said Bellance shall within sixty days from this date discontinue and dismiss his action of trespass against the said Isaac Underhill and George Dupree, now pending in the Supreme Court of this State, and pay all the costs of said suit, and that the said Bellance, shall pay all the costs of the suit for forcible entry and detainer now pending in the Circuit Court for the County of Tazewell, within sixty days from the date hereof, upon the said Bigelow and Underhill, discontinuing said suit, and we do further award that within thirty days from the date of this award the said Bellance shall give to the said Bigelow and Underhill, and put them in peaceable possession of all and every part of said fractional quarter section one, except the said Lots numbered one, and two, as aforesaid — In witness whereof we have hereunto set our hands and seals this tenth day of February A. D. 1868. —

Dem Stone (Seal)
John Devatt (Seal)
George B. Parker (Seal)

Which upon plaintiffs motion was ruled out, by the Court, and not read to the jury —

Defendants then offered to prove that the lot in controversy was a part of the ground that said arbitrators awarded to said Bellance, by said award, and supposed they had included it in the description therein given of

the ground they ^{but this is in the contract and} awarded to said Bellance

Defendants then offered to prove by George B. Parker orally that the said Bellance, Bigelow and Underhill in February 1838, submitted their claims to the South East fractional Section No. 1, in Township Eight North, of Range Eight East, in Peoria County, to the arbitration of himself, Sam Stone, and John Ewalt, and that said arbitrators gave the ground in controversy to said Bellance, and that he has ever since been in possession thereof, either by himself or tenants to the introduction of which evidence, said plaintiff objected, and the court sustained said objection, and said evidence was excluded, said submission being the same written submission before offered in evidence by Defendant

Defendants then offered in evidence the following certificate - "Land office Quincy Ill - Nov 12 1834 - I Samuel Alexander Register of said office do hereby certify that Charles Bellance has this day established a right of Preemption to the S. E. q. 9, in Township 8 North of Range No 8, East as appears of record by the papers on file in this office - Samuel Alexander, Register

In connection with proof of possession by said Bellance from the date of said certificate to the commencement of this suit, to the introduction of which evidence, plaintiff objected, and the court sustained said objection, and said evidence was excluded

Defendants then offered in evidence the following certificate and deeds - "Register Office Quincy Illinois April 6th 1837, I Samuel Leech Register of said office do hereby certify that Charles Bellance was entitled to a preemption to the South West fractional quarter of Section No. 9, T. 8 N. of R. 8, E. 11th Prairie Sped Meridian under the preemption law of 6th April 1832, and also under the law of 19th June 1834, and that Abigail Waters was entitled to a preemption to the S. E. fractional q. 9 of the same Section, as appears from affidavits filed in this office prior to 19 June 1836, from an endorsement upon said Waters preemption papers it appears that two

Bellance's Certificate

Waters' Certificate

Hundred dollars were tendered on the 17th of June 1836,
to pay for the Land, —

Samuel Speech Register,
General Land office Jan'y 16th 1838. I, James Whitcomb Com-
missioner of the General Land office do hereby certify the
above to be a true copy of a certificate believed to be signed
by the Register of the Land office at Quincy Illinois —
which is appended to a letter received from Charles Ballance
Esqr. dated the 6th of April 1837. — In testimony whereof
I have hereunto signed my name and caused the Seal of
the General Land office to be affixed the day & date above
written — — —
James Whitcomb
Commiss.

(Seal)

Deed of
Waters to Ballance

"This indenture made and entered into this twenty second
day of December 1835, between Abigail Waters of the first
part, and Charles Ballance of Peoria of the second part
Witnesseth, that the party of the first part for and in
consideration of one hundred dollars in hand paid, here-
bargained, sold and conveyed, unto said Ballance
all her right title and interest, in, and to the South East
fractional gr. of Section No nine in township eight North
of range eight east of the 4th principal meridian, with
all the appurtenances thereunto belonging, and said
party of the first part for the consideration aforesaid,
agrees if said Ballance shall enter said portion in her
name pursuant to any preemption law, or otherwise the
same shall accrue to the benefit of said Ballance — In
witness whereof she the said Abigail hath hereunto set
her hand and Seal the day & year first above written —

Abigail Waters (Seal)

State of Illinois, Peoria County set — Be it known that
on the 22 day of December 1835, came before me Abigail
Waters, who is personal known to me to be the identical person
whose name is signed to the within deed and acknowledged
the same to be her free act and deed for the purposes therein
mentioned. — Given from under my hand the day & year
aforesaid

James P. Harkness (Seal)
Justice of the peace for sd. County —

In connection with proof of possession of said grounds, in said

Balance from the date of said deeds, to the introduction of which proof said plaintiff objected, and the Court, notwithstanding said objection, and said proof was excluded from the jury - - Defendants then offered in evidence the following records, which were read - -

Circuit Court }
Record concerning }
tax sale

Be it remembered that heretofore, to wit, on the twenty sixth day of May A. D. 1845, there was filed with the Clerk of the Circuit Court of Peoria County in the State of Illinois, a report to said Court and certificate of publication thereof, by the collector of taxes, for the year 1843, for said County - which said report & certificate, as it remains placed at the head, of the Common Law docket for the May Term A. D. 1845, of said Court is as follows, to wit, - -

Report -

State of Illinois
as
Suit for taxes -

List of lands and other real estate situated in the County of Peoria, and State of Illinois on which taxes remain due and unpaid for the year 1843 -

Present Owner	Description	No of Acres	Valuation	Tax
"	"	"	\$ "	\$ " "
"	8 N. 8 E,			
"	SW 1/4 E 9	150	3000	21, 00
"	"	"	"	" "

The costs on each of the above tracts of land and town lots and part town lots already accrued is 10 cents - Notice is hereby given that application will be made to the Circuit Court of Peoria County at the next term thereof to be held at the Court house in the town of Peoria, within and for the County of Peoria in the State of Illinois, on the fourth Monday of May next, for a judgment against the lands and town lots above enumerated for the taxes and costs due thereon, for the year 1843, and for an order to sell the lands and town lots for the satisfaction thereof, and all such lands and town lots against which judgment shall be pronounced will be exposed to public sale at the Court house of said County on the second Monday next succeeding the said term of the said Court for the amount of taxes and

costs due thereon for the year 1843 - - -

Peoria Feb, 12, 1845 - -

Julius A. Johnson, collector
for the year 1843 -

We hereby certify that the foregoing was duly published on
the 12th of February, 1845; in the Peoria Democratic Press,
published in Peoria, Peoria County, Illinois, and that
the number of tracts and parts so published corresponds with
the number of newspapers printed and distributed for
that week - - - Zieher & Sloan
State of Illinois -

Peoria County - J. A. Johnson collector of said County
for the year 1843, do hereby certify that the above tracts and
parts of tracts of land and town lots were assessed for taxes
in said County for State & County purposes for the year
1843, and that the taxes and costs thereon remain due
and unpaid & that the respective owner or owners, have no
goods and chattels within my County on which I can levy
for the taxes, interest & costs due and unpaid on the same
Given under my hand this 26th day of May 1845 -

J. A. Johnson
Collector Peoria Co for 1843

And afterwards at the same term of said Court the following
proceedings were had therein on said report & certificate, to wit,

Judge -

At a Circuit Court begun and held at the Courthouse
in the town of Peoria in and for the County of Peoria and
State of Illinois on Monday the twenty sixth day of May
in the year of our Lords one thousand eight hundred and
forty five, Present the Honorable John Dean Weston, associate
Justice of the Supreme Court of the State of Illinois, assigned
to perform the duties of Judge of the Ninth Judicial Circuit,
State of Illinois -

Peoria County - Let, Whereas Julius A. Johnson Collector
of said County returned to the Circuit Court of said County
on the twenty sixth day of May A. D. 1845; the following tracts
and parts of tracts of lands as having been assessed by the assessor
of the said County of Peoria for the year 1843, and that the

Taxes thereon remain due and unpaid on the day of the date of the said collectors, return, and that the respective owner or owners have no goods and chattels within his County on which the said collector can levy for the taxes, interest and costs due and unpaid on the following described lands, to wit,

Description -	No of acres	Tax	Costs
S. M. & S. O. 9. T. 8. N. 8. E. -	150	\$ 21.00	\$.40
"	"	"	"
"	"	"	"

And whereas due notice has been given of the intended application for a judgment against said lands for the taxes interest and costs due and unpaid thereon for the year herein set forth, therefore it is considered by the court that a judgment be and is hereby entered against the aforesaid tracts of lands, and parts of tracts, in the name of the State of Illinois for the sum annexed to each tract or parcel of land, being the amount of taxes, interest and costs due severally thereon, and it is ordered by the court, that the said several tracts of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of taxes, interest and costs annexed to them severally be sold as the law directs -

And afterwards on the seventh day of June A. D. 1848: there was issued to the Sheriff of Peoria County a precept, by the Clerk of said Court under the Seal thereof, which with the return of the said Sheriff thereto is as follows, to wit, -

Precept -

The People of the State of Illinois, to the Sheriff of Peoria County, Greeting,
 State of Illinois }
 Peoria County } Set, Whereas Julius A. Johnson, collector of
 said County, returned to the Circuit Court of said County on
 the twenty sixth day of May A. D. 1848: the following tracts
 and parts of tracts of land as having been exposed for taxes

By the assessor of Peoria County of Peoria for the year 1843, and that the taxes thereon remained due and unpaid on the day of the said collectors return, and that the respective owner or owners have no goods and chattels within his county on which the said collector can levy for the taxes, interest and costs due and unpaid on the following described lands to wit -

Description	No of acres	Tax	Costs
S. W. & S. E. q. of S. 8 T. 8. E. 10.	150	\$ 20.00	" 40
"	"	"	"

And whereas, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defense, or show cause why judgment should not be entered against the said lands for the taxes, interest and cost due and unpaid thereon for the year herein set forth, therefore it is considered by the court, that judgment be and is hereby entered against the aforesaid tracts of land & parts of tracts, in the name of the State of Illinois for the sum annexed to each tract or parcel of land, being the amount of taxes, interest and costs due severally thereon, and it is ordered by the court, that the said several tracts of land or so much thereof as shall be sufficient of each of them to satisfy the amount of taxes and interest and costs annexed to them severally be sold as the law directs -

I Jacob Gale, clerk of the Circuit Court, within and for the County of Peoria in the State of Illinois, do hereby certify that the foregoing is a true and perfect copy of an order of the said court made at the May Term thereof A. D. 1843, in witness whereof I hereunto set my hand and the seal of said court this seventh day of June in the year of our Lord one thousand eight hundred and forty five
(Seal) Jacob Gale, Clerk

Return -

State of Illinois }
County of Peoria } By virtue of the foregoing process I did
with the assistance of the clerks of the County Commissioners

Court of said County by his deputy, attend at the Courthouse in the Town of Peoria in said County on the ninth day of June A. D. 1845; between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, and sold each lot or parcel of land described in the foregoing list at public auction in the order the same are therein described by proclaiming the whole lot or parcel of lands in each case, with the amount of taxes and costs due thereon and severally striking them off to the person or persons, who would pay the amount due on each parcel of land for the least number of acres or least quantity thereof, the said clerk kept a register of said sales in which was entered each lot and parcel of lands sold by me as aforesaid, the name of the purchaser or purchasers his or their place of residence, and the quantity of lands sold = Dated June 20th 1845 =

Smith Hoye, Shff.

State of Illinois

Peoria County J. Jacob Gale, Clerk, of the Circuit Court within and for said County do hereby certify, that the foregoing is a correct transcript from the proceedings and records of said Court in relation to taxable lands as to T. C. & S. W. q in Township 8. North & East, as the same remains of records & on file in my office —

In testimony whereof I hereto set my hand and affix the Seal of said Court at Peoria this fourth day of December A. D. 1848 —

Jacob Gale, Clerk,

County Commission
Records Concerning
tax - sales

Proceedings of the County Commissioners Court within and for the County of Peoria, in the State of Illinois begun and held at the Court house, in the town of Peoria, on Monday the Sixth day of March in the year of our Lord one thousand eight hundred and forty three — Present — Nathaniel Chapin, Thomas P. Smith & Clementine Dewitt, County Commissioners Smith Hoye Sheriff. J. William Northwell, Clerk,

Be it remembered, that heretofore, to wit, on the eleventh day of March in the year of our Lord one thousand eight-

hundred and forty three, as yet of the March term aforesaid, of the County Commissioners Court of the County of Peoria in the State of Illinois, the following order was made to wit -

Ordered that a ward tax of ten cents upon every hundred dollars worth of real taxable property be assessed for the year 1843 - - -

And afterwards, to wit, on the day & year aforesaid the following orders were made, and entered in said Court to wit, Ordered that Samuel Dinion be and he is hereby appointed assessor of taxable property in the County of Peoria for the year 1843 - - -

Ordered that Julius A. Johnson, be and he is hereby appointed collector of taxes in the County of Peoria for the year 1843 - - -

And afterwards, to wit, on the twenty ninth day of March in the year last aforesaid, the clerks of the said Court caused to be delivered to the said assessor a transcript of lands lying in said County subject to taxation for the year 1843 in the following form, to wit - - -

List of lands lying in the County of Peoria & State of Illinois subject to taxation for the year 1843 - - -

Patentees & Names of Purchasers	Present Owners -	Description			Acre-
" " "	" "	"	"	"	"
John L. Bogardus, ^(Sd) & Charles Ballance & Wm -	ft	SE & SW q 8, N. 8. 0,			100.20
" " "	" "	"	"	"	"

Which said list was certified by said clerk as follows, to wit -
State of Illinois -

Peoria County } I William Mestchell Clerk of the County Commis-
sioners Court within and for said County, do hereby certify
that the within list contains and abstract of all the lands
lying in the County of Peoria, subject to taxation for the year
1843, with the names of the purchasers from the United States
and from this State, and the present owners when the same

are known as appears of record in my office - Given
under my hand and Seal of said Court at Peoria this
29. day of March A. D. 1843, -

(Seal)

William Mortchell, Clerk

And afterwards, to wit, on the first day of April in the year
last aforesaid the said Samuel Simon, filed in the Office
of the Clerk of said Court, the oath taken by him as assessor
in the words and figures following, to wit -

State of Illinois

Peoria County Ict. I. Samuel Simon, do solemnly swear
that I will faithfully & impartially perform the duties required
of me as assessor of taxable property in the County of Peoria -
according to the best of my skill and judgment, and I do
also solemnly swear, particularly, that I will in no instance
value any land at three dollars per acre, that I in my
own mind believe to be worth more -

Subscribed & sworn to before me this 3 Samuel Simon
first day of April A. D. 1843 -

Thomas Bryant J. P.

And afterwards, to wit, at a term of the said County Commis-
sioners Court, begun and held at the Court house in the town
of Peoria, within and for the said County of Peoria in the
fifth day of June in the year of our Lord one thousand -
eight hundred and forty three - present Nathaniel Chapin
Thomas P. Smith and Clementine Ewertt, County Commissioners
on the fifth day of the said month of June, as part of the
term aforesaid the following order was made in the words
and figures as follows, to wit -

Ordered that a tax of fifty cents be levied upon every hundred
dollars of real and personal property for the year 1843, and
that ten cents of the same be appropriated for road purposes,

And afterwards, to wit, on the twentieth day of July in the year
last aforesaid, the said assessor returned, unto the Clerk's
Office of the Court aforesaid the abstract of lands furnished
him by said clerk and a list containing a description
of all the taxable property within the said County with the

names of the owners, and the value of the same, which said list is in the following form, to wit —

8. A. 8. 0.

Patent No	Pre. Owner	Description	Acres	value per acre	Total	State tax	County tax	Board tax
	Johnston	1848 100 9	150	20	3000	6	12	3
	Balboa							

And afterwards, to wit, on the fourth day of September in the year last aforesaid, being of the September term of the said court, present the same county commissioners as before — the said Julius A. Johnson produced, in open court, an official bond as collector of said county, in the sum of twenty eight thousand dollars, payable and conditioned according to law with security approved by said court — which said bond was duly entered of record in said court, and transmitted to the office of the Secretary of State at Springfield Illinois by mail came on which said bond was enclosed and with us follows to wit —

I Julius A. Johnson collector of the County of Peoria in the State of Illinois. do solemnly swear that I will faithfully — diligently and impartially, and to the best of my judgment perform the duties required of me by law as collector of the said County of Peoria —

Sworn to & Subscribed before } Julius A. Johnson
 on this 24th day of August 1843 }

William J. Phelps Justice Peace —

And afterwards, to wit, on the fifth day of September in the year last aforesaid, the clerks of the county commissioners court aforesaid, made out and delivered to the said collector a true copy of the assessors books aforesaid, for collection and the said collector executed duplicate receipts therefor as required by law —

And afterwards, to wit, at a sale of lands and Town lots in Peoria County, held on the ninth day of June A. D. 1845 — for taxes & costs due the State of Illinois & County of Peoria for the year 1843 — the following described tracts of lands

26)

were offered and sold as appears from the Sale book which is in the following form, to wit -

Names of Purchasers	Residence	Acres offered	Description	Acres sold	Yard & Costs	Date	By whom redeemed	Receipts	Amount of redemption
	Peoria County		8 N 8 E	80	ES				
Charles Ballance	do	150	SW 28 8 N 8 E	80	1 " 21 40				

I William Mitchell Clerk of the County Commissioners Court within & for Sevier County of Peoria, in the State of Illinois, do hereby certify that the foregoing is truly and correctly taken and copied from the records & proceedings in my office - Given under my hand and seal of Sevier Court at Peoria this 27. day of December A. D. 1848 -

(Seal)

William Mitchell, Clerk;

Tax - due }
to Ballance }

They then offered in evidence the following deeds - -
 He now all men by these presents, that whereas at the May term 1845, of the Circuit Court of Peoria County, a judgment was obtained in Sevier Court in favor of the State of Illinois, against the South West and South East fractional quarters of section No. One of Township Eight North in Range Eight East, situated in the County of Peoria and State of Illinois, for the sum of twenty one Dollars and forty cents, being the amount of taxes, interest and cost, assessed upon the said tract of land for the year 1843, and whereas on the ninth day of June 1845, Smith Lory, then Sheriff, of the County aforesaid, by virtue of a precept issued out of the Circuit Court of the County aforesaid, dated the seventh day of June 1845, and to him directed, did expose to public Sale, at the door of the Court house in the County aforesaid, in conformity with all the requirements of the Statute in such case made and provided, the tract of land above described, for the Satisfaction of the judgment so rendered as aforesaid - And whereas, at the time and place aforesaid - Charles Ballance, of the County of Peoria and State of Illinois, having offered to pay the aforesaid sum of twenty one Dollars, and forty cents for one acre off of the East side of the said quarters of said -

Section No. Nine, which was the least quantity paid for, the said tract of land was Stricken off to him at that price — Now therefore, I William Compher Sheriff of the said County of Peoria, and successor of said Smith & Hays, for and in consideration of the said sum of twenty one dollars and forty cents, paid to the above named former Sheriff, by the said Charles Ballance at the time of the aforesaid Sale, and by virtue of the Statute in such case made and provided, have granted, bargained and sold, and by these presents do grant, bargain and sell, unto the said, Charles Ballance his heirs and assigns, the said one acre of land off of the east side of the South West and South East fractional quarters of Section No. Nine of Township Eight North in range eight east, situated in the County of Peoria and State of Illinois, To have and to hold unto him the said Charles Ballance — his heirs and assigns, forever, subject, however, to all the rights of redemption provided by law. — In Witness whereof, I William Compher Sheriff as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name and affixed my seal, this sixteenth day of June 1847 —

William Compher, Sheriff (Seal)

State of Illinois,
Peoria County. I Jacob Gale Clerk of the Circuit Court within and for said County, do hereby certify, that William Compher Sheriff of said County, whose signature appears to the foregoing deeds, and who is personally known to me to be the identical person whose name is subscribed to said deeds as having executed the same, this day appeared before me, and acknowledged that he had signed, sealed, and delivered the same, as his free act and deed, as Sheriff as aforesaid, for the uses and purposes therein expressed — In testimony whereof, I have hereunto subscribed my name and affixed my official seal, at Peoria this 16th day of June, in the year of our Lord eighteen hundred and forty seven —

Jacob Gale, Clerk —

To the introduction of which plaintiff objected, and to sustain said objection, showed to the Court the following certificate and receipt —

Cost of purchase }
by Courtenius & Co.

State of Illinois } Clerks office County Commissioners Court,
Peoria County } Peoria, June 10th 1846.

This is to certify that Courtenius & Griswold do did on this tenth day of June 1846, become the purchaser of the following described tracts or Lots of Land for the taxes and costs due the State of Illinois, and the County of Peoria, for the year herein set forth —

Part	Section	Township	Range	Lot.	Block	In what town	Year	Amount
1 foot				6	49	Bigelow & Underhills	1843	70
1 inch				1	51	ad to Peoria	"	1 00
"				"	"	"	"	"

Received, this tenth day of June A. D. 1844, of Courtenius & Griswold the sum of Nineteen dollars and twenty six cents — the amount of purchase money on the above described tracts or Lots of Land —
William Matchell by 19th 26
Smith Troye Sheriff
Peoria County Illinois

May receipt to }
Courtenius & Co.

Peoria, October 3rd 1843. — Received of Courtenius & Co. the sum of Two dollars and fifty three cents, being the amount of road tax due the County of Peoria, on the following lots of Land for the year 1843 —

Lot	Block	Description	Tax
1	48	in Bigelow & Underhill ad to Peoria	3
5 & 6	49	" " "	10
4	51	" " "	10
4, 5 & 6	52	" " "	2 30
			\$ 2 53

Henry Heahn, Supervisor —

He also for the same purpose showed to the Court Land split of Bigelow, and Underhills, and petition, whereupon the Court, sustained said objection, and said deed was excluded from the jury —
Defendants further proved by Mellicum Swinerton that he

had purchased the premises in dispute, from Alexander Caldwell, in about A. D. 1833, that he then took possession of said premises, but soon after sold the same to said Ballance who went into possession and resided thereon for some years

Defendants then offered in evidence the following plats which were admitted to be genuine — (These plats are not inserted in the bill of exceptions and are not on file in my office so that I can insert them in this Record) But the Defendant objected to the introduction of said plats upon the grounds of impertinence, which objection the Court sustained, and said plats were excluded from the jury —

Instruction }
Given

Plaintiff then asked the Court to instruct the jury as follows — The Court will instruct the jury that the Plaintiff in this suit has shown a legal title to the lands in controversy, and that the Defendant has shown no title, and that if they believe from the evidence that the Defendants were in possession of the premises at the time of the service of the Declaration, the Plaintiff is entitled to recover, and that his title as shown is a fee simple title —

To all of which opinions, decisions and instructions Defendants then and there accepted, and prays this his bill of exceptions may be sealed, signed and made of Record, which is accordingly done —
Wm. H. Kellogg (Seal)

State of Illinois
County of Peoria

I Jacob Gale, clerk of the circuit court within and for the county of Peoria in the state of Illinois, do hereby certify that the foregoing is a correct transcript from the Records and proceedings of said court in a certain suit wherein Alfred G. Curtis is plaintiff and John Spellman and Philip Spellman are defendants as the same remain of Record and on file in my office.

In witness whereof I hereto set my hand and affix the seal of said Court at Peoria this thirty-first day of May in the year of our Lord one thousand eight hundred and fifty.

Jacob Gale, clerk.

Clerk's fees: for transcript & certificate & seal ten dollars -
Received payment of Charles Ballance for defendants
May 31st 1850 - Jacob Hale, clerk.

*3rd In permitting said quit claim deed from Bogardus to Bigelow to be given in evidence to the jury

And the said defendants came and say that in the record and proceedings aforesaid there is manifest error in this to wit said court erred

1st In overruling said defendants motion for a restitution

2nd In permitting said certificate to Bogardus to be read as evidence of title without producing or giving some reason for not producing the patent

3rd In permitting said plat to go in evidence without proof of the authority of Bigelow & Underhill to make it and that the actually did make it

4th In excluding said Caldwell's deposition

5th In ruling out said submission and award

6th In excluding evidence that the ground in controversy was awarded to Ballance the real defendant and had been in his possession ever since

7th In excluding said certificate signed by Alexander in connexion with proof of possession ever since

8th In ruling out the certificate of Samuel Leach and deed from Abigail Waters together with proof of possession ever since the date of said deed

9th In excluding said Sheriff's deed signed by William Campbell Sheriff of Peoria county for in

The first place there was no legal proof that the ground had been laid off into town lots 2nd The certificate does not show that the state and county taxes of that year had been been paid but that they had not and consequently it was sold for the taxes It does not even show that plaintiff was the purchaser but that one Curtemus & Greenwood were the purchasers

11th In instructing the jury that defendants had shown no title but that plaintiff was entitled to recover

For these and other errors apparent upon the record and proceedings aforesaid Appellant prays that said judgment may be reversed annulled set aside and wholly for naught esteemed

G. O'Ballance
for ptff in Error

And the said defendant by Tupper & Powell his attorneys comes and says that in the record & proceedings aforesaid and in the rendition of the judgment aforesaid there is no error Wherefore he prays that the said judgment and all things may be affirmed

Tupper & Powell
for Def

72
A.G. Currier & Co
as S. Examiners
L. V. P. Spellman

Record

Filed June 14, 1850.
J. Seland Clk.

\$5. per. Clk. on this by Riff.

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State of Illinois }
Supreme Court }

The People of the State of Illinois,
To the Clerk of the Circuit Court of Peoria County - Greeting.

Whereas in a certain plea between Alfred G. Curterius plaintiff, & John Spellman, Philip Spellman & John P. Palmer defendants, lately depending in said Circuit Court, wherein judgment was rendered for the said Curterius & against the said John Spellman & Philip Spellman, and the said Spellmans having by writ of error removed the judgment said suit to the Supreme Court, held at Ottawa on the 2^d Monday of June 1850 & in pursuance of said writ of error a transcript of the record & the proceedings in the plea aforesaid was transmitted.

And also whereas it hath been suggested, on the part of the said Curterius that the said record has been diminished, in as much as "the acknowledgment & certificate of the same of the Plat of Bigelow & Underhill's addition to Peoria which was given in evidence upon the trial - and the Deed from Isaac Underhill to the plaintiff which was also given in evidence upon the trial of said cause, are not incorporated into said record" has not been sent up; & inasmuch as the said Supreme Court are not satisfied that there is a sufficient record sent in the plea aforesaid, but in the record there is a diminution; you are therefore hereby commanded, that without delay the said diminution therein, you cause to be transmitted to the Supreme Court, to be held in Ottawa on the second Monday in June next, to the end that speedy justice may be done in the premises, according to law; whereof you are in no wise to fail; and send you this & therewith writ.

Witness the Hon. Samuel
H. Treat Chief Justice of our

said Court, & the seal thereof, at
Ottawa, this 5th day of April
A.D. 1851.

L. Seland Clerk sup. Court.

State of Illinois,
Peoria County. I do hereby certify and return that a
transcript of those parts of the Record of the proceedings in
the Circuit Court of Peoria County in the within mentioned cause
omitted from the previous transcript certified to the Supreme Court
of this State, duly certified by me is hereto attached
June 3rd 1851-

Jacob Gale

Clerk of Cir. Ct. Peoria Co.

Supreme Court

John Spellman et al.

vs
Alfred G. Cuntinuis

Centarian to Peoria

To June Term 1851.

N.P. 286-5

This deed made this seventh day of March eighteen hundred and forty three betwixt that Isaac Underhill and Jane S. Underhill his wife of the Town of Preria County of Preria and State of Illinois in consideration of Five hundred dollars to them paid by Alfred G. Custerius of the County of Preria and State of Illinois the receipt of which is hereby acknowledged do by these presents grant bargain sell convey and confirm to the said Alfred G. Custerius the following described Real Estate viz. Lot No. Four (4) in Block No. Fifty one (51) in Bigelow and Underhills addition to Preria, reference being had to their plat on Record in Records Office in Preria County. To have and to hold the aforesaid premises with the appurtenances thereto belonging, to the said Alfred G. Custerius his heirs and assigns forever (against all persons) the said Isaac Underhill and Jane S. Underhill hereby covenanting that they will warrant and defend the title to said premises to the said Alfred G. Custerius his heirs and assigns forever against all persons except those who claim under the act of Congress passed on March 3rd 1823 commonly called French claims. In testimony whereof the said Isaac Underhill and Jane S. Underhill have hereunto set their hands and seals the day and year above written.

Done in presence of }
Geo. B. Parker - }

Isaac Underhill *(seal)*
Jane S. Underhill *(seal)*

State of Illinois, Preria County ss: I George B. Parker and Acting Justice of the Peace of and for the County aforesaid do certify that Isaac Underhill and Jane S. his wife whose signatures appear to the foregoing deed and who are personally known to me to be the persons described in and who executed the same, did severally

acknowledge that they executed the said conveyance
for the uses and purposes therein mentioned. And the
said Jane S. Underhill having been by me made
acquainted with the contents of said deed and examined
separately and apart from her said husband, acknowledged
that she executed the same and relinquished her
dower to the premises therein conveyed voluntarily,
freely and without the compulsion of her said husband
GIVEN under my hand and seal this seventh day of
March in the year of our Lord one thousand eight hundred
and forty three. Geo B Parker, P. Secy

State of Illinois
Ponia county ss: I Jacob Gale clerk of the circuit
court in and for said county hereby certify that the
foregoing is a true copy of the deed and acknowledgment
made from Isaac Underhill to Alfred G. Custeris the plaintiff
referred to in the Bill of Exceptions in a certain cause heretofore
pending in said circuit court wherein Alfred G. Custeris
was plaintiff and John Spillman and Philip Spillman
were defendants and now removed to the Supreme Court
of this State. Witness Jacob Gale clerk of the said
court and the seal of said court
at Ponia this third day of June
A.D. 1851—
Jacob Gale, clerk.

We Lewis Bigelow and Isaac Underhill do hereby declare that all that portion of the litten plat which is included between the "Red Lines" Embracing the whole of Blocks No 37. 38. 39. 41. 42. 43. 49. 50. & 51. and part of Blocks 34. 35. 40. 45. 46. 48. & 52. and which are situated partly upon the South West and partly upon the South East fractional quarter of Section No. Nine 8 N. 8 E. of the fourth principal Meridian we have laid out as an Addition to the Town of Peoria, and we do hereby certify that all the lots, Streets & alleys are of the size and dimensions as set forth in the Certificate of the County Surveyor. Given under our hands and seals this twenty second day of June A. D. 1836.

Lewis Bigelow (L.S.)
Isaac Underhill (L.S.)

State of Illinois }
Peoria County } I Cyrus Seland a Justice of the Peace hereby certify that on this 22^d day of June A. D. 1836 the above named Lewis Bigelow & Isaac Underhill who are personally known to me to be the persons whose names are subscribed to the above instrument of writing as having executed the same personally appeared before me and acknowledged the same to be their free act and deed.

Cyrus Seland, Justice Peace.

State of Illinois }
Peoria County } I Jacob Cole Clerk of the Circuit Court of said Peoria County and Ex officio Recorder of said County do hereby certify that the foregoing instrument of writing signed by Lewis Bigelow & Isaac Underhill, and the foregoing acknowledgment

thereof are duly recorded in said Recorder's office
accompanying the record of the plot of Bigelow &
Mudshills Addition to Paris, and that the same
are true copies from said record, as well as true
copies from the original plot of said Addition
also on file in this office.

Witness my hand and the Seal of
said Circuit Court at said Paris
County this 24th day of June A.D. 1850.
Jacob Gale, Clerk & Recorder.

Filed June 9, 1854
J. Deland Clk.

Paris -
Shelton & Shelton
County
Additional Record

State of Illinois, sct.

WRIT OF ERROR—FREE TRADER PRINT.

The People of the State of Illinois,
To the Clerk of the Circuit Court for the County of *Peoria* GREETING :

BECAUSE in the record and proceedings, as also in the rendition of the judgment of a plea which
was in the Circuit Court of *Peoria* county, before the Judge thereof, between

Alfred G. Cutenais

plaintiff—and

John Spellman &

others

defendants it is said manifest error hath intervened, to the injury of the aforesaid *Defendants*
as we are informed by *their* complaint, and we being willing that error, if any there be, should be
corrected in due form and manner, and that justice be done to the parties aforesaid, command you that
if judgment thereof be given, you distinctly and openly, without delay, send to our Justices of the
Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same,
under your seal, so that we may have the same before our justices aforesaid at Ottawa, in the county
of La Salle, on the *second Monday in June* next, that the record and proceedings,
being inspected, we may cause to be done therein, to correct the error, what of right ought to be done
according to law.

WITNESS, the Hon. SAMUEL H. TREAT, Chief Justice of our said
Court, and the seal thereof, at Ottawa, this *19th*
day of *June* — in the year of our Lord one thousand eight
hundred and fifty . —

S. Deland Clerk of the Supreme Court.

Spellman vs. ...

Attest: G. Custerius

Writ of Error

Filed June 19, 1858.
N. Deland Clk.

State of Illinois, etc.

The People of the County of ...

CHELLING

Writ of Error - Court of Appeals



WITNESSES, the Hon. James H. Terry, Chief Justice of our said
Court, and the Seal thereof at Ottawa, this 19th day of June 1858.

John Spellman &
Phillip Spellman }
vs }
Alfred H. Custerius }
In the Supreme
Court.

Alfred H. Custerius being duly
affirmed says that there is discrepancy
of the Record in this cause in this

The acknowledgment and certifi-
cate of the same, of the Plat of Big-
elow & Underhill addition to Peria
which was given in evidence upon
the trial. And the Deed from Isaac
Underhill to the Plaintiff, which
was also given in evidence upon
the trial of said cause are not
incorporated into said Record

and further says that not
wherefore he prays for a writ of
Certiorari to bring up the residue of
said Record to the Clerk of the
Circuit Court of Peria County

Alfred H. Custerius
affirmed to before
me this 26th June
1850

J. Island Clk.

Spelthman stats.

A. G. Curtains

Camp St. for Curtains

Filed June 26. 1850.
St. Louis Mo.

[Faint handwritten notes on the left margin, including "Spelthman stats" and "A. G. Curtains"]

[Main body of the document containing dense, mostly illegible handwritten text, possibly a ledger or account book.]

[Handwritten signature or name on the right side of the page.]