

11882

No. \_\_\_\_\_

# Supreme Court of Illinois

Rankins.

---

vs.

Curtenius.

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71641  7

Proceedings at a term of the circuit court begun and held at  
the court-house in the city of Peoria in and for the county of Peoria in  
the State of Illinois on the fourth Monday of March in the year of our  
Lord 1850. Present the Honorable William Kellogg Judge of the  
Fifth Judicial Circuit in this State of Illinois, to wit  
Tuesday, March 26<sup>th</sup> A.D. 1850

Rule to plead = John Rankin

vs  
Alfred G. Custerius, John L. Griswold, Matthew <sup>Ejectment</sup> Griswold

This day  
came the said John Rankin by N. W. Purple his attorney and having  
proved to the satisfaction of the court due service of a copy of the declaration  
herein and of the notice thereto attached on the defendants, on his motion  
it is ordered that the defendants plead to this action in twenty days.

Said declaration & notice and affidavit attaching are as follows, to wit,  
declaration. In the circuit court of the county of Peoria  
March Term A.D. 1850

John Rankin Plaintiff in this suit com-  
plains of Alfred G. Custerius John L.  
Griswold and Matthew Griswold Defendants  
in this suit For that the said Plaintiff  
on the first day of February A.D. 1850 at  
the County of Peoria aforesaid was possessed  
of the following described Real Estate that  
is to say the lot containing twenty seven  
thousand four hundred and forty nine square  
feet and seven hundredths of a square foot  
Surveyed and designated as covered by  
French claim number seventy in the South  
East fractional quarter of fractional section  
nine in Township Eight north of Range Eight  
east of the fourth principal meridian

Illinois according to the survey approved  
the 23<sup>rd</sup> September, A.D. 1850 by the Surveyor of the  
Public lands in the States of Illinois and  
Missouri. and being so possessed thereof  
the said Defendants on the same day  
and year and at the county aforesaid  
entered into the said premises and  
in law fully withholds the possession of the  
same <sup>unlawfully</sup> from the said Plaintiff; to the  
damage of the said Plaintiff One thousand  
dollars and the said Plaintiff further  
~~averts~~ <sup>averts</sup> that ~~he~~ claims title to the said  
premises in fee

February 23. 1850.

J. H. Purple  
Plaintiff

Messrs Alfred G. Curteneis  
John L. Grisnold  
Matthew Grisnold

notice = You are notified that on the first  
day of the next March Term of the cir-  
cuit court of Peoria County Illinois the  
foregoing declaration in Ejectment will  
be filed that upon filing the same a rule  
will be entered against you to plead there-  
to within twenty days after the entry of such  
rule and that if you neglect so to appear  
~~and plead Judgment by default will be entered~~

~~guilt~~ and plead judgment by default will be entered <sup>possession</sup> against you and the Plaintiff will recover of the premises described in the <sup>written</sup> declaration

J. H. Purple  
Plaintiff Atty

Feb 23. 1850

aff garni - State of Illinois  
Perry County

William Compher being duly sworn according to law doth depose and say that he served the foregoing Declaration <sup>and</sup> Notice on the above named Defendants by giving them a true copy of the same on the 26<sup>th</sup> day of February A.D. 1850.

Sworn to before me this  
26<sup>th</sup> February A.D. 1850

William Compher Sheriff P.C.

Jacob Gale Clerk

And afterwards, to wit, on the 28<sup>th</sup> day of March A.D. 1850, the defendants filed in the Clerk's Office of said Court their plea as follows, to wit,

plea - Alfred G. Curtinuis Circuit Court Perry County  
John S. Gismold March Term A.D. 1850  
Matthew Gismold

add  
John Rankin } And the said defendants by E. N. Powell their attorney comes and defend the force and injury therein and say they are not guilty of unlawfully withholding the premises in said declaration claimed by the said plaintiff as alleged in said declaration and that they

pray may be Esqueired of by the Country C.  
E. N. Couells  
Atty for Defts

Proceedings at a circuit court begun and held at the  
Court-house in the City of Peoria in and for  
the county of Peoria in the State of Illinois  
on the Second Monday of May in the year of  
our Lord one thousand eight hundred and fifty one -  
Present the Honorable William Kellogg Judge of  
the Ninth Judicial Circuit in said State, to-wit.  
Tuesday, May 22<sup>nd</sup> 1851

John Rankin

vs

Esqueiment

Alfred G. Custerius

John L. Griswold

Mathew Griswold

This day came the plaintiff by Norman  
H. Purple his attorney, and the defendants by Merriman  
& Powell their attorneys and issue being joined in this  
cause. It is ordered by the court, that a jury be impan-  
nelled to try said issue whereupon came a jury of twelve good  
and lawful men to-wit, Walter Stewart, Ambrose Woodruff, John  
J. Runkle, James Crow, Levi S. Williamson, David Shane, James Coles,  
Noah Adam, John G. Flanagan, John Otto & Stephen French &  
John Hurst, who were duly chosen, tried and sworn to well and  
truly try the issue joined and a true verdict give according  
to evidence. On motion of the plaintiff leave is  
given him to take a nonsuit in this cause with  
liberty to move to set the nonsuit aside. Whereupon  
the plaintiff fails further to prosecute his suit against the

defendants, and the Jury are discharged from further consideration of the premises. The plaintiff by his attorney returns a motion to set aside the warrant herein, which motion was argued by counsel, and the Court being fully advised on the premises overruled said motion. Therefore it is considered that the said Alfred G. Curstenius, John S. Guiswold & Matthew Guiswold go hence without day & recover of the said John Rankin their costs and charges by them about their defence in this behalf expended & that execution issue therefor. The plaintiff prayed an appeal in this cause to the Supreme Court of this State, which is allowed on his filing in the office of the Clerk of this Court in thirty days an appeal bond in the penal sum of two hundred dollars, exacted by himself payable to the defendants & conditions according to law.

And afterwards on the 23<sup>rd</sup> day of May A.D. 1851, the plaintiff filed his Bill of exceptions.

Bill of Exceptions

John Rankin }  
 vs } Ejectment  
 Alfred G. Curstenius }  
 John S. Guiswold }  
 Matthew Guiswold }

Be it remembered that on this day this cause came on for trial and a Jury being empanelled and sworn the Plaintiff offered and read in Evidence.

1. A Patent from the President of the United States to the Legal Representatives of Augustine Laroche Dated December 11<sup>th</sup> 1849. As follows to wit-

Patent to heirs of Laroche

The United States of America.  
 To all to whom the Presents shall come, Greeting.  
 Whereas there has been deposited in the General Land Office a certificate numbered eight of the Register and Receiver of the Land office at Edwardsville, Illinois, for the claim number seventy in the Report dated 10<sup>th</sup> November 1820 of Edward Coles, Register of the Land office at Edwardsville, Illinois, which claim is entered in that Report in the name of Louis

Penceonmean under Augustine Laroche; and whereas it appears from the Certificate aforesaid, that the said Augustine Laroche is the inhabitant or Settler within the purview of the Confirmatory Act of Congress, approved 3<sup>rd</sup> March 1823, entitled "An Act to confirm certain claims to lots in the Village of Georgia, in the State of Illinois" and that it has appeared to the Satisfaction of said Register and Receiver, that the said inhabitant or Settler, did not prior to the said Act of 3<sup>rd</sup> March 1823 receive "a confirmation of claims, or donation of any tract of land, or Village, from the United States" and that the legal Representatives of the said Augustine Laroche, in virtue of the Confirmatory Act aforesaid are entitled to a Patent for a certain lot which is described as follows, to wit. The Lot containing twenty seven thousand four hundred and forty nine square feet, and seven hundredths of a square foot, surveyed and designated as covered by said claim number seventy, in the South East fractional quarter of fractional section nine, in Township eight, North, of Range eight, East, of the fourth principal Meridian, Illinois, according to the Survey approved 1<sup>st</sup> September 1840, by the Surveyor of the public Lands in the States of Illinois and Missouri; and whereas in the confirmatory act aforesaid of the 3<sup>rd</sup> March 1823, it is provided that, "nothing in this act contained shall be so construed as to affect the right, if any such there be of any other person

~~or persons~~ to the said lots or any part of them derived from the United States or any other source whatever. He

Now Know Ye, that in consideration of the premises and pursuant to the Second Section of the Act aforesaid of the 3<sup>d</sup> March 1823, there is granted by the United States to the legal Representatives of the said Augustine Laroche and to their heirs, Subjects to the proviso aforesaid; the lot of land above described. To Have and To Hold the said lot of land, with the appurtenances, unto the said legal Representatives of Augustine Laroche, and to their heirs and assigns forever, Subject to the proviso aforesaid. In testimony whereof I Zachary Taylor, President of the United States 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 eleventh day of December, in the year of our Lord one thousand eight hundred and forty nine and of the Independence of the United States the seventy fourth.

By the President: Z Taylor

By Geo. E. King, Jr. Secy

A. Sargent, Recorder of the General Land Office.

Recorded Volume 11 - Pages 29 + 30

Ex<sup>d</sup>

Translation  
of Deed  
41882-2

B<sup>nd</sup> A Deed from Augustine Laroche to Louis Vendonean Durr Dated July 8<sup>th</sup> 1819 in the French Language



quage a translation of which into English was pro-  
ved to be a true translation by Nicholas Fortin  
who stated that he understood the French Lan-  
guage and that the translation was correct.

The Translation and acknowledgment and Cer-  
tificates to the French Deed are as follows.

I the undersigned Augustin Laroche, inhab-  
itant of Portage des Sioux do by these presents  
recognize, confess and avow that I have ceded,  
quit claimed sold and transferred now and  
forever to Louis Penoneau the son from the  
state of Illinois and County of St. Clair to  
him and to his heirs — a certain lot of the  
ordinary size and extent, containing half an  
arpent situated in the village of Peoria in the State  
of Illinois joining on the North the land of Pierre  
Chamberlain and fronting on the river Illinois, con-  
taining eighty feet of front by three hundred feet  
of depth. The said lot situated along the course  
of a street is the same lot which I have given  
to Laisan Penoneau and which he has inhab-  
ited after I left the said village of Peoria. The  
present sale is made with the consent of said  
Laisan Penoneau to his son for the sum and  
consideration of the sum of eighty dollars which have  
been paid to me by the said Louis Penoneau the  
son, made and delivered in presence of witnesses.

Subscribed at the point of La Pierre County of St.  
Clair State of Illinois the 8<sup>th</sup> May 1819

*witnesses*  
Cornall  
Joseph Fortier

Augustin Laroche  
made

his  
Laroche Seal

St. Clair County, State of Illinois.

I do hereby certify the above to be a true and correct translation of the Annexed french deed to the best of my knowledge.

Witness my hand and seal this 30<sup>th</sup> October 1819  
Theod. P. Krafft JP

Joseph Trotter

State of Illinois St. Clair County

Be it remembered

that on the 8<sup>th</sup> day May A.D. 1819 personally known by me appears Augustino Laroche party grantor within named, before me the subscriber a Justice of the Peace for and within the said County and acknowledged the above deed to be his Act and Deed and that the land and premises therein bargained and sold to be the right and estate of the said Louis Perconneau for his heirs and assigns forever according to the purport true intent and meaning of the said Deed or instrument of writing and the Statute of the State in such case made and provided and acknowledged the said Deed to be his free Act and Deed for the purposes therein expressed.

Witness and certified this day and year above written

Joseph Trotter JP

State of Illinois

St. Clair County } I John Hay, Clerk of the  
County Commissioners Court of the said County  
of St. Clair (and ex officio recorder of civil com-  
missions) do hereby certify that Joseph Trotter

Certificates to  
French Deed

Require the person whose name is subscribed to the foregoing certificate was at the time of executing the same an acting Justice of the Peace of said County, duly commissioned and qualified and to all such his official acts, full faith and credit, are and ought to be given

E. J. B.

In Testimony Whereof, I have hereunto set my hand and seal of the said Court at Belleville, this third day of February in the Year of our Lord eighteen hundred and thirty six and of the Independence of the United States of America, the thirtieth  
John Hay.

State of Illinois }  
St. Clair County } This day personally appeared,  
before the undersigned one of the justices of the peace of St. Clair County, John Reynolds and Andrew Hay two competent and credible witnesses who being duly sworn according to law did depose and say that he the said John Reynolds personally knew the handwriting of Lowell and Joseph Trotter the subscribing witnesses to the annexed deed dated 8<sup>th</sup> May 1819 and that he well knew the signatures of each of them, having frequently seen them write and that he believed the names of such subscribing witnesses to the annexed deed were thereunto subscribed by the said Lowell and Joseph Trotter the subscribing witnesses respectively and the said Andrew Hay depose and says the same as John Reynolds respecting the signature and handwriting of Joseph Trotter and also believes the name and signature of

Nowal to be signed to the ~~annexed~~ <sup>annexed</sup> deed by the  
said Nowal - which to me affords suf-  
ficient evidence of the due execution of  
the said deed

John Reynolds } Witness my hand and seal at  
Andrew Hay } the County aforesaid this the 7th of  
April A D 1851

Theodore J. Krafft J.P.  
I have read and subscribed before me this the seventh  
day of April A D 1851

Theodore J. Krafft J.P.  
State of Illinois }  
St. Clair County } I John Scheel clerk of the  
County court and state aforesaid hereby cer-  
tify that Theodore Krafft whose name is af-  
fixed to the foregoing affidavit was in the  
day of the date thereof an acting Justice of  
the Peace for and within the said County of  
St. Clair regularly commissioned and qual-  
ified and as such full faith and credit  
are and of right ought to be given to <sup>all</sup> his  
official acts. I further certify that on exam-  
ination of the Records in my office for Civil  
Officers, I find that Joseph Trotter whose  
name is affixed to a certificate on one of  
the papers attached herewith was on the day  
of the date of thereof also an acting Justice of  
the Peace as set forth therein regularly commis-  
sioned and qualified as such and that full faith  
and credit are and of a right ought to be given  
to all his official acts, and I do further certify  
that John Hay whose name is also affixed to one  
of the papers attached herewith was at the  
time or date thereof elsewhere of the County Com-

County Commissioners Court of the County of  
St. Clair and State of Illinois, <sup>regularly commissioned</sup> and that full  
and <sup>qualified as such</sup> faith and credit are and of a right ought to  
be given to all his official acts and Deeds  
and further certify that his signature and Seal  
are genuine.

In witness whereof I John  
Schuel clerk of said county court hereunto  
subscribe my name and affix the official  
Seal of Court at office in Belle-  
ville April 7<sup>th</sup> 1851

John Schuel


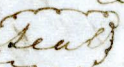
clerk of court

3<sup>d</sup> A Deed from Harriet P. Pensoneau and Louis  
P. Pensoneau to John Rankin dated May 1<sup>st</sup> 1849  
As follows to wit

This Indenture made this 1<sup>st</sup> day May A.D. 1849  
between Harriette P. Pensoneau widow of Louis  
Pensoneau Jr. Dec<sup>d</sup> and Louis P. Pensoneau  
only son & heir of said Dec<sup>d</sup> of the Town of  
Belleville County of St. <sup>Clair</sup> in the state of Illinois  
of the first part and John Rankin of the  
Town of Peoria, County of Peoria state aforesaid  
of the second part. Witnesseth  
That the said parties of the first part  
for and in consideration of the sum of  
Twelve Hundred Dollars to them in hand  
paid by the said parties of the second the  
Receipt whereof is hereby acknowledged,  
have granted bargained sold and quit claimed  
and by these presents do grant bargain sell and  
quit claim unto the said parties of the second  
part and to his heirs and assigns forever

Deed from  
Pensoneau to Rankin

The following described Real Estate (to wit) The lot situate in the Town or Village of Peoria, containing some 27449 Square feet designated as covered by claim No (70) Seventy - in the South East fractional quarter of Section No Nine (9) in Township Eight North of Range Eight East of the 4<sup>th</sup> principal meridian, Illinois according to the Survey approved 1<sup>st</sup> September A D 1840, by the Surveyor of the Public Lands in the state of Illinois and Missouri for which said Lot of Land Certificate issued by the Register and Receiver of the Land office at Edwardsville Illinois to said Louis P Pensoneau to which reference can be had in the Records Office of Peoria County in Book C page 168, 169 of that office, To have and to hold the same to the said party of the second part and to his heirs and assigns forever. Witness our Hand and seal the day and year first above written

Harriette P Pensoneau   
Louis P Pensoneau 

State of Illinois (Set  
County of St. Clair)

I Theodore Engelman, Clerk of the Circuit Court within and for the County of St. Clair and State of Illinois hereby certify, that Harriette P Pensoneau & Louis P Pensoneau whose names are signed to the foregoing instrument of writing as having executed the same are personally known to me to be the real persons who executed the same, and that they appeared before me and severally acknowledged the said instrument to be their act and deed for the purposes therein mentioned. And I further certify that the said

Harriette Pensoneau was by me first made acquainted with the contents of said instrument and examined separate and apart from her <sup>deceased</sup> husband whether she had executed the same and relinquished her right of dower in and to the lands and tenements therein mentioned and described, voluntarily, freely and without compulsion of her husband, and that she thereupon declared that she executed the said instrument and relinquished her dower in the lands and tenements therein mentioned, voluntarily, freely, and without compulsion of her husband.

L. J.

In testimony whereof I have hereunto signed my name and affixed the seal of said Court at office this thirtieth day of April A D one thousand eight hundred and forty nine

Theodore Engelman

State of Illinois }  
St. Clair County } SS

I John L. Hughes Probate Justice of the Peace in and for the said County of St. Clair and State aforesaid, do hereby certify that I knew Louis Pensoneau Jun in his life time that he is now dead and that his heirs are Harriette J Pensoneau his wife and Louis P Pensoneau his son both citizens of the Town of Belleville St. Clair County and State of Illinois, and the said Louis P Pensoneau is the sole heir of the said Louis Pensoneau Jun deceased

L. J.

In testimony whereof I have hereunto set my hand and affixed the seal of the Probate Court of the said County of St. Clair at office in Belleville this 18<sup>th</sup> day of April A D 1849

John L. Hughes P J P

4<sup>th</sup> The deposition of John Reynolds, John L. Hughes and

Narcisse Pensoneau, which are as follows, to wit.

State of Illinois }  
County of St. Clair } The Depositions of Narcisse  
Pensoneau, John L. Hughes & John Reynolds  
taken before Theodore Engelman Clerk of the St.  
Clair Circuit Court at his office in the town  
of Bellerive on Monday the 22<sup>d</sup> day of July  
A.D. 1850 between the hours of ten o'clock A.M.  
and eight o'clock P.M. of said day, to be read  
in evidence on the part of the Plffs in a certain  
cause pending in the Teoria Circuit Court be-  
tween John Rankin Plff & Alfred C. Curte-  
neis, John L. Griswold & Matthias Griswold  
Defendants. The said witnesses being first duly  
sworn to testify the truth in relation to the mat-  
ter in controversy between the said parties as far  
as they would be interrogated upon their respec-  
tive oaths depose and say, to wit

John Reynolds examined

Deposition of  
Reynolds

Interrogatory 1. Do you know Mrs. Harriet P. Pensoneau

Answer Yes, I do

Inter 2. Is she a married woman or a widow

Ans She is a widow

Inter 3. Whose widow is she

Ans Louis Pensoneau Jr.

Inter 4. About what time did, <sup>said</sup> Louis Pen-  
soneau Jr die

Ans He did in 1825 or 1826.

Inter 5. Did he leave any child or children

Ans He left Louis P. Pensoneau his only  
child as far as I know from reputation

Inter 6. Was he at the time of his fathers death the  
only heir

Ans As far as I know he was



Inter 7<sup>th</sup>, were you intimately acquainted with the family & the relationship.

Answer, I am intimately acquainted with the family for the last twenty years or more

Inter 8. Is said Louis P Pensoneau yet alive

Ans Yes, he is alive

John Reynolds

John A. S. Hughes examined.

Inter 1, Do you know Mrs Harriette P Pensoneau?

Ans Yes she is a widow here

Inter 2, whose widow is she?

Ans She is the widow of Louis Pensoneau jun, dec'd.

Inter 3, About what time did said Louis Pensoneau jun die?

Ans More than twenty years ago, cannot say what time. —

Inter 4<sup>th</sup> Did he leave any child or children?.

Ans He left one child, Louis P Pensoneau,

Inter 5 was he the only heir at his fathers death

Ans I do not know of any other I think there was none but him, he was the only child.

Inter 6, were you intimately acquainted with the family & the relationship —

Ans I was acquainted with Mr Pensoneau not so well with his wife,

Inter 7. Is said Louis P Pensoneau yet alive

Ans He is yet alive

John S. Hughes

Narcisse Pensoneau examined

Int 1, Do you know Mrs Harriet Pensoneau

Ans Yes, I do

Inter 2, Is she a married woman or a widow

Deposition of  
Hughes

Deposition of  
Pensoneau

Ans, She is a widow, was married to my oldest brother, Louis Pensoneau, known as Louis Pensoneau junior, who died more than twenty years ago.

Inter 3, Did said Louis Pensoneau<sup>jun.</sup> leave any child or child or children

Ans, He did, he left one Louis P Pensoneau

Inter 4, was said Louis P Pensoneau the only heir at his fathers death,

Ans, He was the only heir at the time of his fathers death & is the only heir now.

Inter 5, Were you intimately acquainted with the family & the relationship?

Ans, Yes I was.—

Inter 6 Is said Louis P Pensoneau yet alive

Ans Yes, he is alive.—

Inter 7 Is Mrs Harriette P Pensoneau yet alive.

Ans Yes, she is, living in this place, Bellerille with her son Louis P Pensoneau

Narciso Pensoneau

State of Illinois }  
County of St. Clair } I Theodore Congelman Clerk of  
the St. Clair Circuit Court hereby certify that the foregoing depositions were taken before me at my office in the town of Bellerille this 22<sup>nd</sup> day of July A.D. 1850 between the hours of 10 o'clock A.M. & 4 o'clock P.M. of said day and that they were signed and sworn to by the respective deponents at the time & place aforesaid

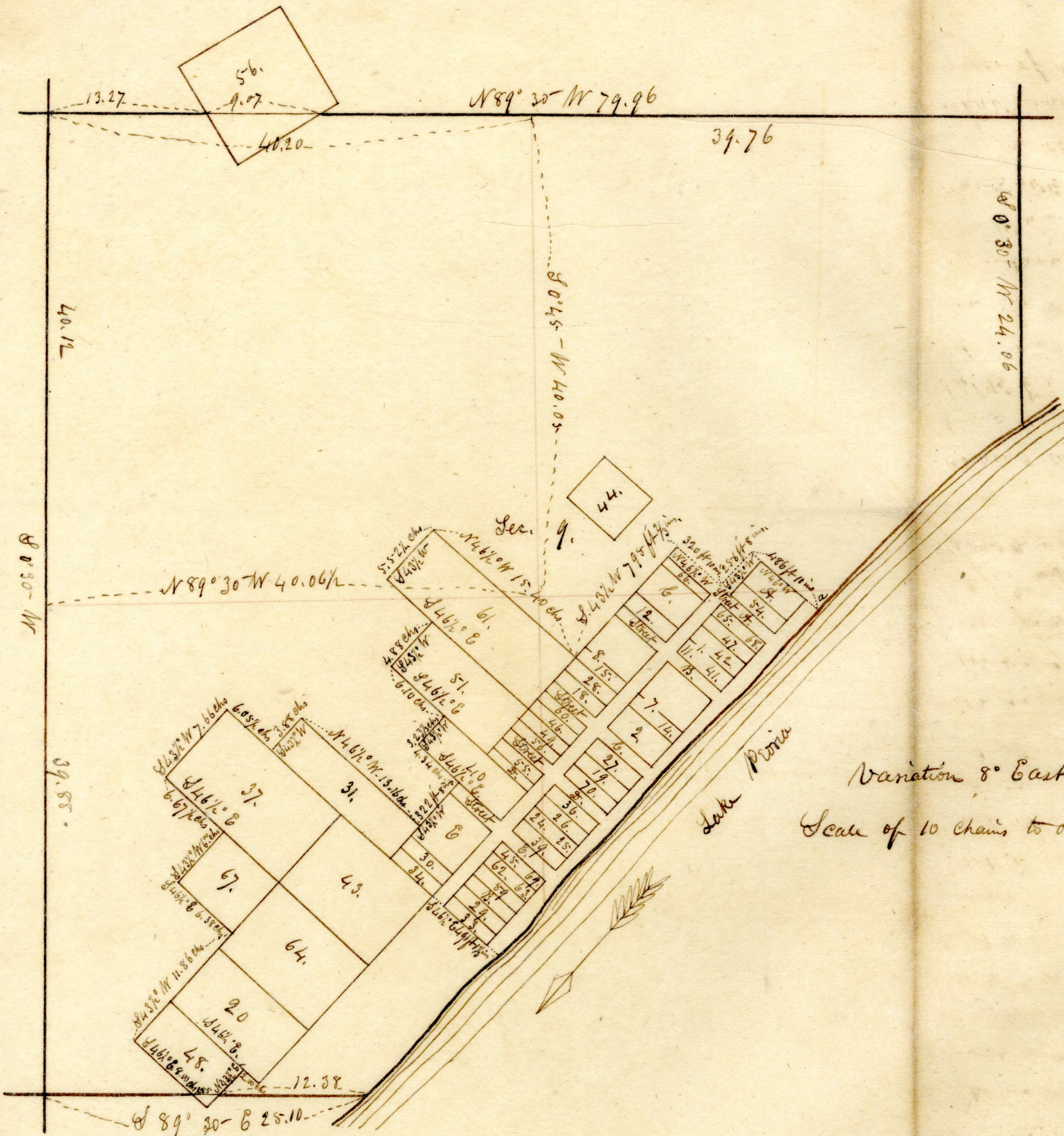
In Testimony whereof  
I have hereunto signed my name & affix

L. S.

the seal of said Court at  
Office the day & year within written  
Theodore Engelman

5. A. Plat and survey of French claims  
at Peoria approved 1<sup>st</sup> Sept 1840. As follows to wit,

Plat of the new village of Peoria and of such of the  
outlots and field lots in the neighborhood thereof  
as are connected with said new village in  
one continuous survey, and description of the  
out boundaries of the said town and continued  
connection of out lots and field lots situate in  
sections 9 and 16 Township 8, North of the base  
line, Range 8 East of the 4<sup>th</sup> principal Meridian.



Variation 8° East

Scale of 10 chains to one inch.

Sec. 16.

## Description:

Begin at the upper end of the south eastern edge of First street on the North West bank of Lake Peoria; thence  $N 46\frac{1}{2}^{\circ} W$  one hundred feet to the Eastern corner of unclaimed lot A, 420 feet 10 inches the North corner of said unclaimed lot A, at the North East end of the S, E, edge of second street: 486 feet 10 inches to the N, E end of the N, W edge of Second street; thence  $S 13\frac{1}{2}^{\circ} W$  with the N, W edge of Second street 256 feet 8 inches to the intersection with the N, E edge of street A; thence  $N 46\frac{1}{2}^{\circ} W$  with the N, E edge of street <sup>A</sup> 320 feet 10 inches to the N, W end of the N, E edge of said street A; thence  $S 43\frac{1}{2}^{\circ} W$  66 feet the North corner of lot No 66 at the N, W end of the S, W edge of said street A; 108 feet  $\frac{2}{3}$  inches the West corner of lot No 66, and North corner of unclaimed lot C: 322 feet 8 inches the west corner of unclaimed lot C, and the North corner of lot No 12; 408 feet  $2\frac{2}{3}$  inches the West corner of lot No 12, and the N, W end of the N, E edge of Street B; 474 feet  $2\frac{2}{3}$  inches the N, W end of the S, W edge of Street B; and the North corner of lot No 8: - 709 feet 6 inches the North corner of lot No 15; - 795 <sup>feet</sup> and  $\frac{2}{3}$  of an inch to the West corner of lot No 8 which is also the West corner of lot No 15 and East corner of lot No 61, and North corner of lot No 28; thence  $N 46\frac{1}{2}^{\circ} W$  with the N, E boundary of lot No 61. - 15 chains and 40 links to the North corner of lot No 61; thence with the N, W boundary of lot No 61  $S 43\frac{1}{2}^{\circ} W$  5 chains and 52  $\frac{1}{4}$  links to the West corner of lot No 61, thence with the S, W boundary of lot No 61  $S 46\frac{1}{2}^{\circ} E$  4 chains and 94 links to the North corner of lot No 51, at the intersection of the N, W boundary thereof with the S, W boundary of lot No 61; thence with the N, W boundary of lot No 51,  $S 43\frac{1}{2}^{\circ} W$  4 chains and 88 links to the West corner of lot No 51; thence

with the S. W. boundary of lot N<sup>o</sup> 51 S 46 1/2° E 6 chains and  
10 links to the North corner of lot N<sup>o</sup> 40, at the intersection  
of the N. W. boundary thereof with the S. W. boundary of  
lot N<sup>o</sup> 51; thence with the N. W. boundary of lot N<sup>o</sup> 40 S 43 1/2° W  
3 chains and 2 3/3 links to the West corner of lot N<sup>o</sup> 40;  
thence with the S. W. boundary of lot N<sup>o</sup> 40 S 46 1/2° E 4 chains  
and 34 links to the N. W. end of the N. E. edge of street C on  
the S. W. boundary of lot N<sup>o</sup> 40; thence S 43 1/2° W 66 feet to  
the N. W. end of the S. W. edge of street E, and the North corner  
of unclaimed lot C; 32 2 feet 8 inches to the East corner  
of lot N<sup>o</sup> 31 at the intersection of the N. E. boundary thereof  
with the N. W. boundary of unclaimed lot C; thence  
with the N. E. boundary of lot N<sup>o</sup> 31 N 46 1/2° W 13 chains  
and 10 links to the North corner of lot N<sup>o</sup> 31; thence  
with the N. W. boundary of lot N<sup>o</sup> 31 S 43 1/2° W 3 chains and  
88 links to the West corner of lot N<sup>o</sup> 31 at the intersection  
of the N. W. boundary thereof with the N. E. boundary of  
lot N<sup>o</sup> 37; thence with the N. E. boundary of lot N<sup>o</sup> 37  
N 46 1/2° W 5 chains and 5 1/2 links to the North corner of lot N<sup>o</sup> 37;  
thence with the N. W. boundary of lot N<sup>o</sup> 37, S 43 1/2° W  
7 chains and 66 links to the West corner of lot N<sup>o</sup> 37;  
thence with the South West boundary of lot N<sup>o</sup> 37  
S 46 1/2° E 6 chains and 67 1/2 links to the North corner of  
lot N<sup>o</sup> 67 at the intersection of the N. W. boundary thereof  
with the S. W. boundary of lot N<sup>o</sup> 37; thence with the N. W.  
boundary of lot N<sup>o</sup> 67, S 43 1/2° W 6 chains to the West corner of  
lot N<sup>o</sup> 67; thence with the South West boundary of lot  
N<sup>o</sup> 67, S 46 1/2° E 6 chains and 38 links to the South corner of lot  
N<sup>o</sup> 67, on the N. W. boundary of lot N<sup>o</sup> 64; — thence S 43 1/2° W  
1 chain and 66 links the West corner of lot N<sup>o</sup> 64 and North  
corner of lot N<sup>o</sup> 20; 7 chains and 61 links the West corner

of lot N<sup>o</sup> 20 and North corner of lot N<sup>o</sup> 48 11 chains and 86 links to the West corner of lot N<sup>o</sup> 48; - thence with the S. W. boundary of lot N<sup>o</sup> 48, S 46 1/2° E 6 chains and 88 links the point of intersection of the S. W. boundary of lot N<sup>o</sup> 48 with the Section line between Sections 9 and 16 Township 8 North Range 8 East of the 4<sup>th</sup> principal Meridian, which point is 13 chains and 93 links N 89 1/2° W of the corner to fractional sections 9 and 16 on the Lake; 8 chains to the south corner of lot N<sup>o</sup> 48; thence with the South East boundary of lot N<sup>o</sup> 48, N 43 1/2° E 1 chain and 6 links the point of intersection of the S. E. boundary of lot N<sup>o</sup> 48 with the Section line between Sections 9 and 16 Township 8 North Range 8 East of the 4<sup>th</sup> principal Meridian, which point is 12 chains and 38 links N 89 1/2° W of the corner to fractional sections 9 and 16 on the Lake; 4 chains and 25 links to the East corner of lot N<sup>o</sup> 48 on the S. W. boundary of lot N<sup>o</sup> 20; thence with the S. W. boundary of lot N<sup>o</sup> 20, S 46 1/2° E 2 chains to the South corner of lot 20; thence N 43 1/2° E 5 chains and 95 links the East corner of lot N<sup>o</sup> 20, and South corner of lot N<sup>o</sup> 64; 13 chains and 61 links the east corner of lot N<sup>o</sup> 64 and South corner of lot N<sup>o</sup> 43; - 21 chains and 27 links to the East corner of lot N<sup>o</sup> 43 and South corner of lot N<sup>o</sup> 34 at the S. W. end of the N. W. edge of Second Street; thence S 46 1/2° E 66 feet the S. W. end of the S. E. edge of Second Street and meet corner of lot N<sup>o</sup> 33; 386 feet 10 inches the South corner of lot N<sup>o</sup> 33; 491 feet 1 1/3 inches to the lower end of the S. E. edge of First Street on the N. W. bank of Lake Peoria; thence along the N. W. bank of Lake Peoria the following courses and distances; N 38° E 176 links; thence N 42° E 432 links; - thence N 17 3/4° E 150 links; thence N 78° E 72 links; thence N 47 1/2° E 117 links; thence N 37° E 188 links; thence N 44 3/4° E 2448 links to the place of beginning.

Then for connection with the public surveys run from said place of beginning along the N. W. bank of Lake Peoria

the following courses and distances;  $N 44^{\circ} \frac{3}{4} E$  1081 links, thence  $N 50^{\circ} \frac{3}{4} E$  1300 links to the point of intersection of the section line between sections 9 & 10 with the N. W. bank of Lake Peoria which point is 2506 links  $S 0^{\circ} 30' W$  of the corner to sections 3, 4, 9 and 10 Township 8 North Range 8 East of the 4<sup>th</sup> principal Meridian. Also from the lower end of the S E edge of First street the following courses and distances along the bank of the Lake were taken for connection;  $S 51^{\circ} \frac{3}{4} W$  198 links, thence  $S 39^{\circ} W$  819 links, thence  $S 41^{\circ} \frac{1}{2} W$  216 links, thence  $S 49^{\circ} \frac{1}{2} W$  287 links, thence  $S 85^{\circ} W$  116 links to the point of intersection of the section line between sections 9 and 16 Township 8 North Range 8 East of the 4<sup>th</sup> principal Meridian, which point is 2510 links  $S 89^{\circ} 30' E$  of the corner to sections 8, 9, 16 and 17 of said Township.

Surveyed on the several days designated in the foregoing separate descriptions of the lots, by Joseph C Brown Deputy Surveyor, under instructions from Daniel Dandelin, Surveyor of the public lands in the States of Illinois and Missouri bearing date 11<sup>th</sup> of April 1837.

Examined and approved this first day of September 1850  
(signed) William McIlburn  
Surveyor of the Public Lands in  
the States of Illinois and Missouri

Surveyors Office  
Saint Louis May 2<sup>d</sup> 1849

The foregoing plan and description of the out boundaries of the new village of Peoria in the State of Illinois, is correctly copied from pages 79 & 80 of a book on file in this office entitled "Record of Surveys, Peoria Illinois"

J. R. Conway  
Surveyor of the public lands in the State of  
Illinois and Missouri



The defendants admitted that they were in possession of the premises described in the declaration at the time of the service of the declaration in ejectment.

The Plat of the Teoria French claims on Page 423-3 @ Volume American State papers, and claim N<sup>o</sup> (70) and the testimony or Proof on page 430 on same book relating to said claim and the report of Edward Coles containing said claim & plat were read in evidence by consent. (Here insert said Plat report and claim and Proof) and Report of Edward Coles on said claims) It was agreed by counsel that said Report of Edward Coles might all be examined by the Supreme Court as part of this bill of Exceptions and no part copied into the Record

This was all the evidence

The Counsel for the Defendant then moved the Court to exclude all the evidence given in the cause which motion the Court sustained and the counsel for the Plaintiff then and then excepted to the opinion of the Court = Upon this ruling of the court the Plaintiff took a non-suit with leave to move to set the same aside. Whereupon on the same day the said Plaintiff entered a motion herein to set aside said non-suit because the decision of the court was against the law which said motion was overruled by the court and the counsel for the Plaintiff excepted and prayed the court to sign and seal this bill which is done


Wm Kellogg Seal

And afterwards on the thirtieth day of May in the year eighteen hundred and fifty one the plaintiff filed in the office of the clerk of said court an Appeal Bond in the words and figures following, to wit.

Know all men by these presents that I John Rankin am held and firmly bound unto Alfred G. Curtin, John L. Griswold and Mathew Griswold in the penal sum of two hundred dollars to which payment well and truly to be made and done I bind myself my heirs, executors and administrators jointly and severally by these presents - Witness my hand and seal at Peoria this 30th day of May A.D. 1851 -

The condition of this bond is this, Whereas on the 22<sup>nd</sup> day of May A.D. 1851 at the May Term of the Circuit Court of Peoria County Illinois A.D. 1851 the above named Curtin, Griswold & Griswold in a certain action of Ejectment in said court recovered a judgment against the said John Rankin for costs of suit, from which judgment said Rankin has appealed to the Supreme Court:

Now if the said John Rankin shall well and truly pay or cause to be paid all costs which shall accrue in said case, in case the Judgment shall be affirmed in the Supreme Court, and shall duly prosecute his appeal taken in said cause then this bond shall be void otherwise in force -

John Rankin 

State of Illinois  
Peoria County } I Jacob Gale clerk of the  
circuit court in and for the county of Peoria in  
the State of Illinois do hereby certify that the

foregoing is a true and complete transcript from the Record of all the proceedings in the said Circuit Court in a certain case therein of John Rankin plaintiff against Alfred G. Custerins John L. Griswold and Matthew Griswold defendants as the same remains of Record and on file in my office.

In witness whereof I hereto set my hand and affix the seal of said Court at my office in Perma this third day of June in the year of our Lord one thousand eight hundred and fifty one -  
Jacob Gale, Clerk.

clerk's fee: for transcript  
& certificate \$8<sup>00</sup> paid by plaintiff  
Jacob Gale,

John Rankin

vs

Alfred G. Custerins  
John L. Griswold  
Matthew Griswold

In Supreme Court  
Appeal from Perma

And now comes the said Appellant and says that

In the Record and proceedings and the the recitation of the Judgment in this case there is Error in this to wit

- 1st. The Court erred in excluding the Plaintiff's evidence from the Jury.
2. In overruling the Plaintiff's motion to set aside the non suit &c
3. In Rendering Judgment for the Defendants in the Court

For these and other Errors he prays that the Judgment may be reversed and set aside  
June 10<sup>th</sup> 1851  
A. H. Bayle, Appl<sup>t</sup>, Atty

Peoria Co.

John Rankin

vs  
Alfred G. Custerius et al.

51

Filed June 9, 1854.

H. Leland Clerk

1851

Repaired

11882

John Rankin }  
as }  
Alfred G. Curtinians } Abstract,  
& Others. }

{ Action of Ejectment tried at  
} Peoria May Term 1857 —

Plaintiff offered & read in evidence a deed from the President of the United States to the "legal representatives of Augustin La Roche dated Dec. 11<sup>th</sup> 1849. for the land described in the declaration,

2. A deed from Augustin La Roche to Louis Penroseau Junr, dated May 8<sup>th</sup> 1819,
3. A deed from Harriet S Penroseau & Louis P. Penroseau widow & heir of Louis Penroseau Junr, to the plaintiff,
4. The depositions of Narcisse Penroseau John D. Hayes & John Reynolds proving that said Harriet & Louis P. were the widow & heir of Louis Penroseau Junr,
5. A plat & survey of Peoria French Claims by the Surveyor Genl. of Illinois & Missouri showing the location of the land in controversy —

The defendants admitted themselves to have been in possession at the commencement of the suit.

Col's Report on Provia French Claims was  
read in evidence by consent.

This was all the evidence.

The defendant moved to exclude the evidence  
from the jury.

The Court sustained the motion  
& plaintiff excepted.

The plaintiff then proposed to  
take a non suit with leave of the Court to move  
to set the same aside, which leave was granted  
by the Court.

The Court overruled the motion &  
the plaintiff excepted & appealed.

N.C. Purple  
Plff's. Atty.

John Rankin  
vs,  
Alfred G Curtin  
& others,  

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Abstract,

Filed June 11<sup>th</sup> 1857.