

No. 75

Supreme Court of Illinois

Mary Ann Mears, Extrx.

vs.

Wm. B. Whitesides

(379)  7

1  
1  
Pleas at the Courthouse in the town  
of Edwardsville before the Honorable  
John Reynolds one of the Associate Jus-  
tices of the Supreme Court for the State  
of Illinois in the Circuit Court of Madison  
County on the 18<sup>th</sup> day of September in  
the year of our Lord one thousand eight  
hundred and twenty three.

12  
Be it remembered that heretofore Court  
on the 15<sup>th</sup> day of August in the year  
of our Lord one thousand eight hundred  
and twenty three; William Albears  
sued out of the Clerks office of the  
Circuit Court of Madison County, a  
10  
summons against William B. Whiteside  
late Sheriff of Madison County, which  
summons is in the words and figures  
following to wit, "State of Illinois, S S  
The people of the State of Illinois,  
To the Sheriff of Madison County, que-  
ting We command you that you summon  
William B Whiteside late Sheriff of  
Madison County, late of our said

2  
County, if he may be found in your bail-  
wick so that he be and appear before the  
Justice of our Circuit Court next to be holden  
at Edwardsville, within and for our  
said County, on the 2<sup>nd</sup> Monday of Septem-  
ber next then and there in our said Court  
to answer unto William Bears late

22  
Attorney General of the State of Illinois  
of a plea of Trespas on the Case, Damage  
of the said William Bears late Attorney  
General of the State of Illinois the sum of  
three hundred dollars, to be before us exhibited  
and have then there this writ. Witness

20  
Joseph Conway, clerk of our said Court at Ed-  
wardsville this 15<sup>th</sup> day of August in the year of our

Lord eighteen hundred and twenty three  
Joseph Conway" on which said summons  
the Sheriff made the following return  
to wit, "Executed August 26<sup>th</sup> 1823 at Buck-  
master St. M. C." on the 29<sup>th</sup> day of

20  
August 1823 William Bears filed in  
the Clerks office of the Circuit Court  
of Madison County the following  
Declaration and account to wit,

State of Illinois Madison County Circuit Court } William Bears late  
 attorney General of the State of Illinois  
 complains of William B Whiteside late  
 Sheriff of said County of Madison of a  
 plea of trespass on the case ~~for~~ that he  
 fore told on the sixth day of May in  
 the year of our Lord one thousand eight  
 hundred and Twenty three in the  
 County aforesaid the said Defendant  
 was indebted to the plaintiff in  
 the sum of one hundred Dollars for  
 money by the said Defendant  
 Sheriff of the said <sup>County</sup> had and received  
 to and for the use of said plaintiff  
 as late Attorney General of the said  
 State and as attorney at law and  
 being so indebted by the said  
 Defendant in consideration thereof  
 afterwards to wit, on the same day  
 and year last aforesaid in said  
 County undertook & then and there  
 faithfully promised said plaintiff  
 to pay him the said sum of money

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4

when he should be thereunto after  
wards requested, yet the said De-  
pendant though often requested hath  
not paid to him the said sum of money nor  
any part thereof but the same to pay to said  
plaintiff or any part thereof said Defendant  
hath hitherto altogether refused and still  
doth refuse to the Damage of the said  
Plaintiff three hundred Dollars and  
therefore he sues *sc. bears* in person  
William B. Whiteside late Sheriff of  
the County of Madison State of Illinois }  
To William Bears late Attorney Gene-  
ral of the State aforesaid To the follow-

42

ing cases in which there were convictions  
and judgments rendered on indictments  
for the Offences specified in each  
Case and which sums as my fees were  
received by said Sheriff viz.

40

- The people vs. Abner Enghart } Indictment  
for assault & battery my fees ten Dollars
- Same vs. Field } same as above
- Same vs. Ralph P. Day } same as above \$ 10
- Same vs. William Bridger } same as above \$ 10
- Same vs. Same } same as above \$ 10
- Same vs. Field Bradshaw } same as above \$ 10

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Same vs David Gillispie } same as above \$10  
 Same vs David McFarlin } same as above \$10  
 Same vs William Deeds } same as above \$10  
 Same vs Anderson Riley } same as above \$10  
 Same vs George Lettinger } same as above \$10

And afterwards to wit, At a Circuit Court  
 held for the said County of Madison  
 on the 18<sup>th</sup> day of September eighteen  
 hundred and twenty three. Came the  
 Plaintiff and on motion the Defendants  
 was solemnly called and came not, but  
 made default, It is therefore considered  
 by the Court, that the Plaintiff recover  
 of the defendant what Damages he may  
 sustained by reason of the Defendants non  
 performance of the assumption in the  
 declaration mentioned, but because it is  
 unknown to the Court what those Dam-  
 ages are it is ordered that the same  
 be inquired of by a Jury instantly,  
 and thereupon came a Jury to wit,  
 Enoch Long Thomas G. Hawley David  
 Roach George Smith John Gillham  
 Edward Randle Robert S. Hickok James  
 D. Henry James Wilson John Delaplane  
 Sr John Hadley and Lubelee Posey

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who being sworn well and truly to enquire  
of Damages upon their oath do say  
We the Jury assess the plaintiffs Damages  
to one Hundred Dollars, It is therefore  
considered by the Court that the plaintiff  
recover of the defendant one Hundred  
Dollars in Damages and also his costs  
about his suit in this behalf expended,  
to be discharged in State paper costs  
of out \$13.05

6a

State of Illinois  
Madison County } Sec.

I Joseph Conway clerk of the  
Circuit Court in and for the aforesaid  
County of Madison Do certify that the  
foregoing copy from pages one to Six con-  
tains a true & perfect history of the whole  
of the proceedings in the case of William  
Beas late Attorney General of the  
State of Illinois against William B.  
Whiteside late Sheriff of the said County

6b

as fully and completely as the same  
remains on file in my office -  
In Testimony whereof  
I have hereunto set my hand  
and affixed the seal of

6c

Mary Ann Meas Exec<sup>tr</sup> 22  
Will. B. Whiteside late Sheriff 23

Will Meas brought his action in the Madison  
circuit Court as the debt, for money had & received  
by him as Sheriff to and for the use of the said Meas as late  
attorney General and attorney at law. Debt brot. in  
by process - did not plead - judgment by default - jury  
to enquire of damages - verdict - "we the jury do assess the  
plaintiff's damages to one hundred dollars" - on which verdict  
the Court rendered judgment for one hundred dollars "to be  
discharged in State paper". Error brot. p<sup>l</sup> did not remove.

Point.

The Court below erred in adding to said judgment  
the words "to be discharged in State paper".

And now at this day, to wit the third day of the December  
term of the Supreme Court of the State of Illinois, came the said  
plaintiff Mary Ann by J. Blackwell her attorney, and says that  
in the record and proceedings aforesaid and in the rendition  
of the judgment aforesaid, manifest error hath intervened  
in this, to wit,

The Court below erred in adding to the said  
judgment the words "to be discharged in State paper"

Wherefore, for the error aforesaid, the said p<sup>l</sup>  
prays that so much of the judgment aforesaid as makes  
said judgment for one hundred dollars dischargeable in  
State paper, may be reversed, and that she may have  
a perfect judgment rendered for on said verdict, and  
that she may be restored &c

J. Blackwell  
atto for p<sup>l</sup>



Mary Ann Elkins vs. <sup>vs.</sup> ~~vs.~~  
Case &

vs. { assignment of error  
with B Whiteside Sheriff

Filed Dec. 14. 1825  
J. M. Vinson

(75)

Supreme Court of  
the State of Illinois

The People of the State of Illinois  
To the Sheriff of Madison County

Because in the record and proceedings, and also in the rendition of the Judgment, of a plea which was in the circuit court of Madison County, before the honorable Lotus Reynolds, then Judge thereof, between William Meers, late attorney general of said state, plaintiff, and William N. White, late sheriff of said county, Defendant, manifest error hath intervened, it is said, to the injury of said plaintiff, as we are informed by his complaint, and we being willing that said error shall be corrected, in due form and manner according to law; you are therefore commanded, that by good & lawful men of your county, you give notice to the said Defendant, that he be before the Judges of our Supreme Court, at the next term to be holden at Vandalia on the fourth morn of November next, to hear the record and proceedings aforesaid, and the error assigned if the said plaintiff shall think fit, and further to do and receive what the said Court shall consider in this behalf, and have you then there the names of those by whom you give the said Defendant this notice, with this writ

Witness James M. Duncan, Clerk of our said  
Supreme Court, at Vandalia <sup>and the seal thereof</sup> the <sup>25th</sup> twentyfifth  
day of October in the year of our Lord one  
thousand eight hundred and twenty three  
and of our Independence the forty eighth

James M. Duncan, Clk

~~1/11/2~~  
 9 - - - - -  
 3/12  
 3/12 - - - - -  
 3/12

Supreme Court

Wm. Allan, late atty. gen.  
 Wm. Scire facies  
 William B. Whiteside, late &c

Returnable to the Mov.  
 Term 1823 - - - - -

Filed December 1, 1823  
 Jas M Duncan

Executed at 26  
 1823  
 M. Dechman Esq.

STATE OF ILLINOIS, } ss.  
SUPREME COURT, }

The People of the State of Illinois,  
TO THE SHERIFF OF *Madison* COUNTY.

Because in the record and proceedings, and also in the rendition of the judgment, of a plea which was in the circuit court of *Madison* county, before the Judge thereof, between *William Meigs* late Attorney General of the State of Illinois plaintiff, and *Wm. B. Whiteside* late Sheriff of *Madison* County defendant, it is said that manifest error hath intervened to the injury of the said plaintiff as we are informed by his complaint, the record and proceedings of which said judgment, we have caused to be brought into our Supreme Court of the State of Illinois, at Vandalia, before the Judges thereof, to correct the errors in the

*which has been revised in the name of Mary Ann Meigs Executrix of the last will & Testament of said Wm Meigs*  
same, in due form and manner, according to law; therefore we command you, that by good and lawful men of your county, you give notice to the said *William B. Whiteside* late Sheriff of *Madison* County that he be and appear before the Judges of our said Supreme Court, at the next term of said Court, to be holden at Vandalia, in said State, on the *second* Monday in *December* next, to hear the records and proceedings aforesaid, and the errors assigned, if he shall think fit; and further to do and receive what the said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said *William B. Whiteside* notice, together with this writ.

Witness *James M. Duncan*, Clerk of our said Supreme Court, and the seal thereof, at Vandalia, this *14* day of *June* in the year of our Lord 1825.  
*James M. Duncan* clks

Executed Oct 24 1825 in the presence of  
Henry Hays and David Fletcher - good and  
lawful men of my Parish

Attest  
J. M. Duncan  
Notary Public  
July 26 1825

Supreme Court  
Mary Ann Meay  
Executrix of the last  
will & testament of  
William Meay  
vs.  
William B. Whitcomb

Filed Nov 29 1825  
J. M. Duncan

(75)

Supreme Court of }  
the State of Illinois } Sf

The People of the State of Illinois

To Joseph Conway Clerk of the Circuit Court for  
the County of Madison

Because in the record and proceedings, as  
also in the rendition of the Judgment of a plea which  
was in the Circuit Court of Madison County, before  
Judge thereof, between William Mess, late attorney  
General of the State of Illinois, plaintiff, and William  
Whiteside, late Sheriff of said County, defendant,  
it is said that manifest error hath intervened to the  
injury of the said plaintiff, as we are informed by  
his complaint, and we being willing that error  
(if any there be) be corrected in due form and manner  
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 our Supreme Court, the record and  
proceedings in the plea aforesaid, with all things  
touching the same, under your seal, so that we  
may ~~view~~ the same, before our Justices aforesaid,  
at Vandalia, on the fourth Monday of November next,  
that the record & proceedings, being inspected, we may cause  
to be done therein, to correct error, what of right ought to  
be done according to law

Witness James M. Duncan Clerk of the S<sup>d</sup>  
Supreme Court, and the seal thereof, at  
Vandalia, this twenty fifth day of October  
1825, ~~an~~

James M. Duncan Clk

The Execution of this writ appears by  
the Transcript of the Record hereto an-  
neced  
Joseph Conway Clerk of the Court

Term 1825

Returnable to Mr.

Mr. W. M. White to the Sheriff  
1/3 part of sum  
Mr. W. M. White, to the Sheriff  
Dufrenoy Court

(75)

7  
the said Court at Edward  
ville this 29<sup>th</sup> day of  
October in the year  
of our Lord 1823

7  
Price of complete record \$ 2.60  
Certificate 25 seal 50 75  
3.35

Joseph Conway etc



Man - Bears  
1829 complete record

Man - B White side

Filed Nov 24. 1823  
J. M. Duncanson

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