

No. 8570

Supreme Court of Illinois

Charles Groves

vs.

George Zacknah

Pleas before the Williamson Circuit
Court at the August term 1859
in a certain suit then and
then pending wherein Charles
Groves is Plff and the estate of
Geo Jackson is defendant.

Be it remembered
that heretofore to wit at the
February term of the Probate Court
of said County, ¹⁸⁵⁹ the following
order was made and entered
of Record to wit:

In the Estate of George Jackson
deceased

Charles Groves act
4th Class, \$200 - allowed
as per record.

I Certify ~~that~~ the above
to be a true transcript
from the records of said
Court

Witness my hand
officially ~~at~~ Feb 20th
1859

J. H. White Clerk

True

appeal bond

Know all men by these presents
that Richard H Groves, full Comptroller
& E Weyman are held and firmly
bound unto Charles Groves,
in the penal sum of four
hundred dollars lawful money
of the United States for the payment
of which well and truly to be
made we bind ourselves, our
heirs Administrators, jointly, severally
and firmly by these presents.

Witness our hands and seals
this 24th day of February
AD 1859.

The Condition of
the above obligation is such that
whereas the said Charles Groves
did on the 7th day of February
AD 1859 before David Moore
Clerk Judge of the County of
Williamson receive a judgment
against the estate of George
Fackin for the sum of two
hundred dollars from which
judgment the said Richard
H Groves has taken an appeal
to the Circuit Court of the

County of Williamson of the said State of Illinois Now if - the
Richard H. Groves shall prosecute
his appeal with effect and shall
pay whatever judgment shall be
rendered by the Court upon
dismissal or trial of said appeal
the above obligation to be void
otherwise to remain in full
force and effect,

R. H. Groves (S)
M. Cunningham (S)
E. W. Cason (S)

Approved by me at my
office this 24th day
of February 1839

John H. White Clk

By A. C. Hopper Depy

and after words to wit
on the 9th day of March 1839
the following proceeding appertain-
ing to said Cause was had and
enter of Record to wit:

State of Illinois }
Williamson County } ss

The people of the State
of Illinois to ~~any~~ ^{the} ~~County~~ ^{of the}
said County licencing

we Command you to summon
Charles Groves if he may be
found in your County, so
that he be and appear in the Circuit
Court of the County of Williamson
and State of Illinois on the first
day of the next term thereof
to be commenced and holden
at the Court house in the Town
of Merion in said County on
the third Monday in the
Month of March Inst then
and there to answer an appeal
entered by Richard H Groves
from a Judgment of D
Armon Co Judge within
and for said County of Willam
son in favor of Charles Groves
and against the Estate of
George Gockrich deceased
and further to do and receive
whenever the said Court
shall Consider of and there
Concuring the premises and know
you that and that this writ
with an endorsement thereon
as to the manner in which
you have executed the same

Witness G. W. Goodnow Clerk of the
Our said Court in Missouri
This 9th day of March in the
Year of our Lord One Thousand
(See) eight hundred and fifty 9
and the Seal of said Court
affixed
G. W. Goodnow

Shff v. H. —
I return the within summons
sued by adding the same to Charles
Groves the defendant here
March 1st 1839.
R. V. M. Henry
Shff

And afterwards to wit at
the March term of the Williamson
Circuit Court 1839 the fol-
lowing order was made and
entered of Record to wit
Charles Groves

vs } Appd.
Estate of George Gachick Dec
at this time it is
ordered by the Court that this
Cause stand Continued finally
until the next term of this
Court.

and afterwards to wit on the
day of August A D 1837 the
following order was made and
entered of record to wit,
Charles Groves

as } Appeal
Estate of George Jackson Decd
at this day Come the
parties by their attorneys and
submits the Cause to the Court
proofs heard and it is ordered
by the Court that the said Plff
have and receive of the Estate
of said George Jackson Decd the
sum of One hundred Dollars to
be paid in the Course of Admini-
stration Whereupon the atty
for the defendant moves the
Court for a new trial which
is overruled Whereupon
the defendant excepts,
It is therefore considered
by the Court that the said
Plff have and receive of
the said defendant the said
sum of One hundred Dollars
to be paid in the Course of
Administration &c

Charles Groves } In the Williams
" } Circuit Court
Estate of Geo Jackson } AD 1839.
decd } Appeal from
the Probate Court

But it is remembered that on the trial of the above Cause the following testimony was introduced by Plff and def.

On the part of the Plaintiff the following ^{witness} testimony was introduced.

Martin Groves sworn states that George Jackson had been dead about four years that Charles Groves the Plaintiff in this Suit lived about five years with Jackson before his death that his work was worth about fifty two dollars a year the wife of George Jackson was the mother of Charles Groves he went there about the year 1831 I don't know whether he lived there as one of the family or not, he done up the Court work I am the son of Nelson Groves and will a c q uainted with the father

St Fenell produced and sworn
states that he was particularly acquaint-
ed with Charles Groves saw him
at Mr Gachriak's before his death
have seen him cutting wood and
working in the Quarter he went
there in 1849 or 50, or 51, taking
every thing into consideration I
suppose his work worth \$25
a year. George Gachriak died
in Sept or October 1854.

William Groves produced
and sworn says that Charles
Groves was at Gachriak some five
or six years before Gachriak's death
his work was worth about \$25 a
year Charles went there some
time from 49 to 51. Old man
Gachriak has been dead some
four or five years Charles lived
at my house for some years
as one of the family his is
living at my house now as one
of the family Old man Gach-
riak's wife was Charles Groves
mother the reason he went
there the time mentioned

Mr Gackrich wanted Charles to go
and stay with his mother. I told
the old man that I was afraid
that he would keep him a
while and then put him back
on me to take charge of. The
old man then said no. that if Char-
les would stay with him and his
mother that he would keep him as
long as he lived. I then told the old
man that if he would take him
and keep him that I would give
him \$109 which I did give him.
Charles then stayed there till Gackrich
died some 4 or 5 years ago
and he now lives with me as one
of the family. I then filed an
account against the estate of George
Gackrich last February and had my
money allowed back with interest
amounting to 162. I employed an attorney
to attend to it before the Probate Court
and Charles employed his attorney
in this Court.

C. W. Jones reasons. States that he
knows Charles Groves and thinks his
total worth about \$25 a year

Green H Crocus. Called and sworn
says that he knows Charles Groves
and thinks his labor worth about
\$25 a year.

Miriam Norman Proctor and Sworn
states that Charles lived at Jacknub
some 5 or six years before his death
his labor was worth about fifty
~~Cents per week~~ \$25 a year
Jacknub has been dead some 4
years.

Mary Norman Sworn, states that Charles
Groves lived at Jacknub some
five years before his death
his labor was worth about
fifty Cents per week
I am the daughter of William
Groves. Charles has always been
as one of the family with his
Connections

William Hol Sworn says that he thinks
Charles Groves work worth
about \$25 a year
Judge Arrow Sworn says that he was
acquainted with Charles Groves
and supposes his work worth

Also a year don't know how he lived
them whether or one of the family
or not, saw him several times
This was all the testimony intro-
duced on the part of the plff.

The defence then introduced and had
sworn the following witnesses
Robert West was produced and sworn
on the part of the Defence and
stated that he had been acquainted
with Charles Gross from his boy
hood and have also been ac-
quainted with Mr. Gachow for
many years I am living close to
Mr. Gachow when Charles was living
with him I thought he was
living as one of the family, when
there I did not see him doing
much work generally about the house
I think from my knowledge
of the work he was busied
with his vitals & clothes
I would not give it my
self.

Sheriff McNary was then introduced
and sworn. I am acquainted

Charles Gross when he lived with
George Jackrich I find there two per-
sons abill Charles was then and
he was just about worth his
Victuals and Cloths which
were furnished him he done
but little sometimes Cut Stone
wood and done a little work about
the house helping his mother she
was loud he would be of no value
to any one more than the board &
stuck in my judgement.

Stephen Sully Produced and sworn
states that he was a neighbor
to old man Jackrich while Charles
Gross lived with him he appeared
to be staying there as one of
the family I think his work
with more than his victuals
and Cloths I think a hull
to work about the house would
have been worth at that time about
50 Cents per week. They had
Mr Fishers Girl there part of the
time Charles done but little work
as I could see.

3
Daniel R. Kelly produced and sworn states
that he was acquainted with
Charles Groves that he worked
one month at the same place
where Charles lived but know the
time that he was worth no more
than his needles & threads.
his work might have been worth
50 Cents a week without Chittys
him but it would be worth
more than that to keep him in
Clothes I would not have
him about my house for twice
his work.

Charles Cutler produced and sworn
stated that he was acquainted
with ~~George~~ Jackrich before his
death that he had been acquaint-
ed with Charles Groves for
18 years and was acquainted
with the work he does while
living with Mr Jackrich his work
was not worth any thing unless
using his brand and Chittys
he now was worth any thing
it was a great charge to
take charge of him

E J Rollard introduced & sworn
know George Zachick in his
lifetime lived close by him and
know Charles Groves who he
lived with in Zachick
have known Charles for many
years his work was not worth
his victuals and cloths I was
at the house of Mr Zachick
often while Charles lived there
he seemed to be staying as one
of the family.

John H White produced and sworn
I am the Clerk of the County
Court of said County of Williamson
and keep the records from
the evidence on file Mr George
Zachick and in September 1834
letters with the will annexed was
granted at the Oct Term 1834
to Robt Pully he went on and
made settlement of George Zachick
decd, this account of Charles
Groves against the estate of George
Zachick was presented for the
first time at the Febry Term
of the Probate Court 1837

at the May Term 1835 there was
an adjustment of the Claims
against sd Estate, in pursuance
of Notice Richard H Groves who
appeared in this Case is one of
the Heirs at law of George Zoch
now dead. This was the evi-
dence produced on the trial of
this Case both by the Plff
and defendant, and therefore
the Court rendered judgment against
the ^{2^d} estate of and in favor of the
Plff. to be paid in due Course
of Administration

The defendant then and by his
Counsel moved the Court for a new
trial and filed the following
reasons in support for motion
for new trial:

1st The Court erred in admitting improper
testimony.

2^d Court refuse proper testimony

3^d The Judgment of the Court
was against the evidence

4th

The judgment of the Court was
against the law

8th

The judgment of the Court was
against the law and evidence

Therefore the Court overruled
the motion for a new trial

The Plaintiff then and then by his
Counsel excepted to the ruling of
the Court in overruling the
motion for a new trial and
entering judgment against Deft
in favor of Plff, and tendered
this his bill of exceptions &
asked that it may be allowed &
signed ^{by the Court} and made a part of
the record in this Cause
which is ascending down in
Open Court.

William J. Allen
Judge of the 26th
Indiana Circuit

State of Illinois }
Williamson County }

I Geo W Goddard Clerk
of the Circuit Court within and
for the County of Williamson
and State of Illinois do hereby
certify that the above and
following contains a true
and perfect transcript of
the books & files of my
Office in the above styled
Cause as appears of
Record in my Office

In testimony whereof
I have hereunto subscribed

my name and affixed the
seal of my office this 3^d
day of September AD 1860

Geo W Goddard
ME

~~#~~ 7
R. H. Groves Adm

Lehu Groves

as

Estates of Jacknicks

Receiv

Filed Nov. 15. 1860.

N. Schmitz Ck

paid - \$570

~~#7~~ 7

1861

Groves

in

Groves

Count to Williamson

8570

Dismissed at Court of
Pluff in even -

Cost bill on page 471 -