

No. 8469

Supreme Court of Illinois

R. A. Holladay

---

vs.

Robert Dixon

---

71641  7

Supreme Court of the State of Illinois.  
First Grand Division.

To the Hon J<sup>r</sup> H. Caton, Chief Justice, & Sidney Prentiss  
and P H Walker associate Justices of said Court.  
Your petitioner Rachael Ann Holliday et al, the  
applicants in a certain suit, wherein Robert  
Dekker was plaintiff, tried at the November term  
of this Court A.D. 1861. Respectfully, prays for a  
rehearing of said cause.

For the causes and reasons following.

1<sup>st</sup> The decision of the Court gives to Mrs Elizabeth Holliday  
an estate in fee, when it was the well known intention  
of the testator, to have a life estate only.

2. The whole will if brought before the Court  
by its context, will it is believed and the Court  
in giving the proper construction, to the  
class in controversy, and warrant the construction  
that a life estate only was intended (2 Robes Mill. 27.)

3. The word "I will & bequeath to my oldest daughter  
Margaret Ann Elizabeth Holliday Eighty acres  
of land where my house & self stand, never to be  
her and hers forever, never to mortgage nor sell  
for ever" - may be, without expunging the word  
never, permitted to stand, & by transposing the word for  
ever, so as to read "never forever to her & hers."

Carry out the true intent of testator & paroled A.D. 9.

4<sup>th</sup> Because a rearguard would give greater  
satisfaction & confidence to the division whatever  
that division may be.

It is motioned by you  
that we do not go back P.C.T.

The S. O. shall be

David M. Gandy Silas L. Brown  
and others will be left.

Edwin Beecher

is appointed Major General. W. H. T. Smith will be  
Second in command.

General orders have been issued to the

Regiment that all troops must be prepared at 3  
o'clock in the morning. When all are so ready they are to march in  
four columns and proceed to the rear of the

front and cover the right of the column and  
then the last division is to move forward to get

into the intended position after moving in  
order and forming line. proceeded in small

detached columns over great distances and a number

of hours to get to the intended position. General

was present throughout the march and General

had a long speech to make before the men  
were sent forward. General was very well received

"and I am happy to say that he made a good  
impression upon the men."

The march continued to the rear and took place

47

Buchanan Walling

et al

vs

Robert Dixon affe

Tiles Nov. 13. 1867.

Mr. Johnston M<sup>r</sup>

Parsley Walling ft 00

18492

Halliday or Dickson

State of Illinois } Supreme Court first Grand Sessions.  
Jefferson County }

Samuel Halliday, being first duly sworn  
say that he wrote the will in Courtway. That his  
brother the testator was at the time at the point  
of death. That he is unskilled in the use of  
language, and was the first will he ever wrote  
that Margaret Jow <sup>only daughter</sup> was ~~the~~ of testator by a former  
wife, that the will was written and equal  
to the testator, without the ~~any~~ <sup>near</sup> to her  
~~time to be destroyed~~ <sup>affair</sup> ~~world forever~~  
and hers forever. and that upon the same  
being thus read, he directed that the same  
should be changed so that a life estate only  
would be devised. and that he inserted  
the word never to her and ~~her~~ hers forever  
for that purpose, as will as the never to be mortgaged  
and forever. at his request to the <sup>2<sup>nd</sup></sup> Close of  
the will to limit the same to a life estate only.  
This affidavit is made in the presence of the testator.  
Searched & Subscribed

this 13<sup>th</sup> day of November } Ande. Halliday  
AD 1862.

A. Johnston M

No 47

R. A. Holliday  
etc.

"  
Robert Dixon

Pet. for Rehearing

Denied in 1862

8469

Courtier at 531 -