

8724

No. _____

Supreme Court of Illinois

J. S. Wilhite, et al

vs.

John M. Wilhite, et al,

To the Honorable Alfred Hitchell
 Sole Judge of the 25th Judicial Circuit in and
 for the County of Crawford in Chaney sitting
 four Orators Badoe A. Pearce of the
 County of Crawford and State of Illinois and
 Louisa Jane his wife Shud into your Honor
 that on or about the day of 18 Enoch
 White late of said County departed this
 life intestate and that he did seized of
 the following described real estate situated in
 the said County of Crawford in the State of
 Illinois to wit: Commencing at the North
 West Corner of Section twenty nine in
 Township eight North of Range eleven West
 and running thence East on the section line
 to a parallel line with the Town plot of the
 Town of Hutsonville last laid off by Robert
 Harrison, thence in a southerly direction
 with the western side of the laid off Lots
 of the said town of Hutsonville to a stake
 on the north side and at the west end
 of Down Street, thence South with the
 west line of Land known as the McCloud
 Lot to lands formerly owned by John
 Musgrave now Preston Brothers
 addition to the town of Hutsonville
 at or near the west end of Mechanic
 Street, thence in a westwardly direction with
 the line of the said Land formerly owned by
 John Musgrave to lands formerly owned by
 William M. Coy now owned by John N. Hurst
 thence in a north westerly direction along the
 line of said lands owned by said J. N. Hurst
 and the line of Land now owned by Mary
 Callahan until it strikes the west line

37 of said Section twenty nine at a point fifty rods
38 South of the place of Beginning Thence North to the
39 place of Beginning containing one Hundred & ten acres
40 more or less. Subject however to a Lien in favor
41 of the Trustees of Town seven Range Eleven in
42 the County of Crawford and State of Illinois
43 amounting in principle and interest to the sum
44 of nine hundred dollars and fifty eight cents
45 Your Orators further show unto
46 your Honor that the said Enoch Willite died
47 leaving the following Children heirs at Law John
48 M. Willite, William C. Willite James S.
49 Willite, Milton H. Willite, William C. Willite
50 Joshua B. Willite, Louisa Jane intermarried
51 with Zadoc A. Pearce Elen intermarried Joseph
52 N. Stanford and intermarried with An-
53 derson Murphy. That the said Joshua B.
54 has since died leaving Auroh Willite and
55 Lula Willite his Children and heirs at Law
56 That the said who intermarried with
57 Anderson Murphy has since died leaving
58 J. P. Murphy, Mary Murphy and John Murphy
59 her Children and heirs at Law, That the said
60 Elen who intermarried with Joseph N. Stanford
61 has since died leaving Cliffe Stanford her
62 Child and heir at Law Subject however to
63 the aforesaid Lien upon said Lands

64 Your Orators show unto your Honor
65 that the said James S. John M. Milton H.
66 William C. Willite and the said Cliffe Stanford
67 in right of the said Elen deceased, and your
68 Orators in right of the said Louisa Jane
69 would each be entitled to one eighth part
70 of said Lands That the said Auroh and

21
71 Lula Wilhite would each be entitled to one six-
72 tenth part thereof in right of their Father the
73 said Joshua B. deceased, that the said J. P. Mur-
74 phy Mary Murphy and John Murphy would
75 each be entitled to one twenty fourth part
76 thereof in right of their said Mother deceased.
77 Your Orators pray that the said John W.
78 Wilhite, James S. Wilhite, Milton H. Wilhite,
79 William C. Wilhite J. P. Murphy, Mary Murphy,
80 John Murphy, Currah Wilhite, Lula Wilhite,
81 and Cliffe Stanford be made parties defendant
82 hereto, and that they and each of them be
83 required to answer all and singular the matters
84 and things hereinbefore stated and charged, as
85 fully and particularly as if the same were here-
86 in after repeated, and they shun to specially in-
87 terrogated (the necessity of said answer being under
88 oath is hereby waived) and that the Court will
89 appoint a guardian ad litem to defend for
90 William C. Wilhite, John Murphy, Currah Wil-
91 hite, Lula Wilhite and Cliffe Stanford who
92 are minors without guardian and that
93 process may issue &c Your Orators further
94 show unto your honor that there is no
95 funds belonging to the estate of the said Joshua
96 Wilhite deceased out of which to discharge
97 and pay the said Lien in favor of said
98 Trustees of Schools against the said Lands.
99 That in the opinion of your Orators said
100 Lands exceed in value the amount of the
101 said Lien, your Orators therefore pray that
102 on a final hearing of this cause your Honor
103 will cause to be entered of record an Order
104 or decree of this Honorable Court directing and
105 Ordering that a sale be made of the said

106 Lands and premises under the direction of the Court.
107 And that the proceeds of such Sale be first
108 applied to the discharge of said Lien and the payment
109 of Costs and that the remainder of such proceeds
110 shall be divided and distributed according to the
111 respective rights of the parties as herein set
112 forth, and your petitioners pray that the Court
113 will grant such other & further Relief Special
114 and General as may be consistent with the
115 Laws of the Land, and as in duty Bound
116 will ever pray &c

117 E. Callahan
118 Atty for Petitioners

119 State of Illinois
120 Cole v. Sanford Compt

121 Before the undersigned personally of=
122 said Zadoe A. Pearce and Louisa J. Pearce
123 and being first duly sworn state that the
124 matters & things stated and set forth in
125 the foregoing Petition, so far as the same
126 are stated from their own knowledge are
127 true in substance and in fact and the several
128 matters and things as derived from the in-
129 formation of others they believe to be true
130 Subscribed and sworn } Z. A. Pearce
131 to before me this 13th day } Louisa Jane Pearce
132 of Dec 1860
133 E. Callahan J.P.

134 Filed in my office this 13th day of December
135 A. 1860
136 Thos Johnson Clerk

137 Circuit Court Summons,

138 State of Illinois Crawford County ss

139 The People of the state of Illinois to the Sheriff
140 of said County - Greeting; We command you
141 That you summon J. M. Wilhite, J. S. Wilhite,
142 M. H. Wilhite & William C. Wilhite, & Cliffe
143 Stanford if they shall be found in your County
144 personally to be and appear before the Circuit
145 Court of said Crawford County on the first
146 day of the next term thereof to be holden at
147 the Court-house ^{in Robinson} in said Crawford County
148 on the fifth Monday of April. 1861 to answer
149 unto the Matters & Things contained in a certain
150 Bill in Chancery Exhibited in our said Court
151 against them by J. A. Pearce & Louisa J. Pearce
152 And have you them and them this writ with
153 an endorsement thereon in what manner
154 you shall have executed the same.

155 Witness Thiram Johnson Clerk of our said
156 Court and the seal thereof at Robinson
157 of our said this 13th day of December
(Seal) A. H. 1860

Thiram Johnson Clerk

160 With the following endorsement thereon
161 I executed this writ by delivering
162 a true copy of the same to the within
163 J. M. Wilhite J. S. Wilhite M. H. Wilhite
164 W. C. Wilhite & Cliffe Stanford this 2nd
165 day of March 1861

166 William Russell Sheriff
167 By Chester K. Knight Deput

State of Illinois Crawford County ss }
169 The People of the State of Illinois to the
170 Sheriff of Monticci County - Greeting; }

171 We Command you that you Summon Arrah
172 Wilhite, Lula Wilhite if they shall be found
173 in your County, personally to be and appear before
174 the Circuit Court of Crawford County on the first
175 day of the next term thereof to be holden at the
176 Court House in Robinson on the fifth Monday
177 in the Month of April 1861 to answer the matters
178 and things contained in a certain Bill in Chancery
179 Exhibited in our said Court against them
180 by B. A. Pearce & Louisa J. Pearce, And
181 have you them and there this writ; and
182 make return thereon in what manner you
183 execute the same, Witness Hiram Johnson

184 Clerk of our said Circuit Court
185 at Robinson this 13th day of December
186 in the year of our Lord one thousand
187 Eight hundred & sixty
188 Hiram Johnson c.c.c.

189 Duly executed the within by reading
190 leaving a true copy of the within with
191 Arrah Wilhite and Lula Wilhite and
192 informing them of the contents of the within
193 this 28th day of December 1860 Jus for
194 saving \$100 delay 16 miles 80 Pcting 10
195 Samuel P. Earp
196 Sheriff of Motrey County Illinois

State of Illinois }
Crawford County }
199 The People of the State of Illinois to the
200 Sheriff of Lee County - Greeting:
201 We command you that you Summon
202 J. P. Murphy, John Murphy & Mary J. Murphy
203 if they shall be found in your County per-
204 sonally to be and appear before the Circuit

208 Court of Crawford County on the first
 209 day of the next term thereof to be holden at the
 210 Court House in Robinson on the fifth Monday
 211 in the Month of April 1861 to answer the Writ
 212 & things contained in a certain Bill in Chancery
 213 exhibited in our said Court against them
 214 by B. S. Pearce & Laura J. Pearce.

215 And have you them & their this writ;
 216 and make return thereon in what manner
 217 you expedite the same.

218 Witness Wm Johnson Clerk of our
 219 said Circuit Court at Robinson
 220 this thirtieth day of December in
 221 the year of our Lord one thousand
 222 eight hundred & sixty

223 Wm Johnson c.c.c.
 224 Served the within writ by reading
 225 the same in the presence and hearing of and
 226 to the within named John Murphy, ^{+ Mary J. Murphy} and
 227 by leaving a copy of this summons
 228 with each of them, the within named
 229 J. P. Murphy not found in my County
 230 Aaron Porter Sheriff
 231 & by Charles W. Benjamin Deputy.

232 Circuit Court summoned
 233 State of Illinois
 234 Crawford County

235 The People of the State of Illinois
 236 do the Sheriff of Ogle County - Greeting;
 237 We command you that you summon
 238 J. P. Murphy if he shall be found in your
 239 County personally to be and appear before the
 240 Circuit Court of said Crawford County on
 241 the first day of the next term thereof to be
 242 holden at the Court House in Robinson



244 in said County Crawford County on the fifth
245 Monday of April 1861 to answer unto the matters
246 & things contained in a certain Bill in Chancery
247 exhibited in our said Court against him Et al
248 by J. A. Pearce & Louisa J. Pearce, and have
249 you them and there this writ with an
250 endorsement thereon in what manner
251 you shall have deemed the same.

252 Witness Miriam Johnson Clerk
253 of our said Court and the Seal
254 thereof at Robinson aforesaid
255 this 12th day of February A.D. 1861
256 Miriam Johnson Clerk

Seal

257 State of Illinois }
258 Ogle County } I have duly served the within
259 by reading the same to the within named
260 J. P. Murphy in his presence & hearing
261 this 18th day of March A.D. 1861 as I am
262 therein commanded

John A. Hughes Sheriff
By A. J. Elder Deput Sheriff

263 Crawford Circuit Court April Term A.D. 1861 - 3rd Day
264 J. A. Pearce and
265 Louisa Jane Pearce
266 as
267 M. Wilhite J. S. Wilhite
268 M. H. Wilhite Wm. C. Wilhite
269 and Cliffe Stanford

Chancery

270 And now at this day come the
271 said Complainants by E. Callahan their Sol-
272 icitor and it being suggested to the Court
273 that some of the defendants are Minors
274 Minors under the age of majority. The
275 Court appoints H. Hayward Esqr

274 Guardian ad litem for said infant defend-
275 ants and allows the said Guardian ad litem
276 three dollars for his services

277 State of Illinois } Circuit Court
278 Crawford County } April Term 1861

278 Z. A. Pearce }
279 & wife }
280 vs }
281 J. S. Wilhite et al } Chancery

281 The undersigned having been duly
282 appointed Guardian ad litem to Sityate
283 and defend herein for William C. Wilhite,
284 John Murphy, Sarah Wilhite, Lula Wil-
285 hite and Cliff Stanford Minors, accept
286 the trust and hereby waives the issuing
287 of service of process for his said Wards and
288 enters their appearance herein and ~~an-~~
289 ~~swers~~ ^{answers} says that of the correctness of the
290 allegations in said Complainant's bill he has
291 no knowledge and no means of ascertaining,
292 that neither admitting or denying the
293 same he asks ^{that} the Complainant be held
294 to strict proof and the rights of said
295 Minors be protected by this Court,
296 Having fully answered asks to be dis-
297 charged with his reasonable costs &c

298 Filed May 6th A. D. 1861 } H. Hayward
299 Hiram Johnson clk } Guardian ad litem

300 Zadoe A. Pearce & Louisa J. Pearce }
301 his wife }
302 vs }
303 James S. Wilhite, John M. } Chancery
304 Wilhite, Milton H. Wilhite, }

301 William C. White,
302 J. P. Murphy, John
303 Murphy, Mary
304 Murphy, Unah
305 White, Lula
306 White and Cliffe
307 Stanford

Crawford Circuit
Court April
Term 1861

307 This Cause came on for
308 hearing on this day upon Bill Exhibits
309 and testimony and the Defendants having
310 failed to appear answer plead or demur
311 to the Bill of the said Plaintiffs except as
312 to William C. White, Unah White, Lula
313 White, John Murphy, and Cliffe Stanford
314 infant defendants herein who answer by
315 Horace Hayward their Guardian ad litem,
316 On Motion of the Plaintiffs Counsel it
317 is Ordered that Plaintiffs be taken for
318 confessed as against the said Defendants
319 who are not infants and the Court
320 being fully advised in the premises
321 doth Order adjudge and decree that
322 the Lands described in the Plaintiffs Bill
323 be sold as prayed for in the Bill of the
324 said Plaintiffs and that the proceeds be
325 applied first to the payment & discharge
326 of the lien on said Lands in said Plaintiffs
327 Bill of Complaint mentioned and that the
328 Master in Chancery be ordered to make
329 such sale on the premises for cash in hand
330 after having ^{first} notice of the time and
331 place of sale by Posting up written ~~notices~~
332 Printed notices of such sale at four
333 of the most Public places in the County

335 of Crawford and one other such notice posted on the Door of the Court House in Robinson at least four weeks before the time of such sale. and that the Master in Chancery out of the proceeds of such sale to pay and discharge to the Trustees of Town Survey Eleven West in Crawford County Illinois or to their assigns the amount of the said lien on said Lands and to distribute the balance remaining in his hands according to the respective rights of the parties to wit. To John M. Wilhite, James D. Wilhite, Milton H. & William C. Wilhite in their own right. to four Petitioners in right of the said Louisa J. and to Cliffe Stanford in right of his said Mother Eliza Stanford Decd One Eight part thereof to each of them, to the said Mack and Lula Wilhite one sixteenth Part each in right of their Father Joshua B. Wilhite deceased to the said J. P. Murphy, Mary Murphy and John Murphy one twenty fourth part each in right of their said Mother deceased and that he make a report of his actings and doings in the premises to the next term of this Court to which time it is ordered that this Cause stand continued

Zadoc A. Peace & Louisa Jane his wife

vs
James D. Wilhite, John M. Wilhite, Milton H. Wilhite, William C. Wilhite,
J. P. Murphy, John Murphy, Mary Murphy, Sarah Wilhite, Lula Wilhite
and Cliffe Stanford

Chancery

So the Honorable James C. Allen Judge of the 25th Judicial Circuit of the

368 of the State of Illinois in and for the County of
369 Crawford in Chancery sitting.

370 The undersigned Master in Chancery in
and for the County of Crawford and State of ~~Ill~~
Illinois begs to report to your Honor that after
having advertised the time terms and place
of ^{the} Sale of the real Estate in said Complainants
Bill mentioned and referred to in the Decree of
this Court rendered at the April term 1861 in the
above entitled Cause for at least four weeks pr-
ior to the time of Sale by posting up written
notices thereof at four of the most Public
380 places in the said County of Crawford and one
other such notice on the Door of the Court
House in Robinson in said County. I did on the
20th day of July A. D. 1861 between the hours of ten
o'clock A. M. and five o'clock P. M. of said day
in pursuance of said advertisements expose to
Public Sale for Cash in hand on the premises
all of the said Lands and premises in said Complainants
bill described as follows to wit: Commencing
at the north ^{west} ~~east~~ corner of Section twenty nine
390 in Township eight North of Range Eleven West
in Crawford County Illinois and running thence
east on the section line to a parallel line
with the Town Plot of the Town of Hutsonville
last laid off by Robert Harrison thence
in a southerly direction with the western side
of the laid off Lots of the said Town of Hutsonville
to a street on the north side and at the west
end of Dover Street thence south with the west
line of Land known as the M. C. Lewis Lot to
400 Lands formerly owned by John Musgrove now
Preston & ~~Barlow~~ Barlows addition to the

Town of Hudsonville at or near the west
end of Mechanic Street thence in a westerly
direction with the line of the said lands formerly
owned by John Musgrave to lands formerly
owned by William McCloy now owned by John
N. Hurst, thence in a north westerly direction
along the line of said lands owned by said John
N. Hurst and the line of land now owned by
Mary Callahan until it strikes the west line
of said section twenty nine at a point fifty
rods south of the place of beginning thence
north to the place of beginning containing
one hundred & ten acres more or less and
that Joseph N. Stanford and Zadock A. Pearce hav-
ing bid at such sale for said lands above
described the sum of one thousand dollars
and that being the highest and best bid
therefor the said lands were by me struck
off and sold to the said Joseph N. Stanford
and Zadock A. Pearce for one thousand
dollars of which they have paid me in cash
the sum of eighty one dollars and fifty
cents and the said Trustees of Schools
of Town of Hudsonville West in
said County, in whose favor said lien
in complainant's bill mentioned as existing
upon said lands, after the commencement
of the action herein by their due release
and quit-claim and assigned to the
said Stanford and Pearce all the right title
and interest of in and to the said premises
of the said Trustees and their successors
in office and that I have allowed the
said Stanford and Pearce to retain of their
bid the sum of nine hundred and

Eighteen Dollars and fifty Cents the amount
of said Lien and the interest due thereon
to be in discharge of said Lien to them as
440 the assigns of the Trustees aforesaid
and that I thereupon executed and
delivered to the said Joseph H. Stanford
and Zadoc A. Pearce a deed of Conveyance
for said Lands and premises, all of
which is respectfully submitted, and the
said Master further asks to be allowed
for his services herein the sum of
twenty four Dollars

E. Callahan

Master in Chancery

450
Which report is approved and confirmed
by the Court and said Master allowed
the sum of \$24.00 for his services herein
and it is further ordered by the
Court that E. Callahan Esqr be
allowed the sum of Forty Dollars
457 for attorneys fee in this cause

State of Illinois
Crawford County

I William Johnson Clerk of the Circuit
Court of Crawford County State of Illinois
hereby certify that the foregoing is a
true full and correct copy and transcript
of the record of the foregoing cause now
remaining in my office

Witness under my hand
and official Seal at Rob-
-inson this 16th day of
May A. D. 1866 William Johnson Clerk

No 25-

James S. Wilhite & Sons
vs
Gadok A. Pearce & Sons

Filed Sept. 21-1866.
N. Johnston cly
Paid by Baker of 5.00

The State of Illinois
Set

In the Supreme Court of Illinois
November Term 1866

James S. White, Milton
H. White, William S. White
J. P. Murphy, Amos White
and Lida White

vs In Appeal
John M. White, Zadok
S. Peace, Louisa Jane
Peace, Joseph R. Stanford
Cliff Stanford, Mary
Murphy, John Murphy

The following is an abstract of the
facts contained in the record in this
cause to wit: The bill shows that Zadok
S. Peace ^{and Louisa Jane Peace his wife} filed his bill against John
M. White, James S. White, Milton H.
White, William S. White, Joshua
Swook White, Lida White, J. P. Mur-
phy, Mary Murphy and John Mur-
phy, Cliff Stanford in which it is
charged that Amos White died
seize of certain real estate in Law-
ford County, Illinois in the Circuit
Court of which County, said bill was
filed immediately prior to the April
Term 1861 of that Court in which

and said ~~Truce~~ ^{and said Truce} Jane
it was charged that these defendants
were the heirs at law of said Queen
Mildred deceased, but it is not averred
they are the only heirs, and it further
shows that said land descended to the
heirs of said Queen subject to a lien
in favor of the Trustees of schools of
Township seven Range Eleven in the
County of Crawford State of
Illinois amounting to nine hundred
~~and~~ fifty dollars and eight cents
and avers that said real estate is of
greater value than the amount of said
lien and praying a sale of the lands
to pay said lien and for a distribution
of the residue. See record pages 102
from line 104 to 112 inclusive.

The Transcript further shows that process
was properly served on all the defend-
ants except J. P. Murphy, who is shown
to have been served by reading only &
not by delivering a copy. It is further
shown that said J. P. Murphy was a minor
and assumed only by guardian ad litem
See page 4. Lines 254 to 261 inclusive.
Nor is there any answer filed for him
either as an adult or minor defend-
ant. See page 5. from line 274 to 289

After which at the April Term 1861, the bill of Complaint except as to the infant defunct acts - was taken as confessed and the Court decreed that said lands should be sold by the Master and that out of the proceeds of such sale the Master should first pay and discharge the lien of said Trustee - and then distribute the residue - but the decree does not show in any way what the amount of such lien was if any - nor does the bill or decree show the nature or character such lien so as to enable the Master to know what amount he should pay said Trustee to discharge such lien - nor does the Court give that any such lien had any legal existence - but this question is left to be determined by the Master without even indicating on what such pretended lien is based - see Record pages 5 and 6, lines 300 to 357 inclusive. The record further shows that said lands were sold by the commission for \$1000 and that the same were purchased by Joseph R. Stanford and Gideon Steiner the Complainant, who were permitted by the Master to retain \$918.50, as the amount of said pretended lien out

of the purchase money thereof under pre-
tense that the Trustees of said Township
had by their deed released and quit
claimed to said purchasers their inter-
est in the premises see Record pages ~~460~~
to 647. lines 360- to 457, inclusive

John Baker Attorney
for appellants

N-23-

James A. McWhorter
others

vs } Abstract of
} Record of
Gudlock A. Turner &
others

Filed Sept 21, 1866
N. Johnston City

In the Supreme Court of the
State of Illinois H.
James M. White Milton H.
White, William B. White
J. P. Murphy, Amos White
and Lila White

vs J. In Appeal
John M. White, Zadok
W. Pierce, Susan Jane
Pierce Joseph R. Stanford
Eliff Stanford Mary
Murphy & John Murphy

The Appellants herein say there
is manifest error and imperfections
in the record and proceedings in the
Cause of which the record is filed
herein in this way

1st The said bill of Complaint is wholly
insufficient to entitle the said Com-
plainant to the relief sought or to
any relief whatever inasmuch as it
is not shown the character of the
lien claimed to be due said Trustees
nor are they made parties to said
proceeding.

2d There is a decree by default against
the J. P. Murphy without proper
service of process -

3) The decree of the said court is erroneous because the court does not therein find or decree that there is any sum what - soever said Trustees or that they have any lien on said lands for any sum whatever,

4 The confirmation of the report of the trustee is erroneous because the said report does not show a proper disposition of the funds arising from the sale of said real estate,

For this and many other reasons manifest in the foregoing and the appellants ask that proper process may issue and those parties plaintiffs in the original suit and those who were defendants who do not join in this prayer may be made defendants thereto and required to defend in this action

John Baker Attorney
for appellants

No 32-

Jenny White
Lottus
us } Errows
Madok N. Pearce
Lottus

Filed Sept 21, 1868
N. Johnston et al

Petersburgh Ind. Sept 18, 1866
The Clerk of the Supreme Court
of Illinois at Mt Vernon,
Illinois

Dear Sir

Enclosed you
will find a record and docket
sheet things as well as the
errors assigned also \$500.
As I am not familiar with
the rules of practice in your
court I do not know ex-
actly what is requisite to be
done and I so suggest
in my official duty as
Judge of this judicial circuit
as to be unable to come in person
and only a few days later
some until the first of Nov will

expressing I have to request you.
If I have not sent among
enough to comply with the
requirements of the rules of
your court please supply
it and I will be there before
your next meets and dis-
turb it, or if I have omitted
anything essential please
ask of some of my profes-
sional brethren the courtesy
to see to it for me and
will make the matter
right with them. I reside
at Vincennes should you
desire to correspond with
me. Direct proofs to Cass
ford County Illinois. I once
attended your court and
hope to renew my short
acquaintance.
Respectfully Yours
John Baker

State of Illinois,
SUPREME COURT,
First Grand Division.

} SS

The People of the State of Illinois,

To the Clerk of the Circuit Court for the County of Crawford 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 Crawford county, before the Judge thereof between James A. Pearce and Louisa Pearce

plaintiffs and James B. Wilhite
John M. Wilhite, Milton M. Wilhite, William L. Wilhite, J. P. Murphy
John Murphy, Mary Murphy, Sarah Wilhite, Lula Wilhite
and Eliza Stanford defendants it is said manifest error hath intervened to the injury of the aforesaid J. B. Wilhite, M. M. Wilhite, W. L. Wilhite, J. P. Murphy, Sarah Wilhite and Lula Wilhite 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 our 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 **Mount Vernon**, in the County of Jefferson, on the first Tuesday in November next 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. S. H. Walter Chief Justice of the Supreme Court and the seal thereof, at MOUNT VERNON, this twenty first day of September in the year of our Lord one thousand eight hundred and Sixty six

Clerk of the Supreme Court.

State of Illinois,
SUPREME COURT,
First Grand Division.

SS

The People of the State of Illinois,

To the Sheriff of Crawford 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 Crawford county, before the Judge thereof between Jadot A Pearce and Louisa J Pearce

J Wilhite and others plaintiffs and James

defendants it is said that manifest error hath intervened to the injury of said defendants

as we are informed by this 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 Mount Vernon, before the justices thereof, to correct the errors in the 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 John M Wilhite

Jadot A Pearce, Joseph S Stanford, Louisa J Pearce, Eliza Stanford, Mary Murphy and John Murphy

that they be and appear before the justices of our said Supreme Court; at the next term of said Court, to be holden at **Mount Vernon**, in said State, on the first Tuesday, ~~after the second Monday~~ in November next, to hear the records and proceedings aforesaid, and the errors assigned, if they 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 John M Wilhite and others notice together with this writ.

WITNESS, the Hon. S. H. Walker Chief Justice of the Supreme Court and the seal thereof, at MOUNT VERNON, this twenty first day of September in the year of our Lord one thousand eight hundred and Sixty six

A. Johnston

Clerk of the Supreme Court.

Milbrite & others
Left in error
by

Milbrite & others
Left in error

Error to Crawford.

Dismissed for failure to
file abstracts

8724

Cont'd on Page 13-9
Subook 'B''

Nothing could be seen
of any order