

8424

No. _____

Supreme Court of Illinois

Calvin Gold

vs.

W. E. Churchill et al

71641  7

Calvin Gold p[er] in error
" " Error to Gallatin
~~County~~ ~~Blaine~~ debt in error
William E Churchill

& al Motion return
Court held at Mt View for the
State of Ills in the first Grand
Division AD 1858

On Tuesday the p[er]ff
by his attorney & says that there is
error in the recitation of the facts
& would appeal in this that the
Court of Gallatin County rendered
Judgment in favor of the Plaintiff
by the sum of the Land but ought
to have been rendered for the p[er]ff
and for assigning errors specially
that the Court erred in overruling
Motion to set aside said and
said Judgment for debt for costs
& this the p[er]ff is ready to bring
an

W. S. Weston for
p[er]ff in error
Under in Error
Olney for defendants

5-445
Pleas before the Circuit Court
of Gallatin County Illinois, - Hon
S. S. Marshall Presiding Judge

On the 23rd day of June
1854 Calvin Gold by Posey his
attorney filed ~~in~~ the office
of the Clerk of said Court a
notice in words and figures
as follows "to wit"

State of Illinois, Of the July term
Gallatin County 3rd A.D. 1854 of the
Gallatin Circuit Court

John Olney and

for ~~me~~ ^{John S. Hardin atty.} ~~Timothy S. Churchill~~ ^{and Timothy S. Churchill}
Timothy S. Churchill
Gentlemen you are hereby
notified that at the July term
of the Circuit Court of Gallatin
County Illinois, to be begun and
held at the Court house in
Shannectown on the 1st Monday
in said month, I will through
my attorney move the said
Court to set aside a certain
Sale of real estate made by
Thomas Long late Sheriff of
Gallatin County Illinois, by virtue
of a certain Execution No 4502
called a vendi Exponis, issued
by Leonard White late Clerk
of the Circuit Court of said
County, on the 14th day of June
A.D. 1845, in favor of Provarick
Southmayd for the use of "

William B Churchill Timothy
Southmayd and Timothy S
Churchill, against me Calvin
Gold, on the ground that the
S. E. quarter of sec 35 T 9 R 9 E,
Also, a lot in Hannu town N. 28 E 7,
and the S W qr of the N W qr
of sec 12, T. 10, R. 9 E, were all
sold together in one bid
for the sum of nine hundred
dollars - Also on the ground that
the said sale was made on a
Vendi Expres spring on a former
execution No 3506, which was
without authority & void as will
more fully appear by reference
to the Judgment upon which
same issued as also for other
causes

June 22^d 1854 Calvin Gold by
S. J. Posey, atto,
upon which notice appears
the following endorsement
We acknowledge service of
the within notice this 23^d
June 1854

Hardin & Olney
Attorneys for C. S. & Co,
Filed 23^d June 1854

J. E. Hall clk,

On the 12th day of July 1854
Calvin Gold filed his affidavit
as follows to wit, "

State of Illinois Gallatin County

State of Illinois
Gallatin County
Calvin Gold

Motion to set
Southmayd & others aside

Calvin Gold being duly sworn
deposes & says, that John R. Snow
by Benjamin Brewer his deputy
& late Sheriff of Gallatin County
Illinois by virtue of an execution,
to wit No 4502 called a vendi Ex-
ces, issued from the clerk's office
of the Gallatin Circuit Court, in
which Frederick Southmayd (for
use of William & Churchill Timothy
Southmayd and Timothy S
Churchill is plaintiff, and
this affiant is defendant, did
on the 12th day of July ¹⁸⁴⁵ ~~1844~~
sell en masse the SE qr of a
35 T. 9 SR 9 E containing 160 acres
Also lot in Shannecton No 887,
and the SW qr of NW qr of
Sec 12 T 10 SR 9 E containing 40
acres, as this affiant's property
to said Timothy Southmayd
William & Churchill & Timothy
S Churchill for the sum of
nine hundred dollars, that
affiant has ever ^{since} remained
in possession of the said land
& town lot and paid the taxes
thereon and was always in-
formed by counsel that said
sale was illegal & improperly
made and that the said
purchasers thereof have never

transferred or sold said land or
lot as affiant is informed & believes
& had hoped they never would seek
to claim title to said land by
reason of said purchase.

But that recently said Churchill
& Southmayd claiming sd lands
& lot under sd sale, have begun
in this court actions of Ejectment
against your affiant and his
tenant to obtain possession -
thereof, and will succeed in
ousting him under said illegal
sale, unless the same is set
aside wherefore &c
Subscribed & sworn to before
me this 12th July 1854 } C. Gold
J. E. Hall clerk }

The following is a copy of the
Judgment on which said
lands & town lot was sold.

Frederick R Southmayd
for the use of Wm E
Churchill Timothy South-
mayd and Timothy S Churchill

vs
Calvin Gold } Debt

Came the parties by
their attorneys and the defendant
filed his plea of payment and
filed his affidavit, and moved
for a continuance herein

which motion was overruled and the defendant withdrew his plea whereupon, on motion of Plaintiffs ordered that he leave Judgt for his debt and damages, and that the clerk open the same whereupon the clerk reports, he finds the debt and damages to be Seventeen Hundred and thirty seven dollars and twenty four cents, It is there-
=fore considered by the court that the plaintiff recover against the said defendant the said sum of seventeen Hundred and thirty seven dollars and twenty four cents his debt and damages as by the clerk aforesaid appears, as also his costs and charges in and about his suit herein expended, and the defendant in money &c, Note the plaintiff agrees to a Stay of execution on \$255 ~~or the~~ of the above Judgt until the next term of this Court and to be there subject to proof of payment being made,

The following Execution issued on said Judgment on the 20th day of April 1840 "To wit,"

State of Illinois 2nd set
Gallatin County 2nd set

The People of the State of Illinois to the Sheriff of said County Greeting, we command you that of the goods chattels Lands tenements and real estate of Calvin Gold in your bail with you cause to be made Seventeen Hundred and thirty seven Dollars & twenty four cents with interest thereon at the rate of Six per cent per annum from ~~date~~ the 24th day of March 1840 till paid, which Frederick R Southmayd for the use of Wm & Churchill Trusty Southmayd & Trusty J. Churchill, lately in our ~~city~~ in our Circuit Court for said County recovered against him for debt and also Eight Dollars and thirty one & a fourth cents which they sustained and laid out in and about their suit in that behalf whereof the said Calvin Gold is convicted as appears to us of record and have you the said monies before us at our Clerks office of the said

Court at Equality in the
said County ninety days after
the date hereof to render to the
said Frederick R Southward for
the use aforesaid of his debt
damages and costs aforesaid,
And have you then there
this writ Witness Leonard White
Clerk of our said Court
at Equality, and the
Seal thereof thereof this
20th day of April 1840

Levi White Clerk

Upon which appears the following
indorsements. to wit,

Came to hand April 25th 1840
at 11 o'clock A.M.

Thomas Terry Shff 96.

Seized upon as the real Estate
of Calvin Gold, the South East
quarter of Section 35 Town 9
South of Range 9 East containing
one hundred and sixty, also
in lot in Shannertown numbered
887, this 24th day of June 1840

Thomas Terry Shff 96.

also the South west fourth of
the North west quarter of Section
12 Township 10 South of Range
9 East containing 40 acres.

To be sold 17 July 1840

Returned know sale for the
want of bidders this 17th day
of July 1840

Thomas Jorg Off 92.

And also on the 14th day of June
1845 the following other Ex-
cution or Vendor Expenses was
issued in words and figures
as follows, to wit,

State of Illinois }
Gallatin County } set

The People of the state of
Illinois to the Sheriff of said
County, We command you
that you expose to sale -
agreeably to law certain
real estate of which Thomas
Jorg former Sheriff of said
County) certified to us be
levied upon as the property
of Calvin Gold to wit" the
South East quarter of section
35 Township 9 South of Range
9 East containing 160 acres
Also in lot in Shamrock
numbered 887, and the S.W.
North west quarter of section
12 Township 10 South of Range
9 East containing 40 acres
more or less which Thomas
Jorg, former Sheriff levied
Free facias No 35-06 in favor
of Frederick Southmayd for

the use of Mr & Churchill Timothy
Southmayd & Timothy S Churchill
against Calvin Gold, and
which now remains in
your hands ^{unsold} ~~not sold~~ for the
want of bidders to make the
sum of seventeen hundred
& thirty seven dollars &
twenty four cents, which
the said Southmayd for the
use of Mr & Churchill T.
Southmayd & T. S. Churchill
recovered against him for
debt, as also Eleven dollars
& thirty seven and a half
cents, which were awarded
to the said Southmayd & c
in our said court for
their costs which they
instanced and laid out
in about their suit in
that behalf & the said ~~Calvin~~
Calvin Gold is invited as appears
to us of record & have you those
moneys before us at the clerk
office at Equality ninety days
after the date hereof to render
unto the said Timothy
Southmayd & c of their debt
damages & costs aforesaid
& have you there this
writ. Witness Leonard White Clerk
of our said court & the Judicial
Seal thereof at Equality this

Seal

14th day of June
A. D. 1845

Leonard White

P. S. Interest to be calculated
from the 24th day of May,
1840 at 6 per cent until paid

White c^o

upon which said Express appears
the following endorsements
in words and figures as
follows "In wit,"

Came to hand June 11, ¹⁸⁴⁵
A. M. 9 O'clock

Snore Snoot Hff

By B. B. B. B. B.

This execution is entitled a credit
of two hundred and fifty dollars
to be entered as paid on the
first day of Jan'y 1838, also the
sum of forty one ⁰⁰/₁₀₀ dollars as
paid to E. G. G. G. G. on the
fourteenth of May 1845

A. G. Caldwell

In pursuance of all the
requirements of law I proceeded
to sell at the Court House door
in Equality, the South E quarter
of section 35, Township 9 S Range
9 E 160 acres, also the SW q^r
of the NW q^r of section 12,

Tract 10, D. Range, 9, E, Containing
40 acres, and also incl in
Shamilton No 887, at and
for the sum of nine hundred
dollars bid by the plaintiff agent
Fisher & Foster his being the
highest and best bid offered
therefor, this 12th day of July
A D 1845
John R Smoot Sheriff
By B Bruce D.S.


All the within property bid in
by the Plaintiffs agent Mr Foster
at the sum of nine hundred
July 12th 1845-

John R Smoot Sheriff
By B, Bruce D.S.

And on said sale the Sheriff
executed a Certificate of purchase
which is in words and figures
as follows to "wit,"

State of Illinois; County of Gallatin
This is to certify, that at a public
sale, under and by virtue of
an Execution issued from the
Clerks office of the Gallatin
Circuit Court - in which
Frederick Southmayd (for the
use of William & Churchill
Timothy Southmayd and
Timothy S Churchill) is
Plaintiff, and Calvin
Gold is defendant, Vend, & P,
No 4502, held on the 12th day

of July 1845 at the Court House
door in the town of Equality
& County aforesaid, the said
Wm C Churchill - Timothy Southern
and Timothy S Churchill
by their agent Fisher A Foster
became the purchaser of
the S E quarter of Sec 35
Township 9 South of Range
9 East containing 160 acres
Also a lot in Hammetton
numbered 887; And also the
S W quarter of Sec 12 Township
10 South of Range 9 East con-
taining 40 acres, for the sum
of nine hundred dollars; and
that the said William C Churchill
Timothy Southern and Timothy
S Churchill will be ~~entitled~~
entitled to a deed of the said
land fifteen months from
said day of sale unless the
same shall be redeemed
in the mean time according
to law, - Given under
my hand & seal this Twelfth
day of July 1845

John B Smoot  Jff
By B. Brewer S.S.

To which is attached the following
memorandum in words and
figures as follows, to wit:
Hammetton South by No 11, 9.

Gatewood, You will be good
enough to transfer to Fisher &
Foster or order the claim of ours
on Calvin Gold on which judg-
-ment was obtained in March
1840 for \$1737, ^{24/100} & much oblige
us Yours very Respy


Churchill Southmayd to
Mr W J Gatewood will please
give the Control of the within
named claim to A S Caldwell
Fisher & Foster

And afterwards to wit " on the
12th day of April 1847, the Sheriff
executed and delivered a deed
in words and figures as
follows To wit,

This Indenture made ~~the~~^{the}
and entered in to this ~~fourteenth~~^{thirteenth}
day of April A D 1847 between
John C Hall Sheriff of Gallatin
County State of Illinois of the
first part, and William C
Churchill, Timothy Southmayd
and Timothy S Churchill
of the second part witnesseth
That Whereas Frederick Southmayd
for the use of William C Churchill
Timothy Southmayd and Timothy
S Churchill, did at the March
Term 1840, of the Circuit Court
of ~~Gallatin County~~ the County
of Gallatin, recover a judgment

against Calvin sold for the sum
of Seventeen Hundred and
thirty seven dollars and twenty
four cents, upon which just
a Wendition Et ^{Execution} fieri was issued
dated on the 14th day of June
A.D. 1845, directed to the Sheriff
of said County to execute, and
by virtue of said Execution the
said Sheriff served upon the
launces herein after described
and the same were struck
off and sold to William E
Churchill Timothy Southward
and Timothy S. Churchill at
and for the sum of nine
hundred dollars, they being
the highest and best bidders
therefor, and the time and
place of the sale thereof having
been duly advertised according
to law. Now therefore know
all by this deed that I John
E. Hall Sheriff of said County
of Gallatin, in consideration
of the premises, have granted
bargained and sold, and do
hereby convey to the said William
E. Churchill Timothy Southward
and Timothy S. Churchill
their heirs and assigns the
following described tracts of
land viz: the South East
quarter of section (35) thirty

five Township No (9) nine South
of Range No (9) Nine East Contain-
ing 160 acres, and the South
West quarter of the North West
quarter of section No (12) twelve
Township No (10) ten South of
Range No (9) East Nine containing
40 acres, Also a lot in Shamrock
No (887) Eight hundred and eighty
seven, Do have and to hold
the said described premises
with all the appurtenances
thereto belonging to the said
William C. Timothy and Timothy
& their heirs and assigns -
forever - Witness my hand and
seal the day and date first
above written

John C. Hall 
Sheriff of Gallatin Co, Ills.

State of Illinois
Gallatin County I Daniel P
Melbanks Clerk of the Circuit
Court in and for said County
do certify that John C. Hall
known to me as the Sheriff
of said personally came
before me and acknowledged
the foregoing deed to be his act
and deed for the purposes therein
contained, In Testimony whereof
I have hereunto set my
hand and affixed the
seal of said Court at Sym-
on this 12th day of April A.D.
1847
D. P. Melbanks

The following is a copy of the
Affidavits in said Cause
which is ⁱⁿ words and figures
as follows "De vit"

Thomas Saggdon being
first duly sworn states on
oath that he resides and
has resided for ten years
on Section two Township
ten South in Range nine
East in Gallatin County -
Illinois - that he knows
the South East quarter of
Section thirty five in
Township nine South in
Range nine East in said
County, that about almost
the entire tract is broken
with hills and ravines so
as to be unfit for cultivation
that he does not consider
the said South East quarter
of Section 35 worth more
than two dollars per acre
- that he knows the said
quarter Section in 1845,
and does not think it was
then worth more than
seventy five cents per acre
Sworn to before }
me this 30th Oct } Thomas Saggdon
1856 }
J. C. Hall Cll

State of Illinois 1st
Gallatin County

Benjamin Bruce being
first duly sworn deposes & says
that on the 11th day of June
1845 he was acting as Deputy
Sheriff of Gallatin County Ills, for
John R Smoot, then Sheriff
for said County, that on the
11th of June 1845, there was
^{placed} ~~placed~~ in his hands as such
Deputy a certain Vendi Expona
Numbered 4502, issued by Leonard
White then Clerk of the Cir. Court
for said County, on a Judgment
rendered in the Cir Court of
said County on the 24th ~~day~~
March 1840, in favour of
Frederick R Southmayd for the
use of W & Churchill et al. an
against Calvin Gold, that in
obedience to said writ of Vendi
Expona he proceeded on the 12th
July 1845 to sell the S & gr see 35
T. 9. S. R. 9. E. 160. acres the SW. 700
see 12 T 40, S, R, 9, E, 40 acres &
on lot in Shannectown No 887,
being lived upon as the property
of S Gold, this affiant further
states that to the best of his
recollection which is very indis-
tinct the said property was
offered and sold in separate
parcels, the whole amounting

to \$900, this affiant further states
that he has no recollection of \$2
Gold being present at said sale
and further with not &c
Subscribed & sworn to before
me this 31st Oct 1855 } Benjamin Bruce
J E Hall clk County Court Gallatin Co Ills
By A. W. Hammett Deputy

John P. Watters being first
duly sworn states on oath that
he resides in Gallatin County
Illinois and ^{has} resided in said County
for the last twenty years, that
Calvin Gold has resided in
said County for many years,
certainly ever since the
year 1832, that affiant has been
for twenty years acquainted
with said Gold and his pecuni-
ary circumstances - that affiant
does not know of said Gold
having any property which is
liable to execution, but ~~he~~ he
~~hopelessly insolvent in this~~
vicinity is regarded generally
in this vicinity as hopelessly
insolvent

Subscribed & sworn to } John P. Watters
before me this }
30th Oct 1856 }
J E Hall clk

John P Jones being first duly sworn states on oath that he has resided in Shannecton for more than forty years that he knew lot No. 887 in said Town in 1845 and does not think it was then worth more than four hundred & fifty dollars - that it is not worth more at this time than two hundred & fifty Dollars

Subscribed & sworn to } John P Jones
before me this 31^o day
of October 1856 }

A Notary Public



State of Illinois }
Gallatin County }
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Joseph Segsdor being sworn states on oath that he has resided within a few miles of the SW¹/₄ & NW¹/₄ Sec 12 T 10 R. 9. E. in said County for more than twenty years that he knew the said tract in 1844 & 1845 & 1846. and that he does not think said tract was worth at any time during those years more than two dollars & fifty cents per acre

Sworn to before me }
this 1st Nov 1856 } Joseph Segsdor No. 1
St. Paul city }

Joseph Bowles states on oath
that he received the said ^{the NW 1/4} \$17 1/4
of sec 12, T 10, R, 9, E, and that
he does not think it is worth
more than six dollars per acre
Sum to before
me this 1st Nov 1856. } J. Bowles
J. L. Hall. clerk

The following is the copy of
an order entered in said
cause, which is in words
and figures as follows "to wit,

Thursday 13th of July 1854

Calvin Gold vs.
William E Churchill } Motion to
Timothy Southmayd } set aside
Timothy Churchill } sale

On this day came
the Plaintiff By Percy his atty.
and the Defendants by Olney
& Hardin their atty., who
have acknowledged service
herein, and the Plaintiff, moves
the Court to set aside the
sale made by Thomas Long
Sheriff of Gallatin Co., on
Execution issued from Gallatin
Circuit Court No 3506 wherein
J R Southmayd for the use
of William E Churchill Timothy
Southmayd and Timothy S

Churchill is Plaintiff, and
Calvin Gold is Defendant as
also the Sale made on
Vendor's Cypres No 4502 issued
from the Gallatin Circuit Court
wherein the same parties
Plaintiff, and said Gold
Defendant, and finding \$²
Motion this cause is —
Continued

And at the November term 1854
the following order was entered
in said cause,

Calvin Gold } Motion to Set
v } Side Sale
Wm C Churchill

Ordered that this cause
be continued to the next term
of this Court.

At the December Term 1854
the following order was
entered to wit

Tuesday Dec 26th 1854

C Gold } Motion to set
v } Side Sale
W. C. Churchill et al

Ordered that this cause
be continued

And at the June Term 1855 —
the following order was entered
to wit

Tuesday June 12th 1855-

Calvin Gold } Motion to set side
v } Side
Wm & Churchill et al }

Ordered that this cause
be continued

At the October term 1855-
the following order was also
entered in said cause

Calvin Gold } Motion to
v } set side
William & Churchill et al } Side

Ordered that this cause be
continued the next term of
this court,

And at the May term 1857,
the following order was entered
Calvin Gold

v } Motion to set
William & Churchill } Side Side

Ordered that the same
stand continued

And at the July term 1857 -
Monday July 20th 1857

Calvin Gold } Motion to set
v } Side Side
William & Churchill }

Ordered that the foregoing
case be continued,

At the October Term 1857 the final order was entered in said cause in words and figures as follows "to wit,

Wednesday 21st day of Oct 1857

Calvin Gold

v

Motion to Set
aside Sale

William B. Clumhill et al

On this day came again the parties by their attorneys, and the motion to set aside a sale of land under execution made at a former term of this court by said Calvin Gold being now brought for trial and being submitted to the court and evidence being heard and the court being sufficiently advised in the premises, overrules the said motion, and gives judgment against said Calvin Gold for costs, and the plaintiffs excepts to the overruling his said motion, and to the entering of judgment against him for costs.

State of Illinois
Gallatin County P J James Sawyert
Clerk of the Circuit Court in
and for said County do hereby
certify that the foregoing twenty
three pages, contain a full
true, perfect, and complete
record, and copy of all the

record and proceedings had in
the cause herein specified wherein
Calvin Gold is Plaintiff and
William E Churchill and others
are Defendants, as the same
appears from the records and
files in my office



I do testify whereof
I here to set my hand and
the Seal of said Court
at Shanneton this
23rd day of August 1858
James C. Thompson Clerk
By Eli Green Siffy

Making Record for Supreme Court of \$4.32
Certificate & Seal .35
\$4.67

6 27

Calvin Gold -
Plff in error

vs

William E. Churchill,
Samuel Leathman &
Samuel S. Churchill
Dfts in error

Filed 13th Sept. 1858 -

A. Shanneton Clk

Prepared by A. Shanneton
Exp - \$5.00

In the Supreme Court, State of
Illinois, November Term A.D. 1858.
For the First Grand Division
Calvin Gold, plff in error & plff in
the court below.

vs
William E. Churchill, } Defs in
Timothy Southmayd & } error & defts
Timothy S. Churchill } in the court
below -

Error to Gallatin -

To the Clerk Supreme Court, 1st Grand
Division.

File record and praecipitum
ipue & file writ of error, ipue scire
facias to sheriff of Gallatin,
& cause notice of publication
to be made in above styled
cause.

Attorneys for plff in error
will attend to publish notice
in paper in Gallatin county.

Respectfully

Nelson & Johnson

Atty in Supreme Court
for plff in error

6 7

Calvin Fuller
Duff in even

ms } Prince

William E. Churchill

Samuel Southwage

& Samuel S. Churchill

Duff in even

Fla Sept. 13, 1858.

A. Johnston M

STATE OF ILLINOIS, }
SUPREME COURT. } ss.

first Grand Division

THE PEOPLE OF THE STATE OF ILLINOIS,

To the Sheriff of *Callatin* 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 *Callatin* County, before the judge thereof, between *Calvin Gold* -
Plaintiff, and William E. Churchill,
Timothy Southwage and Timothy
S. Churchill - - - - -

defendant. It is said that manifest error hath intervened to the injury of said *Calvin Gold* - - - - -
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 Mt. 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 *William E. Churchill*
Timothy Southwage and
Timothy S. Churchill - - - - -

that *they* be and appear before the Justices of our said Supreme Court, on the first day of the next term of said Court, to be holden at Mount Vernon, in said State, on the *first Sunday 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 *Churchill, Southwage and Churchill's* notice, together with this writ.

John D. Cator

Witness, the Hon. ~~John D. Cator~~, Chief Justice of our said Court, and the seal thereof, at Mount Vernon, this *thirtieth* day of *September* in the year of our Lord, one thousand eight hundred and fifty-*eight*

Noah Johnston
Clerk of Supreme Court,

Returned not found in my Barlowch
(Lives in New York) This 19th day September
1868
John Y. Wallis Esq

STATE OF ILLINOIS
SUPREME COURT
THE PEOPLE OF THE STATE OF ILLINOIS

To the Sheriff of

Inasmuch as the record and proceedings and also the return of the

of a writ which was in the Court of

4
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William B. Baker

Defendant in error

vs
John S. Baker

William S. Baker

William S. Baker

William S. Baker

Defendant in error

John Y. Wallis



State of Illinois

Supreme Court, State of Illinois,
1st Grand Division, November Term,
A.D. 1858.

Calvin Gold, ~~plff~~ in Error,
vs.

William S. Churchill, }
Timothy Southmayd, } depts in
Timothy S. Churchill, } Error.

Error to Gallatin.

This officiant Henry Johnson
being first duly sworn accord-
-ing to law, deposes and
~~swears~~ ~~that~~ the defendants in
the above styled cause, are
not either of them residents
of the State of Illinois, but
are all non-residents, and
residents of some other state
to this officiant unknown.
as he is informed and verily
believes.

H. Johnson
Subscribed and sworn to before
me this 13th day of September A.D.
1858—
Noah Johnston Clk

of 6

Calum Gold
Df in sum

by

Wm C. Churchill -
Timothy Southway &
Timothy E. Churchill
Df in sum

Sum to Gallatin -

Advt. of Worcester

Filed Sept. 13. 1858

W. S. Worcester Ck

No. 6.

1859.

Calvin Gold
m

W. E. Churchill et al

Em to Gallatin

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Dismissed for want of
prosecution

See other Book Page 73 -

Cost Hills on page 363 -

[8424-17]

STATE OF ILLINOIS
SUPREME COURT,

SS. *1st Grand Division* WRIT OF ERROR.
THE PEOPLE OF THE STATE OF ILLINOIS;

To the Clerk of the Circuit Court for the county of *Gallatin* 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 *Gallatin* county, before the Judge thereof, between

Calvin Gold

plaintiff, and *William E. Churchill, Timothy*

Southways and Timothy S. Churchill

defendant & it is said manifest error hath intervened, to the injury of the aforesaid *Calvin*

Gold

as we are informed by *his*

complaint, and we being willing that error should be corrected if any there be, 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 the Supreme Court, the record and proceedings of the plea, 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 *1st Sunday after the 2^d Monday of*
November 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:

John D. Cotter

Witness, the Hon. WALTER B. SCATES Chief Justice
of our said court, and the seal thereof, at Mount Vernon this

thirteenth day of *September*

in the year of Our Lord One Thousand Eight Hundred

and Fifty-

eight
Notak Johnston

11
Clerk Supreme Court.



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Calvin Gold

Pliff in error

res } mitofrom

William C. Churchill,

Timothy Southmayd &

Timothy S. Churchill

Pliff in error -

Ernst Gallatin

Issued and filed

13th September 1858.

A. Johnston Clk