

No. 12953

Supreme Court of Illinois

Whitman

vs.

People

71641  7

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United States of America -
State of Illinois }
County of Boone Sp.

Plas before the Hon. Isaac G. Wilson Judge
of the Judicial Circuit At a Term of the Circuit
Court held and held at the Court House
in Palestine in and for said County of
Boone and State of Illinois on the
last Monday of February (22nd) A.D. 1858
The Judge not attending, the Clerk
adjourned until 23rd Instant,
and at 9 A.M. on the 23rd Instant
at the time of Adjournment

Present, Honorable Isaac G. Wilson

Judge Presiding -

Elias C. Tisdell Esq. Sheriff

M. M. Boyce State Attorney

For Jurors -

Samuel H. Whitney Clerk -

Wrote up my hand and seal -

Be it remembered that on the
 23rd day of February A.D. 1858. there
 was filed in the office of the clerk
 of this court a transcript of certain
 orders & proceedings - ~~papers~~ in the
 County Court of Brown County, Texas,
 of papers on file therein certified under
 the seal of said Court the words
 & figures following viz -

State of Illinois {
County of Boone } I Daniel H. Whitney Clerk
of the circuit court in & for said County
do hereby certify that the above foregoing is
a true full & perfect transcript of the
records proceedings & judgment in a
certain cause lately pending in
said court by way of appeal from the
County Court of Boone County in the
matter of the settlement of the estate of
Seth S. Muthman & of the whole thereof
as the same now remains in my
office except that the proceedings
& decree in the case of the executors of
Seth S. Muthman against his heirs
allowed on the bill of exceptions which
by consent of parties I have this day omit-
ted & made up in a separate report -

In testimony whereof I have
hereunto set my hand and seal of
said Court at my office in Belvidere
this 15th day of May A.D. 1858 -
Daniel H. Whitney Clerk

In the Supreme Court

April Term 1858

In the matter of the
settlement of the estate
of Seth S. Whitman
deceased

} Appeal from
Boon Circuit
Court—

And now come the
said appellants Samuel Bennett—
Clanida Whitman (administratrix
of Hiram Whitman deceased) James
B Crosby Asher E Jenner & Benjamin
J. Lawrence by W. G. Burges their
Attorney

And say that in the judgment
& proceedings aforesaid there is manifest
and material error appearing of record
in this—

1 That the Court in passing upon
said account in the settlement of said
estate had evidence upon & charged said
executors with items of moneys growing
out of the sales of real estate of the testator

2 That the Court refused to exclude
from said account all items & charges
except those growing out of the personalty
left by said Seth S. Whitman at his decease

3 Because the court assumed to & did act upon & charge the said Executors with the matters over which the County Court has no jurisdiction -

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4 Because the court found the sum of \$1787.22 in the hands of Matilda Whitman as executrix as aforesaid and then after to be accounted for as such - whereas it appearing that all the debts & legacies were paid - the court should have found that balance accounted for by being paid into her hands she being the sole residuary legatee & devisee under the will having for her own use & for the support of her children during their minority the exclusive absolute control & disposition of the property left after payment of debts & legacies -

5 Because the court found any balance unaccounted for

6 Because the court affirmed the judgment of the County Court whereas it should have reversed the same -

7 Wherefore & for various other errors manifest & appearing of record therein said Plaintiffs & appellants pray that judgment of the court below be reversed & holden for weight
N. Y. Pongip for appts.

State of Illinois }
Boone County } ss

County Court - County of Boone
and State of Illinois.

Be it remembered, that
at a Special Term of said Court, setting for
the transaction of Probate business, began
and held at the Court House in Belvidere
on the third Monday of August, in the year
of our Lord one thousand eight hundred
& fifty seven.

Present Hon Allen C. Fuller

Judge
L. M. Beebe (Ck.).

The following among other proceeding
were had, and the following orders
entered of Record.

In the matter of the
Estate of S. S. Whitman } Executors Report.

M. in business Court Aug 22/57

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And now this day to wit August 17th 1837
being the third Monday of August & being
a Special Term of the Probate Court in and
for said County, comes on to be heard the report
of Matilda Whitman, and Samuel Bennett, Surviving
Executors of said S. S. Whitman.

Matilda Whitman appears in person
and by J. B. Hamlin Esq her Attorney, Samuel Ben-
nett in person, and by Hurlbut his attorney, Charin-
da Whitman, Administratrix of Hiram Whitman
dec'd in person, and by L. W. Pray her Attorney, B. F.
Lawrence, James B. Crosby & A. E. Jenner Securities of
said Executrix, by their Attorneys, Wood, Burges,
Hurlbut and R. S. Molony, Guardian ad Litem of
Minor Heirs, of said S. S. Whitman dec'd in person
and by Jason Marsh Esq his Attorney

The consideration of said report, examination,
of vouchers for disbursements made by said Exec-
utors, and hearing of testimony in relation
thereto, and agreement of Counsel was continued
from day to day, until on this 22^d day of August
1837 comes on to be heard for determination said
Report. And it appearing to the Court from inspec-
tion of the Records of this Court, that during the
years AD 1852 & 1853, and prior to Dec 20, 1853
there was received by said Bennett, Executor as
afforesaid, in money due to said Estate, the sum
of four thousand five hundred and thirty dol-
lars, and ninety eight cents.

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And it further appearing from an examination of said Records, that there had been ^{received} recovered by Hiram Whitman, as Executor as aforesaid, prior to Dec 20. 1853 the sum of Seventy three dollars and eight cents of money as aforesaid.

And it further appearing from said Records, that Matilda Whitman, Executrix, as aforesaid, had received prior to Dec 20. 1853. Money as aforesaid, the sum of nine hundred & fifty nine dollars and three cents, exclusive of one hundred and sixty two dollars and forty one cents, which last sum, is included in her report, as ^{received} recovered from John H. Hurbur, but which sum by agreement of parties is included in receipts by S. Bennett, and was received by her from said Bennett, and exclusive of the sum of Seventeen hundred & fifty seven dollars and fifty cents, paid by said Bennett to said Matilda Whitman, and included in her Report filed Dec 20. 1853.

And it further appearing from the report of the said Matilda Whitman, of May 12th and June 18. 1857 and from the testimony of Witnesps. and agreement of parties, that since said 20th Dec. 1853, said Matilda Whitman as Executrix as aforesaid, has received the additional sum of Two thousand six hundred and sixty one dollars and eighty four cents, of personalty, belonging to said estate, making the total amount received from the personal estate of said Testator

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As will be seen from said Records, and the following Statement, Marked Schedule "A" Eight thousand two hundred and twenty four dollars and ninety three cents.

And it further appearing to the Court, from the evidence, that at the Special Term of the Boone Circuit Court, A.D. 1853, in Chancery sitting, such proceedings were had, that said Executors, by a Decree of said Court, and in pursuance of the powers contained in the last will and Testament of said S. S. Whitman, were authorized, among other things, to sell and convey, certain real estate, mentioned and described in said Decree, of which said S. S. Whitman died seized, and out of the proceeds of such sales, to pay the debts of said Estate, and apply what might be necessary for the support and maintenance, of the said Matilda Whitman, and the support maintenance and education of the Children, of the said S. S. Whitman.

And it further appearing that in pursuance of such powers, contained in said last Will & Testament and of such Decree, the said Executors, have from time to time, sold and conveyed a part or the whole of said lands, and said Matilda Whitman has realized from such sales, the sum of five thousand, one hundred and fifty three dollars & fifty cents as appears by exhibit "A" attached to said Report of May 13th & June 18, 1854.

It further appearing to the Court that said

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S. S. Whitman, at the time of his death held a Bond for conveyance to him, of valuable real estate, in the County of Rock and State of Wisconsin, upon which land there was due, or became due, after the death of said Whitman, Several hundred dollars, which sum was paid, to the person or persons, entitled thereto, by said Executors, out of Money belonging to said Estate, and has been credited to them, in their Executors account, in this Court. That subsequent to said Whitmans death, a conveyance was made, and the title to said lands was taken in the name of the said Matilda Whitman, and the whole, or a portion thereof conveyed by her, soon after, to the Minor Children of said Seth S. Whitman. That in the year 1853, an application was made on behalf of said children, by their next friend to the Circuit Court of said Rock County, in Equity for the sale of the interest of said Children in said lands, and that such proceedings were thereupon had in said Court, that by a Decree of said Court, the interest affore said, to a portion of said lands were sold, and the proceeds thereof, directed to be paid over to said Matilda Whitman, as general Guardian of said children, under appointment, made in this Court previous thereto. That at said Sale C. S. Molong became the purchaser, of a portion of said land, and paid therefor, the sum of twenty four hundred

and fifty-dollars. One thousand eight-hundred and thirty seven dollars and a fifty-cents of which sum, was June 24, 1834, received by said Matilda Whitman as general Guardian of said ^{Children as afforesaid to whom R. Pease who was by said Report appointed Special Guardian of said} infants, and directed, to pay the same over to her as afforesaid. That that there was not in fact any money paid by said Molony to said Special Guardian, for said land, but a conveyance made by said Molony, to said Matilda Whitman of one hundred acres of land, in this County, at two thousand dollars, and the remaining sum of four hundred & fifty-dollars paid to her by said Molony, in Rail Road Stock. That another portion of land was purchased by Nathaniel Crosby, for the sum of Sixteen hundred dollars. And that an account thereof said Matilda Whitman as general Guardian, as afforesaid, on the 12 Jan'y. 1834 Received to said Pease as afforesaid, the sum of twelve hundred and fifteen dollars and thirty three cents. That there was not in fact, any money paid by said Crosby, for said land, but that said Crosby, on the 20th Dec 1833 in consideration thereof, and of the further sum of two hundred dollars, paid by him^{by} Matilda Whitman, conveyed to her certain lands in Boone County, Subject however, to a Mortgage there on, held by John Saxton, of four hundred dollars which last mentioned lands, are referred to in Schedule "B" attached to said Report of

June 18. 1857 as Crosby Purchase. That other portions of lands in Rock County, have been sold to different persons under said Decree, and that said Rease. Special Guardian as aforesaid has paid over to Matilda Whitman under said Decree \$264.³⁸/₁₀₀ on account of sale to L. D. Cole, \$40.¹²/₁₀₀ on account of sale to O. S. Seaton, and \$20.⁶³/₁₀₀ on account of sale to J. W. Willard. Making the total amount paid by said persons, on account of said sales \$4.375.¹²/₁₀₀ of which sum \$3.377.⁹³/₁₀₀ was received by Matilda Whitman as aforesaid. It further appears to the Court, that said Matilda Whitman, has purchased other real estate in Boone County, taking the title in her own name and incumbered a part of the same, as also a part of the lands, thus conveyed to her by Nathaniel Crosby, as aforesaid, by judgments and mortgages, to the amount of several thousand dollars, and on the 16 of January 1857, conveyed such portions thereof, as she had not previously sold to Julia and Charles Whitman, Minor children as aforesaid, and that the incumbrances by Mortgage aforesaid, appears by her Report of June 18. 1857, are as follows. One to S. W. Bray of Principal \$1,000. one to Mr Fox \$300, and one to Tomkins of \$600. And it further appearing, to the Court, that said Matilda Whitman, has received an account of sales made of portions of lands thus purchased of said Crosby, the sum of

two thousand Seven hundred and ten dollars and Seventeen cents, and the sum of Seven hundred and thirteen dollars, from sale of wood cut from lands, thus purchased of R. S. Molony, and Nathaniel Crosby. And it further appearing, to the Court, that neither Samuel Bennett nor Hiram Whitman nor Matilda Whitman, in her character as Executrix, were parties to the suit; or proceeding in the Circuit Court of Rock County aforesaid, and that neither of them, as Executors, had executed any conveyance, of said lands in Rock County to the purchasers thereof. And it further appearing to the Court, from the Records aforesaid, that on the 18th day of February 1853, there was allowed by this Court to Samuel Bennett, the sum of \$192¹⁷/₁₀₀ for services and disbursements, as such Executor, and on the 14th day Dec 1853 the further sum of two hundred & seventy-eight dollars and ninety-four cents. And that on the 20th Dec 1853 there was allowed by this Court, to Hiram Whitman for services and disbursements, as executor, the sum of ninety-eight dollars and sixty-three cents. And that on the 20th Dec 1853, there was allowed by this Court, to Matilda Whitman, as Executrix an account of debts paid by her, against said estate and specific legacies ordered to be paid and by her paid the sum of sixteen hundred thirteen dollars and forty-six cents, and on

the 12 and thirteenth May 1857 the further sum of fifteen hundred and forty-four dollars & eighty-four cents, on account of debts and legacies as aforesaid, by her paid, and on the 18th June 1857 the further sum of six hundred & fifty-dollars and ninety-eight-cents on account of debts as aforesaid by her paid. And it further appearing to the Court now, here from vouchers produced, and testimony taken that the said Matilda Whitman, has expended the further sum of five hundred & twelve dollars and sixty-four cents. on account of debts due against said estate as specified in the following statement; marked Schedule "E" which sum is hereby allowed against said Estate. And it further appearing from vouchers produced, and evidence introduced that said Samuel Bennett has expended the further sum of twenty-five hundred dollars, and two cents, on account of debts paid by him against said Estate, as specified in Statement following, marked Schedule "E" which sum is hereby allowed against said Estate. And it further to the Court from the evidence, that there has been expended by said Executors, in the support, maintenance and education of the children of said S. S. Whitman, and the support, and maintenance of Matilda Whitman, since the death of said S. S. Whitman.

out of the personal Estate, and the proceeds of the sales of real estate, made under the decree of the Boone Circuit Court as aforesaid the sum of Four thousand one hundred and ninety six dollars, and ninety eight cents, it is ordered and adjudged that the same be and is hereby allowed against said Estate. And as it appears from the evidence that ~~the~~ ^{the} proceeds of such sales last above mentioned were in fact received by said Matilda Whitman, and the said sum of \$4,196.³⁸/₁₀₀ was expended by her in the support of said family. The said sum of \$5,153.⁵⁰/₁₀₀ is placed to her debit; and said sum of \$4,196.³⁸/₁₀₀ is placed to her credit; in Statement following, Marked Schedule ^{"A"} ~~"B"~~. It is further ordered and adjudged that the proceeds of sales of lands in Boone County, amounting to \$2,710 ^{"A"}/₁₀₀ appearing in Schedule ^{"A"} ~~"B"~~ of said Matilda Whitman's Report of June 18. 1857 be and the same is hereby rejected. Also the proceeds of sales of lands in Rock County Wisconsin in said Report. The proceeds of sales of wood amounting to \$713 contained in said report and \$1900 borrowed. Pray & Lowkins mentioned in her said Report, are hereby rejected from Executors account. It is further ordered & adjudged, that the item of one

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hundred & twenty dollars, charged in
said report of Matilda Whitman of June
1857 as paid to John Saxton, as interest
on Mortgage be, and the same is hereby rejected

Schedule "A"

Statement of Moneys Recd by Executors from
personally respectively.

Amount Recd by S. Bennett Rep. Feby 10, 1853. 3527.42

" " " Dec 20 " 1003.56

\$ 4530.98

Amount Recd by Hiram Whitman Dec 20 1853 73.08

Matilda Whitmans Report

Dec 20, 1853 \$ 2878.93

Dep Amt Recd from Bennett 1757.30

" J. H. Herbert in Bennett Rep 162.40 1919.90 939.03

Rep. of May & June 1857 not included
in previous Rep see Schedule "B"

272 77

Rail Road Stock & Dividend Recd

541 30

Recd from divers persons on notes for sales
of real estate made before death of Testator

see Schedule "C" attached to Ex^{ts} Rep of June 1857. 184757

Total 3620.87

Aggregat Brod Down

Samuel Bennett 4530.98

Hiram Whitman 73.08

Matilda Whitman 3620.87 8224.93

X57
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Schedule "B"

Statement of moneys Rec^d by Mrs Matilda Whitman
as extracted from her Report of May 12 1857 and
June 18. 1857 not included in previous Report
of Ex^{rs} and not including proceeds of real estate
sold previous to, or after Testators death, and
including Rail Road Stock Acct, but not
wood sold.

July 1. 1854 Alex ^d Neely on note	13.39	
March 14. 1853 " "	26.08	
Apr 15. 1855 Geo Stevens	13.00	
May 16. 1855 Francis Benoit	8.50	
Nov 17 1855 Olney on Florida note	43.00	
April 23. 1857 John Jackson	25.00	
Nov 1855 Charles Clark	107.00	
Trustees Baptist Society	14.80	
R. S. Morlong	7.00	
April 3 1855 R. J. Whitman B. E.	<u>20.00</u>	272.77
Rail Road Stock acc (Co's) not heretofore ac ^d for		341.50

Schedule "C"

Amt Rec^d on sale of Real estate made by Executors
under Decree of Borne Cir Court as per Schedule "A"
attached to Rep. of Matilda Whitman June 18 1857.

\$5.133.30

Amt Rec^d by Mrs Matilda Whitman
on sale of lands of Crosby purchase, see
Schedule "B" attached to said Rep.
of June 1857.

\$2.710.17

Amt Rec'd by Mrs Matilda Whitman
on Sale of Wood in acc of June 1857 \$ 713.00
(wood cut from ^{Crosby} Molony land, James
ville matter)

Procces of sale of land at Jamesville Wis \$ 4375 12

Amt Rec'd by Mrs Whitman as Guardian on
Jamesville Sale included in last item \$ 3377.95-

Amt charged in Executors Rep. of June
18. 1837 charged as money loaned, Gray
Fox. and Tomkins \$ 1900.00

Schedule "D"

S. Bennett

Disbursements

Feb 10. 1853 Acc allowed for services
by Probate Court

\$ 192.17

Dec 14. 1853 Amt paid Gilman

Coller & Pierce. See Record

278.94

Amt of Schedule "E" heret attached

2500.03 \$ 2971.13

Hiram Whitman Dec 22. 1853

Amt allowed by Court \$ 68.43 & 30 for services

98.63

Mrs Matilda Whitman

Dec 20. 1853 Amt all'd by Court

1613.46

May 12 & 13 1857 " " "

1544.84

June 18. 1857 " " "

650.98

Aug 18 1857 " " Schedule

512.64 ^{"E"} attached

00.00 \$ 4321.92

Schedule "E"

Statement of disbursements
made by S. Bennett and
allowed Aug 17, 18. 21. & 22 ad 1857.

Am't p ^d R. S. Whitman on note & fund	992.33
Am't p ^d Hollenbecks estate	2.00
" p ^d E Moss Road Tax	3.00
" p ^d Expense to Jamesville	4.56
" p ^d " " "	4.75
" p ^d Clerks fee	6.05
" p ^d acc Dec 1853 (Report)	163.57
" p ^d L W Pray Exp to Jamesville	5.40
" p ^d A Crosby	9.63
" p ^d Taxes 8.00 11.46 13.25 24.61 8.04	65.36
" p ^d McKwighton of Jamesville	124143 \$ 2500.02

Matilda Whitmans disbursements allowed.
Aug 18, 1853.

Am't p ^d R. S. Whitman	466 92.
" p ^d Dr Winstons Services	17.00
" " Tax Redemption Bonds	28.72 \$ 512.64

Schedule "F"

Aggregate Receipts. See
Schedule "A"

S. Bennett Personal Estate.	4330.98
Wiram Whitman	73.08
Matilda Whitman	3,620.87
Matilda Whitman Real Estate Se "B"	5,153 50 13,378.43

Aggregate Disbursements
 S. Bennett Schedule "D" 2971.13
 Hiram Whitman 98.63
 Matilda Whitman Sch. "D" 4321.92

" " Family Ex 4196 98.83-18.90 115-88.60

Balance not accounted for \$ 1789.77

The above disbursements of S. Bennett does not include \$1737.50 charged in his account as paid, to Mrs Whitman, and acknowledged to have been received by her of him in her report of Dec. 20. 1853 nor is said sum included in her Receipts as above stated.

General Orders.

Frequent complaint having been made that the papers, in relation to the Estate of S. Whitman deceased have been mislaid and lost;

It is ordered, that the Clerk of this Court be, and is hereby directed, not to allow or permit, under any circumstances whatever, any of the papers, Reports, Records, or exhibits on file, in this Office, relating to said Estate, to be taken from the files

"A. C. Fuller Judge"

And afterwards to wit: at the September Term of said Court, for the year 1857. to wit: on the 7th of said Month, the following orders was made by said Court.

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And now comes Samuel Bennett, Matilda Whitman Ex^{rs} of said estate, by their Attorneys Hamlin & Hurlbut; and also comes R. S. Holony Guardian ad litem of the Minor Children of said S. S. Whitman, by his Attorney Jason Marsh Esq and B. J. Lawrence A. E. Jenner & J. B. Crosby, by their Attorneys Burgess Hurlbut & Wood & Clarinda Whitman by her Attorney L. W. Pray, and by consent of parties it is

Ordered, that the orders, & determinations of the matters and things relating to the Executors Report, in this case entered, by this Court, as of the 22^d August last past be deemed and taken to be entered as of this date, and that either, or any parties, deemed aggrieved by the decision of this Court, in relation to said Executors Report, or the orders made as aforesaid shall have the same right to appeal therefrom, as though said decision were made this day.

on 14 1837
And now on this 26th day of Sept-1837 the said Samuel Bennett, with James B. Crosby and A. E. Jenner, as his securities, comes and files, with the Clerk of this Court, his Bond in the penal sum of five hundred dollars. and prays an appeal, from the foregoing Order, and determinations of said Court, to the Circuit Court, of said County, which Bond was approved by the Clerk of said Court, and appeal allowed.

And also as on 26th day of Sept. comes
 Clarinda Whitman, Administratrix
 of the Estate of Hiram Whitman, deceased
 and files her Bond, with the Clerk of the
 Court, with R. J. Whitman, and James B.
 Crosby, as her securities, in the penal sum
 of five hundred dollars, and prays an
 appeal, from the foregoing order and
 determinations of said Court, to the
 Circuit Court, of said County, which Bond,
 was approved by the Clerk of said Court,
 and appeal allowed.

State of Illinois,

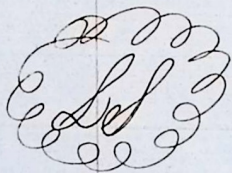
Boone County } ss I Abraham H. Bradley
 Clerk, of the County Court in
 and for said County, do hereby certify that
 the above and foregoing, is a true copy of
 the orders and determinations made
 by said Court, as appears of Record in my
 Office and entered in Book E, of Probate
 Records on pages 391, to 397 inclusive

And I do further certify that
 papers numbered one & two, and herewith
 transmitted, are the appeal Bonds above
 referred to.

I further certify, that papers No^s

3. 4. 5. 6. 7. 8. 9. & 10 are copies of papers relating to said Orders, on file in my Office. Said copies being herewith transmitted

In witness whereof I
hereunto set my hand and affixed
the seal of said Court at Belvidere
aforesaid, this 20th day of February A.D. 1838
Abraham H. Brantly Clerk



Which said Transcript is Endorsed, filed & by
J. B. McLean 1858 J. B. McLean Clerk

By McLean Deputy

No 3. Refused to in Transcript.
S S Whitman Est

1852 To Samuel Bennett Executor Dr

January To 4 days work with team going to
Madison to remove body &c. 8.
To 1 day going to Rockford 1,00
" 1 " Services at Madison 1,00
" 3 " going to Jonesville 3,00
" Secondary Services Making Inventories }
Schedules Agreements writing letters Postage &c. 25,00
For collecting & disbursing as per report
herewith 3333, 38 }
less amt \$ for piano 250, 00
5 per cent 3083, 38 154 17

Balance May 10. 1853. 192, 17
S. Bennett Exr Est S S W.

No 4.

To the Hon, the County Court of Boone County Mo the
undersigned Executors of the Estate of S. S. Whitman,
Report, the following as the receipts and disbursements

1852 Made by them, Receipts
July 10. /52 of Abel Varner on note \$ 12,80
" " " of William Smith " " 7,00
" 16 " " W B Briggs " " 20,00
" " " " James White " " 15,00
" " " " John Galbreth " " 4,82
" " " " J H Harbert " " 20,00
" 28 " " of J P & H Wilson " " 9,00
Feb, 14. 1852 " on Co Orders " " 233, 00
" 16 " " " " " "

Enclosed find 1264 yds 1853
A. O. Warner, Clerk

24)	"	24	"	"	Smith & Foul	"	"	86.25
"	"	"	"	"	D T Olney	"	"	13.75
"	"	"	"	"	S. C. Hulbut	"	"	12.44
April 1	"	"	"	"	D T Olney	"	"	5.00
"	"	6	"	"	J P H Wilson	"	"	25.00
May 12	"	"	"	"	Jno Hitchcock	"	"	94.22
"	"	31	"	"	D T Olney	"	"	50.00
June 17	"	"	"	"	"	"	"	72.25
"	"	"	"	"	Danl Reed	"	"	32.12
July 10	"	"	"	"	S W Bristol	"	"	100.00
"	"	"	"	"	Wm Smith	"	"	29.40
"	"	13	"	"	James White	"	"	40.00
"	"	14	"	"	Jason Foose	"	"	34.00
"	"	"	"	"	Danl Reed	"	"	22.25
"	"	20	"	"	S W Bristol	"	"	38.91
Aug 9	"	"	"	"	Jason Foul	"	"	30.00
"	"	24	"	"	James Rodney	"	"	32.50
Sept 7	"	"	"	"	M S Curtiss	"	"	69.84
"	"	8	"	"	J. D. Hollenbeck Est.	"	"	496.56
"	"	11	"	"	James White	"	"	12.00
Oct 5	"	"	"	"	M Ramsey B D Dividend	"	"	18.00
"	"	9	"	"	James White on note	"	"	109.75
"	"	9	"	"	S A Ester	"	"	00.45
"	"	15	"	"	W P Culbertson	"	"	79.12
"	"	"	"	"	Alex & Maly on note	"	"	330.00
"	"	"	"	"	Lea Lincoln	"	"	34.35
"	"	"	"	"	John Herbert on note	"	"	142.40
Dec 10 1852	"	"	"	"	Alex & Maly	"	"	507.04
"	"	11	"	"	Wm Taylor	"	"	71.00

Jan 1. 1853	Alonso Carey	"	280,00
" 1 "	James H Carpenter	"	85,60
	Alex Kirby	"	350,00
		\$	3527,43

Disbursements in Wisconsin

May 22. 1853	Paice, on Res. on Land	\$	34,13
	" paid Taxes in Rock County		26,67
Feb 3 "	" for 4 th Bond + oath Cert of Administration		6,68
" 20 "	" Crosby & Co		180,44
June 17 "	" James ^{son res} on land		40,00
July 15 "	" D McNaughton on land, allowed		644,43
" 25 "	" O W Buck on Contract		10,00
" 28 "	" Lewis & Holden on a/c. Refuse		30,00
Sept 7 "	" O W Buck in full on contract		23,35
May 29 1853	" on Taxes in Fanesville		30,00
		\$	1005,70.

Disbursements made in Illinois

	Paice Taxes in Boone County for 1851, allowed		8,01
"	Rail Road calls		128,00
"	Exchange on Draft Tomkins & Fuller, allowed 324		6,25
"	O Curtis for expense in Holbrook Estate, allowed		2,00.
"	Exchange Tomkins & Fuller		3,50
"	O Curtis for P Spencer Whitman allowed		350,00
"	E. E. Moss, Road Tax 151. / 52. allowed		3,00
"	P S Whitman	allowed	330,00
	Paice Collins on interest previously allowed		20,00
"	Exchange Tomkins & Fuller		5,00
"	E E Collins on Note previously allowed		100,00
"	E E Collins by Buzgers in full of Whitmans notes paid		104,12

"	D Pierce on Note Previously allowed	5,91
"	Matilda Whitman Widow	1362 69
	(2327,68)	2328,68
Feb 10 1853		1005,70.
		\$ 3333,34

Samuel Bennett

Norman Whitman

Indorsement Filed Feb, 10th 1853. ^{Proc of the Executors} of said estate
No 5.

To the Hon. the County Court of Boone County
the undersigned Executors of the Estate of S. J. Whitman
deceased. Report, the following as the receipts and
disbursements made by us since the last Re-
port made July 10. 1853

Belvidere Dec 20 1853.

Receipts

1853.		
June	Recd of G D Cornell	100,00
"	" " H B. & J Milson	6,30
"	" N Norris	8,10
"	" D S Olney	1,88
"	" J C Sawtell	3,00
"	" County Orders	11,53
	Recd of Charles Clark on two notes	247,00
"	" of B. J. White	100,00
"	" D S Olney	98,75
"	" J. C. Sawtell	10,00
"	" Wm Taylor	75,49
"	" Baker Ames on Note recd	9,00

"	J Burnes on note & a/c	14,60
"	for wood & oil	1,50
"	Alay Strick on note in full	90,20
"	Wm J Burgess Adm ^r of AS How	5,00
"	A Gray on note in full	309,00
"	Estate of Geo. Ashwell	<u>11,32</u>
		\$ 1008,56

Disbursements

Ordn	Mrs Whitman as per Recd		394,86
"	Expenses to Janesville	allowed	4,56
"	Clarks fee	allowed	6,05
"	J Bennett for services as Ex ^r	allowed	165,51
"	D McNaughton	allowed	203,50
"	P S Whitman on note	allowac	9,00
"	do.	allowac	393,83
"	Fares at Janesville		81
"	Expenses to Janesville	allowac	4,75
"	Services " " two days		3,50
"	Shops fees		1,70
"	D McNaughton	allowed	391,76
"	Wm H. Gilman Prin	allowac	39,53
"	Expense to Janesville (J W Gray)	allowac	<u>5,40</u>
			1611,26

Enclosure

Samuel Bennett one of the Executors
 Enclosure Filed Dec. 20, 1853. L. H. B. to c. l. l. v.
 S. O. C.

To the Honorable the County Court of Boone County,
 Term of Feb. 1853

The undersigned Executors & Adms of J S Whitman
 do hereby
 Report,

That since taking upon herself the trust of one of the Executors of said Estate, she has received from the assets of said Estate the following sums, to wit:

Received of S. Bennett Co. Executor to this date	\$ 1757.50
" of J. H. Habers	204.91
" of Jason Foote	316.00
" of J. Bristol	222.50
" of S. W. Pray	128.00
" of O. Curtis	151.69
" of J. Galbreth	141.33
	<u>\$ 3878.93</u>

And that she has paid out and disbursed as follows to wit,

Paid Funeral Expenses	\$ 80.00
" Physicians Bill in last sickness	80.00
" Buckle & Bennett doing business for est.	5.00
" Thurber & King Insurance	17.87
" Mrs Edwards Milwaukee	19.40
" Luther Stone Newspaper	8.00
" P. S. Whitman for Amount on Land	59.00
" Daniel Gorem Services to	82.00
Paul Donaldson & Broadway	116.63
" Sanderson	81.00
" Garwin Roberts	73.50
" Eli Foote	38.90
" O. Curtis	4.04
" E. C. Collins Indt. & C.	300.00
" Tibbets & Gordon Store debt	58.00
" Emerson Kenfield	87.00

"	Abigail Morgan late Whitman	91, 00
"	William Whitman	126, 00
"	Samuel Rawell	33, 00
"	L. W. Pray	20, 00
"	P. S. Whitman on note	55, 00
"	O. H. Whitman Legacy	<u>500, 00</u>
		1594, 39
	Aggregate Receipts	<u>2878, 93</u>
		1284, 54,
	<i>22 1/2 dollars in specie</i>	<u>19, 12</u>
		\$, 1265, 40

Aggregate assets remaining in hand
this 20 Dec 1853.

Endorsed *Matilda Whitman One of the Exrs.*
Filed Dec 20, 1853, & on Public Sale
N.Y.

To the honorable the County Court of
Boone County, The undersigned one of the Executors
of the estate of S. S. Whitman deceased, Reports the
following as the Receipts, & Disbursements, made by him
since his last Report made by him

Receipts,

	On County Orders	50, 00
March 8.	Six dollars cash	6, 00
	of Dr Reed on note	5, 00
	of N Heatshirk note	8, 20
	Fees at Janesville	<u>3, 88</u>
		73, 08

Disbursements

July 15, 1853	Paid to Matilda Whitman	50, 00.
---------------	-------------------------	---------

Mar 15 1853	Paic	Expenses to Madison	4.75
Sept 1st	"	" " "	3.50
" 5	"	to Septon in Madison	2.00
" 10	"	" " " Behndic	3.50
April	"	to 1 Bush of dried Apples	3.13.
		to 8 lbs Soda	1.00
		Expenses to Janesville	.75
		Expenses for horse to Janes	2.00
		Total disbursements	\$ 68.63

William Whitman one of the Executors.
Emended filed Dec. 22 1853 J. H. Cook CLERK

No 6

The undersigned Executors of the last will & testament of J. S. Whitman acknowledge Reports the following as the receipts & disbursements by her since the date of her last Report made December 20. 1853.

Amount Received

Balance on hand at date of last Report	\$ 1265.47
J. W. Bristol	Land 583.00
David Page	Bond Am 500.00
R. Y. Whittle	note due estate 172.56
R. V. Dunsdane	10.50
Wm Taylor	late due estate 65.10
J. W. Gray	B M 276.50
Sam O Palmer	Land 73.00
John Thistle	San Northford 2000.00
William Whitman	B M 200.00
Mr Sternberg	B M 400.00
Theodore Buck	late due estate 350.00
Alex Ardy	note due estate 39.39

Samuel Bennett		55, 00
D. J. Whitman	B M	65, 00
A. F. Devow	B M	50, 00
D. Kelly	Same	80, 00
R. J. Whitman		58, 00.
J. S. Cole		264, 38
J. Wray	B M	1000, 00
Geo. Stevens	note due estate	10, 00
R. R. Stock		380, 00
W. H. Bushnell	on Same	240, 00
Charles Clark	note due same	100, 00
Joel Florida	do	45, 00
Richard Pile	Same	200, 00
B. A. Merrill	do	386, 00
L. B. Burnap	do	8, 50
A. F. Randall	}	
do do		100, 00
do do.		150, 00
do. do.		55, 00
do. do.		50, 00
R. J. Whitman		104, 00
do. do.		123, 00
George Whitman		50, 00
Mr. Boy		300, 00
Michael O'Brien		100, 00
Mr. Wimer	Same	54, 00
Joseph Johnson	do	25, 00
Mr. Wimer	do	20, 00
John Pitcher	do	145, 00

D H Palmer	do	10,00
John Andrews	do	898,00
John Jackson	note & estate	35,00
B S Molony		1000,00
Helene Whitman		186,00.
Peter McDonough		40,00.
Alex Ardy		107,00.
W H Bainbridge	B m.	28,83
S W May		81,00
Charles Clark	note & estate	1118,00
Gabel Cornwell		65,00
William Pierce		60,00
From Sales made to diverse persons		239,00
W B Martyn Sale Same		30,00
To Gummis Sale of same		25,00
John Cobyar	do.	100,00
Mr. Do	do.	80,00
Wm Coulton	do.	125,00
John Crocker	do.	125,00
John Scott	do.	210,00
John June	do.	200,00
Mrs Murray	do.	125,00
Lewis Roberts	do.	25,00
Wm Sincerson	do.	85,00
Mr Sebelin	do.	100,00
Samuel Bennett	do.	400,00
From Sales of lands at Amesville		1600,00
William Ballant		275,00
W Compton		125,00

Mr Turner

150.00

\$ 16834.36.

Disbursements

Paic Yr Bute Surveyor	allow ac	21,88
" J W Pray note & Int S P. Whitman		1166,92
" Exchange draft on N.Y	allow ac	3,00
" Jamesville		28,25
" B S Melony money & Int		510,00
" A C Fuller for Noyle & Co	allow ac	382,00
" S W Bristol (Refunded)	allow ac	50,00
" J Marsh	allow ac	50,00
" Charles S. Whitman		196,00
" S W Bristol	allow ac	51,50
E B Hamlin 3,62 \$14,65	allow ac	18,27
R B Stock		60,00
J W Pray (Int)		70,00
R B Stock		140,00
Bank note		50,00
Mr Stenberg (Int & money)		220,00
David Page		125,00
N S Whitman		140,00
Report of 1853 E B Collins		200,00
Taxes at Jamesville		64,00
David Page		1,97,50
Debt at Madison		25,00
Samuel Bennett		100,00
J W Pray		120,00
Refunded A W Warner		20,00
Interest at Bank		25

Report of 1853

Jays		73, 75
do at Janesville		21, 00
Expenses to Chicago		23, 00
Airam Whitman		75, 30
Charles S Whitman		80, 00
O H Whitman	(his legacy)	500, 00
Jays	(allowance)	27, 23
Surveying (or man to help survey)	allowance	1, 25
Road Tax		. 75
to Golden Whitman	allowance	500, 00
James A Coulton Pub Notice	allowance	1, 50
Airam Whitman,		25, 65
Abigail Whitman	allowance	27, 88
John Saxton debt on Mortgage		85 00
allowance		
to H Co, on note to Milton		
Road Tax in Rock Co. for 1852		3, 68
Dr Thurston for attending S S Whitman		17, 00
Jays at Janesville Wis for 1854, allowance		1, 04
do at Belvidere Ills for 1854 allowance		3, 68
do at Janesville Wis for 1853	allowance	10, 67
do do do do " / 53	allowance	8, 25
J B McClain for Recording to		3, 10
A S Randall for professional services		25, 25
do do do do		6, 00
do do Exchange on Drafts Advertising		7 00
do do Int on note		7, 50
J B McClain for Office fees Recording to	allowance	35, 00
Jays at Janesville for 54, 55 & 56, allowance		145, 59
Orlando Curtis	allowance	18, 10

Charles S Whitman on S Whitmans note allowed	50, 00
Taxes for 1855 Boone Co	allowed 65, 23
Do Do 1856 Do	allowed 98, 10
Illinois Fire Insurance Co.	allowed 83, 41
Alex Nelly	85, 00
B. T. Whitman	122, 01
William Whitman	100, 00
Do Do.	40, 00
James Doyle	50, 00
W. T. Dixon	150, 00
E. S. Fuller	400, 00.
Charles S Whitman	87, 00
A. C. Randall	55, 00
Do Do	100, 00
Do Do	50, 00
Paice A Crosby &	6600, 18
Paice A Crosby for Real Estate	2200, 00
Paice James Doyle bal for Lots	8800, 18
	180, 00
" W. T. Dixon " "	150, 00
" Mr. Turner	250, 00
Samuel A. Baker	\$ 9380, 18
Amount Retained as Guardian	7444, 38
	16,824, 56.

Matilda Whitman Executrix of the

Estate of S. S. Whitman.
Enclosed filed May 4th 1857 S. M. Baker Clerk
No 9.

Exor of Seth S Whitman decd.

The undersigned Samuel Bennett & Co

Clarinda Whitman Admstr of Hiram Whitman Esq.
do Occuree, Report the following Condensed Statement
of all money that came into the hands of said Samuel
Bennett And of said Hiram Whitman in his life time

1852

Aug 10.	Recd of Abel Garner on note due SSW	12,80
"	" Wm Smith	7,00
16	" Wm T Burgers	20,00
	Recd James White on note due SSW	15,
"	John Galbreth on note ^{note} due SSW	4,82
28	" Wm H. Hombas " "	20,00
Feb 14	" H B & J Wilson " "	9.
" 16	" On County Order of Estate	283,
" 24	" Smith & Ford on note	86,25
" "	" D T Olney " "	13,75
" "	" S A Hurlbut " "	12,44
April 1	" D T Olney " "	5,00
" 6	" H B & J Wilson " "	25,00
May 13	" Wm Hitchcock " "	94,22
" 21	" D T Olney " "	50,00
June 19	" " " " "	93,25
" "	" Daniel Reed " "	32,12
July 10.	" S W. Bristol " "	1000,00
" "	" Wm Smith " "	29,40
" 13	" James White " "	40,00
" 14	" Jason Foote " "	34,00
" 15	" David Reed " "	23,25
" 20	" S W. Bristol " "	38,91
Aug 9	" Jason Foote " "	20,00

34	"	James Rodney	" "	32,50
Sept 7, 1852	"	M B Curtis	on note of estate	69,84.
" 5	"	Estate of J D Allenbeck	" "	498,56.
" 11	"	James White		12,50
Oct 5	"	M Ramsey	RR Dividends	8,00
" 9	"	James White	on note of estate	109,75
" "	"	J A Estee		,45
" 15	"	W P Culberson	on note of estate	79,12
" 15	"	Alex Maly	" "	330,
" "	"	Lee Lincoln	" "	24,35
" "	"	John H Herbert	" "	142,40
Dec. 10	"	Alex Maly	" "	507,64
"	"	Milroy Taylor	" "	71,
May 1 1853	"	Alonzo Corey	" "	280,00
"	"	J H Carpenter	" "	85,60
"	"	Alex Maly	" "	<u>250,</u>
Reported Feb 10 1853 by S B & N. W.				3527,43
June 1853	Recd of	G D Cornell	on note of estate	100,00
"	"	R H & O Milson	" "	6,30
"	"	N Adams	" "	8,00
"	"	D J Olney	" "	4,88
"	"	J C Sawtelle	" "	3,
"	"	County Orders		14 52
"	"	Charles Clark	on two notes	247,00
"	"	R J White	Note	100,
"	"	D J Olney	" "	43,75
"	"	J C Sawtelle	" "	10,
"	"	Mr Taylor		75,49
"	"	Baker Ames	" Rept of land	9

38	"	J B Ames	"	14.00
	"	Wood sold		1.50
	"	Alex Asely	Notes in full	70.20
June 1853	"	Mr T Briggs	Adm'd R B Ames	5.00
	"	A Corey	in full of note	209.
1853	"	Estate of Geo Caswell		<u>11.32</u>
March 8		Rec'd on County Order		1003.56
				50.
	"	Cash		6.00
	"	David Reed	on note	5.
	"	N Hotchkiss	note	8.20
	"	Thos. Solio	at Jansenville	<u>3.88</u>
				73.08
Received in all				3527.42
				1003.56
				<u>73.08</u> \$ 4604.06.

The undersigned therefore Reports that up to Dec 23rd 1853, there was received by them the amount of \$4,604.06 above stated

To this amount add as received by Matilda Whitman one of the Executors from Personalty of Estate as per Statement & Receipt from her account June 18. 1853, & hereto attached

	\$	2217.82
Received as above		<u>4604.06</u>
		6821.38

To this add Rec'd by M Whitman as per

Report of Dec. 20. 1853

959.01.

Total Receipts from Estate

\$ 7800. 41.

The only items of the above accounts which I admit to have been personally received by William Whitman are the amount of \$78.08, Reported by him Dec 22. 1853, nor do I know or admit of any other Receipt

The Report signed J. Bennett & W. Whitman Feb 10. 1853 is not in the hand writing of William Whitman nor signed by him

Aug 18th 1857

Marinda Whitman Administratrix of

W. Whitman Decant

The foregoing Report of Receipts is correct to the best of my knowledge & belief

Aug. 18. 1857 Endorsed filed August 15. 1857. J. Bennett Esq.

" I certify, that the foregoing is a true copy of the papers numbered from three to nine inclusive And certified by me Feb. 20. 1858

In witness whereof I have hereunto set my hand and affix the official seal of said Court at Bethel Maine aforesaid this 5th day of May A.D. 1858.

Abraham H. Bradley Clerk

J. S.

No 10. Referred to.

State of Illinois
Boone County

To the Hon. Allen C. Fuller Judge of the
Boone County Court.

The account of Matilda ~~Whitney~~ ^{Whitney} & re-
sult of the last will & testament of S. S. Whitman late of the
County & State aforesaid deceased

The said & entry charges herself with
the following sums of money ~~received~~ received by her
since her last Report made Dec 30th 1853 and inclu-
ding all receipts up to June 1st 1857

Receipts

Balance on hand at the date of last Report

\$1265.47.

May 3. 1854. S. W. Bristol on Sale of Land in B & Schedule "A"

100.00

Feb. 1	"	H. E. Dixon	do	Gifts Reported Private	3.25
" 3	"	S. W. Bristol	on Sale of Land	Schedule "A" B & C	193.00
" 3	"	D. J. White	do	"	172.50
" 9	"	S. W. Bristol	do	"	152.00
" 24	"	William Taylor	do	"	65.00
March	"	Receives R. R. Dividends		Sched "C"	68.00
" 12	"	S. W. Bristol	on Sale of Land	Sched "A" B & C	25.00
" 1	"	L. W. Pray	Error	"	16.50
" 20	"	C & P. for wood		"	50.00
" 23	"	D. H. Palmer	on Sale of Land	Sched "C"	40.00
" 23	"	S. W. Bristol	"	"	63.00
April 19	"	John Fisher	"	"	1500.00
"	"	J. B. Buck	"	"	70.00

⁴² May 17	Mr Martin	"	"	" "B"	50.00
" 20	John Fisher	"	"	" Norfolk "A"	489.00
	Mr Compton	"	"	" "B"	25.00
					<u>4334.78</u>

1854 ~~Account~~ ~~Draw~~ out

July 1	Alex Kirby on note	ch 9 & 4		4334.78
" 5	S. W. Palmer on sale of land	C		13.39
" "	John Collyer	"	" "B"	18.00
" 15	Samuel Bennett	"	" "B"	75.00
" 19	E. J. Buck	"	" "C"	10.00
Aug 8	Samuel Bennett	land	" "B"	180.00
" 8	Galena R R Co	RR acct		45.00
" 21	S. W. Palmer on sale of land	Janesville		40.00
Sept 11	Mrs Crosby for wood	Rejoice land acct Janesville		15.00
" 12	S. W. May	error		5.00
" 19	A. A. Subbottan on sale of land			20.00
" 25	S. W. May	error		20.00
" "	do.	error	25.	25.00
Nov. 3	do.	error		75.00
" "	S. C. Kirby on sale of land	"A"		50.00
" 14	do	so.	"A"	30.00
" 23	Mrs Curtis	so	Private & Rejoice	9.50
Decr. 31	R. Whitman	Note	Private land Rejoice	38.00
" 23	S. W. Bristol on sale of land	"B & C"		25.00
Jan 28	1855 S. W. May	error		35.00
" 18	S. W. Bristol on sale of land	"B & C"		35.00
Feb. 27	J. D. Cole on sale of land	Rejoice Janesville		264.38
March 14	Alex Kirby on note	ch 4.	26.08	26.08

" "	"	John Collyer on Sale of land "A"	26, 50
" 19	"	1 Cord Wood Register & West Jamesville	5, 00
" "	"	W Pray Error	35, 00
Mar 2	"	R T Whitman for Buck Estate ch & q	20, 00
" 6	"	John Kane on Sale of Land "B"	100, 00.
April 9. 1855	"	John Scott on Sale of land "B"	50, 00
" 15.	"	Butler & Jones do. do. "B"	20, 00
" "	"	Geo Stevens on note ch & q	13, 00
May 1	"	W W Collier on Sale of land "B"	25, 00
" 12	"	Mr Compton do do "B"	112, 00
" 16	"	Mr Tobstene do. do. "B"	10, 00
" "	"	Francis Burnap Firs ch & q	8, 50.
June 24	"	John Crowther on Sale of Land "B"	50, 00.
July 4	"	Mr. Howlett do do. "B"	130, 00.
" 12	"	Rail Road Company N D acct	56, 00
" 14	"	Dennis Murry on Sale of Land "B"	25, 00.
Aug 12	"	Wm Kane do do B	50, 00
Sept 12	"	Willard Pierce do do D A	240, 00
" "	"	Rail Road Stock N D acct	290, 00
Oct 1.	"	Lewis Roberts on Sale of land "B"	25, 00
"	"	Mr Tobstene do B	40, 00
" 13	"	Wm Ballane do. B	38, 00
" 20	"	Lewis Roberts do B	20, 00
" 30	"	do. do. B	10, 00
Nov. 9 th	"	Mr Murry do B	25, 00.
" "	"	S A Hurlbut (Sale of N D Stock) N D acct	328, 00
" 7	"	do. do. N D acct	20, 00
" 10	"	Lewis Roberts on Sale of Land B	5, 00
" 17	"	Mr Bidwell For Logs Register ch & Jamesville	15 00

(44)		They for Florida on Note Ch & ✓	45, 00
"	"	"	
May 31. 1856	✓	Wm Kane on Sale of Land B	50, 00
Oct 1	"	Richard Pile do. A	100, 00
" 3.	"	do. do. do. A	100, 00.
			<u>7487.13</u>

Feb 7 1856		Am't Bro't over	7487.13
" 10 "		Mr Gerrill on Sale of Land ✓ A	124, 00
" 12 "	✓	Lewis Roberts " " B	5, 00
" 23 "		John Pilcher " " A	25, 00
" " "		Gov Wood <i>Repita Pensacola</i>	3, 00.
April 30.	✓	Mr. Devino " " B	50, 00
May 5.	✓	Mrs Munn " " B	25, 00
June	✓	do do " " B	52, 00
July 2	"	Anson Wimer " " A	54, 00.
Oct 1.	✓	Mr. Lobstine " " B	81, 25
" 4	"	Joseph Johnson " " A	25, 00.
Nov 1	"	A J Ransdall " " A	150, 00
Dec 5.	"	A. W. Wimer " " A	
Feb 13 1857		John Pilcher " " A	120, 00
" " "		D W Palmer Crow <i>Land</i>	10, 00
" 28.	"	Mr. Smith do. A	160, 00
" " "		Mr Smith do. A	178, 00
April 23	"	John Jackson on old note ch &	25, 00
May 11.	"	Wm Henderson on Sale of Land A	100, 00
"	✓	Gabriel Cornwell on old note ch &	90, 00
March 1856.		Received on Sale of wood & <i>Land acct</i>	650 00
July 9. 1854		R S Melony on Sale of Land at <i>Repita</i> Pensacola	2450, 00
"		John Fisher " " <i>Proctore "A"</i>	18, 00
Feb, 27. 1855		Borrowed of L. W. May a Mortgage <i>New Est. Capital</i>	1000, 00.

Aug 19. 1856	DO of Mr Fox	" Repital	300.00.
	DO " Tompkins	" Repital	600.00.
	J S Baker Old Notes	ch by	225.00.
Feb 13. 1857	John Pilcher on Sale of land	San A	100.00
Feb " 1856	John Andrews	DO. A	97.00
	B E Terrill	" " S A	102.00.
Feb 13. 1856	John Andrews	" " A	200.00.
	James Barr	" " A	102.00
Nov 14. 1855	D C Seely	" " A	367.00
April 30 1857	A H Naukale	" " A	367.00
Nov 3. 1856	D H Palmer	Janisville	240.00
	A M Wimmer	" " A	90.00
	William Pierce	" " A	60.00
	J D Cornwell on old contract	" 186"	69.00
	Wm P Culbertson	" " A	19.71
Nov 3. 1852	O A Buck	" " D C	296.14
Nov 3. 1856	D. H. Palmer on Sale of lot from Miller	" A	50.00
	R S White on Old note	San X C	92.04
Nov 4. 1854.	John Galbraith	" " S + C	123.64
Oct 13. 1855	William Ballard on Sale of land	B	247.00
Aug 30 " 1856	Wm H Looper	" " B	73.90
July 1 st 1856	John Rane	" " Grov S	100.00
	William Carlton	" " B	25.00
Aug. 1. 1855	Samuel Bennett	" " B	424.00
	John Sanderson	" " B	88.82
April 5. 1856	John Scott	" " B	175.00
	Wm Crother	" " B	80.00
	A Sevelin	" " B	50.00
	Mr Turner	" " B	150.00.

(46)

A. L. Raudall

H

H

152.20

July 1855 Theodore Buck on old notes 10 100.00.
 I to Amherst R. V. Stock 110 and 27.50
 Nov. - 1855 John Clark on old notes ch & 100.00.

17938.70

Mort Bro 1000

17938.70

Trustees of Baptist Society Rockford N.Y. 14.80

N. S. Holony note ch & 7.00

Sept 19. 1855 William Hamilton on sale of land B 105.65

Nov. 3. 1852 Nathl Crosby on sale of land at Leesville ^{Registered} 1600.00W. J. Dearborn " " ^{Registered} 40.82J. H. Millane " " ^{Registered} 28.25
 20.62

Less errors sums rec'd of L. H. May 236.50 - 19726.89

236.50

19490.49

" Errors in items of S. H. Palmer & J. Kane 110.00

19380.49

Account of money disburse by Matic
 as Whitman Executor of the Estate of S. Whit-
 man deceased

Charles Whitman on judgt in Probate Court ^{June 1852 allowed} 240.00W. B. Hamlin for Recording & C. ^{June 18. allowed} 33.10.

A. L. Raudall for professional services 25.25

Do. Do Do Do 6.00

Do Do 4 change on draft 7.00.

Rae for R. V. Stock 68.82

Paul Dr. Winston professional services ^{Aug 18. allowed} 17.00

This is payment of debt on Mortgaged land
 a c 7

Road Tax in Boone Co this for 1853	3, 65
Road Tax	75
Taxes in Boone Co for 1855	73, 75
Do at Hinesville	21, 00
Debt at at Madison Lewis Holden Private acct,	25, 00
Taxes at Hinesville	64, 00
✓ Charles J Whitman (minor) Private acct	196, 00
✓ J W Pray, on Mortgage of Spear Whitman Aug 18 allowed	466, 92
✓ S Rail Road Stock June 18, allowed	141, 00.
# ✓ John Saxton, Int. on Mortgage interest	120, 00
✓ J W Pray int. on ^{one thousand dollars} money borrowed of Jd Pray	480, 00
✓ Alice for Rail Road Bonds June 18, allowed	75, 00.
✓ Jason Marsh professional Services June 18, allowed	50, 00.
✓ Paid W Knoby on real estate conveyed to the Estate	1800, 00
✓ " J. W. Pray for professional Services June 18, allowed	75, 92
✓ " Taxes on land in Boone Co sold for 1853 & 1/2 June 18, allowed	27, 71

3918, 08.

Items of disbursements allowed by Probate Court

✓ J W Beebe Surveying ^{May 12/57} allowed	21, 38
✓ Exchange Draft on New York May 12, allowed	2, 00
May 12/57 allowed ✓ H C Fuller on note of J S Whitman & Mellon	382, 00
✓ J W Bristol Money refunded on land May 12 allowed	50, 00
✓ Jason Marsh litty fees May 12 allowed	50, 00
✓ J W Bristol Money refunded on land May 12, allowed	41, 51
✓ C B Hamlin Office Hrs May 12, allowed	3, 62
✓ 50 50 Cts in Co Court	14, 65
✓ Taxes in Boone Co for 1853 May 12, allowed	29, 93
✓ Surveying May 12, allowed	1, 25
Sept 1855 ✓ C. Holden Whitman, Legacy May 12 allowed	500, 00

✓	A. Coulton Advertising May 12 allowed	1.50.
✓	Abigail Whitman May 12 allowed	27.88.
✓	Tax at Lanesville for 1853 May 12 allowed	1.04
✓	Do at Belvidere for 1854. May 12 allowed	3.68.
✓	Do at Lanesville for 1853. May 12 allowed	10.67
✓	Do at do. " " May 12 allowed	8.25.
✓	W. B. Hamlin Recording May 12 allowed	35.00
✓	Taxes at Lanesville 1854. 55 & 56 May 12 allowed	145.59.
✓	Oliver Orlando Curtis May 12 allowed	18.16
✓	Pa Chas Whitman on P. S. Whitman note May 12 allowed	50.00.
✓	Taxes for 1855. May 12 allowed	65.23.
✓	Do for 1856. May 12 allowed	98.10
1544.84 ✓	J. B. Fire Insurance Co May 12 allowed	83.41
	Taxes on land sold at Tax Sale 1852 & 53 Aug 15. 1853	28.72
	Paid C. S. Whitman on Mort of P. S. W.	9.00
S	Money	294.08

The undersigned further report that the following items above stated as moneys received on sale of land were on sales made under the decree of the Circuit Court of Boone County dated April 22, 1854 viz

(except the items of \$24.54 for land sold to P. S. Molony, \$18.25 to S. J. O'Connell & \$264.39

1854

P. S. Cole. —

Apr 19 th	John O'Kish on Sale of Land in Berkeley	\$ 1500. 00
May 20	Do. do. do	500. 00
Nov 3.	D. C. Kelly do do.	50. 00
" 14.	Do. do. do.	30. 00.
Sept 12.	William Pierce	240. 00.
156 Feb 1	Richard Pile	100. 00

" " 3	Do.	Do.	100, 00
" Feb 10	Mr Knill	✓	124, 00
" " 23	John Pitcher	✓	35, 00
" July 2 ^d	Anson Wimmer	✓	54, 00
" Oct 4	Joseph Johnson	✓	35, 00
" Nov 1	A. J. Randall	✓	150, 00
15 th Feb 3	John Pitcher	✓	120, 00
" " 28	Mr Knill	✓	160, 00
" " "	Mr Smith	✓	198, 00
" May 11	John Henderson	✓	100, 00
Feb 3 /57	John Pitcher	✓	100, 00
Feb /56	John Andrews	✓	97, 00.
	B & Knill	✓	102, 00
	James Barr	✓	102, 00
Feb 13 /56	John Andrews	✓	200, 00
Nov. 14. /55	D. C. Seely	✓	267, 00
April 30 /57	A. J. Randall	✓	369, 00
			<u>3706, 00</u>
	Am't Not over		3706, 00
	A. M. Wimmer		90, 00
	Willard Pierce		60, 00
Nov. 3. /56.	D. H. Palmer		50, 00
Nov 3 /52	George H. Smith	✓	4600, 00
May 4. /54	W. Bristol		<u>247, 50</u>
			4153, 50.
	should be \$5153, 50		
	L. A. C. H. 1		

The undersigned further reports that all the other items in the above Statement purporting to be money received on sale of lands are due for lands sold by the undersigned under

the following circumstances

The said Seth Whitman at the time of his death was seizer of considerable real estate in the State of Wisconsin some time in the year 1854 proceedings were had in the Circuit Court of Rock County in said State & a decree of said Court was made for the sale of said real estate under said decree a part of said real estate was sold to the amount of \$1600 & the proceeds thereof paid over to the undersigned which sum together with \$200, consisting of a debt due & belonging to said estate was invested by the undersigned in other real estate in said County of Boone she taking the title in her own name but always regarding & treating it as the property of said estate.

The undersigned has from time to time sold parcels of said last mentioned real estate receiving for the same the sums above mentioned & charging herself as executrix with the same as derived from property belonging to said estate

August 15. 1857.

Matilda Whitman Executrix
Endorsed filed Aug 15. 1857. L. H. Baber Clerk

Statement of Monies Received by Matilda Whitman Executrix of Estate of S. S. Whitman on the sale of Lands belonging to the Crosby purchase & which is named in the General Schedule herunto attached

July 3/54	J. W. Bristol	100.00
May 20/54	J. B. Martin	50.00
May 20/54	M. Compton	25.00

July 11	"	John Collyer	75.00
" 15	"	Samuel Bennett	10.00.
Aug 8	"	" "	45.00.
March 14/55	"	John Collyer	26.00.
April 6	"	John Kane	100.00.
" 9	"	John Scott	50.00.
" 15	"	Butler & Jarvis	20.00
May 1	"	W W Collyer	25.00
" 12	"	Mr Compton	112.00
" 16	"	Mr Lobstein	10.00
June 24	"	John Crowther	50.00
July 4	"	Mr Howatt	130.00
" 14	"	Oliver Muny	25.00
Aug 12	"	John Runt	50.00
Oct 1	"	Lewis Roberts	25.00.
" 1	"	Mr Lobstein	40.00
" 13	"	Wm Ballance	38.00
" 20	"	Lewis Roberts	20.00
" 30	"	" "	15.00.
"Carried over			1041.50

Schedule "B"

1855.	Brought over		1041.50.
Nov 2	"	Mr Muny	25.00.
" 10	"	Lewis Roberts	5.00
Jan 21. /56	"	John Kane	56.00
Feb 12	"	Lewis Roberts	5.00
April 26.	"	Mr. Devlin	50.00.
May 5.	"	Mrs Muny	25.00
June	"	" "	50.00.
Oct 1	"	Mr Lobstein	81.25.
" 13	155	William Ballance	242.00
Aug 30.	155	W. Collyer	78.00
Jan 7	156	William Carlton	25.00.
Aug 1.	155	Samuel Bennett	424.00
155 & 56		John Linderson	88.82.
April 5/56		John Scott	175.00
		John Crowther	80.00.
		A Devlin	50.00.
		Mr Turner	150.00
Sept 19/55		William Carlton	105.65.
			\$2710.17

The Said Executrix further Says the Wood
Chorque to her in the foregoing account was taken
from the Crosby purchase and the lands purchased of
Dr Molony

Statement of Moneys received by Matilda Whitman
Executrix of Estate of S. S. Whitman on account
of lands sold by Said Whitman in his lifetime

And which is named in General Schedule
herewith attached

Feb 8 /54	R. E. White	✓	172, 56
Nov. 3 /56	Do.	✓	92, 04
Feb 24 /54	William Taylor	✓	65, 00
March 23-54	D. H. Palmer	✓	340, 00
July 8. "	" " "	✓	18, 00
Sept 19, 54	J. Y. Buck	✓	70, 00.
July 19. "	"	✓	180, 00
July /55	"	✓	100, 00
Feb 27 /55	J. D. Gale	✓	264, 38
May 14	Gabriel Coman	✓	90, 00
Nov /56	" "	✓	69, 00
1856	D. J. Baker	✓	225, 00
1856	William D. Culberson	✓	19, 76
Nov 3. 1852	W. A. Buck	✓	296, 16
Nov 4 1854	John Galbraith	✓	178, 64.
	Mr Bristol at different dates	✓	336, 50
			1849, 61
			1849, 67
			1849, 56
			1849, 61

Schedule "C"

And on the same 23rd day of February
A.D. 1858 there was filed in the office of
the clerk of said court an appeal
bond in the word of things following to wit

Bennett

Copy of Appeal Bond.

Know all men by these presents that we Samuel Bennett and James B. Crosby and Asha C. Fisher are held and firmly bound unto the people of the State of Illinois in the Penal Sum of five hundred dollars lawful money of the United States for the payment of which to the said people for the use of the Estate of Seth S. Whitman deceased well and truly to be ~~paid~~ made we bind ourselves our heirs and administrators jointly, severally, & firmly by these presents, witness our hands and seals this 26th day of September A.D. 1857.

Whereas the above named Samuel Bennett being one of the surviving Executors of the last will and testament of Seth S. Whitman deceased, and Matilda Whitman being also surviving executrix of the said last will and testament of said testator, and the said Matilda Whitman executrix and Samuel Bennett Executor as aforesaid having each made their Report to the County Court of Boone County in Probate, and the same having been considered by the said Court, and order and decree was made by the said Court thereon which order and decree was entered ^{in the} ~~of~~ Records of the said Court in Book A. of Probate Records at pages 391, 392, 393, 394, 395, 396 & 397, and in the said order and decree the same purports to have been made & entered on the 22nd day of August A.D.

1857, and by an Order made by said Court on the 7th day of September A.D. 1857, it was Ordered that the aforesaid order and decree be deemed and taken to have been made and entered as of the said 7th day of September A.D. 1857, & the said Samuel Bennett having taken an appeal from the aforesaid order and decree of the said Court made as aforesaid upon the said Reports, and entered in said Book A. of Probate Records at pages aforesaid, to the Circuit Court of Monroe County, aforesaid and State of Illinois now the condition of the above obligation is such that if the said Samuel Bennett shall prosecute his appeal with effect and stand to abide by and perform whatever order or determination shall be made by the Court upon the dismissal or trial of the said appeal then the said obligation to be void, otherwise to be and remain in full force and virtue

In Presence of

Samuel Bennett *Seal*

by J. C. Harbort atty in fact

James B. Crosby *Seal*

by J. C. Harbort atty in fact.

A. C. Hanna *Seal*

Approved this 26th Sept 1857.

William McVicar Clerk

And on which said Bond is endorsed "Filed 26th Sept 1857

William McVicar Clerk

and also "Filed Feb 23, 1858, D. A. Whitney Civ. Clerk."

Completed

And on same ~~day~~ 23^d day of February
A.D. 1858 there was filed in the office
of said clerk an appeal bond in the
words & figures following to wit -

Copy appeal Bond to Whitman

Know all men by these presents that we
Clarinda Whitman Administratrix of all and
singular the Goods and Chattels, ~~and~~ ~~and~~
~~and~~ ~~and~~ rights and Credits of Hiram Whitman
late of Boone County deceased and Royal S. Whit-
man of said County and James B. Crosby of Janes-
ville Wisconsin be held and firmly bound
unto the People of the State of Illinois for the use
of the Estate of Seth S. Whitman deceased in the
Penal Sum of five hundred dollars lawful
Money of the United States for the payment of
which well and truly to be made, we bind
ourselves our heirs and Administrators jointly,
severally and firmly by these presents, Witness
our hands and seals this 26th day of September
A. D. 1857.

Whereas Samuel Bennett and Ma-
tilda Whitman, Surviving Executors of the last
will and Testament of Seth S. Whitman deceased
having made their Reports Separately as such
Executors to the County Court of Boone County State
of Illinois, and the said Clarinda Whitman being
Administratrix of Hiram Whitman deceased,
and the said Hiram Whitman in his life time
being one of the Executors of the said last will
and Testament of said Seth S. Whitman deceased
and having also in his life time given bail
as such Executor jointly with the other Executors

of the said Seth S. Whitman deceased and the said Reports of the said Surviving Executors having returned transactions in reference to the Estate of said Seth S. Whitman deceased, according occurring prior to the death of said Hiram Whitman deceased, and the said County Court having made an Order and decree in the matter of the said Reports of said Surviving Executors, which Order and decree was entered in the Records of said Court in Book C. of Probate Records at Pages 391, 392, 393, 394, 395, 396 & 397. And in the said Order and decree the same purports to have been made on the 23rd day of August A.D. 1857, and hereby an Order of said Court made on the 7th day of September 1857 it was further ordered that the aforesaid Order and Decree be deemed and taken to have been made and entered as of the seventh day of September A.D. 1857, and the said Charinde Whitman Administratrix as aforesaid having taken an appeal from the aforesaid Order and decree of the said Court made as aforesaid upon the said Reports and entered in said Book C. of Probate Records at the pages aforesaid to the Circuit Court of Boone County Aforesaid State of Illinois. Now the condition of the above obligation is such that if the said Charinde Whitman Administratrix as aforesaid shall prosecute her appeal with effect, and stand to abide by and perform whatever Order or determination shall be made by the Court upon the dismissal or trial of the said appeal, then the said obligation to be void, otherwise to be and remain in full force and virtue.

Charinde Whitman Secy

R. J. Whitman Secy

Almos B. Crosby Secy

By H. H. Hulbert atty in fact

"Approved by me at my Office this 26th day of September 1857.

William M. Rice Clerk

And on which said Bond is endorsed "Filed Sept 26. 1857. William M. Rice Clerk"

And also "Filed Feb. 23. 1858 D. H. Whitney Secy Clerk"

4 Bond, null and void, 26

(Composed)

Appeal Feb. 23 & 27. 1858.

United States of America:

State of Illinois }
Boone County }

~~Boone Circuit Court~~, February
Term for 1858.

And Be it remembered that on this 23rd
day of February A.D. 1858, being one of the days of
the Regular Term of the Circuit Court begun
and held at the Court House in Beckridge, and
in and for said County of Boone, on the 22nd day
of February A.D. 1858, ~~that~~ the following proceedings
and Orders were had and entered of record
therein, to wit:

(1662) In the Matter of the Estate
of Seth S. Whitman deceased
on appeal from the
Boone County Court

By
Samuel Bennett, and also

By
Clarinda Whitman

Papers on Appeal
Filed February 23rd 1858.

And now on the 28th
day of February A.D. 1858, being one of the days of the
February Term of this Court for 1858, Come the said
Executors by Jason Marsh their Attorney, and the
said Appellants by J.A. Hurlbut, Wm. H. Moore and
~~Wm. H. Moore~~ Wm. H. Moore their Attorneys also come,
and on Motion of the Attorney for the said Ex-
ecutors, It is Ordered by the Court, that an Or-
der be entered, and served on the Clerk of the Court

Court, Commanding him to send up to the Circuit Court all the papers on file in his Office, relating to this cause."

And that afterwards, and at the same Term, of the said Court for said Boone County, of February 1858, on the 27th day of February being one of the days of the said Court, for said Regular Term thereof for A.D. 1858, the following Among other proceedings and Orders were had and entered of Record therein, to wit:

("1662")

"In the matter of the Estate of Settle S. Whitman deceased

On Appeal from the Boone County Court

Taken By

Samuel Bennett one of the surviving Executors of said Estate,

And also by Clarinda Whitman Administratrix of said

Whitman deceased, late one

of the Executors of the said Estate of

Settle S. Whitman deceased

Papers on appeal from

the Boone County Court

on the Probate side thereof

filed February 28th 1858.

And now on this twenty seventh day of February, being one of the days of the February Term of this Court for A.D. 1858 comes again Jason Marsh Esq Attorney for the said Estate of the said Settle S. Whitman deceased, and the said Appellants, Samuel Bennett, and the said Clarinda Whitman, by J. V. Harburt, Esq. A Wood and Mr. J. B. Jones their Attorneys also again

come, and the arguments of counsel in this
Cause being concluded, and the Court now
here being fully advised in the premises, is of
the opinion and doth find that there is now
in the hands of the said Matilda Whitman as
such executrix as aforesaid the sum of seven-
teen hundred and eighty seven dollars &
seventy seven cents to be accounted for and
paid over under such order as the ^{Court} Court of
resale may make for the further distribution
and payment thereof, And affirms the finding
and decree of the Court below: to which the said
Appellants then & there except, And pray an
Appeal to the Supreme Court.

And therefore Appeal is granted to any,
or either, or all of the appellants from the Court
below, on their, ^{or either,} or any of them filing bond in the
penalty of One Thousand dollars, on or before
the first day of June next. with William D Wood
as Surety therein, And the parties have to the
same day to prepare and file Billof Exceptions
herein. <sup>"I declare that the said appellants have and receive of and from the
said appellants their costs and charges herein & interest; and
that they have execution therefor."</sup>
"Attest, Daniel A. Whitney Clerk"

And that on the 15th day of May A.D.
1858. there was filed in the office of the
clerk of said court a certain bill of
exceptions in said cause in the
words & figures following to wit -

State of Illinois }
County of Boone }

In the Circuit Court of Boone County,
Of February Term A.D. 1858.

In the matter of the settlement of the } Appeal from the County,
Estate of Seth S. Whitman deceased } Court of Boone County -
In Probate,

Be it remembered that on this 27th day of February 1858 one
of the days of the February Term of said Circuit Court before
the Hon Isaac G. Wilson Judge thereof, this Cause came on
to be heard without the intervention of a Jury -

Matilda Whitman Executrix of Seth S. Whitman de-
ceased by C. B. Hamlin her Attorney, Samuel Bennett &
Executor of said Seth S. Whitman by J. A. Hurlbut his Attor-
ney, Clarinda Whitman Administratrix of Ariana Whit-
man now deceased, Benjamin H. Lawrence, Charles
B. Crosby and Asha E. Semer, Securities in the official
Bond of said Matilda Whitman, Ariana Whitman & Samuel
Bennett as Executors and Executors of said Seth S. Whitman,
by Wood, Burges and Hurlbut their Attorneys the minor
heirs of said Seth S. Whitman namely Julia Whitman &
Charles K. Whitman by W. S. Holroy their Guardian ad li-
tem appointed by the Court, & by Jason Marsh Esq. their
Attorney - and thereupon the accounts presented
before the said County Court for its action in this
matter, being before this Court for its action thereon,
which said accounts are of record in this Court and
were filed in the Court below respectively as follows -
that is to say (No. 3) S. Bennett's Report filed Feb. 7th 1853,
(No. 4) S. Bennett & A. Whitman's Report filed Feb. 10th
1853 (No. 5) Report of S. Bennett filed Dec. 20th 1853,

- (No. 6.) Report of Matilda Whitman filed Decr. 20th 1853
 (No. 7.) Report of Miriam Whitman filed Decr 22^d 1853
 (No. 8.) Report of Matilda Whitman filed May 9th 1854
 (No. 9.) Report of S. Bennett, & Clarinda Whitman Administrators of Miriam Whitman deceased filed August 18th 1854
 (No. 10.) Report of Matilda Whitman filed June 18th 1854
 And Schedules "A", "B", & "C" thereafter attached to the same,

And thereupon the appellants in this cause proceeding, said James B. Morby, Benjamin V. Lauman & Asher R. Jenner, Samuel Bennett and Clarinda Whitman, by Bmyer, Wood and Hurlbut their Attorneys, present to the Court now have a stipulation in the words and figures following to wit:

In the matter of Accounting } Boone Co. Court
 of Exrs S. S. Whitman Decd } February Term 1858
 Appeal from Allen C. Fuller County Judge
 of Boone County.

It is stipulated in this cause that the accounts passed upon in the Court below shall stand as if the same had been proven and allowed in this Court so far as relates to the amounts found both of debit and of credit of said accounts.

It is further stipulated that the will of Seth S. Whitman, the decree in the Circuit Court of Boone County, and all evidences of title & of conveyances whether of record or not, and the copies of proceedings, receipts, ^{to} and under the order of the Court of Rock Co Wisconsin which have heretofore been read & received in evidence in the

Court below, as well as all matters of written evidence
heretofore presented & received in evidence in the Court
below be received and read without objection
to their competency; but reserving all questions
as to the legal weight of said evidence,
And that all the facts found in said County
Court are to remain and be considered the
same in this Court as in said County Court
It being hereby intended that this Court is
only to try and determine whatever
questions of law arise in said Cause

S. A. Hurlbut & M^{rs} A. Wood
for Bail of Exrs
Jason Marsh Atty for

"R. S. Molony Guardian &c"

which by consent of all parties is received and
read herein as evidence subject to exception as
to relevancy & materiality upon the taking and
settling the accounts in this matter of each
and every fact truly found.

Thereupon there is read ~~in evidence~~ to the Court,
subject as aforesaid, the report and finding of
Hon. A. C. Fuller Judge of the said County Court,
and which is included in the Record in this Cause

And thereupon said Appellants further
put in evidence a certified copy of the last
will and testament of said Seth S. Whitman
which is in the words and figures
following viz: —

I Seth S. Whitman of the Town of Madison
County of Dane, and State of Wisconsin, being
of sound mind and memory, viewing
the uncertainty of life, and being desirous
of arranging my secular concerns prepara-
tory to my coming dissolution, do ordain
and declare this my last will and
Testament.

- 1st That I will my soul to God who gave it
and that my body be decently interred.
- 2^d That my debts be by my Executors paid
out of the avails of my personal property
unless there can be some other arrangements
made.
- 3^d That after my just ^{and legal} debts are paid, that
there be built on my real estate at
Monterays addition to Janesville or land
laying south of it a residence and other
suitable buildings convenient for a residence
for my family
- 4th That my beloved son Ogden H. Whitman
be paid out of the avails of my property five
hundred dollars when he shall arrive
at the lawful age of twenty one years it
being willed to him by his Grand Mother
Anne Nicholas and now remaining
in my possession
- 5th That my beloved son Charles Whitman
and Daughter Julia H. Whitman and

Charles & Whitman be severally paid the sum of five hundred dollars each when they shall severally arrive at the age of twenty-one years.

6th

That my executors shall as my children arrive at lawful age dispose of if necessary any of my real estate for the payment of the several sums willed to them

7th

That my beloved wife Matilda Whitman shall have the control of all my property until my youngest surviving child shall become of lawful age, for their support-education and maintenance

8th

That my Executors pay to the following named benevolent societies the following sums (viz) Three hundred dollars to the American and foreign Bible society. Three hundred dollars to the Baptist Home Missionary Society and Three hundred dollars to the Baptist Missionary Union, to be paid as soon as my debts are settled and a house and other convenient buildings are made for the accommodation and convenience of my family.

9th

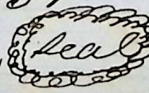
I will and bequeath to my beloved niece Eliza Brown one village lot in the addition of Monterey to Jamesville to be selected by my executors valued at seventy five Dollars.

67)
10th

That after my youngest surviving child becomes of lawful age the residue of all my property at that time be divided as follows (viz) To my beloved wife Matilda Whitman I will and bequeathe one third of my property for her support and maintenance during her natural life At her decease to be divided between my surviving children or given for missionary purposes at her discretion And the other two thirds of my property to be equally divided between my son C Golden Whitman Julia H. Whitman and Charles N Whitman.

at the dissection of my Executors or shall be proven, it may be equally divided between Ogden H. Whitman, C. Golden Whitman & Julia H. Whitman and Charles N. Whitman.

11th

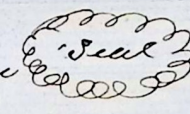
I do hereby constitute and appoint Samuel Bennett and Matilda Whitman Executors of this my last will and Testament In testimony whereof I have hereunto set my hand and seal at Madison this 19th day of December in the year of our Lord 1851
In presence of Seth S. Whitman 
Charles Lord
Joseph Gray.

Codicil

I do hereby of my own free will & being of a sound mind make this further addition to the above will I give and bequeathe that portion of my property which would fall to my wife in the

event of its division before her death to the above named Baptist benevolent & Missionary Societies In case of her death before such division, provided always that if my Executors think the sum alluded to in this Codicil should be needed by the Children, then I give the same to them at their discretion & I also hereby appoint my Brother Hiram Whitman Executor in addition to the Executors above named.

In testimony whereof I have hereunto set my hand and seal on this 29th day of December in the year of our Lord eighteen hundred & fifty one.

Subscribed in presence S. S. Whitman 
of Chas Lord
Ora Wilson

State of Illinois 333

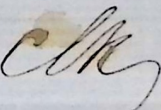
Boone County 3 Leonard M. Beebe

Clerk of the County Court

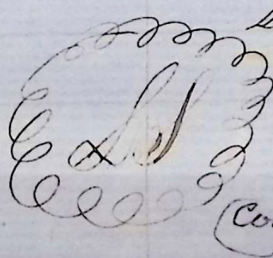
in and for said County hereby certify that the foregoing as a true and perfect copy of the Record of an instrument in writing purporting to be the last will Testament and Codicil of Seth S. Whitman deceased, as recorded in Book C. on pages 535 & 537 of the Probate Records

In testimony whereof I have hereunto subscribed my name and affixed the seal at Belvidere the 6th day of August

A.D. 1857.

L. M. Beebe 

inclosed file Feb. 23. 1858
S. S. Whitman


(Comd.)

Also the official bond given by said executors
and accepting as such and now on file
in the said county court's which is in
the words & figures following to-wit:-

Know all Men by these presents;
That we, Matilda Whitman Samuel Bennett
Hiram Whitman J. E. Anna, R. F. Lawrence and
James B. Crosby of the County of Boone and State of
Illinois are held and firmly bound unto the People
of the State of Illinois, in the penal sum of Thousand Thous-
and Dollars, current money of the United States, which pay-
ment well and truly to be made and performed, we &
each of us bind ourselves, our heirs, executors and admin-
istrators, assigns jointly, severally and firmly by these
presents. Witness our hands and seals, this 16 day
of May A. D. 1852.

The Condition of the above obligation is
such, That if the above bound Matilda Whitman, Sam-
uel Bennett and Hiram Whitman executors
of the last will & Testament of Seth S. Whitman
deceased, do make or cause to be made, a true
and perfect inventory of all and singular the goods
and chattels, rights and credits, lands, tenements
and hereditaments, and the rents and profits is-
suing out of the same, of the said deceased, which
shall come to the hands, possession or knowledge of
the said Matilda Whitman Samuel Bennett
and Hiram Whitman or into the possession
of any other person for them and the same do
make do exhibit in the County Court for the
said County of Boone as required by Law; &
also make and render a fair and just

Account of their doings and doings as such
 Executors to said Court, when thereunto lawfully re-
 quired, And to well and truly fulfill the duties
 enjoined upon them in And by the said will, And
 shall, moreover, pay and deliver to the persons
 entitled thereto, all the legacies and bequests con-
 tained in said will, so far as the estate of the said
 Testator will thereunto extend, according to the
 value thereof, And as the Law shall charge
 them, And shall in General do all other
 Acts which may from time to time be required of
 them by law - then this obligation to be void; other-
 wise, to remain in full force and virtue.

"Matilda Whitman" *Seal*

"Samuel Bennett" *Seal*

"Hiram Whitman" *Seal*

"A. E. Jenner" *Seal*

"B. H. Lawrence" *Seal*

"J. B. Crosby" *Seal*

Approved by me this 24 day of
 May A.D. 1852, D. H. Whitney County Judge

Which was filed in the said Circuit Court and
 Endorsed, "Filed Feb. 23, 1858, D. H. Whitney Clerk"

And thereupon the said
 Minor heirs by their guardians ad litem
 presented and read in evidence the records
 proceedings and decrees heretofore entered
 in the Circuit Court of Boone County on the
 Chancery side thereof wherein the said
 Executors and executrix of Seth S. Whitman
 were parties Complainant and the heirs of said
 Seth S. Whitman parties defendant - which is
 as follows - (The insertion of this record is waived
 by the parties -)

It also appears in evidence that the specific legacies bequeathed by said Will, to the children of said testator had been paid by said Executors so far as the same had accrued & also all debts against the said estate.

And thereupon the said appellants move to exclude from the accounts taken in this matter all the matters in this case except those growing out of the personal estate left by the said Testator at the time of his death, which the court refuses to do, and the appellants then & there except thereto -

And the court after examining the accounts in this matter, doth find that there is now in the hands of the said Matilda Whitman as such executrix as aforesaid, the sum of seventeen hundred and eighty seven dollars & seventy seven cents to be accounted for and paid over under such order as the county court aforesaid may make for the future distribution and payment thereof and affirms the finding and decree of the court below - to which the said appellants then and there except and pray an appeal -

And the minor heirs of Seth S. Whitman

by Jason Marsh their Atty except to so much of the pricing of said court as includes from the said account monies received from sale of Lands purchased from Nathl. Crosby -

And thereupon appeal is granted to any or either or all of the appellants from the court below on their or either or any of them filing bond in the penalty of one thousand dollars, on or before the first day of June next, with William H. Wood as security therein - and the parties have to the same day to prepare & file bill of exceptions -

And in as much as none of the several exceptions so found and made to the opinion and decisions of the said court do appear upon the record of said trial. Therefore on the prayer of the said appellants by their said counsel, the said circuit judge hath to this bill of exceptions put his seal according to the statute in such case made & provided this 10th day of May A.D. one thousand eight hundred and fifty eight

Isaac G. Wilson *Judge*

~~And thereafter~~ on which is endorsed the following filed "May 15th 1858
S. H. Whitney clerk"

And that upwards on the 15th day
of May A.D. 1858. there was filed
in said office an appeal bond
in the words & figures following to wit

Know all men by these presents that we Samuel Bennett
Clarinda Whitman Benjamin
Lawrence and Asher E. Jenner and William H. Hood
are held and firmly bound unto the People of the State of
Illinois for the use of the Estate of Seth S. Whitman deceased
in the Penal sum of one thousand dollars to be paid to the
said the People for the use of the said estate - to which pay-
ment well and truly to be made we bind ourselves jointly
and severally, our and each of our heirs executors and ad-
ministrators firmly by these presents. Sealed with
our seals and dated this 27th day of February A.D. 1858.

Whereas at a term of the Circuit Court of Boone
County in the State of Illinois begun and held at the
Court House in Belvidere in said County for the term
of February A.D. 1858 a certain matter of appeal from
an order & decree theretofore made by the County Court
of Boone County sitting for probate business, the hon-
orable Allen C. Fuller County Judge presiding, it was
among other things ordered & decreed by the said Circuit
Court the Hon. Isaac G. Wilson Circuit Judge presiding,
upon the accounting then before said Court had in
the said matter, that there remained unaccounted for
in the hands of Matilda Whitman and Samuel Bennett
surviving executrix & executor of the said Seth S. Whitman
deceased the sum of seventeen hundred and eighty seven
77 dollars which should be accounted for before the
Probate Court for the use and benefit of the said estate
under the order and direction of the said County Court of
Boone County sitting for probate purposes, and that the said
order and decree of the said County Court do stand in
all things affirmed, - from which said order & decree of
the said Circuit Court of Boone County, the said Samuel
Bennett and the said Clarinda Whitman administrator
of the estate of Seth S. Whitman deceased late executor

of the said Seth S. Whitman deceased, have prayed an appeal to the Supreme Court of the State of Illinois.

Now therefore the condition of the above obligation is such that if the said Samuel Bennett and Clarinda Whitman shall prosecute their said appeal with effect and without delay, and shall pay all costs & damages that may be awarded in case said appeal be dismissed or said order and decree be affirmed, and shall abide by and perform such order and decree as shall be made by the said Supreme Court upon the hearing of the said appeal, then this obligation to be void, or else to be & remain in full force & virtue

Samuel Bennett &

S. A. Hulbert his Atty in fact

Clarinda Whitman

~~Benjamin F. Sumner~~

A. E. Jenner

Wm. H. Wood

Seal

Seal

Seal

Seal

Seal

on which is indorsed the following

Filed May 15th 1858-

S. W. Whitney Clerk

State of Illinois {
County of Boone } I Daniel H. Whitney Clerk
of the circuit court in & for said County
do hereby certify that the above foregoing is
a true full & perfect transcript of the
records proceedings & judgment in a
certain cause lately pending in
said court by way of appeal from the
County Court of Boone County in the
matter of the settlement of the estate of
Seth S. Murtman & of the whole thereof
as the same now remains in my
office except that the proceedings
& decree in the case of the executors of
Seth S. Murtman against his heirs
admitted on the bill of exceptions which
by consent of parties I have this day omit-
ted & made up in a separate record -

In testimony whereof I have
hereunto set my hand and seal of
said Court at my office in Belvidere
this 15th day of May A.D. 1858 -
Daniel H. Whitney Clerk

and now comes the will Julia H Whitman and
Charles A Whitman & John H Whitman by B. L. Cook
their Guardian ad litem say that in the record
& proceedings aforesaid there is no error

B. L. Cook

Guardian ad litem

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Sup. Court
In Re. Sett^l of
Whitman, est.

Transact. &
est. comm.

Filed Dec. 20, 1858.
Leland
Clerk

W. J. Burges
for app^t

W. H. Montgomery
Draughtsman
Dec. 28, 1858.
Clerk for on