

Plaid held at the Court House in Mankashia before
Thomas L. Brown one of the Associate Justices of the Supreme
Court of the State of Illinois at a Circuit Court held in
and for Randolph County on Wednesday the nineteenth
day of August in the year of our Lord one thousand
eight hundred and twenty nine and of the Independence
of the United States the fifty fourth.

Be it Remembered that heretofore to wit on the twenty eighth
day of February in the year of our Lord one thousand eight
hundred and twenty nine Philander Woodworth sued out from
the Clerk Office of the Circuit Court for Randolph County a
certain writ of Sequestrum against William L. Greenup and
several other persons administrators of the estate of Enoch Paine
deceased which said writ reads in the following words and figures
to wit. "State of Illinois, Randolph County Feb. The People of the
State of Illinois To the Sheriff of Randolph County Greeting -
Whereas Philander Woodworth lately in our Circuit Court for Randolph
County, to wit, at the November term of said Court at the Court-
house in the Town of Mankashia in said County in the year of
our Lord one thousand eight hundred and twenty two by the
consideration of the same Court did recover against Enoch Paine
late of said County as well one thousand fifty eight dollars
and sixty one cents for his damages by occasion of the non per-
formance of certain promises and undertakings by the said Enoch
Paine to the said Philander Woodworth made, as nineteen dollars
and ninety nine cents taxed and by the same Court adjudged
to him the said Philander for his costs and charges about his suit
in that behalf expended, whereof the said Enoch Paine is convicted
as appearing to us of records and as by the record and process thereupon
in our said Court remaining manifestly appears. Nevertheless exe-
cution of the Judgment aforesaid hath not as yet been done nor

hath the said Philander Woodworth of his Judgment aforesaid been
satisfied, and the aforesaid Enoch Paine is dead as by the insin-
-ation of the said Philander Woodworth we have received. And
because we are willing that those things which in our said Court
are rightly done and acknowledged be duly executed, We com-
-mand you that by honest and lawful men of your bailiwick
you make known to William L. Greenup and Clement L. Conway
administrators of all and singular the goods and chattels, rights &
credits of the said Enoch Paine deceased at the time of his death
who died intestate, that they be and appear before our Justice of
our Supreme Court assigned to hold the lieutenants Court of Randolph
County at the Court House in Nashvill, there to be held for the
County of Randolph on the third Monday of March next, to shew
if anything for themselves they have or know to say why the aforesaid
Philander Woodworth ought not to have execution against them of
the damages and costs aforesaid, of the goods and Chattels which
were of the said Enoch Paine at the time of his death in the hands
of the said William L. Greenup and Clement L. Conway to be ad-
-ministered according to the form of the recovery aforesaid if to them it
shall seem expedient, and further to do and receive what our said
Court shall in that behalf consider. And have you then there the
names of those by whom you shall make it known unto them and
thus writ. Witness Thophilus W. Smith presiding Justice of the said
Court at Nashvill this twenty eighth day of February in the year
of our Lord one thousand eight hundred and twenty nine and of the
Independence of the United States the fifty third. Attest M. L. Greenup clerk?

Philander Woodworth 4w pld
us
Greenup & Conway admrs of Enoch Paine decd. 3 dlt
In the lieutenants Court
for Randolph County
August term 1829.

The said defendants come and defend the wrong and injury
wher, where, and for plea say that the plaintiffs (action now)
because they say, that the whole amount of assets which have come
to their hands to be administered is one thousand fifty six dollars

and ninety nine cents. That the burial expence, and the expences
of the last illness of the said Pemie deceased, the allowance made
by the Judge of Probate to the widow & the expences of administration
amount together to the sum of three hundred and eighty two dollars
forty four and three fourths cents, leaving for distribution amongst
the several Creditors the sum of six hundred seventy four dollars
and fifty five cents. These defendants aver that the amount of
claims and demands against the estate of the said Pemie deceased
entitled to a distributive share of the said assets is three thousand
six hundred and fifty three dollars thirty seven and a half cents
and that the actual amount paid upon the said claims and demands
by these defendants exclusive of the sum of \$382.44³/₄ aforesaid
is eight hundred and eighty three dollars and sixty two & a half cents.
That the amount of the claims and demands of the plaintiff aforesaid
is about nine hundred and eighty eight dollars in State paper
and three hundred and twenty nine dollars and ninety one cents
in specie or thereabouts, and these defendants aver that they have
paid to the said plaintiff on account thereof the sum of \$155.68
and that the said plaintiff hath obtained a Judgment against
these defendants in their individual Character for the sum of two
hundred and fifty dollars, a part of which has been made of the
sale of the property of these defendants by execution and a part whereof
is not paid, to wit, the sum of _____ for which last mentioned
sum of _____ the plaintiff has now execution levied. Wherefore these
defendants say that the said plaintiff has received his distributive
share of the assets aforesaid, and that they are ready to verify, wherefore
they pray Judgment &c. E. K. Kane Filed August 18th 1829.

Mrs Greenup Clerk.

Philander Woodworth

as
Mrs Greenup & H. L. Conway
attys of E. Pemie cl^d. —

And the said Philander by Baker &
Breese his attorneys comes and as to the
points plea above herof pleaded
by the said William & Clement as

admit as aforesaid. That the same and the matters and therein
contained in manner and form as the same are above pleaded
and set forth are not sufficient in law to bar or preclude him
the said Philander from having and maintaining his aforesaid
action thereof against them the said William Clement and
that he the said Philander is not bound by the law of the land
to answer the same, and this he is ready to verify; wherefore for
want of a sufficient plea in this behalf he the said Philander
prays Judgment and his debt &c. Baker & Breese attys for Plaintiff
Forver in Remuner. E. R. Rome.

Wednesday August 19th 1829.

Philander Woodworth Plff
against
William C. Greenup and Clement &c.
Leeway adm^r of Enock Pennie dec^d. Defs
upon a Scire facias

The parties by their attorneys were fully heard upon the plain-
tiff's demurring to the defendants second and fourth pleas. Whereupon
It is considered by the Court that the demurrer to the defendants
second plea be sustained. It is further considered by the Court, that
the plaintiff's demurrer to the defendants fourth plea be overruled.
On the motion of the defendants attorney, It is considered by the
Court that for want of replication to the defendants said fourth
plea, that the plaintiff take nothing by his writ aforesaid. And
It is further considered by the Court that the said defendants recover
against the said plaintiff their costs about their defence herein
expended. Which said costs have been taxed by the clerk of said
Court to the sum of twelve dollars and ninety six & a fourth cents -

State of Illinois
Randolph County

I, William C. Greenup Clerk of the Circuit Court for
Randolph County aforesaid do hereby certify that the foregoing is
truly taken and stated from the original records and proceedings
had before the Circuit Court aforesaid now remaining on file
in my Office.



Given under my hand and the seal of the said Court at
Newark this Seventh day of November in the year of our
Lord one thousand Eight hundred and twenty nine and
of the Independence of the United States the fifty fourth.

Attest M. C. Greenup Clerk

Cost of this record 1150 words at 12 1/2 for each p. 2.	\$2. 00
Applying certificate & seal.	25
	\$2. 25

M. C. Greenup clerk

Woodworth

ms

Transcript

Greenup & Conway

Copy & cost - \$2.25.

Filed 16 Nov 1879

Chas Duncanson

Receipts & balance

Sixty nine dollars, forty two
 $\frac{1}{4}$ cents. made on this execution
 by sale of the within described
 property, exclusive of my fees
 on this Execution as below stated
 which I have received,
 which am^t of sixty nine dollars $42\frac{1}{4}$
 I have paid over to D. J. Baker
 attorney for P. Woodworth.

H. Woodworth

30. May 1829.

Shaffer Woodworth. (paid)

Executing execution	50
Advertising property	35
Emg & day appraisers	$9\frac{3}{4}$
Com. on sales	4.52
Certificate of Sale	25
misc exp & return	$18\frac{1}{4}$
	<u>\$6.64 1/2</u>

H. Woodworth

Sett 17 June 1829

209

We the subscribers having been requested by the Sheriff
of Randolph County, State of Illinois, to appraise the
property, described above, do under oath, appraise
the same to the best of our judgments, as follows,
to wit:

The first above described property to Six hundred —
dollars in cash — " — " —

The property secondly above described, to four hundred
and fifty dollars in cash —

The property thirdly above described to Twenty —
dollars in cash. —

Given under our hands and seals

This 25th May 1829

Jacob Freeman Esq

John H. Wain Esq

John A. Smith Esq

STATE OF ILLINOIS, } ss.
SUPREME COURT, }

The People of the State of Illinois,
TO THE SHERIFF OF *Randolph* COUNTY, GREETING:

WE command you, that of the goods and chattels, lands and tenements of *William Le
Greenup & Clement Conway*

you cause to be made the sum of *One hundred & Ninety* dollars *fifty two* cents Debt
with interest thereon from the 7th October 1828 until paid

County, and the sum of *Cleven* dollars *Seventy eight* cents
costs in the said Supreme Court, which *Philander Woodworth*
lately recovered against *them* before the Justices of our said Supreme Court as appears to
us of record, and make return hereof in *thirty* days.

William Wilson Chief Justice
Witness, *James M. Duncan*, Clerk of our said Court, and

the seal thereof, at Vandalia, this *Fourth*
day of *March* 1829

J. M. Duncan Clerk

Woodworth
ms

3 Fifa

14. June 1829
Woodworth
vs Spivey
Greenup & Conway
D. Baker attorney
for S. Woodworth

Apr. 27. 1829. I have levied this Execution on the following
property to wit: - one house & lot, whereon M. B. Greenup now lives,
bounded N. by Church Street, W. by Walnut Street, S. by Elm Street
& E. by lot of the Estate of E. Paine dec'd. ~~in~~ ⁱⁿ county.
about one acre -
one house and lot whereon C. B. Conway now lives, bounded
N. by - Franklin Street, (for L. Leman's lot) E. by Church Alley, S. by the
highway of Ant. Casson M.D. - & W. by Poplar Street - county.
about 1/2 acre -
+ One other town lot, unimproved, bounded N. by Elm Street
E. by Indian Street, S. by E. Powell & W. by a lot of M. Morrison
county about one eighth

Wm. Owen. S. 206

Recd. this execution on the 14th day of June 1829 at
2 o'clock P.M.
J. Woodworth

STATE OF ILLINOIS, }
SUPREME COURT, } ss.

The People of the State of Illinois,
TO THE SHERIFF OF *Randolph* 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 *Randolph* county, before the Judge thereof, between

Philauder Woodworth
plaintiff, and *Wm. L. Greenup & Clement L.*

Conway Administrators of Enoch Paine dec'd defendant, it is said that manifest error hath intervened to the injury of the said *Woodworth* 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 Vandalia, before the Judges 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 *Wm. L. Greenup & Clement L. Conway Administrators of Enoch Paine dec'd* that they be and appear before the Judges of our said Supreme

Court, at the next term of said Court, to be holden at Vandalia, in said State, on the *First* Monday in *December* 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 *Wm. L. Greenup & Clement L. Conway Administrators of Enoch Paine dec'd* notice, together with this writ.

Witness James M. Duncan, Clerk of our said Supreme Court, and
the seal thereof, at Vandalia, this *16th* day of *November*
in the year of our Lord 1829.

J. M. Duncan clk

Sup Court

P Woodworth

v E. C. Paine admrs

Lo Dec 1829

Liba Recd 7/1829

Randolph

As within command, I have caused to be made known to
Clamant C Conway one of the within named defendants the contents
of the within writ, by John Doe, Richard Roe and John Fenn
good and lawful men of my barwick, - William C. Green
- up the other defendant not found in my barwick

20 Nov 1829

g p p f c v

Gues. & Attorney & Clerk Paine

W. J. P. 1826

W. J. P. 1826

In the Supreme Court of the State of Illinois
December Term 1829 - In Error -

Philander Woodworth
vs
William B. Keeney &
Clement C. Conway
advers. of E. Paine dec.?

Scilicet facias

I do hereby enter myself security for the Costs
in the above Cause and acknowledge myself
bound to pay or Cause to be paid all Costs
which may come in this action either to the
opposite party or to any of the officers of
this Court in pursuance of the laws of this
state - Dated this 7th day of November
1829 -

Thomas Master Clerk

Philinda Woodworth

¹²
Green & Company
adms. of E. Paine dec'd

Out for Post

Filed 16 Nov 1829
J. H. Duncawell

The People of the State of Illinois,
TO THE SHERIFF OF *Rayette* 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 *Randolph* county, before the Judge thereof, between *Philander*

Woodworth plaintiff, and *Mrs. Greenup & Clement & Con*
way Admins of E. Paine dec. defendant; it is said that manifest error hath inter-

vened to the injury of the said *Woodworth* 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 Vandalia, before the Judges 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 *Mrs. Greenup & Clement & Con*
way Administrators of E. Paine dec.
that *they* be and appear before the Judges of our said Supreme

Court, at the next term of said Court, to be holden at Vandalia, in said State, on the *First*
Monday in *December* 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 *Mrs. Greenup &*

Conway Admins of E. Paine dec. notice, together with this writ.

Witness *James M. Duncan*, Clerk of our said Supreme Court, and
the seal thereof, at Vandalia, this *16th* day of *November*
in the year of our Lord 1827.

James M. Duncan Clk

Executed by reading this, that
to 11th in C. Greenup in products of
John & Robert and John Wash
Nov 17th 1829 John Wash's debt

Free & Greenup
the 5th of June 1829

on 11th of June 1829
Executed by reading this, that
to 11th in C. Greenup in products of
John & Robert and John Wash
Nov 17th 1829 John Wash's debt

Sup Court
C. Greenup
to Dec 1829
John Wash's debt
Nov 17th 1829

State of Illinois Set.

THE PEOPLE OF THE STATE OF ILLINOIS

TO THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY OF

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 *Randolph* county, before the Judge thereof, between *Phileas Woodworth* plaintiff

and *William C. Greenup & Clement C. Conway* administrators of *Enoch Pease dec'd* defendants, it is said manifest

error hath intervened to the injury of the aforesaid *Woodworth* as we are informed by his complaint, and we being willing that error (if any there be) should be corrected in due form and manner, and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distinctly and openly without delay, send to our Justices of our Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at Vandalia in the county of Fayette, on the *First Monday in December next* next, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

Witness, *James M. Duncan*, Clerk of our said court, and the seal thereof at Vandalia, this *16th* day of *November* in the year of our Lord one thousand eight hundred and *twenty nine*

J. M. Duncan clerk

Supreme Court of December Term in the year of our Lord one
thousand eight hundred and twenty nine.

Philander Woodworth } Afterwards to sit before the justices
William C. Greenup & } of the Supreme Court, at the - Jones the
Clement C. Conway adms } said Philander Woodworth by Baker
of Enock Paine dec. - } & were his attorneys and say that in

The most proceedings aforesaid and also in the giving of the
judgment aforesaid, there is manifest error in this, to wit,
the said fourth plea of the said William C. Greenup & Clement C.
Conway above by them pleaded, and the matters therein contained
are not sufficient in law to bar or preclude the said Philander
from having and maintaining his said action against the
said William & Clement - There is also error in this, to
wit, that by the said proceedings aforesaid, it appears that the
judgment aforesaid, in form aforesaid given, was given for the
said William & Clement against the said Philander, when
by the law of the land the said judgment ought to have been
given for the said Philander against the said William & Clement.

1. The said fourth plea is not adapted to the nature or form of
the said action, nor are the facts therein set forth ^{sufficient} any answer to
the said Philander's *reire facias*.

2. The said plea is uncertain.

3. It is incapable of trial.

4. It is untrue -

5. The matters contained in said plea are not sufficient in
law to bar or preclude the said Philander from having &

maintaining his said action against

The said William C. Greenleaf & Clement C. Conway
as administrators as aforesaid - became -

1 The said Wm & Clement the said defendants, do not in
they the said plea show any legal ^{or full} administration of the effects
belonging to the estate of the said Enosh Paine dec'd by the
themselves admitted to have come into their hands as the
administrators of the said deceased to be administered -

2 By the laws of the land the said judgment of the said
Philander in the said Scire facies mentioned was entitled
to a preference in the administration of the said effects
over the simple contract debts & the debts evidenced only by
instruments in writing ^{under seal} which were due ^{from} during by the
said Enosh Paine dec'd at the time of his death, *

And the said Philander prays that the judgt. aforesaid for the
errors aforesaid & for these errors in the said judgment & for the
may be reversed, annulled & altogether held for nothing, & that the
be restored to all things which he hath lost by said judgment.

Joinder in Error

Wm C Greenleaf

Baker & Breese

* whereas it does not appear from said plea ^{att. for P. H. in error} that those effects were ap-
plied toward in payment of debts of higher or of equal dignity with
the debt evidenced by the ^{said} judgment in the said Scire facies mentioned.

supreme Court

Philander Woodworth

William C. Greenleaf

Clement C. Conway

& Enosh Paine dec'd

affidavit of

Enosh

Baker & Breese

for P. H. in Error

Filed 16th Nov 1829

C. B. Duncanson

The People of the State of Illinois,

TO THE SHERIFF OF *Randolph* COUNTY, GREETING:

WE command you, that of the goods and chattels, lands and tenements of *William Le
Greenup & Clement C. Conway administrators of Enoch Paine
Dec? which have come to their hands to be administered*
you cause to be made the sum of *Ten* dollars and *78* ^{*4*} cents
which *Philander Woodworth*

lately recovered against the said *Greenup & Conway* as *admts* for his
costs in the Supreme Court, about a certain suit in that behalf expended before the Justices thereof,
as appears to us of record, and make return hereof in *Ninety* ~~90~~ days.

Witness, *William Wilson* *Chief Justice*
~~James H. Duncan~~ of our said Court, at

Vandalia, and the seal thereof, this *Fourth*
day of *March* 182*7*

W. H. Duncan *clerk*

Woodworth
v E. E. E.
Caine & admrs
Shiff
Randolph
D. J. Baker atty
for S. Woodworth

Rec'd this Execution this 25th
to m arch 1829 at 7 o'clock
Will Jefferson 1826

Saltfield Jefferson 1826

\$5 docket fee pd R. Allen

Ret'd 17 June 1829

(209)