

12385

No. _____

Supreme Court of Illinois

Reynolds.

vs.

Wilson.

71641  7

Be it remembered, that heretofore to wit, on the twenty seventh day of March in the year of our Lord one thousand eight hundred and fifty, there was filed in the office of the clerk of the Circuit Court of Peoria County in the State of Illinois a Petition for sale of Real Estate and a certificate of publication of an advertisement of notice, which are in the words and figures following, to wit,

Petition -

To the Honourable the Judge of the
Peoria Circuit Court in the State of
Illinois, in Chancery sitting,

Your petitioners Eli Wilson and James Adams
Respectfully represent that on or about the day of
A. D. 1837. Lewis Squires departed this life that previous
to his decease he made & executed a will being his last
will and testament, which said will was on the 2nd day
of October A. D. 1837 duly proved before the proper officer,
that under & by said last will and testament Your petitioners
were duly appointed executors of the estate of the said Lewis
Squires deceased, and that they accepted of the trust, were
duly qualified and entered upon the discharge of their duties.

Your petitioners further state that as such
executors they proceeded to sell the personal property of said
estate after having in all things complied with the law in
relation to such sale - that they have collected all the
assets belonging to said estate & have had them appraised
according to law - and filed an inventory of the same in the
Probate office in & for said Peoria County - that they have ~~made~~
had all the personal assets of said estate sold at public sale
and said assets sold for the sum of six hundred and sixty two

dollars and thirteen cents, all of which sums of money have been applied to the payment of the debts of said estate. And they further represent that as Executors as aforesaid they sold or caused to be sold at public sale, three forty acre tracts of land, out of the North West quarter of Section No. 35 in Township No. 10 North Range 5 East of the 4th principal meridian, and that said land sold for the sum of three hundred and six dollars all of which sums of money have been applied upon the payment of the debts of said estate, and said petitioners further represent that they have received the sum of six hundred and ninety two dollars & seventy five cents of money placed in hands of said Executors by the heirs of said estate to be applied to payment of the debts of said estate, all of which sums have been applied to the payment of the debts of said estate, amounting in all to the sum of sixteen hundred and sixty dollars and eighty eight cents.

And your petitioners further represent that they paid out said sums of money as follows, to wit:

To Sarah Squires widow of said Lewis Squires deceased the sum of \$700.00 - in lieu of dower and all her right under the will of her husband - and all allowances and profits which she was entitled to receive from said estate - and the following debts which have been adjudicated and allowed by the Probate Court and for which we have filed vouchers and proofs of the same, to James Adams \$7.40 - to Abahood Rowley \$4.50 - to Samuel Johnson \$6.00 - to Danl Harkness \$6.00 - to Silas Merrill \$20.00 - to Jacob Miles \$4.31 - to Morgan L. Squires \$187.00 - to Dr E. Croft \$11.00 - to Peter Hale \$15.00 - to J. F. Crouty \$25.75 - to J. H. Davis \$12.62 - to Charles Wettable \$1.65 - to Abahood Rowley note \$156.00 - to Riley Brittingham & co \$47.00 - to Levi Squires note & a/c \$98.92 - to Geo. W. Dacheill \$12.00 - to Geo B. Parker Probate fees \$8.93 - to taxes from 1840 to 1847, 108.31 - to James Adams &c

amount allowed by W^m H. Fessenden \$67.64 - to James Adams one half Commission on 692. at 6 per ct 20.76 on 306.20 Rel, est. 3 per ct \$4.59 - \$25.31 - to amount Eli Williams account for services allowed by W^m H. Fessenden, Probate Justice \$306.14. To amt of Commission one half on 692.00 at 6 per ct. \$20.76 - To amt of commission one half on real est 306. at 3 per ct \$4.59 - To amt of Thomas Bryants fees T. J. T. \$6.75. To Edward Dickenson T. J. T. Fees \$5.00. To amt of W^m H. Fessendens T. J. T. Fees \$8.00, making in all the sum of nineteen hundred and ten dollars & sixty two cents which has been allowed by the Probate Court as debts against the estate - which after deducting the amount received by said Executors from all sources \$1660.88, leaves the sum of two hundred and forty nine dollars debts still remaining unpaid by said estate as appears upon the files & records of the Probate office at the time of filing this petition which said sum is due and owing to your petitioners and there is no personal assets of said estate to pay said sum as the whole of the personal assets of said estate, have been exhausted in discharging the other claims allowed against said estate - all of which facts will fully appear from the records & proceedings on file in the Probate Office of said county & from the certificate of the said Probate Justice, herewith filed -

And your petitioners further represent that the said Lewis Squires did seized in fee simple of the following described Real Estate, lying and being in Clinton County, State of Illinois, to wit: Section One in Township Thine North of range Five East of the fourth principal meridian and the appurtenances thereto belonging.

Your petitioners therefore pray that said Real Estate or so much thereof as may be necessary to pay the debts aforesaid may by this Hon. Court be ordered to be sold to pay said debts according to the statute in such case made and provided - & for such other & further relief as the circumstances of the case & equity & justice demand, And as in duty bound will ever pray, Eli Wilson by Lindsay & Stanger,
James Adams Their Hlrs.

advertisements: Notice is hereby given that on the 1st day of the next term of the Circuit Court, to be holden in and for the county of Peoria and State of Illinois, on the third Monday of October next or as soon after that day, and during that term of said court as counsel can be heard, I shall cause to be presented to said court a petition praying for the sale of the real estate of which Lewis Squires, died seized, or of so much thereof as shall be necessary to pay the just debts of the estate of said deceased, when and where all persons interested in said estate are requested to appear and show cause, if any they have, why said estate should not be sold for the purpose aforesaid.

Eli Wilson

James Adams, Admr.

J. J. Lindsay & C. S. Hanger Sol^{rs}, Peoria August 17, 1849.

[annexed]

I do hereby certify that the annexed notice was published for 4 weeks successively in the Peoria Register—a public newspaper printed in Peoria, Illinois, and that the first publication was made on the 17th day of August A. D. 1849.

Per fee \$2.00

J. J. Pickett, Publisher.

Proceedings in Chancery before the Circuit Court begun and held at the Court House in the City of Peoria, in and for the County of Peoria, in the State of Illinois on the fourth Monday of August in the year of our Lord one thousand eight hundred & fifty, it being the twenty sixth day of said month, Present the Honorable William Kellogg, Judge of the tenth Judicial Circuit, in the State of Illinois, to wit:

Friday August 30th 1850
In the matter of Eli Wilson &
James Adams, Executors of the Estate of Lewis Squires, deceased. *Petition for sale of real estate.*

This day came the petitioners by Hanger & Lindsay their Solicitors and enter a motion for a rule upon the defendants to answer said petition by next Tuesday morning.

Saturday, August 31st A.D. 1850
This day this cause came on to be heard upon the motion of the petitioners of yesterday for a rule upon the defendants to answer the petition herein. And the Court being sufficiently advised, allows the said motion, and order that the defendants answer the petition herein filed by the said day morning next.

On November 27th A.D. 1850 a summons was filed in said in the words & figures following
"In Matter of the petition of Eli Wilson & James Adams, Petors, Peoria Circuit Court
Exrs. of Lewis Squires, dec'd. Nov. Term W.D. 1850."

And Elijah Freeman one of the persons interested in said estate comes and says the said petition and the matters therein contained are insufficient in law to authorize a decree for the sale of the lands therein mentioned and that he is not bound to answer the same and this he is ready to verify, wherefore he prays that the same be dismissed &c.

H. O. & A. L. Merriman
for Freeman."

Proceedings in Chancery before the Circuit Court begun and held in the City of Peoria, in and for the County of Peoria and State of Illinois, on Monday the first day of March in the year of our Lord one thousand eight hundred and fifty two — the Honorable William Kellogg, Judge of the tenth Judicial Circuit in the State of Illinois presiding, to wit:

Monday March 1st A. D. 1852.
In the matter of Eli Wilson vs
James Adams, Executor of the For Sale of Real Estate,
estate of Lewis Squires, deceased.

This day came John T. Lindsay
Counsel for petitioner and entered a suggestion of the death of
the petitioner James Adams since the last term of this
Court and on his motion on behalf of the petitioner Wilson,
it is ordered that this cause proceed in the name of the said
Survivor Eli Wilson as petitioner herein.

Proceedings in Chancery before the Circuit Court begun and held
in the City of Peoria, in and for the county of Peoria in the
State of Illinois, on the Second Monday of May in the
Year of our Lord one thousand eight Hundred and fifty
three, it being the ninth day of said month - Present the
Honorable Anslaw Peters Judge of the Sixth Judicial
Circuit in the State of Illinois, to wit:

Wednesday May 11th A. D. 1853.
In the matter of Eli Wilson, Executor
of estate of Lewis Squires, deceased - For Sale of Real Estate.

This day came A. L. Merriam
of Counsel for Elijah Freeman, Contestant in this case,
and withdrew his demurrer to said petition, and on his
motion leave is given him to file his answer to said
petition by next Wednesday morning.

Monday May 23rd A. D. 1853.
In the matter of Eli Wilson, Executor
of estate of Lewis Squires, deceased. For Sale of Real Estate.

This day came the Respondent by A. L.
Merriam his Solicitor and withdrew his answer filed
in this cause.

Tuesday May 24th A.D. 1853.

Order of sale - In the matter of the Petition of
Eli Wilson & James Adams,

Executors of the estate of
Lewis Squires, deceased.

Petition to sell real estate.

This day came Eli Wilson, Executor of
estate of Lewis Squires deceased by John D. Lindsey and
Henry Grove his Solicitors, and it appearing to the court from
the certificate of Thomas D. Pickett publisher of the Peoria Regis-
ter, that due notice had been given of this application by publication
in said newspaper published in the said county, and that the
first notice of said publication was made on the 17 day of
August A.D. 1851, and published for four weeks successively,
~~the~~ the space of six weeks intervening between the first pub-
lication of said notice and the setting of the next term of the
Peoria County Circuit Court. And it further appearing to the
court from the certificate of Charles Nettelle, Clerk of the county
court in Peoria County, that said estate was indebted to Eli
Wilson, executor as aforesaid in the sum of two hundred and
forty nine dollars and forty four cents by an allowance of the
Probate Justice of the Peace in said County, on the 4th day of
June A.D. 1851, and that said indebtedness still remains due
and unpaid and that there ^{are} no assets ^{in said estate} with which to pay
said indebtedness, due and owing unto said Eli Wilson, executor
aforesaid, and that all the assets which have come to his hands
as Executor have been applied upon the payment of the debts
of said estate, and that it is necessary to sell Real estate to
pay said indebtedness so due and allowed and unpaid.
And it further appearing to the court that the said Lewis
Squires, deceased died seized in fee simple of Section One in
Township One North of Range Five East of the 4th prin-
cipal meridian, It is therefore ordered, decreed and adjudg-
ed by this court, that the said real estate or so much thereof
as may be necessary to pay said indebtedness shall be sold,
and that said land shall be sold at public vendue after first

giving six weeks notice of said sale by publication thereof in some newspaper printed and published in the county of Peoria, which notice shall be published six weeks successively previous to ~~sale~~ said sale, and a similar notice posted up in four of the most public places in said county, in all of which notices the time and place of sale and a description of the land or part thereof to be sold, shall be fully set out in accordance with the laws of the state of Illinois as the statute has in such case made and provided, And it is further ordered, decreed and adjudged that no more of said land shall be sold by virtue hereof than shall be necessary to pay said indebtedness and the interest thereon, and further that when land is so sold in compliance with the laws of this state and this decree, the said executor shall be authorized and empowered to make, execute and deliver to the purchaser or purchasers of said land or any part thereof, good and sufficient deeds or deed of conveyance to the said purchaser or purchasers of the first part so sold and purchased. And when said sale is so made and said deeds or deed so executed said conveyance or conveyances shall pass to said purchaser or purchasers, all the right, title, ^{interest} claim, ~~interest~~ or demand, which the said Lewis Squires had in and to the premises so sold, at the time of his decease and that said Executor shall report to this court at the next term thereof, the amount of land sold, and the price for which the same was sold.

And on the same 24th day of May AD 1853, there was filed in said cause a certificate of the clerk of the County Court of said Peoria County, which is as follows, to wit

Bounty Clerk's
Certificate

State of Illinois, ss.

County of Peoria, ss.

I Charles Nettelle, clerk of the
County Court in and for said county, do certify,
that the records and files in the office of the County
Court in the estate of Lewis Squires, deceased, shew
that said estate is indebted to Eli Wilson, Executor
of said estate by allowances on record in the sum of
two hundred and forty nine dollars and forty four cents,
and that it remains unpaid, and further that there
are no assets in his hands with which to pay said
indebtedness and that as appears upon the records in
my office, that all the assets in his hands as Executor
of said estate have been applied by him upon the pay-
ment of the indebtedness of said estate, and that the
sale of real estate is necessary for the purpose of paying
said indebtedness due and owing unto said Eli Wilson,
Executor of said estate and that said allowance was
made June the 4th A. D. 1849. by Thomas Bryant,
Esq, then Probate Justice of the Peace in said county,
Witness my hand and seal of said
Court at Peoria, this 20th day of
May A. D. 1853.

E J 39

Charles Nettelle, Clerk.

And afterwards, to wit, on the sixteenth day of July A. D. 1853
the Report of the said Eli Wilson executor was filed in said
Court in the words & figures following, to wit,

Executors
Report -

State of Illinois, ss.

Peoria County, ss.

On the Circuit Court.

Petition to see real estate.

Eli Wilson, Executor of Lewis Squires, deceased

vs

Petition to see real estate.

The Heirs of Lewis Squires.

Eli Wilson, Executor of Lewis Squires,

deceased, do hereby report to the Hon. the Circuit Court of Peoria County, in the County of Peoria & State of Illinois, that in obedience to and in pursuance of the order and decree of this Court made and rendered at the May Term thereof in the year one thousand eight hundred and fifty three in this cause, I did offer for sale, at the front door of the Court House, in the City & County of Peoria, in the State of Illinois, the North East quarter of Section number One in Township number Nine North Range five east of the Fourth principal meridian in the County of Peoria aforesaid, and also the North East quarter of the South East quarter of said Section number One in said Township Nine North Range five East in said County, at public vendue at one o'clock in the afternoon of Saturday the 16th day of July A. D. 1853, after having first given due notice of the time & place and terms of such sale in due form of law, by posting up notices of said sale in at least four of the most public places in said County of Peoria and by causing a like notice to be published for the space six successive weeks previous to said sale in the Peoria Republican a newspaper published weekly in the City & County of Peoria, in the State of Illinois and of general circulation therein the same being the nearest newspaper all of which said notices contained a correct and certain description of said premises, as will more fully appear by the certificate of the publisher of said newspaper hereto attached and made part of this report; At which sale then and there, ^{Wm} Hugh W. Reynolds bid for the North East quarter of said Section One, the sum of two dollars & twelve cents & one half cents per acre, and ~~the~~ for the North East quarter of the South East quarter of said Section One the sum of One dollar & twelve and one half cents per acre, which being the highest and best bids for said several tracts

of land the same was then & there severally & separately struck off & sold by me to him for the prices above named being the sum of three hundred and eighty five dollars for the whole. I further state that I have executed to said Hugh W. Reynolds and delivered to him a deed for said North East quarter of said Section One in Township Nine North of Range Five East of the 11th principal meridian in the county of Peoria aforesaid and also for said North East quarter of the South East quarter of said Section number One in said Township number Nine in range number Five in Peoria County & I have received from said Reynolds the amount bid for the same, All of which is respectfully submitted.
Peoria July 16, 1853. Eli Wilson Executor
of Lewis Squires Dec.

[attached]

Executors Sale

Advertisement - Public Notice is hereby given that on Saturday the 16th day of July A. D. 1853, by virtue of a decree of the Circuit Court of Peoria County, I shall sell at public sale, at the door of the Court House in Peoria in said County, at the hour of one o'clock P. M. of said day, Section number One in township Nine North, range 5 East of the 11th principal meridian; sold as the real estate of which Lewis Squires late of Peoria County, died seized; sold to pay the debts of said estate. Terms of sale will be cash - the purchaser receiving a deed for the premises.
Eli Wilson Executor.

Certification of Printer } [unimpaired] I do certify that the annexed notice was published for four weeks successively in the Peoria Republican - a weekly newspaper published in Peoria, Illinois, and that the first publication was made on the 27th day of May, A. D. 1853.
Peoria July 16, 1853. J. J. Pickett, Publisher.

Proceedings in Chancery before the Circuit Court at a term thereof begun and held at the Court House in the City of Peoria, in and for the County of Peoria in the State of Illinois, on Monday the twelfth day of September in the year of our Lord one thousand eight hundred and fifty three - The Honorable Anslow Peters Judge of the Sixteenth Judicial Circuit in the State of Illinois, presiding, to wit:
Wednesday September 14th A.D. 1853.

In the matter of Eli Wilson,
Executor of the estate of Lewis Squires, deceased. For Sale of Real Estate.

This day came the said Eli Wilson, Executor as aforesaid by his solicitor and having filed his report of his proceedings under the court order of sale made herein at the last May term of this court, now asked that the same be approved and confirmed by the court.

And afterwards on the 17th day of September A.D. 1853 the following Exceptions to said Report were filed in said cause, to wit,

Exception - In the matter of Eli Wilson & 3
to Report - James Adams, adm^r of Peoria Circuit Court
Estate Lewis Squires, dec^d. Sept Term 1853.
Elijah D. Freeman, Charlotte
Freeman Come and except to the report of Eli Wilson one
of said Executors for the following reasons,
1. ²³ The sale as appears by said report was
made by one of the executors when it appears from the
Records & proceedings in said cause that there were two
Executors.

2. There is no evidence before the Court that notices were posted according to law in four of the most public places in said County of Peoria.

3. The Report does not state at what places said Notices were posted.

4. There was no Guardian ad litem appointed by this Court to defend the rights of the infant heirs of said Lewis Squires, deceased.

5. The report shows that the notice of such sale was published only four weeks successively.

6. The certificate of the Publisher is not in due form of law.

7. The notice of sale was only published four times in a newspaper.

8. The Notice of sale was published only for five successive weeks in a newspaper.

Proceedings in Chancery before the Circuit Court at a term thereof begun and held at the Court House in the City of Peoria, in and for the County of Peoria, in the State of Illinois, on Monday the Sixth day of March in the Year of our Lord one thousand eight hundred and fifty four. The Honorable Anselm Peters Judge of the Sixteenth Judicial Circuit, in the State of Illinois, presiding, to wit:

Tuesday March 21st A.D. 1854

Reynolds
Motion

In the matter of the petition of Eli Wilson,
Executor of Lewis Squires, deceased. Petition to sell real estate.

This day came Hugh W. Reynolds
purchaser at the sale of said Executor by Rufus Hanger his

Counsel and enters a motion for the confirmation of the Report of the said Executor.

And afterwards on the 27th day of March A.D. 1854, an affidavit of John V. Lindsay was filed in said cause in words & figures following,

Lindsay's
afft

On the Matter of the
Petition of Eli Wilson & James Adams, Executors of the
estate of Lewis Squires, deceased, Petition to sell real estate.

State of Illinois, ss.
Peoria County, ss.

John V. Lindsay being duly sworn according to law says that after the filing of the original petition in this cause and before the day of the making of the sale of the real estate in said petition mentioned and before the filing of the report of Eli Wilson herein; James Adams one of the executors of Lewis Squires, deceased had departed this life, that as affiant is informed and believed he the said James Adams died in the County of Peoria, some time in the Year 1851 or 1852, the precise time of his death he has not been able to ascertain and further saith not.

John V. Lindsay.

Subscribed & sworn to
before me this 23 March
A.D. 1854.

Thomas Bryant, J. C.

Proceedings in Chancery before the Circuit Court at a term thereof begun and held at the Court house, in the City of Peoria, in and for the County of Peoria, in the State of

Illinois, on Monday the eighth day of May in the year of our Lord one thousand eight hundred and fifty three, four, The Honorable Anslow Peters, Judge of the Sixteenth Judicial Circuit, in the State of Illinois, presiding, to wit:

Wednesday May 24th A. D. 1854.

In the matter of the Petition
of Eli Wilson, Executor of Petition to Sell Real Estate.
Lewis Vignier, deceased.

This day this cause came on to be heard upon the exceptions of Elijah D. Freeman and Charlotte Freeman to the report of said Executor, hereinbefore filed in this cause, and upon the motions hereinbefore entered for a confirmation of said Report of the Sale made by said Executor under the former order of this court, and the Court being now sufficiently advised in the premises doth order, adjudge and decree that the said exceptions to the said report be sustained and that the said report be not approved or confirmed by the Court, and also that the motion of the said Hugh W. Reynolds for confirmation of the said report of the said Executor be and the same is hereby denied and over-ruled.

This day came Joseph B. Abbott by Manning & Merriman his counsel and presented to the Court his petition on behalf of Harriet Abbott & Charlotte Abbott to be made parties defendant to this suit &c.

And on the same 24th day of May A.D. 1854 the Petition of Joseph B. Abbott was filed in said cause in the words and figures following, to wit,

"In the matter of Eli Wilson
& James Adams, Exrs.
of Lewis Squires, dec'd.

Peoria Circuit Court
May 5. 1854.

Joseph B. Abbott comes & petitions
this Court to appear in said cause & states,
that Harriet Abbott and Charlotte Abbott are
heirs of said Lewis Squires, dec'd. that they are minors,
and under the age of majority, that they are the
children of petitioner,

That petitioner therefore prays that said Harriet Abbott
& Charlotte Abbott be made parties defendants in this
suit & that a guardian ad litem be appointed to guard
& protect the interest of said minors in the premises,

Joseph B. Abbott

per Manning & Merriman.

State of Illinois,
County of Peoria, J. A. L. Merriman being first
duly sworn deposes & says that the foregoing Petition
is true according to his best knowledge, information &
belief & further says not.

J. A. L. Merriman.

Subscribed & Sworn to before
me this 23^d day of May A. D. 1854.
Jacob Vale, Clerk.

And on the same twenty fourth day of May A. D. 1854
the following Bill of Exceptions was filed in said cause,
to wit,

Bill of
Exceptions

In the matter of the petition
of Eli Wilson, James Adams,
Exors of the estate of Lewis Squires, deceased.

Petition to Set aside Estate.

This day this cause came on to be
heard upon the exceptions herein before filed on the 17th
Sept. 1853 to the report of Eli Wilson one of the Execu-
tors of said estate, which exceptions are as follows

In the matter of Eli Wilson &
James Adams, Admrs of
estate of Lewis Squires, dec^d.

Peoria Circuit Court
Sept Term 1853.

Elijah D. Freeman & Charlotte Free-
man Come and except to the report of Eli Wilson one of
said Executors for the following reasons,

1st The sale as appears by said Report was made
by one of the Executors, when it appears from the Records
& proceedings in said cause that there were two Executors,

2. There is no evidence before the court that no-
tices were posted according to law in four of the most
public places in said county of Peoria.

3. The Report does not state at what places
said notices were posted.

4. There was no Guardian ad litem appointed
by this Court to defend the rights of the infant heirs of said
Lewis Squires, deceased.

5. The report shows that the notice of such
sale was published only four weeks successively.

6. The Certificate of the publisher is not in
due form of law.

7. The Notice of Sale was only published four times in a newspaper.

8. The Notice of Sale was published only for five successive weeks in a newspaper."

And also upon the motion herein before entered by Hugh W. Reynolds, purchaser at the sale made under the order as reported by the said Eli Wilson entered on the 21 March A. D. 1854, and the affidavit of John V. Lindsay, for a confirmation of said sale, which said motion and affidavit are as follows,

" Tuesday March 21st A. D. 1854

In the matter of the petition of
Eli Wilson, Executor of Lewis Squire's, deceased. *Petition to sell Real Estate.*
This day came Hugh W. Reynolds,
purchaser at the sale of said Executor by Purple Winger
his counsel, and enters a motion for the confirmation
of the Report of the said Executor."

"In the matter of the petition
of Eli Wilson & James Adams,
Executors of the estate of } *Petition to sell Real Estate.*
Lewis Squire's, deceased. } *State of Illinois, Pionia county ss:*

John V. Lindsay being duly sworn
according to law says that after the filing of the original
petition in this cause and before the day of the making
of the sale of the real estate in said petition mentioned
and before the filing of the report of Eli Wilson, herein,
James Adams one of the Executors of Lewis Squire's,
deceased, had departed this life, that as affiant is in-
formed and believed he the said James Adams died
in the county of Pionia, some time in the year 1851 or 1852,

the precise time of his death he has not been able to ascertain and further said, not.

John J. Lindsay.

Subscribed & sworn to before
me this 23 March A. D. 1851.

Thomas Bryant J. P.

And the Court now here being sufficiently advised in the premises doth order, adjudge and decree that the said exceptions to the said Report be sustained & that the same be not approved or confirmed by the Court, and also that the motion of the said Hugh W. Reynolds for confirmation of the said Report of the said Executor be and the same is denied & over ruled,

Whereupon the said Reynolds then & there excepted to the opinions, orders & decrees of the Court aforesaid & requested the Court to seal this bill of exceptions, which is done. Onslow Peters *Regd*

State of Illinois
Preria County I Jacob Gale clerk of the Circuit Court in and for Preria County in the State of Illinois do hereby certify, that the foregoing is a full and correct transcript of the Record and all the proceedings and pleadings in the said Circuit Court in the matter of the Petition of Eli Wilson and James Adams, executors of the Estate of Lewis Squires, deceased, for sale of Real Estate - as the same remain of Record and on file in my office -

In witness whereof I hereto set my hand and affix the seal of said Court at my office in Preria this sixth day of June in the year of our Lord one thousand eight hundred and fifty four -
Jacob Gale, Clerk.

Clerk's fees for transcript \$5.00 paid by Hugh W. Reynolds -
Jacob Gale, Clerk.

In Nullo est error
namque per errorem for defectu m.

And Now Cometh the said Hugh M Reynolds who
sued out the writ of Error in this Cause & says
that in the Record - Proceedings aforesaid & in the
recognition of the decree aforesaid there is manifest Error
in this to wit

1st. The said Court Erred in Overruling the
motion of the said Hugh Reynolds for the confirma-
tion of the Report of the Executor of Lewis Agnins
of his sale & conveyance of the land in the Record described
Dnb. The Court Erred in sustaining the Exceptions
of the said Elijah Freeman & Charlotte Freeman to the
said Report.

Wherefore he prays that the said Decree may
be reversed set aside & wholly for nothing Estimated
June 23. 1854

J. M. Reynolds
Att'y for H. M. Reynolds

90
Hugh M. Reynolds
vs
Eli Wilson & wife

Record

90

1854

Filed June 22. 1854
L. Ireland Clerk.

Reference
12385

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