

State of Illinois }
 Hardin County } ss

Pleas before the Hon. W. A. Dunning Judge of the Hardin Circuit Court, in the third Judicial Circuit, and one of the Supreme Judges of the State of Illinois at the Court house in Elizabethtown Illinois on the 25th day of May A.D. 1848

By Wilson

Plaintiff

Attachment

Leonard White

Defendants

James C. Sloss

Affiant

State of Illinois

Hardin County

This affiant By Wilson being of lawful age and just duly sworn, states that Leonard White and James C. Sloss trading and doing business under the name and style of White & Sloss, stands justly indebted to him the said By Wilson the sum of two hundred dollars, on a note of hand due the 1st day of September 1847, bearing interest at the rate of six per cent per annum from that date; and that the said Leonard White and James C. Sloss, is about to remove this property from this State to the damage and injury of the said By Wilson, and that such debtors conceal themselves so that process cannot be served on them and therefore prays an attachment against the said White & Sloss to be laid upon their personal and real estate. And further this deponent saith not.

Sworn to and subscribed By Wilson
 before me 23 Novr 1847

2^d "Wm Collins Depty" { "Filed Nov. 23^d 1847"
"John T. Knof CLK" { "Wm Collins Depty."
"John T. Knof CLK"

Bonds. Know all men by these presents that we
By Wilson, C. Mott and Andrew McCallum
all of the County of Hardin and State of
Illinois are held and firmly bound to
Leonard White and James C. Mott, under
the name and style of White and Mott in
the just and full sum of four hundred
dollars, to the true payment of which
we bind ourselves, our heirs, executors, adm-
inistrators and assigns jointly and severally
firmly by these presents sealed and dated
this 23^d day of November in the year 1847

The Condition of the above obligation is such
that whereas the above bounden By Wilson
has on the day of the date hereof prayed an
attachment out of the Circuit Court of said
County against the estate of the above named
Leonard White & James C. Mott by the name
and style aforesaid, for the sum of two hun-
dred dollars debt and two dollars and
sixty six cents interest and the same being
about to be sued out of said Court, return-
able on the 25th day of May next to the
Term of the Court then to be holden. Now
if the said By Wilson shall prosecute his
suit with effect or in case of failure
therein shall well and truly pay and
satisfy ^{said} White & Mott all such costs in said
suit and such damages, as shall be aw-
arded against the said By Wilson, his heirs
executors or administrators in any suit or

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Suits which may be hereafter brought for
wrongfully serving out the said attachment
then the above obligation to be void otherwise
to remain in full force and virtue "

" By Wilson *Sealed* "

" C. Mott *Seal* "

" Andrew McCallus *Sealed* "

" Filed 23d Novr 1847 " Wm Collins Depty "

Writ

State of Illinois }
Hardin County } ss

" For John T. Knoff " At

The people of the State of Illinois
to the Sheriff of said County

Greeting Whereas By Wilson hath complained
on oath to the Clerk of the Circuit Court of
Hardin County, that Leonard White and
James C. Hos, are justly indebted to him the
said By Wilson, to the amount of two hund-
red dollars on a note due 1st of September
and interest from ^{that} date and oath having
also been made that the said Leonard White
and James C. Hos are about removing their
property from this State and that such
debtors conceal themselves so that process
cannot be served upon them. And
the said By Wilson having given bond
and security according to ~~the~~ the direc-
tions of the Act in such cases made and
provided. We therefore command you
that you attach so much of the estate
real or personal of the said Leonard White
and James C. Hos ^{to be found in your County} as shall be ^{of value}
sufficient to satisfy said debt and costs
according to the complaint. And such estate
so attached in some hands to secure or
so to provide, that the same may be held
to further proceeding thereupon according

To law, at a Court to be held at Elizabethtown
for the County of Hardin upon the 25th day
of May next so as to compel the said
Leonard White and James C. Mos to appear
and answer the complaint of the said
By Wilson. When and where you shall
make known to the said Court how you
have executed this writ. And have
you thus and thus this writ.

Witness John V. Knoff Clerk
of our said Court and the
Judicial Seat thereof at Eliz-
abethtown 25th day of Novem-
ber AD 1847

Wm Collins Deputy
for John V. Knoff Clerk

Sheriff's
return

By virtue of the within writ of Attachment
I have this day 24th day of November 1847
levied the within attachment on fifty tons
more or less of pig manure found at Eliz-
abethtown, in the County of Hardin and
State of Illinois. this 24th day of November
1847. The within attachment was levied
on the aforesaid day and at the hour 10
o'clock A.M.

Lewis Lavender

Sheriff H. C. Dec

Sheriff's fees

For levying attachment	\$.50
For taking bonds	.50
For returning attachment & bonds	.25
	\$ 1.25

"Lewis Lavender Shff H. C. Dec"

Notice of State of Illinois
Harrison County to wit
By Wilson Plaintiff

In the Circuit Court
May Term 1848

as
Leonard White & James C. Sloo Def'ts
Notice is hereby given to the above named
defendants that on the 28th day of Nov-
ember 1847 a writ of Attachment was
issued from the Clerk's office of the
Harrison Circuit Court at the instance
of By Wilson for the sum of two hundred
dollars against their estate returnable
at the next May Term of said Court
directed to the Sheriff of said Harrison
County and since returned by him valued
on fifty tons more or less of pig metal.

Now we let you the said Leonard White
and James C. Sloo shall be and appear
before the judges of the Harrison Circuit
Court on the first day of the next term
thereof to be commenced and holden
at the Court house, in Elizabethtown Illinois
on the 25th day of May next give bail
and plead to said action judgment will
be rendered against you, and the property
so attached will be sold to satisfy said
judgment.

James M. Warras
attorney.

John H. Knopf clerk
By Wm Collins Def't

Elizabethtown Ill March 6th 1848

Certificate
of
Publication

This is to certify, that the advertisement-
or notice, hereto annexed was correctly
printed in the Chester Herald a hebdomadal newspaper printed and published
in the town of Chester Randolph County
Illinois, for five weeks successively, com-
mencing on the 11th day of March 1848
and ending on the 8th day of April
1848 Given under my hand this 10th day
of April 1848 "Editor & Publisher
Chester Herald"

State of Illinois

Hancock County Circuit

In the Circuit Court
May Term 1848

Declaration: By Wilson Complain of Leonard White and James B. Sloo, Trading and doing business under the name and style of "White & Sloo" of a plea of trespass on the case on promises.

And that whereas the said defendants heretofore to wit on the 10th day of June in the year 1847 at the County and Circuit aforesaid by one A. G. Cloud their agent, in that behalf made their promissory note in writing bearing date a certain day and year therein mentioned to wit the day and year aforesaid and thereby thus and thus promised, to pay by the first day of September thereafter to the order of the said plaintiff, the sum of two hundred dollars, for value received, and thus and thus delivered the said promissory note to the said plaintiff by means whereof the said defendants then and there became liable to pay the said plaintiff the said sum of money in the said promissory note mentioned according to the tenor and effect thereof. And being so liable they the said defendants in consideration thereof afterwards to wit, on the day and year aforesaid at the County and Circuit aforesaid undertook and thus and thus faithfully promised the said plaintiff to pay him the said sum of money in the said promissory note specified according to the tenor and effect thereof. Nevertheless the said defendants not regarding their said several promises and undertakings but contriving and fraudulently intending craftily and slyly to deceive the said

plaintiff in this behalf hath not as yet paid the said sum of money or any part thereof to the said plaintiff although often requested to do but the said defendants to pay him the same have hitherto wholly neglected and refused and this doth neglect and refuse to the damage of the said plaintiff of \$300.00 and therefore he brings his suit &c.

"James M. Warner for Pet"

Copy of \$200⁰⁰/₁₀₀
note

Illinois Farmers June 10th /47

By the first day of September next we promise to pay to the order of By Wilson Two hundred dollars for balance received"

"White & Sho"

"per A. J. Cloud"

"Due Sept. 1st 1847"

Endorsement: "Filed May 10th 1848"

"Wm Collins Deputy"

"For John S. Knof clks"

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At a circuit Court begun and holden at the
Court house in Elizabethtown on the 25th day
of May AD 1848 for the County of Hardin and
State of Illinois, ^{Present} the Hon. W. A. Denning one of
the associate Justices of the Supreme Court of
said State and presiding Judge of said Har-
din Circuit Court in the 3^d Judicial
Circuit of said State, the following order was entered

"Thursday the 25th day of May AD 1848"

By Wilson Plaintiff

vs

Linard White & James M. Defts

Attachment

"This day came the Plaintiff by his
Attorney and asked leave to amend his affidavit
filed herein which is granted by the Court.

It is therefore ordered by the Court that the plain-
tiff have leave to amend his said affidavit."

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Amended State of Illinois
Affidavit: Hardin County } set

This affiant By Wilson
by just duly sworn deposes and says that
Leonard White and James C. Hos trading
and doing business under the style and name
of White and Hos are justly indebted to him
the said Wilson in the sum of two hundred
dollars by note of hand due 1st day of Sept.
1847 bearing interest at the rate of six per
cent per annum from date and that
the said White & Hos are about to remove
their property from this state to the injury
of said affiant Wilson

"Subscribed and } "By Wilson"
sworn to before me }
this 26th May 1848 }
Wm Collins Depty }
Scrib John J. Knott Clerk }

Endorsement } "Filed 26th day of May 1848

Plea } Leonard White &

James C. Hos

vs

By Wilson

William Collins Depty
Scrib John J. Knott Clerk

Attachment

May Term Hardin Circuit
Court Court A.D. 1848

And the said defendants come and defend
the writ and injury where &c. and say that
they were not about to remove their property
from this state to the injury of said
plaintiff as in the said plaintiff's affida-
vit alleged and that the said defendants
are ready to verify. Wherefore they pray judg-
ment of the said writ of attachment and

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that the same may be granted"

"White & Parrish"

"The defendants"

~~Because~~

Affidavit { John Robinson being first duly sworn
deposes and says that the within plea
and the matters therein contained are
true to the best of his knowledge"

"John Robinson"

Sworn and

Subscribed 26th

May 1848

Wm Collins Depy

And John G. Knapp Clerk

Because.

"Because and if not"

"Warren & Davis"

Endorsed { "Filed May 26th 1848"

"Wm Collins Depy"

"John G. Knapp Clerk"

Plea { "Leonard White & James C. Sloss"

vs

"By Wilson"

And the said defendants come and defend
ends the wrong and injury where to and for plea say
they did not undertake and promise in manner &
form as the said plaintiff hath above thereof compl-
ained against them. And if this they put themselves
upon the Country"

And the said plaintiff

"White & Parrish for Defts"

"And the like. Warren & Davis. Atty for plff"

"Filed 27th May 1848" Wm Collins Depy for John G. Knapp
Clerk

"Saturday May the 27th 1848"

By Wilson

vs

} Plaintiff

} In Attachment

Leonard White & James C. Sloo } Defendants

this day came again the parties by their Atty^s - Defendants filed a plea in statement traversing the facts set forth in the plaintiffs affidavit upon which plaintiffs join issue whereupon a jury is ordered therefore came a jury to wit: Jonathan Brown 1. Henry Linger 2. James M. Dasset 3. James M. Jackson 4. Edward C. Wingate 5. John Sedbetts 6. Michael S. Brown 7. William Black 8. William H. Little 9. Coalman Weatherington 10. Samuel P. Jackson 11. Ashury Wright 12. who being elected tried and sworn the truth to speak upon the issue joined upon their oaths do say "We of the jury do find the issue for the plaintiff - therefore it is ordered by the Court that the Defendants do answer over.

Defendants plead the general issue upon which plaintiff join. Let a Jury come.

thereupon came a jury to wit John Fenell 1. John Crutchlow 2. Matthias Manning 3. William Sedbetts 4. William Wallis 5. Moses Cravens 6. Gechenial Morris 7. Hamilton Shephard 8. William Hobbs 9. Andrew Sawyer 10. John Cuyard 11. David Givens 12. who being elected tried and sworn the truth to speak upon the issue joined upon their oaths do say We of the jury do find for the plaintiff and assess his damages at two hundred and eight dollars and fifty seven and one half cents therefore it is considered by the Court that the said plaintiff recover against the said defe-

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indents the sum of \$208 57 $\frac{1}{2}$ also his cost and charges in and about his suit in this behalf expended and it is further ordered by the Court that a Special Return facias execute issue thence directing the Sheriff to lay on the property attached by fifty tons of Pig iron found at Elizabethtown in the County of Hamilton and State of Illinois on the 24th day of November 1847 as per return on said writ of Attachment and to make the money by sale. And the Defendants in mercy &c.

By Wilson

vs

Leonard White & James C. Moo

Plaintiff

Attachment

Defendants

In the Meridian Circuit Court

May Term AD 1848

Be it remembered that on the Calling of Bill of { this cause the said defendants by their Counsel
 Exceptions { objected to the said plaintiffs affidavit on account of duplicity and moved the Court that said plaintiff elect upon which of said causes set forth in said affidavit for the springing of said writ of Attachment he would rely as the basis of his said action which was ordered by the Court to be done.

Whereupon said plaintiff elected to rely upon the first cause set forth in his said affidavit to wit: that said defendants were about to remove their property from this State to the injury of said plaintiff By Wilson. And thereupon said plaintiff filed his amended affidavit herein.

The said defendants then ^{filed their} plea in abatement transcribing the facts set forth in plaintiff's affidavit and thereupon issue was joined and a Jury ordered to try the issue.

The defendants then introduced B. G. White by whom they proved that said defendants previous to the commencement of said suit had been engaged in making pig rows in said County - that on the 12th or 13th day of November 1847 said defendants delivered to John V. Knott as agent for a Company in Louisville Ky. or Cincinnati Ohio, (but which he did not recollect) a quantity of pig rows a part of which was then lying on the banks of the Ohio river at Elizabethtown in said

County and the balance at the Furnace in said County when said pig iron had been made and that said pig iron or metal thus delivered was all the pig iron or metal and all the personal property that the said defendants owned in said County at said time.

Said witness further stated, that said Knop was then acting as agent of said Company aforesaid; and that said defendants had been trading and doing business with said Company for some time, previous to said delivery as aforesaid.

The said defendants then read to the jury a delivery bond, executed by John S. Knop (with James A. Whitesides security) to the Sheriff of said County showing that the Pig iron or metal taken or seized by said Sheriff by virtue of said writ of Attachment was found in possession of said Knop.

The said defendants then introduced John Robinson and offered to prove by said Robinson that one of said defendants by James C. Hos owned a large amount of personal property in this State, free from any incumbrance, and more than sufficient to discharge said plaintiff's demands to which evidence the said plaintiff & his Counsel objected as improper evidence to go to the jury, whereupon the matter was referred to the Court, who was of opinion that said evidence was improper to go to the jury and ruled out the same. Thereupon said defendants by their Counsel then and there

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excepted to such opinions of the Court

The said Plaintiff thus proved that the pig iron or metal delivered at the Furnace to John S. Knopf was so delivered in the night time, and, that pig iron had been hauled from said Furnace to said Ohio river at Elizabethtown after said delivery, and before the said levy by the said Sheriff. Said Plaintiff also proved to Joseph B. Williams that said Knopf told ~~him~~ said Plaintiff on the day said writ of attachment was sued out, that all the pig iron then lying on the bank of said river at Elizabethtown had been sold to W. C. Yellows & Co of Louisville Ky and delivered to him as their agent.

This was all the evidence introduced on said trial. The jury found the issue for the plaintiff, without assessing damages whereupon the Court entered judgment that said defendants answer over, to which judgment the said defendants by their Counsel then and there excepted and prayed the Court to sign and seal this their bill of exceptions and make it part of the record which is done accordingly.

W. A. Dunning Decoll

J. John S. Knopf

"Filed June 20th 1848"

"John S. Knopf Clerk"

I John P. Knox Clerk of the Standing Circuit
Court do hereby certify that the foregoing 16 pages
contains a full true and complete record of
the case therein named as the same remains
on file in my office

In testimony whereof I have
hereunto set my hand and affixed
the Judicial Seal of said Circuit
Court. Done at the Court house in
Elizabethtown this 7th July AD 1848
John P. Knox Clerk
By Wm Collins Secy

Supreme Court December Term 1848

White & Sloan }
v
By Wilson }

And the said plffs by Walter B. Scates their
counsel come & say that in the record and
proceedings - and in the rendition of judgment
in the circuit Court, manifest errors hath intervened in this viz.
First The circuit Court, excluded proper, relevant testimony of-
fered by the plaintiffs - and
2nd The circuit Court rendered judgment for the deft and
against the plffs - wherefore for the errors aforesaid
& others they pray that the judgment of the circuit
court be reversed, annulled & for nothing entered
& that they recover their costs &c

Walter B. Scates for plffs in Error

Judge in error
Thos. G. Davis
for Appellee

Supreme Court
James C. Sloo and
Leonard White
vs

By Wilson

Given to J. Hardin

Filed Dec 4th 1848

J. Millbanks Me
p J. S. Leary Dec

Disposed of Dec.
Perm, 1848

W. J.