

No. 13183

Supreme Court of Illinois

Johnson

vs.

Richardson

STATE OF ILLINOIS,
SUPREME COURT.
Third Grand Division.

No. 40.

18. Evas
350 baby
1.25 Johnie
2. — Papa
5

975

1861

1318

Jabez Johnson
vs

Charles R. Richardson

} Supreme Court

Judgment for costs on
a motion to set aside a sale of
Real estate, at Sept Term, 1859
Judgment for costs, \$9.00.

The Clerk of the Supreme
Court of the third Grand Division
of the State of Ills, issues a
writ of Error in the above entitled
cause, to the Circuit Court of Woodford
County, against Charles R. Richardson
at the suit of
Jabez Johnson, returnable
at the April Term next

Clark & Miller
Plffs & Attys in Law

Ja bez Johnson
as ~~145~~ 40
Charles R. Richardson

Precip

Filed April 10. 1860
L. Deland Clk

STATE OF ILLINOIS, }
SUPREME COURT, } ss.

The People of the State of Illinois,

To the Sheriff of the County of

Woodford

Greeting:

Because, In the record and proceedings, and also in the rendition of the judgments of a plea which was in the Circuit Court of Woodford County, before the Judge thereof, between ~~Charles R. Richardson~~

plaintiff, and Jabez Johnson

defendant, it is said that manifest error hath intervened, to the injury of the said Defendant

as we are informed by his complaints the record and proceedings of which said judgments we have caused to be brought into our Supreme Court of the State of Illinois, at Ottawa, before the Justices thereof, to correct the errors in the same, in due form and manner, according to law: Therefore, We Command You, That by good and lawful men of your County, you give notice to the said Charles R. Richardson

that he be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State, on the first Tuesday after the third Monday in April, 1860, to hear the record and proceedings aforesaid, and the errors assigned, if he shall see fit; and further to do and receive what said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said Charles R. Richardson

notice, together with this writ.

Witness, The Hon. John D. Caton, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 10th day of April in the Year of Our Lord One Thousand Eight Hundred and Sixty

L. Leland

Clerk of the Supreme Court.

J. B. Rice Deputy

70 1860

Charles R. Richardson
left in care

No. 1451 also

James P. Lusk

SCIRE FACIAS.

FILED

APR 24, A.D. 1860

d. deland

Rich.

State of Illinois
Woodford County

I have duly served the within writ by serving the same to the within named Charles R. Richardson this 20th day of April. A.D. 1860

Shff fee
Service -- 50
Mileage 75
Return 10
\$1.35

M. E. Muck
Shuff of Woodford Co. Ill

Recd my fee from Shff J. H. Muck Shff W. C.



Abstract of Title to E/2 NW 1/4 Sec 11, T.26. R.1 E

United States }
to } Entered August 30th 1852
Kersey H. Field }

Kersey H. Field }
to } Warranty Deed Executed March
Jabez Johnson } 4th 1854, Danner Relinquished
acknowledged before Franklin
Pierce Notary Public
Recorded in Book 4 Page 379

Jabez Johnson }
to } Warranty Deed Executed Nov 9
Lemuel Berger } 1854 Danner Relinquished
acknowledged before Henry Sultman
Recorded in Book 5 Page 73

State of Illinois }
Hartford County } I Peter Doty, Clerk and Ex-officio
} Recorder of Hartford County and
} State of Illinois do hereby certify
the above to be a correct copy of the Entry and
Transfer made of the E/2 of the NW 1/4 of S. 11 T.26 R.1 E
3^d Principal Meridian in Hartford County

In Testimony whereof I have hereunto
set my hand and affixed the Seal
of our said Circuit Court at
Metamora this the 9th day of March
A D 1860

Peter Doty Clerk &
Ex-officio Recorder of Co 26

Know all men by these presents
that me Jabez Johnson

of the county of
Woodford and State of Illinois
are held & firmly bound unto
Charles, R. Richardson of the
county and state aforesaid, in the
penal sum of two hundred dollars
to the payment of which well and
truly to be made we do by these
presents jointly ~~and~~ severally
bind ourselves our heirs executors
and administrators, sealed with our
seals and dated this 4th day of Feb.
A.D. 1860,

The condition of
the above obligation is such
that whereas the said Jabez
Johnson has obtained an allowance
of a writ of error, upon a certain
judgment rendered in the circuit
court of Woodford county aforesaid
at the Sept. term thereof A.D. 1859,
in favor of Charles, R. Richardson
and against Jabez Johnson for
the sum of eight dollars & thirty
eight cents, as costs on a motion
to set aside a sale of real estate
sold on an execution in favor
of Charles, R. Richardson and against

Jabez Johnson, Now if the said
Jabez Johnson shall pay the
condemnation money and costs
in case the said Judgment
shall be affirmed by the supreme court
the said circuit court is whole
or in part then the above obligation
shall be void, otherwise in full force
in law,

Jabez Johnson *J.B.*
Samuel Briggs *S.B.*

Richardson
No 40
Jabez Johnson
Affidavit Bond

Filed April 10, 1860
L. Leland
clerk

Metamora April 29th 1860

To the Clerk of the Supreme
Court

Dear Sir - I send
you the papers submitted
that you may file them
in the case of ~~James Johnson~~
vs Charles B. Richardson, and
as the writ was not served is
time ~~to~~ you will please to issue
an alias, ~~if xxxxxxxx~~, I will
try to have the case prepared
this week, to be submitted, I am
unable to come up, this week,
if there is any danger of the writ
being dismissed, I would like
to have you speak to some lawyer
to appear to it for me & I will
make it worth their

Yours truly

Cyrus Mills

Metamora April 10th 1860

To the Clerk of the Supreme Court
at Ottawa

Dear Sir— Please find
in closed fine dollars, for your
fees in the case Subeg Johnson
vs. Charles R. Richardson,
The Plaintiff below: was
Charles R. Richardson.

Yours truly

Byron

State of Illinois Supreme Court
Jabes Johnson } 8th Grand Division
vs
Charles R. Richardson }

And now comes the Plaintiff in Error by Clerk & Miles his counsel, and shows to the Court here that in the record of this proceedings aforesaid, there is manifest error, in this, to wit,

- (1) The Court erred in not setting aside the sale, upon the evidence that the land was sold without notice of the place of sale.
- (2) The Court erred in not setting aside the sale, upon the evidence that the land was sold in mesu when it was susceptible of divisions.
- (3) The Court erred in not setting the sale aside, upon the evidence that the land was occupied as a homestead, by said Johnson, whereupon for these and other reasons appearing on the face of the record, the Plaintiff prays that the order & judgment of the Court below, be reversed & set aside.

C. Clerk & Miles
for Plaintiff in Error

145~
Jabez Johnson
↳
Chas. R. Richardson
apt. of Errors

Filed May 1. 1860
L. Island
Clks.

United States of America
State of Illinois
County of Woodford



At a Special Term of the Circuit
Court of said County of Woodford began and held at the Court
House in Metamora in said County of Woodford on Monday
the twelfth day of September in the year of our Lord one
Thousand Eight Hundred and fifty nine being the second Monday
of said Month

Present The Honorable

Mark Bangs Judge
Peter Doty Clerk

Attest

Peter Doty Clerk

And

Noel B. Meek Sheriff

And afterwards to wit on Friday the 23 day of
said Month of Sept 1859 the following proceedings
were had to wit

Copy of Notice to set a sale
Charles R Richardson In the
vs
James Johnson } Circuit Court
of Woodford
County Sept
Term 2d, 1859

The Plaintiff Charles R
Richardson will take notice
that on the first day of the next
term of said Court or as soon
thereafter as counsel can be
heard the Defendant will apply
to the Circuit Court by motion
to set a sale and the sale of
real estate sold on an execu-
tion in favor of Charles R
Richardson, and against James
Johnson

Cyrus Stiles
Deft Atty

Copy of return

Duly served by reading
and delivering a copy of the within
to Charles R Richardson.

Sept 24 1859 my fees \$1.05

J. V. McLean
C. W. Co.

Filed Sept 23d 1859, P. Doty Clerk

Copy of reasons for acting
sale a aids

Charles R Richardson } Sept. term
vs } 1859 Motion
Lutes Johnson } to act a aids
a aids

Reasons for acting sale
said sale a aids - First the Sheriff
sold the land without giving
notice of the place of sale, and
secondly he sold eighty acres
of land under improvement
in messu, which was susceptible
of division, which land was
worth some 12 or 15 hundred
dollars to satisfy a demand of
less or more than two hundred
dollars, and also said land is
occupied by said Johnson
as a homestead

Cyrus Viles
Deft. City

Filed Sept 28th 1859, P. Doty Clerk

~~Copy~~ Copy of Judgment
and order made by the court
Judgment for costs against
said Johnson \$8.70 tried by
the court,

Charles R. Richardson } Motions to
~~by~~ ^{by} } set aside
Lukes Johnson } sale

On this day this cause
coming on to be heard, comes
the parties by their attorneys to
this cause is submitted to the
court for trial, a jury being
named, the court having heard
the motions to set aside sale
by defendants counsel, and argu-
ments of the parties & being fully
advised in the premises is of
the opinion, and it is ordered
that motions be overruled and
sale not set aside, Appeal
taken by defendant, appeal
granted upon defendant entering
into bond within thirty days
in the sum of four hundred
dollars by agreement of the parties
Clerk to approve security, Bill of
exceptions to be signed by the
tenth of Oct.

Copy of notice of sale
Sheriff's Sale

By virtue of a writ of execution to me directed from the circuit court of Maryland county is favor of Charles R. Richardson and against James Johnson, I have levied upon the following described real estate, to wit, the E. half of the N. W. 1/4 of Sec. No 11, Township 26, Range 1. E. of the 3^d P. M. Taken as the property of James Johnson to satisfy said writ, Which I shall expose to public sale on the 4th day of March 1859 to the highest & best bidder for ready money. Sale to be between the hours of 9 o'clock A. M. and 4 o'clock P. M.,

N. B. Meek Sheriff Woolford, Co.
Dated Metamora Feb 8th 1859

Filed Sept 28th 1859, P. Doty, Clerk

Copy of Certificate of sale
State of Illinois
Madford County } ss

Charles B Richardson }
Dabes Johnson } Certificate
I, N. B. Meek Sheriff
of said county do hereby certify
that by virtue of an execution
to me directed from Peter Doty
Clerk of the circuit court of
Madford County is favor of
Jacey for the use of Charles
B Richardson against Dabes
Johnson on a judgment ~~rendered~~
rendered at the Oct, term of
1858 of said Court for one
hundred & eighty three dollars
and thirty seven cents debt, damages
and interest from the 3rd of Oct,
1858 till paid, and eighteen
dollars & thirty six cents costs,
I did in pursuance of the statute
in such case made & provided
on the fourth day of March 1859
offer at public sale the E¹/₄ of the
N. W. ¹/₄ of section 10, 11, township
26 North Range 1, East of the 3rd E. 11th,
as the property of Dabes Johnson

And Charles R Richardson having
bid the sum of two hundred
and one dollar & seventy three
cents for the same, and being
the highest & best bidder therefor
he became the purchaser
thereof, now if said land so
sold should not be redeemed
within fifteen months from
this date according to law then
the said Charles R Richardson
will be entitled to a deed for
the same.

Given under my hand &
seal this 4th day of March 1859
N. B. Meek Sheriff of Woodford Co. Ill.
E. B.

Copy of bill of exceptions
Charles R. Richardson Woodford Co,
vs
James Johnson } circuit court
of the 1st
term A.D. 1859

Motion to set aside a sale
of real estate,

Be it remembered that on this
the 24th day of Sept. A.D. 1859
this motion coming on to be
heard to wit,

Charles R. Richardson } Sept term
vs } 1859 Motion
James Johnson } to set aside
a sale

Reasons for setting aside
said sale - First the sheriff
sold the land without giving
notice of the place of sale - and
secondly he sold eighty acres
of land under improvement
in mesu, which was suscep-
tible of division, which land
was worth some 12 or 15 hundred
dollars to satisfy a demand of
less a man than two hundred
dollars and also said land
is occupied by said Johnson
as a homestead, Cyrus Piles

Filed, Sept. 28th 1859. D. C. Clerk

said Johnson to maintain
the issue on his part introduced
as a witness who after being
examined testified that he was
Editor & Proprietor of the Metamora
Sentinel a weekly news paper
published at Metamora Woodford
Co, Ill, when the following notice
was published in said paper

Sheriff's Sale

By virtue of a writ of execution
to me directed from the circuit
court of Woodford county in
favor of Charles R. Richardson
and against James Johnson
I have levied upon the following
described real estate, to wit, the
E. half of the N. W. 1/4 of Sec. No. 11,
township 26 N. range 6 E. of the
3d P. M. - taken as the property
of James Johnson to satisfy
said writ which I shall expose
to public sale on the 4th day of
March 1859 to the highest & best
bidder for ready money. Sale to
be between the hours of 9 o'clock
A. M. and 4 o'clock P. M.

N. B. Meek Sheriff Woodford Co,

Dated at Metamora Feb 8th 1859

Filed Sept, 23rd 1859 P. Saty Clerk

that said notice was published in said paper for four successive weeks. On cross examination witness stated that he did not know whether all the notices published in said paper was like this one or not. The said Johnson then offered to the court admitted in evidence the said notice.

The said Johnson then called as a witness who testified that he knew the land described in said notice, that it was eighty acres, that it might have been divided, but that it would not have sold so well in his opinion if it had been divided as without a division, that said eighty acre tract was worth on the 1st day of March 1859 \$20, per acre and that said land was susceptible of division. The said Johnson then offered and the court received in evidence the following certificate of purchase.

State of Illinois
Woodford County

Charles R. Richardson

James Johnson } Certificate
of sale

J. N. B. Beck Sheriff
of said county do hereby certify
that by virtue of an execution
to me directed from Peter Datz
Clerk of the circuit court of
Madison County in favor of
Siney for the use of Charles R.
Richardson against James
Johnson on a judgment
rendered at the October term
of 1858 of said court for one
hundred & eighty three dollars
and thirty seven cents debt
damages & interest from the
5th of Oct, 1858, till paid, and
eighteen dollars & thirty six cents
costs, I did in pursuance of
the statute in such case made
and provided, on the fourth day
of March 1859, offer at public
sale the E¹/₂ of the N. W. 1/4 of
Section 16, T. 11, Township 26, North
Range 1, East of the S. P. M., as
the property of James Johnson
and Charles R. Richardson having
bid the sum of two hundred

and one dollar to seventy three
cents for the same, and being
the highest to best bidder.
therefor, he became the purchaser
thereof. Now if said land so
sold should not be redeemed
within fifteen months from
this date according to law
then the said Charles B. Rich-
ardson will be entitled to a
deed for the same.

Given under my hand &
seal this 4 day of March 1859
A.B. Beck Sheriff of Woodford Co. Ill.,

Seal
The said Johnson offering
no further evidence to support
his motions herein, the Court
having heard the arguments
of counsel in support of
and against said motions, the
motions is denied by the Court
thereupon said Johnson
excepted to the opinions of and
Judgment of the Court herein
and prays an appeal & bill
of exceptions to the proceedings
and judgment herein, which is
granted, said bill of exceptions
are to be signed by the tenth

day of Oct, A.D 1859, by an
agreement of the parties
Oct 10th 1859

Mark Bangs
Judge 2^d Judicial Circuit
Filed as of Oct 10th 1859. Doty Clerk

State of Illinois
Woodford County ss I Peter Doty Clerk of the Circuit Court
in and for the County of Woodford and State of Illinois do hereby
Certify the above and foregoing to be a true copy of the proceedings
in the case of Charles R. Richardson against Juby Johnson as
set aside a sale as appears of Record and file in the above
and foregoing cause

In Witness Whereof I have hereunto
set my hand and affixed the seal of
our said Circuit Court at Metamora
this 16th day of April A.D 1860
Peter Doty Clerk

Filed
Apr. 17. 1860
H. W. W. W.
C. H. W.

40 1860
Juby Johnson
as
Charles R. Richardson
Records

UNITED STATES OF AMERICA.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY,

At a Special Term of the Circuit Court, of said County of Woodford, begun and held at the Court House in Metamora in said county of Woodford, on Monday the twentieth day of September, in the year of our Lord one thousand eight hundred and fifty nine, being the second Monday of said month. Present, the Hon. Mark Bangs, Judge; Peter Doty, Clerk, and Noel B. Meek, Sheriff. Attest: Peter Doty, Clerk. And afterwards, to wit: on Friday, the 23d day of said month of September, A. D. 1859, the following proceedings were had, to wit:

Copy of notice to set a sale aside:

Charles R. Richardson, vs. Jabez Johnson.

In the Circuit Court of Woodford County, September term, A. D. 1859.

The plaintiff, Charles R. Richardson, will take notice that on the first day of the term of said court, or as soon thereafter as counsel can be heard, the defendant will apply to the court by motion to set aside the sale of real estate, sold on an execution in favor of Charles R. Richardson, and against Jabez Johnson.

CYRUS NILES, Defendant's Attorney.

Copy of return.

Duly served by reading and delivering a copy of the within to Charles R. Richardson.

September 2d, 1859. My fees, \$1 25. J. N. McCoy, C. W. C.

Filed Sept. 23d, 1859. P. Doty, Clerk.

Copy of reasons for setting sale aside.

Charles R. Richardson, vs. Jabez Johnson.

September term, 1859. Motion to set sale aside.

First, the Sheriff sold the land without giving notice of the place of sale; secondly, he sold eighty acres of land under improvement in messe, which was susceptible of division; which land was worth some 12 or 15 hundred dollars—to satisfy a demand of less amount than two hundred dollars; and also, said land is occupied by said Johnson as a homestead.

CYRUS NILES, Defendant's Attorney.

Filed September 23d, 1859. P. Doty, Clerk.

Copy of judgment and order made by the court. Judgment for costs against said Johnson, \$8 70. Trial by the Court.

Charles R. Richardson, vs. Jabez Johnson.

Motion to set aside a sale.

On this day, this cause coming on to be heard, came the parties by their Attornies, and this cause is submitted to the court for trial, a jury being waived. The court having heard the motion to set sale aside by defendant's counsel, and arguments of the parties, and being fully advised in the premises, is of the opinion, and it is ordered that motion be overruled, and sale not set aside. Appeal prayed by defendant—appeal granted upon defendant's entering in security within

thirty days in the sum of four hundred dollars, by agreement of the parties. Clerk to approve security. Bill of exceptions to be signed by the tenth of October. Copy of the bill of exceptions.

Charles R. Richardson, vs. Jabez Johnson.

Woodford County Circuit Court, September term, A. D. 1859.

Motion to set aside a sale of real estate.

Be it remembered, that on the 24th day of September, A. D. 1859, this motion coming on to be heard, to wit: Reasons for setting said sale aside: First, the Sheriff sold the land without giving notice of the place of said sale: Secondly, he sold eighty acres of land under improvement in messe, which was susceptible of division; which land was worth some twelve or fifteen hundred dollars, to satisfy a demand of less amount than two hundred dollars; and also, said land is occupied by said Johnson as a homestead: Filed September 23d, 1859. P: Doty, Clerk: said Johnson to maintain the issue, on his part introduced a witness, who after being sworn testified that he was editor and proprietor of the Metamora Sentinel, a weekly newspaper published at Metamora, Woodford County, Illinois, when the following notice was published in said paper, to wit:

By virtue of a writ of execution to me directed from the circuit court of Woodford county, in favor of Charles R. Richardson, and against Jabez Johnson, I have levied upon the following described real estate, to wit: The E hf of the N W qr of sec No 11, township 26 N, range 1 E of the 3d P M—taken as the property of Jabez Johnson, to satisfy said writ, which I shall expose to public sale on the 4th day of March, 1859, to the highest and best bidder, for ready money—sale to be between the hours of 9 o'clock A M and 4 o'clock P M. Dated, Metamora, February 8th, 1859. Filed September 23d, 1859. PETER DOTY, Clerk. That said notice was published in said paper for four successive weeks. On cross examination witness stated that he did not know whether all the notices published in said paper were like this one or not. The said Johnson then offered and the court admitted in evidence the said notices. The said Johnson called a witness, who testified that he knew the land described in said notice: that it was eighty acres; that it might have been divided, but it would not have sold as well, in his opinion, if it had been divided as without a division; that said eighty acre tract was worth, on the 4th day of March, 1859, twenty dollars per acre; and that said land was susceptible of division.

The said Johnson then offered and the court received in evidence the following certificate of purchase, to wit:

STATE OF ILLINOIS, } ss.
Woodford County,

Charles R. Richardson,
vs.
Jabez Johnson.

} Certificate of sale.

I, N. B. Meek, Sheriff of said county, do hereby certify, that by virtue of an execution to me directed from Peter Doty, clerk of the circuit court of Woodford county, in favor of Tiacry, for the use of Charles R. Richardson, and against Jabez Johnson, on a judgment rendered at the October term of 1858, of said county, for one hundred and

eighty-three dollars and thirty-seven cents debt, damage and interest, from the 5th of October, 1858, till paid, and eighteen dollars and thirty-six cents. I did, in pursuance of the statute in such case made and provided, on the 4th day of March, 1859, offer at public sale the E hf of the N W qr of sec No. 11, township 26 North, Range 1, E of the 3d P M, as the property of Jabez Johnson and Charles R. Richardson, having bid the sum of two hundred and one dollars and seventy-three cents for the same, and being the highest and best bidder therefor, he became the purchaser thereof. Now if said land so sold shall not be redeemed within fifteen months from this date, according to law, then the said Charles R. Richardson will be entitled to a deed for the same.

Given under my hand and seal, this 4th day of March, 1859.

N. B. MEEK, Sheriff Woodford County, Illinois. [SEAL.]

The said Johnson offering no further evidence to support his motion herein, the court having heard the argument of counsel in support of and against said motion, the motion is denied by the court; therefore said Johnson excepted to the opinion and judgment of the court herein, and prays an appeal and bill of exceptions to the proceedings and judgment herein—which is granted—said bill of exceptions are to be signed by the 10th day of October, A. D. 1859, by an agreement of the parties.

MARK BANGS,

Judge of 23d Judicial Circuit.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY,

I, Peter Doty, Clerk of the Circuit Court, in and for the county of Woodford and State of Illinois, do hereby certify the above proceedings to be a true copy of the proceedings in the cause of Charles R. Richardson against Jabez Johnson, to set aside a sale, as appears of record, and filed in the above and foregoing cause.

[SEAL.]

In witness whereof I have hereunto set my hand, and affixed the seal of said court, at Metamora, this 16th day of April, A. D. 1860. PETER DOTY, Clerk.

145 40

Jabez Johnson

vs

Charles R. Richardson

Abstract

Filed May 2, 1860

L. Leland

Clerk

UNITED STATES OF AMERICA.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY, }

At a Special Term of the Circuit Court, of said County of Woodford, begun and held at the Court House in Metamora in said county of Woodford, on Monday the twentieth day of September, in the year of our Lord one thousand eight hundred and fifty nine, being the second Monday of said month. Present, the Hon. Mark Bangs, Judge; Peter Doty, Clerk, and Noel B. Meek, Sheriff. Attest: Peter Doty, Clerk. And afterwards, to wit: on Friday, the 23d day of said month of September, A. D. 1859, the following proceedings were had, to wit:

Copy of notice to set a sale aside:

Charles R. Richardson, vs. Jabez Johnson.

In the Circuit Court of Woodford County, September term, A. D. 1859.

The plaintiff, Charles R. Richardson, will take notice that on the first day of the term of said court, or as soon thereafter as counsel can be heard, the defendant will apply to the court by motion to set aside the sale of real estate, sold on an execution in favor of Charles R. Richardson, and against Jabez Johnson.

CYRUS NILES, Defendant's Attorney.

Copy of return.

Duly served by reading and delivering a copy of the within to Charles R. Richardson.

September 2d, 1859. My fees, \$1 25. J. N. McCoy, C. W. C.

Filed Sept. 23d, 1859. P. Doty, Clerk.

Copy of reasons for setting sale aside.

Charles R. Richardson, vs. Jabez Johnson.

September term, 1859. Motion to set sale aside.

First, the Sheriff sold the land without giving notice of the place of sale; secondly, he sold eighty acres of land under improvement in messe, which was susceptible of division; which land was worth some 12 or 15 hundred dollars—to satisfy a demand of less amount than two hundred dollars; and also, said land is occupied by said Johnson as a homestead.

CYRUS NILES, Defendant's Attorney.

Filed September 23d, 1859. P. Doty, Clerk.

Copy of judgment and order made by the court. Judgment for costs against said Johnson, \$8 70. Trial by the Court.

Charles R. Richardson, vs. Jabez Johnson.

Motion to set aside a sale.

On this day, this cause coming on to be heard, came the parties by their Attornies, and this cause is submitted to the court for trial, a jury being waived. The court having heard the motion to set sale aside by defendant's counsel, and arguments of the parties, and being fully advised in the premises, is of the opinion, and it is ordered that motion be overruled, and sale not set aside. Appeal prayed by defendant—appeal granted upon defendant's entering in security within

thirty days in the sum of four hundred dollars, by agreement of the parties. Clerk to approve security. Bill of exceptions to be signed by the tenth of October. Copy of the bill of exceptions.

Charles R. Richardson, vs. Jabez Johnson.

Woodford County Circuit Court, September term, A. D. 1859.

Motion to set aside a sale of real estate.

Be it remembered, that on the 24th day of September, A. D. 1859, this motion coming on to be heard, to wit: Reasons for setting said sale aside: First, the Sheriff sold the land without giving notice of the place of said sale; Secondly, he sold eighty acres of land under improvement in messe, which was susceptible of division; which land was worth some twelve or fifteen hundred dollars, to satisfy a demand of less amount than two hundred dollars; and also, said land is occupied by said Johnson as a homestead: Filed September 23d, 1859. P: Doty, Clerk: said Johnson to maintain the issue, on his part introduced a witness, who after being sworn testified that he was editor and proprietor of the Metamora Sentinel, a weekly newspaper published at Metamora, Woodford County, Illinois, when the following notice was published in said paper, to wit:

By virtue of a writ of execution to me directed from the circuit court of Woodford county, in favor of Charles R. Richardson, and against Jabez Johnson, I have levied upon the following described real estate, to wit: The E hf of the N W qr of sec No 11, township 26 N, range 1 E of the 3d P M—taken as the property of Jabez Johnson, to satisfy said writ, which I shall expose to public sale on the 4th day of March, 1859, to the highest and best bidder, for ready money—sale to be between the hours of 9 o'clock A M and 4 o'clock P M. Dated, Metamora, February 8th, 1859. Filed September 23d, 1859. PETER DOTY, Clerk. That said notice was published in said paper for four successive weeks. On cross examination witness stated that he did not know whether all the notices published in said paper were like this one or not. The said Johnson then offered and the court admitted in evidence the said notices. The said Johnson called a witness, who testified that he knew the land described in said notice: that it was eighty acres; that it might have been divided, but it would not have sold as well, in his opinion, if it had been divided as without a division; that said eighty acre tract was worth, on the 4th day of March, 1859, twenty dollars per acre; and that said land was susceptible of division.

The said Johnson then offered and the court received in evidence the following certificate of purchase, to wit:

STATE OF ILLINOIS, } ss.
Woodford County,

Charles R. Richardson,
vs.

Jabez Johnson.

} Certificate of sale.

I, N. B. Meek, Sheriff of said county, do hereby certify, that by virtue of an execution to me directed from Peter Doty, clerk of the circuit court of Woodford county, in favor of Tracy, for the use of Charles R. Richardson, and against Jabez Johnson, on a judgment rendered at the October term of 1858, of said county, for one hundred and

eighty-three dollars and thirty-seven cents debt, damage and interest, from the 5th of October, 1858, till paid, and eighteen dollars and thirty-six cents. I did, in pursuance of the statute in such case made and provided, on the 4th day of March, 1859, offer at public sale the E hf of the N W qr of sec No. 11, township 26 North, Range 1, E of the 3d P M, as the property of Jabez Johnson and Charles R. Richardson, having bid the sum of two hundred and one dollars and seventy-three cents for the same, and being the highest and best bidder therefor, he became the purchaser thereof. Now if said land so sold shall not be redeemed within fifteen months from this date, according to law, then the said Charles R. Richardson will be entitled to a deed for the same.

Given under my hand and seal, this 4th day of March, 1859.

N. B. MEEK, Sheriff Woodford County, Illinois.

[SEAL.]

The said Johnson offering no further evidence to support his motion herein, the court having heard the argument of counsel in support of and against said motion, the motion is denied by the court; therefore said Johnson excepted to the opinion and judgment of the court herein, and prays an appeal and bill of exceptions to the proceedings and judgment herein—which is granted—said bill of exceptions are to be signed by the 10th day of October, A. D. 1859, by an agreement of the parties.

MARK BANGS,

Judge of 23d Judicial Circuit.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY, }

I, Peter Doty, Clerk of the Circuit Court, in and for the county of Woodford and State of Illinois, do hereby certify the above proceedings to be a true copy of the proceedings in the cause of Charles R. Richardson against Jabez Johnson, to set aside a sale, as appears of record, and filed in the above and foregoing cause.

[SEAL.]

In witness whereof I have hereunto set my hand, and affixed the seal of said court, at Metamora, this 16th day of April, A. D. 1860. PETER DOTY, Clerk.

145-40

Jabez Johnson

vs

Charles R. Richardson

Abstract

Filed May 7, 1860

L. Leland
Clerk

UNITED STATES OF AMERICA.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY,

At a Special Term of the Circuit Court, of said County of Woodford, begun and held at the Court House in Metamora in said county of Woodford, on Monday the twentieth day of September, in the year of our Lord one thousand eight hundred and fifty nine, being the second Monday of said month. Present, the Hon. Mark Bangs, Judge; Peter Doty, Clerk, and Noel B. Meek, Sheriff. Attest: Peter Doty, Clerk. And afterwards, to wit: on Friday, the 23d day of said month of September, A. D. 1859, the following proceedings were had, to wit:

Copy of notice to set a sale aside:

Charles R. Richardson, vs. Jabez Johnson.

In the Circuit Court of Woodford County, September term, A. D. 1859.

The plaintiff, Charles R. Richardson, will take notice that on the first day of the term of said court, or as soon thereafter as counsel can be heard, the defendant will apply to the court by motion to set aside the sale of real estate, sold on an execution in favor of Charles R. Richardson, and against Jabez Johnson.

CYRUS NILES, Defendant's Attorney.

Copy of return.

Duly served by reading and delivering a copy of the within to Charles R. Richardson.

September 2d, 1859. My fees, \$1 25. J. N. McCoy, C. W. C.

Filed Sept. 23d, 1859. P. Doty, Clerk.

Copy of reasons for setting sale aside.

Charles R. Richardson, vs. Jabez Johnson.

September term, 1859. Motion to set sale aside.

First, the Sheriff sold the land without giving notice of the place of sale; secondly, he sold eighty acres of land under improvement in messe, which was susceptible of division; which land was worth some 12 or 15 hundred dollars—to satisfy a demand of less amount than two hundred dollars; and also, said land is occupied by said Johnson as a homestead.

CYRUS NILES, Defendant's Attorney.

Filed September 23d, 1859. P. Doty, Clerk.

Copy of judgment and order made by the court. Judgment for costs against said Johnson, \$8 70. Trial by the Court.

Charles R. Richardson, vs. Jabez Johnson.

Motion to set aside a sale.

On this day, this cause coming on to be heard, came the parties by their Attornies, and this cause is submitted to the court for trial, a jury being waived. The court having heard the motion to set sale aside by defendant's counsel, and arguments of the parties, and being fully advised in the premises, is of the opinion, and it is ordered that motion be overruled, and sale not set aside. Appeal prayed by defendant—appeal granted upon defendant's entering in security within

thirty days in the sum of four hundred dollars, by agreement of the parties. Clerk to approve security. Bill of exceptions to be signed by the tenth of October. Copy of the bill of exceptions.

Charles R. Richardson, vs. Jabez Johnson.

Woodford County Circuit Court, September term, A. D. 1859.

Motion to set aside a sale of real estate.

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Woodford County,

Charles R. Richardson,
vs.
Jabez Johnson.

} Certificate of sale.

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eighty-three dollars and thirty-seven cents debt, damage and interest, from the 5th of October, 1858, till paid, and eighteen dollars and thirty-six cents. I did, in pursuance of the statute in such case made and provided, on the 4th day of March, 1859, offer at public sale the E hf of the N W qr of sec No. 11, township 26 North, Range 1, E of the 3d P M, as the property of Jabez Johnson and Charles R. Richardson, having bid the sum of two hundred and one dollars and seventy-three cents for the same, and being the highest and best bidder therefor, he became the purchaser thereof. Now if said land so sold shall not be redeemed within fifteen months from this date, according to law, then the said Charles R. Richardson will be entitled to a deed for the same.

Given under my hand and seal, this 4th day of March, 1859.

N. B. MEEK, Sheriff Woodford County, Illinois.

[SEAL.]

The said Johnson offering no further evidence to support his motion herein, the court having heard the argument of counsel in support of and against said motion, the motion is denied by the court; therefore said Johnson excepted to the opinion and judgment of the court herein, and prays an appeal and bill of exceptions to the proceedings and judgment herein—which is granted—said bill of exceptions are to be signed by the 10th day of October, A. D. 1859, by an agreement of the parties.

MARK BANGS,

Judge of 23d Judicial Circuit.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY,

I, Peter Doty, Clerk of the Circuit Court, in and for the county of Woodford and State of Illinois, do hereby certify the above proceedings to be a true copy of the proceedings in the cause of Charles R. Richardson against Jabez Johnson, to set aside a sale, as appears of record, and filed in the above and foregoing cause.

[SEAL.]

In witness whereof I have hereunto set my hand, and affixed the seal of said court, at Metamora, this 16th day of April, A. D. 1860. PETER DOTY, Clerk.

145 410

Jabez Johnson
is
Charles Richardson

Abstract

Filed May 9, 1860
L. Leland
Clerk

UNITED STATES OF AMERICA.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY,

At a Special Term of the Circuit Court, of said County of Woodford, begun and held at the Court House in Metamora in said county of Woodford, on Monday the twentieth day of September, in the year of our Lord one thousand eight hundred and fifty nine, being the second Monday of said month. Present, the Hon. Mark Bangs, Judge; Peter Doty, Clerk, and Noel B. Meek, Sheriff. Attest: Peter Doty, Clerk. And afterwards, to wit: on Friday, the 23d day of said month of September, A. D. 1859, the following proceedings were had, to wit:

Copy of notice to set a sale aside:

Charles R. Richardson, vs. Jabez Johnson.

In the Circuit Court of Woodford County, September term, A. D. 1859.

The plaintiff, Charles R. Richardson, will take notice that on the first day of the term of said court, or as soon thereafter as counsel can be heard, the defendant will apply to the court by motion to set aside the sale of real estate, sold on an execution in favor of Charles R. Richardson, and against Jabez Johnson.

CYRUS NILES, Defendant's Attorney.

Copy of return.

Duly served by reading and delivering a copy of the within to Charles R. Richardson.

September 2d, 1859. My fees, \$1 25. J. N. McCoy, C. W. C.

Filed Sept. 23d, 1859. P. Doty, Clerk.

Copy of reasons for setting sale aside.

Charles R. Richardson, vs. Jabez Johnson.

September term, 1859. Motion to set sale aside.

First, the Sheriff sold the land without giving notice of the place of sale; secondly, he sold eighty acres of land under improvement in messe, which was susceptible of division; which land was worth some 12 or 15 hundred dollars—to satisfy a demand of less amount than two hundred dollars; and also, said land is occupied by said Johnson as a homestead.

CYRUS NILES, Defendant's Attorney.

Filed September 23d, 1859. P. Doty, Clerk.

Copy of judgment and order made by the court. Judgment for costs against said Johnson, \$8 70. Trial by the Court.

Charles R. Richardson, vs. Jabez Johnson.

Motion to set aside a sale.

On this day, this cause coming on to be heard, came the parties by their Attornies, and this cause is submitted to the court for trial, a jury being waived. The court having heard the motion to set sale aside by defendant's counsel, and arguments of the parties, and being fully advised in the premises, is of the opinion, and it is ordered that motion be overruled, and sale not set aside. Appeal prayed by defendant—appeal granted upon defendant's entering in security within

thirty days in the sum of four hundred dollars, by agreement of the parties. Clerk to approve security. Bill of exceptions to be signed by the tenth of October. Copy of the bill of exceptions.

Charles R. Richardson, vs. Jabez Johnson.

Woodford County Circuit Court, September term, A. D. 1859.

Motion to set aside a sale of real estate.

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By virtue of a writ of execution to me directed from the circuit court of Woodford county, in favor of Charles R. Richardson, and against Jabez Johnson, I have levied upon the following described real estate, to wit: The E hf of the N W qr of sec No 11, township 26 N, range 1 E of the 3d P M—taken as the property of Jabez Johnson, to satisfy said writ, which I shall expose to public sale on the 4th day of March, 1859, to the highest and best bidder, for ready money—sale to be between the hours of 9 o'clock A M and 4 o'clock P M. Dated, Metamora, February 8th, 1859. Filed September 23d, 1859. PETER DOTY, Clerk. That said notice was published in said paper for four successive weeks. On cross examination witness stated that he did not know whether all the notices published in said paper were like this one or not. The said Johnson then offered and the court admitted in evidence the said notices. The said Johnson called a witness, who testified that he knew the land described in said notice: that it was eighty acres; that it might have been divided, but it would not have sold as well, in his opinion, if it had been divided as without a division; that said eighty acre tract was worth, on the 4th day of March, 1859, twenty dollars per acre; and that said land was susceptible of division.

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STATE OF ILLINOIS, } ss.
Woodford County,

Charles R. Richardson,

vs.

Jabez Johnson.

} Certificate of sale.

I, N. B. Meek, Sheriff of said county, do hereby certify, that by virtue of an execution to me directed from Peter Doty, clerk of the circuit court of Woodford county, in favor of Tiarcy, for the use of Charles R. Richardson, and against Jabez Johnson, on a judgment rendered at the October term of 1858, of said county, for one hundred and

eighty-three dollars and thirty-seven cents debt, damage and interest, from the 5th of October, 1858, till paid, and eighteen dollars and thirty-six cents. I did, in pursuance of the statute in such case made and provided, on the 4th day of March, 1859, offer at public sale the E hf of the N W qr of sec No. 11, township 26 North, Range 1, E of the 3d P M, as the property of Jabez Johnson and Charles R. Richardson, having bid the sum of two hundred and one dollars and seventy-three cents for the same, and being the highest and best bidder therefor, he became the purchaser thereof. Now if said land so sold shall not be redeemed within fifteen months from this date, according to law, then the said Charles R. Richardson will be entitled to a deed for the same.

Given under my hand and seal, this 4th day of March, 1859.

N. B. MEEK, Sheriff Woodford County, Illinois.

[SEAL.]

The said Johnson offering no further evidence to support his motion herein, the court having heard the argument of counsel in support of and against said motion, the motion is denied by the court; therefore said Johnson excepted to the opinion and judgment of the court herein, and prays an appeal and bill of exceptions to the proceedings and judgment herein—which is granted—said bill of exceptions are to be signed by the 10th day of October, A. D. 1859, by an agreement of the parties.

MARK BANGS,

Judge of 23d Judicial Circuit.

STATE OF ILLINOIS, }
WOODFORD COUNTY, } ss.

I, Peter Doty, Clerk of the Circuit Court, in and for the county of Woodford and State of Illinois, do hereby certify the above proceedings to be a true copy of the proceedings in the cause of Charles R. Richardson against Jabez Johnson, to set aside a sale, as appears of record, and filed in the above and foregoing cause.

[SEAL.]

In witness whereof I have hereunto set my hand, and affixed the seal of said court, at Metamora, this 16th day of April, A. D. 1860. PETER DOTY, Clerk.

74540

Jabez Johnson

2

Charles R. Richardson

Abstract

Filed May 9, 1860
L. Leland
Clerk

UNITED STATES OF AMERICA.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY, }

At a Special Term of the Circuit Court, of said County of Woodford, begun and held at the Court House in Metamora in said county of Woodford, on Monday the twentieth day of September, in the year of our Lord one thousand eight hundred and fifty nine, being the second Monday of said month. Present, the Hon. Mark Bangs, Judge; Peter Doty, Clerk, and Noel B. Meek, Sheriff. Attest: Peter Doty, Clerk. And afterwards, to wit: on Friday, the 23d day of said month of September, A. D. 1859, the following proceedings were had, to wit:

Copy of notice to set a sale aside:

Charles R. Richardson, vs. Jabez Johnson.

In the Circuit Court of Woodford County, September term, A. D. 1859.

The plaintiff, Charles R. Richardson, will take notice that on the first day of the term of said court, or as soon thereafter as counsel can be heard, the defendant will apply to the court by motion to set aside the sale of real estate, sold on an execution in favor of Charles R. Richardson, and against Jabez Johnson.

CYRUS NILES, Defendant's Attorney.

Copy of return.

Duly served by reading and delivering a copy of the within to Charles R. Richardson.

September 2d, 1859. My fees, \$1 25. J. N. McCoy, C. W. C.

Filed Sept. 23d, 1859. P. Doty, Clerk.

Copy of reasons for setting sale aside.

Charles R. Richardson, vs. Jabez Johnson.

September term, 1859. Motion to set sale aside.

First, the Sheriff sold the land without giving notice of the place of sale; secondly, he sold eighty acres of land under improvement in messe, which was susceptible of division; which land was worth some 12 or 15 hundred dollars—to satisfy a demand of less amount than two hundred dollars; and also, said land is occupied by said Johnson as a homestead.

CYRUS NILES, Defendant's Attorney.

Filed September 23d, 1859. P. Doty, Clerk.

Copy of judgment and order made by the court. Judgment for costs against said Johnson, \$8 70. Trial by the Court.

Charles R. Richardson, vs. Jabez Johnson.

Motion to set aside a sale.

On this day, this cause coming on to be heard, came the parties by their Attornies, and this cause is submitted to the court for trial, a jury being waived. The court having heard the motion to set sale aside by defendant's counsel, and arguments of the parties, and being fully advised in the premises, is of the opinion, and it is ordered that motion be overruled, and sale not set aside. Appeal prayed by defendant—appeal granted upon defendant's entering in security within

thirty days in the sum of four hundred dollars, by agreement of the parties. Clerk to approve security. Bill of exceptions to be signed by the tenth of October. Copy of the bill of exceptions.

Charles R. Richardson, vs. Jabez Johnson.

Woodford County Circuit Court, September term, A. D. 1859.

Motion to set aside a sale of real estate.

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By virtue of a writ of execution to me directed from the circuit court of Woodford county, in favor of Charles R. Richardson, and against Jabez Johnson, I have levied upon the following described real estate, to wit: The E hf of the N W qr of sec No 11, township 26 N, range 1 E of the 3d P M—taken as the property of Jabez Johnson, to satisfy said writ, which I shall expose to public sale on the 4th day of March, 1859, to the highest and best bidder, for ready money—sale to be between the hours of 9 o'clock A M and 4 o'clock P M. Dated, Metamora, February 8th, 1859. Filed September 23d, 1859. PETER DOTY, Clerk. That said notice was published in said paper for four successive weeks. On cross examination witness stated that he did not know whether all the notices published in said paper were like this one or not. The said Johnson then offered and the court admitted in evidence the said notices. The said Johnson called a witness, who testified that he knew the land described in said notice: that it was eighty acres; that it might have been divided, but it would not have sold as well, in his opinion, if it had been divided as without a division; that said eighty acre tract was worth, on the 4th day of March, 1859, twenty dollars per acre; and that said land was susceptible of division.

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Given under my hand and seal, this 4th day of March, 1859.

N. B. MEEK, Sheriff Woodford County, Illinois. [SEAL.]

The said Johnson offering no further evidence to support his motion herein, the court having heard the argument of counsel in support of and against said motion, the motion is denied by the court; therefore said Johnson excepted to the opinion and judgment of the court herein, and prays an appeal and bill of exceptions to the proceedings and judgment herein—which is granted—said bill of exceptions are to be signed by the 10th day of October, A. D. 1859, by an agreement of the parties.

MARK BANGS,

Judge of 23d Judicial Circuit.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY, }

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[SEAL.]

In witness whereof I have hereunto set my hand, and affixed the seal of said court, at Metamora, this 16th day of April, A. D. 1860. PETER DOTY, Clerk.

14540

Jabez Johnson

vs

Charles B. Richardson

Abstract

Filed May 9, 1860
L. Leland
Clerk

UNITED STATES OF AMERICA.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY, }

At a Special Term of the Circuit Court, of said County of Woodford, begun and held at the Court House in Metamora in said county of Woodford, on Monday the twentieth day of September, in the year of our Lord one thousand eight hundred and fifty nine, being the second Monday of said month. Present, the Hon. Mark Bangs, Judge; Peter Doty, Clerk, and Noel B. Meek, Sheriff. Attest: Peter Doty, Clerk. And afterwards, to wit: on Friday, the 23d day of said month of September, A. D. 1859, the following proceedings were had, to wit:

Copy of notice to set a sale aside:

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In the Circuit Court of Woodford County, September term, A. D. 1859.

The plaintiff, Charles R. Richardson, will take notice that on the first day of the term of said court, or as soon thereafter as counsel can be heard, the defendant will apply to the court by motion to set aside the sale of real estate, sold on an execution in favor of Charles R. Richardson, and against Jabez Johnson.

CYRUS NILES, Defendant's Attorney.

Copy of return.

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September 2d, 1859. My fees, \$1 25. J. N. McCoy, C. W. C.

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Charles R. Richardson, vs. Jabez Johnson.

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Motion to set aside a sale of real estate.

Be it remembered, that on the 24th day of September, A. D. 1859, this motion coming on to be heard, to wit: Reasons for setting said sale aside: First, the Sheriff sold the land without giving notice of the place of said sale: Secondly, he sold eighty acres of land under improvement in messe, which was susceptible of division; which land was worth some twelve or fifteen hundred dollars, to satisfy a demand of less amount than two hundred dollars; and also, said land is occupied by said Johnson as a homestead: Filed September 23d, 1859. P: DORY, Clerk: said Johnson to maintain the issue, on his part introduced a witness, who after being sworn testified that he was editor and proprietor of the Metamora Sentinel, a weekly newspaper published at Metamora, Woodford County, Illinois, when the following notice was published in said paper, to wit:

By virtue of a writ of execution to me directed from the circuit court of Woodford county, in favor of Charles R. Richardson, and against Jabez Johnson, I have levied upon the following described real estate, to wit: The E hf of the N W qr of sec No 11, township 26 N, range 1 E of the 3d P M—taken as the property of Jabez Johnson, to satisfy said writ, which I shall expose to public sale on the 4th day of March, 1859, to the highest and best bidder, for ready money—sale to be between the hours of 9 o'clock A M and 4 o'clock P M. Dated, Metamora, February 8th, 1859. Filed September 23d, 1859. PETER DORY, Clerk. That said notice was published in said paper for four successive weeks. On cross examination witness stated that he did not know whether all the notices published in said paper were like this one or not. The said Johnson then offered and the court admitted in evidence the said notices. The said Johnson called a witness, who testified that he knew the land described in said notice: that it was eighty acres; that it might have been divided, but it would not have sold as well, in his opinion, if it had been divided as without a division; that said eighty acre tract was worth, on the 4th day of March, 1859, twenty dollars per acre; and that said land was susceptible of division.

The said Johnson then offered and the court received in evidence the following certificate of purchase, to wit:

STATE OF ILLINOIS, } ss.
Woodford County,

Charles R. Richardson,
vs.
Jabez Johnson.

} Certificate of sale.

I, N. B. Meek, Sheriff of said county, do hereby certify, that by virtue of an execution to me directed from Peter Doty, clerk of the circuit court of Woodford county, in favor of Tracy, for the use of Charles R. Richardson, and against Jabez Johnson, on a judgment rendered at the October term of 1858, of said county, for one hundred and

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eighty-three dollars and thirty-seven cents debt, damage and interest, from the 5th of October, 1858, till paid, and eighteen dollars and thirty-six cents. I did, in pursuance of the statute in such case made and provided, on the 4th day of March, 1859, offer at public sale the E hf of the N W qr of sec No. 11, township 26 North, Range 1, E of the 3d P M, as the property of Jabez Johnson and Charles R. Richardson, having bid the sum of two hundred and one dollars and seventy-three cents for the same, and being the highest and best bidder therefor, he became the purchaser thereof. Now if said land so sold shall not be redeemed within fifteen months from this date, according to law, then the said Charles R. Richardson will be entitled to a deed for the same.

Given under my hand and seal, this 4th day of March, 1859.

N. B. MEEK, Sheriff Woodford County, Illinois.

[SEAL.]

The said Johnson offering no further evidence to support his motion herein, the court having heard the argument of counsel in support of and against said motion, the motion is denied by the court; therefore said Johnson excepted to the opinion and judgment of the court herein, and prays an appeal and bill of exceptions to the proceedings and judgment herein—which is granted—said bill of exceptions are to be signed by the 10th day of October, A. D. 1859, by an agreement of the parties.

MARK BANGS,

Judge of 23d Judicial Circuit.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY, }

I, Peter Doty, Clerk of the Circuit Court, in and for the county of Woodford and State of Illinois, do hereby certify the above proceedings to be a true copy of the proceedings in the cause of Charles R. Richardson against Jabez Johnson, to set aside a sale, as appears of record, and filed in the above and foregoing cause.

[SEAL.]

In witness whereof I have hereunto set my hand, and affixed the seal of said court, at Metamora, this 16th day of April, A. D. 1860. PETER DOTY, Clerk.

145'40

Jabez Johnson

vs

Charles R. Richardson

Abstract

Filed May 9. 1860

L. Leland,
Clerk

UNITED STATES OF AMERICA.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY,

At a Special Term of the Circuit Court, of said County of Woodford, begun and held at the Court House in Metamora in said county of Woodford, on Monday the twentieth day of September, in the year of our Lord one thousand eight hundred and fifty nine, being the second Monday of said month. Present, the Hon. Mark Bangs, Judge; Peter Doty, Clerk, and Noel B. Meek, Sheriff. Attest: Peter Doty, Clerk. And afterwards, to wit: on Friday, the 23d day of said month of September, A. D. 1859, the following proceedings were had, to wit:

Copy of notice to set a sale aside:

Charles R. Richardson, vs. Jabez Johnson.

In the Circuit Court of Woodford County, September term, A. D. 1859.

The plaintiff, Charles R. Richardson, will take notice that on the first day of the term of said court, or as soon thereafter as counsel can be heard, the defendant will apply to the court by motion to set aside the sale of real estate, sold on an execution in favor of Charles R. Richardson, and against Jabez Johnson.

CYRUS NILES, Defendant's Attorney.

Copy of return.

Duly served by reading and delivering a copy of the within to Charles R. Richardson.

September 2d, 1859. My fees, \$1 25. J. N. McCoy, C. W. C.

Filed Sept. 23d, 1859. P. Doty, Clerk.

Copy of reasons for setting sale aside.

Charles R. Richardson, vs. Jabez Johnson.

September term, 1859. Motion to set sale aside.

First, the Sheriff sold the land without giving notice of the place of sale; secondly, he sold eighty acres of land under improvement in messe, which was susceptible of division; which land was worth some 12 or 15 hundred dollars—to satisfy a demand of less amount than two hundred dollars; and also, said land is occupied by said Johnson as a homestead.

CYRUS NILES, Defendant's Attorney.

Filed September 23d, 1859. P. Doty, Clerk.

Copy of judgment and order made by the court. Judgment for costs against said Johnson, \$8 70. Trial by the Court.

Charles R. Richardson, vs. Jabez Johnson.

Motion to set aside a sale.

On this day, this cause coming on to be heard, came the parties by their Attornies, and this cause is submitted to the court for trial, a jury being waived. The court having heard the motion to set sale aside by defendant's counsel, and arguments of the parties, and being fully advised in the premises, is of the opinion, and it is ordered that motion be overruled, and sale not set aside. Appeal prayed by defendant—appeal granted upon defendant's entering in security within

thirty days in the sum of four hundred dollars, by agreement of the parties. Clerk to approve security. Bill of exceptions to be signed by the tenth of October. Copy of the bill of exceptions.

Charles R. Richardson, vs. Jabez Johnson.

Woodford County Circuit Court, September term, A. D. 1859.

Motion to set aside a sale of real estate.

Be it remembered, that on the 24th day of September, A. D. 1859, this motion coming on to be heard, to wit: Reasons for setting said sale aside: First, the Sheriff sold the land without giving notice of the place of said sale: Secondly, he sold eighty acres of land under improvement in messe, which was susceptible of division; which land was worth some twelve or fifteen hundred dollars, to satisfy a demand of less amount than two hundred dollars; and also, said land is occupied by said Johnson as a homestead: Filed September 23d, 1859. P. DORY, Clerk: said Johnson to maintain the issue, on his part introduced a witness, who after being sworn testified that he was editor and proprietor of the Metamora Sentinel, a weekly newspaper published at Metamora, Woodford County, Illinois, when the following notice was published in said paper, to wit:

By virtue of a writ of execution to me directed from the circuit court of Woodford county, in favor of Charles R. Richardson, and against Jabez Johnson, I have levied upon the following described real estate, to wit: The E hf of the N W qr of sec No 11, township 26 N, range 1 E of the 3d P M—taken as the property of Jabez Johnson, to satisfy said writ, which I shall expose to public sale on the 4th day of March, 1859, to the highest and best bidder, for ready money—sale to be between the hours of 9 o'clock A M and 4 o'clock P M. Dated, Metamora, February 8th, 1859. Filed September 23d, 1859. PETER DORY, Clerk. That said notice was published in said paper for four successive weeks. On cross examination witness stated that he did not know whether all the notices published in said paper were like this one or not. The said Johnson then offered and the court admitted in evidence the said notices. The said Johnson called a witness, who testified that he knew the land described in said notice: that it was eighty acres; that it might have been divided, but it would not have sold as well, in his opinion, if it had been divided as without a division; that said eighty acre tract was worth, on the 4th day of March, 1859, twenty dollars per acre; and that said land was susceptible of division.

The said Johnson then offered and the court received in evidence the following certificate of purchase, to wit:

	STATE OF ILLINOIS,	} ss.
	Woodford County,	
Charles R. Richardson,	}	Certificate of sale.
vs.		
Jabez Johnson.		

I, N. B. Meek, Sheriff of said county, do hereby certify, that by virtue of an execution to me directed from Peter Doty, clerk of the circuit court of Woodford county, in favor of Thery, for the use of Charles R. Richardson, and against Jabez Johnson, on a judgment rendered at the October term of 1858, of said county, for one hundred and

eighty-three dollars and thirty-seven cents debt, damage and interest, from the 5th of October, 1858, till paid, and eighteen dollars and thirty-six cents. I did, in pursuance of the statute in such case made and provided, on the 4th day of March, 1859, offer at public sale the E hf of the N W qr of sec No. 11, township 26 North, Range 1, E of the 3d P M, as the property of Jabez Johnson and Charles R. Richardson, having bid the sum of two hundred and one dollars and seventy-three cents for the same, and being the highest and best bidder therefor, he became the purchaser thereof. Now if said land so sold shall not be redeemed within fifteen months from this date, according to law, then the said Charles R. Richardson will be entitled to a deed for the same.

Given under my hand and seal, this 4th day of March, 1859.

N. B. MEEK, Sheriff Woodford County, Illinois.

[SEAL.]

The said Johnson offering no farther evidence to support his motion herein, the court having heard the argument of counsel in support of and against said motion, the motion is denied by the court; therefore said Johnson excepted to the opinion and judgment of the court herein, and prays an appeal and bill of exceptions to the proceedings and judgment herein—which is granted—said bill of exceptions are to be signed by the 10th day of October, A. D. 1859, by an agreement of the parties.

MARK BANGS,

Judge of 23d Judicial Circuit.

STATE OF ILLINOIS, } ss.
WOODFORD COUNTY, }

I, Peter Doty, Clerk of the Circuit Court, in and for the county of Woodford and State of Illinois, do hereby certify the above proceedings to be a true copy of the proceedings in the cause of Charles R. Richardson against Jabez Johnson, to set aside a sale, as appears of record, and filed in the above and foregoing cause.

[SEAL.]

In witness whereof I have hereunto set my hand, and affixed the seal of said court, at Metamora, this 16th day of April, A. D. 1860. PETER DOTY, Clerk.

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Jabez Johnson

vs

Charles R. Richardson

Abstracts

Filed May 7, 1860

L. Leland
Clerk

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

And now comes the Plaintiff in Error, by Clark & Niles, his counsel, and shows to the court here that in the record of the proceedings aforesaid there is manifest error in this, to wit :

1. The court erred in not setting aside the sale, upon the evidence that the land was sold without notice of the place of sale.
2. The court erred in not setting aside the sale, upon the evidence that the land was sold en masse, when it was susceptible of division.
3. The court erred in not setting the sale aside upon the evidence that the land was occupied as a homestead by said Johnson : wherefore, for this and other reasons appearing on the face of the records, the plaintiff prays that the order and judgment of the court below be reversed, and sale set aside.

CLARK & NILES,
For Plaintiff in Error.

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

APRIL TERM—1860.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

The plaintiff submits the following points as ground of error, and cites the following authorities. First, the land was sold without notice of the place of sale.

The Statutes of Illinois, by Scates, Treat & Blackwell, page 606, sec. 11; and Sess. laws, Feb. 12, 1857, page 38.

1 Gilman, Reports 441 and 445.

5 ibid, 444.

Secondly—this land was sold en mass, when it was susceptible of division.

The Statute of Illinois, by Scates, Treat & Blackwell, page 604, sec. 10.

1 Gilman Reports, 442.

5 ibid 173, 444.

12 Ill. Reports, 25.

Thirdly—the land was bid off by the Plaintiff in execution, and is chargeable with notice of the irregularities of said sale.

1 Gilman Reports, 441 and 445.

5 ibid, 444.

The Plaintiff in Error submits this cause on this brief, upon the authorities cited, and the record filed and points submitted.

CLARK & NILES,
Attorneys for Plaintiff in Error.

Johnson

v

Richardson

Pepp Bais

Filed May 9, 1860

L. Deland
Clerk

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

And now comes the Plaintiff in Error, by Clark & Niles, his counsel, and shows to the court here that in the record of the proceedings aforesaid there is manifest error in this, to wit :

1. The court erred in not setting aside the sale, upon the evidence that the land was sold without notice of the place of sale.

2. The court erred in not setting aside the sale, upon the evidence that the land was sold en masse, when it was susceptible of division.

3. The court erred in not setting the sale aside upon the evidence that the land was occupied as a homestead by said Johnson ; wherefore, for this and other reasons appearing on the face of the records, the plaintiff prays that the order and judgment of the court below be reversed, and sale set aside.

CLARK & NILES,
For Plaintiff in Error.

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

APRIL TERM—1860.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

The plaintiff submits the following points as ground of error, and cites the following authorities. First, the land was sold without notice of the place of sale.

The Statutes of Illinois, by Scates, Treat & Blackwell, page 606, sec. 11; and Sess. laws, Feb. 12, 1857, page 38.

1 Gilman, Reports 441 and 445.

5 *ibid*, 444.

Secondly—this land was sold en mass, when it was susceptible of division.

The Statute of Illinois, by Scates, Treat & Blackwell, page 604, sec. 10.

1 Gilman Reports, 442.

5 *ibid* 173, 444.

12 Ill. Reports, 25.

Thirdly—the land was bid off by the Plaintiff in execution, and is chargeable with notice of the irregularities of said sale.

1 Gilman Reports, 441 and 445.

5 *ibid*, 444.

The Plaintiff in Error submits this cause on this brief, upon the authorities cited, and the record filed and points submitted.

CLARK & NILES,
Attorneys for Plaintiff in Error.

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Johnson vs. Richardson

Plff. Brief

Filed May 9, 1860
L. L. Leland
Clerk

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

And now comes the Plaintiff in Error, by Clark & Niles, his counsel, and shows to the court here that in the record of the proceedings aforesaid there is manifest error in this, to wit :

1. The court erred in not setting aside the sale, upon the evidence that the land was sold without notice of the place of sale.
2. The court erred in not setting aside the sale, upon the evidence that the land was sold en masse, when it was susceptible of division.
3. The court erred in not setting the sale aside upon the evidence that the land was occupied as a homestead by said Johnson ; wherefore, for this and other reasons appearing on the face of the records, the plaintiff prays that the order and judgment of the court below be reversed, and sale set aside.

CLARK & NILES,
For Plaintiff in Error.

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

APRIL TERM—1860.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

The plaintiff submits the following points as ground of error, and cites the following authorities. First, the land was sold without notice of the place of sale.

The Statutes of Illinois, by Scates, Treat & Blackwell, page 606, sec. 11; and Sess. laws, Feb. 12, 1857, page 38.

1 Gilman, Reports 441 and 445.

5 *ibid*, 444.

Secondly—this land was sold en mass, when it was susceptible of division.

The Statute of Illinois, by Scates, Treat & Blackwell, page 604, sec. 10.

1 Gilman Reports, 442.

5 *ibid* 173, 444.

12 Ill. Reports, 25.

Thirdly—the land was bid off by the Plaintiff in execution, and is chargeable with notice of the irregularities of said sale.

1 Gilman Reports, 441 and 445.

5 *ibid*, 444.

The Plaintiff in Error submits this cause on this brief, upon the authorities cited, and the record filed and points submitted.

CLARK & NILES,
Attorneys for Plaintiff in Error.

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Johnson v. Richardson

Plffs. Brief

Filed May 9, 1860

A. A. Leland

Clerk

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

And now comes the Plaintiff in Error, by Clark & Niles, his counsel, and shows to the court here that in the record of the proceedings aforesaid there is manifest error in this, to wit :

1. The court erred in not setting aside the sale, upon the evidence that the land was sold without notice of the place of sale.
2. The court erred in not setting aside the sale, upon the evidence that the land was sold en masse, when it was susceptible of division.
3. The court erred in not setting the sale aside upon the evidence that the land was occupied as a homestead by said Johnson; wherefore, for this and other reasons appearing on the face of the records, the plaintiff prays that the order and judgment of the court below be reversed, and sale set aside.

CLARK & NILES,
For Plaintiff in Error.

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

APRIL TERM—1860.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

The plaintiff submits the following points as ground of error, and cites the following authorities. First, the land was sold without notice of the place of sale.

The Statutes of Illinois, by Scates, Treat & Blackwell, page 606, sec. 11; and Sess. laws, Feb. 12, 1857, page 38.

1 Gilman, Reports 441 and 445.

5 *ibid*, 444.

Secondly—this land was sold en mass, when it was susceptible of division.

The Statute of Illinois, by Scates, Treat & Blackwell, page 604, sec. 10.

1 Gilman Reports, 442.

5 *ibid* 173, 444.

12 Ill. Reports, 25.

Thirdly—the land was bid off by the Plaintiff in execution, and is chargeable with notice of the irregularities of said sale.

1 Gilman Reports, 441 and 445.

5 *ibid*, 444.

The Plaintiff in Error submits this cause on this brief, upon the authorities cited, and the record filed and points submitted.

CLARK & NILES,
Attorneys for Plaintiff in Error.

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Johnson vs. Richardson

Pepp. Brief
C

Filed May 9. 1860
L. Deland
Clerk

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

And now comes the Plaintiff in Error, by Clark & Niles, his counsel, and shews to the court here that in the record of the proceedings aforesaid there is manifest error in this, to wit :

1. The court erred in not setting aside the sale, upon the evidence that the land was sold without notice of the place of sale.
2. The court erred in not setting aside the sale, upon the evidence that the land was sold en masse, when it was susceptible of division.
3. The court erred in not setting the sale aside upon the evidence that the land was occupied as a homestead by said Johnson ; wherefore, for this and other reasons appearing on the face of the records, the plaintiff prays that the order and judgment of the court below be reversed, and sale set aside.

CLARK & NILES,
For Plaintiff in Error.

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

APRIL TERM—1860.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

The plaintiff submits the following points as ground of error, and cites the following authorities. First, the land was sold without notice of the place of sale.

The Statutes of Illinois, by Scates, Treat & Blackwell, page 606, sec. 11; and Sess. laws, Feb. 12, 1857, page 38.

1 Gilman, Reports 441 and 445.

5 *ibid*, 444.

Secondly—this land was sold en mass, when it was susceptible of division.

The Statute of Illinois, by Scates, Treat & Blackwell, page 604, sec. 10.

1 Gilman Reports, 442.

5 *ibid* 173, 444.

12 Ill. Reports, 25.

Thirdly—the land was bid off by the Plaintiff in execution, and is chargeable with notice of the irregularities of said sale.

1 Gilman Reports, 441 and 445.

5 *ibid*, 444.

The Plaintiff in Error submits this cause on this brief, upon the authorities cited, and the record filed and points submitted.

CLARK & NILES,
Attorneys for Plaintiff in Error.

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Johnson vs Richardson

Plffs. Brief

Filed May 9. 1860
A. Selmon
clerk

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

And now comes the Plaintiff in Error, by Clark & Niles, his counsel, and shows to the court here that in the record of the proceedings aforesaid there is manifest error in this, to wit:

1. The court erred in not setting aside the sale, upon the evidence that the land was sold without notice of the place of sale.
2. The court erred in not setting aside the sale, upon the evidence that the land was sold en masse, when it was susceptible of division.
3. The court erred in not setting the sale aside upon the evidence that the land was occupied as a homestead by said Johnson; wherefore, for this and other reasons appearing on the face of the records, the plaintiff prays that the order and judgment of the court below be reversed, and sale set aside.

CLARK & NILES,
For Plaintiff in Error.

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

APRIL TERM—1860.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

The plaintiff submits the following points as ground of error, and cites the following authorities. First, the land was sold without notice of the place of sale.

The Statutes of Illinois, by Scates, Treat & Blackwell, page 606, sec. 11; and Sess. laws, Feb. 12, 1857, page 38.

1 Gilman, Reports 441 and 445.

5 *ibid*, 444.

Secondly—this land was sold en mass, when it was susceptible of division.

The Statute of Illinois, by Scates, Treat & Blackwell, page 604, sec. 10.

1 Gilman Reports, 442.

5 *ibid* 173, 444.

12 Ill. Reports, 25.

Thirdly—the land was bid off by the Plaintiff in execution, and is chargeable with notice of the irregularities of said sale.

1 Gilman Reports, 441 and 445.

5 *ibid*, 444.

The Plaintiff in Error submits this cause on this brief, upon the authorities cited, and the record filed and points submitted.

CLARK & NILES,

Attorneys for Plaintiff in Error.

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Johnson vs Richardson

Plffs. Brief

Filed May 9, 1860
Edmond
Clerk

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

JABEZ JOHNSON,

vs.

CHARLES R. RICHARDSON. }

And now comes the Plaintiff in Error, by Clark & Niles, his counsel, and shows to the court here that in the record of the proceedings aforesaid there is manifest error in this, to wit :

1. The court erred in not setting aside the sale, upon the evidence that the land was sold without notice of the place of sale.
2. The court erred in not setting aside the sale, upon the evidence that the land was sold en masse, when it was susceptible of division.
3. The court erred in not setting the sale aside upon the evidence that the land was occupied as a homestead by said Johnson ; wherefore, for this and other reasons appearing on the face of the records, the plaintiff prays that the order and judgment of the court below be reversed, and sale set aside.

CLARK & NILES,
For Plaintiff in Error.

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

APRIL TERM—1860.

JABEZ JOHNSON,
vs.
CHARLES R. RICHARDSON. }

The plaintiff submits the following points as ground of error, and cites the following authorities. First, the land was sold without notice of the place of sale.

The Statutes of Illinois, by Scates, Treat & Blackwell, page 606, sec. 11; and Sess. laws, Feb. 12, 1857, page 38.

1 Gilman, Reports 441 and 445.

5 *ibid*, 444.

Secondly—this land was sold en mass, when it was susceptible of division.

The Statute of Illinois, by Scates, Treat & Blackwell, page 604, sec. 10.

1 Gilman Reports, 442.

5 *ibid* 173, 444.

12 Ill. Reports, 25.

Thirdly—the land was bid off by the Plaintiff in execution, and is chargeable with notice of the irregularities of said sale.

1 Gilman Reports, 441 and 445.

5 *ibid*, 444.

The Plaintiff in Error submits this cause on this brief, upon the authorities cited, and the record filed and points submitted.

CLARK & NILES,
Attorneys for Plaintiff in Error.

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Johnson vs. Richardson

Plaintiff's Brief

Filed May 9, 1860
L. Delmond
Clerk