

13062

No. _____

Supreme Court of Illinois

Snow, Imp.

vs.

Knox

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division.

No. 69.

Knal

vs

Shaw

This Certifies that Seymour Snow
has this day paid me the Amount
of a Certain Judgement. Interest & cost
Recovered in the Circuit Court of
Eleury County Illinois. at the April
term A^d 1859. in the Cause of Wain & Knox
vs S. Snow which Suit was appealed
to the Supreme Court. & cost in
said Supreme Court were not paid
me

April 7th 1860 P. H. Schiff
Sherriff Henry, Co. 1860
By J. H. Dresser, depy

67

Sum

17

Warto

Filed April 9. 1860
L. Leland
Clerk

STATE OF ILLINOIS, } ss., The People of the State of Illinois,
SUPREME COURT,

To the Sheriff of the County of

Rock Island

Greeting:

Because, In the record and proceedings, and also in the rendition of the judgment of a plea which was in the *Circuit* Court of *Henry* County, before the Judge thereof, between *Adoniram L. Watt* and *Charles M. Knop*

plaintiffs, and *Lyman Snow* and *Almira Snow*

defendant, it is said that manifest error hath intervened, to the injury of the said *Lyman Snow*

as we are informed by *his* complaint, the record and proceedings of which said judgment we have caused to be brought into our Supreme Court of the State of Illinois, at Ottawa, before the Justices thereof, to correct the errors in the same, in due form and manner, according to law; Therefore, We *as we heretofore commanded the Sheriff of Henry County* Command You, That by good and lawful men of your County, you give notice to the said

Adoniram L. Watt and Charles M. Knop

that *they* 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 next, to hear the records and proceedings aforesaid, and the errors assigned, if *they* 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 *Adoniram L. Watt and Charles M. Knop*

notice, together with this writ.

Witness, The Hon. JOHN D. CATON, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this *23^d* day of *September* in the Year of Our Lord One Thousand Eight Hundred and Fifty- *nine*

L. Leland

Clerk of the Supreme Court.

J. B. Rice Deputy

I have executed this writ by reading the same
to the within named Defendants, Adoniram L. Wait
& Charles M. Knox this 24th day of November A.D. 1859.

Mrs. Merrill Sheriff
By C. A. McLaughlin dep. sh. / s
Rock Island County Ill

19
Lyman Snow impounded
with Aurora Snow

vs

Adoniram L. Wait and

Charles M. Knox

Ser. fa.

Sheriff's fees

Service 1.00

Mileage 1.00

Return of Warrant 1.00

\$ 3.00

Fined January 28, 1859

L. Leland

Clerk



STATE OF ILLINOIS,
SUPREME COURT,

To the Clerk of the

Circuit

} ss.

The People of the State of Illinois,

Court for the County of Bureau

Greeting:

Because, In the record and proceedings, as also in the rendition of the judgment of a plea which was in the Circuit Court of Bureau County, before the Judge thereof, between Adoniram L. Wait and Charles M. Knox

plaintiffs and Lyman Snow and Almira Snow

defendants, it is said manifest error hath intervened, to the injury of the aforesaid Lyman Snow

as we are informed by his complaint and we being willing that error should be corrected, if any there be, in due form and manner, and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distinctly and openly, without delay, send to our Justices of the Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at Ottawa, in the County of La Salle, on the first Tuesday after the third Monday in April next, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

Witness, The Hon. John D. Caton, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 23^d day of September in the Year of Our Lord one thousand eight hundred and fifty-nine

L. Leland

Clerk of the Supreme Court.

J. B. Rice Deputy



Lyman Snow impleaded
with Almira Snow

vs
Adoniram L. Wait and
Charles M. Knox

Writ of Error

This writ of error is
made a supersedeas
and as such is to be
obeyed by all concerned.

L. Leland Clerk
by J. B. Rice Deputy

Filed Sept. 23. 1839

L. Leland
Clerk



STATE OF ILLINOIS, } ss. The People of the State of Illinois,
SUPREME COURT,

To the Sheriff of the County of *Bureau*

Greeting :

Because, In the record and proceedings, and also in the rendition of the judgment
of a plea which was in the *Circuit* Court of *Henry*
County, before the Judge thereof, between *Adoniram L. Wait and*
Charles M. Knox
plaintiffs and *Lyman Snow and Almira Snow*

defendants, it is said that manifest error hath intervened, to the injury of the said
Lyman Snow

as we are informed by *his* complaint, _____ the record
and proceedings of which said judgment we have caused to be brought into our Su-
preme 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
Adoniram L. Wait and Charles M. Knox

that *they* 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 next, to hear the records and proceedings aforesaid, and
the errors assigned, if *they* 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 *Adoniram L. Wait and Charles M. Knox*
notice, together with this writ.

Witness, The Hon. JOHN D. CATON, Chief Justice
of our said Court, and the Seal thereof, at Ottawa,
this *23* day of *September* in the
Year of Our Lord One Thousand Eight Hundred
and Fifty-nine

L. Leland
Clerk of the Supreme Court,
J. B. Rice Deputy

I cannot find within my county the within named
Adairam & White and Charles M. Knox of therefore
Return this writ not served this 12th day of
November A D 1859 J. H. Smith Sheriff Henry
County Illinois



NOTICE TO THE CREDITORS OF THE ESTATE OF
JAMES M. SNOW DECEASED
The undersigned, J. H. Smith, Sheriff of Henry County, Illinois,
do hereby give notice to the creditors of the estate of James M. Snow
deceased, that they are to present their claims against said estate
to the undersigned, for the purpose of having them allowed, within
the time specified in the said writ, to wit, on or before the 12th day
of November, A. D. 1859.

And I further certify that the within named James M. Snow
was a resident of the County of Henry, Illinois, at the time of his
death, and that the same is true.

19
James M. Snow deceased
with the Sheriff Snow
Adairam & White and
Charles M. Knox.
J. H. Smith
Sheriff
Henry County
Illinois
Nov. 22, 1859
J. H. Smith
Sheriff
Henry County
Illinois

Witness my hand and seal this 22nd day of November, A. D. 1859.

Attest:
J. H. Smith
Sheriff
Henry County
Illinois

2
Know all Men by these presents
that we Symon Snow and
Peteron Holmes of the County
of Henry and State of Illinois
are held and firmly bound
unto Charles M. Knox and
Adoniram L. Wait of the same
County & State aforesaid in
the penal sum of Eleven
Hundred Dollars to the payment
of which well and truly to be
made we do by these presents
jointly and severally bind oursel-
ves our heirs, executors and
administrators

Sealed with our Seal and
dated this September 3^d A D 1854

The condition of the above
obligation is such that whereas
the said Symon Snow has sued
out a writ of error upon a
certain decree rendered in the
Circuit Court of the said County
of Henry aforesaid on the
Chancery side thereof at
the April Special Term A D 1854 in
favor of the said Charles M. Knox

And Adoniam I Wait and against
the said Lyman now for the
sum of five hundred & thirty ~~three~~ ¹³/₁₀₀ dollars
damages and also for nine
⁹⁰/₁₀₀ dollars costs

Now if the said Lyman
now shall pay all judgments
costs interests & damages that
may be assessed to him upon
the final hearing or dismissal
of said writ of error, then
the above obligation shall be
void otherwise in full force in
law

Taken by me this September
19 1859

Clerk of the Circuit Court
for Henry County, Illinois

Lyman Sher Seal

Patterson Holm Seal

Appena this 12th of September 20
1859. J. M. L. Clerk Henry
County Court

¹⁹
Know & Part

¹⁵
Snow & Snow

^{Supd}
~~Supd~~ Bond

Filed Sept 23, 1839
L. Leland
Clerk

Gates & Smith
Solicitors for Drift

At a Special Term of the Circuit Court begun
and held at the Court house in Cambridge in
the county of Henry and state of Illinois on the
fourth day of April in the year of our Lord one
thousand eight hundred and fifty nine it being
the first Monday of said month in Chancery
sitting

Present Hon. J. Wilson Drury Judge
Thomas Wiley & clerk
P. H. Sniff Sheriff

The following ^{among other} proceedings were had to wit:

Adoniram S. Wait
Charles M. Knox
vs
Lyman Snow
Almira Snow

In Chancery for foreclosure
of mortgage

Know ye that

And on the 24th day of Feb 1839 the said com-
plainants by Knox & McKimmon their solicitors
file their Bill of complaint, in said cause in
words and figures following to wit;

" State of Illinois }
Henry County } To the April Term AD 1839

Of the Henry County Circuit Court

To the Honorable J. Wilson Drury Judge of the Sixth
Judicial Circuit within said state in Chancery sitting

Respectfully represents unto Your Honor
Your orators Adoniram S. Wait and Charles M.
Knox partners doing business in the firm name
of "Wait & Knox" of the county of Rock Island
in said state that on the ninth day of July

AD 1838 Lyman Snow and Almira Snow the wife of said Lyman Snow of the County of Henry aforesaid (and whom your orators pray may be made parties defendants to this Bill) executed a mortgage to your orators in fee simple upon the following real estate situate in said County of Henry to wit Lot Number two (2) in Block number twelve (12) as laid out in the original plat of the town of Genesee and recorded in the records office of the County of Henry excepting thirty (30) feet front on Main Street by Seventy five (75) feet back off of the North East corner of said lot Also excepting a piece of said lot commencing twenty five (25) feet east of the North West corner of said original lot on main street running east twenty five (25) feet thence south ninety (90) feet thence West twenty five (25) feet thence north ninety (90) feet to place of beginning and which mortgage bearing date the day and year last aforesaid was executed as aforesaid in order to secure the payment of a certain promissory note of the said Lyman Snow of even date with said mortgage for the sum of four hundred and sixty six dollars and twenty seven cents payable with interest thence to your orators six months after the date of the said promissory note

And your orators further represent ^{unto} your Honor that the said sum of four hundred and sixty six dollars and twenty seven cents with the interest upon the said amount was not paid nor has any part thereof been paid to your orators and that merely the estate of your orators in said mortgage premises become

Absolute In consideration of the premises
 And inasmuch as your orators can only have
 full and adequate relief in a court of equity
 these matters of this kind are properly relievable
 and cognizable Your orators pray that upon
 the hearing of this cause your Honor will order
 and decree that the said mortgage be foreclosed
 and that the said defendants be ordered and
 decreed to pay your orators whatever amount
 of money is found due them by virtue of said
 note and mortgage in a short day to be named
 and that in default thereof the said mortgage
 premises be sold to satisfy said debt so
 found due and for such other and further re-
 lief in the premises as is consistent with equity
 and good conscience and as to your Honor
 may seem meet And as in duty bound
 your orators will ever pray &c

Wait & Knox

Knox & Wilkinson
 Solicitors

And on the filing of said Bill a summons
 in Chancery issued out of this court against
 said defendants to the Sheriff of Henry Co
 directed in words following to wit

"State of Illinois }
 Henry County } ss

The People of the State of
 Illinois to the Sheriff of Henry County greeting
 We command you to summon

5 And afterwards to wit at the term aforesaid and on the third day thereof it being the 6th day of the month the following proceedings were had in said cause to wit;

Adoniram Le Wait
and Charles M Knox
Partners &c

^{vs}
Lyman Snow

Almira Snow

In Chancery for
foreclosure of
Mortgage

At this day the said suit being called for trial by the court the said complainants by Knox & Reed their solicitors appeared and the said defendants by E N Gates. Their solicitor appeared whereupon the said defendants filed their demurrer to the bill of complaint filed in said suit, in words and figures following to wit

"The joint and several demurrer of Lyman Snow and Almira Snow to the bill of complaint of Adoniram Wait and Charles M Knox complainants

The said defendants by protestation not confessing, or acknowledging all or any of the matters or things in the complainants said Bill of complaint to be true in such part manner and form as the same are therein set forth and alleged for answer to the said complainant Bill of complaint. These defendants do demur in law and for cause of demurrer say That it appears of the complainants

6
own showing in their said bill of complaint that
they claim or pretend title to the premises in question
in the bill mentioned in consequence as they say
that the defendants executed a mortgage to the
complainants for the said premises in their said
bill described without alleging or pretending
in their said Bill that said mortgage or any
mortgage or any conveyance whatever
was acknowledged ~~or delivered to said~~ by these defendants to
the said complainants or that said mort-
gage or any mortgage in their said bill
mentioned was ever recorded in the Records
office of said county. Therefore and for
or as much as the Complainants said
Bill of complaint doth not contain as
these defendants are advised any matter
of equity sufficient to establish any right
or demand against these defendants
or either of them nor to draw them in suit in
this Honorable court touching the matters
complained of in said complainants
Bill of complaint and also for many
other errors and imperfections in the
said bill of complaint contained these
defendants do demur in law thereto
and thereby ^{crave} ~~crave~~ the judgment of this Hon-
orable court whether they ought to make any
answer to the said Bill of complaint
and thereby pray to be well dismissed
with their costs in this behalf wrongfully
sustained " &c &c Given Solict for
Defendants "

7.

Whereupon the said suit was heard by the court upon the Bill note and mortgage and demurrer filed in said suit, Whereupon after hearing the said suit aforesaid and the arguments of the said solicitors on said bill note mortgage and demurrer the court ordered adjudged and decreed that the said demurrer be overruled and (the said defendants obeying by their demurrer) that the said complainants have and recover of and from said defendants the sum of five hundred & three & $\frac{3}{100}$ dollars the amount found to be due on said note and mortgage and it is hereby further ordered and adjudged by the court that the said defendants pay the said sum of five hundred & three & $\frac{3}{100}$ dollars to said complainants within three days from the last day of said term of said court together with all costs herein and in default thereof that the real estate with its appurtenances described in said mortgage (to which reference is hereby made for the description) be sold according to law by the sheriff of said Henry County to pay and satisfy the amount of money found due as aforesaid and all costs herein and that the said complainants have a special execution therefor all of which is finally adjudged and decreed by the court

J W Drury

State of Illinois }
 Henry County } I Thomas Wiley &
 Clerk of the Circuit Court for said county
 do certify that the foregoing is a true
 and complete copy of the record in
 the foregoing cause as appears of
 record in my office
 Given under my hand and seal
 of said court at Cambridge this
 4th day of August AD 1839

Thomas Wiley & Clerk
 By W. L. Dabynske sery



Wair & Knox

as
 Lyman Snow Clerk

Inscribed of Record

for copy \$2.50

State of Illinois } Special Term of the Circuit
Henry County } Court hereby held at
Cambridge April 4 A.D. 1859

Adoniram T Wait
Charles M Hunt } In Chancery for foreclosure
vs } of Mortgage
Lyman Snow
Almira Snow }

And the said Defendants now
comes and says that in the record
and proceedings aforesaid there is
manifest error in this, to wit

- 1 The Court erred in overruling
the Defendants answer to said
Bill of Complaint
- 2 The Court erred in rendering
Judgment on Complainants said Bill
- 3 The Court Erred in rendering
Judgment at all
Wherefore the said Defendants prays that
a Citation and Supersedeas May issue

And that the said Decree may be
reversed Annulled and held for
Nothing And that they may be restored
to all things they have lost by reason
thereof

By E M Gato

Defendants Solicitor

Let a supersedeas issue in this case
Bond in the sum of Eleven hundred
dollars. Dawson Holmes Surety
J D Gato

¹⁹
Watt & Trot
vs
Snow & Snow

Transcript of Records
& copy of Evidences
from Henry County

Filed September 23, 1858
L. Leland Clerk
By J. B. Rice Deputy