

No. 13310

Supreme Court of Illinois

Ferguson

vs.

^T
~~A~~llmade

STATE OF ILLINOIS

SUPREME COURT,

Third Grand Division.

No. 97.

~~1865~~
Ferguson
vs
Fallmide

1861

13310

State of Illinois }
County of DeKalb }

In the matter of

Alexander Ferguson Erab

vs }
Asa Tallmadge

In Supreme Court of Illinois

Asa Tallmadge Appellee in the
above Entitled Cause being duly
sworn says

That there is manifest mistake
in the Decree rendered by this
Honorable Court in said Cause of
the April Term 1858. In this that
the basis of said Decree as set forth
in Vol. 20 of Illinois Reports -
page 599 - in the following words
"After this, the present owners pur-
"chased the premises, paid the
"purchase money, took conveyance
"and possession, and made
"improvements long before this Bill
"was filed" - is not in accord-
ance with the facts of the case
as the same appear upon re-
cord - as by inspection of the Rec-
ord remaining in said Supreme
Court will fully appear.

That the Original Bill of Complaint
was filed by this Deponent in the
Circuit Court of Winnebago -
on the Seventh day of February
A.D. One Thousand Eight Hundred
and ~~Forty~~ Fifty One -
and that the Defendants to said
Bill, Montgomery Dennis and Rals-
ton acquiesced after the filing
of said Bill - all which will
fully appear by the inspection
& comparison of the dates given
in said Record and the tes-
timony of witnesses as preserved
in said Bill of Exceptions.

And further this Deponent saith
that he did not learn of the
said decree of this Honorable Court
dismissing his said Bill until
August or September A.D. 1858.

That he made ~~with~~ his arrange-
ments to attend at the Term of
said Court in April 1859 -
by himself & his Counsel, but was
taken severely ill in the month
of February A.D. 1859 and was in-
capable of transacting any busi-
ness, or of making the requisite
pecuniary arrangements to em-
ploy Counsel to prepare and
present his Petition for Rehearing.

until the month of July of the same year — as will further appear by the affidavit of Dr. William Chase — hereto attached.

This Deponent further saith that his circumstances are such that it is difficult for him to provide means for ~~the~~ payment of fees to Counsel and that he will be wholly precluded from recovering ~~any~~ of the Land in said Bill subject unless said Decree can be opened on this his Petition for rehearing.

Sworn & subscribed
before me this 27th day
of February 1860
B. M. Dean J. P.

Asa Tallmadge

I, Wm. Chase
being duly sworn ^{says} that he is a
Doctor of Medicine residing in
~~De Witt~~ ^{Boone} County. That he is ac-
quainted with the above named
Asa Tallmadge and personally
attended him as a Physician
in the early part of the year
1859 — That from the month
of February 1859 to the month
of July said Tallmadge was
seriously ill and entirely unable

ble to dis. Charge or attend to
Ordinary business and was
Confined to the bed and the
house by long dangerous and
wasting illness.

Shon L. M. C. C. C. }
before me this 28th day
of February 1860 }
B. N. Deane J. P. }

Wm. C. C. C. C.

7th 97
Freeman's
or
Tallmadge

Petition for re-burying

Filed May 24th 1860
L. Leland
Clerk

S. A. H. H. H.