

No. 13741

Supreme Court of Illinois

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Shaxr

vs.

Hurd

71641  7

Supreme Court
Caleb Shaw
vs
H. B. Hurd

Appeal

State of Illinois
County of Saline St.

Erastus S. Williams being duly sworn doth depose and say that he is the attorney of Caleb Shaw in the above entitled cause, that upon the trial below the record of the discharge of the defendant Shaw in the trial of the action of distress against him in the action for obtaining goods on false pretences ^{of the record of the disposal of said judgment} was ^{introduced &} used & was an important & important evidence for the plaintiff in the court below, that the substance of said record is set forth in the last part of the plaintiff's declaration & said court contains substantially a copy of said record, that the record was referred to as this deponent believes in the original Bill of Exceptions in this cause & directed to the Clerk to insert the same in his transcript but from some oversight the Clerk has omitted to insert said record, although the other papers introduced & reviewed in the said false pretences case have been inserted in said transcript

that said record showed the entry of
a nolle prosequi by the State Attorney
& the discharge of the defendant there-
on as is set forth in the last current
of the Plaintiffs declaration his said
material & material evidence for the
Appellee in this case, that this defendant
did not know that said record was
omitted in the transcript until upon
an examination of the same yesterday
afternoon when he found that said record
had been left out, wherefore this depor-
ant prays for a certiorari in order to sup-
ply said omission, according to the Max-
tice of this Court

E. J. Williams

Subscribed & sworn
before me this 2nd day
of April 1858
L. Deland Clerk
by J. B. Rice Deputy

The Supreme Court

W. H. H. H.

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Filed April 21 1858
L. Deland
Clerk

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