

12017

No. _____

Supreme Court of Illinois

Haddock

vs.

Waterman

71641  7

85
Alfred Haddock for vs.
James Waterman

1850

12017
Repaired
ED

Alfred Hadlock for the
use of P.M. Raymond & Co.

James Waterman

Error to Kane

The plff. in Error commenced an action of Assumpsit in the Kane Circuit Court to recover the amount due on a promissory note for \$125. and int. and sent his process of Summons to the Shff. of Kane Co. to execute, which was by him returned duly served on the defendant. Judgt. by default was rendered against the deft. at the Apl. Term of the Kane Circuit Court for the amount of the note and interest. Subsequently at the same Term the deft. came by his Attorney, and moved in arrest of judgt. on the ground that the Court had not jurisdiction over the deft. for the reason that there was no averment in the declaration as to the residence of the defendant. The decⁿ. averred that the cause of action accrued in Kane County and that the defendant resided in Kane County at the commencement of the suit, but did not aver that the defendant resided in DE Kalb County. The Court sustained the motion and arrested the judgment to which decision of the Court the plff. excepted.

It is agreed that if the ~~record~~ ^{declaration} ought to have contained an averment as to the residence of the defendant in order to give the Court jurisdiction, then the judgt. is to stand; otherwise to be reversed.

J. G. Wilson Atty.

for Appellant

B. C. Cook for
Appellee.

~~Admiral~~

Hadlock v. Everett
 Waterman and Kane

Filed June 26th 1880.
 V. Ireland Clerk.