

STATE OF ILLINOIS,

Supreme Court,

ss.

The People of the State of Illinois,

To the Clerk of the Circuit Court for the county of *Marshall* 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 *Marshall* county, before the Judge thereof, between *William Rankin*

plaintiff, and *James A. Smith*

defendant it is said manifest error hath intervened, to the injury of the aforesaid *James A. Smith* Defendant

as we are inform-

ed 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 *second Monday* 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. *Wm. B. Seates* ~~SAMUEL H. TREAT~~, Chief Justice

of our said Court, and the Seal thereof, at Ottawa, this *8th* day of *July*
in the Year of Our Lord One Thousand Eight Hundred and Fifty-Six

L. Leland
Clerk of the Supreme Court.

By J. B. Price Deputy

James A. Smith
vs ~~24~~ 9
William Rankins
Writ of Error

This writ of error is
to operate as a superse-
deas & as such is
to be obeyed by all
concerned.

L. Leland
Clerk
By J. B. Rice Deputy

Filed July 2. 1866

L. Leland
Clerk

SUPREME COURT, STATE OF ILLINOIS.

ALVIN HARROUN AND LYDIA HARROUN,
His wife. SARAH TOMLINSON.
et. al. Plaintiffs in error,

vs.

DAVID N. TUTTLE, Defendant in error.

ABSTRACT OF RECORD.

1st. Precipe filed in the Kane Circuit Court, July 21, 1851, in these words and figures.

"David N. Tuttle,"

vs.

"Alvin Harroun and Lydia Harroun, his wife; Sarah
Tomlinson, wife of Delazon Tomlinson, deceased; "*sci. fa.*"
"Mary Tomlinson, George Tomlinson, Phebe Tom-
linson, heirs of Delazon Tomlinson, deceased."

"Clerk of the Kane County Circuit Court, please issue a scire facias in accordance
with the above entitled suit, and the accompanying mortgage."

"JONES & EASTMAN,"

"July 21, 1851."

"Att'ys for Plaintiffs."

2d. Security for costs, entitled in same manner, in usual form, signed by A. B. Moore, and filed same time as precipe.

3d. Mortgage executed by Delazon Tomlinson and Sarah, his wife; Alvin Harroun and Lydia, his wife, of Pembroke, Genesee County, New York, to David N. Tuttle, of Buffalo, New York, bearing date Aug. 29th, 1849, duly acknowledged and recorded Sept. 29th. 1849, in the recorder's office of Kane County, which mortgage is in the usual form, and conveys premises in Kane County, Illinois, to secure indebtedness therein mentioned.

4th. Writ of scire facias, issued July 21st. 1851, to the sheriff of said Kane Co. which, after reciting material parts of the mortgage, directs the sheriff to "make known to said Sarah Tomlinson, wife of said Delazon Tomlinson, Alvin Harroun and Lydia, his wife; Mary Tomlinson, George Tomlinson, and Phebe Tomlinson, heirs of Delazon Tomlinson, deceased, if to be found in your county, that they be and appear before the Circuit Court of said County of Kane, on the first day of the next term thereof, to be holden at the Court House in Geneva, on the second Monday of August next, to show cause, if any they have, why judgment should not be rendered against them for the amount of money due on said mortgage, together with all costs and charges which may be by virtue of said indenture or deed, and to do and receive all and singular those things which the court shall then and there consider in this behalf, and make due return in this writ."

Signed and sealed by Charles B. Wells, Clerk of said Court, July 21, 1851, on which sci. fa. is the return in these words and figures, viz:

"Personally served, by reading, to the within named Alvin Harroun, July 24th. 1851; Delazon Tomlinson, Sarah Tomlinson, and Lydia Harroun not found in my county."

Signed "LUTHER DEARBORN,"

"Sheriff of Kane Co."

Endorsed on back, "filed July 28th. 1851."

"CHARLES B. WELLS, Clerk."

5th. An alias scire facias, issued on the 28th day of July, 1851, precisely like the first, except that in the command to the officer are the words "you are therefore commanded, *as heretofore*, to make known, etc." and that it is made returnable to "the next term thereof, to be holden at the Court House in Geneva, on the second Monday of November, next, etc."

~~Harmon~~ vs ~~Little~~
Little

Filed June 23, 1838
L. Leland
Clerk

On this writ of sci. fa. is this return:

"Personally served on the within named Alvin Harroun, by reading, Oct. 8th. 1851, Delazon Tomlinson and Sarah Tomlinson, Lydia Harroun not found in my county."

"LUTHER DEARBORN,"

"Sheriff of Kane Co."

Endorsed on back. "Filed Aug. 6th. 1851.

C. B. WELLS."

6th. A continuance as follows:

"And afterwards, to-wit: on the 16th day of August, 1851, the same being one of the days of said term of said Court, of the August term thereof, the following, among other proceedings, were had, to-wit."

"DAVID N. TUTTLE,

vs.

"ALVIN HARROUN, et. al.

} Sci. Fa."

"Suit continued with alias to those not served."

7th. On the 20th of November, 1851, at the November term of said Court, judgment of foreclosure was rendered against Alvin Harroun, Lydia Harroun, Sarah, Mary, George and Phebe Tomlinson, and against the premises described in the mortgage, for the sum of two thousand and sixty-five dol. and twenty-five cents, (2065.25).

The entitling of judgment record is in these words, viz.:

DAVID N. TUTTLE,

vs.

ALVIN HARROUN, LYDIA HARROUN, SARAH,
MARY, GEORGE AND PHEBE TOMLINSON.

} Sci. Fa."

"This day comes the plaintiff, by Jones & Eastman, his attorneys, and it appearing to the Court, that two Nihils have been returned not found, the defendants were three times solemnly called, came not, nor any one for them, but make default herein, which is ordered by the Court to be entered of record, and that the plaintiff have judgment, etc."

SUPREME COURT, STATE OF ILLINOIS.

ALVIN HARROUN AND LYDIA HARROUN,
His wife. SARAH TOMLINSON.
et. al. Plaintiffs in error,

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linson, heirs of Delazon Tomlinson, deceased." "sci. fa."

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~~£~~ 135 \ ~~£~~ 4

Harrison

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