

No.

8682

Supreme Court of Illinois

Thayer, Aldrich & Co.

vs.

Joel K. Finley, et al,

71641



1864

18 ————— //

Thayer et al
vs

Finley et al

~~1864~~

8682

Nov 1864

State of Illinois }
Marion County }

Plas and proceedings had in
the Circuit Court in and for the
County of Marion and State of Illinois
before the Hon. H K S O'Melveny
in a certain cause heretofore pending in
said Court between William H
Thayer, Edwin R. Aldrich, Seth
Thayer & Charles H F Abrams part-
ners trading under the style and firm
of Thayer Aldrich & Co Plaintiffs
and Joel H Finley & Thomas J
Black Defendants.

Be it Remembered That on the 16th day of August
AD 1859 the above named ^{Defendants} Plaintiffs filed in the
office of the Clerk of the Circuit Court of said
County their Declaration agree Power of atty to
B B Smith to appear in open Court and confess
judgment in favor of the above named Plaintiffs
which Power of atty is in writing and in words and
figures

State of Illinois } Of the August Term of the
Marion County } Marion Circuit Court AD 1859

William H Thayer, Edwin
R Aldrich, Seth Thayer
& Charles H F Abrams
partners trading under
the style and firm of
Thayer Aldrich & Co
vs.

Joel H Finley & Thomas
J Black

Assumpsit
Damages of \$464.78.

Joel H Finley and
Thomas J Black
defendants herein
who are complained
of by William H Thayer
Edwin R Aldrich
Seth Thayer and

Afterwards at the August Term A.D. 1859 of the
Marion County Circuit Court, to wit on Tuesday
August 16th 1859 in said Term the following
order was made, and entered in Book D of
the Records of said Court, ^{page 582} which order is as
follows, to wit.

William B. Thayer
Edwin R. Aldrich
Seth Thayer and
Charles R. H. Shreve
parties to

vs
John H. Hinley and
Thomas J. Black.

Assumpsit

And now at this day
came the defendants by
Hayrie & Smith their
Attorneys, and waive process
and service thereof, and
the filing a declaration
and confess that

judgment be rendered
herein against them for the sum of \$441.98
and costs. It is therefore ordered and adjudged
by the Court that the said plaintiffs do have
and recover of and from the defendants herein
said sum of \$441.98 together with their costs
in this behalf expended, and may have execution
therefor &c.

Afterwards on said judgment to wit Oct 6th
1859 an Execution issued from the Office of the
Clerk of said Court, which Execution is in
words and figures as follows, to wit.

State of Illinois }
County of Marion } ss The People of the State of
Illinois to the Sheriff of said County greeting
We command you that of the goods and chattels
Lands and Tenements, and Real Estate of John
H. Hinley and Thomas J. Black in your County
you cause to be made the sum of four hundred

hundred forty one dollars and thirty eight cents
with interest thereon from the 16th day of August
AD 1859 until paid, which W^m H. Hayes, Edwin
R. Aldrich & Seth Thayer et al Plffs lately in
an Circuit Court for the said County of Marion
recovered against them for their damage in an
action of Assumpsit, also three dollars and
twenty five cents which was awarded by
an said Court to said Plffs for costs and charges
in that behalf expended, whereof the said
Black & Finley were convicted as appears to us
of Record, and have you the money at the Clerk's
Office of said Court at Salem, in ninety days
from the date hereof to render to the said
Plffs for their damage, interest and cost as
aforesaid, and have you then and there this
writ.



Witness R. W. Eagan Clerk
of said Court, and the Judicial
seat thereof at Salem this
6th day of Oct AD 1859

R. W. Eagan Clerk
By J. O. Chase Deputy.

On which Execution a Levy was by the then
Sheriff of said County endorsed as follows,
to wit.

By virtue of the within writ I have levied
the same on part of lot & five in Block (1)
one in Sqr (4) four in Salem Ills. Dec 20th 1859
Joe Shultz Sheriff.

And Return was made thereon as follows, to wit,
Returned with credit of Ten Dollars made by Sale
of Keat Estate. Jan 14. 1860

Joe Shultz Sheriff.

Afterwards, to wit, on April 26th 1860 a second
Execution issued out of the Clerk's Office of said
Circuit Court, which is as follows, to wit.

State of Illinois }
County of Marion } ss

The People of the State of Illinois, to the
Sheriff of said County greeting.

Do command you that of the goods and
chattels, Lands and Tenements, and Real Estate
of Job H. Hiley and Thos J Black in your
County, you cause to be made the sum of Four
hundred forty one dollars and 98 cents, with
interest thereon from the 16th day of Aug AD 1859
until paid, which W^m H Thayer, Edwin H
Adrich & Little Thayer et als Pliffs lately in
our Circuit Court for the said County of Marion
recovered against them for their damage in
an action of Assumpsit also Four dollars
and 64 cents, which was awarded by our said
Court to said Plaintiffs for costs and charges
in that behalf expended, whereof the said
Job H Hiley & Thos J Black stand convicted
as appears to us of record, and have you the
money at the Clerk's Office from said Court,
at Salem, in ninety days from the date
hereof, to render to the said Plaintiffs for their
damages interest and ^{of legal} costs
of our said Court, and the said
thereof at Salem this 26th day of
April AD 1860



A W Egan Clerk
By J O Chance
Deputy

On which Ind Exsautim a Lay is endorsed as follows, to wit.

By virtue of the within Exsautim I have this day leased the same on a part of Lot No 8 in Block No 1 in Square No 4 in the Town of Salem Hills, being $23\frac{1}{2}$ feet off north side of said Lot and ninety feet deep from Broadway

April 26th 1860

Jos Shultz Esq.

And a Return is also endorsed thereon as follows to wit,

Returned satisfied by sale of Real Estate

May 18th 1860

Jos Shultz Esq.

State of Illinois

Marion County } ss I J O Chance Clerk of
the Circuit Court of said County do hereby certify
the foregoing to be a true and complete transcript
of the Records and proceedings had in our said
Court in the foregoing entitled case as the same
remains on file and of Record in my office

Given under my hand and
official seal at Salem this
14th day of November AD 1864.

J O Chance Clerk
By S S Chance Deputy



18

Thrup Aldrich Has

or

Jeb H. Kinley and
Thomas J. Black

Records

Filed, Nov. 16, 1864.
A. S. Johnston Clk

State of Illinois }
Marion County } In Pleas and Proceedings had before
the Hon. H. K. S. Collier judge of the 2^d
judicial circuit of the State of Illinois in
a certain cause heretofore pending in the
circuit court of said Marion County where
in William H. Thayer, Edwin R. Aldrich, Seth
Thayer and Charles H. F. Abrams partners tra-
ding under the style and firm of Thayer Al-
drich & Co. were plaintiffs and Joel R. Finley
and Thomas J. Black defendants

Be it remembered that on ^{the} 16th day of
August A.D. 1859 the above named ^{defendants} ~~plaintiffs~~
filed in the office of the clerk of the circuit
court of said county their plea of confes-
sion herein which is in words and figures
following, to wit:

State of Illinois } Of the August Term of the Marion
Marion County } circuit court A.D. 1859

William H. Thayer
Edwin R. Aldrich
Seth Thayer &
Charles H. F. Abrams
Partners trading under the
style and firm of
Thayer Aldrich & Co

Assessors
Damages \$464.78

as
Joel R. Finley &
Thomas J. Black

Joel K. Finley and Thomas J. Black defendants
herein who are complained of by William H
Thayer Edwin R. Aldrich, Seth Thayer and
Charles H. F. Stevens partners trading under
the style and firm of Thayer Aldrich & Co
of a plea of trespass on the case upon
promises, the said defendants Joel K. Fin-
ley and Thomas J. Black come and waive-
ing all informalities, omissions and
irregularities in this suit do authorize
and empower B. B. Smith to appear in court
at its August Term AD 1858 and compel
a judgment against them in this behalf
in favor of the said Pff ofonairs for the
sum of four hundred and forty one dollars
and ninety eight cents principal and
twenty two dollars and eighty cents inter-
est in total four hundred and sixty
four dollars and seventy eight cents

J K Finley

T J Black

\$104²⁸/₁₀₀ Cincinnati July 28 1858

Ninety days after date on the subscribers
of Salem County of Marion and State of Ills
promise to pay to the order of Thayer Aldrich &
Co Two hundred four ⁹⁸/₁₀₀ dollars for value
received Payable

J K Finley

T J Black

\$237 ^{two} Salem Illinois March 25 1858

Six months after date I promise to pay to the
order of Thayer Aldrich & Co the sum of Two
hundred & thirty seven dollars value received

J K Finley

Indorsed by J J Black on the back

On which place is indorsed

Thayer Aldrich & Co vs Joel K Finley J J Black

& Filed August 16th 59 A W Eugene clk

Afterwards at the August Term 1859 of said
court the following notes in said cause
appears of record to wit.

William H Thayer
Edwin R Aldrich
Seth Thayer and
Charles H Stevens
parties &c

vs
Joel K Finley and
Thomas J Black

Spurripit

And now at this day
came the defendants by
Haynie & Smith their
attorneys and gave
process and service there
of and the filing a decla-

ration and confess that judgment was entered
herein against them for the sum of \$441.98
and costs It is therefore ordered and adjudged
by the court that the said plaintiffs do
have and recover of and from the defendants
herein said sum of \$441.98 together with their
costs in this behalf expended and many



have execution therefor in

State of Illinois

Marion County

J. J. Chance clerk of the Circuit Court of said County do certify

the foregoing to be a true and complete record of the proceedings had in and said Court in the foregoing entitled cause as the same remains on file and of record in my office

Given under my hand and official seal at Salem this 7th day of July 1864

J. J. Chance clerk

Errors Assigned

And the Plaintiffs in Error doth assign the following causes of error in this cause

1st The Court erred in giving judgment for \$441.98 when the plea of confession is for \$464.78

2^d The Court erred in giving judgment the Pltfs not being present by themselves or attorneys

And for these and other manifest errors in said cause the Plaintiffs ask that this cause be reversed

Willard & Goodnow

Attys for Pltfs in Error

The Defendants By Silas L. Bryan

Corn and say that there is no error in the foregoing and Supplemental record filed in this cause and ask that said judgment be affirmed

Shayer Aldrich & Co
as
Pimley & Black

Record

18

July 20 August 3 1864,
A. Johnston Clerk
Paid by Willard &
Andrew - \$11.50

Willard & Goodnow
Attys & J. D. W.

In the Supreme Court -
First Grand Division
State of Illinois }
Marion County } Error to Marion
County
Williams H Thayer
Edwin R Aldrich
Seth Thayer &
Charles W F Stevens
partners business name
Thayer Aldrich & Co
vs
Joacl R Finkley &
Thomas J Black

Mr. Clerk of the
Supreme Court at Mt. Vernon
Sir please issue the proper writ
in the above entitled cause di-
rected to the Sheriff of Marion Coun-
ty Illinois returnable to the next
term 1864 of said Court -

Willard Goodnow

Attys for Plffs

Thayer & Strick & Co

us

Trinity & Black

Pacific

18

Willard & Goodnow
Attorneys for City

In the Supreme Court -
First Grand Division
State of Illinois }
Marion County } Error to Marion
County
Williams H Thayer
Edwin R Aldrich
Seth Thayer &
Charles W F Stevens
partners business name
Thayer Aldrich & Co
vs
Joacl R Finley &
Thomas J Black

Mr. Clerk of the
Supreme Court at Mt Vernon
Sir please issue the proper process
in the above entitled cause di-
rected to the Sheriff of Marion Coun-
ty Illinois returnable to the next
term 1864 of said Court -

Willard Goodnow

Attys for Pltfs

Thayer Aldrich & Co

vs

Finley & Black

In the Supreme Court
1st Grand Division

State of Illinois

Marion County

Henry C Goodnow comes and
being duly sworn deposes and says
that Joel H Finley one of the defendants
in the above entitled cause is now
the Sheriff of Marion County Illinois
and asks that a writ be issued
in said cause to the coroner of said
County and further says not.

Henry C Goodnow

Subscribed and

sworn to before me

This 24 day of April A.D. 1855

H C Moore Clerk
Circuit Court Marion County Ill.

Weyen, Aldrich & Co
my

Friday & Black

Appt. Showing
Friday to be shipped

Friday Apr. 26. No. 5
A. J. Johnston & Co

Salem Aug 2^d 1864

Mr. Johnson

Sir We herewith send
you nineteen dollars the balance
of costs in the case of James W. Prim-
mer vs Price Patten & Co for which
please send us a receipt.

Also we send you eleven ⁵⁰/₁₀₀ of
dollars docket fee &c, in the case
of Thayer Aldrich & Co vs F. M. Lytle & Co
the necessary papers in which are
herewith sent please send us a
receipt for the same also, You
can send us the writ and we
will give it to the Sheriff.

Yours &c

Willard & Goodnow

Salem

WJG

State of Illinois,
SUPREME COURT,
First Grand Division.

} ss

The People of the State of Illinois,

To the Clerk of the Circuit Court for the County of Marion 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 Marion county, before the Judge thereof between William H. Mayer, Edwin R. Aldrich, Seth Mayer & Charles H. J. Stens Partners under firm of Mayer, Aldrich & Co plaintiffs and John

H. Wiley and Thomas J. Black

defendants it is said manifest error hath intervened to the injury of the aforesaid Plaintiffs

as we are informed by Their complaint, and we being willing that error, if any there be, should be corrected 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 our 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 **Mount Vernon**, in the County of Jefferson, on the 1st Sunday after the 2d Monday in November 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. P. H. Walker Chief Justice of the Supreme Court and the seal thereof, at MOUNT VERNON, this thru day of August in the year of our Lord one thousand eight hundred and Sixtyfour.

Noah Johnston
11
Clerk of the Supreme Court.

SUPREME COURT.

First Grand Division.

Meyer, Advers
vs

Plaintiff in Error,

VS.

J. K. Wiley et al

Defendants in Error.

WRIT OF ERROR.

Anna, Champion, et al

and FILED August

3-1864

A. Johnston

In the Supreme Court -
First Grand Division
November Term AD 1864

State of Illinois }
Marion County }

William H Thayer
Edwin R Aldrich
Seth Thayer &
Charles H F Abrens
partners firm name
Thayer Aldrich & Co

vs
Joel R Finkley &
Thomas F Black

Error
in Marion
County

We hereby enter our-
selves security for costs in the above
entitled cause, and acknowledge
selves bound to pay or cause to pay
all costs that may accrue in this
cause to either the opposite party
or any of the officers of this court
in pursuance of the laws of this
State Dated this second day of Au-
gust AD 1864

Willard A Swallow

State of Illinois,
SUPREME COURT,
First Grand Division.

SS

The People of the State of Illinois,

To the Sheriff of Marrison County.

Because, In the record and proceedings, and also in the rendition of the judgment of a plea which was in the Circuit Court of Marrison county, before the Judge thereof between William H. Mayer, Edwin R. Aldrich, Seth Mayer & Charles H. J. Abreu Partners under firm of Mayer, Aldrich & Co plaintiffs and

John H. Finley and Thomas J. Black defendants it is said that manifest error hath intervened to the injury of said Plaintiffs as we

are informed by their 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 Mount Vernon, 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 Defendants - John H. Finley & Thomas J. Black

that they be and appear before the justices of our said Supreme Court; at the next term of said Court, to be holden at **Mount Vernon**, in said State, on the first Tuesday after the second Monday in November next, to hear the records and proceedings aforesaid, and the errors assigned, if they shall think fit; and further to do and receive what the said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said Defts. Finley & Black notice together with this writ.

WITNESS, the Hon. P. H. Walker Chief Justice of the Supreme Court and the seal thereof, at MOUNT VERNON, this third day of August in the year of our Lord one thousand eight hundred and sixty-four.

Noah Johnston

Clerk of the Supreme Court.

SUPREME COURT.

First Grand Division.

Hayes, Adm'r & Co

Plaintiff's Error,

VS.

L. H. Huley et al

Defendant's Error.

*I have served the writ
on J. H. Huley & J. A. Black
By reading to them
the same, Sept 20th 1894
S. R. Garrison
clerk*

SCIRE FACIAS.

*Service
Return*

*\$11.00
\$1.10*

FILED.

Salem April 12th 1865

Mr Johnson

Sir Are the opinions written out in the case of Thayer Aldrich vs. Finley & Black, Mason vs. ~~Black~~ Jones, formerly Reach. If so we wish to have them or know what it will cost to get them. Also has the case of Carver vs. Locater & Gregory been decided yet, if so was it affirmed or reversed? Please inform us at your earliest convenience and oblige

Yours as

Willard & Goodnow
Salem

WLL

WILLARD & GOODNOW,
ATTORNEYS AT LAW,
SALEM, ILL.



15 Apr
\$180.49 231

Hon Noah Johnson

Mount Vernon
Illinois

[8682-14]

1,80
231

IN THE SUPREME COURT.

First Grand Division.

STATE OF ILLINOIS, } ss.
MARION COUNTY. }

November Term 1864

THAYER, ALDRICH & CO., }
vs. }
JOEL K. FINLEY, and }
THOMAS J. BLACK. }

ERROR TO MARION.

PAGE 1

Be it remembered that on the 16th day of August, A. D. 1859, the defendants filed their plea of confession, to-wit:

2

The said defendants come and waive all informalities, insufficiencies and irregularities in this suit, and authorize and empower B. B. Smith to appear in Court, at its August Term, 1859, and confess a judgment against them in their behalf, in favor of said plaintiffs, for the sum of Four Hundred and Forty-one Dollars and Ninety-Eight Cents, principal, and Twenty-Two Dollars and Eighty Cents, interest—in total Four Hundred and Sixty-Four Dollars and Seventy-Eight Cents.

J. K. FINLEY, [SEAL.]

T. J. BLACK, [SEAL.]

3

Note sued on, signed by J. K. Finley and T. J. Black, for \$204 98-100, dated July 28, 1858, payable ninety days after date.

Note sued on dated March 25, 1858, payable six months after date for \$237.00, signed by J. K. Finley and indorsed by T. J. Black.

Order of Court: And now at this day came the defendants, by Haynie & Smith their Att'ys, and wive process and service thereof and the filing a declaration, and confess that judgment be entered herein against them for the sum of \$441 98 and costs. It is therefore ordered and adjudged by the Court that the said plaintiffs do have and recover of and from the defendants herein said sum of \$441.98 together with their costs in this behalf expended, and may have execution therefor.

4

Certificate of Clerk.

ERRORS ASSIGNED.

And the plaintiffs in error do assign the following causes of Error in this cause:

1st. The Court erred in giving judgment for \$441.98 when the plea of confession is for \$464.78.

2nd. The Court erred in giving judgment, the plaintiffs not being present by themselves or attorneys.

And for these and other manifest errors in said cause, the plaintiffs ask that this cause be reversed.

WILLARD & GOODNOW, Atty's for Plt'fs.

The authority given by plea of confession must be strictly pursued. Tidds Prac. Vol. 1st., 4th American Addition, page 552.

A party may have his judgment reversed if the judgment below was ex parte and the errors which render it inoperative are patent
Davidson et al vs Bond et al 12 Ills R page 80.

W B Goodnow
Atty for Plt

The universal Eilenberg-Mac Lane space is the universal $Eilenberg-MacLane$ space

1931 1112 03026 ps 16A01299

349. The Court ruled in *Blaine v. Good* that the defendant was not liable for conversion in 1894.

126. The Court called in Edward Hughes, for a further view of con-
ditions:

And the弊病 is also to regard the following sentence of 1101 as true

CHLORIDE OF CALCIUM

EXHIBIT 69' 1000 1000. 1000 EXHIBITION 1000000

The first of these is the fact that the
 second of these is the fact that the
 third of these is the fact that the
 fourth of these is the fact that the
 fifth of these is the fact that the
 sixth of these is the fact that the
 seventh of these is the fact that the
 eighth of these is the fact that the
 ninth of these is the fact that the
 tenth of these is the fact that the

Order of Court: That none of the said parties be admitted to practice at the bar of the Court until they have taken the oaths of office and qualification, and have been sworn by the Court.

[illegible]

001-86 7036 'KIP' J. T. and J. M. 'KIP' J. T. and J. M. 'KIP' J. T. and J. M. 'KIP' J. T. and J. M.

Л. П. БИВОН' [НЕВГ]

Г. К. ЛИНГЕЛ' [səvr]

Дошкыш ындэ долоуш-кыргыс сымыр

John and William Cates' interest - in total Four Hundred and Sixty-Four
Pounds and Ninety-Eight Pence; which said balance was paid by the said
John and William Cates to the said John and William Cates' Executors and Administrators
for the sum of Four Hundred and Sixty-Four Pounds and Ninety-Eight Pence
and costs a Judgment against them in
the sum of Five hundred and thirty-two Pounds and six Shillings to appear
in the said Court at the next Term of the said Court to be held at the City of London
on the first day of November next.

It is comprehended that on the 1st day of August, A. D. 1823, the following

JOHN T. DYCK

JOSEF K. LINGEL, *author*

ERRORS TO NAVIGATOR.

LITZLER, VITBICH & CO.¹

WYBORN COLLEGE

STATE OF ILLINOIS

FILED CLERK DIVISION

IN THE 20-YEAR COOK:

Hanger & Leitch & Co
 Joel K. Hinckley
 78 Black

Abstract

Filed, Nov-14-1864,
A. Johnston Clerk

ABSTRACT.

In Supreme Court---1st Grand Division, in the State of Illinois.

SUPPLEMENTAL ABSTRACT BY THE DEFENDANTS.

THAYER, ALDRICH, & CO. }

VS. }

JOEL K. FINLEY and THOM-
AS J. BLACK. }

ERROR TO MARION.

STATE OF ILLINOIS, }
MARION COUNTY. } SS.

- 1 Be it remembered that on the 16th day of August, A. D. 1859, the defendants filed their plea of confession, to-wit :
- 2 The said defendants come and waive all informalities, insufficiencies and irregularities in this suit, and authorize and empower B. B. Smith, to appear in Court, at its August Term, 1859, and confess a judgment against them in their behalf, in favor of said plaintiffs, for the sum of Four Hundred and Forty-one Dollars and Ninety-Eight Cents, principal and Twenty-Two Dollars and Eighty Cents, interest—in total Four Hundred and Sixty-Four Dollars and Seventy-Eight Cents.
J. K. FINLEY, [SEAL.]
T. J. BLACK, [SEAL.]
- 3 Note sued on, signed by J. K. Finley and T. J. Black, for \$204 98-100, dated July 28, 1858, payable ninety days after date.
Note sued on dated March 25, 1858, payable six months after date for \$237.00, signed by J. K. Finley and indorsed by T. J. Black.
Order of Court : And now at this day came the defendants, by Haynie & Smith their Att'ys. and waive process and service thereof and the filing a declaration, and confess that judgment be entered herein against them for the sum of \$441 98 and costs. It is therefore ordered and adjudged by the Court that the said plaintiffs do have and recover of and from the defendants herein said
- 4 sum of \$441.98 together with their costs in this behalf expended and may have execution therefor.
- 5 Certificate of Clerk. Execution issued, returned \$10 made. 2d execution, April 26th, 1860, Returned 13th May, 1860, satisfied in full by sale of real estate.

BRIEF OF DEFENDANTS.

Plaintiffs having accepted the judgment rendered and received satisfaction. Cannot now reverse the same.
SILAS L. BRYAN, Attu'y. for the Defendants.

18

Thayer & Co

my

Friday Dec

Ab. & C. P.

Coffin

Julia, Nov. 16, 1864.

N. Johnston

the same

SIGAS P. BRAXX, Agent for the Defendants

Plaintiff having received the judgment rendered and received satisfaction. Cannot now recover

RENEWAL OF DEED. NEW YORK, N.Y.

Notarized 12th May 1864. executed in full by wife of said estate

2 Certificate of Clerk. Execution issued returned \$10 made 3d execution April 30th 1860
4 sum of \$141.00 together with their costs in this behalf expended and may also execution therefor
by the Court that the said plaintiff do have and receive of and from the defendants herein with
costs and interest thereon for the sum of \$141.00 and costs. It is therefore ordered and adjudged
and unless process and service thereon and the filing of satisfaction, and comply with judgment of
Court of Court: And now at this day came the defendants, by Henry & Smith their Att'ys.
Haley and informed by J. T. Black.

Note sent on which March 22, 1862, payable six months after date for \$231.00, signed by J. K.
Haley and dated July 22nd 1862.

3 Note sent on, signed by J. K. Haley and J. T. Black, for \$204.00-100 dated July 22, 1862.
J. T. BLACK, [seal]
J. K. HALEY, [seal]

Eighty Cents interest—in total Four Hundred and Sixty-Four Dollars and Seventy-Eight Cents,
plus and Forty-one Dollars and Ninety-Eight Cents, principal and Twenty-Two Dollars and
cents a judgment against them in their behalf in favor of said plaintiff for the sum of Four Hun-
dred and Sixty-Four Dollars and Ninety-Eight Cents, and interest thereon and costs and expenses of suit.

2 The said defendants come and waive all information, insolvency and proceedings in this
connection, to-wit:

1 Do is represented that on the 10th day of August, A. D. 1862, the defendants filed their plea in
this Court.

STATE OF ILLINOIS

VS J. BLACK

JOSEPH K. HALEY and THOMAS

Errors to Motion

THAYER, ALDRICH, & CO.

SUPPLEMENTARY ABSTRACT BY THE DEFENDANTS

of Illinois

In Supreme Court—1st Grand Division, in the State

ABSTRACT

IN THE SUPREME COURT.

First Grand Division.

STATE OF ILLINOIS,
MARION COUNTY.

} ss.

November Term 1864

THAYER, ALDRICH & CO.,

vs.
JOEL K. FINLEY, and

THOMAS J. BLACK.

ERROR TO MARION.

PAGE 1

Be it remembered that on the 16th day of August, A. D. 1859, the defendants filed their plea of confession, to-wit:

2

The said defendants come and waive all informalities, insufficiencies and irregularities in this suit, and authorize and empower B. B. Smith to appear in Court, at its August Term, 1859, and confess a judgment against them in their behalf, in favor of said plaintiffs, for the sum of Four Hundred and Forty-one Dollars and Ninety-Eight Cents, principal, and Twenty-Two Dollars and Eighty Cents, interest—in total Four Hundred and Sixty-Four Dollars and Seventy-Eight Cents.

J. K. FINLEY, [SEAL.]

T. J. BLACK, [SEAL.]

3

Note sued on, signed by J. K. Finley and T. J. Black, for \$204 98-100, dated July 28, 1858, payable ninety days after date.

Note sued on dated March 25, 1858, payable six months after date for \$237.00, signed by J. K. Finley and indorsed by T. J. Black.

Order of Court: And now at this day came the defendants, by Haynie & Smith their Att'ys, and waive process and service thereof and the filing a declaration, and confess that judgment be entered herein against them for the sum of \$441 98 and costs. It is therefore ordered and adjudged by the Court that the said plaintiffs do have and recover of and from the defendants herein said sum of \$441.98 together with their costs in this behalf expended, and may have execution therefor.

4

Certificate of Clerk.

ERRORS ASSIGNED.

And the plaintiffs in error do assign the following causes of Error in this cause:

1st. The Court erred in giving judgment for \$441.98 when the plea of confession is for \$464.78.

2nd. The Court erred in giving judgment, the plaintiffs not being present by themselves or attorneys.

And for these and other manifest errors in said cause, the plaintiffs ask that this cause be reversed.

WILLARD & GOODNOW, Att'ys for Pl'tfs.

The authority given by plea of confession must be strictly pursued. Tidds Prac. Vol. 1st., 4th American Addition, page 552.

A party may have his judgment reversed if the judgment below was ex parte, and the errors which render it inoperative are present Davidson et al vs Bond et al 12 Ill. R. 1 page 85
N B Goodnow
Atty for Pl'tfs

Thayer Albrecht & Co

as
J. R. Hinkley &
J. B. Black

Abstract

McGowan
City to GLEB

THE COURT OF THE CITY OF NEW YORK

The authority given by the Court of Sessions in the case of the People v. [illegible]

WARRANT & SUBPOENA

RETURNED BY THE CLERK

And the Court in the case of the People v. [illegible] has ordered that the writs of Habeas Corpus and Writ of Error be issued to the said [illegible]

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J. T. BUCK [SEAL]

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J. T. BUCK

J. T. BUCK

ERICKSON TO MURKIN

J. T. BUCK & CO.

J. T. BUCK

J. T. BUCK

FIRST CLERK DIVISION

IN THE SUPREME COURT

ABSTRACT.

In Supreme Court---1st Grand Division, in the State of Illinois.

SUPPLEMENTAL ABSTRACT BY THE DEFENDANTS.

THAYER, ALDRICH, & CO. }

VS.

JOEL K. FINLEY and THOM-
AS J. BLACK. }

ERROR TO MARION.

STATE OF ILLINOIS, }
MARION COUNTY. } SS.

- 1 Be it remembered that on the 16th day of August, A. D. 1859, the defendants filed their plea of confession, to-wit :
- 2 The said defendants come and waive all informalities, insufficiencies and irregularities in this suit, and authorize and empower B. B. Smith, to appear in Court, at its August Term, 1859, and confess a judgment against them in their behalf, in favor of said plaintiffs, for the sum of Four Hundred and Forty-one Dollars and Ninety-Eight Cents, principal and Twenty-Two Dollars and Eighty Cents, interest—in total Four Hundred and Sixty-Four Dollars and Seventy-Eight Cents.
J. K. FINLEY, [SEAL.]
T. J. BLACK, [SEAL.]
- 3 Note sued on, signed by J. K. Finley and T. J. Black, for \$204 98-100, dated July 28, 1858, payable ninety days after date.
Note sued on dated March 25, 1858, payable six months after date for \$237.00, signed by J. K. Finley and indorsed by T. J. Black.
Order of Court : And now at this day came the defendants, by Haynie & Smith their Att'ys. and waive process and service thereof and the filing a declaration, and confess that judgment be entered herein against them for the sum of \$441 98 and costs. It is therefore ordered and adjudged by the Court that the said plaintiffs do have and recover of and from the defendants herein said
- 4 sum of \$441.98 together with their costs in this behalf expended and may have execution therefor.
- 5 Certificate of Clerk. Execution issued, returned \$10 made. 2d execution, April 26th, 1860, Returned 13th May, 1860, satisfied in full by sale of real estate.

BRIEF OF DEFENDANTS.

Plaintiffs having accepted the judgment rendered and received satisfaction. Cannot now reverse the same.
SILAS L. BRYAN, Attn'y. for the Defendants.

8/

Harick del

224

Black etc

Ad. of D. 768

Julius, Nov. 16. 1864.

P. Solimatus *alt.*

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In Supreme Court--the Grand Division, in the State

ABSTRACT