

No. 13570

Supreme Court of Illinois

Riley

vs.

Laughrey

71641  7

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division.

No. 383.

Riley
3/11
1880
Returning inward

State of Illinois Supreme Court; Third Term
Paul Riley vs. Appeal from Bureau
Andrew Langhrey
Adversely

W H L Wallace will atty.
for appellant in the above case
will hereby take notice that
during said Term of said Court
has been as counsel can be
heard I will move said Court
for a re-hearing in the above
case - and will insist upon
the vacation of the judgment hereto-
fore rendered - and that the
judgment of the Court below
be set aside

Andrew Langhrey
By Peter & Harrell
& B. Leavitt his
attys.

Paul Riley

vs
A. Longbery

Return to Wallace

Filed May 8, 1860
Edmund
Clerk

Recd a paper in
of value of the
which is a copy
this will be copy of
May 10 1860

Very respectfully
Paul Riley

State of Illinois
Ladale County ss

Edwin McHammer-

lain being first duly sworn says on
oath that served a notice of which
the within is a copy upon W. S. Wal-
lace on Monday May 7th 1860
said Wallace being the attorney of record
for the within named Paul Riley

Subscribed & sworn before Edwin McHammer

me this 8th day of May A.D. 1860

L. Leland Clerk of the Supreme Court

by J. W. M. deputy

State of Illinois Supreme Court -
Third Grand Division
April Term 1866.

Paul Riley

vs Appraiser Bureau
Andrew Langhorne Admr. of the
Estate of Mary Langhorne dec'd.

To the Hon. Judges of the Supreme
Court.

Your Petitioner Andrew Langhorne
would respectfully show, that
at the last April Term of said
Court, the judgment of the Court
below in the above entitled case
was reversed - and remanded -

Judgment in the Court below was
taken in favor of appellee and against
appellant - on a ground demurred
by appellant ⁹⁹ to Appellant's Special Plea,
which demurrer was sustained by the
Court below - & the Appellant, then
withdrew his Plea of the general
issue - nil debet, and notice of set-off -
and stood by his ~~Plea~~ Special Plea
to which a demurrer had been sus-
tained as aforesaid - All which appears

from the Record - The only question presented by the Record for the decision of this Court - ^{was} whether the Court below erred in sustaining demurrer to appellants Special Plea - And upon that point - this Court - decided there was no error in the Court below, but reversed the judgment - for the reason that the Supreme Court - was of the impression that the Plea of the General issue was on file.

Riley vs Laughery, 23 Ills. page 47.

while in point of fact - the Plea of the general issue had been withdrawn prior to the rendition of the judgment in the Court below - as will appear by the Record -

Your Petitioner also shows that he did not know nor did his attys. know of the decision of the Court until long after adjournment of the April Term 1859 - and that the opinion of the Court was not filed till long after the Court adjourned as Your Petitioner is informed and believes so that Your Petitioner could not tell or ascertain the cause of the reversal of the judgment below - and therefore could not

move for a re-hearing at said April
Term ~~1858~~ 1859 - nor was such
opinion filed so that the mistake
in entering said judgment could have
been corrected under the Act of the
Legislature approved 18 Feb'y 1859.

Your Petitioner also shows
that he fears and just-cause to
fear that the appellant - Paul Riley
has become insolvent - so that the
since the said cause was taken to the
Supreme Court so that the judgment
against cannot be collected
and that your Petitioner will lose
said debt unless he can make
the security of appellant liable, and
that such security cannot be
made liable unless there is
a rehearing in said cause
and the judgment of the Court
below affirmed and that your
Petitioner did not learn of the
insolvency of the said Riley until
the 3rd week of this January
last.

Your Petitioner therefore
prays that there may be a re-
hearing in said cause and
that the judgment entered in
said cause at the April Term
said Court be vacated and
that the judgment of the Court
below be affirmed.

Andrew Langhorne
By Peter S. Hannell
his atty.

383
Paul Riley
vs
Andrew Langhorne
Admiror
Petition for re-
hearing

Filed May 8, 1860
Leland
Clerk