

12132

No. _____

Supreme Court of Illinois

Mitchell

vs.

Craig

71641  7

Be It Remembered that heretofore to wit on the 12th day
of May AD 1847 a Declaration in Ejectment with Endorse-
ments thereon was filed in the Office of the Clerk of the
Circuit Court within and for the County of Tazewell and
State of Illinois and made a part of the records of said
Court which said Declaration and endorsements are
in the words and figures following to wit:-

State of Illinois Circuit Court Tazewell County
Tazewell County } Of the May Term AD 1847.
Tazewell County to wit:-

Oliver Craig plaintiff complains of C Mitchell
defendant in a Plea of Trespass and Ejectment for
that the said plaintiff on the first day of April in
the year of Our Lord One thousand Eight hundred
and forty seven was lawfully possessed of North East
Quarter of Section Thirty in Township Nine North of the
Base line and in range Two East of the Fourth
Principal Meridian line Together with all and
Singular the appurtenances thereto belonging or in
anywise appertaining situate and being in the
County of Tazewell and State of Illinois which premises
the said plaintiff claims in fee Simple absolute
and the said Plaintiff being so there of possessed
the said defendant afterward to wit on the second
day of April AD one thousand Eight hundred and
forty seven entered into said premises & ejected
said plaintiff therefrom and the said defendant
unlawfully withholds the same from the plaintiff
the possession thereof to the damage of the plaintiff five
hundred dollars and therefore he brings suit
Oliver Craig

Mr C Mitchell

Sir You are hereby notified that the Declaration with a copy whereof you are herewith served and to which copy this is subjoined will be filed will be filed on the 8th day of May next being the third day of the next Term of the Circuit Court to be holden in Knoxville in and for the County of Knox that upon filing the same a rule will be entered requiring you to appear and plead to the said Declaration within twenty days after the entering of such rule and that if you neglect to so appear and plead a Judgment ~~will be entered~~ by default will be entered against you and the plaintiff will record possession of the premises specified in said Declaration ~~on~~ this 1st ~~day~~ ~~of~~ ~~May~~ ~~1847~~ dated this first day of May A.D. 1847. Solvers being

State of Tennessee
Knox County } p.

Wm Harrison Bell being sworn maketh oath & saith that he did on the 8th day of May A.D. 1847 serve the within named C Mitchell agent in possession of the within ~~named~~ premises with a true copy of the within Declaration and notice in writing therunto annexed Sworn to and subscribed before me this 12th day of May 1847 William H Bell

Leve Harvee Master in Chaz
State of Tennessee

Knox County } p The above named William Bell maketh oath and saith that the service of the above Declaration & notice was by delivering true copies of the same to the above named Mitchell & reading the same to him on the said 8th day of May 1847 Wm H Bell Sworn to & subscribed to before me this 4th October 1847

Leve Harvee Master in Chaz
Filed May 12. 1847. A Shannon Clerk

State of Illinois }
County of Union } set:

Pleas before the Honorable Norman H
Purple Judge of the Fifth Judicial Circuit of the State of
Illinois At a circuit Court begun and held at the
Court House in the Town of Knoxville in said County on the
second Monday in the Month of May (it being the tenth day
of said Month) in the Year of our Lord one thousand
Eight hundred and forty seven

Present the Honorable Norman H Purple Judge
William Elliott States Attorney
Achilles Thomson Clerk
Henry Armes Sheriff

Be it Remembered that on the 12th day of May 1847.
it being the third day of the said May Term the following
entry was made of records in said Court to wit:-
"Gallwin Craig

vs } Ejectment
G. Mitchell } This day came the said plaintiff
by his attorney and files his declaration in Ejectment
Notice and affidavit of service and on his motion
it is ordered by the Court that the said defendant
be ruled to plead to the said plaintiffs declaration
filed as aforesaid within twenty days from the date
hereof or that his default be entered "

Afterwards to wit on the same day the following entry was
made of records in said Court to wit:-

"Ordnals that Court adjourn till Court in course
(Signed) N H Purple"

State of Illinois {
County of Knox } Ser.

Plas Before the Honorable Norman H
Purple Judge of the Fifth Judicial Circuit of the State of Illinois
At a Circuit Court begun and held at the Court house
in Knoxville in said County on the first Monday in
the Month of October in the year of our Lords one
thousand Eight hundred and forty seven

Present the Honorable Norman H Purple Judge

William Elliott States Attorney

Achilles Shannon Clerk

Henry Arms Sheriff

Be It Reminded that on the 4th day of October 1847
being the first day of the said October Term the
following order was entered of records in said court:
Folliver Craig

vs

Expetment

to Mitchell } And now comes the said Craig by
his Attorney to W Harvey and the said Mitchell
although solemnly demanded comes not he makes
default whereby the said Mitchell remains therein
undefended against the said Craig Wherefore the said
Craig ought to recover against the said Mitchell the
possession of the premises in the said Declaration assent-
-led together with his costs herein Therefore it is con-
-sidered by the Court that the said Craig recover
Judgment against the said Mitchell the possession of
the said premises And it is further considered that the
said Craig recover against the said Mitchell his costs
in this suit And hereupon the said Craig prays the
writ of the people of the State of Illinois to be directed to
the Sheriff of Knox County to cause him to have possession

of the said premises according to the fore form and
effect of the said recovery and it is granted to him &c

And afterwards to wit on the 5th day of October AD 1847
being the second day of the said October Term the
following order was entered of records in said Court
to wit:-

Order of the said Court as given till Court in course

(Signed) "N D Purple"

State of Illinois, Tazewell County, I herewith Ser.

I T. Hudson Hale Clerk of the Circuit Court in and for
the County and State aforesaid do hereby Certify that
the foregoing Five pages contain a full true complete
and perfect Transcript of the records and proceedings
made in the said Circuit Court at the May and October
Terms thereof AD 1847. in the case of Tolliver being against
L Mitchell. Sent in Excerment as fully and completely
as the same remain of records and on file in my office

In Testimony Whereof I have hereunto
set my hand and affixed the seal
of said Court at my office in Knoxville
this 21st day of April AD 1857

T. Hudson Hale Clerk

Charles Mitchell
Against
Soliver Craig

Plff
3 In Error
Deft

And the said Plaintiff in error by his attorney comes and says that in the record & proceedings herein manifest error has intervened in this to wit:

1. The Court erred in granting the rule ~~against~~ said Defendant below to plead to the declaration of the said Plaintiff below.

2. The Court erred in entering judgment by default against the said Deft below.

3. The Court erred in rendering judgment for the Plaintiff below against the said Deft below. And this the said Plff is ready to verify by the records.

Wherefore for the errors aforesaid apparent in the said record, the said Plaintiff prays that the said judgment may be reversed, annulled and void for nothing held &c.

R. L. Blackwell

for Plff in error

fs. Jo. C. C. S. C.

Filed June 9. 1854.
W. L. C. C.

Recd -
Charles Mitchell
vs
In Error
Soliver Craig

State of Illinois - Supreme Court
Charles Mitchell }
Against } In Error
Soliver Craig }

The above Plaintiff Charles Mitchell being first duly sworn deposed and saith that the above named Defendant Soliver Craig, as this affiant is informed and believes is not an inhabitant of this State. Subscribed and sworn } Charles ^{his} Mitchell
mark

to before me this 19th day of April
AD 1857. Tudson Hale clerk

In Testimony Whereof I have hereunto subscribed my name
and affixed the seal of our said Circuit Court at
Knoxville this day and date above written

Tudson Hale clerk
Circuit Court Knoxville

Knop
Mitchell as Craig
Appd.

Filed June 9, 1854.
Scland Ck.

STATE OF ILLINOIS, } ss.
La Salle County.
SUPREME COURT OF SAID STATE, 3D
DIVISION.

Charles Mitchell,

vs.

Error to Knox.

Toliver Craig.

IT appears by affidavit on file in the Clerk's office of the said Supreme Court in the above entitled cause that Toliver Craig, the defendant in Error, is not an inhabitant of the State of Illinois, and the said Charles Mitchell having sued out his writ of error herein according to law.

Now you the said Toliver Craig are hereby notified to be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State on the second Monday in June next to hear the records and proceedings aforesaid and the errors assigned if he shall see fit.

Dated at Ottawa September 25th, 1852.

L. LELAND, Clk of said
Supreme Court.

R. Blackwell att'y for pl'ff in error,

March 29, 1853. 254

I, JOKIN S. WINTER, PUBLISHER of the
KNOXVILLE JOURNAL, a Weekly Newspaper, publish-

ed in the Town of Knoxville, County of Knox, and State of Il-

linois, DO HEREBY CERTIFY, that the annexed Notice

was printed and published in said Newspaper *seven* weeks,

successively. The first publication of said Notice in said News-

paper bearing date, *March 12th 1853* A. D. 1853.

John S. Winter

Printer's Fee,

\$ 2.50

6.

Mitchell vs. Craig

Filed June 15th 1853.
L. Leland Clerk.
By P. K. Leland Depy.

Nov 10 1853

Charles Mitchell

y

Soliver Craig

1853

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12132

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