

No. 12436

Supreme Court of Illinois

Young, et al

vs.

People

71641  7

George Young & al } State of Illinois
vs } In the Supreme
The People of the State } Court
of Illinois } 3^d Division
April Term 1887
In Error from ~~Illinois~~ Circuit

And now comes the said Plaintiff &
says that in the Record judgment &
proceedings aforesaid manifest in-
~~per~~ error hath intervened to his
injury in this

1st The Recognizance does not show
wherefore it was taken, by what au-
thority, for what purpose or by
whom

2 Neither the ^{Affidavit} recognizance, Seize ~~Return~~
~~nor~~ Record ~~do not~~ show that any crime
was committed by defendant

3. They do not show that said
intended ~~stealing~~ ^{was} done in
~~any~~ ^{Knox} County, or in the State of
Illinois, or that any thing was
stolen

4. The Record & Seize ~~Return~~ ^{Process} shows
that a final judgment was
(over)

was rendered by the Circuit Court
before the Sci Fa issued

Wherefore Plaintiff prays
that said judgment may be
reversed annulled set aside and
for naught held

By H. H. Kightley

H. M. Wend

his Attorneys

And the said People of the State
of Illinois by their attorneys and say
there is no such error as above
set forth and this they pray
may be inquired of and the judg-
ment affirmed

Pushnell State atty &

Gordy & Judd

Attys for Appelles

Transcript

of
Proceedings and Judgment had in the case
entitled as follows, of.

State of Illinois }
Knox County } ss Justices Court before Charles Williams Justice
The People of the State of Illinois } of Peace, said Court.

vs.

George Young, Robert Young, }
John Baldwin & Cheney West. } Warrant issued this twentieth day of
May A.D. 1854 on a Complaint filed
in due form before the undersigned this
20th day of May 1854 by J. B. Y. Cheney against said Defendants for the
crime of stealing as set forth in said Complaint. Said Warrant being
directed to Samuel H. Ritchey who was duly appointed a Special Constable
to serve and make return of said Warrant.

The Warrant being returned served by said Special Constable Samuel H.
Ritchey this 20th day of May A.D. 1854 with three of said Defendants to wit:
George Young, John Baldwin, & Cheney West before the undersigned Justice
of the Peace. The Court being organized for examining the said Defendants
present on the charges alleged against them in said Complaint this 20th
day of May A.D. 1854. On application of George Young one of the Defendants
above named and satisfactory reasons given therefor, the further examination
of said George Young is hereby postponed and continued to the twenty-second
day of May A.D. 1854 at ten o'clock A.M. of said day and said George Young
as principal and Frederick Snyder as security gave Bond made before the
undersigned acknowledging themselves to one and to be indebted to the People
of the State of Illinois in the sum of two hundred dollars, conditioned for
the appearance personally of the said George Young before me the undersigned

Justice of the Peace at my Office in Abingdon on the twenty-second day of May A.D. 1854 at ten o'clock A.M. of said day and not to depart the Court without leave and to abide the order of the court therein.

And John Baldwin and Cheney met the other two Defendants being present & ready for examination on the charges alleged in said Complaint. The witnesses for the people being present said the cause fully heard the evidence is deemed insufficient to sustain the charges preferred in said Complaint. It is therefore ordered that John Baldwin & Cheney meet be discharged from custody.

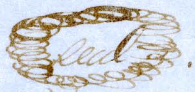
And now on this twenty-second day of May 1854 it being the hour of ten o'clock A.M. in Justices Court before me the undersigned Justice of the Peace at my office in Abingdon the aforesaid George Young Defendant in the case of the People of the State of Illinois against him on a charge of stealing as aforesaid and whose examination was postponed and continued to this day at the hour of ten o'clock A.M. and who gave Bond and security in the sum of two hundred dollars aforesaid for his appearance personally at this hour before me the said Justice said George Young being three times solemnly called, wholly failed to make his appearance as conditioned in said Bond or in any manner whatever, It is therefore hereby declared by the undersigned that said Bond made and acknowledged before me on the 20th day of May 1854 by said George Young as principal and Frederick R. Snyder ^{as} security Conditioned for the payment of two hundred dollars, or the appearance of said George Young as therein specified is in consequence of said default on the part of said George Young wholly forfeited and in full force and virtue against them the said George Young as principal and Frederick Snyder as security.

Given under my hand and seal this 22nd day of May 1854,

Charles Williams 
J. P.

State of Illinois }
Know County } ss.

I, Charles Williams one of the Justices of the Peace
in and for said County do hereby certify that the foregoing is a
true, fair and true transcript from my Doct^r of the proceedings and
all the proceedings had before me in the above entitled cause and
that the Recognizance, subpoena, complaint and warrant herewith
returned, marked respectively No. 1, No 2, & No 3 are the original
and all of the original papers in said cause and that the said
recognizance and marked No 3 & certified on the back thereof by me is
the same Recognizance or bond referred to in the foregoing Transcript.
Given under my hand and seal this 29th day of May A.D. 1854

Charles Williams J. P. 

Copy of Bond above mentioned.

State of Illinois }
County of Kim } ss.

Be it Remembered that on this Twentieth day of May
A.D. 1854 personally appeared before me the undersigned Charles
Williams one of the Justices of the Peace within and for said County,
George Young and Frederick Snyder and jointly acknowledged themselves
to owe and to be indebted to the People of the State of Illinois in the sum of
Two Hundred dollars for the payment of which they jointly and severally
bound themselves, their heirs and executors, their goods and chattels, lands
and tenements, Signed and sealed the date above written.

The condition of this recognizance is such that whereas the said George
Young has been arrested and brought before the undersigned charged with
stealing from the Store of J. B. V. Wherry and the Store of A. Latimer on
the 17th day of April 1854 and at other times in the months of April &
May A.D. 1854. and whereas the further examination of said cause is
postponed and continued until the 22nd day of May 1854 at 10 o'clock

A. M. Refue said Justice at his office in Abingdon. Now if said George Young shall personally be and appear before said Justice at his said office in Abingdon on said day at said hour and not depart the Court without leave and abide the order of the Court therein then this recognizance shall be void, otherwise the same shall be in full force and virtue.

Taken and acknowledged before

me this twentieth day of May A.D. 1854

George Young.

Seal

Fredrick Snyder.

Charles Williams, J. P. Seal

State of Illinois ss.

Greene County

I Charles Williams Justice of the Peace of said County do hereby certify that the within Bond was taken before me on the 20th day of May A.D. 1854 & signed and acknowledged in my presence by George Young & Fredrick Snyder the obligors therein.

Given under my hand & seal this 29th day of May. A.D. 1854.

Charles Williams J. P. Seal

State of Illinois. Greene Circuit Court April Term A.D. 1855.

Monday April 23^d 1855.

State of Illinois ss.

Greene County

Pleas before the Honorable Hezekiah M. Mead Judge of the Tenth Judicial Circuit in the said State of Illinois at a Circuit Court began and held at the Court house in Springfield in said County on the Fourth Monday in the month of April, said Monday being the Twenty third day of said month in the year of our Lord One Thousand Eight hundred and fifty five (A.D. 1855).

Present

Honorable Hezekiah M. Mead, Judge.

County State Attorney

Cornelius Runkle, Sheriff,
Hiram T. Tracy, Clerk.

Tuesday April 24th 1855.

The People of the State of Illinois

vs.

Recognizance before. H.P.

George Young & Frederick Snyder

This day came the said People by their
States Attorney and it is ordered by the Court that the said
Defendant be called and the said George Young being called came not
and Frederick Snyder the security for the said Defendant being called
came not and failed to produce the body of his said principal but
herein made default. It is therefore ordered by the Court that the said
recognizance be taken and held as forfeited and that judgment be rendered
against the said defendant and the said Frederick Snyder for the amount
in the said Recognizance mentioned together with costs and that a writ
of Scire Facias be issued to the said George Young principal and Frederick
Snyder security commanding them to appear at the next term of this
Circuit Court and show cause if any they have why execution should not
issue against them for the amount aforesaid and for the costs.

State of Illinois

Knox County

Plas before the Honorable John S. Thompson, Judge of the
Fourth Judicial Circuit in the State of Illinois at a Court begun
and held at the Court House in Knoxville on the Fourth Monday of
September in the year of our Lord one thousand eight hundred and
fifty five.

Present:

Hon. John S. Thompson, Judge,
James H. Stewart, Pros. Atty. Pro Tem.
Hiram V. Moore, Clerk.
Cornelius Runkle Sheriff.

The People of the State of Illinois
vs.
George Young & Frederick Snyder.

Sept. 24th A.D. 1857

Sci. fa.

This day came the People aforesaid by James H. Stewart Prosecuting Attorney Pro. tem. and on his motion it is ordered by the Court that a writ of Sci. fa. issue herein on the default taken and the forfeiture of recognizance herein at the last term of this Court returnable to the next Term of this Court, commanding the said defendants and each of them to be and appear before the Circuit Court of said County on the first day of the next term thereof to be holden at the Court house in Knoxville on the fourth Monday of April next then and there to show cause if any they have why judgment should not be had against them for the amount of their said recognizance and why execution should not issue thereon.

Sci. fa. issued as follows:

State of Illinois } ss. The People of the State of Illinois to the Sheriff of said
Knox County } County Greeting:

Whereas George Young and Frederick Snyder of Knox County and State of aforesaid did on the 20th day of May A.D. 1854 before Charles Williams a Justice of the Peace in and for the County of Knox and State of Illinois severally bind themselves unto the People of the State of Illinois in the penal sum of Two Hundred dollars to wit:

State of Illinois } ss. Be it remembered that on this twentieth day of May
Knox County } A.D. 1854 personally appeared before me the undersigned Charles Williams one of the Justices of the Peace within and for said County George Young and Frederick Snyder and jointly acknowledged

themselves to owe and to be indebted to the People of the State of Illinois in the sum of Two Hundred dollars for the payment of which they jointly and severally bind themselves their heirs and executors their goods and chattles lands and tenements, signed and sealed the date above written.

The condition of this Recognizance is such that whereas the said George Young has been arrested and brought before the undersigned charged with stealing from the Store of J. B. G. Chesney and the Store of A. Latimer on the 17th day of April 1854 and at other times in the months of April and May A.D. 1854 and whereas the further examination of said cause is postponed and continued until the 22nd day of May 1854 at 10 o'clock A.M. before said Justice at his Office in Abingdon. Now if said George Young shall personally be and appear before said Justice at his said Office in Abingdon on said day at said hour and not depart the Court without leave and abide the order of the Court therein then this recognizance shall be void, otherwise the same shall be in full force and virtue.

Taken and acknowledged before

me this twentieth day of May A.D. 1854

Charles Williams, J. P. 

George Young. 

Fredrick Snyder.

On the back of said Recognizance is as follows to wit:

State of Illinois }
Knox County } ss. I Charles Williams Justice of the Peace of said

County do hereby certify that the within Bond was taken before me in the 20th day of May A.D. 1854 and signed and acknowledged in my presence by George Young & Fredrick Snyder the obligors therein. Given under my hand and seal this 20th day of May A.D. 1854

Charles Williams, J. P. 

And it is averred that the said Charles Williams before whom the said Recognizance was executed and approved was at the time of taking the same an acting Justice of the Peace in and for said County of Knox

and State of Illinois duly authorized to accept and approve of recognizances in such cases, made and provided.

And it is further averred that the said George Young failed to appear before Charles Williams Justice of the Peace as aforesaid at his office in Abingdon on the 22nd day of May A.D. 1854 in accordance with his said Recognizance but the said George Young being three times solemnly called come now but made default and wholly failed to make his appearance in accordance with the tenor and effect of said recognizance in any manner whatever.

And it is further averred that upon the failure of the said George Young to appear before said Justice in accordance with his said Recognizance the said Justice Charles Williams noted the default of the said George Young upon his record.

And it is further averred that afterwards to wit on the 29th day of May A.D. 1854 the said Charles Williams Justice as aforesaid certified the said Recognizance of the said George Young & Frederick Snyder and the record containing the default of the said George Young in the performance of the condition of the said Recognizance to the Circuit Court of the County of Knox and State of Illinois.

And it is further averred that on the said 29th day of May A.D. 1854 the said Recognizance of the said George Young & Frederick Snyder together with the record noting the default of the said George Young and all other papers in any manner connected therewith, were filed in the Clerk's Office of the Knox Circuit Court as a matter of Record in said Court. And afterwards to wit on the 24th day of April A.D. 1855 at a Circuit Court held in and for the County of Knox and State of Illinois at the Court House in the City of Knoxville came the people by their State Attorney and it is ordered by the Court that the said George Young and Frederick Snyder

Defendants be called, and the said George Young being called came,
not and Frederick Snyder the security for the Defendant being called
came not and failed to produce the body of the said principal but
herein made default. It is therefore ordered by the Court that the said
Recognizance be taken and held as forfeited and that judgment be
entered against the said defendant (George Young) and the said Frederick
Snyder for the amount in the said Recognizance mentioned, together with
costs and that a writ of *Seire Facias* be issued to the said George
Young principal and Frederick Snyder security, commanding them
to appear at the next Term of this Circuit Court and show cause
if any thing they have why execution should not issue against them
for the amount aforesaid and for costs. And afterwards to wit on 24th
day of September in the year 1855 at a Circuit Court held in and
for the County of Knox and State of Illinois at the Court House in the
City of Knoxville came the People by James H. Stewart Prosecuting
Attorney, Pro. Tem. and on his motion it is ordered by the Court that
a writ of *Seire Facias* issue herein to wit:

The People of the State of Illinois

vs.

George Young & Frederick Snyder

On the default taken and the
forfeiture of Recognizance herein at the
last Term of this Court, returnable to the next Term of this Court
Commanding the said defendants and each of them to be and appear
before the Circuit Court of said County on the first day of the next
Term thereof to be holden at the Court House in Knoxville on the fourth
Monday of April next then and there to show cause if any they have
why judgment should not be had against them for the amount
of their said Recognizance and why execution should not
issue thereon.

We therefore command you to summons the said George Young and
Gedewort Snyder if to be found in your County to be and appear
before the Judge of our said Court on the first day of the next Term
thereof to be holden at the Court house in the City of Knoxville in the
County of Knox on the fourth Monday of April next to show cause if
any they have why the said People of the State of Illinois ought not to
have execution against them for the said sum of money for which they
are bound as aforesaid, according to the force, power and effect of their said
Recognizance and further to do and receive whatever our said Court then
and there shall consider and adjudge against them in that behalf and
hereof make return as the Law directs and have you there this unit,
 Witness William T. Money Clerk of our said Court
at Knoxville this 9th day of January A.D. 1836.
William T. Money, Clerk

Served the within Scire Facias by reading the same to the within
named George Young & Gedewort Snyder this 18 day of January
A.D. 1836.

C. Runkle, Sheriff.

By John S. Rude, Deputy.

State of Illinois }
Knox County }

Pleas before the Honorable John S. Thompson Judge of the
Seventh Judicial Circuit in the State of Illinois at a Court begun and
held at the Court House in the City of Knoxville on the fourth Monday
of April in the Year of our Lord One Thousand Eight Hundred and
fifty six, it being the twenty eighth day of said Month
Present.

Honorable John S. Thompson, Judge.
A. M. Craig, State Attorney.
C. Runkle, Sheriff.
H. V. Morey, Clerk.

Tuesday April 29th 1856.

The People &c. }
vs. } Sci. Fa.
George Young &
Frederick Snyder } This day came the Defendants by their Attorney
and filed their Demurrer to the Sci. Fa. issued herein, which
reads as follows:

State of Illinois } ss. June Circuit Court April Term, 1856.
June County }
The People. }

vs. } And the Defendants by Keightley their Atty,
George Young & } comes & defends the wrong & injury where &c and
Frederick Snyder } says that the matters and things in the Sci. Fa.
set forth as therein alleged and pleaded are not sufficient
in law for the plff. to have and maintain their said action against
them and this they are ready to verify, wherefore they pray judgment.
H. W. Keightley.

Tuesday Monday May 6th A.D. 1856.

The People of the State of Illinois, }
vs. } Sci. Fa.
George Young & Frederick Snyder } This day came the Defendants by their
Attorney and filed their Demurrer to the Sci. Fa. as herein
after being sufficiently advised in the premises it is ordered by the Court
that the Demurrer be overruled, therefore it is considered by the Court

that the Plaintiffs have and recover of the said defendants the sum of two hundred dollars the amount of their said recognizance together with their costs by them in this suit expended and may have execution therefor thereupon came the Defendants by their Attorney and prayed an appeal to the Supreme Court which is allowed by the Court upon the Defendants entering into Bond with security in sum of Four hundred dollars to be approved by the Clerk of this Court within sixty days from the date hereof.

Whereupon afterwards to wit on the 27th day of May, A.D. 1856 came the Defendants and file their Bond herein before described as follows:

Know all men by these Presents that we, H. A. Keightley and George M. Ewing are held and firmly bound unto the People of the State of Illinois in the penal sum of Four Hundred dollars current money of the United States for the payment of which well and truly to be made we bind ourselves, our heirs, executors and administrators jointly, severally and jointly by these presents. Witness our hands and seals at the Clerk's Office in Knoxville this 27th day of May, A.D. 1856. The Condition of the above obligation is such that whereas the said people of the State of Illinois did on the 6th day of May in the year of our Lord One thousand Eight Hundred and fifty six in the Circuit Court in and for the County of Knox and State of Illinois render a judgment against one George Young & Frederick Snyder for the sum of Two Hundred dollars debt and ten dollars costs from which said judgment of the said Circuit Court the said ^{George} Young & ^{Frederick} Snyder shall duly prosecute their said appeal with effect and shall moreover pay the amount of the judgment, costs, interest and damages rendered and to be rendered against them in case the said judgment shall be affirmed in the Supreme Court, then the above obligation to be void otherwise to remain in full force and virtue.

Witness our hands and seals in the presence of.
Attest May 31st 1856
Hiram S. Macy Clerk Circuit Court Knox Co. Ill.

H. A. Keightley.
G. M. Ewing.

State of Illinois
St. Clair County SS: I Hiram T. Morry, Clerk
of the Circuit Court within and for the said County
of St. Clair in the State aforesaid Do hereby Certify
that the within and foregoing Transcript of
Judgment and Proceedings had in the aforesaid
entitled Cause is a True and Correct Copy of the
Judgment and Proceedings had in said Court
in the Case of the People &c against George
Yonay and Frederick Snyder for forfeiture
of Recognizance As remains of Record in
my Office

Witness my hand and the seal
of said Court at Knoxville this
14th day of June A.D. 1856
Hiram T. Morry, Clerk

George Young &
Frederick Snyder
vs
The People



Filed April 28, 1887
* L. Leland
Clerk

Bad Recognition

Cotton Sal vs Hule 7, Texas 547
Dunley vs State 4. 00 417

~~5 Alas~~

Nest vs Commonwealth 3. 97 March 647
Besmer Sal ~~Al~~ vs The People 15 20 440,

As to final Prdg
Prickard Sal vs The People
1 Seamen 187

And this affiant believes that said Court is still
in session & that Mr Keightley is detained there

George Young et al }
vs } In the Supreme
The People } Court April 1. 1887.

It will need being duly sworn
deposes & says that the above cause
was brought here on appeal from
Knay County and that St H Keightley
of said County is the attorney for
the appellant and that this affiant
was employed on Saturday last to
attend to the case in this Court.

That he believes there is a just
& substantial defense to said
cause inasmuch as he believes
that the recognizances in the case
is illegal & void.

That the Circuit Court of
Knay County commenced its Spring
Term on Monday last, where Mr
Keightley was compelled to attend
& had a large amount of business
& his presence was absolutely necessary
at said Court, ^{during the whole week} That he intended
to attend this Court & argue this
case & expected to be here in season
to do so # That it was reported
& believed among many of the lawyers
that cases would not be disposed
of in the Supreme Court during
the first week of the Term, where
lawyers were engaged in other
Courts, as the change of Term of

holding the Supreme Court has
been recently changed, so as to
interfere very greatly with the
business of lawyers engaged in
a Circuit practice

This affiant further avers
that he was compelled to attend
the May Circuit Court & could
~~during~~ the last week & was
not able to attend this Court
before to day

That he has Abstracts
made & printed in this cause
is prepared to argue it at any
hour which may be desired
~~to suit~~ Wherefore this affiant
prays that the order dismissing
said Cause may be set aside
& the Cause re-instated on the
Docket & tried & decided as
it ought to be

Sworn & Subscribed before J. M. Neal
me this 27. April 27. 1857

L. Seland Clk. of Sup Court
By J. D. Rice Deputy

2.

George Young & al
vs
The People

Mo to set aside
sumptual

Affidavit

Filed April 27, 1837

L. Deland

Clerk

SUPREME COURT OF THE STATE OF ILLINOIS.

Third Grand Division.

APRIL TERM, A. D. 1857.

The People of the State of Illinois, }
vs. } Scire Facias.
George Young and Frederick Snyder. }

APPEAL FROM KNOX COUNTY.

THE OFFENCE.

On the 20th day of May, 1854, the defendant Young, and others, were brought before Charles Williams, a Justice of the Peace of Knox county, for the "crime of stealing from the store of J. B. F. Chesney, and the store of A. Lattimer, on the 17th day of April, and at other times in the months of April, and May, 1854."

The above is all the statement of the offence appearing in the recognizance hereinafter mentioned, and the Justice's transcript.

PROCEEDINGS BEFORE THE MAGISTRATE.

On the same day, the defendant George Young, applied for a postponement of the further examination of the case to the 22d day of May aforesaid, which was granted, and he and Snyder entered into a recognizance to the people of the State of Illinois, in the sum of two hundred dollars, jointly acknowledging themselves to owe said sum to said people.— The following is the condition of said recognizance:

"The condition of this recognizance is such that whereas the said George Young has been arrested and brought before the undersigned, charged with stealing from the store of J. B. F. Chesney, and the store of A. Lattimer, on the 17th day of April, 1854, and at other times in the month of April, A. D. 1854, and whereas, the further examination of the said cause is postponed and continued until the 22d day of May, 1854, at 10 o'clock A. M., before said Justice at his office in Abingdon. Now if said George Young shall personally be, and appear before said Justice at his said office in Abingdon on said day, at said hour, and not depart the court without leave, and abide the order of the court therein, then this recognizance shall be void, otherwise the same shall be in full force and virtue."

Subscribed to which is the following certificate of the justice:

"Taken and acknowledged before me, this twentieth day of May, A. D. 1854."

CHARLES WILLIAMS, J. P. {L.S.}

Defendant Young did not appear, wherefore the said Justice returned the recognizance into the Knox county Circuit Court on the 29th day of May, endorsed with a certificate of said Justice that the recognizance was taken before him on the 20th day of May, 1854, and signed and acknowledged by the defendants in his presence.

A transcript sent up by the Justice, states that a warrant was issued on the 20th of May, 1854, against defendant Young, and three others, for the "crime of stealing, as set forth in the complaint."

That on the application of def't Young his further examination was postponed to the 22d of said month, at 10 o'clock A. M.; that defendants gave bond in the sum of two hundred dollars for the appearance personally of said Young before said Justice at said time, and that on the said 22d day of May, at 10 o'clock A. M., the defendant Young, being three times solemnly called, wholly failed to make his appearance as conditioned in the said bond, or in any manner whatever, "and that therefore the said Justice declared that the bond made and acknowledged before him on the 20th day of May, by the defendants," conditioned for the payment of two hundred dollars, or the appearance of Young as therein specified, was in consequence of said default on the part of said Young, wholly perfected and in full force and virtue against the defendants.

The transcript is certified to by the magistrate, and returned to the Knox Circuit Court on the 29th day of May 1854.

PROCEEDINGS IN THE CIRCUIT COURT.

At the April term, 1855, of the Knox Circuit Court, the defendants were called, their default entered, and judgement rendered "against the said defendants FOR THE AMOUNT MENTIONED in the said RECOGNIZANCE, together with the costs, and that SCIRE FACIAS be issued against the defendants, returnable to the next (September) term of said court." The judgement does not state the amount of the recognizance.

At the September term, 1855, of said court, another order was made for the issue of a writ of SCIRE FACIAS to the defendants, returnable to the then next term.

THE WRIT OF SCIRE FACIAS.

Writ of SCR. FA., issued out of the Circuit Court on the 9th of January, 1856, directed to the sheriff of Knox county to execute.

The writ contains a copy of the recognizance and the certificate of the magistrate endorsed thereon.

An averment that the said Williams, before whom the recognizance was entered into, was an acting Justice of the Peace of said county, "duly authorized to accept and approve of recognizances in such cases made and provided."

That on the 22d day of May, 1854, def't Young made default and failed to appear before said Justice in accordance with the tenor and effect of said recognizance, "or in any manner."

An averment that "Justice Charles Williams noted such default upon his record."

An averment that said Justice, on the 29th of May, 1854, certified the recognizance and the record containing the default, to the Circuit Court.

An averment that on the 29th day of May, 1854, the recognizance with the record noting the default, and all other papers, were filed in the Clerk's office of the Knox County Court, as a matter of record in said court, and that on the 24th day of April, 1855, at a Circuit Court of said county, defendants were defaulted, recognizance forfeited, and judgment entered "against the said defendant and the said Frederick Snyder, for the amount in the said recognizance mentioned, together with costs," and a SCIRE FACIAS awarded, commanding defendants to appear at the next September term of said court, and show cause why execution should not issue against them for the amount aforesaid and for costs.

That on the 24th of September, 1855, on motion of the State's attorney, a SCIRE FACIAS was ordered to issue to the (then) next April term of said court, "to show cause why judgment should not be had against them for the amount of the recognizance, and why execution should not issue thereon."

The SCIRE FA. then commands defendants to appear and "show cause why the people ought not to have execution against them for the said sum of money for which they are bound as aforesaid, according to the force, power and effect of their recognizance, and further to do and receive whatever shall be considered and adjudged against them in this behalf."

At the April term, 1856, on the return of the SCR. FA., the defendants appeared and filed a general demurrer to the writ, which the court, Judge Thompson presiding, overruled; the defendants abided their demurrer, and judgment was entered against the defendants for two hundred dollars and costs, and order for execution. Defendants prayed an appeal to this court, assigning for error the overruling.

KEIGHTLEY & CLIFFORD, Att'ys.

Handwritten notes:
 1/25/56 Scans 187
 Kennedy vs People 15 W 248
 contra

Young & Co.
at
The People's
Trust Co.
Abstract.

The People's Trust Co. is a corporation organized under the laws of the State of New York, and is authorized to receive and hold property for the use of the people of the State of New York, and to make loans to the people of the State of New York, and to do all such other acts and things as may be deemed proper by the Board of Directors of the People's Trust Co. for the benefit of the people of the State of New York.

The People's Trust Co. is a corporation organized under the laws of the State of New York, and is authorized to receive and hold property for the use of the people of the State of New York, and to make loans to the people of the State of New York, and to do all such other acts and things as may be deemed proper by the Board of Directors of the People's Trust Co. for the benefit of the people of the State of New York.

The People's Trust Co. is a corporation organized under the laws of the State of New York, and is authorized to receive and hold property for the use of the people of the State of New York, and to make loans to the people of the State of New York, and to do all such other acts and things as may be deemed proper by the Board of Directors of the People's Trust Co. for the benefit of the people of the State of New York.

George Young
vs
The People

1857

2 P.D.

12436

1857

X

Wm. L. P. & Co.