

No. 12416

Supreme Court of Illinois

Stouffer,

vs.

Machen.

State of Illinois } ss Supreme Court
Dallas County } Ottawa June Term 1856
Appeal from Canal Court.

John Stouffer }
vs
William Macker }

To William Macker & appellee
You will please take notice
that I shall by my Attorneys attend at the
June Term of the Supreme Court at Ottawa
Dallas County Illinois of the year 1856
for the purpose of petitioning said Court
and moving for a rehearing in the above
Cause at which time you can appear and
resist said petition and motion if
you see proper
June 9th 1856.

John Stouffer
per Rufus Bingham
his Atty

State of Illinois } ss
Stephenson County } George Reitzel of lawful age and of
the County of Stephenson being first duly sworn according
to Law, doth depose and say that on the tenth day
of June 1856, I served a true copy of the above
and foregoing notice upon the above named defendant
William Macker by delivering him a true copy of
the same & further this deponent doth not
sworn to & subscribed before me
this 11th day of June 1856,

Geo. Reitzel

Joshua W. Guntan, Notary Public
in and for said County & State

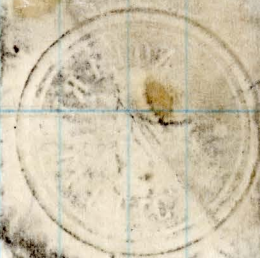
John Steuffer
William Chachen

Noted
8/1
to keep

1856

Filed June 12, 1856.
L. Leland
Clerk

12415



John Stouffer Appellant }
Vs }
William Machen Appellee }

Appeal from Carroll

Supreme Court of the
State of Illinois Third Grand Division

The Appellant in the above entitled case respectfully petitions the Court for a rehearing in this cause, for the following reasons; The decision of this case made at the last term of this Court was upon the ground that the oath of the defendant to his answer was not waived. Your petitioner respectfully refers the Court to the opinion of the Court reported in 16th Ill. R. Page 553, which shows that the decision of the Court was based upon the single ground that the evidence in the case was not sufficient to sustain the Bill against the sworn answer of the defendant. Your petitioner respectfully shows that although the answer of the defendant was sworn to by him yet the oath was expressly waived in said Bill. To which ^{Bill} your petitioner begs leave to refer & that said Bill should be made part of this petition.

Your petitioner respectfully submits that the Court were misled by the fact that the answer was sworn to, and that your petitioner has not had a fair adjudication of said

cause upon the actual facts ~~as~~ shown by
the record.

Your petitioner further shows that
the opinion of the Court in this case having been
filed since the last term of his court, that
this is the first opportunity he has had to
present this petition.

Your petitioner therefore
respectfully prays that a rehearing may be
had in this case.

Eslover Book Attys
for Petitioner

John Stouffer Appellant

vs

William Machen

Appeal from

Carroll

Petition for rehearing