

No. 1892

Supreme Court of Illinois

Enoch Edmonston

vs.

People ex rel John Scripps

(379)  7

The People

Enoch Edmouston

vs & Appreed from Schuyler

The People of relations of John Scripps

The parties hereby agree that the ~~cost of error~~ ^{writ of error}
~~appeal~~ herein be dismissed with a ~~providence~~ ^{providence} & ~~at cost~~ that
the relation John Scripps pay the costs of this Court - & the
plaintiff hereby agrees the he will not hereafter prosecute
any part of error in ^{renewing} this ~~cause~~

Brooming & Bushnell P. S.
Wm A. Marshall p 2

Enoch Edmondston

vs

The People of reletivity
John Scripps

Agreement.

Filed Dec 22 1847

NB Slocumb C.D.C

By A. Dwellbiss S.C

4
I know all men by these presents that we Enoch
Edmonston principal and Jonathan & Elanlove surely are
held and firmly bound unto the People of the State of Illinois
for the use of John Scripps in the penal sum of Two hundred
and dollars for the payment of which well and truly to be
made we bind ourselves our heirs Executors and ad-
ministrators jointly severally and firmly by these presents
witness our hands and seals this twenty third day of
August 1847

The condition of the above obligation is
such that whereas the said People of the State of Illinois on
the Relation of the aforesaid John Scripps did on the Twenty
fifth (25th) day of March A.D. 1847 in the Circuit Court
of Schuyler County State of Illinois recover a Judgment
against the above bounden Enoch Edmonston as Sheriff of
said County ~~in the~~ premises commanding him the
said Enoch Edmonston to make execute and deliver
to the said Relator John Scripps a good and sufficient
and conveying to him the said Scripps in full complete
sixty one acres Towit the South East Quarter of section
Twenty eight (28) in Township Two North Range one
West In Schuyler County Illinois which said Land
was heretofore sold to said Scripps by Thomas Hayden for-
mer Sheriff of Schuyler County by virtue of and under an
Execution in favour of the said John Scripps against one
James H. Smith From which Judgment of the said
Circuit Court the said Enoch Edmonston has said
out a writ of Error from the supreme court of said State

1847-33

which said writ has been made, a supersedeas by order
of one of the Justices of said Court.

Now If the said Enoch Edmonston shall
duly prosecute said writ of Error with effect and
pay the amount of the Judgment-costs interest and
damages rendered; and to be rendered against him in
case the said Judgment shall be affirmed in the
said Supreme Court then the above obligation to be
null and void otherwise to remain in full force
and virtue.

Enoch Edmonston

J. Hubbard

Stephen Lovett

Enoch Edmonston

to

The People of the
State of New York

Doel

Filed Aug 24th 1847

Wm. W. H. H. H.

By the Court

Enoch Edmouston

agst

The People on the Relation of John Scripps

Dep. Cl. Sent in

AD 1847

William A. Ellishoff being first duly sworn
on oath says that there is dissemination in the
Record herein in this that the Record certifies
contains none of the orders of the Court in the case
but contains only the Bill of Exception and the
Matters therein contained That this affiant re-
ceived a letter by the last mail informing him that
Joseph Montgomery the Clerk of said Court was indis-
posed That this affiant believes that a ~~perfect~~ ^{perfect} Record
cannot be got from the Clerk's Office that of two or
three weeks That in the opinion of this affiant the
delay of this case cannot prejudice in law the rights
of the Relation Affiant for this asks a certificate to
be awarded to the Clerk of the Superior Court
requiring a full Record to be returnable to the
Next Term of the Supreme Court of this State

Subscribed & sworn to
before me this 20th Dec 1847

~~Attest~~ ~~Notary Public~~

Noah Dwelliss Dep. Clk
Supreme Court

William A. Ellishoff

Edmonton

As

The Proprietor

Affidavit

Filed Dec 20th 1884

Attest

By J. D. Dineen

Sc

State of Illinois, sct.

THE PEOPLE OF THE STATE OF ILLINOIS,

To the Clerk of the Circuit Court for the County of *Schuyler* 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 *Schuyler* county, before the Judge thereof, between *The People of the State of Illinois* on the relation of *John Scripps* plaintiff and *Enoch Edmonston*

defendant it is said manifest error hath intervened to the injury of the aforesaid *defendant* as we are informed by *his* 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 Springfield in the county of Sangamon, on the *second Monday in December* 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. William Wilson, Chief Justice of our said Court, and the seal thereof at Springfield, this *twentyfourth* day of *August* in the year of our Lord one thousand eight hundred and forty-*seven*.

R. V. J. Bloccum

Clerk of the Supreme Court.

By Noah Dwellbiss Dep. Clk.

Supreme Court.

Enoch Edmonston

Plaintiff in error,

vs.

The People ex rel
John Scripps

Defendant in error,

Writ of error,

Filed. Aug 21st 1847
R. B. Glocomb C. J.
By Noah Divellier D. C.

This writ of error is made &
perfected and is to be signed
accordingly R. B. Glocomb C. J.
By Noah Divellier D. C.

Illinois, ss.

Clerk's Office of the Supreme Court, }

I hereby certify, that a Writ of Error hath issued from this Office, for the reversal of a Judgment obtained by

The People of the State of
against *Enoch Edmonstone* in the Circuit Court
of *Schuyler* county, at the *March* Term, in the year

of our Lord one thousand eight hundred and forty-seven in a certain ~~action of~~ *motion for*
a writ of mandamus for which ~~Writ of Error~~ *this* Writ of Error is to operate as a Supersedeas,
and as such is to be obeyed by all concerned.

Given under my hand, and the seal of the said Supreme Court,

at Springfield, this *twentieth fourth* day of *August*

in the year of our Lord one thousand eight hundred and forty-seven

R. P. Shocumb

Clerk of the Supreme Court.

By Noah Dwell's Dep. Clk.

Supreme Court.

Enoch Edmonstone

Plff in Error.

vs

The People of Md

John Scripps

Defl in Error

Writ of Supersedeas.

Filed

Sept 11 1847

Permy

Return

Enoch Edmonstone
By J. H. Lawler & J. H.

Served the within on the Defendant John Scripps
by reading the same to him on the 4th day of
Oct 1847 in presence of Horace Wite & George
L. Green in Schuylar County

Enoch Edmonstone P. C. M.
By J. H. Lawler Depy

State of Illinois, }
Supreme Court. } ss.

The People of the State of Illinois,

To the Sheriff of

Schuyler

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 *Schuyler* County, before the Judge thereof, between *The People of the State of Illinois on the relation of John Scripps* Plaintiff and *Enoch Edmoustan* defendant it is said that manifest error hath intervened to the injury of the said *defendant* as we are informed by *his* 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 Springfield, 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 *People of the State of Illinois on the relation of John Scripps* that *they* be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Springfield, in said State, on the *second* Monday in *December* 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 *People of the State, ex rel. John Scripps* notice, together with this writ.

WITNESS, the Hon. William Wilson, Chief Justice of our said Court, and the seal thereof, at Springfield, this *twenty fourth* day of *August* in the year of our Lord, one thousand eight hundred and forty-*seven*

R. B. Stoddard

Clerk of the Supreme Court.

By Noah Livell, dep. clk

Served the within on the Defendant John Scripps
 by reading ^{that} same to him on the 4th day of Oct 1847 in presence of
 Horace Witt & George L. Giers in Schuyler County
 Enock Edmonston
 By J. H. ...

Supreme Court.

Enoch Edmonston

Plaintiff in error,

vs.

The People of the State of New York
 Defendant in error,

Seire Facias

Filed.

Witt fees

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Enoch Edmonston - \$10.00
 By J. H. ...

du Pierre Court

Enoch Edmonston

vs

The People and

John Scripps

Record

1892

testimony signed

testimony on the

day of May

Witnessed by

1892-27