

Horsely + Middleton

vs

Error & Kane

Marcus White

It is submitted for aught in error that  
the law of 1857. Secates Stat 637.  
authorize the entry of Judgments in  
Kane Co. by confession,

The power of attorney under which this  
Judgment was confessed clearly  
authorize the entry of the Judgment  
in vacation it expressly authorize the  
entry in vacation

The affidavit filed with the power of  
attorney is defective under the authority  
of the case of Heines vs Hopkins deci  
ded last term but not reported and  
that case differs from this in this partic-  
ular, in that case the decision of the  
Court in refusing to set aside the  
Judgment was excepted to in this  
case no exception was taken  
We submit that the plaintiff in  
error having failed to except to the  
decision of the Court below in refusing  
to set aside the Judgment can not assign  
that decision for error in this Court

The petition upon which the court below  
acted ~~are~~ <sup>is</sup> not set out in the record and  
this court can not know upon what  
the circuit Court acted

Glover Leach & Company

atty for app



72 27  
Timothy Worsley  
vs  
Marcus White

Argument for defr  
in error

Filed Apr 29 1863  
L Seawick