

No. 13700

Supreme Court of Illinois

Mason et al

vs.

Mason

STATE OF ILLINOIS, SUPREME COURT,

THIRD GRAND DIVISION.

APRIL TERM, 1860.

GEO. MASON & W. W. ORME,
vs.
WILLIAM THOMAS, Def. in Error. } *Motion to set aside a Sheriff's Sale.*

POINTS RELIED ON BY PLAINTIFFS IN ERROR.

1. The Circuit Court had no jurisdiction of this motion. But the relief asked for, should have been sought by bill in chancery.

1 Gil. - Day vs. Graham - p. 445
5th Gil. - Stewart vs. Croes - p. 442

2. The Court erred in setting aside the sheriff's sale on the proofs offered.

3. The Court, if it had jurisdiction of the motion and had sufficient proof before it to justify its interference in setting aside the sheriff's sale, should have made the applicant, Thomas, pay the debt as well as the costs.

Swett & Orme
for pliffs. in error

