

WILLIAM ORR *v.* GEORGE HOWARD *et al.**Error to Adams.*

I. PRACTICE IN SUPREME COURT—*reversal not set aside.* Where a judgment of the court below is reversed by default, upon notice to the opposite party, when a non-resident, by publication in a newspaper printed at the capital, the judgment will not be set aside at the next term, except for sufficient cause shown. (*a*)

G. C. DIXON, in behalf of I. N. MORRIS, attorney for the defendants in error, moved to set aside the default and judgment of reversal rendered in this cause at a preceding term of the court, and filed an affidavit in support thereof, showing that said attorney, who was the attorney for the defendants in error, the plaintiffs in the court below, did not know that the cause was taken to the supreme court, until some months after it was reversed.

A. WILLIAMS, for the plaintiff in error, resisted the motion.

Per CURIAM: The law authorizes notice to the defendant in error when he is a non-resident, by publication in a newspaper printed at the seat of government. Such notice was given in this case, and no sufficient cause is shown for setting aside the reversal of the judgment. The defendants in error can proceed *de novo* in the court below.

Motion refused.

THE PEOPLE OF THE STATE OF ILLINOIS *ex rel.* JAMES M. DUNCAN, late Clerk of the Supreme Court, *v.* JOHN B. ROPER, late Sheriff of Clinton County.

Motion for Attachment.

[*560]

I. FEE-BILL—*liability on non-return.*

WM. BROWN and H. B. McCLURE, for the relator. L. TRUMBULL, for the defendant.

In this case the court decided that where an officer neglects to return a fee-bill within ninety days from the date thereof, he becomes liable to pay the same.

CASES CITING TEXT.

(*a*) For statute in force in 1885, governing notice by publication to defendants in error not found, see R. S. 1874, PRAC-

TICE, ch. 110, § 86, as amended in 1877 S. & C.'s Stats. p. 1841; Cothran's Stats. (1885) p. 1113.