No. 1892

Supreme Court of Illinois

Enoch Edmonston

vs.

People ex rel John Scripps

(379) 7

~~The People~~

Enoch Edmonston

vs } Appeal from Schuyler

The People ex relation of John Scripps

The parties hereby agree that the ~~writ of error~~ writ of error ~~appeal~~ herein be dismissed with a procedendo & ~~at cost~~ that the relator John Scripps pay the costs of this Court — & the plaintiff hereby agrees that he will not hereafter prosecute any writ of error in ~~this cause~~ mandamus

Browning & Bushnell P. T.

Wm A Minshall P 2

[1872-17]

34

Enoch Edmonston

vs

The People & relending

John Sculty

Agreement.

Filed Dec 22d 1847

N B Slocumb C.C.C

By A. Dwelbiss D.C.

Krum

vs

The People ex relation John Scripps

As an answer to the motion for a certiorari in this cause, the defendant in error by his counsel hereby agrees to waive all error or imperfection in the record filed in this cause ~~from the~~ arising ~~out~~ from the fact that the interlocutory orders & final judgment of the court below are not in form spread out in said record, & all other ~~errors~~, deficiencies & imperfections in the said record whatever & hereby agree that the bill of exceptions of the cause contains a full true & perfect statement of the pleadings, evidence & orders of the ~~court~~ court in the cause — The defendant in error further suggests, that near the conclusion of the bill of exceptions, drawn up by the plaintiff in error & signed & sealed by the court, it is stated that the bill of exceptions contains a full statement of the proceedings in the cause, so that by the above offer we only agree to the statement made by the plaintiff in error in his own statement of the case, as appears from the record — The defendant therefore submits that the certiorari ought not to be allowed

Browning) Bishnell

Defendant in error

[1892-2]

34

Krause
adv
~~People~~ Ex relation of
John Scripps

agreement of
defendants counsel

Filed Dec 20th 1847
R B Mount Cl. C
By A. Dwellies D.C.

3rd Jany

Know all men by these presents that we Enoch Edmonston principal and Jonathan S Mallove surety 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 dollars for the payment of which well and truly to be made we bind ourselves our heirs Executors and administrators 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~~ peremtorily commanding him the said Enoch Edmonston to make Execute and deliver to the said Relator John Scripps a good and sufficient deed conveying to him the said Scripps in fee simple sixty one acres to wit 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 Haydon former 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 sued out a writ of Error from the supreme court of said State

[1842-3]

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 (Seal)

N Sullivan (Seal)

Supreme Court
Enoch Edmonston
vs
The State ex rel
John Scribner
Bond
Filed Nov 24 1845
W. P. Mellen C.C.
By Richard Cincinnati C.C.

Enoch Edmonston } Sup Ct Sent Ten
agst } A D 1847
The People on the Relation of John Scripps

William A Minshall being first duly sworn on oath says that there is deficiencies in the Record herein in that that the Record certified contains none of the orders of the Court in the cause but contains only the Bill of Exceptions and the matters therein contained That this affiant received a letter by the last mail informing him that Joseph Montgomery the Clerk of said Court was indisposed That this affiant believes that a perfect ~~[illegible]~~ record cannot be got from the Clerk Office short of Five or three weeks That in the opinion of this affiant the delay of this cause cannot prejudice in law the rights of the Relator. Affiant for this makes a certiorari to be issued to the Clerk of the Schuyler circuit 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
~~[illegible]~~
Noah Divelbiss Dep. Clk
Supreme Court

William A Minshall

[1892-4]

Edmonston

vs

The Proprietors

Affidavit

Filed Dec 20th 1847

R B Sloan Clk

By J. Dickins

Dc

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

plantiff aud 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 twenty fourth day of August in the year of our Lord one thousand eight hundred and forty-seven.

R. N. T. Blocumb

Clerk of the Supreme Court.

By Noah Pirelbiss Dep. Clk.

[1892-5]

Supreme Court.

Enoch Edmonston

Plantiff in error,

vs.

The People ex rel

John Scripps Defendant in error,

Writ of error,

Filed. Aug 24th 1847

R. B. Blackwell C. S. C.

By Noah Divelbiss D. C.

Also said plaintiff to make a
defense and is ready to
receive judgment. J. A. Bennett &c
Abijah Gillespie &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 Illinois on the relation of John Griffith against Enoch Edmonston 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 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 twenty fourth day of August in the year of our Lord one thousand eight hundred and forty-seven

R. B. Slocumb

Clerk of the Supreme Court.

By Noah Divelbiss Dep. Clk.

{12926}

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 Nott & George L. Green in Schuyler County

Enoch Edmonston S.C.M.
By J H Lawler Dep

Supreme Court.

Enoch Edmonston
pltff in Error.
vs
The People ex rel
John Scripps
deft in Error

Writ of Supersedeas.

Filed.

Dennis
Attorney

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 Edmonston 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. Slocum

Clerk of the Supreme Court.

By Noah Divelbiss, Dep. Clk

[1092-93]

Served the within writ on the Defendant John Scripps by reading the same to him this 1st day of Oct 1847 in presence of
Horace Witt & George L. Green in behalf of Enoch Edmonston
By J. H. Lawler Deputy

Supreme Court.

Enoch Edmonston

Plaintiff in error,

vs.

The People ex rel John Scripps Defendant in error,

Scire Facias.

Filed.

Witt fees

Serving	50
Returning	12½
	62½

Enoch Edmonston p. ie. ple
By J. H. Lawler Dep

Supreme Court

Enoch Edmonston
vs
The People ex rel.
John Scripps

Record

1897.

Between filed
Returnable on the
day of

Dismissed by