

8602

No. _____

Supreme Court of Illinois

Sabut Choat et al

vs.

People

Plas at the Town of North Andover in
County of Merrimack, before the Circuit Court of said
County on Monday the 29th day of May 1854.

But remembered that he testified to an
at the said Circuit Court at Andover on the 29 day
of May 1854, being the 1st day of the term of the
said Circuit Court, George W Gray Sheriff of
Massachusetts Merrimack County as of record
Recognizance } in the said Merrimack County Circuit
filed } Court a certain Recognizance Bond
in the Cause The People of the State
of Merrimack vs Isaac C Chouat,

indicted for "Passing Counterfeit Money" which
said recognizance or in these words and to wit
Recognizance } But remembered that on the
Twentieth day of May in the year
1854 of our said one thousand eight

Hundred and fifty four personally
came before George W Gray Sheriff in and for the
County of Merrimack in the State of Massachusetts
steded and commissioned and qualified as
such and authorized by law to take Recogniz-
ances in Criminal Causes Isaac C Chouat
Principal and Sater Chouat, Sen Chouat and
John P Chouat, Thomas Chouat and Joseph Chouat
as each and acknowledged themselves jointly and
severally indebted to the people of the State of Merrimack
in the sum of three hundred Dollars good and
lawful money of the United States to be levied of
their respective goods and chattels lands and tenem-
ents But void upon the performance of the follow-
ing condition that is to say if the said Isaac
C Chouat shall be and personally appear before

The Circuit Court of Pulaski County in the State of Illinois do hereby certify that on the first day of the Term next to be holden subsequent to the date of this Recognizance that is to say on the 3th Monday in the Month of May 1854 to be holden at the Court House in North Carbondale to answer the People of the State of Illinois to an indictment preferred against the said Isaac C. Chouat by the Grand Jury of said Pulaski (~~County~~) County for and concerning the crime of "Falsely Counterfeit Money, and not depart therefrom without leave of the Court or otherwise legally discharged then and so that until this Recognizance be void they to be and remain in full force and effect And to this we are content Witness our hands and seals this the day and year of us aie that is 13th May 22 1854.

J. C. Chouat (Seal)
 Isabel Chouat (Seal)
 Serv^{pro} + Chouat (Seal)
 John P. Chouat (Seal)
 Thomas Chouat (Seal)
 Joseph Chouat (Seal)

This Recognizance taken and subscribed before me this 13th May 22 1854
 G. W. Gray
 Sheriff of Massac County
 Illinois.

And then afterwards at the said term of the Court of us aie the said 29th day of May 1854. in the cause
 The People } Falsely Counterfeit Money
 vs }
 Isaac Chouat }
 The following orders were made and entered as
 order to wit } as of record in said Court
 3

3rd W This day came the said attorney
 and the defendant at the three times solemnly
 called came not but made default therefore
 ordered that defendant, recognizance be
 forfeited said recognizance, awarded returnable &c
 and that writs, Capias issued together with
 writs and continued.

And at another day
 to wit At the Rules held in the Clerk's office
 of the said Pulaski County Circuit Court on
 the 11th day of September 1854 the following

Writ of Sequestrations issued
 Writ of Habeas Corpus issued
 Writ of Mandamus To the people of the
 Pulaski County State of Missouri to
 the Sheriff of said County Greeting whereas
 Isaac Chasal by the appointment of J. C. Chasal
 Jacob Chasal Lewis Chasal John P. Chasal Henry
 Chasal and Joseph Chasal did on the 13th day
 of May 1854 before the Sheriff of Pulaski
 County State of Missouri enter into a certain
 recognizance bond under their hands and
 seals which said recognizance is hereto the
 said Sheriff whereby they acknowledged them-
 selves jointly and severally indebted to the people
 of the State of Missouri in the sum of three hun-
 dred dollars good and lawful money of
 the United States to be levied of their respec-
 tive goods and chattels, lands and ten-
 ment. Nevertheless there was a condition
 thereunder written to the effect if the
 said Isaac Chasal should be ^{personally} and
 appear before the Circuit Court of Pulaski County

in the State of Illinois, on the first day of
 the then next term on the 5th Monday in
 the month of May 1854, at the Court House in
 North Caledonia and answer the People of
 the State of Illinois the indictment preferred
 against the said Isaac C. Choul for and concern-
 ing the Crime of "Passing Counterfeit Money"
 and not depart therefrom without leave of
 the Court or otherwise legally discharged there
 and in that event their said recognizance was
 to be void otherwise to be and remain in full
 force and effect. And whereas by suggestion
 we are informed that the said Isaac C. Choul
 failed personally to be and appear before the
 Circuit Court of Pulaski County aforesaid, on
 the first day of the then next term on the 5th
 Monday in May 1854 at the Court House in
 North Caledonia and answer the People of the
 State of Illinois the indictment preferred again-
 st him for the Crime of "Passing Counterfeit
 Money" aforesaid. Altho three times solemnly
 called by the above Command you that you
 make known to the said Isaac C. Choul, John
 Choul, Levi Choul, John P. Choul, Thomas
 Choul and Joseph Choul if they are to be
 found within your jurisdiction, to be and appear
 before the Circuit Court of Pulaski County at
 the Court House in North Caledonia on
 the 1st day of the term thereof on the 2^d
 Monday in the month of October next, to
 show cause why the People of the State of
 Illinois should not have judgment

I have witnessed & for the following return of the Court.
The return of the Court is not bound in the County of the
20th April 1854 J. A. Bennett Clerk of the Court
The 10th of August 1854 J. A. Bennett Clerk of the Court

against them severally for the said
sum of money which they owe and
are bound severally therefor according to
the force and effect of their recognizance
and further to do and submit to and may
in that behalf be compelled and adju-
ged and need not make return of their
rent

S

aid Court at office in
North Carolina on this 11th
Sept 1854

James M. Dudge Clerk

And afterwards to wit at a circuit court
begun and held in the Court House at
North Carolina in said County of Caswell
on the 9th Monday in the month of Oct
1854 being the 9th day of said month. And
on the second day of the term being the 10th
day of said month of a said the following
order was made to wit

Order for } The People } See for on Recognizance
 } } of Bail.
 } Isaac Choat Lev Choat
 } } } John P Choat
 } } } Jos Choat

Ordered that this Court stand continued
till next term of the Court and that a
writ be issued.

And afterwards to wit at
the Rules held in the said Circuit Clerk's
office on the 10th day of March 1855 An
order was issued in these words

Alvar Seifa } State of Illinois }
 } Du Bois County }

The People of the State of Illinois to the Sheriff
of said County greeting whereas Isaac C. Choua
by the alienation of J. C. Choua, Daniel Choua
Levi Choua John P. Choua, Thomas Choua
Anagnaph Choua did on the 13th day of May
1854 before the Sheriff of Du Bois County
State of Illinois enter into a certain recogniz-
ance bond under their hands and seal, which
said recognizance is here to the Court Shown
whereby they acknowledge themselves jointly
and severally indebted to the People of the
State of Illinois in the sum of three hun-
dred dollars good and lawful money
of the United States, to be levied of their
respective goods and chattels, lands and
tenements Nevertheless there was a condition
in them underwritten to the effect if
the said Isaac C. Choua should be and
personally appear before the Circuit Court
of Du Bois County in the State of Illinois
on the first day of the then next Term
on the 5th Monday in May 1854, at the
Court house in North Caledonia and answer
the people of the State of Illinois an indictment
preferred against the said Isaac C. Choua
for and concerning the crime of "Passing
Counterfeit Money" and not depart without
a return made of the Court or otherwise legally
discharged then and so that were their
said recognizance was to be void otherwise

to remain in full ⁽⁷⁾ force and effect.

And whereas by suggestion we are informed, that the said Isaac Wheat failed personally to be and appear before the Circuit court of Pulaski County aforesaid on the first day of the then next term on the 5th Monday in May 1854 at the court House in North Calcedonia and answer the people of the State of Illinois the indictment preferred against him for the crime of passing counterfeit money aforesaid although three times solemnly called we therefore command you as we have before commanded you that you make known to the said Isaac Wheat Isaac Wheat Levi Wheat John P Wheat Thomas Wheat and Joseph Wheat if they are in your bailiwick to be and appear before the Circuit court of Pulaski County at the court house in North Calcedonia on the 1st day of the term thereof on the 4th Monday in May next to show cause if any he can why the people of the state of Illinois should not have judgement against them severally for the said sum of money which they owe and are bound severally thereof according to the force and effect of their recognisances. And further to do and submit what may in that behalf be considered and adjudged and hereby make return of this writ - Witness the



Clerk and seal of said court
at office in North Calcedonia on
this 16th day of March, A D 1855
James M Davrage Clerk

upon the back of said writ is the following
return,

Return } Not found May the 24th 1855
 to trial } James S. Cooper Subt

And thereafter as a circuit
 Court began and held in the Court House at
 North Calcasieu County of Louisiana and State
 of Illinois on the 4th Monday in the month
 of May 1855 the said 4th Monday being the
 28 day of said month. And on the 3^d day
 of the term in the said cause aforesaid

The people vs Isaac Leblond, Sauret
 Choud, Levi Choud, John P Choud Thomas
 Choud and Joseph Choud "Petition on Recognition"
 the following judgment of the Court was
 entered as of record

Judgment } On this day came the people by
 to wit } their state attorney and D. Sec for
 herein naming, been returned nihil
 The defendants were three times solemnly
 called but came not. Whereupon the
 Court considered that the people may have
 recited in regard to the said defendants
 for three hundred dollars debt, ac-
 cording to the force and effect of the said
 recognizance and that the people swear
 against the said defendants, their heirs
 by them represented or suing forth
 and prosecuting this writ.

And thereafter
 on the 11 day of June 1855, there issued
 out of the Clerk's office of said Parish

Grand Court of Missouri on the above
judgment in certain tract of Five Acres
which said writ is in these words,

Five Acres } State of Missouri }
Pineville County } The People
of the State of Missouri to the Sheriff of
Missouri County Greeting we command
you that of the goods and chattels lands
and tenements of Isaac C. Chouat, Sater
Chouat, Levi Chouat John P. Chouat, Thomas
Chouat and Joseph Chouat in your county
you cause to be made the sum of three
hundred dollars which the people
of the State of Missouri lately before our
Pineville County Circuit Court recovered
against them for debt. Also Five and
an hundred and eighty three Cents with interest
the said Isaac C. Chouat, Sater, Levi, John
P. Thomas and Joseph in Court and
that you have the said debt & costs at
our Circuit Clerk's office within thirty
days from the date hereof to render
unto the said people of the debt & costs
of aforesaid and have you then and
then this writ Witness James M. Davidge
Clerk of said Grand Court and
the seal thereof hereunto affixed
at office in North Leadville
this 11th June A.D. 1855



James M. Davidge Clerk

Shall be another day to wit at the
Rules here in the said Clerk's office of the

The said Circuit Court on the 22nd day of July 1835, came the defendants and filed in said Circuit Clerk's office a certain "Bill for injunction & to set aside judgment; which said Bill is in these words

To the Hon William H. Parsons Judge of the Circuit Court of Pulaski County Illinois
In Chancery

The Petition and Bill of your complainants, Iacob Chroat, Levi Chroat, John P Chroat, Thomas Chroat, & Joseph Chroat. Respectfully sheweth that your orders nisi seals of Massac County Ills are now served by A P Rumer ^{Subst} of Massac County of said Ills, with a writ of Habeas corpus issued out of the Circuit Court of Pulaski County, of process in favor of the People of the State of Illinois and against Isaac C Chroat and your complainants for the sum of three hundred dollars, besides two dollar and some cents costs of your complainants, they had to further shew to the Court that some time about the day of _____ A.D. 1834 Isaac C Chroat was arrested by the Sheriff of Massac County Ills by a writ of Capias ad respondendum issued out of the Circuit Court of Pulaski County, directed to the Sheriff of Massac County, upon which Capias there was bail returned in the sum of three hundred dollars and your orders at the time of so arrest became the bail of said Isaac C Chroat for his appearance at the then next term of the Circuit Court for Pulaski County of said Ills, by signing their names to some instrument of writing then required by the Sheriff but whatever instrument was a recognizance or bond, or either your complainants are wholly ignorant and collecter so instrument of writing was of any force effect & virtue whatever your complainants are

ignorant, but as they have been informed and believe the said writing was of no force & had no validity for any purpose whatever, Your complainants further beg leave to shew to the Court that they never had any notice by subpoena or otherwise of any proceedings in the Circuit Court of Pulaski County against them as the Trustees of Isaac Cleburn nor did they or either or any of your petitioners by any means whatever know that any such proceedings were commenced against them until the 20th day of August 1864, as of record that the said proceedings anterior to the judgment if there be such judgment in the said Circuit Court in favor of the People or Isaac Cleburn and your Orators for three hundred dollars & costs and the rendition of said judgment were reported without jurisdiction on part of the Court against your complainants and therefore erroneous and void, Your petitioners would further beg leave to shew to the Court that they & each of them your complainants have all the time since before the commencement of so proceedings in the Circuit Court of Pulaski County resided then residing at Perry in Maple County of Missouri to the Public notoriously known to be residents of said County of Maple that they never kept out of the way, or in any way whatever evaded the service of subpoena upon them or either or any of them in said cause and that a subpoena as aforesaid has been served on them & each of them at any time since said writing was given or so proceedings commenced but the same has not been done in any way whatever nor have your complainants nor either nor any of them entered their appearance at any time in so cause nor waived process nor have either or any of your Orators ever employed, empowered or

or authorized any attorney at law or other counsel to
waive process or enter any appearance for either or
any of them to be taken in the Circuit Court of Palau
the County, nor did either or any of your complain-
ants know by any means whatever of said proceedings
in any way whatever until the 20th of the month of
December as aforesaid upon them that your orators
have as they believe a good complete & available de-
fence to set up to said action against them in said
Court & would could have set the same up if se-
ra had been served upon them or any of them, and can as
your orators have been advised & as they your orators believe
set up a complete & available defence to said action
yet, if said judgment should be set aside and your
petitioners let us to make their defence in the Sumner,
your orators would further shew to the Court, that they are
informed that Mr P Bruner, that as aforesaid has signified
his intention to your orators to seize upon levy & see
your orators lands & tenements, goods & chattels for satis-
faction of so much of se-ra unless your orators will pay
off, satisfy & discharge the same and your complainants
are without remedy law in this Honorable Court your
orators submit to the Court that the action proceeding
in said Cause so far as the judgment awarding
execution is concerned & the issue levy & collection
of the same is repugnant & void, that the said judg-
ment is unfair and if the same should not be set
aside, your orators will have their property taken
without being heard in their own defence or any
chance to be heard, all of which is contrary to the
Constitution & Laws & to Equity good conscience
& Justice your orators therefore pray that a

Order for } The Clerk of the Pulaski Circuit Court
injunction } upon complainants filing with him
a bond in double the sum specified
in the foregoing bill, with security to be approved
by such Clerk as constituted as the law directs, will
issue injunction as prayed for in the bill.

July 24th 1855

James M. Savage
Master in Chancery.

Whereupon the complainants filed as of record
in the Circuit Clerk's office a certain
injunction bond as follows:

Injunction } Know all men by these presents that we
Bond } Sator Chou, Levi Chou, John P. Chou,
Thomas Chou and Joseph Chou and
Charles Sumner are held and firmly
bound unto the People of the State of Illinois in the penal
sum of Six Hundred and twelve dollars good and law-
ful money of the United States for the payment of
which well and truly to be made and done we bind
ourselves, our heirs, executors, administrators and assigns,
jointly, severally and firmly by these presents, sealed
with our seals & dated the 23rd day of July 1855

The condition of this obligation is such that whereas
the above named Sator Chou, Levi Chou, John P. Chou,
Thomas Chou and Joseph Chou have filed their Bill in the
Court in the Circuit Court of Pulaski County, Illinois
for an injunction to stay proceedings, at law to
set aside & vacate a certain Judgment rendered in
the Circuit Court of Pulaski Co of Illinois at the
Term held 1855 against one Isaac C. Chou
and the above named & in favor of the People
Now if the above named Sator Chou & Levi

Chote, John P Chote, Thomas Chote and Joseph
 Chote shall prosecute their said bill ^{with effect}
 and reimburse ^{to} the said defendants therein such
 damages and costs as they the defendants may
 wrongfully sustain by occasion of the said bill of Indemnity
 given out as aforesaid then this obligation to be void other
 wise valid to all intents and purposes

Legua Sealra and
 delicio by presence of
 J. M. K.

J. P. Chote Dec
 Sater Chote Do
 Ser J. Chote Feb
 Thomas Chote Do
 Joseph Chote Do
 C. W. Turner Seal

And the said bill having been approved the 2nd day
 of July 1855, the following writ of injunction
 issued out of said Circuit Clerk's office.

Writ of Injunction of the People of the State
 of Illinois to John A. Logan
 Prosecuting Attorney for Pulaski County, Illinois
 & Bruner Sheriff of Mapae Co. to the corner of Mapae
 County, Illinois, whereas it has been represented to our
 Pulaski Circuit Court on the Chancery side thereof
 that a writ of Injunction issued out of the Circuit of
 Pulaski County, Illinois in favor of the People of the State
 of Illinois and against Isaac C. Chote, Sater Chote
 Ser Chote, John P. Chote, Thomas Chote and Joseph
 Chote for the sum of three hundred dollars besides
 five dollars and some cents costs in the hands of
 the Sheriff of Mapae Co. Ill. & that said Sheriff
 has signified his intention to levy the same on
 the lands & tenements Sater Chote Ser Chote
 John P. Chote, Thomas Chote and Joseph Chote & Ser

The same in Satisfaction Hereof Now whereas it has
been represented to us that the Judgment Awarding the
Said the issuance & long continuation of the same is in part
is illegal & void &c. We therefore in consideration of
the Premises aforesaid do strictly enjoin and Command
you the said John A Logan Esq, also and William P Bruner
Sheriff of Nassau County aforesaid from further pro-
ceeding further until the matter can be heard in
our said Pleashe Circuit Court of aforesaid on the Equity
Side thereof and the order of the said Court had therein
We also Command you the said Corner to Summons
John A Logan Esq, also and William P Bruner
Sheriff of Nassau Co to be and appear before the
Judge of our said Pleashe Circuit Court in the Court at
North Caledonia on the Fourth Monday in October next
to answer the Bill of Sater Choral Levi Choral John S
Choral them as Choral Joseph Choral in the said aforesaid
and then there do and submit to what may in that
behalf be decreed by the said Court And have you
then and thereafter unit ~ Witness James M Dudge Clerk

do Clerk of our said Circuit Court
and the Seal thereof hereunto affixed
at office in North Caledonia on
this 24th day of July 1855

James M Dudge Clerk
which said writ of injunction has been returned
into our Pleashe Circuit Court and used as follows
" I acknowledge the Service of the within
this 26th day of July 1855

W P Bruner Sheriff etc
And thereupon the said W P Bruner
aforesaid returned into our said Circuit Court office

The Five Acres, issued in this behalf with the following endorsement thereon

Endorsment Came to hand on the 30th of June 1855
at 10 o'clock A.M.

W^m P Bruner Sheriff A.C.

I have by reading the return to Sabert
Chow, Sheriff John P Chow, Thomas Chow &
Joseph Chow on the 19th day of July 1855 who stops
the collection by a writ of injunction July the 26th 1855

Service on 5 Depts	42 50
Miles 30 x 5¢	1 50
Return	10
	<hr/>
	\$ 45 00

W^m P Bruner Sheriff A.C.

Said afterwards to visit at a circuit Court began
and held in the circuit Court at South Columbus in
the County of Lucas and State of Illinois on the 1st
Monday in the month of October 1855 being the 1st day
of said month and on the 2^d day of the said
term "In the matter of the ~~People~~
vs the Injunction Sabert Chow et al as the People
of the State of Illinois, John A Logan W^m P Bruner
the following Proceedings were had in said
Cause

On this day came the defendants
Mehnte } and moved the Court to dismiss
Aump Bill } the bill herein filed for want of Equity

Said there afterwards at another day
the 6th day of the term of the Court that of business
in the matter of the Injunction before said the
following order & decree of the Court was made

order & decree } I am now at this day comes the
Complainants as well the Defendants
and the Motion entered up on yesterday to Dismiss
till having been fully considered and advised by
the said Motion to Dismiss is sustained and the
Bill dismissed, and Complainants to pay the
costs of the injunction and proceedings.
Whereupon the said Complainants ~~and~~
to the opinion of the Court in dismissing the
Bill.

State of Missouri }
Pulaski County } P J James M. Dawdy
Clerk of the Circuit Court in and for the said County
do hereby certify that the foregoing Pages
contain a True Transcript from the Originals
of the said on file in said Circuit Clerk's Office
" Recognizance Bond, Order of Seizure of said
Recognizance, Order for Seizure, the Seizure and
return thereof - Order for release of the Marshal
for return thereof, Judgment Awarding the
recognition, And And, Bill for Injunction &
the Affidavit thereon Also order for issuance
of the injunction, the injunction bond and bond
of injunction & the return thereon Also return
on the recognition, together with Proceedings
order & decree in the injunction

In Testimony whereof I have
subscribed my name and affix
the seal of said Circuit Court at
Coffey in North Carolina on
this the 3 day of November



2d 1855

James M. Davidge
Clerk Putnam Circuit Court

Check for Making out Record
Certificate Seal &c \$6.00
Postage 12

Errors Assigned the Judge
The Court ruled in awarding
judgment of execution according
to the form force & effect of
the Recog. process

The Court ruled in sustaining the
motion to dismiss the Bill and
in dismissing the same -

J. Jacks for Plaintiff
in Error -

Consider in error

J. S. Robinson
District Attorney

~~no 22~~ 5

Manuscript of the
Pleas &

Salut Choard

The People of the
Isle of Logar

Independent

Pleas & Certificates

Julia 21. Nov. 1855.

A Johnston CLK

Refused

[Faint vertical handwriting on the left margin]

[Faint vertical handwriting on the right margin]

The People vs

Evor to Putastri
Co.

Isaac C. Choate
Saherk Choate Levi
Choate John P. Choate
Thomas Choate &
Joseph Choate

This was a proceeding
by Sci fa pro reg
magane - and
upon a return
of two writs without
service, the Court

awarded judgment that the People
have execution against the
defts according to the form force
& effect of the S. Recognizance -

After which Saherk Choate, Levi Choate,
John P. Choate Thomas Choate
& Joseph Choate the Bail in said
Recognizance filed their Bill
for injunction and to set aside
S. Judgment awarding execution
The Court heard of Putastri Co.
on motion dismissed the Bill,
and.

Saherk Choate
Levi Choate
John P. Choate
Thomas Choate
& Joseph Choate

Prosecute
themselves
of Evor

The People

The Clerk

of the S. C. Mill Please issue
Sci fa in Evor in favor of
Saherk Choate et al as above set
forth Returnable

J. J. [unclear]
[unclear] in Evor

Read Johnson & Co

M 20

Debit Chout, Levi
Chout, John P. Chout,
Thomas Chout and
Joseph Chout

Plaintiffs in error

vs

The People

Defendants in error.

Ernst Pulaski

Recorder of Deeds in error.

Filed 21. Nov. 1855.

A Johnston clk

Choate et al } Super Court
vs } Not Venued
The People } Nov. 7. 1855

I hereby undertake to see
the costs of this cause
paid and bind myself
to see the same paid
to the Clerk by the 1st of
Nov. Error, 21st Nov 1855
J. Jack
Atty for Puff

1120

Sabat Chout,
Levi Chout,
John P. Chout,
Thomas Chout &
Joseph Chout
Gifts in error

14

The People

Gifts in error.

Ernest Pulaski

July 21. Nov. 1855

A. Johnston C.M.

STATE OF ILLINOIS, SUPREME COURT, FIRST GRAND DIVISION.

November Term, 1857.

Sabert Choate, et al.,
vs.
The People.

} Isaac C. Choate was indicted in the Circuit
} Court of Pulaski Co., for passing counter-

feit money. After which capias issued to Sheriff of Massac County, and on this he was arrested by G. M. Gray, Sh'ff M. co., and I. C. Choate together with the pl'ffs executed a bond to the People, in Massac co., and the sheriff of that county returned the bond in the clerk's office of Pulaski from whence the capias issued.

This bond was forfeited, and SCI FA. and alias SCI FA. were issued and both returned NIHIL as to all the def'ts; and the Court rendered judgm't.

And afterwards on the 11th June, 1855, a FIERI FACIAS issued against pl'ffs in error to recover said judgm't. Afterwards on the 24th July, 1855, pl'ffs filed their bill in Circuit Court Pulaski county for Injunction and to set aside s'd judgm't, setting up that s'd jud't was rendered ex-parte and without any notice to them, and that said bond was void; that they all resided in Massac county and could have been served in the SCI FA. At the October term 1855, Pulaski Circuit Court, said bill was by the Court dismissed for want of equity.

Plaintiff assigns for error;

1st, Court erred in awarding judgment that the People have execution on recognizance.

2d, Court erred in sustaining motion to dismiss the pl'ffs bill and in dismissing the same; and for these errors prays that the judgm't may be reversed.

J. JACK, for Plaintiff.

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STATE OF ILLINOIS, SUPREME COURT,
To November Term, 1856.

SABERT CHOATE, ET AL, }
VS. }
THE PEOPLE }

Page 1.

Isaac C. Choate was indicted in the Circuit Court of Pulaski County, for passing counterfeit money. After which capias issued to sheriff of Massac and on this he was arrested by G. M. Gray, sheriff M. Co., and I. C. Choate together with the pl'ffs, executed a bond to the people in Massac county, and the sheriff of that county returned the bond in the clerk's office of Pulaski, from whence the capias issued.

4 to 7
8

This bond was forfeited, and sci. fa. and alias sci. fa. were issued and both returned nihil, as to all the def'ts; and the court rendered judgment.

9

And afterwards on the 11th. June. 1855, a fieri facias issued against pl'ffs in error, to recover said judgment.

10

Afterwards on the 24th July, 1855, pl'ffs filed their bill in Circuit Court Pulaski county, for injunction and to set aside said judgment; setting up that said judgment was rendered ex parte, and without any notice to them, and that the said bond was void, that they all resided in Massac county and could have been served with sci. fa. At the Oct. Term, 1855, Pulaski Circuit Court, said bill was by the court dismissed for want of equity.

Pl'ff assigns for error: 1st, Court erred in awarding judgment that the people have execution on said recognizance.

2d, Court erred in sustaining motion to dismiss the pl'ff's bill and in dismissing the same, and for these errors prays that the judgment may be reversed.

J. JACK, for Pl'ff.

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No 24

Subut Schoats

vs

The People

Abstract.

STATE OF ILLINOIS, SUPREME COURT, FIRST GRAND DIVISION.

November Term, 1857.

Sabert Choate, et al., }
vs. }
The People. }

Isaac C. Choate was indicted in the Circuit
Court of Pulaski Co., for passing counter-

feit money. After which capias issued to Sheriff of Massac County, and on this he was arrested by G. M. Gray, Sh'ff M. co., and I. C. Choate together with the pl'ffs executed a bond to the People, in Massac co., and the sheriff of that county returned the bond in the clerk's office of Pulaski from whence the capias issued.

This bond was forfeited, and SCI FA. and alias SCI FA. were issued and both returned NIHIL as to all the def'ts; and the Court rendered judgm't.

And afterwards on the 11th June, 1855, a FIERI FACIAS issued against pl'ffs in error to recover said judg't. Afterwards on the 24th July, 1855, pl'ffs filed their bill in Circuit Court Pulaski county for Injunction and to set aside s'd judgm't, setting up that s'd judg't was rendered ex-parte and without any notice to them, and that said bond was void; that they all resided in Massac county and could have been served in the SCI FA. At the October term 1855, Pulaski Circuit Court, said bill was by the Court dismissed for want of equity.

Plaintiff assigns for error;

1st, Court erred in awarding judgment that the People have execution on recognizance.

2d, Court erred in sustaining motion to dismiss the pl'ffs bill and in dismissing the same; and for these errors prays that the judg't may be reversed.

J. JACK, for Plaintiff,

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J. C. Clark et al
vs
The People

Abstract

8602

Filed 18. March 1857

A. Johnston Clerk

Office

300 W.

Sabat Choate et al

The People

Isaac C. Choate was indicted in the Circuit Court of Pulaski Co. for passing counterfeit money. After which Capias issued to Sheriff of Massac Co. & on this he was arrested by G.M. Gray S.H. M. Co and I.C. Choate together with the Pleffs in executed a Bond to the People, in Massac Co. and the Sheriff of that Co returned the Bond in the Clerk's office of Pulaski from whence the Capias issued.

Page 1

This bond was forfeited, & Sci fu. & alias Sci fu. were issued, & both returned Nilis as to all the defects; & the Court rendered judgment.

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And afterwards on the 11th June 1855 a Writ Habeas issued against Pleffs in error to recover Q. Judgt.

Afterward on the 24 July 1855 Pleffs filed their Bill in Circuit Court Pulaski County for Injunction & to set aside Q. Judgt., setting up that Q. Judgt. was rendered ex parte & that they said Bond was void, that they all resided in Massac County & could have been served with Sci fu. At the Oct. T. 1855 Pulaski Circuit Court Q. Bill was by the Court dismissed for want of Equity.

Pleffs assign for error

1st Court erred in awarding judgment that the People have execution - on Q. recogn.

2^d Court erred in sustaining motion to dismiss the Pleffs Bill & in dismissing the same, & for these errors prays that the Judgt may be reversed

J. J. for Pleffs

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J. C. Leavate
et al

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The People

Abstract

Filed Nov. 14. 1856,

A. Johnston cllk
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No 5

Abstract

No 5

Nov. 1857

Sabot Chart et al
vs

The People

Essex to Pulaski

860 ✓

Affirmed