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Hogan et al. vs. The State.[DECEMBER

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**HOGAN ET AL. VS. THE STATE.**

Scire facias on recognizance, defective as in *Darby vs. State*; 21 Ark. 523  
(*State vs. Sartain, ante.*)

*Error to Prairie Circuit Court.*

JORDAN for Plaintiff.

FAUST for the State.

Mr. Justice COMPTON delivered the opinion of the court.

In this case, the *scire facias* does not show that the recognition was entered into before the court in which the prosecution was had, or before any of the officers authorized by law to take it. The judgment by default cannot, therefore, be sustained, according to the principle decided in *Darby vs. The State*, 21 Ark. 523.

The judgment must be reversed and the cause remanded for further proceedings.

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