

No. 12856

Supreme Court of Illinois

Johnson et al

vs.

People

71641  7

4

Andrew J. Johnson et al.

vs.

The People of the State
of Illinois.

H. R. D.

1852

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1009

State of Illinois
City of Chicago
Cook County, Ill.

Recorder Court of
the City of Chicago
June term ad
Eighteen Hundred and
Fifty Eight

Indictment for a Conspiracy to
Cheat & defraud one Jeremiah Carey
of a Horse by certain false
pretences.

Be it remembered that at the
June term of this Court ad Eighteen
Hundred and Fifty Eight the People of the State of
Illinois came by Carlos Harbo, State
Attorney & Exhibited an Indictment against
Andrew J. Johnson, Cornelius F. Backus and
Edgar C. Morre which is in words & figures
following to wit

State of Illinois, }
CITY OF CHICAGO, } ss.
COOK COUNTY. }

Of the *June* term of the Recorder's Court of the City of Chicago, in said State and County, in the year of our Lord one thousand eight hundred and fifty-eight,

The Grand Jurors chosen, selected and sworn, in and for the City of Chicago, in the County of Cook, and State of Illinois, in the name and by the authority of the people of the State of Illinois, upon their oaths, present that *Anders & John, (Gawleys & Minors)*

late of said City, on *this 11th* day of *May* in the year of our Lord, one thousand eight hundred and fifty-eight, in said City of Chicago, in the County and State aforesaid, *wickedly and unjustly devising and*

inducing one Joshua B. Casey to defraud and cheat of his goods and property did then and there falsely and fraudulently and unlawfully conspire, combine, confederate and agree together among themselves to get and obtain knowingly and designedly by false picture of the said Joshua B. Casey a house of the value of \$10,000 and thereupon did then and there unlawfully and feloniously steal, take and carry away the said Joshua B. Casey with the intent then and there to cheat and defraud the said Joshua B. Casey of the said house.

the personal goods of
then and there being found, did then and there feloniously steal, take and carry away,
contrary to the statute, and against the peace and dignity of the same People of the State
of Illinois.

CARLOS HAVEN, *State's Attorney.*

[COPY.]

N. C. No. 70

RECORDER'S COURT

OF THE CITY OF CHICAGO.

Term, 1858.

The People of the State of Illinois,

vs.

Indictment for

A TRUE BILL.

J. P. O'Brien
Foreman of the Grand Jury.

WITNESSES.

John B. Casey
H. A. Kane
Chas. Wilson
Wm. H. Reed
Wm. MacKaway

Filed Jan 17 A. D. 1858.

J. K. C. FORREST, Clerk.

Chas Newton
Chas Lipe

That upon the indictment being presented
in open court the defendants were immediately
brought into Court & thereupon filed
a demurrer to said indictment which
is in the now figures following and

State of Illinois
Cook County
City of Chicago

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of the June term of the
Records Court of the City of
Chicago In said State and
County in the Year of our Lord
one thousand eight
hundred and fifty eight

And the said Cornelius F Backus Edgar
& Moore and Andrew G Johnson do hereby
the name of Andrew J Johnson in their
own proper person come into Court
here and having heard the said
Indictment and the matters therein
contained in manner and form as
the same are above stated and let
forth are not sufficient in law and
that they are not sufficient in
law and that they are not bound
by the Law of the Land to answer the
same and this they are ready to verify
Therefore for want of sufficient
Indictment in this behalf the said
Cornelius F Backus Edgar & Moore
and Andrew G Johnson do hereby
by the name of Andrew J Johnson pray
Judgment and that by this Court
here they may be dismissed and
and discharged from the said Penalties
in the said Indictment specified
C. F. Backus
A. G. Johnson —

That the demurrer after argument was
overruled by the Court to which decision
of the Court overruling said demurrer
the Counsel for the defendants excepted.

That immediately thereupon the
said Backus applied for continuation
of the case and I in support of his
application filed affidavits which are
as follows—

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State of Illinois — Records Court of said City
City of Chicago — of the term 1888
Cook County —

The People of the State of Illinois — Indictment for a
Conspiracy to cheat
at
Andrew J. Johnson, Edger L. & defendant on John
Morse and Cornelius F. Rockus — D. Case of a Horse

Cook County —
Cornelius F. Rockus one of the
Defendants in this Cause being duly sworn
deposes & says that he has a good defense
in the merits & the indictment in this Cause
as he is advised by his Counsel J. W.
Buel and he truly believes to be true

This Defendant further says that Charles
S. Bradlee of the City of Milwaukee
& State of Wisconsin is an important
witness for this Defendant & without whose
testimony he can not safely proceed to
the trial thereof as he is also advised
by his Counsel & truly believes to be true

That he can prove by said Bradlee
that the said Case made a sale of
said Horse mentioned in said Indictment
to one Andrew J. Johnson, and received
therefor certain notes & mortgages in full

22000-7

for the furtherance of justice & further
said do

C. F. Rockus

Sworn & Subscribed
This 17th day of June 1888

by me
J. H. C. Frost
clk

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payment thereof, and that the said sale
was a fair and bona fide sale &
that this defendant had nothing whatever
to do with the bargain & sale & that said
bargain & sale was the only conspiracy
for which this indictment was brought.

This defendant further says
that he can prove by said Bradlee
that said horse was delivered by said Corey
to said Johnson in said sale, that the
indictment has this moment been brought
into Court & that there has been no time
to obtain said testimony since the
indictment was found, that he cannot
prove all of the above facts by any other
witness or witnesses within this State.

This defendant further says that he
can procure said testimony of said
Bradlee by the next term of this Court.

This defendant further says
that he has been informed & believes that
said Joshua W. Corey has said that this
defendant had nothing to do with the
offense charged in said indictment
& that his name was included in the
charge for conspiracy to prevent his being
a witness in this case, that this
affidavit is not made to delay
the case simply but wholly

State of Illinois
City of Chicago
Cook County

In the Recorder's Court
of said City

The People of the State of Illinois
at
Andrew J. Johnson, Cornelius
F. Rockus & Edgar L. Morse

Indictment for a
Conspiracy to
Choke & defraud
one Joshua B. Casey

Cook County

Henry Mills & Russell A. Eddy
being duly sworn depose & say that they are
acquainted with one Joshua B. Casey, who it
is alleged in the Indictment in this cause
The Defendants in said Indictment formed
a Conspiracy to choke & defraud the said
Casey out of a Horse.

These defendants each for
himself further says that in a conversation
with said Casey which took place after the
arrest of said defendants, and after they
were brought before Justice King and after
Examination had before said Justice, said Casey
stated to these defendants, that Cornelius F.
Rockus had nothing to do with the offense
alleged against the defendants & supposed
that he Rockus would feel hard toward
him. Casey said he included said Rockus

in said Complaint to prevent his being
a witness for the other defendants & for
that reason & no other - & further defendants
of not

Signed & subscribed

This 17th day of June

At 1838 before me

Amos L. Smith J.P.

James Wells
R. A. Eddy

State of Illinois Records Court of said
 City of Chicago City of the June Term 1888
 Cook County Indictment for a Conspiracy

The People of the State of Illinois

vs
 Cornelius F. Rockes Indicted
 with Edgar L. Moore and
 Andrew J. ~~Johnson~~ Jackson

Cook County for

Cornelius F. Rockes being duly
 sworn deposes and says that he is one of the
 defendants in the above entitled cause, that
 he has a good & substantial defense on the
 merits to this indictment, that he is inclu-
 ded in said indictment as he has been
 informed & verily believes for the sole
 that the complaining witness in this cause
 has been advised that it is necessary so
 to do to prevent this defendant from being
 introduced as a witness for the other
 defendants. This defendant further
 says that he believes that he can not have
 a fair & impartial trial on the merits
 if he is coupled with the other defendants
 that he is a keeper of a Livery in
 this City & as such he per receives

from all persons who supply Horses & Carriage.
 As well from strangers as from those with
 whom he is acquainted. That the Indu-
 -cement in this Cause is for a Conspiracy to
 cheat & defraud one Coey out of a Horse.
 That the most material transaction with which
 he is charged as he truly believes is receiving
 the said Horse from one Johnson into his
 stable - After the Contract was made
 between him the said Coey & said John-
 -son that Defendant had no interest or
 connection with the Trade nor has he
 any interest benefit or advantage arising
 therefrom & that he had no knowledge
 except from hearsay in regard to the
 Trade - not being present when the same
 was made. That his sole object in
 making this application for a separate trial
 is to have a fair impartial one & that
 he shall never be held to answer for what
 he has himself done & further
 Defendant doth not

O. F. Beckus

Sworn & Subscribed this
 17th day of June A.D. 1838
 before me

Jas K. C. Forrest
 Clerk

Thereupon a Jury was called who were
 sworn & called to try the Cause & the following
 evidence was given & no other -

Records Court of
the City of Chicago
The People of the
State of Illinois

vs
Cornelius F. Buckus
Andrew Johnson
Edgar L. Morse

Testimony

Joshua B. Leary sworn say my name is
Joshua B. Leary, reside in Vermont came
here the last days of April to sell a station
horse worth \$600. Stopped at Merchant hotel
boarded house at Grice's stable near
Briggs house First met Buckus at cor-
ner of Randolph Street & Clark. I had my
horse with me he asked me if my horse
was for sale I said yes - he told me to bring
my horse to his stable, to come down
myself if I did not bring my horse, to
come myself. It rained the next day and
I went down without my horse. He told
me that if that horse was for sale he knew
of a man that he thought would buy him
if I wanted to see him. A man by the
name of Johnson a produce dealer, this
conversation took place at Buckus stable.
He wanted me to bring my horse down
I brought the horse down on Sunday.
He wanted me to drive the horse. He wan-
ted me to come down and bring my
horse Monday ^{Johnson would be there} I went down on Monday
but not with my horse. Johnson was ^{not} there.
Johnson was introduced to me
by Buckus he wanted me to come

down Tuesday and try the horse - I went
 down Tuesday and Johnson and Backus
 us down the horse - I was down I believe
 There is an extract from the State to
 the Saloon Johnson called me and
 Hill and said to me that he had some
 notes.

Counsel for Defense objects to any testi-
 mony in regard to notes, without pro-
 ducing them or accounting for their
 absence. Objection overruled by the Court -
 to which decision of the Court the counsel
 for the Defendants excepted.

He said he
 had some notes secured by a mortgage
 amounting to six hundred and that
 the man who gave them would cash
 them, whose name was Morse would
 cash them for \$50. I have - said he had
 seen Morse and he said he would cash
 them for \$50 and nothing else finally he
 said he ~~could~~ ^{and there by the way} give the note for the horse
 I said I could not afford it Backus said
 alone and said that he thought he could
 get them cashed by Morse for \$50.
 Backus and I went to see Morse Backus
 said to him this man talks of trading
 his horse for those notes This he said of
 us having introduced me to Mr Morse
 on North Clark Street near the Depot
 of the Michigan Southern & N. Ind. P. Road
 Backus says to him you will not
 charge \$50 to cash those notes will you?
 you will do it for \$25,
 Morse figured upon some paper and

says yes he will do it for \$25 -
 Mr More wished first to know if it
 would accommodate Johnson any
 if he would cash them Backus said
 No it would accommodate, he
 then said he would cash them the
 next morning at 10 o'clock Backus
 and I then went back to stable
 and found Johnson there Johnson
 asked me if More would cash them
 I told him he would the next morning
 I told Johnson I could not stand that I
 shall it was more than I could
^{lose}
~~lose~~ if he would stand that I would
 the balance, Johnson said he would
 pay that \$25 and he would go and
 get the notes, that I might go and
 get the horse, I told him he need not
 do that, as I did not want the notes
 until I could get the money on them,
 Johnson wanted I should come down
 at 10 o'clock the next morning I do not
 remember if Backus was present
 The next morning I met Johnson on
 the street going to the Post Office
 as I was going to Backus stable but
 Backus there and waited some
 time and Johnson came, Johnson
 handed me the notes, and Backus
 and I went to the Post to see More
 More said to him I had come over
 to get those notes cashed More put
 his hand up to his pocket so (with
 sup illustrating by taking his wallet from
 his coat pocket) he they come into

says yes he will do it for \$25 -
 Mr More wished first to know if it
 would accommodate Johnson any
 if he would cash them Backus said
 No it would accommodate him, he
 then said he would cash them the
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 to get those notes cashed More put
 his hand up to his pocket so (with
 sup illustrating by taking his wallet from
 his coat pocket) he then came into

the Office and I will ask them Backus
 says he has got to have that
 Mortgage signed to him Moss said
 go and get the Mortgage signed and
 come back and I will ask them
 Backus and I went back to Backus etc
 We found Johnson with his horse he
 signed and Johnson said we will go
 up and have Mortgage signed to you
 We came up in a buggy. Coming
 up to Garrison Office we met Chop
 man a man I met first at the
 Merchant Hotel when we gave
~~the~~ ^{near} Garrison Office Johnson says let Chop
 man go and get the horse which we
 are getting Mortgage signed I said
 I had not paid for the horse Hoping at Mil
 coes stable Johnson says I have got some
 money & with our some bill and gave
 it to Chapman & I told him to go and
 get the horse Johnson and I went
 up to Garrison Office Garrison drew
 an instrument of the Mortgage Garrison
 said Backus would have to go before
 a Justice of the Peace and sign the
 Mortgage. We went back and told Back
 us Backus got into the buggy and
^{arrived am, to go, with him}
~~went with the~~ we left Johnson at stable,
 going up we met Chapman going with
 the horse South on Clark Street, Backus
 and I went to Randolph St I remained
 in the wagon while Backus went into
 the Justice I sat in the wagon and

the Office and I will ask them Backus
 says he has got to have that
 Mortgage signed to him Moss said
 go and get the Mortgage signed and
 come back and I will ask them
 Backus and I went back to Backus's
 He found Johnson with his horse he
 signed and Johnson said I can't up to
 Garrison's Office Johnson said we will go
 up and have Mortgage signed to you
 We came up in a buggy. Coming
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 going up we met Chapman going with
 the horse South on Clark Street, Backus
 and I went to Randolph St I remained
 in the wagon while Backus went into
 the Justice I sat in the wagon and

Backus came out, we then went
 to the stable and found Chapman at
 the stable and some other men. I took
 the notes from Johnson and started for
 Morse. ^{to get the money} Backus had the money and
 did not know where Chapman was the last I
 saw of it Chapman had it. There was
 not much said. I asked Backus to go
 with me to get notes cashed Backus
 said he was busy and I went alone. I could
 not find Morse or any one that knew
 where he was I went back to Backus's
 place again Backus said Morse had prob-
 ably gone to dinner. I told Johnson I
 wanted my money. Johnson then came
 over with me we could not find Morse
 he said he presumed I could get it after
 dinner I then went to dinner. After
 dinner I went back to stable, did not
 find Johnson or Morse found Backus
 that he said he did not know where
 Johnson or horse was. Said Johnson
 had sent the horse out to the shed some
 where on State Street and that Johnson
 would be back soon I waited some time
 then went to four different blacksmith
 shops on State Street inquired for the
 horse and could not find him I went
 back to the stable but did not find
 Johnson or Morse I waited at the stable
 all the afternoon to find Johnson. The
 next morning I saw Morse at Brad-
 bury saloon. Inquiring a victim I asked
 him if he would cash those notes said
 he did not know whether he could or not

We went to Buckus State Morris called
 Buckus out and they went out away
 together and talked long together I follow
 Ed them they saw me and came back
 and Buckus said he wants his money
 you ought to pay it to him -
 Morris And I came down to Sherman
 house Morris said a man by the name
 of Hald owed him \$400.00 or \$500. inquired
 for Hald Clerk said he had gone out
 on the 6 o'clock train he then then
 inquired for a Mr Grip Clerk said
 he had gone on same train, we then
 went to Mr Hald's store they said he had
 gone away so we then went to a Butcher
 shop and several other places but could
 not get any money. We then went
 back to Buckus's State and Morris
 said he could not get the money as
 he run off - During the trip Morris told me
 he did not know where Johnson was
 I saw Johnson next at Buckus State
 on Saturday morning I asked Johnson
 how the horse was he said he was well
 and on his farm fifty or sixty miles
 away I do not know that either of them
 father told me what Chapman's business
 was I have not seen Chapman since
 the Tuesday evening at Defos after the
 train. Mr Buckus told me I had better
 get the Mortgage records as Morris
 might see the land he said I had
 better come to Court house and get mort-
 gage records, the Clerk there told me it

would have to be sent to Indiana then
 der told me I would have to get black sent to
 eat that the Justice was an acting Justice
 I then went to Hudsons Office same place where
 Mortgage was signed I saw Garrison & And
 son afterwards together they defused their par-
 ties on their examination before the Police
 Magistrate then they were committed I gave
 the Mortgage to Chapman to be recorded in
 School Indiana Notes produced, (Copies are
 needed hereunto) they are the same notes given
 me and date of the notes May 4th. I re-
 ceived Notes & Mortgage from Johnson Notes
 signed by Morse, was advised to send Mortgage to Lark Co. by

Hudson —

I Who signed Mortgage or paper called Mort-
 gage. Objected, to because it was necessary
 to produce Mortgage or paper called Mortgage
 to prove ^{the} hand writing of the party, Objection
 overruled And defendants excepted to the
 decision of the court — Ans. I dont know
 I think it was signed by Johnson —

I commenced the proceeding before the Police
 Magistrate, the Notes were then given to
 Garrison, I was taken before Justice Davis
 on a charge of Perjury Garrison was
 there and produced the Notes and they
 were taken from him by a man by the
 name of Reed Reed was my Bail I did
 not see the Notes after my arresting the
 Defendant, until the 8th before Justice
 Davis I have never seen the Notes since
 I saw him on Clark Street with Chapman

The 1st note

negotiated, on the 8th of June

and Examined I reside in Vernon County
 of Madison town of Whiting Left there in Dec

last, Am a single man own a farm
 there, I came out here to bring the horse
 I had no other business than to sell the
 horse, I raised him brought him by cars
 Am twenty two years old never out of
 Vermont before, live ten miles from Middlebury
 I have been in Rutland County
 by, also to Burlington to State fair -
 I knew David Hill the owner of the Black
 Hawk came here 1000 miles for the
 sole purpose of bringing the horse I knew
 no person in length I went from Boston
 to White Hall & from there to Saratoga
 I can't tell how long I coming I think ten
 days I got here the last days of April
 I stopped on the Road two days at Syracuse
 and three days at Buffalo came by mail
 in an Southern Road to Chicago I did not
 stop at any other place The horse is not
 Black but bright Bay It was not a
 Black horse and this is not all the
 property I have I never saw horse in
 the State of Backus The notes were
 given me in Backus State, The horse
 was not there I never had hold of the
 bridle of the horse there I never delivered
 at the horse there to Johnson He had a
 blanket on when I saw him in the stable
 with Chapman, I never took the blanket
 off from the horse in the stable
 and said here is the horse - give me
 my notes or I want my horse I
 was not introduced to Mr Chase there,
 I think I did not talk with any other

men. There were other men working
 in the Bureau, I sold the horse for the
 Notes and Mortgage. provided Morse
 would cash them. I am sure about it
 I was to have twelve Dollars & one half
 I did not get it. I gave the order to
 Chapman for it - I gave Sam Backus
 on the third day of April. I saw
 Johnson on the 1st day of May. I got
 the notes on the ~~first~~ fifth day of May.
 Morse stated to me on the fourth day of
 May that he would pay this month
 day. I consulted with no one in
 regard to the responsibility of these men
 I knew no one. I had my horse at Wilcox's
 I know Wilcox I asked Wilcox to see him
 I think I did not ask Wilcox in regard
 to these men. I traded entirely upon
 their representations. I never delivered
 the horse to these men or Johnson
 I did not see Morse before the notes
 I do not know his handwriting
 The horse was taken to Backus stable
 about noon. Left there between noon
 & one. Came there again that day
 I came once more - I did not ask
 Backus for any money. That day, I
 did ~~not~~ ask him to let me have
 money to pay for the keeping of
 the horse - He said he had no money.
 I think I did not ask him to pay
 on Johnson's account. He did not tell
 me that he did not pay Johnson's
 bill. Backus told the man keeping
 the horse he would see the bill paid

I saw Chapman say back the two
dollars it shown at Backus' Stable.
I saw Chapman quite a number of times,
three or four times certainly, at Backus' Stable
after I saw him on the prison clerk
sheet - I saw him ~~just~~ at hotel on Island
I should say he met with me to the Stable
three or four times. He was there when
I got the notes - I was found in at
Justice Davis' office for purpose in #204,
Reed a watchman met me back
the prosecuting attorney defended me.
Then I did not tell the constables
or Mr Wells or any other person that
I had Backus arrested to keep
him from being a witness in this
case. I delivered the mortgage to
Chapman while he was going to the
Michigan Central Depot. I have
taken my pains to get Chapman
here or the mortgage and notes. I
have never tried to get the horse back
I have never offered the notes and
mortgage to the man I received them
of and demanded payment for the
horse. I never demanded the horse
back. I commenced this prosecution
on my own account. I asked Mr. Reed
about it and Justice King. I did
not consult the prosecuting attorney
until after arrest. Mr. Wilcox went with
me to Justice King's office - I know
Garrison. Garrison took the notes - I do
not remember as he said any thing at

the time. I saw him take them I did not ask him for them. Garrison produced the notes at Justice Davis. Garrison gave them to Reed. I did not state the last time I saw the horse & Chapman was on Clark Street. before the police Court Examination.

I spent most of the time at office during the past winter. Came from Vermont to office. I saw Chapman & at back the five dollars & Johnson Chapman says to Johnson you can pay him the five dollars when you pay him the money & 50 dollars. Johnson said Chapman was on the farm.

Question Why did you give the money to Chapman?
 Answer Objected to. Over ruled. Exception taken by Defendant's Counsel.

Answer Chapman said it is not likely you will see Johnson before you get the money on those notes.

[Counsel for Defendant objected to what Chapman said when the Defendant's witnesses of there were present]

Chapman says give me an order on Johnson for the \$12.50 and I will get it for you - Yes said he was going to Brown Point to work for Cade. I just paid Cade with Johnson & Chapman on Tuesday. Again at Backus Stable. and at the examination he was a witness for Defendant. I saw him two days before the Examination. Backus said I had better have the

and sent me to the Court House
Mortgage recorded. The recorder said
Send it to Indiana

Charles Wilcox Smith,
Knows Casey. Saw him first in April
last. Keep a Livery Stable near Briggs House
Mr Casey had a Bay Stallion worth \$500-
at my Stable. First knew Johnson and
Baekas first of May last. Think the
horse left stable third or 4th of May last
was not there. John Chapman
knew him by sight ten days before Casey came
He said he was going with the Area
Chapman stood ^{watching} about the stable some
fifteen minutes. Saw him in the alley
was gone only fifteen minutes. I
when I came back the horse was
gone. There were five dollars due
for keeping - There were three horses
there - Henry Winston Crade Rief
Giles Wagner - I saw those notes
had charge of them - Saw them to the
Prosecuting Attorney -

Henry A. Kaufman Saw
Knows Casey - Knows Defendants Saw
Johnson at Baekas Stable - Saw
Johnson & Mike together at Stable in
the morning - I went to stable with
Red - Went to Mike and asked
him what he was going to do about
the notes - He said nothing. I said
to Mike - Will you take the notes

May 23

at three hundred dollars. He said
he would if he could - He said he
would own the land when he had
paid \$500 - I asked Johnson and
Morse and went to Landon's office for
an atty - this was about one o'clock
Johnson he would go and be back
in one half hour. He did not wish
to lay in jail and wanted to get
bail if it was required - I could
not find him all day - There was
consecration about the matter. I don't
remember what - Morse said he would
own the property when he had paid
\$500 - Morse said he did not know
whether he could pay any thing at
that time -

Charles Rief Jarrin -

Is in the employ of Gage & Co. - Same
stable with Miles. And has been since
February. Known ever since April
last - Casey had a hay station there -
that the proprietors had a claim for the
keeping of the horse - I went to Backus
Stable and told Casey I thought of
suing him for it - Backus said it
was all right. Johnson had bought the
horse and had gone after the money
to pay Casey for it. I looked through
the stable and could not find the
horse. Saw Chapman first a week before
Casey came with horse - He came with
a candy wagon -

X Examined
page 22 Casey was present at the time of
the commutation mentioned
Casey asked Backus what kept
Johnson so long - I think Sampson
was there. He had been talked with by
the District attorney - I think I
spoke with Mr. Wilcox on the subject
since dinner.

Christopher Dennis I saw
work at Wilcox's stable. Remember
Casey - He had a horse - Chapman
came for the horse - and took him
away. I met him coming down
the stairs ^{with the horse} and asked him what he
wanted of the horse - he said he
wanted to exercise him. In other
communications with him. Have a say
Station.

X Examined
I saw him there before with Casey.
He helped take care of the horse
some times Chapman. + Sometimes
Casey came to take care of the
horse.

A G Low I saw
do acquainted with Mr Backus
Backus spoke to me this morning
about this case.

Question

State commutation in regard to the
subject of the horse.

Objected to, Objection overruled -
 Exception taken to Repts Counsel -
 Backus said there was no conspiracy
 that they did beat the man out of the
 horse. He asked me what kind of
 a jury he had - He said he had
 been informed that there were two oldish
 gentlemen who would be hard on him.
 He asked me about a large man on
 the jury - I told him I thought they
 were all liberal minded men. They would
 get off because they were indicted for the conspiracy and
 not for depredating camp of the horse -
 Defence

Nilem W. Chace

Am Freeman of Job and Philip Sawling
 establishment. Saw Leacy at Backus
 Stable. Saw Leacy take the blanket off the
 horse and show him to the Gentlemen then
 Backus. Caddy, Broadbent & Johnson
 were there, and some other men that belonged
 to the Stable Case pitched the horse on
 the stall - He has half brother of Othello
 since he stated - When I first saw him, he
 had a blanket on - They went into the
 saloon - Johnson took out some papers
 looked them over. Leacy finally took
 papers - Perhaps to going into saloon
 I noticed Johnson's man was gone
 asked Casey if he had traded with
 Johnson - He said no he had sold
 Johnson was going to dinner. Casey
 asked him when he would be back
 He said two o'clock. Casey had gone
 to a Blacksmith shop when Johnson
 and Casey talked together.

Love was taken out of the Barn
before Casey left -

X Examined
First saw the horse when Casey's Groom
first rode up the horse to the Barn
He stood near the barn door when
I first saw him within 6 or 8 feet
of the door in barn ^{inside} - His Groom
was holding him Casey stood close
to the horse - I was in the saloon
Backus came with Casey in
a wagon up to the Barn Johnson
was there - It was about eleven o'clock
I saw Casey and Backus first near
the door in a buggy - fifteen or twenty
minutes after I first saw the horse
I stated before Judge Davis in
regard to this horse being the Other
Allen bred - Chapman stated to
me that he had taken care of the
horse three weeks - Don't know the
day of the week - nor the day of the
month - It was the week ending 15th
may I think I can tell by my pig
book - In the afternoon I was in
again and staid two or three hours
I was there frequently -

Patrick Guilfoil's Groom -

Work for Backus - Have seen Casey
at Backus stable - Was at Backus
stable with a horse - Brought him in
& put him in the stable - Said he had

sold the horse to Johnson. Bright
day station horse - Chapman led
the horse up to the door
A short time after Backus & Casey
came. Asked, Backus where the
horse should be put. He said take
Johnson's horse out of the stable and
put him in his stall. I took out
the mare. Casey took horse and
led him to the stable & took off his
blanket. Mr Chase asked him
if he had traded. He said no
he had sold to Johnson.
Told me the same. Saw Johnson
take some paper out of his pocket
and give them to Casey.

He untraveled this horse and at the same time in the stall stripped the blanket off & gave me the horse of the stall

X Examined.

It was between 11 & 12 o'clock Chase
Eddy Bulwinkle & Co. perhaps some others
were there, in the stable, Chase was
well Eddy near me talking. Casey led the
horse in stable, Casey & Backus came up
walking into stable Johnson ^{was} near
there, during the time.

Chase was washing his hands when the horse came in.

Charles F. Bulwinkle resides on
Madison Street. A Veterinary Surgeon
have seen Casey I was doctoring a horse
there, at Backus stable he led his horse
ahead so that I might lead the horse I
was doctoring out of a flood he stood
by the horse I was doctoring and I looked
and saw him I heard Mr Backus to put
the station in a stable, he came and

looked over me. I stepped into the saloon
Cassy was there it was 11 o'clock
X Examiner

Am a Veterinary Surgeon I do
not know what I came here to do
I have seen Eddy Johnson & Backus there
~~together frequently~~ 5 or 6 times within the last
six months. The horse was a bright
bay station had a blanket ^{on} I think I
should have remembered if he had
his head was standing near the door
facing towards the door I had never
seen Cassy before and never since
till today. I have talked with Backus
he asked me if I remembered Cassy's
bringing a station horse to his stable
I told him yes I did,

Peter Caldwell sworn Am a cow
tattle reside South Wells street had a
proof for Cassy took supper with him
I asked Cassy what was the trouble he said
he sold a horse to Johnson for notes to be
cash'd by Morse at a discount of
\$25 or \$30, I went up to Backus Bar
I believe Cassy told me he had Backus included
with the other to prevent him from
being a witness for them I think so, &

Geo W Sampson sworn

have been working for
Backus have seen Cassy at Backus
stable. I saw a bay horse a short
distance from Backus stable, & at

Gilfoil was leading him, he was five or six rods from State, when I got to the State I saw him it was four or five weeks ago I can recollect him, had no conversation with either of defendants,

Russell A Eddy

I know Ray resides at Crown Point have seen him before first saw him on cor of Randolph & Clark streets have seen him at Buckus State I saw him there four or five weeks ago. He came there with another gentleman he was there with a horse the horse had a blanket on Mr John son told me he bought the horse in the presence of many the horse was then and put into the south part of the Barn

X Examined

Resides at Crown Point but up living, trading and farming I have been trading here, have been in several kinds of business have known more than or four years Backus 18 months and more 2 years I went with Johnson in a buggy when they tried the horse I can say when I came to city it was between the first and last of May I was at Buckus State more or less for several days before trade was closed Stopped at Buckus house

Question Did you execute any papers to Backus conveying any land to Backus. Objected to Objection over-ruled

I never saw him since that day I saw him that day
in State before he was led into State he had a
plummet on

"A" The lance I sold to Backus. Backus sold to Moore, I was charged to have the deeds

And expected to by Deft Counsel -
And I did convey several pieces of
land to Backus a piece of land which
he might have sold to Backus ~~more~~
I understood ^{from the deed} that it was the same land
that secured those notes. Casey showed
me some note I think same note as
those showed to me now (some note as
mentioned before) those deeds were
made out in Crown Point Indiana
before I came to Chicago I think the deed
was sent by the Records I saw in ^{the} ~~the~~ ^{with} Johnson and others in the Bureau
Court, have been ~~and~~ for conspiracy in
obtaining cattle ^{with the grizzly and over-cattle} have been indicted
three or four times I do not know what
land I am unwilling to place any
value upon the land in question
The land ^{is} ~~is~~ ^{now} ~~now~~ ^{since} ~~since~~ ^{has} ~~has~~ ^{been} ~~been ^{at} ~~at~~ ^{Marquette} ~~Marquette~~
Station in Indiana, I would not
swear that there was thirty acres in
the land described in the mortgage,
^{will not swear that there is twenty acres}
~~there~~ ^{where} ~~where~~ ^{was} ~~was~~ ^{at the time I had}
of saw Casey receive papers of Johnson, he gave
them to him I think I saw the horse led out of B's stable he
ran horse twice I saw Chapman drive him that day
three days one on Clark St and one on 1st St. I never
Chapman drove horse to stable but to a buggy, saw him in
stable but ~~not~~ ^{not} ^{in the stall} ^{he had blanket on}~~

Sworn says resides in
this city an Attorney Myself & Partner
defended then Deft ^{Hudson} before Police
Magistrate Casey there said the last
time he saw the horse was on Clark
Street -

Aug 29

Hudson Brown Am An Attorney reside in this city know Casey before the Police Magistrate Casey swore that the last time he saw the horse was with Chapman on Clark Street.

Crop. Examined. Casey came to my office with the Morgan I advised him to send it to Lake County Ind. It was to be returned in mail to me - Have not received it - I suggested that it be sent to my boy, as he could get it sooner. I defuncted Dept. ext - It was on a loan.

Henry Wells Brown lives in Lake County Indiana have been Sheriff of this County 8 years I measured 7 years have known Casey for a few days have had some talk with him, he told me he had nothing agt Backus that he had him arrested and indicted with the other Defendants so that he might not be a witness in their behalf I have known Brown for two years know his general reputation where he has lived it is good. I know nothing of his pecuniary circumstances

X Examined,

See page 25 for Crop Examination of Henry Wells.

30
Page 22

Samuel H. Hild sworn I reside in the
City Occupation Merchant how long
Morse is on seven years his character
is good he taught school in Indiana
where he lived and has been Deputy
Sheriff there, He has been with me six
weeks past -

Crop Examined

I am Bail for Morse how
made contract to pay him what he is
worth for wages had let him have \$24
and owe him about \$3. I did not
on the fourth of May owe him \$300 or
\$400. And saved did

Morse has been deputy Sheriff. My aunt's

view with Leary was at Wilcox's stable
 of Henry Wells
 Leary & I went for Morse. I went to the

stable for the purpose of seeing Leary
 Wilcox made the proposition to settle.
 Wilcox proposed that if the Defendants
 would give up the horse & give one hun-
 dred dollars that Leary would leave
 town, I did make the proposition it
 came from the other side. They said
 he was a green Vermonter and
 I think he is. I think he expects
 not to come to Chicago. I have been
 robbed once here but I did not
 complain about it I am able to
 stand, I did not tell anything
 the officers get it back for me.

I went to see Leary for the purpose of
 getting a settlement, I was not
 told to go by the Defendants. I saw
 Leary in a buggy. I did not tell Wilcox
 I did not tell Wilcox that Defendants
 would give Wilcox the horse & fifty dolls
 I told him that I thought they would
 I know Hargan the Policeman he
 was the man who got my money
 back, do not telling him I would
 not go. I did not for I felt very much that
 they had swindled the man out of the
 horse & he was at Leary's side

Page 32 I must have said so but do not
remember it. All I have done was
to say I was Bail for the parties and
thought the man a good Vermont &
ought to have the horse back.

Wilson W Chase recollects says that
the time mentioned in my
testimony of Corey & the horse being
at B. Stone was in the week end
ing the 8th of May last. I know
it from my pop Book, pop Book
produced.

Corey Ex. I have not since my first
examination concerned, with either
of the Defendants. In reply to a
question from a juror now he
stated he had not conversed with
either of the Defendants.

Charles Wiley, recollects by people says
I know Henry Wells he came to
me at my store & stated he wished
to see Corey about that horse. He told
me that two Defendants would
give \$50 or \$50 & the horse to Corey, if
Corey would give Bond that he
would not appear against them.
I told him he could see Corey.

I must have said so but do not
remember it.

Aug 27

himself who went to see him. I did not make calls or any and did not make any proposition to settle, I talked with several persons Will Backus & others about a settlement. Backus ~~said~~ told me once that he would give the horse & fifty dollars and settle, I did not tell him that I could make any sworn to anything and do anything that I should want him to -

Per of Ex. I have had conversation with several persons in reference to that matter I was in the employ of Harpman & detective policeman & Casey and was trying to get evidence in the case, ^{acted under} Harpman's directions. Never made any propositions to settle to any one -

E P Miller Stoom says I know Johnson & have known him for a long time know Wilson & whose. Since whose was first called have seen him & Johnson in conversation. I was standing on Court House steps and whose & Johnson came up the steps ^{from the opposite side of the street} talking together. Johnson went into Court Room & whose in another direction.

Per of Ex. I could not hear what was said, I did not know what they said.

may 1
34

The foregoing being all the testimony in the case
I have examined the foreman's bill
of exceptions, and find the evidence
correct, - *Wm. W. Miller*
Pres. City

The State attorney & the counsel
for the defendants argued the
cause to the jury then the counsel
for the defendants, asked the court
to give the following instructions to
the jury which the court refused to give
entirely that the court refused to give
the instructions numbered four five &
ten & amended instruction nine
that the counsel for the defendants
then & there excepted to each & each
of said refusal to the amendment
made by him to the instruction
as amended -

Recorders Court of the City of Chicago

The People of the State of Illinois

Indictment
for a conspiracy to

Andrew J. Johnson Edgar L

More & Cornelius F Backus

1st The defendants ask the Court
to instruct the Jury that they are made
by the Laws of this State the Judges of the Law
and the facts in this cause

2nd That it is made the duty of the
Court to give or refuse instructions to the Jury
but they are at liberty if it is their duty
if they believe it to be correct to abide or
not abide by the instructions given them by
the Court

3rd That if they believe that Leary has directly
knowingly sworn false in regard to any one
particular fact material to this case they must
reject his whole testimony unless sustained
by other unimpeachable testimony

4th That under this Indictment for a Conspiracy
to commit an offence if the offence be
actually committed then the defendants
cannot be convicted of conspiracy to
do what they have already done

Refused 5 That if they believe the testimony of Carey that he never delivered the Horse to Johnson, and that the Horse was only to be delivered on the payment by Moore of the Two Thousand Hundred Dollars Notes less Twenty five dollars discount and that the defendants by a concerted arrangement among themselves got possession of the Horse & put the Horse beyond the reach of Carey with intent to Cheat & defraud Carey out of the Horse that such an offence amounts to a larceny of the Horse, and the defendants cannot be convicted under this Indictment to Cheat and defraud Carey out of the Horse

7 That the declarations of Backus as given in Evidence by the Witness Low of what Backus said should have said to him some after the trial commenced cannot be used as Evidence only against Backus

8 That the testimony of R. W. Eddy on his Cross Examination by the States attorney as to the description of the

Given

Said said to have been Mortgage by Moore
to Backus and referred to in this Cause
& the Contents of the Mortgage as to what
Said Dr covered & the Notes & Canceled
cannot be used for any other Purpose
than bearing on the Creditability of Eddy

9 That if the Jury believe from the
testimony that the sale of the Horse
was on Credit (amended by Court)

Given as (unless that Credit was obtained by Fraud) for
amended Even so that a time still that any
and all false Pretenses in regard to the
Sale of Horse must be in writing
and signed by the Parties to be charged

10

Refused

That if the Jury believe that
from the Evidence that the defendants
committed a Larceny They cannot
be convicted of a Misdemeanor

Instructions for the People

1 The Jury in this case are the Judges of the Credibility of all the witnesses who have testified and in determining their Credibility they should take into consideration their appearance on the stand their Interest in the case if any their Connection with the defendants or either of them if any such Connection has been shown by the Evidence the Contradiction of the witnesses if any or any of them by other witnesses and all the facts Elucidated in the trial

2 If the Jury believe from the Evidence that either of the witnesses who have testified for the defendants have been acting as Counsel for the defendants in the trial of this case then the Jury may take the fact into consideration in determining the Credibility of such witness or witnesses

3 If the Jury believe from the Evidence that the defendants or any two of them acted in concert to obtain the Home of Carey as charged in the indictment then the Jury should convict the defendants or any two of them who have so acted

In the People

4

The jury in determining whether the defendants or any two of them acted in concert to obtain the Horse in question as charged in the Indictment should take into consideration the acts of the defendants as ~~proved~~ in evidence and by the jury believe from the evidence that they or any two of them did or act then the jury should find such defendants guilty

5

The gist of this offence is the conspiracy or unlawful agreement to act in concert for the object charged in the Indictment and although the jury may believe from the evidence the defendants actually obtained the Horse of Carey yet by the jury believe from the evidence the Horse was obtained by a conspiracy as charged in the Indictment they should find the defendants or any two of them guilty. Provided they find from the evidence any two of the defendants have so acted as charged in Indictment

The State attorney then offered the following instructions to the jury suggested the counsel to give the same to the jury which the counsel gave to the jury of which each of them severally the counsel for the defendants excepted -

Here must instructions for the People
The jury retired & after a short absence returned into Court with a verdict of guilty -

The counsel for the defendants then moved the counsel for a new ^{trial} assigned the following reasons in the manner following

State of Illinois	{	Records Clerk of the City of
City of Chicago		Chicago June term AD
County of Cook		Eighteen Hundred and Fifty Eight

The People of the State of Illinois	{	Indictment for a conspiracy
Andrew Johnson		to Cheat & defraud one
F Barnes Sargent & Moore		Ismael B Case out of a Horse by false Pretences

The defendants move for a new trial for the reason that there has been no arrangement of the parties nor no plea entered & saw indictment. Nor no issue joined between the People & the defendants

and the Court to be bar to a further
Presentation

2 Because the Court refused to give the
Instructions asked by Defendants
Numbered one to five numbered four
five six & ten & answered one of
the Instructions given numbered nine

3 The Court met in giving the
Instructions asked by the States
attorney Numbered one two
three four & five

Which was overruled by the Court
to which decision of the Court
overruling the said Motion for a
new trial the defendants by
their counsel excepted.

42 The counsel for the defendants
moves the court to arrest the
judgment in this cause for the
following reasons

State of Illinois
City of Chicago
County of Cook

Receivers Court for the
City of Chicago Term 2000
ad Eighteen Hundred & Eighty
Eight

The People of the
State of Illinois

of
Andrew J Johnson
Cornelius F Backus
Eugene L Morris

Indictment for a
Conspiracy to Cheat &
Defraud one Joshua B
Cary on a note
payable to order

The defendant moves in arrest of judgment

- 1 Because the defendants have never
been arraigned or required to plead to
said indictment the plea even having
been put in by the said defendants to
the same
- 2 There is no offense charged
in the indictment or proved

Now if any offence was proved
on the trial it was a larceny therefore
the offence charged with the indictment
is merged in the felony

which motion in arrest of judgment
the Court overruled & denied to
which ruling & denial of the said
Court the Counsel for the defendant
excepted—

And thereupon the said Judge of
the said Recorders Court of the City
of Chicago proceeded & did then
& there pronounced & gave the
following Judgement. I Antenu to you
that to wit

That the said Andrew Johnson
be committed to Prison for the
term of 4 Months and pay a fine
of one Hundred dollars & costs
of this proceeding & that he stand
committed until the sentence be
complied with -

That the said Cornelius J
Parkus be committed to Prison for
the term of 4 Months & pay a
fine of one Hundred dollars &
costs of this proceeding & that he stand
committed until the sentence be
complied with

That the said Edgar L
Morse be confined in the Jail of
the County of Cook for the space of
Sixty Days & pay a fine of one
Hundred Dollars & costs of this
proceeding & stand committed until
this sentence be complied
with

and inas much as the said several
matters be produced and given in
evidence on the part of the said
defendants by their counsel
afore said objected & moved on as a
bar to the indictment & conviction
thereon aforesaid do not appear by
view of the record aforesaid the said
counsel for said defendants did then
& there proposed that aforesaid exceptions
to the opinion of the said Judge of
said Recorders Court and requested
him to put his name & seal to this
Bill of Exceptions containing the
said several matters be produced
& given in evidence on the part of
the people & said defendants as
aforesaid at the refusal of said counsel
to ~~change~~ ^{give instructions to} the Jury and amending
instructions given & giving instructions
on the part of the people as asked at also
in refusing to grant a new trial
or to arrest the judgment in
the verdict

And thereupon the said
Recorder aforesaid City of Chicago
& Judge of said Court at the
Request of the counsel for the

saw Defendants did put his
last signature to this bill of
Exceptions according to the
statute in such case made &
provided this nineteenth day
of June ad eighteen Hundred &
Eighty Eight - R. Y. Wilson
Recorder

To the Honorable John D. Catron Chief Justice
of the Supreme Court of the State of
Illinois

The undersigned Prays the
allowance of a bill of exceptions to stay
the execution of the above foregoing
sentence until the same can be
heard by the Supreme Court -
That at the mean time they may
be admitted to Bail -

Chicago June 21. 1858

J. H. Buckner
A. J. Johnston
C. E. Moore

I certify that the foregoing contains
a full & true history of the proceedings
in said trial

Chicago July 22 1858
Wm. Miller
Pres. Notes

State of Illinois
Supreme Court
3^d Division

Cornelius F Backus
Andrew L Johnson &
Eugene L Moore
of

The People of the State
of Illinois -

Bill of Exception

A. Hawthorn
att'y for defendant

In Supreme Court: State of Illinois
3^d ~~Judicial~~ Division

Andrew Johnson

Ornelius F. Barker

Egar L. Moore Plaintiff & Answer

7

The People of the State of Illinois defendants & Answer

Afterwards to wit on the ~~four~~
day of June ad Eighteen Hundred
and Fifty Eight In this same term before
the Justices of the Supreme Court at the
Court House in Ottawa in the State of
Illinois came the said Andrew Johnson
Ornelius F. Barker & Egar L. Moore
by O. H. Harris their attorney and
say that in the record & proceedings
aforeaid and also in giving judgment
aforeaid there is manifest Error in
this writ that the indictment
aforeaid and the matters therein
contained sufficient in Law for the
said People of the State of Illinois
to have a maintenance there against
indictment thereof against them
for the same affairs

And there is also manifest
Error in this writ that the Court
overruled the demurrer to the
indictment as insufficient

There is also Manifest Error in this
 Point That the Court overruled the
 application of said Backus for a
 Continuance upon the Showing made

There is also Manifest Error in this
 Point The Court Erred in refusing
 a Separate Trial to said Backus
 for the Cause Shown

There is also Manifest Error in
 this Point The Court Erred in
 allowing Proof of the Signature of the Mortgage without
 Producing it

The Court Erred in admitting the
 statements of Chapman to the Jury Evidence ^{made} when the
 defendants or either of them were not Present

The Court Erred in admitting the Testimony
 of A. G. Low as stated in said Bill of Exceptions

The Court Erred in Permitting the
 State attorney in the Cross Examination of
 Russel A. Crox to Enquire into the contents
 of the Mortgage as to amount & description of Land
 contained therein as also whether he had ~~seen~~ ^{seen} said Backus

The Court Erred in Trying the Cause without
 the defendants having been arraigned
 & required to Plead to said Indictment
 & no Plea having been made by the
 defendants & no issue having been formed
 for the Trial of the Cause in said
 Cause —

The Court ended in refusing to give
~~the~~ ~~refusing to give~~ Instruction Number
 four to the jury as requested by the
 counsel for the defendants

The Court ended in refusing to give
 Instruction Number five to the jury
 as requested by the counsel for the
 defendants

The Court ended in amending Instruction
 Number nine before giving it to the
 jury as requested by the counsel for
 the defendants as also in giving it
 as amended.

The Court ended in refusing to
 give Instruction Number ten
 as requested by the counsel for the
 defendants.

The Court ended in giving the
 Instruction to the jury asked for by the
 State attorney Number one.

The Court ended in giving the Instruction
 Instruction to the jury asked for by the
 State attorney Number two.

The Court ended in

giving the instructions asked for by the
States attorney to the Jury numbered
three

The Court erred in giving the
Instructions asked for by the States attorney
to the Jury numbered four -

The Court erred in giving the
Instructions asked for by the States
attorney to the Jury numbered five

~~The Court erred in giving the instructions
asked for by the States attorney to the
Jury numbered six~~

~~The Court erred in giving the
Instructions asked for by the States
attorney to the Jury numbered seven~~

The Court erred in refusing to give
the defendants a new trial for the
Reasons filed with the Court & in
overruling the same

The Court erred in refusing to annul
the sentence & judgment in this case
passed upon the defendants for the
reasons filed & in overruling
the same -

And the said Andrew J. Johnson Cornet
I Backus & Edgar L. Morse for the errors
aforesaid & for other errors in the said
Record & proceedings being: maybe
advised on merits and altogether
into for wrongt and that they maybe
restored to all things while they have
lost by occasion of the said
Judgment Sentence

Attest
Atty for Plaintiffs in
Error

Let the writ of Error in this cause be made
a supersedeas. And it is further ordered that the
said plaintiffs in Error be discharged from
custody upon their entering into recognizances
severally in the sum of seven hundred and
each, to the people of the State of Illinois, before
the Sheriff of the County of Cook, with Moses
D. Cropp security for the said Andrew J.
Johnson and Cornet I Backus and D. H.
Hall for the said Edgar L. Morse, when recognizances
shall be conditioned that the said Plaintiffs
in Error will appear at the next term of the Recorder's
Court in & for the City of Chicago and at each
subsequent term of said Court on the first day
thereof, until the determination of the writ
of Error and also that they will be present

present in the Supreme Court & submit
to such order as the Supreme Court shall
make in the premises. And that they will
not at any of the terms of either of said
Courts in which they shall be bound
to appear by said recognizances depart
the said Courts or either of them without

leave
Attained June 28/58.

J. D. Burton
Ch. Just. Ill.

State of Illinois
Supreme Court
and
Justices

Commiss. of the
Andrew J. Johnson
Egan & Moore

of
The People of the State
of Illinois —

Manuscript of Records

Agreement of Surety

Filed June 28, 1858

L. Deland
Bissh

Attest
Attest for the People

State of Illinois

Supreme Court thereof
3rd Grand Division
April Term 1859

Andrew Johnson

et. al. vs

The People &c

And now comes
the said People, and
say, that there is no error, nor manner
of error, either in the record or
proceedings aforesaid, or in giving
the judgment aforesaid, & therefore
they pray, that said judgment
may be affirmed, and that their
costs may be adjudged to them
&c -

By

W. B. F. B. F. B.
States Atty

No 4
Johnson
vs
The People &c

Indictment in Error

Filed April 21, 1859

C. C. Calkins

Clerk

STATE OF ILLINOIS,
SUPREME COURT,

To the Clerk of the ~~Records~~ ^{ss. The People of the State of Illinois,} ~~Court for the County of Cook~~ ^{the City of Chicago} Greeting:

Because, In the record and proceedings, as also in the rendition of the judgment of a plea which was in the ~~Recorder Court~~ ^{the City of Chicago} ~~Court of Cook County~~, before the Judge thereof, between The People of the State of Illinois

plaintiff, and Andrew J. Johnson, Cornelius F. Backus & Edgar L. Morse

defendant: , it is said manifest error hath intervened, to the injury of the aforesaid Defendants -

as we are informed by their complaint - and we being willing that error should be corrected, if any there be, 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 the 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 Ottawa, in the County of La Salle, on the first Tuesday after the third Monday in April 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. John D. Catow, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 29th day of June in the Year of Our Lord one thousand eight hundred and fifty-eight

L. Leland

Clerk of the Supreme Court.
by J. B. Rice Deputy

Andrew J. Johnson Cornelius
F. Buckus & Edgar L. Morse

107

The People of the State of Illinois
Writ of Error

This writ of Error is made a
supercedas vas such is to be
obeyed by all concerned

L. Leland Clerk
by J. B. Rice Deputy

Filed June 27. 1858
L. Leland
Clerk

State of Illinois }
Cook Co

The Following is a true and correct statement of my Real Estate and Personal property, and of the amount of debts owing by me.

A Stock of clothing now in store 114
Randolph street consisting of Coats Pants
Vests Shirts and a general assortment
of Tailors furnishing goods and worth
at least Six thousand (\$6,000). (That is,
my share of it) and no judgement
or mortgage or any Lien whatever on
said property —

D. Mc. Hall

[Signature]

Subscribed and sworn to, before me, this 23rd day of June

A. D. 1858

John Wilson Sheriff,

of Cook County, Illinois.

By A. Nelson
Deputy —

Wm J. D. Eaton

Ottawa 24th

Chicayo June 25/88

Dear Sir

I enclose
you a copy of the Justification of
mons. Dr. Cross who is to go Bail
for Barkin & Johnson. I deem the
Bail good

truly yours

John L. Wilson

Sheriff of Cook Co
Ills

State of Illinois
Cook Co

The Following is a true and correct statement of my Real Estate and Personal property, and of the amount of debts owing by me.

Lots 12, 14, 15 & 16 in Block 4 in Ogden's Addition to Chicago. Worth at least Eight Thousand (\$8,000.00) dollars. Also three Frame Houses situated on Lots 12, 15 & 16 of the above described property, and worth Twelve hundred dollars each.

There is no judgements, Mortgages or Liens of any kind on the above described property; but free of all incumbrance

Myself I swear

Copy

Subscribed and sworn to, before me, this 24 day of June
A. D. 1858

John L. Wilson Sheriff,
of Cook County, Illinois.

By A. Nelson Deputy