

No. 14255

# Supreme Court of Illinois

Short

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vs.

Conlee

COURT OF ILLINOIS,  
SUPREME COURT,  
Third Grand Division.

14255

No. 175

*Shurt*

*75*

*Carlee*

1862

*Prepared*

State of Illinois  
J<sup>d</sup> Daviess County  
Fourteenth Judicial Circuit

Pleas in the Circuit Court, begun  
and held, within and for the  
County of J<sup>d</sup> Daviess and State of Illinois, on the third  
Monday in October, A.D. 1861, before the Honorable  
Benjamin R. Sheldon, sole judge of the said fourteenth  
Judicial Circuit of the State of Illinois

R. A. M. Scllawn Prosecuting Attorney Pro Tenu  
William R. Corley Clerk  
Simon K. Miner Sheriff.

Frederick H. Shork, and  
Simele Shork

<sup>vs</sup>  
Lawrence Conlee

Ejectment

Be it remembered that  
heretofore to wit; on the 27<sup>th</sup>  
day of August, A.D. 1861, the above named plaintiffs  
by W. G. Johnson Esq. filed in the J<sup>d</sup> Daviess County  
Circuit Court, at the August term A.D. 1861, their  
Declaration & notice in ejectment, together with  
proof of service thereof, which said Declaration,  
notice, and proof of service, are in the words  
and figures following to wit.

State of Illinois } In the Circuit Court  
 County of Jo Daviess } of Jo Daviess County  
 of the August Term, in the  
 year of our Lord, One thousand Eight Hundred  
 and Sixty, One. Frederick, H. Short, and Simel  
 Short, the Plaintiffs, by W. G. Johnson their  
 Attorney, now come and complain of Lawrence  
 Conlee the defendant, who was notified, by notice  
 and copy of declaration, according to the Statute,  
 in a plea of Ejectment:

For that Whereas, the said  
 plaintiffs above named, on the tenth day of July  
 in the year of Our Lord, One thousand, Eight  
 Hundred and fifty Eight, was possessed of a  
 certain tract of land, with the appurtenances  
 situate in the said County, and known, designa-  
 ted and described as follows, viz:

That North East  
 fractional quarter of Section Two 2/4 in Township  
 No. Twenty eight 28/ Range One West of the fourth  
 principal meridian, in Jo Daviess County Illinois  
 Which said premises the said plaintiff Simel Short  
 claims in fee, and the said Frederick as her husband  
 and tenant by courtesy, and the said plaintiffs  
 as above described, being so possessed thereof, the said  
 Defendant, Lawrence Conlee, afterward, to wit, on  
 the tenth day of August, in the year of our Lord

3  
page  
One thousand Eight Hundred and fifty eight, entered  
into the said premises, and ejected the said plaintiffs  
above named, therefrom, and unjustly withheld from  
the said plaintiffs above named the possession there  
of, to the damage of said plaintiffs of Five hun-  
dred dollars, and therefore they bring suit, etc.

M. Y. Johnson, Attorney for Plaintiff

To Lawrence Conley - the above named  
Defendant. You are hereby notified, that the  
Declaration, with a copy whereof you are now here  
with, served, and to which copy this notice is subjoined  
will be filed in the circuit Court of J. Davis  
County, on the 19<sup>th</sup> day of August 1861, being  
the first day of the August Term 1861, of the said  
Court to be holden at the Court House in Galena  
That upon filing the same, a rule will be entered  
requiring you to appear and plead to the said  
Declaration, within twenty days after the making  
of such rule; and that if you neglect so to appear  
and plead, a judgment by default will be enter-  
ed against you, and the plaintiff will recover  
possession of the premises specified in the said  
Declaration

Dated this twelfth day of June A.D. 1861

M. Y. Johnson, Attorney for Plaintiff

Upon which said writ is endorsed the following return to writ:

State of Illinois )  
 Jo Davis County ) John H. Conlee, of lawful age  
 after being duly sworn, makes  
 oath and states, that on the 12<sup>th</sup> day of June A.D. 1861  
 he served Lawrence Conlee the defendant in the  
 foregoing case, with a copy of the within declara-  
 tion and notice, by delivering him a true copy and  
 reading the same to him, and further saith not.  
 Sworn & subscribed         J H Conlee.  
 before me this 22<sup>nd</sup>  
 day of Aug 1861  
 J R Rowley Clerk.

And also, one other return, in the words & figures  
 following to writ:

Served the within writ this 22<sup>nd</sup> day of June A.D. 1861, by reading the same to the within named Lawrence Conlee, and by delivering a true and correct copy of this writ to the within named Lawrence Conlee.

S. K. Mainer Sheriff  
 by John H. Conlee Deputy  
 Sheriff

Endorsed

Filed Aug 27<sup>th</sup> 1861

J R Rowley Clerk

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The Bond for costs, filed by Plaintiffs in this cause is in the words and figures following to wit

State of Illinois }  
County of J. Davis } In the J. Davis County Circuit Court. August Term. A.D. 1861.

Frederick H Short et al Plaintiffs }  
vs } In Ejectment.  
Lawrence Conley Defendant.

I do hereby enter myself security for costs in this cause and acknowledge myself bound to pay or cause to be paid, all costs which may accrue in this action, either to the opposite party, or to any of the Officers of this Court, in pursuance of the laws of this State. Dated at Galena, this 21<sup>st</sup> day of August A.D. 1861.

M. J. Johnson Secy

Approved,

W. R. Rowley, Clerk of J. Davis County Circuit Court.  
Endorsed.

Filed Aug 24<sup>th</sup> 1861.  
W. R. Rowley, CLK

And afterwards, to wit on the 27<sup>th</sup> day of August A.D. 1861 at the August term A.D. 1861. of said Court. in the Record of the proceedings thereof in said cause appears the following entry to wit:

Frederick H Short and }  
Simele Short. }  
vs } Ejectment.  
Lawrence Conley. }

6 Now at this day comes the Plaintiffs by W. G. Johnson Esq. their Attorney and files declaration and notice, together with proof of service and on motion of Plaintiffs. Defendant is auld to answer in Twenty days.

And afterwards to wit on the 30<sup>th</sup> day of October. A.D. 1861 at the October Term A.D. 1861. of said 3<sup>d</sup> Davis County Circuit Court, in the Record of the proceedings thereof in said cause, appears the following Entry to wit:

Frederick H. Short et al  
vs  
Lawrence Conley  
Ejectment.  
Edward S. Stickney  
comes and files motion (and affidavit) for leave to file plea.

Which said motion and affidavit are in the words and figures following to wit:

State of Illinois 3<sup>d</sup> In Circuit Court  
3<sup>d</sup> Davis County, Mo. Oct Term 1861.


Frederick H. Short &  
Samuel Short  
vs  
Lawrence Conley  
Ejectment  
E. S. Stickney being first duly sworn, says that he is the agent of the parties beneficially interested in, and is the legal holder of the title to the lands which the plaintiff

7  
in the above entitled suit, are seeking to recover, that this affiant  
and the parties interested in said lands know nothing of the  
pendency of said suit, until this term of said Court, and  
until it was too late to file a plea without leave; that the  
said defendant is a mere tenant, and has no further  
interest in said lands, that the interest of this affiant &  
the real owners of said land will be prejudiced unless  
leave be given to file a plea, & defend said suit, and  
that they would have filed a plea in time had they known of  
the pendency of said suit.

Sworn and Subscribed

Edward, S. Sweeney

before me this 29<sup>th</sup> - 1861

 Simon W. King  
Notary Public

State of Illinois of the Circuit Court  
of Danvers County, Oct Term 1861.

Fr & Co Shors et al. vs  
Lawrence Conlee vs Ejectments  
And the said deft. by  
R H M. Callow his atty  
comes and upon the within affidavit moves the Court  
for leave to file a plea herein

R H M. Callow  
deft's atty

Ordered

Filed Oct 30<sup>th</sup> 1861

W R Rowley Clerk.

8 and afterwards to wit on the 31<sup>st</sup> day of October A D 1861 as yet of the said October Term A D 1861 of said Jr Davis County Circuit Court, in the Record of the proceedings thereof in said cause appears the following entry to wit:

Frederick H Short et al  
vs  
Lawrence Conley

Objection  
Now at this day comes on to be heard the motions heretofore filed by Defendant for leave to plead which after argument by Counsel is sustained by the Court and leave granted to file plea which is excepted to by the plaintiff and defendant comes and files his plea.

The plea referred to in the last above recited entry is in the words and figures following To wit:

State of Illinois Jr Circuit Court  
Jr Davis County Oct Term A D 1861.

Frederick H Short  
+ Lemuel Short  
vs  
Lawrence Conley

And the said defendant by Mr. Colclaw his Attorney comes and defends the

9 force and injury where. and says that he is not guilty of the said supposed trespasses & ejectment above laid to his charge, or of any part thereof in manner & form as the said plaintiffs hath above therein complained against him. and of this he puts himself upon the Country &c.

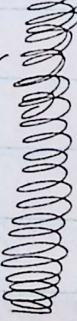
R. H. M. Colclahan  
Defts Atty.

Endorsed.

Filed October 31<sup>st</sup> 1861  
J. R. Rowley Clk.

And afterwards to wit on the 11<sup>th</sup> day of November A. D. 1861. as yet of the said October Term A. D. 1861. of said In Davis County Circuit Court in the record of the proceedings thereof in said cause, appears the following <sup>entry</sup> to wit:

Frederick H. Short  
& Lemuel Short.



Ejectment

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Lawrence Comie

Now at this day come the parties by their attorneys, and upon issue joined, they waive the intervention of a jury and for trial submit themselves to the Court. And the Court after hearing the evidence and arguments of counsel finds the issue for the Defendant. It is thereupon considered by the Court that the

plaintiffs take nothing by their suit herein and that they pay the costs of this prosecution, and that Execution issue against them therefor. And the Plaintiffs by their Attorney, pray an appeal to the Supreme Court, which is granted conditioned that they enter <sup>into</sup> and file with the Clerk of this Court, within Thirty days from this date a good and sufficient appeal bond with Madison G. Johnson as surety in the sum of one hundred & fifty Dollars, & also file Bill of Exceptions.

The Bill of Exceptions referred to in the last above recited entry, is in the words & figures following to wit:

|                      |   |                         |
|----------------------|---|-------------------------|
| Frederick H. Shook + | 3 | In the Circuit Court of |
| Samuel Shook         | 3 | of Davis County         |
|                      | 3 | Oct Term 1861           |
| Lawrence Conley      | 3 | Ejectment.              |

It is remembered, on this the Eleventh day of November, A. D. 1861 and yet of the October term of said Court, the above entitled cause came on to be heard before the Hon. Benj R. Sheldon Judge, a Jury in said cause being waived by the parties, and consenting to submit the same to the Court. And thereupon the plaintiffs introduce Rich<sup>d</sup>. Seal, Clerk of

the County Court, who produced, the original Book of Entry, and proved by said record that the land in controversy was entered by Charles Wyeth and Edward S. Morris from the Government on the 13<sup>th</sup> day of April A.D. 1847.

The Plffs then introduced and read as evidence in said cause the deed from H. M<sup>o</sup>. Farland & wife

Which said deed is in the words & figures following to-wit:

|  |  |   |
|--|--|---|
| Hugh M <sup>o</sup> . Farland etax<br>& 3 <sup>rd</sup> Deeds<br>Semie Bloomer adm <sup>r</sup> .<br>of James Bloomer deceased | This Indenture made<br>this nineteenth day of<br>April, in the year of<br>our Lord one thousand<br>Eight Hundred and<br>Fifty one. | Between Hugh M <sup>o</sup> . Farland and Sarah<br>his wife of the County of Columbia in the State of<br>Wisconsin of the first part and Semie Bloomer<br>administratrix of James Bloomer deceased of Galena<br>Illinois of the second part. Witnesseth that the said<br>parties of the first part for and in consideration<br>of the sum of three thousand dollars lawful mon-<br>ey to them in hand paid by the said party of the sec-<br>ond part, the receipt whereof is hereby acknowledged<br>have granted bargained, sold, remised, released<br>aliened and confirmed, and by these presents do<br>grant bargain, sell, remise, release, alien and confirm |
|--|--|---|

unto the said party of the second part and to her heirs and assigns forever. all that certain tract or parcel of land, situate lying and being in the County of Jo- Davis in the State of Illinois. Known and described as the North East Quarter of (fractional) Section number Two (2) in Township number Twenty eight (28) North of Range number One (1) West of the fourth Principal Meridian, Containing One hundred and fifty four acres and five hundredths of an acre more or less, together with all and singular the hereditaments and appurtenances thereto belonging or in anywise appertaining, To Have and To Hold the said premises, which the appurtenances, to the said party of the second part, and to her heirs and assigns forever. And the said Hugh M. Farlane and Sarah his wife for themselves their heirs executors and administrators, do covenant and agree, to and with the said party of the second part his heirs and assigns that at the time of the unsealing and delivery of these presents they are lawfully seized in fee of the premises above described, that they have good right to sell and convey the same to the said party of the second part that the same are free and clear from all incumbrances, except Deed of Trust given by said Hugh M. Farlane, to said James Bloomer, excepting also that of an attachment proceeding in favor of Henry Corwith of Galena, Illinois, on which a sale of

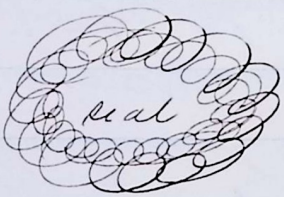
said land has been made, and a certificate of purchase issued to said Corwith for the amount of his judgment, and costs in said attachment, and also excepting all Tax titles and Taxes due by virtue of any law of the said State of Illinois, and that they will warrant and defend the same to the said party of the second part her heirs and assigns forever against the lawful claims and demands of all persons save and except the deed of Trust and proceeding in attachment, and certificate and tax title and taxes aforesaid, which said incumbrances the said Hugh W. Farlane, nor Sarah his wife nor either of them, or their legal representatives or the legal representatives of either of them, shall not in any event be bound to pay or discharge or in any manner defend against. In Witness Whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written

Signed Sealed and Delivered  
 in presence of  
 Opus Anthony  
 And <sup>of</sup> Dunn

H. W. Farlane      Esq.  
 Sarah W. Farlane      Esq.

State of Wisconsin of      do it remembered that  
 Columbia County      on this twenty first day

of April A<sup>D</sup> 1851, before me James Delany Jr. Clerk of the Circuit Court, in and for said County personally appeared Hugh M<sup>c</sup> Farlane and Sarah M<sup>c</sup> Farlane his wife, to me known as the identical persons, who executed the within and foregoing deed of conveyance, and acknowledged that they had executed the same, as their free and voluntary act and deed for the uses and purposes therein expressed, and the said Sarah M<sup>c</sup> Farlane wife of said Hugh M<sup>c</sup> Farlane being by me examined separate and apart from her said husband, declared that she had freely and voluntarily executed the said deed, without any fear or compulsion of her said husband. In witness whereof I have here to set my hand and affixed the seal of said Court at Fort Winnebago, in the said County the day and year above written.



James Delany Jr.  
Clerk Circuit Court  
Columbia Co Wis

Recorded June 28<sup>th</sup> 1851 at 5 o'clock P.M.  
Wm H. Bradley Clerk  
By E. C. Ripley Deputy

The Plffs then introduced and examined M. G. Johnson, who testified that he was acquainted with the parties, that Simels Short, late Simels Bloomer, intermarried with Frederick H. Short.

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in Jan'y A D 1856. and they have lived together as husband and wife ever since and that the defendaut Emley was in possession of the land at the service of the writ in this cause.

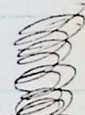
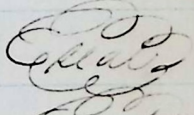
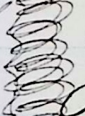
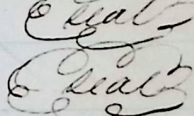
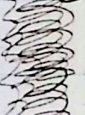
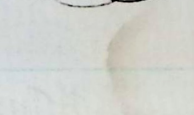
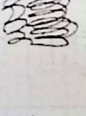
The Piffs then offered in evidence the deed from Wyeth & Morris to Mr. Farland.

Which said deed is in the words & figures following to wit:

|                        |                            |
|------------------------|----------------------------|
| Charles Wyeth &        | This Indenture made this   |
| Edward S Morris & wife |                            |
| To & Deeds             |                            |
| Hugh Mc Farland        |                            |
|                        | thirtieth day of September |
|                        | A D. 1847 between Charles  |
|                        | Wyeth and Edward S.        |
|                        | Morris and Amelia D.       |

wife of the said Edward of the first part and Hugh Mc Farland of Fort Winnebago of the County of Columbia Territory of Wisconsin of the second part Witnesseth That the said parties of the first part for and in consideration of the sum of fifteen hundred and fifty Dollars, to them paid by the party of the second part. the receipt ~~whereof~~ of which is hereby acknowledged have granted bargained and sold and do hereby grant bargain and sell, alien and confirm unto the said party of the second part, his heirs and assigns forever, the following described piece of Land, situate in Jo Davis County Illinois, to wit: The North East quarter of Section Two 1/2 Town twenty eight 28

North Range One 1/4 West of the fourth 1/4 principal Meridian, containing One hundred fifty four acres (a 154.05) be the same more or less, and being the same quarter entered at the land Office at Dixon on the 13<sup>th</sup> of April A.D. 1847, in the names of the said Charles Hyatt and Edward S. Norris, together with all and singular the rights, privileges, improvements and appurtenances thereunto belonging or in anywise appertaining, To Have and To Hold the aforesaid premises, unto the said party of the second part, and to his heirs and assigns forever, And the said party of the first part, the premises aforesaid, unto the said party of the second part his heirs and assigns, against the claim of all and every person whatsoever, will forever Warrant and Defend by these presents. In Witness whereof the said party of the first part have hereunto set their hands and seals the day and year first above written.

|                          |   |                  |   |
|--------------------------|---|------------------|---|
| Signed Sealed and        |  | Charles Hyatt    |  |
| Delivered in presence of |  | Edward S. Norris |  |
| Jabez D. Pratt           |  | Amelia D. Norris |  |
| William F. Getty         |  |                  |   |
| A Silynd                 |   |                  |   |

State of Maryland, City and County of Baltimore ss.  
 For it remembered, and it is hereby certified that  
 on this Thirtieth day of September a D one thousand

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 eight hundred and forty seven, before me the undersigned  
 Commissioner of the State of Illinois for the State of  
 Maryland", to administer oaths, take depositions, and the  
 proof and acknowledgements of deeds and other instrum-  
 ents in writing to be used or recorded in said State of Illi-  
 nois", personally appeared Charles Byeth and Edward  
 S. Norris, and Amelia S. Norris wife of the said Edwards  
 personally known to the undersigned to be the identical  
 persons, who executed and whose names are subscribed  
 to the foregoing Deed of Conveyance as having executed  
 the same, to be their voluntary act and deed for the purpo-  
 ses therein expressed: And the said Amelia S. wife of the  
 said Edward S. Norris, being by me made acquainted  
 with the contents of said deed and examined separately  
 and apart from her said husband, acknowledged that she  
 executed the same and relinquished her dower, in the said  
 premises, therein mentioned, voluntarily, freely and with-  
 out the compulsion of her said husband and that she  
 does not wish to retract the same. In Testimony whereof  
 I hereunto set my hand, and affix my official seal as  
 Commissioner of Deeds at my office, on the day and  
 year aforesaid

Jas. D. Pratt.

Recorded this 13<sup>th</sup> day of November, A.D. 1847, at 10 o'clock A.M.

Cyrus Adrich  
 Recorder.

to the introduction of which last named deed as evidence in said cause, the defendant objected, because the execution of it was not proved, and no sufficient acknowledgment or certificate of acknowledgment appeared, and the Court sustained the objection and refused to admit said deed as evidence in said cause to which ruling and decision by the Court, the Plffs then and there excepted, and prays that their bill of exceptions may be signed and certified in pursuance to Law. which is accordingly done.

Benj R Sheldon *Clk*

Endorse of

Filed Nov 11<sup>th</sup> 1861.

W R Rowley *Clk*

The appeal Bond, filed in this cause, is in the words and figures following to wit:

Know all men by these presents that we Frederick H. Short, Lemuel Short and Madison G. Johnson, are held and firmly bound unto Lawrence Center, in the penal sum of One hundred and fifty dollars, current money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally by these presents, Witness our hands and seals this ninth day of December, A. D. 1861

The condition of the above obligation is such that where as the above named Lawrence Embury did on the Eleventh day of November, A. D. 1861, in the J. Daniels County Circuit Court in the State of Illinois recover a Judgment against the above bounden Frederick H. Short and Semels Short, from which said Judgment of the said Circuit Court, the said Frederick H. Short and Semels Short have prayed an appeal, and obtained the same to the Supreme Court of said State, Now if the said Frederick H. Short and Semels Short, shall duly prosecute their said appeal with effect, and shall moreover pay the amount of the Judgment, costs, interest and damages rendered and to be rendered against them, in case the said judgment shall be affirmed in the said Supreme Court, then the above obligation to be void, otherwise to remain in full force and virtue

Taken and entered into before me at my office in Salina this 9<sup>th</sup> day of December, A. D. 1861  
 J. R. Rowley Clerk  
 by F. B. Newhall Deputy

Frederick H. Short Esq  
 by W. G. Johnson, Atty in fact.

Semels Short Esq  
 by W. G. Johnson Atty in fact.

W. G. Johnson Esq  
 Madison

Endorsed

Filed Dec 9<sup>th</sup> 1861

J. R. Rowley Clerk  
 by F. B. Newhall deputy

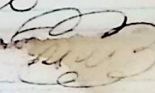
The Power of Attorney filed in connection with the above recited Appeal Bond, is in the words and figures following to wit

Know all men by these presents that we Semel Short and Frederick W. Short of the City of Cincinnati and State of Ohio, do by these presents make, ordain, constitute and appoint, Wm G Johnson of Galena Illinois, our true and lawful Attorney for us and each of us, either separately or jointly, in our name or names, and for our use, and by our authority to appear in the Circuit Court, of Jo. Davis Co Illinois or in any other Court in the State of Illinois, and for us or either of us to file any and all petitions, Bills in Chancery and Complaints, necessary, in our name and by our authority, and to prosecute and defend all suits in which we or either of us, may be interested, in any way, and to sign our name or names, to any and all petitions, Bills in Chancery, Appeal Bonds and Papers, necessary in prosecuting and defending <sup>any and</sup> all suits in which we or either of us may be interested. Herby confirming all the acts our own said Attorney in the premises, fully and completely.

Given under our hands and seals  
 attest                      } This first of Sept. 1860  
 F. W. Douglas            } F. W. Short            Seal  
 Peter Bell                } Semel Short            Seal

State of Ohio } Personally appeared September  
 Hamilton County } 19. 1860. before me Peter Bell

a Justice of the Peace within and for said County  
 Frederick. H. Short and Semele Short, who  
 acknowledged, the signing and sealing of the within  
 power of Attorney to be their voluntary act and deed  
 for the uses and purposes therein mentioned, and the  
 said Semele Short, wife of the said Frederick. H.  
 Short, being at the same time examined separately and  
 apart from her said husband, and the contents of said  
 Power of Attorney being by me made known and ex-  
 plained to her, declared, that she did voluntarily  
 sign seal and acknowledge the same and that she  
 is still satisfied therewith as her act and deed

Witness my hand and seal  
 Peter Bell,   
 Justice of the Peace.

State of Ohio,  
 Hamilton County

J. Richard, H. Stone,  
 Clerk of the Court of Com-  
 mon Pleas, within and for the County of Hamilton  
 do hereby certify that Peter Bell, before whom the fore-  
 going acknowledgments, to the annexed instrument,  
 appears to have been taken was at the time of taking and  
 subscribing the same, a legally acting Justice of the  
 Peace, in and for the County of Hamilton, duly commis-  
 sioned and qualified, and that full faith and credit  
 are due to all his official acts as such, and I certify  
 that the signature thereto, is the genuine signature of said

Peter Zell,

In Testimony Whereof, I have hereunto  
set my hand and affixed the seal of the  
said Court, at Cincinnati in the said  
County this 19<sup>th</sup> day of September A.D. 1860

A. H. Stone, Clerk, H. C. C. O.  
by J. L. Thompson Deputy

Endorsed,

Filed Dec 9<sup>th</sup> 1861,

Wm R Rowley Clerk

by F. B. Newhall deputy

State of Illinois  
J<sup>d</sup> Davis County  
I, William R. Rowley  
Clerk of the Circuit  
Court within and for said County do hereby  
certify that the foregoing is a full, true and  
correct Transcript of the Records and proce-  
dings of the said Circuit Court, together with  
the Bill of Exceptions as certified to by the  
Court in the above entitled cause of Frederick  
H. Short, and Samuel Short, vs Lawrence  
Carter, as the same appears of record in my Office



In Testimony whereof I have  
herewith set my name and affixed  
the seal of said Court, at my Office  
in Galena, this 12<sup>th</sup> day of Dec-  
ember, A.D. 1861.  
Attest. Wm R Rowley Clerk  
by J. P. Bird Deputy

|                    |                |        |
|--------------------|----------------|--------|
| Clerks fees.       |                |        |
| Transcripts        | \$ 5.50        |        |
| Certificate & Sub. | <u>    .35</u> | \$5.85 |
| Costs of Court     |                | \$9.65 |

And now at this day comes the Appellants, and  
say there is manifest error in the Record & proceedings of  
the Circuit Court in the above cause, and shows to the  
Court the following Errors

- 1<sup>st</sup> The Court erred in allowing the deft to file his  
plea after the rule expired
- 2<sup>nd</sup> The appellant is not sufficient to allow Stickney  
to defend
- 3<sup>rd</sup> No reason is shown to admit the defendant  
to file a plea
- 4<sup>th</sup> The Court erred in excluding the Deed of Wyeth et al  
to McFarlane. It is sufficiently acknowledged  
under the Statute ~ Wherefore they pray the

Judgment of this Court, and that the same may  
be corrected, and said cause remanded in pursuance  
to Law to

Leland & ~~Leland~~ <sup>Blanchard</sup> and  
M. G. Johnson  
for Appellants

Supreme Court of the State of Illinois  
Frederick W. Hunt et al  
<sup>vs.</sup>  
appellants

Lawrence Conley  
appellee

April Term 1842

And now comes the Hon<sup>ble</sup> said  
appellee of Hogan Muller Dennis his attorney and says that he has done  
in the said and proceedings on the judgment of appeal  
says the said judgment may in all things be affirmed  
Hogan Muller Dennis  
att<sup>y</sup> for appellee

108 776  
Frederick W. Hunt &  
Temple Short  
vs  
Lawrence Conley

Record

Filed April 21, 1842  
J. Leland  
Clerk

