

No. 12346

# Supreme Court of Illinois

Petrie, et al

---

vs.

Coney



United States of America

State of Illinois 3 Ps

McHenry County 3

Plas before the Honorable  
Isaac G Wilson Judge of the thirteenth judicial  
Circuit of the State of Illinois and presiding  
Judge of the McHenry County Circuit Court  
at a circuit court begun and held at  
the Court House in Woodstock in said County  
on Monday the Twenty first day of November  
in the year of our Lord One thousand Eight  
hundred and fifty three and of the Indepen-  
dence of the United States the Seventy Seventh  
Present the Hon

Isaac G Wilson

Atties J. M. Johnson

clerk

Calisto Hastings  
Shiriff

Be it remembered that herefore to wit  
on the Tenth day of June AD 1851  
Martin Coney the plaintiff in this suit  
filed in the Office of the Clerk of the Circuit  
Court of said McHenry County his certain  
petition in writing in the words and figures  
following that is to say

Over



State of Illinois ) ss McHenry Circuit Court  
 McHenry County ) September Term A.D. 1851

To the Hon  
 Isaac G Wilson Judge of the 13<sup>th</sup> Judicial  
 Circuit

Your petitioner shows unto your Honor that on or about the fifteenth day of January A.D. 1850 Sados Dexter was the owner or pretended to be the owner of the following described property to wit: Part of the South East fractional Quarter of North fractional quarter of Section No. thirty four (34) Township Forty Three (43) North Range Eight East of the third principal Meridian including the Mill and water Lot on which it is situated in the Town of Algonquin County of McHenry and State of Illinois

And the said Dexter by and Alexander Dawson his agent contracted with your petitioner for your petitioner to labor as a Boss Mechanic (which your petitioner is by profession) on the mill then being built on said premises and by virtue of said Contract your petitioner agreed to work by the day on said mill for three dollars per day. And the said Dexter agreed to employ him at that price

And your petitioner shows that the said Dexter agreed to employ him by



(4879)  
Said Damson as aforesaid agreed to pay your  
petitioner for said work on or about the twenty  
second day of February 1851 And your  
petitioner shows that he in performance of  
said Contract worked on said Mill two  
hundred and twenty six (226) days commencing  
the first day of March 1850 and that there  
was due him on the said twenty second  
day of February 1851 the sum of Six hundred  
and fifty eight <sup>3</sup>/<sub>100</sub> dollars — And your  
petitioner shows that Henry Petrie has bought or  
pretends to have bought said premises herein  
before described and that the said Petrie promised  
to pay all demands against the said Dexter  
for work on said Mill among which is your  
petitioning demand And also that one Horace  
Hubbard claims to have some interest in the  
same either as a purchaser or otherwise And  
your petitioner says that neither the said Dexter  
nor Petrie nor Hubbard or any other person  
has paid your petitioner for said work  
or any part thereof but though requested  
have refused so to do — Your petitioner  
therefore asks the aid of this Court and prays  
that he may recover by the proper judgment  
and decree the amount which is due him  
and that it may be a lien on the property  
and that by force of the Statute in such case  
made and provided the premises hereinbefore  
described or so much thereof as may be necessary



to pay your petitioners demand may be  
 sold under the direction of this Court to  
 satisfy your petitioners just demands

Martin Conroy

W. S. Evelyn

Sale for Pltff

Date 1850

15 March 16

W. S. Evelyn & Co. Sls

Amount of work done on mill at Algouquin  
 Making Bells for materials: making  
 patterns & turning gudgeons 7 days  
 at \$3.00 pr day

21 00

March 30<sup>th</sup> To 11 days at the mill at \$3.00

33 00

April 25 do " " " "

75 00

May 24 " " " "

81 00

June 25 " " " "

75 00

July 15 " " " "

45 00

August 23 " " " "

69 00

September 25 " " " "

75 00

October 25 " " " "

75 00

November 22 days at \$2.50 pr day

55 00

December 7 " " \$2.00 " "

14 00

January 1851 14 " " " "

28 00

\$2.31 paid to Blacksmith for Petrie

2 31

648 31

Feb 22<sup>d</sup> 5 days \$2.00 pr day

10 00

658 31

Endorsed & Filed June 20<sup>th</sup> 1851

W. S. Johnson  
 clp



And thereafter to wit: on the 20 day of  
June in the year last aforesaid a certain  
writ of the clerk of the summons issued  
out of the office of the Clerk of the Circuit  
Court of said County in the words and  
figures following to wit:

State of Illinois ) ss The People of  
McHenry County & the State of Illinois  
to the Sheriff of  
said County Greeting

We command you  
that you summon Henry Petrie & Horace  
Hubbard if they shall be found in your County  
personally to be and appear before the Circuit  
Court of said County on the first day of the  
next Term thereof to be holding at the Court  
House in Woodstock in said County on the  
third Monday of September next to answer  
unto Martin Coney on a bill in Chancery  
filed in said Court for Mechanics Lien for  
the the sum of Six hundred forty Eight  
& 3/100 Dollars. And have you then and there  
this writ with our Indorsement therein in  
what manner you shall have executed the  
same

Edw. D. [Signature]

Witness Joel H. Johnson Clerk  
of the said Court and the  
Seal thereof at Woodstock aforesaid  
this 20th day of June A.D. 1857

J. H. Johnson  
Clerk of the Circuit Court



9

Endorsed thereon — Executed the within by  
reading to and in the presence within named  
defendants, and by leaving a copy with  
said defendants July 7<sup>th</sup> 1857

2 services 1.00

24 Miles travel 1.50

ret

1.00  
\$2.50

John Brink  
Sheriff

Filed Augt 19 1857

J. H. Johnson clx

And thereafter to wit on the 17<sup>th</sup> day of  
September AD 1857 the said defendants  
filed their demurrer herein in the words  
and figures following that is to say =

State of Illinois } McHenry les Cir  
McHenry County } Court September  
AD 1857

Martin Conroy }

Ads

Henry Petrie }  
Horace Hubbard }

and the said  
defendants by

McClure & Murphy his attorneys comes  
and defends the wrong and injury when  
& c and says that the said petitions and



the matters therein contained in manner and  
form as the same are above stated and  
set forth are not sufficient in law for the  
said plaintiff to have or maintain his  
aforesaid action thereof against them the  
said defendants and they the said defendants  
are not bound by law to answer the same  
and this they are ready to verify whomever by  
reason of the insufficiency of the said petition  
in this behalf the said defendants prays  
judgment and the said plaintiff may be barred  
from having ~~to~~<sup>to</sup> maintain his aforesaid action  
thereof against them &c

McCune & Murphy  
attys for defts

Endorsed thereon Filed Sept 17<sup>th</sup> 1851

J. H. Johnson

clerk

And herefore to wit: on the Sixteenth day  
of September AD 1851 being one of the days  
of the September Term of the Circuit Court  
of said County the following order was  
entered of Record

Martin's County

vs  
Horace Hubbard &  
Henry Petrie

} Petition for Mechanics Lien  
and now come  
Cady and on his motion



It is ordered that the defendants answer him  
by Wednesday Morning

And thereafter to wit: on the 22<sup>nd</sup> day  
of September in the last year <sup>past</sup> aforesaid  
the following order was entered of record

|                            |   |                                       |
|----------------------------|---|---------------------------------------|
| Martin Coney               | } | Petition for Mechanics Lien           |
| <sup>vs</sup> Henry Petrie |   | And now                               |
|                            |   | comes the defendants and              |
|                            |   | files his demurrer to the             |
|                            |   | petition of the said plaintiff herein |

and thereafter to wit: on the 30<sup>th</sup> day  
of Sept <sup>it being one of the days of the September term of said court of said year</sup> in the year last aforesaid, the  
following order was entered of record

|                                                  |   |                                             |
|--------------------------------------------------|---|---------------------------------------------|
| Martin Coney                                     | } | Petition for Mechanics                      |
| <sup>vs</sup> Horace Hubbard and<br>Henry Petrie |   | Lien                                        |
|                                                  |   | And the                                     |
|                                                  |   | court having                                |
|                                                  |   | heard the parties                           |
|                                                  |   | on the demurrer formerly filed herein takes |
|                                                  |   | the same under advisement                   |

And thereafter to wit: on the 30<sup>th</sup> day of  
October in the year last aforesaid it being



one of the days of the September Term of  
said Court of said year the following order  
was entered of record

Martin Loney }  
vs } Petition for mechanics Lien  
Horace Hubbard } And the  
& Henry Petrie } Court being fully  
advised on the demurrer  
formerly entered herein sustaining the same  
It is therefore ordered and considered by the  
Court that the defendants have and recover  
of the Plaintiff their costs and charges  
about their demurrer expended and  
that they have execution therefor and  
thereupon on motion of the Plaintiff Counsel  
leave is given him to amend his petition

And thereafter to wit on the 21<sup>st</sup> day of  
November in the year last aforesaid the  
said Plaintiff filed his amended petition  
herein in the words and figures following  
that is to say

State of Illinois I ss McHenry Circuit Court  
McHenry County 8 September Term AD 1851  
To the Hon  
Isaac J Wilson Judge of the 13<sup>th</sup> Judicial  
Circuit.

Your petitioner shews unto your



Now that on or about the fifteenth day of January 1855 Sados Dexter was the owner or pretended to be the owner of the following described property to wit: Part of the South East fractional Quarter of the North fractional Quarter of Section No. Thirty four Township Forty three North Range Eight of the third principal Meridian including the mill and water Lab on which it is situated in the Town of Argonquin County of McHenry State of Illinois

And the said Dexter by one Alexander Dawson his agent contracted with your petitioner for your petitioner to labor as a Rep Mechanic (which your petitioner is by profession) on the mill then being built on said premises and by virtue of said Contract your petitioner agreed to work by the day on said mill for three dollars per day and the said Dexter agreed to employ him at the price and your petitioner shows that the said Dexter by said Dawson as aforesaid agreed to pay your petitioner for said work on or about the twenty second day of February 1857 and your petitioner



(226)  
(65831)  
Shows that he is performance of said Contract  
worked on said mill two hundred and  
ninety three days commencing the first day  
of March 1830 and that there was due him  
on the Twenty second day of February  
1831 the sum of Eight hundred and seventy  
nine dollars and your petitioner shows that  
Henry Petrie has bought or pretends to  
have bought said premises hereinbefore described  
and that the said Petrie promised to pay  
all demands against the said Dexter  
for work on said mill among which is your  
petitioners demands and also <sup>your</sup> and Horace  
Hubbard claims to have some interest in  
the same either as purchaser or otherwise  
and your petitioner says that neither the  
said Dexter nor Petrie nor Hubbard nor  
any other person has paid your petitioner for  
said work or any part thereof but though  
requested have refused so to do. Your  
petitioner therefore asks the aid of this Court  
and prays that he may recover by the proper  
judgment and decree the amount which  
is due him and that it may be a lien  
on the property and that by force of the  
Statute in such case made and provided  
the premises herein before described or  
so much thereof as may be necessary  
to pay your petitioners demand may



be sold under the direction of this Court  
to satisfy your petitioners just demand  
Martin Conny

W B Foster

Sale for Conny

date 1850

Amount of Work done on the mill at  
Algonguin McHenry les M by Martin Conny

|                       |    |      |    |        |         |              |
|-----------------------|----|------|----|--------|---------|--------------|
| in the month of March | 25 | days | at | \$2.00 | per day | 75.00        |
| " " April             | 26 | "    | "  | "      | "       | 78.00        |
| " " May               | 27 | "    | —  | —      | —       | 81.00        |
| — June                | 28 | —    | —  | —      | —       | 75.00        |
| — July                | 26 | —    | —  | —      | —       | 78.00        |
| — August              | 26 | —    | —  | —      | —       | 78.00        |
| — September           | 26 | —    | —  | —      | —       | 78.00        |
| — October             | 25 | —    | —  | —      | —       | 75.00        |
| — November            | 25 | —    | —  | —      | —       | 75.00        |
| — December            | 24 | —    | —  | —      | —       | 72.00        |
| January 1851          | 23 | —    | —  | —      | —       | 69.00        |
| February              | 15 | —    | —  | —      | —       | 45.00        |
|                       |    |      |    |        |         | <hr/> 849.00 |

Endorsed thereon — Filed as amended  
Nov 21<sup>st</sup> 1851

J H Johnson

at



And thereafter to wit: on the 20th day of  
January A.D. 1852 at the beginning of the day  
of the January Term of said Court  
in said year the following order was  
entered of Record to wit:

Martin Cony }  
vs } Petition for  
Henry Petrie Horace } Mechanics Lien  
Hubbard & Sadoe Dexters } And  
now come Joselyn  
attorney for the plaintiff and file proof  
of the publication notice herein

And thereafter to wit on the twenty second  
day of June in the year last aforesaid  
the said defendants filed their answer to  
the amended petition in the words and  
figures following that is to say

Henry Petrie Etal  
ads } Mechanics Lien  
Martin Cony } Sept Term 1851 And now comes  
the said Henry Petrie  
and for answer to said petition of said  
Cony says that in the Spring or winter of  
A.D. 1850 ~~that~~ this respondent was informed  
by said Cony and the said Alexander



Dawson Said Dawson as the agent of  
 Sadoo Dexter made a contract for work  
 and labor to be done for said Dexter by  
 the said Cong on a mill that said Dexter  
 was about building at Algonquin within  
 County on a Lot in Hubbards Addition  
 to Algonquin that by the terms of said  
 Contract the said Cong was to do the work  
 of a Boss workman on said mill that  
 subsequently to the making of said Contract  
 this respondent purchased the said mill  
 Lot from the said Dawson as the Agent  
 of said Dexter - that by the consent  
 of the said Cong. Cong was to perform  
 the said work and labor for the said  
 this respondent in the same manner  
 he was to perform it for said Dexter  
 that by the terms of said Contract said  
 Cong was to do the work of a boss  
 mill wright about said mill at the price  
 of three dollars per day and hundred  
 dollars to be paid said Cong during  
 the progress of said work and the  
 remainder three months after <sup>work was</sup> ~~work~~  
 completed that the said Cong <sup>consented</sup> ~~consented~~  
<sup>to</sup> ~~the~~ the charge of parties as above stated  
 and this respondent agreed to pay



Said Cong as said Dawson was to pay  
as aforesaid that said Cong commenced  
work on said Mill under said Contract about  
the first of March A D 1850. the number  
of days said Cong worked on said Mill this  
respondant does not know, having kept no  
account but supposes said Congs account  
as to the number of days is not correct - this respondant further states  
that some one or two months after said Cong  
commenced said work in consequence  
of the many mistakes and errors made by  
the said Cong in and about said Mill  
nearly he found fault with him the said  
Cong at which time said Cong promised  
to do what was right in the premises and  
make such deduction as would satisfy the  
respondant. This respondant further states  
that he and the said Cong had a settlement  
in regard to said work on the sixth day  
of February A D 1851 that on said reckoning  
between them it was found that this respondant  
had paid said Cong for said work so done  
by him the sum of Two hundred and  
two dollars and sixty six cents or thereabouts  
at which said accounting and settlement  
the said Cong brought in an account against  
this respondant for work and labor done as  
aforesaid under said Contract for the sum  
of six hundred and Eighty dollars from



which sum the said Long deducted the  
 sum of one hundred and fifty dollars on  
 account of micta has & cense, which  
 has together with the sum of two hundred and  
 one dollar above stated was deducted from  
 the six hundred and Eighty dollars as above  
 leaving the amount of two hundred and  
 sixty six dollars and thirty four cents and  
 that amount this respondent agreed to pay  
 said Long after he should complete the work  
 on said mill which he was to do and  
 which amount was to be in full for all the  
 work and labor done to be performed on  
 said mill which he was to do by the said Long  
 for this respondent which amount of work  
 still to be done by said Long on said mill  
 according to the price charged by the said  
 Long would amount to the said sum  
 of two hundred and sixty six dollars <sup>dollars</sup> and  
 thirty four cents aforesaid or near that sum  
 that said Long done work after said  
 settling on sd mill to amount of  
 from four to six shillings and then left  
 as he said to go home and attend some  
 of his family business that after being  
 gone some days he returned and took  
 away his mill wright tools stating that



he had some work to do on a house after which he would return and finish his contract on said mill but this respondent avers that the said Cong has not returned nor has any one for him to do said work nor has this respondent ever released the said Cong from his said Contract this respondent further states that he does not owe the said Cong the sum claimed by him in the said petition or any part thereof by the terms of said Contract or in any other way for work and labor done on said mill wherefore this respondent prays to be dismissed with his cost &c

Henry Petrie

State of Illinois

McHenry County } This day personally appeared before me Henry Petrie and being by me sworn said that the matter and things set forth in the above answer are true 22<sup>nd</sup> day of Sept ad 1851

J H Johnson

clerk

Endorsed thereon

Filed July 22 1852

J H Johnson

clerk

And thereafter to wit on the 16<sup>th</sup> day of March ad 1852 it being <sup>one of</sup> the days of the March Term of



of said Court in said year the following order was entered herein of record:

Martin Cony }  
                   <sup>vs</sup> } Petition for Mechanics Lien.

Henry Petrie }  
 Horace Hubbard }  
 & Sadoe Dexter }

And now comes  
 the plaintiff by  
 Joslyn his attorney  
 and the defendants and by their agreement  
 it is ordered this cause be continued

And thereafter to wit on the 14<sup>th</sup> day of  
 September in the year last aforesaid it being  
 one of the days of the September term of said  
 Court in said year the following order was  
 entered of record —

Martin Cony }  
                   <sup>vs</sup> } Petition for Mechanics  
 Henry Petrie }  
 Horace Hubbard }  
 & Sadoe Dexter }

And now  
 comes the plaintiff  
 by Joslyn his attorney and the defendants  
 Hubbard and Dexter being called come  
 not any one for them but fail and make  
 defaults herein which is ordered to be entered  
 of record. It is therefore ordered that the  
 matters and things in said plaintiffs



petition be taken as confessed thereof against  
them.

And thereafter to wit on the 18<sup>th</sup> day of  
January A.D. 1853 the said Plaintiff  
filed his replication herein in the words  
and figures following that is to say

Martin Long & McHenry Leitch Comrs  
Henry Petrie } January Term A.D. 1853

The replication of  
Martin Long <sup>complainant</sup> to the separate answer herein  
of Henry Petrie one of the defendants to the  
petition of complaint of the above complainant  
This repliant saving and reserving  
to himself all and all manner of advantage  
of exception to the manifold insufficiencies  
of the said answer for replication thereto  
says that he will aver and prove his said  
bill to be true certain and sufficient in  
the law to answer unto and that the said  
answer of the said defendant is uncertain  
untrue and insufficient to be replied  
unto by this repliant without this, that any  
other matter or thing whatsoever in the said  
answer contained material or effectual in  
the law to be replied unto confessed and  
avoided traversed or denied is true



All which matters and things this  
 suppliant is ready to aver and will  
 be ready to aver and prove as this Honorable  
 Court shall direct and humbly prays  
 as in and by his said petition he has  
 already prayed  
 Subscribed and sworn  
 to before me this day of 1853

McToshy  
 Sals for Compt

Endorsed return Filed Jan 18 1853  
 W. Johnson  
 CLK

And thereafter to wit: on the said 18<sup>th</sup> day  
 of Jan'y in the year last aforesaid it being  
 one of the days of the January Term of  
 said Court in said year the following order  
 was filed to wit: entered of record

Martin's Comy }  
 vs } Mechanics Series  
 Henry Petrie & Co }

And drawn  
 and the parties by their respective attorneys  
 and by their agreement it is ordered  
 that this cause be continued



And thereafter to wit. on the 23<sup>rd</sup> day  
of March A.D. 1853 it being one of the  
days of the March Term of said Court  
in said year the following order was entered  
to wit.

Martin Cony } Petition for Mechanics  
vs } Series.  
Henry Petrie & Co }

And now come  
the parties by their res-  
pective attorneys and by their agreement  
it is ordered that this cause be continued

And thereafter to wit on the 28<sup>th</sup> day of  
September in the year last aforesaid Henry  
Petrie the said Defendant filed his affidavit  
in the words and figures following that is to  
say

State of Illinois } McHenry Co. Sheriff  
McHenry County } Sheriff Thompson

Martin Cony } Henry Petrie defendant  
vs } in the above entitled  
Henry Petrie } Cause being duly sworn  
on oath says that

Sail Thompson is a material witness to  
him on the trial of the above entitled Cause  
and that he the said Thompson is at this



time a residing of Aurora in Kane County  
State of Illinois and that the said Thompson  
now lives at Aurora aforesaid and also that  
the said suit is pending in the McHenry  
County Circuit Court aforesaid

Subscribed and sworn to  
before me this 28<sup>th</sup> Sept 1853 Henry Petrie  
John Gillilan Justice of Peace

Entered upon Filed Sept 28<sup>th</sup> 1853  
W Johnson

clx

And thereafter to wit on the 22<sup>d</sup> day of  
Nov 1853 the said Henry Petrie filed his  
notice and deposition of Joel Thompson herein  
in the words and figures following that is  
to say

Mr Martin's copy

Sir You will please take  
notice that on the twenty second day of  
~~November~~ October next between the hours  
of six o'clock in the forenoon and ten  
o'clock in the afternoon of the same day  
and to continue from day to day if necessary  
at the office of W<sup>m</sup> R Parks a Justice of



the peace in and for the County of Kane  
and State of Illinois and before him the  
said William R Parker I shall by myself  
or my Attorney proceed to take the deposition  
of said Thompson to be used as testimony  
in a certain suit now pending and  
undetermined in the Circuit Court of  
McHenry County and State of Illinois  
on the Common Law side of said Court  
wherein you are plaintiff and I am defen-  
dant when you may attend if you think  
proper and cross examine said witness

Sept 28<sup>th</sup> 1853

Ans to

Henry Petrie

Martin Cony }  
Henry Petrie }

Before Wm R Parker  
Justice of the Peace

Deposition of Paul  
Thompson aged about 40 years a witness  
in the above <sup>entitled</sup> ~~cause~~ suit Taken by Wm  
R Parker a Justice of the Peace of the  
County of Kane and State of Illinois on  
the 22<sup>d</sup> day of Oct 1853 at the office of  
the said Wm R Parker in Aurora in said  
County in the presence of said Defendant  
at and before me on the part of the  
defendant -

Kane County of Paul Thompson being



duly sworn deposes and says as follows  
 Interrogatory 1<sup>st</sup> are you acquainted with  
 the parties to this suit and  
 if so how long have you known them

Answer I am and have known them  
 about three years.

Interrogatory 2<sup>nd</sup> What is your name age  
 and residence and  
 occupation

Answer My age is 40 years Residence  
 Aurora occupation millwright  
 & Carpenter

Interrogatory 3<sup>d</sup> Do you know of the Plaintiff  
 working on a mill for  
 the defendants

Answer I do

Interrogatory 4<sup>th</sup> Did you work on the  
 mill formerly with said  
 plaintiff

Ans I did

Interrogatory 5<sup>th</sup> Do you know of Plaintiff  
 and said Defendants  
 settling if so how do you know it and  
 what do you know about

Ans Mr Parker the miller told me that  
 I could get a job now



of Long, the plaintiff or Long or Petrie  
had settled and that Long was owing  
Petrie and Long was to finish the mill  
and he thought Long would give me a job  
of work. I went to Long and asked him  
if he had settled with Petrie and if he  
was to finish the mill - he told me ~~that~~  
had settled with Petrie and he was to  
finish the mill but did not <sup>know</sup> whether he would  
do or not.

Interrogatory 6<sup>th</sup> do you know what was  
to be done to the mill  
at the time and what it was worth to finish  
the mill if so state fully all you know about  
it about it.

Ans - I do not exactly know what was to  
be done but Parker and myself  
made an Estimate which amounted to  
about five hundred dollars.

Interrogatory 7<sup>th</sup> when did this occur

Ans In the latter part of Jan or fore  
part of February 1851

Joel Thompson  
Harris County J. I the Subscriber a  
Justice of the Peace of  
the said County do certify that the above  
deposition was taken by me at the time  
and place mentioned in the caption thereof  
That the said witness was first duly sworn



and that the said deposition was carefully  
read to the Shuttles and signed by  
him dated Oct. 22<sup>nd</sup> 1853

Wm R Parker J.P.  
said witness Joel Thompson claimed fees 50cts  
Court fees for taking deposition 1.00  
Wm R Parker J.P.

State of Illinois } ss. J. D. Murphy  
McHenry County } being duly sworn  
according to law  
on oath says that he did deliver to M. S.  
Oslyan Esq atty for the within named Martin  
Long a copy of the within notice upon the  
29<sup>th</sup> day of September AD 1853  
Subscribed and sworn {  
to before me this 29<sup>th</sup> day } J. D. Murphy  
of Sept 1853

witness my hand and seal  
of the Circuit Court of said County  
J. H. Johnson Clerk.

State of Illinois } ss. J. James Herington  
Rand County } clerk of the County  
court in and for  
said County hereby certify that William



R Parker was on the 22<sup>nd</sup> day of October  
 A.D. 1853 an acting Justice of the Peace  
 in and for said County duly commissioned  
 and sworn and full faith and credit are  
 due to all his official acts as such Justice of the  
 Peace in witness whereof I hereunto set my  
 hand and the seal of said County  
 Court this 11<sup>th</sup> day of November  
 A.D. 1853



James Herrington  
 Clerk

Endorsed thereon Filed Nov 22<sup>nd</sup> 1853  
 J. H. Johnson

CM

And thereafter to wit on the day and year  
 last aforesaid it being one of the days of  
 the late November term of said Court in  
 said County the following Order was Entered  
 of record

|                 |                                   |
|-----------------|-----------------------------------|
| Martin Cony     | } Petition for Mechanics<br>Suing |
| Wm. Petrie      |                                   |
| Josiah Dexter & |                                   |
| Hervace Hubbard |                                   |

And now come  
 the plaintiffs  
 by Josiah and

the defendant Petrie by McClure & Murphy  
 his Counsel also came and issue being



joined it is therefore ordered that a Jury  
Come and thumpson came a jury of of  
good and lawful men to wit,

|               |                 |                   |
|---------------|-----------------|-------------------|
|               | Isiah St John   | SW M Martin       |
| A Stephens    | David James     | AP Sillibridge    |
| JN Jerome     | John White      | Cornelius Desmond |
| HC Gardner    | Robt Van Horn   |                   |
| James Johnson | Almon Chatfield |                   |

who being  
duly empannelled and sworn will and  
truly to try the issue joined and having  
heard the evidence and arguments of  
Counsel and instructions of the Court they  
<sup>retired</sup> returned to Consider upon the Verdict and  
thumpson they returned into Court and  
delivered the following Verdict to wit the  
the Jury find for the plaintiff and assess  
his damages at the sum of five hundred  
dollars and thumpson the defendant by  
his Counsel move the Court for a new  
trial

And thereafter to wit on the 3rd day  
of December AD 1853 it being one of  
the days of the days of the said November



And aforesaid the following decree was  
entered of Records to wit—

Martin Leary

vs

Henry Petrie

Horace Hubbard

Sadoc Dexter

Petition for Mechanics Lien

This Cause having  
been this day brought  
on to be heard

upon the bill of Complaint filed herein and  
the separate answer of Henry Petrie, the  
bill having having been taken as Confessed  
by said defendants Horace Hubbard  
and Sadoc Dexter and on the 22<sup>nd</sup>  
day of November A.D. 1853 a jury being  
empannelled to try the facts at issue on  
said bill and answer after hearing the  
proofs and allegations of the parties  
returns into the Court the following Verdict  
to the jury find for the plaintiff and  
assess the damage at five hundred  
dollars whereupon defendant Petrie moved  
for a new trial which motion being overruled  
by the Court Judgment was rendered upon  
the Verdict for the sum of five hundred  
dollars and it appearing to the Court  
that said respondents Petrie & Hubbard  
were duly notified of the pendency of  
this suit by due service on the seventh



day of July AD 1851 of the summons  
 issued in due form in this suit out  
 of the office of the Clerk of this Court under  
 the Seal of this Court and that said Dexter  
 was duly notified of the pendency of this  
 suit by the due publication thereof in the  
 Woodstock Democrat a weekly newspaper  
 published in said County of Montgomery State  
 of Illinois four months successively or six  
 months previous to January 9 1853 and  
 that the said respondents Hubbard  
 and Dexter have failed to make default  
 in pleading to said bill of complaint  
 as required by an order of this Court made  
 at the January Term 1853 of this Court  
 and that the said Bill of Complaint as  
 by the said default confessed as true by  
 said respondents Hubbard and Dexter  
 and it appearing to the Court that the  
 jury empowered to hear try the facts at  
 issue upon the said bill of complaint  
 and the answer of Hering Petrie found  
 for the complainant and assessed his  
 damage at five hundred dollars  
 and it being fully shown to this  
 Court that said Complainant did  
 during the summer fall and winter



of a<sup>d</sup> Eighteen hundred & fifty. Pursuance  
of a Contract before that time made by  
said Complainant with said respondent  
Petrie labor in erecting in said County  
a building intended as a Grist and  
flouring mill on the premises hereinafter  
described and that there is now due  
said Complainant from said respondent  
for said labor the sum of five hundred  
dollars which is wholly unpaid and that  
said sum became payable in the month  
of February in the year Eighteen hundred  
and fifty one it is therefore ordered adjudged  
and decreed that the said Complainant  
do have and recover of the respondent the  
sum of five hundred dollars for work  
and labor done by him on and about  
the erection of a certain mill building  
upon the premises in the premises as  
in said petition mentioned and described  
as follows to wit: Part of the Southwest  
fractional quarter of the North fractional  
quarter of Section the thirty four (34) Township  
forty three (43) Range Eight East of the third  
Principal Meridian including the mill  
lot on which said mill is situated in the  
Township of Algonquin County of McHenry  
State of Illinois known as the mill lot  
on the plat of Hubbards Addition to the



Village of Algonquin Recorded in the  
 Recording Office in said County in Book  
 B. of Mortgages on page 183 in pursuance  
 of his Contract with said respondents and  
 also his Costs in this suit in this behalf expended  
 and that the Complainant have a lien upon  
 all the legal & Equitable interests of the said  
 respondents in & to the aforesaid Lot and  
 premises and improvements made by said  
 respondents therein and that for the satisfaction  
 of the aforesaid sum of five hundred  
 dollars with the costs of this suit the sum  
 to be sold and that special execution for  
 the sale thereof issue to the sheriff of  
 the County of McHenry and it is further  
 ordered adjudget and decreed that if  
 the proceeds of such sale shall be insuffi-  
 cient to pay and satisfy the aforesaid  
 sum of five hundred dollars & costs  
 the said Complainant shall have execution  
 for the balance thereof then remaining  
 due against the Goods and Chattels lands  
 and tenements of the said respondents  
 as upon a judgment at law and  
 if the proceeds arising from such  
 sale shall exceed the amount of



the aforesaid sum of money & costs  
the excess shall be paid to the respondents  
and it is further ordered adjudged  
and decreed that the purchaser of  
said mill building and premises  
upon obtaining a Sheriff's deed for  
the same if there shall be no redemption  
from the sale under this decree shall  
be let into possession thereof and the  
said respondents and all persons coming  
into possession of said premises or  
any part thereof under him since the  
Commencement of this suit deliver the  
the possession of said premises upon  
the production of said Sheriff's deed

And thereafter to wit on the 24<sup>th</sup> day of  
January A.D. 1854 a special writ of  
fieri facias was issued out of the office  
of the Clerk of the Circuit Court of said  
County in the words and figures following  
that is to say

State of Illinois } of The People of  
McHenry County } the State of Illinois  
to the Sheriff of  
said County Greeting Whereas Martin Long  
the plaintiff in this suit did as the late



November Term of the Circuit Court of  
 said County recives a judgment against  
 Henry Petrie Horace Hubbard and  
 Sador Dexter the defendants in this suit upon  
 a petition for a Mechanics Lien for the sum  
 of <sup>four hundred and fifty</sup> ~~money~~ <sup>sum</sup> ~~hereinafter mentioned~~ <sup>sum</sup> by the judge  
 ment and consideration of the said Court was  
 ordered to be sold.

We therefore Command you that of  
 the Goods and Chattels Lands and Tenements  
 of Henry Petrie Horace Hubbard and Sador  
 Dexter in your County you to wit: Part of  
 the South East fractional Quarter of North frac-  
 tional Quarter of Section the thirty four (34)  
 Township Forty Three (43) Range Eight East of  
 the third principal Meridian including the  
 Mill Lot on which said Mill is situated in  
 the Town of Algonquin County of West Henry  
 State of Illinois known as the Mill Lot on  
 the Plat of Hubbards Addition to the Village  
 of Algonquin Recorded in the Records  
 office in said County in Book of Mortgages  
 on page 183 that you proceed to sell the said  
 above described Lands without delay so that  
 you Cause to be made the sum of five  
 hundred dollars which to Martin Long was  
 on the third day of December last paid



judged for his damages whereof the said  
Defendants are convicted as appears to  
us of Record. Also the further sum of Fifty  
six dollars and Eighty Cents which was by  
the judgment of said Court adjudged  
to the said plaintiff for his Costs and  
Charges in and about his suit in this behalf  
expended And have that money ready in thirty  
days from the date hereof to render to the  
said plaintiff his damages and costs aforesaid  
and hereof fail not but make due return  
of this writ in the said space of thirty  
days from this date with an endorsement  
thereon as to the manner in which you  
execute the same

Witness our hand H Johnson Clerk of our  
said Court and the Seal thereof at Woodstock  
Sub this 24<sup>th</sup> day of January 1854  
H Johnson

Endorsed thereon Received Janry 25<sup>th</sup> 1854 at  
9 o'clock A M

Carlisle Hastings  
Sheriff

In Obedience to the within writ I did on the 20<sup>th</sup>  
day of February 1854 offer the within described  
property for sale the same having been advertised  
according to law and Martin Long having bid  
the sum of five hundred seventy five <sup>1/2</sup> 100



dollars he being the highest and best bidder at sale became the purchaser, therefore this Execution is returned satisfied in full

Carlisle Hastings  
Sheriff

|             |              |
|-------------|--------------|
| Advertising | 25-          |
| Certificate | 25-          |
| recording   | 38           |
| Commission  | 11.63        |
| Return      | 10           |
|             | <u>12.60</u> |

Filed Feb 2<sup>nd</sup> 1854 J. H. Johnson

And thereafter to wit on the 21<sup>st</sup> day of Feb 1854 Carlisle Hastings Sheriff of said County returned into the office of the Clerk of the Circuit Court of said County a Certificate of Sale running in the words and figures following that is to say

State of Illinois I Carlisle Hastings  
McHenry County<sup>ss</sup> Sheriff of the County  
and State aforesaid  
do hereby certify that by virtue of a special execution to me directed dated the 24<sup>th</sup> day of January A.D. 1854 and returned in favor of Martin Long and against Henry Petrie Herman Hubbard & Judos Doctor I did in pursuance of the Statute in such Case made and provided on the 20<sup>th</sup>



day of February AD 1854 between the hours  
of 10 o'clock A.M. and five o'clock P.M.  
offer at Public Sale the following described  
property to wit: Part of the South E fractional  
1/4 of the North fractional 1/4 of section 34 Township  
43. Range 8 East including the mill site  
on which said mill is situated in the Town  
of Algonquin County of M<sup>h</sup> Henry and State  
of Illinois known as the mill site on the  
plat of Hubbards Addition to the Village of  
Algonquin recorded in the recording office  
in said County in Books of Mortgages on  
page 183 And Martin Long having bid  
the sum of five hundred and seventy five <sup>73</sup>/<sub>100</sub>  
Dollars he being the highest and best bidder  
at sale became the purchaser. Now if the  
aforesaid property shall not be returned  
within within fifteen months from this date  
according to law then the said Martin Long  
will be entitled to a deed for the said premises  
Long Witness my hand and Seal at  
Madestock this 20<sup>th</sup> day of February  
AD 1854

Carlisle Hastings Secy  
Sheriff of M<sup>h</sup> Henry County Illinois  
Endorsed thereon Filed Feb 21 1854 Recorded  
in Vol 1 Page 257 J. H. Johnson CLK  
Sheriff's Fee \$12.60



State of Illinois  
McHenry County I the undersigned  
Clerk of the Circuit  
Court in and for the said County  
and State aforesaid do certify that  
the foregoing is a <sup>true</sup> ~~perfect~~ <sup>copy</sup> of the  
record and proceedings in the above  
entitled cause from the files and books  
in this office Witness Joel A. Johnson  
Clerk of said Court and  
the seal thereof at Woodstock  
this 18 day of October  
A.D. 1854

J. A. Johnson  
Clerk



I Joel H Johnson Clerk of the Circuit Court  
in and for the Said County and State of said  
duly appointed to take the deposition of Alexander  
Dawson a witness whose name is subscribed  
to the foregoing deposition do hereby certify that  
previous to the Commencement of the examination  
of the Said Alexander Dawson as a witness  
in said Suit between the Said Martin Coney  
plaintiff and Henry Petic Defendant, he  
was duly sworn by me as such clerk to  
testify the truth in relation to the matters  
in Controversy between the Said plaintiff  
and defendant so far as he should be  
interrogated thereunto, that the Said deposition  
was taken at my office in Woodstock in  
Said County on the 11<sup>th</sup> day of October 1851  
and that after said deposition was taken  
by me as aforesaid the interrogatories and  
answers thereto as written down were read  
over to the Said Witness and that thereupon  
the same was signed and sworn to by the  
Said deponent on the day and year aforesaid  
Joel H Johnson  
Took dep For  
Alexander Dawson \$50  
Joel H Johnson  
Clerk Cir Ct  
Said Co



to have purchased one half from Deceased  
Petrie Choose to go on with me as a partner  
of Examination

Interrogatory 1<sup>st</sup> When was it that you made  
this Contract with Mr Cony.

Answer to 1<sup>st</sup> it was about the 19<sup>th</sup> of February  
1850.

Interrogatory 2 And Mr Petrie any interest  
in this property at the time you made the  
Contract

Answer to 2 he had no interest any  
further than what he relied on my word  
about it

Interrogatory 3 Was there a writing which  
Mr Petrie subscribed to, which he was to pay  
any.

Answer to 3 There was no written Contract  
to my knowledge

Interrogatory 4 How much can you testify  
that he did work after the 4 of May 1850

Answer to 4 I cannot tell

Interrogatory 5 Did he go on and complete  
the mill

Answer to 5 The mill is not completed  
yet

Interrogatory 6 When did Mr Petrie acquire  
an interest in the Mill property

Answer to 6 I should judge about the last  
of April 1850

Alexander Hanson  
Subscribed to and sworn  
to before me this 11<sup>th</sup> day of October  
1850  
J. H. Johnson Clerk



Objected by Self)

Answer to 9 he had a contract for the Lumber from Sados Doctor

Interrogatory 10 Do you know whether the Complainant worked for the defendants or either of them in making bills for materials making putters and turning gudgeons previous to the time he commenced working upon the mill

Answer to 10 He brought gudgeons that was turned up with him and made out bills for materials. I do not know that he made out the bills. Complainant gave the bills to Petrie.

Interrogatory 11 Do you know whether the Complainant paid for blacksmithing and use of lathe which was requisite for the use of the mill

Answer to 11 I do not

Interrogatory 12 For whom did you make this contract with the Complainant to labor upon that mill

Answer to 12 When Mr. Petrie came to me to buy the mill I told him what he could have it for. Well he was to put in three thousand dollars to offset three thousand dollars which I <sup>had already</sup> invested there we worked in that way until in the Spring when he concluded to take the whole of it and to take all bargains from my hands and pay all expenses. I intended at that time



work for three dollars per day and he was to take McPetrie as payment for building the mill he was to have a hundred dollars in Cash in the course of the time he was building it and a hundred and fifty if I could make it out and what Store pay he wanted out of Father Store the ballance of what <sup>would be</sup> due him he was to have in ninety days after the mill was finished

Interrogatory 6 how long did the Complainant work under that Contract

Answer to 6 he worked from March 19<sup>th</sup> 1850 till May the 14<sup>th</sup> 1850 that I know of and I see him at work after that into the cold weather of the next winter occasionally I was there most every day and see him at work

Interrogatory 7 Can you tell me about what time you last saw him at work in the mill if so when was it

Answer to 7 According to my recollection it was between the first and tenth of December of that year

Interrogatory 8 Who owned that mill property at the time you made the Contract with Carey Answer to 8. Horace Hubbard had the title to the property where the mill now stands and it was bonded to Sadoc Lester

Interrogatory 9 What interests had Petrie in that property during the time the Complainant was at work there.



My age is forty eight years occupation a Farmer and  
residence Algonquin, McHenry County

Interrogatory 2 Are you acquainted with the parties  
to this suit and were you acquainted with  
them in the year 1858

Answer 2 I am acquainted with them and  
was at that time

Interrogatory 3 Were you the agent of the defendants  
or either of them at that time in the building  
of a mill at Algonquin

Answer to 3<sup>d</sup> I was agent for Sador Dexter  
so far as this that I superintended his property  
that he had here. I was authorized to make  
bargains and to notify him of the same which  
if satisfactory to him he received if not he  
rejected them

Interrogatory 4 Did you as agent of Sador  
Dexter make any bargain with the Complainant  
in this suit by which he was to superintend  
the construction of a mill

Answer to 4 I did not

Interrogatory 5 Did you make any bargain  
with the Complainant in reference to the  
erection of a mill at Algonquin if so  
state what the bargain was

Answer to 5 I made a bargain with him  
to finish the mill which was this he was to



The deposition of Alexander Dawson of the  
County of McHenry and State of Illinois as  
Witness of lawful age produced sworn and  
examined upon his Oath on the 11<sup>th</sup>  
day of October 1831 at the Office of the Clerk  
of the Circuit Court of Said County by me  
the undersigned clerk of the said County  
a witness in a certain suit and matter in  
Controversy now pending and undetermined  
in the said Circuit Court wherein the said  
Thurston Comy is Plaintiff and Henry Petrie  
is Defendant on behalf of the said Plaintiff  
as well on the cross examinations, interrogations  
of the said defendants which are hereto submitted  
And now at this the said Alexander Dawson  
being first duly sworn by me as a witness  
in the said Cause previous to the commencement  
of his examination to testify the truth as  
well on the part of the Plaintiff as the  
defendants in relation to the matters in  
Controversy between the said Plaintiff and  
defendants so far as he should be interrogated  
testified as follows

Interrogatory 1<sup>st</sup> What is your age name  
and occupation and place of  
residence.

Answer to 1<sup>st</sup> My name is Alexander Dawson



And Heretofore to wit on the 21<sup>st</sup> day of  
March AD 1853 a stipulation of the parties  
and the deposition of Alexander Dawson  
was filed herein in the words and figures  
following that is to say

State of Illinois } Of the Term  
McHenry County Circuit Court } of January  
AD 1853 to wit:

of the 11<sup>th</sup> day of October 1851

Martin Emery }  
Henry Petro et al } Petition for mechanics

vs } Lien

It is hereby  
stipulated by and between the parties to the  
above entitled Cause that the testimony of  
Alexander Dawson shall be taken before  
J. H. Johnson Clerk of said Court on the  
11<sup>th</sup> day of October AD 1851 at 2 O'clock P.M.  
and that the deposition of said Dawson  
thus taken may be well used on the trial  
of said Cause and perpetuated - The Counsel  
for the defendants hereby waiving all objections  
to the form of said Deposition

Dated Woodstock Oct 11. 1851

M. S. Oslyn  
C. M. Belmont  
for petitioners  
for answer



Petrie & Coury



In the Supreme Court  
of the State of Illinois } Of June Term.  
A.D. 1855

Henry Peter Horace  
Hubbard & Zadock Sexton

vs.

Martin Soney

Error to McHenry County

And now come the said  
Henry Peter Horace Hubbard & Zadock Sexton  
the Plaintiffs in error by their Attorneys  
Hansworth Hargis and say that in  
the record and proceedings aforesaid and  
in giving the judgment aforesaid there  
is manifest error—

1<sup>st</sup> In this that there is no prayer for  
process in the petition—

2<sup>d</sup> That no summons was ever issued  
against Zadock Sexton—

3<sup>d</sup> That Notice Published does not appear  
in the Record nor the proof of the publication  
thereof, the verbal thereof in the decree being  
insufficient.

4 That the default of Zadock Sexton was  
entire. Will taken as confessed against him  
without summons having been issued and  
served on him, or returned non est. with proof  
Publication of notice—



5

That the default of Hubbard was entered without any rule upon him to answer bill his appearance having been <sup>previously</sup> entered in the cause

6

That the cause was submitted to the jury for trial without issues having been made up for them to try -

7

That the verdict of the jury is insufficient both in form & substance

8

That the Property directed to be sold in the decree is different from that set out in the petition

9

That judgment is entered against all of the Plaintiffs in error to make the deficit that may remain after selling the property set out in the decree

10

That the decree is against the Respondent in the singular number without distinguishing which

11

That the lien established is upon the legal equitable estate of the respondent without distinguishing which

12

That the decree is in many other respects uncertain informal and insufficient

That the description of the property in the <sup>sought to be charged with the lien in the petition</sup> petition is indefinite uncertain & insufficient



~~Hand~~

Sup Court

Henri Petrie

Horace Hubbard

W. Jacobus Kester

Martin Sney

Transcript  
from

M<sup>rs</sup> Henry

Filed March 6, 1855

L. Seland Clerk.

Turner & Co. B. & Co.  
off. 447



And Also there is error in this  
that the decree aforesaid by the Record  
aforesaid, appears to have been rendered  
for the said Martin Coney against  
the said Henry Peter Horner Hubbard &  
Zadock Sexton, whereas by the laws of the  
land the said decree ought to have been  
given for the said Peter Hubbard & Sexton  
against the said Martin Coney

And the said Offs in error pray  
that the judgment & decree aforesaid  
for the errors aforesaid and for other errors  
in the said record and proceedings here  
may be revised annulled, and altogether  
holden for nought, and that they may be  
restored to all things which they have lost  
by occasion of the said judgment &  
decree &c

Hansworth Mungel  
for Offs in error



Sup court

Petrie et al

vs

Martin Cony

} error to Mettney Co.

The clerk of said court will  
please issue an alias Sci. fa.  
to Mettney Co - and send  
it to us at Chicago -

Garrison & Hough



Pres.

Filed May 18. 1888.  
L. Leland Clk.



STATE OF ILLINOIS,

Supreme Court,

ss.

WRIT OF ERROR.

The People of the State of Illinois,

To the Clerk of the Circuit Court for the county of *McHenry* - Greeting:

**BECAUSE** in the record and proceedings, as also in the rendition of the judgment of a plea which was in the circuit court of *McHenry* - county, before the Judge thereof, between *Martin Coney*

plaintiff, and *Henry Petrie, Horace Hubbard and Zadoek Dexter*

defendants, 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 *2<sup>nd</sup> Monday in June* 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. **SAMUEL H. TREAT**, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this *6<sup>th</sup>* day of *March* in the Year of Our Lord One Thousand Eight Hundred and Fifty-five.

*L. Seland* Clerk of the Supreme Court.



Henry Pitkin Clerk

vs  
Maurice Covey -

Mist of error

Filed March 6, 1855.  
L. Ireland Clk.

STATE OF ILLINOIS,

The People of the State of Illinois,

VS

vs



STATE OF ILLINOIS,

Supreme Court,

ss.

The People of the State of Illinois,

To the Sheriff of the County of Kane — Greeting:

**BECAUSE** in the record and proceedings, and also in the rendition of the judgment of a plea which was in the circuit court of *McHenry* — county, before the Judge thereof, between *Martin Coney* plaintiff —

and

*Henry Petrie, Horace Hubbard & Zaddock Dexter*

defendants; it is said that manifest error hath intervened, to the injury of the said *defendants*

as we are informed by *their* complaint, the record and proceedings of which said judgment we have caused to be brought into our Supreme Court of the state of Illinois, at Ottawa, before the Justices thereof, to correct the errors in the same, in due form and manner, according to law; therefore we command you, that by good and lawful men of your county, you give notice to the said —

*Martin Coney* —

that *he* be and appear before the Justices of our said Supreme Court, at the next term of said court, to be holden at Ottawa, in said state, on the *2<sup>nd</sup>* Monday in *June* — next, to hear the records and proceedings aforesaid, and the errors assigned, if *he* shall see fit; and further to do and receive what said court shall order in this behalf; and have you then there the names of those by whom you shall give the said *Martin Coney* notice, together with this writ.

WITNESS, the Hon. Samuel H. Treat, Ch. of Justice of our said Court, and the Seal thereof, at Ottawa, this *sixth* day of *March* in the Year of Our Lord One Thousand Eight Hundred and Fifty-*five*.

*L. Seland*  
Clerk of the Supreme Court.



Thos. J. McDermill  
Deputy

Phen. or Carey  
Sci. Ia.!

Feb. 14. 1885.  
J. W. Adams, Esq.

Amie

20

10

20

...

Harmon & Burgess  
plp. at 100.



STATE OF ILLINOIS,

Supreme Court,

ss.

The People of the State of Illinois,

To the Sheriff of the County of *McHenry* — Greeting:

**BECAUSE** in the record and proceedings, and also in the rendition of the judgment of a plea which was in the circuit court of *McHenry* county, before the Judge thereof, between *Martin Coney* complainant plaintiff and *Henry Petrie, Horace Hubbard & Zadock Dexter*

defendants, it is said that manifest error hath intervened, to the injury of the said *defendants*

as we are informed by *their* complaint, the record and proceedings of which said judgment we have caused to be brought into our Supreme Court of the state of Illinois, at Ottawa, before the Justices thereof, to correct the errors in the same, in due form and manner, according to law; therefore we command you, that by good and lawful men of your county, you give notice to the said *Martin Coney*

that *he* be and appear before the Justices of our said Supreme Court, at the next term of said court, to be holden at Ottawa, in said state, on the *2<sup>nd</sup>* Monday in *June* — next, to hear the records and proceedings aforesaid, and the errors assigned, if *he* shall see fit; and further to do and receive what said court shall order in this behalf; and have you then there the names of those by whom you shall give the said *Martin Coney* notice, together with this writ.

WITNESS, the Hon. Samuel H. Treat, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this *sixth* day of *March* in the Year of Our Lord One Thousand Eight Hundred and Fifty-five.

*S. Leland*

Clerk of the Supreme Court.



Return this writ  
not serve the  
within named not  
in my County Return 10  
March 19<sup>th</sup> 1855  
G. M. Bentley  
Sheriff

Henry Petrie et al.  
v  
Martin Conroy  
Writ of Crier

Filed March 27. 1855  
L. Leland Clerk

Farnsworth & Burges  
Plffs. Atty.

27

*[Faint, mostly illegible text in the right column, possibly bleed-through from the reverse side of the page.]*



Henry Petrie et al } Supreme Court -  
 vs  
 Martin County }

J. F. Farnsworth being duly sworn to the deposition and say, that he is Attorney for the said plaintiffs in error, that assignment of errors was filed with the record in said cause previous to the last term. but that there has been no ground in error by the Dept.

Affiant further says, that the reason why he was not present attending to said suit when it was reached on Tuesday was because he was engaged in the preparation of abstracts and cases for trial in this court, and was thus unable to be in attendance upon this court, that he arrived here on the afternoon of the day the said cause was continued, but after the adjournment of the court. Affiant is ready to submit said cause, at any time, and prays the court to set aside the order of continuance, and rule the defendant to join in error -  
 Sworn to & subscribed  
 before me this 13<sup>th</sup> of  
 June A.D. 1856

Subscribed & Sworn before J. F. Farnsworth  
 me this 13<sup>th</sup> day of June A.D. 1856.

Leland Calk  
 By J. B. Rice Deputy



<sup>47</sup> Henry Petrie and  
is  
Martin County

off<sup>r</sup>

Filed June 13 1886  
L. Leland  
Clerk



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Henry Petre et al.

vs  
Martin Conway

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