

No. 12689

Supreme Court of Illinois

Murray

vs.

Hurst

~~4~~ 25
Adam Clunay
Joseph Hurst

16

12679
1858

State of Illinois
County of Cook } S. S.

Pleas before the Honorable John
M. Wilson Judge of the Cook County Court of Common
Pleas within and for the County of Cook and State of Illinois
had in Vacation after the July Vacation term of said
Cook County Court of Common Pleas in the year of Our
Lord One Thousand Eight Hundred and fifty five. And
of the Independence of the United States the Eightieth.

Present, the Hon John M. Wilson Judge
Attest
Walter Churchill Clerk

It is Reminded that heretofore to wit on the twenty
third day of June in the Year of Our Lord One thousand
Eight Hundred and fifty three Joseph Hurst Plaintiff
filed in the office of the Clerk of the Cook County Court
of Common Pleas in the suit of Joseph Hurst plaintiff
and Charles M. Murray Defendant his affidavit
is in words and figures as follows to wit,

State of Illinois
Cook County } S. S.

Cook County Court of
Common Pleas.

Joseph Hurst.

vs.

Charles M. Murray

affidavit
[12689-1]

I do solemnly swear that I
am informed and verily believe, that the execution
issued in the above case has been returned by the

Sheriff of said County, in the following words & figures
I know this 28th day of April 1853. demanded the
payment on this writ, or to surrender to me goods or
chattels lands or tenements to satisfy this writ. But he
refuses to do so. I return this writ as not satisfied
return 10.

Leyris. P. Brady Sheriff

by H. Ryan Deputy

And that I am informed & believe that Adam Murray
And the Farmers & Merchants Fire Insurance Co. of
New York, of which Lumberman & Hall
is the agent in the City of Chicago are indebted to the
said defendant herein or have property effects or choses
in action in their possession belonging to said defendant
and therefore pray that execution process may issue
so that returnable to this court, at its next Term.

Sworn to & subscribed before
me this 22nd June A.D. 1853

Benj. F. James.

Notary Public

Jos. Hurst.

Gov. Pro ip
June 22/53

And on said twenty third day of June A.D. Eight
and fifty three at James the Sheriff
his authorized office of the Clerk of said Cook
County Court of Common Pleas against said
Adam Murray which said summons is in
words and figures as follows to wit.

State of Illinois

Cook County

The Supr of the State of
Illinois to the Sheriff of said County Greeting.
We Command you that you do summon

Adam Murray and the Farmers & Merchants Fire Insurance Company of Western New York and Lamberton & Hall Agents of said Company in May shall begin to in your County first on a writ to be out appear before the Court County Clerk of Common Pleas of said County on the first day of the next term thereof to be held at the Court House in Chicago in said County on the first day of the next term thereof to be held at the Court House in Chicago Monday of July next to answer unto Joseph Keenish as garnishee of Charles S. Murray and answer as to the property effects claims in action in their possession belonging to the said Charles S. Murray. And have you then and there this writ with an endorsement thereon in what manner you shall have executed the same.

Witness My Hand Clerk Court said County of Cook in said County this 23 day of June A.D. 1853

Wm. H. Kimball Clerk

Which said summons was returned & returned into the office of the Clerk of said Court by the Sheriff of said County with his return thereon in words & figures as follows to wit:

Signed this writ by reading to the within named Adam Murray and Lamberton & Hall agent of the Farmers & Merchants Fire Insurance Company of Western New York. The Farmers & Merchants Fire Insurance Company

at the same day of Western New York not found in my County the 23 day of June 1853

By Wm. H. Kimball Clerk

And afterwards to wit on the sixth day of
July A.D. Eighteen Hundred & fifty three, said
Plaintiff filed in the office of the Clerk of said Court
in said cause his Interrogatories to said Defendants
which said Interrogatories are as follows
to wit.

Cook County Court of Common
Pleas July Term A.D. 1853

Joseph Hunt

vs
Charles M. Murray

Joseph Hunt

vs
Adam Murray & Son

Callers of Farmers Merchants

of Co. Western N York

for the purpose
in above entitled
Suit.

The Plaintiff herein
presents the following interrogatories to the
Defendants Adam Murray & Son to wit
to wit as agent of Farmers Merchants & Son
of Western New York.

Int. 1st Were you indebted to Charles M. Murray,
or were you & indebted at the time of Service of
process herein upon you, either as agent or prin-
cipal. If yes, state the character and amount
of said indebtedness fully.

Int. 2nd Have you or either of you in your
custody and possession, or right to possession
any Goods Chattels Monies or other Credits or Claims
or action belonging to or accruing from the said
Charles M. Murray. If yes, state fully the
nature character & time of the same. Were they in
your possession by gift assignment Sale or otherwise

if by either of these means produce & show the
authority under which you or either of you re-
ceived the same. No amount & value of articles
goods charges or rights & credits so received by
you & when received.

But I do not know or either of you know of
any other person or persons having in their possession
custody or control any goods monies charges rights
or credits belonging to said Charles M. Murray, if
any state their names residence and character
of the goods &c so in their possession or custody.

Chickering & James

Attys for Piff

And afterwards to wit on the Tenth day
of February A.D. Eighteen hundred & fifty
four said day being one of the days of the
February Term of said Court in the year of our
said the following proceedings were entered
of Record in said Court. To wit:

Joseph Hunt

Adam Murray & The Partners
of the Merchant Ship Int Company
of New York & San Francisco
Co Ball agent

Garnishes
of Charles
M. Murray

This day comes the said plain-
tiff by Chickering & James his attorneys, and it ap-
pearing to the Court that due service of summons
in this cause has been had on the said
Adam Murray as garnishes of Charles M.
Murray defendant, and he being three times
solemnly called in open Court does not now

Clerk judge
entered Feb 7/54
1854

does any person for him. nor does he answer the
interrogatories of said plaintiff filed herein but makes
default. which is on motion of said plaintiff
attorneys ordered to be taken and is entered of record.
And on motion of said plaintiff it is ordered that a
conditional judgment be entered against said
Adam Murray garnishee aforesaid in favor
of said plaintiff for the sum of One hundred
and fifty dollars and ninety three cents damages
and nine dollars and sixty five cents cost being
the amount of the judgment for damages and
costs rendered in this Court on the twenty first day
of February last past besides interest thereon
from the day of the entry of said judgment against
the said defendant Charles W. Murray.

Therefore it is considered that the said
plaintiff do have and recover of the said Adam
Murray garnishee of the said Charles W. Murray
the said sum of One hundred and fifty dollars
and ninety three cents damages and nine dol-
lars and sixty five cents cost being the amount
of his damages & costs against the said Charles
W. Murray, besides interest thereon from the
day of the entry of said judgment.

I And it is further ordered that a Time Notice
issued direct to the said Adam Murray re-
quiring him to appear at the next Term of
this Court and show cause if any he have or
can show why the conditional judgment en-
tered herein against him should not be made
absolute and the plaintiff have execution
thereon to make the amount of the same.

San. Pa. 1st.
Nov 23/54

And afterwards to wit on the twenty third
day of November A D Eighteen Hundred & fifty-
four a True Facias issued out of the office of the
Clerk of said Court against the said Adam Murray
in words and figures as follows to wit:

State of Illinois
County of Cook

The People of the State of Illinois
To the Sheriff of said County - Greeting.
Whereas herebefore to wit on the twenty
first day of February A D 1853 Judge Short
plaintiff by his judgment & consideration of one
Circuit Court of Common Pleas rendered a
Judgment against Charles M. Murray Defendant
in an action of Assumpsit for the sum of One Hun-
dred & fifty Dollars and thirty-three Cents and one
and three quarters and five Cents Cost of Suit,
and on which judgment an Execution was issued out
of the office of the Clerk of said Court on the eight
eenth day of March A D 1853, directed to the Sher-
iff of said Cook County commanding him to make
the amount of said Damages and Costs out of the
Said Defendants goods & Chatter of said De-
fendant and which said Execution was at length
returned to the office of the Clerk of said Court
the first day of April.

And whereas afterwards to wit on the 28th
day of June A D 1853 Adam Murray was sum-
moned by the Sheriff of said County as Defendant
of the said Charles M. Murray to be and appear at
the said Court then ensuing to answer
what may be objected to against him in the
premises &c, And whereas at the

February term of said Cook County Court of Common Pleas at St. Louis. He said, Adam Manning failed to appear and answer in his oath the Index mentioned filed by said plaintiff touching the goods Morris Chalmers is entitled to belonging to said Charles M. Manning in his hands according to him. Whereby a Conditional judgment was entered against him. The said Adam Manning by said Court for the sum of One hundred & fifty dollars and ninety three cents damages and five dollars & fifty cents costs hereby entered thereon from the day of the entry of said judgment against the said defendant Charles M. Manning.

You are therefore hereby commanded to summon the said Adam Manning to be and appear before said Cook County Court of Common Pleas on the first day of the next term thereof to be held at the Court House in the City of Chicago in said County on the first Monday of September next to show cause if any he has why said Judgment should not be entered against him for the said sum of One hundred & fifty dollars and ninety three cents damages and five dollars & fifty cents costs as aforesaid. If you fail to do so a return of this writ with an endorsement thereon how and what manner you have executed the same.

Witness My hand and the Seal thereof at Chicago in said County this 20th day of November A.D. 1884.

Walter Kimball Clerk

Ret^{do} 1st term
day of Dec^r
1885

which said writ of Scire Facias was afterwards
returned into the office of the Clerk of said Court
by the Sheriff of said County with his return
thereon endorsed in words and figures as fol-
lows to wit

Levied 20th
28/54

Said writ was by reading to the
within named Henry Murray Abrahamson
28th 1854. James Abrahamson Esq.
W. D. D. Boston Deputy.

Said afternoon I went on the fourth
day of January to the Court House
said day being one of the days of the
January Vacation term of said Court in the
year last aforesaid, the following persons
myself said Henry Murray and Robert of
Record in said Court to wit

Joseph Hunt

as Attorney
of Henry Murray Esq.
of Charles M. Murray

vs.

Final judgment
entered Jan'y
4th 1855

And now comes
the said Plaintiff by Charles M. Murray & James his
attorneys and the said Charles Murray gar-
nishing Charles M. Murray having been duly
personally served and the said James being
present in this cause and he being three
times solemnly called in open Court to come
not nor does any person for him nor does
he show any cause why final Judgment should
not be entered against him in this cause but
he in fact and makes default which is an
admission of said Plaintiff's allegations Ordered to be

before and entered of Record. And on Motion
of said Plaintiff It is Ordered that the Con-
ditional Judgment heretofore entered in
this cause against the said Adam Murray
be final.

Therefore it is considered, that the
said Charles M. Murray, for the use of
the said Plaintiff do stand and receive
of the said Adam Murray, Garnisher of the
said Charles M. Murray his Damages of
One thousand and fifty Dollars and ninety three
Cents and also the further sum of three Dollars
and sixty five Cents Costs being the amount of
Judgment for Damages & Costs entered in this
Cause against the said Charles M. Murray, being
his debt in this behalf expended and now
executed therefore.

Executed
14/55

And afterwards to wit, on the fourteenth day
of February A.D. 1855. An Execution issued
out of the Office of the Clerk of said Court against
said Adam Murray, which said Execution
is in words and figures as follows to wit

State of Illinois
County of Cook J. S. S.
The Clerk of the State
of Illinois to the Sheriff of said County Greeting
The Command of you that of the said said
Judgment Goods and Chattels of Adam Murray
Garnisher of Charles M. Murray Defendant
in said Cause be made the sum of
One thousand and fifty Dollars and ninety three
Cents which the said Charles M. Murray for

The use of Joseph Keinst Plaintiff lately in the
Circuit Court of Common Pleas of said County
at Chicago in the term thereof begun and held at Chicago in
said County on the first Monday of January A.D.
1850 against the said defendant and
which by the said Court was adjudged to the said
Plaintiff for his damages, and also the sum of
Nine Dollars & Sixty-five Cents, And also
the further sum of Eight Dollars and Sixty Cents which
were adjudged to the said Plaintiff for his
additional costs and charges in that behalf
expended whereof the said Defendant was con-
victed as appears to us of Record, And have
you these moneys ready to be paid to the said
Plaintiff for his damages and costs of said
and make return of said sum with an endorse-
ment thereon in what manner you shall
have executed the same, in which days from
the date hereof.

Witness Walter Kimball Clerk
of said Court and the Seal there
of at Chicago in said County this
14th day of February A.D. 1850
Walter Kimball Clerk.

Ret^d May 14
1855

Which said Execution was afterwards returned
into the office of the Clerk of said Court by the
Sheriff of said County with his return
thereon in words & figures as follows to wit
This said return was last satisfied
May 14th 1855 Return me

John Andrew Sheriff
By J. R. Norton Clerk

At the Twenty first day of March the
Eighteen hundred & fifty five the said Adam
Murray by Wandu & July his attorneys
in the office of the Clerk of said Court at notice
of motion and affidavit to set aside and annul
the which said notice and affidavit are in
words and figures as follows to wit

State of Illinois,

In Cook County Court of Common Pleas.
Joseph Murray

Charles W. Murray

and Defendant
Adam Murray
Plaintiff

vs
Superior Chicken & Co
Pamphlet & Co
Superior

To Be Remembered that
on Friday the 23rd March next or as soon thereafter
as counsel can be heard we shall present
a motion to said Court to set aside the Execution
Judgment of said Court and the Conditional
warrant entered in said Court in the above
said cause against the above named Adam
Murray Plaintiff in said cause and that
said motion will be based upon the
affidavit a copy of which is herewith annexed
and on the files and record of said cause
Chicago March 21st 1855.

Wandu & July

State of Illinois

In Cook County Court of
Common Pleas

Joseph Hunt.

Charles Mc Murray, deft
& Adam Murray, Janitor } Cook County, Ill.
Adam Murray being

And I swear I say, that on or about the 28th day of June A.D. 1853, as appears from the files in the above entitled Cause, he was summoned as guardian of Charles Mc Murray the above named defendant that on the said 28th day of June and at any time since this affiant was not and has not been in any way indebted to the said Charles Mc Murray; that this affiant had not, at the time he was summoned as informant, nor has he had since, nor has he in his possession or custody, or under his control, any goods, chattels, money, rights, credits, claims, actions, property, or effects belonging to, or received from the said Charles Mc Murray, or in which the said Charles Mc Murray has or had any interest whatever. And that this affiant does not know of any persons or persons who have or has had, or have or has, since the said 28th day of June A.D. 1853 in his or their possession and custody, or under his or their control any goods, chattels, money, rights, credits, claims, actions, property, or effects, whatever, if or held in trust for the said Charles Mc Murray; And this affiant further says that at long & various times having intervened to wit, from the said 28th day of June A.D. 1853, hitherto, this affiant has carefully forgotten the said Charles Mc Murray, having said and supposed that the said Joseph Hunt was off in the above entitled

Suit had either made the amount on the Judgment against the said defendant, or had become satisfied that this affiant was in no manner indebted to said defendant, and this affiant further says that on or about the 12th day of March current he this affiant was informed by one of the Deputy Sheriffs of Cook County, Illinois that he the said deputy Sheriff had an Execution against the said affiant as garnished for the amount of the Judgment returned by the said Plaintiff against the said defendant in the above entitled Suit, and this affiant has been since informed that there was a writ of Habeas Corpus in the files in said Court with a return endorsed thereon that the said last mentioned writ was returned on this affiant on the 28th day of November last past, but this affiant avers that he has no recollection whatever of the Service of the said writ of Habeas Corpus upon him, and that if said Service was indeed made it has entirely escaped his memory. And this affiant further says that he has been a resident & Citizen of Chicago long before and ever since the said 25th day of June A.D. 1853 and has been and is engaged in the dry goods business in one of the best public places in said City of Chicago and that he has not been absent from said City more than three weeks since the said 25th day of June A.D. 1853.

Subscribed & sworn

J. J. Kearney.

this 21st March 1855

before me

R. C. Beattie,

J. P.

State of Illinois }
Cook County }

And now being
the same day that he cannot appear the same
day & affidavit on his part & he is
personally on Wednesday the 1st Day of March
1855

Admitted to Subscribing

before this 24 day

March 1855

W. Marshall, Clerk

Andrew Hardie

And afterwards to wit on the 1st day
of August 1855 the Court being
then the following proceeding were held
in said Court and entered of record in
said Court, said day being one of the days in
vacation after the July vacation of said
Court to wit

Monday August 15th 1855
Joseph Hunt

Adam Henry Garrison
& Charles M. Murray
Defendants

Plaintiff

And now at this
day at Chambers Cause the said Plaintiff Charles
Loring & James his attorney and the said Charles
Murray Garrison & said Charles M. Murray
defendant by James & Perry his attorneys also
appear, and all the Court having at the preceding
term last past heard the argument of counsel
on the motion of said Charles M. Murray Garrison

as aforesaid to set aside the execution, judgment
default and Conditional judgment entered in this
cause against said Adm^r Henry Garrison in
his cause and having taken the matter under
advisement, being now fully advised in the
premises said said Court.

And all sundry to wit on the twentieth
day of August Execution Number 7 High Court
Kings Execution issued out of the office of the
Clerk of said Court against the James & son
executors of said Charles of the said second
Marriage committed as aforesaid in said
Cause which said execution is in words
figured as follows to wit

State of Tennessee
County of Cook

County of Cook Ill. The People of the State
of Illinois to the Sheriff of Said County Greeting.
We Command you as we have before
commanded you that of the Land and lease
ments goods and chattels of Edward Manning
Guarantee of Charles M. Manning Defendant
in your County you cause to be made three
of One hundred and fifty Dollars and thirty two
cents which the said Charles M. Manning has
the use of Joseph M. Munk "Trustee" in the
the Cook County Court of Common Pleas in
County at a term thereof begun on the first day
of June, in said County on the first Monday
of January A.D. 1855 recovered against the said
Defendant and which by the said Court was adjudged

to the said Plaintiff for his damages and also
the sum of nine dollars and fifty five cents
and also the further sum of nine dollars
and eighty cents which were also assigned to the
said Plaintiff for his additional costs and charges
in that behalf paid when the said de-
fendant was on trial as appears to us of Record;
We therefore do hereby certify to you as to
the said Plaintiff for his damages and costs above
said and make return of the writ with our
endorsement thereon in what manner you
shall deem proper to be done in which days
from the date hereof.

Walter Walter Kimball Clerk of the
said Court and the S. L. Kimball Clerk
in and under the 1st day of August
1855.
Walter Kimball C. R.

State of Illinois,
County of Cook.

W. Walter Kimball Clerk of the
Cook County Court of Common Pleas, within and
for the County of Cook, aforesaid, do hereby certify
that the foregoing transcript contains true copies
of all the original papers, orders, judgments
and proceedings in the said case as the said original
papers and Records of said Court now appear
on the files in my office and appear in the
case of Joseph Smith Plaintiff against

Adams Murray, guardian of Charles M.
Murray, Defendant

In Testimony whereof I have
hereunto set my hand and affixed
the Seal of said Court at the City
of Chicago in said County this
14th Day of August 1885,
William H. Hubbard

Clark

Let a supersedeas issue in the above cause
upon filing the above record with a bond in the
usual form made by the said plaintiff, Erwin as principal
and Andrew Harvey, surety, in the penal sum of
three hundred dollars.

W. D. Catron

State of Illinois
In the Supreme Court
of the State of Illinois }

Assignment of Errors

Adam Murray Garnisher,
of Charles W. Murray } Plaintiff in error
vs }

Joseph Hurst } Defendant in error

And afterwards that
it is say on the twentieth day of August in the year
one thousand eight hundred and fifty five comes
the said Adam Murray plaintiff in error by Hurrie
& Tuley his attorneys, and says that in the record
and pleadings aforesaid and in giving the judgment
aforesaid and in the overruling the motion to set aside
the same there is manifest and material ^{error} in this,

1st That the affidavit aforesaid made
by the said Joseph Hurst defendant in error on the
twenty second day of June eighteen hundred and fifty
three (1853) and the matters therein contained are
not sufficient in law for the said Joseph Hurst to
have process of garnishment against the said Adam
Murray.

2nd And also there is error in this
that by the said record it appears, that a condition
al judgment was entered against the said Adam
Murray & for the said Joseph Hurst at the February
term of said Cook County Court of Common Pleas -

to wit, on the sixteenth day of February eighteen
hundred and fifty four and in and by said em-
inational judgment it was among other things ordered
that a scire facias issue, directed to the said Adam
Murray, requiring him to appear at the then next
term of said court and show cause &c but it does
not appear that a scire facias issued according to
law and the order aforesaid, returnable to the then-
next term of said Cook County Court of Common Pleas;
that on the twenty third day of November eighteen hun-
dred and fifty four and after the lapse of the March
April, June, July, September and November terms of said
Cook County Court of Common Pleas a certain paper pur-
porting to be a scire facias, issued directed to the said
Adam Murray returnable on the first day of the Jan-
uary term of said court then next ensuing; that upon
the return of said paper purporting to be a scire facias
to wit on the fourth day of January Eighteen hundred
and fifty five, the said Cook County Court of Common
Pleas entered a final judgment for the said Joseph
Hurst against the said Adam Murray; therefore in
that, there is manifest error.

3rd And also there is error in this
that by the said Record it appears, that the said final
judgment was entered up in the early part of the last
aforesaid January term of the said Cook County Court
of Common Pleas, whereas by the law of the land the said
Adam Murray was entitled to the entire term to

which a writ of *scire facias* is made returnable to
show cause &c

And also there is error in this —
that the said Cook County Court of Common Pleas over-
ruled the motion of the said Adam Murray to set
aside &c

And the said Adam Murray prays
that a writ of error and *superedeas* may be
issued according to law, and the said Adam
Murray also prays that the judgments aforesaid
both Conditional & final for the errors aforesaid, and
for other errors in the said record & proceedings being,
may be reversed, annulled and altogether holden
for nought, and that he may be restored to all things
which he hath lost by occasion of the said judgments &c
Harriet Tuley Atty
for plff in error —

And now the said Joseph Hunt comes & says
that there is no error in the record and proceedings
afo. and he therefore prays that said judgments
be affirmed &c

By her Atty,
J W Hiekin

²³ &
Adam Murray
Joseph Hurst
Recd & enrs

Filed Sept. 4. 1855.
L. Veland Clk.

Know all men by these presents that we Adam Mur-
ray and Andrew Sturtevant of
Chicago Cook County Illinois are held and firmly
bound unto Joseph Hurst of Chicago aforesaid
in the sum of three hundred dollars, to be paid
to the said Joseph Hurst, his executors administra-
tors or assigns, to which payment well and truly to
be made we bind ourselves, our and each of our
heirs executors and administrators firmly by these
presents sealed with our seals, Dated the twentieth
day of August in the year one thousand eight hundred
and fifty five,

Whereas the above bounden Adam Mur-
ray hath prayed for a writ of error & of supersedeas
out of the Supreme Court of the State of Illinois to the
Cook County Court of Common Pleas to reverse a judg-
ment lately entered up in the said Cook County
Court of Common Pleas for the sum of one hun-
dred and fifty dollars and ninety three cents dam-
ages ~~damages~~ and nine dollars and sixty five
cents, costs in favour of one Charles M. Murray for
the use of the said Joseph Hurst against the said
Adam Murray garnisher of the said Charles M.
Murray,

Now therefore the condition of this obli-
gation is such that if the said Adam Murray shall
truly prosecute his said writ of error to effect and
pay such judgment, costs, interest and damages

as may be awarded against him in case said
judgment lately entered against him as aforesaid
in the Cook County Court of Common Pleas shall be af-
firmed then this obligation to be void, otherwise
of force

Signed sealed & delivered }
in presence of }
Allen Kimball }

A. Murray ^{seal}
Andrew Harris ^{seal}

From Survey,
Geology of
the S. M. Mary,

Joseph H. Kuss

Transcript

Trans. from the Survey
Pd by Adams & Co.

State of Illinois
Cook County

J. J. Wallen Kimball Clerk

I the Cook County Court of Common
Pleas within & for said County & State do
hereby certify that I am personally acquainted
with Adam Murray and Aaron Hannie
of said County, whose names are signed to
a Bond made in the case of Joseph
Leist plaintiff - vs Adam Murray
Jammie of Charles W. Murray - and
that said Adam Murray & Aaron
Hannie are good and sufficient
Security for the amount of said Bond.

Certified under my hand
& the Seal of said Court at
Chicago this 20. day of August
A.D. 1855

Walter Kimball
Clerk

Josephth Gust
atp.
Adam Murray &
Supt. Bond

Filed Sept. 4. 1888.
L. Kelam Ck.

STATE OF ILLINOIS,

Supreme Court

ss.

The People of the State of Illinois,

To the Clerk of the ~~Circuit~~ ^{Common Pleas} Court, for the county of Cook Greeting:

BECAUSE in the record and proceedings, as also in the rendition of the judgment of a plea which was in the ~~circuit~~ ^{common Pleas} court of ~~Cook~~ ^{Common Pleas} county, before the Judge thereof, between

Joseph Hurst

plaintiff, and Adam Murray Garnisher of
Charles M. Murray.

defendant it is said manifest error hath intervened, to the injury of the aforesaid Adam
Murray

as we are informed by his 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^d 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.

~~Walter B. Scates~~ SAMUEL H. TREAT

Chief Justice

of our said Court, and the Seal thereof, at Ottawa, this 4th day of September
in the Year of Our Lord One Thousand Eight Hundred and Fifty-five

S.eland

Clerk of the Supreme Court.

Adam ⁴⁶Murray
by
Joseph Dorist
Writ of error

Filed Sept. 4. 1855.
L. Kel and Clk.

This writ of error is
made a Supersedeas
as such should be
obeyed by all concerned
L. Kel and Clk.