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Alas the

Depositions of Parks

as follows to wit,

The depositions of John D. Parks and Charles R. Parks, taken at the Hardy house in the City of Vassalle in the County of Tazewell in the state of Illinois before Edwin R. McFell Police Magistrate of said City and acting Justice of the Peace in and for said County of Tazewell, commenced on Saturday the 5th day of October, A.D. 1857 at 2 o'clock in the afternoon of said day said depositions were taken pursuant to notice to be used as evidence by Complainant on the hearing of a certain cause now pending and undetermined in the Circuit Court in and for the County of Cook and State of Illinois wherein Comeline Castle is complainant and Richard R. Swift and others are defendants.

The said John D. Parks being first duly sworn according to law or oath deposed as follows in answer to the following interrogatories that is to say,

1st What is your name age occupation & place of residence

Answered John D. Parks age forty two years agent of the Illinois Central Rail Road Company place of residence Parcela Woodford County Illinois

W. H. L. Wallace for Complainant
 Mr Lambert for Defendants agree to continue
 this examination till October 13th 1857 at
 3 o'clock P.M.

Sunday October 13th 1857
 3 o'clock P.M.

The said Complainant by her counsel
 appeared at the Hardy House in said City of
 Lasalle, and the said John D. Parks not being
 present Charles R. Parks was produced as a
 witness of lawful age and being by me first
 duly sworn according to Law, in answer to the
 annexed interrogatories testified as follows.

Interrogatory 1st

What is your name, age occupation and
 place of residence?

Answer Charles R. Parks age thirty eight years occupation
 Lumber dealer place of residence Parola Woodford
 County Illinois

Interrogatory 2nd

Are you acquainted with Emeline Castle the
 complainant in this suit? If yes, how long have
 you known her?

Answer I am acquainted with Emeline Castle have
 known her three years and more

Interrogatory 3rd What was your occupation and where did
 you reside in April and May A.D. 1856

Answer in April and May 1836 was baggage Master
on the Galena and Chicago Union and Illinois
Central Rail Road running from Chicago to London
in the employ of the Illinois Central road

Interrogatory 5th

State whether you stopped any portion
of your time about that time in or about
Chicago - If yes, how much of your time and
how often did you stop in Chicago and where
did you stop in Chicago?

Answer I was in Chicago three nights in the week,
Monday, Wednesdays and Fridays: nights and
left there the following mornings if our time we
arrived in Chicago between four and five o'clock
in the afternoon and went out in the following
morning between nine & ten. Lay in the neighbour-
hood of nine o'clock. I stopped at E. H. Castle's
the Husband of Emeline Castle

Interrogatory 6th During the time you were stopping at
E. H. Castle's house did you hear anything about
the Execution of one or more trust deeds by Mrs
Emeline Castle to secure debts of E. H. Castle -

Answer I did

Interrogatory 7th What was the condition of health of Mrs
Emeline Castle at or about the time of the Execu-
tion of said trust deeds and before that -

Answer

Her health was not very good rather poorly, I think she was pregnant about that time.

Interrogatory

7th State whether or not there was anything said in the family, by Mrs Emeline Castle or others in her presence about her husband E. H. Castle having been arrested on a charge of Swindling. If so state who you heard speak of it in Mrs Castles presence and what was said.

Answer

I heard the matter spoken of several times by Mrs Castle, by my brother, and by E. H. Castle. I heard Mrs Castle say that ^{she} should have to sign some trust deeds in order to save Mr E. H. Castle from the Penitentiary, that she was afraid unless she did sign them they would send him to the State Prison for it seemed that the whole City was down on them she often said to me that she did not know whether to sign them or not asked me what I thought the result would be if she did not sign them, she expressed herself that she was afraid if she did not sign them that (he) E. H. Castle would make way with himself or her, on one occasion as I was passing through the hall going up stairs the room door leading into Mr Mrs Castles room was partly open I heard her call and heard some boisterous talk in the room I then stepped in and he (E. H. Castle) had hold of her (Mrs Castle) and said that she must sign those deeds. I then took hold of him and asked him what he was doing

I cannot give the reply that he made he then stepped out of the room I asked her what the difficulty was she said he was at her to sign those deeds and threatening her she was afraid she would have to sign them or he would commit suicide or injure her during the time those things were pending she grew poor and looked as if she had, had a fit of sickness I could see a difference in her from time to time as I was there

Interrogatory 8th State whether or not she saw you had spoken of in your last answer, as occurring in Mr & Mrs Castle's room, was or was not in the same week in which you heard that the deeds were signed?

Answer From the best of my recollection it was in the same week

Interrogatory 9th During the time you have spoken of in which the matter of signing the deeds was spoken of in the family, state what was the condition of mind and health of C. H. Castle? and if any particular circumstances occurred throwing light on that subject state the same particularly.

Answer I considered him insane, Mrs Castle asked me to watch him, for fear he would make away with himself he certainly appeared different from what I had ever seen him before, he would talk at random

I cannot give the reply that he made he then stepped out of the room I asked her what the difficulty was she said he was at her to sign those deeds and threatening her she was afraid she would have to sign them or he would commit suicide or injure her during the time those things were pending she grew poor and looked as if she had, had a fit of sickness I could see a difference in her from time to time as I was there

Interrogatory 8th State whether or not the same you have spoken of in your last answer, as occurring in Mrs & Mrs Castle's room, was or was not in the same room in which you heard that the deeds were signed?

Answer From the best of my recollection it was in the same room

Interrogatory 9th During the time you have spoken of in which the matter of signing the deeds was spoken of in the family, state what was the condition of mind and health of E. C. Castle, and if any particular circumstances occurred throwing light on that subject state the same particularly.

Answer I considered him insane, Mrs Castle asked me to watch him, for fear he would make away with himself he certainly appeared different from what I had ever seen him before, he would talk at random

Interrogatory 11th. How long had you known C H Castle at that time?

Answer I have known him for twenty five years, we were boys together.

Interrogatory 11th. State whether or not you heard any thing said in the family, before the deeds were signed, by Mrs Castle or in her presence about Mr Germain having been assaulted? If so state what was said on that subject?

Answer I heard a good deal said about that, by Mrs Castle and in her presence she said she believed it was meant for Mr Castle, on account that Mr Germain had Mrs Castles Buggy and coat, that she believed that the person or persons making the assault mistook Mr Germain for Mr Castle.

Dejourne'd till Octobr 14th 1857
at 8 O'clock A.M. To give deft ally an opportunity to cross examine

Wednesday October 14th 1857

8 O'clock A.M. at Harry's in LaSalle.

Examination of Charles R. Parks continued.

Interrogatory 12th. Were you acquainted with Joseph Hickins in April or May 1856 - If yes where did he reside at that time?

Answer I was acquainted with him in April and May 1856 he resided the next door to C H Castle in Chicago.

Interrogatory 13th State whether or not you saw Joseph Filkins in E H Castles House during the week or two days prior to the execution of the deeds. If you know frequently -

Answer I saw him in there frequently sometimes in the morning sometimes in the evening sometimes both morning & evening

Interrogatory 14 State whether or not at the times you saw Filkins in E H Castles House, the subject of the prosecution against Castle & Filkins was talked of in Mrs Castles presence, and whether anything was said by Filkins to Mrs Castle or in her presence about signing trust deeds. If so what was said by Filkins to Mrs Castle or in her presence on that subject

Answer I think Mr Filkins advised her that it was the best thing that she could do to sign the deeds the subject of the prosecutions and signing of the deeds was the subject of conversation whenever Mr Filkins was in. Filkins seemed anxious for her to sign the deeds and used arguments to induce her to do so Mrs Castle seemed to be unwilling or reluctant to sign the deeds

Charles R Parker

State of Illinois

LaSalle County, Ill.

City of LaSalle

I, Edwin H Moffett, Police Magistrate

in and for said City and of office one of the
 justices of the peace in and for said County, do
 hereby certify, that the foregoing deposition of
 John D. Parks and Charles R. Parks was taken
 by me at the place mentioned in the caption
 hereof and on the 3rd day of October A.D. 1857
 at two o'clock in the afternoon - and also on
 the 13th and 14th days of October A.D. 1857 to
 which time the taking of said depositions
 was continued by the agreement of the Counsel
 for the respective parties - that said witness
 were by me each first severally sworn according
 to law to testify the truth in relation to the
 matters in controversy so far as they should be
 respectively interrogated - that I caused the several
 interrogatories and the respective answers of the
 witnesses thereto to be reduced to writing in the
 order in which they were proposed and answered -
 and that the deposition of the said Charles R.
 Parks above set forth was sworn to and signed
 by said witness Charles R. Parks in my presence
 on the 14th day of October A.D. 1857 at the
 place aforesaid

In testimony whereof I have hereto set
 my hand and Seal this 14th day of October A.D. 1857.

Edwin R. Muffett Esq

Police Magistrate

Of office Justice of the Peace

Subscribed for J. S. P.

John D. Parks claims one day attendance as witness

Charles R. Parks claims two days do

Edwin R. Muffatt

Police Magistrate

Ex officio

On the back of this deposition are the following endorsements

Opened & filed 22^d Oct 1837
Wm. S. Church clk

Filed January 4th. 1838
John G. Hos clk

Filed Mar 26/38
Wm. W. Keirsted clk

Also the
Dep. of Sanford Robinson

" " Sophia Wickoy

" " Eliza Williams

" " William S. Sanford
as follows to wit

On the back of these depositions are
the following endorsements

Opened & filed.

Dec 14th 1857

Wm. L. Church clk

Filed January 4th 1858. John Glas clk

Filed Mar 26th /58

Wm. A. Kersted clk
& am as follows to wit:

State of Illinois
Cook County and Circuit Court

Emeline Castle by
Amos Bennett her next
friend

^{vs}
Joseph Gilkins, Edward M. Castle
Richard N. Swift, Lyman P. Swift
William M. Colby, O. V. Colby
E. R. Kellogg, George D. Slade
John E. L. Frasher, Mordey Carr
A. D. Ditworth, John D. Ditworth
Rudolph W. Ditworth, William Deann
R. J. Rawson, J. A. Bartlett
D. G. Rawson, George Ward, William
E. Doggett, M. D. Bapett, D. H. Hill
L. W. Willard, W. M. Peck, C. Babcock
S. O. Post, Benjamin C. Thompson, Wil-
liam S. Bond, John B. Edison, Albert
M. Jordan, Orlando Bellows, A. N. Bond
M. L. Mill & others

In Chancery

Be it Remembered that on the 12th day of November A.D. 1857 at 3 O'Clock in the afternoon of that day at the office of A.S. Galloway & Co. in the City of Chicago in the County of Cook, State of Illinois, the complainant in the above entitled cause in Chancery appeared by Thomas Dent, as her attorney before me Victor B. Bell a Notary Public in and for said City of Chicago, and produced as a Witness Sanford Robinson - Sophia Mickro and Eliza A. Williams and William J. Comfort.

to be examined and to have their depositions taken before me in pursuance of notice; said depositions to be used as evidence in the above entitled cause, and it appearing that said defendants had all been duly served with notice of such examination and the said defendants, by W. J. Burgess their solicitor and complainant by J. S. Pickey her solicitor, having made agreement as to time and place of taking said depositions as appears by endorsement on the attached notice, to wit at the rooms of Galloway & Co. No. 75 Lake St Chicago Illinois commencing at 3 O'Clock P.M. on the 12th day of November A.D. 1857, when and where said witnesses were duly sworn as required by

law and I proceeded to take their depositions, and they and each of them, to the following questions gave the following answers upon oath

37 (Deposition of Sanford Robinson)

Sanford Robinson, Sworn

Int 1 Please state your name, age, place of residence and occupation?

Answer Sanford Robinson, age fifty three, place of residence until two months past, Pottsville, Wayne County, Pennsylvania, at present Chicago I have chiefly followed the sea, as an occupation

Int. 2 Do you know Emeline Castle the Complainant, and Edward M. Castle one of the Defendants, If yes, how long have you known them respectively?

Answer I have known Emeline Castle since 1836 and Edward M. Castle since 1835 or 1836, I am not sure which

Int 3^d What was the maiden name of said Emeline Castle if you know it?

Answer Bennett

Int 4th Where has she lived from time to time respectively since you first became acquainted with her?

Answer She lived in Carbondale, Luzerne County Pennsylvania, my first acquaintance with her was at that place. She took the Steamer Constitution to which I was attached as an officer, in 1844 - am not positive - at Buffalo N. Y. on her passage to Cleveland Ohio - She left the Steamer at Cleveland and took passage on a canal boat, for some place in Ohio to visit friends, as I understood I saw her no more until I met her in Chicago in 1846 I think or the latter part 1845 I met her at the house of E. Mickin in Lake Street. In February 1846 I saw her at the house of E. M. Castle at rooms over the corner of Lake & Well Streets, in the service as a domestic, of E. M. Castle as she said

Int. 5th How long did she live in Luzerne County Pennsylvania, and how was she employed?

Answer I do not know. she was employed as a domestic or nurse

Int. 6th Do you know the names of some of the families in Pennsylvania in which she was so

employed? If so state some of them, and state what you know about the kind of service, and also what were her opportunities and disposition for saving money

Objected to

Answer Ids - The first family that I know of her serving as domestic was Anzi Wilson - also Benjamin W. Johnson - Jesse Williams - as a nurse for children, domestic, and girl of all work - I can only give an opinion, I thought her frugal and industrious

Int 7th State in what you formed the opinion you have mentioned, as to her disposition and opportunities for saving money, while living in Pennsylvania

Objected to

Answer From her constant application to the service in which she was employed, she had the reputation in the neighborhood of being frugal and industrious

Answer objected to

Int. 8 What if any thing do you know of the said Emeline Caste having money about the beginning of February A.D. 1846? State particularly and fully

Answer, Sometime in February 1846, as my memory serves me, she desired to see me confidentially

I followed her to her room up stairs over my store, at the corner of Lake & Wells streets Chicago - She said I wish you would count some money for me, on going into her room. She took from her pocket or bosom a small bag or sack of money, and ripped it open, and emptied the contents into her lap - I wish you to count it, said she, or something of that sort - I counted from the pile three hundred dollars - she said that is enough she called my attention to some coin in the residue of the money in her lap, picking up two or three pieces of nondescript gold coin, and remarked - "these pieces of money I earned in Hudson" - Other pieces, she said she had earned at Fort Hamilton, I do not recollect particularly. I enquired of her how she intended to invest her 300 \$ or her money - she replied, she was going to enter some land with it as near as I can recollect. I enquired of her who her business man was to be - she said - Mr. Comfort - who was about entering some land in the same region - she enquired if I knew him - I told her I had a slight acquaintance with him, and from what I knew of him from appearances I should approve of her selection. She placed her money back, separating the two parcels \$300 in one and the balance in the other,

into the sack, and sewed it up.

Answer objected to, or so much thereof
as details the conversation of Emeline Castle

Int. 9th What further if any thing did she say at that time about the money, or the use to be made of it?

Objected to

Answer She said it was to pay for land, I asked her why she did not select Mr. E. M. Castle as her friend to transact her business, she replied - she had no confidence in him; and further desired me to keep the matter a profound secret for if Mr. Castle knew, she had money, he would want to borrow it - she said during our conversation that she had lent him money from time to time and had hard work to get it back, she said she had worked hard for this money for years, and she had some reasons to doubt sometimes whether Mr. Castle would not be a ruined man and therefore she wished it kept secret.

Int. 10th What if any thing do you know about said Emeline Castle having invested money soon after said conversation? and in what way was the investment if any?

Answer Mr. Comfort called at my store, and found my

store went up stairs to see Miss Bennett - enquired for Miss Bennett, and with Miss Bennett as near as I can recollect, I proceeded to the land office, I did not know where the land office was - after Miss Bennett's return with Mr. Comfort, she exhibited to me privately I think three certificates, or certificates for three eighty's. I am not certain which - She asked me if I thought she had done right in investing her hard earnings in the manner she had. I replied, You should keep that for your children if you ever get married.

Q^{nt} 11th Who is the said Miss Bennett named above?

Aⁿswer Mrs Edward M. Castle

Q^{nt} 12th What if anything do you know of her having money since the time you have last referred to?

Aⁿswer I knew of a party who desired to borrow money to the amount of Two hundred dollars, and made application to my brother or myself - dont recollect which - for such loan, my brother S. S. Robinson, named to the party applying for the loan, Miss Bennett as probably having that amount to loan on good security

The party said he did not know Miss Bennett personally, and wished the intercession of myself or my brother S. S. Robinson to obtain the loan. Whether the negotiation was made or not I do not know

Ent. 13th About what time was the last mentioned occurrence, and who was the party, and what further if any thing did he say about getting the money from Miss Bennett?

Answer Sometime in April 1846, as near as my memory serves me - The party was a man called Smith Castle and introduced to me as such - He said nothing further.

Ent 14th Where were you living then and in what business were you engaged?

Answer I was living at the city Hotel kept by Jacob Russel in Chicago, and was engaged in the mercantile business

Ent 15th Where was said Edward M. Castle living in the Spring of 1846

Answer I do not know - He lived over the corner of Lake and Well Street at the period - I think in April he lived there. That is

where Miss Bennett was living.

Int 16th Where was your place of business during said time?

Answer at the corner of Lake and Well Streets

Int 17th About the land you referred to as being entered by Miss Bennett, State if you know whether she went with Mr. Comfort to look at it or not about the time you spoke of their going away together?

Answer I do not know

Int 18th State whether you learned from her or not where the land was situated?

Objected to

Answer I learned it was situated in Wheeling Cook County Illinois, from her

Int 19th What do you mean by Wheeling?

Answer a Township or Village
Cross Examined

Int 1st What business were you engaged in in Pompton Pennsylvania in 1836?

Answer None. I did not live there then

Int. 2nd When did you first live there?

Answer I never lived inrompton Pennsylvania as a residence until within three years last past

Int. 3 Where did you live in 1836

Answer Dundapp - Susquehanna County, Pennsylvania

Int. 4 What business were you then engaged in?

Answer That was my home - where I was married nothing - I was not engaged in any business I was teaching dancing school

Int 5th Did you know Edward M. Coette at that time

Answer Not very intimately - I knew of such a man

Int 6th How long did you live there?

Answer I left there in the Spring of 1836 and came to Buffalo

Int. 7th How long did you live in Buffalo?

Answer I did not leave Dundaff in the Spring of 1836 - I lived in Buffalo, I dont recollect how long I was in Buffalo backwards and forwards, from time to time, Its impossible to keep a log book of that kind

Ent. 8th What were you doing while thus living in Buffalo?

Answer I was engaged by the Transportation Companies

Ent 9 What doing?

Answer Promoting the interest of the Western & other Transportation Companies

Ent 10th How? borrowing money for them or what?

Answer Soliciting passengers, forwarding freight &c soliciting passengers it should be.

Ent 11th In other words was it not what is usually called a runner?

Answer Yes

Ent 12 How long did you remain in Buffalo giving the year you went there to the year

you left 3

Answer Some four or five months, I don't recollect perhaps more perhaps less. I went from Buffalo up the Lakes to Hudson Ohio

Qnt 13 What year did you remove to Huron?

Answer Jan 1838

Qnt 14th What business did you engage in there?

Answer Mercantile, Ship building, as general agent for two Steamers, Great Western and Columbus, one of them was afloat and the other wasn't

Qnt 15th Were you employed there at a Salary?

Answer No. I was a stockholder in one of the Steamers

Qnt. 16 How long did you remain there

Answer About twelve months

Qnt 17th Where did you go next?

Answer Back to Buffalo

Qnt 18 How long did you remain there?

Answer Until 1845, I was engaged on the Lakes
My home was in Buffalo

Int 19 In what capacity on the Lakes?

Answer Sailing Master, Steward and Purser

Int 20th What vessels?

Answer Steamer Constitution part of the time, I
was employed by Capt Walker on the Great
Western part of the time - last on the Consti-
tution No other - not afloat

Int 21st In 1845 where did you go to from Buffalo?

Answer I came to Chicago

Int 22nd How long did you remain there?

Ans From some time in November until May
1846

Int 23rd What business did you go at when you
arrived in Chicago in 1845?

Answer No business

Int 24th How long after was it before you did?

Ans The last of November or first of December
I cannot recollect exactly

Ent 25th What business did you then commence?

Ans I travelled. I went from here to Peru, my
business was for the purpose inventing a
bill of goods at Peru

Ent 26 To whom did those goods belong?
Objected to

Ans S. S. Robinson & Co. to the best of my know-
ledge - so far as I understood it

Ent 27 Who composed the firm of S. S. Robinson & Co.?
Objected to

Ans as far as I know S. S. Robinson was one and
William Castle was another, Wm Castle I
never saw. S. S. Robinson was a brother of mine

Ent 28 Who did they get the goods from?
Objected to

Ans I do not know

Ent 29 How long were you engaged in taking
that inventory? Objected to

Ans to 29 I do not know - do not recollect

Int 30 Were you more than one week about it?
Objected to

Ans I do not remember

Int 31 Were you more than one month about it?
Objected to

Ans No

Int 32 To whom was that Inventory made?

ans I don't know

Int 33 What assistance did you render in making it up?

Ans In making the inventory as it was called off

Int 34 Was Edward M. Castle there during any part of the time while you were so engaged?
Objected to

Ans Yes

Int 35 Did he assist any in making the said inventory?

Ans Yes Objected to

Int 36 Was not said Inventing a Bill of Sale?
from him to S.S. Robinsons Co.?

Objected to

Ans Not to my knowledge

Int. 37. Whereabouts were these goods, that were taken
in this Inventory?

Objected to

Ans They were in a place called Penn, in a store
or Warehouse there

Int 38 What sort of goods were they?

Objected to

Ans A general assortment

Int 39 Whose name was on the store?

Objected to

Answer None that I recollect

Int 40 Who did you lease from the parties there had
been selling said goods?

Objected to

Ans. A man by the name of Johnson I think if
I am not mistaken - I am not sure

Int 41 In whose employ was he?

Objected to

Ans I do not know

Int. 42 Who paid you for taking this Inventory?
 Objected to

Ans No one

Int. 43 Have you never been paid for it?
 Objected to

Ans Never

Int 44 Who in fact actually requested you to
 take it or to assist in taking it?
 Objected to

Ans E. M. Caste

Int 45 How long after this before you returned to
 Chicago?
 Objected to

Ans I do not recollect

Int 46 Were you more or less than a month in
 Iowa?
 Objected to

Ans Less

Int. 47 Where did you next go after leaving Iowa?
 Objected to

Ans I do not recollect which way we went
 after we left Iowa

Int 48 Who do you mean by "we" in your last answer?
 Objected to

Ans E. M. Castle & myself

Int 49 How long was it after you & E. M. Castle left Peru, that you arrived at a place that you now recollect of?

Objected to

Ans to 49 - I do not remember

Int 50 Which way did you and he go from Peru?

Objected to

Ans I think we steered East by North

Int 51 What place did you & he steer for when you left Peru?

Objected to

Ans Chicago

Int 52 How did you travel?

Objected to

Ans With a one horse machine balky horse at that

Int 53 How long were you on the way?

Objected to

Ans I do not recollect. It was very hard weather

Int 54 Were you more or less than a week?

Ans If my memory serves me, we had a long

Passage - (Don't recollect the time)

Int 53 - Did you stop at any towns or places on the trip between Penn & Chicago? If so name them

Objected to

Ans I do not recollect the names of places but I think if my memory serves me we brought up at Ottawa first - Next land fall we made was Georgetown - Think it was Georgetown - pretty sure it was. I have a faint recollection of stopping at Oswego. I think the place was. We made no observations until we brought up in Chicago thereafter to the best of my recollection

Int 56 How long did you stop at Ottawa

Objected to

Ans As near as I can recollect over night must have stopped somewhere to sleep

Int 57 How long did you stop at Georgetown?

Objected to

Ans Over night - How much longer I cannot remember

Int 58 Did you stop there more than one day

Ans I think not - do not remember

Ent. 59 How long did you stop at Oswego and why did you stop there?

Objected to

Ans To get a drink - Fell in with a friend - by the name of Noble Davis

Ent 60 How all the time you spent between Penn & Chicago what was what was necessary to accomplish the journey, in a single horse carriage. Can you now say whether it was more or less than a week?

Objected to

Ans I cannot

Ent 61 Who paid your expenses on the trip to Chicago from Penn?

Objected to

Ans I paid them myself

Ent 62 Who paid your expenses while at Penn? By expenses I mean your board bill

Objected to

Ans I paid them myself

Ent 63 Have those expenses ever been reimbursed to you?

Ans Never directly or indirectly

Int 64 What did you go at when you got back to Chicago on that occasion?

Objected to

Ans I do not recollect

Int 65 How long before you got into employment?

Objected to

Ans It was the following February in New York

Int 66 How long was Miss Bennett in the employ of Benjamin St. Johnson? to your actual knowledge?

Objected to

Ans I do not know

Int 67 How long was she in the employ of Anzi Wilson to your actual knowledge?

Ans to 67 Do not recollect

Int 68 How old was Miss Bennett in 1836

Ans I do not know

Int 69 How old did she appear to be then?

Ans I could not give any opinion as to appearance

Int 70 Where was she then living and with whom?

Ans I do not recollect the month or any part of the year in 1836, where she was; except that she was in Johnsons' family and part of the time in Williams family. They were brothers in law she was a long time in that family's service some time to my certain knowledge - How long I could not say

Ent 71 Did you at that time know the father of Emeline Bennett?

Ans I did not personally

Ent 72 Did you know how much of a family he had at time?

Ans I did not

Ent 73 Did you know what his reputation was as to his having pecuniary means or property?
Objected to

Ans I do not

Ent 74 Did you at that time know any of the sisters of Emeline Bennett?

Ans I did not

Ent 75 How did you come to know Emeline Bennett

Ans By frequently meeting her in the service of
 Jesse Williams

Int 76 Who did you get the store from at the corner
 of Wells & Lake Street?

Ans. I think his name was Adam Blazer, not
 having the lease at hand, I cannot remember
 It was not a lease but agreement

Int 77 When did you get this store?

Ans I do not remember

Int 78 What business was carried on in it while you
 had it?

Ans The apartment was general - it comprised
 dry goods, groceries, hardware, iron, steel &c

Int 79 Where were these goods?

Objected to

Ans My own

Int 80 Who did you get them from?

Objected to

Ans S. S. Robinson and Company

Ent 81 Who did S.S. Robinson & Co. get them from?
Objected to

Ans I do not know

Ent 82 Who was carrying on business in that store when you came to Chicago in 1845?

Ans I do not recollect the firm or style of the firm

Ent 83 It was S.S. Robinson & Co. then

Ans It was not until I purchased the goods

Ent 84 How you give the names of any member of the firm that was in that store when you came to Chicago in the fall of 1845?

Ans There was a Castle - I think William Castle
am not sure

Ent. 85 Was not E. M. Castle in that store at that time

Ans I think he was but am not sure that he was interested

Ent 86 Will you swear that he was not interested in said goods, at the time you say you bought them?

Ans to 86 I will swear that he only sold the interest of William Castle, S.S. Robinson & Co. I know

of no other. It was all the parties I knew of
in the premises

Ent 87 Was William Caste or S. S. Robinson either
of them present at that sale?

Objected to
Ans Yes S. S. Robinson

Ent 88 What did you give for the goods
Objected to

Answer My notes

Ent 89 In what amount and when payable?
Objected to

Ans I don't recollect - If my memory serves me -
somewhere between 20 to 23000 \$ as my mem-
ory serves me I think the first payment fell
due in 60 days, might have been 90 - and
not sure - I do not recollect about the other pay-
ments

Ent 90 What was the amount of the first payment?
Objected to

Answer \$ 1000⁰⁰ -

Ent 91 When did the second payment fall due
was it more or less than a year after?
Objected to

Ans I do not recollect

Int 92 How many payments were there altogether
Objected to

Ans I do not remember how many payments
were stipulated, not having access to my
book

Int 93 Did you enter these payments in your Bill
Book at the time?

Objected to

Answer I think I did

Int 94 Where is that Bill Book?

Ans It is lost or mislaid

Int 95 Where did you see it last?

Ans In New Grenada - at Aspinwall

Int 96 How much money do you think Miss Bennett
had besides the 300^{rs} that you counted for her
as you say?

Ans I could not tell but should judge there was
from \$150⁰⁰ to 300

Int 97 Did she select the pieces for you to count or did

you?

Ans I selected them myself from the pile in her lap

Int 98 What kind of coins were they that you counted?

Ans American gold counted \$300⁰⁰

Int 99 Why did you select that kind of coin?

Ans I advised her to separate the American gold from the nondescript

Int 100 Why did you advise her to do that?

Ans I think after I had asked the question what she was going to do with her money I reminded her that it would be necessary to have American coin, to pay for her land and not sure of the period, but it was during the counting to the best of my knowledge

Int 104 Who first suggested to you the purchase of these goods at Chicago?

Objected to

Ans S. S. Robinson

Int 102 What had S. S. Robinson been employed

at the summer preceding this purchase?

Objected to

Ans He kept a store on Lake Street

Int 103 Who for?

Ans I do not know what his firm was, but I think
for himself - I am not sure

Int 104 (Did you not understand at the time you pur-
chased that Edward M. Castle had previously
owned & kept this store?)

Ans I did not, that he had previously - I un-
derstood that he was acting for other parties
He exhibited to me a power of attorney from
William Castle authorizing him to dispose
of his interest, in the goods, wares, and mer-
chandize, as he should think proper

Int 105 Was not E. M. Castle carrying on business in
that store with those goods when you arrived
at Chicago in the fall of 1845.

Objected to

Ans He seemed to be the active man - transacted
all the business personally - and in any trans-
action that I have had with him, in the
matter, he reminded me that he was acting
for his father William Castle under power of attorney

582
Int 106 Did you know at that time of E. M. Caeltis taking the benefit of the insolvent debtors act of this State?

Objected to

Ans No

Int 107 Did you hear of his ev doing at or about that time?

Ans I did not

Int. 108 Do you know anything of his making an assignment about that time for the benefit of his creditors?

Objected to

Ans I heard that he had made an assignment for the benefit of his creditors

Int. 109 Whom did you learn were his assignees?

Objected to

Ans Arnold & Ogden

Int 100 Did you know of this before the interview between you and Miss Bennett when the coin was counted?

Ans I did not

Int 111 What became of the notes you gave for those goods?

Ans I do not know. I was apprised that they were in the hands of Arnold & Ogden but do not know the fact

Int 112 Have you ever paid any of them

Ans Yes

Int 113 How many and what amount?
Objected to

Ans I remitted to them or that house, one thousand dollars

Int 114 When did you remit that

Ans I do not recollect.

Int 115 About how long was it after you got the goods

Ans Do not recollect, presume it was when first note matured

Int 116 Where were you at the time you remitted it?

Ans I do not recollect whether it was at Buffalo or Detroit - It was from one or the other points

Int 117 From what source did you get the money you remitted?

Objcted to
 Ans I do not recollect from what source I got that specific money

Int 118 You did not get it from the store in Chicago then?

Objcted to
 Ans I did not

Int 119 When did you sell out said goods?

Ans From time to time as opportunities offered

Int 120 How did you sell them?

Ans I sold some for cash - some for land

Int 121 How much and when did you sell for cash?

Ans I do not recollect

Int 122 When did you close the store if ever?

Ans I do not recollect

Int 123 Was it more or less than a year from the

time you say you got the goods?

Ans Less than a year

Int 124 How much less than a year?

Ans I do not recollect

Int 125 Was it more or less than six months?

Ans I think it was less

Int 126 How much less?

Ans Could not say

Int 127 Was it more or less than three months?

Ans I could not say

Int 128 Was it before or after February 1846?

Ans after

Int 129 How long after, as near as you can state?

Ans From two to three months - am not positive

Int 130 Who did you leave in charge of the store after

you went to Buffalo in February 1846?

Ans I did not go to Buffalo in February 1846 if my memory serves me

Int 131 Who did you leave in charge of the store when you got employment in New York in February 1846

Ans I packed up my goods, and placed the key in a young man's hands whose name I have forgotten, recommended by a gentleman here - Mr. Garret the Mayor recommended him - About employment I do not remember -

Int 132 Where did you put your goods when you packed them up?

Ans I placed them in a Warehouse in Chicago. Do not know where its location is?

Int 133 What did you put them there for?

Ans To remain subject to my order

Int 134 How long did they remain there?

Ans I could not say how long

Int 135 What did you do with them next?

Ans I sold them from time to time

Int 136 To whom did you sell them?

Ans To divers individuals

Int 137 Where did you sell them?

Ans Some at Chicago - others I ordered to Buffalo, some for land - some for cash

Int 138 Did you retail those you sold in Chicago or did you sell them as they were packed up? Objected to

Ans I sold what I sold in Chicago by the package

Int 139 To whom did you sell in Chicago and for what?

Objected to

Ans Mr Cash, or Cash - To whom I do not recollect

Int 140 Who made the sales for you?
Objected to

Ans I made them

Int 141 Were you here in Chicago at the time?

Ans I might have been or might not do not recollect

Int 143 If you were not here then some other persons must have made the sales for you?

Ans I made my own bargains and my goods were delivered by my own order

Int 143 How long did these goods remain in the said Warehouse in Chicago?

Objected to

Ans From one to three months - They were delivered from time to time

Int 144 Did not Edward M. Castle assist you in any way in negotiating for these sales?

Objected to

Ans Not one dollars worth - not one farthings worth

Int 145 Did you ever pay him any money that you received on account of these sales?

Ans Not a farthing

Int 146 Did you ever pay him anything after

you bought these goods?

Ans Nothing on account of the purchase of the goods. There might have been a few dollars transaction between us, but nothing with reference to the goods

Int 147 Did you ever pay any body else on account of these goods

Objected to

Ans Nothing but what I have sworn to - One thousand dollars

Int 148 What amount did you receive in cash altogether, for these goods?

Objected to

Ans I do not remember

Int 149 Can you state within \$1000? If so state.

Ans I could not state within \$1000

Int 150 Did you ever make up any account or statement of how much and what you did receive?

Objected to

Ans I never did

Int 151 Can you state within five thousand dollars, how much you did receive for these

590 goods?
Ans I cannot

Int 152 Who did you receive the lands from that you took in exchange for part of them?

Objected to

Ans John P. Phillips

Int 153 What lands were they?

Objected to

Ans Wild lands in Michigan in part - a part in an improved lot on St. Clair River in Michigan

Int 154 What was the value of the wild lands?

Objected to

Ans I do not now recollect

Int 155 What was the value of the improved lot?

Objected to

Ans I do not now recollect

Int 156 At what values were they respectively taken in the trade?

Objected to

Ans. I do not remember

Int 157 Where was that trade made?

Objected to

Ans I do not remember

Int 158 Was it in 1846? State as near as you can when it took place

Ans I think it was in 1846 but am not positive

Int 159 Where were you at the time the trade was made?

Ans Somewhere between Buffalo & Chicago on the Lakes

Int 160 How long before this had you known John P. Phillips?

Ans I think since 1838 or 1839 - I am not certain which

Int 161 Where did you first know him?

Ans Newport, on St. Clair River

Int 162 Has the same John P. Phillips resided in the city of Chicago within the last few years?

Ans I do not know

Int 163 Have you heard of his residing there within that time?

Objected to
Ans I have not

Int 164 Do you know where he now resides?

Objected to
Ans I do not

Int 165 When and where did you last see him?

Objected to
Ans I do not recollect

Int 166 Is he not the same man that was in partnership a short time since with Edw. M. Castle, Joseph Filkins, Elisha Granger in Chicago, in the auction and Commission business?

Ans Not to my knowledge

Int 167 In what County was the wild land situated?

Objected to
Ans St Clair County, Michigan

Int 168 To whom did said Phillips make the conveyance of it? (Objected to)

Ans I have forgotten whether he made it to Sanford Robinson or James Robinson I think to James Robinson - am not sure

Int. 169 To whom did he make the conveyance of the improved lot?

Objected to
Ans To one or the other of the same parties I do not remember which

Int. 170 What was the consideration expressed in the deed or deeds if any?

Objected to
Ans I do not remember

Int 171 Did you ever know what it was

Objected to
Ans Yes

Int 172 When & How?

Objected to
Ans I do not remember

Int 173 Was there one or more deeds made? If so how many?

Objected to
Ans One for the improved property and one for the wild land, I think, but am not sure

Int 174 Where were you at the time the deeds were delivered?

Objected to

Ans I do not remember whether I was at Detroit or Newport

Int 175 What did you receive at the delivery of the deeds thereof?

Objected to

Ans I received the deeds

Int 176 To whom did you deliver them?

Objected to

Ans I did not deliver them to any body I put them in my pocket

Int 177 What afterwards became of them?

Objected to

Ans If the deeds were made to James Robinson they were handed ^{over} to him administrator I do not recollect whether they were made to me or James Robinson - I think to Jas Robinson

Int 178 What did you receive when you handed the deed over to the Administrator of sd James Robinson if you did so?

Objected to

Ans Nothing at that time.

Int 179 Did you ever receive anything?
Objected to

Ans Yes

Int 180 When & what was it?
Objected to

Ans I do not recollect the time when, nor the amount

Int 181 What did you receive it in?
Objected to

Ans In offset to an account of the administrator. The amount I do not recollect

Int 182 Who was the account of the Admt. against?
Objected to

Ans I do not recollect whether it was against myself or James Robinson deceased

Int 183 Do you recollect the amount?
Objected to

Ans I do not recollect the amount

Int 184 Can you give any one item of the account?

Ans The settlement of the estate of James Robinson deceased

546
Int 185 What connection was James Robinson
to Edward M. Caette if any?

Ans None at all

Int 186 What was he to you?

Ans He was my father

Int 187 What connection if any by blood or
marriage are or were you to Edward M.
Caette

Ans Edward M. Caette married my second
cousin for his first wife

Int 188 Crof Interrogatory No 184 is again repeated
to the witness

Ans I cannot

Int 189 What was the name of the said Admin-
istrator?

Ans Grant P. Robinson

Int 190 When did James Robinson die? before or
after this exchange of goods for land?

and afterwards

Int 191 How long after?

Ans I do not recollect - some time after

Int 192 Was Edward M. Castle living over the store and in the same building after you bought the goods?

Ans Yes

Int. 193 Of whom did he rent his part of the building?

Ans The same man Blazer - I think his name is Adam

Int 194 Did you ever account to any body in any manner or form for the said goods you say you bought or the proceeds of them?

Objected to

Ans With the exception of one thousand dollars

Int 195 Did you ever keep any account of your sales of said goods?

Ans Yes

Int 196 How did you keep it?

Ans In a regular sales book

Int 197 Did you enter in it from time to time all the sales you made of said goods?

Ans I do not think I did

Int 198 How long did you continue to keep the account of sales?

Ans I do not remember the time, when I closed my accounts

Int 199 Had you sold off all the goods when you closed your accounts?

Ans I do not remember - There might have been some odds & ends left

Int 200 Did you stop keeping accounts of sale before or after you closed the store or at the time you closed the store?

Ans I did not commence keeping an account of sales until after I closed the store

Int 201 How long after you bought the goods before you closed the store?

Ans to 201 I do not remember

Int 202 Was it more or less than a month?

Ans It might have been more - it might have been less - I do not recollect

Int 203 You kept no account of the sales you made in that time?

Ans I do not recollect whether I did or did not

Int 204 Who did you have for clerks in your store at that time?

Ans S. S. Robinson assisted me, and two or three others

Int 205 Was Edward M. Lestelle one of them?

Ans No.

Int 206 Was he about the store at all in any capacity?

Ans None at all - He passed through to his room

600
Int 207 Has he ever asked you what disposition
you made of these goods?

Objected to

Ans Never

Int 208 Has he ever said anything to you on the
subject

Ans He may have mentioned the subject but
never asked any particular questions about
it - never

Int 209 If he mentioned the subject what did he
say about it?

Ans I do not recollect

Int 210 How did you learn that your notes that
you had given for these goods were in the
hands of E. M. Castele apiguee?

Ans I never knew that they were in the hands
of E. M. Castele apiguee

Int 211 Do you mean to say that you never heard
or learned that they were there?

Ans I mean to say that E. M. Castele never held
my notes in his favor to apiguee, as far as
my memory serves me

Int 212 Did he ever hold your notes to S. Robinson & Co.

Ans Not to my knowledge

Int. 213 How did you come to pay to Arnold & Ogden
his assignees, said sum of one thousand
dollars?

Ans I had a notice served on me by Arnold
& Ogden that they were the assignees of
Robinson & Co

Int. 214 Is William Crette still living, and if
so where does he reside?

Ans He is dead, so I have been informed

Int. 215 Have you ever been called upon by any one
in any shape or form to account in any way
for the said goods or the proceeds of them
or to pay for the same?

Objected to

Ans I have

Int. 216 By whom and when?

Ans I think the gentleman's name was Smith
I was attached to the U. S. mail Steamship
Washington - I do not recollect the date but
while laying in the Port of New York, I do not
recollect the year

Int. 217 In whose behalf did he apply?

Ans In behalf of some creditors in Pittsburgh whether of E. M. Caille or S. S. Robinson & Co I cannot tell

Int 218 What was the result of the application?
Did you pay him any thing?

Ans Why should I, I owed him nothing directly

Int 219 Did you owe those for whom he applied any thing directly or indirectly?

Objected to

Ans I owed no one but S. S. Robinson & Co. to whom I had given my note, which they had assigned

Int 220 Was not Emeline Bennett bound out to said Amos Wilson or to his brother in law?

Ans I do not know - never heard that she was

Int 221 What relation were they or their wives to her?

Ans I do not know

Int 222 Were they any way related at all that you heard of?

Ans I never have heard that they were related they might have been

Int 223 How near to them did Amos Bennett, her

father live?

Ans I do not know

Int 224 How long since you have seen Mrs. Emeline
Castle?

Ans I saw her last evening

Int 225 How old is she now?

Ans I do not know

Int 226 Was she not taken by Edward M. Castle
when his first wife was living, to bring up?

Ans I do not know whether she was or ^{not} not

Int 227 Have you not heard her say, that she was
taken by them to bring up, when about 14
or 15 years old?

Ans No

Int 228 Do you know what wages she was getting
when living at said Skilens?

Ans I do not

Int 229 What wages at that time did girls of
her capability get in that neighborhood
where she then lived?

Ans I do not recollect, but I think we had a
hired girl in our family that we paid
a dollar or a dollar and a quarter per week

Int 230

Where was your family at that time?

Ans Dundaff, Suquehanna County.

Int. 231

Was Emeline Bennett more than fifteen years old in your opinion when she came to Chicago?

Ans I should think she was

Int. 232 How much older?

Ans I judge were indications of age I should think she was twenty odd - she was a stout girl

Int. 233 Did you ever know any of the sisters of Mrs. Castle? If so which of them, and where?

Ans I never knew any of them until quite lately - I made the acquaintance of two of them - Mrs Germain, and Mrs. Park

Int. 234 Are they older or younger than she is?

Ans I could not say - They are healthy looking women all three of them - Should reckon her up to be the oldest - Mrs Castle - might be mistaken.

Int. 235 When was your attention first called to the conversation you had with Miss Bennett about the coin after it occurred?

Ans I do not recollect the date precisely

Int 236 How long after it occurred, was it?

Ans It was while I was in the room with her at the time of counting it

Ans 237 Have you never had your attention called to the fact of your having had that conversation, by any one since?

Ans I have

Int 238 When was it first called to it to your recollection?

Ans A month ago - since I have been in Chicago - thereabouts

Int 239 Who called your attention to it?

Ans Mrs. Caste

Int 240 Are you able to give any idea of how much (240) your sales of said goods amounted to? If so State

Ans I might have realized from seven to eight thousand dollars - cannot tell positively might have been more or less.

Int 241

What has become of your books in which you kept your accounts?

Ans They were lost or mislaid on the Esthonia at Aspinwall or Panama, dont know which

Int 242 How long time had the longest note you gave for said goods to run?

Ans I do not recollect. I think, two years - may have been less or more

Int 243 What property did you then have besides these goods?

Ans I had some four thousand dollars in property of one sort or other, personal or real -

Int 244 Can you state any of the items?

Ans I could not intelligibly

Int 245 Try it and let us see

Objected to

Ans I had notes against various individuals which I do not now remember, it is impossible to tell - nothing else - I might have had a watch worth 150 \$, and a pair of horses

Int 246 Have you ever been paid anything on these notes? If so to what amount?

Ans As near as I can recollect from one thousand to fifteen hundred dollars, more or less - more likely less

Int 247 What business are you now engaged in?

Ans None - working for my board

Int 248 Who do you work for?

Ans I am assisting Mrs Coe

Int 249 In what business

Ans. all about the house, at a place called Bulls Head

Int 250 Is that where you now live?

Ans I live part of the time there and part of the time at my sisters.

Int 251 Have you had any conversation with Mrs Coe as to what you were testifying about since you have been testifying here?

Ans. Not one word

Int 252 What business had E. M. Coe been following in the summer of 1845?

Ans I do not know

Int 253 Did you not learn when you arrived in Chicago that fall that he had recently failed?

Objected to

Ans I did not

Int 254 Have you ever heard of his failing in business in Chicago?

Ans

I have not

Int 255 Did you ever learn of his failing in business in Chicago about that time?

Ans No

Int 256 Or prior to that time?

Ans No

Int 257 Did you ever learn of his failing in business anywhere? if so where and when?

Ans Yes, In Carbondale - I forget the year

Int 258 Did you ever hear of his going in business in his own name again after that?

Objected to

Ans I never did

Int 259 In whose name did he do business after that till the time you arrived in Chicago in the fall of 1845?

Objected to

Ans (259) I do not recollect

Int 260 Was it not in the name of his father William Caste?

Objected to

Ans The transactions I had with him would warrant that conclusion. He had a power of Attorney to transact business for William Caste. He exhibited it as such to me

adjourned until Saturday the 14th November
at 2 o'clock P. M.

Int 261 Where is S. S. Robinson now living and what business is he in?

Ans He died in Heaverville California about four years ago

Re-examined by Complainants Solicitor

Int 20th Please state whether you have meant to be understood that you were in New York in January or February 1846? How is the fact as to that?

Ans I meant to be understood 1847

Int 21 Where were you in those months in 1846?

Ans In Chicago I believe

Int 22 In whose name was the store at the corner of Lake & Wells Streets Chicago kept after you bought it?

Ans S. Robinson. The name was on the pillar of the door

Int 23 Was Edward M. Coates interested in it as an owner after you bought it?

Objected to
Ans He was not to my knowledge

Int 24 Was Jesse Williams whom you have mentioned

above related to you by blood or marriage?
If so how?

Ans He married my mother's cousin, consequently he married my second cousin

Int 25 What was the distance between Dundaff & Carbondale?

Ans Five and a half or six miles

Sanford Robinson

State of Illinois }
County of Cook } 3

I Victor B. Bell a Notary Public in and for said County do certify the foregoing deposition of Sanford Robinson was taken at the place mentioned in the Caption, on the 12th, 13th and 14th days of November 1857, after the said Sanford Robinson had been duly sworn, and that the same was reduced to writing by me in his presence and duly signed by him.

A. J. ³
seal

In Testimony whereof I have hereunto set my hand and notarial seal, this 14th day of November AD 1857

Victor B. Bell
Notary Public

38 Also the
(Deposition of Sophia Mickox)
as follows

Saturday November 14th, 1856 - Met pursuant to agreement between counsel, of Complainant and defendants, at house of Mickox, Merchant at No. 214 Lake Street Chicago Illinois at 4 1/2 O'clock P. M. of said Day - Present Thomas Dent Complainant's Solicitor, and W. J. Burges Defendants Solicitor

Mrs Sophia Mickox sworn

Int 1st Please state your name and residence?

Ans Sophia E. Mickox - Residence No. 214 Lake St. Chicago, Illinois

Int 2nd Do you know Emeline Castle the Complainant? If so how long have you known her?

Ans I do know her and have known her for about twenty years

Int 3rd Where has she been living since you have known her, and how has she been employed if you know?

Ans She was in the capacity of a servant girl when I first knew her in Mr. Castle's family. I knew her for about a year and then I knew nothing of her then until about ten years ago when I first saw her here she was in the same capacity, the next time I saw her, she came with a family here, and was in that capacity until the first Mrs. Castle's death

Int 4 In what place was she living when you first knew her?

Ans Carbondale, Luzerne Co. Pennsylvania

Int 5th Please state what you know about the extent, and value of her services while employed as you have stated?

Ans I do not know what wages they paid her but I knew she was considered an invaluable servant - They could not keep house without her - They liked her very much.

Int 6th Do you know what wages of hired girls were during a part of the time? If so state

Ans I do not

Int 7th Do you know about what ~~times~~ her said services were worth per week, after she came to Chicago while in Mr. Caster's family?

Objected to

Ans I do not. I should think full as much or more than other servants as she was more trusty

Int 8th What if you know was her character for industry and frugality?

Objected to

Ans I always thought her very industrious and economical

Cross Examined

Int 1st Where were you living when you first knew the Complainant?

Ans Carbondale

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Int 2nd What year was that in?

Ans I think it was in 1836, I would not be
sure

Int. 3rd How old was she at that time if you know?

Ans About fifteen I think - Somewhere between
15 & 16

Int 4 What means had you of knowing her age?

Ans I knew her age was very nearly mine

Int 5th How did you know that?

Ans She told me so

Int 6th How old are you now?

Ans Thirty five I believe

Int 7th Were you very intimate with her in Car-
bondale?

Ans Not very

Int 8th Did she ever tell you that she had been
taken by Mr Castle & his wife or either of
them to bring up when you knew her in
Carbondale?

Ans No Sir

Int 9 Did she ever tell you that she had been
bound out to Mr. Castle?

Ans No

Int 10 Had she a father then living? if so what was his name

Ans She had. His name was Bennett. Don't know his first name

Int 11 Do you know where she now resides?

Ans I think at Molstern unless he has left within a week or two

Int 12th Do you know what his circumstances were when you lived in Carbondale? If so what were they?

Ans I do not know

Int 13 Did you know at that time whether the Complainant had any brothers or sisters and where they were living?

Ans I did not

Int 14 Where did her father then live?

Ans

I do not know

Int 15 What relation are you to Edward M. Castle or his first wife or his present wife?

Ans I am no relation to Edward M. Castle

Ans second cousin to his first wife - No relation to the present Mrs Castello

Int 16. What relation are you to Sanford Robinson?
Ans Sister

Int 17 What year did you first come to Chicago?

Ans I think in 1843

Int 18 What year did Edward M. Castello come?

Ans Can't recollect - in 1846 I should think

Sophia C. Mickov

29 (Depositions of Eliza A. Williams)

Eliza A Williams sworn

Int 1st. Please state your name and residence?

Ans Eliza A. Williams - residence Pittston, Luzerne County Pennsylvania

Int 2nd What is your father's name?

Ans Jesse Williams

Int 3rd Do you know Emeline Castle the Complainant - If so when did you first become acquainted with her, and where was she living at that time?

Ans I do - I first became acquainted with her in Carbondale, in the year 1846 I think

Int 4th Might it not have been at an earlier date?

Ans It might

Int 5th About how long before should you think?

Ans A year and a half or two years I don't remember exactly

Int 6 Was she employed then? If so how? and for whom was she working

Ans She was - as a servant girl - for a Mr. Wilson

Int 7 Did you know of her working for others in that neighborhood? If so state the names if you can

Ans No - She worked for my mother afterwards

Int 8 About how long did she work for your mother?

Ans About two years I should think

Int 9 Did you know of her working for other families?

Ans Yes I did. She worked for my mother and Grandmother Experience Johnson and Uncle Benjamin H. Johnson

Int 10 Where did they live? In what county & State?

Ans My mother lived in Casbunale, Luzerne County Pennsylvania - My Grandmother lived at Dundaff, Susquehanna Co. Pa - My uncle lived at Dundaff, Susquehanna Co. at the time I knew of her working for his wife.

Crop Examined

Int 1st When did you come to Chicago first?

Ans In September 1857

Int 2 How long before you came here did you know the complainant

Ans In 1846 - Perhaps a year and a half previous - Don't remember exactly

Int 3 Where was the Defendant living during that year

Ans With a Mr Wilson

Int 4. How long did she live with him?

Ans I cannot tell

Int. 5 Where did she go to live next?

Ans She went to live with Mr. Castle next

Int 6 How long did she live with Mr. Castle?

Ans I cannot tell the exact time - I know she left them and came to live with my mother

Int. 7 How old was she when you first knew her?

Ans Between 15 & 16 years I should think - might have been younger

Int 8 How old were you when you first knew her?

Ans About two years - or three do not remember

Int 9 Did you know her father? If so what was his name?

Ans I did not

Int 10th Do you know him now?

Ans I have met him

628
Ent 11th Where and when did you first meet him?

Ans I met him in Mr. Nixon's Store, since I
came here - Don't know where it was

Ent 12th How old are you now?

Ans Twenty Three years old

The witness desires to correct the dates as given
in answer to Direct Interrogatory No. 3 and
to cross Interrogatory No. 2. The year should
be 1836, instead of 1846

Re-examined by Comp't's Solicitor

No. 11 Do you know about when Miss Bennett now
Mrs Castle came to Illinois?

Ans I do not

Eliza A. Williams

State of Illinois 25
County of Cook 3

I Victor B. Bell a No-
tary Public in and for said County do certify
that the foregoing depositions of Sophia Nixon
and Eliza A. Williams were taken at the time
and place mentioned in the immediate caption

to said depositions after the said Sophia Minton
and Eliza A. Williams had been first duly
sworn, and that the same were reduced to writ-
ing by me in their presence, and duly signed
by them.

N. P.
seal

In Testimony whereof I have
herunto set my hand and notari-
al seal this 14th day of Nov-
ember A.D. 1857

Victor B. Bell
Notary Public

Notary's Fees

Administering oaths to three witnesses 0.18³/₄
10044 Words. @ 12¹/₂ for each 72 words 17.43³/₄
Certificates 50
\$18.12¹/₂

(Deposition of

30 William Johnson Comfort.)

Monday November 16th 1857. Met pur-
suant to agreement between counsel for Com-
plainant and defendants at the office of A.
S. Galloway & Co. 75 Lake St. Chicago Illinois
at 7¹/₂ O'clock P.M. of said day. Present
Thomas Dent Complainant's Solicitor, and

W. J. Burgess Solicitor for defendants

William Johnson Comfort sworn

Int 1 Please state your name, age, place of residence, and occupation

Ans My name is William J. Comfort, age sixty
-place of Residence, Township of Wheeling
Corky County Illinois, occupation farmer

Int 2 Are you acquainted with Emeline Castle
the complainant? If so how long have you
known her?

Ans I am. Have been acquainted with her
more or less for eleven years

Int 3rd Do you know anything about the said
Mrs Castle then Miss Bennett having
entered land in the month of February 1846?
If so State what you know on that subject
Describe the land if you can

Ans I know she did enter land somewhere
about February 1846 - I know but little
more - The description of the land is - it is
Section 18 Town 42 North Range Eleven East

Int 4 Do you know who transacted the business in entering said land? If so state fully and particularly when, how, and by whom it was done

Ans. I waited upon Miss Emeline Bennett, that it then was, down to the Receiver's office - I obtained the map of him, and pointed out to her the vacant lots, and recommended those I knew to be good. Of course she pitched upon the lots that I recommended - When the payment was to be made she showed over to me the purse - I counted out three hundred dollars to the Receiver - It was all that was in the purse - He made her out her papers and she took them

Int 5. In what place or at what Land Office was that?

Ans It was in Chicago, at the Land Office here

Int. 6th In what kind of coin, and of what amount was the payment by said Miss Bennett at that time then and there?

Ans

It was gold coin and to the amount of \$300

Int 7 Do you recollect of her speaking then at the time of or before the entry, about the purpose of her entering the land? If so what did she

say on that subject.

Objected to

Ans She said that she intended to make her
a ^{home} ~~house~~

Int 8 Where were you living then and how far
from the land so entered?

Ans I was boarding in Chicago part of the time
and part of the time in the same township
and building a house in section 17, in the
same Township - Had the building going on
Was back and forwards there to Chicago -
The house I now live in

Crop Examined

Int 1st How long have you known Edward M.
Castle?

Ans About Eleven years since my first acquaint-
ance with him. He has been to California
since

Int. 3 What year did he go to California in?

Ans I am not able to tell you - I think it was
about 1850 or '51 - Guess pretty near it but
dont know certain

Int 3 Where did he live at the time he left

Ans In Section 18, Township 42, North 11 East
Township of Wheeling now called

Int 4 Who first spoke to you about assisting the Complainant to enter this land?

Ans I am at a loss to say, but it is my opinion that Mr. Edward M. Castle first introduced it to me

Int 5 Where were you and he at the time?

Ans In his own house in Company with Emmeline and his wife

Int 6 Where were you boarding at that time?

Ans I was not steady anywhere - At Millan's when in Wheeling, When in Town went mostly to Castle - At a boarding place on State Street I boarded the early part of the winter with the widow M^{rs}. Santsch on State Street - After my acquaintance with Castle, when I came into town, I frequently went to his house, but I was not boarding there - Always when I went - I went as a visitor - as an acquaintance rather - I never boarded there - my real living place was in Wheeling but I was in town pretty often on business, My wife and family was in Canada and I was building

Int 7 Who furnished the Complainant with the money to enter this land with?

Ans I think it was never plowed by E. M. Carle at all events, not the whole of it - There might have been a part of it

Int 13 With what sort of a fence was it enclosed?

Ans By a Post rail fence

Int 14 Was it enclosed alone or along with other lands - If so whose?

Ans Along with other lands - Thomas Whittock's lands

Int 15th How much other land was enclosed with these that you have testified about?

Ans I think it was enclosed with 240 acres besides that's three 80^s. It's my impression that is the amount. The whole of it was not enclosed - A diagonal road cut it cornerwise, and only the North West side of the road was enclosed

Int 16 How do you know Thomas Whittock owned the adjoining land so fenced in as you have stated with that entered by the Complainant?

Ans I have no certain knowledge of it only by hear-

Int 17 ^{say} Whose have you heard say so?
objected to

Ans

It was a generally understood thing that Mr Whitlock owned the three eighty there, and I have heard Mr Castle say so - I have also heard Mr Whitlock say so - I only sold Mr Castle a yoke of oxen - and was not willing to trust him without security. He gave me the note and he signed Whitlock's name to it himself, F. Whitlock, and I asked him if he had authority to do so and he said he had. To make myself sure of the thing I brought the note to Tom and showed to Whitlock and he acknowledged it. I said I suppose you own that land there and he said he did - Last summer there was a young lady by the name of Whitlocks who came out there in a carriage to see her inheritance of one of the 80's. She lives here in Town. I am overseer of the highway, and that land stands listed to Whitlock, on my book - I think there is more than the one so - think there is either two or three, but cannot say certain the lists not being here present I have pretty good reason to think it is Whitlocks.

Int 18 Do you know of any other land in that neighborhood being held or entered in Whitlocks name?

Ans I do not - There is none

Int 19 What part of the section is the land entered by the Complainant?

Ans The South West quarter - hold on I am wrong -
It is the North West quarter and the West half of the North East quarter section

Int 20 Now in regard to the land entered by the Complainant - does the Whitlock land lie?

Ans South - immediately South

Int 21 About how many acres of the land entered by the complainant, were left unfenced as you have stated above?

Ans From 30 to 50 acres

Int 22 Did E. M. Coette build a house in the neighborhood of your land and if so where?

Ans He did - my impression, from a diagram - I have just made is that it was on Emeline Bennett's land - My impression before was that it was on Whitlocks

Int 23 When did he build that house?

Ans In 1846

Int 23? Did he ever live in it if so how long? Between what dates as near as you can give them?

Objected to

Ans He did live in it - He lived in it at the time he left for California, whatever date that was, and I have guessed the date of that in my answers before

Int 24 Who first lived in after it was built?

Ans I think it was Smith Castle

Int 25 How long did he live in it?

Ans One or two years

Int 26 Do you know who he rented it from?

Ans I do not

Int 27 Who next lived in it?

Ans I think the next occupant was E. M. Castle Smith might have lived longer in it than two years

Int 28 About how much was that house worth?

Objected to

Ans I think about \$600 in those times

Ent 29 Were there any barns or out houses built about the same time on this land. If so state their value
Objected to

Ans There was a horse barn which cost about \$100 perhaps \$150 on other buildings.

Ent 30 What was the value of the Post & rail fence put around that land as you have stated above by the road at the time it was put there
Objected to

Ans It was a very bad fence - I don't know how to value it

Ent 31 What did it cost to build that fence by the road?

Ans I think at that time it would cost about five shillings

Ent 32 Where was Miss Bennett when she said she wanted this land for a house?

Ans In the house of E. M. Castle in Chicago

Ent 33 How was this said at the time the subject of entering the land was first spoken of to you?

Ans It was

Int 34 Was there anything there said about how she had come by this money?

Ans Not a word in my hearing

Int 35 Where was E. M. Castle living at the time Smith Castle lived on this land?

Ans When Smith moved on the land E. M. Castle was living in Chicago but went to Racine the same Summer I think - and remained there I believe all the time Smith Castle was on the land - I believe he came from Racine on that land

Re-examined by Complainants Sol.

Int 9 In answer to Cross Int. 4 you say it is your opinion that Edward M. Castle first introduced to you the subject of assisting Miss Bennett about entering the land? State how he did it and all the agency he had in the matter so far as you know

Ans He called her his daughter - He said Mr Comfort will you wait on her to the land office She has a mind to enter her some land. I turned to her as she sat on the sofa. and

said something to her about entering land and she said 'I want to make me a house'

There was more said, the amount of which was that she might live an old maid and she wanted a place to live on - I was familiar with the land office in those days, and there frequently - was ranging the prairie to find good vacant lands - I thought nothing strange that he should ask me to wait on the girl there, on the account that I was going there, and entering lands for myself

Int 10 State whether or not the said Edward M. Castle so far as you know, has any further agency or part in the matter than that you have just mentioned?

Ans No further to my knowledge

Int 11 Do you know how much fence there was put around that land? on how many sides?

Ans I do not - On three sides - On the West side - the north side to the road - and following the road to South line - middle of section line

Int 12 State whether or not you know who paid for said fence, and with whose funds?

Ans I cannot swear who paid for it or with whose funds. Have no certain knowledge of it.

Int 13 State whether or not you know on what tract of land the house you have mentioned was situated, and on what part of the tract

Ans Since making a diagram, I believe the house to be built on the North West half of the North East quarter of section 18

Int 14 State whether or not you have any certain knowledge on the subject of the location of that house?

Ans I believe it is certain that it is on the land I have described. I have not run the lines, but it is there. It will be found to be there when the lines are run

Int 15 State whether or not, you know by whom and with what funds, that house and the barn were built?

Ans The building was attended to by Edward M. Castle - Mechanic employed by him but whose funds I know nothing about

Int 16 Where was Miss Bennett, since Mr Castle

while said Edward M. Castle was so living
on or near said land entered by her?

Ans She was living in the house taking care of
the family - I have also known her to give
her note to workmen that were not willing
to trust him but would take her

Int 17 Where and how far from said land so en-
tered by Miss Bennett, have you lived since
the entry thereof

Ans One mile from the house that they lived in

Int 18 Have you any doubt that the land was so
entered by her for her use?

Objected to

Ans I have no doubt of it

Int 19 State if you know the date of the marriage
of said Edward M. Castle and Emeline Ben-
nett

withdrawn

Group Examined

Int No 37 What became of the cattle you say you sold
E. M. Castle, taking Whittaker into for
Objected to

636
Ans I do not know

Int 38 Did you afterwards see them used on said
lands - If so by whom?

Objected to

Ans I saw them used on the land by hired men

Int 39 In whose possession now is the land that
was entered in the name of the Complainant?

Ans A small portion of it is in the possession
of E. W. Blackman - The rest of it has chang-
ed hands - until within the last month was
John Litch both pieces on S W side of the road.
The part on the N E side of the road belongs
to a man by the name of Smith who lives in
town - I am wrong - The N E side belongs
to some man East

W. S. Comfort

State of Illinois }
County of Cook } ss

I Victor B. Bell a Nota-
ry Public in and for said County do hereby
certify that the foregoing deposition of William
S. Comfort was taken at the time and place
mentioned in the immediate Caption to said
deposition, after said William S. Comfort
had been first duly sworn that the same

was reduced to writing by me in his presence
and duly signed by him.

N.P.
seal

In Testimony whereof I have
hereto set my hand and No-
tarial seal this 16th day of
November A.D. 1857

Victor B. Bell
Notary Public

Notarial Fees

To administering oath to Witness	.06 $\frac{1}{4}$
2664 words @ 12 $\frac{1}{2}$ for each 72	4.62 $\frac{1}{2}$
Certificate & Seal	<u>35</u>
	4.93 $\frac{3}{4}$
Fees previously noted	<u>18.12 $\frac{1}{2}$</u>
	\$ 23.06 $\frac{1}{4}$

And here the Complainant rests her case

And thereupon the Defts' introduced the following Ex testimony

Deposition

of L. D. Wilkinson

as follows to wit

In the Cook Circuit Court	}	In Chancery
Emeline Castle who sues		Bill Original
vs		& Supplemental -
Joseph Perkins et al		To said Complainant

You are hereby notified that the Defendants who have appeared and answered the said Bills in this cause will on the 18th day of August next at 10 A.M. the said day to day until completed attend before John W. Inghill, Notary Public in and for said County at his office in Chicago to take the depositions of James C. Mansworth & Lorenzo D. Wilkinson witnesses for the said Defendants to be used at the hearing of this cause when & where you may attend & copy examined

Entered August 7, 1877-

Given &c

W. J. Benge

Notary Public

appearing

(647)

I admit service on me this day of a notice
of which the above is a copy

Aug 7, 1857

J. L. Dicksey

for Compt.

adjudged by consent to 14th day of August
A. D. 1857, at half past two o'clock P. M. at
same place and before same party, Chicago
Aug 11, 1857

John W. Magill

Notary

The Deposition of Lorenzo O. Wilkinson of the
City of Chicago, County of Cook & State of
Illinois a witness of lawful age, produced
sworn and examined upon his corporal oath,
upon the Eighteenth and twentieth days of
August and upon the twentieth day of August
and Fifth day of September of the year Eight-
teen hundred and fifty seven at the office of
the undersigned a Notary Public in and for
the City of Chicago, in the County of Cook in
the State of Illinois, by virtue of the notice of
the taking of the said attached facts, for the
examination of the said Lorenzo O. Wilkinson
in a certain Suit and Matter in controversy now
pending and undetermined in the Circuit Court
of Cook County in the State aforesaid and in the
chancery side thereof wherein Emeline Knott, who

sworn by her next friends Annus Bennett is Complain-
ant and Joseph Wilkins, Edwards H. Gault, Richard
H. Swift, Lyman Swift, William H. Coffey, C. V.
Coley, C. R. Kellogg, George D. Stude, John C. L.
Fisher, Mandy Carr, A. P. Peterson, John S. Wil-
son, Rodolph M. Wren, Wm. C. Dunn
R. S. Rawson, J. A. Bostell, D. G. Rawson, George
Ward, W. C. Suggott, N. R. Russell, L. H. Hills, L.
A. Millard, W. C. Peake, C. Roberts, E. C. Post, Ben-
jamin C. Thompson, William L. Bondy, John B.
Aderson, Albert H. Jordan, Orlando Bellows, H. R.
Buell, H. L. Hill, G. L. Sprague, Russell Benedict,
Eli H. Malcom, Eben S. Fairbank, Archibald Mc
Lean, Justin Day, Joseph S. Hyson, C. C. Corie,
Daniel H. Hulls, C. T. Bowen, Daniel Eilentrake,
Elika S. Mills, Philanda S. Fairbank, Samuel
H. Merrill, Isaac Hanson, S. L. Jacobus, J. P. Gault,
John A. Jewett, James L. Gates, Hervey Johnson,
Daniel Hanson, Franklin Hanson, Peter Comstock,
Frank W. Hutchins, David B. Fiske, Samuel W. Rice,
Richard H. Dana, John Craig and J. Sprague
Adams, are defendants, and in behalf of the
said defendants, and in behalf of the said
defendants, The said George D. Wilkinson being
just duly sworn by me as a witness in the said
cause previous to the commencement of his exam-
ination to testify the truth as well on the part
of the complainant as on that of the defendants
testified and deposed as follows;

1 Interrogatory First:

Do you know Emeline Castle the complainant in this cause, if so, how long have you known her?

Answer

I know Emeline Castle the complainant in this cause I have been acquainted with her about a year and a half,

2 Interrogatory Second:

Do you know Edwards H Castle her husband and Joseph Gilkins, if yes how long have you known them respectively?

Answer!

I know them both I have known Castle for something over two years and Gilkins for nearly the same time, not quite so long!

3 Interrogatory Third:

Were you one of the subscribing witnesses to the deeds now produced and shown you and made by the Commissioner Exhibits No 1 and Exhibit No 2, respectively?

Answer!

Yes Sir!

Interrogatory Fourth:

Were you present when the said deeds were signed by the parties whose names appear subscribed, where, if yes, who were present?

Answer!

I was present the complainant Emeline Castle her husband Edward H Castle, Joseph Gilkins, William

Mr. Davis, Mr. Farnsworth and myself I do not
think any other were present,

& Interrogatory 1st

When and where was this deed executed
state all that occurred there before and at the
time of the execution and what the complainant
did and said touching the execution thereof,
Answer

Answer

The Deeds were executed on the 2^d or 3^d day
of May A.D. 1831, at the dwelling House of
Edward H. Castle, on West Lake Street in Chicago,
myself and Mr. Farnsworth took a Hack and
went out to Mr. Castle's about twelve o'clock
in the day, the deeds and notes had previously
been prepared at the office of Farnsworth &
Rogers, and Mr. Castle and Mr. Wilkins agreed
to get Mr. William H. Davis, who was a Notary
public and met us at said Castle's House
to have the Deeds executed. Mr. Farnsworth and
myself arrived there before Wilkins, Castle
and Davis, from a half to three quarters of
an hour, we called at the Door and I think
Mr. Castle opened the Door to let us in, but
it might have been a servant or some other
person who opened the door to let us in we
took seats in the parlor with Mr. Castle &
immediately he informed us of the object of
our visit, he answered in reply that the same
what we came for that he and his husband

JAMES

had looked it all over together and that she perfectly understood it, we then conversed with her upon this matter most of the time while Felkins Castle and Davis arrived well & friendly from her conversation,

Counsel for Complaint
 out few serious objections to witness stating what he found from Caroline Castle's conversation.

Mr. King goes on to testify as follows: That she perfectly understood the facts connected with the business we had called upon, and the effect of the papers which were to be executed by her in the course of this conversation and before the arrival of Felkins Castle & Davis, she stated either voluntarily or in answer to the inquiries of Mr. Farnsworth that she should execute the papers freely and voluntarily, and I recollect that she used the expression, that it would be one of the most cheerful acts of her life, during this interview and before the arrival of Castle Felkins and Davis, Mr. Farnsworth and myself explained to her the legal effects of the papers which were to be executed, after Mr. Davis arrived he explained to all the parties the papers and they were executed by Mr. Castle and Mr. Felkins on their part, Mr. Castle and Mr. Felkins then went into another room at the suggestion of myself Mr. Farnsworth and ^{Mr. Davis} Mr. Davis then

set down by the side of Mrs Castle and
in the presence and hearing of myself Mr
Jarnsworth, carefully explained to her the
papers which she was to execute, and the
legal effect of the same, when he had fully
explained the same, all things to her, he then
distinctly asked her whether she should execute
those papers freely on her part and without any
compulsion on the part of her husband the said
Jarnsworth, that she well understood the matter before
just as he had explained it to her, but she
had had several days to think of it and had
thought the matter carefully all over that her
husband had used no compulsion, nor compelled
her in any way to sign them, that she was per-
fectly willing to execute the papers and should
do so willingly and cheerfully she then executed
the papers on her part, I do not certain that
Salkin executed the papers as Executor of Mrs Castle
before or after they were executed by her, my
best recollection now is that he signed subse-
quently to Mrs Castle, Mr Jarnsworth and myself
then signed the papers as witnesses to the ex-
ecutions, I don't know whether Davis signed
as a witness or not, on referring to the deed
see he did not, the deed was then delivered to
Mr Davis to take to his office and affix his
Notarial Seal, as he had no such seal with him.
By consent the further execution

tion of this witness is adjourned to 20th instant
at 2 1/2 PM -

Jno W Magill

Notary

Monday August 20th 1851

Two o'clock PM

Parties and witness present

Counsel for complainant here enters his objection
to be made of the above answer as states that
witness informed Mrs Castle of the object of the
visit, and that he explained the effect of the
papers - as witness does not state what he said.
He also objects to the general statements in
the answer contained -

Direct Interrogatory

What did you say to Mrs Castle the complainant
touching the object of said visit, and what
was her reply if any, give language used if
not, the substance thereof as near as you can
recollect, give also language used by Mrs
Farnsworth on the same subject and her reply
if any.

Answer

I will not undertake to give the exact lan-
guage, from my best recollection I stated to Mrs
Castle in regard to the object of our visit, that we
had called there to settle up the matter upon
which her husband and others had been pres-
ent & I should be then replies in substance,

that she knew the object of our visit, that she
knew her husband had talked and considered
the matter all over and that she was expecting
him in a moment, one or both of us, meaning
myself or Mr. Turner. He explained to her that her
husband had agreed to settle certain debts or
claims growing out of the transactions of her
husband ~~had agreed to settle certain debts or~~
~~claims growing out of the transactions~~ &c. &c. &c.
with other parties, we referred to the fact that
it was understood that her property was to be
given as security for the settlement and
adjustment of those claims. I now recollect
of stating to her, ~~myself~~ that it might be
a hard case for her, that it was a matter she
ought well to consider and not to proceed in
too hastily, and saying in connection with
those remarks as a reason that if her husband
did not take up the claims where they came
and that her property would have to be sold
and perhaps sacrificed to pay them. Her
reply to that as near as I can recollect was
in substance that she had well considered the
matter, that she had thought it over and talked
it over with her husband and I think she
also said that she had conversed with Mr.
Turner about it, and that she fully understood
the consequences, I cannot now recollect what
Mr. Turner etc. made any different or other

statements than what I made myself, but I recollect that he coincided with the explanation which I made, as stated above, and I think he made to her some of the same or nearly the same language which I have given above as my own.

Cross Examined

x1 Cross Interrogating and

In what part of Carter's House was the Parlor situated in which you sat?

Answer

From my best recollection when and first called at the House, we were seated in the parlor in the northern side of the House next to Lake Street, and the Parlor in which we were seated opened or fronted upon Lake Street, that is to say, near as I can describe it without seeing the House?

x2 Cross Interrogating Second

In what story of the House was the Parlor?

Answer

Upon the first or main floor of the House. I should say?

x3 Cross Interrogating Third

Is there or not a basement story below that in which the Parlor was?

Answer

I think there is a basement or cellar, but I do not think there was at that time any entrance to it from the front, there was a flight of steps

from the yards to the floor on which the
poulters to the floor were situated,

x4 Cross Interrogatory Question.

Did the front door enter the Parlor into a
Passage?

I think it entered a Hall;

x5 Cross Interrogatory Fifth.

Who met you and Mr. James at the front
door?

I can best recollect it is that Mrs. Castle did,
but upon this point I will not be positive
as it might have been a servant or some other
person, I am very certain it was a woman,

x6 Cross Interrogatory Sixth.

How long after you entered the house before
the subject of the object of your visit was
mentioned as you state above to Mrs. Castle?

Answer!

I cannot state the precise time it was but a
few minutes.

x7 Cross Interrogatory Seventh.

During that few minutes when were you and
Mr. James at, were you alone or were
others present?

Answer!

I think Mr. James with Mrs. Castle were
imply were in the Parlor, I do not recollect of
any other being present, there might have been
a child.

x8 Cross Interrogatory No. 1.

What was the weather, was there a fire in the Parlor and if so, was it in a stove or fire place, was you seated or standing and in what part of the room respectively?

Answer,

I do not recollect the weather precisely we employed a hack and took no occasion to notice the weather, I did not take notice whether there was a fire, fire place or stove, I presume we were seated a part of the time at least, the exact localities in the room which we occupied respectively, I cannot now recollect.

x9 Cross Interrogatory No. 2.

Was any other person in the room besides you and Mr. Farnsworth and Mrs. Castle between the time of your arrival and the arrival of Perkins, Castle & Davis?

Answer,

There might have been and might not, but if so, I had no business with such persons nor they with me and had no occasion to fix them upon my memory, I do not now recollect of any other person unless it was a child.

x10 Cross Interrogatory No. 3.

Was Mr. Castle in the room with you and Mr. Farnsworth during all that time, or was

she out of the room part of the time and in
so what proportion of the time was she absent
and how often did she go out of the room
during the time you were waiting?

Answer!

I think Mr. Cutler remained with us in
the room nearly all of the time & I think
she did go out of the room once and might
have done so more than once but she soon
returned. I will not testify positively that
she left the room at all, but she above is
my best recollection,

x 11 Cross Interrogatory Clements,

What proportion of the time before Davis
came was occupied in the conversations
you have stated above?

Answer!

I cannot tell exactly but I think the larger
portion of the time, some of the time might
have been occupied in miscellaneous conver-
sation,

x 12. Cross Interrogatory Phelps,

Have you given above a full statement of
what was said during that time upon the
subject of the object of your visit?

Answer!

I have as near as I can recollect & may
have used some language that was
not used there and may have committed

I am that was used by the printer & have
 given the substance and the meaning,
 x 13. Prof. Sulzberger's Bill.

You state that you told Mrs. Castle that you
 had called to settle up matters upon which her
 husband and others had been prosecuted, of
 what other persons did you speak in that connec-
 tion as having been prosecuted with her husband's
 concern?

Whether we used their names is not I cannot
 recollect but we had reference to Joseph Smith
 Mr. Barker and I think a Mr. Ramsey.

x 14 Prof. Sulzberger's Bill.

To what prosecutions did you refer if you
 saw the language as near as may be that you
 used in speaking of them to her in that
 connection?

Answer:

We referred to one or more prosecutions in the
 name of the People of the State of Illinois a-
 gainst the parties above referred to based upon
 a conspiracy together with one C. S. Castle, in
 defrauding or obtaining property under false
 pretences from sundry merchants and others in
 the city of Chicago, as Mrs. Castle appeared and
 stated that she fully understood the whole mat-
 ter in regard to the prosecutions, we did not have
 occasion to be very specific or definite in our lan-
 guage in regard to the same, and therefore

I cannot give the exact language,
L 15 Cross Interrogatory 25th etc.
What was the substance of what you said to her
or of what she said to you, from which you
inferred that you and she had appeared to
the same Prosecution.

Answer.

I do not know that it was any thing more
than a reference to the prosecution against
those parties above referred to, and the trans-
actions of C & Co. in connection with
the same, and your familiarity with the
facts and circumstances of the affair. I know
that we both had referred to the same
Prosecution.

Consider for the Confidential object
to answer of witness as not being
responsive to Interrogatory -
Witness answers again.

I cannot give as the substance
any thing more full than to say it was a mere
reference to the parties and the transactions
above referred to. Mrs. Co. appeared to be
so fully informed upon the matter that a mere
reference to the same was sufficient to introduce
it without any particular or definite explanation
of the matter and business now presented, of her
of among the parties interested in the C &
Co. case or matters, and as might have

referred to it by using language to that effect, without using to him, her own husband's name and I think it quite probable that we did so.

x 16 Copy Interrogatory No. 10.

Did she at that time seem to understand that that the prosecutions were still pending?

Answer.

I cannot now recollect whether she used any language from which I then inferred that she understood whether the prosecutions were then pending or not, but she did appear to understand that a settlement had been agreed upon between the creditors and the parties who had been prosecuted. I do not think that anything more was said at that time with regard to the prosecutions than a mere reference to them for the purpose of bringing up the subject matter of the settlement and the provision as that was the object of our visit. I endeavored on my own part and I think Mr. Jainsworth did, to avoid any unpleasant language or reference to the matter in connection with her husband beyond what was necessary for the object of our business.

x 17 Copy Interrogatory No. 11.

By the word "matter" in the last sentence do you mean the matter of the prosecutions?

Answer.

So by and also meant to include the claims of the creditors in connection with the same.

and also meant to include the charge against
her husband for obtaining or assisting to
obtain the property for which those claims
existed,

x18 Corp Interrogatory Eighth.

Was it your understanding at that time that if
these claims were rejected the criminal prosecutions
would be abandoned and that if the claims
were not secured, in that case, the criminal
prosecutions would be carried on.

Answer.

Objected to

It was my understanding at that time, or at least
I suppose that the judicial proceedings would not
on their own account further prosecute the case
although I do not recollect that any of them had
so stated to me, I also understood or supposed
that if the settlement agreed upon was not per-
fected and carried out, that the prosecutions would
be pursued.

x19 Corp Interrogatory Ninth.

Can you state distinctly and fully what was the
settlement agreed upon if you state the terms
fully.

Answer.

The agreement for the settlement between the cred-
itors and the defendant was not made with
me personally nor by any person but as I under-
stand it and I think pursuant to both parties
the creditors were to receive and grant notes on

or not the defendants were able to pay the attorney fees, whether any of the attorney fees were included in the judgment, notes and secured by the trust deeds, or not, I do not know, I think that some were and I know that some were not.

x21 Copy Interrogatory Tenthly first.

For what professional services were said defendants to pay the Lawer fees, and by what Lawers were said professional services rendered,

Answered

From my own knowledge I can answer but a part of the first clause of the question the services for which I know of were for drawing affidavits concerning suits and also for attendance on the Criminal prosecutions, the services were rendered by myself, Earnest H. Burgess, Mr. Waite, and I think John W. Thompson.

x22 Copy Interrogatory Twelvly second

What affidavits did you refer to and who drew them respectively.

Answered

I refer to three affidavits drawn by myself for copious one for William J. Bond, one in favor of Benjamin Mallory and Buchanan, and one in favor of Steven Jordan & McLeod, one was drawn by Mr. Waite, in favor of John W. Thompson, one or more affidavits were also ^{drawn} by myself.

41 Dinges or in their Office but whether for civil
suits or criminal prosecutions I cannot justify
by State Office might have been for both.

x-23 Capt. Henry's testimony Truly third

In whose behalf will you acting when you were
at Castle's House, with Mr. Tammack as
spoken of above,

Answer

Especially for William D. Bonds, Benedict Mat
lony & Samlars, Wilson Jordan & Bellows cause
generally for several of the other Creditors.

The further Cross Examination of this witness is
adjourned to Saturday next (being the fifth post
ensuing) at the same place to wit: 57, S. Clark
Street, at nine AM. of said day. Dated 20 day
of August AD 1857

Geo. W. Magill Notary

Saturday September 5. 1857.

Examined and Witness present and the said
witness says before testifying further I wish to
correct two errors which I inadvertently made
in the foregoing part of my deposition, first in
answering to the first cross Examination I
stated that the agreement was not made with
me personally or in my presence, and therefore
I only knew it from hearsay, and that I under
stood it to be that the Creditors were to receive
Judgment Note Signed by A. H. H. H. H. H.

Talking with Mrs Castle, I was in error and
have since requested my recollection by reference
to the papers and find the notes only signed
by E.H. Castle, but the name of the three others
named, and was now satisfied that the agree-
ment must have been that the notes should
be signed by the said E.H. Castle only -
Second - I also stated in answer to the Comptroller
Capt Interrogatory that it was my impression
that some of the Attorneys fees were named in
the new Notes and securities, from my recollection
of the facts I now remember that none of the
Clerk or Officers fees or Attorneys fees were re-
corded, into said new Notes and securities, so
far as I know and believe, because myself
helped to cast up and return the amounts
and interest on many of the claims and
apportion the same to the several securities
Examination of witness resumed -

Saturday September 27th 57

Nine Am.

Counsel and witness present

X24 Capt Interrogatory Twenty four etc
At what time did you help cast the interest
and apportion the amounts amongst said
alleged creditors as appears of in your last statement
Answer!

20

at the office of James North & Rogers, corner of
Lake and Clark Streets Chicago.

x 20 Copy Interrogatory Twenty first.

Who else took part in that matter at that time?

Answer:

The James North Rogers, Wait of the firm of
Shumway Wait and Co. were there might have
been others if so I don't distinctly recollect them.

x 21 Copy Interrogatory Twenty sixth.

What other amounts were embraced in the
settlement besides the notes mentioned in the
Trust Deeds?

Answer:

The official fees and attorney's fees and I am
not certain whether the magistrates and clerks
fees on the suits. commenced were embraced
in the settlement or not, but none of those fees
or costs were recited into the judgment notes
secured by the Trust Deeds;

x 27 Copy Interrogatory Twenty seventh.

What was the amount of the expenses in con-
sideration of as a Tax you saw or heard of?

Answer:

I don't know, I have not sufficient knowledge
in regard to the amount to be able to testify
to it. I did not settle them and never saw a
bill of them.

x 28 Copy Interrogatory Twenty eighth.

Did the settlement embrace the alleged expense

of a delivery message, & in pursuing on that
and bringing back to Castle from & around
or some other place.

Answer

I think it did, but I had nothing to do, for
reason, with the settlement of said item.

Q. Cross Interrogatory. Just to finish did you assist
as Counsel in the Criminal prosecutions before
Squire L'Hepp?

Answer

Yes!

Q. Cross Interrogatory. Just to finish
at the time of this settlement had the Prosecu-
tions been postponed, for the purpose of nego-
tiating a settlement?

Answer

I have never had the opportunity to see the
prosecutors from what I am advised to think
that a good collection is a usual part
of a settlement at the trial of defendants
Council, the purpose of such a settle-
ment is unanswerable to state as a fact!

Q. Cross Interrogatory. Just to finish
Did the Council of the present Council
the settlement of a settlement?

Answer

I do not distinctly recollect whether we consented
to such a settlement or not, on motion of de-
fendants Council; nor do I recollect that we made

any objection;

x 32 Cross Interrogatory Thirty second

Who called your attention to the errors you fell into contained in your first answers to Cross Interrogatories Nineteen and Twenty?

Answer: Mr Burgess - I then referred to the notes themselves and referred my recollection to the facts and circumstances attending the settlement on the strength of which I made the corrections, I was led into the error in regard to the manner in which the securities were to be signed by seeing the Deeds before me, which were signed by the three persons E A Castle, Joseph Wilkins and Euclid Castle.

x 33 Cross Interrogatory Thirty third

Were you present when the notes were signed?

Answer

I do not remember; my best recollection is, that I did not see them signed;

x 34 Cross Interrogatory Twenty fourth.

Did you have them with you when the deeds were executed?

Answer:

I did not; whether Mr Farnsworth had them in his possession I am unable to state.

x 35 Cross Interrogatory Thirty fifth,

when and where did you first see the notes?

Answer:

I first saw them on the day of the settlement,

x 36

the exact place I can't tell; I first saw them before they were signed at the office of Farnsworth and Burgess;

Quesp Interrogatory Thirty sixths
Did you ever see all the notes after they were signed and if so, when and where and in his whose custody?

Answer:

I cannot testify positively that I saw them all, but think that ^{all} of said notes were in the possession of Mr Farnsworth and myself after the settlement, I had several of them myself which I delivered to the respective Creditors to which they belonged, and I saw several if not all the balance in the possession of Mr Farnsworth.

x 37 Quesp Interrogatory Thirty sevenths,
Did you retain those in your custody more than a year?

Answer:

No; I retained them but a few days except one which I think remained in my office a few weeks.

x 38 Quesp Interrogatory Thirty eights,
at the time of these prosecutions and of the settlement was C. S. Castle in Chicago?

Answer:

I understood that he was but I did not see him personally until after the settlement.

x 39 Quesp Interrogatory Thirty ninths

674 was he in custody or at large before the settlement.

Answer

I do not know of my own knowledge.

x 40 Cross Interrogatory Fortieth,

did Mrs Emeline Castle at the time you visited her for the execution of the deeds, speak of C & Castle?

Answer,

I think she did;

x 41 Cross Interrogatory Forty first

What did she say about him?

Answer,

Objected to -

I cannot recollect the precise language I think he was spoken of between us in connection with the business on which we called.

x 42 Cross Interrogatory Forty second

Can you not state the substance of what she said about C & Castle?

Answer,

I cannot; as I think he was merely referred to in connection with the business

x 43

Cross Interrogatory Forty third

Are you sure that Mrs Castle said that the execution of the deeds was the most cheerful act of her life, or words to that effect?

Answer,

I will not say that she said the most cheerful act of her life but she said it was one of the most cheerful acts of her life, or words to that

effect?

X44 Cross Interrogatory forty fourth.

What reason did she assign why it would be, or was a cheerful act?

Answer!

I do not now recollect that she distinctly stated any particular reason!

X45 Cross Interrogatory Forty fifth.

Did she say on that occasion in substance that she had felt much trouble about Mr Castles difficulties and was glad to see an end of them, or anything to that effect?

Answer!

I dont remember that she expressed herself in that way although she might have done so.

X46 Cross Interrogatory Forty sixth.

did she say any ^{thing} as to having been troubled herself on account of Castles troubles, or did she say any thing about Castle her husband, having been anxious or fearful on that account?

Answer!

I dont recollect that she expressed herself as having had any personal trouble in regards to the matter, in regards to her husband I think she spoke of it as a matter upon which he entertained no fears as to the result!

X47 Cross Interrogatory Forty seventh.

did it not strike you as strange that a woman would cheerfully consent to place her own prop-

-erty in such a jeopardy,

Answer!

If I had not been informed as I had in regard to the facts as they had been represented to me, it might, but under the circumstances upon which I acted it did not.

x48 Cross Interrogatory Fifty eighth,

What supposed circumstances did you suppose, furnished an adequate notice to make such an act cheerful on her part?

Answer!

The circumstances to which I refer were not supposed by me, but was the result of information furnished me as an attorney in my profession among which were the representation that all, or nearly all of the property obtained of the creditors to whom these securities were given had passed through the Agency of Ed. Castle, into the hands and possession of the said Ed Castle and by him been converted to his own use or turned into money and used in his business, and from Mrs Castle's familiarity with the whole transactions in general I presumed that she was also knowing to this fact and therefore supposed that she considered it as a mere payment of a debt on the part of her husband, for the property he had received, it had also been represented to me, but upon how good evidence I am unable to

state that the property given as security, and described in the Trust Deed was really and in equity the property of the said E & H Castle, and was kept in her name for the purpose of a cover, (believing) those representations and (not knowing the contrary) I was not surprised that Mrs Castle should cheerfully do as she did do;

x 49 Cross Interrogatory Forty ninth.

Did you not suppose that the expectation of stopping the Criminal Prosecutions against her husband, had quite as much to do in (prompting) her to execute the deeds as any other consideration, or motive,?

Answer

I can hardly tell at present what my suppositions then were, I probably supposed that it might form some part of her motive, but as she never stated to me her motives, I was unable to represent them, I think during some part of the conversation she expressed herself to the effect, that she hoped, or trusted, or trusted that her husband would be able to save himself from loss, from ^{the property} E & H Castle, or in words, or ~~ideas~~ ideas to that effect.

The latter part of this answer is objected to by counsel as not being admissible to the interrogatory.

x 50 Cross Interrogations Fiftieth

Did she not say in effect that E & H Castle was a dangerous man, and that her husband had suffered much from him or something that conveyed that idea?

678
Answer;

I think she said in substance in reference to E. S. Castle that he was not an honest man, or had not dealt honestly with her husband, that her husband had tried to assist E. S. Castle in business and that he had lost, or suffered thereby,

x 51 Cross Interrogatory Fifty one,

Did she intimate in any way that E. S. Castle had any means or property at that time;

Answer;

I think none other than in reference to the property obtained from these creditors for which these securities were given as above referred to, although there might have been other interests of his referred to-

x 52 Cross Interrogatory Fifty second

Can you swear that she said one word about the property you speak of,

Answer;

Yes - I am very positive that the property obtained from the creditors for which these securities were given was referred to by her, but the precise language I cannot undertake to state!

x 53 Cross Interrogatory Fifty third.

How often had you seen Mrs Castle before that time?

Answer, ^{at present I do not recollect upon any occasion} when I went with Mr Castle to his house

At present I can only recollect upon one occasion when I went with Mr Castle to his house for the purpose of renting the house next to his which

he owned or had the control of, I then stopped
some time at Mr Castle's House and returned
with him

x 54 Cross Interrogatory Fifty fourth,

In what month and year was that?

Answer,

I think it must have been about March 1856,
but I am not certain!

x 55 Cross Interrogatory Fifty fifth,

Was the House you thought of renting, at that time
occupied by any one? And if so, by whom?

Answer

Yes; I do not know by whom, I saw no person but
a Lady when Mr Castle showed me through the
house and do not recollect that I was introduced
to her!

x 56 Cross Interrogatory Fifty sixth,

At what time of day was this call for renting?

Answer,

I don't remember the time of day!

x 57 Cross Interrogatory Fifty seventh,

Did you dine or take Tea with Mr Castle at
that time?

Answer

I think not according to my recollection!

x 58 Cross Interrogatory Fifty eighth

Did you sit down in Castle's House at all at
that time, and if so did Mrs Castle sit down
in the same room, and if so how long? And did

you see any body else about the house save Castle
and his wife!

Answer

I cannot swear positively that I sat down but
have no doubt I did Mrs Castle was present
a part or all of the time and she sat down part
of the time, the only person I recollect of seeing
besides Mr and Mrs Castle was a small child
which Mr Castle was taking care of, the child
was small, Mrs Castle explained to me what
they supposed to be the difficulty which was as
they supposed that it had got a needle or a piece
of a needle in the fleshy portion of the abdomen,
I cannot state how long I remained from a half
an hour to an hour,

+ 59 Cross Interrogatory Fifty ninth,

Have you ever seen Mrs Emeline Castle since the
day of the execution of said deeds of trust,

Answer

Yes but I have not had any conversation with
her since that time!

+ 60 Cross Interrogatory Sixtieth,

How often have you seen her since when asked,

Answer

I cannot tell how often, I have seen her several
times probably in the street, recognized her
by sight, cannot tell the exact times or places!

+ 61 Cross Interrogatory Sixty first

Can you specify the street or part of the city

of any one such occasion, if so state as far
-ticularly as you can ~~and place~~ ^{and place} the time.

Answer!

x 62 Well I cannot, the meeting with a lady in
the street is too common an occurrence to
charge my mind with,

Cross Interrogatory Sixty seconds

Can you tell whether the place of meeting in
the City was in the business portion of the City
or in the residence or remote parts.

Answer!

I cannot with any degree of certainty, as such
meetings may have been a simple passing on the
street, when I may have noticed her, not knowing
whether she did me or not!

x 63 Cross Interrogatory Sixty third

State the time and place of your last seeing her.

Her

Withdrawn

x 64 Cross Interrogatory Sixty fourth.

Can you state the place of seeing her on any
one occasion since the deed was executed?

Answer!

I cannot!

x 65 Cross Interrogatory Sixty fifth.

Describe her as near as you can as to appa-
-rent age, size, color of hair, complexion and
her dress on the day of the execution of the
deed.

Answer!

She is a gentle lady like looking woman, it was not a point of my business that day to judge of her age, I should however consider her a middle aged lady, I should think she is a lady of rather more than medium height and well proportioned. I never noticed the color of her hair, I should say her general complexion was light not very dark, I could not tell any thing about her dress at that time as a lady's dress is the last thing that I ever noticed about them.

+ 66 Cross Interrogatory Sixty Sixth.

Have you any interest in the event of this suit?
Answer No.

I have not

Re-Examined.

Re-1 Re-Interrogatory first

Have you any doubts about the facts that the person with whom you concurred, as the wife of E D Castle after you went to his house and before he Filkins and Davis came there, was the same person who executed the deeds there as his wife?

Question Objected to as leading -
Answered!

I have no such doubt, I know that she was the same woman!

Re-2 Re-Interrogatory Second

How long did you remain in the house after

the deeds were executed on that occasion,
who remained with you then and who came
away with you?

Answer,

I cannot state the precise time but should
judge it to be at least half an hour Mr E H Cro-
tto, Mr Benjamin Castle Josiah Felkins, William
H Davis Esq, & Mr Farnsworth remained with
me. Mr Farnsworth and myself then returned
in the same Hack in which we went out, I
don't recollect of any other persons being then present,

Q 3 Re-Interrogatory Third

State what was done or said by the persons then
present after the deeds were executed, and
until you left?

Answer

Immediately after the execution of the deeds myself
or Mr Farnsworth or one of us spoke of returning
to our offices. Mr Castle then remarked in substance
that as we had come to his house and treated
him like gentlemen he wished to do the same
by us and I think he remarked to the effect
that he always had something good for his friends
in his house, or something of that kind, Mr and
Mrs Castle immediately upon that went into
a ^{joining} ~~the~~ room together - My best recollection how-
ever is, that she went into the room alone, at the
invitation of Mr Castle the rest of us immedi-
ately followed a bottle was set upon the table

containing brandy whether by Mr or Mrs Castle
 I am unable to state Mrs Castle furnished
 a Pitcher of water and some Goblets, when we
 were all invited by Mr Castle to drink a glass
 of Brandy, and we all took a social glass
 together, we then conversed some little time,
 the Particulars or even the subject matter of
 which I cannot now state, I think the conver-
 sation was general and I think that all parties
 including Mr Castle took a part in it. My
 best recollection is that at the request of Mr
 Castle we took another glass of Brandy and
 when Mr Farnsworth & myself returned, in
 the mean time after Mr Castle arrived and
 from my best recollection after the papers were
 fully executed, Mr C^o Castle manifested some
 undue excitement, I spoke to him myself in
 language to the following effect, as near as
 I can remember, that having undertaken to ex-
 -ecute the settlement that day and having
 closed the settlement while calm he ought
 not then to undertake to throw any doubts or
 difficulties over it by any such state of ex-
 -citement, that it would be all nonsense on his
 part to try to make us believe that he was as
 excited as he attempted to appear, that is the
 substance of what I remarked to him as near
 as I recollect it. Mr Farnsworth also spoke to him
 but what he said I did not hear but I judged

at the time much like my own above stated, Mr Davis also I think also spoke to him at the same time, immediately upon that Mr Castle became calm and gave as an excuse in explanation of the excitement that he had done a great deal to assist E. S. Castle in business and that he had found unfaithful to him or language to that effect; before we left (meaning myself and Farnsworth) the deeds were delivered to Mr Davis to take to his Office to affix his Notarial seal, and to deliver said deeds to us as the Attornies of the creditors, that is the substance of what was said and done at the time the deeds were executed with what has been stated before,

Re Cross Examined -

Re 1 Re - Cross Interrogatory One

Did you converse with any other woman than Mrs Castle at Castles house, that day?

Answered

I do not recollect distinctly I might have done so, on reflection since the previous part of the deposition was taken, I think that either at that time or at the time I went there to look at a House for rent, I saw a Lady other than Mrs Castle and probably had some conversation with her, at which of those occasions it was I am unable to state my recollection in regard to such lady is very indistinct;

Re 2 Re - Cross interrogatory Second

did Mrs Castle remain in your Company on the day of the execution of the deeds until you left, and if not, how soon after the signing of the deeds did she absent herself.

Answer

I think she did remain, until we we left
I do not recollect that she absented herself
although she might.

Re X

Re X 3 Re-Cross Interrogatory Third.

Which was the longer the time you remained in Castle's house before the signing of the deeds or the time you remained after signing the deeds. I should think not much difference from my best recollection.

Re X 4 Re-Cross Interrogatory Fourth.

Did you read the affidavits accompanying the Bill in this case, about the time of the hearing of the application for a temporary injunction

Answer?

I do not think that I read any of the affidavits accompanying the bill. I did read so much of the bill as bore upon the execution of the deeds.

Re X 5

The latter part of witnesses answer is objected to by counsel as not being responsive to

Re-Cross Interrogatory Fifth.

Did you make an affidavit to be used with the answer on the hearing of said motion

for an injunction,

Answer:

Yes.

Re x 6 Re Cross Interrogatory Sixths,

Who else signed said affidavit and did you make more than one such ~~affidavit~~?

Answer:

Mr Farnsworth signed the affidavit with me I made but one such;

Re x 7 Re Cross Interrogatory Seventh;

Have you conversed with Mr Farnsworth & Mr Burgess, touching the incidents attending the execution of said deeds, since you gave the gist of this deposition, with each or either of them, &

Answer:

I have not, I have only spoken to Mr Burgess in regards to the error I before made in regard to the execution of the notes, and I have only spoken to Mr Farnsworth so far as to ask him to let me see some of the notes which were in his possession, so as to enable me to correct my self from an examination of said notes I do not think that Mr Farnsworth spoke to me at all & I do not think he knew my object in looking at the notes Mr Burgess did refer to the fact that I was present and did help to cast the interest and a portion of the amounts on the new securities, but I collected

those facts without his suggestion,

L D Wilkinson

City of Chicago, County of Cook, } ss.
State of Illinois.

I John W Magill a
Notary Public of the City of Chicago, in the
County of Cook and State of Illinois, duly
appointed to take the foregoing deposition by
virtue of the notice of the taking of the same
hereto attached. Do hereby certify that pre-
sents to the examination of the said witness
in the suit between the said Emeline Castle
who sues by her next friend Amos Burnett
Complainant and Joseph Filkins, Edwards H
Castle, Richard H Swift, Lyman P Swift, William
H Colby, O V Colby, E R Kellogg, George D Slade,
John C L Frasher, Moody Carr, A H Fitzworth,
John D Fitzworth, Rodolph M Fitzworth, William
Dunn, H J Rawson, J W Bartlett D G Rawson
George Ward, W E Doggett, W H Bassett, D H Mills
L A Willard, W H Peake, C Babcock O D Post,
Benjamin Thompson, W L Bond, John B Edeson,
Albert H Jordan, Orlando Bellous, H K Buell,
H L Hill, G L Granger, Russell Benedict, Eli
H Maloney, Ethel J Farnham Archibald W Bee,
Austin Day, Joseph F Ryerson, C E Cook, Daniel

H Mills, Le S Down, Daniel Dillenbeck,
Elisha S Mills, Philanda S Fairstoll, Samuel H
Swill, Aaron Haseu, D L Jacobus, J P Jacobus,
John H Jewet, James L. Gates, Henry Johnson,
Daniel Hanson Franklin Hanson, Peter Comstock
Frank W Hutchins, David B Fiske, Samuel W
Ripley, Richards H Dana, John Craig and
F. Granger Adams, defendants, he was duly
sworn by me to testify the truth, the whole
truth and nothing but the truth in re-
lation to the matters in controversy between
the said Complainant and the said Defendants
so far as he should be interrogated concern-
ing the same, that the said deposition was
taken at my office in the said City of Chicago
in the County and State aforesaid on the said
Eighteenth Nineteenth and Twentieth days of
August, and on the said Fifth day of Sep-
tember in the year of our Lord one thousand
eight hundred and fifty seven, and that
after said deposition was taken by me as
aforesaid the Interrogatories and answers as
written down were read over to the said Wit-
ness and that thereupon the same was signed
and sworn to by the said Deponent, and
that at the taking of said testimony and at
the time of the adjournments of the same the
Solicitors for Complainant and Defendants
were present, and I further certify that the

Papers attached hereto and marked respectively by Exhibits No 1. and No 2 are the identical papers referred to by the Witness Lorenzo D McRinson in the foregoing deposition.

In witness Whereof, I have hereto



Set my hand and Notarial Seal this Eighth day of September A.D. 1857.

John W Magill,
Notary

Fees \$ 27.00

Mts. 4 days 4.00 \$ 31.00

On the back of this deposition is the following endorsement.

Filed January 4th 1858
John W. Magill

Also transcript of the Record in Post & Thompson
vs E. M. Castle et al as follows

On the back of back of this transcript is this endorsement
Filed Mar. 10/58 Wm. A. Kinsted clk

2
Records of Cook County
Court of Common Pleas

State of Illinois }
Cook County } ss

Pleas before the Honorable
Edw. M. Wilson Judge of the Cook County
Court of Common Pleas within and for
the County of Cook and State of Illinois
at a regular term of the Cook County Court
of Common Pleas begun and held at the
Court House in the City of Chicago in
said County & State on the second Sunday
being the eight day of September in the
year of our Lord one thousand eight hun-
dred and fifty six and of the independ-
ence of the United States the Eighty first-

Present - The Hon. Edw. M. Wilson Judge
Daniel M. Flory Prosecuting Attorney
James S. Beach coroner and acting
Sheriff of Cook County
Attest Walter Kimball Clerk

Be it remembered that on the first-

Day of May 1856 there was filed in
 the Office of the Clerk of said Court an
 Affidavit, which said Affidavit is in the
 words and figures following to wit:

State of Illinois }
 Cook County } }

Personally comes William
 J. Bond of Chicago in said County of
 Cook who swears upon oath that on the
 first day of January 1856 he carried
 on the business of a wholesale & retail
 clothing Merchant in said City of
 Chicago, that while he so carried
 on said business one Edmond S. Castle
 applied to the said Bond and requested
 from the said Bond to sell him the said
 Castle goods on credit, in the line of
 the business of him the said Bond as
 a clothing Merchant that he the said
 Bond being then and there unacquainted
 with the character, circum-
 stances and means of him the
 said Castle, as a man of property
 or otherwise, that the said Bond
 then & there refused to sell the
 said Castle goods on credit, as afore-

said, and requested the said Castle
for some evidence or references or
evidence of his means and ability
to pay for the same, that upon such
request the said Castle then and
there referred the said Bond to
Gilkins, Castle & Co. a firm compos-
ed of Joseph Gilkins, Edward A.
Castle for information respecting
the same and the said Bond
before the sale of the goods herein-
after named to the said E. A.
Castle on the request aforesaid
applied applied to and interrogat-
ed the said Joseph Gilkins and
Edward A. Castle respecting the charac-
ter, circumstances and means of the
said E. A. Castle as to his standing
as a man of property or otherwise
and his ability to pay for the
goods which he requested to purchase
on credit as aforesaid - Nevertheless
the said Joseph Gilkins and Edward
A. Castle well knowing the premises
and well knowing that the said
E. A. Castle was then and there
with the goods which he had requested
to purchase of the said Bond on credit

as aforesaid but continuing and in-
tending craftily to deceive and
cheat the said Bond of the goods
and the value thereof which he
the said E. S. Castle had requested to
purchase aforesaid and to impure
the said Bond in that respect they
the said Joseph ^{W.} Fillkins, E. S.
Castle having before that time con-
spired and then and there conspi-
ring together and with the said
E. S. Castle willfully fraudulently
and knowingly to defraud and
cheat the said Bond as aforesaid
on the day and year aforesaid
falsely, fraudulently and deceit-
fully in answer to certain ques-
tions then and there put to them
by said Bond as to the standing
of the said E. S. Castle as to
his property and means as afo-
said then and there represented
and affirmed unto the said
Bond to wit, he the said E. S.
Castle said that he knew E. S.
Castle that he was good (meaning
that he was a man of property
as this deponent then understood
it - that one year ago that

time the said E. S. Castle had
nine thousand dollars in cash
which he invested in his business,
that he was in the trunk business,
that it was a profitable business,
and that he had been making mo-
ney in it all the time for about
one year prior to that time - that
the said E. S. Castle expected soon
to have about four thousand
dollars worth of clothing goods,
which he wished to sell to the
said E. S. Castle on credit and
that he the said E. H. Castle would
give me fifty dollars if I would
recommend them as saleable
goods, so that said E. S. Castle
would buy them.

I then said Bond then said to
the said E. H. Castle you consider
the said E. S. Castle perfectly good
do you? He said I do for any
amount he wants to buy - that the
said Bond then enquired further
of the said Joseph Gilkins upon the
premises aforesaid, that the said
Gilkins said that they the to wit:
the firm of Gilkins, Suryon and

Barber had sold the said E. S. Castle about two thousand dollars worth of good within the last sixty days on credit, that they considered him perfectly good, & would sell him any amount he wanted for his business purposes that he said E. S. Castle generally paid his notes when they became due, that said E. S. Castle was not acquainted in bank, or that they had indorsed his checks in bank on Dupuque and he had always paid them when they became due, that the said Edmund A. Castle and Joseph Filkins respectively represented and in answer to enquiries upon the premises as aforesaid to one Bushrod M. Bonstead then and there the agent of the said Bond to make the enquiries as aforesaid, that the said E. S. Castle had prior to that time put five thousand dollars into his business on Lake Street in said Chicago, that he had made one hundred per cent on the same, that he was worth

from eight to ten thousand dollars, and said they had a stock of clothing worth about five thousand dollars, that they would like to sell (some on credit), that the said Filkins & E. A. Castle were informed by the said Ranstead that he made these inquiries as the agent of and at the request of the said Bond, and that the said Ranstead afterwards and before the sale of the goods to said E. S. Castle communicated the same to the said Bond, all of which said statements and representations the said Joseph Filkins & Edward A. Castle then and there knew to be false and fraudulent, that they and each of them then and there knew that the said E. S. Castle was then and there wholly insolvent and worthless as a man of property or credit and entirely unworthy of credit and unfit to be trusted, that the said E. S. Castle did not invest in business one year before that time nine thousand dollars in cash, that he was not in any profitable business, in which he had been making money all the time for a year before that time - that they

or either of them had not four thousand dollars of clothing which they wished to sell to said E. J. Castle on credit, that they did not then believe the said E. J. Castle to be perfectly good for any amount he wished to purchase, that they nor either of them had not sold the said E. J. Castle two thousand dollars of goods within the last sixty days as stated on credit, that they and each of them knew that the said E. J. Castle did not pay his notes when they became due, and that he did not pay his drafts in bank when they became due as the said Bond believes, and that they and each of them knew that the said E. J. Castle had not put five thousand dollars into his business on Lake Okech that he had not made one hundred dollars per cent on the same that he was not worth from eight to ten thousand dollars. that they had not a stock of clothing worth five thousand ~~words~~ dollars which they would wish or would see him on credit that the said Joseph

Gilkins and E. A. Castle knew that the said E. A. Castle had before that time - to-wit: - on the 2nd Day of November 1855 confessed a Judgment in the District Court of the County of Dubuque and State of Iowa in favor of the said Joseph Gilkins for the sum of six thousand & dollars and sixty three cents - also another at the time and in the Court aforesaid and in favor of the said Gilkins for the sum of eight hundred and fifty dollars - Both which claims this deponent believes the said Gilkins and Castle knew to be false and fraudulent -

And the said William S. Bond in consequence and by reason of the representations and statements so made by the said Joseph Gilkins & Edward A. Castle and the said Bond not knowing the contrary but believing them from that the said E. A. Castle was a man in good circumstances as to property and credit and fit to be trusted and after the making of such representations by the said Gilkins and E. A. Castle - to-wit: on the said first day of January 1856 was induced

to and did then and there see and deliver to said E. H. Caste divers goods in the line of his business as a clothing merchant, and on credit to the amount of Three Hundred and sixteen dollars and sixty eight-cents,

And the said Bond says that by reason of the said representations of the said Filkins and E. H. Caste he was induced to give time of payment of the aforesaid sum and to take therefor notes signed by said E. H. Caste payable in three equal parts of \$45⁷² respectively in two four and six months from second first-day of January 1836 - which said notes or any part thereof hath not been paid and the said E. H. Caste is now totally insolvent, that he has not had since the said debt was contracted, and has not now any property from which the same or any part thereof can be collected - and said Bond says that he verily believes that the said Joseph Filkins, E. H. Caste confederated combined and conspired together knowingly, wilfully, fraudulently and designedly for the purpose of

defaulding and cheating the said Bond out of said goods and the payment thereof which he sold to the said E. S. Castle as aforesaid, that the grounds of such belief are —

The false representations as above stated — that said goods were pretendedly purchased by said E. S. Castle for the purpose of retailing at Dubuque in the state of Iowa and that instead thereof they were taken to a store before that time occupied by said E. S. Castle on Lake Street in said Chicago and stored and on the night of the 6th or 7th of January 1856 were removed by the said Joseph Gilkins and E. S. Castle from there to some place to the said Bond unknown — but not to said Dubuque, but as this deponent verily believes they were taken to the store of the said Gilkins, Castle & Co. and by them converted to their own use — that the said E. S. Castle upon the like representations of the said Gilkins & E. S. Castle purchased the large quantities of goods the amounts of which are to this deponent unknown

of Fraser, Carr & Co. S. E. White and
 Butler, Post & Thompson, Ideson, Jordan
 & Bellows and sundry other firms
 and persons whose names are to this
 deponent unknown which were received
 removed and disposed of in the same
 way as the goods of this deponent,
 And before the purchase of these goods
 the said E. S. Castle had confessed
 the several judgments in favor of
 the said ^{by} Filkins as aforesaid that
 immediately thereafter the said E. S.
 Castle absconded by the advice, direction
 and coercion of the said Filkins and
 E. S. Castle - And because the said E.
 S. Castle has stated to said Board
 under oath and before a magis-
 trate of competent authority that the
 said Joseph Filkins and E. S. Castle
 did confederate, combine and conspire
 together for the purpose and with
 the intent to cheat and defraud
 this deponent of his goods and the
 value thereof sold as aforesaid
 and that the said goods were so
 purchased and disposed of said
 confederation, combination and con-
 spiracy of the said Filkins & E. S. Castle.

That said Bond is about to commence
a suit in trespass on the case in the Cook
County Court of Common Pleas against
the said Joseph Filkins and E. N. Cattle
to recover damages for the false rep-
resentations and fraud practiced on him
as above set forth, and that the benefit
of whatever judgment may be obtained there-
in will be in danger unless said
Filkins and E. N. Cattle be held to bail.

W. C. Bond

Subscribed & sworn to
before me this 14th day of
May A.D. 1856

Walter Humber Clerk
Cook County Court of Common Pleas

And to it further remembered
that on the first day of May A.D. 1856 there
was issued out of the Office of the
Clerk of said Court a certain Writ of
Capias against the said Joseph
Filkins & E. N. Cattle in the suit of
W. C. Bond which said Writ of
Capias has never been returned to the
Office of the Clerk of said Court.

And afterwards to wit: on the 9th day
of July A D 1856 came Joseph Filkins
one of the said defendants by G. L.
Dickey his attorney and filed in the
office of the Clerk of said Court his
Plea which said Plea is in the words
and figures following to wit:

State of Illinois } In the Cook County Court
Cook County } of Common Pleas -
July Term A D 1856

Joseph Filkins Master

impleaded with Edmund H. Castle

vs

William S. Bond

Plaintiff

And now comes the said
Defendant Joseph Filkins by G. L.
Dickey his attorney and defends the
wrong and injury whom he and
says *actio non* & because he says
that he the said Defendant did not
assure and promise in manner &
form as the said Plaintiff hath
thru of in his said Declaration al-
leged and of that he puts himself
upon the country &

G. L. Dickey

Atty for Def. Filkins

and *Plff* with the like -

And afterwards to wit: on the 19th day of September A.D. 1856 (the same being one of the days of the September Term of said Court) the following among other proceedings were had and entered of record in said Court in this cause to wit:

William E. Bond

^{vs}
Joseph Gilkins &
Edward H. Castle

Case

In motion of
Williamson Dow & Pearson Plaintiffs Attor-
neys - It is ordered that the above en-
titled suit be dismissed at the costs
of the said Plaintiff.

State of Illinois }
Cook County }
} ss

I Walter Kimball
Clerk of the Cook County Court of
Common Pleas within and for
the County of Cook and State of
Illinois do hereby certify that the
foregoing is a full true and correct

Copy of all the papers and of the records in my office in the above entitled cause.

Witness my hand and
the Seal of this Court at
Chicago in said County
& State this 12th day of Jan-
uary D 1858.

Walter Kimball Clerk

3 Also Transcript of Record in Ideson, Jordan
Bellows vs E. M. Castle et al as follows to wit

On the back of this Transcript is this endorse-
ment Filed Mar. 10th

Wm A Kierstedt Clerk

State of Illinois
Cook County Ill

Plea 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
at a regular term of the Cook County Court
of Common Pleas begun and holden at
the Court House in the City of Chicago
in said County and State on the
second Monday being the eighth
day of September in the year of our
Lord one thousand eight hundred
and fifty six and of the Independence
of the United States the eighty first -

Present The Hon. John M. Wilson Judge
Daniel M. Hoig Prosecuting Attorney
James S. Beach Coroner & acting Sheriff of Cook County
Alfred Walter Kimball Clerk

Be it remembered that on the first
day of May A.D. 1856 there was filed
in the office of the Clerk of said Court a
certain affidavit which said affi-
davit is in the words and figures following

State of Illinois
Cook County

Personally comes John B. Ideson who says upon oath that he is one of the firm of Ideson - Jordan & Bellows composed of the said John B. Ideson, Albert W. Jordan and Orlando Bellows that on the fifth day of October A. D. 1855 they carried on the business of wholesale and retail Merchants in the trade of India Rubber Goods in the City of Chicago in said County of Cook, that while they so carried on said business one Edmond L. Castle applied to them and requested them to see him goods on credit in the line of their business as aforesaid, that they being then and there unacquainted with the circumstances and character of the said Castle as a man of property or otherwise, then and there refused to see the said Castle such goods on credit as aforesaid, and requested the said Castle for some reference or evidence of his means and ability to pay for the same, that upon such request the said Castle then and there referred them to

The firm of Gilkins Castle & Co.
composed of Joseph Gilkins: Ed-
ward A. Castle.

For information respecting the
same, and the said Mason, Jordan
& Bellows before the sale of the said
goods hereinafter mentioned to the
said E. A. Castle on the request
aforesaid applied to and interroga-
ted the said Joseph Gilkins, and E.
A. Castle respecting the character
circumstances and means of
the said E. A. Castle, as to his stand-
ing as a man of property or other-
wise - and his ability to pay for
the goods which he requested to pur-
chase on credit as aforesaid -

Nevertheless the said Joseph
Gilkins & E. A. Castle well knowing
the premises, and well knowing that
the said E. A. Castle was then and
there in bad and insolvent cir-
cumstances and unfit to be trust-
ed with the goods which he re-
quested to purchase on credit, as
aforesaid, but contriving and intend-
ing craftily to deceive, cheat and
defraud the said Mason, Jordan

and Bellows of the good and the value thereof which the said E. S. Castle requested to purchase on credit as aforesaid and to the said Edison Jordan & Bellows in that respect, they the said Joseph Felkins and E. H. Castle having before that time conspired, and then and there conspiring together and with the said E. S. Castle wilfully fraudulently and knowingly to defraud and cheat the said Edison Jordan & Bellows as aforesaid on the day and year aforesaid falsely fraudulently and deceitfully in answer to certain questions then and there put to them by said Edison Jordan & Bellows and by their agents as to the standing of the said E. S. Castle as a man of property or means and credit as aforesaid then and there represented and affirmed unto the said Edison Jordan & Bellows and their agents as aforesaid that the said E. S. Castle was perfectly good meaning and giving the said Edison Jordan & Bellows and their agents to understand and believe that the said E. S. Castle was a man of property and means and fit to be trusted with the goods which he wished to purchase of them on credit as aforesaid, they said that said E. S. Castle had a store here and also one in Dubuque Iowa, and was doing a good business at each place and in decided and strong terms represented the said E. S. Castle to be a man of good standing as to property means and ability to pay for the goods which he wished

to purchase of the said Edison. Jordan & Bellows on credit as aforesaid.

All which statements and representations the said Joseph Filkins and Edward H. Castle then and there knew to be false and fraudulent that they and each of them, then and there knew that that the said E. S. Castle was not perfectly good that he was not a man of property and means and ability and fit to be trusted for the goods which he wished to purchase of the said Edison, Jordan & Bellows on credit as aforesaid, that although the said E. S. Castle had nominally a store in Dubuque Iowa - yet that the same was under the care and control of the said Filkins & E. H. Castle and under the management of one John D. Park as their servant, clerk or agent. - that the said E. S. Castle was not doing a good business in a store in this city - and that the said E. S. Castle was not a man of good standing as to property means and ability to pay for the goods which he wished to purchase of the said Edison Jordan & Bellows on credit as aforesaid - that the said Filkins & E. H. Castle then and there knew that the said E. S. Castle was poor, destitute of property unable to pay his debts, worthless as a man of property and lately insolvent, and the said Edison, Jordan & Bellows in consequence and by reason of the representations and statements so

made by the said Joseph Filkins and E. N. Castle as aforesaid, and the said Ideson Jordan & Bellows not knowing the contrary but believing them from that the said E. S. Castle was a man in good and sound circumstances as to property and credit fit to be trusted and after the making of such representations by the said Filkins and E. N. Castle, to wit. on said fifth day of October A. D. 1855, at said Chicago were induced to and did give credit to the said E. S. Castle and did then and there sell and deliver to said E. S. Castle divers goods in the line of their business as above stated and on credit to the amount of five hundred and seven eight dollars and sixty five cents and by reason of the promises were induced and did give time of payment and took therefor a note signed by said E. S. Castle and payable in ninety days from date which which was October 5th 1855, and thereafterwards to wit on the twenty third day of October aforesaid by reason of the representations aforesaid, the said Ideson Jordan & Bellows gave further credit to the said E. S. Castle and sold him on credit as aforesaid other goods in the line of their business to the amount of forty two dollars, and by reason of the same representations on the twenty fifth day of said October they sold the said E. S. Castle other goods on credit in the line of their business to the amount of twenty one dollars and on the fifth day of November 1855. by reason of the same

representations aforesaid they sold and delivered to the said E. S. Castle on credit others goods to the amount of Eight dollars, which said amounts and note are now all due and owing to the said Adison Jordan & Bellows and the same or any part thereof hath not been paid - that the said E. S. Castle is now totally insolvent that he has not had since the said debt was contracted - as this deponent believes - and has not now, any property from which the same or any part thereof can be collected - and said deponent says that he verily believes that said Joseph Silkins and E. N. Castle and the said John D. Park, confederated combined and conspired together, knowingly wilfully and maliciously, fraudulently and designedly for the purpose of defrauding and cheating the said Adison, Jordan & Bellows, out of said goods and the value thereof which they sold to the said E. S. Castle as aforesaid, that the grounds of said belief are as follows, The false representations as aforesaid and above stated, that said goods were pretendedly purchased by said E. S. Castle to sell in his store in Dubuque, but that a part of them as this deponent believes went into the hands of the said Silkins and E. N. Castle, and by them were converted to their own use and that the balance of ^{said} goods were carried to Dubuque and there disposed of by the said John D. Park who

pretended to be the Clerk of the said E. S. Castle,
 but now as this deponent believes acted in connec-
 tion with the said Filkins and E. W. Castle to ~~dispo~~
 dispose of the goods and convert the proceeds
 thereof to their own use, and because the said
 E. S. Castle purchased other large quantities of
 goods of sundry firms and persons to wit - Wm S -
 Bond, Peter Thompson, Benedict Mallory & Farnham
 Day & Son, Fraser Carr & Co and others to this deponent
 unknown, which said goods as this deponent has
 been informed and believes were all purchased
 on the like false and fraudulent representations,
 and which said goods or the proceeds thereof
 were as this deponent believes converted to the
 use of the said Filkins Park & E. W. Castle and
 because this deponent has read an affidavit
 made and signed and sworn to by the said
 E. S. Castle before a magistrate of competent
 authority wherein the said E. S. Castle states that
 the said, Filkins Park & E. W. Castle did combine
 confederate and conspire together to cheat and
 defraud the said Edson Jordan & Bellows
 of the goods and the value thereof so purchased
 by the said E. S. Castle, and that the goods were
 so purchased and disposed of in pursuance
 of such confederacy, combination and conspiracy
 and because the said E. S. Castle states in
 said affidavit that in consequence of the
 fraudulent representations and fraud as above stated

By the advice, direction and coercion of the said
Filkins & E. H. Castle absconded and went into other
States to avoid his Creditors and to prevent a
disclosure of the frauds aforesaid, that said Adson,
Jordan & Bellows are about to commence a
suit at law in the Cook County Court of Common
Pleas against the said Filkins, Park & E. H. Castle
to recover damages for the false representations
aforesaid, and the frauds practiced on them as
above stated, and that the benefit of what-ever
Judgment may be obtained therein will be in dan-
-ger unless said Filkins, Park and E. H. Castle be
held to bail

Geo B. Adson

Subscribed and sworn to
before me this 1st day of
May A. D. 1856.

W Kimball

Clerk

Cook County Court of Common Pleas

Be it further remembered that on the first day
of May A. D. 1856. there was issued out of the
Office of the Clerk of said Court a writ of
Capias against the said Filkins, Park &
E. H. Castle at the suit of said Adson -
- Jordan & Bellows, which said writ of

Capias has never been returned to the Office
of the Clerk of Said Court -

And Afterwards to wit on the 19th day September
A.D. 1856. it being one of the days of the September
Term of said Court the following among other
proceedings were had and entered of record in
said Court in said Cause to wit -

Ino. B. Ideson et	} Case
vs	
Joseph Gilkin. E. H. Castle et al	

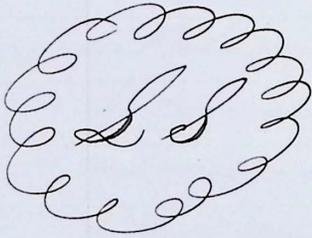
On Motion
of Wilkinson, Dow & Pearson plaintiffs attorneys

It is ordered that the Above entitled suit be
dismissed at said plaintiffs costs -

State of Illinois 3/3
Cook County 3/3

A. Walter Kimball

Clerk of the Cook County Court of Common Pleas within and for the County of Cook and State of Illinois do hereby certify that the above is a full, true and correct copy of all the papers on file and of the proceedings entered of record in my Office in the above entitled Cause.



Witness my hand and the Seal of Said Court at Chicago in said County & State this 4th day of January A.D. 1858

Walter Kimball - Clerk

4 Also Transcript of Record in *Wm S. Bond*
vs *E. M. Gaulte et al* as follows to wit:

On the back of this transcript is the following
endorsement

Filed Mar. 10th 1838

Wm A. Kinsted clk

State of Illinois }
Cook County } ss

Hear 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 at a regular term of the Cook
County Court of Common Pleas begun and holden
at the Court House in the City of Chicago in said
County and State, on the second Monday being
the eighth day of September in the Year of our Lord
One thousand Eight hundred and fifty six and of
the Independence of the United States the eighty
first -

Present - The Honr John M Wilson Judge -
Daniel M Abroy Prosecuting Attorney
James S. Beach Coroner and acting Sheriff of Cook
County -

Attest Walter Kimball Clerk

Be it remembered that on the first day of May, A.D.
1856, the following Decree was filed in the Office of
the Clerk of said Court which ^{said} Decree is in the words
and figures following to wit -

Russell Bendick, Eli H. Mallory, Ethel T. Furnam

vs

(85) Joseph Fillins, Edward H. Castle, John D. Parker & Elijah S. Parker

McKinson, Dow & Pearson Plaintiffs attorneys it is
ordered the above entitled suit be dismissed at
the costs of the said Plaintiffs -

State of Illinois 3
Cook County 3 ss

J. Walter Kimball Clerk of the
Cook County Court of Common Pleas in and
for the County of Cook and State aforesaid
do hereby certify that the foregoing is a full
true and correct copy of all the papers on file and
of the proceedings entered of record in the above
cause in my office

Witness my hand and the Seal
of said Court at Chicago this
4th day of January, A.D. 1858
Walter Kimball, Clerk

5 Also Transcript of Record in *Benedict et al*
vs *Castle et al* as follows to wit:

On the back of this Transcript is the following
endorsement

Filed Mar 10th / 55

Mrs A. Kiested clk

State of Illinois 2
County of Cook 3 fs.

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 at a regular term of the Cook
County Court of Common Pleas begun and holden at
the Court House in the City of Chicago in said County
and State on the second Monday being the eighth day
of September in the year of our Lord one thousand
Eight hundred and fifty six, and of the Independence
of the United States the Eighty first -

Present The Hon John M. Wilson Judge
Daniel McElroy Prosecuting attorney
James S. Beach Coroner and acting Sheriff of Cook County
Attest Walter Kimball Clerk

Sylvester C. Post &
Benjamin C. Thompson

vs
Edward H. Carter &
Joseph Filkins

Be it remembered that on the
first day of May A.D. 1856. an affidavit was filed
in the above entitled cause in the Office of the Clerk
of said Court which said affidavit is in the words

State of Illinois ½
 Cook County ¾

Benjamin C. Thompson makes oath & says that he is a member of the firm of Post & Thompson, a firm composed of Sylvester O. Post & Benjamin C. Thompson, that the said firm of Post & Thompson on the eleventh day of January in the year of our Lord Eighteen hundred and fifty six exercised and carried on the business of wholesale liquor merchants in the City of Chicago in the County of Cook & State of Illinois and while they were so carrying on said business one Edmund S. Castle applied to the said Post & Thompson and requested them to sell him goods on credit in the way of said Post & Thompson's business of liquor dealers, and they the said Post & Thompson being then and there unacquainted with the character & circumstances & pecuniary ability of said Edmund S. Castle was then and there referred by him to Gilkins, Castle & Co a firm composed of Joseph Gilkins, Edward H. Castle for information Deputary Wers same, and the said Post & Thompson before the sale of the goods hereinafter mentioned by them to the said Edmund S. Castle the said Joseph Gilkins & Edward H. Castle were applied to and interrogated by the said Post & Thompson respecting the character and circumstances & pecuniary ability of the said Edmund S. Castle.

Nevertheless the said Joseph Filkins & Edward A. Carthe well knowing that Edmund S. Carthe had referred them said Post & Thompson to said Filkins & Carthe for his character circumstances & pecuniary ability and that the said Edmund S. Carthe sought to purchase goods of said Post & Thompson & that the said Edmund S. Carthe was then & there in bad & insalvent circumstances and unfit to be trusted with goods on Credit he sought to purchase of said Post & Thompson but contriving and fraudulently intending craftily to deceive and injure the said Post & Thompson and cheat the said Post & Thompson out of the goods they might sell to said Edmund S. Carthe, in that behalf on the day and year aforesaid, falsely fraudulently and deceitfully & knowingly answer to certain questions then & there put to them by said Post & Thompson as to the character and pecuniary circumstances & standing of said Edmund S. Carthe, represented & affirmed unto said Post & Thompson that said Edmund S. Carthe was perfectly good, that said Edmund S. Carthe had a Store of goods at Dubuque Iowa of from two thousand to fifteen thousand dollars in value and all paid for, that they bought for said Edmund S. Carthe a large amount of goods on Commission and said Edmund S. Carthe had always paid for them punctually and that they would not hesitate to trust him said

728 Edmund S. Castle to any amount, all of which
representations the said Edward W. Castle &
Joseph Filkins and each of them knew that said
~~Edmund S. Castle was then & there insolvent & entirely~~
to be false & untrue, that they and each of them
knew that said Edmund S. Castle was then & there
insolvent & entirely unworthy of credit and that
he had no such stocks of goods at Dubuque that
he had not a stock of goods at Dubuque worth
in value from \$10,000. to \$15,000. all paid for and
that whatever goods he had there had not been
turned out to secure a pretended indebtedness
to said Joseph Filkins which exceeded the amount
of goods he had at Dubuque, and that the said
Edmund S. Castle had paid for none of the goods
which they had bought for him on commission but
owed for the same and that the Edward W. Castle
& Joseph Filkins would not then trust him, and
the said Post & Thompson by means & in consequence
of & relying upon said representations and affir-
-mations so made by said Joseph Filkins &
Edward W. Castle as aforesaid and the said
Post & Thompson not knowing to the contrary
but believing the same to be true and believing
therefrom that the said Edmund S. Castle was
a man in good character, circumstances &
pecuniary condition fit to be trusted with goods
on credit after the making of such representations
and affirmations by the said Joseph Filkins

& Edward H. Castle, as aforesaid were induced to & did to said Edward S. Castle and did and there on or about the 11 day of January A.D. 1856. Sell & deliver to said Edmund S. Castle divers goods on credit amounting to nine hundred and thirteen dollars and ninety cents, and Affiant further says that said sum of money and every part thereof is wholly due & unpaid and no part of the same is collectable from the said Edmund S. Castle, that said Edward S. Castle is wholly insolvent & has no property from which the same or any part thereof can be collected & Affiant further says that he verily believes that said Edward H. Castle & Joseph Filkins confederated & combined together fraudulently and knowingly for the purpose of defrauding & cheating the said Post & Thompson out of said goods which the said Post & Thompson sold to said Edmund S. Castle and the value thereof, that the grounds of such belief are as follows, the false representations above stated & that said goods were purchased by said Edmund S. Castle for retailing at Onbogue in the State of Iowa, but instead of being sent to Onbogue they were immediately taken to the store of Filkins, Castle & Co a firm composed of Joseph Filkins & Edward H. Castle and said for them bought at forced sale and said Edmund S. Castle by direction of said Edward H. Castle & Joseph Filkins, immediately absconded and

that at that time said Filkins held a Judgment
 Note against said Edmond S. Castle for the sum of
 \$6000. $\frac{63}{100}$ against whatever goods said Edmond
 S. Castle had at Dubuque and which they held at the
 time they made the representations above set forth
 and that he is informed that Edmond S. Castle
 was sworn that the said goods were purchased
 by him of Post & Thompson by the direction of said
 Edward H. Castle & Joseph Filkins for the purpose of
 cheating said Post & Thompson out of the same and in
 pursuance of a conspiracy for that purpose between
 said Edward H. Castle & Joseph Filkins & Edmond S.
 Castle. that said Post & Thompson are about to insti-
 tute a suit in trespass on the case in the Cook
 County Court of Common Pleas, within and for
 the County of Cook and State of Illinois against
 said Edward H. Castle and Joseph Filkins to re-
 -cover damages of them for the false representations
 and fraud practiced on them as above set forth
 and that the benefit of whatever Judgment may
 be obtained therein against them will be in danger
 unless the said Edward H. Castle & Joseph Filkins
 be held to bail according to the Statute in such
 case made & provided

B.C. Thompson

Subscribed and sworn
 to before me this 1st
 day of May A.D. 1856.

Walter Kimball

Clarks -

Be it further remembered that on the first day of May A.D. 1856. there issued out of the Clerks Office of said Court a Writ of Capias which said Capias and the Endorsements thereon, is in the words and figures following to wit -

State of Illinois }
County of Cook } S.B. The People of the State of Illinois
To the Coroner & acting Sheriff of said County
Greeting

We command you that you take the bodies of Edward H. Castello & Joseph Filkins if they shall be found in your County and safely them keep so that they be and appear before the Cook County Court of Common Pleas at said County on the first day of the next term thereof to be holden at the Court House in Chicago in said County on the first Monday of June next, to answer unto Sylvester O. Fosh & Benjamin C. Thompson in a plea of Action on the case to the damage of the said Plaintiffs as they say in the sum of Five thousand dollars.

And have you then and there this writ with an Endorsement thereon in what manner you shall have executed the same

Witness Walter Kimball Clerk of our said Court and the seal thereof at Chicago in said County this 1st day of May A.D. 1856.

Walter Kimball
Clerk



732 On the back is the following Endorsement to wit -
The Sheriff will hold the defendant to bail in the
sum of nine hundred & thirteen dollars & ninety cents
\$913.90 -

W. Kimball CLK

Executed by arresting the within named Edward N. Castle
and Joseph Filkins who upon giving bail as per
bond annexed was released from custody May 1st
1856.

James S. Beach Coroner & Ex
Officio acting Sheriff

By F. S. Bulkley Dy. Shff

(Copy of Bond annexed)

Know all men by these presents that
we Edward N. Castle & Joseph Filkins & S. D. Walker
of the County of Cook and State of Illinois are held and
firmly bound unto James S. Beach Coroner & Ex Officio acting
Sheriff of Cook County in the State of Illinois in the sum of
eighteen hundred twenty seven & 80/100 Dollars lawful
money of the United States for the payment of which
sums well and truly to be made to the said James
S. Beach Coroner & Ex Officio acting Sheriff as aforesaid
or his successors in Office, Executors Administrators or
assigns we hereby jointly and severally bind our-
selves, our heirs Executors and administrators.

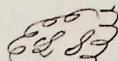
Witness our hands and seals this 1st day of May
eighteen hundred and fifty six -

The condition of this obligation is such that

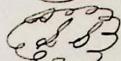
whereas Sylvester O. Post & Benjamin C. Thompson have lately sued out of the Cook County Court of Common Pleas of the County of Cook a certain Writ of Capias ad respondendum in a certain plea of action on the case against, Edward H. Castle and Joseph Gilkins returnable to the next term of the said Court to be holden at the Court House in the City of Chicago in said County on the first Monday of June next -

Now if the said Edward H. Castle and Joseph Gilkins shall be and appear at the said Court to be holden at Chicago aforesaid on the said first Monday of June next, and in case the said S. B. Walker shall not be received as bail in the said action, shall put in good and sufficient bail, which shall be received by the plaintiff or shall be adjudged sufficient by the Court or the said S. B. Walker being accepted as bail shall pay and satisfy the costs and condemnation money which may be rendered against the said Edward H. Castle and Joseph Gilkins in the plea aforesaid or surrender the bodies of the said Edward H. Castle and Joseph Gilkins in execution in case the said Edward H. Castle and Joseph Gilkins shall not pay and satisfy the said costs and condemnation money or surrender themselves in execution when by law, such surrender is required then the obligation be void: otherwise to remain in full force and effect.

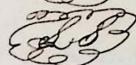
E. N. Castle



Jos. Felkins



S. B. Walker



And afterwards to wit on the tenth day of September
A.D. 1856. it being one of the September term of
said Court, the following among other proceedings
were had and entered of Record in said Court
in this cause to wit

Sylvester O. Park &
Benjamin C. Thompson

vs

Edward H. Castle & Joseph Felkins

Case

On motion of

Shumway Waite & Towns plaintiffs Attorneys it is
ordered that this suit be dismissed at said plaintiffs
costs.

State of Illinois }
Cook County } ss.

I Walter Kimball clerk of the
Cook County Court of Common Pleas within
and for the County of Cook and State afore-
said, do hereby certify that the foregoing is
a full, true, and copy of all the papers on file
and of the proceedings entered of record in the
above cause in my office

W. H. S. 33

Witness my hand and the Seal
of our said Court at Chicago this
4th day of January A. D. 1858—
Walter Kimball Clerk

To the introduction of these Transcripts, Com-
plainant objected, when the same were read

6 Also the

Deposition
of
John F. Farnsworth

as follows to wit

On the back of this Deposition is the following endorsement

Filed Mar 26 '58

Wm W Kiersted clk

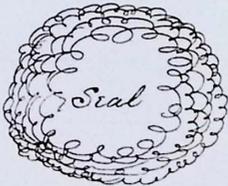
which is as follows

State of Illinois }
County of DuPage }^{33.}

The People of the State of Illinois
To any Judge or Justice of the Peace of the City
of Washington, in the District of Columbia—
Whereas, it has been represented to us that John
F Farnsworth, is a material witness in a certain
cause now depending in our Circuit Court in and
for the County of DuPage aforesaid between Emeline
Castle, who sues by her next friend Amos Bennett
Complainant and Richards K Swift, Edwards K
Castle, Seymour P Swift, William K Colby, O V Colby
E K Kellogg, George D Glade, John E L Frasher, Moody
Leary, A D Titworth, John D Titworth, Rudolph M
Titworth, William Dunn, R J Rawson, J. A Bartlett,
D G Rawson, George Ward, W. C. Dodgett, H. R. Bassett,
L. A. Willard, W. H. Fisk, L. Babcock, S. C. Post Benjamin
L. Thompson, William S. Bond, John B. Edison, Albert H
Jordan, Orlando Bellows, H. K. Buel, H. L. Hill G. L. Granger,
Russell Benedict, Eli H Mallory, Ethel T Farnham A. Kerr
Lee, Austin Day, Joseph T. Riperson, L. E. Cook, Daniel H
Mills L. T. Bowen Daniel Dillenbeck — Mills —
Frostall, Samuel K Sunill, Aaron Harew, D. L. Jacobus,
J. P. Jacobus John H Jewet James L. Gates, Henry Johnson
Daniel Hanson Franklin Hanson, Frank W. Hutchings,
David B. Fisk & Samuel W. Ripley, Richard H. Dana, John

Craig, Spranger Adams, D. H. Hills Peter Comstocks
 Defendants, and that the said witness— reside at
 Washington — aforesaid, without the said State
 of Illinois, and that his personal attendance cannot
 be procured at the trial of the said cause: Now know
 ye that we, in confidence of your prudence and fidel-
 ity, have appointed you Commissioner to examine the
 said witness, and do therefore authorize and
 require you to cause the said witness to come before
 you at such time and place as you may therefore
 designate and appoint, and diligently to examine the
 said witness, on the oath or affirmation of the said
 witness by you first duly in that behalf administered,
 and faithfully to take the deposition of the said
 witness upon all interrogatories inclosed with our
 attached to these presents, both on the part of the
 said Plaintiff— and of the said Defendant— and none
 others; and the same when thus taken, together with
 this Commission and the said interrogatories, to certify
 into our said Dupage County Circuit Court with
 the least possible delay.

Witness John Glos, Clerk of our said Court,
 and Seal thereof, at Naperville in said
 County, this Twenty second day of Janu-
 ary A.D. 1858



John Glos,
 Clerk

Obtain certificate of official character of
 officer taking the deposition -

Instructions

As To The Mode of Taking, Certifying And Returnning
Depositions According to the Statute Laws of Illinois.

1. Caption to the Deposition.

"The Deposition of — of the County — and State (or Territory)
of — a witness of lawful age, produced, sworn and exam-
ined, upon his corporal Oath, on the — day of —
in the Year of our Lord one thousand eight hundred
and fifty —, at the office (or house) of — in the town
(or city) of — in the County of — and State (or Territory)
aforesaid, by me — a Commissioner (or "by us," if more
than one Commissioner, inserting all the names of the
Commissioners,) duly appointed by a *Decimus Polectatum*
or Commission issued out of the Clerk's Office of the
Circuit Court, of — County, in the State of Illinois,
bearing Teste in the name of — Esq. Clerk of the said
Circuit Court, with the Seal of said Court affixed
thereto, and to me (or "us," if more than one,) directed
as such Commissioner or "Commissioners" for the exami-
nation of the said — a witness in a certain suit, and
matter in controversy, now pending and undetermined
in the said Circuit Court, wherein — is Plaintiff,
and — is defendant, in behalf of the said — as
well upon the Cross Interrogatories of the — as on the
interrogatories of the — which were attached to, or in-
closed with the said Commission, and upon none
others. The said — being first duly sworn by me (or
"by — one of the said Commissioners," if more than one)
as a witness in the said cause, previous to the com-

commencement of his examination, to testify the truth as well on the part of the plaintiff, as the defendant, in relation to the matters in controversy between the said plaintiff and defendant so far as he should be interrogated, testified and deposed as follows—:

“Interrogatory First;” (here insert the first interrogatory.)

“Answer to first Interrogatory;” (here insert the answer;) and so on successively in the order in which the interrogatories may be propounded and answered. Then follow: “Cross Interrogatories and answers thereto, by the witness on the part of the defendant;” (or plaintiff as the case may be.) (Here again write down the interrogatories, and answers successively in the order aforesaid.) After the deposition is taken, the interrogatories and answers should be read over to the witness, and if he assents to the truth of the answers as written down, the witness will then sign his name at the bottom of the deposition, and swear to the truth of it before the commissioner (or before one of the commissioners, if more than one.) This oath is in addition to the preliminary oath, which is administered previous to the commencement of his examination.

The Commissioner should then certify as to the time, place and manner of taking the depositions as follows:

I - of the County of - and State (or Territory) of - a
Commissioner duly appointed to take the deposition of
the said - a witness, whose name is subscribed to
the foregoing deposition, do hereby certify that pre-
vious to the commencement of the examination of
the said - as a witness in the suit between the said
- plaintiff, and the said - defendant; He was
duly sworn by me as such Commissioner (or "by
one of said Commissioners," if more than one) to testify
the truth in relation to the matters in controversy
between the said - plaintiff, and the said -
defendant, so far as he could be interrogated con-
cerning) the same; that the said deposition was
taken at my office (or "at the house of -") in the
city (or "town") of - in the County of - and State
(or "Territory") of - on the - day of - A.D. 185 ; And
that after said deposition was taken by me (or
"us") as aforesaid, the interrogatories and answers
thereunto, as written down, were read over to the said
witness; And that thereupon the same was signed
and sworn to by the said deponent - before me
(or "us";) the oath being administered by - one
of said commissioners; (when there are more than one)
as such commissioner at the place, and on the day
and year last aforesaid."

- signed - " - " "Commissioner."

(The foregoing certificate of the commission should
be at the foot, or bottom of the deposition, immediately
following the signature of the witness.)

The Commissioner should then fold up the deposition as thus taken and certified, together with the commission and interrogatories, and all exhibits (if any) produced on the examination, properly marked or lettered, "as exhibit A," "exhibit B," &c. and enclose the whole in a suitable wrapper or envelope, and then seal up the same securely with three seals, writing his name transversely across the middle seal; or if two Commissioners they will each write their names, one on each of the outside of the seals; or if three Commissioners, then each one will write his name across one of the seals in manner aforesaid. The Commissioner (or Commissioners) will also endorse the names of the parties to the suit, transversely across one end of the package thus sealed up, according to the proper title of the suit, and direct the same to the proper address of the Clerk, who may issue the commission, and transmit the same by mail to the proper Post Office. Neither of the parties to the suit, or their Attorneys or agents, or any person at all interested in the event of the suit, are permitted by law to dictate, write or draw up, any part of the deposition required to be taken as aforesaid.

N.B. - It is important to the validity of the deposition that these requirements and instructions should be strictly attended to.

P.S. - One caption will answer for the depositions of several witnesses, when they are all taken at the

same time and place, to be read as evidence in the same suit, by so modifying the form here given, as to make it applicable to the number of witnesses to be examined - as for instance, at the commencement say: "The depositions of A. B., C. D. and E. F. of the County of - and State of - witness of lawful age. produced, sworn and examined on their respective corporal oaths;" &c., and then in the latter part of the caption, say: "The said A. B., C. D. and E. F. being first duly sworn by me as witnesses in the said cause;" &c. Then at the commencement of each deposition, say: "Interrogatories propounded to the said A. B. a witness produced and sworn as aforesaid, on the part of the said - and his answers shew, as follow:"

"Interrogatory 1st" (Here insert the first interrogatory)

"Answer to 1st Interrogatory." (Here insert the answer.)

And so on successively with all the interrogatories to be propounded to that witness. Then insert the proper Interrogatories as before directed. The deposition should then be read over to the witness, and signed, and sworn to, by him before the next witness is examined. Then proceed with the second and third witnesses in like manner to the end.

One certificate as to the time, place and manner of taking such depositions, and that each one was signed and sworn to by such witnesses respectively will be sufficient, provided due care be taken to insert the names of all the witnesses, and the certificate

in other respects be in conformity with the forms given in the first instance.

Great care should always be taken to attach such depositions firmly together by means of tape, or riband, and using wax, or wafers when necessary.

In the DuPage Circuit Court.	}	In Chancery
Richard H. Swift et als		Change of
ad		Venue from Cook
Emeline Castle who sues		

Interrogations to be propounded to
John S. Farnsworth a witness on the part of the
Defendants under a Commission about to be issued
in this cause.

- 1st Do you know the Complainant in this Cause
and if so how long have you so known her—
- 2nd Are you or have you been one of the Solicitors for
the defendants or any of them in this suit—
- 3rd Do you know anything about the execution of
certain Bonds by the Complainant and others in
controversy in this suit— If so state by whom the
same were executed when and where and who
were present—

4th Who are the subscribing witnesses to the deeds you have alluded to above

5 State the circumstances that preceded and led to the execution of said deeds, How you came to be present thereat, who went with you there what occurred while you were there from the time of your arrival until your departure what was said and done by each and every party present giving the details fully and as near as you can recollect in the order of events - as they occurred

6 What was the consideration for the notes mentioned in the said trust deeds, give a full explanation thereof

7 Do you know any other matter or thing material or necessary for the defense at the hearing of this cause if so declare the same

W. J. Burgess
Solo.

Rec^d. Copy of the foregoing notices & interrogatories
on Monday January 11th 1858 -

J. Lyle Dickey
Sol for Complt

In the Dupage Circuit Court.

Richard K Swift et al

ads

Emeline Castle who sues vs

In Chancery

Change of venue

from Cook

County

To said Complainant

you are hereby notified

that I shall on the 21st day of January instant at noon sue out of the Office of the Clerk of said Dupage Circuit Court a Commission for the examination of John F Farnsworth upon interrogatories copies of which are hereto annexed at or prior to which time you may file Cross interrogatories—

Dated Jan'y 9. 1858

Yours^r

W. J. Burgess

Sole for depts

Answering

The Deposition of Mr. F Farnsworth of the _____
 a witness of Lawful age, produced, sworn and
 examined on the 16th day of February A.D. 1858
 at the National Hotel in the City aforesaid, by
 me a Justice of the peace, in and for the County
 of Washington in the District aforesaid, duly
 appointed by the aforesaid potestatum, a
 Commission hereto annexed, to take such dep-
 osition in a certain suit therein mentioned

upon the interrogatories thereto annexed, the said John F. Farnsworth being first duly sworn by me (Thomas G. Down a Justice of the Peace) as a witness in said Cause previous to the Commencement of his examination to testify the truth so far as he shall be interrogated, testified and deposed as follows —

viz

Answer to first Interrogatory

I do know the Complainant, I first became acquainted with her the fore part of May A.D. 1856. That is all the acquaintance I had with her.

Answer to 2^d Interrogatory.

I have been Attorney and Solicitor for a number of the Defendants in this suit, But not at present.

Answer to 3^d Interrogatory.

I do know the facts about the execution of the trust deeds which are in controversy in this suit, the deeds were executed by E. H. Castle, Emeline Castle his wife and Joseph Filkins the Trustee of Emeline Castle the deeds were executed the 2^d or 3^d day of May 1856. L. D. Milkinson Esq. W. A. Davis Esq and myself were present at the execution of the deeds

Answer to 4th Interrogatory.

L. D. Milkinson and myself were the subscribing witnesses.

Answer to 5th Interrogatory

The several ^{parties} to whom the notes (in the trust deed

described) were made payable, held demands against E. H. Castle, to the amount of the said several Notes for Goods sold to the said E. H. Castle; and they claimed that the goods were sold upon the recommendation of E. H. Castle, Joseph Filkins and one Geo. D. Parks, I think others connected with them, and that E. H. Castle & Filkins had received the benefit of the said Goods, had taken possession in one way and another of all the property of E. H. Castle and got him to run away for the purpose of cheating the Creditors that the recommendations by Filkins and E. H. Castle to Credit, were contrived and planned falsely, to cheat and to defraud the said several Creditors - Most of the demands so held against E. H. Castle were in promissory Notes some few were in accounts, and some in Judgments, some of them (Turnell and Hareus, for instance) were secured (as they claimed by Levy upon Property) - some of those Creditors had commenced prosecutions against Filkins & E. H. Castle and the others for the offence above mentioned, and some of them had commenced civil suits against them "on the case" to recover their damages, -

Thereupon E. H. Castle, proposed to settle and secure the said several demands of said Creditors by giving his Notes for the amounts to be secured by trust deeds upon Real Estate, provided all of the said Creditors would come into the ar-

arrangements and pass these several demands against
E. S. Castle over to him so that he might have the
benefit of them, This was finally agreed to by all
the Creditors or their Attorneys, some of the Creditors
of E. S. Castle being sent for at the solicitation of Mr
E. H. Castle and persuaded to go into the arrange-
ment, - This was a day or two prior to the execu-
tion of the deeds. I was acting as one of the
Attorneys for most of the Creditors - as Mr Castle
proposed to secure the demands upon two pieces
of property, the amounts of indebtedness was
divided in accordance with the relative value
of said pieces, Notes were prepared at my office
(after ^{the} several debts had been exhibited to Mr E. H.
Castle at his Office, and the amounts settled
upon) The deeds were also prepared at my office
in accordance with the agreement, to secure the
notes, I took the Notes to Mr Castle's Office, where
he executed them, and it was agreed that he
(Castle) and Filkins and Mr H Davis (their Attorney
and Notary Public) would meet Mr Wilkinson and
myself at Castle's house at a particular hour, to
execute and acknowledge the deeds, I thought it
important to see that the deeds were fairly and
properly executed, and that Mrs Emeline Castle
(the Complainant) fully understood them and wil-
lingly executed them, this was the only reason why
I went to the extraordinary trouble of being present
to witness their execution; L. D. Wilkinson went with

me in a Hack, to Castle's house, which was I should think a mile and a half from my office, we arrived there I should judge, a half hour before Castle, Felkins and Davis came, on arriving I think I enquired for Mrs Castle, she either came to the door or shortly came into the Parlour, where we were sitting, we told her that we were to meet Mr Castle and the others there and told her the purpose of our visit, she said either in so many words or in substance) that she understood all about it and was ready & willing) to execute the deeds, I cannot state all of the conversation we had together, Mrs Castle I think was not in the room all the time, when in the room she conversed cheerfully upon that and other topics, I think we had some conversation about some pictures which hung upon the walls of the room, but cannot say what was said upon that subject, -

When Castle, Felkins and Davis came the deeds were executed by E. H. and Emeline Castle and by Joseph Felkins Trustee for Emeline Castle, in our presence, Mr Davis also explained the meaning and effect of the deeds to Mrs Emeline Castle and asked her if she freely and voluntarily executed the deeds without compulsion &c. and she replied that she did - Wilkinson and myself signed the deeds as witnesses, Mr Davis took them to put his Notarial seal on them, agreeing to bring them to my office afterwards, which he did. - After the deeds were

executed and acknowledgements taken, Castle
invited Davis, Wilkinson, Felkins and myself
into a private room, where he produced some excel-
lent Brandy and other spirits and invited us to
taste, which I think none of us refused to do, -
Felkins, Davis, Wilkinson and myself then left the
house, Wilkerson and myself returned as we came.
I saw no indication of reluctance on the part of
Mrs Castle to execute the Deeds. If there had been,
they would not have been taken -

Answer to 6th Interrogatory -

The consideration of the notes was the demand
against Castle, as I have stated in my last answer

Answer to 7th Interrogatory

I know of nothing further unless it be that I
know that a portion of the notes against E. D. Cas-
tle, were delivered to E. H. Costler, and the balance
of them, were left at my office to be delivered to
him, whenever he should call for the same of
which he was notified and further this deponent
saith not.

John F. Farnsworth
of Washington

I Thomas C. Down Justice of the Peace of the
County of Washington and District of Columbia
been duly appointed to take the deposition of the
said John F. Farnsworth a witness whose name is
subscribed to the foregoing depositions, do hereby

certify that previous to the commencement of
 the Examination of the said Farnsworth as a
 witness in the suit between the said Caroline
 Castle who sues by her next friend Amos
 Bennett Complainant, and Richard H. Swift,
 Edward H. Castle, Lyman Swift, William H.
 Colby, O V Colby, E R. Kellogg, Geo. D. Slade, Jno E
 L Frasher, Moody Law, A. D. Fittsworth, Jno D Fittsworth,
 Rudolph W Fittsworth, William Dunn, R J Rawson
 L. A. Bartlett, D G Rawson, George Ward, W E Doggett
 H D Bassett L. A. Willard, W A Beck, C Babcock, L O
 Post, Benj. C. Thompson, William S. Bonds, Jno B Adams,
 Albert H Jordan, Wland Bellows, H V Bond, H L Hill
 G L Granger, Russell Benedict, Eli H Mallory, Ethel
 L. Farnham, A Ken Lee, Justin Day, Joseph T Rej-
 son, C E Cook, Saul H Mills C. J. Power, Daniel
 Dillenteck. — Mills — Frestall, Saul H Tunell
 Aaron Harew, W S. Jacobus Geo H Jewett, Geo L Gates,
 Henry Johnson, Paul Hanson, Franklin Hanson, Frank
 W. Hutchings, David B Fisk, Saml W Ripley, Richd H Dana,
 Jno. Craig, F Granger Adams, D H Mills and Peter
 Comstock, as far as he should be interogated
 concerning the same; that the said deposition was
 taken at the National Hotel, Washington City
 in the County of Washington, District of Columbia
 on the 16th day of February 1858, and that after
 said Deposition, was taken by me as aforesaid,
 the interogatories and answers thereto, as
 written down, were read unto the said witness;

and that thereupon the same was signed & sworn to by the said deponent John F. Farnsworth before me the oath being administered by me as such Justice at the place and on the day and year last aforesaid

Given under my hands and seal this 16th day of February 1858.

Justices fees \$ 4.00

Seal &c .50
1.50

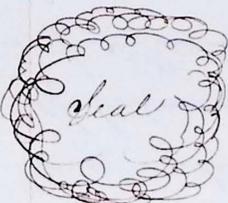
Paid by Defendants
Thomas C. Down J.P.

Thomas C. Down Seal
Justice of the Peace Indy
M.C.

District of Columbia

Washington County, To wit:

I John A. Smitto, Clerk of the Circuit Court of the District of Columbia, for the County of Washington, hereby certify, that Thomas C. Down Esq. before whom the above and annexed Deposition was made, and who has thereto subscribed his name, was at the time thereof a Justice of the Peace, in and for the County and District aforesaid, duly Commissioned and qualified, and that his signature thereto is genuine



In testimony whereof, I have hereunto subscribed my name and affixed the seal of said Court, this 16th day of February, 1858,

John A. Smitto

I Thomas Down do also Certify that I
 am acting in the City of Washington, District
 of Columbia as a Commissioner of Deeds for State
 of Illinois - duly appointed by the Governor of
 said State and duly qualified to take the
 acknowledgements of Deeds, Affidavits and other
 instruments of writing to be Recorded in said State



In Testimony whereof I have hereunto
 set my hand and my official Seal as
 Commissioner of the State of Illinois.,
 in Washington City and County District
 of Columbia this 16th day of February 1858

Thomas Down
 Commissioner of Deeds for
 State of Illinois

On the back of the Depositions of Amin J. Rose
Wm. M. Davis, Clarissa Kilkins, Edw. Martin
& Cross Examination of Wm. E. Manley see the
following endorsement

Opened & filed

Feb'y 15, 1858

S. O. Norton

Judge

Also the

Depositions of

Orrin J. Rose

Wm. M. Davis

Clarissa Filkins

Ed. Martin

Cross Examination of

Wm. E. Manly

as follows to wit:

State of Illinois }
Cook County } ss

In the Circuit Court of
DuPage County
In Chancery

Emeline Castle who

versus &c

vs

Richard H. Swift

} Change of Venue from
Cook County

The depositions of Orrin

J. Rose, Edward Martin, Wm. M. Davis, Edward Mar-
ten & Clarissa Filkins

taken before S. C. James Esq. Master in Chancery
of Cook County, State of Illinois, pursuant to the

Stipulation hereto annexed at his office
 in the City of Chicago, commencing on Tuesday the 7th
 day of February A.D. 1858 at ten o'clock a.m.
 upon the interrogatories and cross interroga-
 tories herein following respectively, the said
 Witnesses having been first by me severally
 sworn according to law, to tell the truth, the
 whole truth and nothing but the truth so far
 as they should be thereto respectively inter-
 rogated, the said depositions when taken
 to be used on the part and behalf of said de-
 fendants

7 (Deposition of
 Orrin S. Rose)

1st. Interrogatory - What is your name age
 occupation and place of residence

ans My name is Orrin S. Rose, I reside in the
 City of Chicago, am 30 years of age, I am
 not in business, except in settling up my old
 business

Int 2 Are you acquainted with the parties Complain-
 ant, and Defendants E. M. Castle & R. W. Swift
 or either and which of them and how long
 have you known them or either of them and
 did you know Joseph Filkins during his

Ans Some time during the months of July & August, Wheelock & Daniels shipped to my care at Chicago, somewhere between sixty and seventy cases, (I think, sixty seven) of Boots and shoes, of the value of about thirty five hundred dollars, with orders to me to hold on them until they had got satisfactory security from the Castle for them, not to deliver them till they notified me by telegraph. They remained in the Warehouse of the Transportation Co, until they were delivered to E. S. Castle, by the order of Wheelock & Daniels. Before the goods were received, I received a letter from Wheelock & Daniels on the subject of a sale of goods by them to E. S. Castle, which I herewith submit as part of my deposition in reference to that transaction (the said letter dated July 25th 1855 hereto attached marked Exhibit 1)

5th Int Did you write in reply to that letter, and if so what

Ans I did reply to that letter stating as near as I can recollect, that I was not personally acquainted with E. S. Castle, and knew nothing of his responsibility and that Capt E. M. Castle was not responsible himself at all, that if Filkins Castle & Granger would endorse the paper, that I thought it would

be good or if Mrs Castle, E. M. Castle's wife, and Joseph Gilkins her Trustee would join in guarantying the paper, I thought it would be good, and that it would be safe to sell to E. S. Castle

Int. 6 Did you know F. J. Fonda at that time in New York City, and State what connection he had with the sale of the goods you have testified about

Ans I did know Fonda at that time. He arrived here from New York, some time in the fore part of August 1855, as the Agent of Wheelock & Daniels, to close up the business in regard to the sale of the goods to E. S. Castle. He brought a letter with him from Wheelock & Daniels to me which I herewith submit as part of this my answer (the same made an exhibit mark No. 2, and dated August 8, 1855, and attached to this deposition) I introduced him to Davis & Martin Attorneys at law of this City, and requested them to give Fonda all the information they could in regard to the circumstances of the Castle, Mrs Castle & Gilkins and requesting them to instruct him (Fonda) how to fix it up so that the payment should be secure for the goods. Fonda came to me and said that he had got it fixed up so that he

thought it would be secure, I understood that the manner in which it was to be fixed was that E. M. Castle and his wife and Joseph Filkins were to join in the execution of some paper guaranteeing the payment of the goods. Fonda left the City, and went back to New York, as I understood and soon after I received a telegraphic despatch from Wheelock, and Daniels dated August 22, 1855 directing me to deliver the goods to E. S. Castle which I did

Int 7 Was there any thing in the course of the negotiations written or said about taking lands in security if so state what was said & when the lands were situated

Ans Yes - The Castle proposed to turn out 500 acres of land in Fulton County, as I learned from a letter from Wheelock & Daniels dated August 3^d. 1855, which I herewith submit as part of this my answer (the same marked exhibit 3 and hereto attached) I made inquiry about the land and wrote to Wheelock & Daniels that it would not be good security for that amount of goods.

8th Int. Did you ever see the security that was given

by E. M. Castle and his wife and Filkins for securing the payment of those goods, if so at what time, and on what occasion

Ans I think that E. M. Castle & his wife had returned to this City from New York at the time Fords was here. Fords told me he had made satisfactory arrangements as to security, and showed me a paper signed by E. M. Castle and his wife and a certificate of their responsibility attached to it signed by Filkins, Remyon & Barker. I told Fords that if Filkins would guaranty it he being the Trustee of Mrs Castle I thought it would be good security. A few days after that I got the telegraphic despatch I have heretofore referred to. I never saw the paper referred to, (shown me by Fords again till I saw it at trial in the United States Court in this City in a suit wherein ^{wherein} E. F. Bullard was Plaintiff and Filkins Castle, Phillips & Granger were defendants at which time I again saw it

Qth Ent Who produced that paper on the trial of that cause

Ans Judge Dickey acting as one of the Attornies in the cause, produced the paper to me

while I was a witness in the case, on the stand

10th Int Look at the paper now before you and state according to the best of your recollection what it is (the said paper offered as an exhibit and part of this deposition marked Exhibit 4)

Ans I have looked at the paper, and it appears to be in substance like the one Bonds showed me except that when Bonds showed it to me Silkins Guaranty was not on it

11th Int What do you know of the hand writing of the Complainant

Ans I never saw her write

Sworn to and subscribed
before me this 12th day of
February 1858

L. C. J. Freer

Master in Chancery

Cook Co

O. J. Rose

Examination adjourned until 2 o'clock
P. M. February 9, 1858

L. C. J. Freer

Master &c

Adjourned to February 10, 1858 at 10 O. Clock
a. m.

J. C. P. Free

Master &c

Examination adjourned to February 11, 1858 at
10 O. Clock a. m.

To this Deposition, Complainant objects because not
relevant, Court hears the testimony states the objection under ad-
verse present (see note at the end of Member's Deposition)

8 (Deposition of
Wm. M. Davis)

Interrogatories propounded to William M.
Davis on the part and behalf of Defendants

1st Int What is your name, age and occupation and
place of residence

Ans My name is William M. Davis, I am 50
years of age and am an Attorney at law by Pro-
fession and reside in Chicago

2nd Int Have you been examined before in this cause
as a witness

Ans I have

3rd Int You stated in that examination that you
went in a carriage to the house of E. H. Cas-
tle about the 3d of May 1856 & on the occasion

of your taking the acknowledgment of certain trust deeds by Mrs Castle - Will you now state your recollection as to the manner and persons with whom you went there on that occasion if with any body

Ans I think I stated on my ^{former} examination that I went up to Castle's house on that occasion in a carriage with Mr. Wilkinson and Mr Farnsworth upon reflection I think I did not go there with them, but I went up alone, and the first time I saw Mr Wilkinson & Mr. Farnsworth was in Mr Castle's front parlor

4th Q^t Are you the Solicitor for the estate of the late Joseph Filkins

Ans I am

5th Q^t Have you in your possession in any capacity whatever the original documents of which the paper now shown to you marked Exhibit No 4 to be attached to your deposition, purports to be a copy

Ans Not that I am aware of, I never saw it in my life that I know of

6th Int Have you any of the papers, of the late Joseph Filkins in your possession & if so it is that original paper amongst them

Ans I have papers of the late Joseph Filkins or I had, Mrs Filkins informs me she has now taken them away - I examined all the papers I had of that estate, and that paper was not among them

Seen to and subscribed
before me this 11th day of
February 1838

W. H. Davis

S. C. P. Jew
Master in Chancery
Cook County

9 (Deposition of
Clarissa Filkins)

Interrogatories propounded to Clarissa Filkins
on the part of said defendants

1st Int Are you the widow of the late Joseph Filkins
and the Administratrix of his Estate

I am the widow of the late Joseph Gilman and administratrix of his estate

2^d Int Look over the paper now here shown to you to be attached to this your deposition marked exhibit 4 and state what if anything you know of the original paper of which that purports to be a copy

Ans I do not know anything of the original paper. I am not aware that I ever saw the original

3^d Int Have you now or have you ever had in your possession or under your control a certain paper writing dated Chicago August 14, 1855 purporting to be signed by E. S. Castle, and his wife Emeline Castle addressed to Messrs Wheelock & Daniels purporting that they would be responsible for E. S. Castle for goods purchased or which he might thereafter purchase of said Wheelock & Daniels, to the amount of \$3000 in one year from the date thereof if so when and where did you see such paper and what has become of it to your knowledge

Ans I have not now nor have I ever had possession or control of such a paper writing

4th Int Have you any knowledge of any paper writing of any kind, purporting to be signed by E. M. Castle and Emeline Castle and addressed to Messrs Wheelock & Daniels and if so state whether the same is in your possession and if not where it is

Ans I have no knowledge of any such paper, never knew that there was such a paper in existence

5th Int Have you in your possession, what, if any papers of the late Joseph Gilkins deceased have you examined the same and from such examination can you state whether or not the paper writing alluded to above is among these papers

Ans I have his papers in my possession I handed them to W. M. Davis, and afterwards received them again, and then examined them and there was no such paper among them

6th Int Do you know E. M. Castle, Emeline Castle his wife, and if so how long have you known them

Ans I know them both, I have known them some six or seven years

Sworn to and Subscribed
 before me this 11th day
 of February 1858
 L. C. T. Freese
 Master in Chancery Court Co.

Examination adjourned to February 12th
 at 2 O'Clock P.M.

10 (Deposition of Edward Martin)

Interrogatories propounded to Edward
 Martin on the part of defendants

1st Int What is your name, age occupation and
 place of residence

Ans My name is Edward Martin, am 38
 years of age, am an Attorney at law by
 profession, and reside in Chicago

2^d Int Were you counsel in the suits lately pen-
 ding in the United States Court in this City
 in which E. H. Bullard was Plaintiff
 and E. M. Castle, S. P. Phillips, Elinor

Granger and Joseph Filkins were defendants, and were you present at the trial of the same, and if so in whose behalf

Ans I was counsel for the defendant Joseph Filkins only in said suit, I was present at the trial

3^d Qst Was there produced on the trial, of that cause a Letter of credit signed by E. M. Castle & Emeline Castle directed to Wheelock & Daniels dated August 14th 1855

Ans There was an instrument in writing which I understood to be a letter of credit purporting to have been signed by E. M. Castle & Emeline Castle and directed to Wheelock & Daniels - I cant speak as to the date

4th Qst Where did you last see that paper writing

Ans My impression is that I last saw it on the files of the Court referred to, or in the office of Judge Theophilus Dickey

5th Qst Examine the paper writing now shown to you and marked exhibit No. 4 attached to this your deposition and state if you know in whose hand writing it is

Ans I have examined the paper I dont know positively but think it is Judge Theophilus Dickcys hand writing

6th Int Are you acquainted with the handwriting of the persons whose names were subscribed to the instrument of writing alluded to above as having been produced on that trial if so state the extent of your knowledge and in whose hand writing the various signatures thereto were

Ans I am slightly acquainted with the signature of the Firm of Filkins, Runyon & Barker, and of Joseph Filkins - I think I must have seen E. M. Castle write his signature, although I have now no distinct recollection of the circumstances, I dont think I have ever seen Mrs Emeline Castle write, and from the handwriting and signatures alone I could only give a confident opinion as to that of Filkins, Runyon & Barker and Joseph Filkins I have knowledge with reference to the other signatures but it was communicated to me in the capacity of their Attorney and therefore I beg to decline disclosing. I have no doubt but that the signatures of Filkins Runyon & Barker and Joseph Filkins

on that paper were their genuine signatures respectively

7th Int Do you know where said paper writing now is

Ans I do not

8th Int Can you give the substance of that part of said paper writing signed by E. M. Castle and Emeline Castle, if so state it

Ans The paper writing purporting to be so signed was a guaranty for the responsibility to Messrs Wheelock & Daniels for one E. M. Castle to the amount of three thousand dollars for a year guarantying payment six months after due I think. A certificate of the responsibility of the guaranty, signed by Filkins Remyon & Barker and a guaranty of that guaranty signed by Joseph Filkins was also written on that paper

9th Int. Do you know anything of the circumstances under which that paper writing was given, if so state what you know about it

Ans I know nothing except that which was disclosed to me under the seal of professional confidence

10 Int Were you ever consulted by E. M. Castle and Emeline Castle or either of them professionally touching said paper, and if so was it before or after the same was executed

Ans I was consulted by E. M. Castle with reference to the paper, & the transaction under which it arose, I cannot say of my own knowledge that the same was there executed

11. Int Did you know J. J. Fords of New York City or see him or any other person purporting to be the agent of Wheelock & Daniels touching the matters connected with said paper writing, about the time the same bears date

Ans I know Mr. Fords - He consulted with me upon the transactions to which that paper writing relates. It was probably about the time the writing bears date but I have no distinct recollection as to the date

13 Int Did you consult with or see Mrs Castle in reference to the execution of that paper to her; at or about the time it was executed

Ans I have no recollection, but my impression

is that I did not personally consult with
Mrs Castle in reference to the subject. My
consultations in reference to the transaction
were with the husband, but for her benefit
I am to and sub- Edward Martin
scribed before me this }
9th day of February }
1858

L. C. P. Greer }
Master in Chancery }
Court, Co

Adjourned to February 10, 1858 at 2 O'Clock
P.M

11 (Corp Examination of Wm. E. Manly)

The corp examination of Wm. E. Manly upon
an affidavit made by him at the instance
of Complainant's Solicitor

17 Int Do you know anything of the fact of E. M.
Castle's going to California & was his mar-
riage to the present Complainant before or
after that event

Ans I know he went to California by reputation

His marriage I think took place before
he went to California

2 x Int Upon what terms was Mrs. Castle Miss
Emeline Bennett that there was living
in the family of E. M. Castle

Ans I dont know

3 x From what you saw in the family upon
what terms was she living there

Ans I had the impresion that she was not
living there as a servant but rather as a
friend, probably receiving something for
her assistance in the family

4 x Was she not considered by Mr Castle as a
member of his family and treated as such
and not as a hired servant

Ans That is my impresion

sworn to and sub-

scribed before me this

11th day of February

1858

L. C. P. Jew

Master in Chancery (ok co)

W. E. Manley

(Exhibit 4)

Chicago Aug 14, 1855
Messrs Wheelock & Daniels
Gents

We the undersigned do hereby become responsible for Mr E. S. Caste of this City in the sum or sums to the amount of Three Thousand dollars, for goods purchased or which he may hereafter purchase of your house - for the period of one - one year from this date - That his Bills shall be paid within six months after maturity, and we shall entertain the hope that the agreement made a few days ago, will be complied. We hand you this letter of credit instead of the Trust deed, which was proposed to be given to your Mr Daniels -

Very Respectfully Yours
E. S. Caste
Emeline Caste

Exhibit 4

We take pleasure in certifying that the responsibility of the above guaranteed is beyond question, and good for at least ten times the amount.
Chicago Aug 14, 1855

Jilkins Runyon & Barker

I Joseph Jilkins of the City of Chicago Ill. do hereby for value received promise, agree and

Exhibit 3

New York Aug. 2 1855

Mr O. S. Rose Chicago Ill

Dear Sir We have ship^d for
Long & Western line 50 cases mark^d S case
O. S. Rose Chicago also by R.R. 17 cases
same mark they are intended for M. E. S.
Castle, he is to furnish you with the Deed of 500
acres Land in Fulton Co. or you are to be sat-
isfied from what you know of the parties that
it will be done - You are then to give him an
order to take the goods on arrival Mr E. H.
Castle of the firm of Castle, Granger & Silkins
has given us a written guarantee in his own
name (not in that of his firm) that the Land
shall be deeded to us as per agreement. We
suppose that makes it entirely secure still
as it was a large amt we sold him (some
\$500) we thought better to ship to you - if you
think it is all straight & the goods arrive
before you get the Deed you can let him have
the goods.

Truly &c

Whelock & Daniels

Please write us when you get the Deed or are
satisfied of its coming & we will send Bill to Mr
Castle

Exhibit 1

New York, July 25th, 1855.

Mr O. S. Rose Chicago Ill

Dear Sir Mr Edmund S
Castle # 234 Lake Street is here for the purpose
of buying goods in our line - He makes a
very good statement of his own affairs - His
cousin Mr Castle firm Castle, Granger & Sil-
kins 100 Randolph Street is also here & recommends
him very highly.

We wish you would write us
by return mail if you know either of the Gen-
tlemen, if so what character do they sustain
for honesty & integrity. What do you think
of Mr E. S. Castle business & business capacity.
Please write us by return mail & we will
reciprocate if opportunity occurs - He wants
to buy pretty largely & is entitled to a good
credit if his statement of his affairs is correct
& his capacity for managing good

Truly &c
Wheelock & Daniels

(Stipulation)

In the Circuit Court of DuPage County
In Chancery

Emeline Castle, who sues &c

vs
Richard K. Swift et al

} Change of Venue
} from Cook County

It is hereby stipulated between the Parties that said defendants may procure on the 27th day of January 1858 at the office of S. C. P. Free before him Master in Chancery for Cook County county to take the deposition of Orrin S. Rose and such other witnesses as they may produce to be had in evidence in said cause subject to all legal exceptions other than that other or further notice than is hereby given is hereby waived so that said examination shall be begun on that day & continue from day to day until finished

J. L. Dickey for

Jan'y 21, 1858

Complainant

Parties appeared and their Solicitors
and examination adjourned to Jan'y
28th at 2 O'clock P.M

S. C. P. Free

Master &c

Examination adjourned to 2 O. Clock
P. M., January 29th 1858

J. C. P. Free

Master &c

Examination of witnesses adjourned by agree-
ment of parties to Tuesday February 9th. at
10 O. Clock A. M.

J. C. P. Free

Master &c

I J. C. Paine Free Master in Chancery
of Cook County in the State of Illinois do
hereby certify that the foregoing depositions
on the part and behalf of the defendants in
the above entitled cause were taken before me
at my office in the City of Chicago, in the
County & State aforesaid, in pursuance with
the stipulation hereto annexed upon the
several interrogatories propounded to the
several Witnesses in said depositions, by the
Solicitors of the said defendants. I do fur-
ther certify that the several paper writings
referred to in the said depositions and made
exhibits numbered from No 1 to No 4 in-

clusive are attached to said depositions foregoing, at the foot thereof and herewith retained. I do further certify that at the time fixed by said stipulation for taking said depositions, the solicitors of the respective parties appeared before me at my office, whereupon the said examination was adjourned to the 28th day of January 1858 and that the same was adjourned from time to time till the 9th day of February 1858 at which time and place I proceeded to take the depositions foregoing upon the interrogatories propounded by the ^{of the said dependants} Solicitor, of the ^{by the solicitors} Complainant not appearing to cross examine the said Witnesses

Masters fee \$15.00

Paid by depts & solrs }

J. C. Paine Treasr

Master in Chancery
Cook County

Before reading the Deposition of Wm. M. Davis
the Defts introduced read, copy notice and
proof service as follows

In the Du page Circuit Court. In Chancery
Emmelino Castle who sues } Change from Cook
vs } Co
Richard K. Swift et al } Bill

To said Complainant

You are hereby notified to produce on the trial of this cause, a certain Letter of Credit given & signed by the Complainant & her husband E. S. Castle, addressed to Wheelock & Daniels of New York, city dated the 14th day of August A.D. 1853, touching the payment of liabilities, incurred or to be incurred by E. S. Castle to the said Wheelock & Daniels or the Defendants will ask to be allowed to give secondary evidence of the contents thereof

Yours &c

Dated Jan'y 1. 1858

W. S. Burgess

Deft's Solr.

State of Illinois }
County of Cook } ss

Moses Mallett, being duly sworn deposes and says that he did on the 1st day of January A.D. 1858 serve on J. Syle Dickey Complainant's solicitor a copy of the within notice

Sworn to & Subscribed
before me this fourth day
of January A.D. 1858

Moses Mallett

J. Howland Thompson

N.P.
1858

Notary Public

And calls upon the Counsel for Complainant
to produce the paper referred to, and Complain-
ant did not produce it, and Filed an affi-
davit of J. L. Dickey, touching the same
as follows to wit:

affidavit of Dickey as to
value of credit

affidavit of Dickey as to
Notice of credit

State of Illinois Grady Circuit Court

E. Castle

vs
R. H. Swift et al

J. L. Dickey being

duly sworn says on oath
that he has not in his pos-
session - power or control
of any such paper, as the
letter of credit, signed or
purporting to be signed, by
Complainant & her husband
to Whelock & Daniels
mentioned in the notice
served on him to produce
such paper - Affiant
further says that he has
not had any such paper
in his possession or pow-
er since he was advised

that ~~by~~ defendants desired to
have the same produced at
the hearing of this cause

Affiant further states
that he has read the depo-
-sition of Edward Martin
read in evidence to the

Court here, and affiant
says that "exhibit 4" spoken
of by said witness is not in
the hand writing of affiant
J L Dickey

Subscribed & sworn
to before me this
3rd day of March 1858
J. M. Hursted
clerk