

No. 11970

Supreme Court of Illinois

Hutchinson, et al.

vs.

^U
Huginin.

71641  7

Lake Co.

C. J. Hutchinson et al.
^{vs}
Edgar R. Huginin

86

11970

1851

United States of America } ss. Hear before the Honorable
State of Illinois Lake County } Hugh J. Pickey, Judge of
the seventh judicial circuit of the State of Illinois.

"At a special term of a circuit court for the
County of Lake in said circuit, began and held at
Waukegan, formerly called Little Port, in said county,
on the eighth day of October in the year of our Lord
one thousand eight hundred and forty nine and of
the independence of the United States, the twenty fourth,
said term of court being held pursuant to a special
order of the Honorable Hugh J. Pickey Judge of the seventh
judicial circuit of said state, and presiding Judge of
the circuit court of Lake county aforesaid, bearing
date on the seventh day of September A. D. 1849, and
calling said special term to commence on the said
eighth day of October, for the trial, hearing and determi-
nation of all pleas, civil, criminal and chancery, due
notice of said special term having been given by the
Sheriff of said county, according to the Statute in
such case made and provided,

"Present the Honorable Hugh J. Pickey, Judge aforesaid,
Henry W. Forseto Sheriff of Lake County,
Attest Augustus S. Gotes, Clerk." J

Be it remembered that
on the thirtieth day of January A. D. 1850, said day being
a day in the vacation between the said October special
term A. D. 1849 of the circuit court of Lake County in the
State of Illinois and the March special term A. D. 1850 of the
said court Edgar R. Hougham by Charles Gardner his ^{attorney} ~~attorney~~
filed in the office of the Clerk of said court a bond for
costs which is in the words and figures following, to wit,

"Edgar R. Hougham
Champion & Hutchinson } Lake Co. Cir. Court"
"Henry R. Hinsdale }

"I do hereby enter myself security for costs in this cause,
"and acknowledge myself bound to pay or cause to be
"paid, all costs which may accrue in this action, either
"to the opposite party or to any of the officers of this court
"in pursuance of the Laws of this State.

"Dated this 30th day of January 1850.

"Hiram Huguinin."

On which said bond was endorsed on the said 30th
day of January A.D. 1850 by the said Clerk of said court
his approval which is in the words and figures ^{following} to wit,
"Approved by me at my office this 30th day of
"January A.D. 1850."

"A. B. Bates Clerk"

And that afterwards and on the said ~~thirtieth~~ ^{2nd} day of
January A.D. 1850 it being a day in the aforesaid va-
cation the said Edgar R Huguinin by his said
Atty^{anney} filed in the office of the said Clerk of the said
circuit court an affidavit of which the following
is a copy, to wit,

"State of Illinois } ss Personally appeared before me Edward
"Lake County } Huguinin who being first duly sworn
"according to law doth depose & say, that he this de-
"ponent is the agent of Edgar R Huguinin, and doth
"further say that Champion I Hutchinsoⁿ & Henry B
"Winsdale are justly indebted to Edgar R Huguinin in
"a sum exceeding twenty dollars, that is to say in the
"sum of about thirty four hundred dollars, which said
"sum was adjudged to him the said Edgar R Huguinin
"by the supreme court of the State of Wisconsin on the
"chancery side thereof at the June term thereof held
"at Madison in said State of Wisconsin A.D. 1849,
"And this affiant further says that the said Champion I
"Hutchinsoⁿ and Henry B Winsdale are not residents
"of the State of Illinois, wherefore this affiant as the

"agent of the said Edgar R. Huguinins prays a writ of
"attachment against the lands & tenements goods &
"chattels, rights and credits of them the said champions
"I Hutchinson & Henry B. Winsdale or either of them,
"and further this affidavit saith not.

"Subscribed & sworn to before me
"this 30th day of January A.D. 1850
"A. B. Bates Clerk of
"the circuit court of said
"County"

"E. Huguinins,"

And that afterwards and
on the said ^{thirtieth} day of January A.D. 1850 it being
a day in the vacation aforesaid the said Edgar R.
Huguinins by his attorney aforesaid filed in the office
of the clerk of the said circuit court a bond of which
the following is a copy, to wit,

Know all men by these
"presents that we Edward Huguinins and William
"Huguinins of the County of Lake & State of Illinois are
"held and stand firmly bound unto champions I
"Hutchinson and Henry B. Winsdale in the penal
"sum of six thousand eight hundred dollars
"lawful money of the United States, to the payment
"of which well and truly to be made we bind
"ourselves our heirs, executors and administrators
"jointly and severally firmly by these presents.
"As witness our hands and seals this 30th day of January
"A. D. 1850."

"The condition of the above obligation is such that
"whereas the above bounden Edward Huguinins (as the
"agent of Edgar R. Huguinins) hath on the day of the
"date hereof prayed an attachment out of the circuit
"court of said County of Lake at the suit of him the
"said Edgar R. Huguinins against the estate of the above

" named champion J Hutchinson and Henry B Winsdale
" for the sum of thirty four hundred dollars, and the
" same being about to be sued out of said court, re-
" turnable on the third day of June next, to the
" term of the court then to be holden,

" Now if the said
" Edgar Huguenin shall prosecute his suit with
" effect or in case of failure therein, shall well
" and truly pay and satisfy the said champion
" Hutchinson and Henry B. Winsdale all such
" costs in said suit, and such damages as shall
" be awarded against the said Edgar H. Huguenin
" his heirs, executors, or administrators, in any suit
" or suits which may hereafter be brought for
" wrongfully suing out the said attachment, ^{then} ~~this~~
" obligation to be void, otherwise to remain in full
" force and effect."

" E. Huguenin
" William Huguenin
" David Long

mm
seal
mm
seal
mm
seal

On which said bond was endorsed on the day last
aforesaid by the clerk of the said court his appro-
val thereof which is in the words and figures fol-
lowing, to wit,

" Approved by me at my office this
" 30th day of January A. D. 1850"

" A. B. Bates Clerk"

And that afterwards and on the said, ^{thirtieth} ~~30th~~ day of
January A. D. 1850 said day being a day in the
vacation aforesaid the said clerk of said circuit
court issued a writ of attachment under his hand
and the seal of said court, and directed to the
Sheriff of the said county of Lake which is in

the words and figures following, to wit,

"State of Illinois } ss The People of the State of Illinois, to
"Lake County } the Sheriff of Lake County Greeting,
"Whereas Edward Huguinin agent of
"Edgar A Huguinin hath complained on oath to Augus-
"tus B Cotes Clerk of the Circuit Court of Lake County,
"that Champion J. Hutchinson and Henry B Winsdale
"are justly indebted to the said Edgar A Huguinin to
"the amount of thirty four hundred dollars, and
"oath having been also made that the said Champion
"J. Hutchinson and Henry B Winsdale reside out of
"this State, and the said Edward Huguinin having
"given bond and security according to the directions
"of the act in such case made and provided, We
"therefore command you that you attach so much
"of the estate, real or personal of the said Champion J.
"Hutchinson and Henry B Winsdale or of either of them
"to be found in your county, as shall be of value sufficient
"to satisfy the said debt and costs, according to the
"complaint, and such estate so attached in your
"hands to secure, or so to provide, that the same may
"be liable to further proceedings thereupon, according
"to law, at a court to be holden at the court house in
"Waukegan for the County of Lake upon the third day of
"June next, so as to compel the said Champion J.
"Hutchinson and Henry B Winsdale to appear and
"answer the complaint of the said Edgar A Huguinin
"and that you also summon as garnishees to be and
"appear at the said court on the said third day of
"June next, them and there to answer to what may be
"objected against them, when and where you shall
"make known to the said court how you ^{have} executed this
"writ, and have you then and there this writ,
"Witness Augustus B Cotes Clerk of said court and the seal

thereof at Waukegan in said county, this 30th day of
January A. D. 1850,

mm
Seal of
Court

A. B. Coates Clerk

And that afterwards to wit, on the fourth day of February
A. D. 1850 it being a day in the vacation aforesaid, the said
Sheriff of the said county of Lake returned the said writ
of Attachment into the office of the said Clerk with
the following endorsements thereon, to wit:

By virtue of this
writ to which this is annexed, I have this day attached
all the right, title and interest of the within named
Champion J. Hutchinson and Henry B. Hinsdale in
and to the following real estate, to wit:

" Lots

In Block

"	"	1, 2, 3	"	2
"	"	10	"	9
"	"	1, 2, 3, 5, 8, 9, 10, 11 & 12	"	10
"	"	1, 2, 3 & 5	"	13
"	"	1, 2, 5, 6, 7, 11 & 12	"	14
"	"	1, 2, 3, 4, 6, 7, 8, 9 & 11	"	15
"	"	3	"	16
"	"	7 & 8	"	24
"	"	1 & 2	"	29
"	"	1, 2 & 3	"	45
"	"	1, 2, 3, 4, 5 & 6	"	46
"	"	1, 2, 3, 4 & 5	"	47
"	"	2	"	48
"	"	7, 8, 10 & 11	"	29
"	"	6, 7, 8 & 9	"	30
"	"	1, 2, 3 & 4	"	36
"	"	1, 2, 3, 4 & 5	"	37
"	"	3	"	39
"	"	35	"	40

" All but south 1/4 and the north half of Block 8 and all of

"block number twenty one, dated at Waukegan this
"4th" day of February A.D. 1850,"

"H. W. Dorsett Sheriff,

"All of said lots lying and being in the Town of Waukegan
"late Little Fort Lake County Illinois,"

"	fee for Levy	\$00. 50
"	fee for Certificate	00. 50
"	According to same	00. 32
"	Return	00. 14
		<u>\$1. 42</u>

"H. W. Dorsett Sheriff"

"I return this writ executed by attaching the lots contained
"in the schedule attached to said writ, dated this 4th
"day of February A.D. 1850."

"H. W. Dorsett Sheriff."

"United States of America } ss
"State of Illinois Lake County }

"Plea before the Honorable Giles
"Spring presiding Judge of the Cook County Court of
"common pleas in the State of Illinois,"

"At a special term

"of the circuit court for the County of Lake in the seventh
"judicial circuit of said state, began and held at
"Waukegan on the fourth day of March in the year of
"our Lord one thousand eight hundred and fifty, and of
"the Independence of the United States the seventy fourth,
"said term of court being held pursuant to a special
"order of the Honorable Hugh F.ickey Judge of the seventh
"judicial circuit of said state, and presiding Judge of the
"circuit court of Lake County aforesaid, bearing date on
"the thirty first day of January A.D. 1850, and calling
"said special term to commence on the first Monday
"of March then next, for the trial, hearing and determi-
"nation of all pleas, civil, criminal and chancery

" due notice of said special term having been given by
" the Sheriff of said county according to the statute in
" such case made and provided. And the said
" Honorable Giles Spring presiding by agreement with
" the Honorable Hugh J. Pickey presiding Judge of said
" seventh judicial circuit, in conformity with the statute
" in such case made and provided.
" Present the Honorable Giles Spring Judge aforesaid,
" Charles Gardner States Attorney pro tem,
" Attest ~~A. B. Lotes Clerk~~ Henry W. Porrett Sheriff.
" Attest A. B. Lotes Clerk "

And be it also remembered
that afterwards to wit, on the fourth day of March A. D.,
1850 the said day being a day in the said March
Special term of said circuit court for the said last
mentioned year the said Edgar R. Huguinin by
R. C. Van Rensselaer his Attorney filed his declaration
in the office of the said clerk of said court which is
in the words ~~and figures~~ following, to wit,

"Of the March Special Term of the
" Lake County Circuit Court in the
" year of our Lord one thousand eight
" hundred and fifty."

"State of Illinois } ss
"Lake County }

"Edgar R. Huguinin Plaintiff in this
" suit by R. C. Van Rensselaer his Attorney complains
" of Chapman J. Hutchinson and Henry B. Winsdale
" defendant in this suit, being attached &c. of a plea
" that they render to the said Edgar R. Huguinin the
" sum of three thousand two hundred and eighty three
" dollars of lawful money of the United States of America
" which they owe to and unjustly detain from him,
" the said Plaintiff,

"For that whereas the said Plaintiff heretofore, to wit, in the
"term of June in the year of our Lord one thousand eight
"hundred and forty nine in the supreme court of
"Wisconsin on the chancery side thereof at Madison
"the seat of Government of said state of Wisconsin before
"the Honourable Alexander W. Store chief Justice and the
"Honourable Mortimer M. Jackson, Edward V. Whiton &
"Charles W. Laube associate Judges thereof by the consid-
"eration and decree of the said court, recorded against
"the Champion & Watkinson and Henry B. Winsdale
"the sum of three thousand one hundred and sixty
"dollars and eighty two cents, which in and by the
"said court were then and there decreed to the said
"Edgar A. Hengeman for his damages which he had
"sustained as well by reason of the nonperformance
"by the said Defendant of certain promises and un-
"dertakings then lately made by the said defendants
"to the said Plaintiff as for his costs and charges by
"him about his suit in that behalf expended
"whereof the said defendants were convicted as by the
"records and proceedings remaining in the court on the
"chancery side thereof of the said People before the
"aforesaid Justice & Judges thereof more fully appears,
"which said decree in chancery still remains in
"full force & effect not reversed, satisfied or otherwise
"vacated, and the said Plaintiff hath not obtained
"any execution or satisfaction of or upon the said
"decree so recovered as aforesaid whereby an action
"hath accrued to the said Plaintiff to demand and
"have of and from the said Defendants the sum of
"three thousand one hundred and sixty dollars and
"eighty two cents,

"And so that whereas the said Plaintiff
"heretofore to wit, in the term of June in the year of our
"Lord one thousand eight hundred and forty nine

in the supreme court of Judicature of the People of the State of
Wisconsin at Madison in said State of Wisconsin, before the
aforesaid Justice and Judges thereof, by the consideration
and Judgment of the said court, recovered against the said
Defendants, the sum of three thousand one hundred and
sixty dollars and eighty two cents, which in and by
the said court were then and there adjudged to the
said Plaintiff for his damages, which he had sustained
as well by reason of the nonperformance by the said
Defendants of certain promises and undertakings, then
lately made by the said Defendants to the said Plaintiff
as for his costs & charges by him about his suit in
that behalf expended, whereby the said Defendants were
convicted as by the record, proceedings thereof remaining
in the said court of the said People before the aforesaid
Justice & Judges thereof more fully appear, which
said Judgment still remains in full force and
effect not reversed, satisfied or otherwise vacated,
and the said Plaintiff hath not obtained any ex-
ecution or satisfaction of or upon the said Judgment
so recovered as aforesaid, whereby an action hath ac-
crued to the said Plaintiff to demand and have
of and from the said Defendants the sum of three
thousand one hundred & sixty dollars and eighty two
cents above demanded.

"And whereas also the said
defendants afterwards, to wit, on the fourth day of
February in the year of our Lord one thousand eight
hundred and fifty at Southport in the State of
Wisconsin, to wit, at Waaukegan in the County of
Lake aforesaid were indebted to the said Plaintiff in
further sum of three thousand four hundred dollars
of like lawful money for so much money before that
time and then due and payable from the said
Defendants to the said Plaintiff for interest upon and

for the balance of divers large sums of money before then
lent and advanced by the said Plaintiff to the said
defendants at their special instance and request and
by the said Plaintiff forbore to the said Defendants for
divers long spaces of time before then elapsed at the
like special instance and request, and also for other
money before that time, and then due and payable
from the said defendants to the said Plaintiff for
interest upon and for the forbearance of divers other
large sums of money before then due and owing from
the said defendants to the said Plaintiff, and by the
Plaintiff forbore to the said defendants for divers
long spaces of time before then elapsed at the like
special instance & request of the said defendants and
being so indebted they the said Defendants in consider-
ation thereof afterwards, to wit, on the day and year
last aforesaid at the place within the county last
aforesaid undertook and then and there faithfully
promised the said Plaintiff to pay him the said sum
of money last above mentioned, when they the said
Defendants should be thereunto afterwards requested,
whereby and by reason of the last mentioned sum of
money being and remaining wholly unpaid, an
action hath accrued to the said Plaintiff to de-
mand and have of and from the said Defendants
the said sum of three thousand four hundred dol-
lars.

And said Plaintiff avers that by the Laws of
the State of Wisconsin when & where said Judgment
or decree was obtained in force at the time of the
 rendition of said Judgment or decree the rate of in-
terest chargeable upon said Judgment or decree after it
became due was and is seven per centum per annum.
For that whereas the said Plaintiff heretofore
to wit, in the term of June in the year of our Lord one

thousand eight hundred and forty nine in the
supreme court of Judicature of the People of the State
of Wisconsin at Madison in said State of Wisconsin
to wit, at Wauchegan in said county of Lake State
of Illinois before the aforesaid Justice thereof by Bill
without the writ of the said People by the consideration
and Judgment of the said court, recovered against
the said Champion I Hutchinson and Henry B
Winsdale, the sum of three thousand one hundred
and sixty dollars & eighty two cents above demanded
which in and by the said Court were then and
there adjudged to the said Edgar R Huguinios for his
damages which he the said Edgar R Huguinios had
sustained as well by reason of the non performance
by the said Champion I Hutchinson and Henry
B Winsdale of certain promises and undertakings
then lately made by the said Champion I Hutchinson
& Henry B Winsdale to the said Edgar R Huguinios
as for his costs & charges by him about his suit
in that behalf expended, whereof the said Champion
I Hutchinson & Henry B Winsdale was convicted as
by the records & proceedings thereof remaining in the said
court of the said People before the aforesaid Justice
thereof more fully appears, which said Judgment
still remains in full force & effect, not reversed,
satisfied or otherwise vacated & the said Edgar R
Huguinios hath not any execution or satisfaction of
or upon the judgment so recovered as aforesaid whereby
an action hath accrued to the said Edgar R Huguinios
to demand and have of and from the said Champion
I Hutchinson and Henry B Winsdale (although after
requested so to do) have not as yet paid sum of three
thousand one hundred and sixty dollars and
eighty two cents above demanded or any part thereof
to the said Edgar R Huguinios. But they the said

"Champions I Hutchinson and Henry B Winsdale to do
"this have hitherto wholly refused and still do refuse
"to the damage of the said Edgar R. Huguinin of four
"thousand dollars, and therefore he brings his suit.
"R. C. Van Rensselaer
"Plff. Atty

And that afterwards and on the said fourth day
of March A. D. 1850 the same being a day in the said
March Special term for the year last aforesaid of
said Lake County Circuit Court the said Edgar R.
Huguinin by the said R. C. Van Rensselaer his Attorney
filed in the office of the said Clerk of the said Circuit
Court last mentioned Court, a bill of particulars which
is in the words and figures following, to wit,

"Lake Co Cir Court	} March 5 th 1850
"Edgar R Huguinin	
"vs	
"Champions I Hutchinson	
"& Henry B Winsdale	

"The Defendants will
"take notice that the following are copies and statements of the
"demands, judgments, decrees &c mentioned in the declaration
"in this cause and that said ~~Defendants~~^{Demanders} judgments, decrees
"to will be introduced in evidence on the trial of said cause.

"§ 3 Be it remembered that at a term of the Supreme Court
"of the State of Wisconsin began and held at Madison the seat
"of Government of said State on the second Tuesday the 2nd day of
"June A. D. 1849 on the 14th day of said term, to wit, on the 25th day
"of June A. D. 1849, Present the Hon. Heyward W. How chief Justice
"and the Hon. Mortimer M. Jackson, the Hon. Edward W. Whiton &
"the Hon. Charles W. Barabie associate Judges, the following
"proceedings were had *inter alia*, to wit,

"E. R. H. app^{ts}

or
"C. J. H. & H. B. H. app^{ts} } Appeal in chancery
from Racine

"This cause coming

"on to be heard in this court on this day on an appeal duly
"entered and taken by the ~~said~~ p^{ts} C. J. H. & H. B. H. Defts. below
"from the final decree of the circuit court of the Co. of Racine
"made on the 15th day of Feb'y A. D. 1849 whereby the said Defts.
"below were ordered, adjudged and decreed to pay to the p^{ts}
"E. R. H. the sum of \$2753.24 together with the
"costs of the p^{ts} Compt. below, and the p^{ts} defts. below and app^{ts}
"failing to appear in this court to prosecute their suit appeal
"on hearing the counsel for the compt. below and app^{ts},
"It is ordered adjudged and decreed by this court that
"the final decree of the Cir court of Racine Co. and the
"same hereby is affirmed. And it is further ordered, ad-
"judged & decreed, that the p^{ts} Defts below and app^{ts} pay to the
"p^{ts} Compt. below and app^{ts} the sum of \$2822.82 being the
"said amt. so decreed to be paid by the p^{ts} defts. below to the
"p^{ts} Compt. below, together with interest thereon from the day
"of the entering of the said decree of the p^{ts} Cir court to the day
"of the entering of this decree and also the further sum of
"\$275.32 being ten per centum on the amt. so decreed by the p^{ts}
"Cir court awarded by this court to the p^{ts} Compt. below for
"his damages against the p^{ts} defts. below on the confirmation
"of the p^{ts} decree of the p^{ts} Cir court amt^y in the whole to the
"sum of \$3098.15 together with the costs of the said Compt.
"and app^{ts} in this court and in the said Cir court to
"be taxed and that the said app^{ts} have execution from
"this court for the said sums hereby decreed to him against
"the said app^{ts}."

(The letters or initials "E. R. H." mean
"Eagar R. Huguinin." and the initials "C. J. H. & H. B. H." mean
"Champion J. Hutchinson & Henry B. Hinsdale" above)

89. "Edgar R. Huguenin } Attachment
 vs
 "Champion I Hutchinson
 "and Henry B. Hinsdale }

116 "Joseph F. Lyon } Attachment = 117
 vs "Isaac R. Lyon"
 "Percy Goodale } Attachment
 vs "Percy Goodale" }

118 "William B. Dodge } Attachment
 vs
 "Percy Goodale &
 Hugh Graham" }

"It appearing to the
 court that personal service of process has not been had,
 upon the defendants in each of the above entitled causes
 and that due publication of notice has not been had
 therein, it is ordered that each of said causes be contin-
 ued,"

"United States of America } ss
 "State of Illinois Lake County" }

"Hear before the Honorable Hugh
 S. Pichey judge of the seventh judicial circuit of the State
 of Illinois, at a circuit court for the county of Lake in said
 circuit, began and held at Waukegan in the County
 aforesaid on the third day of June in the year of our Lord
 one thousand eight hundred and fifty, and of the
 independence of the United States the seventy fourth,
 Present the Honorable Hugh S. Pichey Judge aforesaid,
 Henry W. Parrott Sheriff of Lake County.

"Held Augustus B. Bates Clerk. he it also further remembered
 And that afterwards to wit, on
 the fourth day of June A. D. 1855 said day being a day

in the June term of said Court for said last mentioned year, the said Chapman & Hutchinson and Henry B. Hinsdale by Evans, Blodgett & Head their Attorneys filed in the office of the said Clerk of the said Circuit Court of Lake County their pleas which are in the words and figures following, to wit,

"State of Illinois

"Lake County Circuit Court

"Chapman & Hutchinson
+ Henry B. Hinsdale

vs
"Edgar R. Hengeman

} June Term
N. D. 1850.

"And the said Defendants

"by their Attorneys come and defend the wrong and injury
"when &c and say that there is not any record of the said
"supposed recovery in the said declaration mentioned now
"remaining in the said Supreme Court of the State of Wisconsin
"at &c before &c in manner and form as the said Plaintiff
"hath above in said declaration alleged, and that the
"said Defendants are ready to verify, wherefore they pray
"judgment if the said Plaintiff ought to have or maintain
"his aforesaid action thereof against the said Defendants
"&c,

"And for a further plea in this behalf by leave of the
"Court first had & obtained the said defendants say actio
"now, because they say that the said supposed recovery or
"decree as set forth in said Plaintiffs declaration if any
"such was obtained against the said Defendants in
"manner & form &c was so obtained fraudulently and
"without any notice to or knowledge of the said Defendants
"or either of them, and this they are ready to verify,
"wherefore they pray judgment &c, and for a further plea
"in this behalf by leave &c the said defendants say

"actio non, because they say that said recovery or decree
"as set forth in Plaintiff declaration if any such was
"obtained was so obtained illegally and fraudulently
"and not in accordance with any law or practice of
"the Supreme court of the State of Wisconsin, and this they
"are ready to verify, wherefore they pray, judge &c."

"And for a further plea in this behalf, by leave of
"the court &c the said defendants say actio non, be-
"cause they say that there was no such appeal entered
"by the said Defendants in the said Supreme Court
"of the State of Wisconsin as is mentioned and set
"forth in said Plaintiff declaration, nor was there any
"record or transcript of any such suit or proceedings
"in Chancery or at Common Law against the said
"Defendants filed in said Supreme Court of the State of
"Wisconsin from the Racine County Circuit Court nor
"from any other court, nor were any appeal papers
"record or transcript of any suit or proceedings against
"the said Defendants ever made to or entered in
"said Supreme Court of the State of Wisconsin or by
"virtue of which said Supreme Court of the State of Wisconsin
"on which said Court did or could make or enter
"any such decree or judgment against the said Defs
"as is alleged and set forth in said Plaintiff declar-
"ation, and this they are ready to verify wherefore they
"pray, judge &c &c."

Erasmus Blodgett & Head

Attys for Defts.

And that afterwards to wit, on the fifth day of June A. D. 1850
said day being a day of the said June term of said Court
for said last mentioned year, a stipulation was filed
in the said Office of the said Clerk of said Court which
is in the words and figures following, to wit,

"Lake County

"Circuit Court

"Edgar R. Hergunim

vs

"Chambers & Hutchinson

"& Henry B. Winsdale.

} June term
1850.

"It is hereby stipulated that the above entitled cause be continued until the next term of this court generally; & it is further stipulated that the Plff. have leave to file an amended declaration within 30 days from this date, and that the Defs. plead thereto in thirty days after service of copy of such amended declaration on Plffs. Attys. & that a rule be entered accordingly,"
"June 4th 1850 }

Evans B. Lodge & Head
for Plffs.

R. C. Van Rensselaer
for Defs.

And that afterwards to wit, on the ^{fourth} ~~5th~~ day of June A. D. 1850 the same being a day in the ^{said June} term of said circuit court for the year last aforesaid, the following among other proceedings were had in said court and entered of record to wit,

"Edgar R. Hergunim

vs

"Chambers & Hutchinson
and Henry B. Winsdale

} Attachment

"Now comes said

"Plaintiff by Van Rensselaer his attorney and the said defendants by Evans, B. Lodge & Head their attorneys and in terms of an agreement on file it is ordered that this cause be continued, and that said Plaintiff

" have until the fourth day of July next to file
" an amended declaration herein, and that the
" said defendants have thirty days after the service
" of a copy of such amended declaration upon
" their Attorneys in which to plead to the same,"

And that afterwards to wit, on the ^{twenty ninth} ~~29th~~ day of June
A. D. 1850 said day being a day in the vacation between
the said June term of said circuit court for the
year last aforesaid and the October term of said
court for the same year the said Edgar R. Vaughan
by R. C. Van Rensselaer his Attorney filed in the office
of the said clerk of the said circuit court their
amended declaration which is in the words following
to wit,

" State of Illinois } Of the June term in the year
" Lake County Circuit Court } one thousand eight hundred and ^{fifty}

" Lake County } ss " Edgar R. Vaughan plaintiff in this
" suit by Robert C. Van Rensselaer his Attorney complains
" of Champion J. Watkinson and Henry R. Hinsdale
" defendants in this suit &c of a plea that they render
" unto said plaintiff the sum of eighteen thousand
" eight hundred and twenty nine dollars and fifty
" eight cents, which they owe to and unjustly detain
" from him the said plaintiff.

" For that whereas heretofore, to wit, at a
" special term of the circuit court in and for the
" county of Racine in the State of Wisconsin in
" Chancery sitting before the Honorable Edward D. Whiton
" Judge of said court, held at the court house in the
" city of Racine in said county of Racine, to wit,
" in the county of Lake aforesaid, to wit, on the fifteenth

"day of February in the year one thousand eight
"hundred and forty nine a certain final decree
"was made and entered in and by said circuit
"court before the Judge thereof aforesaid in a certain
"matter depending in the same court wherein the
"said Plaintiff was Complainant and the said
"defendants in this suit were defendants, by which
"said final decree it was ordered, adjudged and
"decree, and the said circuit court before the
"Judge thereof aforesaid, did order, adjudge and
"decree that the said Defendants pay to the said
"Plaintiff the sum of two thousand seven hundred
"and fifty three dollars and twenty four cents, being
"the amount of principal and interest found
"and adjudged by the said circuit court to be
"due from the said defendants to the said Plaintiff
"on and by virtue of the agreement of sale in the
"Complainant's bill of complaint in the said cause
"mentioned and set forth, at the date of said decree
"with interest on the said sum from the date of said
"decree, and also the said Plaintiff's costs of the said
"suit to be taxed, and that in default of payment
"thereof the said Plaintiff have his execution therefor
"according to law. And afterwards, to wit, on the
"fourteenth day of March in the year one thousand
"eight hundred and forty nine, to wit, at the
"county of Lake aforesaid the said cause together
"with the said final decree therein was removed
"into the supreme court of the State of Wisconsin before
"the Chief Justice and the associated Judges thereof by
"and upon an appeal entered and taken therein by
"the said defendants, and afterwards, to wit, at a
"term of the said supreme court of the State of Wisconsin,
"begun and held in the supreme court room at
"Madison the seat of government of said State of

"It is cousin, to wit, at the county of Lake aforesaid on the
"second Tuesday the twelfth day of June in the year
"one thousand eight hundred and forty nine on
"the fourteenth day of said term, to wit, on the twenty
"fifth day of June in the year last aforesaid before
"the Honourable Alexander W. How Chief Justice, and the
"Honourable Levi ~~Hubbard~~^{Whipple}, the Honourable Mortimer
"Mc Jackson, the Honourable Edward V. Whiston and the
"Honourable Charles W. Sarason Associate Judges of of
"said Supreme court, it was in and by the final
"order and decree of the said Supreme Court ordered,
"adjudged and decreed that the said final decree
"of the said circuit court for Racine County be and
"the same was thereby affirmed, and it was further
"ordered adjudged and decreed that the said de-
"fendants pay to the said Plaintiff the sum of two
"thousand eight hundred and twenty two dollars
"and eighty three cents, being the amount decreed
"(in said circuit court) to be paid by the said
"defendants to the said Plaintiff together with the
"interest thereon from the day of the entering of said
"decree of said circuit court to the day of this en-
"tering of said decree (in the said supreme court)
"and also the further sum of two hundred and
"seventy five dollars and thirty two cents, being
"ten per centum on the amount so decreed by the
"said circuit court awarded by the said Supreme
"court to the said Plaintiff for his damages against
"the said defendants on the confirmation of the
"said decree of the said circuit court, amounting
"in the whole to the sum of three thousand and
"ninety eight dollars and fifteen cents, together with
"the costs of the said Plaintiff in the said Supreme
"court, and in the said circuit court to be taxed,

" and that the said plaintiff have execution from
" the said supreme court for the said sum decreed to
" him against the said defendants as by the said
" decree of the said Supreme court more fully appears
" of which said last mentioned decree the said
" defendants, to wit, on the day and year last
" aforesaid, to wit, at the county of Lake aforesaid
" had notice, and the said Plaintiff in fact saith
" that his said costs in the said suit in the said
" supreme court and in the said circuit court, to wit,
" on the day and year last aforesaid to wit, at the
" county of Lake aforesaid were duly taxed at sixty
" dollars and seventeen cents, and that the said
" decree of the said Supreme court still remains in
" full force and effect, not in anywise reversed
" set aside or otherwise vacated, and the said
" plaintiff hath not obtained any satisfaction of
" or upon the said last mentioned decree for the
" several sums of money so adjudged and decreed
" as aforesaid whereby an action hath accrued to the
" said plaintiff to demand and have of and from
" the said defendants as well the said sum of three
" thousand and ninety eight dollars and fifteen cents
" as the said sum of sixty dollars and seventeen cents
" amounting together to the sum of three thousand
" one hundred and fifty eight dollars and thirty
" two cents parcel of the said sum above demanded,

" And whereas also heretofore, to wit, on the
" twenty fifth day of June in the year one thousand eight
" hundred and forty nine, at Madison the seat of
" Government of the State of Wisconsin, to wit, at the county
" of Lake aforesaid at a term of the Supreme court of the
" State of Wisconsin on the balance side of said county court
" before the Honorable Alexander W. Stow chief Justice, and

the honorable ~~Samuel H. Hubbard~~^{John H. Hubbard} the Honorable Mortimer M
Jackson, the Honorable Edward D. Whiton and the Honorable
Charles W. Sarattee associate judges of said court, when
an appeal taken and entered by the said defendants
from the final decree of the Circuit Court of Racine
County it was in and by the order and decree of the
said Supreme Court before the Chief Justice and
associate Judges thereof aforesaid, ordered, adjudged
and decreed, that the final decree of the said Circuit
Court of Racine County be and the same was thereby
affirmed, and it was further ordered, adjudged and
decreed that the said defendants pay to the said plain-
tiff the sum of two thousand eight hundred and
twenty two dollars and eighty three cents, being the
amount decreed to be paid by the said defendants
to the said plaintiff together with the interest thereon
from the day of the entering of the said decree of the
said circuit court to the day of the entering of said
decree of the said Supreme Court, and also the sum
of two hundred and seventy five dollars and thirty
two cents being ten per centum on the amount
so decreed by said Circuit Court, awarded by the said
Supreme Court to the said plaintiff for his damages
against the said defendants on the confirmation of
said decree of said Circuit Court amounting in the
whole to the sum of three thousand and ninety eight
dollars and fifteen cents, together with the costs of the
said plaintiff in the said Supreme Court and in the
said Circuit Court to be taxed (which costs were
taxed at the sum of sixty dollars and seventeen
cents as the said plaintiff avers, to wit, on the day
and year last aforesaid, to wit, at the County of Lake
aforesaid) and that the said Plaintiff have execution
from said Supreme Court for the said sums decreed

to him (as aforesaid) against said defendants as by
the said decree of said Supreme Court ~~and~~^{now} fully appears of
all which the said defendants afterwards, to wit, on the
day and year last aforesaid, to wit, at the County of
Lake aforesaid had notice which said decree last
mentioned, still remains in full force and effect, not
in anywise reversed, set aside, or otherwise vacated,
and the said Plaintiff hath not obtained any satisfaction
of or upon said decree for the said several sums of
money adjudged and decreed to him as aforesaid,
whereby an action hath accrued to the said Plaintiff
to demand and have of and from the said defendant
the said sum of three thousand and ninety eight dollars
and fifteen cents, and the said sum of sixty dollars
and sixteen cents amounting together to the sum of
three thousand one hundred and fifty eight dollars
and thirty two cents, other parcel of the said sum above
demanded,

And whereas also heretofore to wit, at a
term of the Supreme Court of the State of Wisconsin before
the honorable Alexander W Stow Chief Justice and the
Honorable Levi Hubbell Mortimer M Jackson, Edward P
Whitson and Charles W Sarabee Associate Judges thereof
begun and held at the Supreme Court room at Mad-
ison the seat of Government of said State of Wisconsin
to wit, at the County of Lake aforesaid, on the second
Tuesday the twelfth day of June in the year one thou-
sand eight hundred and forty nine, on the fourteenth
day of said Term, to wit, on the twenty fifth day of
June in the year last aforesaid a certain decree
was made in and by the said Supreme Court before
the Chief Justice, and the Associate Judges thereof,
aforesaid on the Behaving side thereof in a certain
matter depending in the same Court wherein the said

plaintiff was appellee and the said defendants were appel-
lants upon an appeal from the final decree of the
circuit court for Racine County theretofore taken and
entered by the said defendants, by which said decree
it was ordered, adjudged and decreed by the said
supreme court that the said final decree of the
circuit court of Racine County be and the same
was thereby affirmed, and it was further ordered,
adjudged and decreed that the said defendants pay to
the said plaintiff the sum of two thousand eight
hundred and twenty two dollars and eighty three cents,
being the amount so decreed (by the said circuit
court meaning) to be paid by the said defendants
to the said plaintiff together with interest thereon from
the day of the entering of the said decree of the said
circuit court to the day of the entering of the said
decree (of said Supreme Court); and also the sum
of two hundred and seventy five dollars and thirty two
cents being ten per centum on the amount so
decreed by the said circuit court awarded by the
said Supreme Court to the said plaintiff for his dam-
ages against the said defendants on the confirmation
of said decree of said circuit court, amounting in the
whole to the sum of three thousand and ninety
eight dollars and fifteen cents together with the
costs of the said plaintiff in the said Supreme and in
the said circuit court to be taxed, and that the said
plaintiff have execution from the said Supreme
Court for the said sums thereby decreed to him against
the said defendants, as by the said decree of the said
supreme court more fully appears, of which said
last mentioned decree the said defendants, to wit,
on the day and year last aforesaid to wit, at the
County of Lake aforesaid had notice which said decree

" of said supreme court still remains in full force
" and effect, not in anywise reversed, set aside or
" otherwise vacated, and the said plaintiff hath not
" obtained any satisfaction of or upon the said
" decree for the said several sums of money so adjudged
" and decreed to him by the said Supreme Court as
" aforesaid whereas an action hath accrued to the said
" plaintiff to demand and have of and from the said
" defendants the said sum of three thousand and
" ninety eight dollars and fifteen cents other parcel
" of the said sum above demanded.

" And whereas also
" heretofore to wit, at a term of the Supreme Court of
" the State of Wisconsin before the Honorable Alexander
" W. Stow Chief Justice and the Honorables Levi Hobbell
" Mortimer W. Jackson, Edward P. Whiton, and
" Charles H. Larabee associate Judges thereof, begun and
" held at the Supreme Court room at Meadison
" the seat of Government of said State, to wit, at the
" County of Lake aforesaid on the second Tuesday, the
" twelfth day of June in the year one thousand eight
" hundred and forty nine on the fourteenth day of said
" term, to wit, on the twenty fifth day of June in the
" year last aforesaid a certain decree was made in
" and by said Supreme Court, before the Chief
" Justice, and the associate Judges thereof aforesaid
" in a certain matter depending therein on the
" chancery side of said court, wherein the said
" plaintiff was appellee, and the said defendants were
" appellants upon an appeal entered and taken by the
" said defendants from the final of the Circuit Court
" of Racine County in and by which said decree it
" was ordered, adjudged and decreed by said Supreme
" Court that the said final decree of the Circuit Court

of Racine County be and the same was thereby affirmed
and it was further ordered, adjudged and decreed
that the said defendants pay to the said plaintiff
the sum of two thousand eight hundred and twenty
two dollars and eighty three cents being the amount
so decreed (by said Circuit Court) to be paid by
the said defendants to the said plaintiff, together
with interest thereon from the day of the entering
of the said decree of the said Circuit Court to the
day of the entering of the said decree (of the said
Supreme Court) and also the sum of two hundred
and seventy five dollars and thirty two cents,
being ten per centum on the amount decreed
by the said Circuit Court, awarded by the said
Supreme Court, to the said plaintiff for his damages
against the said defendants on the confirmation of
the said decree of the said Circuit Court amounting in
the whole to the sum of three thousand and ninety
eight dollars and fifteen cents, together with the
costs of the said plaintiff in the said Supreme Court
and in the said Circuit Court to be taxed (which
said costs in the said Supreme Court and the said
Circuit Court amounting as taxed as the said plain-
tiff avers to the sum of sixty dollars and seventeen cents,
and that the said plaintiff have execution from
the said Supreme Court for the said sums thereby
decreed to him against said defendants as by the
said decree of the said Supreme Court more fully ap-
pears of all which the said defendants afterwards, to wit,
on the day and year last aforesaid, to wit, at the
County of Lake aforesaid had notice, which said
decree still remains in full force and effect not
in anywise reversed, set aside, or otherwise vacated,
and the said plaintiff hath not obtained any

" satisfaction of or upon the said decree for the said
" several sums of money, so adjudged and decreed
" by the said Supreme Court as aforesaid, whereby an
" action hath accrued to the said Plaintiff to demand
" and have of and from the said defendants the sum
" of three thousand one hundred and fifty eight dollars
" and thirty two cents other parcel of the said sum above
" demanded.

4 " And whereas also the said defendants
" afterward, to wit, on the twenty fifth day of June
" in the year one thousand eight hundred and forty
" nine, to wit, at the County of Lake aforesaid had
" become and were indebted to the said Plaintiff
" in the further sum of three thousand one hundred
" and fifty eight dollars and thirty two cents, upon
" and by virtue of a certain decree before then made
" in and by the Supreme Court of the State of Wisconsin
" on the chancery side thereof before the Honorable Alexander
" W. Store, Chief Justice and the Honorable Levi Houtbelle,
" Mortimer W. Jackson, Edward V. Whiton and Charles
" McQuarrie associate Judges thereof, in a certain
" matter therein depending wherein the said Plaintiff
" was appellee and the said defendants were appel-
" lants, by which said last mentioned decree it
" was ordered, adjudged and decreed that the said
" defendants pay to the said Plaintiff divers sums of
" money amounting to the said last mentioned sum
" of three thousand one hundred and fifty eight
" dollars and thirty two cents which is still wholly
" unpaid and unsatisfied to the said Plaintiff,
" to wit, at the County of Lake aforesaid, whereby an
" action hath accrued to the said Plaintiff to demand
" and have of and from the said defendants the
" said sum of three thousand one hundred and

5
" fifty eight dollars and thirty two cents other part of
" of the said sum above demanded,

" And whereas
" also the said defendants afterwards, to wit, on the
" twenty fifth day of June in the year one thousand
" eight hundred and forty nine, to wit, at the
" County of Lake aforesaid, had become and
" were indebted to the said Plaintiff in the further
" sum of three thousand and ninety eight dollars
" and fifteen cents upon and by virtue of a,
" certain decree before then made in and by the
" supreme court of the State of Wisconsin before the
" Honorable Alexander W Stow Chief Justice and
" the Honorables Levi Russell, Mortimer W Jackson
" Edward P Whiton and Charles H Sarabee Asso-
" ciate Judges thereof in a certain matter therein
" depending on the Chancery side of said Court,
" wherein the said Plaintiff was appellee and the
" said defendants were appellants, by which said
" last mentioned decree it was ordered, adjudged
" and decreed that the said defendants pay to the
" said Plaintiff divers sums of money amounting to
" the said last mentioned sum of three thousand
" and ninety eight dollars and fifteen cents which
" is still unpaid and unsatisfied to the said
" Plaintiff, to wit, at the County of Lake aforesaid^{by}
" an action hath accrued to the said Plaintiff to
" demand and have of and from the said defendants
" the said sum of three thousand and ninety eight
" dollars and fifteen cents residue of the said sum
" above demanded,

" Yet the said Defendants
" (although often requested so to do) have not as yet
" paid the said sum of eighteen thousand eight

" hundred and twenty nine dollars and fifty eight
" cents, above demanded, or any part thereof, to the
" said Plaintiff. But to do this have wholly refused,
" and still do refuse to the damage of the said plain-
" tiff of one thousand dollars, and therefore he
" brings his suit &c.

R. Van Rensselaer
Plaintiff's Attorney.

And that afterwards to wit, on the ^{twenty eighth} ~~28~~ day of August
A. D. 1850 the same being a day in the vacation last
afternoon the said Champion Hutchinson and Henry B
Winsdale by Blodgett Head & Evans their Attorneys
filed in the office of the said Clerk of the said
circuit court their demurrer and pleas which are
in the words and figures following, to wit,

" State of Illinois }
" Lake County } Of the June term of the Lake County
" Circuit Court } Circuit Court A. D. 1850
" Lake County ss }

" Champion Hutchinson
" Henry B Winsdale
" ^{vs}
" Edgar R. Huggins }

" And the said Champion I
" Hutchinson and Henry B Winsdale by Blodgett,
" Head & Evans their Attorneys come and defend the
" wrong and injury when &c. and say that the said
" first, second, third, fourth & fifth counts in the
" declaration and the matters & things therein contained
" in manner and form as the same are therein
" ~~stated~~ ^{stated} and set forth are not sufficient in Law

"for the said Plff to have and maintain his aforesaid
"action thereof against the said Defendants and
"the said defendants are not bound by Law to
"answer the same, and thus they are ready to
"verify, wherefore by reason of the insufficiency of the
"said 1, 2, 3, 4, 5, th courts in this behalf to said de-
"fendants may judgment and that the said Plaintiff
"may be barred from having or maintaining his
"aforesaid action against them &c

"And for especial cause of demurrer the said
"defts assign the following,"

"First

"That said declaration in the aforesaid courts
"shows no cause of action or claim of said Plff,
"against said defendants."

"Second

"Said declaration in said County shows no
"Jurisdiction of the subject matters alleged to be
"there in said supreme court,

"Third

"That said declaration in the courts aforesaid
"declares upon and sets forth for cause of
"action a decree or judgment in two sep-
"arate and distinct courts, each of said
"courts having full & final Jurisdiction of
"the subject matter of said courts where the
"same is properly before said courts,
~~in said court~~

"Fourth

"The Plff does not set forth in said courts any
"decree or judgment in any one court

"to enable the Defendants to meet the record or
"Judgt. therein or to join issue on any one Judgt.
"or decree rendered in any court in the State of
"Wisconsin,

"Fifth. For that said counts are otherwise informed
"insufficient & void,"

Blodgett, Head & Evans
for Defts,

"1st And the said Defendants come and defend
"the wrong and injury where &c as set forth in
"Plaintiffs sixth count and say that they do not
"owe the aforesaid sum of money as alleged in
"said count, or any part thereof, in manner and
"form as the Plaintiff hath therein complained
"against them as of this they put themselves upon
"the Country,

Blodgett, Head & Evans
for Defts,

"2^d And for further plea in this behalf by leave of the
"court first had and obtained, the defendants to said
"sixth count say actio non, because they say that
"said count is not founded upon any Judgment or
"decree of any court of record in this State or any
"State of the United States, or of any foreign Country,
"and this they are ready to verify wherefore they pray
"Judgt &c &c,

B. H. & E
for Defts,

"3^d And for further plea in this behalf to said count
"by leave &c the said Defendants say actio non, because

" they say that there is no such record as set forth in
" said court, and this they are ready to verify &c.
" wherefore they pray Judgment &c.

B. H. & Evans

for Defs.

4th

" And for further plea in this behalf to said sixth
" court the said Defendants say actio non, because
" they say that if any record or decree was ever
" made or entered as set forth in said court the
" same was ^{so} made & entered in fraud of the said
" defendants, and the same was obtained by Plff
" without any notice to these defendants, and in
" entire ignorance on their part that there was any
" such proceedings then in said court pending against
" them, that the same was not entered or made
" in accordance with the rules or proceedings of
" said court, or any court, and that said decree
" or Judgt. is entirely void and of no effect, and
" this they are ready to verify wherefore they pray
" judgment &c.

B. H. & Evans

for Defs.

" United States of America } ss
" State of Illinois Lake County }

Pleas before the Honorable

" Hugh J. Pickney Judge of the seventh judicial circuit
" of the State of Illinois. At a circuit court for the
" County of Lake in said circuit, began and held
" at Waukegan in the county aforesaid on the four-
" teenth day of October in the year of our Lord one
" thousand eight hundred and fifty and of the inde-
" pendence of the United States the seventy fifth.

" Present the Honorable Hugh S. Pickey Judge aforesaid
" Henry W. Gosses Sheriff of Lake County,
" Attest Augustus B. Cotes Clerk.

And be it also remembered
that afterwards to wit, on the ^{fourteenth} ~~11th~~ day of October
A. D. 1850 said day being a day of the October Term
of said court for said last mentioned year, the
said Edgar R. Hengeman by R. C. Van Rensselaer
his Attorney filed in the office of the said Clerk
of the said circuit court, his joinder, demurrer
and replications which are in the words ~~and figures~~
following to wit,

" Lake Circuit Court
" Edgar R. Hengeman

vs.
" Champion J. Nutchison

" Henry B. Hinsdale

} " And the said Plaintiff says that
" he ought not to be barred &c. by any thing in the said
" defendants demurrer above alleged, because he says
" that the said first, second, third, fourth, and fifth
" counts in said declaration contained and the matters
" therein are sufficient in law for the said Plaintiff
" to have and maintain his aforesaid action against
" them and this he is ready to verify and prove ^{as} the
" court &c. Wherefore and because the said defendants
" have not answered &c. he prays judgment &c.

" And the said
" Plaintiff further says that the said defendants pleas to
" the sixth count in said Plaintiffs declaration contained
" by them firstly and fourthly above pleaded are not
" sufficient in law to bar the said Plaintiff from
" having and maintaining his aforesaid action against

"them and this he is ready to verify. Wherefore he prays
" judgment &c.

" And the said plaintiff, as to the said
" plea of the said defendants, secondly above pleaded
" in bar says that he notwithstanding &c ought not
" to be barred from having and maintaining his
" aforesaid action against them because he says
" that the said sixth count is founded upon a decree
" of a court of record to wit, of the Supreme Court of
" the State of Wisconsin, now remaining in said
" supreme court &c. as the said plaintiff ^{hath} ~~said~~ above
" thereof complained, and this the said plaintiff is
" ready to verify by the record, where, and in such
" manner as the court here shall order &c.

" And the said plaintiff as to the
" said plea of said defendants thirdly above pleaded
" in bar says that he, notwithstanding &c ought not
" to be barred &c because he says ~~that~~ that there is
" such a record of the said decree remaining in the
" said Supreme Court of the State of Wisconsin &c as the
" said plaintiff hath above complained and this he is
" ready to verify by the record, where and in such manner
" as the court here shall order &c.

"R. L. Van Rensselaer"

Plff. Atty.

And that afterwards to wit, on the ^{fifteenth} ~~5th~~ day of October A. D.,
1850 said day being a day in the October term of
said court for said last mentioned year the following
among other proceedings were had in said court
and entered of record, to wit.

16 "Edgar R Huguinin } Attachment.
 " " }
 "Champion I Hutchinson }
 " & Henry B Hinsdale }

"Now comes said
 "Plaintiff by Chatfield his attorney and the defen-
 "dants by Evans their attorney also come, and joinder
 "being had upon the said defendants demurrer to
 "the several counts of said Plaintiffs declaration herein
 "and also upon the demurrer on the part of said
 "Plaintiff to the Pleas filed by said defendants to
 "the counts of said declaration and the court
 "having heard the arguments of counsel, but not
 "being fully advised in the premises, takes the
 "same under advisement."

And that afterwards to wit,
 on the ^{Sixteenth} 16th day of October A. D. 1850 said day being a
 day of the Oct^r term of said court for said last
 mentioned year, the said Champion I Hutchinson &
 Henry B Hinsdale by Blodgett their Attorney filed
 in the office of the Clerk of said court their motion
 which is in the words and figures following, to wit,

"Champion I Hutchinson } Lake County
 " & Henry B Hinsdale } Co Ct
 " at
 "Edgar R Huguinin } Oct Term 1850

"Now comes the Defendants
 "above by Blodgett their Atty & craves over of the
 "Record declared on in the above entitled cause

"Blodgett for Defts

Sixteenth

And that afterwards to wit, on the said ~~16th~~ day of October A.D. 1850 it being a day in the said October term of said circuit court, ~~in said~~ ^{for said} last mentioned ~~day~~ year the following among other proceedings were had in said court and entered of record, to wit,

16 " Edgar R. Huggins
" " vs } Attachment
" Champion J. Hutchinson
" and Henry B. Hinsdale }

" Now come the parties
" by their respective attorneys, and the court being
" fully advised as to the demurrers formerly taken
" under advisement herein, sustains the said plaintiffs
" demurrers to said defendants pleas, and overrules
" the said Defendants demurrers to the first five
" counts of said plaintiffs declaration. It is there-
" fore ordered that said Plaintiff have and recover of
" said defendant his costs about said demurrers
" expended, and that he have execution therefor,
" And thereupon come said defendants and ask
" and obtain leave to withdraw their said demur-
" rers to the declaration and to amend their pleas
" now on file herein, and that they have until the
" opening of court tomorrow morning in which
" to plead to the first five counts of said declara-
" tion, and amend their said pleas now on file,
" And afterwards come the said defendants and
" pray leave of the court of the record of the judgment
" set forth, in said plaintiffs declaration, and
" the court being fully advised in the premises
" overrules the said prayer,

And that afterwards, to wit, on the ^{seventeenth,} ~~17th~~^{19th} day of October A. D. 1850 the same being a day of said October term of said court for said last mentioned year, the said Chapman & Hutchinson & Henry H. Winsdale by Bledsoe their Attorney ~~and~~ filed in the office of said clerk of said court their pleas which are in the words and figures following, to wit,

" State of Illinois
" Lake County Circuit
" Court ~ ~ ~ ~
" Humphreys & Hutchinson
" Henry & Hinsdale
" ^{also}
" Edgar & Hengeman

} "October Term
1850

"

"Lake County Circuit

"Const - - - - -

Champion I Hutchinson

" Henry B. Hinsdale

" ads

Edgar R. Ungar

October Term
1850

1850

"And the said

defendants by Blodgett their attorney comes and defends
the wrongs and injury when &c and act now, because
they say there is not any record of the said supposed
recovery in the said declarations mentioned, remaining
in the supreme court of the State of Wisconsin aforesaid
before the aforesaid Justices thereof in manner and form
as the said Edgar R. Henguen hath above in his said
declarations alleged and this the said Champion I
Hutchinson & Henry B. Hinsdale are ready to verify,
wherefore they pray Judgment if the said Edgar R.
Henguen ought to have or maintain his aforesaid
action thereof against them the said Hutchinson &
Hinsdale.

"the wrongs and injury when we act in now, because

"they say there is not any record of the said supposed

"recovery in the said declarations mentioned, remaining

"in the supreme court of the State of Wisconsin aforesaid

before the aforesaid Justices thereof in manner and form

as the said Edgar R. Mergens hath above in his said

"declarations alleged and this the said champion I

" Hutchinson & Henry B Winsdale are ready to verify.

wherefore they pray Judgment if the said Edgar R

"Merganser ought to have or maintain his aforesaid

"action thereof against them the said Hutchinson &

Uinsdale.

Blodgett for West!

2^d And for further plea in this behalf by leave of the Court
first had and obtained the defendants above say a ctio
now, because they say that they had no notice of ~~the~~

" first had and obtained the defendants above say actio

"now, because they say that they had no notice of the

" on pending of any suit in the Supreme court of the
" State of Wisconsin as is alleged & set forth in Plain-
" tiffs declaration, and this they are ready to verify,
" wherefore they pray Judgment &c."

" 3^d And for further plea in this behalf defendants say
" actio non, because they say that there is not any record
" of any such suit as in the said declaration is men-
" tioned appealed to the said supreme court of Judica-
" ture of the State of Wisconsin, wherein the said de-
" fendants were appellants and said Plaintiff was
" appellee & this they are ready to verify wherefore they
" pray Judgment &c."

4. And for further plea in this behalf said Defendants say
" actio non, because they say that this decree as set
" forth in plaintiffs declaration is rendered against these
" Defendants by the Supreme Court of ~~Wisconsin~~^{Judicature} of the State of
" Wisconsin was so rendered on an appeal taken to said
" Court from the County of Racine Circuit Court by said
" Plaintiff without any notice to these Defendants, and
" not in accordance with any law of said State of
" Wisconsin, wherefore they pray Judgment &c."

5 And for further plea they say actio non, because they
" say that the decree set forth in plaintiffs declaration
" as rendered against these Defendants in the Supreme
" court of the State of Wisconsin was fraudulent & void
" the same being so rendered in case which was not
" then pending in said court & this they are ready
" to verify, wherefore they pray Judgment &c."

" 6th And for further plea in this behalf Defendants say
" actio non, because they say that the said Supreme

"Court of the State of Wisconsin pronouncing said decree
"as alleged as set forth in Plaintiffs declaration
"had no Jurisdiction of the subject matter of the said
"decree, and this they are ready to verify wherefore
"they may Dnat. &c."

"7 And for further plea Defts say actio non, because
"they say that the said Supreme Court of the State of
"Wisconsin pronouncing said decree as set forth in
"Plffs declaration had no Jurisdiction of the persons
"of these defendants and this they are ready to verify
"wherefore they may Dnat. &c."

"8 And for further plea in this behalf Defendants say
"actio non, because they say that they never appeared
"in said Supreme Court of Judicature of the State of
"Wisconsin in said suit as set forth in Plffs declaration
"by Attorney or in person, nor was process served on
"these defendants from said Court or otherwise of the
"Credency of said suit by appeal or otherwise, or any
"notice thereof, and this they are ready to verify wherefore
"they may Dnat."

"Blodgett for Defts."

And that afterwards, to wit on the said ^{seventeenth} 17th day of October A.D.
1850 the same being a day in the said October Term of
said Court for said last mentioned year the said Edgar
R. Heuguenin by the said Dan Russell his Attorney filed
in the office of the said Clerk of the said Court his motion
which is in the words and figures following, to wit,

"Sable County Circuit Court }
Edgar R. Heuguenin }

Champion D. Hutchinson &
Henry B. Heinsdale }

Of Oct Term A. D. 1850

" And now comes the said Plaintiff by Van Kunselaer his Attorney
" and moves the court now here, to strike out the 2.^d 3.^d 4.th
" 5.th and 8.th pleas of the said Defendants as frivolous,

Dated Oct 17th 1850

Van Kunselaer
Atty for Plff.

And that afterwards and on the said ^{seventeenth} 17th day of October A.D.
1850 the same being a day in the said October Term
of said court for the said last mentioned year the
following among other proceedings were had in said
court and entered of record to wit,

16 " Edgar R Huguenin
vs
Champion J Hutchinson &
Henry B Winsdale } Attachment,

" Now come said parties
by their respective attorneys, and said plaintiff moves the
court to strike out the second, third, fourth, fifth and
" eighth pleas of the said defendants to the said plaintiffs
" declaration, and the court having heard the argu-
" ments of counsel, but not being fully advised in the
" premises, takes the same under advisement."

And that afterwards to wit, on the ^{eighteenth} 18th day of October A.D.
1850, the same being a day of the said October Term of
said court for said year the said Edgar R Huguenin
by Van Kunselaer his Attorney filed in the office of the
Clerk thereof his demurrer which is in the words following
to wit,

"Large Circuit Court

"Edgar R. Huguinin

16

"vs

"Champion J. Hutchinson

"Henry B. Winsdale

} And the said Plaintiff says
that the said Defendants pleas to the said Plaintiffs
declarations by them, secondly, thirdly, fourthly, fifthly,
and eighthly above pleaded are not nor is either of
them sufficient in law to bar the said Plaintiff from
having and maintaining his aforesaid action
against them and this the said Plaintiff is ready
to verify, wherefore he prays judgment &c.

"Van Rensselaer

"Plff. Atty"

And that afterwards, to wit, on the said ^{eighteenth,} ~~18th~~ day of October
A. D. 1850 the same being a day in the said October Term
of said Court for said last mentioned year the following
among other proceedings were had in said Court
and entered of record, to wit,

"Edgar R. Huguinin

"vs

"Champion J. Hutchinson

"and Henry B. Winsdale

} Attachment.

"Now comes said Plaintiff

by Chatfield his Attorney and withdraws his motions
heretofore entered to strike out the second, third, fourth,
fifth, and eighth pleas of said defendants, and files
his demurrer to said pleas, and joinder being had
upon the said demurrer and the Court after ar-
guments of counsel, being fully advised in the premises
it is ordered that the said demurrer as to the said
second, third, fourth and eighth pleas of said defendants

"verify by the record, where & in such manner as the
"court shall order &c,

"And the said Plaintiff as to the
"Plea of the said Defendants by them severally above
"pleaded says that he ought not to be barred &c. be.
"cause he says that the said Supreme court of the
"said State of Wisconsin pronouncing the said decree
"as set forth in the Plaintiffs declaration had
"jurisdiction of the persons of the said Defendants, and
"this the said Plaintiff is ready to verify by the record
"where & in such manner as the court shall order &c

Van Rensselaer

Plff. Atty

And that afterwards on the said ^{eighteenth} ~~18th~~ day of October A. D.
1850, the same being a day in the said October term of
said court for said year, the said Edgar R. Huguinin
by Van Rensselaer his Attorney also filed in the office
of the said Clerk of said Court his replication which
is in the words following, to wit,

"Lake Circuit Court
"Edgar R. Huguinin

"vs
"Champion Hutchinson

"Henry B. Winsdale

"And the said Plaintiff as to the
"Plea of the said Defendants by them fifthly above pleaded
"says that he ought not to be barred &c. because he says
"that the said decree mentioned & set forth in the
"said Plaintiffs declaration was & is not fraudulent &
"void & that the same was rendered in a case which
"was pending in the said Supreme Court of the State of
"Wisconsin, and this the said Plaintiff is ready to
"verify by the record where & in such manner as this

by their respective attorneys, and the court being fully
advised in the premises, finds the issue for the Plaintiff,
and assesses his damages at the sum of two hundred
and forty nine dollars, and eighty two cents, and
thereupon come said defendants by their attorney,
and move for a new trial, whereupon the court being
fully advised in the premises, it is ordered that said
motion be, and the same is hereby overruled, to which
decision of the court the said defendants except, and
thereupon it is ordered that said Plaintiff have
and recover of said defendants the sum of three
thousand one hundred and fifty eight dollars,
and thirty two cents, for his debt, and also the
said sum of two hundred and forty nine dollars
and eighty two cents, so as aforesaid assessed for his
damages, sustained by reason of the detention of said
debt, together with the costs and charges by him
in this behalf expended, and that he have ex-
ecution therefor, and also that he have a special
execution for the sale of the property attached by
virtue of the writ issued herein, and it is further
ordered that the costs of said Plaintiff, amounting to
the sum of six dollars, in procuring an exempli-
fied copy of the judgment records introduced and
used as evidence on the trial of this cause, be
taxed as costs in this cause in favor of said Plaintiff
and adjudged against said defendants. And
thereupon come said defendants by their attorney,
and pray an appeal to the supreme court, which
is granted on condition that the said defendants,
or either of them, by themselves or himself, or by the
agent or attorney of them or either of them enter into
bond before the Clerk of this court within twenty days
after the present term of this court in the penal sum

" of four thousand dollars with Alonzo Campbell, Peritt
" Campbell & Parice Head, as sureties, and by agree-
" ment of said parties by their respective attorneys. It
" is further ordered that said defendants, have
" twenty days after the present term of this court in
" which to file their bill of exceptions herein."

And that afterwards, to wit, on the ^{twenty fifth} ~~25th~~ day of
October A.D. 1850 the same being a day of the said
October term for said year ~~the~~ following an order of
said court was made and entered of record which is in
the words following, to wit, "Ordered that this court do
"now adjourn till term in course."

And that afterwards, to wit,
On the ninth day of November A.D. 1850 the same being
a day in the vacation between the said October
term of said Lake County Circuit Court for the
year last aforesaid, and the March Special Term of
the same court for the year one thousand eight
hundred and fifty one, the said Chapman & Hutch-
inson and Henry B. Winsdale filed in the office of the
Clerk of the said court a bond which is in the words
and figures following, to wit,

"Know all men by these
"Presents that we Chapman & Hutchinson, Henry B.
" Winsdale, Alonzo Campbell, Peritt Campbell and
" Parice Head are held and firmly bound unto Edgar
" B. Huggins in the penal sum of four thousand
" dollars (\$4000) lawful money for the payment of
" which well and truly to be made, we bind our-
" selves, our heirs, executors and administrators
" jointly and severally and firmly by these Presents

"*Set*

"Witness our hands and seals this fourth day of November
"A. D. 1850.

"The condition of the above obligation is such that
"whereas the above named Edgar R. Herguin did at the
"October Term of the Circuit Court of Lake County in the
"State of Illinois, in the year of our Lord one thousand eight
"hundred and fifty recover a Judgment in said circuit court
"against the above bounden Champion Hutchinson and
"Henry B. Winsdale for the sum of three thousand one
"hundred and fifty eight dollars and thirty two cents
"debt, and two hundred and forty nine dollars and
"eighty two cents damages, together with the costs of
"said suit, From which said Judgment the said
"Hutchinson & Winsdale have taken an appeal to the
"Supreme Court of the State of Illinois, Now therefore if the
"said Champion Hutchinson and Henry B. Winsdale
"shall duly prosecute their said appeal, and in case
"said Judgment shall be affirmed by said Supreme
"court, shall pay the Judgment together with such
"costs interests and damages as shall be adjudged by
"said Supreme Court, then the above obligation to be void,
"otherwise to remain in full force, effect and virtue.

Champion Hutchinson 33"
By E. W. Evans his Atty in fact 33"
H. B. Winsdale 33"
A. Campbell 33"
Dewitt Campbell 33"
Daniel Wood 33"

On which said bond was endorsed on the said fourth
day of November A. D. 1850 it being a day in the vacation
last aforesaid by the said Clerk of the said Circuit Court
his approval thereof which is in the words and figures

following, to wit, "Approved by me at my office this
"9th" day of November A. D. 1850.

A. B. Bates Clerk,

State of Illinois } ss I, Augustus B. Bates Clerk of the Circuit
Lake County } Court in and for the said County of
Lake, hereby certify the foregoing to be a true trans-
cript from the records of my office and the papers
on file therein, of the pleadings, proceedings and
judgment of the said court in the cause in the
said transcript mentioned.

In Witness Whereof, I have hereunto
set my hand and the seal of said
court at Waukegan in said county
this thirty first day of May A. D.
1851,

A. B. Bates Clerk

Fees for transcript \$15.85

Lahe
C. J. Hutchinson
by
Edgar E. Hagaman
Record

Filed June 13. 1887.
L. Deland Clerk.

Champion J. Hutchinson
vs. B. Kindale } Lake County
ad. } Circuit Court
Edgar R. Huguenin }

State of Wisconsin

Kenosha County ss: E. W. Evans, being duly sworn on oath
deposes and says, that he was counsel for
defendants in the above entitled cause
in said County; That Orson S. Reed resident
of Kenosha & State of Wisconsin, was
associated with affiant, and H. B. Blodgett
resident of Watergen in said County of
Lake; That immediately after the said
cause was submitted to the Court (a jury
in the case being waived), affiant left said
County of Lake for Kenosha, and was not in
attendance upon said Term of Court again
during the Session of said Court; That
this affiant left the further business of in-
relation to said suit, with said Blodgett; That
after the rendition of the judgment in said cause
by the Court, said Blodgett telegraphed this
affiant, and informed him that the Court
had ordered the names of the Bail to be
furnished the Court for approval, and had
given defendants twenty days, to file such
Bail for appeal; That this affiant did
on the same day forward the said
Blodgett said names for Bail, and
the same were, as affiant is informed
approved by the Court, and further,
within the time limited by the Court,
affiant did cause to be executed the
Appeal Bond filed said cause. That

this affiant filed said ~~the~~ Appeal Bond in
good faith, and supposed that all the
necessary steps preliminary had been taken by
said Brophy for the purpose of appealing
said case to the Supreme Court of the State
of Illinois: That this affiant was not
informed that a bill of exceptions had
not been filed in said case, and made a
part of the records thereof, until after the
time limited by the Court for so doing had
expired: That affiant had no knowledge of
any order fixing the time for filing exceptions
had been made by the Court, but had
left that matter entirely, as far as affiant
was concerned, with said Brophy.

I further depose and swear that

E. W. Emery

Subscribed & sworn to before
me this 9th day of June

A. D. 1857

A. B. C. Notary Clerk

117-06611

C. J. Hutchinson, and
Henry B. Kim, de la
Edgewood, Virginia }
as ds

att of E. H. Loring.

Filed June 13. 1854.
J. C. Leland Clerk.

[Faint, illegible handwriting]

[Faint, illegible handwriting, likely bleed-through from the reverse side.]

[Faint, illegible handwriting, likely bleed-through from the reverse side of the page.]

Champion J. Hutchings as
Henry P. Hindsdale
as
Edgar R. Kynner

Lake County
Circuit Court

Lake County, Wis -

H. H. Rodgett being duly sworn
on oath says, that he is a resident of Wisconsin
County of Lake. That he was appointed ^{for Deputy} attorney
with O. Head and E. Evans, as ^{for Deputy} counsel, at the trial
of the above entitled suit, which came off at the
Aut. Term of said Court A.D. 1880. That the chief
recommendation of said case was by said Evans
& Head, who are residents of Kenosha in State
of Wisconsin. That the parties in interest in
said case also reside in Kenosha Wisconsin.
That A. G. Chatfield Esq. was leading counsel
for the Plff in said case at the trial thereof.
That after the trial of said case and after the
pleas were submitted ^{to the Court} ^{before the rendition of verdict} the
said Evans & Head left for Milwaukee and
were not in attendance upon said Court
again during the Spring Term of 1881. That an
judgment being rendered by the Court
therein, this defendant said to W. Chatfield
who was then in Court, & who also lives
at Kenosha, ~~that~~ that the right of exceptions
for making an appeal to the Supreme Court of
this State, could be made out at Kenosha
between him & the said Head & Evans, who all lived
at Kenosha, and was had heard said case.

That the time allowed by the Court for perfect-
ing said Appeal, by filing Bond & Exceptions, was
twenty days =

That affiant supposed ~~see~~ the Bill of
Exceptions accompanying the filed in the same
was to be made out hereafter as provided
within said term & so supposed that the
said Evans & Hunt understood, until he
was informed to the contrary by them
after the time had expired allowed by the
court to file the same & to perfect the
appeal; That the exceptions in said
case were not filed by reason of the above
misunderstanding. That affiant had
not supposed that the matter of filing
exceptions had been left to him by said
Hunt & Evans, & only that he was to
on that the appeal should have been duly
approved & filed in said case.

That at the March ^{special} term of the Cir-
cuit of the County of Lake ~~March~~ ^{March} D. 1857. The
counsel for Plaintiff in said case moved
the court to set aside the appeal in
said case and affiant stated in
open court ^{in reply} that he was willing to
that the appeal should be set aside
at any time. That the court
~~for~~ in relation to said motion remarked
that he did not know as he had had
any further contact with said case
in said court. And affiant further
stated. That at the June ^{regular} term of said
Lake County Circuit Court this affiant
moved to file a Bill of Exceptions, then
nunc pro tunc, which was overruled
by the court, and then further moved
to set aside the appeal to the Supreme Court

or to vacate the order ^{entered} granted there in granting the appeal

And efficient justice states that he has been ready & willing at all times since the failure of the Dept. to file their Bill of exceptions in said case as above set out, to dismiss said appeal and to allow the Ref. to have execution in said case; that the appeal in the said case has not been made for the purpose of delay
Justice Dept on the 10th

Subscribed ^{affirmed} ~~to~~ before me this 9th
of June A. D. 1857
A. B. Bates Clerk

A. W. Playett

C. J. Hutchinson
M. D. W. W. W. W.

Ed.
Edgar W. W. W.

W. W. W. W. W.

Filed June 13, 1854.
Richard C. W.

or to vacate the order ^{entered} ~~granted~~ there in granting the appeal

And sufficient justice states that he has been ready & willing at all times since the failure of the Dept to file this Bill of exceptions in said case as above set out, to dismiss said appeal and to allow the Ref. to have execution in said case; That the appeal in the said case has not been made for the purpose of delay
The Dept on the other

Subscribed ^{affirmed} ~~to~~ to
before me this 9th
of June A. D. 1857

A. B. C. Notary Clerk

M. W. Playett

State of Illinois,
Lake County Circuit Court.

Champion & Hutchinson,
+ Henry B Hinsdall
ads.
Edgar R Nugent

} State of Wisconsin
Kenosha County, ss = Orson S

Head, of the city & County of Kenosha, being
first duly sworn, on oath says that he was associ-
ated with E. W. Evans, and W. W. Blodgett in
the trial of the above entitled cause in said County
of Lake = That said Evans and this affiant
were at the time of the trial of said cause & now
are residents of the City of Kenosha in the state
of Wisconsin - that said Blodgett then was & now
is a resident of Frankegan in the state of
Illinois - That immediately after the trial
of said cause, this affiant left Frankegan
for Kenosha with the understanding that said
Blodgett was to take the necessary steps for
perfecting an appeal in said cause, except so far
as procuring the necessary Bond therefor,
which Bond was to be forwarded to said
Blodgett by this Deponent or the said Evans.

That this affiant did not learn that no bill
of Exceptions had been filed in said cause
untill after the time allowed therefor had
expired - That this affiant afterwards and
about the last of November or first of
December, 1850, informed Volney French,
who was at the time of the trial of said cause
& now is the law partner of A. G. Hatfield, that

the Defendants had no desire to delay the
 issuing of an execution in said cause & would
 at any time consent to withdraw their
 application for an appeal therein & that exe-
 -cution issue immediately — That this was
 so said to French in reply to an inquiry
 addressed to this affiant by said French, as
 to what we intended to do, or if we intended
 to do anything further in relation to the appeal
 in said cause — That said French then in-
 -formed this Depovent that ~~that~~ would be satis-
 -factory & that he was going to OranBegan
 in a few days to attend to the taxes on the
 Lands (attached by virtue of the writ in
 said cause) & that he would attend to it when
 he went — That said A G Chatfield had the
 principal management of the trial of said
 cause & that one Mr — Noatch, who is the
 Father in Law of said French represents the
 interest of said Hueymin (the Plff) in this suit —
 Said Hueymin being then & now in California

Subscribed & sworn to before
 me this 6th day of June, 1851

Orson J. Head

Toney French
 Commissioner for the State
 of Illinois

C. G. Burdette
 W. B. Burdette
 Edgar W. Burdette
 affiant of ad. v.

Filed June 13. 1851
 A. C. C. C.