

No. 12258

Supreme Court of Illinois

People ex-rel.

vs.

Board of Trustees.

71641  7

Supreme Court of the State of Illinois.

The people of the State
of Illinois on Relation
of City of Chicago.

vs.

The Board of Trustees
of the Illinois & Michigan
Canal.

Application for
Mandamus to
compel exchange
of Block 7 for Block 14 &c

Commonwealth of
Massachusetts,

J. J.

William H. Swift

being duly sworn, says that the State
of Illinois, having on the 21st Feby. 1843
passed an Act entitled, "an Act to
provide for the completion of the
Illinois and Michigan Canal, and
for the payment of the Canal debt,"
by which all the lands and lots
belonging to the Canal fund were
proposed to be conveyed to a Board
of Trustees, as stated in the 10th Section
of said Act - reference being therein had
for greater certainty; and reserving only
such lands and lots as had been
sold by the Board of Commissioners
prior to that time. And this deponent
States of Illinois, through her agents,
offered all said Canal lands & lots

including, as he understood and as was stated in a Schedule of property offered by her agents, Block 7 in the original Town of Chicago, to her creditors as security for the sum of \$1,600,000, to enable the State of Illinois to complete the Canal, as contemplated by said Law.

Prior to the consummation of the negotiation between the State of Illinois and her creditors, this deponent and the Hon. Mr. Davis of Massachusetts were appointed agents on the part of the subscribers to such loan, to visit the State of Illinois and to examine the securities proposed for such loan. In performance of such appointment, in the Autumn of 1844 they visited Chicago and the line of the Canal and examined the lands and lots so offered. They met the Hon. Thomas Ford, then Governor of the State, and Michael Ryan & Charles Oakley, agents on behalf of the State to make such negotiation. In the descriptive catalogue of property so proffered ^{said} as such security was embraced Block 7.

This deponent stated that said John Davis and this deponent reported favorably on such

X security and that late in 1844
the subscription was completed on
the proposition contained in the Act
of Feb'y 21st 1843, but the subscribers
desired some further legislation,
modifying the same for the greater
security of such subscribers. These
modifications were embodied in the
Law of March 1st 1845, entitled, "an
Act supplemental to an Act to provide
for the completion of the Illinois
and Michigan Canal, and for the
payment of the canal debt."

Approved Feb'y 21st one thousand eight
hundred and forty three,

That thereon the contract was
closed and executed, and a deed
made by the Governor of the State,
covering all the property and specifi-
cally enumerating in a descriptive
catalogue thereto attached, said
Block 7 of the original Town of Chicago.

This deponent states that neither
he nor Governor Davis, nor the sub-
scribers to said loan of \$1,600,000, to
his knowledge or belief ever had any
notice of an act entitled "An Act
to drain a Marsh in Cross Point
precinct, Cook County; and for other
purposes" Approved March 3, 1846:
but always believed and relied on

Block 7 being a part of their security as much as any other tract of land or lot so conveyed to said Board of Trustees, and that said sum of \$1,600,000 was advanced upon it in good faith, and as fully relying upon it as such security, as upon any other portion of local lands or lots, so conveyed as aforesaid.

W. V. Swift

Commonwealth of Massachusetts } Best remembered that
Suffolk S.S. } on this the twenty fifth
day of February, in the year one thousand eight hundred and
fifty three, before me the subscriber, a Commissioner for the State
of Illinois, residing at Boston, in the County of Suffolk and Com-
monwealth of Massachusetts, the above named William
H. Swift subscribed the foregoing affidavit in my
presence at said Boston, and did depose and swear
that the matters therein set forth were true.

In witness whereof I have hereunto set my hand
and official seal as such Commissioner at
my office in Boston, in the County of Suffolk and Com-
monwealth of Massachusetts, on the twenty fifth day of
February A.D. 1853.

J. H. Buckingham
Commissioner for the
State of Illinois -

Superintendent
The Trustees
Ex. P. B. Co. of
Chicago

Board of Trustees

Affairs of
W. H. Swift

12258
Filed June 21st 1853.
L. Ireland Clk.
By J. H. Ireland Secy.

1853