

DEPOSITION OF LATHROP FARNHAMS.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is Lathrop Farnhams; my age, forty-nine years; my occupation, farmer; and my place of residence, Wheeling, Cook county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him and where?

Ans. I do know him, and have known him since 1840, in Vernon and Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and it is bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. No, I would not.

LATHROP FARNHAMS.

DEPOSITION OF JOHN DEAN.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is John Dean; my age, sixty-five years; my occupation, farmer; and my place of residence, in Wheeling, Cook county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him and where?

Ans. I do know him, and have known him since 1840, in Vernon and Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and it is bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I could not.

JOHN DEAN.

DEPOSITION OF RICHARD FILKINS.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is Richard Filkins; my age, forty two years; my occupation, farmer; and my place of residence, in Palentine, Cook county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him, and where?

Ans. I do know a man they call Rufus Soules, and have known him for about twelve years; he resided in Vernon, Lake county, when I first knew him.

Int. 3. Are you acquainted with his general reputation for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I was acquainted with it before he moved to Waukegan, and it was bad, and I never have heard any one since speak well of it.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I could not.

RICHARD FILKINS.

DEPOSITION OF JOHN WOLF.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is John Wolf; my age, twenty seven; my occupation, farmer; and my place of residence, Wheeling, Cook county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him, and where?

Ans. I do know him, and have known him for fifteen years, in Vernon, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with his general reputation for truth and veracity, and it is bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I can't think I should.

JOHN WOLF.

DEPOSITION OF SAMUEL C. GIBBS.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is Samuel C. Gibbs; my age, thirty-four years; my occupation, farmer; and my place of residence now, in Waukegan, Lake county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him, and where?

Ans. I do know him, and have known him about two years, in Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and it is very bad?

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I would not.

SAMUEL C. GIBBS.

DEPOSITION OF E. K. BEACH.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is Ebenezer K. Beach; my age, fifty-six years; my occupation, blacksmith; and my place of residence, in Wheeling, Cook county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him, and where?

Ans. I do know him, and have known him for about nine years; first in Vernon; afterwards in Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I was while he lived in Vernon, Lake county, and I have often heard about it since, and it was bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I would not from all I heard speak about it.

E. K. BEACH.

DEPOSITION OF WILLIAM RUTH.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. William Ruth is my name; my age, twenty six years; my occupation, farmer; my place of residence, Vernon, Lake county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him and where?

Ans. I do know Rufus Soules, and have known him for nineteen or twenty years, in Vernon, Lake county, and in Waukegan.

Int. 3. Are you acquainted with his general reputation for truth and veracity among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and have heard his reputation for truth much talked about among his neighbors and acquaintances, and it is bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I should not.

WILLIAM RUTH.

DEPOSITION OF ADEN RUTH.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is Aden Ruth; my age, forty five years; my occupation, farmer; and my place of residence, Vernon, Lake county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him and where?

Ans. I do know him, and have known him about twenty years; I first knew him when he lived on the farm, now called the Babcock farm, in Wheeling, Cook county, and afterwards in Vernon, and in Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it; and it is poor enough, and bad enough.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. No sir, I would not.

ADEN RUTH

DEPOSITION OF IRWIN RUTH.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is Irwin Ruth; my age, about thirty-four years; my occupation, farmer; and my place of residence, Vernon, Lake county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him and where?

Ans. I do know him, and have known him about fourteen years. I was first acquainted with him in Vernon, and afterwards he moved to Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I have been acquainted with it in Vernon, and some in Waukegan, but not a great deal, and it was bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I think I would not believe him on his oath.

IRWIN RUTH.

DEPOSITION OF ELIHU INGRAHAM.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is Elihu Ingraham; my age, forty-seven years; my occupation, farmer; and my place of residence, in Ely, Lake county; formerly resided in Vernon, and was near neighbor to Soules.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him, and where?

Ans. I have known Rufus Soules, from eighteen to twenty years, in Vernon, Lake county. Since he left, I have not known much about him; but I have heard some remarks about him.

Int. 3. Are you acquainted with his general reputation for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I have been some, and it was bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I should not, from his reputation.

E. INGRAHAM.

DEPOSITION OF THEODORE S. MILLS.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is Theodore S. Mills; my age, sixty-one years; my occupation, physician; and my place of residence, in Vernon, Lake county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him and where?

Ans. I do know Rufus Soules, and have known him for seventeen years, and for about ten years of the time he lived in my immediate neighborhood, in Vernon, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with his general reputation for truth and veracity; it is bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I should not.

THEODORE S. MILLS.

DEPOSITION OF JESSE MACNAB.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is Jesse Macnab; my age, thirty-one years; my occupation, farmer; and my place of residence, Wheeling, Cook county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him, and where?

Ans. I do know him, and have known him for fifteen or sixteen years. I knew him in Vernon and Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and I should term it very bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I would not.

JESSE MACNAB.

DEPOSITION OF HENRY H. BARBER,

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is Henry H. Barber; my age, twenty-five years; my occupation, farmer; and my place of residence, Ely, Lake county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him, and where?

Ans. I do know him, and have known him for near thirteen years, Vernon, and in Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation, for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I have been, and still I am acquainted with it, and it is generally bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I could not.

H. H. BARBER.

DEPOSITION OF RICHARD ARCHER,

Int. 1. What is your name, age, occupation and place of residence?

Ans. My name is Richard Archer; my age, sixty years; my occupation, farmer; and my place of residence, in Ely, Lake county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him and where?

Ans. I do know him, and have been acquainted with him, more or less, for about twenty years. I first knew him when he lived on what is called the Babcock farm, in Wheeling, and afterwards in Vernon; then he moved to Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and I consider it bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. No sir, I would not believe him under oath, or any story he would tell me.

RICHARD ARCHER.

DEPOSITION OF OSCAR HENRY.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is Oscar Henry; my age, twenty-six years; my occupation, farmer; and my place of residence, Ely, Lake county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him, and where?

Ans. I do know him, and have known him for about fifteen years, in Vernon, and in Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation, for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and I consider it bad. I was present at a trial of the people against John H. Mills, in which Soules was a witness. At that time he was impeached by a number of witnesses; I should think, ten or fifteen. The trial was held in Half-day.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. No sir, I should not.

OSCAR HENRY.

DEPOSITION OF BENJAMIN F. WASHBURN.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name, Benjamin F. Washburn; my age, forty-six years; my occupation, farmer; and my place of residence, Vernon, Lake county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him, and where?

Ans. I do know him, and did know him for about nineteen years, in Vernon and Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation, for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and it is bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I would not.

B. F. WASHBURN.

DEPOSITION OF JESSE MATTESON.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is Jesse Matteson; my age, about thirty-nine years; my occupation, farmer; and my place of residence, Wheeling, Cook county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him and where?

Ans. I do know him; I have known him in Vernon, Lake county, about six years; have known him, by reputation, eleven years.

Int. 3. Are you acquainted with his general reputation, for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and it is bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I would not.

JESSE MATTESON.

DEPOSITION OF L. P. WEBSTER.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is L. P. Webster; my age, thirty-one years; my occupation, farmer; my place of residence, Wheeling, Cook county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him and where?

Ans. I do know him, and have known him for about eight or ten years. I believe he lived in the town of Vernon, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and it is bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I could not, sir.

L. P. WEBSTER.

DEPOSITION OF ALANCO HAWKS.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is Alanco Hawks; my age, thirty-six years; my occupation, farmer; and my place of residence, Wheeling, Cook county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him and where?

Ans. I do know him, and have known him for about twelve years, in Vernon and Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and it is bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. No sir.

ALANCO HAWKS.

DEPOSITION OF MATTHEW HOFFMAN.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is Matthew Hoffinan; my age, fifty-eight years; my occupation, farmer; and my place of residence, Vernon, Lake county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him, and where?

Ans. I do know him, and have known him for seventeen or eighteen years, at Vernon and Waukegan, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I have often heard it spoken of, and it is generally bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I should not, if he is any way interested.

M. HOFFMAN.

DEPOSITION OF TRISTAM VINCENT.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is Tristam Vincent; my age about 45 years; my occupation, miller and farmer; and my place of residence is Vernon, Lake county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him and where?

Ans. I do know him, and have known him for twelve years. I first knew him in Vernon, afterwards he moved to Chicago, and then came back on his farm; then in the town of Vernon; afterwards moved to Waukegan.

Int. 3. Are you acquainted with his general reputation for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and it is generally bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I would not believe him on his oath, from his general reputation, nor from what I know of him.

TRISTAM VINCENT.

DEPOSITION OF FREDERICK STREEBLE.

Interrogatory 1. What is your name, age, occupation and place of residence?

Answer. My name is Frederick Streeble; my age fifty-five years; my occupation farmer; and my place of residence, Wheeling, Cook county.

Int. 2. Do you know Rufus Soules? If yea, how long have you known him, and where?

Ans. I do know him, and have known him about seventeen years. He was my neighbor in the town of Vernon, Lake county.

Int. 3. Are you acquainted with his general reputation for truth and veracity, among his neighbors and acquaintances? If yea, what is it, good or bad?

Ans. I am acquainted with it, and it is bad.

Int. 4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. From what I knew of him at that time, I would not believe him.

FREDERICK STREEBLE.

CROSS EXAMINATION OF BENNETT'S WITNESSES, AT WHEELING, BY H. WALLER, BEGIN-
NING 22D MAY, 1856.

CROSS EXAMINATION OF PETER SCHENCK.

Interrogatory 1. Are you acquainted with the present reputation of Rufus Soules for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. No sir. I know nothing about it in Waukegan.

Int. 2. Have you ever had any dealings with Rufus Soules?

Ans. We had some little dealings, not much.

Int. 3. Do you consider that you are well acquainted with him personally?

Ans. I think I am well acquainted with him personally.

Int. 4. Would you or not, judging from your own knowledge of him, believe him on oath?

(Objected to by counsel for Bennett).

Ans. I know nothing against him, or hardly nothing against him. I should have to believe him.

Int. 5. Do you know, of your own knowledge, anything against him?
(Objected to by counsel for Bennett).

Ans. No sir, not of my own knowledge.

Int. 6. Before the taking of depositions here last May, who had you heard speak of the reputation of Rufus Soules for truth?

Ans. I don't know any particular one. This was the general talk here against him. They nearly all had law suits with him.

Int. 7. How long has that been ago?

Ans. I don't know how long ago; when he lived here, some seven, eight, or nine years ago.

Re-Examined by Counsel for Bennett.

Interrogatory 1. Do you know when Rufus Soules moved from here to Waukegan? If so, state when.

Ans. I could not state the time. I have been in this country twelve years. I lived here one year; then I moved to Buffalo Grove; after I moved there, I became acquainted with Mr. Soules. I could not tell, if it is six years, or ten years.

PETER SCHENCK.

CROSS EXAMINATION OF PETER FILBERT.

Interrogatory 1. Are you acquainted with the present reputation of Rufus Soules for the truth, amongst his neighbors and acquaintances, at Waukegan?

Answer. I was not in Waukegan since he is gone from his farm. No, sir.

Int. 2. Have you known anything of him since he left for Waukegan?

Ans. No sir.

Int. 4. From your own knowledge of him, would you or not believe him on oath?

(Objected to by counsel for Bennett).

Ans. No sir. I would not believe him, from what I heard from others; it is no use. I heard a great deal about his character.

Int. 4. How long has that been ago?

Ans. In the neighborhood of seven or eight years.

Int. 5. Do you know, of your own knowledge, anything against him? If so, state what it is.

(Objected to by counsel for Bennett).

Ans. No sir.

Int. 6. Do you consider that you were at any time well acquainted with him personally?

Ans. No sir.

Re-Examined by Counsel for Bennett.

Interrogatory 1. Did you not know Rufus Soules when you saw him?

Ans. I knew him when I saw him to-day.

Int. 2. Have you ever heard anything against Rufus Soules? State what you have heard.

(Objected to by complainants' counsel).

Ans. I heard a Dutchman say once, in my house, Soules cheated him out of some of his wages, as I was told once, as I heard he swore false in Waukegan.

Int. 3. Have you not heard a good deal said about R. Soules, both before and after he went to Waukegan?

(Objected to by complainants' counsel).

Ans. No, not after.

Cross-Examination Resumed.

Int. 7. What was the Dutchman's name, you heard speak of Rufus Soules?

Ans. I forget.

Int. 8. Did you ever hear Rufus Soules' account of the difficulty, between him and the Dutchman?

(Objected to by counsel for Bennett).

Ans. The Dutchman told me the account, but I forget it; it is about six years, but I never heard Rufus Soules' account.

Int. 9. When was it you heard that Rufus Soules swore false at Waukegan?

Ans. It is about six or seven years, I guess.

Int. 10. Did you hear in what case and in what Court he swore falsely?

Ans. No sir.

Int. 11. State the name of the person who told you.

Ans. I don't know; I heard it more than once.

Int. 12. Are you not a Dutchman yourself?

Ans. Nothing else.

PETER FILBERT.

CROSS EXAMINATION OF JOHN BOTCHILD.

Interrogatory 1. Have you known much of Rufus Soules since he left for Waukegan?

Answer. I don't know much of anything, except one thing, which happened between him and me.

Int. 2. Have you ever had any difficulty with him?

Ans. I did, sir.

Int. 3. Are you acquainted with the present reputation of Rufus Soules for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. I have been to Waukegan very frequently; but not within the last two years. At the time, the few times I have been to Waukegan, I heard folks talk about him; nothing good.

Int. 4. Who did you hear speak of him there?

Ans. I could not mention their names, because I do not know their names.

Int. 5. Do you know that they were his neighbors at that time?

Ans. Some of them, I know then lived at Waukegan, at this time; and the others, I presume, were citizens of Waukegan.

Int. 6. Can you not mention the name of a single one of these persons?

Ans. I cannot.

Int. 7. Do you not feel unfriendly to Rufus Soules?

Ans. Not at all. I made him once a visit, since he lived in Waukegan, to his house.

Int. 8. Had not those persons, you heard speak of him, had difficulties or suits with him?

Ans. Not that I know of.

Int. 9. How often have you heard persons, at Waukegan, speak of his reputation for truth?

Ans. Once, I am certain, and it seems to me that there was something said the second time.

Int. 10. How long ago since this conversation took place at Waukegan, of which you are certain?

Ans. As near as I can come to it, it is between two and three years.

Re-Examined by Counsel for Bennett.

Interrogatory 1. Since Rufus Soules moved to Waukegan, what has been, and what is now, his reputation for truth, among his acquaintances, in this neighborhood, good or bad?

Answer. Bad.

Int. 2. What business transaction was there between you and Soules?

Ans. All our business, he left some pills on commission, and bought some goods. He then got two gallons molasses. But the difference is only a little between us now, not over two shillings, and this still remains unsettled.

JOHN ROTHSCHILD.

CROSS EXAMINATION OF JOHN SIGWOLT.

Interrogatory 1. Before the taking of depositions here, a few weeks since, whom had you heard speak of the reputation of Rufus Soules for truth?

Answer. My step-father and his neighbors.

Int. 2. What are their names?

Ans. Mr. Boards, my own step-father; Napoleon Periolet, and a great many of his other neighbors; McNab families and his other neighbors; I don't recollect the other names.

Int. 3. How long has this been ago?

Ans. It has been seven, eight, or nine years ago; can't say for certain.

Int. 4. Are you acquainted with the present reputation of Rufus Soules, for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. No sir, not at Waukegan.

Int. 5. Was there any difficulty between your step-father and Rufus Soules? (Objected to by counsel for Bennett.)

Ans. Yes sir.

Int. 6. Have you to-day, in this room, furnished to Mr. Walker, counsel for Bennett, the name of a witness in his behalf, against Soules' character?

Ans. Yes sir.

Int. 7. Have you ever had any dealings with Rufus Soules?

Ans. No sir, not myself.

Int. 8. Did you furnish the name of this witness voluntarily?

Ans. I don't understand it.

Int. 9. Did you furnish it without being asked?

Ans. I was asked if I knew the man, and I said yes.

Int. 10. Did you not speak to Mr. Walker about this witness, before he asked you for the name?

Ans. No sir.

Re-Examined by Counsel for Bennett.

Interrogatory 1. Since Rufus Soules moved to Waukegan, what has been, and what is now, his reputation for truth among his acquaintances here, good or bad?

(Objected to by complainants' counsel.)

Answer. Bad.

Int. 2. Have you ever had any difficulty with R. Soules?

Ans. No sir, not myself.

JOHN SIGWOLT.

CROSS EXAMINATION OF MILO WINCHELL.

Interrogatory 1. Have you ever had any dealings with Rufus Soules?

Answer. Never had any dealings with him.

Int. 2. Have you known much of him, since he left for Waukegan?

Ans. No, not anything.

Int. 3. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. I am not.

Int. 4. Do you consider that you were at any time well acquainted with Rufus Soules personally?

Ans. I know the man well enough, personally, but from my own personal knowledge, I know nothing for or against him. I never had anything to do with him.

Int. 5. Who have you heard speak of the reputation of Rufus Soules for truth, previous to last May? Please state their names.

Ans. Joseph Filkins, Charles Morrison, Lewis Peet. It has been so long since, that I can't recollect their names. I never heard any one speak of him in any other terms than as a man not to be believed, and then, in other respects, every body speaks bad of him. My intimate knowledge of him was from fifteen to nineteen years ago. I have known very little about him for the last ten or twelve years.

Int. 6. Did not the talk about Soules, which you have mentioned, arise chiefly from law suits in which he was engaged about that time?

(Objected to by counsel for Bennett.)

Ans. No doubt a great portion of it did. He had a great deal of trouble, at that time, with his neighbors—nearly all he had any dealings with.

Int. 7. Did you know the extent of his dealings, and the number of those with whom he dealt?

Ans. I could not know the whole of his business, of course, no more than I know of any of the other neighbors.

Int. 8. Had not many of those whom you heard speak of him had difficulties with Soules?

Ans. I should presume they had, from their conversation; some of them I know had.

Re Examined by Counsel for Bennett.

Interrogatory 1. When did Soules move from this neighborhood to Waukegan?

Answer. I could not say the last place he lived at; in what may be called this neighborhood was out of my line of travel. I first knew Soules five miles south from here; then two miles and a half north from here; then about a mile and a half west from here; then he moved to Chicago, I believe; afterwards came back to his farm, and then to Waukegan, I suppose. I have known but very little of Mr. Soules since he left the place north of this, which was the second place he occupied after I knew him.

Int. 2. How far and which way do you live from here, and how long have you resided there?

Ans. I live about two miles and a half south-east from here, and lived there since July, 1836.

Int. 3. During this time you have known Soules, have you not occasionally seen him until the time he moved to Waukegan?

(Objected to by complainants' counsel.)

Ans. I frequently saw him when he lived below and above here, and very seldom when he moved to his place west. I probably had not seen Soules for eight years, till I saw him here the other day.

Int. 4. Has the reputation of Rufus Soules for truth changed for the better, among his acquaintances here, to your knowledge?

(Objected to by complainants' counsel.)

Ans. I don't know that it has. I heard very little about him for the last five or six years, until this thing came up.

Cross Examination Resumed.

Interrogatory 1. Do you recollect hearing anything about him since he moved to Chicago?

Answer. Very little.

MILO WINCHELL.

CROSS EXAMINATION OF JESSE MATTESON.

Interrogatory 1. Have you known much of Rufus Soules, since he removed to Waukegan?

Answer. I know nothing about Mr. Soules, since he moved to Waukegan.

Int. 2. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. I am not.

Int. 3. Did you ever have any dealings with Mr. Soules?

Ans. I never did.

Int. 4. Were you well acquainted with him before he removed to Waukegan?

Ans. Not very well; partially acquainted with him.

Int. 5. Did you ever know anything, of your own knowledge, of Mr. Soules, which would cause you to disbelieve him on oath?

Ans. Not of my own knowledge.

Int. 6. Did not most of the talk you heard against him, proceed from persons who had difficulties with him?

(Objected to by counsel for Bennett.)

Ans. I do not know that any of the persons I heard speak against Mr. Soules, had difficulties with him. I presumed they may have had; I don't know it.

Int. 7. Have you never heard Joseph Filkins, or Doct. Mills, speak against him?

(Objected to by counsel for Bennett.)

Ans. I never heard Mills; think I never heard Filkins.

Re-Examined by Counsel for Bennett.

Interrogatory 1. Is not Mr. Rufus Soules now present in this room?

Ans. I think he is.

Int. 2. Have you not been well acquainted with those who know Mr. Soules in this neighborhood, for the last six or seven years?

(Objected to by complainants' counsel.)

Ans. I think I have.

Int. 3. What office do you hold in this Township?

(Objected to by complainants' counsel.)

Ans. Supervisor.

JESSE MATTESON.

CROSS EXAMINATION OF JOHN DEAN.

Interrogatory 1. Have you known much of Rufus Soules, since he moved to Waukegan?

Answer. I have no personal knowledge of him; no other ways, only I see him passing and repassing.

Int. 2. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. I am not.

Int. 3. Did you ever have any dealings with Soules?

Ans. I did not.

Int. 4. Were you well acquainted with Rufus Soules, before he removed to Waukegan?

Ans. I was, sir.

Int. 5. Did you ever know anything, of your own knowledge, which would cause you to disbelieve him on oath?

(Objected to by counsel for Bennett.)

Ans. No sir.

Int. 6. Were not those whom you heard speak against him, persons who were unfriendly to him?

Ans. Probably some of them were; but as for the whole of them, I could not say they were.

Int. 7. Has it not been a good many years since you heard his reputation for truth spoken of?

Ans. Yes sir.

Re Examined by Counsel for Bennett.

Interrogatory 1. Did not Mr. Soules come for you this morning, to come here and is he not now present in the room?

Ans. Yes sir, he is.

Int. 2. Since Mr. Soules moved to Waukegan, has his reputation for truth improved for the better among his acquaintances here?

Ans. Well, I could not say whether it had or not; I have not heard said so much about him; once in a while I heard a man speak about him.

Int. 3. Did not Mr. Soules come for you this morning to come here?

Ans. He did.

Int. 4. Is not Mr. Soules now present in the room?

Ans. Yes sir.

JOHN DEAN.

CROSS EXAMINATION OF E. K. BEACH.

Interrogatory 1. Have you known much of Rufus Soules since he removed to Waukegan?

Ans. Not a great deal; no sir.

Int. 2. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. I am not at Waukegan—what his reputation is there.

Int. 3. Did you ever have any dealings with Soules?

Ans. I have.

Int. 4. Did you ever have any difficulty or misunderstanding with him?

Ans. I never did; when he called for work I done it, and he paid me.

Int. 5. Were you well acquainted with him before he moved to Waukegan?

Ans. Well, I used to see him often; he often came to the shop; he had his horse shoeing done for two or three years.

Int. 6. Did you ever know anything, of your own knowledge, of Mr. Soules, which would cause you to disbelieve him on oath?

(Objected to by counsel for Bennett.)

Ans. I did not, to my own personal knowledge.

Int. 7. Has not Mr. George Fullager, of Wheeling, departed this life since he testified here, some weeks since?

Ans. I don't know when he did testify here; I was informed this morning, as he died last night. I don't know of my own knowledge; I expect it is so.

Re-Examined by Counsel for Bennett.

Interrogatory 1. Do you not know that the reputation of Rufus Soules for truth, among his acquaintances here, is bad, and is not this a thing which would cause you to disbelieve him on oath?

(Objected to by complainants' counsel.)

Answer. I know his reputation among neighbors and acquaintances, when he lived here, was bad; as far as I have known them and heard of him, it surely is a thing which would cause me to disbelieve him on oath?

Int. 2. Has the reputation of Rufus Soules for truth, among his acquaintances here, improved for the last six or seven years?

(Objected to by complainants' counsel.)

Ans. It has not, that I know of.

Int. 3. Have you seen Rufus Soules this morning, and has he not been in the room while you have been cross examined?

Ans. He has been in the room, and I saw him.

E. K. BEACH.

CROSS EXAMINATION OF GEORGE HELM.

Interrogatory 1. Have you known much of Rufus Soules since he removed to Waukegan?

Answer. No sir.

Int. 2. Are you acquainted with his reputation for truth, among his neighbors and acquaintances, at Waukegan?

Ans. No sir.

Int. 3. Did you ever have any dealings with Soules?

Ans. No sir.

Int. 4. Were you well acquainted with him before he removed to Waukegan?

Ans. Well, I used to know him well; I saw him often enough to be acquainted with him.

Int. 5. Did you ever know anything of Mr. Soules, of your own knowledge, which would cause you to disbelieve him on oath?

Ans. No, I believe not, of my own personal knowledge.

Re-Examined by Counsel for Bennett.

Interrogatory 1. Do you not know that the reputation of R. Soules, among his acquaintances here, for truth, is bad?

(Objected to complainants' counsel.)

Answer. Well, I heard it was not good here.

Int. 2. Is not this a thing which would cause you to disbelieve him on oath?

(Objected to by complainants' counsel.)

Ans. Well, by report, when there is any interest in it, I should not want to believe him; now that is so.

Int. 3. Is not Rufus Soules now present, and has he not been present during the cross examination?

Ans. Yes sir.

Int. 4. When did you last see Mr. Soules, before this morning?

Ans. I saw him yesterday, in the afternoon.

Int. 5. Where did you see him?

Ans. I saw him at the Des Plains Station, down there.

Int. 6. Did he request you to come here to testify?

Ans. Yes, he asked me to come up here.

Cross Examination Resumed.

Interrogatory 1. Did he not urge you to come here to be cross examined, and did you not refuse, because you had not, at that time, been subpoenaed?

Answer. Well, he spoke once or twice to me, to have me come; I told him I could not come last night; it looked like raining a little; I believe that was all that was said.

Int. 2. Have you not been subpoenaed since?

Ans. Yes sir.

GEORGE HELM.

CROSS EXAMINATION OF DAVIS STUDLEY.

Interrogatory 1. Have you known much of Rufus Soules, since he removed to Waukegan?

Answer. No sir.

Int. 2. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. No sir.

Int. 3. Did you ever have any dealings with Soules?

Ans. No sir.

Int. 4. Were you well acquainted with him before his removal to Waukegan?

Ans. No sir. I never have been personally acquainted with him. I had him pointed out to me by my brother-in-law, when I first arrived here, between twelve and thirteen years ago. I have often heard him spoken of.

Re Examined by Counsel for Bennett.

Interrogatory 1. What is your brother-in-law's name, and what did he tell you about Rufus Soules?

(Objected to by complainants' counsel.)

Ans. Daniel Crowell; he said to me, there goes a man by the name of Soules; he is the greatest scoundrel, or as great as there is in the country—I do not know which he said—I will advise you to have nothing to do with him.

Int. 2. Have you seen Rufus Soules this morning?

Ans. Yes sir.

Int. 3. Has he been present any time during your present examination?

Ans. No sir; I believe he went out as I sat down.

Int. 4. Has he said anything to you about his examination this morning?

Ans. No sir.

Cross Examination Resumed by Complainants' Counsel.

Interrogatory 1. Was not your brother-in-law, Daniel Crowell, an enemy of Rufus Soules?

(Objected to by counsel for Bennett.)

Ans. Not as I know of; had no dealings with him, as I know of.

Int. 2. How long had he been living here, when he told you what he did?

Ans. He had been living here then, at that time, between nine and ten years.

Int. 3. After you had answered my fourth cross interrogatory, did you not say, Don't ask me to say what he said to me about him?

Ans. Yes sir.

Re-Examination Resumed.

Interrogatory 1. Did you not address the inquiry mentioned in the last interrogatory, to the counsel for the complainants, for the purpose of ascertaining from him, what answer he desired made to this question?

(Objected to by complainants' counsel.)

Ans. The reason that made me ask the question, I thought I was going to state all I knew on that subject.

DAVIS STUDLEY.

CROSS EXAMINATION OF STEPHEN LAMB.

Interrogatory 1. Have you known much of Rufus Soules since he removed to Waukegan?

Answer. Personally, I do not know anything.

Int. 2. Are you acquainted with his reputation for truth, among his neighbors and acquaintances, at Waukegan?

Ans. No sir, I don't think as I am.

Int. 3. Did you have any dealings with Soules?

Ans. No sir; only to get dinners, and pay for it.

Int. 4. Were you much acquainted with him before he removed to Waukegan?

Ans. As well as I was with any of the neighbors in this vicinity; not from any deal with him. His reputation was, when I first came here, as I stated before.

Int. 5. Did you ever know anything of Mr. Soules, of your own personal knowledge, and not from what you have heard from others, which would cause you to disbelieve him on oath? If so, state it.

(Objected to by counsel for Bennett.)

Ans. I do know of that which would shake my confidence; it is having difficulties with his laboring man, and my being personally acquainted with the fact of his having said he did not have Selah Rogers sign a note, for the purpose of making it collectable of a Mr. Jackson, and not for the purpose of making him liable for the payment of it, and afterwards suing him, and, by so doing, declaring that it was for that purpose.

Int. 6. Do you know, of your own knowledge, the facts about his difficulty with his laboring man?

(Objected to by counsel for Bennett.)

Ans. Nothing, only what the man and himself said.

Int. 7. What did Mr. Soules say about it?

(Objected to by counsel for Bennett.)

Ans. He said it was stated, in written or verbal agreement—I do not possibly remember that he did say that it was written, therefore I stated it was either verbal or written—that he hired, or had, I don't know, a certain ditch dug, for the purpose of draining a pond or slough—I don't know which—it was water that the ditch was to drain off—same time specifying the dimensions of the ditch, and it appeared afterwards that it did not answer the purpose of draining off the water. He still wished the man to dig it sufficient for it to do so; therefore, he wished to compel him to dig it deep enough. From the nature of this conversation, it appeared to be rather tricky, or something about it not commendable. He refused to pay him on that ground, though I believe they did settle it somehow.

Int. 8. Did you come to the conclusion that Soules' conduct was tricky, in this matter, from what he said, as you detailed it above?

Ans. Yes sir; being a man doing considerable business, it was a want of foresight in the thing, or else a plan laid to get an amount of ditch excavated, sufficient to drain off the water, for nothing.

Int. 9. Did you hear Mr. Soules say what his purpose was, in getting Selah Rogers to sign the note mentioned? If so, state when you heard him.

(Objected to by counsel for Bennett.)

Ans. I did hear him; whether it was in the year of 1839, or 1840, I am not positive.

Int. 10. How did the conversation come up, in which Soules spoke of the note?

(Objected to by counsel for Bennett.)

Ans. I think Mr. Rogers made a statement to Mr. Filkins, of the conditions of the note, and Mr. Soules, I think, corroborated what he had stated—that he did not consider him holden on the note.

Int. 11. Was not Jackson's note to Rogers sold by Rogers to Soules, for some cattle?

(Objected to by counsel for Bennett.)

Ans. I believe it was; that is the way I understood it.

Int. 12. Was not the note endorsed by Rogers?

Ans. I can't say it was; it appeared he had signed, in some way, to make it negotiable, so it could be collected of Jackson.

Int. 13. Were you a witness in the suit, on the note?
(Objected to by counsel for Bennett.)

Ans. No sir.

Int. 14. Was Filkins?
(Objected to by counsel for Bennett.)

Ans. The people said that Filkins was.

Re-Examined by Counsel for Bennett.

Interrogatory 1. Has not Rufus Soules been present, during your present examination, a part of the time?

Answer. Yes sir.

Int. 2. Did not Rufus Soules, this morning, call you out of this room, and speak to you in reference to himself?

Ans. Yes sir, he did.

Int. 3. Is not the fact that the reputation of R. Soules for truth, among his acquaintances in this vicinity, is bad, a thing to cause you to disbelieve him on his oath?

(Objected to by complainants' counsel.)

Ans. Yes.

STEPHEN LAMB.

CROSS EXAMINATION OF JAMES KELEY.

Interrogatory 1. Have you known much of Rufus Soules, since he removed to Waukegan?

Answer. No sir.

Int. 2. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. No sir.

Int. 3. Did you ever have dealings with Soules?

Ans. Yes sir.

Int. 4. Did you ever have any difficulty, or misunderstanding, with him?

Ans. Yes sir.

Re-Examined by Counsel for Bennett.

Interrogatory 1. State fully what that difficulty was.

(Objected to by complainants' counsel.)

Answer. We agreed, him and I, to dig a ditch, from the road to a pond, or slough, two feet and a half deep, and when I done that, he would not pay me; he said it would not carry away the water. I told him I did not agree that it should; he said he would not pay me. Then I was going to sue him, and he paid me the greater part, and some remains unpaid ever since. I was going to sue him for the balance, but been told that the less I have to do with him the better; so I declined suing him, and the balance stands unpaid ever since.

Int. 2. Was there any other occasion of difficulty?

Ans. No, not that I mind of.

Int. 3. Was there any difficulty with yourself and Soules, or between Soules and one of the neighbors, in reference to some hogs? If so, state what it was.

(Objected to by complainants' counsel.)

Ans. Not between him and me. Samuel Hoard caught him, while butchering one of his hogs, and sued him before 'Squire Rand, if I am not mistaken; Soules came to defend himself, and paid Mr. Hoard, but did not let it come to trial.

Int. 4. Were you in any way concerned in this last affair?

Ans. No sir.

Cross Examination Resumed.

Interrogatory 1. Did you not offer to take the amount Soules paid you, and consider your claim as settled?

Answer. I was told to take anything he gave me; there was no use to law with him. I told him I would take anything he would give me, as I was not able to law. I settled with him, but did not consider myself paid, or never will until he pays me.

Int. 2. How much do you claim he still owes you?

Ans. After we settled, he owed me by right—it is so long ago—if I am not mistaken, but I think I am not—I think he owed me from eight to nine dollars; not any less.

Int. 3. How long ago has this been?

Ans. I am not certain; I think it was in 1838, if I am not mistaken.

Int. 4. How much did he pay you?

Ans. He gave me two cows and two calves.

Int. 5. Did this ditch carry off the water, as dug by you?

Ans. It carried some off in a freshet.

Int. 6. Is this the circumstance which Mr. Lamb had reference to?

Ans. Most likely.

Int. 7. Who told you about this hog difficulty with Mr. Hoard?

Ans. Mr. Soules himself, and his hired man, Jamie, the Scotchman, whom Mr. Soules used to keep, as the people used to say, to swear for him.

Int. 8. What did Mr. Soules say, about having taken and butchered the hog?

Ans. I heard Mr. Soules refer to his man, Jamie, that no man could swear to the hog. They sent after Mr. Hoard; he was in the field; he came, and Mr. Soules

went and shook hands with him, and went into Hoard's house, and Hoard told me that they had settled, and Mr. Soules had paid him, if I am not mistaken.

Int. 9. Did not Mr. Soules say, that he thought it was his own hog, when he butchered it?

(Objected to by counsel for Bennett.)

Ans. I did not hear him say so.

Int. 10. Did not you hear him say that he did not know that it was Mr. Hoard's hog?

Ans. No. I don't think as I have heard Soules say so.

Int. 11. Did he admit that he had stolen the hog?

Ans. I did not hear Soules say it.

Int. 12. Were not so many hogs running about, at that early day, that they frequently got some up, that it was very difficult for a man to be certain, which were his own hogs?

(Objected to by counsel for Bennett.)

Ans. All that I have to say about that is, to tell you that there were hogs running in the woods.

Int. 13. How long has this been ago?

Ans. I don't know precisely; I should think it was in '37 or '38.

Int. 14. Where was Soules living at this time?

Ans. Well, he was living about two miles north of here, or over, I should think, on the other side of this creek.

Int. 15. Where was Mr. Hoard living at this time?

(Objected to by counsel for Bennett.)

Ans. He was living in a log house, on the other side of the river, on his farm.

Int. 16. How far was Mr. Soules' farm from Mr. Hoard's farm?

Ans. Well, Mr. Soules, I don't know whether he had a farm, at that time. I understood that he lived about six or seven miles up the river; I understood so.

Int. 17. How far was that from Mr. Hoard's farm?

Ans. It was about six or seven miles up the river, I understood.

Re-Examination Resumed.

Interrogatory 1. During your last part of your examination, has not Rufus Soules sat by the counsel for the complainants, and made suggestions to him?

Answer. Yes; Mr. Soules has sat by him, and talked to him privately.

JAMES KELLY.

CROSS EXAMINATION OF THOMAS H. ALLISON.

Interrogatory 1. How long since you and Mr. Soules ceased to be neighbors?

Answer. I consider we were neighbors when he lived on the Babcock farm; when he lived north of this, and since he moved to Waukegan, in a certain sense.

Int. 2. Have you known much of Rufus Soules, since he removed to Waukegan?

Ans. No sir.

Int. 3. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. No sir.

Int. 4. Did you ever have any dealings with him?

Ans. Not since he went to Waukegan.

Int. 5. Did you ever have any dealings with him, before he went to Waukegan?

Ans. Never much.

Int. 6. Did you ever have any difficulty or misunderstanding with him?

Ans. Well, I had a little, not particularly with him, but it is thought was through him.

Int. 7. When did he leave the Babcock farm?

Ans. I don't recollect how many years. I think about eighteen years ago.

Re Examined by Counsel for Bennett.

Interrogatory 1. How far do you reside from here, and which way?

Answer. About three miles south from here, and about three miles this side of the Babcock farm.

Int. 2. Where did Mr. Soules move to, from the Babcock farm?

Ans. He moved up here, about Wheeling, in Lake county.

Int. 3. When you say that you have been acquainted with Soules about twenty years, on this Babcock farm, what do you mean, that he resided on the Babcock farm during all that time, or that you first became acquainted with him there?

Ans. I first became acquainted with him there.

Int. 4. Did you see Mr. Soules, or was Mr. Soules present, when you were examined in chief, in this cause, on the 22d of May, and is he not now present?

Ans. Yes sir.

THOMAS H. ALLISON.

By consent of complainants' Counsel, Examination in Chief Resumed.

EXAMINATION OF J. W. WALTON.

Interrogatory 1. At the time you came to Wheeling, to testify in this cause, on the 22d day of May last, did you not ride a part of the way with Rufus Soules?
(Objected to by complainants' counsel.)

Answer. Yes sir.

Int. 2. Did not Rufus Soules state to you, at that time, that Bennett left the deed with him, and told him to deliver it to Kinsie, when he should call for it; and if he did not call for it, to be returned to him?

(Objected to by complainants' counsel.)

Ans. Yes sir.

Cross Examined.

Interrogatory 1. Was this a casual conversation on the road, as you and Mr. Soules were coming to this place?

Answer. Well, I don't know as I understand that exactly; he commenced on the circumstance, as he having a deed in his possession; what you may call it, casual or not, I don't know; we were riding side by side; I was on horse-back, and he in a buggy, and he seemed very anxious to explain the circumstance of having the deed in his possession.

Int. 2. Was any one else present, at that time, and riding along with you?

Ans. No sir.

Int. 3. Do you recollect when he said the deed was left with him by Bennett.

Ans. He did not state, sir.

Int. 4. Did he say what the deed was for?

Ans. Yes sir; he said it was for a piece of land below Clyburn, somewhere; he said it was for eighty acres.

Int. 5. Did he state the name of the person to whom the deed was made? and if so, give the names.

Ans. Well, I understood it, James Kinsie.

Int. 6. Did he give the names of any of the present owners of the land? If so, state them.

Ans. He did give the names of some of them, but I forgot them.

Int. 7. Did Soules say anything about who executed this deed? If so, state the name or names.

Ans. He said it was Bennett, as I understood him.

Int. 8. Did he state his given name?

Ans. No.

Int. 9. Did he say anything about Bennett's wife?

Ans. Not as I recollect.

Int. 10. Did he state where he was when the deed was left with him?

Ans. No sir.

Int. 11. Had you any special interest in this conversation?

Ans. No.

Int. 12. May you not be mistaken as to the exact expressions used by Soules, in this conversation?

Ans. Not as far as I stated.

Int. 13. When did you inform Mr. Walker, the counsel for Bennett, of this conversation?

Ans. Mr. Walker asked me to-day, if I heard any such conversation?

Int. 14. Have you known much of Rufus Soules, since he removed to Waukegan?

Ans. No.

Int. 15. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. No sir.

Int. 16. Have you ever had any dealings with Soules?

Ans. Yes.

Int. 17. Did you ever have any difficulty with him?

Ans. Yes.

Int. 18. Were you acquainted with Bennett?

Ans. I think I was, yet I won't be positive.

Re-Examined by Counsel for Bennett.

Interrogatory 1. How long is it since your difficulty with Soules?

Answer. Some seventeen or eighteen years, I should think?

Int. 2. Do these difficulties at all influence you in testifying in this case?

Ans. I think they do not.

J. WILSON WALTON.

CROSS EXAMINATION OF ROBERT A. HOPPS.

Interrogatory 1. Have you known much of Rufus Soules, since he removed to Waukegan?

Ans. I have been there a good many times, and I seen him there. I hear more about him as I seen of him.

Int. 2. How often are you in the habit of going to Waukegan, during the year?

Ans. From three to four times; it may be oftener than that.

Int. 3. What is the distance from here to Waukegan, and do you return the same day, when you go there?

Ans. The distance is twenty miles; I stay two or three days, sometimes a week.

Int. 4. Are you acquainted with the reputation of Rufus Soules for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. He lives out of the village of Waukegan, about a mile and a half. I do not know his neighbors there. I am acquainted with his reputation at Waukegan.

Int. 5. What citizens of Waukegan have you heard speak of his reputation for truth?

Ans. I heard them say that his reputation was bad; but don't know that I heard them speak of his reputation for truth, except one man; that was F. B. Cady.

Int. 6. Does he live in Waukegan?

Ans. He does not now, but he has lived there.

Int. 7. Name those who said his reputation was bad, at Waukegan.

Ans. Leroy Curtiss, Ira Stone, John S. Stebbins; that is all I recollect.

Int. 8. Had you ever any dealings with Mr. Soules?

Ans. Not personally.

Int. 9. Did you ever know anything, of your own knowledge, of Mr. Soules, which would cause you to disbelieve him on oath? If so, state what it was.

(Objected to by counsel for Bennett.)

Ans. I don't know anything, only what others have told me.

Re-Examined by Counsel for Bennett.

Interrogatory 1. Have you not heard a good many speak of Soules' reputation, at Waukegan, whose names you do not recollect?

Answer. Yes, lots of them.

Int. 2. So far as you know his reputation for truth, at Waukegan, is it good or bad?

(Objected to by complainants' counsel.)

Ans. It is bad.

Int. 3. Have you not known Soules very well, and often seen him, since he moved to Waukegan?

Ans. I seen him often; was not so well acquainted with him there as I was here; I heard more of him as I saw.

ROBERT A. HOPPS.

CROSS EXAMINATION OF ABIRAM W. PEET.

Interrogatory 1. Have you known much of Rufus Soules, since he removed to Waukegan?

Answer. I have not.

Int. 2. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. I am not.

Int. 3. Did you ever have any dealings with Mr. Soules?

Ans. I was not doing business for myself, when Mr. Soules was living here.

Int. 4. Did you ever have any difficulty, or misunderstanding, with him?

Ans. No sir.

Int. 5. Did you ever know anything of Mr. Soules, of your own knowledge, which would cause you to disbelieve him on oath? If so, state what it was.

Ans. I don't recollect as I do.

Int. 6. How long since you heard his reputation for truth spoken of, previous to the time of your examination?

Ans. I heard but very little of Mr. Soules since he went to Waukegan.

Re-Examined by Counsel for Bennett.

Interrogatory 1. Have you not occasionally heard Mr. Soules spoken of, since he went to Waukegan?

Answer. I may, once or twice, have heard a conversation about Mr. Soules.

Int. 2. Is not the fact, that Soules' reputation for truth, among his acquaintances here, is bad, a thing within your knowledge, which would cause you to disbelieve him on oath?

(Objected to by complainants' counsel.)

Ans. The time he lived in this neighborhood, it would be.

A. W. PEET.

CROSS EXAMINATION OF JOHN HELM.

Interrogatory 1. Are you acquainted with the reputation for truth, of Rufus Soules, since he moved to Waukegan?

Answer. I don't think as I heard but little about him, since he moved to Waukegan.

Int. 2. Did you ever have any dealings with him?

Ans. Yes, I have.

Int. 3: From your own knowledge of him, without reference to what you have heard from others, would you or not believe him on oath?

(Objected to by counsel for Bennett.)

Ans. I never saw anything in him myself, which would prevent my believing him, as soon as I would any other man; but from what I have heard from others, I should not believe him. I don't know how true it was.

JOHN HELM.

By consent of complainants' Counsel, Examination in Chief Resumed.

EXAMINATION OF A. W. PEET.

Interrogatory 1. Did Rufus Soules, on the 22d day of May last, on the steps in the front of Schenck's Hotel, in the village of Wheeling, in your presence, or in your hearing, make this statement—That Bennett left this deed with me, and told me to keep it till Kinsie called for it; and if he never called for it, to keep it till he called for it?

(Objected to by complainants' counsel.)

Answer. That is the way I understood it.

Cross examined by complainants' Counsel.

Interrogatory 1. What brought up this conversation?

Answer. I heard him talking, and I stepped to the door.

Int. 2. Did you hear all he said about this deed?

Ans. He was talking about the deed, that attracted me to the door.

Int. 3. Who were present?

Ans. There was a number sitting round, but I can't identify any except Capt. D. Wright.

Int. 4. Had you any particular interest in this conversation?

Ans. Well, I heard there was a deed left with Mr. Soules, and I went there to hear what he had to say about it.

Int. 5. Did you hear him say what the deed was for, and who had signed it?

Ans. I did not; he was talking about the deed when I stepped to the door.

Int. 6. Did you hear him speak of any other paper?

Ans. I stated all I heard him say, in regard to the deed.

Int. 7. May you not have misunderstood the exact statement he made, and which has been attempted to be embodied in the question asked you, by the defendants' counsel?

Ans. It is possible.

Re-Examined by Counsel for Bennett.

Interrogatory 1. Are you not quite certain, that you heard the statement in the words in which it is embodied in the question put to you?

Answer. I stated before, that was the way I understood it.

Int. 2. When I asked you this afternoon, if you heard the conversation, and what Soules said about the deed, did you not repeat to me the statement embodied in the question which I first put to you?

(Objected to by complainants' counsel.)

Ans. Yes sir, I did; and that is the way I understood it.

A. W. PEET.

CROSS EXAMINATION OF HENRY L. MCNAB.

Interrogatory 1. Was not your deposition taken in this cause, some months since, at Chicago?

Answer. I appeared there, and gave my deposition, but was not sworn.

Int. 2. Have you known much of Rufus Soules, since he removed to Waukegan?

Ans. Not since he first moved there; I saw him occasionally.

Int. 3. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. No sir, I am not.

Int. 4. Have you not had a difficulty, or misunderstanding, or law suit, with Rufus Soules?

Ans. Yes sir; he sued me once.

Re-Examined by Counsel for Bennett.

Interrogatory 1. How long since was that?

Answer. It was the first winter, I think, after he moved to Waukegan.

Int. 2. Does that difficulty so influence you, that you cannot judge impartially and state truly, in reference to Soules' reputation for truth, among his neighbors and acquaintances?

Ans. No sir.

HENRY L. McNAB.

CROSS EXAMINATION OF EDWARD KEOUGH.

Interrogatory 1. Have you known much of Rufus Soules since he moved to Waukegan?

Answer. No sir.

Int. 2. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. No sir; I do not know much about him at Waukegan.

Int. 3. Did you ever have any dealings with him?

Ans. I have, sir.

Int. 4. Did you ever have any misunderstanding, or difficulty, or law suit, with him?

Ans. Yes sir, I had a law suit with him; that is, he sued me once.

Re Examined by Counsel for Bennett.

Interrogatory 1. What did he sue you for?

Answer. There was fourteen dollars and a half behind; I bought a cow from him and it run some time. I met Mr. Soules on his way to Chicago, at his farm house here, when he lived in McHenry; I told him I had half of the money in the house, and ten days I would pay the balance. He went to Chicago to attend a law suit, and told me if the suit should go against him, he had to pay about one thousand dollars, and he then would want the money. I told him as he should have it. Then about four or five days after that, the constable from Fort Hill came to me, and Soules sued me. The suit was tried, and Joseph Filkins attended for me, and the suit went against me. This was about fourteen years ago.

EDWARD KEOUGH.

CROSS EXAMINATION OF FREDERICK STREEBLE.

Interrogatory 1. Have you known much of Rufus Soules, since he removed to Waukegan?

Answer. I heard something—not a great deal.

Int. 2. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. I heard, somebody told me, at Waukegan, about three years ago, that he had some trouble with his partner; he tried to cheat him.

Int. 3. Is this all you know of his reputation for truth, at Waukegan?

Ans. This is all I know.

Int. 4. Who was his partner, to whom you allude?

Ans. I don't know what his name; he was a partner in the wagon-making business.

Int. 5. Did you ever have any dealings with Soules?

Ans. Yes.

Int. 6. Did you ever have any difficulty with him, or law suit?

Ans. I had some difficulty with him, but no law suit.

Re Examined by Counsel for Bennett.

Interrogatory 1. How long since that difficulty?

Answer. About ten or twelve years ago.

FREDERICK STREEBLE.

CROSS EXAMINATION OF JESSE MACNAE.

Interrogatory 1. Did you ever live in Waukegan? If so, when, and how long?

Answer. I never lived there.

Int. 2. Are you acquainted with the reputation of Rufus Soules, for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. I am not.

Int. 3. Did you ever have any misunderstanding, difficulty, or law suit, with him?

Ans. Yes sir.

Re-Examined by Counsel for Bennett.

Interrogatory 1. How long ago?

Answer. About six years.

CROSS EXAMINATION OF WILLIAM HOPPS.

Interrogatory 1. Have you known much of Rufus Soules, since he removed to Waukegan?

Answer. Only what I heard from others; I know nothing of him since he left this place.

Int. 2. Are you acquainted with his reputation for truth, amongst his neighbors and acquaintances, at Waukegan?

Ans. No sir.

Int. 3. Did you ever have any dealings with him?

Ans. Yes sir.

Int. 4. Did you ever have any misunderstanding, difficulty, or law suit, with him?

Ans. Yes sir.

Re-Examined by Counsel for Bennett.

Interrogatory 1. What difficulty did you have with him?

Answer. He tried to take a horse from me, and he did take it, by legal process. I replevied it, and beat him. I bought a cow of him, and gave him my note for twenty-six dollars. He added the word interest, after I signed it, and I did not know anything about it. He sued me on the note, right off, without even asking me for it.

WILLIAM HOPPS.

CROSS EXAMINATION OF A. G. SKINNER.

Interrogatory 1. Are you acquainted with the reputation of Rufus Soules for truth, amongst his neighbors and acquaintances at Waukegan?

Ans. No sir.

Int. 2. Did you ever have any dealings with him?

Answer. Yes sir.

Int. 3. Did you ever have any misunderstanding, or difficulty, or law suit with him?

Ans. I had. We had operations; we could not agree, and left it to men.

Re-Examined by counsel for Bennett.

Interrogatory 1. How long ago was that?

Answer. The year before he went to Waukegan.

A. G. SKINNER.

CROSS EXAMINATION OF D. WRIGHT.

Interrogatory 1. What would you say was the reputation of Rufus Soules for truth, amongst his neighbors and acquaintances?

Answer. I lived a neighbor of Rufus Soules for this ten or fifteen years, and

I had some dealings with him. He paid me what he owed me, and I paid him what I owed him, and his word was always good.

Int. 2. Do you know how it was that Rufus Soules made enemies in this neighborhood?

Ans. Yes, I do know it like a book. How do I know? I can guess at it, any way. I tell you how: Rufus Soules was a man that dealt a great deal in cattle; he sold cattle on credit, and took notes from different men; and when the day came to pay, they could not pay, and he had to collect more than half by law. Before that, I did not know he had enemies; but after that he had enemies.

Int. 3. From your knowledge of his reputation for truth, would you or not believe him on oath?

(Objected to by counsel for Bennett.)

Ans. Sir, I would believe Rufus Soules on oath, as soon as I would any other man.

Int. 4. Were you not well acquainted with Rufus Soules, for many years?

Ans. Yes Sir. I have lived by him, as neighbor, for ten or twelve years.

Int. 5. When you came here to testify in this case, on the 22d of May last, did you hear Rufus Soules speak of a deed, which Bennett left with him to keep?

(Objected to by counsel for Bennett.)

Ans. To be sure I testified what I know of Rufus Soules. I know nothing about this deed.

Re-Examined by Counsel for Bennett.

Interrogatory 1. Did you ever hear anything said about Rufus Soules' reputation for truth, in this neighborhood?

Answer. I never pay no attention to hear-say stories, any way.

Int. 2. Have you not been drinking something this morning?

Ans. I have not been drinking, this morning, anything, only cold water. It is none of your business; when I want to drink, I drink.

D. WRIGHT.

PETER SCHENCK, Recalled by Counsel for Bennett.

Interrogatory 1. Did not Daniel Wright drink some liquor at your bar this morning, immediately before coming to testify?

(Objected to by Complainant's counsel.)

Answer. Yes sir; before ten o'clock.

P. SCHENCK.

PART V.

INDEX TO PART V.

	PAGE.
Deposition of Frederick A. Howe, - - - - -	1
“ Geo. Strong, - - - - -	2
“ Jas. F. Smith, - - - - -	4
“ Dr. Philip Maxwell, - - - - -	4
“ Dr. Chas. V. Dyer, - - - - -	5
“ A. G. Downs, - - - - -	5
“ L. H. Swartwout, - - - - -	6
“ H. L. Rucker, - - - - -	7
“ B. S. Morris, - - - - -	8
“ S. H. Kerfoot, - - - - -	9
“ Rich'd J. Hamilton, - - - - -	10
“ H. W. Clarke, - - - - -	11
“ J. R. Bottsford, - - - - -	12
“ Pallas Phelps, - - - - -	12
“ Francis C. Sherman, - - - - -	13
“ E. L. Sherman, - - - - -	14
“ Hugh T. Dickey, - - - - -	15
“ B. H. Skinner, - - - - -	16
“ Jno. H. Foster, - - - - -	16
“ Luther Nichols, - - - - -	17
“ E. B. Williams, - - - - -	18
“ E. R. Runyan, - - - - -	19
“ Jesse H. Foster, - - - - -	21
“ Geo. W. Snow, - - - - -	21
“ J. Young Seammon, - - - - -	22
“ Wm. B. Ogden, - - - - -	24
“ R. B. Dodge, - - - - -	25
“ Wm- B. Dodge, - - - - -	25
“ Jas. S. Barker, - - - - -	26
“ Jno. C. Southwick, - - - - -	27
“ Wm. C. Newman, - - - - -	28
“ Parnell Munson, - - - - -	29

Deposition of W. J. Lewis,	30
" A. Getty,	31
" C. R. Steele,	32
" S. Morrison,	32
" Dan'l Marsh,	33
" J. C. Kimball,	34
" Daniel Steele,	35
" A. M. Leigh,	36
" W. C. Barker,	37
" Geo. Wood,	37
" J. Moulton,	38
" Dr. A. Lewis,	39
" A. S. Waterman,	40
" F. F. Munson,	40
" Ransom Steele,	41
" Wm. M. Case,	41
" W. A. Boardman,	42
" Thos. Fellows,	42
" J. H. Cotes,	44
" N. C. Greer,	43
" E. H. Newell,	44
" H. Graham,	44
" Geo. Thomson,	45
" D. Brewer,	46
" E. Jocelyn,	46
" J. Y. Cory,	47
" R. W. Clarkson,	47
" J. C. Biddlecom,	48
" Moaes Evans,	49
" Jno. E. Clarkson,	50
" W. Phelps,	52
" K. M. Hutchinson,	53
" Jas. F. Wight,	56
" Chas. Lindsay,	57
" Henry W. Blodgett,	58
" Augustus B. Cotes,	62
" - - - - -	"
" - - - - -	"
" - - - - -	"
" - - - - -	"

PART V.

TESTIMONY INTRODUCED BY COMPLAINANTS TO SUSTAIN THE GENERAL REPUTATION
OF RUFUS SOULES.

Filed
April 9: 1856

[The notices, captions, and certificates of the depositions are considered regular by
counsel, and their publication is dispensed with.]

1 Deposition of FREDERICK A. HOWE, taken March 27, 1856.

1. What is your name, age, residence and occupation ?

Ans. My name is Frederick A. Howe; am fifty-seven years old; I reside
in Chicago; am not employed in any business at present.

2d. How long have you resided in Chicago ?

Ans. Since the 7th of June, 1835.

3 *Ques.* What has been your occupation for the last 18 years.

Ans. I have been acting Justice of the Peace since 1836, excepting
about four years.

4 *Ques.* Are you acquainted with Rufus Soules, now of Waukegan ? If
so, how long have you known him ?

Ans. I am acquainted with Rufus Soules, and have been acquainted
with him since 1837.

5 *Ques.* State what his occupation has been since you knew him.

Ans. He has been a Farmer, a Keeper of a Public House, and has been
a Constable, also, for several years.

6 *Ques.* Was he, or not, thrown into official relations with you, while you
were acting as a Justice of the Peace, and he Constable ?

Ans. He was; he done a good deal of business as Constable, at my
office.

7 *Ques.* During the time you have known him have you been acquainted
with the reputation of the said Rufus Soules for truth and veracity, among
his acquaintances and neighbors ? If so, please state what his general repu-
tation for truth and veracity has been.

Ans. I have never heard his reputation for truth and veracity called in
question; his reputation for truth and veracity was good, so far as I know.

8 *Ques.* Was your acquaintance with Mr. Soules and his reputation

amongst his neighbors such, as to enable you to state what his reputation has been?

Ans. I think it was.

9 *Ques.* From your knowledge of him and his reputation, would you or would you not believe him on his oath?

Ans. I should.

Cross-Examined, by Mr. Barker, counsel for Stow :

1 *Cross.* State if you have ever heard any of his neighbors or acquaintances speak of Mr. Soules' reputation for truth and veracity? If yea, state who you have ever heard speak of it

Ans. I have never heard any one speak of it as being good or bad, as to my recollection; I never heard it questioned, as I know of.

F. A. HOWE,

Attest
April 9, 1856

2 Deposition of GEORGE STRONG.

1 *Ques.* What is your age, residence and occupation?

Ans. I am 43 in April next; I reside in the town of Wheeling, Cook county; by occupation farmer.

2 *Ques.* How long have you resided in and near Wheeling?

Ans. I have resided there a little over twenty-two years.

3 *Ques.* Are you acquainted with Rufus Soules, and with his general reputation for truth and veracity, amongst his neighbors? If so, please state what it is.

Ans. I am acquainted with Rufus Soules; I am acquainted with Rufus Soules' general reputation for truth and veracity, amongst his neighbors, in and about Wheeling; his general reputation is good for truth and veracity.

4 *Ques.* How long have you known Mr. Soules, and state whether you have known him intimately or not?

Ans. I have known him for about twenty-one years, and have known him intimately for the most part of the time; I have not known so much of him since he went to Waukegan to reside.

5 *Ques.* From your knowledge of him, and his general reputation for truth and veracity, would you or not believe him on oath?

Ans. I would.

Cross-Examined by Mr. Barker, counsel for Defendants.

1 *Cross Ques.* State what persons, if any, you have ever heard speak of the reputation of Mr. Soules for truth and veracity?

Ans. I have heard Joseph Filkins speak of his reputation, Mr. Harris and Daniel Stringer, and Edwin Strong; I presume I have heard others; I think I have heard George Babcock speak of it.

2 *Cross Ques.* State the occasion of these men speaking of the reputation of Soules.

Ans. The cause of Mr. Filkins speaking of him was the difficulty he had had with Mr. Soules; I have heard Mr. Harris speak of the difficulty between the said Soules and Filkins, and he considered Mr. Filkins to blame; it was the same case with Mr. Stringer; Mr. Edwin Strong spoke of him in relation to the trouble between Filkins and Soules; he said that from what he had heard of the affair he did not consider Mr. Soules to blame, and from his knowledge of Mr. Soules, he considered him an honorable man to deal with; as to Mr. Babcock, I am unable to state.

3 *Ques.* Have you or have you not ever heard either of these men speak of the character of Soules, for truth and veracity?

Ans. I don't recollect that I have.

4 *Ques.* Have you not heard any other person speak of his general reputation for truth and veracity?

Ans. Well, I have one man, that I recollect of now; that is all I recollect of now; there may be others.

Direct resumed by Compl't's counsel :

1st *Ques.* What was the difficulty between Mr. Filkins and Mr. Soules, of which Mr. Filkins spoke?

Ans. It was in regard to a claim, involving a boundary line, not between Filkins and Soules, but one which both took up; Mr. Soules was interested in the boundary line, but Mr. Filkins was not.

2 *Ques.* Was his claim as to the boundary line in suit?

Ans. Not that I know of.

3 *Ques.* Was the difficulty a quarrel between Filkins and Soules?

Ans. Yes sir.

4 *Ques.* Were they enemies?

Ans. I should judge from appearances they were.

GEO. STRONG.

Filed

April 9: 1856

3 Deposition of JOSEPH F. SMITH.

1st Ques. What is your age, residence and occupation?

Ans. I am forty-one to-day; I reside in Chicago; by occupation Hotel Keeper.

2 Ques. Are you acquainted with Rufus Soules, and with his general reputation for truth and veracity amongst his neighbors and acquaintances? If so, please state what it is.

Ans. I am acquainted with Rufus Soules; I have known him, Mr. Soules, for twelve years, and never heard anything against his character; I never heard his neighbors say anything against him; from my knowledge of him, and his general reputation, I should say his character was good.

3 Ques. From what you know and have heard of Mr. Soules, would you believe him under oath?

Ans. I would.

Cross-Examined by Mr. Barker, counsel for Def'ts :

1 Cross Ques. State whether you have or not ever heard the reputation for truth and veracity of Mr. Soules spoken of? If so, by whom?

Ans. I have not, by any one.

JOSEPH F. SMITH.

Filed

April 9: 1856

4 Deposition of PHILLIP MAXWELL.

1st Ques. What is your age, residence and occupation?

Ans. I am fifty-five years old; I reside in Chicago; occupation Physician.

2 Ques. Are you acquainted with Rufus Soules, and his general reputation among his neighbors for truth and veracity? If so, state how long you have known him, and what it is.

Ans. I have known Soules for twenty years, and have never heard his reputation called in question.

3 Ques. From your knowledge of his reputation, would you believe him under oath?

Ans. Most certainly.

Cross-Examined by Def'ts counsel :

1st Cross. Have you ever heard any one speak of his reputation for truth and veracity? If so, what persons?

Ans. I have never heard it called in question; I don't know that I have ever heard any one speak of it.

PHILLIP MAXWELL

Filed

April 9: 1856 . 5 Deposition of CHARLES V. DYER.

1st *Ques.* What is your age, residence and occupation?

Ans. I am forty-eight years old; I reside in Chicago; I am a retired Physician.

2 *Ques.* Are you acquainted with Rufus Soules and his general reputation for truth and veracity among his neighbors and acquaintances; and if so, how long have you known him, and what has been his reputation?

Ans. I am acquainted with Rufus Soules, and have known him twenty-four years; yes, some acquainted with his general reputation; I should say good for truth and veracity.

3 *Ques.* From your knowledge of his reputation, would you believe him under oath?

Ans. I should believe him without hesitation.

4 *Ques.* Have you ever been his family Physician, and what have been your opportunities for knowing his character.

Ans. I have been his family Physician, and have had money dealings with him in this State and the State of New York; I have also been acquainted with his circle of acquaintances and relations in New York, and in this State.

Cross-Examined by Def'ts counsel :

1st *Ques.* Have you ever heard any person speak of the reputation of Mr. Soules for truth and veracity, if so state who.

Ans. I don't know that I have ever heard that question discussed.

CHAS. V. DYER.

Filed

April 9: 1856

6 Deposition of Augustus G. Downs.

1st *Ques.* What is your age, residence and occupation?

Ans. I am thirty-seven; I reside in Chicago; am Dealer in Dry Goods.

2 *Ques.* Are you acquainted with Rufus Soules? If so, how long have you known him?

Ans. I am acquainted with Rufus Soules, and have known him over ten years.

3 *Ques.* State your opportunities for knowing his reputation.

Ans. Simply in coming contact with him in matters of trade.

4 *Ques.* Are you acquainted with his reputation for truth and veracity? If so, state what it is. (Objected to by Def't.)

Ans. I am acquainted with his reputation for truth and veracity, so far as his transactions with me are concerned; it is good.

Ques. From your knowledge of that reputation would you or not believe him on his oath?

Ans. I should, sir.

Cross-Examined by Def'ts counsel :

1 *Cross.* State if you know his general reputation for truth and veracity, among his neighbors and acquaintances.

Ans. I don't think I do, among his neighbors.

2 Have you any knowledge of his reputation for truth and veracity, excepting what you have acquired in trade with him.

Ans. I have a knowledge that his reputation is good.

3 State how you have acquired that knowledge or information.

Ans. By conversation with mutual acquaintances.

4 Have you ever heard any person speak of the reputation of Rufus Soules for truth and veracity? If so, state what persons you have heard speak of it.

Ans. I don't think I have.

AUGUSTUS G. DOWNS.

Filed

April 9: 1886

7 Deposition of L. H. SWARTWOUT.

1st *Ques.* What is your age, residence and occupation?

Ans. I am thirty-nine years old; I reside in Chicago; I am employed in the Lumber business.

2 *Ques.* Are you acquainted with Rufus Soules, and with his general reputation for truth and veracity amongst his acquaintances and neighbors? If

so, state how long you have known him, and what his reputation for truth and veracity is.

Ans. I am acquainted with Rufus Soules, and have known him for about eleven years; I believe his general reputation for truth and veracity among his neighbors, to be good.

3 *Ques.* From his reputation, and your own knowledge of him, would you or not believe him under oath?

Ans. I would.

Cross-Examined by Deft's counsel :

1 *Cross.* Have you ever heard any one speak of the reputation of Mr. Soules for truth and veracity? If so, state what person you have heard speak of it.

Ans. I have heard no one speak of it.

L. H. SWARTWOUT.

Filed

April 9, 1856. 8 Deposition of H. L. RUCKER.

1st *Ques.* What is your age, residence and occupation?

Ans. I am forty-five years old; I reside in Chicago; I am County Judge of Cook County.

2 *Ques.* Are you acquainted with Rufus Soules, and if so, how long have you known him?

Ans. I am acquainted with Rufus Soules, and have known him about eighteen years.

3 *Ques.* What is his general reputation for truth and veracity?

Ans. Good, so far as I have ever heard it spoken of; I have never heard it questioned.

4 *Ques.* From that reputation, and your own knowledge of him, would you or not believe him under oath?

Ans. Unhesitatingly; I have frequently done so.

Cross-Examined by Deft's counsel :

1 *Cross.* Have you ever heard any one speak of his reputation for truth? If yea, state what persons you ever heard speak of it.

Ans. I do not remember to have heard any one speak particularly on that subject, except by implication, and do not remember any persons now.

2 *Cross*. How has your opinion been formed in relation to his reputation for truth?

Ans. From personal acquaintance, in part, but more from the character and standing of the man, as I have understood it, in the community; he has occupied a somewhat prominent position in this section of the country.

H. L. RUCKER.

Filed
April 9: 1886

9 Deposition of B. S. MORRIS.

1st *Ques.* What is your age, residence and occupation?

Ans. I am fifty-five years old; I reside in Chicago; I am practicing Law.

2 *Ques.* Are you acquainted with Rufus Soules? If so, how long have you known him?

Ans. I am acquainted with Rufus Soules, and have known him between eighteen and twenty years.

3 *Ques.* What opportunities have you had for knowing his character and reputation?

Ans. I have been intimately acquainted with him as his attorney and counsellor, for eighteen years.

4 *Ques.* Do you know his general reputation for truth?

Ans. I believe I do.

5 *Ques.* What is it?

Ans. It is good.

6 *Ques.* From your knowledge of Mr. Soules, and his general reputation for truth and veracity, would (you) believe him on his oath?

Ans. I should.

Cross-Examined by J. M. Barker, counsel for Def't. Stow :

1 *Cross.* Have you ever heard any person speak of the reputation of Soules for truth? If yea, state what persons you have heard speak of it.

Ans. I have heard Joseph Filkins say that he was not a very reliable man for truth, and I did hear a man, by the name of Mills, some years ago, say substantially the same thing, but I knew these men had had difficulty with Soules, and prejudices against him, and I did not believe what they said, and I knew what Mr. Mills said and alluded to was false; I never heard his general reputation for truth questioned, except by Mr. Filkins.

2 *Cross Ques.* State whether or not you have heard Soules' reputation for truth spoken of by persons in Lake county, within six or eight months, or within the past year?

Ans. I don't recollect that I have, except I saw Mr. Stow hunting up witnesses at Waukegan, as he said, to prove that Soules' character for truth was bad, and I enquired then of several old settlers there, whether anything had been said to their knowledge, against his general reputation for truth, and I did not learn that it had been questioned, although Mr. Stow told me there were several who said that it was bad.

B. S. MORRIS.

Filed

April 9, 1856

10 Deposition of SAMUEL H. KERFOOT.

1st *Ques.* What is your age, residence and occupation?

Ans. I am thirty-two years of age; I reside in Cook county, five miles from Chicago; occupation Real Estate Dealer.

2 *Ques.* Look at the paper now shown you, and marked "S. H. K.," State in whose hand writing the body of it is written, where and by whom it was signed, and for what the money was given?

Ans. The body of the paper is in my own hand writing, and was signed by Rufus Soules in my presence; I cannot state the time exactly, but it was just after Mr. Soules' deposition was taken in this case; it was some time early in the summer of 1855; the money was paid for his time and expenses in coming from Waukegan to give his deposition; the paper writing hereto attached, marked "S. H. K.," was offered in evidence, and made a part of Mr. Kerfoot's deposition.

3 *Ques.* In whose office were you doing business at the time the money was given, and in what capacity were you acting?

Ans. I was doing business in the office of Rees & Kerfoot, at No. 48 Clark street, Chicago, and was a partner of James H. Rees in the real estate business.

4 *Ques.* Was this payment an individual or a partnership matter?

Ans. It was Mr. Rees' private business?

Cross Examined by T. W. Barker, counsel for Stow :

1st Ques. Don't you know of any other money being paid to Soules except the above \$25, for the purpose of obtaining his deposition?

Ans. I do not.

SAM. H. KERFOOT.

*Filed
April 9, 1856*

11 Deposition of RICHARD J. HAMILTON.

1st Question. What is your age, residence and occupation?

Ans. I am fifty years of age; I reside in Chicago; am a farmer at present.

2. Are you acquainted with Rufus Soules, and if so, how long have you known him?

Ans. I am acquainted with Rufus Soules; I have known him for twelve or fifteen years; for the last five or six I have not known much of him.

3. When you knew him what was his general reputation for truth and veracity amongst his neighbors and acquaintances?

Ans. I never heard it questioned.

4. From his reputation when you knew him and your own knowledge, would you or not believe him under oath?

Ans. I would.

Witness was then *Cross-Examined* by T. W. Barker, counsel for Stow.

1st Question. Have you or not ever heard any person speak of the reputation of Rufus Soules for truth and veracity; if yea, state who you have heard speak of it?

Answer. I have no recollection of hearing any one speak of his reputation for truth.

2. Have you known his reputation since he left Chicago, some years since?

Ans I have not.

RICHARD J. HAMILTON.

Filed
April 9, 1856

12 Deposition of HENRY W. CLARKE.

1st Question. What is your age, residence and occupation?

Answer. I am forty-one years old, I reside in Chicago, by occupation a Lawyer.

2. Are you acquainted with Rufus Soules; if so how long have you known him?

Ans. I am acquainted with Rufus Soules, and have known him for about thirteen years.

3. Are you acquainted with his general reputation for truth amongst his neighbors and acquaintances; if so, please state what it is?

Ans. I have a general acquaintance with him, but not intimate; so far as I know his general reputation is good. I don't know anything to the contrary.

4. From your own knowledge of him and his general reputation, would you or not believe him under oath?

Ans. I think I would.

Cross-Examined by Barker, counsel for Stow.

1st Cross. Have you heard any persons speak of the reputation of Rufus Soules for truth; if yea, state who?

Ans. I don't know that I have heard any one speak of the reputation of Mr. Soules.

2. From what has your opinion of Mr. Soules' reputation for truth been formed?

Ans. From having a general acquaintance with him for the last thirteen years, and not knowing anything that would militate against his character for truth.

3. Are you or not acquainted with Mr. Soules' reputation for truth among his neighbors and acquaintances?

Ans. I am not among his neighbors and acquaintances, in his own immediate neighborhood.

4. Is not your opinion formed of his reputation for truth, from your personal knowledge of and acquaintance with him, rather than his reputation among his neighbors?

Ans. It is.

HENRY W. CLARKE.

Filed
April 9, 1886

13 Deposition of JABEZ R. BOTSFORD.

1 Question. What is your age, residence and occupation ?

Answer. I am forth-three years old; I reside in Chicago; am a dealer in Hardware.

2. Are you acquainted with Rufus Soules; if so, how long have you known him ?

Ans. I am acquainted with Rufus Soules; I think I have known him for about twenty-two years.

3. Are you acquainted with the general reputation of Rufus Soules for truth and veracity among his neighbors and acquaintances; if so, state so what?

Ans. I am acquainted with his general reputation for truth among his acquaintances, but not among his neighbors; his reputation is good so far as I know.

4. From your knowledge of Mr. Soules' reputation for truth, and from your own knowledge, would you believe him under oath?

Ans. I would.

Cross-Examined by Mr. Barker, counsel for W. H. Stow.

1 Cross Question. How long has it been since you have known Mr. Soules sufficiently for you to know his reputation for truth among his neighbors and acquaintances ?

Ans. I have not known much of Mr. Soules for the last seven or eight years.

2. Is not your opinion formed from personal acquaintance with Mr. Soules, and not from his general reputation ?

Ans. I have known him personally, and also known his general reputation.

3. Have you or not heard any person or persons speak of the reputation of Soules for truth; if so, what persons ?

Ans. I don't know that I have heard any one speak any thing against it; I don't know that I have heard any one speak of it.

JABEZ R. BOTSFORD

Filed
April 9, 1886

14 Deposition of PALLAS PHELPS.

1 Question. What is your age, residence and occupation ?

Answer. I am upwards of forty years of age; I reside in Chicago; by occupation a Lawyer.

2. Are you acquainted with Rufus Soules; if so, how long have you known him?

Ans. I am acquainted with Rufus Soules, and have known him since the summer or fall of 1839.

3. Are you acquainted with his general reputation for truth among his neighbors and acquaintances; if yea, what is it?

Ans. Part of the time for the last sixteen years that I have known him, he has resided in this city and county, but recently in Lake county; I knew his reputation for truth and veracity while he resided in this city and county, and it was good.

4. From your knowledge of Mr. Soules, and his reputation for truth would you or not believe him under oath?

Ans. I would believe him.

Cross-Examined by J. N. Barker, counsel for Stow.

1. Cross Question. Has your opinion of Soules' reputation for truth been formed from personal knowledge and acquaintance with him or from reputation among his neighbors and acquaintances?

Answer. From his reputation among his neighbors and acquaintances.

2. State who if any person you have heard speak of Soules' reputation for truth?

Ans. I have heard a Mr. Salsbury, who formerly lived near Mr. Soules speak of his reputation for truth; Mr. Salsbury was formerly a Justice of the Peace and County Commissioner; I have heard persons speak of him in the village of McHenry, also persons in Lake county; his reputation has not been the subject of much discussion.

PALLAS PHELPS.

Filed
April 9: 1836

15. Deposition of FRANCIS C. SHERMAN.

1. Question. What is your age, residence and occupation?

Answer. I am fifty years of age; I reside in Chicago; I am a Farmer, I suppose.

2. Are you acquainted with Rufus Soules; if so, how long have you known him?

Ans. I am acquainted with Rufus Soules; I think I have known him about twenty years.

3. Are you acquainted with his general reputation for truth among his neighbors and acquaintances; if so, what is it?

Ans. I know Mr Soules, and have known his neighbors; I never heard it questioned, except by Mr. Filkins, and they had a personal difficulty, I understood; I don't know anything but what it was good.

4. From your knowledge of Mr. Soules, and his reputation for truth, would you or not believe him under oath?

Ans. I would.

Cross-Examined by J. N. Barker, counsel for Stow.

1st. *Cross Ques.* Has your knowledge of Mr. Soules' reputation for truth been formed from personal acquaintance with him, or from his reputation among his neighbors and acquaintances.

Ans. Partly by both.

2. State who, if any person you have heard, speak of his reputation for truth?

Ans. I don't know that I have heard any one speak of his reputation, except Mr. Filkins; I don't know that I ever heard the word truth used.

F. C. SHERMAN.

Filed
April 9: 1856

16 Deposition of EZRA L. SHERMAN:

1 *Ques.* What is your age, residence and occupation?

Ans. I am thirty-eight years old; I reside in Chicago; by occupation, real estate dealer.

2. Are you acquainted with Rufus Soules; if yea, how long have you known him?

Ans. I am acquainted with Rufus Soules, and have known him about nineteen years.

3. Are you acquainted with his general reputation for truth among his neighbors and acquaintances; if yea, what is it?

Ans. Yes, I think I am, I consider it good.

4. From your knowledge of Mr. Soules, and his reputation for truth, would you or not believe him under oath?

Ans. I would.

Cross-Examined by J. N. Barker, counsel for Stow:

1st. *Cross. Ques.* State who, if any person you have heard, speak of his reputation for truth?

Ans. I don't know that I have ever heard any one say anything against him except Filkins.

E. L. SHERMAN.

Filed

April 9: 1856

17 Deposition of HUGH T. DICKEY.

1st *Ques.* What is your age, residence and occupation?

Ans. I am over forty; I reside in Chicago; by occupation, a lawyer.

2. Are you acquainted with Rufus Soules; if yea, how long have you known him?

Ans. I am acquainted with Rufus Soules, and think I have known him for about fifteen years.

3. Are you acquainted with his general reputation for truth among his neighbors and acquaintances; if so, what is it?

Ans. All I can say is, I never heard it questioned; I have presided in this Circuit in the Circuit Court when he has been often a suitor.

4. Have you or not heard him testify in court?

Ans. I don't recollect; I think it is possible I have, though don't recollect any occasion.

5. From your knowledge of Mr. Soules and his reputation, would you or not believe him under oath?

Ans. I should believe him under oath.

Cross-Examined by J. N. Barker, counsel for Stow,

1st. *Cross Ques.* Have you any knowledge of his reputation for truth, except from a passing acquaintance with him?

Ans. I have no positive knowledge of his reputation; I have never heard it questioned; I have known him and a great many persons who knew him.

HUGH T. DICKEY.

Filed
April 9, 1886

18 Deposition of B. H. SKINNER.

1st. Ques. What is your age, residence and occupation?

Ans. I am thirty one; I reside in Chicago; I am in the wool business.

2. Are you acquainted with Rufus Soules; if yea, how long have you known him?

Ans. I am acquainted with Rufus Soules, and have known him about nine years.

3. Are you acquainted with his general reputation for truth among his neighbors and acquaintances; if yea, what is it:

Ans. I never heard it questioned; I used to keep the New York House in this city, and he stopped with me as often as once in two weeks; I have had no business further than that, except buying grain for him; I have always found what he said to me to be true

4. From your knowledge of him would you or not believe him under oath?

Ans. I would believe him?

Cross Examined by counsel for Stow:

1st. Cross. Have you any knowledge of his reputation for truth, except from your personal acquaintance with him.

Ans. No.

B. H. SKINNER.

Filed
April 9, 1886

19 Deposition of JOHN H. FOSTER.

1 Question. What is your age, residence and occupation?

Answer. I am sixty years of age, I reside in Chicago, my occupation at present is caring for my real Estate and property, I was formerly a Physician.

2 Are you acquainted with Rufus Soules, If yea, how long have you known him?

Ans. I am acquainted with Rufus Soules, and have known him some fifteen or sixteen years according to the best of my recollection.

3 Are you acquainted with his general reputation for truth and veracity among his neighbors and acquaintances, if yea, what is it?

Ans. I don't believe that I am acquainted with it, I have not seen Mr. Soules for the last eighteen years, I was acquainted with him prior to that time, may have heard persons speak pro. or con. but don't recollect more.

4 State what opportunities you have had for knowing Mr. Soules and his character.

Ans. Some years ago I had some transactions with him in regard to some lands, I think I conveyed some to him, I had a piece of land adjoining some land of his in his neighborhood, and he and I had some deal together, and so far as I can recollect he was fair and honorable in his deal, this must have been ten years ago, more or less.

5 Were you acquainted with Mr. Soules' neighbors and acquaintances at that time.

Ans. Some few of them.

6 Have you or not heard his neighbors and acquaintances or some of them speak of Mr. Soules' character for truth.

Ans. So much time has elapsed I cannot state. It is my impression that there was a neighborhood quarrel; that some took sides with Soules and some were against him. I don't recollect now what was said.

7 Do you recollect the name of any one person who spoke unfavorably of Mr. Soules.

Ans. I do not.

8 From your knowledge of Mr. Soules' character and reputation, would you or not believe him under oath.

Ans. I would believe him from my personal transactions with him.

Cross Examined by Defendant's Counsel.

1 *Cross*. State what person you recollect of hearing saying anything in favor of Rufus Soules' reputation for truth.

Ans. I can't recollect who.

JOHN H. FOSTER.

Filed

April 9. 1856.

20 Deposition of LUTHER NICHOLS.

Question 1. What is your age, residence and occupation?

Ans. I am fifty years old, I reside in Chicago, I am a policeman at present.

2 Are you acquainted with Rufus Soules; if yea, how long have you known him?

Ans. I am acquainted with Rufus Soules, and have known him about fourteen years.

3 Are you acquainted with his general reputation for truth among his neighbors and acquaintances, if yea, what is it?

Ans. I never heard anything said to the contrary but what it was good.

4 From your knowledge of Mr. Soules and his reputation for truth would you or not believe him under oath?

Ans. I would.

Cross Examined by counsel for Stow.

I *Cross.* Do you know his reputation for truth among his neighbors.

Ans. I never heard his reputation for truth called in question, don't know that I ever heard any one speak of it.

2. Has your acquaintance with Mr. Soules been intimate or only a passing one?

Ans. I have known Mr. Soules, he kept tavern out on the O'Plain, I used to team it a good deal and stopped with him, I have seen him often in town, met him often sociably, have not seen much of him for the last seven years.

L. NICHOLS.

Next section...

and...

...

*Filed
April 9: 1856*

21 Deposition of ELI B. WILLIAMS.

1 Question. What is your age, residence and occupation?

Ans. I am between fifty and sixty, I reside in Chicago, I am not engaged in any particular occupation at present, I am looking after my property.

2 Are you acquainted with Rufus Soules, if yea, how long have you known him?

Ans. I am acquainted with Mr. Soules and have been acquainted with him some fifteen or eighteen years.

3 Are you acquainted with his general reputation for truth among his neighbors and acquaintances, if yea, what is it?

Ans. I have never heard any thing but what Mr. Soules' reputation for truth was good among his neighbors.

4 From your knowledge of Mr. Soules' character and reputation for truth, would you or not believe him on oath?

Ans. I should.

Cross Examined by Barker, counsel for Stow.

1 *Cross.* Have you heard any person or persons speak of the reputation of Mr. Soules for truth?

Ans. No sir.

2 Upon what is your knowledge of his reputation for truth based?

Ans. I used to be in trade here, at an early day, and have had some deal Mr. Soules, I never found him in any other way than what he agreed.

3 Have you any knowledge of his reputation for truth except that obtained from your personal acquaintance with himself?

Ans. No sir I don't know that I have.

ELI B. WILLIAMS,

Filia

April 9, 1856

22 Deposition of EBEN R. RUNYAN.

1 Question. What is your age, residence and occupation.

Ans. I am twenty-four years old, I reside in Chicago, I am practicing Law.

2 How long have you lived in Chicago, and where did you move from to this place?

Ans. I came to Chicago the eleventh of June, 1853, I came from Waukegan, Lake County.

3 Are you acquainted with Rufus Soules; if so, how long have you known him?

Ans. I am acquainted with Rufus Soules, I have known him about three years.

4. Are you acquainted with his general reputation for truth among his neighbors and acquaintances, if yea, what is it?

Ans. I am. It is good.

5. From your knowledge of his reputation for truth, would you or not believe him on oath?

Ans. I would.

6 Have you recently had a conversation with James B. Bradwell, Esq. Attorney at Law, of this city, with reference to Mr. Soules' reputation for truth, if so, state it?

Ans. I had a conversation with Mr. Bradwell since he gave his deposition in this case, it was day before yesterday; some two or three months since

I had some conversation with him—at that time he stated to me that there was a piece of land in Chicago, that Mr. Stow and some one else, (I cannot tell who the parties were,) had a controversy about; that the title to that land rested upon the testimony of Rufus Soules; that it was something about a deed that had been left in Soules' possession, which he said Mr. Soules said was lost; he also stated that Mr. Stow had been engaged or was engaged in taking depositions to impeach Mr. Soules. I asked him if he thought he could do it. He said yes he would swear himself and he knew a good many others who would swear he was not to be believed—he stated also, that Mr. Stow was taking depositions in Waukegan, and asked me if I thought he could obtain witnesses there who would swear that he was not to be believed. I stated that I presumed he could, from the fact that he had many personal enemies, and that some of them I knew would swear to almost any thing. That is about all; I don't recollect any thing else, this was the first conversation.

7 Did you express an opinion of Mr. Soules' reputation for truth to Mr. Bradwell at that time, if so, what was it.

Ans. I did not express any personal opinion. I remarked that he was a good deal of an old sharper, very close upon a trade, and took good care of number one.

8 Please state when the last conversation between you and Mr. Bradwell took place, the day and hour as near as you can recollect.

Ans. I think it was Tuesday of this week, the third of the month, it was late in the afternoon, I can't tell you exactly; it was after four o'clock, quite late, just before I went to tea.

Cross Examined by Mr. Barker, counsel for Stow.

1st *Cross*. Have you heard any person or persons speak of the reputation of Mr. Soules for truth; if so, state their names?

Ans. Yes, I have heard H. W. Bloodget, C. W. Upton. I have heard H. P. Smith speak of him and I think I have heard E. P. Ferry and J. C. Clark. I have also heard Eldridge G. Upham and Lewis Crabtree. I have heard a good many others speak of him. I have heard some speak favorably of him and some unfavorably. I don't know that I have heard more than one or two that said they would not believe him on oath.

Direct resumed by Mr. Waller.

9 Have you heard any one beside Mr. Bradwell whom you can recollect say he would not believe him on oath?

Ans. I don't think I ever did.

Filed
April 9; 1856,

23 Deposition of JESSE H. FOSTER.

Interrogatory 1. What is your age, residence and occupation?

Answer. I am fifty four years old, I reside in Chicago, I am now employed in manufacturing saw mills. I have been in the medical profession, I came from Libertyville, Lake County, almost ten miles from Waukegan, and six miles north from Half Day. I lived at Libertyville something over eighteen years.

2. Are you acquainted with Rufus Soules; if so how long have you known him?

Ans. I am acquainted with Rufus Soules, I think I have known him from fifteen to eighteen years.

3. Are you acquainted with Mr. Soules' general reputation for truth among his neighbors and acquaintances, if yea, what is it?

Ans. I know nothing against it, we have lived about ten miles apart, have always known Mr. Soules. What his particular neighbors about him would say of him I don't know.

4. From your knowledge of Mr. Soules and his general reputation for truth would you or not believe him under oath?

Ans. I would.

Cross-Examined by counsel for Stow.

1 Cross. Have you heard any of the neighbors and acquaintances of Mr. Soules speak of his reputation for truth, if so, who is it?

Ans. I don't know as I have heard any thing of his reputation for the last few years. Formerly Filkins and Soules used to have a good deal of difficulty, and say hard things of each other.

2 Cross. How has your knowledge of his reputation been obtained?

Ans. From several remarks of people, not from any personal knowledge.

3 Cross. What others besides Filkins have you heard speak of his reputation?

Ans. I don't know as I can recollect any others particularly.

JESSE H. FOSTER.

Filed
April 9; 1856.

24 Deposition of GEORGE W. SNOW.

Interrogatory 1. What is your age, residence and occupation?

Answer. I am fifty-eight years old, I reside in Chicago, I am looking after my property at present, have no particular business.

2. Are you acquainted with Rufus Soules; if yea, how long have you known him?

Ans. I am acquainted with Rufus Soules; I think I have known him since 1834 or 1835.

3. Are you acquainted with his general reputation for truth among his neighbors and acquaintances; if yea, what is it?

Ans. I knew him in 1834 or 1835; the first transaction I had with Mr. Soules was, he purchase some property at the sale of Lantin's estate; I was public administrator at the time. I think in 1837 or about that time, I bound out a boy to him; I afterwards rented a house to him; I have known him all of the while. All my dealing with him have been satisfactory, I should say his general reputation was good.

4. From your knowledge of Mr. Soules and his reputation for truth would you or not believe him on his oath?

Ans. Certainly I would.

Cross-Examined by counsel for Stow.

1st *Cross*. Have you any knowledge of his reputation for truth, except what you have obtained from your personal acquaintance with him?

Ans. I have known him for this twenty years, I know nothing against it.

2d *Cross*. Have you heard any person speak of his reputation for truth, if yea who?

Ans. I can't say that I have.

G. W. SNOW,

Filed
April 9. 1856

25 Deposition of J. YOUNG SCAMMON.

Interrogatory 1. What is your age, residence and occupation.

Answer. I am forty years of age and over, I reside in Chicago, by occupation a lawyer.

2. Are you acquainted with Rufus Soules, if yea, how long have you known him?

Ans. I am acquainted with Rufus Soules, and have known him for twenty years and over.

3. Are you acquainted with his general reputation for truth among his neighbors and acquaintances, if yea, what is it?

Ans. I was well acquainted with his reputation for truth and veracity

among his neighbors. I have often seen him in the courts and other places but have never heard a question made as to his truth and veracity. His reputation, so far as my knowledge extends, was as good as that of any man in Cook county. He has not lived in my immediate neighborhood for a few years past, but I have been acquainted with him during that time, and never heard his veracity questioned. I should put confidence in his testimony.

Cross-Examined by counsel for Stow.

1st Cross. Where has Mr. Soules resided during the time you have known him?

Ans. For most of the time I think in Cook and Lake counties. He resided a part of the time in Chicago; I believe a long while on the road to Libertyville not far from the O'Plain river and not far from Wheeling; and other parts of the time, as I have understood, he resided at or near Waukegan, in Lake county. I was never at his house except when he resided near Wheeling.

2d Cross. Were you acquainted personally with his neighbors and acquaintances at these places.

Ans. In early times in Cook county, say about twenty years ago, settlers were scarce and land plenty, and we all knew each other pretty well. I must have known nearly or quite all of the neighbors of Mr. Soules for many years while he lived near Wheeling. In those times although neighbors were far apart there was a great deal of law and quarreling about land claims and land titles; and the opinions of neighbors very much depended upon which side they were on in the quarrel. I think I knew or did know his neighbors and acquaintances in Chicago and Cook county, and a portion of them in Lake county. I used to know all the prominent men in Cook and Lake counties, and know very well most of the active ones. I have not known who were his immediate neighbors for a few years past.

3d Cross. State who Mr. Soules' attorney was about the time you first knew him and for several years thereafter?

Ans. I cannot state who was his attorney when I first knew him; but my impression is that Morris & Casey or Giles Spring was his attorney, but I may be mistaken. My impression is that Morris & Scammon were his attorneys for a year or two, and after the dissolution of the firm of Morris & Scammon, Morris continued to act as his attorney; but he may have had some others. It happened in these times not unfrequently, that near the whole bar was divided between two clients. Soules a part of the time was constable, and I did the business of Clerk of the Courts in this county, and was in the habit of seeing and having business to do with Soules, or about his suits very often, and I cannot now recollect whether I ever acted as his attorney, or no; but I think Morris did, and probably I did while a partner of Morris.

Filed
April 9: 1856.

26 Deposition of WILLIAM B. OGDEN.

Interrogatory 1. What is your age, residence and occupation?

Ans. I am aged fifty years, I reside in Chicago, my occupation is the management of real estate as agent and owner.

2. Are you acquainted with Rufus Soules, if yea, how long have you known him?

Ans. I am acquainted with Rufus Soules, and have known him about ten or fifteen years.

3. Are you acquainted with Mr. Soules' general reputation for truth and veracity among his neighbors and acquaintances, if yea, what is it?

Ans. I am acquainted with it to some extent, and so far as I know it, it is good.

4. From your knowledge of Mr. Soules and his general reputation for truth, would you or not believe him under oath?

Ans. I would.

Cross-Examined by counsel for Stow.

1st *Cross*. How has your knowledge of Mr. Soules' reputation for truth been obtained?

Ans. General intercourse with him and remarks from those who knew him.

2d *Cross*. Have you heard any person speak of the reputation of Mr. Soules for truth, if yea, state who?

Ans. Yes, I have heard his character for truth and veracity spoken of by George Manierre, George W. Mecker, James H. Rees, Archibald Clybourne I think and others.

W. B. OGDEN.

27—DEPOSITION OF REUBEN D. DODGE, TAKEN APR. 12, 1856.

Interrogatory 1. What is your name, age, occupation, and place of residence?

Ans. My name is Reuben D. Dodge, my age is fifty-three years, my occupation is the millinery business, and my place of residence Waukegan, Lake County, Ill.

2. Are you acquainted with Rufus Soules, of Waukegan, Lake Co., Ill.? If so, how long have you known him?

Ans. I am acquainted with him. Have known him, I think, seven years.

3. Are you acquainted with his general reputation for truth among his neighbors? If so, is it good or bad?

Ans. I am. It is considered good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I should.

REUBEN D. DODGE.

Adjourned till to-morrow.

28—DEPOSITION OF WM. B. DODGE.

Interrogatory 1. What is your name, age, occupation, and place of residence?

Ans. My name is William B. Dodge, my age thirty-one years, my occupation merchant, my residence Waukegan, Lake Co., Ill.

2. Are you acquainted with Rufus Soules, of Waukegan, Lake County, Ill.? If so, how long have you known him?

Ans. I am acquainted with him, and have known him personally about seven years.

3. Are you acquainted with the general reputation of the said Rufus Soules for truth among his neighbors? If you are, please state whether it is good or bad.

Ans. I am somewhat acquainted with his said reputation. So far as I know it is good.

4. From your knowledge of his said reputation would you or not believe him on his oath?

Ans. I would.

CROSS EXAMINATION.

Cross Interrogatory 1. Have you ever heard the reputation of Rufus Soules called in question?

Ans. I have heard conversations about the reputation of Mr. Soules, pro and con, but I do not recollect ever having heard any one, in my presence, say that they would not believe him under oath.

2. Who have you heard speak of the reputation of Mr. Soules?

Ans. I do not know that I can recollect any one person. I used to hear considerable said about Mr. Soules several years ago, when he and Mr. Filkins were having trouble.

3. When, and at how many different times, have you heard conversations about the reputation of Mr. Soules?

Ans. I could not say.

4. Can you state one occasion?

Ans. I cannot, positively.

WILLIAM B. DODGE.

29 - DEPOSITION OF JAMES S. BARKER,

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is James S. Barker, my age is thirty-five years, my occupation is a machinist, and I reside at Waukegan, Lake Co., Ill.

2. Are you acquainted with Rufus Soules, residing at Waukegan, Lake County, Ill.? If so, how long have you known him?

Ans. I am acquainted with him, and have known him between six and seven years.

3. Are you acquainted with the general reputation of the said Soules for truth among his neighbors? If yea, please state whether it is good or bad?

Ans. I am. It is good, I believe, sir.

4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I would.

CROSS EXAMINATION.

Cross Interrogatory 1. Have you ever heard the reputation of Rufus Soules for truth, or in any respect, called in question? If so, please state the same.

Ans. I never did, sir.

2. What reason have you for saying that you believe his reputation for truth to be good?

Ans. Two reasons, viz.: 1st. I have had considerable dealings with Mr. Soules; 2d. I never heard his reputation for truth called in question.

JAMES S. BARKER.

30—DEPOSITION OF JOHN C. SOUTHWICK.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is John C. Southwick, my age is twenty-seven years, my occupation is a clerk, my place of residence Waukegan Lake Co., Ill.

2. Are you acquainted with Rufus Soules, now residing at Waukegan, Lake Co., Ill.? If so, how long have you known him?

Ans. I am. I have known him four years.

3. Are you acquainted with the general reputation of the said Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am. It is good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would.

CROSS EXAMINATION.

Cross Interrogatory 1. Have you ever heard the reputation of Mr. Soules for truth, or in any respect, called in question?

Ans. I have not.

2. Have you been intimately acquainted with Mr. Soules during the time you say that your acquaintance with him has existed?

Ans. So far as dealings with him are concerned, I consider that I have been intimately acquainted with him.

2. What dealings have you had with him?

Ans. I once bought four or five lots of him, and I have dealt with him, pretty much every week for the last fourteen months, as a clerk in the store of Wm. B. Dodge.

4. Who requested you to appear here and give evidence?

Ans. Rufus Soules. J. C. SOUTHWICK.

31—DEPOSITION OF WM. C. NEWMAN.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is Wm. C. Newman, my age is forty-three years, my occupation is Justice of the Peace, and I reside at Waukegan, Lake County, Illinois.

2. Are you acquainted with Rufus Soules, now residing at Waukegan, Lake County, Ill.? If so, how long have you known him?

Ans. I am acquainted with him. Have known him somewhat, for the last eight years, but more particularly during the last four years.

3. Are you acquainted with the general reputation of the said Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am. It is good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would.

CROSS EXAMINATION.

Interrogatory 1. Have you ever heard the reputation of Mr. Soules for truth, or in any respect, called in question?

Ans. I don't know as I ever heard his reputation for truth called in question; I have heard him talked about as other folks are talked of casually.

2. Who requested you to come here?

Ans. Mr. Soules.

3. What reason have you for saying that the reputation of Mr. Soules is good?

Ans. Because I believe it to be good. I have had considerable dealings with him, and always found him fair. There have been gaps left down where he might have taken advantage of me, but he did not—only one such case as this.

WM. C. NEWMAN.

32—DEPOSITION OF PARNELL MUNSON.

Interrogatory 1. What is your name, age, occupation and place of residence.

Ans. My name is Parnell Munson, my age is thirty-four years, my occupation Deputy Sheriff, I reside at Waukegan, Lake Co., Ill.

2. Are you acquainted with Rufus Soules now residing at Waukegan, Lake Co., Ill.? If yea, how long have you known him!

Ans. Yes, sir. Have known him about twelve years.

3. Are you acquainted with the general reputation of the said Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am acquainted with it. I should say that it was good.

4. From what you know of his said reputation, would you or not believe him on his oath?

Ans. I would.

CROSS EXAMINATION.

Interrogatory 1. Have you lived in the immediate vicinity of Mr. Soules during the time that you have been acquainted with him?

Ans. I have not all of the time; for the first four or five years I did not live in the immediate vicinity of him; I then lived between twenty and thirty miles from him; since that time I have lived in the same neighborhood with him.

2. Have you ever heard the reputation of Mr. Soules for truth, or in any respect, called in question?

Ans. I have.

3. When, where and by whom?

Ans. I have heard it called in question in this town and elsewhere, this winter and spring, by Col. Joseph Wells, who said his reputation for truth was good; also, Philander Steward, who said it was good; I have also heard Duncan Macnabb, Orange Brace, John Easton and Ira Stone speak of it.

P. MUNSON.

33—DEPOSITION OF WAIT J. LEWIS.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is Wait J. Lewis; my age is fifty-two years; my occupation a school-teacher; I reside at Waukegan, Lake Co., Ill.

2. Are you acquainted with Rufus Soules now residing at Waukegan, Lake Co., Ill.? If yea, how long have you known him?

Ans. I am acquainted with him; have known him some six years.

3. Are you acquainted with the general reputation of Rufus Soules for truth among his neighbors? If so, please state whether it is good or bad.

Ans. I am somewhat acquainted with it; it is good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. Yes. I would believe him as soon as any man I know of.

CROSS EXAMINATION.

Interrogatory 1. Have you ever heard the reputation of Mr. Soules for truth, or in any respect, called in question?

Ans. I don't recollect that I ever have until I came into this room now --I have heard two witnesses testify.

2. What reason have you for saying that his reputation is good?

Ans. I have known him as a business man and never heard anything against him, and have done business with him myself.

W. J. LEWIS.

Adjourned till to-morrow.

34—DEPOSITION OF ADAMS GETTY.

Interrogatory 1. What is your name, age, occupation, and place of residence?

Ans. My name is Adams Getty; my age is fifty-three years; I am in no particular business at present, my last business was collector and constable; my residence is Waukegan, Lake County, Illinois.

2. Are you acquainted with Rufus Soules, now residing in Waukegan, Lake County, Ill.? If so, how long have you known him?

Ans. I am acquainted with him; have known him between seven and eight years.

3. Are you acquainted with the general reputation of the said Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am; I consider it good.

4. From your knowledge of his said reputation would you or not believe him on his oath?

Ans. I would.

ADAMS GETTY.

35—DEPOSITION OF CHARLES R. STEELE.

Interrogatory 1. What is your name, age, occupation, and place of residence?

Ans. My name is Charles R. Steele. my age is thirty four years, my occupation is Cashier of the Bank of Northern Illinois at Waukegan; I reside at Waukegan, Ill.

2. Are you acquainted with Rufus Soules, now residing at Waukegan, Lake County, Ill.? If yea, how long have you known him?

Ans. I am acquainted with him; have known him fifteen years.

3. Are you acquainted with the general reputation of the said Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am acquainted with his said reputation; I believe it to be good.

4. From your knowledge of his said reputation would you or not believe him on his oath?

Ans. I should believe him. CHAS. R. STEELE.

36—DEPOSITION OF SAMUEL MORRISON.

Interrogatory 1. What is your name, age, occupation, and place of residence?

Ans. My name is Samuel Morrison, my age is thirty-eight years; my occupation is the boot and shoe business; I reside at Waukegan, Lake Co., Illinois.

2. Are you acquainted with Rufus Soules, now residing in Waukegan Lake County, Ill.? If yea, how long have you known him?

Ans. I am acquainted with him; have known him about ten years, I think.

3. Are you acquainted with the general reputation of Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am acquainted with it; it is good, so far as I know.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I should believe him.

SAMUEL MORRISON.

37—DEPOSITION OF DANIEL MARSH.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is Daniel Marsh; my age is sixty-two years; my business keeping boarders; I reside at Waukegan, Lake Co., Ill.

2. Are you acquainted with Rufus Soules, now residing at Waukegan, Lake Co., Ill.? If you are, how long have you known him?

Ans. I am acquainted with him; have known him between eighteen and twenty years.

3. Are you acquainted with the general reputation of Mr. Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I have heard his reputation spoken of; I consider it good.

4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. I should.

CROSS EXAMINATION.

Interrogatory 1. Who have you heard speak of the reputation of Rufus Soules?

Ans. I have heard it spoken of, but don't recollect now who by; some think well of him and others ill; I never heard anything spoken against his character for truth and veracity that I recollect of.

2. How long since have you heard the reputation of Mr. Soules talked of?

Ans. I should think it was eighteen or twenty years since I have heard anything about it, except within the last four months, while I have lived in this town.

3. What have you heard said of his reputation within the last four months?

Ans. I have heard him spoken of, in connection with an indictment for forgery; various opinions expressed; nothing about his reputation for truth

4. Have you ever heard his reputation for truth talked of or called in question?

Ans. I don't know as I ever have.

DIRECT EXAMINATION RESUMED.

Interrogatory 1. What is the general sentiment in relation to the charge of forgery that you referred to, as to his guilt or innocence?

Ans. Folks think he would not be guilty of such a thing.

2. Did you ever hear any one say that he believed the charge to be true?

Ans. Don't recollect that I ever heard a person say so.

CROSS EXAMINATION RESUMED.

Interrogatory 1. Can you name one or more persons that you have heard say that they believed Mr. Soules was not guilty of the charge of forgery? If so, name the persons.

Ans. I heard Mr. Munson, Deputy Sheriff, say, in reply to my question, "How Mr. Soules would get along with the matter?" "that he would come out well enough." Don't know that I can recollect any other one in particular.

DANIEL MARSH.

38—DEPOSITION OF ISAAC A. KIMBALL.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is Isaac A. Kimball; my age is about forty-five years; my occupation a mason; I reside at Waukegan, Lake Co., Ill.

2. Are you acquainted with Rufus Soules, now residing at Waukegan, Lake County, Ill.? If yea, please state how long you have known him.

Ans. I am; have known him by sight about two years; for one year, I have known him intimately.

3. Are you acquainted with the general reputation of Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am; I don't know anything but what it is good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I should.

CROSS EXAMINATION.

Cross Interrogatory 1. Have you ever heard the reputation of Mr. Soules for truth called in question or talked about.

Ans. I don't know that I have; don't recollect that I have.

I. A. KIMBALL

39—DEPOSITION OF DANIEL STEELE.

Interrogatory 1. What is your name, age, occupation, and place of residence?

Ans. My name is Daniel Steele; my age is sixty-three years; am in no business; I reside at Waukegan, Lake County, Ill.

2. Are you acquainted with Rufus Soules, of Waukegan, Lake County, Ill.? If yea, how long have you known him?

Ans. I am; have known him about fifteen years.

3. Are you acquainted with the general reputation of Mr. Soules or truth among his neighbors? If yea, please state whether it is good or ad.

Ans. I am acquainted with it as a neighbor; I consider it good.

4. From your knowledge of his said reputation would you or not believe him on his oath?

Ans. I should believe him.

CROSS EXAMINATION.

Interrogatory 1. Have you ever heard the reputation of Rufus Soules or truth called in question?

Ans. I should not think I had, directly.

DANIEL STEELE.

40—DEPOSITION OF ARTIMAS M. LEIGH.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is Artimas M. Leigh; my age fifty-six years; my occupation is a produce dealer; I reside at Waukegan, Lake County, Ill.

2. Are you acquainted with Rufus Soules, now residing in Waukegan, Lake County, Ill.? If yea, how long have you known him?

Ans. I am; have known him about twelve years.

3. Are you acquainted with the general reputation of the said Soules for truth among his neighbors? If yea, please state whether it is good or bad?

Ans. I have heard his neighbors talk a good deal about him, and swear about his reputation for truth; I was acting as Justice of Peace; it was then adjudged and determined, when we got through, that his reputation was good. It appeared that about all that had sworn against him had had a law suit with Mr. Soules, and got beat. This was a sheep case; Dr. Mills swore, and others.

From my knowledge of his said reputation, I believe it to be good.

4. From your knowledge of his said reputation, would you believe him on his oath?

Ans. Yes, sir, I would.

A. M. LEIGH.

41—DEPOSITION OF WILLIAM C. BARKER.

Interrogatory 1. What is your age, occupation, and place of residence?

Ans. My age is forty-three years; my occupation a physician; I reside at Waukegan, Ill.

2. Are you acquainted with Rufus Soules, now residing in Waukegan, Lake Co., Ill.? If yea, how long have you known him?

Ans. I am; have known him about eight years.

3. Are you acquainted with the general reputation of Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am acquainted with it; it is good for all that I know.

4. From what you know of his said reputation, would you or not believe him on his oath?

Ans. I would believe him, most assuredly.

CROSS EXAMINATION.

Interrogatory 1. Have you ever heard the reputation of Mr. Soules for truth, talked of, or called in question?

Ans. I don't know that I have, his reputation for truth.

W. C. BARKER.

42—DEPOSITION OF GEORGE WOOD.

Interrogatory 1. What is your age, occupation, and place of residence?

Ans. My age is forty-eight years; my occupation is book keeper in John H. Cotes & Co.'s Banking house. I reside at Waukegan, Ill.

2. Are you acquainted with Rufus Soules of Waukegan? If yea, how long have you known him?

Ans. I am; have known him by reputation about eleven years; have known him personally about nine or ten years.

3. Are you acquainted with the general reputation of the said Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am somewhat acquainted with his reputation; so far as I know, it is good.

4. From what you know of his said reputation would you or not believe him on his oath?

Ans. I would.

CROSS EXAMINATION.

Interrogatory 1. Have you ever heard his reputation for truth called in question?

Ans. I don't recollect as I ever have.

2. Who asked you to come here and testify?

Ans. Mr. Soules asked me to come here. He did not tell me much what he wanted—only said he wanted I should come and testify whether I would believe him on his oath.

GEORGE WOOD.

43—DEPOSITION OF JOSIAH MOULTON.

Interrogatory 1. What is your age, occupation and place of residence?

Ans. My age is fifty-one years; my occupation is a farmer; I reside in the town of Burton, Lake Co., Ill.

2. Have you ever resided in Waukegan, Ill.? If yea, when, and how long?

Ans. My family never resided here. I was Deputy Sheriff from 1850 to 1852, and boarded in Waukegan during that time.

3. Are you acquainted with Rufus Soules, of Waukegan, Lake Co. Ill.? If yea, how long have you known him?

Ans. I am acquainted with him; think that I have known him about eight years.

4. Are you acquainted with the general reputation of Mr. Soules for truth among his neighbors? If yea, is it good or bad?

Ans. I am acquainted with it; I never heard his reputation for truth doubted.

5. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would.

CROSS EXAMINATION.

Interrogatory 1. Have you ever heard the reputation of Mr. Soules for truth called in question or talked of?

Ans. I never have, as I recollect.

2. Have you ever lived in the immediate vicinity of Mr. Soules? If yea, when, and how long?

Ans. When I was Deputy Sheriff in 1850 to 1852; I was within about a mile and a half of him.

3. How far did you live from him during the balance of your acquaintance with him?

Ans. About fifteen or sixteen miles, I should think.

4. Who asked you to come in here and testify?

Ans. Mr. Soules. J. MOULTON.

44—DEPOSITION OF DR. AARON LEWIS.

Interrogatory 1. What is your age, occupation, and place of residence?

Ans. My age is thirty-nine years; I am a Physician; and reside at Waukegan, Lake Co., Ill.

2. Are you acquainted with Rufus Soules, of Waukegan, Lake Co., Ill.? If yea, how long have you known him?

Ans. I am; have known him about fourteen years.

3. Are you acquainted with the reputation of Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I have never heard anything material, any more than we hear of any of our neighbors; I know nothing to the contrary but what it is good.

4. From your knowledge of his reputation for truth, would you or not believe him on his oath?

Ans. I have no reason to doubt him under oath; I should believe him.

CROSS EXAMINATION.

Interrogatory 1. Have you ever heard the reputation for truth of Mr. Soules talked of or called in question?

Ans. I can't bring to my mind any circumstances, but I have heard some trouble, or something of the kind, about him.

2. Who asked you to come up here and testify?

Ans. Mr. Soules. AARON LEWIS, M. D.

45—DEPOSITION OF AMOS S. WATERMAN.

Interrogatory 1. What is your age, occupation, and place of residence?

Ans. My age is thirty-four years; my occupation is a merchant at present; I was formerly County Clerk of Lake County; I reside at Waukegan, Illinois.

2. Are you acquainted with Rufus Soules, of Waukegan, Lake Co., Ill.? If yea, how long have you known him?

Ans. I am; have known him slightly about eight years; have known him intimately since 1849.

3. Are you acquainted with the general reputation of the said Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I believe I am; I have heard considerable said; I consider his reputation for truth good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I think I should.

AMOS S. WATERMAN.

46—DEPOSITION OF FRANCIS F. MUNSON.

Interrogatory 1. What is your age, occupation and place of residence?

Ans. My age is thirty-nine years; my occupation merchant; I reside at Waukegan, Ill.

2. Are you acquainted with Rufus Soules now residing at Waukegan, Lake Co., Ill.? If yea, how long have you known him?

Ans. I am; have known him by reputation about fifteen years; intimately eight years.

3. Are you acquainted with the general reputation of the said Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am; it is good, so far as I know.

4. From your knowledge of his said reputation would you or not believe him on his oath?

Ans. I should.

F. F. MUNSON.

47—DEPOSITION OF RANSOM STEELE.

Interrogatory 1. What is your age, occupation and place of residence?

Ans. My age is fifty-seven years; my occupation a merchant; I reside at Waukegan, Lake Co., Ill.

2. Are you acquainted with Rufus Soules, of Waukegan, Lake Co., Ill.? If yea, how long have you known him?

Ans. I am; have known him about twenty years.

3. Are you acquainted with the general reputation of Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad?

Ans. I believe I am; I should consider it good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I should. RANSOM STEELE.

48—DEPOSITION OF WM. M. CASE.

Interrogatory 1. What is your age, occupation and place of residence?

Ans. My age is forty-one years; I am a merchant; and live in Waukegan, Ill.

2. Are you acquainted with Rufus Soules, of Waukegan, Ill.? If yea, please state how long have you known him.

Ans. Yes; I have known him for nine years.

3. Are you acquainted with the general reputation of Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. Since he has lived in town, I have been acquainted with said reputation; I consider it good.

4. From your knowledge of his said reputation would you or not believe him on his oath?

Ans. I should.

WM. M. CASE.

49—DEPOSITION OF WILLIAM A. BOARDMAN.

Interrogatory 1. What is your age, occupation and place of residence?

Ans. My age is fifty years; my occupation is a lawyer; I reside at Waukegan, Ill.

2. Are you acquainted with Rufus Soules, of Waukegan, Lake Co., Ill.? If yea, how long have you known him?

Ans. I am acquainted with him; have been personally acquainted with him for about ten years last past; I think I had seen him before that time, but not particularly acquainted with him.

3. Are you acquainted with the general reputation of the said Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I think I am; I should say it was good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I should believe him. WILLIAM A. BOARDMAN.

50—DEPOSITION OF THOMAS FELLOWS.

Interrogatory 1. What is your age, occupation, and place of residence?

Ans. My age is thirty years; my occupation County Treasurer and Clerk; I reside at Waukegan, Lake Co., Ill.

2. Are you acquainted with Rufus Soules, of Waukegan, Lake County, Illinois? If yea, how long have you known him?

Ans. I am; have known him six or eight years.

3. Are you acquainted with the general reputation of Mr. Soules for truth among his neighbors? If yea, please state whether it is good or bad?

Ans. I have heard it considerably talked of; I think it is considered good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would. THOS. FELLOWS.

51—DEPOSITION OF JOHN H. COTES.

Interrogatory 1. What is your age, occupation and place of residence?

Ans. My age is thirty-one years; my occupation banker; I reside at Waukegan, Ill.

2. Are you acquainted with Rufus Soules, of Waukegan? If yea, how long have you known him.

Ans. I am acquainted with him; have known him six years.

3. Are you acquainted with the general reputation of the said Rufus Soules for truth among his neighbors? If yea, state whether it is good or bad.

Ans. I am acquainted with it; it is good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would.

JOHN H. COTES.

52—DEPOSITION OF NATHAN C. GEER.

Interrogatory 1. What is your age, occupation, and place of residence?

Ans. My age is thirty-five years; my occupation, an editor and publisher of Waukegan Gazette; I reside at Waukegan, Ill.

2. Are you acquainted with Rufus Soules, of Waukegan, Ill.? If yea, how long have you known him?

Ans. I am; have known him some seven or eight years.

3. Are you acquainted with the general reputation of Rufus Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am; I think it is good; I never heard his reputation for truth questioned until this matter came up.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would.

NATHAN C. GEER.

53—DEPOSITION OF EZRA H. NEWELL.

Interrogatory 1. What is your age, occupation and place of residence?

Ans. My age is fifty-two years; my occupation a farmer; I live at present in Benton, Lake County, Ill.

2. Have you ever resided in Waukegan, Ill? If yea, when, and how long?

Ans. I have lived in Waukegan for eight years previous to 6th day of February last.

3. Are you acquainted with Rufus Soules, now residing at Waukegan, Ill.? If yea, how long have you known him?

Ans. Am acquainted with him; have known him off and on for the last seventeen years, and for the last fifteen years intimately.

4. Are you acquainted with the general reputation of Mr. Soules for truth among his neighbors? If yea, state whether it is good or bad.

Ans. I am acquainted with it; have seen Mr. Soules in great many tight spots in law, and have heard him talked about a great deal, but I never heard any one say that his reputation for truth was bad; I consider his reputation for truth good.

5. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would, sir.

E. H. NEWELL.

54—DEPOSITION OF HUGH GRAHAM.

Interrogatory 1. What is your age, occupation and place of residence?

Ans. My age is twenty-nine years; my occupation is wagon making; I reside at Waukegan, Ill.

2. Are you acquainted with Rufus Soules, of Waukegan? If yea, please state how long you have known him.

Ans. I am; I have known him nearly four years.

3. Are you acquainted with the general reputation of Mr. Soules.

for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am; I should call it good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I should, as soon as any man in the two counties—Lake or Cook.

HUGH GRAHAM.

55—DEPOSITION OF GEORGE THOMSON.

Interrogatory 1. What is your age, occupation and place of residence

Ans. My age is about forty-nine years; my occupation, farmer; reside in Avon, Lake County.

2. Have you ever lived in Waukegan, Ill.? If yea, when, and how long?

Ans. Yes; I lived in Waukegan in 1847 and 1848, while I was Clerk of the Circuit Court of Lake County.

3. Are you acquainted with Rufus Soules, of Waukegan? If yea how long have you known him?

Ans. I am acquainted with Mr. Soules, and have been for the last eighteen years.

4. Are you acquainted with the general reputation of Mr. Soules for truth among his neighbors and acquaintances? If yea, please state whether it is good or bad?

Ans. I am; I never heard his character for truth doubted.

5. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would believe him.

GEORGE THOMSON.

56—DEPOSITION OF DANIEL BREWER.

Interrogatory 1. What is your age, occupation, and place of residence?

Ans. My age is forty-one years; my occupation is transcribing clerk in Recorder's Office; I live at Waukegan, Ill.

2. Are you acquainted with Rufus Soules, of Waukegan, Ill? If yea, how long have you known him?

Ans. I am; have known him five or six years.

3. Are you acquainted with the general reputation of Mr. Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am; it is good.

4. From your knowledge of his said reputation would you or not believe him on his oath?

Ans. I would.

DANIEL BREWER.

57—DEPOSITION OF EZRA JOCELYN.

Interrogatory 1. What is your age, occupation, and place of residence?

Ans. My age is forty-three years; I am engaged in the planing business, and reside at Waukegan, Lake County, Ill.

2. Are you acquainted with Rufus Soules of Waukegan, Ill.? If yea, how long have you known him?

Ans. I am; have known him about two years.

3. Are you acquainted with the general reputation of Mr. Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am; good I believe.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would.

EZRA JOCELYN.

58—DEPOSITION OF JAMES Y. CORY.

Interrogatory 1. What is your age, occupation, and place of residence?

Ans. My age is twenty-seven years; I am in no business now; have formerly been a merchant; and live in Waukegan, Ill.

2. Are you acquainted with Rufus Soules, of Waukegan, Illinois? If yea, how long have you known him?

Ans. I am; have known him by reputation about ten years; have known him intimately six or seven years.

3. Are you acquainted with the general reputation of Mr. Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am; it is good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. Yes, sir, I would.

JAMES Y. CORY.

59—DEPOSITION OF DR. R. W. CLARKSON.

Interrogatory 1. What is your age, occupation, and place of residence?

Ans. My age is thirty-three years; my occupation a dentist; I live at Waukegan, Lake Co., Ill.

2. Are you acquainted with Rufus Soules of Waukegan, Ill.? If yea, how long have you known him?

Ans. I am; have known him about six years.

3. Are you acquainted with the general reputation of Mr. Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am; it is good, so far as I know.

4. From your knowledge of his said reputation would you or not believe him on his oath?

Ans. I would.

R. W. CLARKSON.

60—DEPOSITION OF JAMES C. BIDDLECOM.

Interrogatory 1. What is your age, occupation and place of residence?

Ans. My age is thirty-seven years; my occupation is clerk of the County Court of Lake County; I live at Waukegan, Ill.

2. Are you acquainted with Rufus Soules, of Waukegan, Ill.? If yea, how long have you known him?

Ans. I am; have known him from four to six years.

3. Are you acquainted with the general reputation of Mr. Soules for truth among his neighbors? If yea, please state whether it is good or bad.

Ans. I am; it is generally good; never heard but two persons say any thing against it.

4. From your knowledge of his said reputation would you or not believe him on his oath?

Ans. Yes.

JAMES C. BIDDLECOM.

Adjourned till to-morrow.

61—DEPOSITION OF MOSES EVANS.

Interrogatory 1. What is your name, age, occupation, and place of residence?

Ans. My name is Moses Evans; my age is twenty-four years; my occupation a physician and apothecary; and I reside at Waukegan, Lake County, Illinois.

2. Are you acquainted with Rufus Soules, of Waukegan, Illinois? If yea, how long have you known him?

Ans. I am acquainted with him; and have known him about ten years.

3. Are you acquainted with the general reputation of said Soules for truth among his neighbors? If yea, please state whether it is good or bad?

Ans. I am acquainted with his said reputation; it is good so far as I know any thing to the contrary.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would.

CROSS EXAMINATION.

Interrogatory 1. How long have you resided in Waukegan?

Ans. Some twelve years.

2. Did you ever reside in Wheeling, Cook Co., Ill., or in Vernon, Lake Co., Ill.?

Ans. I never did.

3. Did Rufus Soules ever reside at Wheeling or Vernon?

Ans. He resided at some place south-west from here; I should think in Vernon.

4. Are you acquainted with the neighbors and acquaintances of Rufus Soules, while he lived in Wheeling, in Cook County, or in Vernon, Lake County?

Ans. I don't know that I am acquainted with any of his said neighbors, except John A. Mills, who used to live in Vernon.

5. Are you acquainted with the general reputation of Rufus Soules for truth and veracity among his neighbors and acquaintances at Wheeling or Vernon?

Ans. I am not.

6. Did you ever reside in Chicago, and did Rufus Soules ever reside there, to your knowledge?

Ans. I never did reside there; and I don't know that said Soules ever resided there.

7. Are you acquainted with the reputation of Mr. Soules for truth and veracity in Chicago?

Ans. I am not.

8. Who have you heard speak of the reputation of Rufus Soules for truth and veracity among his neighbors and acquaintances at Waukegan?

Ans. I could not name any one.

9. Are your relations with Mr. Soules very intimate?

Ans. Since he has lived here I see him more or less; and have deal with him.

10. How did it happen that you came here to testify this morning?

Ans. Mr. Soules came into my store and asked me if I had any objections to doing so.

DIRECT EXAMINATION RESUMED.

Interrogatory 1. Are you acquainted with John Easton, Orange Brace, Joseph Wells, Philander Stewart, Robert Easton, Asahel Talcott and Matthias Mason, or either of them? If yea, how long have you known each respectively.

Objected to by Defendant Bennett, by counsel.

Ans. I am acquainted with John Easton; have known him some six or seven years, perhaps longer; I don't know Mr. Brace; I am acquainted with Joseph Wells; have known him some three or four years; I know Mr. Stewart; have known him some three or four years; I don't know Robert Easton nor Mr. Talcott nor Mr. Mason.

MOSES EVANS.

62—DEPOSITION OF JOHN E. CLARKSON.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is John E. Clarkson; my age is about forty-nine years; my occupation is a cabinet maker, and I reside at Waukegan, Ill.

2. Are you acquainted with Rufus Soules, now residing at Waukegan? If yea, how long you have known him.

Ans. I am; have known him for about seventeen years.

3. Are you acquainted with the general reputation of said Soules for truth among his neighbors? If yea, state whether it is good or bad.

Ans. I am acquainted with it as I am with other men's generally; If I should characterize either way I should call it good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I should have no hesitancy in believing him on his oath.

CROSS EXAMINATION.

Interrogatory 1. Where have you resided during the last seventeen years?

Ans. With the exception of one year I have resided in the County of Lake, Ill.; then I resided in Kenosha, Wis.; while I lived in this County, I lived in what is now the town of Warren, four miles west of here from 1838 to 1845, except the year above alluded to; since 1845 in the town of Waukegan, to the best of my recollection as to the years.

2. How long has Rufus Soules been in this State, and where has he resided during that time? State particularly the places and the time he has lived in each place.

Ans. He lived in this State when I moved into the State in the summer of 1838; he was then living between Halfday and Wheeling, in Vernon I think. How long he had lived in the State previous to that time I do not know. He lived there, so far as I know, till he moved into Waukegan, which I should think was eight or ten years since; since that time he has lived here.

3. Were you well acquainted with Rufus Soules' reputation for truth among his neighbors when he lived between Halfday and Wheeling?

Ans. I can't say that I was well acquainted with it at that time.

4. Have you ever heard any one speak of the reputation of Rufus Soules?

Ans. I have.

5. Please give the names of any persons.

Ans. I have heard it spoken of, but by whom I cannot now call to my mind.

6. Who asked you to come here and testify this morning?

Ans. Mr. Soules came and told me that Mr. Ferry wanted to see me up here. He said that there was a case in which his reputation had been called in question.

JOHN E. CLARKSON.

63—DEPOSITION OF WHITCOMB PHELPS.

Interrogatory 1. What is your name, age, occupation, and place of residence?

Ans. My name is Whitcomb Phelps; my age is fifty-nine years; my occupation is the lumber business; I reside at Waukegan, Lake County, Ill.

2. Are you acquainted with Rufus Soules, now residing at Waukegan, Ill.? If yea, how long have you known him?

Ans. I am acquainted with him; have been acquainted with him some six or seven years.

4. Are you acquainted with the general reputation of Mr. Soules for truth among his neighbors? If yea, is it good or bad?

Ans. Yes, I have heard a great many remarks about him; I can't say that it is bad.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would believe him.

CROSS EXAMINATION.

Interrogatory 1. Did you ever know any thing of Rufus Soules reputation for truth before he came to Waukegan to live?

Ans. I did not.

2. Who have you heard speak of Mr. Soules' reputation for truth?

Ans. Well, I have no one in my mind in particular now; I have often heard it remarked about; have done considerable business with Mr. Soules.

2. Who asked you to come here to testify?

Ans. Mr. Soules.

W. PHELPS.

64—DEPOSITION OF KIRTLAND M. HUTCHINSON.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is Kirtland M. Hutchinson; my age is about thirty four years; my occupation is a merchant, and my residence is Waukegan, Lake County, Ill.

2. Are you acquainted with Rufus Soules, now residing in Waukegan? If yea, how long have you known him?

Ans. I am acquainted with him, and have known him personally about six years.

3. Are you acquainted with the general reputation of the said Rufus Soules for truth among his neighbors? If yea, is it good or bad?

Ans. I am acquainted with it; it is good.

5. From what you know of his said reputation, would you or not believe him on his oath?

Ans. Yes, sir, I would believe him on his oath.

CROSS EXAMINATION.

Interrogatory 1. How long have you been in this State?

Ans. About twelve years, I think.

2. Where have you resided during that time? State the place or places and the time or number of years you have resided in each place.

Ans. For the first five years I was backwards and forwards between this place and Libertyville; the balance of the time I have resided here permanently.

3. Have you ever resided in the town of Wheeling, Cook County, or are you much acquainted in that town? If you say that you are at all acquainted, then state the names of the persons with whom you are acquainted.

Ans. I have never resided at Wheeling, and do not know any person living there to my knowledge.

4. Did you ever reside at Vernon in this County, or are you much acquainted in that town? and if yea, state the names of the persons with whom you are acquainted.

Ans. I never resided at Vernon. I am not much acquainted there; I am some acquainted; I am acquainted with Philander Stewart, Joseph Wells, John Herrick, Samuel Mills, Theodore Mills, Tristram Vincent, with Rufus Pelton, Edwin Pelton, and Dr. Theodore Mills, a man by the name of Hub-

bard, a merchant at Halfday, Robert and John Easton, Matthias Mason, James Selkrig who now resides here, and Elder Cook. Harly Hawks and John A. Mills formerly resided there, but now reside here.

5. Did you ever reside in Chicago? If so, when and with whom were you acquainted at that place? State their names.

Ans. I never resided at Chicago.

6. Are you now much acquainted in Chicago, and with whom?

Ans. I am some acquainted there; I am acquainted with the men who compose the firm of Cooley & Wadsworth, with J. H. Dunham, H. A. Tucker, J. E. S. Fuller, D. J. Ely, J. S. Downs, John Wentworth, William Price, and Cornelius Price.

7. Are you acquainted with the general reputation of Rufus Soules for truth and veracity among his former neighbors and among his former and present acquaintances in the city of Chicago, and in the town of Wheeling in Cook County?

Ans. I am not.

8. Where has Rufus Soules resided since he has been in this State? Will you state the different places, if you know them, and the time he has resided in each place?

Ans. I don't know of but two places since I have known him. He lived in a red house between Halfday and Chicago, I don't know how long. After that he has lived at Waukegan. He has lived in Waukegan, I think about six or seven years.

9. Did Rufus Soules remove from the red house of which you speak, between Halfday and Chicago, directly to this place, and if so, in what year?

Ans. I believe he did remove directly here, but I can't state in what year.

10. How do you know that Rufus Soules ever lived in the red house of which you speak, situated between Halfday and Chicago?

Ans. By general report; I have heard his place spoken of.

11. How do you know that Rufus Soules moved from the red house of which you speak directly to Waukegan? State your means of knowledge.

Ans. A man by the name of Kelly owned the place where Soules lived when he first came to town, and traded with Soules for his place that I spoke of between Halfday and Chicago, and within a short time after Kelly moved away Soules came in.

12. Do you intend to state, in your answer to the last cross interrogatory, that Mr. Kelly, of whom you speak, purchased the red house mentioned by you, and the premises on which the same is situated, of Rufus Soules?

Ans. I do not know whether Kelly bought the house or not, but I

understood from a conversation with Kelly that he had purchased Soules' farm, or a part of it.

13. Do you mean to be understood as stating that the red house is situated on or near the farm which Mr. Kelly bought of Rufus Soules?

Ans. I think it is either on it or near it.

14. Are you acquainted with the general reputation of Rufus Soules for truth and veracity among his former neighbors, and former and present acquaintances in the township of Vernon, in this County?

Ans. Not much.

15. Are you at all acquainted with it? and if yea, state your means of knowledge.

Ans. I am acquainted with it only by reputation; by what I have heard people say.

16. What persons in that town have you heard speak of the reputation of Rufus Soules, for truth and veracity. Will you give their names.

Ans. I cannot give their names.

17. Have you heard either of the persons above named by you as residents of the town, speak of the reputation of Rufus Soules for truth and veracity? If yea, which of them?

Ans. I can't say as I have, either of them.

18. Are you intimately acquainted with Rufus Soules, or have you but a general acquaintance with him?

Ans. I should say a general acquaintance—an about-town acquaintance.

19. Do you consider yourself well acquainted with the general reputation of Rufus Soules for truth and veracity among his neighbors and acquaintances in Waukegan? If yea, state how you became thus acquainted with it.

Ans. I consider myself acquainted with his said reputation; I am acquainted with it from general reputation.

20. Who requested you to come here and testify.

Ans. Rufus Soules.

21. Has Rufus Soules been present during your examination this morning?

Ans. I believe he has pretty much all the time.

K. M. HUTCHINSON.

65—DEPOSITION OF JAMES F. WIGHT

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is James F. Wight; my age is about thirty six years; my occupation is port collector; and I reside at Waukegan, Lake County, Illinois.

2. Are you acquainted with Rufus Soules, now residing at Waukegan, If yea, how long have you known him?

Ans. I am acquainted with him; have known him five or six years; may have seen him frequently before that; don't remember.

3. Are you acquainted with the general reputation of said Soules for truth among his neighbors? If yea, is it good or bad?

Ans. I suppose that I am as well acquainted with it as I am with that of other men that I have not had much deal with; I should call it good as far as my knowledge extends; I have heard some men complain of him, and some speak well of him.

4. From your knowledge of his said reputation would you or not believe him on his oath?

Ans. I shou'.

CROSS EXAMINATION.

Interrogatory 1. When you say that you would believe Rufus Soules on his oath, do you judge from what you know of him, of your own knowledge, or from what other people say of him?

Ans. I judge from both.

2. Are you now, or have you been, well or very intimately acquainted with Rufus Soules? If yea, for how long a time, and what led to such intimacy?

Ans. I have never been intimately acquainted with Mr. Soules; I have known him as a citizen of Waukegan.

3. You say in your answer to the first cross interrogatory, that you would believe Rufus Soules on his oath, judging both from your own knowledge and from what others say of him; now have you heard a good deal said of him by others, and do you think you have heard sufficient said of him to make you well acquainted with his reputation for truth?

Ans. I don't know that I have heard more said of him than of other citizens; I have heard enough to satisfy me that I would believe him on his oath.

4. Who have you heard speak of the reputation of Rufus Soules for truth and veracity among his neighbors and acquaintances in Waukegan?

Ans. Well, I don't remember just now; I have frequently heard men speak of it, who were doing business with him; don't recollect at the present time.

5. Do you know where Rufus Soules has lived since he has been in this State?

Ans. I believe he has lived in Waukegan for the last five or six years that I have known him; before that I do not know, of my own knowledge, where he did live.

6. Do you know anything about his reputation for truth before he came to Waukegan?

Ans. I don't remember of hearing it spoken of before that time.

7. Who requested you to come here and testify?

Ans. Rufus Soules requested me to step over to Ferry & Clarke's office a minute, but did not tell me what he wanted; I recollect a month or two ago he spoke to me of a matter which I presume had something to do with this, but to-day he said nothing to me about it.

JAS. F. WIGHT.

66—DEPOSITION OF CHARLES LINDSAY.

Interrogatory 1. What is your name, age, occupation, and place of residence?

Ans. My name is Charles Lindsay; my age is thirty-seven years; my occupation a merchant tailor; and I reside at Waukegan, Lake County, Ill.

2. Are you acquainted with Rufus Soules now residing at Waukegan, Lake Co., Ill.? If yea, how long have you known him?

Ans. Yes, sir, I have known him for six years and over, perhaps seven.

3. Are you acquainted with his general reputation for truth among his neighbors? If yea, please state whether it is good or bad?

Ans. I am acquainted with it; I should think it was good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would.

CROSS EXAMINATION.

Interrogatory 1. Did you ever know anything of Rufus Soules' reputation for truth before he came to Waukegan? or do you now know anything of his said reputation in those places in which he has lived before he came here?

Ans. I never knew anything of his said reputation before he came to Waukegan; and know nothing of his reputation in those places where he has lived before he came here.

2. Do you consider yourself well acquainted with Soules' reputation in this place for truth?

Ans. Yes, I think I do in a general sense; I never had any reason to question his word.

3. Did you ever hear any one speak of his reputation for truth.

Ans. Well, I would not say that I did, or but that I did; I don't exactly remember.

4. Who requested you to come here and testify?

Ans. Mr. Soules.

CHARLES LINDSAY.

June 14, 1856.

67—DEPOSITION OF HENRY W. BLODGETT.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is Henry W. Blodgett; my age is thirty-three years; my occupation an attorney and counsellor at law; and I reside at Waukegan, Lake County, Ill.

2. Do you know Rufus Soules, of Waukegan? If so, state how long you have known him, and whether you are or are not well acquainted with him and his reputation for truth among his neighbors and acquaintances.

Ans. I know Rufus Soules; have known him since the spring of 1833, but more intimately for the past eleven years; I consider myself well acquainted with him, and know something of his reputation for truth and veracity among his neighbors and acquaintances.

3. State fully all you know on the subject, and your opportunities for knowing him and his said reputation.

Ans. I commenced the practice of my profession in Waukegan in the spring of the year 1845; Mr. Soules was then residing on a farm near Half-day, in the town of Vernon in this County (Lake) and had quite a number of litigated suits then pending in the Lake County Circuit Court. At the Spring term for 1845 of said Court I was employed as counsel against Mr. Soules, and acted as counsel against him in the suits then pending and a number of others afterwards brought, both originally in said Circuit Court and before Justices of the Peace for about six years. During that time I became intimately acquainted with Mr. Soules and the difficulties in which he was then involved, and heard his character frequently canvassed and commented upon. I have since that time acted on several occasions as counsel for Mr. Soules, and continued my acquaintance with him.

4. Have you or not heard him examined as a witness in Courts? If so state fully when, and on what occasions.

Ans. I do not recollect having heard him examined as a witness but once till within two years past; that was upon the trial of an appeal in the Circuit Court of this County. He was a party to the suit. I was attorney against him, and called Mr. Soules as a witness to prove my client's side of the case. I do not recollect the year when the suit was tried, but think it must have been along in the year 1846 or 1847.

5. State the result of the suit, the amount in controversy, and on whose testimony the suit was decided.

Objected to by Counsel for Bennett.

Ans. The result of the suit was in favor of my client and against Mr. Soules. The amount in controversy in the Circuit Court was really the cost—a large amount of cost—amounting, I am confident from the number of witnesses, to from one to two hundred dollars. The material testimony on which the suit was decided was Mr. Soules'; there were other witnesses called in the case.

6. Do you know of any other suit or occasion upon which Mr. Soules was called as a witness? if yea, state when and where.

Ans. I have an indistinct recollection of his being called in a chancery suit in McHenry County in which I was engaged. I do not recollect any thing about the materiality of his testimony, or what it was, or whether it

was a deposition or a sworn answer. I have also within the last two years called Mr. Soules as a witness in some Railroad cases, as to his estimate of damages and value of property.

7. What is the general reputation of Mr. Soules for truth among his neighbors and acquaintances—good or bad?

Ans. I think it is good with a part, and bad with a part.

8. With whom is it bad?

Ans. I have heard his reputation questioned by those who have had difficulties with him, and entertained feelings of bitter personal hostility toward him, growing out of difficulties which existed either between themselves or their friends and Mr. Soules.

9. With whom is his reputation good?

Ans. I think with many who have had difficulties with him his reputation for truth and veracity was never seriously questioned, and that his reputation was and is good with a large class of his fellow citizens who know him intimately.

10. Do you or not know whether those persons who have had difficulty with Mr. Soules have taken pains and been active in maligning the character of Mr. Soules?

Objected to by Counsel for Bennett.

Ans. I think that at one time, about nine or ten years since, there was considerable talk and effort made by those who had had difficulties with Mr. Soules to prejudice the public mind against him.

11. What has been the reputation of Mr. Soules in this community for the last six or seven years for truth and veracity?

Ans. I do not recollect to have heard it questioned among the citizens of Waukegan, but have occasionally heard some expressions against him from his old opponents about Halfday and Wheeling.

12. From your knowledge of his general reputation, would you or not believe him on his oath?

Objected to by Defendant Bennett's Counsel.

Ans. I would believe him on his oath, from my knowledge of his reputation.

13. What is the standing and character of his fellow citizens with whom his reputation for truth and veracity is good?

Objected to by Bennett's Counsel.

Ans. It is good.

CROSS EXAMINATION.

Interrogatory 1. Did you ever reside in the town of Wheeling, Cook County? If so, how long?

Ans. I never resided there.

2. Did you ever reside in the township of Vernon, Lake County? If so, how long?

Ans. I never resided there.

3. Did you ever reside in the City of Chicago? If so, how long?

Ans. I resided in the City of Chicago from the early part of the year 1842 to the spring of the year 1845.

4. Where has Rufus Soules resided since you have known him? State the place or places, and the length of time during which he resided in each place.

Ans. When I first became acquainted with him in the spring of 1833, he resided near the forks of the Dupage River, in what is now a part of Will County, in the State of Illinois; he remained there from four to six months, then sold out his claim and removed to some place, as I understood, on the O'Plain River, west, or little N. west of Chicago; I never was at his house, and do not know of my own knowledge where he resided for four or five years after he left the forks of the Dupage; the next that I knew personally of his residence was somewhere along in the years 1840 to 1842; I found him residing between the villages of Wheeling and Halfday, and from that time I think his residence has been in the vicinity of where he was then residing, till he removed to Waukegan, I think, in 1849, and has resided here since that time; my acquaintance with Mr Soules from the time he left the Dupage until I was again at his house near Wheeling, was kept up by meeting him frequently in Chicago and elsewhere.

5. Do you consider yourself well acquainted with the general reputation of Rufus Soules for truth and veracity among his neighbors and acquaintances in the towns of Vernon and Wheeling?

Ans. I think that since 1845 I have heard expressions of opinion in relation to Mr. Soules' reputation for truth and veracity from a large proportion of the inhabitants in the immediate vicinity of Halfday, in the town of Vernon. I was not so intimately acquainted with persons residing in Wheeling as I was with those residing in Vernon, and do not think that I ever heard his character canvassed by over five or six persons who resided in Wheeling.

6. Did you ever hear of an attempt being made, or of witnesses being examined in a suit, for the purpose of impeaching the general reputation of Rufus Soules for truth and veracity? if so, state when and where.

Objected to by Complainant's Counsel.

Ans. I recollect that I was informed that an attempt was made and witnesses examined for that purpose in a suit before a Justice, I think, at Wheeling.

7. Do you mean to be understood as saying that the general reputation

of Rufus Soules for truth among all those who know him is good, except with those who have had difficulty with him, and their relatives?

Ans. I do not; I think those who have had difficulty with him, have prejudiced the minds of a large circle of their acquaintances outside of their family connections.

8. What means have those persons who have had difficulty with Mr. Soules made use of in order to create a prejudice in the public mind to injure the character of Rufus Soules, to your own knowledge?

Ans. I know of no means, of my own knowledge, that they have used, except to talk about his reputation, and say that they would not believe him even under oath.

9. Was there a good deal said in the vicinity of Vernon in reference to the character of Rufus Soules for truth?

Ans. There was a good deal said to me and in my hearing.

10. Do you know Milo Winchell, Davis Studley, Socrates Rand, J. W. Walton, A. Peat, George Helms, Adin Ruth, Tristram Vincent? If so, have they, or any of them, ever had difficulty with Mr. Soules, to your knowledge?

Ans. I only know Milo Winchell by sight; have no acquaintance with him. I first knew him in the fall of 1852. I don't know Davis Studley nor J. W. Walton, nor A. Peat, nor George Helm. I know Tristram Vincent, Adin Ruth, and Socrates Rand.

My impression is that Vincent had some difficulty with Mr. Soules. The others I do not know, of my own knowledge, that they have had difficulty with Mr. Soules.

H. W. BLODGETT.

67—DEPOSITION OF AUGUSTUS B. COTES.

Interrogatory 1. What is your name, age, occupation and place of residence?

Ans. My name is Augustus B. Cotes; my age is about thirty-five years; my occupation is Clerk of the Circuit Court of Lake County, Illinois; and I reside at Waukegan, Lake Co., Ill.

2. Are you acquainted with Rufus Soules, now residing at Waukegan? If yea, how long have you known him?

Ans. I am; and have known him some seven or eight years.

3. Are you acquainted with the general reputation of said Soules

for truth among his neighbors and acquaintances? If yea, state whether it is good or bad.

Ans. I am acquainted with it; I believe it to be good.

4. From your knowledge of his said reputation, would you or not believe him on his oath?

Ans. I would.

5. Do you know of an indictment having been found in the Lake Co. Circuit Court at the January term, 1856, against Rufus Soules? If yea, what was the nature of the offence charged, and the particulars in relation to the same, and what disposition was made of the said indictment?

Objected to by Counsel for Bennett.

Ans. I do know that an indictment was found against Mr. Soules at that term of the Court, for forgery, for altering a note described in the indictment, from ninety dollars to ninety-five dollars. At this present June term of the Court a "nolle prosequi" was entered by the prosecuting attorney, on account of the non-attendance of the prosecuting witness.

6. What was the names of the prosecuting witness in that prosecution?

Ans. The name of the witnesses endorsed on the back of the indictment were Cameron Goff and Wm. W. Goff.

7. Who was the maker and who the payee or payees of the note alleged to have been forged or altered?

Objected to by counsel for Bennett.

Ans. The name signed to the note was either "C." or "Cameron Goff." According to my best recollection the note was payable to "R. Soule & Co."

8. Do you know whether or not a suit had been instituted against the said Goff for the collection of said note, prior to the finding of said indictment?

Objected to by Bennett's counsel.

Ans. I do not know, of my own knowledge, but have understood that a suit which is now upon the docket, in which Wm. B. Dodge is Plaintiff and Cameron Goff Defendant, was brought for the recovery of that note, which suit was commenced before the finding of said indictment.

8. Was Samuel H. Gilbert a member of the Grand Jury at the term at which said indictment was found?

Objected to by Bennett's Counsel.

Ans. I do not remember distinctly, but my impression is that he was.

10. How long have you been Clerk of the Circuit Court?

Ans. T'will be eight years next fall.

11. Has any other indictment ever been found against Mr. Soules for any offense?

Objected to by Counsel for Bennett.

Ans. I don't know of any other.

12. Do you know of any indictment having been found in the Circuit Court of this County against Cameron Goff at the present June term? If yea, state the offense charged and the particulars in relation to the same.

Objected to by Counsel for Bennett.

Ans. I do know that an indictment was found against Cameron Goff, at the present June term of said Court, for "perjury." It was for perjury committed before the Grand Jury, at the January term, 1856, in giving his testimony in relation to the altering of that note.

13. What disposition was made of the indictment?

Ans. It was quashed on motion of Def'ts Counsel.

14. For what reason was it quashed?

Objected to by Bennett's Counsel.

Ans. For a defect in the indictment, in the word "perjury" being used instead of "forgery."

CROSS EXAMINATION.

Interrogatory 1. Who was the prosecuting witness in the last case?

Ans. Mr. Soules was one; there were quite a number of witnesses endorsed on the back of the indictment; my recollection is that F. F. Munson was one, and Elbridge G. Upham was another.

2. Are you acquainted with the general reputation of Rufus Soules, for truth and veracity among his acquaintances and former neighbors in the townships and vicinity of Vernon, in this Co., and Wheeling, Cook County?

Ans. I can't say that I am.

4. Have you ever heard any one speak of the said reputation for truth and veracity of Rufus Soules? if so, give their names.

Ans. Since the commencement of the taking depositions in this case, I have heard that depositions of witnesses residing in those towns had been taken in reference to his character for truth and veracity. I have heard Mr. Soules speak of it himself, and I think Mr. Ferry also. I do not now remember any other person who has named the subject to me. I don't know but Mr. Clarke may have done so, but I do not recollect that he has.

4. Who requested you to come here and testify?

Ans. Mr. Soules and Mr. Waller both, and I don't know but Mr. Ferry said something about it.

A. B. COTES.

PART VI.

INDEX TO PART VI.

	Page.
DEPOSITION OF RACHEL ELAM.....	1
BILL FOR DIVORCE BY RACHEL BENNETT.....	10
DEPOSITION OF JAMES KINZIE.....	12
STIPULATION FOR CLOSING PROOFS, AND FINAL HEARING.....	41
AFFIDAVIT OF H. WALLER, JUNE 23D, 1856.....	42
AFFIDAVIT OF E. P. FERRY, JUNE 23D, 1856.....	45
PETITION TO EXTEND TIME FOR TAKING PROOFS.....	47
ORDER EXTENDING TIME FOR TAKING PROOFS.....	49
PETITION FOR COMMISSION TO CROSS-EXAMINE JAMES KINZIE ORALLY.....	50
EXHIBITS IN SAID PETITION.....	52
ORDER GRANTING COMMISSION.....	54
SECOND CROSS-EXAMINATION OF JAMES KINZIE.....	56
EXHIBITS IN KINZIE'S 2D CROSS-EXAMINATION.....	76
DEPOSITION OF J. C. BOTSFORD.....	79
DEPOSITION OF S. S. HERRING.....	84

PART VI.

TESTIMONY TAKEN ON BEHALF OF DEFENDANT BENNETT, TO CONTRADICT RUFUS SOULES.

[The notices, captions and certificates are omitted, as they are deemed regular by counsel for all parties.]

1. *Deposition of RACHEL ELAM, taken June 4, 1856.*

1st Ques. What is your name, age and residence?

Ans. My name is Rachel Elam. I shall be forty next July. I reside in Chicago, 217 Edina Place.

2nd Ques. Were you acquainted with William Bennett in his lifetime? If yea, when and where did you first become acquainted with him?

Ans. I was acquainted with William Bennett in his life time. I first got acquainted with him in the year 1833, in Chicago.

3rd Ques. Were you once his wife? If yea, when, where, and by whom were you married?

Ans. I was his wife. I was married in the year 1833, by Col. Hamilton, on the north side of the river in Chicago.

4th Ques. How long did you live with William Bennett, as his wife; and during that time, at what place or places did you reside?

Ans. I lived with him from 1833 till June, 1839. I resided here in Chicago, on the North side, about two or three years. We moved from Chicago to Independence Grove, and resided there something like two years; don't exactly remember. That was the last place I lived with him.

5th Ques. At what time, as near as you can recollect, did you cease to live with William Bennett as his wife, and on what occasion and how did you come to leave him?

Ans. It was in June, 1839. I don't remember the day of the month I ceased to live with William Bennett as his wife. The ill usage that I received from him, was the cause of my leaving him,

Filed

June 29, 1857

and I entered complaint against him on account of his treatment to me.

6th Ques. How many times, and when, did you see the said William Bennett after that time ?

Ans. I saw him twice after that time. Once at McHenry, on the occasion of the suit against him. Next, in Chicago, on Clark street, where I then resided. It was in the winter, I think, of 1840, that I last saw him ; it was on Clark street, in Chicago. It was after the New Year.

7th Ques. After you left said Bennett, in June, 1839, did you have any—if so, how much—conversation with him ?

Ans. After I left Bennett in June, 1839, I had a conversation with him. I had but a few words of conversation with him. He did not come into the house.

8th Ques. On what subject ?

(Objected to by complainant's counsel.)

Ans. It was about a span of horses that he left in my possession when he was taken away.

9th Ques. When did you last hear from said William Bennett, and where was he at that time ?

Ans. I heard from him about eleven or twelve years ago, to the best of my recollection. At that time I heard that he was down at New Orleans.

10th Ques. Within the last twelve years have you made frequent inquiries, and caused frequent inquiries to be made for said Bennett ? If so, state the result of those inquiries ?

Ans. Yes, Sir, I have made a great many inquiries, and my folks have too, but have never heard any thing of him.

11th Ques. What is the opinion of yourself and of the members of your family relative to said Bennett now being alive ?

(Objected to by complainant's counsel.)

Ans. He is deceased. If he was alive, they think, he would be here to see his child.

12th Ques. Did the said Bennett have any child or children ? If yea, how many ? when was it or they born ? what is it or their names ? who is the mother of it or them ?

Ans. I had two children by him. The first one is dead. He was born in May, 1834 or 1835. The next one was born in 1837, July 17th. William Bennett by name.

13th Ques. When did the first child die, and is the William Bennett mentioned in your last answer, the same William Bennett who is one of the defendants mentioned in this suit ?

Ans. He died when he was a year and four months old. The William Bennett mentioned in my last answer is the same William Bennett who is one of the defendants in this suit.

14th Ques. Do you know of your former husband, William Bennett, ever owning or having a claim to eighty acres of land situated in this city, and known and described as the West half of the North-east quarter of Section twenty, Town 39 North, of Range 14 East? If yea, state what you know of his owning or having a claim to such premises.

Ans. Yes, Sir, in consideration of exchange of some property up toward Mr. Clybourn's. He had this claim on the south end on the west side, as a *float*. I mean the eighty acres of land on the South Branch, but can't repeat the Section, Quarter, R.

15th Ques. Do you know of your former husband, William Bennett, ever having made any sale of the said eighty acres mentioned in interrogatory 14, and referred to in your answer thereto, to anybody? If yea, when and to whom was such sale made?

Ans. No, Sir, I don't know of his ever making any such sale.

16th Ques. Do you know of your former husband, William Bennett, ever having made any agreement to sell said eighty acres? If yea, when and with whom was such agreement made?

Ans. No, Sir, I don't know of his ever making any such agreement with any person; if he has done it, it has been unbeknown to me.

17th Ques. Do you know of any money or other consideration ever having been paid to your former husband, William Bennett, for the purchase of said eighty acres by any one? If yea, state when and by whom the same was paid.

Ans. No, Sir, I don't, nor any agreement either.

18th Ques. Do you know of your former husband, William Bennett, ever having made any deed or conveyance of said eighty acres, mentioned in interrogatory 14, to any person or persons? If yea, state when and to whom the same was made.

Ans. No, Sir, I have no remembrance of it at all—to him and I making a deed. No, Sir, I do not know of my former husband, William Bennett, ever making a deed of conveyance of said eighty acres.

19th Ques. Did you ever sign, execute or acknowledge any deed or deeds of conveyance with your former husband, William Bennett, of said eighty acres, described in interrogatory 14th? If yea, when and to whom was the same made and executed, and before whom acknowledged?

Ans. No, Sir, I never did sign, execute or acknowledge any deed or deeds of conveyance of said eighty acres with him.

20th Ques. Do you know Rufus Soules?

Ans. I don't know as I do, Sir. I don't know as I should know him if I should see him.

21st Ques. Did you ever stop at the house of Rufus Soules, or stay over night there with your former husband, William Bennett?

Ans. No, sir, I don't know as I ever did.

22nd Ques. Are you acquainted with the handwriting of your former husband, William Bennett? have you any of his writing in your possession? If so, will you produce the same, state how you know it to be his writing, and attach the same to your deposition?

Ans. I am acquainted with the handwriting of my former husband, William Bennett; I have some of his writing in my possession. (Witness here produced the paper writing marked "Schedule A," purporting to be signed by Wm. Bennett.) I know this to be William Bennett's writing, for I saw him write it.

23rd Ques. Will you describe the person of your former husband, William Bennett, as particularly and minutely as you can, as to height, complexion, color of his hair, eyes, whiskers, and had he any marks about his face? if yea, describe the same particularly. what would be his age if he were living now? what was his stature, weight, description of his person?

Ans. I think he was some five feet and eight or nine inches in height; light complexion, rather sandy, very fair; hair, sandy; eyes, hazel or grey; whiskers, more sandy than his hair, they were almost red. He was a good deal pock-marked, so that any one would notice it at a glance, particularly around his nose. He also had a mark upon his right ear, and it would be easily noticed by any one who looked at him. I should think, if he were living now, he would be pretty near fifty years old; he was a stout built man. He also had a mark on the forefinger of his right hand which disfigured it very materially. He had long hands and long fingers.

Direct examination closed, and witness was cross-examined by complainant's counsel.

1st Cross. When did the suit against William Bennett, in McHenry, take place, when you saw him there, as stated above by you?

Ans. I think it was in the latter end of October, in the year 1839.

2nd Cross. What was that suit about?

Ans. There were two suits entered; my suit, and a suit that was entered by another person against him. He was prosecuted with another person for taking some horses.

3rd Cross. Is there anything which enables you to remember particularly the time when you last saw him?

Ans. Yes, sir, I can easily remember the conversation I had with him. I was very much afraid of him. I recollect I was very timid.

I kept the door ajar when I spoke to him. I did not open the door fully.

4th Cross. When did he commence his bad treatment of you ?

Ans. It was just before I left Chicago, before I went on to the O'Plain, at Independence Grove.

5th Cross. Did you ever see Rufus Soules ?

Ans. Not to my recollection ; I don't think I ever did.

6th Cross. How far was the red tavern from Independence Grove, on the O'Plain, where you resided ?

Ans. I don't really know, Sir. I don't remember the spot as regards the tavern.

7th Cross. Do you not know that there was a tavern on the O'Plain, in this county or Lake ?

Ans. I don't know that there was when I resided there.

8th Cross. Did you never pass through Half Day or Wheeling ?

Ans. I may have passed along the road, but don't recollect the names.

9th Cross. Did you never stop all night in passing along that road ?

Ans. Yes, Sir.

10th Cross. May you not have seen Rufus Soules and known him and forgotten him ?

Ans. No, Sir, I don't think that I could. If I had known a person I should not have forgotten him.

11th Cross. Do you remember every one you have ever known, and have you forgotten no one you did know ?

Ans. I have some recollection of every one I have known ; I have not forgotten any one that I did know.

12th Cross. Is it not possible that you may have forgotten some whom you once knew ?

Ans. It might be possible, but it is not probable.

13th Cross. May you not have seen Rufus Soules and known his face without knowing his name, and seeing him now, might not your recollection be refreshed by seeing him ?

Ans. Yes, Sir, I may have seen his face without knowing his name. I don't know as I should. If I did not know Mr. Soules then, I don't know how I should recollect him now.

14th Cross. Do you recollect all of the trades and sales made by William Bennett while he was your husband ? and also the money or consideration he received or paid ?

Ans. I think I do, pretty much all. Yes, Sir, I think I do remember all the money or consideration he ever received or paid ; however, I don't know that I know of *all* the trades he ever made. So far as my knowledge of the trades was concerned at the time, I

recollect them. I do remember all the consideration or money received or paid on those trades I knew about.

15th Cross. Did he ever own more than one float ?

Ans. No, Sir, he did'nt.

16th Cross. Where was that located ?

Ans. It was located on the west side, on the South Branch of the Chicago River, in Chicago.

17th Cross. Was that the eighty acres of which you have spoken ?

Ans. Yes, Sir.

18th Cross. Do you know when that location was made ?

Ans. In the year 1835, I think.

19th Cross. Do you know when the money was paid ?

Ans. No, Sir, I don't know of any money being paid for that land.

20th Cross. Have you had more than the two children named ?

Ans. Yes, Sir.

21st Cross. When was your third child born ?

Ans. He was born in 1842, I think.

22nd Cross. How often have you been married ?

Ans. I have been married three times.

23rd Cross. What were the names of your second and third husbands ?

Ans. My second husband's name was James Appleton, my third husband's name is William Elam, who is my present husband.

24th Cross. Were you divorced from your first husband ? if so, when ?

Ans. I was divorced from him in July. I think in 1842.

25th Cross. In what Court was that decree entered ?

Ans. In the Cook County Circuit Court.

26th Cross. Did you apply for alimony or allowance for dower ?
(Objected to by counsel for Bennett.)

Ans. I don't remember.

27th Cross. When were you married to James Appleton and William Elam.

Ans. I was married to James Appleton thirteen years ago last Christmas day. I was married to William Elam two years ago the 18th day of next September.

28th Cross. You spoke of an exchange of property in your answer to the 14th direct interrogatory. Please state what that exchange was, and when it was.

(Objected to by counsel for Bennett.)

Ans. Mr. Bennett left some property with Mr. Ludby with the title of having a float.

29th Cross. How many acres were there in this piece ?

Ans. There was one hundred and sixty acres in the whole piece, but it did not all belong to Bennett.

30th Cross. To whom did the whole of this property belong?

(Objected to by counsel for Bennett.)

Ans. To the Government, at the time.

31st Cross. When was the exchange made?

Ans. In 1834, I believe. I don't exactly remember.

32nd Cross. Who owned the property at the time of the exchange?

Ans. Well, I believe that Mr. Ludby owned the property.

33rd Cross. Do you know of any writing being drawn?

(Objected to by counsel for Bennett.)

Ans. I do not.

34th Cross. Do you know whether any deed was made to the party to whom the 160 acres was transferred?

(Objected to by counsel for Bennett.)

Ans. I do. One deed was made to Mr. Clybourn, and another to Mr. Walker.

35th Cross. By whom was the deed executed to Mr. Clybourn?

(Objected to by counsel for Bennett.)

Ans. Mr. Ludby.

36th Cross. Did any one else?

Ans. Yes; his wife and myself—that is all that I know of.

36th Cross. Have you conversed upon this subject with any one, to-day or lately, about this deed, before this cross-examination? If so, please state with whom.

Ans. Yes, Sir. I hav'nt said much to-day about it. I have before, with different individuals. I have talked with my husband a good deal about it. I spoke to my father some time ago about it, (Mr. John Ludby.) I have had conversations with Mr. Walker on the subject. I have had conversation with others on the subject, but don't recollect their names. I have also had conversation with Mr. Stow.

38th Cross. Have you conversed with Mr. Walker, the attorney in this case, to-day, with reference to this deed to Clybourn?

Ans. No, Sir.

Here cross-examination closed, and the direct was resumed.

24th Ques. You say in your cross-examination that the 80 acres of which you have spoken, is situated on the South Branch of the Chicago River. Do you mean that it is immediately upon the river, or a short distance from it?

(Objected to by counsel for complainants.)

Ans. It is south-west from here, and not immediately upon the river.

25th Ques. What is the name of your third child? and how old is it now?

Ans. Henry—and will be 14 years old the 15th of this month.

26th Ques. When you give the names of the persons who signed the Clybourn deed, do you mean to say that you have given all the names, and that your former husband, William Bennett, may not have signed it?

(Objected to by counsel for complainants.)

Ans. He may have signed it for what I know.

27th Ques. Where did you stay all night, the only time you stayed out one night in going from Chicago to Independence Grove?

(Objected to by complainants' counsel.)

Ans. It was at a man's house on the O'Plain river; his name was called Ellis, or Ellison.

RACHEL ELAM.

Re-Cross Examination, taken Dec. 22, 1856.

Interrogatory 1st. State what was the nature and object of the complaint you say you made against your husband, William Bennett, at the Court in McHenry County?

(Objected to by counsel for William Bennett, infant heir, for the reason, 1st, that these grounds have been gone over once; 2nd, that it is not within the order of the Court under which this testimony is taken; 3rd, the complaint, if any was made, is in writing.)

Answer. Why, because of the ill-usage I received; being threatened, my life was in danger to live with him.

Int. 2nd. Was that the whole nature of that bill of complaint?

(Objected to by same counsel, for the reasons above stated, and for the further reason that there does not appear to have been any Bill of Complaint filed in McHenry County.)

Ans. In regard to my own case it was. In McHenry County I never made any acknowledgment of it; I never applied in McHenry County for a bill.

Int. 3rd. What was the object of the complaint you say you made against William Bennett in McHenry County, and what did you desire to effect thereby?

(Objected to by same counsel as above, and for same reasons.)

Ans. He had threatened my life, and he had his hearing in McHenry, and after the hearing he was fetched to Chicago, and after he was fetched to Chicago, and then from Chicago he took a change of venue to McHenry for a trial, as I understood. When I got to McHenry, there was'nt anything said before the Court about the case at all; I desired to have him punished, and if I could get my liberty from him I should do so; that was my intention. I had not applied for a bill at that time.

Int. 4th. You will please examine the paper now handed you, endorsed "Rachel Bennett vs. William Bennett," "Bill in Chy, for Divorce, filed January 6th, 1841. Richard J. Hamilton, Clerk," and signed "Rachel Bennett," and state whether or not it was signed and sworn to by you, as shown at the end of the same, and whether it is not the bill you filed against your husband, William Bennett, in the Cook Circuit Court, for a divorce, of which you spoke in your answer to the cross-interrogatory in the former part of your deposition, taken some time since.

(Objected to.)

Ans. Yes, there is one part of this that I really don't seem to know anything about; it is my signment; it might have been, but I never have heard it read over after it was drawn out; it shows by the bill that it's not been sworn to some of it, that might be; it may be the bill that I have stated, it has presented itself as such, but I never have heard it read over before.

Int. 5th. Is the name of Rachel Bennett to that bill in your hand-writing?

Ans. Yes, Sir.

*Re-Direct Examination by Counsel for William Bennett,
infant heir, &c.*

Interrogatory 1st. Look upon the bill of complaint now shown you, and state whether it is sworn to by you; whether you read it yourself, or heard it read before it was filed; and whether you ever read it or heard it read before the counsel for Bennett read it to you yesterday.

(Objected to by plaintiffs' counsel.)

Ans. No; I don't think it has been sworn to by me; I don't think I read it myself or heard it read before it was filed; I didn't hear it read not before yesterday.

Int. 2nd. Look upon the affidavit attached to the bill, and state whether it is not sworn to?

(Objected to.)

Ans. It has been sworn to; my name is attached to it.

Int. 3rd. When you state on your re-cross-examination that you never heard the bill read before, what time do you mean?

Ans. Well, I mean when the counsel read it yesterday.

Int. 4th. Has the bill been read to you this morning?

Ans. No; it has not.

RACHEL ELAM.

[“Schedule A,” omitted from the printed record.]

RACHEL BENNETT'S BILL FOR A DIVORCE.

STATE OF ILLINOIS, }
 Cook County & Circuit. } ss. Of the April Term of the Cook Cir-
 cuit Court, for A. D. 1841.

To the Honorable the Judge of the Cook Circuit Court in Chancery sitting :

Humbly complaining, your oratrix, Rachel Bennett, would respectfully represent to your honor, that some time about the month of July, in the year of our Lord one thousand eight hundred and thirty-three, she was lawfully married in the town of Chicago, County of Cook, State of Illinois, to William Bennett, with whom she lived and cohabited until the month of June, in the year of our Lord one thousand eight hundred and thirty-nine; when he was charged, arrested, examined, and imprisoned in the common jail of said Cook County, for having in the County of McHenry, in the State aforesaid, aided, secreted, encouraged and assisted to escape two fugitive felons named James Stoutenburg and — Arnold, the former of whom had been shortly theretofore convicted in the Circuit Court of said McHenry County, of robbery, and the latter indicted for larceny.

Your oratrix would further represent to your honor, that some time in the summer of 1839, the said William Bennett, whom your oratrix prays may be made defendant to this bill, obtained bail for his enlargement, and shortly thereafter absconded from the State as she verily believes, and has ever since continued a fugitive from justice.

Your oratrix would further represent to your honor, and charges the same to be true, that during the September or October Term of the said McHenry Circuit Court, for the year of 1839, the said William Bennett was indicted for the first above mentioned offence.

Your oratrix would further represent to your honor, that since the said defendant absconded, she has heard no certain or satisfactory account of him, and that in consequence of his having disposed of, and put all of his property out of his hands beyond the reach of your oratrix, she has been necessarily compelled to, and has industriously labored for the maintenance and support of herself and her little son named William, now about four years of age, to the present time.

Your oratrix would further represent to your honor, that she has continuously resided in this State for the last eight years past, and in the said County of Cook, ever since the month of June, A. D. 1839; and further charges that prior to the said arrest of the said defendant he had repeatedly treated her with cruelty and harshness, and in fact on more than one occasion threatened her life, insomuch that she was compelled to flee and conceal herself from his pursuit for safety.

Forasmuch as your oratrix is remediless by the strict rules of the common law, and can only obtain adequate relief on the chancery side of your honorable Court, your oratrix prays your honor to take chancery cognizance of her cause, and may on the final hearing thereof decree and order a dissolution of the bond of matrimony, hitherto subsisting between her and the said defendant, and restore her to all the rights of a feme sole; and she further prays your honor may place in her legal custody the said child of said marriage, and that she may be permitted to have also the charge and care of the said child's education.

To the end thereof, that justice may be done in the premises, your oratrix prays your honor to grant the people's most gracious writ of summons, directed, &c., in order that the said party defendant be legally brought into court; and in default of the service of said process, on said defendant personally, may it please your honor graciously to grant an order for the publication of notice of the pendency of this suit, that the said defendant may be legally made a party thereto; and finally your oratrix prays your honor to grant to her such other and further relief in the premises as to equity may belong and her case requires; and as in duty she will ever pray, &c.

RACHEL BENNETT.

J. M. STRODE, *Solicitor for Compl.*

STATE OF ILLINOIS, }
Cook County. } sct.

Rachel Bennett, the above named complainant, being first duly sworn according to law, states, under oath, that the above named defendant William Bennett, is not an inhabitant of this State, but has, as she very believes, absconded from this State as a fugitive from justice to parts unknown; wherefore she prays the clerk of the Circuit Court of said County to cause to be published a notice to the said defendant of the pendency of this suit, that he may be made a party defendant thereto; and that the summons to be issued herein may be directed to Sheriff of said Cook County, returnable to the next April Term of the Circuit Court therefor.

RACHEL BENNETT.

Subscribed and Sworn to before me, this }
sixth day of January, A. D. 1841. }
RICH'D J. HAMILTON, *Clerk.* }

Filed

June 14: 1857

2. Deposition of JAMES KINZIE, taken on the 12th, 13th and 14th days of June, 1856.

1st Int. What is your name, age, and occupation, and place of residence, and where have you resided for the last twenty years?

Ans. My name is James Kinzie; my age is about sixty-four years; my business is milling and farming. I reside at present in Iowa County, Wisconsin; most of the time for the last twenty years I have resided in the vicinity of Racine, Wisconsin. I removed from Chicago to Racine; and perhaps a portion of this last twenty years I have resided in Chicago; my impression is that I left Chicago about 1838.

2nd. Were you acquainted with William Bennett, who formerly lived in Chicago, and afterwards at or near Independence Grove on the O'Plain River? If yea, how long were you acquainted with him, and had he any relations in this State? If so, state their names.

Ans. I was acquainted with a man of that name who lived in Chicago, who afterwards moved out on the O'Plain River, somewhere, don't know exactly where—was acquainted with him a few years, perhaps four or five. I don't know that he had any relations in this State, except a wife. I believe he had a wife. I think her name was Rachel, don't remember positively. She had a father living in this State, named Ludby.

3rd. Did you ever have a conversation with said Bennett in relation to the purchase of any land, or his interest in any land? If yea, where were those premises located? and did you make a purchase or any contract or agreement to purchase the same? If yea, state the terms thereof.

(Objected to by complainants' counsel, Ferry.)

Ans. I think I had such a conversation. The premises were located, I think, in the town of Wheeling, on the O'Plain River. I think that either Mr. Bennett proposed to let me have the premises, or else I proposed to him to buy them—at any rate there was a proposition between us. I do not now recollect the terms. I did not succeed in buying them, and cannot now recollect the terms.

4th. Did you ever purchase of said Bennett, or any other person, eighty acres of land, situated in the City of Chicago, and known and described as the West half of the N. E. $\frac{1}{4}$ of Sec. 20, T. 39 N. of Range 14 E. of 3rd P. M.? If yea, when and of whom did you purchase the same?

Ans. I never did purchase such a description of land of said Bennett to my recollection, but I did buy said land from other parties. Some of it of Archibald Clybourne, and some of Alexis or Alexander Beaubien.

5th. Did you ever pay said Bennett any money or other consideration for or towards the purchase of said last mentioned premises, or any part thereof? If yea, state the amount and nature of the same.

Ans. I never paid him any money or other consideration for that land, for I never bought it of him, as I remember.

6th. Did William Bennett, or William Bennett and his wife, ever execute, acknowledge, or deliver to you, or to any other person in your behalf, any deed or deeds of conveyance of said last mentioned premises, or any part thereof, to your knowledge? If yea, before whom were such deed or deeds acknowledged?

Ans. None to my knowledge.

7th. Of whom did you first purchase said last mentioned premises?

Ans. According to my best recollection it was of Alexander Beaubien, above mentioned by me.

8th. Are you acquainted with Rufus Soules, now of Waukegan? If yea, how long have you known him? Where has he resided since you have known him? And what were your relations with him—intimate, or otherwise?

Ans. I am some acquainted with Mr. Soules—know him when I see him—have known him some sixteen or twenty years. I think he has resided a part of the time on the O'Plain river, and I am told that he now resides at this place. We had no particular intimacy, but were friendly to each other.

9th. Did you ever ride in a stage with said Soules to Chicago? and if so, did you then, or at any other time, speak to him about a duplicate and deed, or any other papers being left with him by said William Bennett for you? or did you ask him if he knew anything about them?

Ans. I don't recollect ever riding in a stage with Mr. Soules—I might have done so—I don't distinctly recollect. I have no recollection of ever talking with Mr. Soules about a duplicate or deed, but I think I did at some time have a conversation with Mr. Soules about the land where Bennett was residing, near where Soules was living, and wished him to talk with Mr. Bennett, as near as I can now recollect, about the land where Bennett was living, and see what kind of a bargain I could make with him. I think that this conversation was either at Mr. Soules' house or in Chicago; such is my best impression. I have no recollection of ever having any conversation about any duplicate or deeds.

10th. Did said Soules at any time ever tell you that he had a duplicate issued to said Bennett, and a deed executed by said Bennett to you of said last mentioned premises, and did you tell him that you would call soon for them, or that you would call for them, or words to that effect?

Ans. I don't recollect as I ever talked with him about a duplicate, and I am very certain that he never told me that he had a deed for me.

11th. Did you ever learn of the existence of a deed of said last mentioned premises, executed to you by William Bennett, or by William Bennett and his wife? if so, when did you first hear of it, and from whom?

Ans. I never knew that he (Bennett) made out a deed for me, but Mr. Archibald Clybourne told me that Mr. Soules said that he had made out a deed of said last mentioned premises to me. It was perhaps two or three years ago that Mr. Clybourne told me so. I don't recollect the time exactly.

12th. Was Rufus Soules ever authorized by you to receive from William Bennett, or from William Bennett and his wife, any deed to you of any portion of said last described premises, or did you ever receive any such deed from said Soules?

Ans. I never received any such deed of Mr. Soules, to my recollection, and I do not recollect of my authorizing him to get a deed of this particular description of land. I might have done so in relation to the land on which Bennett was living. I do not now recollect what authority I did give him in relation to the land where he lived.

Henry Waller, one of the complainants, and of counsel for the complainants, objects to the taking of the deposition of James Kinzie, on the following grounds, viz:

1st. Because the defendant, Bennett, by his counsel, had no right to take said deposition until after the taking of the depositions of the complainants, under their notice of the 31st of May, 1856, and if any agreement was made in his absence it was done without authority.

2nd. Because the witness, James Kinzie, is a non-resident of the State of Illinois, and is a resident of the State of Wisconsin, and no notice has been given for the taking of said deposition, nor any dedimus been issued by the proper officer, authorizing the taking of said deposition.

3rd. Because the said James Kinzie is the vendor and warrantor of title, under whom complainants claim, and is estopped from denying said title, or in any wise impeaching it.

The foregoing objections were made after the examination in chief had closed, as above recited, and the cause held open till after dinner, at the request of the complainants' counsel, to cross-examine.

Mr. Waller, one of the complainants' counsel, who makes the above objection, did not arrive at my office till after the close of the examination in chief.

Cross-examination of JAMES KINZIE, by H. Waller

1st cross Int. When did you reach this place?

Ans. Yesterday, about noon. I came down in the cars from Milwaukee.

2nd. What House did you put up at?

Ans. I put up at the Patterson House.

3rd. Whom did you expect to meet?

Ans. I expected to meet Mr. Archibald Clybourne here.

4th. Whom did you meet here?

Ans. I met a good many persons here. I also met Mr. Clybourne.

5th. Did you meet Mr. Walker also, the attorney who examined you this morning?

Ans. Yes, Sir. I was introduced to Mr. Walker. I saw him here.

6th. Did you and Mr. Clybourne and Mr. Walker put up at the same House?

Ans. We did.

7th. What did you come here for?

Ans. I was on my way to Chicago, and stopped here.

8th. What did you stop here for?

Ans. I stopped to meet Mr. Clybourne. I understood that he would be here—to save my going to Chicago.

9th. How did you understand Mr. Clybourne was here?

(Objected to by counsel for defendant Bennett.)

Ans. Well, Sir, I am not sure but Mr. Millett, or some person, told me that he was to be here; that there were likely to be some depositions taken, and that he would be here, and that if I stopped I would be likely to meet him.

10th. What Mr. Millett do you allude to? What is his given name? Where does he reside? and what is his business?

Ans. I allude to Mr. Millett of Racine. I think his given name is Nelson. He is a lawyer.

11th. What were you going to Chicago for?

(Objected to by counsel for defendant Bennett.)

Ans. Mr. Clybourne owes me some money, and I was going down to see if I couldn't get some of him.

12th. How much did he owe you? what for? and how long has he owed you the money?

(Objected to by counsel for defendant Bennett.)

Ans. I think the principal and interest would be some over four thousand dollars. I indorsed a note for him, and had it to pay.

He has owed me the money a good many years ; I do not exactly recollect how long. I think it must be twelve or fourteen years.

13th. What note was it that you indorsed for him ; and when did you pay it, and to whom ?

(Objected to by counsel for defendant Bennett.)

Ans. I think, if I recollect right, that the note run to the Branch Bank of the State Bank of Illinois at Chicago—at all events, William H. Brown was Cashier, or President, or one of the officers. I paid it a short time after the execution of the note when it became due. I was sued on the note, and had to pay it to the officers of the Bank.

14th. When did you leave your home on your present trip to Chicago ?

Ans. I left home last Saturday, the 8th of June.

15th. How far do you live from this place ?

Ans. I think it is 250 miles from here. I don't know the distance ; think it must be 250 or 280 miles.

16th. How long does it require to get here, by the present modes of conveyance, from where you live ?

Ans. It would take three or four days to travel straight through.

17th. Where did you see Mr. Nelson Millett ?

Ans. I saw him at Racine yesterday morning ; I stop with him when I come to Racine ; I saw him at his house.

18th. How long did you expect to be absent when you left home ?

Ans. Ten or twelve days ; it generally takes me that.

19th. How long will it take you to get home from here by going the ordinary route ?

Ans. Well, three or four days.

20th. Did you accomplish your business with Mr. Clybourne ?

(Objected to by counsel for defendant Bennett.)

Ans. Not fully ; he promised that if I would come down, he would pay me part of it.

21st. Has he paid you any since you got here ?

(Objected to by counsel for defendant Bennett.)

Ans. No, Sir.

22nd. Had you not some other object in coming here or in going to Chicago at this time ?

Ans. Yes, I had ; not in coming here, but in coming to Racine and Chicago.

23rd. State what it was.

Ans. I have some property at Racine that I have to pay attention to occasionally. When I was at Chicago some time ago, Major Kingsbury said that when he got his property in situation, he would

let me have a lot, and I thought I would go down and see how it was ; my business was to see Clybourne and Kingsbury both.

24th. Had you not some other object besides seeing Clybourne and Kingsbury, and seeing about your property in Racine ?

Ans. Nothing of importance that I remember, Sir.

25th. Had you not received a message or a letter or letters from some person or persons within the last two or three or four months, relative to the land in controversy in this suit ?

Ans. No.

26th. When were you first spoken to on the subject of giving your testimony for the defendant ?

Ans. I think yesterday Mr. Walker said they would like to take some testimony, and asked me some questions concerning the matter ; he might have asked me for my testimony, and also, since I have been here, he served a notice on me to appear and give my testimony before a magistrate.

27th. Did not Mr. Clybourne speak to you about giving your testimony ?

Ans. I dont think he did, Sir ; I think it was Mr. Walker.

28th. Did not you and Mr. Clybourne have a conversation about the land in controversy, yesterday or to-day ?

Ans. Yes ; I talked with Mr. Clybourne some about it, and told him that they wanted to take my deposition in regard to it. I think I told him that they had served a notice on me, and I would have to stay, and could'nt go down, perhaps, to-day.

29th. Did you not hear before you got here that depositions were being taken or were about to be taken in this case at Waukegan ?

Ans. Well, I am not sure whether Mr. Millett told me before or after I got here that I would be likely to meet Mr. Clybourne here—that they were or had been taking depositions here and that I would be likely to meet Mr. Clybourne here. I think it was while we were still on the cars that he told me this, but I will not be certain.

30th. Did he say in what case the depositions were being taken, or had been taken ?

Ans. I don't think that he named the particular case ; but I thought at the time that it had reference to this case.

31st. Why did you think so ?

Ans. I understood that there was a controversy in relation to this matter—that was what made me think so ?

32nd. When did you understand this, and who did you learn it from ?

Ans. At that time I understood Mr. Millett to mean this ?

33rd. Did he mention this case to you at that time ?

Ans. Well, Sir, I don't recollect his exact words ; he said that

they were or had been taking depositions in this matter, and that Mr. Clybourne would be likely to be here.

34th. Is Mr. Clybourne here now?

Ans. I believe not, Sir; I think he has gone home.

35th. Has Mr. Millett gone on to Chicago, or did he stop here?

(Objected to by counsel for the defendant Bennett.)

Ans. Well, Sir, I think he has gone to Chicago.

36th. When were you last at Chicago?

Ans. I don't recollect exactly—some time this Spring—perhaps two or three months since.

37th. Did you see Wm. H. Stow when you were there?

Ans. I don't know the man. I would not know him if I was to meet him in the road.

38th. Did you see John Ludby there at that time?

Ans. No, Sir, not to my recollection. I did not.

39th. Did you see Archibald Clybourne or Hugh Maher at that visit?

Ans. It strikes me that I saw Mr. Clybourne; but I do not think that I saw Mr. Maher.

40th. Did you have any conversation with any one there at that time in relation to this suit or to the land in controversy?

Ans. Not to my recollection.

41st. Was the information you had from Mr. Millett the first you had in reference to this suit?

Ans. I think not, Sir.

42nd. When did you first hear of it, and who from?

Ans. Well, Sir, I don't recollect how long it has been since I first heard of it. I think Mr. Clybourne was the first one I heard talk about it.

43rd. Who else have you heard speak of it? Name all you recollect.

Ans. I don't recollect that I have heard any one in particular talk about it.

44th. When did Mr. Clybourne first mention it to you?

Ans. I don't remember, Sir—can't recollect.

45th. State when it was, as near as you can, and also where it was.

Ans. Well, Sir, I don't recollect when it was. I think it was in Chicago—may be one or two years ago.

46th. Have you and Mr. Clybourne talked about the title to this land and your connection with it?

(Objected to by counsel for defendant Bennett.)

Ans. Yes, Sir.

47th. Did you not state to Mr. Clybourne that you knew the state of the title, or a good deal about the title?

(Objected to by counsel for defendant Bennett.)

Ans. I do not recollect making any such statement to him.

48th. What did you say to Mr. Clybourne about the title?

(Objected to by counsel for defendant Bennett.)

Ans. I do not recollect, Sir.

49th. What did you say to him about your connection with the land or the title?

Ans. I do not recollect, Sir, what I said.

50th. Did you not say to him in Chicago, or at his house, within the last two or three years, that you had information on the subject of the title to this land that would be of service to those claiming it in opposition to Bennett?

(Objected to by counsel for defendant Bennett.)

Ans. No, Sir, I don't believe that I ever said so, and if I did, I have forgotten it.

51st. Did you not say to Mr. Clybourne, or give him to understand or believe, that you could furnish papers or proofs of some kind, that would be of service to them?

(Objected to by counsel for defendant Bennett.)

Ans. I don't know what Mr. Clybourne might infer from anything that I said to him, but I never meant to convey any such an idea to him.

52nd. Have you not said to Mr. Clybourne, or given him to understand, that you could make their title clear, or words to that effect, and would do it if they would pay you enough for it?

(Objected to by counsel for defendant Bennett.)

Ans. Yes, Sir, I think I did convey that idea to Mr. Clybourne.

53rd. Do you recollect a conversation with me in Chicago, at the Sherman or Matteson House, in the summer of 1854, in reference to this subject?

Ans. Well, Sir, I recollect conversing with two gentlemen, I think they were Mr. Waller and Mr. Rees, on the sidewalk not far from the Matteson or Sherman House, and it may have been in the summer of 1854—'twas some time ago.

54th. Do you not recollect that I, before or afterwards, had an interview with you in the hotel itself on this subject?

Ans. I do not remember it.

55th. Did you not state to me, or to Mr. Rees and myself, at the time referred to by you, that you had or could procure such evidence as would assist or confirm our title, or words to that effect?

(Objected to by counsel for defendant Bennett.)

Ans. I do not remember the conversation, and if I conveyed any idea at all to them in that respect, I meant to convey the same idea I

did to Clybourne, not that I would furnish any papers, but that I could assist them in perfecting their title if they would pay me enough for it.

56th. Did I not tell you that you were bound, as an honest man, as the vendor and warrantor under whom we claimed, to furnish us whatever information you possessed in our favor?

(Objected to by counsel for defendant Bennett.)

Ans. I don't recollect the conversation, but I think that one of the gentlemen, it may have been Mr. Waller, said that they did not care much about any better title,—that they had my warranty.

57th. Did not I, or one of us, ask you what you would charge?

(Objected to by defendant Bennett's counsel.)

Ans. I think there was something said about it.

58th. Did you not say that you were poor and had received but little for the land—that we were rich, and you had understood had made a great deal by purchasing it, and that you thought we ought to give you (\$30,000) thirty thousand dollars for the assistance or information?

(Objected to by counsel for defendant Bennett.)

Ans. I don't recollect all that conversation, but according to my best recollection I made some reply in relation to the warranty you had spoken of. I think I said that I was poor, and that in order to perfect the title in the manner that I proposed to do it, I should have to travel about considerable, and that it would cost perhaps thirty thousand dollars.

59th. Did you not agree to do it for \$30,000?

(Objected to by counsel for defendant Bennett.)

Ans. Well, Sir, I don't recollect that I did. I think that one of the gentlemen said that he would not mind paying a thousand dollars or so for a perfect title, but \$30,000 was out of the question.

60th. Did you understand either of the gentlemen to say or mean to be understood, that he or they were willing to rely upon your responsibility to protect them under your warranty?

(Objected to by counsel for defendant Bennett.)

Ans. One of the gentlemen, I think it was Mr. Waller, remarked something in relation to having my warranty, and did not care much about a better title. I am not sure, but he said that they would not give much for a better title, or words to that effect.

61st. Did you then state how you could make the title perfect?

(Objected to by counsel for defendant Bennett.)

Ans. I don't think I did, Sir. I don't remember that I did.

62nd. Did you not give them to understand that you could do it?

(Objected to by counsel for defendant Bennett.)

Ans. I think that I conveyed the idea that I could assist them in perfecting the title—could be of service.

63rd. Did you not yourself name the sum of thirty thousand dollars to be paid you by us ?

(Objected to by counsel for defendant Bennett.)

Ans. I think, Sir, that I said that to assist them in the way I proposed, it might cost me thirty or forty thousand dollars.

64th. Did you not profess to have some particular knowledge or information that would enable you to assist them ?

(Objected to by counsel for defendant Bennett.)

Ans. I do not remember saying so.

65th. Did you not throw out inducements to them to employ or pay you ?

(Objected to by counsel for defendant Bennett.)

Ans. I don't think I did hold out any inducements.

66th. Have you not for several years lately, at different times, searched for some evidence of title to this land in different parts of the country ?

Ans. Well, Sir, I had been informed that Mr. Soules had made affidavit that he had got a deed from Bennett and given to me, and I had no recollection of having such a deed, therefore I searched and inquired to see if I might have left such a paper, and where.

67th. Have you not gone to several persons and places to make inquiries or examinations ?

Ans. I think I have inquired of several of my acquaintances and friends, and I have been to one place on purpose to see if I had left any such papers.

68th. When did you go to that place ?

Ans. I think it was over a year ago.

69th. What place was it that you went to ?

Ans. To Sheboygan.

70th. Have you not employed or requested a person or persons to assist you in the search ?

Ans. Not as I recollect of, Sir.

71st. How long have you known Nelson Millett ?

Ans. I think it is five or six years since I became acquainted with him.

72nd. Has he not acted on one or more occasions as your agent or attorney ?

Ans. He has acted as my attorney in one or two law-suits, and acts as my agent for some property which I have at Racine.

73rd. Has he not acted as your legal adviser in other matters not referred to by you in your preceding answer ?

Ans. Well, Sir, I don't remember of his advising with me in any thing in particular ; he may have advised me, but I don't remember. I don't remember of having any occasion to employ him. However,

I should add to that, that I consider Mr. Millett as my lawyer; when I do need any advice, I generally employ him.

74th. Have you not consulted or talked with him about the title of this land in controversy, or about your connection with it?

(Objected to by counsel for defendant Bennett.)

Ans. I have talked with Mr. Millett about it; we have talked together about it.

75th. Has he not acted as your attorney or agent to see either the complainants in this case, or their attorney or one of them, in reference to a compensation for your information or services or assistance in aiding them to perfect the title?

(Objected to by counsel for defendant Bennett.)

Ans. He has not, Sir; I have not authorized him. I have not employed him as my counsel in this matter. He is my attorney generally.

76th. Do you not know that he did have an interview with E. C. Larned, one of the attorneys for complainants, on the subject named in the preceding question?

(Objected to by counsel for defendant Bennett.)

Ans. I do not know that he had, and I never heard him say that he had.

77th. Do you not know that he went to Chicago on that business within the last two years?

(Objected to by counsel for defendant Bennett.)

Ans. I do not, Sir. He goes to Chicago, I think, pretty often, but I do not know his business.

78th. Have not he and you corresponded upon the subject of the title to this land and of this suit?

(Objected to by counsel for defendant Bennett.)

Ans. No, Sir; Mr. Millett is my counsel in other matters, and if he has ever mentioned this matter in his letters, I do not recollect it; he might have mentioned it, but I do not recollect it.

79th. When was Mr. Millett last in the county where you reside?

Ans. Well, Sir, I don't know — I have never seen him in that county but once, that was this spring, perhaps two months ago, not more than that.

80th. Was he at your house on that occasion?

Ans. He was.

81st. Has it not been a much shorter time than two months since he was there?

Ans. Perhaps it was not more than a month ago.

82nd. Has it not been less than a month since?

Ans. Since I think it over, I think it has been about a month; I think it was in the month of May.

83rd. What did he say to you about this suit, or the taking of depositions, or the giving of testimony in it when he was there?

(Objected to by counsel for defendant Bennett.)

Ans. Well, Sir, I don't recollect all the conversation me and Mr. Millett had. It strikes me that either then or at some other time he said there was a controversy about the title to this land. If I recollect what his expression was about it, he said that he should not be surprised if one or the other of the parties would call on me for my testimony. He said but very little to me about it, and I avoided saying much to him.

84th. What else was said between you on the subject of your testimony when he was at your house?

(Objected to by counsel for defendant Bennett.)

Ans. I don't remember; I don't even remember what reply I made him.

85th. When did you first learn that the parties were taking or had been taking depositions in the case?

(Objected to by counsel for defendant Bennett.)

Ans. Well, Sir, it has been a good while ago since I have heard that Mr. Soules had given testimony, but I don't know whether that was in this case or not, and just before Mr. Millett and I left Racine, or just after, he told me that he thought they were taking depositions here and I would be likely to meet Mr. Clybourne here.

86th. Did he say anything then, or before or after, about your giving testimony in this case?

(Objected to by counsel for defendant Bennett.)

Ans. Not anything more than I have said; the conversation was quite short.

87th. Did you know before you got to Racine that Mr. Millett was coming down with you?

Ans. No, Sir.

88th. When you left Racine with Mr. Millett, did you know where he was going? If so, state where.

(Objected to by counsel for defendant Bennett.)

Ans. Well, Sir, he said he was going up to Chicago.

89th. Did you not know he was going to stop here?

Ans. Yes, Sir, we expected to stop and see if Clybourne was here.

90th. Had he any business with Clybourne?

(Objected to by counsel for Bennett.)

Ans. Well, nothing more than my business, that I know of.

91st. Did not he and you put up at the same house in Waukegan, and did he not remain the night with you there?

Ans. Well, Sir, we stopped at the same house and we remained there all night.

92nd. Did not Mr. Millett introduce you to Mr. Walker, the attorney for Bennett?

Ans. Well, Sir, some person introduced me to Mr. Walker, and

I am not sure but it was Mr. Millett, but I don't think that he was introduced to me as the attorney for Bennett.

93rd. Have you met with Hugh Maher since you arrived here ?

Ans. I have seen him.

94th. Have you met with Mr. William H. Stow since your arrival here ?

Ans. Yes, Sir, I have seen a gentleman they called Stow ; I suppose it to be the same man.

95th. Did not both Maher and Stow put up at the same house that you did ?

Ans. I think Mr. Maher did ; but I don't know where Stow does put up.

96th. When did you last see the elder William Bennett, whom you used to know in Chicago ?

Ans. Well, Sir, I do not remember when I saw him last, but it seems to me to be as far back as 1838 or 1839.

97th. Have you heard from him since ?

Ans. I think I heard of him since I saw him last.

98th. When was that, and where was he ?

Ans. Well, Sir, it was sometime after I had seen him, and he was either in Chicago or on the O'Plain River. I also have heard that he went down the Mississippi River and died in that country somewhere.

99th. Who did you hear this rumor about his death from ?

Ans. Well, Sir, I don't know ; I barely heard it.

100th. Were you not intimately acquainted with him ?

Ans. I was acquainted with him and at that time knew him when I saw him—I mean somewhere from 1835 to 1839.

101st. Have you known much of his family since that time ?

Ans. I have not, Sir.

102nd. Have you much acquaintance with his former father-in-law, John Ludby ?

Ans. I know Mr. Ludby when I see him ; I have not much acquaintance with him ?

103rd. How did you propose to assist in perfecting the title to this land ?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, I had two plans in my view ; one was to hunt up Bennett if he was alive, and buy the land of him—procure a deed from him ; the other plan was, Sir, to take my family and go to the State of Virginia and remain there with my brother till this suit was settled, and let them perfect title on Soules' affidavit.

104th. Did you not say in giving your answer just written, that you "thought by not appearing, the title would be perfected," and

did you not, after that statement was written down, require it to be erased?

Ans. I was about to make some remarks, and I would now say, that I would prefer that they should perfect their title on Mr. Soules' testimony—this comes nearer to what I wanted to convey.

105th. Did you not say that you thought by not appearing, the title would be perfected?

Ans. I do not think I meant to say that?

106th. Did you not say it?

Ans. Well, I believe I did—'twas not what I meant to say.

107th. What did you mean by the expression, "let them perfect title on Soules' affidavit," as used in your answer to the 103rd cross interrogatory?

Ans. Now, Sir, I had been informed that Mr. Soules had procured a deed from Mr. Bennett to me, for the land in question, and if that was the case, 'twould make the title good. Mr. Soules had never given me such a deed to my recollection.

108th. Where was the necessity of your going to Virginia, with your family, till the suit was settled?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, it was to avoid being called upon to give any information about this deed, as I did not recollect that Mr. Soules had ever given me such a deed.

109th. Was not your meaning, according to this second plan of yours, of going to Virginia, that for pay you would avoid appearing as a witness against the complainants in this suit?

Ans. I did not know that there was any such suit as this at that time. I think that Mr. Waller himself had intimated that I should be held on some of the warrantys I had given on this land, and I had understood that Mr. Soules had got a deed for me, and I thought that if I should keep out of the way till they had perfected title on that deed, I should be exonerated from my warranty.

110th. Was your idea then just to save yourself from the consequence of your warranty, without reward from the complainants?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, the principal intention was to avoid any trouble, but I did not intend to attempt to do so without money, for I was poor.

111th. Don't you think that the sum of thirty thousand dollars was rather a high fee to enable you to accomplish your "principal intention" of relieving yourself from your warranty?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, I thought to hunt Bennett up and purchase the land might cost me considerable money, I did not know how much;

and to take my family to Virginia, and stay there, I did not know how long, would also cost a great deal of money.

112th. Did you think it would cost you \$30,000 to move your family to Virginia and live with your brother till the title was perfected?

Ans. Well, Sir, I have a pretty large family—ten of us in number. My brother lives in the neighborhood of the Sulphur Springs in Virginia. A pretty expensive place to live—'t would depend upon how long I would have to stay there.

113th. How did you consider that your presence in Wisconsin, some two hundred and fifty or two hundred and eighty miles off, would prevent the complainants from perfecting their title?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, I am frequently at Racine and Chicago both, and I did not know but Mr. Waller himself might call on me to confirm Mr. Soules' statement about the deed; and as I did not recollect ever having the deed, I could not confirm the statement of Mr. Soules, and by being at a greater distance off, they would not call on me—they would get along without me.

114th. Did you propose that I should pay you \$30,000 to enable you to keep yourself out of my way, so that I would not call on you as a witness?

(Objected to by counsel for Bennett.)

Ans. I do not think that I made a direct proposition, but I think I said to them that I supposed they could afford to pay \$30,000, or \$40,000, if they got their title secure.

115th. Could you not have prevented my calling on you as a witness, by simply telling me that you could not confirm Mr. Soules' statement?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, I preferred the other way, supposing that if Mr. Waller did not call on me, that there might be a controversy, and somebody else would.

116th. Was it not to avoid appearing as a witness on the other side (that is, on the Bennett side) that you intended to go to Virginia and live with your brother, if \$30,000 was paid you?

(Objected to by counsel for Bennett.)

Ans. No, Sir; I did not want to be called upon at all, if I could avoid it reasonably. I was also very willing they (Mr. Waller) should perfect their title.

117th. Had you any particular information as to where Bennett was when you made your proposition to Mr. Rees and myself?

Ans. I had not, Sir; but I was of the opinion that, if he was alive, I could find William Bennett in England, somewhere—where he came from.

118th. Have you ever been to England?

Ans. I have not.

119th. Have you ever heard that Bennett returned there?

(Objected to by counsel for Bennett.)

Ans. With any that I might have conversed with, there were various conjectures; some thought he was dead, and some thought he might have returned back to England.

120th. Had you any reason to believe that you could have any peculiar influence over Bennett, should you find him, by which to induce him to make the deed?

(Objected to by counsel for Bennett.)

Ans. No, Sir. I understood that he had run away from here and would be afraid to come back; and I thought that he would be glad to sell anything that he had here, and therefore that I could get a deed.

121st. How did you learn that the title was in Bennett?

Ans. Well, Sir, some person, I am rather inclined to think it was Mr. Archibald Clybourne, but some person told me that I had sold some of this land in question, and that the title seemed to be in Bennett yet.

122nd. When was this?

Ans. I do not recollect how long ago, but I think it was before Soules had given testimony in relation to the title.

123rd. Do you know where this land is of which you have been speaking?

Ans. Well, Sir, I don't know as I could point out the boundaries, but I know pretty near where it is, I believe.

124th. State where it is.

Ans. Well, Sir, I think it lies on the west side of the South Branch of Chicago River.

125th. How long have you known the land?

Ans. Well, Sir, I don't know hardly how to answer that question. By looking on the map I suppose I could tell at any time where the land lay; till within five or six years past, I could not have told where section 20 was, without looking on the map. I think since this suit has commenced, that I could in all probability go upon the land; I might not know whether I was on one side or the other.

126th. When was your attention first attracted to this W. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ of sec. 20?

Ans. Well, it seems that I have sold some of it a great many years ago; as far back as 1836, for aught I know.

127th. When did you purchase it?

Ans. Well, Sir, I do not recollect. It must have been as far

back as 1836 or 1837, some where in that space of time ; can't speak positively as to the time.

128th. Who was the first owner of it, with whom you are acquainted ?

Ans. By the information I have now, William Bennett seems to have been the first owner ; I suppose he was.

129th. Did you know where William Bennett and John Ludby first settled in the neighborhood of Chicago ?

Ans. I do not, but they lived some where near Chicago ; I think on the North Branch of the Chicago River.

130th. Was it near or adjoining where Archibald Clybourne lived ?

Ans. I don't know ; it was in that neighborhood.

131st. Had they settled the land on which they lived before it came into market, under the regulations of the Land Office of the United States ?

(Objected to by counsel for Bennett.)

Ans. I think they had, Sir.

132nd. Did not Bennett claim a pre-emption right, under and by virtue of said settlement ?

(Objected to by counsel for Bennett.)

Ans. I think he did, Sir.

133rd. Did he not claim also a "float," as it was called, as attached to, or arising out of said right of pre-emption ?

(Objected to by counsel for Bennett.)

Ans. I think he did.

134th. Was not this "float" located on the said eighty acres of land known as the W. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ of Sec. 20, and now in controversy in this suit ?

(Objected to by counsel for Bennett.)

Ans. I do not know, Sir ; I do not know whether he entered it with the "float" or with money.

135th. Did you not purchase this land before you sold it ?

Ans. I think I did.

136th. Had a conveyance by deed been made to you before you sold it ?

Ans. Well, Sir, I would not be positive. I think I had a deed. Sometimes we bought land and sold it the same day, before we got a deed.

137th. Who made you the deed of which you speak ?

Ans. Well, I bought a part of the land of a man by the name of Alexander Beaubien, and a part I bought of Mr. Clybourne, *Archibald* Clybourne ; those were the only two that I recollect distinctly of buying it of.

138th. Do you recollect how much you bought of Alexander Beaubien? State as near as you can.

Ans. Well, Sir, I don't recollect whether I bought a whole or a part of him; it strikes me I bought the whole of him in the first place.

139th. How much did you buy of Archibald Clybourne? State as near as you can.

Ans. Well, I don't remember the exact amount. A small amount, however.

140th. Which did you buy of first—Clybourne or Beaubien?

Ans. Well, Sir, I do not know, but I am inclined to think I bought of Beaubien first, and I am inclined to think that Mr. Clybourne told me that he had bought his of Beaubien; I am pretty certain he did.

Adjourned for tea, ten minutes before six, P. M.

141st. Did Beaubien make you a deed at the time you bought of him, or soon after?

Ans. Well, Sir, I think he did.

142nd. Have you a recollection of it?

Ans. It seems to me that I recollect his giving me a deed about the time I bought it, or shortly afterwards.

143rd. Who did Alexander Beaubien buy of?

Ans. Well, Sir, that I do not know. I suppose that I might have known at the time, but I do not recollect now.

144th. Why do you suppose that you might have known at the time?

Ans. Well, it is possible that he might have said so; he might have told me for all that I know.

145th. Do you know who Clybourne bought of?

(Objected to by Bennett's counsel.)

Ans. Well, I do not, Sir. I think that at some time he told me that he had bought some of this land of Alexander Beaubien.

146th. Were you not acquainted with this land before you bought of Beaubien?

Ans. I might have seen it as I had seen any other of the country round.

147th. Had you no acquaintance with the title before you bought of Beaubien?

Ans. Well, Sir, I don't think I had.

148th. Who did you sell to after you purchased of Beaubien?

Ans. Well, Sir, I sold a part of it back to Beaubien, I think. It seems to me that I did not make a deed to him at the time I sold to him, and afterwards he came to me and wished me to make the deed

to a man by the name of Hartness, I think. I might have made the deed to Hartness for a part that I sold Beaubien, and to Beaubien for the balance—this seems to be my present impression. It seems to me that I did sell another part of this land to John Kinzie, or to Hiram Piersons, or to them jointly.

149th. How much did you sell to Beaubien?

Ans. I don't remember.

150th. How much did you sell to John Kinzie or to Hiram Piersons, or to both together?

Ans. Well, Sir, that I don't know—I don't remember how much.

151st. Since we adjourned for supper this evening, have you not taken a long walk with Mr. Walker, counsel for Bennett, and had a long conversation with him?

Ans. Yes, Sir, I think we have walked clear round the block.

152nd. Has he not since that, and before your cross-examination recommenced, sought a private interview with you, and conferred with you?

Ans. Well, he asked me to step into the back room of this office with him. I went in with him.

153rd. Do you recollect all the deeds you received and gave for this property?

Ans. I am not sure that I could recollect all.

154th. Have you any of the deeds in your possession that you received for this land.

Ans. I don't think I have any. I looked over a part of my papers the other day, and I don't remember seeing any of those deeds. I have lost a good many of my papers. I have some old papers in a box in my house at Racine, and they may be amongst those; the last time I saw them, however, the rats had eaten them very much. I left them there three years ago, when I moved from Racine—they were old papers that I did not think of much account.

155th. Could you state positively that any particular deed was amongst them?

Ans. No, Sir, I could not.

156th. Can you recollect all the trades, or purchases, or sales of land, made by you within the last twenty or twenty-five years?

Ans. I don't think I could recollect them all.

157th. Can you recollect all the different conversations held by you about the sale, or purchase, or conveyance of lands within the last sixteen or twenty years?

Ans. No.

158th. Can you recollect all the different persons with whom you have dealt in lands, or conversed about such dealings?

Ans. Well, Sir, I might, upon reflection, recollect a good many with whom I have dealt—whom I have bought of or sold to, but I

could not recollect all the minutia of the conversations, and perhaps very little of the conversations so long ago as that.

159th. Could you recollect them all?

Ans. No, Sir.

160th. Have you not been very careless with your papers?

Ans. Well, I have, I think, been rather careless.

161st. Were not persons generally, in this part of the country—I mean around Chicago—in early times, say fifteen to twenty-five years ago, extremely careless about the titles to their landed property?

(Objected to by Bennett's counsel.)

Ans. Well, Sir, I have recently come to the conclusion that some of them did do business pretty loosely.

162nd. Do you recollect all the conversations you had with Bennett about buying, or selling, or trading land, or claims to lands or floats?

Ans. I don't think I could recollect all the conversations.

163rd. Did you know all the land he owned?

Ans. I don't know whether I did or not.

164th. Enumerate all that you did know of his.

Ans. I don't think I know, of my own knowledge, of his owning any. I always supposed that he owned some up in the neighborhood of Mr. Clybourne's, on the North Branch, and also some on the O'Plain river. I also learned, before I left Chicago, that he owned this land in controversy. I am not certain that I learned this before I left Chicago, but suppose it was before. I might have learned it afterwards.

165th. Do you know to whom he sold any or all of these different tracts of land?

(Objected to by Bennett's counsel.)

Ans. I don't think I do. I have an impression that he sold the land up by Mr. Clybourne's to Mr. Clybourne.

166th. Did you ever buy any land or claim to land in connection with George E. Walker?

Ans. I think I have.

167th. State what it was.

Ans. Well, some of it was the sand bar between the fort and the lake, in Chicago. I could not remember all. We have had several pieces together, it seems to me.

168th. Did you not purchase, in conjunction with him, some land, or claims to land, of John Ludby and William Bennett?

Ans. Mr. Walker and me commenced buying together what we called floats, and I didn't have much money, and Mr. Walker took what we had bargained for off of my hands. It seems to me that I had not much to do with it after a while. Amongst others I think

that Bennett and Ludby both had promised to let us have what was called a floating claim.

169th. Did they not let you and Walker have their claims?

Ans. They never let me have a floating claim; I don't know what they did with Walker. Bennett owed me some, and I recollect of seeing him one time, after they had made this promise, and we had some conversation in relation to the matter. Mr. Bennett, I think, said he could not let me have the float, and then either I bantered him or he bantered me for the land on the O'Plain, in lieu of this float. Well, my present impression is that he promised to let me have that land on the O'Plain, and I see Mr. Soules—this Rufus Soules—afterwards, and I think that I asked him to see Mr. Bennett (they lived not far apart), and ascertain if Bennett would make me a deed to this land, and some time afterwards I think I saw Soules, and, as near as I can recollect, he said that Bennett wouldn't let me have the land. I think that he alleged, as a reason, that Bennett's wife was not willing to sell it. I am not sure but the expression was, that "she wouldn't sign the deed," but the idea was that she wasn't willing to sell it.

170th. Did Bennett ever pay you what he owed you? if so, state how and when.

Ans. I don't think that I ever saw Bennett afterwards, and I judge he never paid me; he owed me about seventy dollars.

Adjourned at fifteen minutes to ten o'clock, P. M.

171st. When was it that you and Bennett bantered each other about the land on the O'Plain?

Ans. Well, Sir, I can't tell the exact time—don't remember the precise time.

172nd. State as near as you can.

Ans. Well, Sir, it was somewhere about 1836—can't be a great ways from '36.

173rd. May it not have been in 1835?

Ans. It might have been, Sir; I am not certain as to the time.

174th. What interval of time was there between Bennett's promise to let you have the float and his refusal?

Ans. Well, Sir, I think it must have been two or three years.

175th. Did you have several conversations with Bennett during that interval?

Ans. I don't distinctly remember, I don't think I had them often—I didn't see him often.

176th. When did you first move to Chicago or its vicinity?

Ans. It was in 1816, I believe, Sir.

177th. Did you continue to reside there until you finally removed to Racine?

Ans. No, Sir, I didn't. I went off into the Indian country sometimes to trade. I spent some time at the place where Springfield, Illinois, is now; then I traded six or seven years at Milwaukee, also, after I first went to Chicago. About the year 1825 or 1826, I returned back to Chicago, I believe, and remained there till I removed to Racine.

178th. When did you first get acquainted with William Bennett?

Ans. Well, Sir, that I don't remember; but it was after I went back there to live permanently, I believe.

179th. When was Bennett living on the land near Clybourne's on the North Branch of the Chicago River?

Ans. Well, I don't know; I don't recollect that I was ever at his house.

180th. Did you ever have more than one conversation with Bennett about buying the land on the O'Plain? If so, state when you had the second conversation.

Ans. Well, Sir, I do not distinctly recollect having more than one; I might have had two, but I don't distinctly recollect having more than one interview with him.

181st. Was it at the time Bennett refused to let you have the float that the banter took place about the O'Plain land?

Ans. Well, Sir, I think it was, but it is so long ago that I would not be positive now.

182nd. Did you ever see Bennett after he promised to let you have the land on the O'Plain?

Ans. No, Sir, I have no distinct recollection of seeing him at any particular time afterwards.

183rd. Was not Bennett living in or near Chicago before he moved to Independence Grove on the O'Plain?

Ans. I think he did. I think he lived upon the North Branch of the Chicago River, near Mr. Clybourne's—that is my impression.

184th. Do you recollect the reason Bennett gave for not letting you have the float?

Ans. I do not. I don't recollect what he gave as his reasons why he didn't want to sell it.

185th. Did John Ludby refuse to sell his float?
(Objected to by Bennett's counsel.)

Ans. Well, Sir, I don't think I ever heard him refuse. I don't think I ever talked with him about it after Mr. Walker and me had seen him.

186th. Why did you not close with Bennett when he offered to sell you the land on the O'Plain?

Ans. Well, Sir, I don't think I was well enough acquainted with the land to buy it right off. I don't remember exactly the reason why.

187th. Why did you not see Bennett afterwards for the purpose of closing the trade with him ?

Ans. Well sir, I dont remember all the reasons why, nor what circumstances might have prevented my going to see him.

188th. How many acres were there in the O'Plain tract ?

Ans. Well, Sir, that I do not remember ; it seems to me that it was a small tract of land ; I might have known then.

189th. Did you ever see the land ?

Ans. I don't recollect of ever going to see the land.

190th. Can you state where it is situated with reference to any other tract, and whether it is in the village, or adjoining the village known as Independence Grove then, or Libertyville ?

Ans. I cannot, Sir ; I think that at the time Bennett and me talked about it, he described the land—what kind of land it was, and where situated.

191st. How much were you to pay Bennett for the land per acre ?

Ans. I don't remember, Sir.

192nd. How long after Bennett promised to let you have this land on the O'Plain, was it, that you spoke to Rufus Soules about trying to get it for you ?

Ans. It was some time afterwards, but I do not remember how long.

193rd. Why did you speak to Soules to talk to Bennett, and see what kind of a bargain he could make for you with Bennett, if you had previously talked with Bennett yourself, and he had promised to let you have the land on the O'Plain ?

Ans. Well, Sir, I didn't see Bennett very often ; I understood that Bennett and Soules lived not very far apart. My impression is, that I got Soules to see Bennett—Bennett owed me some. I do not remember whether Bennett and me had made any definite arrangement as to price. He had only promised to let me have that land—I don't think there was any stipulated price.

194th. Did you tell Soules what you would be willing to give per acre for said land ? If so, what was the price you agreed to give ?

Ans. I do not recollect distinctly, what I did tell Mr. Soules. Bennett owed me sixty or seventy dollars, I think, and I wanted Soules to see Bennett, and see if he wouldn't let me have the land.

195th. Do you recollect about the time that a criminal prosecution was instituted against Bennett, and he left this State ?

Ans. I do not, Sir ; I think I had moved to Racine before that.

196th. When did you move to Racine ? State as nearly as you can.

Ans. Well, Sir, I am of the impression that it was in 1837 or '38.

197th. Do you not know that Bennett did not leave the State till some time in the summer or fall of 1839?

Ans. I don't know what time he left the State, exactly.

198th. Can you state when you first learned that Bennett had entered this land in controversy?

Ans. Well, Sir, I don't know as I can say when I first learned it. It seems to me I have some slight recollection, that some person did say, that Bennett owned land in the neighborhood of the land in controversy—I think I learned this fact of some person who had bought land there, and came to ask me some questions about it.

199th. Did you not learn that Bennett had located his float?

Ans. I never knew whether he located it or not—don't think I ever knew—don't remember. Within a few years I have been told that he located the land in controversy with his float, but this I don't know.

200th. Did you not become aware of the fact, before leaving Chicago, that Bennett had entered this land in controversy?

Ans. I don't think I had—not to my present recollection.

201st. Did you not know when you made the first deed to this land, or a part of it, that no patent had issued for it?

Ans. No, not to my recollection. I think that if I had thought any thing about it I should have thought that the patent had not issued, for the patents did not issue till a good many years after the people had bought the land at the Land Office.

202nd. Did you not, in that deed, agree to obtain a patent for said premises, and then to execute such other deed of conveyance as would invest in your vendees a full and perfect title, in fee simple to said premises?

(Objected to by counsel for Bennett.)

Ans. I do not remember the conditions of the deed at all, it is so long ago.

203rd. Did you not sell to John H. Kinzie and Hiram Pearsons the N. $\frac{1}{2}$ of the eighty acres in controversy, and did you not, on or about the 27th of May, 1835, execute a deed to said parties, containing the said covenant, or a similar one, for the expressed consideration of sixteen hundred dollars?

(Objected to by Bennett's counsel.)

Ans. Well, Sir, I have some recollection of selling to one of those gentlemen, or both together, some land, but I do not remember, only as Mr. Waller has read the consideration. I don't remember the time but I think it was about that time. It might have been about 1835.

204th. Did you not know at that time that the patent for said land had not issued, but that William Bennett had entered the land and had a receipt for it?

Ans. Well, Sir, I don't believe that I thought the patent had issued. I don't know whether I knew then that Bennett owned it; I mean that I don't know that I then knew the correct chain of title.

205th. Did you not know that said Bennett had entered said land, and that a receipt had been issued, dated on or about the 27th day of December, 1834?

Ans. No, Sir, I did not; I don't think I ever saw his receipt in the world.

206th. In your conversation with Mr. Rees and myself in Chicago, of which you have spoken above, did you pretend to deny that your title came from Bennett?

(Objected to by Bennett's counsel.)

Ans. I don't think I did; and I don't think that I conveyed the idea to you that I had a title from Bennett.

207th. Did you then deny that you had bought of Bennett?

(Objected to by defendant's counsel.)

Ans. I don't think I denied it; I don't think that they asked me; I don't know whether they did or not.

208th. Did you profess, then, to have derived your title from Alexander Beaubien?

Ans. I don't think I did, Sir.

209th. Was not the whole conversation about the title and upon the basis that it had come from Bennett?

(Objected to by Bennett's counsel.)

Ans. It strikes me that the whole conversation was not about the title. I don't remember all the conversation.

210th. What else was the conversation about?

(Objected to by defendant Bennett's counsel.)

Ans. I don't remember what the conversation was; there was something said about my helping them to make their title good.

211th. Is Alexis or Alexander Beaubien alive or dead?

Ans. I do not know, Sir, but I think I have heard that he was dead, Sir.

212th. When you first bought of him, what consideration did you pay him?

Ans. Well, that I do not remember. It strikes me that I dickered off some other land for it.

213th. Can you state now whether you ever paid him any money for it?

Ans. Well, Sir, I am under the impression now, that in trading round with him, that I paid him a little money, but not much.

214th. How long after your first purchase of said Beaubien was it that you sold to him?

Ans. That I can't tell. It strikes me that it was not a long time. I can't remember.

215th. Did you not examine into or acquaint yourself with the title to this land before you bought it.

Ans. I don't think I did, Sir. I bought it of him, and afterwards let him have a part of it back again; and I don't think that I took the precaution to examine the title.

216th. Did you not take the precaution to examine into the state of the title to said land, before or at the time you gave your deed above mentioned to John H. Kinzie and Hiram Pearsons?

Ans. I don't remember of doing so, and I don't think I did.

217th. Do you not know that you sold a part of said land to said Beaubien before he ever sold any part of it to you, and that he derived all the title he ever had from you?

Ans. No, Sir. My impression is, that he sold to me first, and then I let him have a part of it back.

218th. Did you not, on the 22nd of April, 1836, convey to said Beaubien a part of this land, viz: the equal, undivided third part of the south half of the south half of the west half of the N. E. quarter of Sec. 20, town 39, range 14?

Ans. Well, Sir, I do not remember the time, exactly. I had several trades with him about it. If my recollection serves me right, when I let him have a part of it back, I deeded to a man by the name of Hartness, for him, instead of to him, and the balance to him, I think.

219th. Did not said Beaubien, on the following day, namely, the 23rd day of April, 1836, convey back to you an undivided half of the portion you had conveyed to him the day before?

Ans. I do not remember—we had so much trading about it, that I do not recollect the amount or the time—whether it was the next day, or when it was.

220th. Did you ever receive any deed from said Beaubien prior to the 23rd day of April, 1836, for said land? If so, state when, and for how much.

Ans. Well, Sir, I don't remember at what time, but I have always been under the impression that he gave me a deed for what he sold me.

221st. Do you now swear that you bought any of this land from Alexander Beaubien prior to the said 23rd of April, 1836?

Ans. Well, Sir, I don't remember the dates well enough to swear whether it was before that time, or after, or about that time.

222nd. Do you now swear, that you ever bought of the said Alexander Beaubien any other part of the tract of land in controversy, than the part described in the deed of the 23rd of April, 1836, above mentioned? If so, state what it was.

Ans. Ever since my attention has been called to this matter, my

impression has been, and is yet, that I first bought the whole of the land of Beaubien.

223rd. Do you recollect that you bought of said Beaubien as early as May, 1835?

Ans. It might have been as early as that. I don't recollect the time.

224th. Did not you, before your bankruptcy, namely, on the 29th day of January, 1838, for the expressed consideration of ten thousand dollars, convey to William See, all your right, title and interest to the N. E. quarter of Sec. 20, town 39, range 14, and some other property?

Ans. Well, I think I sold Mr. See a lot of stuff. I had made so many trades about Chicago, and had got somewhat confused in my business, that I hardly knew what I had a title to, and I did not mean to keep anything back from my creditors, if there should be any; and I therefore, in the deed to Mr. See, perhaps, conveyed more property than I really had a title to, and amongst others I might have named this property also—perhaps did. I took a mortgage back from Mr. See for what I sold him, and I think I scheduled the mortgage, so that my creditors could get the benefit of it, if I had any title to it.

225th. Did not said Wm. See, after you had obtained your certificate of discharge from the Court in bankruptcy, namely, on the 2nd of September, 1844, convey to you, for the expressed consideration of one hundred dollars, all the interest of himself and wife in and to the said N. E. quarter of Sec. 20, town 39, range 14?

Ans. Well, Sir, my impression is, that when the assignee sold the effects, this mortgage was sold amongst other things, and I think I bought it in myself; then I settled up with Mr. See, and I think he deeded it back to me. I don't recollect any thing about what the consideration was, but that was the transaction, Sir.

226th. Have you not thought and talked a great deal about this land in controversy?

Ans. I have no doubt that I have thought about it sometimes, and talked about it recently.

227th. Have you received a letter from Arch. Clybourne within the last two or three months?

Ans. I don't believe I have received a letter from him in ten years. I don't remember receiving one.

228th. Have you received a letter from Mr. Nelson Millett since you saw him at your house?

Ans. Yes, Sir.

229th. Have you received a letter from Major Kingsbury within the last two or three months?

Ans. No, Sir.

230th. When Mr. Walker applied to you for your testimony, did you refuse to give it?

Ans. I did, Sir, and very earnestly begged to be excused and not to be detained here. I think, Sir, he said that they could compel me to stay and give evidence. I think I told him that I shouldn't stay unless I was compelled. He said he thought it wouldn't detain me but a short time here. I still insisted on being excused, but he got a notice and served on me.

231st. Had you not some suspicion before you stopped here that your testimony might be applied for?

Ans. I think Mr. Millett had said to me that he shouldn't be surprised if one of the parties would want to take my affidavit, I think he called it; therefore I didn't know but I might be called on at Chicago. I didn't expect to be called on here.

232nd. Had he not told you that they were taking depositions here?

Ans. Mr. Millett had, I think, before or after starting from Racine, told me that I would be likely to meet Mr. Clybourne here, for they were, or had been, taking depositions here.

233rd. As Mr. Millett had told you, when at your house, about this suit, did you not, before you left home, expect that your testimony might be required?

Ans. Well, Sir, I have expected a great while that some of the parties might call upon me for my deposition.

234th. Are you not engaged in carrying on a mill and raising a crop this year, and do they not both require your attention?

Ans. I have rented my mill and farm both out this spring; notwithstanding, my family and other concerns require my attention.

235th. Is it not greatly inconvenient to you to be absent from home at this time?

Ans. Not more so than usual, Sir.

236th. Have you not, since your deposition has been progressing, expressed great anxiety to get off? and are you not very anxious to complete your business and get home as soon as possible?

Ans. I have expressed anxiety, and am quite anxious to get back home.

237th. Has Mr. Clybourne ever paid you anything on the debt he has owed you so long?

Ans. Well, Sir, I don't think he has. I think he claims a trifling offset for some barrels of pork.

238th. When did Major Kingsbury make you the promise that he would give you a lot?

Ans. I am not sure but it has been a year ago.

239th. How long did you stop in Racine?

Ans. I think two days; I felt quite unwell and fatigued.

240th. What did you do there ?

Ans. Well, Sir, I sauntered round, and rested and saw my friends, and attended to some little business matters.

241st. Could you not have done by letter and through Mr. Millett what little business you attended to there ?

Ans. Well, I don't think Mr. Millett could have done quite so well as I could in person ; I wanted to see D. D. Cary.

242nd. Have you employed Mr. Millett in your claim against Clybourne ?

Ans. I have not, Sir.

Direct examination resumed.

1st Int. When did the conversation take place between Bennett and Ludby and yourself and Walker about the float ? was it before or after they had proved up their pre-emption claim ?

Ans. Well, Sir, it has been so long that I do not remember exactly the time ; but I think it was a good while before they proved up their pre-emption claim.

2nd. Did you ever know or do you now know, whether William Bennett ever obtained a float except from what you have been told ?

Ans. I did not know from my own knowledge ; but I think he did from what I have heard.

3rd. Do you know whether Bennett ever located or laid a float upon any land ?

Ans. Well, Sir, I don't know that he did ; I wasn't in the Land Office, and I never see him lay it.

4th. What do you mean by a float ?

Ans. Well, Sir, I don't know how to express my idea better than to compare it to a land warrant. Congress passed an act granting a preference where a man would settle on 160 acres of Government land—and where two men settled on one 160 acres, and proved their settlement, then they got something similar to a land warrant. 80 acres apiece.

JAMES KINZIE.

Filed
April 23: 1856.

STIPULATION TO CLOSE PROOFS AND TRY CASE.

It is agreed, that the taking of depositions in the above case shall be closed, and the depositions on file by the 15th day of June, 1856. That the case shall be set for final hearing on the 21st day of June, 1856.

That all objections to any depositions which have been taken (including cross-interrogatories) on account of want of notice, of defective notice, or irregular notice to either of the parties, or failure to attend to cross-examine at the proper time, or of any defective certificates to said depositions or any of them, are waived.

That the parties agree to waive the notice of ten days, required by law, as to future depositions, and agree to take them upon a notice of three days before any Notary Public or Justice of the Peace, who may be designated in the notice given, and to waive any certificates of the official character of the officer taking any such deposition in pursuance of such notice.

And that the counsel for the said William Bennett, minor, is to have the privilege of cross-examining any of the witnesses, whose testimony has been already taken, by giving to the other parties three days' notice.

April 21, 1856.

SEDGWICK & WALKER,
Solicitors for Wm. Bennett, minor heir, and Hugh Maher, his Guardian.

GEO. A. MEECH,
Of Counsel and Solicitor for Wm. H. Stow.

WALLER & CAULFIELD,
Solicitors for Complainants.

Filed April 23, 1856.

AFFIDAVIT OF H. WALLER, FILED 23RD JUNE, 1856.

Henry Waller states that he is one of the complainants in the above entitled case, and also of counsel for the complainants; that he was present at the examination of Mrs. Rachel Elam, a witness whose deposition was taken by the defendant Bennett on the 4th day of June inst., and cross-examined her. In that deposition, the said witness has sworn that she was the wife of William Bennett, the father of the defendant William Bennett; that she was aware of the fact that her said husband owned the land in controversy in this suit, and that he never sold, or agreed to sell said land, to her knowledge, and that she knew of no deed having been executed by said Bennett, for said land; and that she never signed one. Since said testimony was given, and since she was cross-examined, affiant has seen a bill for a divorce, now on file in the Clerk's office of the Cook Circuit Court, signed and sworn to by the said witness, then bearing the name of Rachel Bennett, and filed in said Court on the 6th day of January, 1841, in which she states, "that in consequence of his [her husband, the said Bennett,] having disposed of, and put all of his property out of his hands beyond the reach of your oratrix, she has been necessarily compelled to, and has industriously labored for the maintenance and support of herself and her little son," &c.

This affiant, at the time of said cross-examination, was ignorant of the existence of any such bill and statement; and had not the means or knowledge at the time to enable him to cross-examine the said witness in relation to said facts. He regards it material to his case, that he should be permitted to interrogate her in reference to said statements, and to cross-examine her fully. He states that after having learned the above facts, he spoke to Mr. Walker, of counsel for defendant Bennett, on the week before last, and suggested to him a desire to open the cross-examination of the said witness; and that Mr. Walker agreed that affiant should have the privilege and an opportunity of re-cross-examining said witness. It was agreed that this should be done on the next week, that is, the week on which the taking of depositions was to be closed under and by virtue of the stipulation on file. During that week, affiant several times mentioned the subject to Mr. Walker, who always gave affiant distinctly to understand that the privilege should be extended to him, and the time granted, for such cross-examination. Affiant applied for a particular time to be agreed upon and fixed for the same, but Mr. Walker assured affiant that he should have an opportunity, and that he need have no apprehensions on the subject. On Friday, or Saturday, the 13th or 14th of June, affiant again applied to Mr. Walker on the subject, and he then stated that during the ensuing

week, affiant should have an opportunity to cross-examine Mrs. Elam, although the testimony by stipulation was to close on the 14th. Since the expiration of the 14th, however, Mr. Walker has declined to re-open the said deposition for cross-examination.

He states that two or three days after the examination of Mrs. Elam, and in consequence of said agreement by said Walker, this affiant agreed to the re-opening and continuance of the examination in chief of J. W. Walton, at Wheeling, a witness for the defence, after the same had been subscribed and closed, and filed in the Clerk's office. The same was re-opened, and Mr. Walker continued the examination in chief, upon that agreement.

Subsequently, that is, on Wednesday, 11th inst., the said Walker and affiant returned from Wheeling, and on the afternoon of that day, before parting, Mr. Walker asked for "the programme" for the next day. Affiant answered that they would go to Waukegan to take depositions under his notice of the 31st May; to which affiant understood Mr. Walker to assent. Without any notice, however, to this affiant, Mr. Walker, as affiant has since learned, left on the cars for Waukegan on that afternoon, where he understands he had the interview set forth by E. P. Ferry, Esq., in his affidavit of the 20th instant.

Affiant declares he had no intimation whatever from Mr. Walker, or any one else, of the intention to take the deposition of James Kinzie, at Waukegan or elsewhere, on the day it was taken, or on any other day. He made no agreement to take it, and would have made no agreement to take it, under the circumstances and at the time it was taken. It was not agreed between Mr. Walker and himself to divide the time at Waukegan on the 12th, 13th and 14th days of June, instant. Mr. Walker had given notice that he would take depositions there on the 9th, 10th and 11th instant, but did not do so. Affiant told Mr. Walker, before they met at Waukegan on the 12th, that he claimed precedence in taking depositions at the office of Ferry & Clarke, at Waukegan, on the said 12th, 13th and 14th, under his prior notice, and that he would not agree that his taking of depositions should be interfered with by Mr. Walker's taking depositions at the same office by the defendant. But he stated further, if there was any time left, that he was willing to attend to the cross-examination of his witnesses, only, however, upon the express condition that it did not interfere with the taking of depositions by affiant. He consequently instructed Mr. Ferry, as he has set forth in his said affidavit of the 20th instant; and he now says expressly that Mr. Ferry had no authority, as he conceives, to agree to the taking of the deposition of James Kinzie. He states that his instructions to Mr. Ferry were, to commence taking depositions, under the notice of the 31st May, at 8

o'clock in the morning, and continue until affiant arrived. He states that the taking of said Kinzie's deposition took up a large part of Thursday, Friday and Saturday, the 12th, 13th and 14th instant, and materially interfered with the taking of depositions for the complainants. He states that he was taken by surprise by the introduction of the said James Kinzie, as a witness for the defendant, at that time and place, and was not prepared, as he otherwise might and would have been, to cross-examine him; that the said Kinzie, as he is informed, understands and believes, has, in that deposition, made statements wholly at war with his actual derivation of title, with his former declarations and claims, and with the real facts in the case; and he believes, if time be allowed him, he can make the same manifest by proof. He states that said Kinzie's deposition was not closed until after 5 o'clock, P.M. of Saturday, the 14th instant, the day for closing the taking of depositions under the second stipulation, and consequently he has had no time or opportunity, since that, of attacking or in any wise impeaching the character or testimony of the said James Kinzie. He believes, if he is allowed time, he can do both successfully. He states that during the progress of the examination and cross-examination of said Kinzie at Waukegan, he had not the proper opportunity to refer to documents and witnesses for facts to be introduced into the cross-examination which would, as he believes, have enabled him, more fully than has been done, to expose and unmask the falsehoods and misstatements of the said Kinzie. And since that time he states that he has learned some very material facts from records and witnesses, which will, as he verily believes, entirely discredit said Kinzie, and overthrow his said testimony.

He asks for leave, on the above grounds, to re-open the cross-examination of the said Rachel Elam and James Kinzie, and to introduce other testimony to discredit and contradict the statements of the said Kinzie.

H. WALLER.

Saturday, June 21, 1856.

Subscribed and sworn to before me, this 23rd }
 day of June, A.D. 1856. }
 WALTER KIMBALL, Clerk.

AFFIDAVIT OF E. P. FERRY, FILED 23RD JUNE, 1856.

E. P. Ferry, being duly sworn, doth depose and say: that some time in the early part of June inst., he was spoken to and written to by Henry Waller, one of the complainants herein, who requested this affiant to appear before Isaac L. Clarke, a Notary Public of Lake County, on Monday, the 9th, on Tuesday, the 10th, and on Wednesday, the 11th day of June inst., and cross-examine certain witnesses then and there to be produced and examined by said defendant in regard to the reputation of Rufus Soules. That said Waller, also, requested this affiant to appear before said Clarke on the 12th, 13th and 14th days of June inst., and take the depositions of certain witnesses on behalf of complainants herein, to sustain the character of said Soules. That said Waller, also, informed this affiant, that he, the said Waller, would be present at the office of said Clarke, at 11 o'clock, A. M., of the 12th, if possible. He also informed this affiant, that after 8 o'clock, A. M., of Thursday, he had the exclusive right to take depositions before Mr. Clarke, from the fact that the notice served by the complainants on defendants was two or three days prior to the notice served by defendants on complainants, and the said Waller requested this affiant to commence on Thursday the 12th, at 8 o'clock, A. M., and take depositions on behalf of complainants.

That on the 11th day of June inst., about 6 o'clock, P. M., Mr. Walker, one of the solicitors for defendant Bennett, called at the office of this affiant and made inquiries for Mr. Isaac L. Clarke, stating that he, Walker, intended to take depositions before said Clarke the next morning. This affiant then informed said Walker that he, this affiant, intended to take depositions before said Clarke on behalf of complainants, in the morning; that said complainant had the prior right as he was informed by Mr. Waller.

That said Walker replied, that there was an understanding between Mr. Waller and himself in regard to taking the depositions; that the time was to be divided, and that both should take depositions before Mr. Clarke, on Thursday, Friday and Saturday. That said Walker also stated in said conversation, that said Waller could take no depositions before Mr. Clarke that could avail him, on account of some informality in the notice. This affiant does not recollect what the informality was.

That said Walker then stated, that he desired to take the depositions of two witnesses in the morning before Mr. Waller came, that Mr. Waller would be at Waukegan at 11 o'clock, A. M., of Thursday, and that, after that time, they would arrange the matter between them.

That on the morning of Thursday, at about 7½, A. M., this affiant informed Mr. Walker, that this affiant intended, at 8 o'clock, A. M., to proceed, and take the depositions of witnesses on behalf of complainants; that said Walker replied, that he had one witness whom he desired to examine, that said witness was sick and desired to leave, and that after the examination of said witness that this affiant might examine witnesses on behalf of complainants.

That this affiant again informed Mr. Walker, that he, this affiant, was instructed by Mr. Waller to take the depositions for complainants on Thursday, and that this affiant did not like to violate those instructions. That said Walker then replied, that this affiant need not appear when the defendants took the deposition of this one witness. That this affiant then consented that the deposition of one witness, on behalf of defendants, might be taken. That this affiant left his office for a few minutes, and when he returned, found that Mr. Walker had commenced examining James Kinzie; the witness having been sworn and, answered the first interrogatory, as this affiant has been informed.

That this affiant did not know, neither was he informed, that said defendants intended to call James Kinzie as a witness; the first knowledge that he had of the matter was the answer of the witness, that his name was "James Kinzie."

That this affiant was never spoken to, or requested by Mr. Waller, or any person on behalf of complainants, to examine or cross-examine any witness in this case, except those witnesses who should testify as to the character and reputation of Rufus Soules.

This affiant further saith that he was present during the examination in chief of James Kinzie; that after said examination closed, this affiant requested of Mr. Walker that the cross-examination might be deferred until the arrival of Mr. Waller. This affiant also stated to Mr. Walker, that he (this affiant) was unable to cross-examine Mr. Kinzie, from the fact that he (this affiant) had very little knowledge of the case, and was taken by surprise by their calling Mr. Kinzie as a witness; that the cross-examination of said Kinzie was therefore deferred until the arrival of Mr. Waller.

E. P. FERRY.

Subscribed and sworn before me, this }
 20th day of June, A. D. 1856. }
 ISAAC L. CLARKE, *Notary Public*

Filed May 22. 1857. 47

PETITION TO EXTEND TIME TO CROSS-EXAMINE AND TAKE PROOFS.

The petitioners, Henry Waller, and others, complainants, in the above entitled case, respectfully represent that at the time the stipulation in regard to closing proofs in this case was signed, it was their expectation that the remaining evidence to be taken would be confined mainly, if not entirely, to witnesses brought to attack and sustain Rufus Soules, and to the cross-examination of witnesses already examined. They had no expectation that the evidence of non-resident witnesses would be taken; especially as the time of taking depositions was reduced to three days. They had, as they supposed, good reason to believe that the counsel for the defendant, William Bennett, intended to confine themselves within the same limits, as one of them stated at an early stage of the proceedings, that the whole question as he understood it, was upon the credibility of Soules.

That with the exception of Mrs. Elam's testimony, this course was pursued by both parties, and complainants acted upon this understanding, until the deposition of James Kinzie was taken at the time and under the circumstances detailed in the affidavits of E. P. Ferry, Esq., and Henry Waller, already filed in this cause.

These complainants were taken completely by surprise by the deposition of said Kinzie, and after the same was entered upon, it was impossible, within the time limited for the closing of proofs, to investigate the matter connected with and growing out of his direct examination, so as properly to cross-examine said witness. After said deposition was taken, these complainants had not, nor have they had any opportunity to disprove the statements of said Kinzie. They believe from the circumstances attending the taking of the deposition of said Kinzie, and the statements made by the counsel of said Bennett, on the argument before this Court on application further to cross-examine said Kinzie, that his deposition was taken at the late period it was, from design.

These complainants state that they verily believe that truth and the ends of justice require that the time for closing the proofs in this case should be extended, and that additional testimony should be allowed to be taken. They accordingly, most respectfully request this Honorable Court to enter up an order extending the time for taking testimony and for closing the proofs in this case, and granting leave to take additional testimony, and for a further examination of witnesses on the part of the complainants, and for further cross-examination of James Kinzie, (in case the deposition of said Kinzie is not suppressed,) and of Mrs. Elam; and for leave to examine Edmund Weed, Keziah M. Weed, Eliza Weed, Hon. B. S. Morris, and George E. Walker, and others, on the part of the complainants.

Since the close of said deposition of James Kinzie, these com-

plainants, or some of them, have been diligently engaged in investigating the matters growing out of and connected with said deposition, and are now prepared, as they are informed and believe, to disprove the same in substantial parts by much evidence of which they had no knowledge at that time, and which has become necessary by his deposition, and which they could not put in within the time limited for taking proofs in the case.

These complainants now furnish the names of some of the witnesses by whom such evidence will be given as to disprove material parts of the deposition of said Kinzie: Edmund Weed, Keziah M. Weed and Eliza Weed of Sheboygan, Wisconsin, Buckner S. Morris of Chicago, and George E. Walker of Ottawa. These complainants are informed and believe that they can prove by Edmund Weed, that sometime in the summer of 1854, a letter was written to him by said James Kinzie, in which it was stated in substance, that he, Kinzie, had purchased of William Bennett the land now in controversy; that Rufus Soules, he understood, was to have handed or had handed the deed of said Bennett for said land, to him, said Weed; that he presumed he (Weed) had the deed; and requesting Weed to examine his papers, and send the deed to him, Kinzie.

They are informed and believe that they can prove by Mrs. Keziah M. Weed, that a short time after said letter was received, probably a month or two, James Kinzie came to the house of said Weed in Sheboygan, stated the same facts set forth in said letter, and in the absence of said Edmund Weed, but in conjunction with Mrs. Weed, spent several hours in searching through Mr. E. Weed's papers for said deed. That he repeated he had bought the said land of Bennett, and a deed had been made for him and left with said Soules.

The testimony of the said Eliza Weed will confirm the above, or some of the above statements.

Hon. B. S. Morris, will state as they are informed and believe, that he has conversed with said James Kinzie on the subject, and that said Kinzie has stated to him that he had purchased this land of William Bennett.

George E. Walker will state, as they are informed and believe, that he knew of the purchase by James Kinzie of this land, from William Bennett, at the time it was made, and knows that the money was paid for it. He will state that he has frequently conversed and corresponded with the said Kinzie on the subject of this purchase, and Kinzie always admitted the purchase of the land of William Bennett.

They believe that other very important facts contradicting said Kinzie's testimony can be proved by others.

H. WALLER.

Subscribed and Sworn to before me, this }
3rd day of July, A. D. 1856. }
W. KIMBALL, Clerk.

ORDER EXTENDING TIME TO CROSS-EXAMINE AND TAKE PROOFS.

October 18, 1856.

This day came the parties, by their Solicitors, and then came on for hearing the petition of the complainants for extending the time for taking proof, and for re-examination and cross-examination of witnesses, etc., filed on 3rd July, 1856, and the Court, after argument of counsel, orders and directs—

That the complainants have leave to further cross-examine James Kinzie and Rachel Elam, witnesses whose testimony has been heretofore taken on behalf of the defendant Bennett.

That they also have leave to take depositions to impeach James Kinzie, and that defendants have leave to sustain him, if they think proper so to do.

Leave is also given to complainants to take the depositions of Edmund Weed, Keziah M. Weed, and Eliza Weed, Buckner S. Morris and George E. Walker, as prayed for in said petition.

Leave is also given to complainants to take the depositions of any witnesses to contradict or disprove any material fact or statement sworn to by said James Kinzie or Rachel Elam.

And the defendant Bennett has leave to sustain said Kinzie, and corroborate his testimony and that of Mrs. Elam, and to take testimony to impeach any witness or witnesses who shall hereafter be examined on behalf of complainants, and to contradict and disprove any material fact or statement which shall be sworn to by them or either of them. And the complainants shall have leave to sustain such witnesses so attempted to be impeached or contradicted.

The said cross-examination of James Kinzie and Rachel Elam, and all other depositions hereafter taken in this cause, shall be taken upon the notice and in the mode prescribed by law, and according to the usual practice of this Court.

AFFIDAVIT OF H. WALLER, AND PETITION FOR LEAVE TO CROSS-
EXAMINE JAMES KINZIE ORALLY.

Henry Waller, one of the complainants in the above entitled case, states that since the order for extending the time of taking depositions, and allowing complainants to continue and conclude the cross-examination of James Kinzie, he has been endeavoring to procure the attendance of said Kinzie in this State, with a view of completing his cross-examination. The said Kinzie is a resident of the State of Wisconsin, and his deposition was taken by the defendants in June last, in this State, by oral examination before a Notary Public, under the circumstances as stated by E. P. Ferry, Esq., in his affidavit filed in this cause, and by this affiant, in his affidavit also on file, and as shown by the deposition of the said Kinzie, all which are referred to.

This affiant believed and still believes, that, under the circumstances above referred to, he is fairly entitled to an oral cross-examination of the said Kinzie, (in continuation of his said previous oral cross-examination,) under the order of this court above stated, opening the cross-examination of the said Kinzie.

For the purpose of procuring such oral cross-examination, this affiant, on the 11th December last, addressed a letter to said Kinzie, requesting and urging him to come to Chicago, so that his cross-examination might be completed. Said Kinzie addressed him a letter, (marked Exhibit A,) dated Dec. 29th, and post marked January 10th, which is filed as part of this affidavit.

On the 14th January following, affiant replied to the said letter of the 29th December, stating strongly the urgency and importance of concluding said Kinzie's cross-examination. On 11th of February thereafter, said Kinzie addressed to affiant, the letter, (marked Exhibit B,) which is also made part hereof. Affiant, in view of the promises made in said letters of Kinzie, waited till about the 10th or 12th of April, and then, upon his failure to come to Chicago as he had promised, affiant addressed him another letter, urging him to come immediately, or as soon as possible, after its receipt.

Having received no reply to this letter, up to the 13th of May, this affiant, on that day, addressed to said Kinzie the letter marked Exhibit C, and sent it to him by a special messenger—Mr. Wm. H. Warder, of the city of Chicago. His indorsement of service will be found on said letter. Mr. Warder states, in a letter bearing date 18th inst., that he presented the letter to said Kinzie, who refused positively to fix any day for his coming, and stated that although he had business in Chicago, he would not come here, so long as he was threatened with this examination.

From these facts, this affiant believes that the said Kinzie has made falsely the promises contained in his said letters, thereby

avoiding an oral cross-examination, and procrastinating the case. He believes that said Kinzie will not come to the State of Illinois, and submit himself to the cross-examination proposed; and that the only mode by which such oral cross-examination can be obtained, will be by a commission, under a special order of this honorable Court, directed to some proper and competent person or persons, as commissioners, with directions to examine the said Kinzie in the State of Wisconsin, touching such matters as may be propounded through said commissioner or commissioners, to said Kinzie, by the complainants and defendants, by way of cross-examination, and re-examination; the said examination to be taken down by said commissioner or commissioners in writing, and reported in proper form to this Court.

This affiant states that he believes an oral cross-examination of said Kinzie to be necessary to the development of truth, and the furtherance of justice in this case. He believes that said Kinzie is a corrupt witness, and is in some manner interested in the success of the defendants in this suit. He believes, and so states, that if written interrogatories be filed, and submitted to the said Kinzie, in the ordinary mode under the statute, the complainants will not have the same opportunity of eliciting the truth and exposing the corruption and falsehood of the said witness, as would be presented by continuing the examination orally, as it had been begun and as the direct examination was taken, and that the objects and purposes of the additional cross-examination would be greatly prejudiced, if not entirely defeated, if an oral cross-examination cannot be obtained. He believes that fairness and justice demand that the complainants should have the same advantages as the defendants had in the original examination, and be enabled by an order of this Court to confront the witness face to face, and put such questions to him as may be required by the answers which the witness may give, as the examination progresses.

Besides the witnesses named in his previous affidavit, and the matters of proof therein specified, which he therein stated he believed he could bring forward in this case, there are other witnesses and other matters which he believes can be produced in evidence, which will bear materially in favor of complainants, and to the impeachment and contradiction of the said Kinzie; but which, for sufficient and obvious reasons, he declines to specify in this affidavit.

He, therefore, as a party interested in this suit, and on behalf of complainants, prays and petitions the Court for such an order as specified herein above; or for such order and in such form, as the Court may in its wisdom and discretion deem proper in this behalf and to further the ends of truth and justice.

May 22, 1857.

H. WALLER.

Subscribed and sworn to before me, this }
 22nd day of May, 1857. }
 W. KIMBALL, Clerk.

EXHIBIT A.

CLYDE POST OFFICE, IOWA COUNTY, }
 WISCONSIN, Dec. 29th, 1856. }

H. WALLER, ESQUIRE :—

Dear Sir—Your favor from Chicago, Ill., of the 11th inst., was received yesterday. As you will see, the time is already passed when you wanted me to be in your city. I suppose your letter has been delayed from bad roads and snow; and again, the Mail only comes to this office once a week. I am not able to say precisely at what time I can be in Chicago, I intend to be there in March or April; but if it is absolutely necessary that I should be there sooner, I would try to get there; and in regard to having my expenses paid, I shall not receive anything; when the Rail Road is not obstructed by ice or snow, it is no great task or expense to get there from this place; and if you deem it an advantage to you to cross-examine me, I shall take pleasure in giving you an opportunity to do so, as I deem it my duty to do so. I shall endeavor to be at your place say in April.

Respectfully, your obedient servant,

JAMES KINZIE.

H. WALLER, Esq., City of Chicago, }
 Cook County, Illinois. }

EXHIBIT B.

MR. H. WALLER :—

Dear Sir—Your favor of January 14th came to hand in due time, and in reply I will say that I expect to go to Racine about the first of April, and then I intend to go to your city. I am so situated that I cannot go sooner than the first of April, but shall endeavor to be at your place at the time, if health permits.

Most respectfully, your obedient servant,

JAMES KINZIE.

CLYDE P. O., IOWA COUNTY, WIS., }
 February 11, 1857. }

EXHIBIT C.

CHICAGO, 13th May, 1857.

JAMES KINZIE, Esq., Clyde P. O., Wis.

DEAR SIR—You wrote me on the 29th December last, in reply to a letter of mine, requesting your presence here to finish your cross-examination, and stated in that letter that you would be here in March or April, or sooner if absolutely necessary. I offered to pay your expenses, but you answered—“ I shall not receive anything. When the Railroad is not obstructed by ice or snow, it is no great task or expense to get there from this place (Clyde); and if you deem it of advantage to you to cross-examine me, I shall take pleasure in giving you an opportunity to do so, as I deem it my duty to do so.” I wrote immediately in reply, assuring you it was very important to conclude your cross-examination at the earliest possible day, and requesting you to come to Chicago at once, for that purpose. You answered me on the 11th February, saying you could not come at that time, but stating that you would be in Chi-

ago about the 1st of April. I waited patiently till the 10th or 12th of April; you did not come; and I wrote you again, soliciting you to come, and requesting an answer, and that you would name the day you would be here. You have failed entirely to reply to that letter; and you have not yet made your appearance.

Now, as you have assured me that it will afford you pleasure to give me an opportunity to cross-examine you, and as you say you consider it your *duty* to do so, I do hope, that on the receipt of this, which I send by a special messenger, you will at once please yourself and me, and do what *you* say, and what *I* think, is your duty, by coming to Chicago, and closing your cross-examination.

This is the last application I shall make, and I hope there will be no more difficulty or delay about it. Give me a decisive and positive answer, one way or the other; and if you are coming, name your day—and let there be no disappointment.

Yours, &c.,

H. WALLER.

I still hold myself bound to pay your expenses, if you will suffer it. The bearer of this will pay them.

H. W.

I delivered the within letter to James Kinzie, Esq., on Saturday, May 16th, 1857.

W. H. WARDER.

ORDER FOR A COMMISSION TO CROSS-EXAMINE JAMES KINZIE
ORALLY.

June 13, 1857.

This day came the parties by their counsel, and there came on for hearing, the petition of the complainants for an order for a commission to be issued, directed to, and appointing one or more commissioners in the State of Wisconsin, for the examination and cross-examination of James Kinzie, a resident of the county of Iowa, in the said State of Wisconsin; with directions to said commissioner or commissioners to permit the counsel of said complainants to appear before said commissioner or commissioners, and continue the cross-examination of the witness James Kinzie, under the order heretofore entered, by propounding orally to said witness, such cross-interrogatories as the said complainants may desire.

And it appearing to the Court that on the 21st day of April, A. D. 1856, a stipulation was entered into in this cause, between the counsel for said complainants and said defendants, for the oral examination of witnesses in said cause, and that the counsel for said defendant Bennett, caused the testimony of the said James Kinzie, a non-resident witness, to be taken under said stipulation; and that said Kinzie did on the day of June, 1856, appear personally before Clark, a Notary Public of Waukegan, in the State of Illinois, and then and there submit himself to be examined orally as a witness for said defendant Bennett, and was cross-examined orally by the counsel for said complainants, and that afterwards, upon the petition of said complainants, setting forth that the examination of said Kinzie had operated as a surprise and fraud upon them, and praying for leave to open and further prosecute said cross-examination, it was ordered that said complainants should have leave to further cross-examine said James Kinzie.

And it further appearing to the Court, by the affidavit of Henry Waller, one of the said complainants, that the said Kinzie has been repeatedly requested to come to the City of Chicago, for the purpose of having the said cross-examination continued, in conformity with the permission and order of the Court, and that said Kinzie has promised so to do, but now declines and refuses to come for such purpose, and that in the opinion of said Waller an oral cross-examination of said Kinzie is necessary to the development of truth, and the furtherance of justice in said cause, that he believes said Kinzie to be a corrupt witness, and in some manner interested in the success of the defendants in said suit, and that if the said complainants are compelled to submit written interrogatories to the said Kinzie, the object and purpose of the said further cross-examination of said

witness so allowed and ordered by this Court will be greatly prejudiced, if not entirely defeated.

And it appearing to the Court, that the examination and cross-examination of said Kinzie heretofore was conducted orally, and not upon interrogatories, and that the defendants have had the opportunity of a full oral examination of said witness, in the examination in chief, and that said Kinzie has submitted to be examined and cross-examined orally in said cause, and that complainants will lose the benefit of the further oral cross-examination of said witness, this court order and direct the said Kinzie to be cross-examined orally before commissioners, appointed in the State of Wisconsin, where said Kinzie resides, and order a commission to be issued for that purpose.

It is therefore ordered and directed that a commission issue out of the Clerk's office of this Court, under the seal thereof, directed to J. G. Knapp, Edward Ilsley of the city of Madison, Amasa Cobb of Mineral Point, and J. J. R. Pease of Janesville, all of the State of Wisconsin, as commissioners, authorizing, empowering and directing the said commissioners, or any one or more of them, to take the further deposition which the said Kinzie shall give and make, in answer to such cross-interrogatories as shall be propounded to him by the complainants or their counsel, or to such interrogatories as shall be propounded to him by the defendants or their counsel, upon re-examination.

Before continuing such cross-examination in the manner aforesaid, the said complainants shall give a notice in writing that the said deposition of the said Kinzie will be taken, and specifying the time and place of taking the same. Which notice may be served on either one of the counsel for the defendant Bennett, and one of the counsel for the defendant Stow, and must be served at least five days before the time fixed for taking said deposition.

It is further decreed that if from any cause, the counsel for the defendant Bennett shall fail to be present at the time notified for the taking of the cross-examination of said Kinzie, that they shall be deemed as having objected to all the cross-interrogatories, and the answers thereto, and that the said defendants shall have the privilege of prosecuting the re-examination of said witness at any time within ten days after the closing of said cross-examination, on giving to Henry Waller five days' notice of the time and place of so doing.

*Filed
June 22: 1857*

SECOND CROSS-EXAMINATION OF JAMES KINZIE, TAKEN 19TH AND
20TH DAYS OF JUNE, 1857.

243rd Cross Int. Are you acquainted with Norman Clark, of Racine? If so, how long have you known him?

Ans. I have known a man in Racine of that name. Have known him about ten years at least.

244. Did you ever have in the summer or fall of 1854, or at any time during that year, or during the year 1855, at Racine, or elsewhere, a conversation with said Clark on the subject of the land now in controversy in this suit?

(Objected to by counsel for defendant Bennett.)

Ans. I think I have.

245. State when.

(Objected to by counsel for defendant Bennett.)

Ans. I don't think I remember—perhaps in 1855.

246. State fully such conversation or conversations.

(Objected to by counsel for defendant Bennett.)

Ans. I do not remember what the conversation was.

247. Did you not in the year 1854 or 1855, at Racine, whilst on your way to or from Sheboygan, or whilst on some other trip, state to said Clark, that you had bought the land now in controversy, of William Bennett, that a deed had been made to you by Bennett for this land, and been lost, and that you then were in search of that deed?

(Objected to by the counsel for Bennett.)

Ans. I do not remember on what particular time it was, nor do I remember precisely what the conversation was.

248. Did you not make the statements contained in the preceding question in substance, or to the same effect, and if you did not make all these statements, did you not make one or more of them? And if so, state fully which you made and what you said.

(Objected to by counsel for Bennett.)

Ans. It has been so long since the conversation took place that I don't really remember what I did say.

249. Did you not in the conversation or conversations with said Clark, above alluded to, speak of the suit then pending in relation to this land and of the parties to it, and say that you could make either one of them win or lose the said land in said suit involved, at your pleasure, or words to that effect, or of similar import? If not, state what you said to said Clark on that point.

(Objected to by counsel for Bennett.)

Ans. Well, Sir, I don't remember whether we were speaking of the suit or the parties, and I don't remember of saying to Mr. Clark that I could make either of the parties win or lose, nor do I

believe that I did say so. I do not remember of having made any such statement to him. I do not remember what I did say to him.

250. Did you not say in such conversation or conversations, that if you were paid enough for it, or a particular sum, you could gain the said suit for one of the parties, or words of similar import? Did you not say this in substance, if not in the same words, or something to the same effect? If not, what did you say on that point? State fully.

(Objected to by counsel for Bennett.)

Ans. I do not remember saying so, nor do I remember precisely what we did say.

251. Are you acquainted with Truman G. Wright, of Racine? If so, state how long you have known him.

Ans. I have known a man of that name at Racine, and think I have known him ten years at least.

252. Did you not in the year 1854 or 1855, in Racine, state to said Wright that you had bought the land in controversy in this suit of William Bennett, and had paid him for it, or words to that effect?

(Objected to by counsel for Bennett.)

Ans. I don't remember of telling him so, and if I did tell him so, I don't remember the time.

253. Did you not on one occasion at Racine, since 1854, and prior to June, 1856, speak to said Wright about the suit now in progress as to this land, and about William H. Stow having procured a deed from a William Bennett, and did you not then say that the signature to that deed was not the signature of the real Bennett, but that you knew and had the signature of the real Bennett; and did you not then show said Wright a paper bearing the signature of William Bennett, which you represented to be genuine?

(Objected to by counsel for Bennett.)

Ans. I have some recollection of talking to Mr. Wright about Stow's having a deed for this land; I think in the conversation with Mr. Wright, that was spoken of, by either he or me; I don't remember of having exhibited any paper to him.

254. Did you not tell him at that time that you knew and had the signature of the real Bennett?

(Objected to by counsel for Bennett.)

Ans. I do not remember of telling him so; I might have said so.

255. Did you not then and there speak to said Wright about the parties to this suit, and say that you could make the title to the said land clear in favor of one or the other of said parties if you were properly paid for it, or words to that effect, or of similar import?

(Objected to by counsel for Bennett.)

Ans. I do not remember of talking particularly about the parties,

but I think we were talking about Stow's having a deed to that land. I don't think I told Mr. Wright so; if I did, I don't remember it.

256. Have you not frequently, at different times, before, since, or during the years mentioned, spoken to said Wright, at Racine, about the land in controversy, and told him you had bought it of William Bennett?

(Objected to by counsel for Bennett.)

Ans. I think I have talked to Mr. Wright more than once about that land; I don't remember any particular time; I don't remember of having told Mr. Wright of having bought that land, and think I never told him so; I might have said so, and if so, I don't remember it.

257. Have you not said to said Wright, at Racine, within the years 1854 and 1855, or about that time, that William Bennett had made a deed to you for said land, which was lost, and that you were in search of it?

(Objected to by counsel for Bennett.)

Ans. I don't remember of having said anything of the kind. I don't remember of telling him so.

258. Are you acquainted with Edmund Weed, now residing in Sheboygan? If so, state how long you have known him.

Ans. I am acquainted with Edmund Weed, and believe he lives at Sheboygan. I think I have been acquainted with him twelve or fifteen years.

259. Did you, or not, write a letter to said Weed, addressed to him at Sheboygan, in the summer of 1854, in reference to a deed of this land now in controversy?

(Objected to by counsel for Bennett.)

Ans. I think I did write a letter to either Mr. Weed or his wife; I don't know to whom I addressed the letter. I don't remember distinctly, but have an impression to that effect.

260. Did you not say in that letter, in speaking of a deed to this land, that you had purchased the land of William Bennett, and that a deed had been made by him to you, and that you had reason to believe that (he) said Weed had said deed? And did you not, in that letter, request said Weed to search among his papers for said deed, and if found to send it to you, as it was important you should have it, or words to that effect, or substantially of a similar import?

(Objected to by counsel for Bennett.)

Ans. If I did write a letter to Mr. Weed, I don't remember the contents. I don't think I kept any copy of any such letter, nor of making any copy of any such letter.

261. Did you receive a reply to that letter? and if not, what was the reason?

(Objected to by counsel for Bennett.)

Ans. I don't think I ever received any reply, nor do I know the reason.

262. Did you not, subsequently, within a few weeks after writing the letter to Mr. Weed, go, personally, to Sheboygan to see said Weed on the same subject, that is, in search of the deed?

(Objected to by counsel for Bennett.)

Ans. I went up to Sheboygan to see Mr. Weed, to see if he had any deed or papers of any kind, from Bennett to me, of that land.

263. Did you not ascertain, when you got there, that he was absent in California?

(Objected to by counsel for Bennett.)

Ans. I think Mrs. Weed said he had not got home from California.

264. Did you not speak to Mrs. Keziah M. Weed of the letter you had written to her husband?

(Objected to by counsel for Bennett.)

Ans. I do not recollect that I did.

265. Did you not ask her to search for said deed amongst her husband's papers, or permit you to do so?

(Objected to by counsel for Bennett.)

Ans. I think I did. We did examine her husband's papers to see if there was any such papers amongst his.

266. Did you not search for said deed in company with Mrs. Weed for several hours amongst Mr. Weed's papers?

(Objected to by counsel for Bennett.)

Ans. Mrs. Weed and myself looked over Mr. Weed's papers to see if there was any paper from Bennett to me in relation to this land.

267. In talking with Mrs. Weed at that time, did you not say to her that you had, many years ago, bought the land in controversy of William Bennett, and that a deed had been made by him to you which was lost?

(Objected to by counsel for Bennett.)

Ans. I don't remember the precise conversation between Mrs. Weed and me, and I don't believe I told her so, and if I did I don't remember it.

268. Did you not make to her, substantially, the same statements that you had made in your said letter to Mr. Weed?

(Objected to by counsel for Bennett.)

Ans. I don't remember what statements I made to her, if I made any.

269. Was not Miss Eliza Weed, her daughter, present while you were at the house of Mr. Weed at that time, and during the conversation between you and Mrs. Weed just spoken of?

Ans. It strikes me that there were one or two little girls present; I suppose they were Mrs. Weed's daughters.

270. Did you not, in the fall or winter, in the same year, address a second letter to Edmund Weed, at Sheboygan, in relation to a deed to said land?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, it strikes me, since I was there, I did address a letter to Mr. Weed, but I do not remember it was on that subject; I am not sure of it; but since I come to recollect I think, perhaps, it was.

271. Did you not state in substance in that letter that a deed had been made to you for that land by William Bennett, and left with Rufus Soules for you; that you felt sure that he, Weed, must have that deed in his possession, as you recollected having given him, Weed, an order on Soules for the deed; and did you not urge him to look among his papers and send you the deed, if found?

(Objected to by counsel for Bennett.)

Ans. I do not recollect making any such statements, nor do I recollect the contents of the letter.

272. How much money has been paid you for your services in this suit?

Ans. None, to my recollection.

273. Have you not been promised money or property for said services?

Ans. No, Sir, neither money nor property, that I know of, except that Mr. Waller said that he would pay me for my expenses in going to Chicago, to save himself the trouble of coming to me for this cross-examination.

274. Have you not entered into some contract with one or both of the defendants in this suit, or with the agent or agents of one or both of them, by which you are to be compensated for your services in this suit?

Ans. I have not.

275. Is there not an agreement, written or verbal, or an understanding between yourself and one or both the defendants, his or their agent or agents, attorney or attorneys, or some one in some way representing him or them, by which you expect to receive such compensation?

Ans. There is not.

276. Have you no interest whatever in the result of this suit?

Ans. I hardly know. I have given a warrantee deed for some of this land. If I have any interest, it is that the parties purchasing of me should perfect their title, for fear they might come on me for my warranty.

277. Have you no interest in the result of this suit should it be decided in favor of William Bennett?

Ans. Not that I know of.

278. Have you not, in some way, by some person, been promised

an interest of some kind, to some extent, in the land in controversy in this suit, in case it is decided in favor of the defendent Bennett?

Ans. No, Sir, not to my recollection.

279. Did not Hugh Maher go to your house previous to your giving your testimony in this case last June, for the purpose of procuring you to testify?

Ans. Not that I know of. I don't remember of ever having seen him at my house?

280. Did he not see you at Racine previous to your testifying on that occasion?

Ans. Well, Sir, previous to my first examination in this case I think I saw Mr. Maher either at Racine or Waukegan, but I think it was at Waukegan.

281. Did he not apply to you to give your testimony in this case in behalf of the defendant Bennett?

Ans. I don't remember whether he did or not. I do not remember that he did. I had very little conversation with him.

282. Have you seen George E. Walker, of Ottawa, since your deposition was given last June? If so, state where, when, and how often.

Ans. I have seen him since that time; saw him at Racine. I do not recollect exactly when, and I think I have seen him but once.

283. State the time as nearly as you can.

Ans. Well, Sir, I think it was last fall or in the winter.

284. Who were in company with you and Walker at the time you saw him?

Ans. Well, Sir, it was in company with a number of ladies and gentlemen. It was at Mr. Millett's, in Racine.

285. Did you talk with Mr. Walker when you saw him in Racine last fall or winter on the subject of this Bennett land, and of your testimony in this case?

(Objected to by counsel for Bennett.)

Ans. I think the subject of this land came up in conversation some way, but I do not remember that my deposition was spoken of.

286. Was Mr. Nelson Millett present when you saw and spoke with Mr. Walker about this land?

Ans. I do not remember whether Mr. Millett was present or not; there was very little conversation about it.

287. Did not you and Mr. Millett have a conversation whilst Mr. Walker was at Racine, about Mr. Walker's knowledge in reference to the purchase of this land of Bennett?

(Objected to by counsel for Bennett.)

Ans. Well, I do not remember whether we talked about it or not; we might or might not. I do not remember any conversa-

tion between Mr. Millett and myself alone. He might have been present when Mr. Walker and I talked, and joined in the conversation.

288. Did not Mr. Warder hand you at your house last month, between the fifteenth and eighteenth of May, or thereabouts, a letter from Henry Waller of Chicago, requesting you to be present at Chicago, for the purpose of having this cross-examination completed, and also requesting you to name a day when you could be there ?

(Objected to by counsel for Bennett.)

Ans. A gentleman who I think called himself Warder, called at my house, and I think about the fifteenth or eighteenth of May; he handed me a letter of introduction from Mr. Waller, and he also gave me a letter from Mr. Waller. I don't remember the contents of the letter, but it referred to the taking of my deposition, and I think it wanted to know when I could be in Chicago, that he might take my cross-examination.

289. Did you not refuse to name a day, and did you not also say to him that you had business in Chicago, but would not go there so long as this cross-examination was threatened, or words to that effect ?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, we had but a short conversation, and I declined setting any day when I would be in Chicago. At the time when Mr. Warder called at my house, I had a letter wrote to Mr. Waller and sealed up, lying on my table. I handed it to Mr. Warder and requested him to give it to Mr. Waller, and referred to that letter for the time he might expect me in Chicago. I do not remember that I said I would not go. I might have said so, but do not remember it.

290. Have you not been in Racine since that, and spent several days in company with your friend Millett, the lawyer ?

(Objected to by counsel for Bennett.)

Ans. I have been in Racine a few days ago; I stopped at the Baker House while I was there, and I saw Mr. Millett frequently; was in his company frequently. I was disappointed in making a sale of some property there, and had to lie over two or three days—one day longer than I expected to.

291. When did you leave there, and in whose company ?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, I do not remember precisely the date when I started home; I came home in the cars. A gentleman by the name of Roe came in company with me. He lives in the same neighborhood with me.

292. What induced you to go there at that particular time ?

(Objected to by counsel for Bennett.)

Ans. I went there to sell some property, a piece of mill property there—try to sell it.

293. Who informed you, and where were you informed, of the Court in Chicago having granted an order for a commission to take your cross-examination in this case ?

(Objected to by counsel for Bennett.)

Ans. It seems to me that Mr. Waller said so in his letter to me—the one Warder delivered; I am not certain; and perhaps Mr. Millett might have told me so in Racine.

294. Did you not consult with Mr. Millett as to what course you should pursue in reference to your cross-examination, after you had heard that an order had been granted for a commission in this case ?

(Objected to by counsel for Bennett.)

Ans. I have no recollection of consulting him about it. He is my attorney in other matters.

295. Did he not give it as his opinion that you had better avoid giving your additional deposition, if you could ?

(Objected to by counsel for Bennett.)

Ans. I think not, Sir. I don't think he dictated anything to me about it.

Adjourned at 10 minutes before 6 o'clock, P. M., to meet at 7 o'clock this evening. Met at 7 o'clock and adjourned to meet to-morrow morning, June 20th, at 7 o'clock. Commenced June 20th, at 7½ o'clock, A. M.

296. In answer to my 277th cross interrogatory, you said you had no interest in the result of this suit should it be decided in favor of William Bennett. I will now ask you whether since June 1856, when you were examined before, you have not sold or in some way, to some extent, disposed of an interest you had in the result of this suit ?

Ans. Well, Sir, in selling out my farm the gentleman who bought of me said that he understood I had some interest in Chicago, somebody having told him so. I told him I had none, but he said he was willing to risk it, and I told him he must not expect to get a cent, as I had no interest there; he insisted, however, that if I got an interest there he would have a part of it if he bought the farm. He gave \$4,500 for the farm; he said he considered this interest worth \$500. I told him I did not consider it worth one cent, as I had no interest there. I asked him what interest he meant, and he replied that it was an eighty acres of land there that I had, without distinguishing it. Then I told him he was certainly under a mistake, as I had no eighty acres of land there, and no interest in the eighty acres he

(Objection to the interrogatory and answer made by the counsel for Bennett.)

alluded to ; then I explained to him the nature of it, as near as I could. I remarked to him, then, that there was a controversy about the land, and that if Mr. Waller and Rees obtained the land I had no interest in the land, and that if the other party, whom I understood to be heir-at-law, and another man by the name of Stow, obtained it, that I had no interest with them at all. I explained to him, in relation to a deed which, it was said, this man, Bennett, had given me. I explained to him, further, that a man had sworn that Bennett had left a deed with another man for me, and that no such deed could be found, and it would be folly for him to buy any such claim, as I had no claim on it. I then further remarked that I did not wish to take money from him for which I had no value from him, that I considered the whole worth was in the farm ; then he remarked, I think, that was his business, and he said that perhaps that deed might one day come to light, and he did not know what interest it might have in it. I explained to him that whatever he paid me I considered it paid on the farm, and not on anything of that kind, and that when he found out how it was, he must not come back to me for any money back on it, for he would certainly be disappointed if he expected to get anything out of it.

297. What did you value your farm at ?

(Objected to by counsel for Bennett.)

Ans. I think the whole farm property, with the mill property adjoining, and other lands adjoining, I valued at \$5,750, but he only agreed to give me \$5,000 for the whole together.

298. Who was the gentleman that bought of you ?

(Objected to by counsel for Bennett.)

Ans. Peter G. Roe.

299. Who is this Peter G. Roe ?

(Objected to by counsel for Bennett.)

Ans. I don't know. He is a stranger to me.

300. Did not you and he come here yesterday in company ?

(Objected to by counsel for Bennett.)

Ans. Yes, Sir.

301. Where had you been ?

(Objected to by counsel for Bennett.)

Ans. We had been to Plattville.

302. How long had you been absent from your residence on this trip ?

(Objected to by counsel for Bennett.)

Ans. I believe it was last Tuesday morning when I left home. It was Monday or Tuesday.

303. Did you and Roe leave your house in company ?

(Objected to by counsel for Bennett.)

Ans. We did.

304. Where has Roe been staying since you became acquainted with him?

(Objected to by counsel for Bennett.)

Ans. It is something over two months since I first saw him, and part of the time, when in the neighborhood, he stays at our house, and part of the time at Mr. Bigelow's, and other places. He is around a good deal.

305. Have not you and he been traveling about the country a good deal together?

(Objected to by counsel for Bennett.)

Ans. Yes, Sir, he went with me, the last time I went down to Racine, together.

306. Did not he and you go together, in April last, to Mineral Point, about the time of your election as supervisor, when the returns of the election were made?

(Objected to by counsel for Bennett.)

Ans. I don't remember whether he was along at that time. We have been here several times together. I think he was at that time; or rather, he might have been.

307. Did he not advocate your election as supervisor, and electioneer for you?

(Objected to by counsel for Bennett.)

Ans. I really do not know whether he did or not. He seemed to take some interest in the election on the Democratic side.

308. Were you a candidate on the Democratic ticket?

(Objected to by counsel for Bennett.)

Ans. I did not consider myself a candidate. I had a nomination from both sides.

309. Were you not elected by the Democrats, and are you not a Democrat?

(Objected to by counsel for Bennett.)

Ans. I was elected, but I believe I got votes from both parties. I call myself a Democrat.

310. When did you leave Racine last? State the week and day as near as you can.

(Objected to by counsel for Bennett.)

Ans. I cannot remember what day I did leave. I think it was three weeks since, but do not remember the precise time.

311. Were you not there last week?

Ans. I do not think I was.

312. Did you not leave there Wednesday, Thursday or Friday of last week?

Ans. Well, Sir, I think it was on Wednesday or Thursday, or towards the middle of the week, that I left there, and I am inclined

to think it was the week before last ; it might have been last week ; I am not certain.

313. Did you not reach home on Friday or Saturday of last week from Racine, and leave on the next Monday on your present trip ?

Ans. I got home on the last of the week, and left home on Monday last. It might have been last week I got home ; in counting back, I think it was last week I got home.

314. Had you no expectation of meeting George E. Walker, of Ottawa, at Racine, when you were last there ?

(Objected to by counsel for Bennett.)

Ans. No, Sir, I had not. If I had gone there a day or two sooner, I might have expected to meet him there.

315. Did not Millett attempt to get George E. Walker to meet you there ?

(Objected to by counsel for Bennett.)

Ans. Not that I know of.

316. Did you not, before you left on that trip, write a letter to Millett, requesting him to try and get George E. Walker to meet you there about the fourth or fifth of June ?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, Mr. Millett wrote me a letter requesting me to come to Racine, if I could, and I think he set a time ; it might have been the fourth or fifth of June—I do not remember the time he set. Mr. Millett informed me there were two men there who wished to buy some mill property that I had there ; that he thought they would buy it of me ; that if I could come, he thought it likely I should meet my old friend, George E. Walker, there. I did not go there at the time, and did not expect to meet him there. I think I wrote a reply to his letter ; I think it was two or three days before I left here that I wrote to him. Now, I don't remember exactly what I said in that letter ; I think it quite likely I said I should be glad to meet Mr. Walker. When I got to Racine, Mr. Millett told me he had not received my letter, and went to the office afterwards and said he had received it after I got there. I think the principal subject of that letter was in relation to Mr. Roe's buying a horse of Millett.

317. Did not you and Mr. Roe go in company to Prairie du Chien some time in April last ?

(Objected to by counsel for Bennett.)

Ans. Yes, I think it was in April ; it might have been in May—either April or May.

318. Did you not write out an application to the Post Master

General and circulate it for signatures to appoint Roe Post Master at Clyde, and sign it yourself?

(Objected to by counsel for Bennett.)

Ans. I don't think I wrote such an application. I signed one. It strikes me I copied one off for him. My nephew, Daniel Kinzie, circulated it.

319. Is this the paper now shown you, marked "Exhibit P. O.," and made a part of this interrogatory? and is it not in your hand-writing and signed by you?

(Objected to by counsel for Bennett.)

Ans. Yes, Sir, I think this is what I copied off for Mr. Roe; I have not seen it since I signed it, till now.

320. Did you not write a letter of introduction, introducing your friend Roe to your friend Millett?

(Objected to by counsel for Bennett.)

Ans. I think I did. Mr. Roe was going there to buy a horse and I gave him a line to Mr. Millett.

321. Is this the letter now shown you, marked "Exhibit L. I.," and made a part of this interrogatory? and is it not in your hand-writing and signed by you?

(Objected to by counsel for Bennett.)

Ans. I think it is.

322. Is this paper now shown you, marked "Exhibit P. G. R.," and made part of this interrogatory, in your hand-writing and signed by you? and is not the receipt endorsed in your hand-writing, and signed by you? and was not both the instrument and receipt acknowledged, the first before A. V. Blair, a Notary Public at Prairie du Chien, and the last before Joseph Lean, a Notary Public at Mineral Point?

(Objected to by counsel for Bennett.)

Ans. Yes, Sir, that is my hand-writing.

323. Before you made the sale to Roe, of which that contract is the evidence, did you not tell him that you and George E. Walker had originally purchased the land, named therein, of William Bennett, and that you had purchased out Walker's interest, and that (afterward) Bennett had made a deed to you which was lost?

(Objected to by counsel for Bennett.)

Ans. I don't think I ever told him so. I don't remember that I did; but I think I told him that Mr. Soules said that he got a deed for me from Bennett of the land. I am quite sure I told him that, and that no such deed could be found.

324. Did you not also tell Roe, that Millett was interested in this matter with you, and that Hugh Maher and Bennett had arranged with you and Millett, for an interest in the land, should you give

your testimony in favor of Bennett, and the land be recovered by Bennett?

(Objected to by counsel for Bennett.)

Ans. I don't remember of telling him of anything of the kind.

325. Did you not say to him that you had had a consultation with Hugh Maher and Mr. Walker and his partner, attorneys for Bennett, and that you had advised them to employ Mr. Stuart of Chicago, to assist them as counsel in this case, and that they did employ him immediately at your instance?

(Objected to by counsel for Bennett.)

Ans. No, Sir, I don't think I told him I advised them to employ Mr. Stuart, but I told Mr. Roe that I thought the boy had very able counsel; well, I told him that I was present at one time when I heard them talking the matter over, they seemed to act very cautiously, and had employed Mr. Stuart. I think Mr. Roe asked me who the lawyers were, which caused me to tell him that; then I think he asked me also, if I knew who the lawyers were on the other side. I told him I believed Mr. Waller, who was one of the parties, was a lawyer, and I did not know whether they had any other lawyers.

326. Had you not been acquainted with Mr. D. Stuart, the lawyer alluded to, many years ago, and did you not say to Mr. Roe, that you considered him the best lawyer in Chicago?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, I had seen Mr. Stuart at Mackinaw, several years ago when he was a little boy. I don't think I said that I considered him the best lawyer in Chicago. I don't think I knew that he was a lawyer until after I had heard he was employed in this case.

327. Did you not tell Roe, that if Maher and Bennett did not comply with their agreement with you, that you and Millett had papers, or one of you had, which would make the title of the complainants clear, and that you would use them, and defeat the defendants after all, or words to that effect?

(Objected to by counsel for Bennett.)

Ans. I have no recollection of telling him any such thing. I don't think I did tell him so.

328. Did you not say to Roe, that you were not afraid of Millett betraying you, but that you were afraid of George E. Walker of Ottawa; that Millett was to buy a horse of Walker at a high price, and you believed Walker was safe and that he would not remember about you and he having purchased the land of Bennett, or words to that effect?

(Objected to by counsel for Bennett.)

Ans. I never told him any such thing to my recollection. In relation to the horse, if I said anything to Roe about it, Millett and

Roe were negotiating for a horse, and I went with him to Racine when he went to buy a horse. Well, it seemed that Millett did not care about selling his horse unless he could buy Walker's horse, as I understood Walker had a fine horse to sell. Millett said so, and I might have said to Roe that Millett would sell his horse if he could buy Walker's.

329. Did you not tell Roe that one reason why you were not afraid of Millett's betraying you, was, that on a certain occasion Millett had had criminal intercourse with a Mrs. Allen; that the husband and wife had made the difficulty up between themselves and had brought or were about bringing a suit against Millett; that he had come to you in great trouble and asked your advice; that you undertook to settle the difficulty and saw Mrs. Allen, expostulated with her about making the matter so public, offered her twenty-five dollars and a piece of land, if she would drop the suit and sign a paper contradicting the charge, and that she had done so at your instance; and that Millett was very grateful to you for your services in the affair, or words to that effect?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, in answer to that, I had a talk with Mr. Roe, and I think in the conversation I said to Mr. Roe, that Mr. Millett was acting as my attorney to sell some land for me in Racine, and I also told him I thought the land would bring a very good price; we were talking about the land, and to the best of my recollection he remarked to me, that it was best not to trust these lawyers too far, that it was a good deal of money to handle. I was telling him that Mr. Millett was collecting my rents there and paying them over, and I told him I was not uneasy, was not afraid, and that I thought them a very honorable firm, Paine & Millett; that I had been acquainted with Millett a good while, and that we were very friendly; and then I think I went on to state a little anecdote that took place between Millett and me. I said to him that there was a woman there of the name of Allen, who undertook to play a trick on him; I suppose to get some money out of him. Millett told me of the circumstance, and I went to the woman and talked to her about it, and she denied that there was anything of the kind, and acknowledged she had told a lie about it, and signed a paper to that effect, and ever since that, I told him that Millett had been very friendly to me.

330. What did you tell Roe you had paid her?

(Objected to by counsel for Bennett.)

Ans. Well, I think I told him I had paid twenty-five dollars. I told Roe that she said she had told her husband, and he would be very mad with her. I told Roe that after she had acknowledged she had told a story, and signed a paper to that effect, then she told me

she had told her husband and he would be very angry with her for denying it, and then she told me that her husband was much in want of money, that he wanted to go out West and buy some land; then I said I could arrange the matter, and I went to see him and gave him twenty-five dollars and a military bounty scrip.

331. After Mr. Warder left you last month, did you not tell Roe, that although you had business in Chicago, you would not go there until this cross-examination was over?

(Objected to by counsel for Bennett.)

Ans. I think after Mr. Warder left, Roe asked me who he was. I told him it was a gentleman from Chicago, and that he had come to know whether I could not go to Chicago to have my cross-examination in the Bennett case taken. Well, I don't know whether I told him that I thought it best not to go to Chicago, or whether I told him I had said so to Mr. Warder. It seemed like putting myself in the way. If they wanted a cross-examination, they could come here to Mineral Point and take it. I think I stated further that if I went to Chicago for one of the parties, for the purpose of giving a deposition, the other party would have a right to feel jealous; and I think I further asked him if he did not think so, and his reply was, that he thought so.

332. Were you not at Racine a short time, prior to your last visit there, and did not Millett then advise you not to go to Chicago to have your cross-examination completed?

(Objected to by counsel for Bennett.)

Ans. Well, Sir, I started to go to Elkhart, in Indiana. I owed my nephew some money there, and this man Roe said he thought he could get some money at Madison for me, but he did not get it, and when I got as far as Madison, then I concluded to go as far as Racine. I concluded, at Madison, not to go to Indiana, unless I could get some money at Racine. Well, I did not get any money at Racine, and I returned back from Racine home; and I think in conversation with Millett, about getting money and the purpose for which I wanted it, I think I told him that I intended to stop at Chicago, as I had promised Mr. Waller to try to come there. Well, I think the reply Mr. Millett made to that was, "that I need not give myself any trouble about it, to go there on purpose about that matter;" that is about the substance of it; I don't recollect the precise words. Well, I think he further added, that if they wanted a cross-examination, they could take out a commission to cross-examine me here, and then I added, I think, that if they took out a commission to take my deposition, some of the lawyers on the other side would want to be present, and then he suggested whether I had not as leave appoint a time to meet them at Racine. I think he said it would be less trouble for me to go there, than so many of them to come out here. I told

him I did not want to do that, that if they wanted to take my cross-examination, they might come here.

333. Had you not before written to Henry Waller, and stated that you considered it your duty to go to Chicago, and would take pleasure in going there for the purpose of completing your cross-examination?

(Objected to by counsel for Bennett.)

Ans. I don't think I wrote that. I do not remember the exact words of the letter; my impression is that I conveyed the idea in my letter to Mr. Waller that I did not mean to evade being cross-examined in this suit, but I rather considered it my duty to give any information in my possession.

334. Who furnished you with a copy of your previous deposition in this case, and when and where did you get it?

(Objected to by counsel for Bennett.)

Ans. I don't think I ever had a copy—I don't remember of ever having any.

335. Have you not seen a copy within the last two weeks?

Ans. Well, Sir, I saw a paper in Mr. Walker's hands since I have been here, which I supposed to be a copy.

336. Did not you and Mr. Walker have an interview in this house, immediately after your arrival here on yesterday, and before this cross-examination was commenced?

Ans. Yes, Sir, I was with Mr. Walker; I met him here. I first met my son, who told me both Mr. Waller and Mr. Walker wanted to see me, and I soon after met him.

337. Did you not have an interview with him in a private chamber which was locked?

Ans. Yes; our rooms join and we were there together; the door was closed, but I don't think locked.

338. After the present cross-examination was adjourned on yesterday, and shortly after, did you not say to Mr. Roe that you might be asked whether you had sold an interest in the result of this suit, and did you not ask him to hand the contract over to you for the time, so that you might say you had given no contract?

(Objected to by counsel for Bennett.)

Ans. No, Sir, that is not what I said to him. I asked him to let me look at that paper; I remembered having given him a paper; I wanted to see what kind of an instrument I had given him; I did not remember precisely the words of it, and I did not know what sort of questions I might have to answer. I remember of having sold him an interest, but did not remember what sort of interest. I did not consider I had sold it to him, although he might have considered that he had bought it. Mr. Waller had asked me yesterday if I had any interest in the result of the suit, and I anticipated that

he might ask me, when he went on in the examination, whether I had bought or sold any interest in the suit. Roe said he had not it, that it amounted to nothing.

339. When you were asked the 296th cross-interrogatory, which was the first propounded to you this morning, did you not immediately, without giving any answer, leave the room and remain out a considerable time?

Ans. I did. I had a call of nature.

340. Is not the paper now shown you, and marked "Exhibit J. K.," and made part of this interrogatory, the bond executed by you for the farm you sold to Roe? and who is Richard H. Lawrence, to whom the bond appears to be executed?

(Objected to by counsel for Bennett.)

Ans. It is. I do not know who Richard H. Lawrence is; I think Roe said he was his brother-in-law.

Re-examined by counsel for defendant Bennett.

1st Int. During the year 1854 and 1855, did you have more than one, and if so, how many, conversations with said Clark and said Wright, in reference to the land in controversy, and matters connected therewith?

Ans. Well, I had a good many conversations with them; I do not remember how many—with each of them.

2. When was it that you first heard that Soules had testified that Bennett had made you a deed of said land? was it prior or subsequent to said conversations with Clark and Wright?

Ans. I do not remember precisely the time, but it was previous to the conversations that I had with Clark and Wright. I may have talked with them since respecting it.

3. Did the complainants, or either of them, apply to you to aid them to perfect their title to said land? and if so, when was it? and was it before or subsequent to said conversations with Clark and Wright?

Ans. I think Mr. Waller did—Mr. Waller and Mr. Rees. I do not remember the precise time, whether it was before or after I had been talking with Clark and Wright about it, but my impression is that it was before.

4. Did you ever make search for a deed to said land prior to your learning that Rufus Soules had testified that Bennett had made a deed and left it with him for you? and prior to that time, did you know of the existence of any such deed?

Ans. I made no search that I remember of. I did not know that any such deed was in existence.

5. Since you heard of Soules' testimony in reference to such

deed, have you not made diligent search among your papers and elsewhere to find a deed, and what circumstances induced you to do so?

Ans. Well, I have. I understood Soules swore that Bennett had left a deed for me, and I knew Soules had never given me such a deed; I don't remember that he did. Consequently I looked everywhere that I thought a deed would be left for me.

6. Will you now state, as near as you can, what occasioned said conversations with said Clark and said Wright referred to in your cross-examination, and state as fully as you can the nature and substance of those conversations?

Ans. Well, Sir, I understood both those gentlemen had interests in Chicago, and they were frequently down there, and seems to me they asked me about this deed, as they had heard something about it. That, I suppose, gave rise to the conversation about it. I don't remember, it was so long time ago, the whole of the conversations, but we talked about this deed. They said they had heard that this man said, that he had a deed from Bennett to me of this land. I think I told them, generally, that Soules had sworn that Bennett had given him a deed for me for this land in question, and, I think, I furthermore told them, that if there were such a deed I would try to find it. I think I furthermore said to them, that if there was such a deed, I might, possibly, have an interest there that I did not know about. And it was spoken of amongst us, that this land had been sold; that Mr. Waller and Rees owned it, and, I think, it was generally conceded amongst us, that if I found the deed, they would be willing to pay something handsome for it, to have their title perfected. It seemed there was no such deed on record in the Recorder's office.

7. When did you write the first letter mentioned by you on your cross-examination, to Edmund Weed? and was it before or after you had heard that Soules had testified that Bennett had made a deed and left it with him for you, of the land in question?

Ans. I do not remember precisely the time, but it was after I heard that Soules had made that affidavit.

8. What circumstances induced you to write that letter?

Ans. Well, Mr. Weed had lived a close neighbor to Mr. Soules on the O'Plain, and I did not know but Mr. Soules might have left the deed with him, if he had such a one. Mr. Weed brought my bureau from Chicago to Racine, that had some papers in it, and in transporting the bureau, the drawer had got loose that had my papers in, and lest I might have received such a deed from Mr. Soules and forgotten it, it would be amongst the possibilities that the deed was amongst these papers, and that Mr. Weed had taken care of it.

9. May you not in said conversations with Clark, and with the

said Wright, and with the said Mrs. Keziah M. Weed, and in the said letters written by you to said Weed as mentioned on your cross-examination, have said, that you had purchased the land in controversy from said William Bennett, that a deed had been made to you by said Bennett, and been lost, and that you were looking for it, or words to that effect? and if so, state how such statements came to be made, and upon what information you made them.

Ans. I will answer as to Mr. Wright and Clark first. I might have made such statements to them, it is very likely I did, but I do not distinctly recollect of having made such statements. I had understood that Mr. Soules had made affidavit that Bennett had delivered to him a deed of that description for me, and I intended if there was such a deed, to try and find it. I might in conversation with them have made the remark that Bennett had made me a deed. I had reference to that deed which Soules swore that Bennett had given to him for me. I don't think I ever intended to convey to them the idea that Bennett himself had given me a deed, because I I don't think he ever did. I know he never did. I acted upon the information that Soules swore that Bennett had given him such a deed for me. As to Mr. Weed, I had understood that Soules had sworn that Bennett had made out a deed and delivered it to him for me, and that the deed was misplaced. Mr. Soules said he could not find it. I understood Mr. Weed used to live in the neighborhood where Mr. Soules lived, and it might be possible that Mr. Soules had deposited this deed with Mr. Weed, or that Mr. Weed might have got the deed from my papers, in bringing them up from Chicago. Mr. Weed sometimes passed by that way, after he had moved out of the neighborhood. Mr. Weed was acquainted with me, and I did not know but what Mr. Soules might have handed it to him as he passed by; and I wrote up to Mr. Weed, who had moved up to Sheboygan, to know if he had any such deed in his possession. And I don't remember precisely what language I used to him in the letter, but it is very likely I might have said to him that Bennett had made to me a deed of this land, and I think it quite likely that I did write to him so, but I do not distinctly remember, and asking him if he had such a deed in his possession to send it to me. Well, I did not get a reply immediately from Mr. Weed; then I went up to where he resides in Sheboygan. I did not find him at home. I found Mrs. Weed and one or two of her daughters at home. Well, I then told Mrs. Weed I had come in search of the deed. I think it quite likely, I told her that I had written to Mr. Weed on the subject, and not getting an answer had come to look for the deed. I do not distinctly recollect all the conversation with Mrs. Weed, but I think I asked her if she knew if there was such a deed among Mr. Weed's papers. I might have said to Mrs. Weed on the commencement, to make myself intel-

ligible, that it seemed that one William Bennett had made a deed to a piece of land to me, a good while ago ; that he had left this deed with Soules, and that Soules had given it to Mr. Weed, as I have stated before. I might have made use of the language, that I had bought the land of Bennett ; that he had made a deed to me first, and that it had been lost. I do not remember precisely what the language was. Mrs. Weed said she had no recollection of having seen any such deed amongst Mr. Weed's papers. I asked Mrs. Weed if she would be willing to look over his papers and see if there was such a deed there. Mrs. Weed got the papers down and we looked over them together ; we did not find any such deed ; and further saith not

JAMES KINZIE.

EXHIBIT P. O.

To the Postmaster General of the United States :

The undersigned citizens of the Town of Clyde, in the County of Iowa, State of Wisconsin, would respectfully represent that they are desirous of having a change of postmaster for the post-office at Clyde. Mr. Ephraim Norton, the present incumbent, is an ultra Republican, while four-fifths of the voters in said Town of Clyde are staunch Democrats, and labor under great inconvenience in consequence of the influence made by the present postmaster in favor of the Republican party; and they would further represent that at present the post-office is kept nearly a mile from the mail route, which increases the mail service greatly every year, and they would therefore pray your honor to remove said Ephraim Norton, and appoint Peter G. Roe, Esq., who is a worthy gentleman and a staunch Democrat, in his place. Mr. Roe resides only one mile from the present post-office, and immediately on the mail route. And your petitioners will ever pray, etc.

Clyde, Iowa County, State of Wisconsin,
April 20th, A. D. 1857.

James Kinzie,	Denis Farrell,
D. M. Kinzie,	David Bates,
James Melody,	James Bates,
Michael Melody,	Barney Bates,
Patrick Moren,	Thomas Peck,
Michael Flynn,	William Peck,
Patrick Flynn,	E. B. Bates,
Patrick Conway, J. P.	F. A. Bates,
William Hunter,	W. H. Bates,
John McDonnell, Esq.,	C. C. Standart,
John Buckley,	Joseph Y. Hall,
Christopher Nolan,	Madison Collins,
Thomas Flin,	A. G. Raynor,
Francis Martell,	James Anderson,
Patrick Nolan,	David Bigalow.
William Mix,	

EXHIBIT L. I.

Clyde Post-Office, County of Iowa, Wis., }
April 26th, 1857. }

N. MILLETT, Esq.,

Esteemed friend: I received yours of 10th and 16th. Both came to hand by yesterday's mail. I was glad to hear from you, and especially to hear that Mr. Baker gave new encouragement to me about the lot Major K. promised me. This leaves us all in reasonable health, and I trust it may find you and yours enjoying the same blessing. The old mare works well, so you must not feel bad about her refusing to work at first; she only wanted a little of her own way; so all is right.

This letter will be handed to you by Peter G. Roe, Esq., of the City of New York. He goes to your city to suit himself with a first-rate carriage horse. He goes on my recommendation, and any assistance that you may please to render him in selecting a choice horse, will confer new obligations on me. He is not Geo. See. Mr. Roe has been staying a while with me, and I have formed some acquaintance with him, and take him to be very much of a gentleman. I took a tour with him to Prairie Du Chien, and found him a pleasant companion. He has purchased some real estate in our neighborhood, and I shall not

be surprised if I sell him my property here. Have you got the pony from G. E. ? I think that pony would suit Mr. Roe, if you would spare him. If you will not sell him, then I know you will cheerfully point out some other good horse to Mr. Roe, if there is any in your place. I shall be at Racine in a few days, and perhaps meet Mr. Roe there.

With great respect, I am, Sir,
Your true friend and obedient servant,
JAMES KINZIE.

EXHIBIT P. G. R.

In consideration of two hundred dollars, I hereby agree and bind myself to interest Peter G. Roe with me in a certain claim now in controversy between Bennett, Waller and others, for 80 acres of land in Chicago, Ill., to the amount of one-tenth of all I may ever realize out of said claim, my proportion being one-fourth should Bennett gain the suit for the above 80 acres of land in Chicago, Ill., upon the said Roe paying to me the further sum of three hundred dollars. But it is distinctly understood that I do not guarantee any success, or agree, in case of a failure, to refund to Roe the two hundred dollars.

JAMES KINZIE,
PETER G. ROE.

April 21, 1857.

In presence of A. V. Blair.

STATE OF WISCONSIN,)
Crawford County. } On this 21st day of April, 1857, personally appeared before me the above named James Kinzie and Peter G. Roe, who acknowledged that the above contract was by them signed for the purposes therein mentioned.

In witness whereof, I have hereunto set my hand.

[SEAL.] A. V. BLAIR,
Notary Public for Crawford Co., Wis.

ENDORSEMENT.

Received of P. G. Roe, Esq., three hundred dollars, in full of the within, in a certificate of deposit in the Union Bank of New York. Deposit made by H. B. Ludlow.

Mineral Point, April 29, 1857.

JAMES KINZIE.

Witness, JOSEPH LEAN.

STATE OF WISCONSIN,)
County of Iowa. } On this 29th day of April, A. D. 1857, personally appeared before me the above named James Kinzie, to me known, and acknowledged the execution of the above instrument of writing for the uses and purposes therein set forth.

[SEAL.] JOSEPH LEAN,
Notary Public, Iowa Co., Wis.

EXHIBIT J. K.

KNOW ALL MEN BY THESE PRESENTS, That I, James Kinzie, of the County of Iowa and State of Wisconsin, am holden and stand firmly bound and obliged unto Richard H. Lawrence in the full and just sum of Five thousand dollars, to be paid unto the said Richard H. Lawrence, his executors, administrators or assigns. To which payment, well and truly to be made, I bind myself, my heirs, executors and administrators, firmly by these presents.

Witness my hand and seal. Dated the twenty-ninth day of April, in the year of our Lord one thousand eight hundred and fifty-seven.

Whereas, The said James Kinzie is the owner of certain tracts or parcels of land, situate in the County of Iowa and State of Wisconsin, known and described in the United States surveys as the N. E. $\frac{1}{4}$ of S. E. $\frac{1}{4}$, the N. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$, the S. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$, the S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$, the S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$, the E. $\frac{1}{2}$ of N. $\frac{1}{2}$ of N. E. $\frac{1}{4}$, the W. $\frac{1}{2}$ of N. $\frac{1}{2}$ of N. E. $\frac{1}{4}$, the E. $\frac{1}{2}$ of N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$, and the W. $\frac{1}{2}$ of N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$, all in section No. two (2), in Township No. seven (7) North, of Range No. two (2) East of the fourth principal meridian; also, the E. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ and the W. $\frac{1}{2}$ of N. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ of section No. three (3), in Township No. seven (7) North, of Range No. two (2) East of said meridian; also, the E. $\frac{1}{2}$ of S. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ and the W. $\frac{1}{2}$ of S. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ of section No. thirty-five (35), in Township No. eight (8) North, of Range No. two (2) East of said meridian, containing about four hundred and seventy-five acres, more or less (but not to be less than four hundred and seventy), together with the mill, mill privileges, and all appurtenances thereunto belonging; and has agreed to convey the same to the said Richard H. Lawrence, by good and sufficient warranty deed, free and clear of all incumbrances whatsoever, provided the said Richard H. Lawrence shall pay to the said James H. Kinzie, at the office of the Register of Deeds of Iowa County, Wisconsin, the sum of Thirty-nine hundred dollars (\$3,900) on or before the first day of July, A. D. 1857 (the consideration of said agreement being six hundred dollars to said James Kinzie paid by said Richard H. Lawrence), together with all the taxes or assessments that may be paid by said James Kinzie on said premises, with interest at twelve per cent. per annum, on the amount so paid for taxes, from the time of the payment thereof.

Now, the condition of this obligation is such, that if, upon the faithful payment by said Richard H. Lawrence of the several sums above mentioned, in the manner and at the time specified, and upon the performance of all the other undertakings above set forth, the said James Kinzie shall thereupon convey said premises, in the manner and form above mentioned, to the said Richard H. Lawrence, his heirs or assigns; or if said Richard H. Lawrence shall neglect to pay said sums, or any of them, in the manner and at the time above specified, or shall neglect any of his undertakings in this behalf, then this obligation to be void, otherwise to remain in full force and virtue.

JAMES KINZIE. [SEAL.]

Executed in presence of
GEORGE L. FROST,
J. LEAN.

"Warranty," after "sufficient," interlined before execution.

STATE OF WISCONSIN,)
County of Iowa.) ss. On this 29th day of April, A.D. 1857, personally appeared before me James Kinzie, to me known to be the identical person who executed the within instrument, and acknowledged the same to be his free act and deed for the uses and purposes therein expressed.

GEORGE L. FROST,

Circuit Court Commissioner of the County of Iowa and State of Wisconsin.

NOTE.—It is understood and agreed between the parties to the within instrument, that a certain two acres, or about that quantity, off of the east end of the N. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ of Section two, Township seven, Range two, east, described within, sold by said James Kinzie to one F. A. Bates for a road, is not included in this bond.

JAMES KINZIE,
P. G. ROE,
for Richard H. Lawrence.

Filed

Jan'y 20. 1858

DEPOSITIONS TAKEN BY DEFENDANT BENNETT ON 21ST SEPTEMBER, 1857, AND FILED 20TH JANUARY, 1858.

Deposition of JOSEPH C. BOTSFORD.

1st Int. What is your name, age, occupation and place of residence?

Ans. My name is Joseph C. Botsford; age forty-nine years; place of residence, the city of Racine.

2. Are you acquainted with the parties in this suit, or with either, and which of them?

Ans. I am not.

3. Are you acquainted with one Rufus Soules, formerly of Wheeling, in Cook county, now of Waukegan, Lake county, and State of Illinois? If yea, how long have you known him? where and when did you last see him?

Ans. I know Rufus Soules of Waukegan, Lake county, Illinois, by sight; saw him the first time in Waukegan, in the latter part of August last, and the last time I saw him was at Waukegan, on or about the 27th day of last August.

4. Did you ever have any conversation or conversations with said Soules, relating either to the subject matter of this suit or to the parties thereto, or to his connections therewith? If yea, when and where did such conversation or conversations take place? Will you state fully and particularly all that said Soules said in such conversation or conversations, relating to the above entitled suit, to the subject matter thereof, to the parties thereto, and his connection therewith.

Ans. I had several conversations with Rufus Soules at Waukegan, relating to the subject matter of this suit, on or about the twenty-seventh day of August last. After ascertaining my place of residence, Mr. Soules asked me if I was acquainted with Nelson Millett; I told him I was. He then informed me that he could inform me of a better way of making money than by selling sewing-machines, (three of which articles I had previously offered to trade to him for lots in Waukegan.) He said Mr. Millett was interested in a law-suit in the city of Chicago; that the lands were formerly owned by William Bennett, who is now dead, and that he (Soules) was interested in the event of that suit; that he considered Mr. Millett the principal one interested in the defense of the suit, and that if Mr. Millett could be induced to relinquish his claim, he thought there would be no difficulty of success of the plaintiffs; that he (Soules) had received three thousand dollars from the plain-

tiffs in the suit, and if they were successful, he should receive a large sum in addition. He proposed to give me two thousand dollars, if I could, by any means, induce Mr. Millett to withdraw his opposition to the plaintiffs' claims; said he did not expect it could be done without paying Mr. Millett a considerable sum of money, which the plaintiffs were abundantly able and willing to pay in such an event. In the course of my conversation with him, I informed Mr. Soules that Mr. Millett wished me to ask him frankly, concerning the deed said to have been left with him by Mr. Bennett to be delivered to Mr. Kinzie, as he thought there was some mistake, and that the deed left with him must have been a deed left with him by the father-in-law of Mr. Bennett for Mr. Geo. Walker. Mr. Soules said the transaction was so old when he made his affidavit, that it was possible there might have been a mistake. He certainly never had but one deed left with him, he said, by Mr. Bennett or his father-in-law; that the principal reason leading him to suppose that the deed was left by Bennett, was, that a Mr. Rees insisted so strongly that such was the case, and said to him so often that he would find the deed somewhere among his papers by searching, that he then firmly believed it was so; that he could not find such a deed, but did find the duplicate, and subsequently made the affidavit at the solicitation of Mr. Rees, and received his three thousand dollars, and that Mr. Rees assured him that would be the end of the matter, as Mr. Bennett was dead.

5. Do you know any other matter or thing of benefit or advantage to the said defendant Bennett in the above entitled cause? If so, state the same fully and particularly.

Ans. I know nothing more of benefit or advantage to defendant Bennett.

Cross-examined by counsel for plaintiff.

1st Cross Int. Were you not formerly an Attorney at Law? If so, state when you ceased to practice Law.

Ans. Yes. I ceased to practice in an office of my own in 1848.

2. Were you not at one time engaged as clerk for Floyd P. Baker, an Insurance Agent in Racine? If so, how long were you so engaged, and when did you cease to act as his clerk?

Ans. I was, for a term of near two years, ending in the fall of 1851.

3. Did he not prove to be a swindler and forger?

Ans. Not to my knowledge. I believe charges of that character were preferred against him, but am not aware that they were ever sustained.

4. Did he not make out affidavits and certify them as sworn to, when in truth they were not so sworn to?

Ans. I do not remember of any instances of the kind.

5. Did he not deed lands to fictitious persons, and forge conveyances back in order to defraud creditors?

Ans. I think he did make some fictitious conveyances of the kind, but do not recollect for what purposes.

6. Were you not a clerk of Baker at this time?

Ans. I was.

7. How old were you when your service with Baker terminated?

Ans. I was forty-three years of age.

8. Did not Baker run away to avoid the consequences of these acts?

Ans. I do not know.

9. Were not eight indictments found against him in Racine, after he ran away? If not eight, state how many, and for what crimes.

Ans. I think there were eight indictments found against him.

10. How many indictments were found against you, and for what, and when?

Ans. Three indictments were found against me in Racine county, at the April Term, 1853. One against myself and Baker, for forgery; one against me and Baker for obtaining money by false tokens; and one against myself for forgery. But here I wish to explain. When these indictments were found against me, I was living at Portage City, a distance of some 120 miles from Racine. Soon after, I was informed that such indictments were found, but not officially; and thereupon I came immediately to Racine, and waited on the then sheriff of Racine county, informing him that I was available for all purposes connected with these indictments; when he told me that he was instructed not to arrest me. At the next term of the Racine Circuit Court, I was in attendance, anxious and determined to have a trial on these indictments, but the Prosecuting Attorney and Court ordered a *Nolle Prosequi* to be entered on all the indictments against me, and thus they ended.

11. Were there not three indictments found against you, in the county of Racine, after Baker ran away, and growing out of your connection with him and his practices aforesaid?

Ans. Three indictments were found against me, (as I before stated), in Baker's absence, and growing out of my connection with him and his business.

12. Are you not in the habit of drinking liquor, to intoxication?

Ans. I am in the habit of drinking liquor; but seldom to intoxication?

13. Are you not now in the employ of Paine & Millett, lawyers at Racine, of which firm Nelson Millett is a partner?

Ans. I am.

14. Are you not, or have you not lately been, a clerk in their office ?

Ans. Have lately been and am now.

15. If you say you are not now in their employ, state when you left them ?

Ans. I am still with them.

16. State how and when you became acquainted with Rufus Soules ?

Ans. By visiting him at Waukegau, on or about the 27th of August last.

17. Who introduced you, and where were you when you were introduced ?

Ans. I introduced myself at his farm below Waukegan.

18. How long were you in his company ?

Ans. In all more than an hour.

19. Where did you tell him you resided ?

Ans. In the city of Racine.

20. What business did you tell him had taken you to the place, when you saw him ?

Ans. Did not tell him particularly what business called me there.

21. Who were present at the conversation or conversations you had with Mr. Soules ?

Ans. I think no one was present, except a boy, during a portion of the conversation ; others were standing about, but I don't recollect who they were.

22. State the day and the hour as near as you can recollect, when you had the said conversation or conversations with him ?

Ans. I think it was the 27th day of August last ; the first conversation was about twelve o'clock, M., the second about half-past one, P. M., and at intervals until near four o'clock, P. M.

23. How did such conversation or conversations originate ?

Ans. By telling him who I was and where I resided.

24. Who commenced it, you or him ?

Ans. I think I commenced the first conversation and he the second, but which commenced the subsequent ones I don't remember.

25. Was it in the street or in a house or houses, or elsewhere ? State particularly where the said conversation or conversations occurred.

Ans. In the first instance it was at his farm ; secondly, in a saloon, and thirdly, in the street, at Waukegan.

26. How long were you engaged with him ?

Ans. Something over an hour.

27. Was he very communicative, or the reverse ?

Ans. He was very communicative.

28. Did he state to you freely all you have related as said by him? or did he hesitate, or state it reluctantly?

Ans. He stated all freely, without hesitation or reluctance.

29. How often have you met with Mr. Soules, and where? State fully the times and places.

Ans. I met with him several times at Waukegan, on the 27th day of August last.

30. What induced you to seek this conversation, or these conversations, with Rufus Soules?

Ans. Mr. Millett informed me that he had been told that Mr. Soules had said he was mistaken in his saying in his affidavit and examination that Mr. Bennett had left with him a deed to be delivered to Mr. Kinzie, and asked me to go to Waukegan and ascertain from Mr. Soules whether or not such was the fact, and I wished, for myself, to dispose of my sewing machines, if possible to do so to advantage.

31. Who sent you to see and talk with him?

Ans. Nelson Millett.

32. Did not Nelson Millett, or his partner, Mr. Paine?

Ans. Nelson Millett did.

33. Had you not heard the subject of this suit discussed by Millett, or by others, before you talked with Soules?

Ans. Mr. Millett told me, before I went to Waukegan, sufficient of the history of the suit to talk understandingly with Mr. Soules.

34. Have you not heard it frequently talked about in Paine & Millett's office before or since you talked with Mr. Soules?

Ans. I have, on two or three occasions.

35. Have you not frequently heard Soules' testimony spoken of before and after you talked with him?

Ans. I have, on two or three occasions.

36. Were you not sent expressly to see Soules for the purpose of reporting the conversation and testifying in this case?

Ans. I was sent for the purpose of ascertaining from Soules himself whether he had not been mistaken in testifying that the deed of lands in Chicago had been left with him by Mr. Bennett for the purpose of being delivered to Mr. Kinzie.

37. Who paid your expenses, and who paid for your services on that occasion, that is, when you saw and talked with Mr. Soules about this suit?

Ans. Nelson Millett paid my expenses. I received no pay for my services other than my regular salary as clerk in the office of Paine & Millett.

38. What have you received, and what are you to receive for your testifying in this case?

Ans. Nothing.

39. Did you ever live in the same town, village, city or neighborhood with Rufus Soules? If so, state when and where.

Ans. Never, to my knowledge.

J. C. BOTSFORD.

[Direct interrogatories 3, 4 and 5 were objected to by complainants' counsel before answers given by witness Botsford.]

Filed
 Jan'y 20. 1858 }

Deposition of SYLVANUS S. HERRING.

1st Int. What is your name, age, occupation, and place of residence?

Ans. My name is Sylvanus S. Herring; age forty-nine years; occupation is buying and selling real estate, and my residence is Milwaukee, Wis.

2. Are you acquainted with the parties in this suit, or with either and which of them?

Ans. I am not acquainted with either of the parties named; have heard that James H. Rees and William H. Stow, of Chicago, are parties, with whom I was formerly slightly acquainted, but have not been for past two years.

3. Are you acquainted with one Rufus Soules, formerly of Wheeling in Cook county, now of Waukegan, Lake county, and State of Illinois? If yea, how long have you known him? where and when did you last see him?

(Objected to by complainants' counsel.)

Ans. I am acquainted with one Rufus Soules, of Waukegan; have known him since about the first days of August last, at which time I saw him last.

4. Did you ever have any conversation or conversations with said Soules, relating either to the subject matter of this suit, or to the parties thereto, or to his connections therewith? If yea, when and where did such conversation or conversations take place? will you state fully and particularly all that said Soules said in such conversation or conversations, relating to the above entitled suit, to the subject matter thereof, to the parties thereto, and his connection therewith?

(Objected to by complainants' counsel.)

Ans. I had a conversation at Waukegan with Rufus Soules about matters relating to this suit; I think it was on the fourth day of August last. As near as I can remember, Mr. Soules asked me if I had heard about a law-suit in Chicago, of Rees and Waller against Bennett and Stow, about a land claim worth a large amount of money; I told him I knew nothing in particular about it. Mr. Soules then stated that Mr. Rees came to his house a while ago and told him

that he (Rees) wanted him to assist him in establishing a title to the Bennett land, on section twenty, in the city of Chicago, of eighty acres; that Mr. Rees said that one James Kinzie had, at an early day, bought the land of one Bennett, an Englishman, and that Bennett left a deed, duly executed by himself to James Kinzie, of the land, with him (Soules) to give to James Kinzie, and if he would look among his papers he would find the deed and duplicate of the land. Soules said he looked and found the duplicate, but could not find the deed. Mr. Soules further said that Rees called on him again and stated that, as he (Soules) could not find the deed, and as it was lost, that if he (Soules) would make an affidavit to that fact, he could perfect his title to the land; that there would never be anything further done about it; that Bennett was now dead. Soules said he made the affidavit as Rees requested him to do, and that Rees paid him then three thousand dollars for his trouble, and said he would pay him several thousand dollars more. Soules told me that his testimony established a title to the land in Rees and Waller, for a certainty; and that they were land-speculators, and had made a large amount of money by his assistance and testimony, and that they would divide the profits of the Bennett land with him; and, he further said, that rightfully, the land belonged to Bennett's son living in Chicago.

5. Do you know any other matter or thing of benefit or advantage to the said defendant Bennett, in the above entitled cause? If so, state the same fully and particularly.

(Objected to by complainants' counsel.)

Ans. I do not think of anything further, now.

Cross-examined by counsel for plaintiff.

1st Cross-Int. How long have you resided where you now do?

Ans. Since the fall of 1849.

2. Where did you reside previously? State fully all the different places at which you have resided; the length of time at each place, and the particular years when you lived at each place.

Ans. I was born in Norway, Oxford county, State of Maine; lived there until I was twenty-one years old; I then went to Fox Croft, Piscataquis county, in Maine, and lived there until 1833; then went to the city of Bangor, Maine, and lived there about fourteen years; then went to Janesville, Wisconsin, and stayed there until I went to Milwaukee, in 1849. That is as near as I can recollect.

3. What business are you now engaged in for a livelihood?

Ans. In buying and selling real estate.

4. How long have you been engaged in it?

Ans. About twenty-four years.

5. Are you engaged in any regular business at any fixed place?

Ans. I am engaged in buying and selling real estate, and my fixed place of residence is Milwaukee.

6. Do you not travel up and down the Mississippi River frequently?

Ans. I do not. I went down the Mississippi to New Orleans and back once only in my life.

7. Do you not travel about a great deal on other rivers and on railroads?

Ans. I do not but little on rivers, but considerable on railroads.

8. For what purposes are these trips taken, to what places do you go, and what kind of business do you transact whilst absent on such trips?

Ans. For the purposes of buying and selling real estate. I go often to the Illinois Military Land Tract, lying between the Illinois and Mississippi rivers, and to other places in the United States where I can find the owners of said Military lands. I transact the business of perfecting the titles, purchasing and selling.

9. Do you not play cards for money?

Ans. I do not.

10. Do you not gamble a great deal?

Ans. I do not gamble any at all, nor never did in my life.

11. Is not this your chief means of support, or is it not one of the resources by which you live?

Ans. It is not in any way or manner.

12. Are you a married man?

Ans. I am not.

13. Are you acquainted with Nelson Millett? If so, how long have you know him?

Ans. I am acquainted with him, and have been some eight or nine years.

14. Are you not intimately acquainted with Nelson Millett, of Racine, and do you not visit him or see him frequently?

Ans. I am very well acquainted with Mr. Millett—don't think it would be an intimate acquaintance. I see him occasionally, perhaps it might average once in two or three months—don't think it would be oftener.

15. Did you ever speak to him on the subject of this suit or Soules' testimony, and to whom did you first communicate what you had heard Soules say?

Ans. I don't know. Nelson Millett never spoke to me about the subject of this suit before the conversation I had with Soules. I first communicated what I had heard Soules say to Isaac Kingsly, of Milwaukee, I think.

16. State how and when you became acquainted with Rufus Soules.

Ans. I was referred by some person in Waukegan to Mr. Soules for information concerning a piece of land on Section 23, T. 44, R. 10 East, in Lake county, and I thereupon called upon him and made his acquaintance. This was the fourth day of August last.

17. Who introduced you, and where were you when you were introduced?

Ans. I introduced myself. It was in his cornfield, in Waukegan.

18. How long were you in his company?

Ans. I can't state exactly the length of time, but think about three hours altogether.

19. Where did you tell him you resided?

Ans. I told him I resided in the city of Milwaukee.

20. What business did you tell him had taken you to the place where you saw him?

Ans. To examine the title and ascertain the value of the land I before mentioned on Section 23.

21. Who was present at the conversation or conversations you had with Mr. Soules?

Ans. Most of the time there was no one present. His wife was present a small part of the time. I don't remember that any one else was present.

22. State the day and the hour as near as you can recollect, when you had the said conversation or conversations with him?

Ans. It was on the fourth day of August last, near ten o'clock, A. M., as near as I can remember the first conversation commenced. Saw him again in the afternoon about one o'clock; the next day met him in the street.

23. How did such conversation or conversations originate?

Ans. The origin of the conversation in the first instance was, the business I had with him relating to the land I mentioned, but I think in this conversation and in all others I had with him, he introduced the subject matter of this suit, when it was talked of by us at all.

24. Who commenced it or them?

Ans. I commenced the first conversation relating to my own business, and he did all conversations relating to the subject matter of this suit.

25. Was it in the street, or in a house or houses, or elsewhere? State particularly where the said conversation or conversations occurred.

Ans. The conversation commenced firstly, in the cornfield of Mr. Soules in Waukegan, and continued as we went from there to his garden; afterwards conversed with him at his house and garden in the afternoon. This was at Waukegan in the day time, on the fourth of August last?

26. How long were you thus engaged with him?

Ans. I was engaged with him about two hours in the forenoon and one in the afternoon.

27. Was he very communicative, or the reverse?

Ans. He was very communicative.

28. Did he state to you freely, all you have related as said by him, or did he hesitate, or state it reluctantly?

Ans. He stated it very freely, indeed.

29. How often have you met with Mr. Soules, and where? State fully the times and places.

Ans. Have never met him, except on the fourth and fifth days of August last; then it was at Waukegan.

30. What induced you to seek this conversation, or these conversations with Rufus Soules?

Ans. To learn concerning the value of land on Section No. 23, T. 44, R. 10 East, in Lake county.

31. Who sent you to see and talk with him?

Ans. I was sent by no one, but was recommended by a stranger to me in Waukegan, to call on Mr. Soules for information respecting the land.

32. Did not Nelson Millett, or his partner Mr. Paine?

Ans. They did not, either of them.

33. Had you not heard the subject of this suit discussed by Millett, or by others, before you talked with Soules?

Ans. I had not.

34. Have you not heard it frequently talked about in Paine & Millett's office, before or since you talked with Soules?

Ans. I did not hear it talked of before I talked with Soules, but have since.

35. Have you not frequently heard Soules' testimony spoken of before and after you talked with him?

Ans. I did not hear it talked of before, but have since.

36. Were you not sent expressly to see Soules, for the purpose of reporting the conversation, and testifying in this case?

Ans. I was not.

37. Who paid your expenses, and who paid you for your services on that occasion, that is, when you saw and talked with Soules, about this suit?

Ans. I paid my expenses; no one paid me for my services.

38. What have you received, and what are you to receive for your testifying in this case?

Ans. I have received nothing, and am to receive nothing, except what fees may be allowed me by law.

39. Did you ever live in the same town, village, city, or neighborhood, with Rufus Soules? If so, when and where?

Ans. Never, to my knowledge.

S. S. HERRING.

INDEX TO PART VII.

	PAGE
1. Deposition of Norman Clark, - - - - -	1
2. " of Truman G. Wright, - - - - -	3
3. " of Edmund Weed, - - - - -	6
4. " of Keziah M. Weed, - - - - -	7
5. " of Timothy Webster, - - - - -	9
6. " of Wm. H. Warder, - - - - -	82
7. " of Chs. Cookson, - - - - -	85
8. " of H. G. Chase, - - - - -	86
9. " of J. F. Wait, - - - - -	87
10. Exhibits of Abstracts of title, - - - - -	88
11. Deposition of Isaac N. Parker, - - - - -	89
12. " of Hiram George, - - - - -	94

PART VII.

TESTIMONY INTRODUCED BY COMPLAINANTS TO CONTRADICT JAMES KINZIE.

Filed

Aug: 10: 1857

[The notices, captions, and certificates of the depositions are considered regular by counsel, and their publication is dispensed with.]

1. Deposition of NORMAN CLARK, of Racine, Wisconsin, 9th of July, 1857

Interrogatory 1. State your name, age, residence and occupation?

Ans. My name is Norman Clark, reside in the City of Racine, State of Wisconsin, my age is fifty two years, my occupation is that of a farmer.

2. How long have you lived in Racine?

Ans. I have lived in the city of Racine nine years and upwards, and in the town of Racine about twenty-one years.

3. Are you acquainted with James Kinzie, formerly of Racine, now of Iowa county, Wisconsin; if so, state how long you have known him?

Ans. I am acquainted with him and have known him for twenty-one years.

4. Did you ever have during the summer or fall of 1854; or at any other time, any conversation with said Kinzie, in Racine, on the subject of any land in Chicago, then in suit, and which he formerly claimed; if so, state fully what land it was, of whom he said he bought, what he said about the title or deed, and what he said, he could do in reference to the title, or the decision of the suit, and give the whole conversation or conversations as far as you recollect it?

Ans. I had a conversation with said Kinzie in Racine in the fall of 1854, at least that is my impression, it was in the Fall of 1854. Mr. Kinzie told me that he was there trying to find a deed to some property in Chicago, and I understood him to say that the ownership of said property was then in litigation, that he told me he had purchased the property of a man by the name of Bennett, he said that Bennett had committed some crime for which he was obliged to leave the country; he told me that the deed he had from Bennett never had been put upon the Records—and consequently the claim of title was imperfect—he told me that it was necessary to the parties now owning the property that the deed should be found, that the deed had been

lost or mislaid, and he did not know what had become of it—that he had been or was going (my belief is that he was going) to Mr Weed at Sheboygan to see if the deed was not among Mr. Weed's old papers. At that time or subsequently he told me that a man by the name of Soules at Waukegan had the deed from Bennett to him,—that it had been given to Soules to be handed to him, and that Soules had sworn, or would swear to that fact, and that if he found the deed and perfected the title, he thought he could make a handsome sum of money.

5. State anything further which you may recollect of advantage to the complainants?

Ans. Do not recollect any thing further.

Cross Interrogatories propounded to NORMAN CLARK.

1 Cross. If you say in answer to the 4th direct interrogatory, you have had any conversations or conversation with James Kinzie on the subject of land in Chicago, state when the same and each of them took place?

Ans. The conversation which I stated I think took place in the fall of the year 1854.

2. Was it before or after the commencement of this suit?

Ans. I do not know of my own knowledge when this suit was commenced.

3. Was it before or after one Rufus Soules had testified in this cause?

Ans. I cannot say what time Mr. Soules testified.

4. Did you know, or had you heard at the time or previously, to such conversation or conversations, that Rufus Soules had testified that William Bennett had made a deed of the land in controversy in this suit, and given it to Soules to be delivered to Kinzie?

Ans. I did not know that Soules had testified—but heard said at the time of the conversation that he had testified or would testify.

5. Had you at the time, or prior to said conversation or conversations, heard anything in reference to the subject of Rufus Soules' testimony in this case; if so, state what you had heard?

Ans. I heard something about it at the time, but not prior to the conversation; I heard from Kinzie what I stated on my direct examination.

6. Did not James Kinzie tell you at the time of said conversation or conversations, or previously, that Soules had testified that Bennett had made a deed of the premises in question, and left with him, Soules, to be delivered to him; Kinzie?

Ans. Kinzie told me at the time of said conversation (but not previously) that Soules had, or would testify, that Bennett had made a deed and left it with Soules to be delivered to Kinzie.

7. Was not the subject of Soules' testimony mentioned in said conversation or conversations; and if so, what did Kinzie say in reference to it?

Ans. It was mentioned in the conversation that Kinzie said that Soules had or would testify that he had a deed from Bennett to deliver to him.

8. State the exact words used by James Kinzie in such conversation or conversations?

Ans. I would not attempt to state the exact words of said conversation, but have previously given the substance as near as I could.

9. Who was present at such conversation or conversations?

Ans. The conversation took place at my house, and there might have been some of my family present, but do not recollect who, although I think my wife was present during part of the conversation.

10. If anything was said about any suit, state what suit, and who did he say were the parties to it?

Ans. Do not recollect as he said any thing about any suit, only that the land was in litigation.

11. Was not the conversation or conversations confined to a controversy between the complainants in this suit and one William H. Stow?

Ans. Did not hear any thing about any controversy with Wm. H. Stow.

12. Was the name of the younger William Bennett mentioned in such conversation or conversations?

Ans. I think it was that a young Bennett was spoken of as being an heir.

13. Did not the said James Kinzie tell you in said conversation or conversations that the complainants or some one or more of them wanted him, Kinzie, to assist them to perfect their title, or to assist them in this suit, or words to that effect?

Ans. I think he told me that one of the reputed owners of the property was anxious that he should assist in perfecting the title, on making the claim of title complete.

NORMAN CLARK.

2. Deposition of TRUMAN G. WRIGHT, of Racine.

Interrogatory 1. State your name, age, residence and occupation?

Ans. My name is Truman G. Wright, age is fifty-five, reside in the county of Racine State of Wisconsin, occupation a farmer.

Filed
Aug 17 1857

2. How long have you resided in Racine?

Ans. Have resided in Racine County, Wisconsin, since the year 1839.

3. Are you acquainted with James Kinzie, formerly of Racine, now of Iowa county, Wisconsin; if so, please state how long you have known him?

Ans. I am; have known him since September 1832.

4. Did you, or not, ever have any conversation or conversations, in the year 1854, or in the year 1855, or at any other time or times prior to June, 1856, in Racine, with the said James Kinzie, on the subject of an 80 acre tract of land in Chicago, which was then in suit, and which he formerly claimed; if so, please state as far as you can recollect, all he said in reference to the title or deed, of whom he said he bought, what land it was, and who were then claiming it?

Ans. I had a conversation with James Kinzie in Racine Wisconsin previous to June 1856, relating to 80 acres of land in section 20 in Chicago then in suit, the land which he said he bought of a man by the name of Bennett; the title or deed of which land he said had been lost or mislaid—and he gave me to understand that he could perfect that title; that he should ask thirty or forty thousand dollars to perfect the title, that a man by the name of Rees, and others, was then claiming said land. The way the conversation came up was, he was asking me about my prospect in obtaining some land in section six in same city, where the title was in dispute, and suits had been commenced; said he thought his prospects for obtaining some land or money in section 20, was better than mine for obtaining land in section six.

5. State what he said, if any thing, about the deed relied on by Wm. H. Stow, and about the signature to that deed?

Ans. He spoke of the deed that Stow had obtained, and said, it was a forgery; this was at a subsequent conversation and prior to June 1856. I had seen a notice in some newspaper about a deed that Stow had obtained from Bennett of this land in question, and I asked Kinzie if it would not destroy his prospects. He said no, that the deed of this land from Bennett to Stow was a forgery, that he knew Bennett's handwriting, and had it with him; and showed me a receipt purporting to be for one hundred dollars received of James Kinzie in payment for part payment of this land in section 20. I do not recollect that the receipt described the land, but Mr. Kinzie told me that it was given for that land. I saw the name of William Bennett on said receipt, and Mr. Kinzie said that was Bennett's genuine signature.

6. State what said Kinzie said he could do, as between the parties to the suit, in the way of deciding the case; and what paper he exhibited to you, if any, and what he said about it?

Ans. He said that he could perfect the title; the balance of the question I have answered in Interrogatory 5th.

7. State anything further you may recollect of advantage to the complainants?

Ans. I recollect nothing further.

1 Cross. If you say you had any conversation or conversations with James Kinzie in 1854 or 1855 prior to June, 1856, on the subject of an 80 acre tract of land in Chicago, which was then in suit; when did such conversation or conversations take place; state particularly the time or times?

Ans. I think it was during the years 1854 and 1855.

2. Who was present at the same?

Ans. No one.

3. Was it before or after or at the time you heard that Soules had testified in this case?

Ans. I know nothing about Soules' testifying.

4. When did you first hear that Rufus Soules had testified that Bennett had made a deed and left with him for James Kinzie of the land in controversy in this suit?

Ans. I never heard any thing of that.

5. Did not James Kinzie tell you that Rufus Soules had so testified, and if so, was it at the time or prior to said conversation or conversations?

Ans. He did not.

6. What did James Kinzie tell you in reference to Rufus Soules' testimony, in relation to such deed or said land at the time of, or prior to such conversation or conversations?

Ans. He never said any thing to me about it.

7. If you say that said Kinzie spoke of any suit; of what suit did he speak?

Ans. I cannot name the suit by the parties.

8. Did he name the younger William Bennett as one of the parties to that suit?

Ans. He did not.

9. Did not James Kinzie tell you in such conversation or conversations that Messrs Rice & Waller, or some one or more of the complainants, wanted him to assist them to perfect their title to said land; and if not in these words, did he not tell you so in substance?

Ans. He represented to me that the parties did want his assistance.

10. If you say that Kinzie said anything about the deed relied upon by William H. Stow, and the signature thereof, did he not say that the signature was not genuine, that he could show it to be false or forged, and that he had

the genuine signature of said Bennett, and if he showed you any paper was it not a receipt containing the genuine signature of said Bennett?

Ans. I have answered that question before and to that effect.

TRUMAN G. WRIGHT.

Orlea Aug; 10. 1857.

3 Deposition of EDMUND WEED, of Sheboygan, Wisconsin.

1 Interrogatory. State your name, age, residence and occupation?

Ans. My name is Edmund Weed, I am fifty-three years old, reside in the city of Sheboygan, and am a tallow chandler.

2. Do you know James Kinzie, formerly of Racine, now of Iowa county, Wisconsin; if so, state how long you have been acquainted with him?

Ans. I am well acquainted with him, I have known him since 1829.

3. Were you or not absent from home, and in California, during the year 1854; if so, state when you returned?

Ans. I was; I returned in September, 1854.

4. Upon your return from California, did you or not find a letter awaiting you from said James Kinzie, which had been received during your said absence; if so, state as near as you can, the date of that letter?

Ans. I did; it was some time in August, 1854.

5. Is that letter now in your possession, or is it lost; if you have it, please file it as part of your deposition; if lost, state whether you have or not searched and endeavored diligently to find it?

Ans. It is lost; I have searched and endeavored diligently to find it but cannot, it is not amongst my papers.

6. If you say it is lost, and that you have searched diligently for it, please state the subject of it, and its contents as fully and particularly as you can recollect?

Ans. It was a letter of inquiry respecting a deed that he said I had in my possession; he said that it was the deed made to him by Mr. Bennett; that Walker had got his deed, but that he (Kinzie) had not got his; he asked me to look amongst my papers and see if I did not have it, he said it was a deed for land in Chicago, he asked me if I found it to send it to him immediately.

7. Did you or not receive another letter from said Kinzie, and if so, state its date, about what time it was received, and how long after your return from California;

Ans. I did; I think it was some time in November or December, 1854, some two or three months after my return from California.

8. Have you the said letter now in your possession, and if so, please file it as a part of your deposition; if lost, please state whether or not you have diligently searched for and endeavored to find it?

Ans. I have not got it, it is lost; I have diligently searched for and endeavored to find it, I recollect having destroyed many of my papers after my return from California; I think probably I destroyed both those letters at that time.

9. If said letter is lost, and you have not been able to find it, please state the contents of said letter as fully as you can recollect.

Ans. It was much the same as the first; he also said that he recollects of having given me an order on Soules for the deed, and that I must have it in my possession as he had never received it.

Cross Interrogatory. Did not James Kinzie state, in substance, in one or both of said letters, that Rufus Soules had testified that Bennett had made a deed of said land and left with him, Soules, to be delivered to him, Kinzie; that he, Kinzie, had no such deed; and that he wanted him, Weed, to look among his, Weed's, papers to see if he could find any such deed, or any papers relating to such land?

Ans. He said nothing about Soules' testimony to the best of my recollection.

EDMUND WEED.

Filed

Aug: 10. 1857

4. Deposition of Mrs. KEZIAH M. WEED, of Sheboygan.

1. Please state your name, age, residence and relation to Edmund Weed?

Ans. My name is Keziah M. Weed, fifty years old, residence city of Sheboygan, and wife of Edmund Weed.

2. Are you or not acquainted with James Kinzie, formerly of Racine, now of Iowa county, Wisconsin; if so, state how long you have known him?

Ans. I have been acquainted with him since 1830.

3. Did you or not see a letter from said Kinzie directed to your husband, which arrived at Sheboygan during his absence in California, in the summer of 1854?

Ans. Yes sir, and I received it.

4. Do you know where that letter is, or what has become of it?

Ans. I do not.

5. If lost, please state the contents of it as nearly as you can recollect.

Ans. It was in respect to a deed that Mr. Kinzie said Mr. Weed had for him from Mr. Bennett; it was for some land he said he had purchased from Mr. Bennett lying somewhere near Chicago; he said he thought Mr. Weed must have it, he asked him to search for the deed and get it if possible and send it to him.

6. Have you or not seen James Kinzie since that letter was received; if so, state when and where it was you saw him?

Ans. I have not seen him since I saw him before that, at my residence in the city of Sheboygan in the month of July, 1854.

7. State what he said on that occasion as to the letter above referred to, if anything, and what else he said on the subject of the letter, and what took place in reference to it?

Ans. He said nothing about the letter, he said he came in search of a deed from Bennett to him, and requested to look over Mr. Weed's papers which he did.

8. Do you or not know of another letter from said Kinzie on the same subject; if so, state when it was received, and what has become of it?

Ans. Yes I do, it must have been received some time in November, 1854; I do not know what has become of it.

9. If you saw such letter, please state its contents as far as you can recollect.

Ans. I do not think I ever read it.

1 Cross Interrogatory. Did not said Kinzie state to you in substance that Rufus Soules had testified that Bennett had made a deed of a piece of land in Chicago, and left with him, Soules, to be delivered to him, Kinzie; that he, Kinzie, had no such deed, and wanted her to examine among her husband's papers to see if she could find any such deed, or any papers relating to said land; and did you not in company with said Kinzie look among your husband's papers?

Ans. He said nothing about Rufus Soules' testimony, but said the papers had been left with Rufus Soules and that my husband had got it; he asked me to examine among my husband's papers and I did so.

2. Did he not make the same statement in substance in said letters?

Ans. He did not.

3. Did you read such letters, or either and which of them; and how long since you last read them or either of them?

Ans. I heard the first letter read by my daughter; I have not heard it read since it was received in August, 1854.

KEZIAH M. WEED.

5 Deposition of TIMOTHY WEBSTER, taken the 13th July, 1857.

1 Interrogatory. State your name, age, residence and occupation.

Answer. My name is Timothy Webster, Jr.; I am 35 years of age; I reside in Chicago, Illinois; I am a detective policeman by occupation; I suppose it would be more proper to say private detective policeman.

2. In whose employment are you now?

Ans. In the employ of Allen Pinkerton, formerly called Pinkerton & Co.

3. What are the terms of your employment with Mr. Pinkerton? (Question objected to by counsel for Bennett.)

Ans. I am employed by the year—engaged by the year.

4. Do you or not receive regular wages per year, or do your wages vary with your success in your business? (Question objected to by counsel for Bennett.)

Ans. I receive \$900 per year, disregarding my success in my undertakings.

5. Are you acquainted with James Kinzie, of Iowa county, Wisconsin?

Ans. I am.

6. When did you make his acquaintance?

Ans. On the 14th of March last.

7. State how and why you became acquainted with him, and fully, the circumstances attending it? (Question objected to by counsel for Bennett.)

Ans. I was sent out there by Mr. Pinkerton, to form an acquaintance with him, and if successful in making acquaintance with him, to see what he would say about a certain tract of land in Chicago, then in controversy between Waller, Bennett, et al, and finally to report to him at the first opportunity. I went down on Otter Creek, more properly called the Clyde; I saw some men working at the dam; at Kinzie's mill; I saw Mr. Kinzie sitting on a log near the dam; not knowing that it was Mr. Kinzie at the time; I sat down with him, and got into conversation with him about the country in that neighborhood; finally, at the conclusion of the conversation he asked me to walk in the house with him; we sat there talking about the country and other countries—California and Central America, and it was then drawing on towards night; it was not night. I asked him if he knew of any place that I could stop at for a few days; he said he did not, but to wait a few moments, when he walked into the other room—an adjoining room; in a few minutes he came out to the room in which I was sitting, and told me if I would put up with such accommodations as he would afford, I might stay with him; I told him I would be very glad to do so.

8. By what name did you introduce yourself to Mr. Kinzie, and what

business did you represent yourself as being engaged in? (Objected to by counsel for Bennett.)

Ans. Peter G. Roe was the name that I introduced myself to Mr. Kinzie by; I told him I had been in California 5 or 6 years, and I had come to Wisconsin for the purpose of buying land, if I could find any to suit me.

9. How long did you remain in that neighborhood?

Ans. I made my home with Mr. Kinzie from the 14th of last March, until the last part of this June; I don't remember the date exactly that I left; I can tell by referring to my memorandum; I have not got the latter part of my memorandum with me.

10. What were you engaged in whilst in that neighborhood? (Question objected to Bennett's counsel.)

Ans. Riding round the country with Mr. Kinzie.

11. What points in the county of Iowa and in other counties in Wisconsin did you visit in company with Mr. Kinzie? (Objected to by counsel for Bennett.)

Ans. I have been to Franklin, Iowa county, Dodgeville, Mineral Point, and to nearly all the other towns in the county; I have been to Platteville, which I think is in Lafayette county; Belmound, which I think is in the same county; I can name the towns but not the counties—Avoca, Muscoda, Prairie Du Chien, Madison, Milwaukee, Racine.

12. What was the professed object generally of your visits to the different points in that neighborhood, and what was the general subject of conversation between Mr. Kinzie and yourself? (Objected to by Bennett's counsel.)

Ans. I generally went on the invitation of Mr. Kinzie, particularly to Racine; our conversation was upon everything that you could mention. The last time he went to Racine he told me he had received a letter from Mr. Millett, a lawyer in that place, and that letter stated that George E. Walker, of Ottawa, Illinois, was to be there during the week following, and he, Mr. Millett, wished to see them together at Racine; and he would like me to go with him to make me acquainted with Mr. Walker of Ottawa. I went to Mineral Point with him on several occasions, at his special invitation; I went with him to Mineral Point when he went to take the election returns there from the town of Clyde, and also went with him when he went to attend a meeting of the Board of Supervisors, he being a member of the same. He and I done business there together after that. It was during our visits there, such as having bonds for deeds recorded and other things, and another agreement which we had entered into, had that acknowledged. I had the bond recorded and acknowledged. The last payment on the agreement I had acknowledged; the