

No. 13705

# Supreme Court of Illinois

Steele et al

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vs.

Biggs

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71641  7

# SUPREME COURT.

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**GEORGE STEELE and  
ORRINGTON LUNT,**  
vs.  
**THOMAS R. BIGGS.**

} APPEAL FROM COOK CIRCUIT COURT.  
}

ADDITIONAL ABSTRACT BY APPELLEE.

## BILL.

3 The payments in the contract therein recited are averred in said bill to be made "as follows," viz:—" \$2,500 at this date, which is this day paid, "\$2,500 00 on March 10, 1854, \$2,500 00 on March 10, 1855, and \$2,500 " on March 10, 1856, for which three last payments said McCullough has executed his notes of \$2,500 each, with interest at the rate of 6 per cent. " per annum, *to be paid according to the tenor of said notes, at the Ma-  
"rine Bank of Chicago."*

### ANSWER OF O. LUNT.

34 Defendant says that said last mentioned letter was so written and forwarded to the said complainant, about or upwards of forty days previous to the time when said contract would become absolutely forfeited according to the terms thereof, *to wit: the 10th day of May, 1855*, and by reason whereof defendant alleges that complainant well knew the time when said payment became due, and was fully apprized by defendant, that if said payment was not made on or before the said 10th day of May, 1855, that said agreement would be declared forfeited.

### TESTIMONY OF CHARLES HITCHCOCK.

50 There was a telegraphic despatch received from complainant by Woodbridge on the 9th May, 1855, thinks it was the 9th *pretty decidedly*, but it might have been the 10th.

Geo. Steele, et al.

Thomas R. Biggs,

Abstract of Appellee.

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13705

UPPERM COURT.

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