

No. 14525

Supreme Court of Illinois

People

vs.

Miller

STATE OF ILLINOIS,
2
SUPREME COURT,
THIRD GRAND DIVISION.

People's Causes.

No. 2

J. W. Middlebrook & Co., Stationers, 116 Lake St.

People's

vs.

State

14525

In the Supreme Court
of the State of Illinois

The People of the State of Illinois
on the information of Francis Bruns
vs

Orrin Miller

State of Illinois }
La Salle County }

Orrin Miller

the above named Defendant being
first duly sworn deposes,
and says that this Affiant
did not write the name
"Orr Miller" that appears on the
Morrison House Record in
the City of Chicago. This Affiant
further says that he was not
in the City of Chicago between
the first and fifteenth days
of August 1863.

This Affiant further says
that he left the City of Chicago
on or about the 5th day of July
1863 and went to the City
of Dubuque in the State of
Iowa, & from there he went
to the Village of Dyersville

²³ ²⁴
Superior Court
The People
vs
Orin Miller

Off. of
Miller having
written his name
on the Register of
the State on June
Filed June 26. 1864
J. Leland Clerk
at Chicago -

In the Supreme Court of the State of Illinois
April Term A.D. 1863.

In the matter of the application for a
rule upon Oliver Miller to show
cause why his name should not be
stricken from the role of attorneys,

Oliver Miller being
first duly sworn deposes, and says
that this affiant was the acting
attorney, in the case of William C
Cook, vs Francis Brumby, lately
pending in the Circuit Court, in
the County of Lincoln State of
Illinois, and was the owner
of the note on which said Cause
was tried,

This affiant further says
that he recollects, that, prior to
the first trial of said Cause, that
there was, on file in said Cause the
Deposition of one Ambrose, such
that the said Ambrose testified
in said Deposition, this affiant does
not now recollect,

This affiant further
says that he has now no recollection
of seeing said Deposition at the term
of the Court, that, Francis Brumby

in this affidavit states that they were missing, from said Court.
This affidavit further states, that he did not take said Depositions, nor has he now, or has he at any time ever had any knowledge who took them.

This affidavit further says that the said Brenop after ~~the~~ two or three terms of said Court had passed, after said Depositions was missing, caused the Depositions of said Ambrosey, to be taken again. And on the first trial of said Cause, said second Depositions ^{was} ~~was~~ ^{used} by the said Brenop and the jury who tried said Cause gave a verdict for the plaintiff, for the full amount of the note and interest.

And this affidavit further says, that said Ambrosey stated in his second Depositions, that a large portion of the grain raised by ~~the~~ Rosenberg the payee, of said note, and taken by said Rosenberg, from said Brenop's farm was deposited at the Warehouse of one William H. Ray, and according to the best of this affiant's recollection he stated that some, was deposited at the

Warrick House gone Godfrey, in the City of
Rockford, and also, that some of the
grain that John Roseberry took was
also deposited in the grain & feed of said
Ray, or said Godfrey,

This affiant further says that at the
first trial of said Cause the said Denny
called William G. Ray, & W. W. Conner
(and this affiant thinks) the said Godfrey
to attend as witnesses for him, and
that the said Ray, testified, to wit: that
that, all the grain that Roseberry
brought to this Depot, he gave the said
Roseberry, receipts therefor, and that
afterwards, he the said Ray, paid the
amount of said receipts to one William
Conner, who held said receipts.
This affiant further says that on
said first trial, the said William
Conner, testified that he held a
Chattel Mortgage on the Crops raised
by James D. Roseberry on said Denny's
Farm, to secure the said Conner,
against any liability, that he the said
Conner might sustain by reason
of the said Conner, saying, a note
with the said James D. Roseberry
for the seed that was sown on said
farm, the crops & raised being grown

farm, said, seed;

The said Comore further testifying that the note so signed by him was paid by him, and that James D. Rosenberg, or the said John Rosenberg turned out to him the Ray & the Godfrey Warehouse Receipt to pay him the amount of (\$ 108.00) one hundred & eight dollars, the amount of said Chattle Mortgage.

This Affidavit further says, that on said first & second trials of said Comore the said Brunsch introduced, as evidence a Written Contract, executed, ~~in the~~ by said Brunsch on the one part and said Rosenberg, on the other part, showing that the said Brunsch obligated & agreed on his part to pay the said Chattle Mortgage, to said Comore.

This Affidavit further says that on said first trial said ^{+ testified} Comore & that said Brunsch told him (said Comore) that he (said Brunsch) gave the said John Rosenberg the right to take the grain from said farm, raised by James D. Rosenberg

This affiant further says that said Cause was continued some two or three terms, after a new trial was granted by the Consent of this affiant and that this affiant applied to the Clerk of said Court for permission to take said papers into his office, for the purpose of Drafting, a Replection to the special Pleas, filed by said Brenon, which request was readily granted by said clerk, and this affiant took the papers to his office, but within said Depositions were among said Papers, he has now no recollection his attention being only called to the Pleas in said Cause, - but of said Depositions were among said papers this affiant, did not notice them. This affiant further says that said papers, was at the office of this affiant several weeks, and the said Brenon at one time met this affiant at the street near this affiant's office, and asked him if this affiant had the papers in the Case of Cook vs Brenon and if so, he wished to see them. This affiant at once replied that he had them, and that he would immediately send them to the office

of said Brooms.

This affiant further says that he immediately went to his office, and gave the papers to one Hubert Page, a Student, in his office, and requested said Page to take them to the office of said Brooms, and upon the return of said Page he informed this affiant that he had left them on the Table, in said Brooms office, - there being no one in the office.

This affiant further says that he has no recollection of seeing said ~~papers~~ Depositions, since the first Term of said Court, until since the last trial of said Cause when he saw them in the hands of the Clerk of said Court.

This affiant further says that he never told said Brooms that he had said Depositions in his possession or in his office, nor that he had them, at all, - nor did the said Brooms ever ask this affiant if he had said Depositions

Subscribed & sworn to
before me this 8th day
of May A.D. 1863

Comm. Clerk

L. Leland Clerk
J. B. Rice & party

18 P.D. 257
Superior Court
The People
vs
Orin Miller

all of
Miller in prison
and stating facts
in the case of
Cooking House

Filed May 8. 1867.
L. Deland
Clerk.

In the Supreme Court
The People vs. [illegible]

vs

Amir Miller

State of Illinois }
Leasell County }

Amir Miller

The above named Defendants
being first duly sworn
deposes and says that he
never told Francis Brumby
(the witness in this case) that
this affiant had the Amosby
Deportation which possession is
at, or in his office, nor did
the said Brumby ever ask
this affiant if he had them,
nor did the said Brumby
~~mention the~~ speak to this
affiant about them, as he has
stated in his affidavit filed
in this case.

This affiant further says that
as a result of said Brumby's
deposition taken after the first
trial, in the case of [illegible] vs
Brumby, the said Brumby
started in open court, in the

hearing of this affair, that
this affair had had, the
papers in said cause at this
affairs office, & that the deposition
of Armstrong. then could
not be found, and then & then
asked the aid of the Court
to Compell this affair to
produce said deposition,
this affair then stated under
oath to said Court that he
did not have said deposition,
at his office or at any other
place, nor did he know where
they were. This was stated
in the presence of & hearing
of said Bench.

This affair further says
that he never recanted, in two
said deposition, that he never
saw them after closing
the first trial of said cause
when said said deposition
was used by said Bench,
that the charge made by
said Bench against this
affair is untrue,

This affair further says that

he has no personal knowledge,
nor does he know, or has he
any reason to believe, who was
the author of the Letter, neither
to C. A. Besseyer the Clerk
of the Minnesota Circuit Court,
= that the gist of this affidavit
ever known, or even thought
that such Letter was in
existence, it was, when there
was this affidavit by Civil Process
as stated in his affidavit's full
affidavit correct in the case of the
People vs. Rogers & Son.

Wm. Miller

Subscribed & sworn
before me, this 25th 1884
day of April 25th 1884

L. Leland Clark
Notary Public



Sir,
The Capt
Amr Miller

Off of Miller

Buying Property
Chapman

Filed Apr. 26. 1864,
L. Leland
Clerk.

State of Illinois }
Winnebago County, } ss

O. A. Pennoyer being duly sworn deposes and says that he has been Clerk and Deputy Clerk of the Winnebago County Circuit Court for the last six years and that during that time this affiant has been intimately acquainted with Orrin Miller an Attorney of said Court.

This affiant further says during that period he has never refused said Miller the privilege of taking any papers from the Clerk's office in any case that said Miller was engaged in, that he has never suspected him of any dishonesty, nor has this affiant ever seen nor single act on the part of said Miller either professionally or otherwise, that would in the least induce this affiant to believe or suspect said Miller would be guilty of any unprofessional act.

This affiant further says that he knows of no Attorney at said Bar whose professional acts I have been more upright than said Orrin Miller.

This affiant further says that he has now no recollection of Francis Burnap ever telling this affiant not to let the said Miller have the papers in the case of Cook vs Burnap or the ^{Depositions} of one Ansbury and even if the said Burnap had so requested, it would have made no difference with this affiant - he would cheerfully at all proper times let said Miller have them and as readily as he would let the said Burnap.

Orrin Pennoyer.

1892 Di
The Publ
Orrin Miller

Off of
Placer in
furnace

Filed May 8, 1863.
L. Island
C.R.

In the Illinois Supreme Court,

The People of the State of Illinois
on information of Francis Burnap

vs.

Ervin Miller

Hiram J. Sawyer,
of Rockford, in the county of Winne-
bago, sheriff of the said county, being du-
ly sworn, upon his oath says, that he did
on the ~~last~~ day of May instant, serve
the above named Ervin Miller with a ~~true~~
~~copy of the assen~~ copy of an order in the
above intitled cause, certified to be a true co-
py of the said order, by the clerk of the
above intitled Supreme Court, and that the
annexed is another copy of the said order,
and of the certificate of the said clerk to the
truth of the said order, and that this affi-
davit further says, that attached to the
said copy of order, and served hereunto
upon the said Ervin Miller, was a copy
of an affidavit, ~~referred to in~~ certified by
the said clerk to be a copy of the affidavit
referred to in the said order.

Sworn at Rockford, in the
county of Winnebago, the 6th
day of May, 1863, before me,

Clara A. Penney Clerk

Circuit Court Winnebago Co Ill.

Hiram J. Sawyer
of Winnebago County

At a Supreme Court, Begun and held at Ottawa, on Tuesday, the
~~twenty first~~ day of April, in the year of our Lord one thousand eight hundred and
sixty-~~three~~ within and for the Third Grand Division of the State of Illinois:

Present, the Honorable JOHN D. CATON, Chief Justice;

" " PINKNEY H. WALKER, Associate Justice;

" " SIDNEY BREESE, Associate Justice.

Friday April 24th 1883

The People of the State of Illinois
on information of Francis Burnett

vs.

Orin Miller

Rule to Show Cause &c

On this day the
Court having fully examined the Affidavit
of said Francis Burnett filed herein and
motion heretofore entered herein by D. P.
Jones State Attorney, for this Court, for a
rule on the said Orin Miller a resident
of the County of Winnebago in said State, requiring
him the said Orin Miller to appear before
this Court, and show cause why his name should
not be stricken from the role of Attorney of the
Court, and the Court being now sufficiently
advised of the premises do order that the said
motion be sustained and that the said
Orin Miller be ruled to appear before
this Court by the Eleventh day of May A.D.

1863 and show cause why his name should
not be stricken from the roll of attorneys of
this court.

I, **LORENZO LELAND**, Clerk of the Supreme Court of the State of Illinois, Do
Hereby Certify, That the foregoing is a true copy of the final Order
of the said Supreme Court
in the above entitled cause, of record in my office.

In Testimony Whereof, I have set my hand and affixed the seal of
the said Supreme Court, at Ottawa, this 4th day
of May in the year of our Lord one thousand
eight hundred and sixty-three.

Seal

Copy -
Signed L. Leland
Clerk of the Supreme Court.
J. D. Rice Secy

18
The People's ex. nt.
Orin Miller
Copy of order & sworn
of S. H.

Filed May 8. 1863.
Leland
Ch.

In the Supreme Court.

The People of the State of Illinois
on information of Francis Barnard
aff.

Orvin Miller.

Francis Barnard,
of Rockford, in the county of Winnebago, make-
eth solemn affirmation and oath, that it is
true, as stated by the above named Orvin Miller
in his affidavit in the above intitled cause,
that he did not tell this affiant that he had the
said depositions mentioned in his said affida-
vit, in his possession or in his office. But
this affiant says it is true that this affiant
inquired of the said Miller about the said
deposition of which a copy has been produc-
ed in this cause, and asked him where the
same was, and that to the said question
the said Orvin Miller distinctly and un-
hesitatingly answered, "It is in my office."
And this affiant further says, that it is im-
possible that he can be under mistake as
to the said question and answer, because this
affiant was very anxious about the said
deposition, and after obtaining the said ac-
knowledgment of Orvin Miller, that it was in

his office, this affiant rested assured that the same would be produced in court at the then next term. And this affiant further says, that the said Orrin Miller has never in the hearing of this affiant, denied that he had the said deposition in his possession, according to the best of this affiant's recollection. And this affiant further says, that it is morally impossible, as he conceives, that Rufus J. Harney, in the affidavit of Oliver A. Pennoyer in this cause named, should have concealed the said ^{deposition} affidavit as represented in that affidavit, for he was friendly to this affiant, and knew that this affiant was very anxious to find the said deposition. And this affiant further says, that from the manner in which the files of the Circuit Court of the county of Winnebago are kept, it would not be difficult for the said Orrin Miller, or any other member of the Rockford bar, ^{who might have possession thereof,} to place the said deposition secretly among the papers of any old cause which had been disposed of within ten years last past. And this affiant further says, that he has been acquainted with the said Orrin Miller for about twenty years, that for the latter part, and the larger part of that time, the reputation of the said Orrin

L.C.

- Miller, especially in regard to his legal practice, has been bad, and that as far as this affiant knows, he is generally believed to be to a great degree devoid of honesty and integrity; and that such is the opinion of ~~every person~~ expressed by every person whom this affiant has heard speak on the subject.

Francis Barrage.

Affirmed at Ottawa, in the
county of Les Bas, the 11th.
day of May 1863, before me.

L. Seland Ck.

76-2 2571
Supreme Court

The People
on information of James Burns

vs.

Orin Miller.

Affidavit of J. Burns

in reply to finding
of the jury

Filed May 11. 1863

J. L. Carrick

The People of the State of Illinois } In the Supreme
 on information of Francis Brown } Court- of the State
 vs } of Illinois.
 Orrin Miller } Rule to show cause
 } &c

State of Illinois
 Winnebago County - ss

James Sane ex Deft- Sheriff of Rockford
 & A Parish Minister of Baptist Church Rockford
 Ashley Knapp Justice of the Peace in Winnebago
 John Austin Capt- in 8th Ills Cavalry - of Rockford
 J. H. Lambright - Ex Post-master of City of Rockford
 John Loeckhof City of Rockford resident for ten years
 William Gates Commission merchant - Rockford
 Alfred Hart - Jr farmer of the town of Owen
 John Helmley farmer of the town of Owen
 Samuel Dornan - farmer of Howard
 Charles P. Brady farmer residence Rockford Ill -
 Thomas Bale farmer of Winnebago
 James Atkinson farmer of Winnebago
 Dexter Warner City Marshall of Rockford
 David Baker Justice of the Peace in town of Owen
 John Corbin farmer & sheepdealer Winnebago
 Aaron Houghton farmer & Mason in said County -
 Milo Janoung farmer

being first duly sworn upon oath that
 they have been acquainted with Rufus Harvey
 an attorney at law residing first at Howard
 and since at the City of Rockford Winnebago County
 Illinois and know his general reputation where
 he has & does reside for truth and veracity
 that we know nothing reliable against

his general reputation for truth & veracity -
that we know it to be good and that we
would believe his statements - under oath
that we have been acquainted with him for the
time set opposite our names

James Daine Ex Dep Sheriff acquainted
Rev. W. F. Parrish - acquainted four years
Asaph Knapp J. D. acquainted 14 years
Ans Austin acquainted 5 years in Rockford
G. C. Hambricht acquainted 4 years in Rockford
John Luce S. K. acquainted sixteen years

William Gates acquainted 8 yrs
Alfred Bitt Jr. acquainted 6 years
John Gehlley acquainted 16 years
Samuel Truett acquainted 4 years
C. P. Brady acquainted 5 years
Thomas Note acquainted four years
James Atkinson acquainted four years
Dexter Warner City Marshall acquainted 16 years
Daniel Baker justice Peace 18 years
John Corbin acquainted 7 years
Milo Garoway
Aaron Houghton acquainted 16 years

Sworn to and subscribed before
me this 16th day of April 1864



Silas G. Tyler

Justice of the Peace Winnebago Co. Wis.

^{P.D. 2 252}
Supreme Court.

The People ex
rel of F. Burroughs
vs

Orin Miller

2

Affidavit of
Good Character
of Miller for
bond etc

Filed April 23. 1864

L. Deland MR

"D"

Deposition of Alanson A. Amosbury a witness on the part of the Plaintiff in a certain action depending in the Circuit Court for the County of Winnebago and State of Illinois wherein William L. Cook is Plaintiff and Francis Burnap is defendant residing at Washington in the County of Jazell - well State of Ill. taken by Daniel S. Miles at Washington aforesaid.

The said Alanson A. Amosbury having been sworn by the said Daniel S. Miles to testify the truth in regard to the matters in controversy in the said cause. As far as he may be interrogated, testifies as follows to wit:

"Winnebago Circuit Court"

William L. Cook

vs

Francis Burnap

Francis Burnap

Interrogatories for taking

The deposition of Alanson A. Amosbury witness on the part of the defendant before Daniel S. Miles Esq at Washington Jazewell Co. State of Illinois

Interrogatory 1st What is your name age and place of residence?

Answer My name is Alanson A. Amosbury. My age is 24 years. My residence is Washington Jazewell Co. Illinois

Interrogatory 2^d Are you acquainted with the parties Plaintiff and Defendant in this cause? and if you are, how long have you known them?

respectively?

Answer I am acquainted with Burnap. but am not acquainted with Cook. I have known Mr Burnap off & on for the last fourteen years.

Interrogatory 3^d Where did you reside in the Spring, Summer and fall of the year 1859

Answer I resided in the County of Winnebago and in the Town of Winnebago.

Interrogatory 4th Are you acquainted with a farm of the defendant in Winnebago, in the County of Winnebago Illinois?

And did you or not work upon that farm during the season of the year 1859? And if you did at what times and how long? and what work did you do on the farm?

Answer I am acquainted with the said farm worked upon it during the season of 1859 worked upon it during the Spring work (now) during harvesting and thrashing. I worked about (9) nine months in all

Interrogatory 5th In whose employment were you when you worked upon the farm? And who contracted with you to do the work and agreed to pay your wages?

Answer James D. Rosenberg

Interrogatory 6th Was there a house on that farm?
And if there was, who resided in that house during
the season of the year 1859? Did or not John
Rosenberg reside there? and had he or not a
family? And if he had, of whom did it consist?
Was or not James D. Rosenberg his son?
and did or not James D. Rosenberg reside with
his father in that house during part of the year
1859, and what part? + was he or not a mar-
ried man? and had he or not a family
with him?

Answer

There was a house on the farm, John Rosenberg
resided in the house during that year 1859
He had a family. His family consisted of
himself wife two children + myself. James D.
Rosenberg was his son. He resided with his
father + that house during part of the year 1859
during the Spring Summer + part of the fall
Was not a married man + had no family
with him.

Interrogatory 7th What crops were raised on that farm
in the year 1859? Were or not wheat, corn +
oats? and what other things? and how much
wheat corn + oats?

Answer

There was no corn raised upon the place
There was wheat, oats Hungarian grass + some
little barley - There was about sixty acres
wheat, no corn, about ten acres oats, about
5 acres Hungarian grass + not over 1/2 acre
of barley.

Interrogatory 8.th Did you assist in raising these crops & harvesting them? And did you or not assist in thrashing the wheat & oats?

Answer I assisted in raising the crops & harvesting them and also assisted in thrashing the wheat & oats.

Interrogatory 9.th What became of the crops raised on that farm in the said year 1859? Were they carried away? And if so, by whom? and did you assist in carrying them away? and what was done with them? State as particularly as you can the times when any part of the wheat & oats and corn were carried away; and whether ^{any} and how much was carried away in the night, the names of the persons who carried the said wheat, oats and corn away, and the persons to whom it was delivered, and the quantities delivered to each person and how it was disposed of, and whether sold if sold to whom?

Answer The crops were sold and used up for family use. They were carried away. Some of them by James D. Rosenberg. Some by John Rosenberg. I think I hauled one load & helped load the greater part of the balance. I think William Conover got about one hundred bushels of N. Y. Ray I think got two loads of James D. Rosenberg lent would not be certain. Sometime in the beginning of the fall John Rosenberg hauled three loads in the

daytime & how much in the night I could not say but one load I know of his hauling in the night this was about the same time that the other was hauled away in fact it was all carried away within two weeks he not know for certain who this was delivered to or to whom sold.

Interrogatory 10th Do you know of any other matter or thing which may be of use to the Plaintiff in this case. If you do state the same.

Answer I do not know that I do.
Signed Alanson A. Amburny.

State of Illinois }
Pazwell County } J. Daniel S. Miles Justice
of the peace in and for said County do hereby
certify that the within depositions were taken
before me on the 26th day of December 1860
& that they were sworn to & subscribed by the
Witness Alanson A. Amburny - Witness my
hand & seal at Washington this 26th day
of December 1860
D. S. Miles J. C. Seal

State of Illinois }
Pazwell County } J. John Gridley Clerk of
the County Court in and for
said County do hereby certify that D. S. Miles Esq.
whose name is subscribed to the proof
or acknowledgment of the annexed instrument
in writing was at the time of taking the same

an acting Justice of the peace in said County,
duly commissioned and qualified and author-
-ized to take the same: and that full faith
and credit are due to all his official acts: and
that his Signature as above is genuine: and
further that Said instrument is executed and
acknowledged according to the Laws of the
State of Illinois,

In testimony Whereof I have hereunto set
my hand and affixed the Seal of said Court
at Pickens in said County this 31th day of
December A. D. 1860.

Sept. 1860. J. S. Gridley Clerk

Endowed "M.C. Cooks apt Francis Burnap -
"Defection of A. A. Ambury" Fees \$6.00"

State of Illinois }
Winnebago County } p.

I. Oliver A. Pinnager, Clerk
of the Circuit Court and ex-officio Recorder in
and for said County in the State aforesaid, do
hereby certify that the foregoing is a true and
perfect copy of a deposition now on file in my
office, duly compared therewith by me.

In Testimony Whereof, I have hereunto
Set my hand and the seal of said
Court at my office in Rockford
this 29th day of April A. D. 1863
O. F. Peunger
(Clerk)



Susan B. Cook
18 P.D. 2521
The Public

O Miller
Copy of Deposition
of Amosby
about which the
Ostronomy was.

Filed May 8. 1863.
Ireland
Ck.

State of Illinois }
Winnebago County } p.

Olivier A. Burnap of said County and State and Clerk of the Circuit Court of said County being first duly sworn upon oath says: that he has been the Clerk of said Circuit Court since December A.D. 1860; and that he acted as Deputy Clerk of said Court for some years before that time and that he knew of the pendency of the Suit in said Court wherein William C. Cook was Plaintiff and Francis Burnap was Defendant from the time the Suit was commenced in September 1859. until it was disposed of in said Court at the February Term 1863. — and that from the time of the commencement of the Suit one Orion Miller, an Attorney of said County and State has alone or in connection with some other Attorney appeared in said Cause on the part of the Plaintiff; that the said Defendant Francis Burnap at and before the commencement of said Suit was and ever since has been a practicing Attorney in said Court That one Rufus J. Harney is now the acting law copartner of said Burnap and has been during all or the greater portion of the time of the pendency of said Suit in said Court

And this defendant's present best recollection and belief is that said Harney was the copartner of said Burnap at the time of the commencement of said Suit, and ever since has remained his copartner in a general law practice under the name and style

of Burnap & Harrey. And this deponent says he will remember the fact that during the progress of said cause it was claimed that the deposition of one A. A. Ambury (taken on the part of the Defendant) had been lost or purloined from the file - And that since the trial of the cause at the February Term 1861 and the granting the new trial therein much inquiry has been made from time to time for the deposition of said Ambury, and careful search made for the same by this deponent in his office, but without success, until the same was found by him on the 13th day of April 1863, under the following circumstances.

On or about the 8th day of April 1863 this deponent received through the post office a letter enclosed in an envelope both of which are hereto attached marked "A" and knowing that there was no man by the name of Harrey except said Rufus J. Harrey, the partner of said Burnap in practice in said Winnebago County, and well remembering the trouble and difficulty there had been about the loss of said Ambury's deposition in said cause against said Burnap, and there having been no other cause in said Court in which the partner of said Harrey, was a party where in there had been complaint of the loss of evidence this deponent believed that the evidence spoken of in said letter could mean no other than the said deposition of said Ambury - And

thereupon this deponent instituted a careful search of the files of papers in his office to see if he could find said deposition, and after spending two or three days in the search assisted by J. E. L. Southgate, his deputy this deponent found the said deposition of said Ainsworth ^{of date Dec 26, 1860} ~~which is not to be marked "D"~~ enclosed with the files of papers in a case entitled Henry Whitman vs Schuyler Barker, which was a cause brought by change of venue from Stephenson to Winnebago County, and finally disposed of in said Winnebago Circuit Court at the September Term 1860 - but this deponent cannot state the exact time when said papers were removed from the Clerk's table to the files of disposed of cases in the Clerk's Office.

That this deponent believes that said papers of Whitman vs Barker had been filed away amongst the disposed of papers before the February Term 1861 at which time the deposition in question was presented and used upon the trial of the case of Cook vs Burnap. That it does not appear of record that either of the Attorneys in the case of Cook vs Burnap appeared or counsel in the case of Whitman vs Barker; and this deponent firmly believes that said deposition was placed amongst the files of papers in said case of Whitman vs Barker by design of some person and not by accident. And that the said letter contained the first hint or intimation which this deponent had ever received from any one that said

deposition remained in his office; and that the search therefor was instituted and the deposition found because of the receipt of said letter. That said letter was not received until after the record in the case of Cook vs Burnap had been made out, certified and delivered to Mr Burnap for the purpose of bringing out a writ of error.

And this deponent further says that immediately after receiving said letter marked "A" and having made search and found said deposition as aforesaid this deponent proceeded to Chicago for the purpose of ascertaining if possible the writer of the letter, but was wholly unable to do so; that he believes the real name of the writer is not subscribed thereto. That this deponent informed the said Orrin Miller of the fact of the receipt of said letter marked "A" and the finding said deposition as above stated, and also that he had been unable to ascertain the writer of the letter, and had spoken while at Chicago with C. P. Bradley Chief of Police in relation to it; and that the said Orrin Miller then authorized this deponent to offer to pay said Bradley One Hundred dollars if he could ascertain the writer of said letter and that this deponent then immediately wrote to said Bradley to that effect, and forwarded it to him in care of William L. Church of Chicago, and that this deponent has since received from said Bradley

acknowledgment of the receipt of the letter, that up to this time he has been unable to ascertain who the writer is - And this deponent further says, that during the progress of said cause of Cook vs Burnap the said August J. Harrey has from time to time taken an active part in court in the management of said cause on the part of the defendant Burnap - and this deponent declares he assisted at the first trial in February 1861, when the deposition of said Ainsbury was used. And this deponent further states upon information and belief that said Harrey has spent considerable of his time during the past fall and winter at Chicago Illinois.

Alvin S. Penmyer.

The words "a true copy of which is attached marked "B" having been read before signing or swearing, and the words of date Dec. 26. 1860 having been interlined before such signing and swearing.

Attest: William Aulin

Subscribed and sworn to before me, this 29th day of April, A.D. 1863.

William Aulin,
Clerk County Court
Winnebago County,
Illinois.



A

O. A. Sawyer



Clerk of Cir Court
Rockford
Ill

A

Chicago Ill
Sir

I am a law student in an office in this city a few days since I heard a man by the name of Harvey telling one of the firm of a mean dirty trick he had played on some one in your city about some evidence he had taken. He said he had slipped the evidence in some papers in a case that had been disposed of. And you had put them away. Among the files in your office I could not learn who the parties were only his Partner was one of them. He said he did it to get the case continued from time to time

Yours &c
Jas. Shepherd

18-2
In the presence
of the People
C. W. Miller

affd.

Reorganized
the

Filed May 8. 1860.
Island
C. W.

State of Illinois }
Winnebago County }



Charles H. Spafford being first duly sworn says deposes and says that he is now and has been for the last twenty years a resident of said county and that for the past sixteen years he has been acquainted with Orrin Miller an Attorney at Law.

This affiant further says that he was the Clerk of the Winnebago Circuit Court for eight years, and that during that time the said Miller was a practicing attorney of said court, and during all that time this affiant was as intimately acquainted with the said Miller & his professional character as any of the members of said Bar and with the character of his courses. This affiant further says that during the time he was Clerk of said court, nor at any other time he never saw an act of any kind on the part of said Miller that was imbeciling the character of a lawyer.

This affiant further says that at all times during his clerkship he was willing, to and did ^{permit} the said Miller to take any and all papers

from said office belonging to Cause
that said Miller was engaged in
having the utmost confidence in
said Miller's integrity as an attorney

This affidavit further says that ~~Thomas~~
Morris B Derrick was his successor
in said office

Subscribed and sworn to
before me this 20th April 1864

C. H. Stafford

Clara A. Pennington Clerk

of the Circuit Court Warrington County Illinois

State of Illinois }
Winnebago County }

Morris, B. Perick being first duly sworn deposes and says that he has been acquainted with Orrin Miller (an attorney at law) for the past twelve years and during four years of that time this affiant was the clerk of the Winnebago Circuit Court, and while he was such clerk the said Miller was a practicing attorney of such court.

This affiant further says that during the four years that he was the clerk of said Court he was intimately acquainted with the professional character of said Miller and that he never saw an act on the part of said Miller of an unprofessional kind.

This affiant further says that during the time he was clerk of said Court, the said Miller did a large business in said Court, and at all times, the said Miller had free access to the papers of said Court, and he was permitted at all times to take any and all papers in causes that he was engaged in to his office by this affiant, he having the utmost confidence in the personal integrity of the said Miller.

This affiant further says that one
D. A. Pennoyer ~~further says that~~ was the
Deputy of this affiant for some two years
and the successor of this affiant in
said office

6.1.1

State of Illinois }
Minnabago County }^{ss} D. A. Penoyer being first
duly sworn deposes and says, that
for the past six years he has been
acquainted with Orrin Miller an Atty,
at Law of said Court.

This affiant further says that
he was Deputy Clerk of said Court
under Morris, B. Orrick and was and
is now his successor in said office
and for the past six years he has
been intimately acquainted with the
professional character of the said
Miller, and that during the time that
this affiant has been the clerk of said
Court and of such acquaintance with
the said Miller, he has never seen one
act on the part of the said Miller of
an unprofessional character.

This affiant further says that at all
times he has permitted the said Miller
to have free access to any and all papers
in said Court and to take any and
all papers in cases that the said
Miller was employed in from said
office. This affiant further says
that he would now permit the
said Miller to take any of the pa-
pers in any cause that he is empl-



— aged in, from said office, having
as much confidence in his profes-
sional integrity as any member of
said court. This affiant further
says that the said Miller is doing a
large professional business in said
court, and that he is employed in
some of the most important causes
in said court, that the character
of his professional business is as
good as any member of said Bar

Oliver A. Penney

Subscribed and sworn, April 20, 1864, before
me, William Hulin, Clerk of County Court.

State of Illinois }
Winnebago County } ss Ring A Millikin
being first duly sworn deposes and
says that he has been a resident of
the city of Rockford County of
Winnebago and State of Illinois for
the past sixteen years, and that
during that time he has been int-
imately acquainted with Orrin
Miller an Attorney at Law.

This affiant further says that for
now more than 20 years he has been



Deputy & Sheriff of said county, and that he is, and has been well acquainted with the professional character of the said Miller.

This affiant further says that during the time he was Deputy & acting Sheriff in said county the said Miller the said Miller had a large & lucrative practice at said Bar. This affiant further says that he always had the utmost confidence in his integrity as a Lawyer and that this affiant never saw any act on the part of the said Miller of an unprofessional character

Subscribed & sworn to before

King H. Milliken

on the 22^d day of April

1864 Olvest Township

Clk. of the Circuit Court
Winnebago County, Ill.

State of Illinois }
Winnebago County }



William Andrus of said County
being first duly sworn deposes and
says, that he has been acquainted
with Orrin Miller for the past fifteen
years, and that for eight years
this affiant was the clerk of the
County Court of Winnebago County in
said State, and that during that time
the said Miller was a practicing
Attorney in said Court.

This affiant further says that the
said Miller had free access at all
proper times to the papers in said Court.

This affiant further says that he never
knew the said Miller during the said
time or at any other time do any act
unbecoming the character of an Attorney

This affiant further says that ^{he} never
suspected, or had any reason to believe
that the said Miller, was, or would be
guilty of abstracting any of the papers
or records of said Court.

Subscribed & Sworn to before

me this 20th April 1864

Alvin J. Parnes

Clerk Circuit Court and of

Winnebago County Illinois

William Andrus

State of Illinois
Winnebago County

H. J. Sawyer being first duly sworn deposes and says that he is now ~~and~~ the Sheriff of said County; and has been for the past Eighteen months, this affiant further says, that during that time he has been intimately acquainted with Orrin Miller a practicing Atty, at said Bar.

This Affiant further says that the said Miller has been employed in some of the most important causes in said Courts, and that the character of his clients and causes are as fair as any attorney of said Court. This Affiant further says that during the time that he has known the said Miller, he has never known him to commit an unprofessional act, and that at all times he has been willing that the said Miller should have access to all papers of this affiant that the said Miller was professionally connected with.

Subscribed and sworn to before

H. J. Sawyer

on this 20th day of April

A D 1864: Oliver A. Sawyer

Clerk of the Circuit Court for

said County of Winnebago and State of Illinois



State of Illinois }
Winnebago County } ss Morris J. Wpright being
first duly sworn deposes and
says, that he has been a resident of the
city of Rockford for more than
fifteen years, and that during that
time he has been intimately acquaint-
ed with Orrin Miller an attorney
of the Winnebago Bar, This affiant
further says, that he has been a Dep-
uty Sheriff & Sheriff of said County
for six years or more and during the
time he was Sheriff of said County.
The said Miller was his legal advisor

This affiant further says that the
said Miller had a large practice
as an attorney, and has been emp-
loyed in some of the most important
causes in the Winnebago Circuit Court

This affiant further says that during the
time he has known him he never knew
him to be guilty of an unprofessional act
that his ~~causes~~ course of practice
has been as honorable as any attorney
of said Bar, and that his integrity
as an attorney is as fair as any member
of said Bar M. J. Wpright

Subscribed & sworn to before me
19th April 1864 At Rockford Circuit Court Winnebago County Illinois

State of Illinois }
Winnebago County } ss



James B. Manlove being first duly sworn deposes and says that for the past thirteen years, this affiant has been an attorney at law in the city of Rockford County of Winnebago and State of Illinois and during ^{Eleven years of} that time he has been and still is a justice of the peace in said city. This affiant further says that during that time he has been intimately acquainted with Orrin Miller, and that the said Miller has done a large amount of legal business in the county courts of Winnebago County, and ^{is} still doing a large amount of legal business, before this affiant as such justice - And that from the time that this affiant first became acquainted with said Miller, he has never known him to be guilty of an act becoming the character of an honorable attorney and that at all times he has had the utmost confidence in his honor and integrity as a man and an attorney.

Subscribed & sworn to before
me this 21st day of April 1864
Charles A. Panning

James B. Manlove

Clerk of the Circuit Court and for
said County of Winnebago Ill.

State of Illinois }
Winnebago County } ss



Bela Shaw being first duly sworn, deposes and says that for the past Eighteen years this affiant has been an acting justice of the peace of Winnebago County and has been the probate judge of said county for Eight years during that time.

This affiant further says that for the past sixteen years he has been well acquainted with Orrin Miller an attorney at law, and that during that time the said Miller has done a large amount of legal business before this affiant as such justice, and this affiant never saw any act on the part of the said Miller of an unprofessional character. This affiant further says that he has as much confidence in the integrity of the said Miller as a lawyer, as any attorney that practices at said courts.

Subscribed and sworn
before me this 18th day of
April 1864

Bela Shaw

Alvinn Watmore
Justice of the Peace

STATE OF ILLINOIS, } ss.
Winnebago County,

Clerk's Office.

I, WILLIAM HULIN, County Clerk and Clerk of the County Court within and for the said County of Winnebago, do hereby CERTIFY that said Court is a Court of record with general jurisdiction in law and equity, having a Clerk and a seal; that *James H. Hearn* Esquire, whose name is subscribed to the annexed *jurat* is *affidavit of* *John H. Hearn*

was, on the day of the date of said *jurat* and at the time he signed the same, a Justice of the Peace, *in* *Rockford* *Ill.* *for* *Just. Winnebago County*

dwelling in the said County of Winnebago, in the town of *Rockford* and for said County of Winnebago, duly elected, appointed, qualified, commissioned and sworn, as appears of record in my Office, (which record is made pursuant to law,) and that, as such, full faith and credit are due and should be given to all his official acts of that date, in all Courts and places, and before all officers whatsoever. I FURTHER CERTIFY, that I am well acquainted with the hand writing of the said Justice

and familiar with his signature, and do verily believe that the signature to said *jurat* purporting to be his, is genuine, and have no doubt thereof.



GIVEN under my hand and the Seal of said Court and County, at my Office in the City of Rockford, this *Twenty Second* day of *April*, A. D. one thousand eight hundred and sixty *four*.

William Hulin Clerk.

State of Illinois } ss
Munbagg County



John H. Eccleston being first duly sworn, deposes and says that he resides at Rockford County of Munbagg State of Illinois and has resided in said City for the past five years and that during that time he has been intimately acquainted with Orren Miller.

This affiant further says that in the spring of 1869 he was a partner in the practice of Law with said Miller and that in the spring of said year this affiant saw the said Miller in his office in said City hand to one Reubin A. Page then a student in said Miller & Eccleston's office the papers in the case of Wm. B. Cook vs. Francis Burnap and requested said Page to take said papers to said Burnap's office and directed him where said Burnap's office then was.

This affiant further says that the said Page took said papers & went out of the office and after an interval of about ten minutes he returned to said office and informed said Miller that there was no person in said Burnap's office and that he had left said papers on the table in said Burnap's office.

This affidavit further says that he has
been for the last five years well
acquainted with the said Miller
and his practice as an attorney
that he never knew him to be
guilty of an unprofessional act
and that his integrity as a practicing
lawyer is as fair as any other attorney
practicing at the Winnebago County
Bar

Sworn to before me this 25th
April 1868

John H. Eccleston

Oliver A. Pennington

Clerk Circuit Court

Winnebago County Ill.

State of Illinois
St. Clair Harrison County 3^d

Reuben A. Page being
first duly sworn deposes, and says
that in the Winter and Spring of
1862, this affiant was a student
at Law, in the Office of Aaron
McMiller in the City of Rockford,
State of Illinois. This affiant
further says that late in the
Winter of 1862, or early in the
Spring of said year, O. Miller
came into the Office of the said
McMiller, where this affiant then
was, and requested ^{the affiant} ~~him~~ to
take the Papers, in the Case of
William Block vs Francis
Brennan, to said Brennan's
Office in said City. This ^{affiant} being
ignorant of the Location of
said Brennan's Office, was
directed by said McMiller where-
to go to find said Office. This affiant
further says that he took said
papers and went to the Office
of said Brennan, & finding no
one in, he waited a few minutes
and then put them on the
Table of said Brennan, and

immediately returned to the office
of said Miller, and informed
him what he had done with
said papers. This apparent fact
says that at the time said
Miller ^{giving to this office} ~~gave~~ ^{him}
papers he informed that said
Bump wanted said papers.
This apparent fact says
that he did not take any
particular notice of the
papers, but should think
from the size of the bundle
that it contained all of the papers
in said case,

Reuben A. Page

State of Illinois }

St. Clair County }

Be it remembered that on the 26th
day of March 1864 personally appear
ed before me and made oath to the foregoing
statement, Reuben A. Page, known to me
to be the real person who signed and swore
to the above -

Fred. J. Heston

Solary Public

Liberty Ill

State of Illinois
Stephenson County



Thomas J. Sumner being
first duly sworn on his oath deposes
and saith that he is an Attorney and
Counselor at law - that he has practiced
law in Stephenson and Winnebago Counties
in the State of Illinois ever since (1841)
- that for the last twelve years - and
perhaps longer he has been acquainted
with Orrin E. Miller Esq an Attorney at
law in Winnebago County - that he has
during that time been associated
frequently in the trial of suits, both
in Winnebago and Stephenson Counties
with said Orrin E. Miller, and in
the trial of a great many suits he has
been engaged ~~in the trial~~ against
said Orrin E. Miller - that said Orrin
E. Miller was at one time State Attorney
for the judicial Circuit which embraced
Stephenson & Winnebago Counties that
while he was so State attorney - this
affiant was frequently employed to defend
persons indicted for crime - that during

all the time this officer was so acquainted
with said Orrin & Miller and practicing
at the same Bar with him this officer
never knew of said Orrin & Miller doing
any dishonorable or unprofessional
act - that in all professional business
in which this officer had any connection
either with or against said Orrin &
Miller - this officer found him honorable
and gentlemanly in his conduct
Subscribed to and *Thos E. Currier*
sworn before me

this 20th day of April
A.D. 1844.

E. P. Hodges, Clerk



2 P.D. 254.

affidavits
favorable to
Miller

Filed April 26, 1864
J. Leonard M.

In the Supreme Court,

The People of the State of Illinois,
on information of Francis Burdick,
agt.
Orwin Miller,

Take notice that the plaintiffs in the above intitled cause will attend by counsel, at the office of Burdick & Harvey, in Rockford, on the twenty-first day of March instant, for the purpose of taking the deposition in the above intitled cause, of Hatcher Blake, Ephraim Samner, John Davis, John B. Edleston, Melancthon Starr, Storas Hitchcock, James E. Davis, Bradford McKinney, and of such other witnesses as they may be advised of, before some officer authorized to take such depositions, commencing at nine o'clock in the forenoon, or as soon thereafter as may be, and continuing from day to day until the same shall be completed. Dated 8 March, 1864.

Yrs, &c.

D. P. Jones,
State's Attorney, &c.

To Orwin Miller, Esq. the
above named Defendant

In the Supreme Court.

The People of the State of Illinois,
on information of Francis Barnard
ag.
Orin Miller.

Francis Barnard, the
above named informant, maketh solemn affir-
mation and saith, that he did on the eighth day
of March instant, serve the above named Orin Mil-
ler with a notice in the above intitled cause, of
which the within and foregoing is a true copy,
by delivering the said notice to him.

Francis Barnard.

Affirmed at Rockford, in the
County of Winnebago, the twenty-
first day of March, 1864. be-
fore me.

Anson Miller
Judge of the Winnebago
County Court.



Rockford Mass } Departures of John Fralutson
March 21 1864 } Leake Peaton Ephraim Sumner
Selden M. Clark Rufus J. Hamney Hiram H. Waldo
Thatcher Blake James O'Connor James Bush
Gerrit McIntyre David Miller Leslie Carpenter B. H.
Chandlerlain Hope Blind Wm. A. Manning before
me at the times & places herein after specifying,
in pursuance of the notices & in the case hereto
attached and entitled in said notices.

John Eccleston, Callow, Wmgs and
known in part of information

Atkins stated that he did not enter the Defendant's appearance at all, but objected generally to the testimony, and to each and every interrogatory in the following dep^{ositions}.

Interrogatory
Fishes

What is your name age Place
of residence and occupation.

Ans 1st My age is thirty five years - my
name John Eccleston - My place
of residence is Rockford Illinois
I am by occupation Attorney at
law

Inter 2nd Are you acquainted with the
defendant Onio Mills and
how long have you known him

Ans^d I am acquainted with Orrin Miller and have known him since the Spring of Eighteen Fifty Eight.

Inter 3^d Were you present when the said Omi's Miller on or about the 12th of September 1859 - ^{or at any other time} received of James B. Rosenberg a note against the ^{informant} Comptroller, and if you were was that note afterwards sued, and did or not the said Omi's Miller pay any thing to the said James B. Rosenberg for the said note.

Ans. 3 I was present and think it was in September 1859. but will not be positive as to date, when said James B. Rosenberg sold a note to said Omi's Miller which note was against Francis Burnap the informant. The note was afterwards sued.

I don't recollect that any thing was paid by said Miller for the note at the time, but think that the said Rosenberg owed said Miller for mining and that said Miller agreed to give said Rosenberg either ninety or a hundred and ninety dollars for said note. Can't recollect which.

Inter 4th What business did Rosenberg owe Miller for

Ans 4th Can't say what business. Am not positive that Rosenberg owed Miller for any business but it is now my impression that he did.

Inter 5th Have you any impression as to the amount Roubing owed Miller for mining at the time Miller bought said note?

Ans 5th I have not

Inter 6 Was Mr Miller to pay Roubing the sum you have mentioned whether he recovered it on the note or not or was the payment conditional?

Ans 6th My best recollection is that it was not conditional

Inter 7 Were you present when the agreement about the price of the note was made between Roubing & Miller?

Ans 7 I was present at one time & when said note was delivered to said Miller, and said Roubing put his name on the back of said note, and when there was an agreement between them as to the price of said note,

Inter 8 Was this agreement made at the same time ^{when} the note was delivered?

Ans 8 It seems, I think it was,

Inter 9 Did or not Roubing come into the office and offer Miller said note, and

did or not Miller and Rosenberg thereupon
go into another room?

Ans 9 I think Rosenberg did come into the
office and offer Miller said note, and
think said Miller and Rosenberg did
go into another room

Inter 10 How long did they remain there
which was done when they returned
into the office

Ans 10 Should think they remained
there from five to ten minutes, they
then came back into the office and
told me each of them that Miller
had bought said note and said
Rosenberg assigned said note to Miller
by putting his name on the back thereof.
And stated to me what Miller
was to pay for the note as heretofore
stated as near as I can recollect.

Inter 11 When was Miller to pay Rosenberg
the money for the note

Ans 11 I don't recollect.

Inter 12 What has become of Rosenberg?

Ans 12 I do not know

Inter 13 Did Oliver Miller give Rosenberg
a note for the money?

Ans 13 Not to my knowledge.

Inter 14. Did Orrin Miller make inquiry of the said Bonmap whether there was anything due on said note?

Ans 14. I don't know
John H. Eccleston

Judge's Office }
March 22 1864 }

Orrin Miller defendant present. Objects to all interrogatories and answers ^{to} of witness

Ephraim Sumner swears on the oath of the People says to the following interrogatories

Interrogatory

1st What is your name age and place of residence & are you a member of the Rockford Bar

Ans 1st My name is Ephraim Sumner. My age is Fifty six years, I live in the City of Rockford and am a member of the Rockford Bar

Inter 2^d Are you acquainted with Orrin Miller the defendant and how long have you known him

Ans 2^d I am acquainted with the defendant and have known him eighteen ^{years} or more

Inter 3^d What is the ^{general} reputation of the defendant for integrity and honesty. And what has it been for years past, and is it good or bad?

Ans 3. Well I don't know, it is not as good as some men and is ^{very much} better than others. In his intercourse with me I have no reason to complain.

Inter 4 What is his general reputation as to his legal practice as a lawyer - for integrity and honesty?

Ans 4. I don't know,

Inter 5 Can you or not say that his general reputation for integrity & honesty is good?

Ans So far as his intercourse with me is concerned it has been fair and honest, his reputation is about as good as the average of lawyers.

Cross Inter
1st State if the reputation of the defendant as a practicing lawyer is as good as Francis Bunnaf's

Ans 1 Well I don't know, I know nothing against Mr Bunnaf's reputation as a practicing lawyer.

2^d Ex^{pt} Inter

How long have you practiced
at the Rockford Bar

Ans

I think about four years.

3^d Ex^{pt} Inter

State whether you have
not heard Mr Burrup say
more about the defendant than
any other member of the Bar

Ans

I don't know that I have,
I have known that there has been
ill feeling between them, and,
am sorry for it.

4th Ex^{pt} Inter -

State what has been the
practice of the defendant and
its extent for the last ten years
at the Rockford Bar.

Ans

It has been pretty extensive
it has been on full average with
the practice of other lawyers

Direct examination resumed

Inter 6.

Have you ever heard Mr Burrup
speak of the defendant except
in open court

Ans

I have no particular recollection
of hearing him - Not recently.
Certainly

Ephraim Sumner

2
Judge's Office Rockford March 22 1864
Orvin Miller defendant objects because
he has had no notice of the taking of the dep-
osition of Leab Eaton
Leab P Eaton sworn as a witness in the face
of the People

Interrogatory.

First What is your name, age, place
of residence & occupation

Ans 1 My name is Leab P Eaton My age
is Forty Six years, I reside in the city
of Rockford, and my occupation
is harness making.

Inter 2 Are you acquainted with the
Orvin Miller ^{The defendant} and how long
have you known him

Ans 2 I am acquainted with the
defendant Orvin Miller &
have known him six or seven
years

Inter 3 What is his general reputation
for integrity and honesty - is it
good or bad?

Ans 3 I have heard it both ways - I have
heard some people say that if they had a duty

Case on a hard scrape they would
get him as a lawyer, I don't know
as I know what his general reputation for
integrity and honesty is - I know as I
understand what is meant by general
if you mean by general what I
have heard the people speak the
most of I can answer

I have heard him called
a hard case, I have ^{heard} people speak
more against him than in his favor.

What proportion of people have
you heard speak against him
and in his favor

I don't know as I can tell,
I never called my mind to numbers,
I never expected to be called and
I don't know as I can state
the proportions, I don't know as,
I can state it exactly as to proportion

My best recollection would be two
to one against him - that I have
heard people speak.

What do those who speak in
his favor say of him?

A pretty scheming & smart fellow
and as I told you before and if
they had a very hard or dirty case
they would get him.

Inter 6 Did you know before you were called to the stand what you were to be called to testify about?

Ans 6 I did not.

Defendant objects to the foregoing testimony Generally

~~Cross Examination of Witness by Defendant~~

Cross Inter 1 Has the defendant a reputation of being a good lawyer or not

Ans 1 The defendant has the reputation of being a good lawyer

Cross Inter 2 Have you employed the defendant to try a case or cases for you?

Ans 2 Yes sir - The case never came to trial it was settled

Cross Inter 3 Was the case a hard or dirty one that you employed the defendant to try

Ans 3. It was not a dirty case - It might have been a hard case provided it had been tried

^{cross}
Inter 4. What do you mean by hard case when you speak of the defendants being employed in a hard case.

Ans 4. What I mean by hard case is this if a man had a case that there was not much chance to gain it at all he better get the defendants

^{cross}
Inter 5. Why had they better get the defendant in such cases?

Ans 5. Why, because he had a better family to get along with than hard on duty cases than other lawyers

^{temp}
Inter 6. Have you had a contested lawsuit within the last six months in which the defendant employed against you and Francis Brumby employed by you?

Objected to

Ans 6. Yes sir

^{cross}
Inter 7. Up to the trial of that suit were you not friendly to the defendant

Ans 7. I never was otherwise than I know of

Cross Inter 8 Did you not blame the defendant for that suit being contested?

Ans 8 I don't know as I did for its being contested - I understood that he advised the defendant in that suit to contest it & I blamed him for that.

Cross Inter 9 Do you still entertain ill will towards the defendant?

Ans 9 - Not particularly

Cross Inter 10 Did you and the defendant in this suit at the trial of the case defend to have hard words as to that cause being contested

Ans 10 Yes did I believe at that time

Cross Inter 11 Have you changed your feelings toward the defendant since that trial?

Ans 11. Yes Sir, somewhat of course,

Cross Inter 12 Was James Burnap present at the time of the hard words passing between you and me

Ans 12 I don't know that he was and don't know but he was

Cross Inter 13 Did you not tell Francis Bump at the time that I was the cause of your suit being contested?

Ans 13. I presume that I did

Cross Inter 14 Did you not know at the time and do you not know ~~it~~ that Francis Bump was ^{is} my bitter enemy

Ans 14 I did not ^{is} then - he seems to be now.

Direct Examination resumed

Inter 7 By what means does it appear that Francis Bump is the bitter enemy of the defendant?

Ans 7 They seem to be enemies at the trial and from what I have seen since and now

Inter 8 What have you just seen that shows that Francis Bump is an enemy of the defendant?

Ans 8. From the conversation that passes between them is what I judge

Inter 9. What has been said in their conversation and by whom?

Ans 9 I have not heard Mr Brumby say any thing. Mr Muller has given him some sharp shots that show that they are not friends.

Inter 10 Has Mr Brumby shown any anger towards the Defendant?

Ans 10 I don't know as I can say that he has.

Inter 11, Has the Defendant used abusive language to him - Mr Brumby.

Ans 11, Why, he has used language that shows that they are not good friends. If he should ^{use} such language toward me and we were not good friends I should think it abusive -

Inter 12 In what kind of business has the Defendant the reputation of being a good lawyer.

Objection

Ans 12 In just such cases as I spoke of before

Inter 13, By what means is he expected to
Carry a hard case?

Ans 13. I don't know what means he
uses

Cross Examination resumed

Cross Inter Do you know the amount
of the legal business that the
Defendant has in the County
of Minnabago and the adjacent
Counties, and the Character of
that ^{legal} business - for the last ten years
and now?

Ans I do not

F. P. Ector.

30 March 1864. Yours &c.

State's Atty. Gen., Ninth Circuit.

In the Supreme Court.

The People of the State of Illinois
on information of Francis Burnap,
^{vs.}
Orin Miller.

Francis Burnap, of Rockford, in the county of Winnebago, makes solemn affirmation and oath, that he did on the thirtieth day of March last, serve the above named Orin Miller with a notice of which the within is a copy, by delivering the said notice to him.

Francis Burnap.

Affirmed at Rockford, in the
county of Winnebago the
~~thirtieth~~ day of ~~March~~ ^{April} 1864,
before me,

Asa W. Little,
Judge Winnebago County

Selden M Church Callers
and Jurors

Rushford April 14 1864

April 14, 1864

1st Inter What is your name age
and place of residence

Ans 1st My name is Selden M Church
My age sixty years and my
residence Rushford Minn.

Inter 2 Have you been County Judge
of Winnebago County and
are you now Supervisor of
Rushford

Ans 2 I have been County Judge
of Winnebago County & am
at present Supervisor of
Rushford

Inter 3 Are you acquainted with the
defendant Olin Miller and
how long have you known
him

Ans 3 I am acquainted with
him and have known him
ever since his settlement in
Rushford some fifteen or eight-
een years

Inter 4 How long have you resided
in Rockford

Ans 4. Ever since eighteen hundred
and twenty six - since the fall
of that year

Inter 5. What is the general reputation
of said Orin Millers for
integrity and honesty and what
has it been in years past
Objected to by Defender

Ans. 5 I dont know as I am able
today what his general reputation
is - I dont know, I am able to say
whether I have heard men
speak for or against him - he
has since he has been here had his
friends and enemies in this town.

Inter 6 What do those who speak
in his favor say of him

Ans 6 I dont know as I am able
to say precisely as I dont recollect
or call to mind the language of
any individual on either
side

Inter 7. What is the general impression of
 what those who have spoken in
 his favor say of him, according
 to the best of your recollection,
 Objected to by Defendants

Ans 7. They have spoken of him
 favorably - I think more in reference
 to him as a lawyer than socially.
 I think I have heard him spoken
 of more as a lawyer than socially
 by those who have spoken of
 him favorably.

Inter 8. What have they said of him
 as a lawyer

Ans 8. Without calling to mind
 what any individual has said
 of him I am unable to say
 of him what they say of him
 as a lawyer - I think myself if I
 was to give an opinion, that Mr
 Miller is a very good lawyer.
 I think in the estimation of a
 portion of the Community Mr
 Miller is regarded as a very good
 general lawyer - In the estimation
 of another portion not as good
 in cases involving purely legal
 questions. But is a good lawyer
 to try causes in the Circuit Court.
 I think another portion

regard him as tricky as a lawyer and rather on the score of a pettifogger.

My opinion is that the largest portion would apply to the second class.

Inter 9. How large a portion would apply to the first class.

Ans 9. I don't feel that I could give an opinion as to that.

Inter 10. Have you had any notice that you were to be examined as a witness here.

Ans 10. I have had no notice & my being here was merely accidental.

Cross Examination
by Defendant Omit Miller

Cross Inter 1. How long was you Judge of the Winokago County Court.

Ans 1. Eight years.

Cross Inter 2. During that time did the Defendant practice before you as an attorney, if yes how did the number of his cases.

and the merits of those Cases, and the Character of his Clients, compare with the other members of the Bar who practiced before you while you were Judge.

Ans 2 He did practice before me I should think from recollection that his Cases at Common Law were fully equal to any members of the Bar. My impression is that in Chancery & Probate matters his Cases were not as numerous as some other members.

As to the Character of defendants Cases I have no recollection that they were different from Cases of other Attorneys.

Cross Question 3 During the eight years Defendant practiced before you - did you ever see an act on the part of the defendant derogatory to the Character of a lawyer.

Objected to as leading by F Bumpus

Ans 3. I don't call to recollection now that I ever did

C Inter 4 In Defth practice before you during those eight years, how would his manner of practice and his acts as a lawyer compare with the other members of the Milwaukee County Bar?
Objected to by you

Ans 4. I don't know that I ever had reason to find fault with the conduct of any member of the Bar

C Inter 5 During the time that I practiced before you as a lawyer did I have free access to all the papers in your Court at any and all proper times.

Ans 5 I am not able to state as the papers were in the custody of the Clerk - so far as I know you had access to the papers

C Inter 6 During the time of my practice before you as a lawyer did you ever see an act on my part that would give you reason to believe that I would be guilty of abstracting papers from your Court?
Objected to by you

Ans 6 I did not, I cannot call any act to mind.

C Inter 7 Is Francis Burnop the informer in this case the enemy of the Defendant?

Ans 7 I don't know, I don't recollect of hearing any difficulty between Mr Burnop and Defendant till this matter came up, and I don't understand the nature of this.

C Inter 8 When you speak of the Defendant having enemies in what does that enmity consist, or what is the character of that enmity towards the Defendant?

Ans 8. Well, I don't know as I am able to say more ^{than} than men that speak disparagingly of him and don't like him - the same as other who have enemies.

Direct ^{complaints} ~~examination~~ resumed
Inter 11. - Did ~~papers~~ ^{any} arise in your Court about papers being abstracted?

Ans 11 I think Complaints did arise about
papers being missing but in what
cases and to how many engaged in them
I cannot recollect - I don't recollect
any case where there was a suspicion
that the papers had been wrongfully
taken.

Inter 12 You have spoken of persons
who have spoken disparagingly of
the defendants - State whether you
mean that what the said had
reference to his integrity or honesty.
Objected to by Defendant

Ans 12 I have heard - though I cannot
call to mind the individuals on
the time - the defendants integrity
called in question - I cannot give
the individuals' language on the
substance of it.

Inter 13 Perhaps you would
Did either James B. or
Rufus V. Harvey mention before
you when you were County
Judge

Ans 9 Mr. B. did

57

C 2nd 10 Did you ever suspect that
Francis Burnap would ever
wilfully abstract papers from your
cabinet

Ans 10 I did not

Jm Church

This deposition was taken at my
Office in Rockford Ill April 14, 1864
Francis Burnap Esq appeared on the
part of the information and
Olin Miller Esq Defendants - Office
at Peppan - Adjourned to 10 o'clock
morning at 9 o'clock. Jm Church
Jm W. Miller Judge

Rushford April 15th 1864

Present James Dunn Esq
on the part of the informant
Oliver Miller Esq - for defense

Refers J. Hanning sworn on
part of information

Inter 1 What is your name age residence & occupation
Ans 1 My name is Rufus Hanning My
age is Forty six years My place
of residence Rushford and My
occupation - a practicing Attorney

Inter 2 Are you a co-partisan of the
informant in this case

Ans 2 I am and have been
since January 1859

Inter 3 Have you seen a copy of a
letter with the signature J^{os} Shep=
herd of which the original was
attached to an affidavit of Oliver
A Pennoyer in this case.

Ans 3 I have seen what purported to be
a photograph copy of a letter which
I have understood was or is attached

to an Affidavit made by Oliver A. Pen-
=noyer and said to have been filed
in the Supreme Court in this case.
Said Copy appears on purports to
have been signed by Jos. Shepherd,

Inter 4 Was Oliver Miller the defendant
in Chicago on the day on which
that letter was post marked - State
what you know about it.

Ans 4 I have made inquiry in Chicago
as to whether he was in Chicago on
the 7th day of April 1863 and found
in a Newspaper called the Chicago
and ^{Business Directory}
Daily Record of Arrivals at Hotels, ~~in which~~ the name
of Mr Miller Rockford is published
on the 8th day of April 1863 in the
list of arrivals at Wash. City at the
Matteson House on the 7th day of
April 1863 - I have examined what
I was informed and what purports
to be the Hotel Register of the Matteson
House as found in Chicago and found
an entry under the date of April
7th 1863 in the list of arrivals of
that ^{date} the name "Mr Miller Rockford"
Corresponding with what was published
in ^{the} Chicago Daily Record, as found

Upon examination of the hand writing of that entry in said register and a comparison of it with the hand writing of Orrin Miller with which I am acquainted - I am fully satisfied that the entry is in the hand writing of Orrin Miller therefore I believe that he was in Chicago on the 7th day of April 1863. which appears to be the post mark on the above mentioned letter as stated on record to in the previous answer

The above question and answer objected to by defendant,

Inter 5 Were you or not sufficiently acquainted with the hand writing of the defendant to form an opinion without comparing it with other writing? of the hand writing of that entry without comparing it with other writing

Ans 5. I think I was sufficiently acquainted with the hand writing of the defendant to form an opinion that the above mentioned entry in the Western Home register was in

The handwriting of Orion Miller without comparing it with other writing of defendants and I did so form an opinion previous to comparing it, and subsequently made such comparison as confirmed my opinion.

Inter 6. Where did you make such comparison

Ans 6. I made it at Rockford by means of a facsimile of the entry made in the register of Matthew Hunter which facsimile I made. At the time I discovered said entry - I compared this ^{facsimile} ~~entry~~ with the handwriting with that of a letter addressed by Orion Miller to Bunnap and Harney.

Question and answer
Objected to by defendants

Inter 7 Did you at any time make a representation to a member of a firm of lawyers that you had slipped away evidence which had been taken in a case depending in the Winnebago Circuit Court

in the manner mentioned in that letter.

Ans 7.

I never made any such representation to any person whatever and never did any such thing.

Question and Answer
Objected to by Defendant

Inter 8

State whether or not you have made representations that you had cancelled or slipped away in any manner evidence taken in the a case in the Winchburg Circuit Court in which William C. Cook was Plaintiff and James Bush was Defendant.

Ans 8.

I never made any such representations to any person whatever nor any thing which could be construed into such representations.

I am confident of this as I never did any such thing.

Question and Answer
Objected to by Defendant

Inter 9. Did you know of depositions of a man by the name of Musbury having been taken in the said case of Cook against Bunnap and do you know what became of ^{such} ~~these~~ depositions.

Ans 9. I know of a deposition ^{purporting} to be one of said Musbury having been on file in the papers of that case of Cook vs Bunnap and I once recollect of hearing such a deposition read and perhaps reading it myself on the trial or about the time of the trial of the said case against Bunnap.

I do not know what became of the deposition ^{after} that time. I have often heard mention of another deposition of said Musbury in said case but I have no knowledge of what became of either of the depositions. I have heard ^{that} one of the depositions was ^{by} Quaker and Turner formerly Clerk ^{deposited} by defendant in April 1863.

Quaker & Turner objected by defendant.

Inter 10. Did you visit ^{one} ~~either~~ of those
 Apartments Among the papers in ~~the~~
 a Case which had been disposed
 of in the Winnebago Circuit Court
 Entitled Henry Whitman against
 Schuyler Barker

Ans 10. I never did
 Durston and Ammer
 objected to by defendants

Inter 11 Did the said Francis Barker express
 to you a wish to have the trial of
 the Case of Leach against Barker
 delayed

Ans 11 He never did to my recollection
 only in Connection with the statement
 to me that Amshun's deposition was
 missing from the files in the Case
 And that he would be obliged to have
 the Case continued until the deposition
 could be found or taken again
 Durston and Ammer
 objected to by defendants

Inter 12 Do you know whether there was such a
 person as the Jo Shepherd described
 in the before mentioned letter residing

in Chicago in April 1863, and have
inquiries been made for such a
person and if yes what was the
result of such inquiries

Ans 12 ^{no} ~~I do~~ not know of such a person
residing in Chicago even and
don't believe that such a person
resided there

I do know that myself
and others have made diligent
inquiries at different times since
May of 1863 for any such person
in Chicago and that I have
never been able to find any
such person or to hear of such,
- that I have examined the Chicago
Directory of 1863 and find therein
the name of Joseph B Shepherd
with allusions indicating that he
was connected with a railroad
running into Chicago or from
Chicago. I could not find
any such person as J B Shepherd
and I inquired of an attorney in
Chicago by the name of Shephard
whose Christian name was not
J B nor do I know what his
Christian name is who

informed me that he had no knowledge of J^{os} Shepherd or any such person as J^{os} Shepherd in Chicago.

Justin S. Munn
Adj^t to my desk

Inter 12 Do you know whether of its having been suggested by any of the persons whose names have been used in this cause that the letter in question was written or copied by one of the clerks in the office of E. S. Mott in Chicago and have means been taken to ascertain whether the fact were so.

Ans 13. Some one suggested to me that this letter purporting to be signed by J^{os} Shepherd was in the hand writing of one Miles Almy a clerk in the law office of E. S. Mott & Co in Chicago and some time last fall I think or it may have been this last winter - I have forgotten the date - I called on Almy at Mott's office and presented him with what purported to be a photographic copy of said letter and informed

him that it had been suggested that it was in his hand writing and I asked him whether it was so and he informed me that it was not - that he never wrote the original and never knew any thing about the contents of it and he also drew up an Affidavit to that effect and signed it but as I was satisfied he knew nothing of the matter and as it was ^{at that hour} not convenient to get a Notary Public I did not insist upon his remaining to it -

Mr Bump & I called at Smith's office on the 13th day of the present month and inquired for Sam Miles Almy to get his affidavit when we were informed at the office that he had gone East and was not in the State - I was satisfied that Almy did not write the letter from a comparison of that with other writings Chicago to as before

Inter 14 What is the practice at the office of Mr Bradley the Chief of the detective Police of Chicago about receiving promises of rewards

For making disclosures.

Objected to as before

Ans 14 I called on Mr Bradley in company with Mr Pennoy at his office in Chicago on the 13 day of the present month to ascertain from him whether he had ever been employed by O A Pennoy or any other person to discover whether there was any person in or about Chicago by the name of J^r Shepherd a law student in a law office in Chicago in April 1863. He informed me that Mr Pennoy some time in 1863 in the Spring called on him to make effort to obtain information whether there was any such J^r Shepherd in Chicago and that he did not care down with the money for making the investigation but offered or proposed to offer a reward for the discovery of the writer of that letter. Bradley said he did not work without the money held down. That is what he said about his practice.

Objected to by deft.
as before

Chaff Examination

C Inter 1

Are you the Rufus J Harney against whom the Defendant entered an information in the Supreme Court of the State of Missouri which is now pending and undetermined in said Court

Ans 1

I am the Rufus J Harney against whom I understand Orrin Miller has entered a false malicious and perjured information in said Court as I truly believe

C Inter 2

Are you the Rufus J Harney mentioned in an Affidavit made by O. H. Penroyer and others in the Spring of 1863 and now filed in the Supreme Court of said State swearing in said Affidavit that the reputation of Rufus J Harney for truth and veracity was bad and that they would not believe him under oath,
Objected to

Ans 2, I never saw such affidavits

C Inter 3 Have you ever been informed that there is such an affidavit objected to

Ans 3 I have never been informed that there is just such an affidavit as that described in the interrogatory but have been informed of one similar,

C Inter 4 When did you find the name of Mr Miller on the Matteson Name record,

Ans 4, On the 12th day of April 1864,

C Inter 5 Were there other men by the name of Miller residing in Rockford in the Spring of 1863

Ans 5 There were a number of others

C Inter 6 Who pretended to make a fac simile of the word Miller found on the Matteson Name record that you compared with the letter written by defendant to Burroughs & Harvey.

Ans 6. I myself made one and Mr Bump
another - I did not compare the
facsimile made by Mr Bump
with the letter

C Inter 7 Will you write the words Mr
Miller under this interrogatory
imitating as near as you can
the words Mr Miller that you
saw on the Matteson House record

Ans 7 The record is not here and
I decline to do it on that
account

C Inter 8 Have you and the defendants
been bitter enemies ever since the
time of the dispute about the
instruction that the Court refused
to give in the case of Valentine
Lake vs William Wiley and which
instruction you had at the time
in your possession.

Objected to

Ans 8. I have considered Mr Miller
a very bitter enemy to me ever
since I learned (sometime after the
dispute about that instruction which
I at the time of the dispute had

mislaid and could not find
 that afterwards found among some
 law papers in my pocket) ~~that~~
~~even since I heard that he was~~
 standing me as to that institution
 and I have cordially dispensed
 him.

Q. Did you see the friend or the enemy
 of the defendant?

Ans. I would not do him an
 injustice in person reputation
 or property.

Direct examination resumed

Q. Have you been informed
 that there has been a judicial
 Affidavit ~~was~~ filed in the
 Supreme Court of this State
 reflecting on your credit
 as a witness?

Ans. I have ^{not} been informed that
 any Affidavit which I consider
 a judicial Affidavit has been
 filed in the Supreme Court reflecting

on my credit as a witness.

Rufus L. Harvey

Taking of Depositions adjacent to this
Office tomorrow morning 9 o'clock AM.
Rushford April 15th 1864

6
April 16th 1864 - Half past 10, o'clock AM

Witness H. Waldo Sworn on the
Oath of the information

Inter 1 What is your name age place
of residence and occupation

Ans 1 My name is Hiram H. Waldo - My
age thirty six years, my residence Rockford
Illinois, and my occupation Bookseller.

Inter 2 Are you acquainted with the
defendant Orrin Miller?

Ans 2 I am, and have known
him ever since he has lived in
Rockford some fifteen or sixteen
years and perhaps longer - I have
lived in Rockford eighteen years.

Inter 3 What is the general reputation
of said Orrin Miller for honesty
and integrity and what has he
been in years past

Ans 3. It is a difficult question
He has two kinds of Character
Some speak favorably and
some otherwise of him His general
reputation is not the best nor worth
for honesty & integrity

Inter 4 What is his Character and
General reputation for honesty
and integrity in his Law prac-
-tice

Ans 4 Same as before answered

Inter 5 Had you notice of what
you were to be called to testify
to in this case.

Ans 5 I had no notice & had no
knowledge of the matter

Inter 6 Had any person asked
you what you would testify
to in this case.

Ans 6 No person had asked
me any thing about it
Heriam H. Waldo

Further taking of depositions adjourned
to Monday next 18th June 1861

7

James Deammon Sweden an
part of the information

Inter 1 What is your name age
Place of residence and occupation

Ans 1 My name is James Deammon
my age forty seven years, my
Place of residence Rockford Ms, &
my occupation Commercial broker

Inter 2 Are you acquainted with
Omer Miller the defendant
and have been between seven
and eight years - I think I have
known him ever since
I have lived in Rockford
and how long have you
known him

Ans 2 I have known him ever
since my residence in Rockford
some seven or eight years

Inter 3 What is his general reputation
for honesty and integrity.

Ans 3, I don't know that I can
answer that question I have
had no transaction of business
with him of any amount
I have never heard enough
about him to form an
opinion

Inter 4 Had you any notice that
you were to testify in this
case

Ans I had not
W. D. Lammiman

Further taking of depositions
in this matter is adjourned to
Monday morning the 18th inst
10 o'clock A.M.

April 16 1864

Further adjourned to Monday morning
the 18th inst 10 o'clock A.M.

April 18 1864.

8
[REDACTED]
Rockford April 19th 1864, —
Examination of witnesses named
Frank Farris Burroughs on
part of information
Orris Miller Esq. Defendant
Absent. Though notified yesterday
by letter from Commissioners.

Walter Blake sworn on the
part of the information

Inter 1 What is your name age residence
and occupation

Ans 1 My name is Walter Blake - age
fifty five years resident Rockford
Illinois and my occupation farming.

Inter 2 Are acquainted with Orris Miller
the defendant and how long have
you known him

Ans 2 I am acquainted with Orris Miller
the defendant and have known
him ever since he lived in Rockford
some fifteen or twenty years.

Inter 3 What is his general reputation for honesty and integrity and what has it been for years past

Ans 3 My impression is that his reputation is not first rate and has not been a long time

Inter 4 What do you mean by first rate

Ans I mean that his ^{Character} reputation for integrity has not been above suspicion

Inter 5 What is his reputation for honesty and integrity in his practice as a lawyer and what has it been for years past

Ans 5 I think his reputation as a lawyer for integrity and honesty is about the same as it is as a Citizen and has been so a long time

Inter 6. By what do you judge what
his reputation is

Ans 6. From what I have heard people
say of him and common
repute what I see
Phutator Blake

9
Rochford April 19 1864.

7
Francis Bunnell informant
in this case being duly affirmed
says as follows

Since the last Term of the
Supreme Court of Minn's
Informant applied to the Clerk
of the Cook County Circuit Court
and requested him to cause search
to be made among his papers on
file in his office to see if the hand
writing of any of them resembled that
of the letter signed Wm. Shepherd in
question - That in consequence one
of the under Clerks made search &
produced the papers in about ten
or twelve cases which were
depending in or had been disposed
of in said Court as resembling
that hand writing - That witness
examined the papers in several
of these cases - so much resembled the
hand writing of said letter that
witness was induced to believe they
were the same - All these papers

Reported to be from the Office of
E. S. Smith Esq Attorney & Counsellor.
at Law of Chicago and Witness
was informed by the Under Clerk
that all the papers he produced
were of Cases in which Mr Smith
had been engaged.

The Witness caused the deposition
of the person he was informed drew
the papers which Witness examined
to be taken in a Cause depending
in the Circuit Court in Winnebago
County to ascertain whether he wrote
or Copied the letter aforesaid. And
he - said person whose name is Parker
denied under oath that he wrote
or Copied that letter or had any
knowledge of its ~~contents~~ it; and
this Witness became satisfied from
his signature to that deposition
that the letter was not in his hand
writing.

This Witness afterwards gave
notice to take the deposition of one
Philes Allen another Clerk in the
Office of said E. S. Smith Esq and
Witness became ^{and from other information} satisfied from
a specimen of his hand writing
that he did not write on Copy

2
The letter.

And The Witness also made inquiry in Chicago to find whether there had been a Lawyer's Clerk or student named J. Shepherd and examined the Chicago Directory for that purpose but could never hear of any such person.

On Wednesday of last week the Witness examined the Register book of the Matheron Home in Chicago in which the entries of April Eighteen Hundred Sixty Three were made and under the date of Seventh of April of that year there was the entry "Mr Miller Rockford". I am acquainted with the hand writing of the defendant Orrin Miller and from an examination of that entry I have no doubt but it was in his hand writing.

I paid the judgment in the Case of Cook against Burnap in full and have had property out of which that amount could be made for many years past & defendant could not ^{well} have ^{known} that note on which the judgment

was recovered with an idea that
the amount thereof could not
be collected of the Nitroes
Francis Burnap,

Further Examination of Nitroes
designed to tomorrow morning
half past 9 o'clock.

Rushford April 20-1864

Examination of witnesses
 names

George Montyzer
 Born May 1828
 Son of Mr. & Mrs. Montyzer
 of Rushford

George Montyzer sworn
 as to the information

Inter 1 What is your name &
 residence and occupation

Ans 1 My name is George Montyzer
 age forty eight years reside
 Rushford Minn is my occupation
 Collector of Rushford

Inter 2 Are you acquainted with
 defendant Orrin Wilcox
 and how long have you
 known him

Ans 2 I am acquainted with
 him and have known
 him some eight or ten
 years

Inter 3 What is the general reputation of the defendant Miller for integrity and honesty - is it good or bad and what has it been for years past

Ans 3 I have some speak ~~fully~~ well of him and often the contrary - I ~~cannot say that~~ ~~is is good~~ - ~~I have~~ his reputation in general by the community ~~is good~~ ~~his reputation for~~ ~~honesty and integrity~~ - ~~himself~~ is not an unreliable one

In my personal intercourse with the defendant he has always treated me in a very gentlemanly way

Inter 4 What is the reputation of the defendant for integrity and honesty in his practice as a lawyer -

Ans 4 I don't know as I know any thing about that in particular

Inter 5 Have you ever been asked of in regard to what you would do

Testify in this Cause

Ans 5. I had never heard a word
of inquiry about it till I was
called to be sworn.

George McIntosh

11
Rockport April 20th 1864.

Prisoner James Thompson Esq
informant Oliver Miller Esq Defendant
absent

David Miller sworn on the oath
of the information.

Inter 1 What is your name age place
of residence and occupation

Ans 1 My name is David Miller, age
thirty five years place of residence
Rockport, and my occupation is
Carriage making

Inter 2 Are you acquainted with the
defendant Oliver Miller and
how long have you known
him

Ans 2 I am acquainted with him
and have known him about
ten years or more

Inter 3 What is his general reputation for integrity and honesty - is it good or bad, and what has it been for years past?

Ans 3 His reputation for honesty and integrity is very bad, he is regarded as dishonest and unprincipled.

Inter 4 What is the reputation of the defendant Miller for integrity and honesty in his practice as a lawyer?

Ans 4. His reputation for integrity and honesty in his practice as a lawyer is the same as his general reputation. He is tricky and dishonest in his law practice. This is his reputation.

Inter 5 By what do you judge that his reputation for integrity is bad?

Ans 5 From the general talk and reports of the people who know him.

Inter 6. Have you taken particular notice of what people have said about him, and if you have what reason have you had for doing so

Ans 6. I have taken particular notice and for the reason that he had dealt dishonorably as I thought with myself and with others in his practice as a lawyer,

Inter 7. What is the state of feeling between you and the defendant Dr. Miles

Ans 7. I have no feeling of enmity against him. He has shown himself inimical to me.

J. Miles

12
Rochford April 20th 1864

Examination of Witnesses
Continued

Present James Burnap Esq. Informant
Onre Miller Esq. Defendant's Counsel

Colles Carpenter sworn on the
part of the information.

Inter 1. What is your name age place
of residence and occupation.

Ans 1 My name is Colles Carpenter - age
thirty eight years, place of residence
Rochford and my occupation is
mercantile business

Inter 2 Are you acquainted with the
Defendant Onre Miller and
how long have you known
him

Ans. I am acquainted with him
and have known him
all of ten years or more

Writer 3 What is his general reputation for integrity and honesty - is it good or bad, and what has it been for years past.

Ans 3. His reputation for integrity ~~for~~ integrity and honesty I have always heard as bad. This is the general expression of the people concerning the defendant. Whenever I have heard him spoken of in the community his character has been represented as bad.

I have not heard him spoken much of for integrity and honesty.

Writer 4 What is his reputation for integrity in regard to his law practice

Ans. 4 The defendant's reputation for integrity in his ^{law} practice is about the same as in general matters.

I have often heard men say that he could be bribed against his clients and would go against their interest if paid for it. His general reputation for integrity in the practice of the law is bad.

Inter 5 When you speak of what you have heard said of him in your last answer do you or not mean that that is what the people generally say of defendant or have do you mean otherwise -

Ans 5. I have often heard it said of the defendant that he would betray his clients for money but I have not heard this said of him so often as I have heard his general character for integrity in his law practice spoken against.

Inter 6 What have the persons whom you have heard speak about the defendant's betraying his clients said ^{as to} whether he would do so or not

Ans 6 They have said that the defendant would do so.
Sales, Carpenter

13
Rockford April 20th 1864

Respect and Obedience as
in preceding Correspondence

Yr Blinn Sworn on the
Oath of the informants

Inter 1 What is your name age residence
and occupation

Ans 1 My name is Yr Blinn My
age is rising of fifty years My residence
is the City of Rockford and My
my occupation is Mercantile
Business

Inter 2 Are you acquainted with
the Defendant Orrin Miller and
how long have you known
him

Ans 2 I am acquainted with him
and have known him twelve
years or more

Inter 3 What is the general ^{reputation} ~~Character~~ of said Defendant for integrity & honesty - ~~is~~ good or bad - and what has it been for years past

Ans 3 From what I have heard I think it is bad - and I have so heard it in years past - I never had any personal trips with him He has always treated me respectfully - I never had any difficulty with him.

Inter 4 What is his ^{general} reputation for integrity in his law practice

Ans 4 What I have said I have heard in relation to his law practice.

Inter 5 By what do you judge that his reputation is bad

Ans 5. I judge from general reports or expression of the people
Jesse Blinn

14
Rockford April 20th 1864

Examination of Witnesses
Continued

Reverend James Burroughs
Informant - Omer Miller Defendant
Albion

BT H Chamberlain Sworn on
the oath of the information

Inter 1 What is your name age, place
of residence and occupation

Ans 1 My name is BT H Chamberlain
my age twenty eight years - place
of residence Rockford and my
occupation Merchants business.

Inter 2 Are you acquainted with
the Defendant Omer Miller and
how long have you known
him

Ans 2 I am acquainted with him
and have known him fourteen
years or more

Inter 3 What is the general reputation of
the defendant for integrity and honesty
- is it good or bad - and what
has it been for years past.

Ans 3 His general reputation for
integrity and honesty is bad &
has been so for years past

Inter 4 What is his general reputation
for integrity as regards his law
practice

Ans 4 It is bad
B. H. Chamberlain

Rockford April 20th 1864

Examination of Witnesses Continued
Present and absent as in ^{minutes} Cases of
this date

Wm W Manning sworn
on the oath of information

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

Ans 1 My name is Wm Manning age
forty two residence Rockford
my occupation Watch Making,

Inter 2 Are you acquainted with
Orrin Miller the defendants
and have long since you
known him

Ans 2 I am acquainted with him
and have known him ever
since the fall of eighteen hundred
and forty eight

Inter 3 What is his general reputation for
integrity and honesty - is it good
or bad - and what has it been
in years past

Ans 3. He has the name of being rather
sharp and wants looking after.
I should not be anxious to have
his general reputation at any rate.
If I must say whether his reputation
is good or bad I will say it is bad.

Inter 4 What is his general reputation
for integrity in his law practice?

Ans 4. I can't say.

Inter 5 By what do you judge
his general reputation to be bad?

Ans 5 From general reports.

A. A. Manning

16
State of Minn. }
Annetago County } ss

I Wm. Miller Judge of the
County Court of said County do Certify
that the foregoing depositions of John
F. Euston Ephraim Sumner Leach P
Eaton Selden M. Church Rufus W. Harney
Hiram H. Waldo Thatchers Blake Francis
Deammon Francis Burrup George
Mentzen David Miles Coles Carpenter
T. A. Chamberlain Pope Blinn and
William A. Manning were taken before
me at my office in the City of Rockford
in said County - Excepting the deposition
of John F. Euston which was taken before
me at the Office of Francis Burrup Esq
in said City - in pursuance of the notice
for taking said depositions hereto attached
on the days respectively noted in said
depositions And I further Certify that
said depositions were sworn to and sub-
scribed before me at the times and
places before specified.



Wm. Miller
County Judge of
Annetago County
Minn.

STATE OF ILLINOIS, } ss.
Winnebago County,

Clerk's Office.

I, WILLIAM HULIN, County Clerk and Clerk of the County Court within and for the said County of Winnebago, do hereby CERTIFY that said Court is a Court of record with general jurisdiction in law and equity, having a Clerk and a seal; that *the Hon. James D. Miller* Esquire, whose name is subscribed to the annexed *Certificate is the matter of the People*

of the State of Illinois on information of Francis Burnap
against Orrin Miller &c

was, on the day of the date of said *Certificate* and at the time he signed the same, a Justice of the Peace, *and for many years previously, the*
Judge of said County Court, and ever since, has been
and still is such Judge dwelling in the said County of Winnebago, in the town of *City of Rockford,* for said County of Winnebago, duly elected, appointed, qualified, commissioned and sworn, as appears of record in my Office, (which record is made pursuant to law,) and that, as such, full faith and credit are due and should be given to all his official acts of that date, in all Courts and places, and before all officers whatsoever. I FURTHER CERTIFY, that I am well acquainted with the hand writing of the said Justice

and familiar with his signature, and do verily believe that the signature to said *Certificate* purporting to be his, is genuine, and have no doubt thereof.



GIVEN under my hand and the Seal of said Court and County, at my Office in the City of Rockford, this *Twenty First* day of *April* A. D. one thousand eight hundred and sixty *four*.

William Hulin Clerk.

J. P. J. 254
The People &

Orrin Miller

Depositions

as to character

J. Miller -

various

Filed Apr. 27, 1864.
L. Deland
Clerk.