

Charles Taylor & Raleigh Hunt.
 1837 To the President, Directors & Co of the State
 June 10th Bank of Illinois D.S.
 To Cash lent \$4000
 " paid 4000
 " Had & rec^d 4000.

And afterward to wit on the seventh day of November in the Year last aforesaid, it being one of the days of the November Term of said Court, the following proceedings, among others were had:

The President, Directors & Company
 of the State Bank of Illinois
 vs
 Charles Taylor impleaded with R.
 Raleigh Hunt } Assumpsit

This day came the Plaintiffs by Morris & Scammon their Attorneys and the said defendant Taylor as to show only process has been ~~served~~ ^{served} in the cause, being called come, not, nor any person for him but therein fails and makes default, which default is ordered to be entered of Record and the Court proceeding to hear and determine the cause, award judgment in favour of the Plaintiffs, that they recover of the defendant Taylor their damages herein sustained. It but because those damages are uncertain

and unknown to the Court this action being brought on an instrument of writing for the payment of money only. it is Ordered, that the Clerk assess the said damages: and the same being assessed and reported by said Clerk at the sum of two thousand nine hundred seventy eight $\frac{40}{100}$ Dollars, and said report being approved by the Court. it is

Therefore considered by the Court, that said plaintiffs have and recover of the said defendant Charles Taylor their damages aforesaid assessed together with their costs and charges by them about their suit herein expended and that they have execution therefor

It is further Ordered by the Court that a writ facias issue against the defendant Hugh to show cause at the next term of the Court, why he should not be made party to this decree and judgment awarded accordingly.

On Application of said plaintiffs leave is given them to withdraw the note filed in the cause, on leaving an attested Copy thereof with the papers.

And afterward, to wit on the sixth day of November AD 1837 the following

report attested by the Clerk of said Court
was filed in the Office of the Clerk
of said Court, to wit

Municipal Court
November Term 1837

State Bank
vs
Taylor & Hunt } Judge

Note due June 6. 1837. \$ 3903.21

Paid " 9 " 997.45
\$ 2905.76

Int from June 6 to Nov 7 72.64
Total \$ 2978.40

Attest J. Manning, Clerk
Nov 7th 1837

And afterwards to wit
on the same day, and Year last aforesaid,
the said Plaintiffs Attorneys filed the
following with the Clerk of said Court
to wit

Bank & Charles Taylor et al
Attys Fees, Hilz Fee 25

Drum & Gily Deck 2.50

Copy of note 25

July Term Fee 2.50

Nov. do " 2.50

Asst of Dams 1.25

Drum bill of C. & 50

Enty Sal of July 50

\$ 10.25

Fily Proc for Ex

25

Morris & Scammon Plff. Attys

Clerk will please issue an Execution
in the above case for the writ, to the Sheriff,
of Cook County.
Nov 7th 1837.

M & Scammon Plff. Attys.

And afterwards to wit on the seventh
day of December in the Year last aforesaid,
there issued out of the Office of the Clerk of
said Court the Proper Writ of Habeas Corpus
directed to the Sheriff of said County,
which is in the words and figure, following,
to wit;

State of Illinois }
Cook County }
City of Chicago } The People of the State of Illinois
To the Sheriff of said County
Greeting;

We Command You, That of
the goods and Chattels, lands and tenements
of Charles Taylor impleaded
with one Berkeigh Hunt in your bailiwick
You cause to be made the sum of two thousand
Nine hundred seventy eight dollars and
forty cents, which the President Directors
Company of the State Bank of Illinois
lately before the Municipal Court of the

City of Chicago recovered against him
for their damages with interest thereon
from the seventh day of November A.D. 1837
and also the sum of eight dollars and cents
which by the same Court was adjudged
to them for their costs and charges about
their suit in this behalf expended, whereof
the said Charles is convicted as appears
to us, of record, and that You have those
moneys ready ninety days after the date
hereof, to render unto the said President
Directors & Company for their damages
& costs aforesaid, and make due return of
this writ within ninety days from the date
hereof,

Witness the Honorable Thomas Ford
Judge of our said Court, and the
Official Seal of said Court at
Chicago this seventh day of
December A.D. 1837.

W. L. Racker Clerk,

And on the back of said Execution
was the following endorsement to wit;

Returned no property found whereon
to levy the within March 15. 1838, Return 12 1/2
S. H. Sherman Sh. & By J. H. Smith Dep. Sh. &.

And afterward to wit on the eighth day
of December in the Year last aforesaid there

issued out of the Office of the Clerk of said
Municipal Court the Peoples writ of Scire
Facias directed to the High Constable of said
City which is in the words and figures as follows
to wit;

State of Illinois }
Cook County. }
City of Chicago }

The People of the State of
Illinois. To the High Constable of said City
Greeting!

Whereas in the Term of November
ad 1837 of the Municipal Court of the
said City of Chicago the President Directors
& Company of the State Bank of Illinois
by the Consideration of the said Municipal
Court recovered a Judgement against Charles
Taylor impleaded with Benleigh Hunt
and as to whom the High Constable of said
City has returned "not found" for the
sum of two thousand nine hundred
seventy eight dollars forty cents & their
damages together with their Costs of Suit
and which said Judgement still remain
in full force unsatisfied by the said
Charles Taylor.

We therefore Command You
that You Summon and give Notice

to the said Burleigh Hunt impleaded
as aforesaid and as to whom I have heretofore
returned "not found" that he appear before the
Municipal Court aforesaid at the next
Term thereof to be holden at the Municipal
Court Rooms in said City on the first
Monday in the Month of January next
to answer and there and there before
said Court to show Cause if any he
can show why he should not be so
and be made party defendant to the
Judgment aforesaid and do due
execution thereof awarded and had
against him together with the said
Charles Taylor.

And how You shall execute this
writ make appear at the time and place
aforesaid when and where You have this
Writ,

Witness the Hon Thomas Ford
Judge of the said Court and the
Seal thereof at Chicago this
8th day of December AD 1837.
J. S. Racker
Clerk

And on the back of said writ was
the following endorsement to wit
The writ is not found Dec 30th 1837

Returned 12 1/2 John Shrigley Night Clerk
J. L. Nichols, Dep't

And afterwards to wit on the Second
day of February A.D. 1838 there issued
out of the Office of the Clerk of Said
Municipal Court The People's writ
of Second Series Facias, directed to the Sheriff
of McHenry County, which is in the words
and figures as follows to wit:

State of Illinois }
County of Cook } Ls
and City of Chicago }
The People of the State
of Illinois to the Sheriff of McHenry
County - Greeting:

Whereas at November Term Anno
Domini one thousand eight hundred and
thirty seven of the Municipal Court of
the City of Chicago By the consideration
of said Court, the President, Directors & Company
of the State Bank of Illinois recovered a
Judgment against Charles Taylor who
was impleaded with one Raleigh Hunt
and as to whom the High Constable of
the City of Chicago has heretofore made return
that said Hunt was not to be found in
his bailwick to make service upon for
the sum of two thousand nine hundred six-
ty eight dollars forty cent, for their

damages sustained by reason & besides
their Costs and Charges about their Suit
therein expended, and which said Judgment
still remains in full force & unsatisfied.

We therefore Command You as
heretofore we have commanded the
High Constable aforesaid, that You summon
and give notice to Raleigh Hunt who was
impleaded in said cause with said Charles
Taylor, and as to whom he has returned "not
found" as aforesaid, that he be and appear
before our Municipal Court aforesaid
on the first day of the next Term thereof
to be held at the Municipal Court ~~Room~~
Room in said City, to answer and then and
there before our said Court to show cause
if any he have, or can show, why he should
not be made party to the Judgment rendered
against the said Charles Taylor, and due
execution thereof awarded against him
as well as the said Charles Taylor;

And of Your proceedings on this writ
make due returns at the time & place
last aforesaid

Witness the Hon. Thomas Ford
Judge of our said Court at Chicago
this 2^d day of February A.D. 1838
H. L. Webster
Clerk

And on the back of said writ was the following
endorsement to wit;

Served on Burleigh Hunt by reading
the within in his hearing this 2nd day
of February 1838. Cost. Serving & Returning
62½. 26 mls Travel 1.62½ \$2.35. Henry
B. Steele Sheriff.

And afterwards to wit on the Seventh
day of March in the same Year last aforesaid
there issued out of the Office of the Clerk
of said Court the Proper writ of Alias
Tunc Facias directed to the High Constable
of the City of Chicago, which is in the words
and figures following to wit:

State of Illinois
Cook County }
City of Chicago }

The People of the State
of Illinois to the High Constable of
the City of Chicago. Greeting;

We command You, as we lately
commanded the Sheriff of said County,
that of the goods and Chattels, lands and
tenements of Charles Taylor (impleaded
with one Burleigh Hunt in Your
baillwick, You cause to be made
the sum of twenty nine hundred

& Eighty seven dollars - Sixty five cents
which to The President, Directors & Co. of
the State Bank of Illinois was lately
adjudged in the Municipal Court of
said City, for Damages, Costs and charges
in a certain action of Trespas on the case
upon promiser against said Taylor/impleaded
with said Kent at the suit of said State
Bank of Illinois in our said Court sustained,
whereof the said Taylor is convicted, as appears
to us of record; And have You that money
ready in ninety days from the date here of,
to render to the said President, Directors
& Co of the State Bank of Illinois for
their Damages, Costs and Charges, afore-
said. Hereof fail not, and make
return of this writ in the said space
of ninety days from the date, with an
endorsement thereon as to the manner
in which You executed the same.

Witness The Hon. Thomas Ford
Judge of said Court, and the Seal
of said } thereof at Chicago this 7th day of
March A.D. 1838.

H. L. Rucker Clerk

And on the back of said writ was
the following endorsement to wit:

Returned by order of Petto Atty
Return of - 12th - John Shingley High Constable

By S. J. Love Depy H. Co.

And afterward to wit on the third day of April in the same Year last aforesaid, it being one of the days of the April term thereof, the following proceedings amongst others were had to wit;

The President, Directors & Company
of the State Bank of Illinois } Sci. Fa. to
vs } make default
Benleigh Hunt (who was impleaded) } defendant
with one Chas. Taylor } to a Judgment
heretofore rendered against
said Taylor at the November Term A.D. 1837.

This day came the said Plaintiffs
by Morris & Seams now their Attorneys,
and the defendant being three times
solemnly called came not nor any
person for him but therein made default.

It is therefore considered by the Court
that said Benleigh Hunt be and he is
hereby made party defendant to the Jud-
gment heretofore entered in this Court
against said Charles Taylor, and that
they recover of said Hunt together with
said Taylor the sum of two thousand
nine hundred seventy eight dollars
and forty cents their damages & besides

Costs &c. as set forth and recited in
said Scire Facias; and that said
Plaintiffs have execution of said
Judgment against said Hunt
and Taylor; and also for their costs
and charges about their suit on
said Scire Facias expended.

And afterwards to wit on the Seventh
day of June in the same Year last
aforesaid there issued out of the
Office of the Clerk of said Municipal
Court the Peoples writ of Fieri Facias
directed to the High Constable
of the City of Chicago, which is in words
and figures following to wit:

State of Illinois }
Cook County }
City of Chicago } The People of the
State of Illinois
To the High Constable of the City of Chicago

We command you as before
that of the goods and chattels, lands
and tenements of Charles Taylor
and Raleigh Hunt in your bailiwick,
you cause to be made the sum of
twenty nine hundred & eighty eight
dollars ninety cents which to the President
Directors & Company of the State Bank

of Illinois was lately adjudged in the
Municipal Court of said City, for
Damages, Costs, and Charges in a certain
action of Assumpsit against them at
the suit of said President, Directors & Com-
pany in our said Court sustained; Whereof
the said Taylor & Hunt are convicted as
appears to us of records. And have you
that money ready in ninety days from the
date hereof, to render to the said President,
Directors & Company for their Damage, Costs
and charges, aforesaid. Hereof fail not,
and make return of this writ in the said
space of ninety days from the date, with
an endorsement thereon as to the manner
in which you executed the same.

Witness the Hon. Thomas Ford,
Judge of said Court - and the Seal thereof
at Chicago this 7th day of June A.D. 1838.
H. V. Rucker Clerk

And on the back of said writ there
is the following endorsement to wit:

Return this execution in no part
satisfied no property found to satisfy
the same. July 1st 1839.
John Shigley by S. J. Lowe Depy Sh'ff

And afterward to wit on the third day of July
A.D. 1839 there issued out of the Office of the Clerk
of the Cook Circuit Court the People's writ of
Second Habeas, Fieri Facias, directed to the Sheriff
of Cook County, which is in the words and figures
following to wit:

State of Illinois }
Cook County }
City of Chicago }
The People of the State of
Illinois to the Sheriff of Cook County Greeting

We command You, that of the Goods
and Chattels, lands and tenements of
Charles Taylor and Harleigh Hunt in
Your bailwick, you cause to be made
the sum of two thousand nine hundred
and ninety dollars, fifty two $\frac{1}{2}$ cents,
which to the President, Directors, and Company
of the State Bank of Illinois was lately
adjudged in the Municipal Court
of said City, for Damages, Cost, and charges
in a certain action of trespass against
them at the suit of the said President,
Directors and Company of the State Bank
of Illinois in our said Court sustained,
whereof the said Taylor & Hunt is convicted,
as appears to us of record; and have You that
money ready in ninety days from the date
hereof, to render to the said President

And afterward to wit on the third day of July
A.D. 1839 there issued out of the Office of the Clerk
of the Cook Circuit Court the People's writ of
Second Plurim, Fieri Facias, directed to the Sheriff
of Cook County, which is in the words and figures
following to wit:

State of Illinois }
Cook County }
City of Chicago }
The People of the State of
Illinois to the Sheriff of Cook County Greeting

We command You, that of the Goods
and Chattels, lands and tenements of
Charles Taylor and Harleigh Hunt in
Your bailwick, you cause to be made
the sum of two thousand nine hundred
and ninety dollars, fifty two $\frac{1}{2}$ cents,
which to the President, Directors, and Company
of the State Bank of Illinois was lately
adjudged in the Municipal Court
of said City, for Damages, Cost, and charges
in a certain action of assumpsit against
them at the suit of the said President,
Directors and Company of the State Bank
of Illinois in our said Court sustained,
whereof the said Taylor & Hunt is convicted,
as appears to us of record; and have You that
money ready in ninety days from the date
hereof, to render to the said President

Directors and Company of the State Bank of Illinois for their damages, costs and charges aforesaid, Heresof jailed, and make return of this writ in the said space of ninety days from the date, with an endorsement thereon as to the manner in which you have executed the same.

Witness Richard J. Hamilton Clerk
of the Cook Circuit Court, and the
Seal thereof at Chicago, this 3^d
day of July A.D. 1839.
Seal }
Rich^d. J. Hamilton Clerk

And on the back of said writ there
is the following endorsement to wit:

Returned satisfied in part for
the sum of \$1313. 96 and all costs &
charges & no more. & know of no property
whereon to levy for the Balance
May 15th 1840.

I M. Gavins Shff
by W. H. Davis Depty Shff

And to said writ there is the following
returns annexed, to wit:

By Virtue of the within Execution
I have this day levied upon all the right,
title & interest of Charles Taylor and Benajah
Hunt in and to the following described property

to wit herewith annexed Lot 6 in Block 58.
School Section addition to Chicago also Block
28. 34 and 44 in the town of Heepotaw in the County
of Cook - also Blocks 1. 2. 3. 4. 5. 6. 7. 8. 9. 10.
11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24.
25. 26. 27. 28. 29. 30. 31. 32. 33. 34. and 35
in the Town of Athens in the County of Cook
except Lot 9 & 10 in Block 16 - also except
Lot 6 in Block 28.

Sept. 13th A.D. 1839 J. M. Gavin Shff
by W. D. Davis Depty Shff.

And to said writ there is also the
following return annexed

By Virtue of the annexed Execution
and one other No. 3138 in favor of Thomas
M. Lyow and Charles Hillsburg and against
Charles Taylor bearing date the third day
of January A.D. 1840 I did on the twenty
ninth day of April A.D. 1840 at the City
Hotel in the City of Chicago in the
County of Cook between the hours of
nine in the morning and the setting of
the Sun of the same day after duly
advertising the same according to
Law, proceed to sell at Public Auction
Vendue the following described property
To wit: Lot 6 in Block 58 in the School
Section Addition to Chicago and J.
Young Scammon bid for the said Lot

or parcel of Land the sum of Fifty Dollars, which being the highest and best bid the said property was struck off to him the said J. Young. Seannow and he became the purchaser thereof; also Block 28. 34 and 41 in the Town of Hepzibah in the County of Cook and John Rogers bids for said Blocks or parcels of Land the sum of Fifty two Dollars, and for Block 1 in the Village of Athens the sum of two Dollars, and Block 2 Fifteen Dollars, and Block 3 Five Dollars, and Block 4 Ten Dollars and Fifty Cents, and Block 5 Ten Dollars, and Block 6 Ten Dollars, and Block 7 Five Dollars, and Block 8 two Dollars, and Block 9 Six Dollars and Block 10 Ten Dollars, and Block 11 Ten Dollars, and Block 12 Five Dollars, and Block 13 Ten Dollars, Block 14 not sold for want of Bidders, and for Block 15 One Thousand Dollars and Block 16 Ten Dollars, and Block 17 Forty Dollars, and Block 18 Thirty Dollars and Block 19 Five Dollars and Block 20 Forty Dollars, and Block 21 Fifty Dollars, and Block 22 One hundred Dollars, and Block 23 four hundred Dollars, and Block 24 forty dollars, and Block 25 forty Dollars, and 26 One hundred Dollars, and Block 27 Thirty Dollars and Block 28 fifteen Dollars, and Block 29 twenty four Dollars and

Block 30 Five Dollars and Block 31 fifteen Dollars, and Block 32 Ten Dollars, and Block 33 Ten Dollars, and Block 34 Ten Dollars making in the whole the sum of \$2176.50. And the said several sums for the said Blocks or parcels of Land herein mentioned and numbered as above were bid by the said John Rogers which being the highest and best bids the said Blocks or parcels of Land were struck off to him the said John Rogers and he became the purchaser thereof making in the whole for the several sums bid by him the sum of \$2126.50

The said Executions in favor of said Thomas M. Vign and Charles Hillsburg and against said Charles Taylor taken its Lien on said property so sold from the third day of June A.D. 1836 in preference to the annexed Executions as appears on the endorsement of said Execution No. 3138 I have applied the sum of \$810.85 to said Execution and returned it satisfied in full and all costs and charges and no more, leaving a Balance in my hands of the sum of \$1365.65 and after deducting \$14.94 1/2 Clerks fees and \$36.75 1/2 Sheriff's fees and Commission I have applied the balance to the payment of the annexed Executions, which I return satisfied in part for the sum of

\$ 13, 13. 93 and all Costs and Charges and
no more and Know of no property in my
County Whereon to Levy for the Balance.
May 15. A. D. 1840.

J. M. Gavin Shff
by W. H. Davis Depty Shff.

And afterwards to wit on the twenty
third day of June A. D. 1840 there issued
out of the Clerk's Office of the Cook Circuit
Court the Peoples writ of Third Pluries
Hui Facias directed to the Sheriff
of Cook County, which is in the words
and figured following to wit:

State of Illinois
Cook County)
City of Chicago) The People of the
State of Illinois
to the Sheriff of Cook County Greeting.

We Command You that of the
Goods and Chattels, lands and tenements
of Charles Taylor & Berleigh Hunt in your
bailwick, you cause to be made the
sum of two thousand nine hundred
and seventy nine Dollars fifty two &
1/2 Cents, which to the President, Directors
and Company of the State Bank of
Illinois was lately adjudged in the
Municipal Court of said City. You

Damages, Costs and Charges in a certain
action of assumpsit against them at
the suit of the said President, Directors
and Company of the State Bank of Illinois
in our said Court sustained; Whereof
the said Taylor & Hunt are convicted
as appears to us of record; And have you
that money ready in ninety days from
the date hereof, to render to the said President,
Directors and Company of the State Bank
of Illinois for their damages, Costs and
Charges aforesaid. Hereof fail not,
and make return of this writ in the
said Space of ninety days from the
date with an endorsement thereon
as to the manner in which you executed
the same.

Seal

Witness Richard J. Hamilton Clerk
of the Cook Circuit Court & the Seal
thereof at Chicago this 23^d day of
June A.D. 1840

Rich^d J. Hamilton Clerk

And on the back of this writ there is
the following endorsement. To wit:

Returned No Goods, Chattels
lands or tenements found whereon
to levy. Sept. 21st 1840. Returned 12th
Ashbel Steele Sheriff of Cook County.

And afterwards to wit on the thirty first
day of May A.D. 1841 there issued out of
the Office of the Clerk of the Cook Circuit
Court the Peoples writ, of fourth Pluries
Hinc Facias directed to the Sheriff of
Lake County, which is in the words and
figures following, to wit:

State of Illinois
Cook County } The People of the
State of Illinois to the
Sheriff of Lake County - Greeting:

We Command you that of the
goods and Chattels, lands and tenement
of Charles Taylor & Burleigh Hunt in your
baulwick, you cause to be made the
sum of two thousand nine hundred and
eighty Dollars ninety cents, which to the
President, Directors and Company of the
State Bank of Illinois was lately adjudged
in the Municipal Court of the City of
Chicago for their Damages, Costs and
charges in a certain action of assump-
sit against them at the suit of the
said President, Directors & Company of the
State Bank of Illinois in our said
Court sustained; Whereof the said
Taylor & Hunt are convicted, as appears
to us of record; And have you that money
ready in ninety days from the date hereof,

to render to the said President, Directors
& Company of the State Bank of Illinois
for their damages, costs and charges
aforesaid. Hereof jail out, and make
return of this writ in the said space
of ninety days from the date, with an
endorsement thereon as to the manner
in which you executed the same.

Seal
ccc

Witness H. G. Hubbard Clerk
of the Cook Circuit Court and
the Seal thereof at Chicago
this thirty first day of May - A.D. 1844
H. G. Hubbard Clerk

And on the back of said writ there
is the following endorsement:

No property found in my County
with which to satisfy the within or any
part thereof Dated this 31st day of August
A.D. 1844. L. B. Nichols Sheriff
of Lake Co Ills.

And afterwards to wit on the twenty
third day of May A.D. 1844 the following was
filed in the office of the Clerk of the Cook Circuit
Court:

Cook Cir. Court
The State Bank of Illinois

vs
Chas Taylor, Burleigh Hunt & others

The Clerk will please issue an execution upon
this judgment directed to the County of Lake
Ills.

May 22, 1844.

W. H. Brown Agent &c

And afterwards to wit on the twenty fourth
day of the same month and year last aforesaid
the following affidavit was filed in the Office
of the Clerk of the Cook Circuit Court to wit:

State of Illinois
Cook County

The ~~President~~ Directors & Co Geo. A. C. Beaumont
of the State Bank &c } most being first

is

Charles Taylor & Benleigh Hunt } duly sworn doth
depose & say that
he is informed & believes

that Mr May the Sheriff of Lake County
in said State holds the legal title to certain
real estate in the said County of Lake
which said real estate this deponent
is informed & believes is equitably & justly
the property of Benleigh Hunt one of the
said defendants in the above entitled
suit & on which land the plaintiffs in-
tend to have a levy made.

Geo. A. C. Beaumont
Subscribed & sworn before

me this 24th day of May A.D.

1844.

Samuel Howard

Clerk Cook Cir Ct.

State of Illinois }
County of Cook } ss

I Louis O'Hound
Clerk of the Cook County Circuit Court
in the State aforesaid do hereby Certify
the foregoing to be a full true and
perfect transcript of the Records and
proceedings & files now lying in my Office
in the above Entitled Cause, up to the opening
of the last Execution which was issued
on the 24th day of May A.D. 1851 directed
to the Coroner of Lake County Illinois
and has never been returned,

In testimony whereof I have
hereunto set my hand and
affixed the Seal of Said
Circuit Court of Cook County at Chicago in said
County this 2^d day of January
A.D. 1852.
L. O'Hound. Clerk

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

Shew before the Hon-
orable Hugh F. Diskey, Judge of the Seventh ju-
dicial Circuit of the State of Illinois at a
Circuit Court for the County of Lake in said
Circuit, begun and held at Manly, in
said County, on the Seventh day of June in
the year of our Lord one thousand Eight
hundred and fifty two and of the inde-
pendence of the United States the Seventy Sixth,

Present, the Honorable Hugh F. Diskey,
Judge aforesaid, Lyman Sprague, Sheriff
of Lake County, Henry W. Blodgett, State
attorney pro Tempore

Attest, A. B. Otis, Clerk

And that afterwards, to wit: on the
Seventh day of June A.D. 1852, the same
being one of the days of the June term of
said Circuit Court for the year last before-
said, proceedings were had in the said Court
which are entered of record in the words
and figures following, to wit:

"Henry W. Blodgett }
vs. } Bill
Henry B. Hunt and
Burleigh Hunt }

Shew come said parties,
that said Complainant in his own proper person

and the said defendants by Searls, their Solicitor, and by their agreement, it is ordered that this cause be, and the same is, hereby set for hearing upon the pleadings and proofs filed herein in vacation before the Court at his Chambers in the City of Chicago."

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

I, Pleas before the Honorable Hugh T. Dicksey, Judge of the Seventh judicial Circuit of the State of Illinois, at a special term of a Circuit Court for the County of Lake in said Circuit began and held at Waukegan in said County on the twenty first day of March in the year of our Lord one thousand Eight hundred and fifty three and of the independence of the United States the seventy seventh, said term of Court being held pursuant to a special order of the Honorable Hugh T. Dicksey, Judge of the Seventh judicial Circuit of said State and presiding Judge of the Circuit Court of Lake County aforesaid bearing date on the twenty seventh day of February A.D. 1853 and calling said special term to commence on the twenty first day of March A.D. 1853 for the trial hearing and determination of all pleas that may be depending in said Court, Civil, Criminal and Chancery, due notice of said special term having been given by the Sheriff of said

County according to the Statute in such case made and provided.

Present the Honorable Hugh T. Dickey, Judge,
Daniel McElroy, State Attorney, Augustus
Granger, Sheriff of Lake County
Attest, A. B. Coates, Clerk

And that afterwards, to wit; on the twenty
ninth day of March A.D. 1853, the said
being a day of the March Special term of
the said Circuit Court for the year last
aforesaid, the said Henry W. B. Lodge filed
with the said Clerk of said Court a trans-
cript of the record of a deed, which said
transcript is in the words and figures fol-
lowing, to wit;

"This Indenture made this twenty Eighth day
of November (A.D.) in the year of our Lord
one thousand Eight Hundred and forty two
Between Nelson Candow Agent Specially ap-
pointed by the County Commissioners of the
County of Lake in the State of Illinois party
of the first part, and Henry B. Hunt of the
~~said County~~ of the said County and State afore-
said of the second part; Witnesseth, That the
said party of the first part, for and in con-
sideration of forty five dollars in hand paid
by the said party of the second part, (the receipt
whereof is hereby acknowledged, and the said
party of the second part forever released and

discharged therefrom) hath granted, bargained,
sold, remised, released, aliened and confirmed,
and by these presents do grant, bargain, sell,
 remise, release, alien, and confirm, unto the
said party of the second part, and to his
heirs and assigns forever, all the following
described lot, piece or parcel of land, situate
lying and being in the County of Lake and
State of Illinois to wit: Lot cho four (4)
Lot cho (9) nine, The north half of Lot cho
Eight (8) and the north half of Lot cho five
(5) all in block cho Twenty five (25) in the
village of Little Fork in the said County of
Lake and State of Illinois,

Together with all and singular the heredit-
aments and appurtenances thereto belonging,
or in anywise appertaining; And the reversion
and reversions, remainder and remainders,
rents, issues and profits thereof; and all the
estate, right, title, interest, claim or demand
whatsoever, of the said party of the first part,
either in law or equity, of, in and to the above
bargained premises, with the hereditaments and
appurtenances; To have and to hold the said
premises above bargained and described, with
the appurtenances unto the said party of the
second part, his heirs and assigns forever.

And the said Nelson Landon for himself as
such agent and his Constituents and their suc-
cessors in office, doth covenant, grant, bargain
and agree, to and with the said party of the second

part, his heirs and assigns, that at the time of
the sealing and delivery of these presents he is
well seized of the premises above conveyed as of
a good, sure, perfect, absolute and indefeasible
estate of inheritance in the law in fee simple,
and has good right, full power, and lawful
authority to grant, bargain, sell and convey
the said in manner and form aforesaid; and
that the said are free and clear of all burden
and other grants, bargains, sales, liens, judgments,
taxes, assessments and incumbrances, of what
kind or nature soever; and the above bar-
gained premises in the quiet and peaceable posses-
sion of the said party of the second part, his
heirs and assigns against all and every person
or persons lawfully claiming or to claim the
whole or any part thereof with warrant and
forever defend. In witness whereof, The said
party of the first part have hereunto set his hand
and seal the day and year first above written,
Sealed And Delivered

In presence of
Arthur Patterson

} Nelson Landow Agent of Lake County

State of Illinois } This day before the undersigned per-
Lake County ss. } sonally appeared Probate Justice of the
peace in and for the County of Lake and State of Illinois
Nelson Landow personally known to the said Justice
to be the real person who executed the foregoing deed,
and who then, before said Justice, acknowledged
that he signed, sealed and delivered the said deed

freely and voluntarily for the uses and purposes
therein set forth. Witness my hand and seal this
28th day of November A.D. 1842

Arthur Patterson Probator. P. E. S.

And on which said transcript was indorsed
at the time when the same ^{was} so as aforesaid filed
with the said clerk, a certificate which is
in the words and figures following, to wit;

"State of Illinois } ss. I, Augustus B. Bates, Clerk of
Sack County } the Circuit Court and Ex officio
recorder in and for said County, hereby certify
the within to be a true transcript from the rec-
ords of my office of the record of a deed which
is recorded in Book A. at pages 425 + 426,
and was filed in the office of the Recorder
of said County for record on the 29th day
of November A.D. 1842

In witness whereof I, have hereunto set
my hand and the Seal of said
Court at Van Buren in said County
this 29th day of March A.D. 1853

A. B. Bates, Clerk
pro. J. V. Bates, Deputy "

And that afterwards, to wit; on the said twenty
ninth day of March A.D. 1853, the same being
a day of the March Special term of the said
Circuit Court for the year last aforesaid, pro.

ceedings were had in said Court which are entered of record in the words and figures following, to wit;

Henry W. Blodgett }
5 vs. } Bill
Henry B. Hunt and
Burleigh Hunt }

Now come said parties, said Complainant in his own proper persons and the said defendants by their solicitor, and the cause having been brought on to be heard upon the pleadings and proofs filed herein and the Court having heard the arguments of counsel, but not being fully advised in the premises, takes the same under advisement."

"United States of America
State of Illinois, Lake County, ss."

I was before the Honorable Buckner S. Morris Judge of the Seventh judicial Circuit of the State of Illinois, at a term of a Circuit Court for the County of Lake, in said Circuit began and held at Waukegan, in said County on the tenth day of October in the year of our Lord one thousand, Eight hundred and fifty three, and of the independence of the United States the seventy eighth Present. The Honorable Buckner S. Morris Judge aforesaid, Augustus Granger Sheriff of Lake County
Attest, A. B. Bates, Clerk"

And that afterwards, to wit; on the eleventh day of October A.D. 1853, the same being one of the days of the October term of said Court for the year last aforesaid, proceedings were had in said Court which are entered of record in the words and figures following, to wit;

"Henry W. Blodgett
5 vs. } Bill
Henry B. Hunt and
Burleigh Hunt }

This cause having been brought to a hearing upon pleadings and proofs, and it appearing to the Court from the evidence in the cause that the defendant Burleigh Hunt was the purchaser and equitable owner of the following described premises, to wit, Lot numbered four (4) Lot numbered nine (9) the north half of Lot numbered five (5) and the north half of Lot numbered eight (8) all in Block numbered Twenty five (25) in the town of Littleport (now in the City of Waukegan) in the County of Lake in the State of Illinois and being the same premises described in the bill of complaint filed in this cause; and it further appearing to the Court from the evidence that the said defendant Burleigh Hunt procured the legal title to said premises to be conveyed to the said defendant Henry B. Hunt and that the said Henry B. Hunt holds the said title to the said premises as the naked trustee without

interest of the said Burleigh Hunt, and it further appearing to the Court from the evidence that at the September Term of the Circuit Court held in and for the County of Lake and State of Illinois in the year of our Lord one thousand and forty five (1845) one James B. Gorton did recover two judgments against the said defendant Burleigh Hunt, one of said judgments being for the sum of Twenty one dollars and fifty six cents and one fourth of a cent, and the other of said judgments being for the sum of Twenty two dollars and one fourth of a cent, upon which said judgments two several writs of Execution, one for each judgment, were issued, both of which were dated the twenty seventh day of January in the year of our Lord one thousand and eight hundred and forty eight, and were directed to the Sheriff of said County of Lake to execute, and it further appearing to the Court from the evidence that the said Sheriff of the County of Lake, Henry W. Dorsett, by virtue of said Executions, levied upon the said several lots and parts of lots, being each and all of the premises above described, and after having duly advertised the same for sale for the time and in the manner prescribed by law, sold the same at public auction according to law, and that the same, at such sale were each and all struck off and sold to one James B. Gorton, he being the highest and best bidder therefor, and the said Sheriff then executed and delivered his proper sher-

iffs Certificate of purchase to said James B. Gorton for said premises, which said Certificate the said James B. Gorton afterwards duly sold, assigned and delivered to the Complainant, Henry W. Blodgett, for a valuable consideration; and it further appearing to the Court from the evidence that afterwards, to wit; on the twenty sixth day of May in the year of our Lord Eighteen hundred and forty nine the said Henry W. Dorsett then being Sheriff of said County of Lake as aforesaid the time of redemption from the aforesaid sale having expired, and the same not having been redeemed according to law, executed and delivered his proper Sheriff's deed to said Henry W. Blodgett of and for said premises, in due form of law, by which said County and the said Henry W. Blodgett became the equitable owner of each and all of said premises and property, and it further appearing to the Court from the evidence that the said Henry B. Hunt still holds nominally the naked legal title to said premises, as such naked Trustee as aforesaid, and that as the said Henry B. Hunt is a minor under the age of twenty one years, It is therefore ordered, adjudged and decreed and this Court by virtue of the authority therein vested doth hereby order, adjudge and decree that the legal and equitable title and property in, and to all and singular, the said lots and parts of lots and premises above de-

described, he and are hereby decreed to be
vested in the said Henry W. Blodgett, his heirs
and assigns in fee simple for his and their
sole use benefit and behoof forever, and
it is further ordered, adjudged and decreed
that the said defendants Burleigh Hunt and
Henry B. Hunt, they and each of them shall
and do on or before the first day of No-
vember next Execute and deliver to the said
Henry W. Blodgett his heirs and assigns a good
and valid quit Claim deed of and for all and
singular the said lots and parts of lots, above
described, and in default of their so doing,
or the default of either of them, that the
Master in Chancery in and for the County
of Lake aforesaid, do Execute and deliver to
the said Henry W. Blodgett, his heirs and
assigns, his Masters deed of and for each
and all of said premises duly acknowledged
upon being served with a copy of
this decree.

And it is further ordered, adjudged and
decreed, that the said defendant, Burleigh
Hunt, do pay the complainant the costs of
this suit to be taxed and that the complain-
ant have Execution therefor."

And that afterwards to wit; on the fifteenth
day of October A.D. 1853, the same being also
one of the days of the said October term of said
Court for the year last aforesaid, proceedings were

And there afterwards, to wit: on the twelfth day of December A.D. 1853, the said being a day in the vacation between the said October term A.D. 1853, of said Court and the January term A.D. 1854, of the said Court, the said Henry B. Hunt and Burleigh Hunt by William S. Sears, their Solicitor, filed with the said Clerk of said Court their appeal bond which is in the words and figures following: to wit:

"Know all men by these presents that we Henry B. Hunt and Burleigh Hunt of Belleville Canada West, and Freeman Bridge of the County of Lake in the State of Illinois, are held and firmly bound unto Henry W. Blodgett in the penal sum of two hundred dollars, lawful money, for the payment of which well and truly to be made we bind ourselves, our heirs, Executors, or administrators jointly, & severally, firmly by these presents - Witness our hands & seals this 24th day of November A.D. 1853.

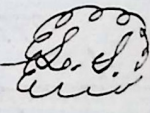
The Condition of this obligation is such, that Whereas at the October Term A.D. 1853 of the Lake County District Court, said Henry W. Blodgett did, in a certain Suit then & there depending, on the Chancery side thereof wherein said Henry W. Blodgett was Complainant & said Henry B. Hunt and Burleigh Hunt were defendants, obtain a decree against the said Henry B. Hunt & Burleigh Hunt deemed

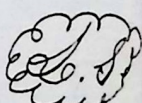
ing to said Henry W. Blodgett the title to the following described lands to wit, Lot no Four Lot no nine, the North half of Lot no five and the North half of Lot no Eight all in Block no twenty five in the original town of Warren, Regan, County of Lake and State of Illinois and also decreeing, that said Burleigh Hunt should pay to said Henry W. Blodgett all of the Costs in said Suit, from which decree said Henry B. Hunt & Burleigh Hunt, have taken an appeal to the Supreme Court of said State,

Now if the said Henry B. Hunt and Burleigh Hunt shall duly prosecute their said appeal and shall pay all Costs, interest, judgments and damages in said Suit in case said decree be affirmed, then the above obligation to be void, otherwise to remain in full force

In presence of

J B Bentley
Henry Lovick

Burleigh Hunt 

Henry B Hunt 
for Burleigh Hunt

Freeman Bridge 

Upon which said appeal bond the said clerk of said Court indorsed his approval thereof at the time when the same was so as above said filed with him. which said approval is in the words and figures following, to wit;

"Approved by me at my office this 12th
day of December A.D. 1853
A. B. Bates, Clerk"

Henry W. Blodgett } Lake County Circuit Court
vs. } Bill
Henry B. Hunt and
Butleigh Hunt }

State of Illinois
Lake County J. P. J. Augustus
B. Bates, Clerk of the Circuit Court in and for the
said County of Lake, in the State aforesaid, do
hereby certify the foregoing to be a full and true
transcript from the records and files remaining
in my office, of the pleadings filed in the above
entitled cause and of the record of the proceedings of the
said Court therein, and of the evidence and also
of the appeal bond, filed in said cause -

In witness whereof I have hereunto set
my hand and the Seal of said Court
at Menomonee, in said County this
tenth day of June A.D. 1854
A. B. Bates, Clerk

5 Henry W. Blodgett vs. Henry B. Hunt and
Burleigh Hunt

Bill

Complainant's costs				
Sept. Term 1849				
Cates, clerk	Fily 2 haps. 12 1/2, Swg to & fily 1 app. 18 3/4	31 1/4		
	Sum. 50, docty suit 12 1/2	62 1/2		
Dorsett, shff.	Relg sum. 12 1/2			12 1/2
October sp. Term	Docty suit 12 1/2, Swg to & fily 2 app. 37 1/2	50		
Cates, clerk	Fily 1 hap. 6 1/2, enty solrs app. 12 1/2	18 3/4		
	Enty ord. app. guardian ad litem 25	25		
Printers fees	Publishg notice to depts. 3.00 (Foley)			3 00
March sp. Term 1850	Docty suit 10	10		
June Term	Docty suit 10, fily 2 haps. 10	20		
October Term 1851	Docty suit 10	10		
March sp. Term	Docty suit 10, enty ord. to cont. 20	30		
June Term	Docty suit 10	10		
October Term 1852	Docty suit 10	10		
March sp. Term	Docty suit 10, issy dectimus 50, fily 1 hap. 5	65		
Cates, clerk	Fily & opening 2 depts 10, taking depts (54 fol.) ent 5, 75	5 85		
	2 subps 70, fily 9 haps. 45	1 15		
Shiffs fees	Scr. mil & ret. on 2 subps 4.15			4 15
Forish Bond, Comr.	Fees for taking depts of L. B. Nichols 5.00			5 00
June Term	Docty suit 10, ord. retg for hearg in vacation 20	30		
October Term 1853	Docty suit 10, fily 1 hap. 5	15		
March sp. Term	Docty suit 10, fily 1 hap. 5	15		
Cates, clerk	Transpt. of deed for evidenced 91	91		
October Term	Docty suit 10, enty final decree (10 fol.) 100	1 10		
Cates, clerk	Making & enty exhibit 42.30, fily 1 hap. 5	35		
	Swg to & fily 1 app. 10	10		13 48 1/2
	Amth. d. for transcripts of judgt. for evidence & postures 17.50			17 50
				\$43 26

Dependants' Costs				
October spt. Term	Cotes Clerk	Swg to & fily 2 appts 3 7 1/2, fily demt. 6 1/4	43 3/4	
		Enty solrs appt. 12 1/2, ord. vrnally demt. 25	37 1/2	
March spt. Term		Fily 1 hapt. 5	05	
June Term		Fily 1 hapt. 5	05	
October Term		Enty ord. to close proofs 20	20	
March spt. Term		Swg to & fily 2 appts 20, enty ord. vacatly	20	
	Cotes Clerk	Enty ord. to close proofs 20	20	
June Term		Ord. dedimus 50, fily & opening dep. 5	55	
J. Paddock, Comr.		Takg dep. of William Hedger 3, 00	3 00	
October Term		Enty ord. granty. appt. 20	20	
	Cotes Clerk	Takg bond on appt. to Sup. 50	50	
		Fily 1 hapt. 5	05	2 81 1/4
			5	81 1/4
			43 15	
			848	96 1/4
	Cotes Clerk	Makg transcript for Sup. Ct. (428 bds) 43, 15		

State of Illinois
 Lake County J. P. J. Augustus B. Cotes, Clerk of the Circuit Court in and for the said County of Lake in the State aforesaid, hereby certify the foregoing to be a true copy of costs in the foregoing entitled cause as taxed by me and entered on my fees &c. - In witness whereof I have hereunto set my hand and the seal of said Court at Waukegan in said County this twelfth day of June A.D. 1854

A. B. Cotes, Clerk

~~State of Illinois~~ Supreme Court Ottawa
June 7. 1854

A. W. Blodgett

And now the said Purleigh Hunt & Henry B Hunt
by their Attorney H. P. Smith come before the justices
of said court and say that in the above record and
proceedings aforesaid there is manifest error, in this
that said decree was in favor of the said Blodgett as
app, when by the laws of the land & the evidence
therein contained, the same ought to have been
for the said Hunts that said bill be dismissed
wherefore for the error afo and other errors apparent
upon the face of said record, they pray that said
decree may be reversed, annulled and for nothing
held & that they & every be restored to all things
that they have lost by said decree &c.

H. P. Smith Atty
for H. B. & B Hunt

And now the said A. W. Blodgett comes & says that
there ^{is no} error in the ^{decree} record & proceedings
afo in any manner & form, and this being ready
to verify by the record &c wherefore he prays
judgt do

Ala. R. W. & P. K. K. K.
Atty for Blodgett

Filed July 27.
1854.
J. Deland O'K.

H. B. 1
H. W. Blodgett
Record

Supreme Court, Third Grand Division, at Ottawa :

The People of the State of Illinois,

To the Clerk of the Circuit Court of Lake County, GREETING :

WHEREAS, in a certain plea between Henry W Blodgett
 _____ plaintiff - and Henry B Hunt & Purleigh Hunt
 _____ defendants, lately depending in the Circuit Court
 of said county, wherein judgment was rendered for the said Henry W Blodgett
 _____ and against the said Henry B Hunt & Purleigh Hunt
 and the said Henry B Hunt & Purleigh Hunt have appealed from the judgment
 of said Court rendered against them as aforesaid, to the Supreme Court, held at
 Ottawa, on the 22nd day of June 1854 and in pursuance of the said
appeal a transcript of the record and the proceedings in the plea afore-
 said was transmitted. And, also, whereas it hath been suggested, on the part of said
Henry W Blodgett that the said record has been diminished, inasmuch as

the record and proceedings of a drew ~~judgment~~ rendered by the Circuit Court of
Lake county on the 1st day of September A.D. 1845 in favor of James B
Clinton against Purleigh Hunt for the sum of \$21.00 ^{1/4} cents, and also
 the record of a drew and judgment rendered by the Circuit Court of Lake
 county on the 1st day of September A.D. 1845 in favor of James B Clinton
 against Purleigh Hunt for the sum of \$22.00 ^{1/4} cents.

hath not been sent up; and forasmuch as the said Supreme Court are not satisfied that
 there is a sufficient record sent in the plea aforesaid, but in the record there is a diminu-
 tion: YOU ARE, THEREFORE, HEREBY COMMANDED, that, without delay,
 the said record therein you cause to be transmitted to the Supreme Court, ~~to be~~ now being
 held at Ottawa, on the 22nd day of June 1854
~~next~~, without any diminution or addition whatsoever, to the end that speedy justice may
 be done in the premises, according to law; whereof you are in no wise to fail; and send
 you then there this writ.

Walter B. Seates

WITNESS, the Hon. Samuel H. Tilton, Chief Justice of
 said Court, and the seal thereof, at Ottawa, this 22nd
 day of June - in the year of our Lord one thou-
 sand eight hundred and fifty-five -

L. Island Clerk of the Supreme Court.

A. E. Bots, clerk of the
circuit court of LaRo
county, Illinois

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

Pleas before the Honorable Buckner S. Morris Judge
of the Seventh Judicial Circuit of the State of Illinois;

At a Special Term of a Circuit Court for the
County of Lake in said Circuit, begun and held
at Waukegan in said County on the fifth day of
March, in the year of our Lord One thousand &
eight hundred and fifty five, and of the Inde-
pendence of the United States the Seventy ninth;
said term of Court being held pursuant to a
Special Order of the Honorable Buckner S. Morris
Judge of the Seventh Judicial Circuit of said State
and Presiding Judge of the Circuit Court of Lake
County aforesaid; bearing date the twelfth day of
February A.D. 1855, and calling said Special
term to commence on the fifth day of March A.D.
1855, for the trial, hearing and determination of
all pleas that may be depending in said Court
Civil Criminal and Chancery; due notice of said
Special Term having been given by the Sheriff of
said County, according to the Statute in such case
made and provided -

Present the Honorable Buckner S. Morris Judge
John F. Gargles Sheriff of Lake County

Attest A. B. Cotes Clerk

And be it also remembered that afterwaras to wit
on the fourteenth day of March A.D. 1855, the same being
one of the days of the said March special term of said ci

-Circuit Court for the year last aforesaid, Henry W Blodgett
filed with the Clerk of said Court an affidavit which is
in the words and figures following to wit:

" Lake Co. Cir. Court, In Chancery

" Henry W Blodgett }

" vs

" Henry B Hunt &

" Burleigh Hunt D

" Jas B Gorton }

State of Illinois

Lake County }

ss: Henry W Blodgett

" the Complainant in the above entitled Cause ^{being} duly affirmed doth
" say, that he was present in person at the hearing of said
" Cause at the March Term of said Court for the year AD 1863
" and this affiant further saith that on said hearing the records
" of said Court were introduced in evidence for the purpose of
" proving by said Records the rendition by said Court of the
" two judgments described in said Bill of Complaint as
" having been rendered in said Court on the Chancery side
" thereof in favor of James B Gorton and against Burleigh
" Hunt, one of said judgments being in a suit wherein said
" Burleigh Hunt was Complainant and James B Gorton
" defendant, and the ^{other of} said judgments having been rendered
" in a suit wherein said James B Gorton was Complainant
" and said Burleigh Hunt was defendant, Both of said judg-
" ments having been rendered at the September Term of said Court
" for the year AD 1845, and also for the purpose of proving by said
" Records the issuing of execution and levy upon said sale of prop-
" erty by virtue thereof as charged in said Bill of Complaint
" Subscribed and affirmed to before } "H W Blodgett"

"me this 3^d day of March 1853 },"

"A. B. Cotes Clerk "

And that on the day and year last aforesaid the said Blodgett also, at the same time when he so as aforesaid filed the said affidavit, filed with the said Clerk of said Court another affidavit which is in the words and figures following, to wit:

"Lake Co Cir Court In Chancery

"Henry W Blodgett

" vs

"Henry B Hunt

"Burleigh Hunt } State of Illinois

" Lake County } C. W. Upton being duly

"Sworn doth say that he was present and acted as Counsel
"for the Complainant on the hearing of the above entitled
"Cause before Judge Pickey at the March Special Term
"1853, and that he distinctly recollects that the records of
"said Court were brought in and introduced upon said hear-
"ing, for the purpose of showing the rendition of the judgments
"against Burleigh Hunt described in the Complainant's

"Bill of Complaint in said Cause

"Subscribed and sworn to before me this } "C. W. Upton "

"14th day of March AD 1853 }

"A. B. Cotes Clerk "

And that the said Blodgett also on the said fourteenth day of March AD 1853 at the same time when he so as aforesaid, filed the said affidavit filed with the said Clerk of said Court another affidavit which is in the words and figures following to wit:

Lake Co Cir Court, In Chancery

"Henry W Blodgett }

" vs }

"Henry B Hunt & }

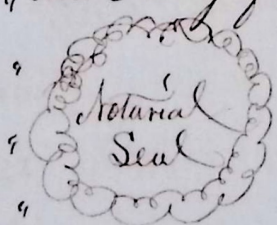
"Burleigh Hunt } State of Illinois

" Lake County, ss

" Augustus B. Cotes being
duly sworn doth say that he was Clerk of said Court at the time
of the hearing of the above entitled Cause, and that he distinctly
recollects that during the progress of said hearing he at the request
of the Complainant or his partner Mr Weston, brought into the Court
room and laid upon the table near where the Judge was sitting
at the time the Record Book, Fee book and Judgment Docket
of said Court for the September Term A.D. 1845, for the purpose
of introducing said books and records upon said hearing,
and this deponent assisted said Complainant or his partner
in turning to the parts and pages of said Book which showed
the rendition of judgment and taxation of costs in the
Cases of James B. Gorton vs Burleigh Hunt, and Burleigh
Hunt vs James B. Gorton at the September term of said Court
for the year 1845. But this deponent is unable to state defi-
nitely whether the said Books and Records were formally
introduced in evidence, by the Complainant on said hearing
or not.

"Subscribed and sworn to before me, "A. B. Cotes,"

"this 3^d day of March A.D. 1855 }



In Witness whereof I have hereunto set my hand
& Notarial Seal.

"John H. Cotes Notary Public,"

And that the said Blodgett also filed on the said fourteenth day of March AD 1855 at the time when he so as aforesaid filed the said affidavits, with the said Clerk of said Court his Motion which is in the words following to wit:

Lake Co Cir Court - In Chancery

" Henry W Blodgett

"

" Henry B Hunt &

" Burleigh Hunt

"

Henry W Blodgett the Complainant
in the above entitled Cause, respectfully represents unto the
Court that upon the hearing of said Cause before said Court
the records of said Court were introduced in Evidence for
the purpose of showing the rendition by said Court of the
Judgments against Burleigh Hunt set forth and described
in the Bill of Complaint in said Cause, but that the
decrees in said Cause, nor any other part of the Record in
said Cause does not show the fact, that the Records of said
Court were so introduced upon said hearing—

Wherefore the Complainant moves to amend the record in
said Cause in such manner as to show that said Record
of said Judgt. was introduced in evidence on said hearing

H. W. Blodgett

In proper—

And that afterwards, to wit: on the said fourteenth day
of March AD 1855, one of the days of the said March Special
Term of said Court, proceedings were had in said Court
which are entered of record in the words following to wit

" Henry W Blodgett

"

vs

Bill

Henry B Hunt }
Burleigh Hunt }

" Now Comes said Complainant, in his own
" proper person and enters his motion founded upon affidavits
" filed herein, to have the record in this Cause Amended, "

" And that afterwards, to wit, on the seven
" tenth day of March A D 1855, the same being also one of the ^{days of}
" said March Special Term of said Court for the year last
" aforesaid, proceedings were had in said Court which are
" entered of record in the words following, to wit;

" Henry M Blodgett }
" vs } Bill
" Henry B Hunt }
" Burleigh Hunt }

" Now Come said parties, said Com-
" plainant in his own proper person, and said defendants
" by Searls their ^{and the said defendant Henry B Hunt by his Guardian ad litem.} Solicitor, and by their agreement it is
" ordered, that the motion to amend the record herein,
" heretofore entered, be heard and decided by the judge of
" this Court at his Chambers, in the city of Chicago, in
" vacation; And that the Order and decision of the Court
" in the premises be entered in vacation, and that the
" same shall have the same force and effect as if entered
" at this term."

" And that afterwards to wit on the ninth
" day of June A D 1855, the same being a day in vacation,
" proceedings were had before the Honorable Bucknood Morris,
" then the judge of said Court at his Chambers in the City of Chi-
" ago which are entered of record in the words and figures,

following to wit:

Henry W Blodgett

vs

Henry B Hunt and

Burleigh Hunt

Bill

The Court being now fully advised as to the motion of the above named Complainant, heretofore entered to have the record in this cause amended, and it appearing to the Court from the proofs filed herein that the Records referred to were used on the hearing of this cause as evidence therein, it is Ordered that the Decree of this Court heretofore entered in this cause at the October Term A.D. 1853, thereof, be amended, by inserting in the second line of said decree, from the top, after the words "and proofs," — the following words, to wit: "filed in this cause, together with the reading of the records and judgments referred to in said pleadings in evidence on the part of the Complainant"; so that said decree will read as follows to wit:

"Henry W Blodgett

vs

"Henry B Hunt and

"Burleigh Hunt

Bill

This cause having been brought to a hearing upon pleadings and proofs filed in this cause, together with the reading of the Records and judgments referred to in said pleadings in evidence, on the part of the Complainant, and it appearing to the Court from the Evidence in the cause that the defendant Burleigh Hunt was the purchaser and equitable owner of the following described premises to wit: Lot number four (4) Lot number nine (9), the North half of Lot number five (5) and the North half of Lot number eight (8) all in Block

numbered Twenty five (25) in the Town of Little Fort (now in the City of Mankewan) in the County of Lake in the State of Illinois, and bring the same premises described in the Bill of Complaint filed in this Cause; and it further appearing to the Court from the evidence that the said defendant Burleigh Hunt procured the legal title to said premises to be conveyed to the said defendant Henry B Hunt, and that the said Henry B Hunt holds the said title to the said premises as the naked trustee without interest of the said Burleigh Hunt; And it further appearing to the Court from the Evidence that at the September Term of the Circuit Court held in and for the County of Lake and State of Illinois in the year of our Lord One thousand Eight hundred and forty five (1845), one James B Gorton did recover two judgments against the said defendant Burleigh Hunt, one of said judgments bring for the sum of Twenty one dollars and fifty six cents and one fourth of a cent; and the other of said judgments bring for the sum of Twenty two dollars, and one fourth of a cent; upon which said judgments two several writs of Execution, one for each judgment were issued, both of which were dated the twenty seventh day of January in the year of our Lord one thousand eight hundred and forty eight, and were directed to the Sheriff of said County of Lake to execute; And it further appearing to the Court from the evidence that the said Sheriff of the County of Lake Henry W Dorsett by virtue of said Executions, levied upon the said several Lots and parts of lots, bring each and all of the premises above described, and after having duly advertised the same for sale for the time and in the manner prescribed by law, sold the same at public Auction according to law, and that the same at such sale were each and all struck off and sold to one James B Gorton he being the highest and best bidder therefor; and the said

Sheriff then executed and delivered his proper Sheriff's Certificate of purchase to said James B Gorton for said premises, which said certificate the said James B Gorton afterwards duly sold, assigned and delivered to the Complainant Henry W Blodgett for a valuable consideration, and it further appearing to the Court from the Evidence that afterwards to wit; on the twenty sixth day of May in the year four Lord, Eighteen hundred and forty nine, the said Henry W Dorsett then being Sheriff of said County of Luke as aforesaid the time of redemption from the aforesaid Sale having expired, and the same not having been redeemed, according to law, executed and delivered his proper Sheriff's Deed to said Henry W Blodgett of and for said premises, in due form of law, by which said Conveyance the said Henry W Blodgett became the Equitable owner of each and all of said premises and property; And it further appearing to the Court from the Evidence that the said Henry B Hunt still holds nominally the naked legal title to said premises, as such naked Trustee as aforesaid, and ^{that by} the said Henry B Hunt is a minor under the age of twenty one years; it is therefore ordered adjudged and decreed, and this Court by virtue of the authority therein vested doth hereby order adjudge and decree that the legal and Equitable title and property in and to all and singular the said lots and parts of lots and premises above described, be and are hereby deemed to be vested in the said Henry W Blodgett his heirs and assigns in fee simple for his and their sole use, benefit and behoof forever. And it is further ordered adjudged and decreed that the said Defendants Burleigh Hunt and Henry B Hunt, they and each of them, shall and do on or before the first day of November next, execute and deliver to the said Henry W Blodgett, his heirs and assigns a good and valid Quit claim deed of and for all and singular the said Lots and

parts of Lots, above described, and in default of their so doing, or the default of either of them, that the Master in Chancery in and for the County of Lake aforesaid, do execute and deliver to the said Henry W. Blodgett, his heirs and assigns, his Masters Deed of and for each and all aforesaid premises duly acknowledged upon being served with a copy of this decree —

And it is further Ordered adjudged and decreed, that the said Defendant Burleigh Hunt do pay the complainant the costs of this suit to be taxed, and that the complainant have execution therefor —

And that on the eleventh day of June A.D. 1855, the same being also a day in vacation, a paper writing, which was indorsed upon the Motion which was so as aforesaid filed by the said Blodgett with the said Clerk of the said Court on the fourteenth day of March A.D. 1853; was filed in the said Office of said ~~Office of said~~ Clerk, which is in the words and figures following to wit:

" Saturday Morning June 9th 1855.

On Consideration of the Motion made herein at the last Term of the Lake Circuit ^{Court} and taken under advisement with Leave to either party to introduce further proof) after making the proofs filed herein I am fully satisfied that the Record referred was used on the hearing of this Cause by his Honor W. J. Dickes as evidence in the Cause. I therefore sustain the foregoing Motion to amend the decree of said Court. nunc, pro tunc, by amending the former decree herein made at the October Term 1853, and the Clerk will now enter at the length the said former decree, inserting after the words "4 proofs," in the second line of said decree from the top the following

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

Heas before the Honorable
Theophilus W Smith one of the Justices of the Supreme
Court of the State of Illinois, and Presiding Judge of the Southern
Judicial Circuit in said State, at a Circuit Court for the
County of Lake in said Judicial Circuit, began and
held at Burlington in said County on the Nineteenth
day of April in the year of our Lord, one thousand eight
hundred and forty one, and of the Independence of
the United States of America, the sixty fifth year

Present the Honorable Theophilus W Smith, Judge,

Lansing B. Nichols Sheriff of the County of Lake.

Attest, Isaac R. Garin, Clerk

And be it also remembered that heretofore to wit
on the twenty first day of July AD 1841, the same being a
day in the vacation between the April term AD 1841 and
of the Circuit Court of Lake County in the State of Illinois, and
the October Special Term of the same Court for the same
year - James B. Gordon filed in the office of the Clerk of said
Court his Bill of Complaint, which is in the words and
figures, following to wit;

" To the Honorable the Judge Presiding in the Southern Judicial
" Circuit of the State of Illinois: Your Orator James B. Gordon
" would represent unto your honor that previous to on
" the first of November AD 1839, he was an occupant of
" a portion of the public land, then belonging to the
" Government of the United States in the County of Lake
in the State of Illinois, to wit; what is now laid out
into the town of Little Port and two certain buildings

thereon, And that on or about the first day of November
AD 1839, one Burleigh Hunt commenced an action against
him, William F Bradley & Edward Loomis to recover from ^{them}
the possession of said land & buildings which was described as
that certain tract of land containing three hundred and
twenty acres of land more or less, with the buildings there
on situate in the County of Lake and State of Illinois,
and bounded as follows to wit; beginning at a point on the
Shore of Lake Michigan at & on the North side of Little Fort
river, thence west one mile, thence north one half mile,
thence East one mile, thence south along the Lake shore
to the place of beginning, which action was carried
by appeal to the Lake County Circuit Court, and
tried at the April term of said Court 1840, and a
verdict found for said plaintiff, whereupon a motion
for a new trial therein was made by said defendants,
which motion was taken under advisement by said Court;
And afterwards to wit; at the April term of said Court
AD 1841 said motion was overruled by said Court, and
restitution of said premises awarded to said plaintiff.

And your Orator would further represent unto your
honor that shortly after the commencement of said action
and before the first day of December 1839, said plaintiff
entered upon said premises & dispossessed said defendants
forcibly of the same & the buildings thereon previously oc-
cupied by your orator; and that your orator on
or about the 1st day of December 1839, commenced an
action of forcible entry & detainer against said Hunt
to recover the possession of said premises & buildings, &
that the same was taken on appeal to said Lake Cir-
cuit Court & on the trial thereof a verdict was found
and rendered for your orator & a writ of restitution was
awarded & issued to the Sheriff of said County who put

words to wit; filed in this Cause, together with the reading of the
Records & Judgments referred to in said pleadings in Evidence
on the part of the Complainant,

B. S. Morris Judge 7th
Judicial Circuit of Illinois

your Orator in possession of the said premises & buildings on the 28th day of April 1841. And your Orator would further represent that afterwards to wit on the 15th day of April 1841 Nelson Gauden, Charles H. Bartlett & Thomas H. Payne County Commissioners of said County obtained a preemption to the South East Quarter of Section No. 21 in Fractional Township No. Forty five North, of Range No. Twelve East of the ~~the~~ ^{the} Meridian, under the Act of Congress in such cases made & provided; and that the same is part of the said land first above described & also claimed & recovered by your orator of said Hunt, and that all buildings now occupied by your orator on the same & the possession of which was, as aforesaid recovered by your orator from said Hunt are situated upon said land, to which said County Commissioners so as aforesaid obtained a preemption to title of the Government of the United States on the said 15th day of April 1841, & for which the receiver of the Land Office at Chicago on that day issued his Receipt or Certificate of purchase to said County Commissioners.

And your Orator would further represent unto your honor that said County Commissioners afterwards laid the same out into Town Lots & called the same Little Fort, and on the 28th day of May A.D. 1841, offered the same for sale at public Auction, and at such sale your orator bid off & purchased from said Commissioners, Lots 6 & Seven, South one half of lot Eight & South one half of lot five in Block twenty five, and recognised the same and the appurtenances & hereditaments as in his your orators, possession, on which said lots are situated all the buildings ever owned & claimed or occupied by your orator, on said land or any part of it, or by said Bradley or Teamer; who now have not, nor do they claim, nor have they ever claimed any possession of the same or any part thereof, by means whereof the possession passed to your Orator.

of said lots & the buildings thereon from the legal owner
thereof, But now so it is, may it please your Honor
that the said Burleigh Hunt confederating & combining
with other persons to your orator unknown but when
discovered your orator prays may be made parties to
this Bill, contriving how to injure, harass & put your
orator to expense in maintaining his possession to the
same, did on the fourteenth day of July 1841, cause to
be issued out of said Lake Circuit Court a writ of
restitution on said judgment against your orator
said Bradley & Loomis Commanding the Sheriff of said
County to restore said Hunt to the possession of said
land, & the said Sheriff threatened under said writ to turn
out & dispossess your orator of said lots & parts of lots & the
buildings thereon & put said Hunt in the possession thereof
And your orator the promises considered prays that said
Hunt may be compelled on his corporal oath to answer
& make discovery of all & singular the promises as fully &
particularly as if he were particularly interrogated thereto
& particularly whether said Commissioners did not so as
aforesaid purchase said land from the United States, and
whether your orator did not purchase said lots &
land & parts of lots from them, & whether the same are not
included in the land described in his Complaint in
said action against your orator, said Bradley & Loomis
whether the ~~said~~ buildings occupied by your orator
are not on the same, & whether he has any title & what
title to said lots & parts of lots, or any legal right to
possess the same & what right (and that the said Hunt
& the said Sheriff of said County & their agents & servants
be required by writ of injunction issuing out of this
honorable Court to cease from disturbing interrupting
or in any way meddling or interfering with your ora-
tor's possession to said lots 21st, 7. & the south half of

Lots 8 & 5 in Block 25 in said Town of Little Fort & the buildings thereon & all things pertaining thereto, and that said Sheriff, be restrained as aforesaid from executing said Writ, or any further proceeding with the same to dispossess your orator of, or molest him in the possession in any way of said lots, parts of lots & the buildings thereon - And that your honor will decree & order on the hearing of this cause said Writ to be returned by said Sheriff & that the said Hunt & all other persons be perpetually enjoined from having & issuing any further or other writ of restitution upon said judgment & further in any way proceeding therein & may have such other & further relief in the premises as is equitable; and that a writ of Summons be issued to said Hunt, out of said Court commanding said Hunt to be and appear before this honorable Court at the next term thereof to stand to & abide by such order & decree as to your honor shall seem meet & equitable in the premises.

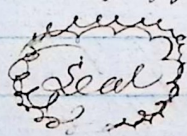
Spring Goodrich
Compls Solr.

" State of Illinois
" Lake County }

" James B. Gorton being duly sworn doth depose & say that the facts set forth in the foregoing bill of Complaint are true as he verily believes
" Subscribed & Sworn to before me this, " James B. Gorton,"
" J. R. Gavin Clerk }

And that attached to said Bill of Complaint at the time when the same was so as aforesaid filed was an order, in the words & figures following to-wit:
" State of Illinois
" Lake County } SS. The Clerk of Lake County, Circuit Court, Will let the writ of

Injunction issue according to the prayer of the within
 "Petition, & that the said Hunt & the said Sheriff of the
 "said County & the agents & servants be required by said
 "writ of Injunction issuing out of this Court to cease
 "from disturbing interrupting or in any way & bring
 "or interfering with the complainants possession to said
 "lots Six, Seven, & the South half of lots 8 & 5, in Block
 "25 in the town of Little Fort in said Bill mentioned,
 " & that said Sheriff be restrained as aforesaid from
 "excepting said writ or any further proceeding with
 "the same to dispossess the said complainant of, or molest
 "him in the possession in any way of said lots & parts of lots
 " & the buildings thereon - by his entering into bond within
 "five days in the sum of two hundred dollars with Milton
 "Shields as surety. Given under my hand & Seal the twen-
 "tieth day of July AD 1841.



{ Archimedes B Wynnkoop }
 { Master in Chancery for Lake }
 { County - State of Illinois. }

And that afterwards to wit on the said twenty first day
 of July AD 1841, a Summons under the hand of the Clerk
 of said Court and directed to the Coroner of the said
 County of Lake issued out of said Court which is
 in the words following to wit:

"State of Illinois
 "Lake County^{ss}

"The People of the State of Illinois: to the Coroner
 "of said County Greeting: We command you that you
 "Summon Burleigh Hunt if he shall be found in your
 "County personally to be and appear before the Circuit
 "Court of said County on the first day of the next term
 "thereof to be holden at the place of holding Court in said

County on the fourth Monday after the fourth Monday
in August next, to answer the matters and things contained
in a certain Bill in Chancery exhibited against him by
James B. Gorton in our said Court on the Chancery side
thereof, and to stand to and abide the further order of said
Court - and this he shall in no wise omit -

And have you then and then this writ with an endorsement
thereon, in what manner you executed the
same. Witness Isaac R. Gavin Clerk of said Court
and the Seal thereof at Libertyville in said County
this twentyfirst day of July in the year of our
Lord one thousand eight hundred and forty one

Isaac R. Gavin Clerk

And that afterwards to wit on the said twentyfirst day
of July A.D. 1841, the said Summons was returned into
the office of the Clerk of said Court with an indorsement
thereon, which is in the words and figures following to wit:
Executed by making the within in presence of the within
named Burleigh Hunt, and by leaving a true copy of the
same with the said Hunt on the twentyfirst day of July
A.D. 1841,

Fees, one service	\$ 50
10 Miles Travel	62 1/2
Copy	50
nt	12 1/2

\$ 1.75

Joseph Wood, Cor Lake Co, Ills.

United States of America,
State of Illinois Lake County 353

Present for the Honorable Theophilus W. Smith one of the Justices of the Supreme Court of the State of Illinois, and presiding Judge of the Seventh Judicial Circuit of the State of Illinois, at a Special Term of the Circuit Court for the County of Lake in said judicial Circuit begun and held at Little Port in said County on the twentieth day of October in the year of our Lord one thousand eight hundred and forty one, and of the Independence of the United States of America the Sixty Sixth year

Present the Honorable Theophilus W. Smith Judge

Thurg Brown State Attorney Pro. Tem.

Leising B. Nichols Sheriff of the County of Lake

Attest J. R. Gavin Clerk

And Be it also remembered ^{afterwards to wit:} that on the twentieth day of October 1841, said day being one of the days of the said October Special term of said Circuit Court for the year last aforesaid proceedings were had in said Court which are entered of record in the words and figures following to wit:

James B. Gordon }

No. 2.

vs

Burleigh Hunt }

In Chancery Bill for Injunction

This day comes the Defendant by Butler his Solicitor and files his Answer herin, whereupon, on motion of the Complainant by Spring his Solicitor, it is ordered by the Court that sixty days be allowed to the said Complainant to reply or except to the said answer

And that afterwards to wit; on the twenty third day of October AD 1841, an answer was filed in the Office of the Clerk of said Court which is in the words and figures following to wit:

The answer of Burleigh Hunt to the Bill of Complaint filed against him in the Lake County Circuit Court by James B. Gorton Complainant.

This defendant now and at all times hereafter saving and reserving all benefit of exception to said Bill of Complaint for answer thereto says, that he admits it to be true that the said Complainant was occupying the houses described in the Complainant's said bill of Complaint about the first of November 1839, and that the said land on which said Houses or buildings were situate were part and parcel of the public domain of the United States and the title thereof is still in the United States as this defendant is informed and believes. This defendant further answering admits it to be true, that he did commence a suit at law in November 1839 before a Justice of the peace against William F. Bradley, Edward Loomis, and the said Complainant, and that an appeal was taken from the judgment of the said Justice into the Circuit Court of the said County of Lake where this defendant afterwards obtained a final judgment for possession of the land & the buildings thereon, and so much of said land as the said defendants in said suit were in possession thereof; and that on said judgment this defendant afterwards caused a writ of restitution to be issued in his favor, & this defendant insists that he ought to have possession of the premises aforesaid under his said writ, Because he says, and he avers it to be true, that he erected and finished the said houses or buildings on said land prior to January 1838, that as early as the month of February 1837 this defendant had erected on the quarter section of land in the Complainant's Bill mentioned a dwelling house of logs commonly called a log cabin & furnished the same & resided in the same with his wife & two children

„that he did also erect a saw Mill on said land prior
„to the year 1839, and that he had continued in posses-
„sion of said quarter section of land from February
„1837, down to the 28th day of April 1841. when he was
„turned out of the possession thereof as charged in the Com-
„plainants said bill; That this defendant was in possession
„of said land on the twenty second day of June 1838, and
„had previously fenced & cultivated part of said land in
„corn, oats, & potatoes, and that by the act of Congress
„approved the 22^d June 1838, granting pre-emption rights
„to Settlers on the public lands of the United States, he
„was & is (as he informed by Counsel & truly believes to be
„true) legally entitled to the right of pre-emption to the
„said quarter section of land mentioned, & described
„in the Complainants said bill of complaint, and
„this deft. has taken steps & is pursuing his remedy for
„the same. This defendant further answering states
„that he has been informed & supposes it may be true
„that the County of Lake has under & by virtue of a law
„of Congress granting to Counties the right of ~~redemption~~
„pre-emption to one quarter section including the
„County seat obtained a certificate of the purchase
„of said quarter section of land - But this defendant
„is informed by Counsel and believes the same to be
„true, that the said purchase is invalid, first,
„because the right of said County to a pre-emption
„did not accrue to said County of Lake till after this
„defendants right had accrued to him June 1838,
„and that said County of Lake was not erected into a
„County till the first of March 1839, and Secondly,
„because by the Act of the Legislature of this State
„erecting said County, one Edward E Hunter & Will-
„iam Brown of Cook & C. C. Berry of Fayette County

now appointed Commissioners to locate the County
seat of said County, or any two of them, and that
afterwards and in due time in pursuance of said
act, the said Hunter & Brown in accordance with
the law creating said County & their authority un-
der the same did in the year 1839, locate and estab-
lish the permanent seat of justice of said County
on the North East quarter of Section (21) township one, in
Township 44 North, Range Eleven East of the third
principal, and that the County Commissioners of said
County recognized & accepted the same afterwards -
and that further by said act of the legislature of
this State creating said County among other things
it is expressly enacted & made the duty of the County
Commissioners of the said County of Lake to purchase
and secure a title to at least twenty acres of said
land from the funds of ^{the} said County, when said
lands shall come into market, and this deft. insists
that the right of the County to make any other or further
selection than that one made by said Hunter & Brown
by authority of this State as aforesaid does not (as he
is informed by Counsel & believes to be true) exist in
law and that the subsequent selection entry & pur-
chase by pre-emption of the said County Commission-
ers of the said South East quarter of Section No 21, in
Fractional Township No 45 North of Range Twelve
East of the 3^d principal Meridian, on which this deft.
had erected & finished his dwelling house, saw mill
& other improvements and had resided & cultivated there
on as aforesaid & to which by law he is entitled to a
right of pre-emption as he is informed by Counsel & be-
lieves the same to be true -

This defendant further answering says he admits
it may be true that part of said land last mentioned

"has been laid out into town lots & the right or interest
"of the County to some of said lots may have been sold
"to the Complainant in May 1841, But this deft, de-
"nies that the Complainant can or did by said purchase
"get any better title to said lots than what said Coun-
"ty had at the time of Sale which is but an inchoate
"title if any title at all & not a legal title by patent
"This deft further answering denies all unlawful
"Combinations &c charged against him in the Com-
"plainants said bill, and having fully answered said
"bill prays leave to be dismissed with his costs &
"charges &c

"Burleigh Hunt,

"Morris & Butler, Defts Solrs

"State of Illinois
"Lake County } Jct

"Burleigh Hunt the deft makes oath
"that the facts in the foregoing answer stated as of his knowl-
"edge are true, and those therein stated upon the inform-
"ation of others he believes them to be true

"Sworn to and Subscribed before me }
"this 21st day of October AD 1841 }

"Burleigh Hunt,

"W Butler, a Justice of the Peace }
"in and for said County of }
"Lake Ill^y }

And that afterwards to wit on the Eighteenth day of December
1841. Exceptions were filed in the office of the Clerk of said
Court, which are in the words and figures following to wit:

"James B Gorton }

"as }
"Burleigh Hunt }

"Exceptions by the Complainant to the
"insufficient answer

"has been laid out into town lots & the right or interest
"of the County to some of said lots may have been sold
"to the Complainant in May 1841, But this deft, de-
"nies that the Complainant can or did by said purchase
"get any better title to said lots than what said Coun-
"ty had at the time of Sale which is but an inchoate
"title if any title at all & not a legal title by patent
"This deft further answering denies all unlawful
"Combinations &c charged against him in the Com-
"plainants said bill, and having fully answered said
"bill prays leave to be dismissed with his costs &
"charges &c

"Burleigh Hunt,

"Morris & Butler, Defts Solrs

"State of Illinois
"Lake County } Jct

"Burleigh Hunt the deft makes oath
"that the facts in the foregoing answer stated as of his knowl-
"edge are true, and those therein stated upon the inform-
"ation of others he believes them to be true

"Sworn to and Subscribed before me }
"this 21st day of October AD 1841 }

"Burleigh Hunt,

"W Butler, a Justice of the Peace }
"in and for said County of }
"Lake Ill^y }

And that afterwards to wit on the Eighteenth day of December
1841. Exceptions were filed in the office of the Clerk of said
Court, which are in the words and figures following to wit:

"James B Gorton }

"as }
"Burleigh Hunt }

"Exceptions by the Complainant to the
"insufficient answer

insufficient answer of the defendant Burleigh Hunt
Because, that he does not admit or deny that the
said land on which the Complainant's house stood
was laid out into the town of Little Fort.

Because said defendant does not admit nor
deny at what time, said suit against said Complain-
ant Bradley & Loomis, was appealed to the Circuit
Court of Lake County, at what time it was tried therein
whether there was a motion for a new trial, and at
what time such motion was overruled & writ of Resti-
tution awarded.

Because he does not admit or deny, whether he
entered upon said premises on or about the first day of
December AD 1839 & forcibly dispossessed the Com-
plainant of said buildings.

Because he does not admit or deny that your
orator on or about 1st day of December 1839. Commen-
ced an action of forcible entry & detainer against him
deft to recover possession of said land, & that the same
was taken by appeal to the Lake Circuit Court
& a verdict in said Court rendered for sd. complain-
ant & a writ of restitution was awarded & issued to the
Sheriff of said County, & that he put your orator in
possession of ^{said} premises & buildings on the 28th day of April
1841.

Because he does not admit or deny that the County
Commissioners of said County of Lake obtained a pre-emption
to said quarter section, or whether they laid out the
same into the Town of Little Fort, or obtained the Receiver's
Certificate of purchase therefor at the Land Office
at Chicago.

Because his answer is impertinent, argumentative
irrelevant, insufficient & evasive in relation to the
proceedings of the County Commissioners of

"said County of Lake in obtaining a preemption to said
"land on which said buildings stood & all matters in
"relation thereto, & said Hunt's right of preemption to
"said lands,

"In all which particulars the said Complain-
"ant is advised that the said answer of the said defense-
"ant is evasive & insufficient & ought to be amended
"thumblly prays the same may be amended according
"by

"Spring & Goodrich
"Sols for Compt

United States of America 3 April 17th 1843
State of Illinois Lake County 4th

Pleas before the Honorable
Richard M. Young, one of the Justices of the Supreme
Court of the State of Illinois and presiding judge of the
Seventh Judicial Circuit in said State at the regular
term of the Circuit Court for the County of Lake in said
Judicial Circuit began and held at Little Fort in said
County on the Seventeenth day of April in the year of our
Lord one thousand eight hundred and ~~fifty four~~^{forty three}
and of the Independence of the United States of America
the Sixty seventh -

Present the Hon. Richard M. Young judge
James Curtis State Attorney
James McKay Sheriff of the County of Lake
Attest J. R. Gavin Clerk,

And afterwards to wit on
the twenty first day of April 1843, the same being
one of the days of the April term of said Court for the
year last aforesaid, proceedings were had in said Court
which are entered of record in the words and figures
following to wit:

"James B Gorton }
" vs } In Chancery, Injunction
"Burleigh Hunt }
"

"This day comes the parties and by their
Consent this cause is ordered to be continued to the next
term of this Court."

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

Heas before the Honorable
Richard M Young one of the justices ^{of the} Supreme Court of the
State of Illinois, and presiding judge of the Circuit Court of
the County of Lake, in said State, began and held at Little
Fort in said County on the twelfth day of September in the
year of our Lord one thousand eight hundred and forty
three and of the Independence of the United States of America
the sixty eighth

Present the Honorable Richard M Young judge aforesaid
James M Hays Sheriff of Lake County aforesaid
James Curtis States Attorney
Attest J. R. Gavin Clerk

And that ^{heretofore} ~~afterwards~~ to wit, on the nineteenth day of
August A.D. 1843 a Supplemental Bill was filed in
the Office of the Clerk of said Court, which is in the words
and figures following to wit

"In Chancery in Lake County Circuit
Court, Sept. Term 1843.
"Humbly Complaining sheweth unto your honor
"James B Gorton that on or about the month of July, A.D.
"1841, your orator ~~has~~ exhibited his bill of Complaint,
"against Burleigh Hunt in the said Lake County Cir
"cuit Court, stating thereby among other things that on the
"15th day of April 1841 Nelson Lundon, Charles H Carlet &

Those H Payne County Commissioners of said County of
Sake among other things, obtained a preemption to the
South East quarter of Section No Twenty one in Fractional
Township No forty five North of Range No Twelve East
of the 3^d principal Meridian under the Act of Congress
in such case made & provided, on which is situate the
land recovered by said Complainant of said defend-
ant as set forth in said bill of Complaint and further
showing unto your orator that the said County Com-
missioners afterwards laid out said land into Town-
Lots & called the same Little Fort, and on the 25th
day of May AD 1841, offered the same for sale at public
auction & at such sale said Complainant purchased
from said Commissioners Lots ~~24~~ 6 & Seven, south one
half of Lot Eight & south one half of Lot five, in block
twenty five, situate as in said bill particularly
set forth - And your orator said Complainant
would further represent that afterwards to wit on the
22^d day of June AD 1842, by an act of the Congress of
the United States on that day approved, that said
quarter section of land was granted to said County
of Sake whereby, whereby the title to said lots and
lands became & was confirmed in your orator this right
of preemption thereby established *
and for further facts reference is hereby had to said bill
now remaining of record, and your orator further
shows that said defendant has filed his answer to said
bill to which your orator has excepted & filed his
exceptions which are all the proceedings had in said
cause. To the end therefore that the said Burleigh
Hunt may answer the several matters in the bill
herein before mentioned & also of the several matters,
hereinbefore stated - and also and that your orator

may have the benefit of the same suit & proceedings & the
same relief against the said Hunt as if the same facts
had been originally stated in his said Bill of Complaint.
May it please your Honor to grant unto your Orator the
Proper writ of Summons, directed to the said Burleigh
Hunt, thereby commanding him at the next Term
of the the Lake County Circuit Court personally there
to be and personally appear, when & there full true &
perfect answer make to all & singular the premises
& further to stand to & abide such order & decree as to
your honor shall seem meet and your orator will
ever pray &c.

James B. Horton
Spring & Goodrich Solrs

* And your Orator further sheweth that on the 2nd
day of November 1842 said lots and parts of lots were
conveyed by the County Commissioners of Lake County
by deed to your Orator in fee simple in conformity
to the order & decree of the County Commissioners Court
of Lake County by their agent duly appointed in con-
formity to the law in such case made and provided
& a deed of Conveyance thereof executed, acknowledged
& delivered to your Orator to which reference is hereby
made & are made to be exhibited -

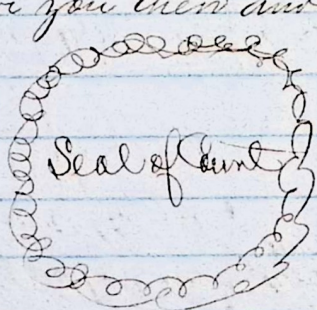
And that afterwards to wit on the said nineteenth day of
August A.D. 1843 a Summons under the hand of the Clerk
of said Court, having the Seal of said Court thereon impressed
and directed to the Sheriff of said County of Lake, issued
out of said Court which is in the words and figures following
to wit:

State of Illinois

Lake County, Ill.

The People of the State of Illinois to the
Sheriff of said County Greeting: We command

you to summon Burleigh Hunt if he shall be found in
your County, personally to be and appear before the
Judge of our Circuit Court, to be holden in and for the
said County and State, in Little Fort on the second Mon-
day of September, next to answer the matters and things
contained in a certain Bill in Chancery, exhibited
against him by James B. Gorton in our said Court on
the Chancery side thereof, and further to do or receive
whatever the said Court may then and there consider
in this behalf, and this he shall in no wise omit, and
have you then and then this writ:



Witness my hand and the seal thereof
at Little Fort this 19th day of
August 1843
J. R. Gavin Clerk

And that afterwards the said summons was returned
into the Office of the Clerk of said Court with an indorse-
ment thereon, which is in the words and figures following
to wit:

Executed by making in hearing of Burleigh Hunt
and leaving a true copy, with him August 21st A.D. 1843.

Fees 1 Ser. 50 Copy 50. \$1.00

1 Mile

6/4

Return

12/2

\$1.18 ³/₄

James McKay Sheriff

And that afterwards to wit, on the 13th day of Septem-
ber A.D. 1843, said day being one of the days of the September
term of said Court for the year last aforesaid an answer
was filed in the Office of the Clerk of said Court which

is in the words and figures following to wit:

"The answer of Burleigh Court deft, to the Supplemental
"Bill of James B. Gorton Complainant,

"This defendant
"now and at all times having &c; for answer to the said
"Supplemental bill, answers and says that there was an
"original bill filed by the said Complainant against
"him charging the matters alleged in the supplemental
"bill aforesaid, which original bill this deft had made
"answer to as by the record & proceedings on file in said
"cause will appear on reference thereto - This deft fur
"ther answering says that he is informed and believes the
"same to be true that on the 22nd June 1842 by an act of the
"Congress of the United States on that day approved, the said
"quarter section of land in question, was granted to the said
"County of Lake, whereby the title to said lots became vested
"in the said County of Lake, but whether by that act of Con
"gress the title to the said lots and land claimed by the said
"Complainant became and was confirmed in him, and his
"right of possession thereto established or not this deft does
"not know, and cannot therefore state, but he leaves the
"said Complainant to prove that fact, if he shall deem it
"necessary so to do -

"This deft, further answering says, he knows nothing of the
"deed of conveyance alleged to have been made by said
"Lake County to the said Complainant on the 28th day of ^{November}
"1842 except that he has been so informed by the Complain
"ant's said Supplemental bill, and leaves the Complainant to
"prove the same as he may be advised

"But this defendant states and so avers the fact to be, that he
"settled upon, improved & cultivated a part of the lands in
"question long before the said County of Lake, had any right
"title or claim whatever to the said lands, and before the
"said Complainant came into possession of the said town

"Lots in question, and this deft further answering, states
and so avers the fact to be, that long before the said County
of Lake had any right title or claim of any kind to the said
quarter section of land, and before the said Complainant en-
tered on the town lots in question, this defendant, erected
finished a dwelling house on the town lots in question of
the value of one hundred & fifty dollars into which house the
said Complainant without the assent of this deft, entered
prior to the first day of November 1839, and about the first
day of November 1839, this deft commenced an action
of forcible entry and detainer against the said Complainant
William F. Bradley & Edward Loomis to recover from them the
possession of said land and buildings, which suit was carried
by appeal to the Lake County Circuit Court and tried at the
April term of said Court in the year 1840, and a verdict
then found for this deft, against the said Compt, and the other
defts in said suit, and thereupon the said Complainants,
Counsel moved the said Lake Circuit, for a new trial -
which motion was taken under advisement by said Court
and afterwards to wit at the April term 1841, the said Motion
was overruled, and judgment for the possession rendered
in favor of this deft, upon which said judgment the People
writ of Restitution of said premises was duly issued, and
that the Sheriff and this defendant were severally enjoined
from proceeding ~~from~~ under the said judgment writ of pos-
session, by the issuing of the writ of Injunction from this
Court in this Cause on the 21st day of July A.D. 1841, and
from that time hence this deft, has been unjustly kept out
of the possession of said premises, and kept out of the receipts
of the rents issues and profits of his said improvements,
which he avers is worth from fifty to seventy five dollars
per annum from the said 1st day of November 1839, and
this defendant prays the Court to decree to him on the hear-

ing of this cause; the value of his said house as aforesaid,
and also four years rent from the said first day of
November 1839 - This deft, having fully answered the
Compt's Supplemental bill prays leave to be dismissed
with his reasonable costs &c -

Morris & Butler Solrs }

for the deft }

State of Illinois }

Lake County } Burleigh Hunt, deft, makes oath &

says that the matters and things set forth in his foregoing

answer as of his own knowledge are true, and those stated

upon the information of others he believes the same to be true

Sworn to & Subscribed by the

deponent before me this 13th day

of September AD 1843

J. R. Gavin Clerk }

"Burleigh Hunt"

And that afterwards to wit on the said thirteenth day of
September AD 1843, the same being one of the days of the
September Term of said Court for the year last aforesaid
Exceptions, were filed in the office of the Clerk of said
Court, which are in the words and figures following to wit:

James B Gorton }

vs

Burleigh Hunt }

Exceptions by the Compt to the insuffi-
ciency ~~answer~~ of the ~~answer~~ defendants answers to the
original & supplemental Bill, filed herein by the de-
fendant Burleigh Hunt,

Because said defendant does not admit or deny
whether he entered upon said premises on or about the first
day of December AD 1839, or at any other time after the
Commencement of his said action & forcibly dispossessed
said Complainant of said buildings & premises

" Because said defendant does not admit or deny that
" he caused the said Writ of Restitution to be issued to the Sher-
" iff of Lake County on the 14th day of July 1841, & after said
" Complainant had been put in possession of said premises
" in conformity to the order of this Court in said Complainant's
" suit of forcible entry & detainer afterwards commenced
" & prosecuted against said defendant -

" Because he does not admit or deny, that that portion of
" said q^r Section in dispute & on which said buildings stand
" was laid out as charged in said bill into the town of Little-
" Fort, and whether said lots & parts of lots charged in said
" bill were sold by said County Comm^r to said Complainant -

" Because said defendant does not admit or deny either
" in his answer to the original or Supplemental bill that
" on or about the 1st day of December 1839, & after the com-
" mencement of said suit by said defendant against said
" Complainant, Bradley & Loomis, said Complainant com-
" menced & prosecuted to final judgment & recovery on appeal
" in this Court his action of forcible entry & detainer for the
" recovery of said defendant, the possession of the same premises
" & buildings as those for which said defendant caused said
" writ of restitution to be issued, and that a writ of resti-
" tution was issued to the Sheriff of Lake County & the possession
" of said premises delivered to said Complainant -

" Because he does not admit or deny that the County
" Commissioners of Lake County obtained a preemption to
" said q^r Section & the said Receiver issued his Certificate
" therefor -

" Because he does not admit or deny whether a sale of said
" lots was made to said Complainant as stated in said Supple-
" mental bill -

" And because his answers both to the original & supplemental
" bills are impertinent in that it states matters irrelevant

"and in avoidance of matters barred & precluded, settled &
"decided by judgment of this Court & also seeks to impugn
"set aside & set up title & claim to said lands in opposi-
"tion to the laws of Congress— And also because matters
"are drawn into said answers which have no pertinent
"cry to the matters in dispute— & to litigate said defendants
"right of pre-emption to said land which are not cogniza-
"ble by this Court— And because said answers are
"argumentative, stating facts & drawing conclusions there-
"from, & stating what the law is & his rights under the same—
"and are inconsistent with each other— And because
"said answers are otherwise impertinent, insufficient & va-
"rize, For all which Causes said Complainant excepts

Spring & Goodrich

Compells Solrs

And be it also remembered that afterwards to wit on the four-
teenth day of September A.D. 1843, the same being a day in the
said September Term of said Court for the year last afore-
said, proceedings were had in said Court, which are en-
tered of record in the words and figures following to wit:

"James B. Gorton,

"Ag't. vs

"Burlingame Kent,

} Bill for Injunction

"This day comes the Complainant by
"Spring & Goodrich his Solicitors and the defendant by Morris
"Butler his Solicitors, and the said defendant moves
"the Court to file his Cross bill against the said Plaintiff
"which motion is resisted; and the Court having heard
"the parties thereon it is ordered that the said defendant
"have leave to file said Bill, and thereupon the said
"Gorton enters his appearance to said Cross Bill; and
"thereupon it is ordered that the said Gorton answer the
"said Cross Bill by the first day of February next—
"And thereafter the Court having heard the Plaintiff on
"his exceptions to the defendants answer to the original

"Bill, and having also heard the defendant there-
on, it is ordered that the said exceptions be allowed
and that the defendant file his amended answer by
the first day of January next."

And that afterwards to wit on the first day of Janu-
ary in the year 1844, a further answer was filed
in the office of the Clerk of said Court which is in
the words and figures following to wit ;
"The further answer of Burleigh Hunt deft to the bill
and Supplemental bill of James B Gordon Complainant
This defendant further answering admits it to be true that the
quarter Section of land named in the original and Supplement-
al bills of said Complainant, was laid out into Town Lots by the
County Commissioners of Lake at the time & in the manner set
forth in said bills of Complaint, Called Little Port —
This deft further answering admits that on or about the
first day of November AD 1839, he commenced the said
action of Forcible Entry and Detainer against said Com-
plainant, William F Bradley and Edward Loomis to
recover from them the possession of the land and two buildings
thereon as set forth in said bills of Complaint, and that
about the 16th day of said November the said suit was car-
ried by appeal into the Lake County Circuit Court, and
was tried at the April term of said Court AD 1840, when
a verdict was found in favor of this deft, whereupon
a motion for a new trial therein was made by the Complain-
ant or his Attorney, which was taken under advisement
by the Court, and afterwards to wit at the April term of the
said Court AD 1841, the said motion was overruled by the
Court and judgment, awarding a writ of restitution of the
said premises to this defendant according to law, as will
more fully and at large appear by reference had to the
record & proceedings of said suit now on file in the Clerk's

Office of this Court, which is for greater certainty referred as
part of this answer

" This deft. further answering admits that after he had
commenced his said suit and before the 9th day of De-
cember 1839, he did to the best of his recollection and belief
forcibly dispossess the said Complainant of the said two
buildings and premises, and that said Complainant, a-
bout the ninth day of December 1839 commenced his suit
against this deft. for said forcible entry and detainer, and
that this suit also was carried by appeal into the said
Circuit Court and tried, and a verdict was found against
this deft. and was returned into Court signed as this deft.
is informed & believes by one juror only, on which judgment
was rendered and a writ of restitution awarded to the said
Complainant for the premises so forcibly taken from him
by this deft. as aforesaid, on which said judgment a writ of
restitution was issued to the Sheriff of said County, who by vir-
tue of said writ turned this deft. out of the possession of the
said buildings & premises about the 28th day of April AD 1841
& then there put the ^{said} Complainant into the possession of the
same, who has from thence hitherto continued in possession of said
premises and buildings and has been enabled to keep such
possession by filing his original bill in this Cause and obtaining
unjustly a writ of injunction issuing out of this Court injoining
and restraining this deft. from taking out his writ of restitu-
tion & thereby obtaining possession of the said premises and
buildings under his judgment in the forcible entry and
detainer suit first above named against the said complain-
ant and others. and this defendant admits that he did
afterwards to wit on or about the 14th day of July AD 1841,
cause to be issued out of the said Lake Circuit Court a writ of
restitution on the said judgment against the said complain-
ant and others in his favor above named, Commanding the
Sheriff of said County to restore this deft. to the possession

of the said land & buildings above named & the Sheriff
was prevented from so doing by reason of the Complainant's
injunction aforesaid.

This deft, further answering admits that the County Com-
missioners of said Lake County some time in April 1841
obtained from the Land Office in Chicago a Certificate of
pre-emption to the South East quarter of Section No. 21 in
Township No 45, North, Range 12 East, under the Act of
Congress named in said Bill of Complaint and that said
County Commissioners laid out said quarter Section of land
into Town Lots called Little Fort, and on which the said build-
ings of this defendant are situate, and that the whole or a
part of said quarter section of land forms a part of the land
described in the said forcible entry & detainer suit of this
deft against the said Complainant & others as above named.
But this deft says, that he is informed and believes the same to be,
that the said Certificate so issued as aforesaid was shortly after-
wards cancelled & set aside by the proper authority of the Gov-
ernment of the United States, and that the said County, as
this deft is advised by Counsel & believes the same to be true,
derived & holds its title in virtue of the said Certificate of
pre-emption, and that said land formed a part and
parcel of the public domain of the United States at the time
of the Complainant's filing his original bill herein, and that
said land so continued to be a part & parcel of the public
domain of the United States until the same was afterwards
granted to the said County of Lake by a law of Congress
passed at the last Session thereof as stated in the Supplement
al bill of said Complainant.

This deft further answering says that he can not admit
or deny that the said Complainant has obtained from said
Lake County the legal title to the said Lots & parts of Lots tra-
nsmitted in said bills of Complaint, which formed parts of the
quarter section so granted to said County by act of Congress.

as aforesaid, this deft knows nothing of that except so far as
he is informed by rumor and from the records of the County
and such fact exist he leaves the Complainant to prove
it if he shall think necessary so to do, to the satisfaction of the
Court -

This deft begs leave here to correct an unintentional mistake
made in his answer to the Complainant's said supplemented
bill, drawn & filed in term time during the last term of this
Court in this cause, which mistake is found in that part
of the said answer, setting up claims to rents from the Com-
plainant for said two buildings erected by this defendant, on
the lots and parts of lots above named & in said Town of Little
Fort, including the time this deft occupied said buildings
from the first of December 1839 to the 28th day of April 1841
which time should have been excluded, and this deft therefore
herein corrects that mistake & claims rent from said Com-
plainant, from the time he, said Complainant actually
occupied the same to wit, during a part of the month of
November 1839, and again from and after the said 28th day of
April 1841, until the possession of the said Complainant
shall be considered by the Court lawful under his legal
title if any he has to said town lots, or that time more or
less, at the rate of between fifty and seventy five dollars
per annum - That this deft did not discover the mis-
take aforesaid till after the said answer was sworn & filed
This deft having fully answered prays as heretofore &c
Morris & Butler, Solrs for Deft.

State of Illinois

Lake County

The deft Burleigh Hunt being duly sworn de-
poses & says, that the matters set forth in the foregoing answer as of
his own knowledge are true, those stated upon the information of others
he believes to be true.

Sworn to & subscribed before me this }
1st day of January AD 1844 }
J. H. Gavin Clerk

Burleigh Hunt

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

" Pleas before the Honorable
Richard M Young one of the Justices of the Supreme
Court of the State of Illinois, and Presiding Judge of the
Circuit Court of Lake County, in the Seventh Judicial
Circuit of said State, at a Circuit Court for said County,
of Lake began and held at Little Port in said County
on the fifteenth day of April in the year of our Lord, one
thousand and eight hundred and forty four, and
of the Independence of the United States of America the
Eighty eighth -

" Present the Honorable Richard M Young Judge aforesaid
James M May Sheriff of the said County of Lake
Attest A R Gavin Clerk -

And that afterwards to wit, on the six-
teenth day of April AD 1844. the same being one of the days
of the said April Term of said Court, for the year last aforesaid
proceedings were had in said Court which are entered of
record in the words and figures following to wit:

James B Gordon }
vs } Bill for Injunction Chancery
Burleigh Hunt }

" On motion of Goodrich Solicitor for the Complain-
ant ^{it is} ordered that the depositions on file herein be opened -

And that afterwards to wit: on the said sixteenth day of April
1844, being the same day of the same term, of the said Court
last aforesaid proceedings were had in said Court, which
are entered of Record in the words and figures following to wit:

James B Gordon }
vs } Bill for Injunction
Burleigh Hunt }

And now comes Goodrich Solicitor for the

Complainant and moves the Court to exclude the testimony of Charles
Taylor taken before Esquire Rucker, or so much thereof as consists
of the admissions of Solomon or Burleigh Hunt, which motion
is resisted by ~~Ballingall~~ ^{James Curtis} State Attorney Pro. tem, Morris
Solicitor for the defendant and the Court being fully advised
in the premises over rules said Motion —

And that afterwards to wit on the sevenieth day of April AD 1844
the same being one of the days of the April term of said Court for
the year last aforesaid, proceedings were had in said Court
which are entered of Record in the words and figures follow-
ing to wit:

James B Gorton	}	Bill for Injunction, and Cross bill
No. 1. vs		
Burleigh Hunt		

And the Court being fully advised on the Motion
formerly entered orders that the same be overruled. And
thereupon the said Complainant files his affidavit herein and
moves the Court to continue the Cause for the reasons therein
stated, and the Court being advised therein orders that this
Cause be continued at the costs of the said Complainant —

United States of America	}
State of Illinois Lake County	

Pleas before the Honorable
Richard M Young one of the Justices of the Supreme Court
of the State of Illinois and presiding Judge of the Circuit Court
of Lake County, in the Seventh Judicial Circuit of said State at
a Circuit Court for said County of Lake began and held at Little
Fort in said County on the ninth day of September in the year
of our Lord One thousand eight hundred and forty four, and
of the Independence of the United States of America the fifty ninth.

Present the Honorable Richard M Young Judge of said Court
James Curtis State Attorney and James M May
Sheriff of said County of Lake

Attest, A R Gavin Clerk,

Afterwards to wit on the Eleventh day of September 1844
the same being one of the days of the said September Term of
said Court for the year last aforesaid, proceedings were had
in said Court which are entered of record in the words
and figures following to wit:

James B Gorton }
" 1. vs } Bill for Injunction
Berleigh Hunt }

On motion of the Complainant it is ordered
that the depositions on file herein be opened

United States of America }
Said County State of Illinois }

Present before the Honorable J. B.
Thomas one of the Justices of the Supreme Court of the State
of Illinois and presiding Judge of the fifth Judicial Circuit
in said State (who in terms of the Statute in such cases made
& provided has for this term interchanged Circuits with the
Honorable Richard M. Young, one of the Justices aforesaid and
Presiding Judge of the Seventh Judicial Circuit in said State)
at a Circuit Court began & held at Little Fort in the County of
Lake in the said Seventh Circuit and State on the twenty first
day of April in the year of our Lord one thousand eight hun-
dred and forty five and of the Independence of the United States
of America the sixty ninth

Present the Honorable J. B. Thomas Judge

William M Boardman States Attorney

James M Hayden of the County of Lake

Attest Isaac R. Garin Clerk

And that afterwards to wit on the twenty first day of
April A.D. 1845, on the part of a paper writing was filed
in the Office of the Clerk of said Court, which is in the
words following to wit:

" James B Gorton }
" vs }
" Burleigh Hunt }

" And the said Complainant says the matters &
" things in said several answers complained are untrue & that he is
" ready to maintain — Springt Goodrich
" for Complt

" And that afterwards to wit: on the twelfth first day of April
1845, the same being one of the days of the April Term of
said Court for the year 1845, proceedings were had in
said Court, which are entered of record in the words
following to wit:

" James B Gorton }
" 1 vs } Bill for Injunction
" Burleigh Hunt }

" On motion of Goodrich Solicitor for the Com-
plainant, leave is granted to open the depositions on file herein

" And that afterwards to wit: on the twelfth sixth day of April
1845, the same being one of the days of the said April Term of
said Court, for the year 1845, proceedings were had in
said Court, which are entered of Record in the words
following to wit:

" James B Gorton }
" 1 vs } Bill for Injunction and Conveyance
" Burleigh Hunt }

" This day comes the Complainant by Goodrich
his Solicitor and the defendant by Morris his Solicitor and
upon their agreement this cause is submitted to the
Court upon Briefs and upon the understanding that
the Court ^{shall} render a decree herein in Vacation

United States of America
Lake County State of Illinois

Now before the Honorable

Hugh T. Dickey, Presiding Judge of the Cook County
Court in the State of Illinois at a Circuit Court begun and
held for the County of Lake at Little Port in said County in
the Seventh judicial Circuit of said State on the first day of
September in the year of our Lord one thousand Eight hun-
dred and forty five and of the Independence of the United
States the Seventieth. The said Honorable Hugh T. Dickey,
Presiding on the request of the Honorable Richard M. Young
the presiding Justice of the said judicial Circuit, and
also in terms of an Act entitled "An act to fix the
times of holding Courts in the Seventh judicial Circuit,"
approved the third day of March in the year of our
Lord One thousand Eight hundred and forty five.
Present the Honorable Hugh T. Dickey Judge aforesaid

William A. Boardman State Attorney

James M. Key Sheriff of Lake County

Attest A. R. Gwin, Clerk

And that afterwards to wit on the first day of September A.D.
1845, the same being a day of the September Term of said Court
for the year last aforesaid, proceedings were had in said
Court which are entered of record in the words and figures
following to wit:

" James B. Gorton 3

" 3. vs

" Burleigh Hunt 3

Bill for Injunction

And now comes the said Complainant
by Spring & Goodrich his solicitors, and the defendant by Morris
his Solicitor, and the Court being fully advised herein, the
same having been submitted to the Court at the last term
thereof upon the bill, answer, exhibits proof and argument

of Counsel, doth, order, adjudge, and decree, that the injunc-
 tion heretofore issued in this case be made, and the same is
 hereby made perpetual, and further that the said Com-
 plainant recover of the said defendant his Costs and Char-
 ges herein expended and that he have Execution therefor."

And that the following is a copy of Costs taken from
 pages 123 and 124 of Fee Book "A" in the Office of the said
 Clerk of said Court to wit:

James B Gorton vs Burleigh Hunt

In Chancery

Oct. 5, 1841

" Aff & fil 18 $\frac{3}{4}$ order writ 75, fil 2 papers 12 $\frac{1}{2}$ Sumd 50.	1,56 $\frac{1}{4}$
" Doct suit 12 $\frac{1}{2}$ Coroners fees 3,50	3,62 $\frac{1}{2}$
" app by Atty 12 $\frac{1}{2}$ Misorder 50, bond & fil 56 $\frac{1}{4}$	1,18 $\frac{3}{4}$
" A.T. 1843, Order for 60 days Cont, 25, Doct suit, Mto Cont-25 or 25	75
" Sept. 5 1843, Sums 50, fil 6 $\frac{1}{4}$, fil: one paper 6 $\frac{1}{4}$ Doct suit 12 $\frac{1}{2}$ Mto Cont. 25,	1,00
" Order 25 fil nine papers 56 $\frac{1}{2}$ Shff. McKay service on writ 4c 1,87 $\frac{1}{2}$	2,69 $\frac{1}{2}$
" Clerks fees, 6 papers filed, 13 $\frac{1}{2}$ A.T. 1844, Doct suit 12 $\frac{1}{2}$ fil one paper 6 $\frac{1}{4}$	1,56 $\frac{1}{4}$
" taking deposition of S.B. Nichols 1,25 aff to writ & fil	1,43 $\frac{3}{4}$
" fil one paper 6 $\frac{1}{4}$ Mto to exclude testimony of Taylor 25	31 $\frac{1}{4}$
" Order to over-rule 25, Mto to open Depositions 25, Order 25	75
" A.T. 1845 A.T. Doct suit 12 $\frac{1}{2}$, Mto to open Depositions 25 Order 25	62 $\frac{1}{2}$
" Mto to Submit 25 order 25 Jud. f. 25 or, for Ex, 25 Ex, 50	1,50
" fil 6 $\frac{1}{4}$ Doct 12 $\frac{1}{2}$ Shff. ret. 12 $\frac{1}{2}$ Sat 25, fil 4 papers 25	88 $\frac{1}{4}$
" Cost Bill 37 $\frac{1}{2}$ Doct Milton Record fees 50, John C. Clark -	
" 50 or 50 fees 50, Paul Kingstons fees 50, Ed. Leavis 50	2,31 $\frac{1}{2}$ 20,19
" (Alias Ex 50 fil 6 $\frac{1}{4}$ doct. 12 $\frac{1}{2}$ Shff. nt. 12 $\frac{1}{2}$ fil 6 $\frac{1}{4}$ Sat 25, Copy Costs 25.)	1,37 $\frac{1}{2}$
	\$21,56 $\frac{1}{4}$

Defendants Costs

" Oct. 5, 1841 app, by Atty 12 $\frac{1}{2}$ fil answer 6 $\frac{1}{4}$ fil 4 papers 25	43 $\frac{3}{4}$
" Consent to Continue 25 A.T. 1844 ans Motion 25 order 25	75
" Sept. 5 1844 fil pro 6 $\frac{1}{4}$ Subp. 50 fil 6 $\frac{1}{4}$	62 $\frac{1}{2}$ 1,81 $\frac{1}{4}$

"Shiff McKay Service Mileage Art. and Subp 43 1/2 Making 1 Entering }

"Cost bill 3 7/2 Doc. 12 1/2 Ent. Shiff. mt. 12 1/2 }

1,0 7/4 1,0 7/4

2, 8 8 1/2

United States of America
State of Illinois Lake County ss:

Now before the Honorable
Richard M. Young one of the Justices of the Supreme
Court of the State of Illinois, and Presiding Judge
of the Circuit Court of the County of Lake in said
State, begun and held at Little Fort in said County
on the twelfth day of September in the year of our
Lord one thousand eight hundred and forty three
and of the Independence of the United States of America
the Sixty Eighth

Present the Honorable Richard M. Young Judge aforesaid
James McKay Sheriff of Lake County aforesaid
James Curtis State Attorney

Attest J. R. Gavin, Clerk

It is also Remembered that on the fourteenth day of Sep-
tember A.D. 1843, the same being one of the days of the September
Term of said Court for the year 1843, the said Burleigh Hunt
filed in the Office of the Clerk of said Court, his certain
Cross Bill, of Complaint against James B. Gordon, which
is in the words and figures following to wit:

To the Hon. the Judge of the Lake County Circuit Court in
Chancery sitting: Your Orator Burleigh Hunt, humbly
complaining sheweth unto your honor, that your orator, pri-
or to October in the year 1837, entered upon stock possession of
the South East quarter of Section twenty one, in fractional,
Township forty five North Range Twelve East of the 3^d principal
Meridian situate lying and being in said County of Lake
and State of Illinois being parcel of the public lands of the
United States, and your orator ^{had} also erected a dwelling house
and other buildings on the same and had made other large
valuable improvements on said land, and that after-
wards and in said year 1838 one James B. Gordon withers

entered into the possession of the said Dwelling house, and
your orator about the first day of November in the said year
1839, prosecuted a suit of forcible entry and detainer against
the said James B. Gorton & others for the recovery of the pos-
session of said Dwelling house & lands, which said action was
carried by an appeal into the Lake County Circuit Court
and then tried at the April Term of the said Court in the
year 1840, and a verdict was then found for your orator
whereupon a motion for a new trial was then made by the
defendants in said suit which was taken under advisement
by the Court and afterwards to wit, at the April term of the
said Court in the year 1841, the said motion was overruled
by the said Court, and a judgment was rendered upon said
verdict, and a writ of restitution of said premises awarded
to your orator, as by the record & proceedings now remaining in
the said Court on reference thereto will more fully & at large
appear. Your orator further sheweth that the said James
B. Gorton filed his bill in this Honorable Court and obtained
an injunction against your orator and the Sheriff of said County
restraining your orator and the Sheriff of said County from
executing said writ of restitution & prohibiting your orator
from taking possession of the premises aforesaid under the
judgment of the said Circuit Court aforesaid rendered in
the said forcible entry and detainer case, as by the record &
proceedings in the said suit in Chancery now depending
in this honorable Court and undetermined, will more fully
and at large appear, in this Court, which said record &
proceedings your prays may be taken and considered as part
of this ^{his} Cross bill. Your orator would further shew unto
your honor that your orator has been unjustly and unreason-
ably kept out of the possession of his said premises by the said
James B. Gorton, who has also kept and still keeps your
orator not only out of the possession of the said premises, but

also keeps your orator out of the rents issues and profits of the
same Contrary to equity and good Conscience — pre-
tending at one time that Nelson Sandom & others, County
Commissioners of Lake had secured the legal title to said
Quarter Section of land on the 15th day of April 1841, by
prescription for the said County of Lake, and had laid off
the same into Town Lots called the Town of Little Fort, and
that the said Gorton on the 25th May 1841 at public auction
purchased from said County Commissioners two of said
Town Lots to wit: Lots No 64 & 4th South one half of Lot 3,
and the South one half of Lot No 5. in Block No 25, on
which is situate your orators said dwelling & other buildings
Whereas in truth and in fact the said Sandom and others Com-
missioners aforesaid did not then & there obtain the legal ^{title} right
to said quarter section of lands or at any time since by pre-
scription, and that the said pretended entry was and is void
in law, and that no title passed by such entry of said lands
to said County of Lake —

Your orator further shows that by an act of the Congress of the Uni-
ted States approved the 22 day of June A.D 1842 the said quarter
Section of Land was granted to the said County of Lake, and
that the said James B. Gorton claims to have since to wit, on the
28th day of November 1842 purchased the said Lots & parts of lots
on which your orators said Dwelling is situate, was sold &
conveyed to him Gorton in fee in conformity to an order of the
County Court of said County by their Agent appointed —

Your orator further sheweth that he has been unjustly kept
out of the possession of his said Dwelling house from the first day
of November 1839 up to the 28th day of November 1842, a period
of over three years, and during all that time the said Gorton has
been in possession of said house, and that your orator is justly
entitled to have in cover of the said James B. Gorton the value
of your orators improvements on said town lots, and the rents
of the same from the first day of November 1839, to the 28th day
of November 1842, the time when he became legally entitled

to the performance of said promises, and your orator avers that
the buildings erected by him on said lots are worth one hun-
dred & fifty dollars and that the annually rents of the same
from the 1st November 1839, to the 28th day of November 1842,
amounts to not less than one hundred & fifty eight dollars, mak-
ing in the whole Three hundred & Eight dollars which the
said James B Gorton unjustly refuses to pay to your orator
Contrary to Equity -

In tender Consideration whereof, and forasmuch as
your orator is remediless in the premises by the strict rules
of the Common law, and only relievable in equity, he there-
fore prays that the said James B Gorton may be made
a debt to this his Cross bill and be compelled to answer
all and singular the premises as fully as if the same were
repeated and put by way of Special interrogatories, and
the premises Considered your Honor will by your decree
compel the said debt to pay to your orator for his said
buildings and also the rents aforesaid or grant to your
orator such other or further relief, as his case shall
seem to require & comport with Equity, this will ever
pray &c

Burleigh Hunt.

Morris his Solr

And that afterwards to wit, on the twelfth first day of Septem-
ber 1843, said day being a day in vacation between the
September term of said Court for the year 1843 and the
April Term of said Court for the year 1844, the said James
B Gorton, filed in the Office of the Clerk of said Court his
answer to the said Cross Bill, which is in the words and
figures following to wit;

The answer of James B Gorton
to the Cross Bill of Burleigh Hunt filed herein -

This defendant now and at all times saving all excep-
tions & right of Exceptions for answer thereto says that he

" against the Complainants right to go behind the suit in
" the case of this defendant against said Complainant
" commenced before a Justice of the peace about the first
" of December 1839 and carried by appeal to the Lake
" County Circuit Court for forcible entry & detainer of the
" premises in dispute, and decided in favor of said defend-
" ant, and hereby sets up and pleads such judgment of,
" said Circuit Court in bar of the said Complainants
" right to possession of said premises accrued prior to such
" judgment to which said judgment & the proceedings therein
" this defendant refers for more particularity, & makes part
" of this his plea — And for answer thereto under the
" above protest this defendant answering says that as to
" the said Complainants ~~entering~~ ^{entering} upon said land some-
" time in October 1837 and taking possession thereof this de-
" fendant has no knowledge, neither does he know any
" thing of the erecting of said buildings as charged in said
" Complainants said bill except by report, but that he has
" been informed & so believes & charges the fact to be that pre-
" vious to the month of November 1838 the said Complainant
" built two small buildings upon said land and which
" are the buildings referred to in these pleadings, which said
" buildings this defendant avers & charges he ~~buys~~ ^{buys} Complain-
" ant had before November 1838 sold to one Solomon Hunt
" his brother who sold the same to one Hosea Lord, and of whom
" the said defendant bought said buildings for a full and valua-
" ble consideration to him paid who executed ^{a deed to said} ~~to the~~ defendant
" of the same to which reference is hereby had & exhibited
" & gave him possession thereof, and which said buildings
" have ever since remained the property of this defend-
" ant, and in his possession except from the month of
" November 1839, until the 28th of April 1841 when he was
" restored to the possession thereof & the premises in his Com-
" plaint described by a Writ of Restitution of this Court

"And ^{Said} this defendant further says that he has no knowledge
"of the Erection of large & valuable improvements by
"said Complainant on said land as charged in said
"bill - And this defendant answering says that he
"never saw said Complainant, nor did he live on
"said premises after this defendant so entered into
"possession of said buildings until the Spring of 1839 -
"And this defendant admits the Commencement
" & prosecution of an action of forcible entry & detainer
"against this defendant & others as charged in said
"bill & the rendering of a verdict as therein stated,
"And this defendant admits the filing of his bill
" & obtaining an injunction as charged in said bill -
"And this defendant denies that he has ever or now does
"keep said Complainant wrongfully out of the possession
"of said premises, or the rents, issues, & profits thereof, but
"avows & so charges the facts to be that the possession of said
"premises was awarded to him by the judgment of this
"Court & given to him by the Sheriff of Lake County, under
"the writ of this Court issued upon said judgment to
"which said judgment & writ & the proceedings therein,
"this defendant begs leave for greater certainty to refer
"And this defendant further answering says that he
"admits & avers it to be true that the County Commis-
"sioners of Lake County did obtain a preemption to said
"land & lay it out into the Town of Little Fort, & sell said
"lots & parts of lots to this defendant, but whether their
"title was a legal one or not this defendant leaves
"for this Court to determine -
"And this defendant further answering says that he
"admits that at the time stated in said bill that by a
"law of Congress said land was granted, to Lake County
"and that this defendant did since to wit on the 28th

"day of November 1842 receive a deed in fee simple from
"said County Commissioners of said lots & parts of lots
" & that said buildings referred to were situated on
" said lots & parts of lots —

" And this defendant denies that he has had possession
" of said buildings or dwelling house, or either of them
" since November 1839 until November 1842 but avers
" & charges the fact to be that in the month of November,
" 1839, said Complainant put said defendant forcibly
" & wrongfully out of possession of said premises & hold the
" same until the 28th day of April 1841, & this defendant
" submits to the Court whether he should not have re-
" cover of said Complainant rent for said buildings
" for the time during which he was so wrongfully depri-
" ved by said Complainant of said buildings & avers
" the rent thereof was worth fifty dollars a year —

" And this defendant denies that the rent of said im-
" provements is worth one hundred & fifty dollars per-
" year, but that fifty dollars is all the annual rent
" of said improvements was worth, And this defendant
" avers that said writ of restitution stayed by the injunc-
" tion of this Court ought to be set aside & said Com-
" plainant and all others perpetually enjoined from
" executing or moving in the same — And this
" defendant prays to be henceforth discharged from
" this prosecution with his costs & charges most wrong-
" fully in that behalf sustained

Spring & Goodrich
Defts Solrs

" State of Illinois,
" County of Lake 320

" James B. Horton the defendant named
" in the foregoing answer being duly sworn doth depose
" & say that the matters & things in the foregoing answer
" stated as of his own knowledge are true, & those as obtain-

"ed from others to be true to the best of his information
"Knowledge and belief -
"Sworn & subscribed to before me } "James B. Gorton,"
"this 21st day of September A.D. 1843 }
J. R. Gavin }

And that heretofore to wit on the fourteenth day of
September A.D. 1843 the same being one the days in the
aforesaid September Term of said Court for the year
1843, the said Burleigh Hunt filed in the office of
the Clerk of said Court a replication which is in the
words following to wit;

"Burleigh Hunt }
" vs } Cross Bill In Chancery
" James B. Gorton }

And the said Complainant comes and
says for replication to the answer of the said James B. Gorton
that the said James B. answer & the matters therein al-
leged contrary to the allegations of the Complainant's
Cross Bill herein are untrue, and the allegations
of his said Cross Bill are true in substance & fact
and this he is ready to verify when & where this
honorable Court shall direct &c

Morris for Compl^t

United States of America,
Lake County State of Illinois }

Please for the Honorable Jesse B. Thomas
as one of the Justices of the Supreme Court of the State of Illi-
nois, and presiding judge of the fifth judicial Circuit
in said State (who in terms of the Statute in such cases made
and provided has for this term interchanged Circuits
with the Honorable Richard M. Young one of the Justices
aforesaid and Presiding judge of the seventh judicial
Circuit in said State) at a Circuit Court began

held at Little Fort in the County of Lake in the said
Circuit and State on the twenty first day of April in the
year of our Lord one thousand eight hundred and forty
five and of the Independence of the United States ^{of America} the sixty
ninth

Present the Honorable Jesse B Thomas Judge
William A Boardman States Attorney
James M May Sheriff of the County of Lake
Attest Isaac R Gavin Clerk

And that afterwards on the twenty sixth day of April
AD 1845, the same being one of the days of the April Term of
said Court for the year last aforesaid, proceedings were
had in said Court, which are entered of record in the words
following to wit:

"Burleigh Hunt }
"2. vs } Cross-Bill
"James B Gorton }

"This day comes the Complainant by Morris
"his Solicitor and the defendant by Goodrich his Solicitor
"and by agreement this cause is submitted to the Court
"upon the understanding that a judgment may be rendered
"herein in vacation.

United States of America,
Lake County State of Illinois }

Hear before the Honorable Hugh T Dickey
Presiding Judge of the Cook County Court in the State of Illinois
at a Circuit Court begun and held for the County of Lake at
Little Fort in said County in the Seventh judicial Circuit
in said State on the first day of September in the year of
our Lord one thousand eight hundred and forty five, and
of the Independence of the United States the seventieth.
The said Honorable Hugh T Dickey Presiding on the request
of the Honorable Richard M Young, the presiding justice
of the said judicial Circuit, and also in terms of an act

Entitled "An act to fix the times of holding Courts in the Seventh Judicial Circuit," approved the third day of March in the year of our Lord one thousand eight hundred and forty five

Present the Honorable Hugh T. Dickey Judge aforesaid
William A. Boardman State Attorney
James McKay Sheriff of Lake County

Attest J R Gavin Clerk

Afterwards to wit on the first day of September in the year 1845, the same being one of the days of the said September Term of said Court for the year last aforesaid; proceedings were had in said Court which are entered of record in the words following to wit;

"Burleigh Hunt
" 2 vs Cross Bill
" James B Gorton }

" This Cause having been submitted to the Court
" at the last term thereof upon Briefs, and the Court having
" taken the same under advisement, now at this day come
" the said parties by their Solicitors; and the said Court being
" fully advised in the premises doth order, adjudge and decree
" that the said Cross bill of the said Complainant be dismissed,
" and that the said defendant recover of the said
" Complainant his Costs and charges, and that he have
" Execution therefor - "

And that the following is a copy of Costs taken from page 124 of Fee Book "A" in the Office of the said Clerk of said Court to wit;

" Burleigh Hunt } Cross Bill In Chancery
" vs }

" James B Gorton } App by att 12 1/2 Mo 25 one order 25 . 6 2 1/2
" fil. Bill 6 1/4 fil 3 papers 18 1/4 fil Deps. 6 1/4. 31 1/4 93 1/2

" F. A. Howe f.p. taking Dep't 2.00	CLKs Certificate 25	\$ 2.25
" A. T. 1844 fil further answer 6 1/4	fil Certificate 6 1/4 3 appearances 3 1/2	50
" S. T. 1844 app. by att. 12 1/2	Mo 25. A. T. 1845 app by att 12 1/2	50
"	Ent. agt 25 Sept. T. 1845 app by atty. 12 1/2. Making ret. }	
"	Cost bill 37 1/2 fil 6 1/4 Doct. 12 1/2 wt 12	1,06 1/4
"		5.25

Left Costs

" Sept. T. 1843. app. by atty. 12 1/2 on Mo. rem order 50	62 1/2	
" fil answer 6 1/4 Mo. open Dep't 25 order 25	56 1/4	
" fil 2 papers 12 1/2 one aff. 12 1/2 - fil 2 Dep't 12 1/2	37 1/2	
" Costs to (W. L. Rucker) 3.25 Mo. Cont 25 or 25	3.75	5.31 1/4
" Sept. T. 1844 app. by atty. 12 1/2 Mo. open Dep't 25	37 1/2	
" Order 25 opening and fil 25. aff. 4 fil 18 3/4	68 3/4	1,06 1/4
" Wit. Geo. E. Clark on 6 days 3.00 W. H. Brodley		
" taking Dep't 2.00 f. H. Trader 1.75	6.75	
" A. T. 1845 app. by atty. 12 1/2 on Mo. 25 order 25	62 1/2	
" opening 4 fil Dep't 31 1/2 Take Dep't 4.50	4.81 1/2	
" fil 2 papers 12 1/2 Judgt 25 or. for Ex. 2.5	62 1/2	
" Ex. 50. fil. 6 1/4 Doct 12 1/2 Shiffs ret. 12 1/2	81 1/4	
" Sat. 25. Cost bill 37 1/2	62 1/2	\$14.25 1/4
"		20.62 3/4
" Alias Fee Bill 50 fil 6 1/4 Doct 12 1/2 Shiffs ret. 12 1/2 fil 6 1/4 det 25 Copy cost 25	1,37 1/2	
"		22.00 1/4

Sauk County Circuit Court - In chancery

Henry W. Blodgett }
vs. Bill

Henry B. Hunt and }
Burleigh Hunt }

State of Illinois }
Sauk County } J. Augustus B. Coates,

Clerk of the circuit court in and for the County of Sauk
in the State of Illinois, hereby certify the foregoing to be
a true transcript from the records and files of my
office, of the record of the proceedings had in said

Court in the above entitled cause since the first day of the
March Special term A.D. 1855 of said court, (the said term
having commenced on the fifth day of March in the year last
aforesaid) and also of all the papers now on file in said cause
which have been filed therein since the day last aforesaid, (the
said transcript containing a true copy of the final decree in said
cause as amended) and also of the pleadings now on file in my
office and of the record of the proceedings of said court and
of the record of the taxation of the costs, in a cause here-
tofore pending in said court on the chancery ^{side} thereof wherein
James B. Gorton was Complainant and Burleigh Hunt was
defendant and wherein the final decree or judgment was ren-
dered by the said court on the 1st day of September A.D. 1845,
the said last mentioned day being one of the days of the Sep-
tember term of said court for the year last aforesaid, and
also of the pleadings now on file in my office and of the record
of the proceedings of said court and of the record of the tax-
ation of the costs, in a cause heretofore pending in said court on
the chancery side thereof wherein Burleigh Hunt was complainant
and James B. Gorton was defendant and wherein the final de-
cree or judgment was rendered by said court on the said 1st
day of September A.D. 1845 -

In testimony whereof I have hereunto set my hand and
the Seal of said Court at Waukegan, in said County
this Second day of July A.D. 1855

a. J. Bates, Clerk

Fees (210 fol.) + cert \$21.25

23

Lake County Circ. Court

Henry W. Blodgett

vs.

Henry B. Hunt &
Burleigh Hunt

Transcript

Filed July 10. 1855.
Clerk and Clk.

Henry B Hunt et al

Sup Ct Ottawa
June Term 1856

Henry W. Blodgett

H. P. Smith
Brief

I The lands in question were purchased for Henry B Hunt, and the purchase money paid for the same belonged to him - was his money -

1 The deed is to him - the legal presumption arising therefrom -

2 Deposition of Hiram Hedger. *

3 The facts testified to by him are probable natural and reasonable -

Burleigh Hunt was poor & Henry was his only child, & sole of his large lot.

* See testimony of Hedger in Printed Statement 4 The Witness Character age occupation residence and means of knowledge Entitles his testimony to full Credit

See Copy of Deposition hereto attached

5 This deposition is entitled to as much Credit as though taken in Lake County, and there had been a personal attendance of the Orotor or his Counsel - The objections usually urged against foreign & ex parte depositions do not fairly apply & cannot be reasonably urged against this - The witness is 32 years old - Resides in Salem Kenosha Co. Wis. Occupation a Carpenter This is not over 20 miles from Waukegan

The residence of the Orator - But not over four miles from the State line dividing Lake Co Ill from said Remond County - The witness has resided there ever since the happening of the facts to which he testifies in 1841 -

The Orator could have attended the taking of this deposition if he desired to do so - It was taken within 20 miles of his residence -

The witness from his occupation & long residence in Salem must have a well known reputation for Character for truth & veracity which the Orator could have easily procured himself of, if it was not good - He could easily have impeached his Character for truth if unpropitious

This is not attempted for the reason that all such attempts would have been obnoxious - We insert therefore for the reasons aforesaid that full credit should be given to this witness & his deposition -

II The declarations of Benjamin Hunt testified to by Landon, Patterson & Payne are not admissible evidence against Henry B Hunt to defeat or direct him of his interest in the Land in question - Cochran vs McDowell 15 Ill 10 10

Hill vs Brinsford 12 Ill 16 166
Cottwright vs Wise 14 Ill 18 417

IV Had Burleigh Hunt had paid for this land out of his own funds; under the Circumstances of this Case the Court would hold & treat it as an advancement to his infant son, and as such irrevocable by B Hunt his father

Cortwright v Minter 14 Ill 417

Page vs Page 8 N. H. R. 187

V. If Burleigh Hunt could not recover the title then his Creditor Gorton or his Assignee the Broker Comnot - Because his debts accrued 3 years after the Conveyance to H. B. Hunt and payment preceded the deed - The debt arose 4 years after the purchase & 3 years after the deed & payment -

Sale was in May 1841 Deed in Nov 1842

Orator's Liabilities Sept 1845 one for \$22.39 & one for \$24.56
The Bills in which these judgments for costs were rendered were not commenced till after the purchase of this land in May 1846.

VI The interest of B Hunt in the premises was all that was advertised & sold on the Execution -

See Shiffs return thereon

The original Bills which were taken first brought over & filed in July 1841 - after the infant's death the title was directed in May -

VII The Brator or his assignor must know that he was a Creditor of B. Hunt

I submit whether the judgments for Costs referred to constitutes him a Creditor of the Character of one Contemplated by the Statute

If a Creditor he is only such from time of the rendition of said judgments - Sept 1845.

But it is treated as a creditor from the time of filing his Bill this was after the sale of the land & purchase for Henry

in May 1841

VIII The Evidence is abundantly sufficient to show that this conveyance was not actually or in fact fraudulent -

- 1 The Deposition of Hedger
- 2 Improbability arising from
 - 1 Smallness of the investment & transaction
 - 2 The age of his son the Person Settled or his trustee or fraudulent Grantee
- 3 Could not conceal himself of the property till the majority of his son
- 4 If B. Hunt's intent originally

was to defraud Creditors, or if his friend paid for the land & he took deed to his son to keep it from Creditors, would he have openly and at the time declared the fact & intent as testified to - ?

His declarations are more consistently

* The reason of denying the price was that Gordon & B Hunt had no record
 in possession of this property & setting up to a price by the order
 which the Court thought was wrong & to the order of the Court
 on the real estate - substituted the price for the bid
 amount \$500 - & for \$450 for the bid

* More of declarations of Hunt to Payne was also offered
 the 19th to 24th - and all were offered the 26th of the
 26th of May 1841

The declaration to Landon and Patterson was after
 the execution and delivery of the deed to Henry B
 Hunt. Deed was executed Nov 28 1842 and
 Recorded 29 Nov 1842

Those to Payne are indefinite and uncertain as to
 time or particulars. Made 10 years before testified
 to - They prove nothing pertinent to the issue,
 or question whether the land was paid for
 with Henry's money or orders purchased
 with his money - He testifies only to impressions and says "he cannot
 recollect circumstances minutely happening so long ago" *

As against Henry who is an infant
 Every necessary fact must be proved and
 that too by at least unequivocal testimony
 Whether those declarations were before or
 after the deed to Henry is immaterial;
 in either case they are alike objectionable
 and inadmissible for the same reasons
 and upon like principle -

The equitable interest and title to these premises
 vested in Henry B Hunt at the time of the
 and all the declarations of B Hunt & others ^{made after this time}
 Sole 26th of May 1841 - The first Monday in
 June which was the 7th of June 1841 these bids
 were vacated & sold as to price only rescinded
 by agreement, and price of \$450 agreed on
 and substituted for the first bid on terms of
 1/4 down in cash or to order - Remainder in installments
 See Bartlett's deposition page 34 of the Record

III. The Evidence shows that the land was purchased and paid for by Burleigh Hunt with his Son Henry's Money - But had the deed even been made to Burleigh Hunt Henry might have followed his money into the land; and the Court would have raised a trust in his favor - A trust by implication of law - It is absurd then when his money paid for the land & the deed is taken to him to insist that his title can be divested for the purposes & in the manner sought and that too by declarations of a third person in Council Conventions made 15 years before testified to - This kind of Evidence even against the party making the declarations is regarded with great disfavor as a dangerous kind of Evidence - & received with great caution & suspicion - But most dangerous when adduced to establish a trust. The weakness of all Evidence derived from a witness in law, and should have been little if any weight where much time has elapsed from the making of them as in this case

Millions v Brown & others 14 Dec 1820

184 Hunt.

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Cons. 650

accounted for by attributing to him the
 thought or disposition to take to himself
 his sons property as an after thought
 occurring after Hedger had gone or at least
 a secret intent which he dared not
 disclose while Hedger was present and
 knowing that it was Henrys his sons
 He would not be likely to deny the
 trust before Hedger - But afterwards
 when he conceived the idea of selling the
 bond to get money to use he might -
 His declarations to Patterson shows he
 wanted to sell it &c -

IX H. B. Hunt is a Minor his rights are committed to
 the protection of the Court - They will see that the Proctor
 makes out a Case by legal & circumstantial proof before
 a decree will pass against him - As to this debt
 Nothing is to be admitted implied or presumed
 but every thing essential must be proved

12 Dec 1866

As to this debt there is no evidence of a legal
 judgment, Execution & Sale - Stat 302 Sec 14, 12 & 21-302,
 Sec 4 - To acquire a legal title to real Estate by being
 sold the Creditor must have a legal judgment, Execution
 & Sale - #

576

This may be remedied by the amendment
 record which I have not examined
 The first record filed here did not
 show any due - of goods &c

fixed sum and 5 Cents & dividend then even Gorton was
not how often decrees for costs
1 This was of H. Hunt
interested in this case
in May 1848 - 1849

The Nature & Character of the Orotor's Claim and Equity of the Same

It was evidently purchased of
Gorton on Speculation.

Gorton filed his Bill vs B Hunt 21 July 1841
Hunt filed Cross Bill - 14 Sept 1843
Hunt left the State and Bills pending in 1844
~~Bills~~ Decrees for Cost Sept 1845
Execution, after Bills issued not till - 1848
Levied on the land & sold in
Certificate of Sale assigned to the Orotor in 1849
for \$59.77

This Bill commenced July 1849 wherein the
Orotor alleges he is the Equitable owner of the
land the legal title of which is in H B Hunt
a boy 14 or 15 years old who has held the same
in trust for his father & creditors since his
death 3 years old -

- 1 The judgments & fees Bills are of doubtful
Equity - see Bill & Cross Bill - If Hunt had not
- 2 They were State Matters - were dormant
for more than 3 years -

Revised by Gorton's Atty & purchased by
him after they were 4 years old and
attempted only to be enforced after
witnesses were dead or disappeared to us;
and parties in interest as defendants

without the jurisdiction of this State
and means to assert & vindicate their
rights.

The woman who gave the money to Henry
& Henry's Mother both died before this
Suit was commenced -

It is asked why B. Hunt's testimony is not taken.
It was not thought necessary by Counsel who
had charge of this case before the proof closed
while the direct testimony of Hodges a disinterested
witness stood unimpeached & not discredited.
Again Counsel has doubts whether B. Hunt
was a legal & competent witness in the case
being a party of record & in interest -

Under these circumstances inasmuch as B. Hunt
had no fixed residence but a wanderer in
Canada when he has been for years past and
no certainty of getting his testimony if attempted,
the same being attended with great expense, the
Boy Henry poor & the relative who is looking after
his interest in this case & with whom he resides
being also poor are reasons sufficient why
the testimony of this unmotivated father was not
taken -

The Answer was obtained with much trouble
and expense - And the same confirms Henry's right
to the land in question -

Why did the Orotor waive his Oath under oath
thus deprive Henry of the benefit of his
oath - The only inference is that he knew that
he would answer under oath as he now has,
according under the law it is - It does not look like
sincerity & fairness for Orotor to deprive unfavorable
inferences as to Henry's rights from the fact Hunt

testimony is not taken when he by his own act
intentionally deprived us of his both legs, wearing
some iron his anatomy -

The deft Burlingh has an anatomy and the
presumption is that his anatomy would
have been the same under oath & consequently
~~the~~ Brother would it - Why then I ask ~~with~~
~~proper propriety~~ did not the Brother
take B. Hunt's testimony, or what is the
same in substance if not in form call
for substantiation his anatomy under oath. and
then have his testimony in the law -

It is argued that a Bond was taken to Burlingh Hunt

The only ev of this is the vague impressions.
and uncertain recollections of London & Haynes

They are not positive or very certain -

But Patterson the Clerk of Co Com^d Cant says he
made the deed in Apr 1842 to H. B. Hunt - How could
he do this if there was a bond and that bond run
to B Hunt - Or if there was no bond why did he
do so unless he & the Co Com^d understood at the time
of the purchase that it was Hunt's land - He did
not consult any one ^{or} to whom to make the deed -
But after some was made - B Hunt wanted
some cancelled & one made to him - He refused to
so arriving a verdict that the Co Com^d could not
do it - Why could they not have given up this
one & granted to Hunt & make one to B Hunt
if there had not been a bond or contract or
agreement originally that they should deed
to Hunt & the purchase was for him -
Why had they not the right to so - The deed had

4 or if it had it was never a copy of Petterson
without the knowledge of Hunt for Hunt is the
written around & credit is given to him & then it
had it around to Hunt & then it was given to
Hunt & then it was given to Hunt & then it was
given to Hunt & then it was given to Hunt & then
it was given to Hunt & then it was given to Hunt
in connection with the Bond.

Not at this time been delivered or recorded.
The inference is conclusion that the bond if there
was one run to Hunt - Or that at the time they
that Co. knew it was bought in the name of
Hunt - There was probably a Bond given
at the time of the purchase to Hunt - that
Bond was near the hands of Petterson the
Clark on file & then it should have been
at the time the deed was made and this is
the only unreasonable way to account
for not sending to B. Hunt as he desired -
I repeat there was nothing to prevent it
at the time Hunt called upon Petterson -
unless it was a bond then on file -
That bond has since been lost -

But I submit that the acts of the Court
and Petterson their Clerk as testified to by
Petterson cannot be reconciled or accounted
for rationally in any other way -
Will the Court please read
Petterson's testimony -

It is also argued that the land sold at public
sale for \$200 - And that Hunt paid
only \$50 - Given him -

This is explained by testimony of Louisa
Berthel Payne & others - It was actually sold
for \$45 - & that was the consideration of the deed.

It is immaterial if B. Hunt had Hunt's
money whether he paid the same or bought the
County order with it at a discount and
paid there - But Petterson thinks Hunt
paid the money to him as clerk -

H. B. Hunt

vs
H. W. Blodgett

H. O. Smith's Brief

For Appellants

Burling Hunt et al

vs
Henry W. Blodgett

Appeal from Lake.

II. Where a conveyance is fraudulent in fact, it may be impeached by subsequent as well as prior creditors.

1 Story Eq Jur § 352, 361.

Richardson v Smallwood 14 H 552.

Vinton v Humphreys 14 Gr 70 130.

Henry v Fullerton 13 Gr 634.

Lusk v Wilkinson 5 Gr 387.

Hodgway v Millard 1 Mead H 417.

King v Wilcox 11 Paige 589.

3 Story 470.

III. Although the taking of a conveyance to a child is prima facie an advancement, yet this is only a presumption which may be rebutted by circumstances or other direct evidence, showing that such was not the actual intent.

2 Story Equity § 1202.

Lidmouth v Lidmouth 2 Benc 447.

Leavin v Leavin 1 Young & Coll 65.

III. The conduct and declarations of Burling Hunt are competent evidence to rebut the presumption of an advancement.

2. Reas 447.

IV. The presumption of an advancement is entirely rebutted by the testimony - The pretence set up by the appellant is that the land was purchased with the money of the son then about five years old - The circumstances attendant upon the purchase we think clearly show the falsity of this pretence -

1st. The pertinacity of Burling Hunt in bidding upon the pocket up to \$200. is a strong circumstance to show that he was acting for himself, and not for his son, who had no means to justify any such bidding on his behalf - The bidding was a matter of spite between Burling Hunt and Boston, and rebuts the idea of his making an investment in behalf of his son -

2^d. When the actual purchase was made a few days after the public sale, the Bond for a deed was taken to Burling Hunt, and time given for payment.

If B. Hunt was acting for his son, with the money in his pocket, why was the Bond taken to himself? and why was time obtained?

3^d. It appears that were some improvements upon the property, and these were an inducement and probably formed the chief motive for the purchase - The property was then occupied by the father, and continued to be occupied and improved by him.

4th. The father was deeply in debt, and could hold no property in his own name - He then contrived the pretence now set up by him, to take the deed in his son's name to cheat his creditors.

See Thos. H. Payne's testimony.

5th. It appears that W. Hunt paid for the land in County land orders. The pretence is that the son had money given him, just before the purchase and this was invested in the land orders, and then the land order paid for the land.

It is difficult to assign any good reason for this circuitous mode of making an investment.

6th. The whole testimony shows, that the taking of the deed to the son was a mere shift of the father to avoid the payment of his debts.

2^d. Why were not W. Hunt and his wife examined as witnesses. They were competent. W. Hunt does not pretend to know anything of this woman or of this gift.

3^d. The witness states that he knows, that the lots were purchased with the \$50. at the public sale where the lots were sold for \$200. This shows that witness knew nothing about it. He knows nothing about subsequent and actual purchase, or of the payment of the money, or of the terms of the sale.

4th. If any credit can be given to the witness, it can only show, that there was some talk and money paid for the express purpose proving it. The talk was had for bunkum - and the money paid was a sham.

Brief

Harleigh Hunt et al

vs

Henry W. Blodgett

Q Pickens for Appellee

Proving on June 16 1864,

Wm J. Blanton.

Dear Sir,

We understand that the case
of Benjamin Hunt & Henry B. Hunt vs Army
of Mexico has been submitted to the Court
on brief of the Defendant for Sept.

We would take it as a favor
if the Court would not make a decision
in the case until next Monday the 23^d
inst, at which time the Dept will either
ask the privilege of arguing the case or
presenting a Brief -

Very respectfully
Yr Obedt Servt -
E. D. Phelps -
for Dept -

I Consent to the above. H. W. Placette

Affidavit

B. Hunt et al

v

H. W. Blodgett

Will Judge Seat please direct
the Clerk to correct his docket
and enter this case as an
appeal -

Henry B Hunt & al } Supreme Court Ottawa
 " }
 Henry W Blodgett }

June Term 1854

I Gaydon Prekitt testifies & says, that the bill in the above case, was bought for the purpose of perfecting the title in Blodgett to lands, the legal title to which was in Henry B Hunt & al. The bill sets forth two judgments in favor of Jas B Gorton or Burleigh Hunt, that executions issued thereon upon which a sale was made by the Sheriff to said Gorton, to whom a certificate of purchase was given - That certificate of sale was assigned to Blodgett & when a sheriff's deed was given

All the above papers are set forth in the record, except the records of the judgments & the judgments were rendered in Lake County Circuit Court. And this deponent thinks it probable that evidence of judgments was given by producing the records thereof in court upon the final hearing of the case. - The decree in the case finds that there were such judgments as alleged in the bill, but the record does not set forth, that the records of said judgments were introduced as evidence in the court below, or that records of said judgments themselves. - The record in the case was filed July 27, 1854. and since the filing thereof I have been unable to hear from the deponent or ascertain the reason why said evidence of said judgments was not incorporated into the record July 28, 1854.

Gaydon Prekitt

Subscribed & sworn to
 before me this 28th day
 of July A.D. 1854
 L. Leland Clerk
 By P. H. Leland Depy