

13845

No. _____

Supreme Court of Illinois

S

~~W~~eymour et al

vs.

Root

United States of America

STATE OF ILLINOIS, COUNTY OF COOK, S. S.

Pleas, before the Honorable George Munroe

Judge of the Seventh Judicial Circuit of the State of Illinois, and Solo' Presiding' Judge of the Circuit Court of Cook County, in the State aforesaid, and at a term thereof begun and held at the Court House in the City of Chicago, in said County, on the

Tenth Monday, (being the Tenth day) of March in the year of our Lord one thousand eight hundred and Fifty Eight and of the Independence of the said United States the Eighth Tenth

Present, Honorable George Munroe Judge of the 7th Judicial Circuit of the State of Illinois.

Charles Haven States Attorney.

John S. Wilson Sheriff of Cook County.

Attest; Wm L Church Clerk.

Be it Remembered that heretofore, to wit: at the March Term of said Court, to wit: on the 3^d day of March in the year aforesaid, the following, among other proceedings in said Court, were had and entered of Record to, wit:

John F. Seymour. Robert W. Seymour
Philander W. Barclay, James S. Barclay
John F. Clark. Frank W. Andrews.
C. H. Allen. Hugh Webster, Mary J.
Waterman.

vs
Anson Root

This Cause came on to be heard at the March Term of said Court upon the bill of Complainant answer replication exhibits filed therein also upon the proofs taken in said cause and the said Complainant having previously filed their objections to the portions of the deposition of N. C. Anderson taken in said cause to wit,

+ 1st

To the sixth direct interrogatory propounded to said Witness and his answer thereto on the ground that the deed or deeds of Conveyance conveying the title to the lands therein referred to and

- 2^d enquired of should be produced -

To the 9th direct interrogatory propounded to said witness and his answer thereto on the ground that it appears from his answer to the 30th and 32^d Cross interrogatories and to the 27th & 32^d direct interrogatories that he held the land therein referred to prior to 1852 under a contract in writing made prior to that time, and that said writing should be produced -

+ 3^d

To the 10th direct interrogatory and the answer thereto on the ground that the writings if any evidencing the sales enquired of should be produced, and further to said interrogatory and the succeeding interrogatory and the answer thereto so far as the same are sought to effect, the deed of defendant to witness of the property in question made in 1852.

- 4th

To the fifteenth direct interrogatory on the ground that the same is and further to the answers to the 15th & 16th direct interrogatories on the ground that the agreement in writing mentioned in the answer to the 16th direct interrogatory should be produced -

- 5th

To the 17th direct interrogatory and the answer thereto on the ground that it

the answer thereto on the ground that it appears from the answer to the first Cross interrogatory and the 27th & 32^d direct interrogatories that the deed spoken of was executed in pursuance of an agreement evidenced by writing and made the 27th day of October A D 1854 - that the writing should be produced -

- 6th

To the 18th direct interrogatory on the ground that the articles or Concoth herein referred to should be produced -

+ 7th

To the 13th direct interrogatory & the answer thereto on the ground that it appears from the answer of the witness to the 13th Cross interrogatory that there was a contract in writing stating the amount to be paid by witness to Root for the Land which should be produced and also on the ground that the parties thereto are estopped by the statement in the deed with regard to the consideration for said lands -

- 8th

To that part of the answer of the witness to the 7th & 34th Cross interrogatories wherein the witness states that he executed to defendant a Mortgage on a lot in Chicago on the ground that the same are not responsive to the interrogatories and also on the ground that said Mortgage

should be produced

+ 9th

To the first part of answer to the 145th Cross interrogatory on the ground that the same is not responsive to said interrogatory

- 10th

To the answer to the 32^d direct interrogatory on the ground that the writing therein referred to should be produced - and the Court considering said objection overruled the first third seventh and ninth of said objections and sustained the second, fourth, fifth sixth ninth of said objections - to which ruling of the Court the defendant excepts And the said Complainants having in addition to the depositions taken in said cause given in evidence a Warranty deed executed by Anson Root wife to Hollis C Anderson dated Oct 4 A D 1852 and recorded in the recorder's office of Kane County A D 1853 whereby said defendant conveyed to said Anderson of the property in said bill of complaint described, with other property in the Village of Aurora - And also a Mortgage of the same property executed by said Anderson to said Root to secure the payment of about four thousand dollars, of same date and recorded in the Recorder's office of said County

on the 15th of Feb. 1853 also a deed of conveyance

recorded in the Records Office of said County
on the 15th of Feb. 1853 also a deed of conveyance
executed by said Hollin C Anderson & wife
to the defendant Anson Root, dated the 4th
day of November A D 1854 particularly
described in the bill of Complaint filed
in this cause and recorded in the Records
office of Kane County on the 4th day of
November A D 1854 also a deed of conveyance
executed by the said Hollin C Anderson &
wife to William A Platt dated the 17th day
of October A D 1854 and recorded in the
Records office of Kane County on the
4th day of November A D 1854. also a deed
of conveyance executed by said Hollin C
Anderson & wife to said Anson Root
conveying to said Root the S^h South 1/2 of
the North 1/2 of Lot 21 in Kalansia addition
to Chicago for the consideration named in
said deed of four thousand dollars,
dated the 4th day of November A D 1854
and recorded in the Records office of
Cook County on the day of

A D 1854 to the introduction of all
which evidence the Defendant at the
time excepted - and it appearing by
stipulation on file in said cause, made
by the respective counsel of said
Complainant and said defendant

that the several writs of attachment mentioned in the bill of Complaint filed in this cause were issued as therein set forth and levies upon the real estate as therein set forth and that certificates of such levies were duly filed as therein set forth, and that judgments were duly recovered as in said bill of Complaint is alleged and that executions issued thereon as therein set forth and levies made and certificates of such levies filed as therein stated & charged and that said complainants should not be required on the hearing of said cause to produce the record of the proceedings in said attachment suit and the processes issued thereon and the proceedings of the Sheriff to whom the same were directed and the said cause having been fully argued as well by counsel for the defendant as well as by Counsel for said Complainants and the Court having been fully advised in the premises, and finding that the deed of conveyance set forth in said bill of Complaint - to wit the deed of conveyance bearing date the 4th day of November A.D. 1854 and recorded in the records office of Kane County in Book 36

page 346 - whereby the said Hollin C. Anderson
& Martha his wife conveyed to said defendant
anson Root the following described real
estate lying and being in the County of
Hane and State of Illinois to wit in the
Village of Aurora the ^{W. N.} three acres of land
in Block C of Andersons addition to Aurora
also Lots number 13 & 14 in Block D, also Lot
4 in Block L, also Lots 6 & 11 in Block K,
also Lots 9 & 10 in Block A - also Lots 6 & 7 in
Block B also the east ten acres in Block
O, also Lots 1, 2 & 4, in Block G also lot 12 in
Block G also lot 7 in Block J all the fore
going described lots and lands lying and
being situated in Andersons addition to
~~Chicago~~ the village of Aurora. Also in
Roots addition to the village of Aurora the
following described property to wit Lots
3, 4, 5, & 6 in Block (1) also Lots 3, 4, 5 & 6, in
Block (7) also Lots 4, 5, & 6 in Block (8)
also in the village of Aurora the following
described property to wit the Western part
of Lot 2 in Block (11) being 24 feet on Main
street by 120 feet deep being the Western
24 feet of said Lot, also sixty feet of the
North side of Lot number 1 in Block number
13 also sixty feet of the North side of Lot
number (1) in Block number Seventeen

was made and continued for the purpose and with the intent on the part of the said Hollin C Anderson and the said defendant Anson Root to hinder and defraud the said complainants, creditors of the said Hollin C Anderson of their just and lawful debts, and that said Conveyance was in fact made without any consideration therefor. It was therefore ordered adjudged and decreed & is hereby ordered adjudged and decreed - that said deed of Conveyance be set aside and go for naught as against said Complainants Creditors of the said Hollin C Anderson - and that the said defendant Anson Root take nothing thereby as against said complainants and that he and all others claiming by through or under him be forever precluded and barred from asserting any title to said premises in said deed of Conveyance described as against said Complainants - creditors as aforesaid under or by virtue of said deed of Conveyance - And that said deed of Conveyance be treated in all respects as between said Complainant and said defendant as absolutely null and void. It is further ordered adjudged

and decreed that the Complainants have
and recover of the said defendant the costs
in this suit and that they have execution
therefor. It is further ordered and adjudged &
decreed that the Sheriff to whom the
execution mentioned in said bill of
Complaint have been directed proceed to
sell said premises and distribute the
proceeds pro rata among said Complainants
according to their several debts.

And afterwards, to wit; on the fifth
day of March in the year last aforesaid
there was filed in the office of the Clerk
of said Court a certain appeal
bond which is in the words and
figures following, to wit;

In the Cook Circuit Court
John F. Seymour Robert
W. Seymour. Philander W
Barclay. James S. Barclay
John F. Clark. Frank W
Andrews. C. H. Allen. Hugh
Webster. Mary J. Waterman
as
Anson Root

In Chancery
Charge of Venue
from
Kane County
Bill

Know all men by
these presents that we the said Anson
Root as principal & William H. Watson
as his surety are held and firmly bound
unto the Complainants in the above entitled
cause in the sum of five hundred dollars
for the payment of which well and truly
to be made unto them we do bind ourselves
our heirs executors & administrators jointly &
severally firmly by these presents—
Signed sealed and dated this
day of March A.D. 1858—

The condition of this obligation
is such that Whereas the said Circuit Court
of Cook County, did at the March Vacation
Term thereof A.D. 1858—under a decree in
the above entitled cause against said
Anson Root defendant therein from
which he hath prayed an appeal

to the Supreme Court of this State -
which hath been allowed upon his giving
bond & security as required by law and
the order of the Court in that behalf -

Now therefore if the said Root
shall prosecute said appeal to effect
and without delay - and shall pay
the judgments costs interest and damages
in case the decree of the said Circuit Court
shall be affirmed then the above bond
to be void or otherwise to remain in full
force & effect.

Amson Root (seal)

State of Illinois, }
COUNTY OF COOK. } s. s.



I, WILLIAM L. CHURCH, Clerk of the Circuit
Court of Cook County, in the State aforesaid, do hereby
certify the above and foregoing, to be a true, perfect and complete
copy of Final Decree & Appeal Bond
in a certain cause lately pending in said Court, on the
Chancery side thereof, wherein John D.
Dequom Et al were Complainants and
Amson Root was defendant

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the seal of our
said Court at Chicago, this 21st day of June A. D. 1858

W. L. Church
Clerk.

to the Supreme Court of this State -
which hath been allowed upon his giving
bond & security as required by law and
the order of the Court in that behalf -

Now therefore if the said Root
shall prosecute said appeal to effect
and without delay - and shall pay
the judgments costs interest and damages
in case the decree of the said Circuit Court
shall be affirmed then the above bond
to be void or otherwise to remain in full
force & effect.

Arson Root (seal)

Jm. H. Watson (seal)

~~377~~ 380
Supreme Court

Robt Appellant
vs
Seymour et al
Appellees

Appeal Bond
FC

Filed June 2. 1858
S. Leland
Clerk

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