No. 12809

Supreme Court of Illinois

Hunt, et al.

---

vs.

Blodgett.

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~~No. 38~~ 11

Henry B. Hunteman

vs.

Henry W. Blodgett.

11

1850

United States of America
State of Illinois Lake County } ss. Pleas before the Honorable
" Hugh T. Dickey, Judge of the Seventh Judicial
" Circuit of the State of Illinois, at a Circuit
" Court for the County of Lake in said Circuit,
" began and held at Waukegan, formerly
" called Little Fort, in the County aforesaid, on
" the twenty sixth day of March in the year
" of our Lord one thousand Eight hundred
" and forty nine, and of the independence of
" the United States, the Seventy third -
" Present, the Honorable Hugh T. Dickey, Judge
" aforesaid, Alonzo Platt, States attorney,
" Henry W. Dorsett, Sheriff of Lake County
" Attest, Augustus B. Coe, Clerk"

Be it remembered that heretofore, to wit; on the second day of July A.D. 1849, the same being a day in the vacation between the March term of the Circuit Court of the County of Lake in the State of Illinois for the year last aforesaid and the September ~~[illegible]~~ term of the said Court for the same year, Henry W. Blodgett by Hoyt & Blodgett, his Solicitors, filed in the office of the Clerk of the said Court his bill of complaint which is in the words and figures following, to wit:

"To the Honorable Hugh T. Dickey presiding Judge of the Lake County Circuit Court in Chancery Sitting:

Humbly complaining sheweth unto your Honor your orator Henry W. Blodgett a resident of the County of Lake and State of Illinois that heretofore, to wit

[illegible]

on about the twenty-eighth day of November in the year of our Lord one thousand Eight hundred & forty two and Burleigh Hunt purchased of said County of Lake the following described real estate situate in said County, to wit, Lot number four (4) and Lot number nine (9) and the south half of Lot number five (5) and the south half of Lot number Eight all in Block number twenty five (25) in the original town of Little Fort in said County as the said lots are marked and designated on the original map of said town made by the County Commissioners of said County and now on record in the office of the Recorder of said County for which said real estate the said Burleigh Hunt paid to said County the sum of forty five dollars or thereabouts And your orator further saith that on or about the said twenty Eighth day of November in the year of our Lord one thousand Eight hundred and forty two one Nelson Sawdon, who was then the duly appointed Commissioner of said County of Lake for that purpose, did, under his proper hand and seal for and in behalf of said County, make, Execute and deliver, at the instance of said Burleigh Hunt, a deed of Conveyance of all and singular the above described real estate to one Henry B. Hunt, who was then an infant child of said Burleigh Hunt aged about five years which said deed was afterwards duly acknowledged by said Sawdon and recorded in the office of the Recorder of said County in

Book A. of Deeds on page four hundred and twenty five as by reference to said record will fully appear

And your orator further saith that he is informed and verily believes and so charges the fact to be that no consideration was ever paid by the said Henry B. Hunt nor by any person for him to the said Burleigh Hunt or to said County of Lee for said real estate but that on the contrary the consideration upon which said deed was made to said Henry B. Hunt was wholly paid & furnished by said Burleigh Hunt; and that said conveyance was made as aforesaid at the instance of said Burleigh Hunt and by the sole use and benefit of him the said Burleigh, and for the purpose of defrauding creditors to whom he the said Burleigh was then largely indebted.

And your orator further saith that no conveyance of said real estate has been made by said Henry B. Hunt since the conveyance after came to him as aforesaid.

And your orator further saith afterwards, to wit, on the first day of September in the year one thousand Eight hundred and forty five one James B. Gorton recovered in the Circuit court of said County of Lee a judgment against the said Burleigh Hunt for the sum of twenty one dollars & fifty six & one fourth of a cents in a certain cause then pending in the Chancery side of said court wherein said James B. Gorton was complainant and said Burleigh was defend-

ant; and also that on the day and year afore-
said and in the Court aforesaid the said James
B. Gorton recovered a certain other judgement
against the said Burleigh Hunt for the sum of
twenty two dollars & one fourth of a cent in a
certain cause then pending on the Chancery side
of said Court wherein said Burleigh Hunt was
complainant and said James B. Gorton was
defendant. And that afterwards, to wit, on the
twenty seventh day of January in the year one
thousand eight hundred and forty Eight
writs of Execution were issued by the Clerk of
said Court upon the aforesaid judgements di-
rected to the Sheriff of said County to Execute
and by virtue of said writs one Henry W. Dorsett
who was then Sheriff of said County levied upon
all the right title & interest of said Burleigh Hunt
in & to the above described real estate now ...
afterwards, to wit, on the twenty first day of February
in the year last aforesaid the said real estate after
having been duly advertised according to law
was sold by virtue of said writs of Execution by
said Henry W. Dorsett, Shff. as aforesaid to said
James B. Gorton for the sum of fifty three dollars
& thirty nine cents and a certificate of said sale
& purchase given pursuant to the statute in such
case provided by said Sheriff to said Gorton
and the said Gorton afterwards, to wit, on the
first day of May A.D. 1849 for a valuable con-
sideration, to wit, the sum of fifty nine 77/100
dollars to him paid by your orator sold, assigned

test over the said certificate to your orator and that afterwards, to wit, on the twenty eighth day of May A.D. 1849 the said Henry W. Gorsett did as Sheriff aforesaid under his hand and seal make Execute & deliver to your orator a deed of all and singular the above described real estate by virtue of the levy and sale aforesaid and the assignment aforesaid from said Gorton to your orator, a copy of which said deed marked "Exhibit A." is hereto annexed and your orator prays that the same may be taken & deemed as part of this his said bill of complaint.

And your orator further saith that all the interest acquired by virtue of said purchase & the said Sheriffs sale and the deed subsequently made as aforesaid is now vested in your orator.

And your orator further saith that he is informed & verily believes & so charges the fact to be that at the time of the rendition of said judgments as aforesaid the said Burleigh Hunt was the sole Equitable owner of said real estate and that the legal title to the same was vested in said Henry B. Hunt only as trustee for said Burleigh and is now held by said Henry B. Hunt as the trustee of your orator by virtue of your orators being the purchaser of said Burleighs Equitable interest in said lots.

And your orator further saith that the said Henry B. Hunt is yet a minor under the age of twenty one years and that the said Burleigh Hunt has been or claims to have been duly appointed as

the Guardian of said Henry —

And now to it is may it please your Honor that the said Henry B. Hunt & Burleigh Hunt combining and confederating with divers persons as yet to your orator unknown but whose names when discovered your orator prays may be inserted herein as defendants and they made parties hereto with proper and apt words to charge them how to injure and oppress your orator, the said Confederates do now absolutely refuse to recognize any right in your orator to the said real estate or any part thereof either by virtue of the Deed aforesaid or otherwise, they the said confederates sometimes pretending that the purchase money for said real estate was wholly paid by said Henry B. Hunt and that the said purchase was made with the means & for the sole benefit of said Henry B. Hunt and that the title to said real estate was taken by the said Henry B. Hunt as owner of the same & not as trustee for said Burleigh — And at other times pretending that the said Burleigh Hunt was not indebted to a large amount and much embarrassed in his pecuniary circumstances thereby at the time of the purchase of said real estate And at other times that said Burleigh as they say to carefully might made a gift of said real estate to said Henry B. Hunt.

Whereas your orator Expressly charges the fact to be that the purchase of said real estate was made & the purchase money wholly paid by said Bur-

Leigh Hunt and for the sole benefit of said Burleigh and that the title to said real estate was taken & is now held by said Henry B. only as trustee for said Burleigh; and that said Burleigh was at the time of the purchase of said land indebted to a large amount and much Embarrassed in his pecuniary circumstances thereby and that said Burleigh could not while so indebted make a valid deed of gift to said Henry of said land and that no valid gift of said land was ever made by said Burleigh to said Henry B. and that said Henry B. Hunt fraudulently holds the legal title to said lands against the rights and wishes of your orator.

All of which acting & doings are contrary to Equity & good Conscience and tend to the manifest wrong & injury of your orator.

To the end therefore consideration whereof and forasmuch as your orator is remediless at & by the strict rules of the Common law and is only relievable in a court of equity where matters of this nature are properly Cognizable & relievable.

To the end therefore that the said Henry B. Hunt & Burleigh Hunt & their confederates when discovered may respectively full true direct and perfect answers make to all and singular the matters herein set forth according to the best of their respective knowledge, information and belief (answer upon oath being hereby Expressly waived by your orator) and that to as fully as though the same were here again repeated and they

particularly interrogated thereto.

And that on the coming in of the said answers or in default thereof that the said Henry B. Hunt and all persons claiming title to or interest in said real estate or any part thereof by through or under the said Henry B. Hunt may be decreed to make Execute & deliver to your orator a good and sufficient deed of the fee simple of said real estate and every part thereof and that said Henry B. Hunt & Burleigh Hunt each of them & all persons claiming under them may be enjoined and perpetually restrained from conveying or selling said real estate or any part thereof to any person or persons other than your orator and that said Burleigh Hunt may be decreed to release to your orator all his right title & claim in & to said premises & every part thereof - And that your orator may have such further relief or such other relief as the nature of his case shall require and as shall be agreeable to equity & good conscience.

May it please your Honor to grant to your orator the writs of summons against the said Burleigh Hunt & Henry B. Hunt issued out of the office of the Clerk of said Court returnable at the next term thereof, therein & thereby commanding the said Burleigh & Henry B. Hunt to appear before said Court at said term then & there to answer this your orators bill of Complaint and further to stand to abide & perform such decree as shall in equity be made in the premises.

Hoyt & Blodgett
Sols. for Comp.

H. W. Blodgett

Exhibit A.

"Whereas James B. Gorton did at the September
"Term of the Circuit Court of the County of Lake in the State of
"Illinois in the year of our Lord one thousand Eight hundred
"and forty five recover two judgements against Burleigh
"Hunt the one of said judgements being for the sum of
"twenty one dollars and fifty six and one fourth cents
"and the other of said judgements being for the sum of
"twenty two dollars and one fourth of a cent _ said
"judgements being for the costs in certain suits then
"pending in said Court upon which said judgements
"two writs of Execution were issued dated on the
"twenty seventh day of January A.D. 1848 directed
"to the Sheriff of said County of Lake to Execute _
"and by virtue of said Executions Henry W. Dorsett
"who was then Sheriff of said County levied upon
"the lands hereinafter described and the same were
"struck off and sold to the said James B. Gorton
"he being the highest and best bidder therefor
"and the time and place of the sale thereof having
"been duly advertised according to law _ And the
"said James B. Gorton having duly assigned his
"certificate of purchase to Henry W. Blodgett _
"Now therefore Know all men by this deed that
"I the said Henry W. Dorsett Sheriff of said
"County of Lake in consideration of the premises
"have granted bargained and sold and do hereby
"convey to the said Henry W. Blodgett his heirs
"and assigns the following described tracts of
"land viz: Lot number four (4) and Lot number
"nine (9) and the north half of Lot number five (5) and

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"the North half of Lot numbered Eight (8) all in Block
"number twenty five (25) in the town of Little Fort in
"the County of Lake and State of Illinois - To have
"and to hold the said described premises with all the
"appurtenances thereto belonging to the said Henry W.
"Blodgett his heirs and assigns forever.
"Witness my hand and seal this 26th day of May A.D. 1849
(Signed) "H W Bennett Sheriff of Lake Co. Ill."
"State of Illinois } ss.
"Lake County } I, John L. Turner a justice of the
"peace in and for said County hereby certify that Henry W.
"Bennett who is well known to me as the said person who
"Executed the within deed appeared before me this day
"in person and acknowledged that he signed sealed
"and delivered the said instrument as his free and vol-
"untary act and deed for the uses & purposes therein
"set forth.

"Given under my hand & the seal of said
"Court this Eleventh day of June in the year
"of our Lord one thousand eight hundred
"and forty nine.

"State of Illinois } ss. (Signed) "John L. Turner J. P. L. S.
"Lake County } "This deed was filed for Record June 15th
"1849. And duly recorded in Book Le. of
"Deeds page 26.
(Signed) "L. H. Sherman Recorder
by S. M. Dennet Deputy."

And that on the said second day of July
A.D. 1849 in the vacation aforesaid and after
the filing of the said bill of complaint as
aforesaid the said Henry W. Blodgett by

his said Solicitors filed in the office of the said clerk of the said court an affidavit and precipe which are in the words and figures following, to wit;

"Lake County Circuit Court Sept. Term A.D. 1849

Henry W. Blodgett
vs.
Henry B. Hunt and
Burleigh Hunt
} In Chancery

Henry W. Blodgett having been duly affirmed doth depose & say that he is the Complainant in the above entitled cause And that the above named defendants are not residents of said State of Illinois but that said defendants reside in province of Canada West as this affiant is informed and verily believes.

And this deponent further saith that the said defendants can not be served with process in said cause whereupon he prays for the publication of notice to them of the pendency of said cause pursuant to the statute in such case made & provided

Subscribed & affirmed to before me this 2d day of July 1849
A. B. Coates Clerk
By Sam. T. Hoyt deputy
} Henry W. Blodgett

The clerk of said court will please issue Summons & notice in above cause and oblige

Hoyt & Blodgett
Solrs for Compt"

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And that afterwards, to wit; on the said second day of July A.D. 1849 in the vacation aforesaid a Summons was issued under the Seal of said Court and directed to the Sheriff of the said County of Lake to Execute which is in the words and figures following, to wit;

"State of Illinois } ss. The People of the State of
Lake County } Illinois to the Sheriff of said County — Greeting:

We Command you, that you Summon Henry B. Hurlbut & Burleigh Hunt, if they 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 Waukegan, (lately called Little Fort) in said County, on the first Monday of September next to answer unto the bill of Complaint of Henry W. Blodgett Exhibited against him, by the said Henry W. Blodgett in said court on the Chancery side thereof and have you then and there this writ with an endorsement thereon of the manner in which you shall have Executed the Same.

Witness Augustus R. Coates, Clerk of said Court, and the Seal thereof at Waukegan, this Second day of July A.D. 1849

(Seal of Court)

A R Coates Clerk
By J. T. Hoyt deputy "

And that afterwards, to wit; on the third day of September A.D. 1849, Henry W. Dorsett then the Sheriff of the County of Lake aforesaid, returned the said Summons into the office of the Clerk of the said Circuit Court with his return as such Sheriff thereon indorsed which is in the words and figures following, to wit;

"I return this writ not Served the within named defendants not found in my County
Dated this 3d day of September 1849
Fee for Return $0.12½
H W Dorsett Sheriff"

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

Pleas before the Honorable Hugh T. Dickey, 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, formerly called Little Fort, in said County, on the eighth day of October, in the year of our Lord one thousand eight hundred and forty nine, and of the independence of the United States, the seventy fourth, said term of Court being held pursuant to a special order of the Honorable Hugh T. Dickey, Judge of the Seventh judicial Circuit of said State, and presiding Judge of the Circuit Court of Lake County aforesaid, bearing date

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on the Seventh day of September A.D. 1849, and calling said Special term to commence on the said Eighth day of October, for the trial, hearing and determination of all pleas, 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 D. Dickey Judge aforesaid, Henry W. Barnett, Sheriff of LaRe County

Attest, Augustus B. Bates, Clerk.

And be it also remembered that afterwards, to wit; on the Eighth day of October A.D. 1849, the same being one of the days of the October Special term of the said Circuit Court for the year last aforesaid, the said Henry W. Barnett filed in the office of the Clerk of the said Court a certificate which is in the words and figures following, to wit;

"I, W. H. H. Tobey, publisher of the Van Regan Chronicle a weekly newspaper published at Van Regan in the County of LaRe & State of Illinois hereby certify that the annexed notice was published in said paper for six successive weeks, the first publication having been made on the third day of July A.D. 1849. Given under my hand this 8th day of October 1849

W. H. H. Tobey"

And that to said certificate was attached when the same was so as aforesaid filed in the said office of the said Clerk of the said Court a printed notice which is in the words and figures following, to wit:

In Lake County Circuit Court — September Term A.D. 1849

Henry W. Blodgett
vs.
Henry B. Hunt and
Burleigh Hunt
} In Chancery

Satisfactory affidavit having been filed with the Clerk of said Court, that the above named defendants are not residents of the State of Illinois, and cannot be served with process in said cause; Public notice is therefore hereby given to the said defendants, Henry B. Hunt and Burleigh Hunt, that the said Complainant filed his bill of complaint against you on the Chancery Side of said Court on the 3d. day of July inst. and that on the filing thereof a Summons issued in said cause returnable on the first day of the next term of said Court, to be held at Waukegan in said County on the first Monday of September next, directed to the Sheriff of said County to Execute; on which order you the said defendants shall be and appear before said court on the return day of said Summons, and then and there Plead answer or demur to said Complainants bill, the matters therein charged will be taken as confessed, and

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the prayer thereof granted. Dated this 2d day of October, 1849

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Henry W. Blodgett, Solr for Compt A. B. Cates, Clerk".

And that afterwards, to wit; on the said Eighteenth day of October A.D. 1849, the same being one of the days of the said October Special 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
vs.
17 Henry B. Hunt
Burleigh Hunt
In Chancery
Bill

This day comes the said Complainant in person and moves the Court to appoint a guardian ad litem for the above named defendant, Henry B. Hunt, an infant, and thereupon it is ordered by the Court that Augustus B. Cates, Clerk of this Court, be appointed such guardian, and thereupon it is also ordered that said defendants plead, answer, or demur by Thursday morning next."

And then afterwards, to wit: on the Eighteenth day of October A.D. 1849, the same being also one of the days of the said October Special Term of the said Court for the said last mentioned

year, the said Burleigh Hunt by Charles Gardner, his Solicitor, filed with the Clerk of said Court, his demurrer which is in the words and figures following, to wit;

"Lake County Circuit Court Special Term of October A.D. 1849

Henry B. Hunt + Burleigh Hunt ads Henry W. Blodget } In Chancery Demurrer

Now comes the said defendant — Burleigh Hunt one of said defendants by protestation not confessing or acknowledging all or any of the matters and things in the said complainants Bill to be true in such manner and form as the same are therein set forth and alleged, doth demur thereto, and for cause of Demurrer shewetth, That the said complainant hath not in and by his said Bill made or stated such a Case as doth or ought to entitle him to any such discovery or relief as is thereby sought and prayed for from or against this defendant. Whereof this defendant demands the judgment of this Honorable Court whether he shall be compelled to make any further or other answer to the said Bill, or any of the matters and things therein contained — and prays to be

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Court dismissed with his reasonable costs in this behalf sustained

Charles Gardner
Solicitor for
Burleigh Hunt"

And that afterwards, to wit; on the seventeenth day of October A.D. 1849, the same being also one of the days of the said October Special term of the 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. B Lodge
vs
Henry B. Hunt
Burleigh Hunt
} In Chancery
Bill

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Now comes Burleigh Hunt by Gardner his Solicitor, and demurrer to the bill of Complaint herein having been filed by said Solicitor by leave of the Court first had and obtained, therefore comes said Complainant in his own proper person and joins issue therein, and after arguments of Counsel, the Court being fully advised as to the same, overrules said demurrer of said Burleigh Hunt's costs and thereupon comes said Gardner Solicitor as aforesaid and asks and obtains leave to withdraw said demurrer and time for said defendants to answer herein and time is thereupon given by the Court ac-

till the fifteenth day of December next."

And that afterwards, to wit; on the fifteenth day of December A.D. 1849, the same being a day in the vacation between the said October Special term of said Court for the year last aforesaid and the January term of the same Court for the year one thousand Eight hundred and fifty the said Burleigh Hunt by Charles Gardner, his Solicitor, filed with the said clerk of the said Court his answer, which is in the words and figures following, to wit;

"Lake County Circuit Court
Of January Term 1850

Henry W. Blodgett
vs.
Burleigh Hunt
Henry B. Hunt
} In Chancery

The answer of Burleigh Hunt one of the defendants to the bill of Complaint of Henry W. Blodgett, Complainant. This defendant now and at all times saving and reserving to himself all and all manner of benefit and advantage of Exception to the many errors and insufficiencies in the Complainants bill of Complaint contained, for answer thereto or unto so much thereof as this defendant is advised is material or necessary for him to make answer unto, answers

and says That he admits That on or about the 28th day of November A.D. 1842 your respondent purchased of the County of Lake Lots Number four (4) and nine (9) and the north half of Lots number Five (5) and Eight (8) all in Block Number Twenty five (25) in the original Town of Little Fort in said County of Lake and that he paid to the said County the Sum of Forty five Dollars or thereabouts at a certain Sale of Lots in the said Town of Little Fort then and there had and made by the said County of Lake, but Expressly Says and charges the fact to be that he did not purchase said Lots number four (4) and nine (9) and the North half of Lots Number five (5) and Eight (8) in Block number Twenty five (25) in said original Town of Little Fort in his own right, But on the contrary that he purchased said Lots Number Four (4) and nine (9) and the north half of Lots Number Five (5) and Eight (8) in said Block number Twenty five (25) in said original Town of Little Fort at said Sale aforesaid of the County aforesaid as the Guardian or Trustee of Henry B. Hunt. And that he did then and there or shortly thereafter as the Guardian or Trustee of him the said Henry B Hunt pay to the said County of Lake the full amount of said purchase money

And this defendant further answering

admits That on or about the 28th day of November A.D. 1842 one Nelson Landon who was then and there a duly appointed Commissioner of said County of Lake for that purpose did under his proper hand and seal for and in behalf of the said County of Lake make, Execute and deliver at the instance of this defendant (as the said Guardian or Trustee of him the said Henry B. Hunt) a Deed of Conveyance of all and singular the above discribed real Estate to the said Henry B. Hunt who was then an infant Child of this defendant aged about five years which said Deed was afterwards duly acknowledged by the said Landon and recorded in the office of the Recorder of the said County of Lake in Book A. of Deeds in page 425 as by reference to which said Record this defendant prays may be made part of this his answer.

And this defendant further answering denies the allegation in the said Complainants bill of Complaints "That no Consideration was ever paid by the said Henry B. Hunt nor by any person for him to the said Burleigh Hunt or to said County of Lake for said real estate, but "that on the contrary the Consideration upon "which said Deed was made to said Henry B. "Hunt was wholly paid and furnished by said "Burleigh Hunt and that said Conveyance was "made as aforesaid at the instance of said Bur- "leigh Hunt and for the sole use and benefit of

"him the said Burleigh and for the purpose of
"defrauding Creditors to whom he the said Bur-
"leigh was then largely indebted"

But on the Contrary Says and so positively charges the fact to be, That the Consideration for Said Lots number Four (4) and nine (9) and the north half of Lots number Five (5) and Eight (8) in Block number Twenty five (25) in the original town of Little Fort in Said County of Lake was fully paid and discharged by this defendant as the Guardian or Trustee of the said Henry B. Hunt out of Monies or County orders purchased with monies furnished to this defendant by him the said Henry B. Hunt, For the Express purpose of purchasing said real estate, and that this defendant had no interest Either Legal or Equitable in the said monies - County orders and funds which were so paid out for Said real estate, Neither had this defendant at the time of said purchase of said real estate as aforesaid any interest Either in Law or Equity in Said real estate, nor had your respondent ever had any interest in Said real estate so purchased as aforesaid since the time of said purchase. And this defendant further says and so charges the fact to be, That this defendant never had any interest in the Monies with which the orders paid for Said real estate were purchased and paid for, But on the Contrary That the said money with

which the said County orders were purchased was furnished by the said Henry B. Hunt out of monies which he the said Henry B. Hunt held owned and possessed in his own right and for his own proper use and benefit and in which this defendant had not nor ever had any interest, But that the said County orders so paid for said Lots No Four (4) and nine (9) and the north half of Lots No Five (5) and Eight (8) in Block No Twenty five in said Little Fort were purchased by this defendant with monies absolutely owned by him the said Henry B. Hunt in his own right, and this defendant held said County orders and monies only in a fiduciary capacity as the Guardian & trustee of and for the said Henry B. Hunt in which capacity and for which purpose this defendant received and paid out said monies and County orders and in no other capacity and for no other purpose. And this defendant further says that he received the said monies and funds of him the said Henry B. Hunt minor as aforesaid for the express purpose of purchasing for him the said Henry B. Hunt the aforesaid Lots of Land and for no other purpose and that said Lots were purchased by this defendant for him the said Henry for his sole and only proper use profits and benefit, and paid for the said with monies which was the property of him the said Henry

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which he held as his own property and in which this defendant never had any interest.

And this defendant further answering Expressly and absolutely denies that the said consideration upon which said Deed was made to the said Henry B. Hunt was wholly paid and furnished by this defendant, But on the contrary that the consideration upon which said Deed was made to said Henry B. Hunt was wholly paid and discharged by the said Henry B. Hunt through the agency of this defendant as his Guardian or Trustee as aforesaid out of and by monies furnished by said Henry B. Hunt which he the said Henry B. Hunt held in his own right and as his own seperate property and that this defendant had not at the time of such purchase and payment nor had this defendant ever previously had any interest in said monies or County orders nor in any property or other thing from which said money emanated, But that the said Henry B. had previously received the said money in his own right by means over which this defendant had no control and in which this defendant had no interest neither directly nor indirectly neither immediately or remotely, nor had this defendant at the time of said purchase of said real estate any interest in said real Estate, nor has this defendant ever had any interest in said real estate so purchased as

aforesaid since ~~this~~ the same was purchased. And this defendant admits that the said conveyance was made at the ~~instance~~ instance of this defendant. but expressly denies that said conveyance was made for the sole use and benefit of this defendant. but on the contrary herein and hereby expressly charges that the said conveyance was made at the ~~instance~~ instance of this defendant in the capacity of Guardian or Trustee of the said Henry B. Hunt for the sole use and benefit of him the said Henry B. Hunt and for no other interest nor other purpose & for no other purpose.

And this defendant further answering expressly denies that said conveyance of said real estate was made to the said Henry B. Hunt at the instance of this defendant for the purpose of defrauding creditors to whom this defendant was largely indebted. But on the contrary says that said conveyance was made to the said Henry B. Hunt at the instance of this defendant only as the Guardian or Trustee of him the said Henry B. Hunt, the said monies County orders &c with which said real estate was said for being furnished by the said Henry B. Hunt and which this defendant had no interest in or control over except to apply for the best interest of his ward.

And this defendant further answering says that he has no knowledge or information that on the first day of Sept. A.D. 1845 James B. Gorton recovered in the circuit court of said county of Lake a judgement against this defendant for the sum of twenty one dollars and fifty six & one fourth cents in a certain cause then pending on the chancery side thereof wherein James B. Gorton was complainant and this defendant defendant and also that this defendant has no knowledge or information that on the day and year aforesaid the said James B. Gorton recovered a certain other judgement against this defendant for the sum of twenty two dollars and one fourth of a cent in a certain cause then pending on the chancery side of said

court wherein this defendant was complainant and James B. Gorton was defendant.

And the said defendant further answering says that he has no knowledge or information. That afterwards to wit. on the 27th day of January A.D. 1848 writs of execution were issued by the clerk of the said court upon the aforesaid judgments directed to the Sheriff of the County of Lake to execute. And this defendant further answering says that he has no knowledge or information that one Henry W. Dorsett acting as the Sheriff of the County of Lake levied upon all the right title and interest of this defendant in and to the above described real estate.

And this defendant further answering says that he has no knowledge or information that on the 21st day of February A.D. 1848 the said real estate after having been duly advertised according to law was sold by virtue of said writs of execution by said Henry W. Dorsett Sheriff as aforesaid to said James B. Gorton for the sum of fifty three dollars and thirty nine cents and has no knowledge or information that a certificate of sale and purchase was given pursuant to the statute in such case made and provided by said Sheriff to said Gorton.

And this defendant further answering says that he has no knowledge or information that said Gorton afterwards to wit. on the first day of May A.D. 1849 for a valuable consideration to wit. the sum of fifty nine 77/100 dollars to him paid by the said Complainant sold assigned and set over the said certificate to the said complainant.

And your respondent has no knowledge or information that afterwards to wit, on the 26th day of May A.D. 1849 the said Henry W. Dorsett did as Sheriff as aforesaid under his hand and seal made, execute and deliver to the complainant a deed for all and singular the above described real estate by virtue of the levy and sale aforesaid

"and the assignment aforesaid from said Boston to the complainant
"And this defendant further answering says that he has no knowledge
"or information that the said Henry W. Blodgett complainant ac-
"quired any interest in said real estate by virtue of said sale & purchase
"and Sheriffs deed aforesaid.

"And the said defendant further answering denies that at the
"time of the rendition of the judgment as aforesaid this defendant was
"the sole equitable owner of said real estate and expressly denies that the
"legal title to the same was vested in the said Henry B. Hunt only as
"trustee for this defendant. But on the contrary says and so charges
"the fact to be that the legal title to said real estate was vested in the
"said Henry B. Hunt for his own proper use and benefit and for
"no other purpose. And the said defendant further answering denies
"that the said Henry B. Hunt now holds or ever did hold the legal title to
"said real estate as the Trustee for this defendant or as trustee for the
"said Henry W Blodgett or any other person.

"And the said defendant further answering admits that the said
"Henry B. Hunt is yet a minor under the age of twenty one years, and
"that this defendant has been duly appointed the Guardian of the
"said Henry B. Hunt.

". And this defendant further answering admits that he was in-
"debted at the time of the purchase of said real estate by the said
"Henry B. Hunt but in what sum he is unable to answer. and
"expressly denies having any interest either directly or indirectly or ever
"having had any interest either directly or indirectly either in the
"said real estate or the money or county orders for which said
"real estate was paid for and expressly denies now having or ever having
"had any interest in any other money property real or personal choses
"in action or expectancy from which the said money County orders
"&c as said for said real estate emanated.

And the said defendant further

"answering says that at the time of the purchase of said real estate
"the said Henry B. Hunt held and possessed a large amount of
"money in his own right as his own separate property in which this
"defendant had not nor never had any interest either in law or
"equity over which this defendant has not nor ever had any interest
"in or control over otherwise than as the Guardian of the right and
"interests of the said Henry B. Hunt.

"And this defendant further answering says that he denies that
"on the first day of May A.D. 1849 the said James B. Gorton for a
"valuable consideration to him paid by the complainant sold
"assigned and set over the said certificate to the said complainant
"But on the contrary says that he is informed and verily believes
"and so charges the fact to be that no sufficient consideration was
"ever paid to the said James B. Gorton by the complainant for the
"assignment of said certificate of purchase and that said James B.
"Gorton is now at this time the owner of all the pretended right
"title interest or claim which ever did accrue by virtue of said
"pretended levy. pretended sale. pretended certificate and pretended deed
"of conveyance. and that the said Henry W. Blodgett complainant has
"no interest other than a conditional interest which may accrue to
"him as the solicitor of James B. Gorton. And this defendant prays
"that the said James B. Gorton may be made a party to this
"said bill of complaint, and that the said Henry W. Blodgett
"as also the said James B. Gorton may be compelled to full
"true direct and perfect answer make to all the matters herein
"particularly stated and charged as fully and particularly as if
"they were thereunto particularly interrogated. and particularly that
"they may answer set forth and discover whether the said Henry
"W. Blodgett ever paid to the said James B. Gorton any sum of money
"as a consideration of the assignment of said certificate of purchase
"and if so if the same monies or other monies or property in lieu

"thereof was not afterwards paid back to the said Henry W. Blodgett whether
"the said Henry W. Blodgett ever did make a bona fide purchase of said
"certificate of purchase. If the said Blodgett paid any sum of money to
"said James B. Gorton as a consideration for the assignment of said cer-
"tificate what amount of money was so paid - was the same paid
"bona fide - was the same afterwards paid back to said Henry W.
"or credited to said Blodgett upon other accounts with the express
"understanding that the said Blodgett should prosecute the pretended
"claim of the said James B. Gorton and if he succeeded that Blodgett
"should have a portion of said real estate. and if he failed he should
"pay all or a part of the costs. if so what portion of the said real
"estate was Blodgett to have. and what portion Gorton. what portion of
"costs was Blodgett to pay. and what portion Gorton; was there ever any
"other consideration if so state what amount and how said Gorton
"was to be paid for his certificate and how said Blodgett was to be
"paid for his services.

"And that the said James B. Gorton may be called upon fully
"to disclose all and every part of the contract for the sale and assign-
"ment of said certificate of purchase of said real estate as also all
"reserves stipulations. understandings and agreements in relation to
"the same as fully as if the same was here again repeated. And that
"the Scribes subpoena may issue to the said James B. Gorton commanding
"him &c to appear before this Hon court at the next term thereof then and
"there to answer &c. And this defendant denying all unlawful com-
"bination. Confederacy and fraud in the said bill charged without
"that that any other matter or thing material and necessary for this
"defendant to make answer unto and not herein and hereby well and
"sufficiently answered unto confessed or avoided traversed or denied is
"true to the knowledge or belief of this defendant. all which matters and
"things this defendant is ready to aver maintain and prove as this
"honorable court shall direct and humbly prays to be hence dismissed with

"his reasonable costs and charges in this behalf most wrongfully and unjustly sustained

" Charles Gardner
" Solicitor for
" Burleigh Hunt

United States of America } ss. Pleas before the Honorable Giles Spring presiding
State of Illinois Lake County } Judge of the Cook County Court of Common pleas in the State of Illinois, at a special term of the Circuit Court for the County of Lake in the seventh judicial circuit of said State, began and held at Waukegan on the fourth day of March in the year of our Lord one thousand eight hundred and fifty, and of the independence of the United States the seventy fourth, said term of court being held pursuant to a special order of the Honorable Hugh T. Dickey Judge of the seventh judicial circuit of said state, and presiding judge of the Circuit Court of Lake County aforesaid, bearing date on the thirty first day of January A.D. 1850, and calling said special term to commence on the first monday of March then next for the trial, hearing and determination of all pleas, 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. And the said Honorable Giles Spring presiding by agreement with the Honorable Hugh T. Dickey presiding Judge of said seventh judicial circuit, in conformity with the statute in such case made and provided.
Present the Honorable Giles Spring Judge aforesaid, Charles Gardner State Attorney pro tem, Henry W. Poorett Sheriff
Attest A. T. Cotes Clerk"

And that afterwards to wit, on the fifth day of April A.D. 1850 the same being a day in the vacation between the said

March special term of said court for the year last aforesaid and the June terms of the same court for the same year the answer of James B. Gorton was filed in the said office of the said clerk of the said court which said answer is in the words and figures following to wit,

"Lake County Circuit Court

Henry B. Hunt
Burleigh Hunt &
James B. Gorton
vs
Henry W. Blodgett

In Chancery

March Special Term A. D. 1850

The separate answer of James B. Gorton who is made defendant and required to answer herein by the separate answer of Burleigh Hunt filed herein.

And the said defendant to so much of the said answer of the said Burleigh Hunt as he is advised it is material for him to answer answering says and admits it to be true that on the first day of September in the year A. D. 1845 this defendant did in the circuit court of said county of Lake & on the Chancery side thereof recover two certain judgments against the said Burleigh Hunt one for the sum of twenty one dollars & fifty six & one fourth cents in a certain suit wherein this defendant was complainant and said Burleigh Hunt was defendant and the other for the sum of twenty one dollars & one fourth of a cent in a certain other cause wherein the said Burleigh Hunt was complainant and this defendant was defendant as set forth in said complainants bill of complaint and that after the recovery of said Judgments, to wit on the 2d day of January A. D. 1846 writs of Execution were issued on said Judgments by the clerk of said court at the instance of this

(12909-1)

defendant and levied upon the said Real Estate described in said Bill of Complaint by said Henry M. Driscoll Sheriff of said County and that on the said 21st day of February A.D. 1848 the said real Estate after having been duly advertised was offered for sale at public vendue by said Sheriff under and by virtue of said Execution, and this defendant became the purchaser for the sum of fifty three dollars and fifty nine Cents and a Certificate of such purchase was given by said Sheriff to this defendant as stated in said Bill of Complaint.

And this defendant further answering admits and states the fact to be that on the fourteenth day of May in the Year A.D. 1849 he sold assigned and set over in good faith to the said Complainant for the sum of fifty nine dollars and seventy seven Cents to him paid by said Complainant without any secret understanding Collusion or fraud all his right title & interest in and to said Sheriffs Certificate as stated in said Bill of Complaint.

And this defendant further answering admits and saith that the fact is that a good valuable and sufficient consideration to wit the sum of fifty nine dollars & seventy seven cents was paid by said Complainant to this defendant for the assignment of said Sheriffs Certificate

to said Complainant as in said Bill alledged
And this defendant Expressly denies that
he is now or was at the time of the filing of
said Bill said Sheriff's Deed was or has been
since the said first day of May 1849 the
sole owner of whatever title accrued by
virtue of said Sheriff's sale as aforesaid
And this defendant further answering
denies that said Complainant is acting
in said suit as the Solicitor for or for
behalf of this defendant in any manner
And he also Expressly denies that the
interest of said Complainant in said
real Estate is a Conditional interest as the
Solicitor of this defendant
And this defendant further answering
says that said Complainant did pay to
this defendant said sum of fifty nine $\frac{37}{100}$
dollars at the time aforesaid as the consideration
for the assignment of said Certificate of Purchase
And said Money or other Money or property in lieu
thereof was not afterwards paid back
to said Complainant. And that said
Complainant did make a bona fide purchase
of said Certificate.
And this defendant further answering saith
that the sum of fifty nine $\frac{37}{100}$ dollars was
paid for the assignment of said Certificate & the
same was paid bona fide. And not
afterwards paid back to said Complainant
nor credited to said Complainant upon other

(12809-16)

Accounts with the Estate so understanding that said Complainant should proceed to the Claim of this Defendant to said Property and if he succeeded have a portion thereof and if he failed to pay all or a part of the Costs.

And this Defendant further answering saith that no other nor different Consideration for the Assignment of said Certificate of purchase than that above stated was paid to this Defendant by said Complainant. And no other nor different Contract than that above stated was made respecting said purchase between this Defendant & said Complainant. And this Defendant denys all Combinations and Confederations as charged in said Answer.

Having set forth that any other matter or thing material and necessary for this Defendant to make answer unto and not herein and hereby well and sufficiently answered unto confessed or denied is true. Wherefore this Defendant prays to be hereof dismissed with his Costs & Charges &c

J. B. Forton"

And that afterwards, to wit, viz the said fifth day of June A.D. 1850, the same being a day in the vacation last mentioned, an

Answer was filed with the said Clerk of the said Court, which is in the words and figures following to Wit.

Lake County Cir. Court — March Special Term 1850

Burleigh Hunt and
Henry B Hunt — In Chancery

vs.

Henry W. Blodgett — The Separate answer of Augustus B. Cole, Guardian ad litem of said infant defendant Henry B. Hunt

And this defendant now and at all times hereafter saving and reserving to himself all and all manner of benefit and Exceptions to the manifold errors and insufficiencies in said Complainants Bill of Complaint contained or unto so much thereof as he is advised it is material or necessary for him to answer, Answering says that he is not informed of the truth or falsehood of the Charges and allegations in said Bill of Complaint Contained, and therefore neither admits nor denies the same but insists upon proof thereof to be adduced before this Honorable Court as it may in Equity direct.

And this defendant denies on the part and behalf of said Infant all Combinations Confederacy and Fraud herein and prays that said Infant be dismissed with his Costs and Charges herein. Augustus B. Cole Guardian ad litem of said Infant defendant

[12804-17]

And that afterwards to wit, on the said fifth day of ~~June~~ April A.D. 1850, the same being a day in the vacation last mentioned Henry W. Blodgett filed with the said Clerk of said Court a replication which is in the words and figures following, to wit:

Lake County Circuit Court
Henry W. Blodgett
vs
Henry B. Hunt & Burleigh Hunt

In Chancery
Mand Special Term A.D. 1850

The Replication of said Complainant to the defendants Answer of Burleigh Hunt & Henry B. Hunt defendants thereto

This replicant saving and reserving to himself now and at all times hereafter all, and all manner of benefit and advantage of Exception which can or may be had or taken to the many insufficiencies of the said Answer for replication thereunto says that he will aver maintain and prove the said Bill of Complaint to be true certain and sufficient in the law to be answered unto, and that the said Answer of the said defendant is uncertain untrue and insufficient to be replied unto by this replicant without this that any other matter or thing whatsoever in said Answer contained, material or effectual in the law to be replied unto and not herein and hereby well and sufficiently replied unto confessed and avoided traversed or denied is true to the knowledge or belief of this replicant is and will be ready to aver maintain and prove as this honorable Court shall direct and prays as in and by his said Bill he hath prayed.

unto Confessed and avoided traversed or denied is true All which matters and things this Orpliant is and will be ready to aver maintain and prove as this honorable Court shall direct, and he humbly prays as in and by his said Bill he hath already prayed.

H. W. Blodgett
Sol for Orpliant

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

Pleas before the Honorable Hugh T. Dickey 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 the said Circuit, began and held at Waukegan in said County on the third day of March, in the Year of Our Lord One thousand eight hundred and fifty one and of the Independance of the United States the Seventy fifth.

Said term of Court being held pursuant to a Special order of the Honorable Hugh T. Dickey Judge of the Seventh Judicial Circuit Court of Lake County aforesaid bearing date on the Sixteenth day of January A.D. 1851. and calling said Special term

to Commence on the said third day of March 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 aforesaid, Lyman Sprague Sheriff of Lake County.

Attest S.B. Cotes, Clerk."

And that afterwards to wit; on the third day of March A.D. 1857, the same being one of the days of the 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 and figures following to wit;

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

Now come said parties by their respective attorneys Salisbury

and by their agreement it is ordered that this cause be continued."

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

Pleas before the Honorable Mark L. Kinney presiding Judge of the Lake County Court of Common Pleas in the State of Illinois.

The said Honorable Mark L. Kinney presiding by agreement with the Honorable Hugh T. Dickey presiding Judge of the Seventh Judicial Circuit in said State in conformity with the Statute in such case made and provided, at a Circuit Court for the County of Lake, in said Circuit began and held at Waukegan in the County aforesaid on the fourteenth day of October in the Year of our Lord one thousand eight hundred and fifty one, and of the Independence of the United States the Seventy sixth

Present the Honorable Mark L. Kinney Judge aforesaid, Lyman Sprague Sheriff of Lake County.
Attest, N.B. Coates Clerk"

And that afterwards to wit, on the Eighteenth day of October A.D. 1851, 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
Vs
Henry B. Hunt and
Rebecca Hunt } Bill

Now comes said Complainant in his own proper person and the said defendants by Spanlstein Solicitor also comes, and on motion of said defendants, it is ordered that the proofs in this cause be closed by the first day of January next."

And that afterwards, to wit; on the twenty fifth day of December A.D. 1851, the same being a day in the vacation between the said October term of said Court for the year last aforesaid and the January term of the same Court for the Year One thousand Eight hundred and fifty two the Clerk of said Court issued a Commission under his hands and the Seal of said Court which is in the words and figures following to wit;

"State of Illinois }
County of Lake } ss

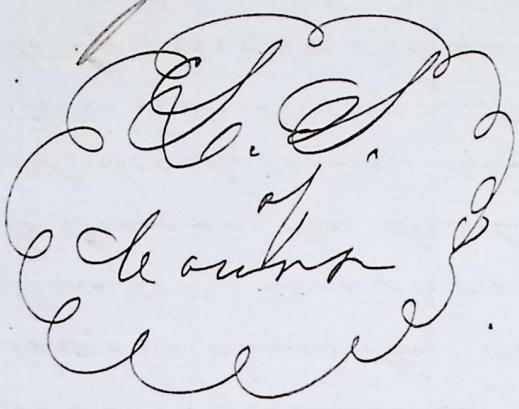
The People of the State of Illinois

To Josiah Bond, Esquire, of the City of Kenosha in the State of Wisconsin.

Whereas, it has been represented to us that Lansing B. Nicols of the City of Kenosha in the State of Wisconsin is a Material witness in a certain Cause now depending in Our Circuit Court in and for the County of Lake aforesaid, between Henry W. Blodgett Complainant and Henry B. Hunt and Raleigh Hunt Defendants and that the said witness resides at the City of Kenosha in the State of Wisconsin aforesaid, without the said State of Illinois, and that his personal attendance cannot be procured at the trial of the said Cause; Now Know ye that we in Confidence of your prudence and fidelity have appointed you Commissioner to examine the said witness, and do therefore authorize and require you to Cause the said Witness to come before you at such time and place as you shall therefor designate and appoint, and diligently to examine the said witness, on the Oath or Affirmation of the said Witness by you first duly in that behalf administered, and faithfully to take the depositions of the said Witness upon all interrogatories inclosed with or attached to these presents, both on the part of the said Complainant

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and of the said Defendants and none others; and the same when thus taken together with this Commission and the said Interrogatories, to certify into our said Circuit Court with the least possible delay.



Witness Augustus B. Cote, Clerk of the said Court, and the Seal thereof, at Waukegan in said County this twenty fifth day of December A.D. 1867.

A. B. Cote Clerk.

To which said Commission were attached at the time when the same was so as aforesaid issued by the said Clerk of the said Court, a notice and interrogatories which are in the words and figures following, to wit:

"Lake County Cir Court
Henry W. Blodgett
vs.
Henry B. Hunt &
Burleigh Hunt

In Chancery

The Defendants in the above entitled cause will please take notice that said Complainant will attend

before the Clerk of said Court on the 25th day of December inst. at the hour of 9 o'clock A. M. for the purpose of then and there Suing out before said Clerk a Dedimus Potestatem or Commission to be directed to some Competent person therein named as Commissioner authorising him to take upon the interrogatories here to be annexed the deposition of Landing B Nichols a witness residing in the City of Kenosha in the State of Wisconsin to the end that said deposition may be used as evidence on the part of said Complainant on the hearing of said Cause at which said time & place you can attend and file cross interrogatories if you think proper.

Dated this 10th day of December 1857

H. W. Blodgett. Solr. for Pet.

Interrogatories to be propounded to Landing B Nichols on his examination by virtue of the Commission to be issued pursuant to the foregoing notice.

1st Interrogatory. What is your age & place of residence?

2nd Interrogatory — Are you acquainted with the parties to this suit mentioned in the foregoing notice or either of them. If yea, how long have you

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Knows them respectively?

4th Interrogatory— Were you Sheriff of Lake County Illinois in the Year 1844

5th Interrogatory— Were You employed in the Spring of 1844 by the County Commissioners of said County of Lake to act as Auctioneer in selling certain Town Lots in the Original Town of Little Fort belonging to said County at a public Sale, which took place at Little Fort in said Spring and did You act as such Auctioneer?

5th Interrogatory— Did You offer for Sale & sell at said Auction Lots No. (8) & nine (9) and the north half of Lot No. (5) five and the north half of Lot No. eight (8) in Block No. twenty five (25) in said Town of Little Fort?
If Yea, by whom were said Lots bid off?

6th Interrogatory— What was the age of said defendant Henry B. Hunt at the time of said Sale? and had he to Your Knowledge any property in his own right at that time?

7th Interrogatory— Did said defendant Burleigh Hunt at the time of said Sale give You the name of any other person than himself as being the person for whom he was bidding

Off said lots? And who received the money on the part of the County Commissioners which was paid in by the purchasers at said sale.

8th. Interrogatory — In what kind of funds did said Burleigh Hunt pay for said lots so bid off by him?

W. W. Blodgett "

And that on the back of said notice and Interrogatories were indorsed at the time when said Commission was so as aforesaid issued by the said Clerk of the said Court the words and figures following to wit;

"We hereby admit due Service of the within notice & Interrogatories, this 15th day of December 1851.

Henry & Sears
Dep. Solicitors "

And that afterwards, to wit; on the twenty Seventh day of December A.D. 1851. the same being also a day in the vacation between the said October term A.D. 1851 of said Court and the said January term of the same Court for the Year One thousand Eight hundred and fifty two, the said Commissioner with the said notice and interrogatories attached thereto and also with a deposition sheet attached

was duly returned into the Office of the said Clerk of the said Court which said deposition is in the words and figures following, to wit;

The Deposition of Lansing B Nichols of the County of Kenosha and State of Wisconsin a witness of lawful age, produced Sworn and Examined, upon his Corporal Oath, on the twenty Sixth day of December in the Year of Our Lord one thousand Eight hundred and fifty one, at the Office of Josiah Bond in the City of Kenosha in the County of Kenosha and State aforesaid, by me Josiah Bond a Commissioner duly Appointed by a Dedimus Potestatem or Commission issued out of the Clerks Office of the Circuit Court of Lake County in the State of Illinois, bearing Teste in the name of Augustus B. Coles Esq. Clerk of the said Circuit Court, with the Seal of said Court affixed thereto, and to me directed as such Commissioner for the Examination of the said Lansing B. Nichols a witness in certain Suit, and matter in Controversy now pending and undetermined in the said Circuit Court, wherein Henry W. Blodgett is Complainant and Henry B. Hunt and Kinleigh Hunt are defendant, in behalf of the said Complainant, as well upon the Cross interrogatories of the Defendants

as on the interrogatories of the said Complainant which were attached to or inclosed with the said Commission, and upon none others,

The said Lansing B. Nichols being first duly sworn by me as a witness in the said cause previous to the commencement of his examination to testify the truth as well on the part of the Complainant as the defendant in relation to the matters in controversy between the said Complainant and Defendant so far as he should be interrogated, testifieth and deposeth as follows,

"Interrogatory First"

What is Your age and place of residence?

"Answer to the first Interrogatory"

My Age is Forty Eight and I am a resident of the City and County of Kenosha and of the State of Wisconsin.

Interrogatory Second

Are you acquainted with the parties to the suit mentioned in the foregoing notice or either of them, if yea, How long have You known them respectively?

Answer to the Second Interrogatory

I am acquainted with the parties to said suit I have known the Complainant Henry W. Blodgett, Seven or Eight Years— Have known the Defendants Henry B. Hunt and Barleigh Hunt about twelve Years.—

Interrogatory Third

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"Were You Sheriff of Lake County Illinois in the Year 1844?"

Answer to the third Interrogatory

I was

Interrogatory Fourth

"Were You Employed in the Spring of 1844 by the County Commissioners of said County of Lake to act as Auctioneer in Selling Certain Town Lots in the Original Town of Little Fort, belonging to said County at a Public Sale which took place at Little Fort in said Spring— and did You act as such Auctioneer?"

Answer to the Fourth Interrogatory

I was so Employed, and did act as such Auctioneer.—

Interrogatory Fifth

"Did You offer for Sale & Sell at said Auction Lots No Four (4) & Nine (9) and the North half of Lot No Five (5) and the north half of Lot No Eight (8) in Block No Twenty Five (25) in said Town of Little Fort? If Yea; by whom were said Lots bid off?"

Answer to the Fifth Interrogatory

I did offer said Lots for Sale at said Auction— and Sold them.

To the best of my present recollection they were bid off by Bulleigh Hunt one of the above named Defendants

Interrogatory Sixth

"What was the age of said Defendant

Henry B. Hunt at the time of said Sale? and Said he to Your Knowledge any property in his own right at that time?

Answer to the Sixth Interrogatory

He was about Three Years old to the best of my recollection and had not any property in his own right to my Knowledge

Interrogatory Seventh

"Did the said Defendant Bunleigh Hunt at the time of said Sale give You the name of any other person than himself as being the person for whom he was bidding off said Lots and who received the Money on the part of the Count Commissioners which was paid in by the purchasers at said Sale?"

Answer to the Seventh Interrogatory

Defendant Bunleigh Hunt did not to the best of my recollection give me the name of any other than himself as the person for whom he was bidding off said Lots A. B. Wynkoop receiving the Money on the part of the County Commissioners, which was paid in by the purchasers at said Sale

Interrogatory Eighth

"In what Kind of funds did said Bunleigh Hunt pay for said Lots so bid off by him?"

Answer to the Eighth Interrogatory

I do not recollect

L. B. Nichols

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I Josiah Bond of the County of Kenosha, and State of Wisconsin, a Commissioner duly appointed to take the Depositions of the said Lansing B. Nichols, a witness, whose name is subscribed to the foregoing Deposition, do hereby certify that previous to the commencement of the Examination of the said Lansing B. Nichols as a witness in the said Suit, between the said Henry W. Blodgett Complainant, and the said Henry B. Hunt and Burleigh Hunt, defendants he was duly sworn by me as such Commissioner to testify the truth in relation to the matters in controversy between the said Henry W. Blodgett Complainant and the said Henry B. Hunt and Burleigh Hunt defendants, so far as he should be interrogated concerning the same; that the said deposition was taken at my Office in the City of Kenosha in the County of Kenosha and State of Wisconsin, on the 26th day of December A.D. 1857; and that after said deposition was taken by me as aforesaid, the interrogatories and answers thereto, as written down, were read over to the said witness, and that thereupon the same was signed and sworn to by the said deponent Lansing B. Nichols before me - the oath being administered by me Josiah Bond - the said Commissioner as such Commissioner, at

the place, and on the day & year last aforesaid

Josiah Bond
Commissioner"

Which said Commission, interrogatories and deposition at the time when the same were so as aforesaid returned into the Office of the said Clerk of said Court were inclosed and sealed up and directed to the Clerk of said Court in the words following to wit;

"Augustus B. Coles Esq
Clerk of Lake County
Circuit Court
Waukegan
Lake Co.
Illinois"

And also the following indorsements thereon to wit; "In Chancery
Lake County Circuit Court
Henry W. Blodgett
vs
Henry B. Hunt &
Benelick Hunt"
"Josiah Bond
Commissioner"

And which said deposition was afterwards opened by the permission of said Court

the Clerk of said Court having previously indorsed thereon the words following to wit;

"Opened by leave of Court
A.B. Cote, Clerk"

And that afterwards, to wit; on the thirty first day of December A.D. 1851, the same being a non day in the said vacation between the said October term of said Court for the year last aforesaid and the January term of the same Court for the Year One thousand Eight hundred and fifty two, depositions were filed in the said Office of the said Clerk of said Court which are in the words and figures following, to wit;

"State of Illinois }
Lake County } ss

The depositions of Nelson Landon, James B. Gorton, Arthur Patterson, Charles H. Bartlett, Thomas A. Payne & Daniel D. Dickinson, Elmer Sinderlin and James McKay, taken before the undersigned Augustus B. Cote Clerk of the Circuit Court in and for said County, commencing on this 23d day of December A.D. 1851. Pursuant to the annexed Notice — The parties to said suit having appeared the Complainant in person & said defts by E.P. Ingersoll one of their Solicitors Nelson Landon being duly Cautioned and sworn doth to the interrogatories propounded to him

deposes & says — as follows,

First Interrogatory — What is your age Occupation and place of residence?

Answer to 1st. interrogatory — My age is forty three years, my occupation is that of a farmer and my residence is Benton, Vicksburg County Illinois,

Second interrogatory — Are you acquainted with the parties to the suit mentioned in the Petition hereto annexed? If so, how long have you known them respectively?

Answer to 2d. interrogatory — I am acquainted with M. Blodgett and also with M. Bentley Hunt but was never personally acquainted with Henry B. Hunter I have known M. Blodgett some four or five years — I knew M. Bentley Hunt from about the years 1838 up to as late as the year 1842,

Third Interrogatory — Were you one of the County Commissioners of Vicksburg County Illinois in the Spring of the year 1841 and for some time afterwards? (To which interrogatory the said defendants by E. Peyne Henry their Counsel Except)

Answer to the 3d. Interrogatory — I was a County Commissioner of said County at that time

and Continued Each day to the Summer of the Year 1844

Fourth Interogatory — Did You attend a Sale of town Lots in the Original Town of Little Fork in said County made by the County Commissioners on the twenty eighth day of May 1841? (To this question the Defendants by their Counsel aforesaid Except)

Answer to the 4th Interogatory — I did —

Fifth Interogatory — Who bid upon and purchased Lots 4 and 9 and the North half of Lots 5 and 8 in Block 25 in the said Original Town of Little Fork at said Sale? (To this question the defendants by their Counsel aforesaid Except)

Answer to 5th Interogatory — Burleigh Hunt bid upon them and they were struck off to him but he afterwards forfeited his bid and they were then sold to him at private Sale by the Count Commissioners The reason of his forfeiting his bid was that he and Gorton had bid against each other and run said Lots and the Lots that Gorton wanted up to an Extravagant price — Both forfeited their bids and are afterwards to them have

the Lots at what we thought them worth.

Sixth Interrogatory – State, if you recollect, by whose request the bonds for said lots and parts of lots were taken by said Burleigh Hunt? (To this interrogatory the Defendants by their Counsel aforesaid did Except)

Answer to 5th Interrogatory – According to the best of my recollection it was taken in his own name.

Seventh Interrogatory – Did You as agent for Lake County ever Execute a Deed of said lots and parts of lots in pursuance of said Sale, if yea, when and to whom did You Execute the same? (to this interrogatory the defendants by their Counsel Except)

Answer to 7th Interrogatory – I did to the defendant Henry B. Hunt in November 1842 –

Eighth Interrogatory – At whose instance or request did You Execute said Deed to said Henry B. Hunt? (To this interrogatory the defendants by their Counsel aforesaid Except)

Answer to 8th Interrogatory – To the best of my recollection it was at the instance of Burleigh Hunt

Ninth Interrogatory – Did said Burleigh Hunt at any time after said Deed was Executed

[12809-29]

apply to the Count Commissioners' Court of said County to have any alteration or change of said title, if yea, State what such Application was? (To this interrogatory the defendants by their Counsel aforesaid Excepts)

Answers to 9th Interrogatory — He did, according to the best of my knowledge & recollection — He applied to have the Deed which had already Executed Cancelled and the title given to some one else, but I do not recollect to whom —

Tenth Interrogatory — Do you know what relation the said defendant Henry B. Hunt bears to the said Burleigh Hunt? (To this interrogatory the defendants by their Counsel aforesaid Excepts)

Answers to 10th Interrogatory — I know that he is reputed to be a Son of Burleigh Hunt —

Nelson Landon

By agreement of parties the taking of depositions in this cause is Continued until the 2d day of December A.D. 1851 at 9 o'Clock A.M. of said day —

James B. Linton being duly Cautioned and Sworn on the 2d day of December A.D. 1851 at 9 o'Clock A.M. the hour to which the taking of Depositions was Continued, doth to the Interrogatories

proceeded to his own deposition and says as follows to wit; (Deft's by their Counsel Objects to the taking of Jas. B. Gatons deposition)

First Interrogatory — What is Your Age, Occupation and place of residence?

Answer to 1st Interrogatory — My Age is about forty two, my Occupation is a Merchant and I reside in the Town of Waukegan, Lake County, Illinois

Second Interrogatory — Are You acquainted with the parties to the suit mentioned in the notice here to annexed? If yea, how long have You known them respectively?

Answer to 2d Interrogatory — I knew M. Benleigh Hunt in the Year 1838 and continued to know him until the Year 1842 or 1843 or 1844, At the time I became acquainted with Benleigh Hunt, Henry B. Hunt was an infant and I continued to see him occasionally until the Family left here which was in the Year 1842 or 1843, I have known M. Blodgett some five or six Years, perhaps more.

Third Interrogatory — Were You present at a Sale of Real Estate in the Original Town of Little Fort Lake County Illinois made by the County Commissioners of said County between the 26th and 28th days of

(1807-28)

May 1841. If yea, Who became the purchaser of Lots Four and nine and the North half of lot Five and the North half of lot 8 in Block twenty Five in said Original Town of Little Rock?

(To this question defts. Except)

Answer to 5th Interrogatory — I was present at the Sale made in the month of May of that Year but cannot recollect the precise day said Lots Four and ~~Five~~ nine, and the North half of lots Five and Eight in Block twenty Five were struck off to Burleigh Hunt.

Sixth Interrogatory — State if You recollect the price at which said lots were struck off to said Hunt and also whether any Subsequent arrangement was made between said Burleigh Hunt and the said County Commissioners by which the said Hunt obtained said lots at a lower price?

Answer to 6th Interrogatory — They were struck off to him at the Sum of two hundred dollars I know of no arrangement Except that I learned from the County Commissioners the reason for the lots being struck off at so high a price was that Mr. Hunt and myself bid against each other.

Fifth Interrogatory — Were there any improvements

or buildings upon said lots at the time of said Sale, If yea, what were said improvements and by whom were the same placed thereon and who occupied said lots at the time of said Sale?

Answer to 5th Interrogatory- There was a small house on the lots at the time of said Sale, Sixteen feet by twenty or twenty four, I think- There were some fruit trees on them and the lots were fenced in with others- There was a field of some two or three acres inclosed and these lots were included, I dont know who built the house, nor who made the improvements- Burleigh Hunt occupied the lots at the time and also the house.

Sixth Interrogatory- Who claimed to own the improvements on said lots at the time of said Sale?

Answer to 6th Interrogatory- Burleigh Hunt-

Seventh Interrogatory- What was the age of said defendant Henry B. Hubbard at the time of said sale?

Answer to 7th Interrogatory- I should think he was of apparent three and four Years of age- He might have been five-

[12891-25]

Eighth Interrogatory. Did said Bentsigh Mann make any improvements on said lots or continue to occupy the same after said sale?

Answer to 8th Interrogatory. He moved the house from its original place up to the Street and very much my Store and continued to occupy the same. I think he afterwards inclosed these lots by fences and they were Cultivated as a garden.

First Cross interrogatory by deft's. Have You any interest in the event of this Cause?

Answer to 1st Cross Interrogatory. I have not.

Second Cross Interrogatory. Have You any interest in the lots in Controversy in this Cause or do You expect to obtain any title or interest in said lots from any decision that may be had in this Cause?

Answer to 2nd Cross Interrogatory. I have none and do not Expect to obtain any from this Cause.

S. B. Gordon

Arthur Patterson being duly Cautioned and Sworn doth to the interrogatories propounded to him depose and say as follows, to wit:

First Interrogatory — What is Your age, occupation and place of residence?

Answer to 1st Interrogatory — I am fifty four Years of Age, I am not at present employed in any business and my place of residence is Waukegan Lake County Illinois —

Second Interrogatory — Are You acquainted with the parties to the suit mentioned in the notice hereto annexed? If yea, how long have You known them respectively?

Answer to 2d Interrogatory — I was acquainted with Bentley Hunt from some time in the Year 1839 until he left here, which was some time in the Year 1843. I have been acquainted with Mr Blodgett since or the Year. Also Henry B. Hunt when a Child and occasionally in the Streets going to School until he left here.

Third Interrogatory — What relation did said Henry B. Hunt bear to the said Bentley Hunt?

Answer to 3d Interrogatory — I have heard Bentley Hunt & all them his Sons Several times.

Fourth. Interrogatory Were You at any time during the Year 1841 and between that and the Year 1845 acting in the Capacity of Clerk

(12809-30)

of the County Commissioners Court of the said County of Yell?

Answer to 4th Interrogatory — Sworn. I acted in that Capacity from August 1841 until I think, some time in the year 1847 with the Exception of a few months.

5th Interrogatory — Do You know of said defendant Burleigh Hunt having purchased from said County of Yell lots four and nine and the north half of lots five and Eight in Block twenty five in the Original Town of Little Rock in said County?

Answer to 5th Interrogatory — I know it from the record and from his own declarations.

6th Interrogatory — At what time was said purchase made and what was the price paid by said Hunt for said lots?

Answer to 6th Interrogatory — The purchase was made at the Sale of lands here in the Month of May in the Year 1841. They were bid off for two hundred dollars, but the price paid was a much smaller sum.

7th Interrogatory — Did You ever make out a deed of said lots from the County of Yell or its Agent to any person in pursuance of

of said purchase? If Yes, When and to Whom did You fill out said deed?

Answer to 7th Interrogatory — I did in the Month of November 1842 to Henry B. Hunt —

Eighth Interrogatory — What was the Consideration Expressed in said deed and was the Consideration so Expressed the true Amount paid by said Berleigh Hunt for said Lots according to Your best recollections?

Answer to 8th Interrogatory — The Sum Expressed was Forty five dollars and I believe that was the true amount paid —

Ninth Interrogatory — State if You recollect, whether any Bond for a Deed was given to said Berleigh Hunt for said Lots?

Answer to 9th Interrogatory — I do not know that a bond was given in this particular case, but generally bonds were given / These Lots were sold on Credit —

Tenth Interrogatory — By Whom was the business relating to the Sale of the County Lots and the giving of deeds transacted, and in what Office was it usually transacted?

[12709-3]

Answer to 10th Interrogatory — By the County Commissioners

their Clerks and the County Commissioners agents and in the Office of the Clerk of the County Commissioners Court.

Eleventh Interrogatory. What was the practice in said Office, where bonds were taken upon deeds given, in regard to the filing and preservation of the old Bonds?

Answer to 11th Interrogatory. The bonds were filed and preserved as part of the records of the Office.

Twelfth Interrogatory. Are You familiar with the files and records of said Office and have You made search therein for the Original bond for a deed given by the said County Commissioners to said Penleigh Hunt for said lots? If Yea, have You been able to find said bond?

Answer to 12th Interrogatory. I am familiar with the records and files which were in said Office up to the time when I left the same which I think was in the Year 1847. I have made search but have been unable to find any and from such Examinations I am of the Opinion that there is no such bond on file in the Office.

Thirteenth Interrogatory. Do You know of said

Burleigh Hunt having at any time after the deed of said lots was Executed to said Henry B. Hunt making any application to the County Commissioners to have said deed Cancelled? If Yea, State what he said Hunt did in regard to the said Application and the reason which he gave for wanting the said deed Cancelled?

Answer to 15th Interrogatory - Some time after the said deed was Executed to the said Henry B. Hunt the said Burleigh Hunt called at the Clerks Office and asked that a deed should be made out in his own favor for said lots. He seemed surprised and got angry when I told him that the County Commissioners could not do it. He then went on to state and aver that I knew as well as he did that the property was his and that the deeds was made to his Son, as he called him, for his, Burleigh Hunts, own convenience and that the Boy had nothing to do with it. He subsequently applied to the County Commissioners Court to have it done. At every time he spoke of it he said he wished to have a deed to enable him to sell the lands.

and had no right to do it

Fourteenth Interrogatory - Was any portion of the purchase money of said lots paid to you as Clerk of the County Commissioners Court? If Yea, by whom was the same paid?

(1260-32)

Answer to 14th Interrogatory I could not swear positively but my impression is that it was paid to me by Thomas M. Burleigh Hunt.

Mrs Patterson

Charles H. Bartlett being duly sworn doth to the interrogatories propounded to him deposes and says as follows, to wit;

First Interrogatory— What is your age, occupation and place of residence

Answer to 1st Interrogatory— My age is forty seven years, I am a Farmer and my place of residence is Fremont, Lake County, Illinois—

Second Interrogatory— Are you acquainted with the parties to the suit mentioned in the notice hereto annexed? If you how long have you known them respectively?

Answer to the 2d interrogatory— I should think I was acquainted with Burleigh Hunt from the year 1838 up to the year 1842, from that time I have not seen him— I never was acquainted with Henry B. Hunt who was a child but I have seen him I have been acquainted with M. Blodgett

For Five Years, I should think.

Third Interrogatory— Were You one of the County Commissioners of Little Rock County Arkansas in the Spring of the Year 1841?

Answer to 3d Interrogatory— I was

Fourth Interrogatory— Were You present at a Sale of Town Lots in the Original Town of Little Rock, Pulaski County, Arkansas, made by the County Commissioners of said County in the Month of May 1841? If Yea State who, if any one purchased from said County at said Sale Lots Four and Nine and the North half of Lots five and Eight in Block twenty Five in the Original Town of Little Rock in said County?

Answer to 4th Interrogatory— I was present at a Sale at that time— Lots Four, Five, Six, Seven, Eight and nine in Block twenty Five in said town were offered for Sale and were up by Gorton and Burleigh Agents to Five hundred Dollars, they then forfeited their bids, and it is my impression that at the term of the Commissioners Court held the 1st Monday in June after the Sale the Commissioners Court there have the Lots at what we at that time Considered a fair

[12909-28]

Valuation, Burleigh Hunt took the North half of the six lots before described, which would be lots four and nine and the North half of five and Eight.

Fifth Interrogatory – Did the said Burleigh Hunt at the time of said Sale or at the time of the said arrangement between himself and the County Commissioners, give the name of any other person than himself as the Purchaser of said lots?

Answer to 5th Interrogatory – I should think the lots were struck off to Burleigh Hunt, but whether at the time of the arrangement with the Commissioners he gave the name of any other person as the purchaser or took the bond in any other persons name I cannot now recollect. All the business in relation to the purchase of said lots was done by Burleigh Hunt.

Sixth Interrogatory – State if you recollect the price at which the said lots were sold to the said Burleigh Hunt and the terms of payment?

Answer to 6th Interrogatory – I should think the same sold for between four and fifty dollars The terms of sale were one fourth down payable in Cash or land Orders and the balance

was payable in installments but how soon I do not now recollect.

Seventh Interrogatory— Who officiated as Auctioneer at said Sale?

Answer to 7th Interrogatory— Lansing B Nichols

Eighth Interrogatory— Was said Mount at the time of said Sale or at any time before said Lots were paid for any County Land Orders which would have been received in payment for said Lots—

Answer to 8th Interrogatory— I should think he was.

C. H. Bartlett

Thomas K. Payne being duly sworn doth to the interrogatories propounded to him depose and say as follows, to Wit;

First Interrogatory— What is Your Age occupation and Place of Residence;

Answer to 1st Interrogatory— My Age is forty one Years, I am a Farmer and my Place of Residence is in the Town of Fremont, Lake County, Illinois

[12849-24]

Second— Interrogatory— Are You acquainted

with the parties to the Suit mentioned in the Notice Sent to answered? If Yea. How long have You known them respectively?

Answer to 2d Interogatory — I suppose I have been Known B. Blount. He was a Citizen by Name Bluleigh Blount from the Year 1818. up to the time when he left this County — I have been acquainted with Mr Blodgett about Fifty Years

Third Interogatory — Were You one of the County Commissioners of Lake County Illinois in the Spring of the Year 1841?

Answer to 3d Interogatory — I was —

Fourth Interogatory — Were You present at a Sale of Lots in the Original town of Little Fort in said County of Lake in the Month of May 1841? If Yea who bid off Lots Four and Nine and the North half of Lots Five and Eight in Block twenty Five in said town?

Answer to 4th Interogatory — I was present at said sale, Bluleigh Blount bid them off, I think.

Fifth Interogatory — What was the Amount for which said Blount bid them off?

Answer to 5th Interrogatory - I cannot state positively, but think the amount was in the neighborhood of three hundred dollars - That bid was forfeited by Burleigh Hunt and he subsequently came into the County Commissioners Court and bought the lots at the price at which the Commissioners had appraised them. I think this was within a few days after the public sale. Hunt and Gorton bid against each other and run each others lots up to an Extravagant price and then forfeited their bids.

Sixth Interrogatory - At what price did said Hunt finally purchase said lots of the County Commissioners?

Answer to 6th Interrogatory - I think it was some less than fifty dollars.

Seventh Interrogatory - In whose name was the bond for deed of said lots taken by said Burleigh Hunt?

Answer to 7th Interrogatory My impression is that it was taken in the name of Burleigh Hunt himself.

Eighth Interrogatory - Did You ever have any Conversation with said Burleigh Hunt

at or about the time the deed for said lot was given, or at any other time in reference to his reason for taking the deed of said lots in the name of the said Henry B. Hunt?

Answer to 8th Interrogatory — I had conversation with him the day after the Sale in May and he stated then that he could not hold land in his own name on account of Creditors — that he thought it best to have the deed of these lots made out in his Sons, Henry B. Hunts, name —

Ninth Interrogatory — State if you recollect, whether said Hunt after the deed for said lots had been given to Henry B. Hunt ever applied to the County Commissioners Court to have said deeds cancelled, and a new deed given to any other person?

Answer to 9th Interrogatory — My impression is that he did, but it is so long since that I cannot recollect the circumstances minutely.

Tenth Interrogatory — Who paid the purchase money for said lots and in what kind of funds was the same paid?

Answer to 10th Interrogatory — It is my impression that Burleigh Hulbert paid it and that he paid it in County land Orders, which were Orders issued by the County Commissioners Court upon the fund arising from the sale of the County lands

Thomas H. Payne

By agreement of parties the taking of deposition in this cause is continued until the 27th day of December A.D. 1851 at 9 o'Clock A. M. of said day —

Daniel O. DeWitt being duly sworn on ~~it~~ this 27th day of December A.D. 1851 at 9 o'Clock A.M. the hour to which the taking of depositions herein was continued, doth to the interrogatories hereunto to him to depose and say as follows, to wit:

First Interrogatory — What is Your age, Occupation and Place of residence?

Answer to 1st Interrogatory — My age is thirty six years, occupation a Merchant, and place of residence Waukegan, Lake County, Illinois

Second — Interrogatory — Are You acquainted with the parties to the suit mentioned in the notice thereto annexed? If so, how long have You known them respectively?

(1280-35)

Answer to 2d Interrogatory — I have been acquainted with Mr Benleigh Hunt for the last twelve Years and with Mr Blodgett for the last six Years and have known Henry B. Hunt for the last Eleven Years.

Third Interrogatory — Do You Know of said defendant Benleigh Hunt being indebted to any person or persons ~~in this~~ during the Years 1841 and 1842 or either of them? If Yea, to whom was said indebtedness owing and what was the amount thereof as near as You can state or recollect?

Answer to 3d Interrogatory — He was indebted to me I think he did was in the Year 1842 to the amount of between two and three hundred dollars and he informed in the same Year that he was indebted to the State Bank of Illinois the Exact amount of the indebtedness as he stated it I do not recollect. I think he also stated something about a debt that he owed Hunt & Stevens. It is my impression that the whole amount of the indebtedness was between two and three thousand dollars

Fourth Interrogatory — Do You Know of said Benleigh Hunt having any real Estate the title to which was in his own Name during those Years and would You have been apt to have known it if such had been the fact?

Answer to 4th Interrogatory I do not know of his having any. I think I should have known it, if he had had any

Fifth Interrogatory Do You Know of his having any interest in any real estate the title to which was in any other person, name? if so, what was said property and in whose name was it held?

Answer to 5th Interrogatory He stated to me that he owned Eighty Acres on the South side of the river which is now laid out in town lots as Mc Kays additions to this town the title of which was in William Bissett

Sixth Interrogatory State if said Hunt gave any reason for having the title to said property in the name of said Bissett and what was said property worth at that time?

Answer to 6th Interrogatory The reason he gave was because he was indebted to the State Bank of Illinois I should think the property was at that time worth from ten to fifteen hundred dollars

D. O. Dickinson

$1286.03

Thomas Underclin being duly Sworn deth to the interrogatories propounded to him deposes and says as follows to wit:

First Interrogatory — What is Your Age, Occupation and place of residence?

Answer to 1st Interrogatory — I am forty nine years old, I am a Farmer and reside at Waukegan Lake County Illinois.

Second Interrogatory — Are You acquainted with the parties to the suit mentioned in the notice Served on you? If Yea, How long have You known them respectively?

Answer to 2d Interrogatory — I knew M. Burleigh Hunt from the Year 1837 up to the time when he left here, which according to my best recollection was in the Year 1843. I knew Henry B. Hunt as a child while his father resided here. I have known M. Burleigh for the last Five or Six Years

Third Interrogatory — Do You know of said Burleigh Hunt being indebted to any persons or persons in any large Amount at the time of the Count land Sales at Little Fort in May 1841 or between that time and the first of December 1841? If Yea, State the Amount of such indebtedness,

to whom the same was owing and your means of such knowledge?

Answer to 3d Interrogatory— He told me that he was on paper with Charles Taylor to the State Bank of Illinois, to the amount of one hundred two thousand dollars— I should think this was along in 1841 or 1842.

Fourth Interrogatory— Do you know of said Burleigh's Deed holding the title to any real Estate in this County during the time mentioned in the last foregoing interrogatory and should you have been apt to have known it, if such had been the fact?

Answer to 4th Interrogatory— I do not know of his holding the title to any real estate in this County. He might have had deed in his own name and I not have known it.

Fifth Interrogatory— Do you know of said Hunt having or claiming any interest in any real estate in said County during said time? If yea, describe said, by deed and state in whose names the same now holds?

Answer to 5th Interrogatory— He owned the North half of the North East Quarter of Section

twenty eight town forty five North Range twelve East of the third principal meridian, which is now laid out as Mc May's Addtn to this town. Does not know of my own knowledge in whose name the same was held, but he told me he owned it. He subsequently offered to sell said Eight acres to me for fifteen hundred dollars, giving me a reason that he wished to sell out and leave.

Sixth Interrogatory. State if you know the description of the quarter Section on which the Original town of Little Rock was laid out?

Answer to 6th Interrogatory. The South East Quarter of Section twenty one township forty five north Range twelve East of the third principal Meridian.

Elmsley Saunderlin

James McMay being duly sworn doth to the Interrogatories propounded to him depose and say as follows, to Wit;

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

Answer to 1st Interrogatory. My age is forty four years I am at present engaged in no business

I reside at Waukegan, Lake County, Illinois.

Second Interrogatory - Are You acquainted with the defendants, Henry B. Hunt and Burleigh Hunt? If Yea, how long have You known them respectively?

Answer to 2d Interrogatory. I am acquainted with Burleigh Hunt and have known him since the Year 1837 or 1838 and have seen a little boy called Henry that he called his Son.

Third Interrogatory - State if You know whether said Burleigh Hunt was indebted to any person or persons between the Month of May 1841. or prior to that time and the Month of December 1842? If Yea State the Amount of said indebtedness and to whom he was indebted?

Answer to 3d Interrogatory - Yes - I know that he was dealt with Charles Taylor and others owned the State Bank of Illinois as I have learned from himself - According to the best of my recollection, the amount was about Seven teen hundred dollars - I think the indebtedness was contracted between the Years 1838 and 1841 and it stood against him when he left here, which I think was in the Year 1841 - He

(12804-39)

~~Owed~~ also owed with Charles Taylor and others
Saml L. Stewart and others the sum of
three hundred dollars or thereabouts at
the same time I understood that those
demands were in Judgements in Cook
County

Fourth Interrogatory — State if You Know of said
Beckleigh's Heirs ever having in his own
name the title to any real estate in this
County and would You have been apt to
have Known the fact if he had had any
such title?

Answer to 4th Interrogatory — I never Knew of his
ever having had the title to any land in
this County and if he had had it I think
I should have Known it —

Fifth Interrogatory — State if You Know, whether
said Hunt ever had or claimed to have
any interest in any real Estate in said
County the title to which was in any other
person or persons, and if he had, describe
the same?

Answer to 5th Interrogatory — I have always believed
that he had the controlling interest in the
lands that is now called Mc Keys addition
to the town of Little Fort in this County — My reason
for such belief is that said land was once

deeds to me by said Hunt direction to in-
=demnify me for becoming Surety for him
on a certain bond and while the title was
in my name the land was Surveyed and
laid out into town lots at Hunts request

James McKay

Lake County Circuit Court

Henry W. Bladgett
vs
Henry B. Hunt &
Burleigh Hunt

Bill In Chancery

State of Illinois }
Lake County } ss I Augustus
B. Coles Clerk of the Circuit Court in
and for the said County of Lake, do hereby
certify that previous to the Commencement
of the Examination of the said Nelson
Landon, James B. Forton, Arthur Patterson,
Charles H. Bartlett, Thomas H. Payne,
Daniel D. Dickinson, Elmely Sundelius
and James McKay as witnesses in the
above entitled cause they were severally
duly Sworn by me to testify the truth in relation
to the matter in controversy between the
said Henry W. Bladgett Complainant, and
the said Henry B. Hunt and Burleigh
Hunt, defendants, so far as they should
be respectively interrogated concerning
the same; that the said depositions were all
taken at my Office in Waukegan in the

5128-29

County of Lake and State of Illinois as follows to wit; that of Nelson Landon, on the 25th day of December instant, and those of James B. Gordon Arthur Patterson, Charles B. Bartlett and Thomas H Payne on the 26th day of said December, and those of Daniel O. Dickinson, Elmer Sandelius and James McKay on the 27th day of December aforesaid; and that after said depositions were taken by me as aforesaid, each one was signed and sworn to by such witnesses respectively

L. S. of Court

In witness Where of I have hereunto set my hand and the seal of said Court at Waukegan in said County this thirty first day of December A.D. 1858.

A.B. Coles, Clerk

To which said depositions was annexed at the time when they were so as aforesaid filed in the said Office of the said Clerk of the said Court a notice which is in the words and figures following, to wit.

"Lake County Cir. Court

Henry W. Blodgett

vs

Henry B. Hunt & Ruth Leigh Hunt

In Chancery

The defendants in the above entitled cause will please take notice that

Said Complainant will attend before the Clerk of said Court at his Office in Marshfield in said County on the 28 day of December at the hour of 9 ~~o'clock~~ A.M. and to continue from day to day if necessary for the purpose of their and there taking before said Clerk the depositions of Charles H. Bartlett Nelson Landon, James M. May, James B. Gorton, Elnathy Sundelin, Daniel O. Dickinson Ezekial Lawrence and such other witnesses as shall then and there be produced on the part of said Complainant to the end that their said depositions may be used as evidence on the part of said Complainant at the hearing of said Cause.

At which said time & place You can attend and propound Cross interrogatories if You think proper.

Dated this 15 da of December 1841

D. W. Wedgett Jr Justice"

On the back of which said Notice are indorsed the words and figures following, to wit;

"We hereby admit due Service this 15th December 1841.

Henry Peale
Dep. Solicitor 71

And which said depositions at the time when they were so as aforesaid filed in the said Office of the said Clerk of the said Court

(12809-111)

On the said ~~thirty~~ first day of December A.D. 1851 were inclosed sealed up and directed to the said Clerk of the said Court in the words following inclosed on the envelope inclosing the same to wit;

"To

A. B. Coles
Clerk Circt Court Lake Co.
Waukegan
Illinois"

And on which said envelope at the time when the said depositions were so as last aforesaid filed in the said Office of the said Clerk of the said Court were also endorsements which are in the words and figures following

"Lake County Circt Court

Henry W. Blodgett
vs
Henry B. Hunt &
Burleigh Hunt

Depositions of Nelson Landon, Jas B. Gorton, Arthur Patterson, Charles H. Bartlett, Thos H. Payne Dan. O. Dickinson, E. Sunderlin & Jas Whitney"

"Fees — Clerk $ 6.50
Sheriff Costs — 4.15
$ 10.75"

And which said depositions were afterwards opened by the permission of said Court, the Clerk of said Court having previously indorsed thereon the words following to wit;

"Opened by leave of Court
A.B. Cater, Clerk"

And that afterwards to wit; on the said thirty first day of December A.D 1851, the same being a day in the said vacation between the said October term A.D. 1851 and the said January term A.D. 1852 of said Court, Henry W. Blodgett filed with the Clerk of said Court a paper marked "Exhibit A" which is commonly called a fee bill and which is in the words and figures following to Wit;

"Burleigh Hunt
vs.
Lane B. Carton } Cross Bill in Chancery

1848		Dft. Costs			
Oct 1st Term	Dft's Sol by Atty	12½	One Mo & Rec'd 20		62½
	Fil Ans Dft's Mot to Open dep 25 Oct 25				50
	Fil 2 Dep 12½ Ord Aff 12½ Fil 2 dep 12½				37½
	Cost to H.L. Pinckney 3.25. Mot con 25 Oct 25			3 75	5 31½
Oct T. 1848	Dft's Sol by Atty 12½ Mot to Open dep 25				37½
	Oct 25. Ord & fil 25. Ord & fil 18¾				68¾ 1 06½
Nov	Wm C. Clarkson bill $3.00 W. A. Bradley				
	Sol dep 2.00 J.M. Trader 1.75			6 75	
Apl T. 1849	Dft's Sol by Atty 12½ One Mo 25. Oct 25				62½
	Ord & fil dep 31¼ Pub Dep 8.50				81¼

$12809-M2J

Fil 2 Affs 12½ Judg.t 25 Oct 25 .62½

Exp 30 Fil 6¼ Act 12½ Sh Affs 12½ 81¼

Sat 25 Cost bill 37½ .62½ 14 25¼

Alias Fee Bill 30 Fil 6¼ Act 12½ Sh Affs 12½ Fil 6¼ Sat 25 Exp Cost 25 1 37½

22 10

State of Illinois
Lake County } ss The People of the State of Illinois

To the Sheriff of said County Greeting

I George Thomson Clerk of the Circuit Court in and for said County do certify the foregoing to be a perfect Copy of the Defendants Costs in the above cause as taken from my Fee Book, to be levied of the Goods and Chattels Lands and tenements of the said Burleigh Hunt by the said Sheriff and returns made thereof in Ninety days from this date.

Witness Geo. Thomson Clerk of our said Court and the Seal thereof at Little Fort this 27th day of January A.D. 1848

George Thomson Clerk

C. C. of Court

On the back of which said papers or Fee bill are indorsements which are in the words and figures following, to wit:

"Sept. T. 1845

Burleigh Hunt

vs

Jane. B. Gorton

Fee Bill cost $22.00/4

Ist Sum 5th Sept. 1845

H. B. A. P. 124 & D 82 "

"By virtue of the within I have levied on Lot No. 4 & Lot No. 9. & the North half of Lot No. 5. & North ½ of Lot No. 8 in Block No. 25 in the Original Town of Little Rock

I hereby return the within satisfied in full by a sale of the above described Lot & part of Lot

C. W. Dorsett Sheriff "

"Advertized for Sale Feb 21 at 2 o Clock P. M."

"Record in full of damages interest and cost Sheriff fees Excepting extra as extra this 23rd day of February 1848

J. B. Gorton "

"Filed 15th Augt 1848 Geo. Thomson Clk "

"Exhibit A."

~~Bill of Declaration~~

~~Answer~~

And that the said Henry W. Blodgett at the same time when he so as aforesaid filed with the said Clerk of said Court the said papers

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Marked "Exhibit A" also filed with the same Clerk another papers Marked Exhibit B which is commonly called a writ of Execution and which is in the words and figures following, to wit;

"State of Illinois, } ss.
Lake County }

The People of the State of Illinois, To the Sheriff of said County Greeting;

We Command You that of the Goods and Chattles, Lands and Tenements of Burleigh Hunt, which shall be found in Your County You cause to be made the sum of Twenty one 5%/100 Dollars, which James B Gotton hath lately in the Circuit Court of said County recovered against him for his costs, which were adjudged to him for his costs and charges in that behalf expended, Whereof the said Burleigh Hunt is convicted, as appears to the record. And have that Money ready in Ninety days from the date hereof, to render to the said for him damages and costs aforesaid. Hereof fail not. and make return of this Writ in Ninety days from the date hereof, with an endorsement thereon, as to the manner in which You executed the same. Witness Geo. Thomson Clerk of our said Court, and the Seal thereof at Little Fork this 27th day of January A.D. 1848.

George Thomson Clerk."

On the back of which said paper or writ of Execution were indorsements at the time when the same was so as aforesaid filed in the Office of the Clerk of said Court which are in the words and figures following, to wit:

"Sept. Term 1845
James B Gorton
vs
Burleigh Weeks
Ex-dam $ 21.55 3/4
Int from 5. Sept. 1845
A B & P 124 Ex 2 82 "

"Recvd this 31st day of Jany. 1848 at 3 o'clock P.M."
W W Dorsett Sheriff"

"By virtue of the within I have levied on Lot No. 48 Lot No. 9. & the North half of Lot No. 5. & North 1/2 of Lot No. 8 in Block No. 25. in the Original Town of Selma And January 27th 1848.
W W Dorsett Sheriff"

"Advertized for sale Feb 21st at 2 o'clock P.M."

"Recvd in full of damages interest and cost Sheriff fees Examination &c. this 23d day of February 1848
J. B. Gorton"

"I hereby return the within writ satisfied in full by a sale of the above described Lots & parts of Lots

I A W Dorsett Sheriff"

"Filed 16 Augst 1848 Geo. Thomson Clk"

"And that the said Henry W. Blodgett at the same time when he so as aforesaid filed with the said Clerk of said Court the said paper marked "Exhibit A" also filed with the same Clerk another paper marked "Exhibit B" which is commonly called a Sheriffs deed and which is in the words and figures following to wit:

"Whereas James B Gordon did at the September Term of the Circuit Court of the County of Lake in the State of Illinois in the Year of our Lord One thousand Eight hundred and forty five recover two judgements against Burleigh Hurd the one of said judgements being for the sum of twenty one dollars and fifty six and one fourth cents And the other of said judgements being for the sum of twenty two dollars and one fourth of a cent. Said judgements being for the Costs in certain Suits then pending in said Court upon which said judgements two Writs of Execution were issued dated on the twenty seventh day of January A.D. 1848 directed to the Sheriff of said County of Lake

to Execute and by virtue of said Execution Henry W. Dorsett who was then Sheriff of said County levied upon the lands hereinafter described and the same were struck off and sold to the said James B. Gorton he being the highest and best bidder therefor and the time and place of the Sale thereof having been duly advertised according to law and the said James B Gorton having duly assigned his Certificate of purchase to Henry W. Blodgett.

Now therefore Know all by this Deed that I the said Henry W. Dorsett Sheriff of said County of Lake in Consideration of the premises have granted bargained and sold And do hereby Convey to the said Henry W. Blodgett his heirs and assigns the following described tracts of land viz: Lot Number Seven (7) and Lot number Nine (9) and the North half of Lot Number Five (5) and the North half of Lot number Eight (8) all in Block Number twenty five (25) in the Town of Little Fort in the County of Lake and State of Illinois.

To have and to hold the said described premises with all the Appurtenances thereto belonging to the said Henry W. Blodgett his heirs & assigns forever. Witness my hand and Seal this 25th day of May A.D. 1849

H. W. Dorsett Sheriff of Lake Co

State of Illinois
Lake County } ss. I John L Turner a Justice of the peace in & for said County hereby Certify that Henry W. Dorsett who is to me

(12807-48)

well known as the same person who Executed the within Deed appeared before me this day in person and acknowledged that he signed Sealed and delivered the said instrument as his free and voluntary Act & Deed for the uses & purposes therein set forth. Given under my hand & the Seal of said Court this Eleventh day of June. in the Year of Our Lord one thousand Eight hundred and forty nine.

John L. Turner Cl. C. C. (L S)"

On the back of which said Sheriffs deed at the time when the same was so as aforesaid filed were indorsements which are in the word, and figures following, to wit;

"State of Illinois }
Lake County } ss This Deed was filed for Record June 15th 1849. And duly Recorded in Book L° of Deeds page 26.

S. H. Sherman Recorder per S. M. Dowdney"

"Exhibit C."

And to which said paper marked "Exhibit C." was was afterward, to wit, on the twenty Eighth day of March A.D. 1853, the same being one of the days of the March special term of said Court for the Year last aforesaid, attached by the Clerk of said Circuit Court at the request of the said Henry W. Blodgett a certificate under the hand of said

Clerk and the Seal of said Court, which is in the words and figures following, to wit;

"State of Illinois
Lake County } ss I Augustus B. Cole, Clerk of the Circuit Court in and for the said County of Lake, do hereby Certify that on this day Henry W. Blodgett, who is personally known to me to be the same person whose name is subscribed to the deed hereto attached, appeared before me this day in person and acknowledged that he as Sheriff of said County of Lake, had signed, sealed and delivered the said deed freely and voluntarily for the uses and purposes therein set forth.

Given under my hand and the seal of said Court at Waukegan in said County this twenty Eighth day of March A.D. 1853.

A. B. Cole Clerk"

And that the said Henry W. Blodgett at the same time when he so as aforesaid filed with the said Clerk of said Court the said paper marked "Exhibit A" also filed with the same Clerk an other paper marked "Exhibit B," which is commonly called a Sheriffs Certificate of Sale and which is in the words and figures following, to wit;

$12807-467

State of Illinois }
Lake County } I Henry W. Durell,
Sheriff of the County of Lake in the State
of Illinois, do hereby Certify that by virtue
of one writ of Execution and one Fee
Bill to me directed from the Circuit Court
of Lake County aforesaid, on the 21st day of
January A.D. 1848 in favor of James B. Gorton
Commanding me of the goods and Chattels,
lands and tenements of Burleigh Hunt
to cause to be made the Amount of the said
Execution and Fee Bills; I did on the 21st
day of February A.D. 1848 at 2 o'clock P.M. expose
for sale at the door of the Court House in said
County all the right title and interest of the
said Burleigh Hunt in and to the following
Real Estate, situate in said County viz: Lot
number Four and Nine, and the North half
of Lots Five and Eight (4+9 & N½ of 5+8) in
Block number Twenty Five (25) in the Town of
Little Fort Lake County Illinois, and that
James B. Gorton bid for Lot 4 in said Block
25 the sum of Fifteen Dollars; and for Lot
9 in said Block the sum of Fifteen dollars
and for the North half of Lot 5 in said Block
the sum of Thirteen dollars; and for the
North half of Lot 8 in said Block the sum
of Ten 32/100 Dollars, and that those sums being
the highest and best bids for the said Lots
respectively they were by me struck off and sold
to the said James B. Gorton and that the said

Sums were by him duly paid to me. And I further certify that the said James B. Gorton will be entitled to a Deed for the said Lot, so as aforesaid sold to him on the 21st day of May A.D. 1849, unless the same shall be redeemed before that time in conformity to the law. Given under my hand this 22d day of February A.D. 1848

A. M. Dorsett Sheriff of Yolo County State

On the back of which said paper marked "Exhibit D" were indorsements at the time when the same was so as aforesaid filed with the said Clerk which are in the words and figures following, to wit;

"I hereby assign all my right title and interest in & to the within Deed to Henry M. Blodgett.

Witness my hand this 1st day of May 1849

James B. Gorton"

In presence of

A. K. Wyncoop"

"Exhibit D."

And that the said Henry M. Blodgett at the same time when he so as aforesaid filed with the said Clerk of said Court the said paper marked "Exhibit A" also filed with the same Clerk another paper marked "Exhibit E" which is in the words and figures following, to Wit;

[12801-1yr]

"State of Illinois
Lake County } Be it remembered that at a Special Term of the County Commissioners Court in and for said County begun and held at Little Fort in said County on the Seventeenth day of October A.D. 1842 the following Order was entered by said Court as we find by inspection of the Records thereof now remaining in the Office of the Clerk of the County Court of said County Viz-

Ordered

That Nelson Vandow be and he is hereby authorized and appointed to execute and deliver deeds for all lots (Sold) in the Village of Little Fort heretofore Sold upon the purchasers producing to the said Vandow the treasurers receipt in full for the price of said lots with the interest accumulated thereon

I the undersigned Clerk of the County Court in and for said County do hereby Certify that the foregoing is truly and correctly copied from the Records of the County Commissioners Court of said County now ——— in my Office.

Witness my Hand and Seal of the County Court at Waukegan this 29th day of December A.C. 1851.

Amos Waterman Clerk of the Co Court"

L. S. of County Court

On the back of which said Paper marked "Exhibit E," at the time when the same was so as aforesaid filed were indorsements which are in the words following, to wit;

"In Chancery
Henry W. Blodgett
vs
Burleigh Hunt &
Henry B Hunt
Copy of Order in County
County Commissioners Court
Appointing W. Landon Agent"

"Exhibit C."

And that the said Henry W. Blodgett at the same time when he so as aforesaid filed with the said Clerk of said Court the said paper marked "Exhibit A," also filed with the same Clerk a notice, which is in the words and figures following, to wit;

Lake County Circuit Court — In Chancery
Henry W. Blodgett
vs
Burleigh Hunt and
Henry B. Hunt

The defendants in the above entitled cause will please take Notice that on the hearing of said Cause they will

be required to produce the deeds of the Lots of Land mentioned in said Complainants Bill of Complaint given by Nelson Sanders as Agent of Cook County Illinois to said Henry B. Hunt dated on the 28th day of November A.D 1842. Also the Bond for a deed of said Lots given by the County Commissioners of said County to said Burleigh Hunt in pursuance of which said Deed was given — And that in default of Your so doing a Certified Copy of said Deed and parol Evidence of the contents of said Bond will be given —

Said Defendant will also further take Notice that on said hearing said Complainants will offer as evidence a transcript of a certain judgement rendered in the Cook County Circuit Court in favor of the President Directors & Company of the State Bank of Illinois against said Defendant Burleigh Hunt and Charles Taylor; And also a transcript of another certain judgement in said Cook County Circuit Court in favor of Hart & Stewart Lorenzo P. Sawyer & John S. Wallace against said Burleigh Hunt and Charles Taylor; together with the proceedings and pleadings in the suits in which said judgements were rendered and the note, and indebtedness upon which the same were predicated.

And also that on said hearing said Complainants will give evidence of a certain judgement rendered at the October Special Term of said Cook ~~County Circuit Court in favor of~~

County Circuit Court in favor of James B Gorton and against said Benleigh Hunt for the sum of three hundred and fifty dollars & Costs together with the proceedings and pleadings in said Cause now remaining of Record in said Court. And also the proceedings pleadings and decrees of said Lake County Circuit Court in two certain Suits on the Chancery side of said Court determined in September A.D. 1855 in one of which said suits said Benleigh Hunt was Complainant and James B. Gorton, and in the other of said suits said James B. Gorton was Complainant and said Benleigh Hunt was Defendant, All of which said pleadings proceedings and Decrees are now remaining of Records in said Court

Dated this 31st day of December A.D. 1859

W. W. Blodgett
Sol for pltff"

On the back of which said notice at the time when the same was so as aforesaid filed with the Clerk of said Court was an indorsement which is in the words and figures following, to wit;

"We hereby admit due Service of the within notice this 30th Dec 1859

Henry & Beals
Defts Solicitors"

[12609-49]

~~United States of America~~
~~State of Illinois Cook County~~ ss.

And that afterwards, to wit, on the Eighth day of January A.D. 1852, the same being also a day in the vacation aforesaid between the said October term A.D. 1851 and the said January term A.D. 1852, of said Court, the said Henry W. Blodgett filed with the Clerk of said Court a transcript which is in the words and figures following, to wit;

"State of Illinois }
County of Cook } ss. Cook County Circuit Court

Pleas before the Honorable John Pearson Judge of the Seventh Judicial Circuit of the State of Illinois, and presiding Judge of the Cook County Circuit Court, at a term thereof begun and held at the Court Rooms in the City of Chicago, on the Eighth Monday after the first Monday in March in the Year of Our Lord One thousand eight hundred and forty, and of Our Independence the Sixty fourth

Present Honorable John Pearson Presiding Judge Alonzo Huntington State Attorney Isaac R. Cowin Sheriff Cook County Attest Richard J. Hamilton Clerk Circuit Court

Be it remembered that on the twentieth day of October A.D. 1838 came Hart L. Stewart Lorenzo D. Sawyer, John D. Wallace and Allanson

Stewart by I. G. Seaminon their Attorney and filed their certain praecipe which is in the words and figures following to wit:

Cook Circuit Court
State of Illinois } of the March Term 1839
County of Cook } ss
Hart L. Stewart & Lorenzo D. Sawyer
John S. Wallace and Allanson Stewart
vs
Charles Taylor & Burleigh Hunt

Assumpsit
Damages $300 &c.

The Clerk of said Court will please issue Summon against the defendant Charles Taylor directed to the Sheriff of Cook County and to defendant Hunt directed to Sheriff of Mc Henry County, in this cause returnable to the said March Term thereof.

Oct 17th 1838. I. G. Seaminon Atty for Plaintiffs

And afterwards to wit on the same day and term last aforesaid came the said Plaintiffs and file their certain bond for costs, in the Office of the Clerk of said Court which is in the words and figures following to wit:

State of Illinois } Cook Circuit Court of the
County of Cook } March Term A.D. 1839.

Hart L. Stewart Lorenzo D Sawyer John S. Wallace & Allanson Stewart vs Charles Taylor & Burleigh Hunt

Assumpsit
Damages $300. &c

I do hereby enter myself Security for Costs in this Cause and Acknowledge myself bound to pay or Cause to be paid all Costs which may accrue in this action, either to the opposite party or to any of the Officers of this Court in pursuance of the laws of this State,

Chicago Dated this 17th day of October A.D. 1838.

S. Tony Scammon

And afterwards to wit on the Seventh day and Term last aforesaid there issued out of the Clerks Office of said Court the People's Writ of Sccire facias, directed to the Sheriff of said Cook County which is in the words and figures following to wit;

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

We command you that You Summon Charles Taylor impleaded with 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 Court House, in the City of Chicago, in Said County on the first Monday in March next to answer unto Hart & Stewart, Lorenzo D. Savage John S. Wallace and Alanson Stewart, in a plea of Trespass on the case on promises, to the damage of the said Plaintiffs

as they say, in the Sum of Three hundred dollars and have you then and there this writ, with an endorsement thereon in what manner you executed the same,



Witness, Richards I. Hamilton Clerk of said Court and the Seal thereof at the City of Chicago in said County this Twentieth day of October in the Year of Our Lord, one Thousand eight hundred and thirty eight,

Richard I. Hamilton Clerk

and on the back of said writ was the following endorsement to wit, Executed by reading to the within named Charles Taylor on 22d. day of October 1838, Benleigh Wentworth Fees' Services 50 Cts Mile 6 3/4 returned 7/8 58 3/4, I. B. Davies Shff.

And afterwards to wit on the same day and year last aforesaid there also issued out of the Clerks Office aforesaid a certain other Peoples writ of Summons directed to the Sheriff of McHenry County which is in the words and figures following to wit;

State of Illinois
County of Cook } ss.

The People of the State of Illinois

To the Sheriff of McHenry County Greeting;

We Command You that You Summon

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(12907-51)

Burleigh Hunt impleaded with Charles Taylor if he shall be found in Cook 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 Court House in the City of Chicago in said County on the first Monday in March next to answer unto Hart L. Stewart, Lorenzo P. Sawyer, John S. Wallace and Alexander Stewart in a plea of trespass on the case, to the damage of said Plaintiffs as they say in the Sum of three Hundred dollars, and have you then and there this Writ, with an endorsement thereon in what manner you executed the same.

Witness Richard J. Hamilton, Clerk of said Court, and the Seal thereof at the City of Chicago, in said County this twentieth day of October in the Year of Our Lord one thousand eight hundred and thirty eight

(Seal.)

Richard J. Hamilton Clerk.

And on the back of said Writ was the following endorsement, to wit: B. Hunt not found in this County, Cook Returning Sum 12/ W. B. Steele Sheriff.

And afterwards to wit on the 20th day of February A.D. 1839 the said Plaintiffs by S. Young, Esquire their Attorney filed their certain declaration which is in the words and figures following to wit,

State of Illinois } In Cook County Circuit
County of Cook } Court of the March
Term in the Year A.D. 1839

Mark L. Stewart, Lorenzo P. Langer, Thos
S. Wallace and Alanson Stewart Plaintiffs
by I. Gurney Scammon their Attorney
Complain of Charles Taylor and Burleigh
Hunt Defendant in this Suit who were
Summoned &c of a Plea of Trespass on the
Case upon promises, For that whereas the
said defendant heretofore to wit; on the
thirteenth day of September in the Year of
Our Lord One thousand eight hundred
and forty seven at Chicago in this
County and State aforesaid made
and signed their certain promissory note
in writing and then and there delivered
the same bearing date the day and Year
aforesaid to the said Plaintiffs and thereby
the said defendants by the name and
description of "Taylor & Hunt" thirty days
after date promised to pay to the said Plaintiffs
by the name and description of "Stewart
Langer & Wallaces" or Order three hundred
fifty five 46/100 dollars for value rec'd with
interest, and the said plaintiffs, avers that
said period of thirty days has long since
elapsed, And whereas also the said defendants
afterwards to wit; on the first day of October
in the Year of Our Lord One thousand Eight

12809-53

hundred and thirty eight were indebted to the said Plaintiffs in the further sum of three hundred dollars for so much money by the said Plaintiffs before that time lent and advanced to, and paid laid out & expended for the said defendants, and at their special instance and request, And for so much money by the said defendants before that time had and received to and for the use of the said Plaintiffs and being so indebted the said defendants in consideration thereof ~~aforesaid~~ afterwards to wit; on the same day and year last aforesaid at the place aforesaid undertook and then and there faithfully promised the said Plaintiffs to pay them the said last mentioned sum of money when they the said defendants should be there to afterwards requested, Yet the said Defendants although often requested & have not paid the several sums of money above mentioned or any part thereof to the said Plaintiffs; but to pay the same or any part thereof to the said Plaintiffs have hitherto wholly refused and still do refuse to the damage of the said Plaintiffs of three hundred dollars and therefore they bring suit &c. — J. Young Plaintiffs Atty

Copy of Note declared on

$355.46 Thirty days after date We promise to pay Stewart Sawyer & Wallace or Order three hundred

fifty five $^{4}/_{100}$ Dollars for value rec^{d} with interest
Chicago Sept 18th 1837

Taylor & Hunt

Messr^{s} Taylor & Hunt

To Stewart, Sawyer & Wallace Dr.

1838

For Cash Paid	$ 300.00
" Lent	$ 300.00
" Paid & received	$ 300.00

And afterwards to wit on the twelfth day of March in the Year last aforesaid came the said defendants by Arnold & Ogden their Attorneys and file their certain plea and notice which are in the words and figures following to wit;

State of Illinois
Charles Taylor impleaded with Benjamin Hunt, } ads

Hunt & Stewart Lorenzo D. Sawyer, John S. Wallace & Alanson Stewart } March Term A.D. 1839

And the said defendants by Arnold & Ogden their Attorneys come and defend the wrong & injury when &c & says that he did not undertake and promise in manner and form as the said Plaintiffs have above thereof in their declaration complained of him, and of this the said defendants

[12909-09]

puts himself upon the Country &c.

Arnold & Dy Gen

Defendt Attys

Filed March 12th 1839. Richd I. Hamilton, Clk

And the Plaintiffs do the like by Seammon

Atty.

I. Y. Seammon Plffs Atty.

Take Notice that the above named Defendant on the trial of this Cause will give in evidence and insist that the above named Plaintiffs before and at the time of the Commencement of this Suit, were and still are indebted to the said Defendant in the sum of fifty six dollars & eight seven cents of lawful money for divers goods, wares & Merchandize sold and delivered by the said defendant to the said Plaintiffs at their request, and that the said defendant will set off and allow to said Plaintiffs on the said trial so much of the said sum of fifty six dollars & eight seven cents so due and owing from the said Plaintiffs to the said defendant, against any demands of the said Plaintiffs, to be proved on said trial as will be sufficient to satisfy and discharge such demands according to the Statute in such case made and provided.

Dated this 12th day of March 1839.

Arnold & Ogden Defts Attys

Messrs

Stewart Senger & Wallace

To Taylor & Hunt Dr.

To Sif Barnells of Illinois &c. Inquisition &c. in the Sheriffs office

" Balance due on State account 6.87

Filed March 12th 1851, Peck & Hamilton Clerks,

And afterwards to wit on the 26th day of April A.D. 1839 there issued out of the Clerks Office of said Circuit Court The People &c. a writ of Summons directed to the Sheriff of Cook County which ~~was~~ is in the words and figures or following to wit,

State of Illinois } ss. The People of the State of Illinois
County of Cook }

To the Sheriff of Cook County Greeting;

We Command You that you before have Summoned & You that You Summon Burleigh Hunt impleaded with Charles Taylor 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 Court House, in the City of Chicago

in said County, on the Second Monday in May next, to answer unto Hart L. Stewart Lorenzo B. Sawyer, John S. Wallace and Alexander Stewart in a plea trespass on the case to the damage of the said Plaintiffs as they say the sum of three hundred dollars, And have You then and there this Writ, with an endorsement thereon, in what manner You executed the same.

Witness Richard J. Hamilton Clerk of said Court and the Seal thereof, at the City of Chicago, in said County this 26th day of April, in the Year of our Lord One thousand eight hundred and thirty nine.

(Seal)

Rich'd J. Hamilton Clerk

And on the back of said Writ was the following endorsement to Wit,

Not found in my County May 3rd A.D. 1839, Fees 12½

Isaac R. Gavin Sheriff

By Edward Murphy Dep'y Sh'ff

And afterwards to Wit on the Seventeenth day of September in the Year of Our Lord, One thousand eight hundred and thirty nine there issued out of the Clerks Office aforesaid a certain other Capias writ of Summons directed to the Sheriff of Lake County which is in the words and figures as follows to Wit.

State of Illinois }
County of Cook } ss. The People of the State of Illinois

To the Sheriff of Lake County Greeting.

We command You that You Summon
Burleigh Hunt impleaded with Charles Taylor
if he shall be found in Your County, personally
to be and appear before the Circuit Court of
said County of Cook on the first day of the
next term thereof, to be holden at the Court
House in the City of Chicago in said County
on the first Monday in November next to
answer unto Wait L. Stewart Lorenzo D. Langs
John S. Wallace and Alanson Stewart in a
plea of trespass on the case upon promises to
the damage of the said Plaintiffs as they say
in the Sum of three Hundred dollars, and
have You then and there this Writ with an
endorsement thereon in what manner
You executed the same.

Witness, Richard J. Hamilton, Clerk
of said Court, and the Seal thereof
at the City of Chicago in said County
this Seventeenth day of September in
the Year of Our Lord One thousand
eight hundred and Forty nine.

Seal

Richd J. Hamilton Clerk.

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

Personally executed
the within on Burleigh Hunt by reading the
within in his hearing this 25th day of Sept. A.D
1839, Fees Serving 50, 10 Miles Travel @ 6¼ 2,50
Returning 12½ $3,12½ Henry B. Steele Sheriff
of Lake County By Elmer Tiles Dep. Sheriff.

(12909-10)

And afterwards to wit, on the 28th day of April in the Year Eighteen Hundred and forty three being one of the days of the April Term of said Court the following among other proceedings were had to wit,

Hunt L. Stewart
Lorenzo P. Sawyer
John S. Wallace &
Alanson Stewart
vs
Charles Taylor &
Beverleigh Hunt
} Assumpsit,

This day come the Plaintiffs by Pearson their Attorneys and the defendants by Arnold & Ogden their Attorneys and thereupon ~~this cause is submitted to the Court for trial and~~ issue being joined herein, after hearing the proofs in the cause the Court find the issue for the Plaintiffs and assess their damages to One Hundred & ninety one dollars and ninety seven cents, Therefore it is Considered by the Court that the said Plaintiffs recover of the said defendants the said sum of One Hundred and ninety one dollars and ninety seven cents in manner and form aforesaid assessed together with their Costs and Charges in this behalf expended and that they have Execution therefor, And Afterward to wit on the twenty fourth day of May A.D. 1844 the said Plaintiffs filed in the Office of the Clerk of said Court the following Affidavit which is in the words and figures as follows to wit:

State of Illinois }
Cook County } ss

Stewart Sawyer & Wallace
vs
Taylor & Hunt

George A. O. Beaumont being first duly Sworn doth depose & say that he is informed & believes that — M 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 and justly the property of Benleigh Hunt one of the said defendants in the above entitled suit and on which land the Plaintiff intends to have levy made

Subscribed & Sworn before me this 24th day of May A.D 1844.

Geo. A. O. Beaumont

Saml Ward
Clerk Cook Cir Ct

State of Illinois }
County of Cook } ss

I Lewis D Howard Clerk of the Cook County Circuit Court in the State aforesaid, Do hereby Certify the aforegoing to be a full true and perfect transcript of the Records and proceedings & files now laying in my office in the above entitled Cause up to the issuing of the first

Execution which was issued on the 22nd day of May A.D 1849, and returned ~~Itt~~ by the Sheriff of Lake County "No property found" but which said execution is now lost or mislaid so that it cannot be found, and I do further certify that on the 23rd day of May A.D 1849 an alias Execution was issued herein directed to the Coroner of Lake County, which said Execution has never been returned.

In testimony thereof I have hereunto set my hand and affixed the Seal of said Court at Chicago in said County this 2d day of January A.D 1852.

Seal

L D Board Clerk

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

Pleas before the Honorable Hugh T. Dickey 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 ninth day of March, in the Year of Our Lord One thousand eight Hundred and fifty two, and of the Independence of the United States the Seventy Eighth.

Said term of Court being held, pursuant to a Special Order of the Honorable Hugh T. Dickey 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 first day of January A.D. 1852. and calling said Special term to Commence on the eighth day of March in the Year last aforesaid, 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 aforesaid, Lyman Sprague Sheriff of Lake County, Henry W. Blodgett, State Attorney pro tempore

Attest, A.B. Cole, Clerk"

And that afterwards, to wit; on the thirteenth day of March A.D. 1852 the same being one of the days of the March Special term of said Court for the Year last aforesaid, William S. Scarle, the Solicitor of Henry E. Hunt and Burleigh Hunt filed with the Clerk of said Court two affidavits, which are in the words and figures following, to wit.

"

The Circuit Court for the County of Lake
In Chancery } Of the March Special
Term A.D. 1852

[illegible]

Henry M. Blodgett
Complainant
vs
Henry D. Hunt &
Burleigh Hunt

State of Illinois
County of Lake } ss. William S. Sears
of said County being duly sworn doth
depose and say that he is the Solicitor of
the defendants in the above entitled Cause and
that he has had the, said Cause under his super-
vision & control solely since the Term that the
answers were filed to said bill & that he cannot
proceed to the hearing at this term, and this
deponent further says that the Complainant
did not proceed to take any evidence in
said Cause until this deponent at the last
term of this Court obtained a rule of said
Court that the proofs be closed by the first
day of January A.D 1852. And this deponent
further saith that the said Complainant
did not proceed to take his said proofs
until within a few days of the close of the
time for taking the same by the terms of said
Rule And this deponent further saith that
on the day of the close of the last term of this
Court this deponent was called away
from this County & State & Compelled to
be absent for four weeks thereafter & then
this deponent returned at the end of
said four weeks he was newly blind & could

Could not see, & as to enable him to do any business of any kind & so remained until after the time when the rule had expired to close said proof & could not attend to the taking of any depositions either in this Case or in any other, And this deponent further says that he requested Mr Perry to attend for him at the time when the Complainant took his proof for the purpose of cross examining the witnesses and is informed that he did attend but was called away & could not close his Cross examination And this deponent further saith that the defendant are not residents of this State but reside in Canada & that they have a good defence to said suit & can substantiate the same by one Miriam Hedges with whom this deponent has conversed in relation to the taking of his deposition which said witness now resides in the State of Wisconsin as this deponent is informed and believes & his depositions can be taken in time for the next Term of this Court, And this deponent further saith that he immediately wrote to the defendants upon the entering up of said Rule informing them of the fact & requesting them to give him the names of the witness residing in Canada & which they did but not until this deponent was sick and unable to do business and this deponent says that he is informed by his said Client that they have a defence & as

[12809-b]

& good one to and that they can prove the same by said witnesses And this deponent further saith that he is informed by his said Clients that they can prove that Bentley Wright received the amount of $ 50 money belonging to Doy & Hunt for the purpose of purchasing a lot in Little Rock for the said Doy & Hunt & that he did so purchase the lot in question in this Cause with said money for the said Doy & Hunt. And this deponent further says that he did not write or cause any one to write to the said defendants to inform them that this deponent was unwell & not able to attend to the taking of the testimony as he expected every day to get better & be able to attend to the matter & this deponent has every reason to believe that the defendant expected & believed that the matter would be attended to properly by this deponent as they have employed no one else & this deponent therefore prays that time may be given him to take the testimony in the Cause until the next term of this Court or a sufficient time to take the same for the reasons aforesaid & in as much as the defendants have taken no testimony in the Cause & have a good defence

Subscribed & sworn to before me this 13th day of March A.D 1852.

A. B. Cole. Clerk "

W. K. Sloan "

In the Circuit Court for the County of Lake
In Chancery Of the March Special
Term A.D. 1852.

Henry W Blodgett
Cofft.
vs
Henry E Hunt &
Burleigh Hunt

State of Illinois
Lake County } ss E. Pryce Henry of said County being duly sworn doth depose and say that he has never read the Bill or answers in the above entitled Cause & does not know the contents of Either of them that he has never had the charge or Supervision of said Cause & knows nothing in relation to the facts in said Cause except from a partial Cross examination of some of the Complainants witnesses which said Cross examination this deponent did not complete & the reason why this deponant appeared & Cross examined said witnesses at all was because he was requested so to do by M. S. Scott who was sick & unable to attend at the time & does not know any of the witnesses for the defendant & has not been consulted in relation to said Suit & further this deponent saith not

E Pryce Henry

Subscribed & Sworn to before me this 18th day of March 1852

L. B. Cate, Clerk

1128C9-62

And that afterward, to wit; on the thirteen day of March AD 1852, the same being 4th day of the March Special Term of said Court for the year last aforesaid, proceedings were had in said Court which are entered of record in the word and figure following, to wit;

"Henry W. Blodgett
vs
Henry B Hunt and
Bulleigh Hunt

6 Bill

Now come said parties, the said Complainant in his own proper person, and the said defendants by Seals their Solicitor, and thereupon the said defendant enters their motion founded upon affidavits filed, to vacate the Order to Close proofs heretofore entered herein, and after arguments of counsel the Court takes the same under advisement"

And that afterwards, to wit; on the fifteenth day of March AD 1852 the same being also one of the days of the 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 and figure following, to wit;

6 "Henry W Blodgett
vs
Henry B Hunt and
Bulkley L Hunt } Bill.

Now come, said Complainant in his own proper person, and the said defendants by Beals their Solicitor also come, and the Court being now fully advised as to the motion, to vacate the Order closing proofs heretofore entered herein it is Ordered that the same be vacated, and that the proofs herein be closed up by the first day of the next term of this Court"

And that afterwards to wit: on the third day of April AD 1852, the same being a day in the vacation between the said March Special term of said Court for the Year last aforesaid and the June term of the same Court for the said last mentioned Year a Commissions was issued by the Clerk of said Court under his Hand and the Seal of said Court, which is in the words and figures following to wit:

"State of Illinois,
County of Lake } ss. The People of the State of Illinois
To Lucinda Paddock Esquire of the County
of Kenosha in the State of Wisconsin

(1290-10)

Whereas, it has been represented to us that Hiram Hedges is a material witness in a certain Cause now depending in our Circuit Court, in and for the County of Lake aforesaid on the Chancery side thereof between Henry W Blodgett, Complainant, and Henry B. Hunt and Burleigh Hunt defendants, and that the said Witness resides in the County of Menoshee in the State of Wisconsin aforesaid, without the said State of Illinois, and that his personal attendance cannot be procured at the trial of the said Cause; Now Know Ye that we, in Confidence of Your prudence and fidelity, have appointed You Commissioner to Examine the said Witness, and do hereby authorize and require You to cause the said Witness to come before You at such time and place as You may therefor designate and appoint, and diligently to Examine the said Witness, on the Oath or Affirmation of the said Witness by You first duly in that behalf administered, and faithfully to take the depositions of the said Witness upon all interrogatories inclosed (with) or attached to these presents, both on the part of the said Complainant and of the said Defendants and none others; and the same when thus taken, together with this Commission and the said Interrogatories, to certify into our said Circuit Court with the least possible delay.

L. S.

Witness Augustus B. Cotes, Clerk of our said Court, and Seal thereof, at Waukegan in said County, this third day of April A.D 1852

A. B. Cotes Clerk"

To which said Commission was attached by the said Clerk of the said Court when the same was so as aforesaid issued a Notice and interrogatories, which are in the words and figures following, to wit;

"The Circuit Court for the County of Lake

In Chancery

Henry W. Blodgett
Compt
vs
Henry B Hunt &
Burleigh Hunt

To the Plaintiff in the above entitled Cause

You will please take notice that the defendants in the above entitled Cause will either in person or by Attorney attend before Augustus B. Cotes Clerk of said Court at his Office in Waukegan in said County of Lake on Saturday the third day of April next between the hours of nine o'Clock in the

[12809-61]

Forenoon and One O'Clock in the Afternoon of said day for the purpose of Hearing and there suing out of the Office of said Clerk a Dedemus Potestatum or Commission to be directed to some proper person therein named authorising him to take the depositions upon the Interrogatories hereunto annexed of Hiram Hedges a witness residing in the County of Menosha in the State of Wisconsin to the end that said deposition may be used as evidence on the part of the defendants on the hearing of the above entitled cause at which said time & place of taking out said Dedimus You can attend & file Cross interrogatories if You think proper

Yours &c
Scarls
Sol. For
Defendants

Dated this 23rd day of March A.D. 1852

Interrogatories to be administered on the part of the defendants to Hiram Hedges a witness residing in the County of Menosha in the State of Wisconsin to be produced Sworn and examined before the Commissioner named ~~in the Commission mentioned~~ in the written notice for the purpose of using the depositions of said witness as evidence on the part of the defendants on the hearing of a certain cause now pending in the Circuit Court of the County of Lake and State of Illinois

On the Chancery side thereof wherein Henry W. Blodgett is Complainant & Henry B. Hunt & Burleigh Hunt are Defendants

First Question - What is Your age occupation and place of residence?

Second Question - Are You acquainted with the Complainant & Defendants in the Caption to these interrogatories mentioned or either of them & how long have You known them?

Third Question - Do You know whether or not Burleigh Hunt ever received any Money on the account or for the use of Henry B. Hunt If You say that You do then State when the same was received & what the amount was if You know?

Fourth Question - Did You ever see any person pay any money to Burleigh Hunt for any reason If You say You did then state how much was paid and by whom paid?

Fifth Question - Do You know for what purpose the said Burleigh Hunt received said money If You say that You do then State fully said purpose

Sixth Question - Do You know what the said

Burleigh Hunt did with the said Money by You above mentioned If You do Say that You do Shew & State fully in relation to the Same

Seventh Interrogatory- Do You Know in what Capacity the said Burleigh Hunt was to act in relation to said Money & the persons for whom the same was paid If You say that You do Shew & State the same fully

Henry & Sloan
Sol for Dfts "

And on the back of which said Notice and interrogatories was an indorsement at the time when the said Commission was so as aforesaid issued which is in the words and figures following to Wit;

"Copy the within served on me this 24th March A.D 1852

N. W. Blodgett "

And to which said Commission was also attached by the Clerk of said Court at the time when the same was so, as aforesaid issued by him Cross interrogatories which are in the words and figures following to wit;

11 Cross Interrogatories to be propounded to said witness on the part of said Complainant.

7th If in answer to any of the direct interrogatories You say that You know of said Burleigh Hunt receiving any Money for or on account of said Henry B. Beent then state fully, the sources of Your knowledge upon said fact - and if You have stated what said Burleigh Hunt did with said Money then state how You know said fact - And also state the time when said money was received and and expended and where You were at said ~~[redacted]~~ times

W. W. Blodgett
In person. 11

And that afterwards, to wit; on the Eighth day of May A.D 1852, the said day being also a day in the said vacation between the said March Special and the said June terms of said Court for the said last mentioned Year, the said Commissioner together with the said Notices and interrogatories and Cross-interrogatories so as aforesaid attached thereto and also a deposition which is in the words and figures following: to wit;

12809-61

11

The Deposition of Hiram Hedges of the County of Kenosha State of Wisconsin a witness of lawful age produced sworn and examined upon his Corporal Oath on the fifth day of May in the Year of Our Lord 1852 at the house of Ezekaniah Paddock in the Town of Salem County of Kenosha & State aforesaid by me Ezekaniah Paddock a Commissioner duly appointed by a Dedimus Potestatem or Commission issued out of the Clerks Office of the Circuit Court of Lake County in the State of Illinois bearing test in the name of A B Coles Clerk of said Circuit Court with the Seal of said Court affixed thereto and to me directed as such Commissioner for the examination of said Hiram Hedges a witness in a certain Suit & matter in Controversy now pending and undetermined in the said Circuit Court wherein Henry W. Blodgett is Complainant and Henry B. Hunt & Burleigh Hunt are defendants in behalf of the said Henry B. Hunt & Burleigh Hunt as well upon the Cross interrogatories of the said Henry W. Blodgett Complainant as on the interrogatories of the said Henry B. Hunt & Burleigh Hunt which were attached to or enclosed with the said Commission and upon none others. The said Hiram Hedges being first duly sworn by me as a Witness in the said cause previous ~~to the commencement of his examination in chief to testify the truth the whole truth and nothing but the truth~~

to the Commencement of his examination to testify the truth as well on the part of the Complainant as the defendants. In relation to the matter in Controversy between the said Complainant & defendants so far as he shall be interrogated testified and deposed as follows —

1st " Interrogatory First, What is Your age occupation and place of residence

Answer to first interrogatory — My age is 32 Years Occupation Carpenter, residence in County of Menosha State of Wisconsin

2 Interogatory — are You acquainted with the Complainant & Defendants in the Captions to these Interogatories mentioned or either of them How long have you known them —

Answer to 2 interogatory — I am not acquainted with the Complainant, I have been acquainted with Defendants about twelve years

3 Interogatory — Do You or You know whether or not Burleigh Hunt ever received any money on the account or for the use of Henry B. Hunt if you say that You do then state where the same was received and what the amount was if you know —

Answer to 3d Interogatory I doe know that Burley

Hunt did receive money on the account of Henry B. Hunt the money was received at Burley Hunts residence in Little fort (now called Waukegan Ills on the ~~South~~ East Side of the river the amount received was fifty Dollars

4 Interogatory- Did You ever see any person pay any money to Burleigh Hunt or any person If you say You did then state how much was paid and by whom paid

Answer to 4 Interogatory- I did see a woman who I understood to be some Connection of Burleigh Hunts wife pay Burleigh Hunt fifty Dollars for Henry B. Hunt

5 Interogatory- Doe You Know for what purpose the said Burleigh Hunt received said money if You say that You do then State fully said purpose

Answer to 5 Interogatory- I do Know the purpose for which he received the money it was received to buy village lots in Little fort Ill (now called Waukegan) then soon to be sold to be purchased for Henry B. Hunt

6 Interogatory- Do You Know what the said Burleigh Hunt did with the said money by You above mentioned If You say that

You do then state fully in relation to the same.

Answer to 5th interogatory - I doe Know what he did with the money he purchased 2 lots & 2 ½ lots joining James B Gordens Store on the north I think on Block 25, in Lillefort Ills

7 Interogatory - Do You Know in What capacity the said Burleigh Hunt was to act in relation to said money and the person for whom the said was paid If You say that You do then State the same fully

Answer to 7 Interogatory - I doe Know that he received money for buying lot for Henry B. Hunt She told Burleigh Hunt that She would give Henry B Hunt fifty Dollars if he Burleigh Hunt would buy it out for lots about to be sold in Lillefort he said that he would do so deeds to made to Henry B. Hunt to lay for him till he became of age & ~~has~~ bee his propety She then paid the money to Burleigh Hunt to purchase said lots

Cross Interogatories propounded to the witness on the part of the Complainant

1st Cross interogatory - If in answer to any of the direct interogatories you say that You Know of said Burleigh Hunt receiving any money

[illegible]

For or on account of said Henry B. Hunt then State fully the source of Your knowledge upon said fact and if You have stated what said Burleigh Hunt did with said money then state how you know said fact and also state the time when said money was received and and expended and where You were at said times

Answer to Cross interogatory. I know because I was at his house & saw it paid to him said Burleigh Hunt I was at the sale and knew that he bought the lots in accordance with said arrangement and he said they were for Henry B. Hunt I could not state the exact time but a short time before the Sale of lots in Littlefort in the Spring of 1844 I cannot State the time when the money was expended as do not know whether he paid down for them or a short time after, I was at his house when he received the money but do not know where I was when it was expended as I do not know whether he paid down or a short time after

Hiram Ledger

I E Paddock of the County of Waushara and State of Wisconsin a Commissioner duly appointed to take the deposition of the said Hiram Ledger a witness whose name is subscribed to the foregoing deposition

City personally to be and appear before the Municipal Court of the City of Chicago at a term thereof to be holden at the Municipal Court Room in said City on the first Monday in the month of July next to answer unto the President, Directors and Company of the State Bank of Illinois in a plea of Trespass on the case on promises to the damage of the said — Plaintiffs of Five thousand dollars, and have you then and there this writ.

Witness The Honorable Thomas Ford, Judge of the said Court, and the private Seal of the Clerk (there being as yet no official Seal of the said Court provided) at Chicago this 15th day of June A.D. 1837

L.S.

J. Manning Clerk

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

Executed June the 17th 1837 By reading in presence of Charles Taylor & Berkeley Hunt not found Constable Fees & Services each 50c $ 50 2 Miles each 6¼c 12½ Return 12½ $ 0.75 J. Sturgis High Constable

And afterwards to wit on the twelfth day of July in the same Year last aforesaid it being one of the days of the July Term of said Court, the following among other proceedings were had to wit:

(12809-43)

The President. Directors & Company
of the State Bank of Illinois
vs
Charles Taylor & Burleigh Hunt
} Assumpsit

This day came the Plaintiffs and defendants by their respective attorneys and on motion it is

Ordered that this cause be continued to the next Term of this Court

And afterwards to wit on the fifth day of August of the same Year last aforesaid the said Plaintiffs by Morris & Scammon their attorneys filed their certain declaration which is in the words and figures following to wit:

State of Illinois
City of Chicago
Cook County
} Municipal Court of the City sot. of Chicago for Sept Term 1837

The President. Directors and Company of the State Bank of Illinois Complain of Charles Taylor and Burleigh Hunt in a plea of Assumpsit for that whereas the said defendants on the 5th day of February, in the Year 1837 at the City of Chicago in the County aforesaid, made their promissory Note in writing

and there and there delivered the same to Kimball & Porter, and thereby promised to pay to the Order of said Kimball & Porter three thousand nine hundred & three dollars & twenty on cents at the Branch of the State Bank of Illinois at Chicago four months after the date thereof for value received which period has now elapsed; and the said Kimball & Porter then and there indorsed under their hands ~~& seals~~ delivered the same to the said Plaintiffs, whereof the said defendants then & there had notice, and then and there, in consideration of the premises promised to pay the amount of said note to the said Plaintiffs according to the tenor & effect thereof

And whereas also afterwards to wit on the 10th day of June in the Year 1837 at the City & County aforesaid the said defendants was indebted to the said Plaintiffs in the further sum of Five thousand dollars for so much money then and there had and received by the said defendant to and for the use of the said Plaintiffs; and in the like sum of money for so much money then and there paid by the said Plaintiffs for the use of the said defendants at their request.

And in the sum of Five thousand dollars for money then and there lent by the Plaintiffs, to the said defendants at their requests, and being so indebted they

(12809-M)

the said defendants afterwards on the same day & Year last aforesaid in Consideration of the premises, then and there promised the Plaintiffs to pay them the said Several Sums of money on request.

Nevertheless the said defendants, not regarding their said Several promises and undertakings in the first and second counts above mentioned, have not yet paid the said Several Sums of money nor either of them or any part thereof to the said Plaintiffs, but to pay the same have hitherto wholly neglected and refused and still do neglect and refuse to pay the same to the damage of the said Plaintiffs of $5000.00 and therefore they bring this Suit &c

By Morris & Scammon their attys

(Copy of the Note declared on)

"$3903.21" Chicago Feby. 4th 1837

Four months after date we Severally & jointly promise to pay to the Order of Kimball & Porter three thousand nine hundred & three dollars & twenty one cents at the Branch of the State Bank of Illinois at Chicago for value received

Charles Taylor
Burleigh Hunt

Kimball & Porter
Pay the within to the
order of Hubbard
without recourse to us

do hereby certify that previous to the commencement of the examination of the said Hiram Hedges as a witness in the said Suit between the said Henry W Blodgett Complainant & the said Henry B Hunt & Burleigh Hunt defendant he was duly sworn by me as such Commissioner to testify the truth in relation to the matters in controversy between the said Henry W Blodget Complainant & the said Henry B Hunt & Burleigh Hunt defendant so far as he should be interrogated concerning the same that the said deposition was taken at my house in the town of Salem County of Kenosha State of Wisconsin on the 5th day of May A D 1852 and that after said depositions was taken by me as aforesaid the interrogatories and answers thereto as written down were read over to the said witness and that thereon the same was signed and sworn to by the said deponent Hiram Hedges before me the Oath being administered by me Z Paddock as such Commissioner at the place and on the day and year last aforesaid

Zechariah Paddock
Commissioner Ex. 11

duly inclosed, sealed up and directed to the Clerk of said Court were returned into the Office of the said Clerk the papers

12909-10

inclosing them having thereon at the time when they were so as aforesaid returned indorsement which are in the words following, to wit;

"Augustus B. Coles
Clerk of Lake Co
Circuit Court
Waukegan
Ill"

"Henry W. Blodget
Complainant
vs
Henry B Hunt &
Burleigh Hunt
Defts
Deposition of Hiram Hedges"

"Zechariah Paddock
Commissioner"

And that afterwards, to wit; on the twenty Eighth day of May A.D 1852, said day being also a day in the said Vacation between the said March Special, and the said June, terms of said Court for the year last aforesaid the said Henry W. Blodgett filed with the said Clerk of the said Court a transcript which is in the words and figures following, to wit;

State of Illinois
Cook County
City of Chicago } Ss

Pleas before the Honorable Thomas Hoyd Judge of the Municipal Court of the City of Chicago at a Court begun and held at the Municipal Court Rooms in and for the said City of Chicago, on Monday the third day of July in the Year of Our Lord One thousand Eight hundred and thirty seven and of the Independence of the United States of America the Sixty first.

Present

Honorable Thomas Hoyd, Judge,
Jack Manning Clerk protem,
Norman B. Judd, City Attorney
John Quigley High Constable

Be it remembered, that on the sixteenth day of June A.D 1837 came the President, Directors and Company of the State Bank of Illinois by Morris & Beaumont their Attorneys, and filed their certain precipe which is in the words and figures following to wit:

July Term 1837

State of
County of
City of Chicago.

[12880-92]

The President, Directors and Company of the State Bank of Illinois

vs

Charles Taylor and Burleigh Hunt

} Assumpsit Damages $5000.

The Clerk of said Court will please issue a Summons to the defendants herein returnable at the July Term of said Court 1837.

Morris & Seamans
Pltffs Attys.

And afterwards to wit on the same day and year last aforesaid there issued out of the Clerks Office of said Court the Peoples writ of Summons 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 } ss

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

We Command You that You Summon Charles Taylor & Burleigh Hunt if they shall be found in the said