No. 14383

Supreme Court of Illinois

Baker

vs.

Buckingham

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STATE OF ILLINOIS,

SUPREME COURT,

Third Grand Division

No. 90

Butler
vs
Buckingham

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SUPREME COURT,

APRIL TERM, 1863.

WILLIAM BAKER, *et al.*

vs.

FRANCIS W. BUCKINGHAM,

Administrator of WILLIAM BACKUS.

BRIEF FOR DEFENDANT,

BY

C. BECKWITH.

Filed May 16 1863

L Leland

Clk

SUPREME COURT.

APRIL TERM, 1863.

WILLIAM BAKER, *et al.*, *v.* FRANCIS W. BUCKINGHAM, Adm'r of William Backus.	*Error to Circuit Court of Cook County.*

On the 1st day of July, 1857, William Backus filed his bill in chancery, in the Circuit Court of Cook County, against William Baker, Amos Page, Jacob P. Eastman, John H. Wiggins, George P. Clark, Isaac G. Wilson, Benjamin W. Hobert, Jr., A. A. Hobert, William B. Benson, S. J. Cuyler, Samuel F. Johnson, Joel H. Johnson, Clark Lipe, Samuel W. Perry, John S. Wheat, Abel W. Fuller, J. H. Edwards, J. M. Stone, George Tyler, Alvin W. Judd, Caleb Rich, James T. Pierson, Daniel L. Wells, Emons Taylor, Charles Thompson and Lewis J. Mulford. The bill was drawn with three different aspects and its allegations were made with reference to them.

The first aspect of the bill is, that defendants and complainant, stockholders of the Crystal Lake Ice Company, were mere partners. In this point of view, the bill alleges that the Company had never engaged in any manufacturing, agricultural, mining or mechanical business; but, on the contrary thereof, that the sole and only business, for the transaction of

which the Company was formed, or in which it purported to be engaged, was the cutting and vending of ice, which was not a purpose for which the so-called stockholders were authorized to organize themselves into a corporation. With the same view, the bill alleges that the Company was never legally organized as a corporation, and that it had never existed as such; but that, as a matter of fact, the same had been, since its organization, a general copartnership, and that the property of the Company was then held as a general copartnership property. The interests of the several so-called stockholders, and the manner in which they were severally acquired, were set forth for the same purpose. Other allegations, in regard to the manner in which the affairs of the Company had been conducted, and in reference to its then financial condition, were made in support of this view of the case, and the bill specifically prays that the stockholders may be declared to be general partners.

The second aspect of the bill is, that if the stockholders had ever been legally incorporated, they had forfeited and lost their corporate rights, powers and franchises by reason of their non-compliance with the provisions of the statute under which they were incorporated, and had thereby become general partners. In support of this view of the case, the bill alleges that the stockholders and trustees had failed to comply with nearly every essential requirement of the statute, setting forth the particulars of such non-compliance. Such facts are set forth as would require a court, in an appropriate proceeding, to declare the corporation dissolved; and the bill prays, if the court should be of the opinion that the Company had a corporate existence, that it might be dissolved, and its affairs wound up under the order and direction of the court.

The third aspect of the bill, is, that notwithstanding the stockholders had a corporate character for certain purposes, still they were *quasi* partners, and sustained that relation to each other, as well as the relation of co-stockholders. The nominal corporate body is alleged to hold certain property in trust for the real parties in interest, the stockholders; and the nominal corporation is alleged to be largely indebted to various individuals, which indebtedness the real parties in in-

Note, the Chancery Amendments have been adopted to this bill!

terest, the stockholders, were liable to pay. To support the case, in this aspect, the bill sets forth the nature, character and value of the property thus held, the nature and amount of the liabilities of the Company and its stockholders to third parties, creditors of the Company. Such facts and circumstances are set forth as show that the immediate discharge of such liabilities was indispensable, to preserve the property held by the Company from destruction, and to protect the individual rights of the stockholders. The Company is alleged to be hopelessly insolvent, and many of its liabilities are alleged to be to its laborers and servants, who were then on a strike because they were not paid; and the remainder of its liabilities are shown to be those which the individual stockholders were also liable to pay. The affairs of the Company are alleged to have been grossly mis-managed, and its managing officers are shown to be knowingly allowing its remaining property to go to inevitable destruction, without a single effort to save it. By negligence the affairs of the Company were falling into irretrievable ruin. A large proportion of the property of the Company consisted of ice, which was rapidly melting and deteriorating in value. The remainder of the property consisted chiefly of horses and wagons. The horses were unemployed and were being kept at a large expense, and the wagons were unfit for any use other than for the transportation of ice. The laborers and servants of the Company were preventing the use of horses and wagons. An execution against the Company was in the hands of the sheriff, which was a lien upon all of its property, and a levy of the same was momentarily expected. The Company had been engaged in delivering ice to its daily customers, and the good will of the business would be lost, if the Company failed to keep its engagements with them. The Company was unable to deliver ice, and was losing its customers, and it was without the ability to save itself from utter ruin. A majority of the trustees, who alone had power to act, were absent from the State, and that it was not known when they would return. The bill sets forth certain resolutions, passed at a stockholder's meeting, held on the 15th day of June, 1857, and the action of the trustees there-

on, contemplating a winding up of the affairs of the Company, unless the stockholders, before the 25th of the same month, advanced sufficient moneys to enable it to continue its business, which the stockholders had neglected to do, although fully advised of the condition of the affairs of the Company. In this aspect of the case, the bill prays that a receiver may be appointed, to take charge and dispose of the property for the benefit of all parties in interest, and that the proceeds may be applied in payment of the Company's debts, and for such other and further relief as equity and good conscience might require.

The court appointed a receiver, and ordered an injunction restraining the defendants, their agents and servants, from intermeddling with the property, on the 1st day of July, 1857. The injunction and the summons issued in the case, were served on William Baker, Amos Page and Samuel F. Johnson, the trustees of the Company, and upon E. A. Tarbell, its superintendent, on the 4th day of July, 1857. The receiver made report to the court, on the 7th day of July, 1857, that he had sold the entire property of the Company for the sum of $10,000, less some expenses, subject to the approval of the court; and with such report was filed the affidavit of E. A. Tarbell, the superintendent, showing the sale to be a judicious one. On the 8th day of July, 1857, the receiver's report was confirmed. On the 15th day of October, 1857, the defendants were defaulted, and the bill was taken *pro confesso*, and a final decree was rendered on the 17th day of December, 1857, by which all the funds in the receiver's hands were applied to the payment of the Company's just debts proven, or to be proven up before the master.

On the 13th day of July, 1858, the defendant, John S. Wheat, filed a petition to open the decree as to him, upon the ground that he had not had personal notice of the suit. This petition was granted on the 21st day of March, 1859, and on the 19th day of October, 1861, Baker *et al.* filed a petition to open the decree as to them, which was overruled on the 18th day of February, 1862.

I.

The complainant and defendants were *quasi* partners. The provisions of the statute requiring a suit to be brought against the corporation in the first instance, and within a certain time, are to be regarded as limitations upon their liability as

ticable, any stockholder had a right to have its affairs wound up.

Jennings v. Baddeley, 3 Kay & Johns. 78.

II.

IV.

The trustees of the Company were notified of the proceedings in this case on the 4th day of July, 1857, four days before the confirmation of the receiver's report of sale. They had ample opportunity to interpose any objection which they might have had to the proceedings, but they preferred to lie by, until the funds were all paid out in exoneration of their individual liability, without making any complaint whatever. Now what would be gained by a reversal of the decree of the court below? The property of the Company has all been converted into money, and it has been paid over to the Company's creditors. No return of the property or money is expected,

V.

VI.

There is a marked distinction between the powers of a court of equity and the proper exercise of those powers. A court of equity is one of general jurisdiction, and as such, has power to grant injunctions and appoint receivers in all cases; but it does not follow that the court will take cognizance of all cases, nor that it will grant an injunction or appoint a receiver in every case. It is sometimes material to observe the distinc-

tion between the power of the court and the cases of which it will take cognizance. Such cases as a court of equity takes cognizance of are said to be within its jurisdiction for the reason that the court takes cognizance of them; and such cases as the court will not take cognizance of are said not to be within its jurisdiction for the reason that the court will not take cognizance of them. But it will be borne in mind that the court is the judge of what cases it will take cognizance. The power of the court does not depend upon whether the case presented is one of which it will take cognizance, nor upon its equity. In this country we have adopted the English system of jurisprudence and to ascertain the powers of our courts it is frequently necessary to recur to the origin of the powers of the different courts of England. Anciently, the whole judicial authority

[redacted]

seal was issued out of chancery, called an original writ, directed to the sheriff of the county where the injury was alleged to have been committed, containing a summary statement of the cause of complaint, and requiring him to bring the wrong doer

[redacted]

placed. The manner of its exercise was by another writ, also issuing under the great seal, called the writ of subpœna, which was directed to the defendant personally and commanded him under a penalty to appear and answer to such things as were alleged against him and to abide by the decree which should be made. All complaints were made, in the first instance, to the Lord Chancellor as the minister of the Crown. If the grievance complained of was one for which the complainant could obtain an ample remedy in a court of law, the

Lord Chancellor required the persons committing the grievance to be brought before that court; but if the grievance was one for which a court of law could not give an adequate remedy, he required the persons committing the grievance to appear before him, that justice might be done. Thus, it will be seen that the power of the Lord Chancellor was the power of the Crown to administer justice between its subjects, and did not, in any manner, depend upon his judgment whether he would take cognizance of the complaint personally, nor upon the merits, of such complaint. If the Lord Chancellor personally took cognizance of a complaint which more properly should have been referred by him to a court of law, or came to an erroneous conclusion as to the merits of the complaint, such error never rendered his decrees void. So, the Lord Chancellor had power to grant injunctions and appoint receivers, and his power in this regard did not depend upon the circumstances under which the injunction was granted or the receiver appointed. If the circumstances under which the power was exercised did not call for its exercise, or rendered its exercise improper, it was only an error of judgment, and never rendered the order void. The same rules apply to the orders and decrees of courts of equity in this country. The court below had power to appoint a receiver to take charge of the property mentioned in the bill, whether the Crystal Lake Ice Company was before the court or not.

Evans v. *Coventry*, 31 Eng. Law and Eq. 436.
Gray v. *Chaplin*, 2 Russ. 145.
Malcolm v. *Montgomery*, 1 Hogan, 93.

If the Crystal Lake Ice Company was aggrieved by the order appointing a receiver, it should have applied to the court and obtained an order for the re-delivery of the property. It frequently happens that a receiver, under an order of court, takes possession of property belonging to those who are not parties to the suit, and in such cases the court gives the appropriate redress upon proper application by the party aggrieved. The order requiring the receiver to take possession of the property of the Crystal Lake Ice Company, if an error, is not an error of which the plaintiffs in error can complain. The

order appointing a receiver was not a final decree from which an appeal could be taken.

3 Daniell's Ch. Pr. 1984.
2 Daniell's Ch. Pr. 1269 *et seq.*

VII.

The final decree in the court below was rendered on the 17th day of December, 1857, and all errors in such decree and prior to that time are barred by the statute of limitations.

VIII.

It is insisted that when the decree of the court below was set aside as to Wheat, it should have been set aside as to the other defendants, for the reason that the decree was a joint one, and that after it was set aside as to one defendant it could not stand as to the others. In considering this question the decree must be considered as properly rendered. It was not set aside as to Wheat for any error in the decree, but in accordance with a statutory provision giving him the right to have it set aside whether erroneous or not. The decree, therefore, for the purposes of the defendant's motion, must not only be looked upon as correct, but as having been set aside as to Wheat upon the statutory ground in no way impeaching its correctness; and the rule, which obtains where a decree is rev~~oked~~ersed for error as to one of several defendants, does not apply in the present case. If the nature of the suit was such that, if the complainant failed to establish his case against any one of the defendants, he could have no decree against the others, there would be some force in the position. As, in action at law upon a joint contract, if one defendant is defaulted and the other plead to issue, and it be found for him, no judgment can be rendered against the defendant who has been defaulted.

But, in suit in chancery, there may be a decree against

some of the defendants and the bill be dismissed as to others. If, before final decree, Wheat had filed an answer denying that he ever had any interest in the Company and had proven his answer to be true, the dismissal of the bill as against him would not have affected the complainant's right to a decree as against the other defendants. Had the bill been dismissed as to Wheat, the decree against the other defendants would have been precisely the same as it now is. There was, therefore, no reason for setting aside the decree upon the motion of the defendants, Baker and others.

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SUPREME COURT,

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vs.

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Filed May 16. 1863
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on, contemplating a winding up of the affairs of the Company, unless the stockholders, before the 25th of the same month, advanced sufficient moneys to enable it to continue its business, which the stockholders had neglected to do, although fully advised of the condition of the affairs of the Company. In this aspect of the case, the bill prays that a receiver may be appointed, to take charge and dispose of the property for the benefit of all parties in interest, and that the proceeds may be applied in payment of the Company's debts, and for such other and further relief as equity and good conscience might require.

The court appointed a receiver, and ordered an injunction restraining the defendants, their agents and servants, from intermeddling with the property, on the 1st day of July, 1857. The injunction and the summons issued in the case, were served on William Baker, Amos Page and Samuel F. Johnson, the trustees of the Company, and upon E. A. Tarbell, its superintendent, on the 4th day of July, 1857. The receiver made report to the court, on the 7th day of July, 1857, that he had sold the entire property of the Company for the sum of $10,000, less some expenses, subject to the approval of the court; and with such report was filed the affidavit of E. A. Tarbell, the superintendent, showing the sale to be a judicious one. On the 8th day of July, 1857, the receiver's report was confirmed. On the 15th day of October, 1857, the defendants were defaulted, and the bill was taken *pro confesso*, and a final decree was rendered on the 17th day of December, 1857, by which all the funds in the receiver's hands were applied to the payment of the Company's just debts proven, or to be proven up before the master.

On the 13th day of July, 1858, the defendant, John S. Wheat, filed a petition to open the decree as to him, upon the ground that he had not had personal notice of the suit. This petition was granted on the 21st day of March, 1859, and on the 19th day of October, 1861, Baker *et al.* filed a petition to open the decree as to them, which was overruled on the 18th day of February, 1862.

The purpose for which the copartnership was formed, having become impracticable, a court of equity had power, on application of one of the partners, to wind up its affairs. The stockholders of companies organized under the Act of Feb. 10, 1849, are, until the whole capital of the company is paid in and a certificate thereof filed with the county clerk, liable to creditors to an amount equal to the amount of stock held by them respectively, and they are liable to an unlimited amount for all debts that may be due and owing to laborers, servants and apprentices, for services performed for the corporation. The trustees of such a corporation have power to render the stockholders individually liable to an unlimited amount, but it is submitted that when the purpose for which the corporation was organized has failed, or become impracticable, that this power cannot be exercised contrary to the will of a minority of the stockholders.

appropriation made.

Angell & Ames on Corp. 663 et seq.
Vose v. *Grant*, 15 Mass. 505.
Wood v. *Dummer*, 3 Mason, 308.
Curson v. *African Co.*, Skinner's R. 84.
S. C., 1 Vernon, 121.

1. The stockholders had a right to have the funds of the Company appropriated in discharge of its liabilities, and in exoneration of their individual liability, and the neglect of the trustees to make such appropriation was a breach of trust which entitled any of the stockholders to come into a court of equity and have the appropriation made.

Dodge v. *Woolsey*, 18 How. 341.
Sears v. *Hotchkiss*, 25 Conn. 171.

Now what would be gained by a reversal of the decree of the court below? The property of the Company has all been converted into money, and it has been paid over to the Company's creditors. No return of the property or money is expected, but it is supposed that such reversal will enable the plaintiffs in error to sue the officer of the court who executed its decree. It is submitted that the court will not reverse an executed decree under such circumstances.

Curtiss v. *Brown*, April T., 1863.

V.

It is not material to consider whether the Crystal Lake Ice Company *co nomine* was a necessary party. The non-joinder of the Company cannot be assigned as error by the plaintiffs in error.

VI.

In this country we have adopted the English system of jurisprudence and to ascertain the powers of our courts it is frequently necessary to recur to the origin of the powers of the different courts of England. Anciently, the whole judicial authority of the Crown was exercised by the King in person, sitting in his royal court called the *aula* or *curia regis*. Afterwards, portions of this authority were delegated to the courts of law; and, where an injury was sustained which the authority of these courts was adequate to redress, a writ under the great seal was issued out of chancery, called an original writ, directed to the sheriff of the county where the injury was alleged to have been committed, containing a summary statement of the cause of complaint, and requiring him to bring the wrong doer before the proper court of law there to answer the plaintiff's charge. The portion of the royal authority which was not thus delegated to the courts of law remained in the Sovereign, as a branch of his prerogative, and was entrusted to the Lord Chancellor as the minister in whose custody the great seal was placed. The manner of its exercise was by another writ, also issuing under the great seal, called the writ of subpœna, which

have been referred by him to a court of law, or came to an erroneous conclusion as to the merits of the complaint, such error never rendered his decrees void. So, the Lord Chancellor had power to grant injunctions and appoint receivers, and his power in this regard did not depend upon the circumstances under which the injunction was granted or the receiver appointed. If the circumstances under which the power was exercised did not call for its exercise, or rendered its exercise improper, it was only an error of judgment, and never rendered the order void. The same rules apply to the orders and decrees of courts of equity in this country.

frequently happens that a receiver, under an order of court, takes possession of property belonging to those who are not parties to the suit, and in such cases the court gives the appropriate redress upon proper application by the party aggrieved.

VIII.

It is insisted that when the decree of the court below was set aside as to Wheat, it should have been set aside as to the other defendants, for the reason that the decree was a joint one, and that after it was set aside as to one defendant it could not stand as to the others. In considering this question the decree must be considered as properly rendered. It was not set aside as to Wheat for any error in the decree, but in ac-

ry provision giving him the right

the others, there would be some force in the position. As, in action at law upon a joint contract, if one defendant is defaulted and the other plead to issue, and it be found for him, no judgment can be rendered against the defendant who has been

some of the defendants and the bill be dismissed as to others. If, before final decree, Wheat had filed an answer denying that he ever had any interest in the Company and had proven his answer to be true, the dismissal of the bill as against him would not have affected the complainant's right to a decree as against the other defendants. Had the bill been dismissed as to Wheat, the decree against the other defendants would have been precisely the same as it now is. There was, therefore, no reason for setting aside the decree upon the motion of the defendants, Baker and others.

William Baker, Amos Page, Jacob P. Eastman, John H. Wiggins, George P. Clark, Isaac G. Wilson, Benjamin W. Hobert Jr, A.A. Hobert, W.B. Benson, S.J. Cuyler, Samuel P. Johnson, Jacob H. Johnson, Clark Lipe, Samuel W. Perry, John S. Wheat, Abel W. Fuller, J.H. Edwards, J.M. Stone, George Tyler, Alvin W. Judd, Caleb Rich, James T. Pierson, Daniel L. Wells, Emons Taylor, Charles Thompson, and Lewis J. Bulford.

Plaintiffs in Error.

versus

Francis W. Buckingham, Administrator of William Baker, deceased,

Defendant in error.

In the Supreme Court of the State of Illinois.

April Term. A.D. 1863.

And now the said Buckingham moves that the writ of error in the above cause may be dismissed and held for naught for the reason that said writ is brought to reverse a decree of the Circuit Court of Cook County, and that said decree at the time of

suing out of said Writ of Error was not in force against said John S. Wheat, one of said plaintiffs in error, and that said decree was never in force against said Isaac G. Wilson, another of said plaintiffs in error, as fully appears by the record of said Circuit Court on file in this Court, and inasmuch as neither the said Wheat nor the said Wilson had any right to sue out said writ of error or to prosecute the same the said Buckingham prays that the same may be dismissed.

Francis W Buckingham Admr
of Wm Backus
By his Atty C Beckwith

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Motion to Dismiss

William Baker et al

vs

Francis W Buckingham
Admr

Filed May 2, 1863

J Leland. Clk

UNITED STATES OF AMERICA,

STATE OF ILLINOIS, COUNTY OF COOK, SS.

Fol. 1

Pleas, before the Honorable George Manierre Judge of the Seventh Judicial Circuit of the State of Illinois, and sole presiding Judge of the Circuit Court of Cook County, in the State aforesaid, and at a term thereof begun and held at the Court House in the City of Chicago, in said County, on the third Monday, (being the Sixteenth day) of November in the year of our Lord One Thousand Eight Hundred and fifty-seven and of the Independence of the said United States the eighty second

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

Carlos Haven States Attorney.

John L. Milen Sheriff of Cook County.

Attest, William L. Church Clerk.

Be it remembered that heretofore, to wit: on the first day of July in the year of our Lord One thousand Eight hundred and fifty Seven, there was filed in said Court a certain Bill of Complaint which is in the words and figures following, to wit:

In the Circuit Court of Cook County
In Chancery

To the Honorable George Manierre Judge of the Circuit Court of Cook County in Chancery sitting.

Humbly Complaining Showeth unto your Hon. William Backus of Chicago, in the County of Cook and State of Illinois. That on or about the fifteenth day of December in the year of our Lord one thousand Eight hundred and fifty five

Amos Page of Janesville Wisconsin Charles E Thompson now of Philadelphia Pensylvania then of Chicago, John H Wiggins then of Chicago and now of Wisconsin, George O Clark then of Boston Massachusetts, and now residing in the State of Michigan, together with Daniel L Wells then of Chicago and now of Wisconsin associated themselves together and purported to form a Corporation for the Manufacturing Cutting Working Vending and dealing in Ice under the name of the Crystal Lake Ice Company.

And your Orator would further show unto your Honor that for that purpose, the said Amos Page Charles E Thompson Daniel L Wells George O Clark and John H Wiggins did cause to be filed in the office of the Clerk of the County of Cook in the State of Illinois a Certificate of incorporation, a Copy of which said Certificate is hereunto Annexed marked Exhibit A. and made a part of this your Orators Bill of Complaint in and by which said Certificate it is stated that said Corporation was formed under and in pursuance of a Law of the State of Illinois entitled an act to authorize the formation of Corporations for Manufacturing agricultural Mining or Mechanical purposes" Approved February the tenth A D 1849. in and by which said Certificate it was also further made to appear that the Capital Stock of said Company

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was the sum of Fifty Thousand Dollars divided into five hundred shares of one hundred Dollars each and in and by which said Certificate of incorporation it was further made to appear that the number of Trustees of Said Company should be five and that all of said Corporators were to be trustees for the space of one year and that the place of business of said Company should be the town of Algonquin in the County of Mc Henry in the State of Illinois and in the City of Chicago aforesaid — And your Orator further States and shows unto your Honor that he has been informed and believes the same to be true that at the time of the formation of said Crystal Lake Ice Company the said five hundred shares of Stock of said Company was taken and held by the following named persons in the following proportions to wit, William Baker of Mc Henry County possessed and owned five shares of the Stock of said Company George Clark then of Boston Massachussetts owned thirty four shares of the Stock of said Company E J Cyler of Janesville Wisconsin owned five shares of the Stock of said said Company. Amos Page of Janesville Wisconsin and Jacob P Eastman of Boston Massachussetts under the name of Eastman & Page owned one Hundred shares of said Stock. A A Hobart of Chicago owned

ten shares of said Stock. Samuel F Johnson of Chicago owned fifty shares of said Stock Joel H Johnson of McHenry County owned sixty shares of said Stock Clark Lake owned ten shares of said Stock. Charles E Thompson then of Chicago and now of Philadelphia Pennsylvania owned thirty three shares of said Stock - Samuel W Perry of Wisconsin owned fifty shares of said Stock. John H Wiggins then of Chicago and now of Wisconsin owned thirty three shares of the Stock of said Company. John S Wheat of McHenry County owned ten shares of said Stock Daniel S Wells. then of Chicago and now of Wisconsin owned fifty shares of said Stock Simons Taylor owned ten shares of said Stock and your Orator owned and still owns twenty five shares of said Stock. Amounting in all to four hundred and eighty five shares of said Stock of said Company. leaving fifteen shares undisposed of and remaining unsold. upon which said four hundred and eighty five shares of stock of said Company assessments to the amount of sixty dollars per share have been levied amounting in all to the sum of Twenty nine thousand and one hundred Dollars. upon which said assessments your Orator is informed and believes the same to be true, that there has been paid only the sum of Twenty three thousand and fifty five Dollars and Seventy three Cents -

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And your Orator would further show unto your Honor that the names of the several present holders of said Stock, and from whom the same was obtained whether by original purchase or otherwise and the amounts due on said several shares of Stock to said Company is fully contained and set forth in a Schedule hereunto annexed Marked Exhibit B. and which your Orator prays may be taken as a part of this his Bill of Complaint —

And your Orator further states and shows unto your Honor that he has been informed and believes the same to be true that each and all of the present holders of Stock of said Company are in default on the payment of the assessments levied on their Stock and that the last assessments levied on the Stock of said Company which is now past due is remaining unpaid by such Stockholders and that each of the Shareholders in said Company have neglected and failed to pay the said last assessment. And your Orator would further state and show unto your Honor that he has been informed and believes the same to be true. that since the formation of said Company such further proceedings have been had with regard to the Stock of said Company. that the said Joel H Johnson has disposed of forty five shares of the Stock of said Company standing in

his name in the manner following that is to say to Isaac G Wilson of Kane County ten shares to Abel M Fuller of McHenry County ten shares to George M Tyler of said last named County fifteen shares to S H Edwards of Boston Massachusetts five shares and to Caleb Rich of McHenry County five shares, all of which said several respective sales and transfers were made on or about the thirteenth day of March A.D. 1857. and all of which said last mentioned stock is now held by the last named persons except the said George Tyler by whom ten shares have been transferred to Alvin Judd of McHenry County aforesaid the precise date of said last mentioned transfer your orator is not able to state and show unto your Honor. that in and during the month of March A.D. 1856 said Charles B Thompson transferred the said thirty three shares standing in his name to said John H Wiggins then of Chicago and now of Wisconsin and that in same month the said Wiggins transferred fifty shares of said stock standing in his name to said Eastman Page and at the same time did also transfer to one William B Benson of Wisconsin sixteen shares of said stock which said sixteen shares of said stock were subsequently on or about the sixteenth day of June A.D. 1856 assigned by said Benson to one Lewis I Mulford of Wisconsin by whom they were subsequently transferred to said Benson

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the precise date of said last mentioned transfer your orator is unable to state and show unto your Honor. And said Sixteen shares of said Stock were subsequently at some time during the month of October A.D. 1856 assigned and transferred by said B Benson to said John A Wiggins by whom they are now held.— that Simons Taylor did on or about the 13th day of December A.D 1856. assign and transfer to said Samuel W Perry ten shares of said Stock standing in his name by whom they are now held. and that said A A Robert did at some time during the Summer or fall last past assign and transfer to one Benjamin W Robert Jr. of Boston Massachusetts five shares of the Stock of said Company by whom they are now held. and that said Eastman & Page did on or about the Twelfth day of June 1857. transfer five shares of the Stock of said Company standing in their name to one Jesse M Stone of Minnesota Territory and did subsequently on or about the twenty fourth day of June A.D. 1857. transfer to one James S Ellison of Wisconsin Thirteen shares of said Stock by whom the same is now held. and that the said Daniel L Wells did during the present month transfer to one William B Benson of Wisconsin Fifty shares of said Stock standing in his name. all of which said Several transfers above set forth were made

without the knowledge or Consent of your Orator and that he has but just been made acquainted with the same. —

And your Orator further shows and states unto your Honor that he has been informed and believes the same to be true that soon after the filing of said Certificate of incorporation as has been hereinbefore stated and shown to your Honor the said Trustees named in said Certificate that is to say said Amos Page. John H Wiggins. Charles E Thompson Daniel L Wells and George T Clark met and purported to organize said Company by the appointment of Amos Page as president and George T Clark as Secretary and Treasurer of said Company. that subsequently on or about the Twenty eighth day of March A.D. 1856 the said George T Clark resigned his office of Secretary & Treasurer of said Company. but still retained his office of Trustee and at the same time returned to his place of Residence Boston in the State of Massachussetts. that at the same time the said Charles E Thompson resigned his office of Trustee and Samuel W Perry was appointed Trustee of said Company in place of said Thompson and was also at the same time appointed Secretary & Treasurer in place of said George T Clark. that subsequently on the fourth day of April A.D.

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1856. the said Wiggins resigned his office of Trustee of said Company. and William B Benson of Wisconsin was appointed to fill such vacancy leaving Samuel W Perry the only Trustee of said Company who was a Citizen of the State of Illinois. said Wells having prior to that time removed to the State of Wisconsin, and said Page having all the time resided in said State of Wisconsin and your Orator would here further show and state unto your Honor that said Benson continued to act as Trustee of said Company until the 29th day of November A.D. 1856 although during most of said time he was not the holder of a single share of Stock in said Company. his said Benson Stock having been transferred to Lewis I Swalford of Wisconsin as your Orator is informed and believes true. and your Orator would further show unto your Honor that he has been informed and believes the same to be true that the said Benson on said 29th day of November A.D. 1856 resigned his office of Trustee of said Company and that John H Wiggins then of Chicago Illinois was appointed to fill such vacancy. and that subsequently on the 30th day of March A.D. 1857 the said Perry resigned his office of Treasurer & Secretary of said Company and that Alexander C Cowlitz who has not and is not a Stock holder in said Company was appointed to

fill such vacancy. and that on or about the said last mentioned day the said Samuel W. Perry and said John H Wiggins removed from the State of Illinois to the State of Wisconsin by reason of which said last removals the said Company had no Trustee who was a Citizen of the State of Illinois, Contrary to the Statute of this State under which they pretended to have been organised.

And your Orator would further show unto your Honor that by the Bye Laws of said Company the annual Meeting of the Stockholders of said Company was to be holden at its office in the City of Chicago on the first Monday of November in each year. and that the Trustees of said Company were to be elected annually at such meeting. And your Orator further states and shows unto your Honor that no annual meeting was held at the office of said Company or at any other place on said first Monday of November AD 1856. and that the annual meeting of the Stockholders of said Company has not been held since that time, that the Secretary of said Company did not give thirty days notice of a meeting of the said Company as he is required by Law to do, but that the Trustees of said Company pretended to hold over for in their offices without any Election or right as your Orator is informed and believes

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tens. And your orator would further show unto your honor that subsequently and at a meeting of the Stock holders of said Crystal Lake Ice Company held their office in the City of Chicago or about the fifteenth day of June A D 1857. the said Higgins. Clark. Perry. and Wells were removed from their said offices and said Amos Page resigned his office. and at the same time said Amos Page of Wisconsin and Samuel J Johnson and William Baker of Illinois were elected Trustees to fill the vacancy

And your orator further shows and states unto your Honor that he has been informed and believes the same to be true that the said Company have never complied with the requirements of the Statute of the State of Illinois entitled an act to authorise the formation of Corporations for manufacturing Agricultural Mining or Mechanical purposes under which act the said Corporation pretends to have been formed. in this that they have never kept a book in their office alphabetically arranged containing the names of the Stockholders of said Company with their place of residence and number of Shares held by each and the Amount of Stock paid in. that they never have published in any Newspaper a report showing the Amount of Capital. the proportion paid in and Amount of Existing debts. and for the

further reason that one half of the Capital Stock of said Company was not paid in within one year of its said organization and has never yet been paid in. And for the further reason that the said Company has never engaged in any Manufacturing Agricultural Mining or Mechanical business, but on the contrary thereof have been engaged in the business of Cutting & Vending ice and said last mentioned business is all the business the said Company was formed or purported to be engaged in, and that there is no such business known as the Manufacturing of ice.

And your Orator further shows unto Your Honor that said Company has never legally organized as a Corporation and never has existed as a Corporation, but that as a matter of fact the same has been since its organization a general Copartnership, and that the property of said Company is now held as general partnership property, and he would further show unto Your Honor that if said Company were ever legally organized and ever existed as a Corporation that it ceased to exist as such on the Nineteenth day of December A.D. 1856, for and by reason of the fact that one half of the Capital Stock of said Company had not been paid in on that day as

is required by the Statute in such Case made and provided. and that since that time if it ever existed as a Corporation, which your Orator denies, that it has ceased to exist as such for the reason above stated and the property is now held as partnership property and the members of said Company are severally liable for the debts of said Company as Copartners as aforesaid.

And your Orator further shows unto your Honor that soon after the formation of said Company as has been hereinbefore stated more fully set forth, that the said Company commenced the cutting of ice and the erection of ice houses at Crystal Lake in the town of Algonquin in the County of McHenry for the purpose of storing said ice. and did also at the same time purchase some small tracts of land of moderate extent for the purpose of erecting said ice houses on the same. and did also at the same time purchase the land and right of way for the laying of a Railroad track from their said ice house to the Chicago St Paul and Fon du Lac Railroad the title to all of said grounds and tracts of land so purchased as aforesaid being taken in the name of said Amos Page and by him held as Trustee for the Company. a full description of all of which said lands so purchased an

aforesaid is contained in a Schedule hereunto annexed marked "Exhibit B" and which your Orator prays may be taken as a part of this his Bill of Complaint. And at the same time or shortly after the said Company commenced the laying and grading of a Railroad track on said grounds so purchased as aforesaid from their said ice houses to said Chicago, St Paul and Fon du Lac Railroad Company, a distance of one mile and seven eighths of a mile in length all of which said works were erected and finished at a great & improvident expense and without regard to the true interests of the stockholders of said Company as your Orator is informed and believes the same to be true.

And your Orator would further show unto your Honor that the said Company did continue in their said business of dealing in ice and in the transporting of the same from Crystal Lake to Chicago during said season of A.D. 1856 and that they did transport the same to Chicago and there sell the same. and that their said business was conducted as your Orator is informed and believes true during said year 1856 at a loss to said Company of more than Six Thousand Dollars -

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And your orator would further show and state unto your Honor that said Company during the winter last past continued in their said business of Cutting and Storing ice that the same owing to the Severity of the weather and as your orator is informed and believes true in part to mismanagement - was Conducted at a great Expense to said Company. and that said Company for the purpose of Conducting their said business was necessitated during the past Spring to make heavy purchases of Horses Wagons Harness and other articles to assist in the delivery of ice in the City of Chicago and to proceed to the Erection of houses and fences in the City of Chicago which are nearly Completed for the Stabling of said Horses and the Storing of said Wagons. all of which has been done at great Expence and that said Company is now Continuing in its said business and Conducting the same in the City of Chicago aforesaid at a very great Expence and at a daily loss to said Company. and your orator would show unto your Honor that he has been informed and believes the same to be true that the business of said Company is now Conducted at a loss to said Company of more than Five Hundred Dollars per Month.

And your orator would further show

unto your Honor that he is informed & believes the same to be true that the said Company is at the present time greatly in debt and embarrassed for want of means that it is now more Seven Thousand Dollars in debt. that the several holders of the Stock or Shares in said Company have each and all of them failed and neglected although requested so to do. to help the said Company or to contribute to or to advance the means to relieve said Company from its embarrassments. or to help meet the demands against said Company.

And your Orator would further show unto your Honor that he is advised and believes the same to be true that during the month of April last past a judgment was obtained against said Company in Cook County Court of Common pleas in favor of Wilcox Lyon & C for the sum of four hundred and twelve $\frac{25}{100}$ Dollars besides Seven $\frac{15}{100}$ Dollars costs upon which said judgment Execution has been issued out of said Court and is now in the hands of the Sheriff of Cook County. and said Company is liable at any moment to have the personal property of said Company sold to satisfy said judgment so obtained as aforesaid

And your Orator would further show unto your Honor that all of the creditors of

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said Company have now for a long time been delayed in the payment of their demands and are now daily threatening to commence proceedings against said Company to enforce the payment of their demands.

And your Orator would further show unto your Honor that he is advised and believes the same to be true that the Notes and Acceptances of said Company are fast maturing and coming due. And that no provision has been made for the payment of the same and that the same when they fall due cannot be met for the reasons above stated.

And your Orator would further show and state unto your Honor. that the said Company from the nature of its business is compelled to employ a large number of laborers and other servants and that he is informed and believes the same to be true that the said Clerks Laborers and servants of said Company have been for a long time now past delayed and kept out of their wages and that a party of said Laborers and servants of said Company are now on a strike and refuse longer to work for said Company or to permit others to work for the same for the reason that their wages have not been paid to them and that said Company is greatly in debt to them and your Orator would further show

unto your Honor that said Company has no means to meet the demands of their said Servants or Employees and that in the opinion of your Orator it is impossible for said Company longer to carry on its said business for the reasons above stated.

And your Orator would further show unto your Honor that all the property of said Company Excepting its Real Estate which is of little value and of a perishable nature and cannot be kept Except at great Expense and deterioration in value and that if said property of said Company were sold at a Sheriff Sale or at a forced Sale, it would not as your Orator is informed and believes true realize sufficient to pay the demands against said Company and could only be disposed of at a very great sacrifice on its true value, that the business and property of said Company is of a perishable nature, and one which would at the present time as your Orator is informed and believes true at a fair sale realize more than sufficient to satisfy all demands against said Company and would most fully protect the interest of the Stock Holders of said Company but that the same if held till the warm season has passed could only be so held at a very Expense and loss to the Creditors and Stock holders of said Company and at a very great

depreciation on the Amount and Value of property of the Same at the End of Said Season or Latter in Said Season Could not be Sold at as large a price as Can now be obtained for the Same. And your Orator would further State and Show unto your Honor that he is informed and believes the Same to be true that a large proportion of the property of Said Company consists of Ten Thousand Tons of Ice, which ice if it were Carried over as will the warm weather must greatly deteriorate in Value and lessen in Amount, that the Wagons of Said Company are wagons that are built Expressly for the ice business and of Comparatively little Value for any other business and that if held until the fall would not Sell until the next Spring or Summer. that the Said Company is now the holder of a large Number of Horses, which are kept at a daily Expense to Said Company. And the Same is true of all other the property of Said Company

And your Orator would further Show that he is advised and believes the Same to be true that Said Company is hopelessly insolvent and that if the property of Said Company is not Sold by a Receiver to pay the debts of Said Company that then and in that case the Same will be Sold at a Sheriff Sale to Satisfy the Judgments Existing against Said Company

and will be disposed of at a very great sacrifice.

And your Orator would further show unto your Honor that the Real Estate held by said Company and standing in the name of Amos Page is of very little value as your Orator is informed and believes true except for said ice business and from its situation and position as well as nature that it is greatly for the interest of all parties concerned that it should be sold with the other the personal property of said Company. And your Orator would further show and state unto your Honor that of the said four Hundred & Eighty five shares of said stock of said Company, three Hundred & twelve shares represented by Eleven different holders is held by persons residing in the States of Wisconsin, Michigan and Massachussetts and in the Territory of Minnesota, who are all non-residents of the State of Illinois. And that the remaining One Hundred and Seventy two shares represented by twelve different holders excepting your Orator is held and owned by parties residing in the State of Illinois and but two of the holders of said stock besides your Orator, said Baker reside in the County of Cook. said Baker who

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does business in Chicago. where the principal business of said Company is transacted.

And Your Orator further shows unto Your Honor that he is advised and believes the same to be true that all of the share holders in said Company have been fully advised of the present condition of said Company and have been urged to assist said Company to meet its liabilities but that they have all neglected and failed ~~to~~ to do.

And Your Orator would further state and show unto Your Honor that he is advised and believes the same to be true that the affairs of said Company are daily becoming more involved and embarrassed and that said Company can not continue in its said business for the reasons hereinbefore stated and shown unto Your Honor. And that it is absolutely necessary for the protection of the rights and interests of the creditors as well as of the stock holders of said Company that a Receiver should be immediately appointed for said Company. who should have the power to take and receive into his possession all and singular the property of said Company both real and personal. and should have full power and authority to make a present sale of the effects and property of said Company both real and personal on the

best terms that can be obtained for the same. — And that the proceeds of said sale should be applied first toward the payment of the debts of said Company —

And your Orator would further show unto Your Honor. that owing to the great number of shareholders in said Company. and also for the reason that so great a Majority of the shares of said Company are held by persons residing out of the State of Illinois as has been heretofore stated and shown unto Your Honor it is impossible to close the said — Company without the interposition and aid of this Court.

And your Orator would further show unto your Honor that at a Meeting of the StockHolders or Shareholders of said Company held at their office in the City of Chicago on the fifteenth day of June A D 1857. the holders of three Hundred & fourteen shares of the Stock of said Company being present or represented at such Meeting and voting, the following Resolution was unanimously passed That the trustees or a majority of them have full power and authority if in their discretion it is advisable so to do, to sell all the lands Houses Horses Wagons. Harnesses. Tools. &c. fixtures and all other the property of this Company

on such terms and conditions as may to them seem best for the interest of the Company provided that such Sale shall be for a sum not less than ten thousand Dollars.

And your orator would further show unto Your Honor that subsequently on said last mentioned day at a meeting of the Trustees of said Company held at their office in the City of Chicago an assessment was levied on the Stock of said Company payable within ten days and the Secretary of said Company was directed forthwith to notify each Shareholder of said Company of said Resolution passed at such meeting of the Shareholders herein before stated and shown unto Your honor and to notify them at the same time of the Resolution assessing said ten per Cent on the Stock of said Company. and to further inform them at the same time that if said assessment was not promptly responded to within said ten days by the holders of two thirds of the Stock of said Company that the same and all its property both real and personal would be sold by said Trustees under and by virtue of the power conferred by said Resolution.

And your orator would further show unto your honor that he has been informed and believes the same to be true that the Secretary of said Company did forthwith notify said Share-

holders or partners in said Company of of all of said resolutions as he was directed to do by said Trustees and that said Call has not been responded to by said Shareholders nor by the holders of two thirds of the Stock of the same and as your orator is further informed and believes true by none of said Shareholders

And your orator would further state and show under your Honor that he has been informed and believes the same to be true, that a Majority of the Trustees of said Company are now absent from the City of Chicago and from the State of Illinois. and that he has no means of knowing when a Majority of the Trustees of said Company will return to said City. and that he is further advised that the said Company cannot well and safely be closed up by said Trustees and the property of said Company safely sold under and by virtue of said resolutions herein before referred to.

And your orator would further show unto your Honor that he is a person of small means and that he is daily in danger of being compelled to meet and satisfy the demands existing against said Company by reason of his being a general partner in the same as is herein before stated and shown unto your Honor, and for the further reason that the holders of stock in said Company residing in the County of Cook are also persons

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of small means who are not able to meet and satisfy the demands existing against said Company. And your Orator would further show unto Your Honor that this bill is filed and brought into Court by him as well as to protect his own interests and the interest of of all the Creditors of said Company and the several members of the same.

In tender consideration whereof & as inasmuch as your Orator is remediless in the premises at & by the strict rules of the Common Law & is only relievable in a Court of Equity where matters of this nature are properly Cognizable & relievable to the end therefore that the said Amos Page Jacob P Eastman John H Wiggins George H Clark Isaac G Wilson Benjamin H Hatch A A Hobart William Baker E J Tyler Samuel G Johnson Joel H Johnson Clark Lipe Samuel H Perry John S Wheat William A Bean Abel H Fuller J H Edwards Jesse M Stone George Tyler Alvin M Judd Caleb Rich James Pierson Daniel L Wells Simons Taylor Charles E Thompson Lewis J Malford and their Co-Defendants may respectively full true direct and perfect answer make upon their several respective corporal oaths according to the best of their respective knowledge information and belief to all and singular the matters & things

aforesaid and that as fully and particularly in every respect as if the same were here again repeated and they thereunto particularly interrogated —

Your Orator therefore prays that said Crystal Lake Ice Company may be declared by a decree of this Court to be a general Copartnership. That a Receiver may be forthwith appointed by a detestal order of this Court who shall be empowered by this Court to forwith take and receive all and singular the property of said Company both real and personal into his possession and that he may be further directed to forthwith proceed to dispose of the same at such time & on such terms as may be most for advantageous for the interest of the Creditors and Stock holders if they should be declared to be Stock holders or partners if they shall be declared to be partners of said Company And that said Amos Page may be directed and compelled to convey to such purchaser or purchasers at such Sale so made by such Receiver all and singular the Real Estate of said Company, held by him or standing in his name which of right belongs to said Company.

And may it please Your Honor to decree that if said Crystal Lake Ice Company should

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be declared to be a Corporation to direct & order that the same may be closed up and dissolved according to Law and the practice of this Honorable Court.

That said Receiver when so appointed shall have liberty to apply to this Court for further directions and that he be directed to proceed to pay and satisfy all just demands existing against said Company out of the proceeds of said sale so to be made by him when so made as aforesaid. — And may it further please your Honor to order that the proceeds of said sale shall be applied first to the payment of the Costs and expences of this proceeding and the Charges of said Receiver when so appointed as aforesaid. And that if any surplus arises from said sale after paying the debts against said Company and the expences of this proceeding that the same be brought into Court to abide the future order of this Court. —

And that the said William Parker George T Clark Jos Cyler Amos Page, Jacob Bateman A A Hobart Benjamin W Hobart Jr Samuel F Johnson. Joel H Johnson Clark Like & Samuel W Perry John S Wheat. John H Wiggins Daniel L Wells Charles E Thompson John S Wheat William A Benson Abel W Fuller J H Edwards Isaac G Wilson. Jesse M Stone George Tyler Alonzo W.

Judd Caleb Rich James H Pierson Simons Taylor Lewis J Mulford as Shareholders or as Trustees of said Company, their Counsellors Attorneys Solicitors officers or agents may be restrained by an injunction issuing out of this Court from proceeding further with said Crystal Lake Ice Company Commanding them and each of them their Attorneys Solicitors and Agents absolutely to desist and refrain from proceeding further with said Company or with interfering with said Company or its property and also to desist and refrain from disposing of the property goods or effects of said Crystal Lake Ice Company And that your Orator may have such further relief or such other relief as the as the nature of this Case may require and as shall be agreeable to Equity.

May it please your Honor that a Writ of Injunction may proceed out of and under the Seal of this Honorable Court directed to the said William Barker Amos Page, George Clark E J Tyler Jacob Eastman A A Walsh Benjamin W Hobart Samuel H Johnson, Joel H Johnson Clark Sope Samuel W Berry John Wheat John H Wiggins William B Pierson Abel W Fuller S W Edwards Isaac G Wilson Jesse W Stone George Tyler Alvin W Judd Caleb Rich James

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J. Perison Amos Taylor Charles B. Thompson Lewis J. Mulford and Daniel L. Wells as Shareholders or as Trustees of said Company, their Counsellors attorneys. ~~Attorneys~~ Solicitors Officers or Agents Commanding them & each of them their attorneys Solicitors & Agents absolutely to desist & refrain from proceeding further with said Crystal Lake Ice Company or with interposing with the said Company or its property and also to desist & refrain from disposing of the property goods or effects of said Crystal Lake Ice Company and that a summons may issue out of and under the Seal of this Honorable Court to be directed to the said William Barker George H. Clark R. J. Tyler Amos Page Jacob P. Eastman A. A. Hoyt Benjamin H. Roberts Jr. Samuel F. Johnson Joel H. Johnson Elbert Lipe Charles B. Thompson John S. Wheat John H. Higgins Daniel L. Wells William B. Benson Lewis J. Mulford Abel W. Fuller J. H. Edwards. Isaac G. Wilson Jesse M. Stone George Tyler Caleb Rich James F. Perison Alvin W. Judd Amos Taylor, Commanding them and each of them by a certain day and under a certain penalty therein to be inserted to be and appear before this Honorable Court in Chancery sitting and then and there to answer the premises and further to stand to and abide such order and decree as shall and good conscience

And your Orator will ever

pray &c.

Wm. Backus

Williams & Woodbridge
Solicitors for Complt.

State of Illinois }
Cook County } S.S.

William Backus of said County being first duly sworn deposeth and says that he has read the foregoing Bill by him subscribed that he knows the contents thereof & that the same and the matters & things therein stated are true to knowledge of this deponent except as to those matters therein stated on information & belief and as to those matters he believes the same to be true —

Subscribed & sworn to before me this 30th day of June A.D. 1857

Wm. Backus

Calvin D. Wolf
Justice of the Peace

Exhibit A referred to in the within Bill

Incorporation of the Crystal Lake Ice Company.

To all to whom these presents may come, Greeting:

This is to certify that we whose names are hereunto subscribed have on the thirteenth

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day of December in the year of our Lord one thousand eight hundred and fifty five associated ourselves together and formed a Company under the provisions of the Act Entitled "An Act to authorize the formation of Corporations for Manufacturing Agricultural Mining or Mechanical purposes" Approved Feby 10th 1849 that the Corporate name of said Company shall be the Crystal Lake Ice Company. that the object for which said Company is formed is the Cutting Working Manufacturing Vending and dealing in ice. that the business of said Company shall be carried on in the Town of Algonquin in the County of McHenry and in the City of Chicago, both in the State of Illinois that the said Company shall have succession and a Corporate existence for the term of Twenty five years from and after this date above mentioned. that the Capital Stock of said Company shall be fifty thousand Dollars divided into five hundred shares of one hundred Dollars each that the number of Trustees of said Company shall be five and the following named persons a majority of whom are Citizens of this State and Stock holders in this Company shall be Trustees for the first year Viz Amos Page. Charles E Thompson John H Meggins Geo S Clark & Daniel L Wells

Signed

Amos Page
Chas E Thompson

John H Wiggins
Geo P Clark
Daniel L Wells.

State of Illinois }
Cook County } S.S.

I L B Hall a Notary Public for the City of Chicago & in the County & State aforesaid Certify that Amos Page Chas E Thompson John H Wiggins Geo P Clark & Daniel L Wells. who are personally known to me to be the same persons whose names are subscribed to the above written articles to form the Incorporation appeared before me this day and personally acknowledged that they had signed and delivered the said Instrument of writing as their free act and for the uses and purposes therein expressed. Given under my hand and Notarial Seal the Fifteenth day of December AD 1855. (Seal) L B Hall Notary Public

Let the Writ of Injunction issue in conformity with the prayer of the foregoing Bill of Complaint. The Complainant filing a Bond in the penal sum of five thousand dollars to be approved by E Sturtevant Williams and Stanley H Fleetwood to the Clerk of the Circuit Court Cook County

George Manierre
Judge of 7th Judicial Cir. Ill.

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Schedule "D" referred to in written Bill

		No. of Shares	Amt. due	Amt. paid
William Walker	of Chicago	5.	$ 150.00	150.00
George F. Clark	" Michigan	34.	1062.62	977.38
E. J. Cogler	" Wisconsin	5.	50.00	250.00
Jacob Bartram	" Massachusetts }	132.	1320.00	6600.00
Pinos Page	" Wisconsin }			
H. H. Hobert		5	50.00	250.00
Benjamin Wroblewski	" Boston	5	50.00	250.00
Samuel F. Johnson	" Chicago	50	500.00	2500.00
Joel A. Johnson	" Woodstock	15	150.00	750.00
Charles Lipe	" Chicago	10	110.00	440.00
Saml. M. Perry	" Wisconsin	60.	250.00	3350.00
John S. West	" Woodstock	10	100.00	500.00
John H. Wiggins	" Wisconsin	16	220.00	440.00
William B. Benson	" "	50	500.00	2500.00
Abel W. Fuller	" Woodstock	10	100.00	500.00
J. H. Edwards	" Massachusetts	5	50.00	250.00
Isaac Wilson	" Ohio	10	300.00	300.00
Jesse M. Stone	" Minnesota Terr. }	5	50.00	250.00
George Tyler	" Woodstock	5	50.00	250.00
Alvin M. Judd	" "	10	150.00	450.00
Caleb Rich	" "	5	75.00	225.00
James F. Chrison	" Crystal Lake	15	150.00	720.00
William Peckham	" Chicago	25	250.00	1250.00

Then afterwards to wit: on the said 1st day of July in the year last aforesaid said Complt. amant filed in said Court a Certain

Praecipe which is in the words and figures following to wit:

In the Circuit Court of Cook County
In Chancery

William Backus
Vs.
William Baker Amos Page
Jacob Bartman John H Higgins
George Black Isaac G Wilson
Benjamin M Robert Jr. ad
Robert William B Benson
E J Cuyler Samuel T Johnson
Joel W Johnson Clark Lee
Samuel W Perry John S Wheat
Abel W Fuller I W Edwards
Jesse M Stone George Tyler
Horace W Judd Caleb Rich James
T Peirson Daniel L Wells Owen
Taylor Charles E Thompson
and Lewis I Malford.

The Clerk will please issue summons in the above entitled cause directed to Sheriffs of Cook County, Stone County & McHenry County & publication notice in accordance with affidavit herewith filed.

Williams & Woodbridge
Solrs for Compl

Chicago July 1st 1857

And thereupon to wit: On the said 1st day

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of July there was issued out of and under the seal of said Court, three separate Writs of Summons directed respectively to the Sheriffs of McHenry, Kane, and Cook Counties, which are in the words and figures following to wit

Summons to McHenry County

State of Illinois }
County of Cook } S.S.

The people of the State of Illinois to the Sheriff of McHenry County, Greeting:

We command you that you summon William Parker Amos Page Jacob Bastian John H Higgins George Clark Isaac G Wilson Benjamin W. Herbert A A Herbert William A Benson J J Gaylor Samuel Johnson Joel H Johnson Clem Sibe Samuel M Berry John L Wheat Abel W Fuller J H Edwards Jesse M Stone George Tyler Albin M Judd Caleb Rich James H Benson Lewis S Wells James Taylor Charles L Thompson and Lewis J Mulford if they shall be found in your County personally to be and appear before the Circuit Court of Cook County, on the first day of the next term thereof to be holden at the Court House in Chicago in said County of Cook on the second Monday of October next to answer unto William Backus in his certain Bill for Injunction filed in the said Court in the Chancery Side thereof. And have you then and there this writ with an

indorsement thereon in what manner you shall have executed the same —

Witness William L. Church Clerk of our said Court and the Seal thereof at Chicago aforesaid this First day of July AD 1857

Seal. Wm L. Church Clerk

Summons to Kane County —

State of Illinois } ss
County of Cook }

The People of the State of Illinois to the Sheriff of Kane County; Greeting;

We command you that you summon William Baker Amos Page, Jacob P. Eastman, John D. Wiggins George P. Clark, Isaac G. Wilson, Benjamin W. Herbert, A. A. Herbert, Wm B. Benson, S. J. Snyder, Samuel P. Johnson, Joel D. Johnson, Clark Gibbs, Samuel W. Perry, John S. Wheat, Abel W. Fuller, J. D. Edwards, Jesse N. Stone, George Tyler, Alvin W. Judd, Lewis Rich, James T. Pierson, Daniel L. Wells, James Taylor, Charles E. Thompson, and Lewis J. Mulford if they shall be found in your County personally to be and appear before the Circuit Court of Cook County on the first day of the next term thereof to be holden at the Court House in Chicago, in said County of Cook, on the second Monday of October next, to answer unto William Backus in his certain Bill for injunction filed in said

Court, on the Chancery side thereof.

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And have you then and there this writ, with an Endorsement thereon, in what manner you shall have executed the same.

Seal

Witness William L. Church Clerk of our said Court, and the seal thereof at Chicago aforesaid this First day of July A.D. 1857

Wm L. Church Clerk

Summons to Cook County

State of Illinois } ss
County of Cook }

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

We command you that you summon William Baker Amos Page Jacob P. Eastman, John H. Wiggins George P. Clark, Isaac G. Wilson, Benjamin W. Herbert Jr. A. N. Herbert, William B. Benson, S. J. Cuyler, Samuel P. Johnson, Joel H. Johnson, Clark Sibe Samuel W. Perry, John S. Wheat Abel W. Fuller J. H. Edwards, Isaac N. Stone, George Tyler, Alvin W. Judd Caleb Rich, James T. Pierson, Daniel S. Wells James Taylor, Charles E. Thompson, Lewis J. Mulford if they shall be found in your County, personally to be and appear before the Circuit Court of Cook County, on the first day of the next term thereof to be holden at the Court House in Chicago in said County of Cook, on the second Monday of October next to answer unto William Buckles

in his certain Bill of or Injunction filed in the said Court, on the Chancery side thereof —
And have you then and there this writ, with an Endorsement thereon in what manner you shall have executed the same.

Witness William L. Church Clerk of our said Court, and the seal thereof at Chicago aforesaid this First day of July AD 1857. Wm L Church Clerk

Seal

And afterwards, to-wit: on the said first day of July AD 1857, said Complainant filed in said Court his certain Injunction Bond, which is in the words and figures following, to-wit:

"Know all men by these presents, That we William Baker of Chicago in the County of Cook and State of Illinois, and Stanley N. Fleetwood and Erastus B. Williams of the same place are held and firmly bound unto William Baker Amos Page Jacob P Eastman John H Higgins George T Clark Isaac G Wilson Benjamin W Hobart A A Hobart William Baker C J Cogler Samuel F Johnson Joel H Johnson Clark Sipe, Samuel W Perry John S Wheat William B Ogden Abel W Fuller J H Edwards Jesse W Stone George Fyler Albin W Judd Caleb Rich James F Pierson

*

in the penal sum of Five thousand Dollars.
lawful money of the United States of America
to be paid to the said William Baker Amos Page
Jacob P Eastman John H Wiggins George T Clark
Isaac G Wilson Benjamin W Robert jr. A A Robert
William Baker G J Tyler Samuel F Johnson Joel
H Johnson Clark Tripe Samuel W Perry John S.
Wheat William B Benson Abel W Fuller I H
Edwards Jesse M Stone George Tyler Alvin W
Judd Caleb Rich James F Pierson Daniel L Wells
Emons Taylor Charles S Thompson and Levi J Walters

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Daniel L Wells Barnes Taylor Charles E Thompson and Lewis J Mulford* their Executors administrators or assigns For which payment well and truly to be made we bind ourselves jointly and severally and our respective heirs Executors and administrators firmly by these presents Sealed with our Seals and dated the first day of July in the year of our Lord One thousand Eight hundred and fifty Seven

Whereas the said William Backus has this day filed his bill of Complaint in the Circuit Court of Cook County in Sa Chancery, praying amongst other things that the said William Baker Amos Page Jacob Bastman, George T Clark B J Cuyler A W Robert Benjamin W Robert Jr Samuel E Johnson Joel H Johnson Clark Lyle Samuel W Perry John J Wheat John H Wiggins Daniel L Wells Charles E Thompson William B Benson Abel W Fuller, S W Edwards Isaac G Wilson Jesse W Stone George Tyler Alvin W Judd Caleb Rich James E Pierson Barnes Taylor Lewis J Mulford. their agents Solicitors Attorneys and Servants may be restrained and that an injunction may issue out of said Court Commanding you each of you to restrain and desist, desist from proceeding with or intermeddling with the property effects, goods or Chattels of the Company known as the Crystal Lake Ice Company, and also to desist and refrain from

disposing of the property goods or effects of said Crystal Lake Ice Company.—

Now therefore the Condition of this obligation is such that if said William Backus, Stanley H Fleetwood and Erastus S Williams shall well and truly pay or cause to be paid all damages that may be awarded against them for or on account of the issuing of said injunction then this obligation to be void, otherwise to be and remain in full force and virtue

Sealed & delivered
In presence of

Wm Backus (Seal)
S H Fleetwood (Seal)
Erastus S Williams (Seal)

I approve of the foregoing bond both as to its form and manner of Execution
July 1st 1857.

And thereupon to wit on the said 1st day of July in the year last afore said there was issued out of and under the seal of the said Court the peoples Writ of Injunction directed to the said defendants in the words and figures following. to Wit

State of Illinois
Cook County } ss.

The People of the State of Illinois — To William Baker, Amos

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Page. Jacob P Eastman John H Higgins. George
P Clark Isaac G Walker Benjamin W Robert
Jr. A A Robert William Baker E J Ingler James
P Johnson Joel H Johnson Clark Lyle Samuel
W Perry John S Wheat. William B Benson Abel
W Fuller J H Edwards Jesse M Stone George
Tyler Alvin W Judd Caleb Rich James B Pierson
Daniel L Wells Emons Taylor Charles E Thompson
and Lewis J Mulford their and each of their
Attorneys Solicitors Agents and Servants
and Each and every of them. Greeting

Whereas it has been represented
to the Honorable George Manierre Judge
of the Seventh Judicial Circuit and presiding
Judge of the Circuit Court of the County of
Cook in said Circuit and State of Illinois
by William Backus Complainant in his Cer-
tain Bill of Complaint Exhibited before said
Judge and filed in said Court amongst other
things that you the said William Baker Amos
Page Jacob P Eastman John H Higgins George
P Clark. Isaac G Walker Benjamin W Robert
Jr. A A Robert William Baker, E J Ingler James
P Johnson Joel H Johnson Clark Lyle Samuel
W Perry John S Wheat William B Benson Abel
W Fuller J H Edwards Jesse M Stone George
Tyler Alvin W Judd Caleb Rich James B Pierson
Daniel L Wells Emons Taylor Charles E Thompson
and Lewis J Mulford are doing business under

the name of the Crystal Lake Ice Company and that said Crystal Lake Ice Company is in insolvent Condition and that it is for the interest of the Creditors and Stock holders of said Company, that said Company should be stopped; that said Company is daily losing money by reason of its said business and daily becoming more involved and that it is impossible for said Company to continue to do business

All of which is contrary to Equity & good Conscience and the said Judge having under his hand Endorsed upon said Bill an order that a Writ of injunction issue out of said Court according to the prayer of the said Bill

Now therefore we do hereby strictly Enjoin and Command you the said William Baker Amos Page Jacob P Eastman John H Higgins George F Clark Isaac F Walton Stephen W Robert Jr A A Robert William Baker B F Ingler Samuel F Johnson Joel H Johnson Carl Lyke Samuel McPhey John S Robert William A Pierson Abel W Fuller I W Edwards Jesse W Stone George Tyler Alvin W Sands Caleb Rich James E Pierson Daniel L Wells Simeon Taylor Charles B Thompson and Lewis J Mulford your Attorneys Solicitors Agents and Servants, and each and every of you, that

you do absolutely and entirely desist and refrain from in any manner proceeding with said Crystal Lake Ice Company and that you and each of you and your Agents Attorneys and officers do desist & refrain from interfering with said Crystal Lake Ice Company, and also that you and each of you and your Agents and Officers do refrain from disposing of the property goods or effects of said Crystal Lake Ice Company,

Until this Honorable Court in Chancery sitting shall make other order to the Contrary. Hereof fail not under the penalty of what the Law directs

Witness William L Church Clerk of said Circuit Court and the seal thereof at Chicago in said County, this first day of July 1857.

Seal

Wm L Church Clk

And afterwards to Wit on the said 1st day of July in the year last aforesaid there was filed in said Court a Certain Affidavit which is in the words and figures following, to Wit

In Circuit Court of Cook County

In Chancery.

William Backus

Vs.

William Backus
Amos Page et al.
State of Illinois
Cook County } ss.

Alexander C. Coventry of said County being first duly sworn deposes and says that he this deponent is Treasurer & Secretary of the Crystal Lake Ice Company doing business in the City of Chicago and as such Secretary and Treasurer he has knowledge of the affairs of said Company

That he has read the bill of Complaint of William Backus Complainant filed in this cause & knows the contents of the same that the same is true and the matters and facts therein stated are true to the knowledge of this deponent.

And said deponent further says that said Company is now continuing in its said business at a very great expense and at a daily loss to said Company that said Company is very much embarrassed and greatly in debt and is in the opinion of this deponent in an insolvent condition

And said deponent further saith that the stock & property of said Company can not be carried over & through the present summer except at a very great loss & expense and

Can now be disposed of at terms which would be advantageous for the interest of the Creditors and Stock Holders of said Company which could not be done in the opinion of this deponent latter in the Season.

Sworn & Subscribed to
before me this 30th
day of June A.D. 1857
Wm L Church Clerk

A C Cowsley.

And afterwards, to Wit: on the 1st day of July in the year last aforesaid the same being one of the days of the June Special Term of said Court the following proceedings among ~~others~~ were had and Entered of Record. to wit:

William Backus
Vs.
William Baker Amos Page
Jacob Bastman et al.
} Chancery

And now this day comes the said Complainant William Backus into Court by E Smith Williams his Counsel and files his bill of Complaint in the above Entitled Cause and the Court having duly Considered said Bill of Complaint and having been advised of the matter and things therein Contained and having also duly Considered the affidavits of Alexander Coventry

and Richard A Haydon here this day filed in said Cause and being fully advised of the contents of said affidavits doth order and decree, and this Court by virtue of the power therein vested hath ordered and decreed that Alexander C Coventry of Chicago, be appointed Receiver of all the property and effects both real and personal of the Crystal Lake Ice Company and that said Receiver have full power to take and receive forthwith into his possession all the real estate and personal property books of accounts accounts notes records and all other the property and effects both real and personal of the Crystal Lake Ice Company and the said Receiver have full power and authority when he has so received the said property both real and personal into his custody to proceed to sell and dispose of the same at either public or private sale as to him may seem most advantageous for the interests and for the protection of the rights of the Creditors, and shareholders or partners of and in said Crystal Lake Ice Company said sale to be made by such Receiver on such terms and conditions as may to him seem best and most advantageous for the interest of all parties concerned and out of the proceeds of such sale when so made that he shall proceed to pay the debts of said Company according to the prayer of

the Bill filed in this Cause and that he report his proceedings as such Receiver into this Court and that said Receiver have full power to proceed with, and complete the buildings of said Company now in the process of Erection in the City of Chicago if he shall deem necessary so to do ——— And that said Receiver file his bond in this Court in the penal sum of Ten thousand dollars faithfully to execute and perform his duties as such Receiver with Andrew J Brown and James B Vaughan as Securities and that said bond be made to William L Church Clerk of this Court.

And afterwards to Wit: on the fourth day of July in the year last aforesaid the Sheriff of Cook County returned into said Court the writ of injunction heretofore issued Endorsed as follows. to Wit:

Served by reading to the within named Defendants & delivering a Copy thereof to them Alvin W Judd Willia Baker — Amos Pope Samuel Johnson Clark Lefie Elliott & Isabell this 4th day of July 1857 The other defendants not found in my County ———

6 Services 3.00
6 Copys 3.00
6 Miles .30
1 Return .10 $6.40

John L Wilson Sheriff
By George Anderson Deputy

And afterwards, to wit: on the ~~Sed~~ 7th day of July in the year aforesaid said Receiver filed in said Court his Certain Report which is in the words & figures following, to wit:

In Circuit Court of Cook County
In Chancery

William Backus
vs
William Parker et al.

To the Honorable George Manierre Judge of the Circuit Court for Cook County, In Chancery Sitting

Respectfully showeth unto your Honor your Receiver heretofore appointed in said Cause above entitled, that after taking upon himself the duties of Receiver in said Cause he proceeded to examine the property both Real and Personal of the Crystal Lake Ice Company, and after

the Bill having so examined the same he proceeded to offer the same for Sale at private Sale after being fully advised and Satisfied that the Same Could not be Sold at public Sale. and for that purpose he received offers from Various individuals and offered the same for Sale to others who Refused to make an offer for the Same.

And your Receiver further shows unto Your Honor that the highest and best bid that he Could obtain for Said property both Real and personal of Said Crystal Lake Ice Company was an offer of the Sum of Ten thousand Dollars from Hiram Foy and Augustus Fiske of Chicago in the County of Cook and State of Illinois payable as follows to wit the Sum of One Thousand Dollars on the first day of August A D 1857. the Sum of One thousand Dollars on the first day of September A D 1857. the Sum of One thousand Dollars on the first day of October A D 1857. the Sum of One thousand Dollars on the first day of November A D 1857. the Sum of One thousand Dollars on the first day of December A D 1857. the Sum twenty five Hundred Dollars on the first day of July A D 1858 and the Sum of two thousand five Hundred Dollars on the first day of January A D 1859. which Said offer your Receiver deemed it most advantageous

for the interest of all Concerned should be accepted.

Your Receiver therefore prays that an order may be entered in this Court Confirming the Sale so made by him as such Receiver to said Benjamin Joy and Augustus Fairbie for the price and for the sums aforesaid.

And Your Receiver would further shew unto Your Honor that to make such Sale he had to promise and agree to Complete the Barn & fence of said Crystal Lake Ice Company now in process of Erection in the City of Chicago and that said Barn & fence can be Completed for less than the sum of Two Hundred Dollars as he is advised and believes true and he would therefore ask of this Court that an order may be entered in this Court Empowering him to proceed & finish said Barn & fence & that the same may be paid for out of the first receipts of said purchase Money

Subscribed and Sworn to before me this 7th day of July A D 1857.

A L Copenhy

I am of opinion that the foregoing Report and the Sale therein recited should be Confirmed

L C P Freer Master & C

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And afterwards to wit on the 8th day of July in the year last aforesaid the same being one of the days of the same special Term of said Court, the following proceedings, among others, were had and entered of record to wit:

William Backus
vs
William Baker et al. } Chancery.

And now at this day comes Alexander B. Coventry of Chicago Receiver heretofore appointed in this Court in said Cause above entitled and files his Report in said Cause above entitled showing and stating amongst other things, that after taking upon himself the duties of such Receiver and filing his Bond as such Receiver he did proceed to take Charge of and sell the property of the Crystal Lake Ice Company in accordance with the order heretofore entered in said Cause and that he had sold all & singular the property of said Crystal Lake Ice Company both Real and personal to Hiram Joy & Augustus Fisher for the sum of ten thousand dollars, payable in the manner set forth in said Report and asking that said Report be confirmed and that said sale be approved of by this Court. And the said Complainant Wm Backus by his Counsel E. S. Williams also comes and

the Court having duly considered the said Report & affidavits of Elliott & Isabell Frederick Melling and John D Stone, here this day also filed in this Cause and being fully advised of the Contents of the same doth order and decree and this Court by virtue of the power therein vested, hath ordered and decreed that the said Report be in all things confirmed, and that the said Sale by said receiver of said property both real and personal of the Keystone Lake Ice Company to said Hiram Joy and Augustus Freibie for the sum of ten thousand dollars payable in the manner set forth in said Report of said receiver be confirmed, and that said receiver do make deed & bill of Sale as such receiver of said property both real and personal to said purchasers Hiram Joy and Augustus Freibie and that he receive and take from said purchasers a Mortgage as to him may seem sufficient to secure the purchase Money to fall due

And that said receiver have full power to proceed to complete the Erection of the Barns and Ice now in the process of Erection in the City of Chicago aforesaid as asked for in his Report and have power to pay for the said Erections so made by him out of the proceeds of said Sales, when is made and completed as aforesaid. And that said Receiver after making

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such payments as aforesaid. do proceed to pay the debts of Crystal Lake Ice Company as far as the proceeds of said sale will go toward the making of such payments as aforesaid. and that he have leave to further apply to this Court for such further directions as he may require,

And afterwards to wit on the 28th day of August in the year last aforesaid. the writ of summons heretofore issued to the Sheriff of McHenry County was returned into said Court by said Sheriff Endorsed as follows. to wit:

Served this Writ on the within named J H Johnson Abel W Fuller Alvin W Judd & Caleb Rich by delivering a Copy thereof to them the 15 day of July 1857

Fees Service 4 2:00
Copy 4 . 50
Mile 4m . 25
Return . 10 $2:80

John Eddy, Sheriff

Served the within by leaving to James Wilson and by leaving Copy of the same within this 6th day of August AD 1857 John Eddy Sheriff.
By J J Smith. Deputy

Fees Serv & Copy . 62½
Miles 8 . 40
1.02
2.80
Total fees $3.82

And afterwards to Wit: on the 22nd day of September in the year last afore said. the writ of Summons heretofore issued to the Sheriff of Kane County was returned into said Court by said Sheriff Endorsed as follows to Wit:

Served this Writ on the within named Isaac G Wilson by delivering a Copy hereof to him the 24th day of July 1857

Fees Service - 50
Copy - 50
Mile 1 - 5
Return - 10 $1:15

George E Corwin Sheriff of Kane County
By G J Allen Deputy

And afterwards to Wit: on the 14th day of October in the year last afore said the writ of Summons heretofore issued to the Sheriff of Cook County was returned into said Court by said Sheriff Endorsed as follows, to wit.

Served this Writ on the within named Alvin H Judd William Baker Amos Page Samuel T Johnson Clark Sife Elliott A Tarbell an by delivering a copy thereof to them the other Defendts not found in my County the 4th day of July 1857 ——— Fees —

6 Service	3:00	
6 Copy	3.00	
6 Mile	30	
1 Return	10	$6:40

John L Wilson Sheriff
By George Anderson Deputy

There appears among the files of said Cause a certain Certificate of publication in the words and figures following to wit.

Chancery Notice

State of Illinois
County of Cook } ss.

Cook County Circuit Court
October Term A.D. 1857

William Backus
Vs.
William Barber Amos Page Jacob Bastman
John H Higgins George T Clark Spencer Wilson Benjamin
Robert Jr. A A Robert E J Leyler Samuel T Johnson
Joel H Johnson Clark Gipe Samuel W Perry John J
Wheat William B Benson Abel W Fuller J H Edwards
Jesse W Stone George Leyler Albert Judd Caleb Beck
James F Pierson Daniel L Wells Amos Taylor Charles B
Thompson Lewis J Walford

Affidavit of the Non residence of Amos Page Jacob Bastman, John H Higgins George T Clark Benjamin Robert Jr. E J Leyler Saml W Perry William B Benson J H Edwards Jesse W Stone Daniel L Wells Amos Taylor

Charles B Thompson Lewis J Mulford defendants above named having been filed in the office of the Clerk of said Cook County Circuit Court:

Notice is hereby given to them that William Backus Complainant filed his bill of Complaint in said Court on the Chancery Side thereof on the first day of July A D 1857 and that a Summons thereupon issued out of said Court against said Defendants returnable on the Second Monday of October next 1857 as is by law required.

Now unless you the said Amos Page Jacob O Eastman John H Higgins George F Clark Benjamin W Hobart J. B. Cayler Samuel McPerry William B Benson I H Edwards Jesse M Stone Daniel L Wells Simons Taylor Charles E Thompson and Lewis J Mulford shall personally be and appear before said Circuit Court of Cook County on the first day of next Term thereof to be holden at Chicago in said County on the ~~first~~ Second Monday of October A D 1857 and plead answer or demur to the said Complainants said bill of Complaint the same and matters and things therein charged and stated will be taken as confessed and a decree entered against you according to the prayer of said Bill

William L Church Clerk

Williams & Woodbridge Sols for Complt.

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This is to Certify that the annexed notice was published in the Chicago Journal a Daily Newspaper printed in the City of Chicago County of Cook and State of Illinois 30 times to wit for 4 successive weeks as follows: The first insertion on the 12th day of August 1857 in Vol: 16 No. of said paper

Dated at Chicago Sept 10 1857.

E L Wilson & Co
Publishers Chicago Daily Journal

And afterwards to wit: on the 15th day of October in the year last aforesaid, the same being one of the days of the October term of said Court the following proceedings among others were had and entered of Record, to wit:

William Packer
vs.
William Porter Amos Page Jacob B Masterson John H Higgins George Ackers Isaac G Nelson Benjamin W Wakefield A A Wabash W B Benson J Taylor Samuel P Johnson Joel H Johnson Carl Lee Samuel H Perry John S Wheeler Abel H Fuller J H Bolivar J M Stone Leo Tyler Albert W Fitzhugh Ruth James H Pierson Daniel L Wells Thomas Taylor Charles Thompson and Lewis J Mulford

Bill for Relief & Injn

On reading and filing due proof of personal service of process of summons issued in this cause upon the said defendants William Baker Amos Page Isaac G Wilson Saml O Johnson Joel W Johnson Clark Lube Abel W Fuller Alvin W Judd Caleb Rich and James T Pierson and due proof of Publication of notice of the pending of the said Complainants bill as the said defendants Jacob Eastman John W Higgins George O Clark Benjamin W Robert Jr A A Robert Wm B Benson S J Cuyler Saml W Perry John S Wheat J W Edwards J M Stone Geo Tyler Saml L Wells Elnora Taylor Charles Thompson and Lewis J Mulford and on motion of Meyer Williams & Woodbridge Solicitors for Complainants it is ordered that said defendants plead answer or demur to said Complainants bill instanter and no answer being interposed, and the said defendants being three times severally and solemnly demanded in open Court come not, but make default, it is therefore on motion ordered that the Complainants bill be and the same is taken as confessed by the said defendants and referred to L B Paine Speer Esq Master in Chancery of Cook County to take proof thereon and report the same to this Court with all convenient speed:

And afterwards to wit on the

29th day of October in the year aforesaid the said A. Coventry filed in said Court in said Cause his certain petition in the words and figures following to wit

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In Circuit Circuit of Cook County

William Backus
vs.
William Barker, Amos Page, Jacob Bastman et als

In Chancery

To the Honorable Grant Manierre Judge of the Circuit Court of Cook County. In Chancery Sitting.

Respectfully Showeth unto your Honor your petitioner Alexander C. Coventry of Chicago in the County of Cook and State of Illinois, that heretofore to wit on the Second day of July A.D. 1857 he this petitioner was appointed by this Honorable Court In Chancery Sitting by a decretal order on that day entered in said Cause above entitled Receiver of all and singular the property and effects of the Crystal Lake Ice Company mentioned in the Bill of Complaint heretofore filed in said Cause above entitled, and your petitioner further shews unto your Honor that up to and at the date of his said appointment as such Receiver he had not been and that he has not since been a Shareholder or partner

in said Crystal Lake Ice Company, and your petitioner further shews unto your Honor that at the time of his said appointment of Receiver in said Cause above entitled said Crystal Lake Ice Company was justly indebted to him your petitioner in the full sum of Thirty Six hundred and Seventy Dollars and fifty nine Cents ($3670 59/100) for Moneys lent paid out & expended for said Company and for Services rendered said Company and that said Company is now still indebted to your petitioner in said sum and which sum has now been long since due.

Your petitioner prays that a decretal order may be entered by this Honorable Court in Chancery sitting referring said Claim of your petitioner to the Master in Chancery for this Honorable Court to take proof as to the nature & amount due from said Crystal Lake Ice Company to your petitioner and the said Master in Chancery may be required to report to this Honorable Court in Chancery setting the full amount due to your petitioner at the time of his said appointment as Receiver as aforesaid and that a final order may be entered in said Cause empowering and directing your petitioner to retain the amount so found due to him as aforesaid from the funds

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of the Sale heretofore made of the property and effects of said Crystal Lake Ice Company —

Subscribed and Sworn before me this 29 Oct 1857

A C Coventry

Wm L Church, Clk.

And afterwards to wit: on the 29th day of October in the year last aforesaid the same being one of the days of the October Term of said Court, the following proceedings amongst others were had and entered of Record, to wit:

William Backus
Vs.
William Barker Amos Page Jacob Bartman John H Higgins Isaac G Wilson Benjamin Wolcott A A Wolcott William A Benson S J Kessler Samuel P Johnson Joel H Johnson Clark Leite Samuel McBerry John S Wheat Abel H Fuller J W Barnes J M Stone Geo Tyler Albin Judd Caleb Pitt James O'Brien Daniel Wells Emmons Taylor Charles Thompson Lewis Mulford

Pltf for Relief

On reading and filing the petition Alexander C Coventry for Relief &c. and on motion, no opposition being made thereto it is ordered that his said petition be

and the Same hereby is referred to L. G. Paine Speer Esq. Master in Chancery of Cook County to take proof as to the nature and amount of his Claim in this Cause and report the Same to this Court with all Convenient Speed.

And afterwards, to Wit, on the 19th day of November in the year last aforesaid, the Same being one of the days of the November Term of said Court, the following proceedings among others were had and entered of Record, to Wit;

William Backus
vs.
William Baker Amos Page Jacob Oberteuer John H. Higgins George Ellis Isaac G. Wilson Benjamin Roberts Jr. A. A. Roberts Wm. B. Beeson J. Chapler Saml. Johnson Joel H. Johnson Chas. Lyke Samuel M. Perry John S. Wheat Abel M. Fuller J. W. Edwards J. M. Stone Geo. Igler Albin W. Judd Caleb Rich et al.
} Bill

And now at this day comes the said Complainant by E. S. Williams his Solicitor and the said defendant Isaac G. Wilson in person and by agreement of the parties on file herein it is ordered that the default and order referring the Case to the Master be

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Vacated and set aside as to the said defendant Isaac G Wilson and that the said Wilson be allowed to answer herein. and thereupon the said Wilson having filed his answer disclaiming any and all interest in the subject matter of the said Complainants Bill of Complaint and asking that said Bill as to him be dismissed. it is thereupon ordered adjudged and decreed by agreement of said parties. and the Court doth order adjudge and decree that said Bill as to said defendant Isaac G Wilson be and the same is hereby dismissed

And afterwards, to wit: on the 17th day of December in the year last aforesaid the same being one of the days of the November Term of said Court. the following proceedings among others were had and entered of Record to Wit

William Backus
Vs.
William Baker Amos Page Jacob Chapman John W Higgins George R Clark Isaac G Wilson Benjamin W Wright A A Hobart William B Brown G Bugler Saml Johnson Joel B Johnson Cook Lyon Samuel W Perry John S Wheeler Abel W Fuller N W Edwards J W Stone George Taylor Obri W Judd Caleb Rich James L Pierson

Bill for Injunction

Daniel L Wells Amos Taylor, Charles
B Thompson and Lewis J Mulford -

And now this day
comes the said Complainant William Backus
by B Smith Williams his Counsel and files the
report of L B Paine Freer Master in Chancery
in the above Entitled Cause to whom the said Cause
stood referred which said report is as follows

Masters Report.

Cook County Circuit Court
Chicago Oct 23 1857
In Chancery

State of Illinois
Cook County

William Backus
vs
Jacob B Eastman
Amos Page & others
} Reference upon Default

To the Hon: George Manierre
Presiding Judge of the Cook County Circuit Court
in Chancery Sitting - In pursuance of a decree
order of the said Court by which it was referred to
me to take proof of the material facts and allegations
set forth in the Bill of Complaint on file in this
Cause and report thereon. I L B Paine Freer
Master in Chancery of Cook County in the State
of Illinois do hereby Certify and report that on
the 23rd day of October 1857 at my office in the
City of Chicago appeared the said Complainant

by his Solicitors at which time and place I proceeded to a hearing and examination of the matters embraced in said reference. On Interrogatories propounded to Alexander C Coventry a Witness produced and sworn on the part of said Complainant.

1st Interrogatory — What is your name place of residence & are you acquainted with the parties to this Cause.

Answ. My name is Alexander C Coventry I reside in the City of Chicago and I am personally acquainted with the Complainant and nearly all the defendants.

2nd Int. Have you ever had any Connection with the Crystal Lake Ice Company. if so, what. when did you first become acquainted with said Company. and when did your Connection with said Company cease.

Answ. I have been legal adviser for the Company since its organization in March last. I was temporarily elected Treasurer and Secretary of said Company to fill a vacancy About the 1st of July last I was appointed Receiver of the Company in the Course of regular proceedings in this Suit — My Connection as Receiver still continues.

3rd Do you or do you not know who formed said Crystal Lake Ice Company at its formation and who at its dissolution. if yes

State fully.

Answ. I do. William Baker George J Clark & Schuyler Eastman & Page A A Robert. S T Johnson. Joel H Johnson Clark Lipe Charles E Thompson Samuel H Perry John H Wiggins John S Wheat Daniel L Wells Simeon Taylor & William Backus the Complainant formed said Company at its organization and they with the other Defendants named in the bill of Complaint with the Exception of Mr Charles E Thompson who had withdrawn formed said Company at its dissolution.

4th Have you any knowledge, if so, what in regard to the formation of said Company if yea, State your means of knowledge, give a statement of the proceedings of said Company from its formation to its dissolution Ans. I have knowledge on that subject my means of knowledge are that I was legal adviser of said Company was at one time its Secretary having possession of the Records of said Company. The Company was formed on the 15th day of December 1855 by Amos Page Charles E Thompson John H Wiggins George J Clark & Daniel L Wells. The Company at the first organized as an incorporation under the act of the Legislature of the State of Illinois Entitled an act to authorize the

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formation of Corporations for Manufacturing, Agricultural, Mining or Mechanical purposes Approved February 10th 1849. It was formed by filing a Certificate of incorporation with the County Clerk of Cook County. I have been informed and believe that no copy of the Articles of incorporation was filed in the office of the Secretary of State as by said law required. By the Certificate of of incorporation the Capital Stock was stated to be $50,000 divided into 500 Shares of $100 each — The number of Trustees were five Trustees were Amos Page of Janesville Wis Cousin Charles E Thompson of Chicago, John W Wiggins temporarily residing in Chicago George T Clark then of Massachusetts & now of Michigan & Daniel L Wells then of Ohio & now of Wisconsin, Amos Page was chosen President and Daniel L Wells Secretary and Treasurer, Page continued to be President till the dissolution. On March 28 1856 Wells resigned his office of Treasurer and ~~Secretary~~ Samuel W Perry was elected and on or about the same time Charles E Thompson resigned his Trusteeship and Samuel W Perry was elected to fill that vacancy — On April 4th 1856 John W Wiggins resigned his office as Trustee and William A Benson was elected in his place Nov. 27 1856 Benson resigned as Trustee and Wiggins was elected to

fill his place. No meeting of the Shareholders in said Company was ever held until June 15. 1857 or called to be held when Page and Wells resigned their Trustee ship, and Wiggins Clark and Perry were removed at that meeting Amos Page Samuel F Johnson and William Baker were Elected Trustees Amos Page was subsequently re-Elected President and I was at that time Elected Treasurer pro tem On March 30 1857 Perry resigned his office of Treasurer and Secretary and I was at that time Elected to the same office. This is a history of its official doings.

5. Have you any knowledge in regard to the pecuniary Condition of said Company if so what was its Condition in the Spring of 1857 and in the Summer of that Year State your means of knowledge –

Ans – In March of 1857 I was Elected Treasurer of the Concern and have a full knowledge of its pecuniary Condition in the Spring & Summer of that year, in March on Examining the Books I found them indebted as shown by the Books to various persons between three and four thousand Dollars the due – Their Expences were at that time between $400 and $500 per month. Their

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receipts from their business between $30 or $40 per month. their assets on hand available were a note from William Backus for $200 and an order on the Chicago St Paul & Fon du Lac Rail Road for $250 they had their Ice houses Rail road track and grounds at Crystal Lake in Mc Henry County and a stock of Ice & there was a balance due them on an assessment upon the shares before that time made. the precise amount I am not now able to give – They then commenced the purchase of horses and wagons and purchased them to the amount of about $3500 they continued in business till the 15th day of June 1857. their receipts having in the meantime very materially increased and their expenses having in the meantime been greatly enhanced by the employment of a large number of men and horses. At that time their expences averaged $1000 pr month more than their receipts – at that time June 15 1857 an assessment of ten dollars per share was levied on all the shares payable in ten days but at the same time. it was resolved by the share holders present that if the directors in their discretion deemed it advisable so to do. they should have full power to sell all the lands, fixtures and personal property of the Company. upon such terms and conditions

as to them might seem best for the interest of the Company at a price not less than Ten Thousand Dollars. at the same time the Trustees directed the Secretary that if the Call for the assessment then levied was not responded to within the ten days by the holders of two thirds of the shares of the Company they should proceed to sell the same under the resolution of the shareholders. – Not a cent was paid in under that assessment. On the 1st July 1857 the Company had no Monies on hand. their Account with their Treasurer was over drawn between $2000 & $2700. for Monies lent them, there was some Seven or Eight Hundred Dollars due their workmen or laborers besides Monies due Officers and Clerks. The Workmen on that day at Crystal Lake Struck and refused longer to work or allow others to work till their wages were paid and a Majority of the drivers in the City refused to drive longer or allow others to drive the teams and the Company Entirely Ceased all work on the 3d July 1857 for the reason that they were unable to get Ice to deliver or men to deliver it. & On the Succeeding day the Writ of injunction was Served on said Company in this Cause. 6th Int. Have you any Knowledge and if so

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what as to the amount paid in by the various members of said Company. State your means of knowledge.

Ans: I have such knowledge - there was paid in by the various members in the aggregate Twenty thousand Seven hundred & Ninety Seven $\frac{68}{100}$ Dollars $20,797.68 as shown by the books of the Company. there was paid in prior to March 1. 1857. as shown by the books $15,704.18 the one half of the Capital Stock being $250,000 never was paid in - all of that $15704.18 was not paid in money. it was paid in land services houses and other traps. my means of knowledge is from the Books and my connection with the Company as heretofore stated. The statements of amounts given by me is from the Books. which I believe to be correct -

7th Int. State if you can the residence of the Trustees of said Company and their names, when, all your knowledge in regard to said Trustees

Ans. I have answered this question fully in my answer to the 3rd Interrogatory -

8th. Had said Company any Real Estate, if so, what. by whom was the same held how was the same paid for and in whose names does the same now stand

Ans. The Company held Real Estate in the Town of Algonquin. County of McHenry being the Real Estate fully set forth and described in the

Schedule hereto annexed said Schedule made part of this deposition and Submitted with this Report as Exhibit No 1 – The Same was originally purchased under the direction of the Trustees and the title was taken in the name of Joel H Johnson for the Company. Those deeds were given back to the grantors and new deeds were given by them to Amos Page of Janesville Wisconsin. I would not be certain that the first deeds were ever delivered to the hands of Mr Johnson personally or that the last ones were ever delivered to Mr Page – They are now in the possession of Joy and Fleshie. The land was paid for by an arrangement between the Trustees and Mr Page by which Mr Page was to be credited with the assessments and all the assessments to be made upon $2000 worth of the Stock or twenty shares and the Same was paid for by Mr Page by the transfer by him of thirteen of said Twenty shares to James F Parison of Algonquin aforesaid he having procured for the Company the title to the various tracts of land described in said Schedule. These are the lands upon which the Ice Houses and railroad track of the Crystal Lake Ice Company formerly stood. The legal title is still in the ~~hands~~ said Amos Page – Since the

execution of the bill of sale and deed from me as Receiver to said Foy & Freibie as by my report to the Court. Mr. Page has claimed that he was entitled to Four Hundred Dollars from the said Ice Company for erecting a depot on the grounds of the Company at Crystal Lake. And that he would make a Conveyance when I paid him the Four Hundred dollars at the same time he admitted that he had no claim to the ground and was never authorized by the Trustees to erect the depot – I did not pay him.

Sworn to and subscribed before me this 24th day of October 1857

A. C. Coventry.

L. C. Greer, Master &c.

Evidence introduced on the part of the Receiver to show and prove the Amount due to him from said Company at the time of his Appointment as said Receiver; the several Amounts disbursed by him as Receiver and the Amount of his reasonable Charges and Commissions as such Receiver. R. W. Haydon a Witness produced and sworn to the interrogatories following doth depose and say as follows –

1st Int. What is your name age occupation and place of residence and what

was your business during the Spring Summer and Fall of 1857.

Ans. My name is R. W. Haydon. I am 21 years of age. I am and was during the Spring Summer and Fall of 1857 a Book Keeper. during the Spring & Summer for the Crystal Lake Ice Company. and during the fall for the Receiver of said Company.

2d. Do you know of any indebtedness of the said Crystal Lake Ice Company to the said Receiver. Contracted prior to the filing of the Bill in this Cause. if so State the Nature of said indebtedness. the items and Amount of the same and all you know about it.

Ans. I do know of an indebtedness of said Company. to said Receiver Contracted prior to the 2nd day of July 1857. which is about the time I understood said bill to have been filed. The said Company were owing up to that date to said Receiver the sum of $ 26 70 89/100 for an excess of payments over and above receipts. Mr. Coventry was and had been Treasurer of the Company and received its funds and made its disbursements. these disbursements Commenced Apric 7. 1857. and Continued down to the 2d day of July. I have Examined the Books receipts and Vouchers in fact I kept themself myself

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and know that the above Amount is Correct. They were also indebted to Mr Coventry in the Sum of One Thousand Dollars for Services as Treasurer, the said Sum including interest on advances and general Services. I know the Services Rendered by Mr Coventry and think the Charge a fair and reasonable one —

3rd Int — Do you know what Amount of Monies the said Receiver has Realized out of the assets of said Company and what assets he has yet in his hands.

Ans. I suppose I do pretty near, up to this date he has received on the Sale of the property of said Company and on bills due the Company Four Thousand Six hundred and five Dollars and forty one Cents and he has on hand Notes of Joy & Shibe yet mature Amounting in the Aggregate to Six Thousand Dollars One of the Same for $1000 Maturing December 1st 1857 one for $2500 Maturing July 1st 1858 and one for the little Sum Maturing July 1. 1859 —

4th Int. Do you know and Can you State what disbursements have been made by the said Receiver as such. if yes. Can you produce the Vouchers of the Same, and to whom such Sums were paid and the Amounts paid to Each person.

Ans. I can state, and do know what disbursements have been made by said Receiver as such. The Schedule which I now here produce entitled in this Cause and marked by Master in Chancery contains a true list of the names of all the persons and parties to whom the Receivers made and disbursements and the Amounts paid to each and the Schedule entitled in this Cause marked by the Master in Chancery No 2 is a complete file of the Vouchers or Receipts for all such payments said Receipts numbered from No 1 to No 91. inclusive the aggregate Amount of such disbursements is $4598.94 I wish to state here in Explanation that I now recollect that there is five dollars of said disbursements for which there are no Vouchers - the disbursements were for Cleaning Office & box rent in post Office

Sworn to and Subscribed
before me this 9th day
of Nov. 1857

R Nelson Hayden

L C P Trier Master &c.

The said Complainant as Evidence of title to the land set forth and described in the Bill of Complaint in the Defendant Amos

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Page produced and offered a warranty deed executed by Elias Pearson & wife running to the defendant Amos Page dated June 15 1857 the execution of which is proven by the Certificate of acknowlegment thereto attached and in and by which deed said Grantor Conveyed a parcel of land in McHenry County State of Illinois described as follows to wit: part of the SW ¼ of Sec 32 T44 N R 8 East of 3 P.M. beginning at a point in the Centre line of the Crystal Lake Branch Rail Road said point being in the division line between said land and land owned by Josiah Walker twenty five — from said Centre line at right angles thence South 45° West 1489 feet to a point in the division line between said land and land owned by J T Pearson thence East 78 feet in said line crossing the Centre line of said Rail Road and 25 feet from said Centre line at right angles thence North 45° West 1341 feet to a point in the division line between said lands and lands owned by Josiah Walker aforesaid said point being 25 feet from said Centre line at right angles and thence North 74 feet recrossing the Centre line of said Rail Road to the point of beginning Containing 1 $\frac{62}{100}$ Acres more or less said deed also Containing a Condition that the grantor shall keep both sides of the said Rail Road

fence on said land and said Page to put in Cattle guards across said Road &c said deed hereunto made an Exhibit marked No. 3. and submitted with this Report said Complainant as further Evidence of title as aforesaid produced and offered also the Warranty deed from James T Pearson & wife to said defendant Page dated June 15 1857 and Conveying an other parcel of land in said McHenry Co being in the N W. Corner of Sec. 5 and North East Corner of Sec 6 in T 43 N R 8 E 3 PM. beginning at a point in the Centre line of the Crystal Lake Branch Rail Road said point being in the division line between said land and land owned by Elias Pearson and 35 feet from said Centre line at right angles, thence South 45° West 4368 feet, thence on a three degree Curve to the left 187 feet to a point in the division line between land owned by S Beardsley said point being 33 feet from the Centre line of said Rail Road at right angles thence East 78 feet in said division line Recrossing said Centre line of said Rail Road to a point 33 feet from said Centre line at right angles. thence on a three degree Curve to the right 141 feet thence North 45° East 4405 feet to a point in the division line between said land

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and land owned by Elias Pearson, thence West to the place of beginning Containing 6 $\frac{86}{100}$ Acres more or less. the said deed Containing a recital that said Page is to put in a Switch and maintain a depot on said Road at Crystal Lake. Deed herewith made an Exhibit marked No. 4 and Submitted with this Report. — The said Complainant as Evidence of title as aforesaid produced and offered also the deed from James T. Pearson & wife to said defendant Page dated Febru. 25 1856 and Conveying another parcel of land in said McHenry County described as follows to wit Commencing at a point on the Shore of Crystal Lake near the waters Edge at the line of lands purchased of Perman Randall by the party of the first part running Easterly along said line 17½ rods. thence at right angles with said line nine rods. thence westerly parallel with the line of said lands bought of Perman Randall to the Shore of Crystal Lake. thence along the Shore of said Lake to the place of beginning Containing One acre of land (more or less) said deed Recorded in the office of the Recorder of said McHenry Co in Book 15 of Deeds pp 54 & 55 and the same herewith made an Exhibit marked No. 5 & Submitted with this Report. The said Complainant as further Evidence

of title and interest as aforesaid a written Instrument under Seal Executed by Lewis Whittenden to and with the said defendant Page the same dated Janry 12 1856 Reciting that the party of the first part in Consideration of one Dollar to him paid by said Page and in Consideration that the said Page shall build a Rail Road from a point on the Chicago St Paul & Fond du Lac Rail Road to Crystal Lake in the County of Mc Henry on the line that is now Surveyed and Staked out or as near said line as is practicable not to vary ten rods therefrom and to erect and maintain a good post and rail fence upon both sides of said Rail Road and where the same passes through or over the lands of said Page, has granted bargained and Conveyed unto said Page his heirs & assigns for the purpose of laying Constructing & using said Rail Road. Said Road or right of way not - Exceed four rods in width and extend accross the South East Corner of the lands of said Grantor in or near a North East and South West direction. Said deed herewith made an Exhibit marked No. 6 and Submitted with this Report

Facts proven by the foregoing Evidence

1. That on the 15th day of December 1855. William Baker George H Clarke E S Cuyler

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Eastman & Page & A Robert Samuel F Johnson Joel H Johnson Clarke Lipe Chas C Thompson Saml W Perry John H Wiggins John S Wheat Daniel L Wells Simmons Taylor and William Butler the latter of whom is the Complainant in this Suit. organized as an incorporated Company by the name and style of the Crystal Lake Ice Co under the act of the Legislature of the State of Illinois approved February 10th 1849 entitled an act to authorise the formation of Corporations for Manufacturing Agricultural & Mining purposes said Corporation formed by filing a Certificate of incorporation in the office of the County Clerk of Cook County. no copy of Articles of incorporation in the office of the Secretary of State as the Witness Coventry was informed. By the terms of said organization there were five Trustees of said incorporation and the following named persons were Elected as such Trustees viz: Amos Page of Janesville Wisconsin Charles C Thompson of Chicago John H Wiggins temporarily residing in Chicago George Hibard then of Massachusetts now of Michigan and Daniel L Wells then of Ohio and now of Wisconsin: the said Amos Page was Chosen President and Daniel L Wells Secretary and Treasurer. that said Page continued such President until the Bill of Complaint was filed in this Cause. that on

the 28th day of March 1856 said Wells assigned his office of Treasurer, and Saml M Perry was elected in his place. That at the same time Chas C Thompson resigned his Trusteeship and said Samuel M Perry was elected to fill the Vacancy. That on the 4th day of April 1856 said John W Wiggins resigned his Trusteeship and William B Benson was elected in his place. That on the 27th day of Nov. 1856 said Benson resigned his Trusteeship and said John W Wiggins above named was elected to fill the Vacancy.

2d That the Capital Stock of said Company was fixed at $50,000 divided into 500 Shares of $100 each

3d That after said Corporation was organized no meeting of the Stockholders was ever held until June 15. 1857. and that no meeting was called of such Stockholders when the said Page & Wells resigned their Trusteeship and the said Wiggins Clark & Perry were removed. That Alexander Coventry the Plaintiff was appointed Treasurer pro tem. of said Co. and on the 30th day of March 1857 said Perry resigned his office of Treasurer & Secretary and the said Alexander Coventry was elected to those offices in his place.

4th That in the month of March 1857 the

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said Company were indebted to various persons in the sum of Three or $4.000 as shown by their Books. that their Expences were at that time between four and five ~~hundred~~ dollars per month their receipts but $30 or 40 per month. Their assets on hand available a note against Complainants for $200. an Order on the Chi St Paul and Fond du Lac Rail Road for $250 three Ice Houses Rail Road Track and grounds at Crystal Lake Mc Henry County and a Stock of Ice, a balance due them on an Assessment upon the Stock before that time made. That they at this time Commenced the purchase of horses & Wagons and so purchased to the Amount of $2.500 That they Continued in business till June 15 1857. in the mean time increasing their Expences by the Employment of a large number of men and horses. That at the date last above their Expences were $1000 per month more than their Receipts. That on the 15th day of June 1857 an assessment of $10 per share was levied on all of said Stock payable in ten days and a resolution adopted by the Shareholders then present that the Trustees might at their discretion Sell all the lands fixtures and personal property of the Company upon such terms and Conditions as to them seemed best, at a price not less than $10.000 That at the same time the Trustees directed the

Secretary that if the assessment aforesaid was not paid within 10 days by the holders of two thirds of the shares to so report and the Trustees resolved to sell in case of such default under the resolution of the shareholders. That not any part of said assessment was paid, that on the 1st July 1857 the Company had no money, that their account with the Treasurer was overdrawn $2600 or $2700 for money lent, that there was $700.00 or $800.00 due the Workmen for the Company besides monies due officers & Clerks. That the Workmen then refused longer to serve the Company or to allow others to work till their wages were paid, and that a Majority of the drivers for distribution of Ice in the City refused longer to drive and that the Company ceased all operations on the 3rd day of July 1857. that they were unable to get ice to deliver to their Customers of the Company, and that on the 4th day of July 1857 the writ of Injunction issued in this Cause was served.

5. That there was paid in by the various Members of said Company in the aggregate $20797.88 as shown by the books of which sum there was paid in prior to March 1. 1857. $15704.18. That the one Half of the Capital Stock was never paid in by said Shareholders That a part of said $14550 was paid in land

Services and other traffic.

8-5th

6. That the said Company purchased four parcels of Real Estate full description of which are about set forth and also contained in Exhibits Numbered 3. 4. 5 & 6 herewith Submitted said Real Estate Situated in the Town of Algonquin McHenry Co. That said lands were purchased under the direction of the Trustees and the deeds executed to the said Amos Page of Janesville Wisconsin the said lands was paid for by an arrangement between the trustees and said Page by which said Page was to be credited with all the assessments made and to be made upon 20 Shares of Stock. That said Page paid for said lands by the transfer of 13 of said 20 Shares to James L Prisson of said Algonquin who procured for the Company the title to said lands. That the lands in question are the lands upon which the ice houses and Rail Road track of the Crystal Lake Ice Company formerly Stood. That the legal title is still in said Amos Page.

7th That said Company was indebted to said Receiver contracted prior to July 2d 1857 the sum of $2670.59 for an excess of payments by him over and above receipts also indebted to the said Receiver at that date in the sum of $1000 for services as Treasurer including interest

on advances and general Services (Total $30,705.59

8th. That the said Receiver has received from all sources from the assets of said Company which have come to his hands the sum of $4605.41 —

9th. That said Receiver has still in his hand of said assets promissory Notes of Joy & Fiske of this City in the sum of $6000.00 One of said Notes for $1000 maturing Dec 1. 1857 One Note for $2500 maturing July 1. 1858. and one Note for $2500 maturing July 1. 1859.

10. That said Receiver has disbursed since his said appointment as such Receiver in the payment of the debts of said Company the sum of $4598.94 as fully set forth and specified in the file of Vouchers herewith returned numbered from No. 1 to No. 91 inclusive the same being submitted with this Report.

From the evidence I am of opinion that the said Crystal Lake Ice Company never complied with the Requirements of the Statute of the State of Illinois Entitled an act to authorise the formation of Corporations for Manufacturing Agricultural Mining or Mechanical purposes. Approved February 10 1849 and that the same should by the decree of said Court be declared to be and to have been a general Copartnership and the property of said

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Company Copartnership property, and at the time of the filing of said Bill of Complaint the said Company was insolvent. I am of further opinion that the said defendant Amos Page should by the order and decree of said Court be directed within some short day to make Conveyance to Miriam Foy & Augustus Nisbie of all and singular the said several parcels of Real Estate so as aforesaid by him held as the Trustee of said Company. That an Order should be entered declaring the said Copartnership dissolved. And that said Receiver should be directed to pay and satisfy all just debts against said Company out of the proceeds of the sale of the property of said Company by him heretofore reported after first paying the Costs and Expences of this proceeding and the Charges of said Receiver for his reasonable Commissions and disbursements. That an Order should be entered Confirming and allowing the acts of said Receiver in the settlement and adjustment of the debts and liabilities of said Company as shown by the Vouchers accompanying this Report and that said Receiver should be directed to close the said business and collect the remaining securities secured by the promissory notes in his hands as above specified when the same shall mature, with all reasonable despatch and that the said Receiver should

by the order of this Court be allowed to retain out - the first moneys that shall come to his hands the said sum of $3670.50 as aforesaid due to him. All which is respectfully submitted

L. C. O. Greer.

Master in Chancery Cook Co. &c.

And now this day again comes the said Complainant William Backus with Court by E. Smith Williams his Counsel and here moves the Court that the said Report of L. C. Orie Greer Master in Chancery in said Cause above entitled heretofore filed in this Cause be Confirmed and in all things approved & that a final decree be entered in this Cause according to and in pursuance of the prayer of the bill of Complaint heretofore filed in this Cause and in pursuance of the finding of said Report of said Master in Chancery. And the Court being advised of the Matters and things in said bill of Complaint set forth and of all and singular the Matters and things Contained and set forth in said Report of said Master and Counsel having been heard. And the Court having duly Considered the said Motion hath ordered and decreed and by Virtue of the power therein Vested this Court does order and decree

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that the said Report as to the matters and things therein contained and set forth be in all things confirmed and approved.

And it further appearing to this Court from the said Report that the said Defendants and the said Complainant although doing business as a Corporation Created under and in pursuance of an act of the Legislature of the State of Illinois approved Feby 10th 1849 Entitled "An Act to authorize the formation of Corporations for Manufacturing, Agricultural Mining and Mechanical purposes" under the name of the Crystal Lake Ice Company were never legally organized as such Corporation in pursuance of said act and never complied with the requirements of said act, but that the said defendants and said Complainants were doing business as a general Copartnership under the name and style of the Crystal Lake Ice Company, this Court has ordered and decreed and by virtue of the power and authority therein vested doth order and decree that said Crystal Lake Ice Company, be and it is hereby declared to have been a general Copartnership composed of the said Defendants and said Complainant. And it further appearing to this Court from the said Report of said Master that at the time of the filing of the Bill of Complaint in this Cause that is to say, on the first day of July A.D. 1857 the

said Copartnership doing business under the name of the Crystal Lake Ice Company was insolvent. and unable to pay its debts and was daily losing money and that the managing members of said Copartnership neglected the business of said firm and failed to attend to the same and that a majority of the members of said Copartnership are non residents of the State of Illinois. It is ordered and decreed. and this Court by virtue of the power therein vested doth order and decree that the said Copartnership doing business under the name style and firm of the Crystal Lake Ice Company be and the said Copartnership is hereby dissolved and that the injunction heretofore issued in this Cause be and that the same is hereby made perpetual and that the said defendants shall forever desist and refrain from proceeding with or intermeddling with said Crystal Lake Ice Company its property effects goods. Chattels accounts Vouchers books of accounts and all and singular the property both real and personal of said Crystal Lake Ice Company And it is further ordered and decreed and the Court by virtue of the power therein vested doth order and decree that the order heretofore entered in this Cause appointing Al Coventry Receiver

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of all and singular the goods property effects accounts and books of account of said Crystal Lake Ice Company be and the same is hereby confirmed and made perpetual and that said Receiver do proceed to continue to pay the debts of said Crystal Lake Ice Company according to prayer of said Bill of Complaint and of said Report of said Master in Chancery And it further appearing to this Court that the said Receiver since his said appointment as such has made a sale of all and singular the property both real and personal of said Crystal Lake Ice Company to Hiram Joy and Augustus Hishie on the terms and for the sum set forth in said Report, and that as such Receiver he had received on the Ninth day of November A.D. 1857 the sum of Four thousand six hundred and five Dollars and forty one Cents and that he had paid out as such Receiver in the payment of the debts of said Copartnership the sum of Four thousand five Hundred & ninety eight Dollars and Ninety four Cents as appears from the said Report of said Master in Chancery and the vouchers here this day filed in Court it is hereby ordered and decreed and this Court by virtue of the powers therein vested doth hereby order and decree that the said Several acts of said Receiver in the making of such the said Sale and in the payment of said indebtedness be and that the same and all and singular the acts of said Receiver as

such Receiver be and the same is hereby ratified confirmed and approved by this Court and it further appearing to this Court that the said Crystal Lake Ice Company was at the time of the appointment of said Coventry as such Receiver justly indebted unto him the said A Coventry in the sum of Thirty six hundred and seventy dollars and fifty nine cents for monies lent & services rendered for said Company prior to his appointment as such Receiver of said Company and that said sum still remains due and owing and unpaid to him said Coventry, it is ordered and decreed and this Court by virtue of the power therein vested doth order and decree that the said Receiver be at liberty to repay to himself said sum of Thirty six hundred & seventy dollars and fifty nine cents out of and from the first monies coming into his hands as such Receiver as aforesaid and that such payment to himself said Receiver when so made as aforesaid be confirmed and approved by this Court. and it is further ordered & decreed that said Receiver after making such repayment as aforesaid do first pay all costs and charges of this proceeding and report the same to this Court and it is further ordered and decreed that said Receiver be at liberty to apply to this Court for further direction

as to his proceedings as such Receiver from time to time as the nature of the Case may Require And it further appearing to this Court that Amos Page one of the said Defendants above named holds all those Certain pieces and parcels of Real Estate situate in the Town of Algonquin in the County of McHenry in the State of Illinois described as follows, to wit: Part of the SW 1/4 of Sec. 32 T 44 N R 8 East of 3 P.M. beginning at a point in the Centre line of Crystal Lake Branch Rail Road said point being in the division line between said land and land owned by Josiah Walker and twenty five — from said Centre line at right angles thence South 45° west 1489 feet to a point in the division line between said land and land owned by J S Pearson thence East 78 feet in said line crossing the Centre line of said Rail Road and 25 feet from said Centre line at right angles thence North 45° west 1341 feet to a point in the division line between said lands and lands owned by Josiah Walker aforesaid said point being 25 feet from said Center line at right angles and thence — North 74 feet recrossing the Centre line of said Rail Road to the point of beginning Containing 1 12/100 Acres more or less said deed also Containing a Condition that the Grantor shall Keep both sides of said Rail

Road fenced on said land, and said Page to put in Cattle guards across said Road, and also that certain other piece of land described as follows to wit. In McHenry County in the N W corner of Sec 5 and North East Corner of Sec 6 in T 43. N R 8 E 3 P.M. beginning at a point in the Centre line of the Crystal Lake Branch Railroad said point being in the division line between said land and land owned by Elias Pearson and 33 feet from said Centre line at right angles thence South 45° West 4368 feet, thence on a three degree Curve to the left 187 feet to a point in the division line between lands owned by S Beardsley said point being 33 feet from the Centre line of said Rail Road at right angles thence East 78 feet in said division line recrossing said Centre line of said Rail Road to a point 33 feet from said Centre line at right angles thence on a three degree curve to the right 141 feet thence North 45° East 4405 feet to a point in the division line between said land and land owned by Elias Pearson thence west to the place of beginning Containing 6 $\frac{86}{100}$ Acres more or less the said deed Containing a Recital that said Page is to put in a Switch and maintain a depot on said Road at Crystal Lake. And

also that certain other piece of land descri=bed as follows to wit: In the County of McHenry Commencing at a point on the shore of Crystal Lake near the waters Edge at the line of lands purchased of Berman Ran=dall from James T Pearson & wife running Easterly along said line 17½ rods thence at right angles with said line nine rods thence westerly parallel with the line of said lands bought of Berman Randall to the shore of Crystal Lake thence along the shore of said Lake to the place of beginning containing one acre of land more or less. And also that certain other piece or parcel of land situate in the County of McHenry in the State of Illinois known and described as that certain piece of land in the Town of Algonquin in said County now occupied by the Rail Road track leading from the track of the Chicago St Paul and Fond du Lac Rail Road to the Crystal Lake in said Town of Algonquin across the farm of one Lewis Cuttenden now occupied by the track of said Rail Road. All of which said real Estate above described of right belonged to said Crystal Lake Ice Company and that the title to the same was taken by the said Page in his own name while acting as pres=ident of said Company for greater convenience

and was held by him said Page as Trustee for said Crystal Lake Ice Company and that said Crystal Lake Ice Company in fact paid for all of said Real Estate. And it further appearing to this Court that since the appointment of a Receiver in this Cause and since the sale made by said Receiver to said Marian Joy and Augustus Preible of all and singular the property both real and personal of said Crystal Lake Ice Company the said Page though requested by said Receiver so to do has failed and refused to convey the title to said Real Estate so standing in his hand and held by him as Trustee as aforesaid to said Marian Joy and Augustus Preible as he of right ought to do and it further appearing to this Court from the papers filed in this Cause that said Amos Page is now a resident of the State of Wisconsin and is a resident of the State of Illinois; it is hereby ordered and decreed and this Court by virtue of the power therein vested does hereby order and decree that said the said Conveyance heretofore made by said Receiver to said Marian Joy and Augustus Preible of all and singular the said Real Estate hereinbefore described do vest in said Joy and Preible all the right title and interest of said Crystal Lake Ice Company in and to the same, and it is

further ordered and decreed and this Court by virtue of the power therein vested doth hereby order and decree that the said Amos Page do and that he shall forthwith after the entering of this decree make execute and deliver to said Hiram Joy and Augustus Frisbie a deed of Conveyance with all and proper words of Conveyance and quit Claim duly acknowledged conveying to the said Hiram Joy and Augustus Frisbie all his said Amos Page's right title and interest and all the right title and interest of his said Page heirs executors or administrators in and to said Real Estate set forth and described in the Report of said Master in Chancery and hereinbefore more particularly described. And in Case said Page shall fail and neglect to comply with the conditions of this decree and shall fail or refuse to make execute & deliver to said Hiram Joy and Augustus Frisbie a deed of Conveyance of all and singular the said Real Estate above described and hereinbefore in said Report of said Master in Chancery more particularly set forth and described duly acknowledged. Conveying all and singular the rights title and interest of him the said Amos Page his heirs executors or administrators in and to the same and all of the same for the space of thirty days hereafter. Then and in

that case the said Hiram Joy and Augustus Fisbie shall be at liberty to apply to the Hon L.C. Paine Speer Master in Chancery who is hereby appointed a Special Commissioner for such purpose and he the said L.C. Paine Speer is hereby authorised directed and empowered as such Special Commissioner and as such Master in Chancery to make execute and deliver to said Hiram Joy and Augustus Fisbie a deed of conveyance of all and singular the right title and interest of him said Amos Page his heirs executors or administrators in and to all and singular the said real estate hereinbefore and in said report of said Master in Chancery more particularly described and set forth, and which said deed of said Speer as such Special Commissioner and Master in Chancery when so executed and delivered as aforesaid shall vest in said Hiram Joy and Augustus Fisbie their heirs executors or assigns all the right title or interest of said Amos Page his heirs executors or administrators in and to all and singular the said real estate hereinbefore and in said report of said Master in Chancery more particularly set forth and described as fully and completely and entirely in every manner as if the same had been made by said Amos Page himself.

And it is further ordered and decreed that

said Receiver as such Receiver have Execution against the Estate of said Page for all Expenses attending on or growing out of the Execution of such deed by said Special Commissioner in Case of his said Page's failure to Comply with the order and decree of this Court herein before Entered. And it is further ordered and decreed that said Receiver as such Receiver do pay out of the proceeds of said property of said Crystal Lake Ice Company all Costs, Charges and Expences attending on or growing out of this Cause.

And afterwards, to wit: on the 3rd day of April in the year of our Lord One Thousand Eight hundred and Fifty eight the same being one of the days of the March Vacation term of said Court. the following proceedings among others were had and entered of Record, to wit:

William Backus
vs.
William Parker Amos Page
Jacob Eastman John W Wiggins
George Clark Spencer J Nelson
Benjamin W Wolcott A A Wolcott
Wm B Benson S J Coyler Saml.
S Johnson Joel W Johnson

Bill for Relief

Clark Lobe Samuel W Perry
John S Wheat Abel W Fuller
J W Edwards J M Stone
George Tyler Alvin W
Judd and Caleb Rich

And now this day
Comes the said Receiver heretofore appointed in
the above Entitled Cause and files the Report
of L R Paine Speer here this day presented
for which said Speer amongst other things
sets forth and shows unto this Honorable
Court that in pursuance of the Decree heretofore
Entered in said Cause above Entitled he
has Executed a deed to Hiram Joy & Augustus
Gribie as described by said decree and which
said deed and said Report of said Master is as
follows.

Whereas in a Certain Cause now or
lately pending in the Circuit Court of Cook
County In Chancery wherein William Backus
was Party Complainant and Amos Page, William
Baker George T Clark E J Snyder Jacob T Bastian
A A Robert. Benjamin W Robert Jr. Clark Lobe
Samuel T Johnson Joel W Johnson Samuel W Perry
John S Wheat John W Higgins Daniel L Wells
Charles E Stevenson William O Ogden Abel W
Fuller J W Edwards Jesse M Stone George Tyler
Alvin W Judd Caleb Rich James H Pierson Emmons

101 Taylor and Lewis J Mulford were parties defendants a final decree was entered on the Eighteenth day of December in the Year of our Lord One Thousand Eight Hundred and Fifty seven in which amongst other things it was ordered and decreed that the said Amos Page one of the said defendants should forthwith make execute and deliver to Wm Foy and Augustus Spribe a deed of Conveyance with all apt and proper words of Conveyance and quit Claim duly acknowledged of all his said Amos Page's right title and interest of his said Page's heirs executors or administrators in and to the following Real Estate, to wit: Part of the S.W. ¼ of Sec. 23 T 44. N R 8 East of 3 P.M. beginning at a point in the Centre line of the Crystal Lake Branch Rail Road said point being in the division line between said lands and land owned by Josiah Walker and twenty five (25) from said Centre line at right angles thence South 45° West 1489 feet to a point in the division line between said land and land owned by J T Pearson thence East 78 feet in said line crossing the Centre line of said Rail Road and 25 feet from said Centre line at right angles thence North 45° West 1341 feet to a point in the division line between said lands and lands owned by Josiah Walker aforesaid said point being 25 feet from said Centre line

at right angle and thence North 74 feet recording the Centre line of said Rail Road to the point of beginning Containing $1\frac{63}{100}$ acres more or less said deed also Containing a Condition that the grantor shall keep both sides of said Rail Road fenced on said land. and said Page to put in Cattle guards across said Road and also that Certain other peice of land described as follows. to wit: In Mc Henry County in the NW. Corner of Sec 5. and NE. Corner of Sect. 6 in T 43. N R 8 E 3 PM. beginning at a point in the Centre and of Crystal Lake Branch Rail Road said point being in the division line between said lands and land owned by Elias Pearson and 33 feet from said Centre line at right Angles thence South 45° West 4388 feet thence on a three degree Curve to the left 187 feet to a point in the division line between lands owned by S Pearsons said point being 33 feet from the Centre line of said Rail Road at right angles thence East 78 feet in said division line Crossing said Centre line of said Rail Road to a point 33 feet from said Centre line at right Angles thence on a three degree Curve to the right 141 feet thence North 45° East 4405 feet to a point in the division line between said land and land owned by Elias Pearson thence

West to the place of beginning Containing 1 86/100 Acres more or less the said Deed Containing a recital that said Page is to put in a Shovel and maintain a Depot on said Road at Crystal Lake. And also that Certain other piece of land described as follows, to wit: In the County of McHenry Commencing at a point on the Shore of the Crystal Lake near the lake Shore at the line of lands Benson Randall from James W Pearson and wife running Easterly along said line 1 1/2 rods thence at Right Angles with said line nine rods thence westerly parallel with the line of said lands bought of Benson Randall to the Shore of Crystal Lake thence along the Shore of said Lake to the place of beginning Containing one acre of land more or less. And also that Certain other piece or parcel of land Situate in the County of McHenry in the State of Illinois Viz and described as the Certain piece of land in the town of Algonquin in said County now occupied by the Rail Road track of the Chicago St Paul and Fon du Lac Railroad to the Crystal Lake in said Town of Algonquin across the farm of one Lewis Chittenden now occupied by the track of said Rail Road, and in and by said Deed it was further agreed and decreed that in Case he the said Amos Page should fail or refuse to make Execute & deliver

to said Miriam Joy and Augustus Phisbie a deed of Conveyance of all and singular the real Estate above described and hereinbefore set forth duly acknowledged covering all and singular the right title of him said Page his heirs Executors or administrators in and to the same and all of the same for the space of thirty days thereafter then and in that case the said Miriam Joy and Augustus Phisbie should be at liberty to apply to L B Paine Speer Master in Chancery who was thereby appointed Special Commissioner for such purpose and the said L B Paine Speer was authorized directed and empowered as such Special Commissioner and Master in Chancery as aforesaid to make execute & deliver to said Miriam Joy and Augustus Phisbie a deed of Conveyance of all and singular the right title and interest of them the said Amos Page his heirs Executors or administrators in and to all and singular the said Real Estate hereinbefore described and set forth which deed of such Special Commissioner when so executed and delivered as aforesaid should vest in said Miriam Joy and Augustus Phisbie their heirs Executors or administrators all the right title and interest of said Amos Page his heirs Executors or administrators in and to all and singular the real Estate hereinbefore described as fully

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and completely as if the said Amos Page were here present and acting. And whereas application has been made to me by said Hiram Joy and Augustus Spribie that I should make such deed of conveyance in pursuance of said decree and said Joy has made oath before me the said L. C. Paine Speer that said Page above named has in no wise complied with the order of said Circuit Court of Cook County, I. in Chancery sitting as set forth and contained in said decree hereinbefore referred to. and that no one on the part of said Page has offered to make said deed to said Joy and Spribie Now therefore Know ye all men by these presents that I L. C. Paine Speer of Chicago in the County of Cook and State of Illinois Master in Chancery and as such Special Commissioner in said Cause hereinbefore before referred to duly appointed in consideration of the premises and in pursuance of said decree hereinbefore referred to and in further consideration of the sum of One dollar to me in hand paid by Hiram Joy and Augustus Spribie of Chicago aforesaid the receipt whereof is hereby acknowledged have granted sold transferred conveyed set over and quit claimed and by these presents do transfer convey set over and quit claim unto the said Hiram Joy and Augustus Spribie their heirs Executors admin

=istrators and assigns all the right title and interest of said Amos Page his heirs executors administrators and assigns all the right title and interest of the said Amos Page his heirs Executors or administrators in and to the following described Real Estate with its appurtenances situate lying and being in the County of McHenry and State of Illinois and known and described as follows, to wit: Part of the South West quarter of Sect 32 Township forty four (44) North Range Eight East of the third P.M. beginning at a point in the Centre line of the Crystal Lake Branch Rail Road said point being in the division line between said land owned by Josiah Walker and twenty five (25) from said Centre line at right angles thence South forty five degrees west One thousand four hundred and Eighty nine (1489) feet to a point in the division line between said said land and land owned by J. T. Pearson thence East Seventy Eight (78) feet in said line crossing the Centre line of said Rail Road twenty five feet (25) from said Centre line at right angles thence North forty five 45 degrees West One thousand three hundred and forty one feet (1341) to a point in the division line between said land and land owned by Josiah

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Walker aforesaid said ~~forty~~ point being twenty five (25) feet from said Centre line at right angles and thence North Seventy four (74) feet Crossing the Centre line of said Rail Road to the point of beginning Containing one acre and Sixty two One hundredths of an acre ($1\frac{62}{100}$) more or less said deed also Containing a Condition that the grantor shall keep both sides of the Rail Road fenced on said land and said Sage to put in Cattle guards across said Road and also that Certain other piece of land described as follows. to wit I Mc Henry County in the North West Corner of Section five (5) and North East Corner of Sect (6) lies in Township forty three (43) North Range Eight (8) East the P Ws beginning at a point in the Centre line of Crystal Lake Branch Rail Road said point being in the division line between said land and land owned by Elias Pierce and thirty three feet (33) from said Centre line at right angles thence South forty five (45) degrees West four thousand three hundred Sixty Eight (4368) thence on a three degree degree Curve to the left One hundred & Eighty Seven 187 feet to a point in the division line between lands owned by S Beardsley said point being thirty three (33) feet from

the Centre line of said Railroad at right angles thence East Seventy eight (78) feet in said division line to crossing said Centre line of said Rail Road to a point thirty three feet (33) from said Centre line at right angles thence on a three degree Curve to the right One hundred and forty one (141) feet thence North forty five degrees (45) East four thousand four hundred & five feet (4405) to a point in the division line between said land and land owned by Elias Pearson thence West to the place of beginning Containing Six Acres and Eighty Six One hundredths of an acre (6 86/100) more or less the deed Containing a Proviso that said Page is to put in a Switch and maintain a Depot on said Road at Crystal Lake and also that Certain other piece of land described as follows to wit In the County of McHenry at a point on the shore of the Crystal Lake near the lake shore at the line of lands purchased by Bernard Crandall from Jance F Pearson and wife running Easterly along said line Seventeen and a half (17½) Rods thence at right angles with said line Nine (9) Rods thence westerly parallel with the line of said lands

bought of Bernard Randall to the shore of Crystal Lake thence along the shore of said Lake to the place of beginning containing one acre of land more or less. And also that certain other piece or parcel of land situate in the County of McHenry in the State of Illinois known and described as that certain piece of land in the Town of Algonquin in said County now occupied by the Rail Road track of the Chicago St Paul and Fondulac Rail Road to the Crystal Lake of said Town of Algonquin across the farm of one Lewis Fruttenden and occupying the track of said Rail Road To Have and to Hold the same to them the said Joy and Frisbie their heirs Executors administrators and assigns forever: Intending and meaning to convey hereby to said Joy and Frisbie all the right title and interest of said Amos Page in and to said above described premises in law or in equity in as full and complete a manner as I am authorised and directed to do in & by said decree of said Circuit Court of Cook County in Chancery pending herein before referred to.

In Witness whereof I C. Clarke Special Master in Chancery and Special Commissioner as aforesaid have hereunto set my hand

and Seal this Nineteenth day of March in the Year of our Lord One thousand Eight hundred and fifty eight A D 1858.

To the Hon. George Manierre Presiding Judge. The undersigned would respectfully report that in pursuance of the decretal order annexed foregoing he Executed and delivered to Hiram Joy and A Preble a deed in Conformity with the terms of said order of which the foregoing is a true Copy all which is respectfully submitted.

L C Freer
Master in Chancery
Cook Co.

Masters fee $25.00 Paid by Receiver

And the Court having Considered the said Report and having Examined said deed and having been made acquainted with the Contents of the same hath ordered and decreed and by Vertue of the power therein Vested doth hereby order and decree that the Report of the said Master and the said deed ~~that the Report of the said Master~~ by him made and delivered by said Joy and Preble be and that the same is hereby Confirmed and approved of

And afterwards to wit: on the 13th day of July in the year of our Lord One thousand eight hundred & fifty eight. John S Wheat filed in said Court in said Cause his certain petition in the words and figures following to wit:

To the Honorable George Manierre Judge of the Circuit Court of Cook County in Chancery Sitting.—

State of Illinois }
County of Cook } ss.

Your petitioner John S Wheat of in the State of Wisconsin respectfully shows unto Your Honor that on or about the first day of July in the year One thousand eight hundred and fifty seven William Backus Complainant filed in this Court on the Chancery side thereof a Bill of Complaint against Your petitioner then and since and now a Citizen and resident of the State of Wisconsin and William Backus Amos Page George T Clark B J Snyder Jacob Bastman A A Robert Benjamin H Roberts Samuel T Johnson Joel H Johnson Clark Lipe Samuel H Perry John H Wiggins William B Brown Abel W Fuller J W Edwards Isaac C Nelson Jesse M Stone George Tyler Alvin W Sadd Caleb

Rich James F Pierson Simeon Taylor Charles E Thompson Lewis F Mulford and Daniel L Wells Defendants therein setting forth and Claiming among other things that said Complainants and Defendants were partners in business under the firm name of the Crystal Lake Ice Company and praying among other things for a dissolution of such partnership and an account thereof as by said Bill of Complaint now on file in this Court reference being thereto had will more fully and at large appear.

That on the 1st day of July A D 1857 there was issued upon said Bill a Summons against the said Defendants including your Petitioner which was afterwards returned without having been served upon your petitioner as by said Summons and the Return of the officer thereto reference being thereunto had will more fully appear

That on the said first day of July 1857 there was filed in said office an Affidavit in said Cause showing the non residence of your petitioner and others of said Defendants and that process could not be served on them or either of them as by reference to said Affidavit will more fully appear

That afterwards and on the

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day of . the Clerk of this Court issued a Notice of the pendency of said suit which was published for four successive weeks in the Chicago Journal a Newspaper published in the City of Chicago in said County Notifying your petitioner and other Defendants in said suit of the pendency thereof in this Court & to appear and answer to the said Bill of Complaint by the Second Monday of October A D 1857 or that the same would be taken as Confessed against them as by said Notice and the Certificate of Publication attached reference being thereto had will more fully and at large appear

That afterwards such proceedings were had in said Cause that without further or other Notice to your petitioner than that given by the publication of said Notice of the pendancy of said suit as aforesaid the said Bill was taken as Confessed against your petitioner and the said Court proceeded to and did on the 18th day of December A D 1857 render a final decree in said Cause touching the Matters Complained of in said Bill as by reference to the same will more and at large appear

Your Petitioner therefore according to the form of the Statute in such Case made

and provided. Appears now here in Court by himself and by his Solicitor W. F. Burgess and prays this Court that the said default and decree may be vacated and set aside the same as though no such proceedings had been had and he be let in to plead demur or answer to the said Bill and that thereupon such other or further proceedings may be had as to justice and right shall appertain or for such other or further relief in the premises as your Petitioner under the Statute may be entitled to. and he will ever pray &c.

John J. Wheat.

W. F. Burgess
Solr.

State of Illinois }
County of Cook } William F. Burgess of said County being duly sworn says that the facts set forth in the above petition are true in substance and fact according to the best of his knowledge information and belief

W. F. Burgess.

Subscribed & Sworn to before me this 21 March 1859. Wm L. Church Clk

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And afterwards, to wit: on the 21st day of March in the year of our Lord One thousand Eight hundred and Fifty nine, being one of the days of the March vacation Term of said Court, the following proceedings amongst others were had and entered of Record, to wit

William Backus
vs.
John S Wheat Impleaded with William Baker, et al } Bill for Relief

This day comes the said Defendant John S Wheat by Wm. T. Burgess his Solicitor and moves the Court to set aside the decree as to the said Defendant John S Wheat heretofore entered in said Cause and the Court after hearing Affidavits and proofs in support of said Motion and being fully advised of and concerning the premises now sustains said Motion and orders that the Decree of this Court as to the said Defendant John S Wheat heretofore taken and entered of Record in said Cause, to wit: on the 17th day of December A. D. 1857, be set aside vacated and held for naught and the same as to the said Defendant John S Wheat is hereby set aside and vacated accordingly.

And afterwards, to wit: on the 19th day of October in the year of our Lord One thousand Eight hundred and Sixty one there was filed in said Court a Certain petition to open decree in the words and figures following to wit:

In the Circuit Court of Cook County. In Chancery.

William Backus
vs.
William Butler George L. Lark B. J. Cuyler Jacob F. Bastman Amos Page et al

The Petition of the Defendants to the decree entered in this Cause on the 17th day of December 1857 respectfully shows -

That on the 13th day of July AD 1858 John S Wheat one of said defendants filed his petition in this Cause as a non-resident not served with notice personally to set aside the said decree - as by reference thereunto will more fully appear. That thereupon such proceedings were had that on the 21st

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day of March 1859 an order was made opening said decree and setting the same aside as to him — that afterwards on the same day said Wheat filed his demurrer to the Bill of Complaint for the reason that the Complainant had not made or stated such a Case as did or ought to entitle him to any Relief in a Court of Equity, as by said Demurrer now on file appears. That demurrer to said bill is still pending.

And your petitioners further show that the Case made in and by said Bill if any is a joint one against all of the defendants thereto and the said Decree is a joint one against all of the defendants thereto and that upon the face of the Record this Court hath erred in the rendition of said decree, there being a total want of Equity in the said bill.

They therefore pray this Court to review and reverse the said decree and set the same aside and dismiss the Bill of Complaint

W. G. Burgess
Solt. for Dfts.

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I, WILLIAM L. CHURCH, Clerk of the Circuit Court of Cook County, in the State aforesaid, do hereby certify the above and foregoing, to be a true, perfect and complete copy of Bill. Process. pleadings. papers Proceedings & decree in a certain cause lately pending in said Court, on the Chancery side thereof, wherein William Buckus was Complainant and William Baker Et al were Defendants

In Witness Whereof, I have hereunto set my hand, and affixed the Seal of said Court, at Chicago, this Thirteenth day of April A. D. 1865

Wm L Church Clerk.

filed for Record $14.75
paid Wm L Church

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In the Supreme court of the State of Illinois Third Grand Division. April Term 1863.

William Baker, Amos Page, Jacob P. Eastman, John H Wiggins, George P. Clark, Benjamin W. Hobart Jr. A. A. Hobart, W. B. Benson, S. J. Ryder, Samuel P. Johnson, Joel H. Johnson, Clark Lipe, Samuel W. Perry, John S. Wheat, Abel W. Fuller, J. H. Edwards, J. M. Stone, George Tyler, Alvin W. Judd, Caleb Rich, James T. Pierson, Daniel L. Wells, Emons Taylor, Charles Thompson & Lewis J. Mulford, Plffs in error.

vs

~~William Bac~~ Francis W. Buckingham adm^r. of William Backus deceased

Error to Cook Circuit Court.

And now comes the Plaintiffs in error by W. T. Burgess their attorney and suggest to the court that since the rendition of the decree set out in the foregoing transcript the said William Backus therein named hath departed this life intestate, that the Deft in error Francis W. Buckingham hath since by the county court of said Cook County been duly appointed administrator of said deceased the goods chattels rights credits and effects which were of the said William

Packers deceased at the time of his decease

And the said plaintiffs in error say that in the record and proceedings and in the rendition of the decree aforesaid by the said circuit court there is manifest error of record therein in this.

1st That the said circuit court as a court of chancery had no jurisdiction of the case made by the bill of complaint

2d That the Crystal Lake Ice company. the corporation mentioned in the said bill was not & should have been a party to the said bill.

3d That the said circuit court had no power or authority to appoint a receiver and order him to take and dispose of the property of a party not before the court.

4th That the said circuit court should have dismissed the bill of the complainant.

5 That when the court opened the decree as to the defendant Wheat it should have opened it as to all of the defendants below and dismissed the suit.

And for other causes. Wherefore the Plaintiffs in error pray that the decree aforesaid for the errors aforesaid may be reversed annulled and set aside and

Atty retained

W. G. Bunger
for Plff in

There is no error in this Record

C S Beckwith
Asst Deft Atty

38 090

Amos Page stat.
v
Buckingham
Record & Ass

Filed Apl. 21, 1863
L. Leland
Clk.