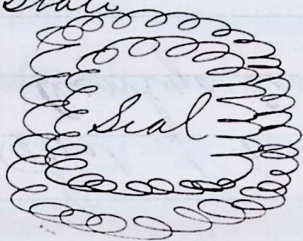


Clerk of Asmago County do hereby certify that Benjamin F. Rhodes whose name is subscribed to the certificate of proof or acknowledgement of the annexed instrument and thereon written was at the date of said certificate a special County Judge in & for said County & duly authorized to take the same & further that I am acquainted with the handwriting of the said Judge Rhodes and truly believe the signature to the said certificate of proof or acknowledgement to be genuine.

And I further certify that the said instrument is acknowledged and in all respects executed according to the laws of this State.



In testimony whereof I have hereunto set my hand and affixed the seal of said County this 18th day of January 1855.
E. M. Hilde clerk

45

Charles Austin by
Ruben Scription by his atty.
Charles H. Cross.

Exhibit "C"

Know all men by these presents that I Charles Austin Late a private in banks Company of the thirty third regiment of Infantry by my lawful attorney Ruben Scription of the town of Sandy creek County of Osage and State of New York of the first part in Consideration of the ~~first part~~ ~~in Consideration~~ sum of one hundred dollars received to my full satisfaction of Charles H. Cross of the town of Abbeville in County & State aforesaid of the second part the receipt whereof I do hereby acknowledge have remised released and forever quit claimed unto the said party of the second part his heirs and assigns all right and title which I have to the North east quarter of Section thirty three in Town Twelve North in range six east containing one hundred and sixty acres and is the same granted by letters patent signed by James Monroe to me in the Tract of Lands appropriated by acts of Congress for Military bounty lands in the then territory and now State of Illinois To have and to hold all my right and title in and to the said remised. released and quit claimed premises with the appurtenances thereof to him the s^d Charles H. Cross his heirs and assigns forever To his own proper use and behoof and I the said Charles Austin by my Lawful Attorney Ruben Scription do for myself my heirs and assigns executors administrators covenant with the said Charles H. Cross his heirs and assigns that I the said Charles Austin will have and claim no right in or to the above remised Released and quit claimed premises and will forever warrant and defend the same unto the said Charles H. Cross his heirs and assigns

against all persons whatsoever claiming
the s^d premises either by throughs or under
or by virtue of my acts or of my attorneys or
in any manner whatsoever through me or
them excepting only a deed ofQuit claimed
executed to Benjamin Gibbs which deed is supposed
to be lost from which s^d Gibbs has since assigned
over to the s^d Cross I do witness whereof I the
s^d party of the first part have hereto set
my hand and seal this Eighteenth day of Nov
in the year one thousand eight hundred and
Thirty seven

Sealed and delivered
in the presence of
~~Wm. H. Matthews~~
~~M. D. D. D. D.~~

Charles Austin (Seal)
Ruben Scriptuer
his atty

Attest the "Eighteenth", written over
nineteenth before execution

M. W. Matthews

M. D. D. D. D.

State of New York
Savoy County

On the Eighteenth day
of November 1837. personally appeared before
me Ruben Scriptuer to me known to be the
same person described in and who executed the
within deed as attorney for Charles Austin
and acknowledged that he executed the same as
the act & deed of the said Charles Austin for the
uses & purposes therein specified

Let it be recorded

M. W. Matthews
Supreme Court
Commissioner

47 State of New York
 Oswego County Clerk's Office

Geo A Storns

Deputy clerk of Oswego County do hereby certify
 that M. H. Matthews whose name is subscribed
 to the certificate of proof or acknowledgement
 of the annexed instrument and thereon written
 was at the date of said certificate a Supreme
 Court Commissioner in and for said County
 duly authorized to take the same
 and further that I am acquainted
 with the hand writing of the said
 Commissioner and truly believe the signature
 to the said certificate of proof or acknowledgement
 to be genuine and I further certify that the
 said instrument is acknowledged and in all
 respects executed according to the laws of this State

In testimony whereof I have hereunto
 set my hand and affixed the seal of said County
 this 24th Day of Nov. 1854

Geo A Storns
 Deputy Clerk

This Indenture made this eighth day of January in the year of our Lord one thousand eight hundred & fifty five. Between Charles H. Cross of the Village of Pulaski in the County of Oswego State of New York & Melisse his wife of the first part and Franklin H. Whitney of the Village of Pulaski County & State aforesaid of the second part Witnesseth that the said parties of the first part in consideration of the sum of four hundred dollars to them in hand paid by the said party of the second part the receipt whereof is hereby confessed & acknowledged have bargained sold conveyed & quit claimed unto the said party of the second part and to his heirs & assigns forever all that certain piece of land or tract of land To wit: The North east Quarter of section No. thirty three of Township Twelve North in range Six east of the tract appropriated by the acts of Congress for Military bounty lands in the territory of Illinois & is the same Quarter once deeded by James Monroe president of the United States to one Charles Austin late a private in Banks Company of the thirty third regiment of Infantry and granted in the nineteenth day of February in the year one thousand eight hundred & eighteen

Together with all & singular the hereditaments and appurtenances thereto belonging or in any wise appertaining & the reversion & reversions remainder & remainders rents issues & profits thereof and all the estates, right, title, interest, claim and demand whatsoever of the said parties of the first part either in law or Equity of in & to the above bargained premises with the said hereditaments

Exhibit. II. Charles H. Cross & wife
To Franklin H. Whitney

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and appurtenances. To have & to hold the said interest of the said parties of the first part to the above described Quarter Section to the said party of the second part his heirs & assigns to the sole & only proper benefit and behoof of the said party of the second part his heirs and assigns forever

In witness whereof the said parties of the first part have hereunto set their hands & seals the day & year first above written

Charles H. Cross (LS)

Melissa L. Cross (LS)

Scaled and delivered

in presence of

The words "interest of the said parties of the first part to the" was interlined in the 3rd line from the bottom before the execution of this conveyance

B. F. Rhodes

State of New York
Saratoga County

On this Eighth day of January in the year one thousand eight hundred and fifty five before me the subscriber personally appeared Charles H. Cross & Melissa L. his wife to me known to be the same persons described in & who executed the within instrument who severally acknowledged that they executed the same; and the said Melissa L. on a private examination by me apart from her said husband acknowledged that she executed the same freely and without any fear or compulsion of her said husband

B. F. Rhodes

Special County Judge &
Counsellor at Law

50.

State of New York
 Oswego County Clerk's Office

I E. W. Hill clerk of
 Oswego County do hereby certify that B. F. Rhodes
 whose name is subscribed to the certificate of the proof
 or acknowledgement of the annexed instrument and
 thereon written was at the date of said certificate a special
 County Judge in and for said County & duly authorized
 to take the same And further that I am acquainted
 with the hand writing of the said Rhodes and only
 believe the signature to the said certificate of proof
 or acknowledgement to be genuine and I further
 certify that the said instrument is acknowledged
 and in all respects executed according to the laws
 of this State. In testimony whereof I have hereunto
 set my hand and affixed the seal of said County this
 9th day of January 1853-

E. W. Hill clerk

Know all men by these presents that
 we Thomas M. Austin of the town of Ashford
 county of Windham & State of Connecticut for
 divers good causes & considerations thereunto
 moving especially for ten Dollars received to our
 full Satisfaction of Franklin H. Whitney
 of the Village of Pulaski County of Oswego State
 of New York have remised released & forever Quit-
 claimed and do by these presents for myself
 fully & absolutely remise release & forever
 Quit-claim unto the said Franklin H.
 Whitney and to his heirs & assigns forever all
 such right & title as I the said Grantor have

Exhibits. H. Thomas M. Austin

To Franklin H. Whitney

Seal

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or ought to have in or to a certain parcel or tract of land to wit the North east Quarter of Section No thirty three of Township Twelve North in range Six east of the tract appropriated by the acts of congress for military bounty lands in the then territory of Illinois & now State of Illinois viz the same Quarter once deeded by James Monroe President of the United States to one Charles Austin late a private in Banks company of the thirty third regiment of infantry & granted on the nineteenth day of February in the year one thousand eight hundred & eighteen

To have & to hold the premises unto him the said grantee and to his heirs & assigns to the only use & behoof of the said grantee and his heirs & assigns forever so that neither I the said grantor nor any one in my name and behalf shall or will hereafter claim or demand any right or title to the premises or any part thereof but they & every of them shall by these presents be excluded & forever barred

In witness whereof I have hereunto set my hand & seal this 14 day of Feb in the year of our Lord one thousand eight hundred & fifty five ~~Signed sealed & delivered in the presence~~

Thomas M. Austin

Signed sealed & delivered in the presence of
The name of Mary J Austin also "Myself" in the 6th line "I" in the 8th line "I" in the 20 line "my" in the 21st line & "I" & my in the 24th line were inserted by me after signing by consent of Thomas M. Austin

Wm C. C. Watson

Arthur B. Calif

A. B. Calif

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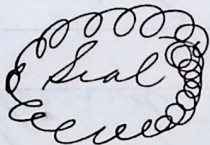
State of Connecticut
County of Middlesex

Middletown Feb 14. 1855

I Arthur B. Calif Clerk of the County Court in and for said Middlesex County the same being a court of record do certify that on this day before me personally appeared Thomas M. Austin whose name appears subscribed to the foregoing deed of conveyance as having executed the same and who is personally known to me to be the real person who and in whose name the acknowledgement is proposed to be made and acknowledges the execution thereof as his voluntary act & deed for the uses & purposes therein expressed

In witness whereof I have hereunto set my hand & affixed the seal of the County Court at Middletown in said County the day & year aforesaid

Arthur B. Calif
Clerk of S. & C. Ct



53.

Exhibit. II.
Charles H. Austin & wife
to
Franklin H. Whitney

Know all men by these presents that we Charles H. Austin & Fanny A. Austin of the town of Middletown County of Middlesex & State of Connecticut for divers good causes and considerations hereunto moving especially for ten dollars received to our full satisfaction of Franklin H. Whitney of the Village of Poughkeepsie County of Oswego & State of New York have granted released & forever quit. Claimed and do by these presents for ourselves jointly & absolutely remise & forever quit claim unto the said Franklin H. Whitney & to his heirs & assigns forever all such right & title as we the said grantors have or ought to have in or to a certain parcel or tract of Land to wit: the North east Quarter of Section No. thirty three of township twenty north in range six east of the tract appropriated by the acts of Congress for military bounty lands in the Territory now State of Illinois in the same Quarter once granted by James Monroe President of the United States to one Charles Austin Late A. Private in Banks Company of the third regiment of infantry and granted on the nineteenth day of February in the year of our thousand eight hundred and eightyeen To have & to hold the premises unto him the said grantee and to his heirs & assigns to the only use and behoof of the said grantee and his heirs and assigns forever so that neither we the said grantors nor any one in our names and behalfs or will hereafter claim or demand any right or title to the premises or any part thereof but they and every of them shall by these presents be excluded & forever barred. In witness whereof we have hereunto set our hands and seals this 14th day

of February in the year of our lord one thousand
eight hundred & fifty five

Signed Sealed and } Charles H. Austin
delivered in presence of } Fanny A. Austin
H. C. Hall } witnesses
Arthur B. Calif } for Chas H Austin

State of Connecticut }
County of Middlesex }

Middletown February 14th 1853

Be it remembered that on this 14th day
of February 1853: before me the undersigned
Arthur B. Calif clerk of the County Court in &
for said Middlesex County the same being a court
of record personally appeared Charles H. Austin
& Fanny M. Austin wives of the said Charles
H. Austin whose signatures appear to the
forgoing deed and who are personally known
to me to be the oral persons who subscribed & executed
the same and acknowledged the same to be their free
act & deed. and Fanny M. Austin wife of said Charles
H. Austin and whose signature appears to said
deed having been by me made acquainted with
the contents thereof and examined separately & apart
from her said husband acknowledged that she
executed the same & relinquished her right of dower
and also ^{all} her title in her own right & otherwise in
the premises therein conveyed voluntarily freely and
without compulsion of her said husband.

In witness whereof I have hereunto set my hand and
Seal & affixed the seal of said County Court at Middletown
in said County the day & year aforesaid. Arthur B. Calif
Clerk of S. C. Ct

Exhibit C. Thomas M. Austin
to Truman Roberts

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This deed made and entered into this
Eleventh day of August Eighteen hundred and fifty
four by and between Thomas M. Austin, Son and
heir at law of the late Charles Austin a private
in Banks Company of the thirty third regiment
of Infantry of Windham County in the State
of Connecticut of the first part & Truman
Roberts of Oneida County and State of New York
of the second part Witnesseth That the said party
of the first part for and in consideration of one
dollar to him in hand paid by the said party
of the second part the Receipt whereof is hereby
acknowledged have granted bargained and sold
and by these presents do sell and convey and quit
claim unto the said party the second part his heirs
and assigns, all of his right title and claim unto
the North East quarter of Section Thirty three (33)
in township Swallow (2) north and range Six (6)
West it being the Military tract and State of Illinois.
To have and to hold the same with all the privileges
and appurtenances therunto belonging unto the
said party of the second part his heirs and assigns.
In witness whereof the said party of the first part
hereunto sets his hand and seal, the day and
year above written

Era G. Murphy

Thomas M. Austin

Chatham Colby Esq

Aug 11th A.D. 1854.

State of Connecticut

Windham County viz: Ashford

Thomas M. Austin Signer & Sealer of the foregoing

Personally appeared

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Instrument and acknowledged it to be his act
and before me

Ira G. Murphy Esq of Race

State of Connecticut
County of Windham ss.

I Thomas Gray Clerk
of the County Court for the County of Windham
do hereby certify, that Ira G. Murphy Esq is and
was on the 11th day of August 1854, a Justice of
the Peace for said County duly appointed Commissioned
etc. and having full power and authority by the
laws of said State to take acknowledgments
of deeds & certify the same & that the same is done
in conformity to the laws of this State and that
full faith & credit ought to be given to his official
acts, and I further certify that, I believe the
foregoing Signature of said Ira G. Murphy
to be genuine. In testimony whereof I have hereunto
set my hand & affixed the seal of said Court at
Brooklin this 16th day of August A.D. 1854.

Thomas Gray clerk

E. L. S.

State of Illinois

Stark County ss. I Jefferson Wynn
Clerk of the Circuit Court & Ex officio Recorder in
and for said County of Stark hereby certify that the
above or foregoing is a ~~faul~~ and perfect copy of a
deed from Thomas M. Austin to Truman Roberts
duly Recorded in my office September Seventh
A.D. 1854, in Book 2 on page 164 of the Stark
County Records Witness my hand and official
seal at the County aforesaid this 4th day of

57

April A.D. 1853-

E. J. S.

Jefferson Nym Clerk
& Recorder

This deed made & entered into on the
fifteenth day of August eighteen hundred &
fifty four by & between Charles H. Austin
(Son & heir at Law of the late Charles Austin
a private in Banks Company of the thirty third
regiment of infantry in the last war with Great
Britain) of Middletown Middlesex County
& State of Connecticut party of the first part
& Truman Roberts of Oneida County & State of
New York of the second part. Witnesseth that
the said party of the first part for & in consideration
of one dollar to him in hand paid by the said
party of the second part, the receipt whereof is hereby
acknowledged hath granted bargained & sold and
by these presents do sell convey & quit claim
unto the said party of the second part his heirs
& assigns all of his right title & claim unto
the North east Quarter of Section thirty three
(33) in township twelve (12) North and range Six
(6) East it being the same land patented to my
Father for services rendered in the last war
with England lying & being in the Military
district & State of Illinois. To have & to hold
the same with all the rights privileges and appurten-
ances thereunto belonging unto the said party of
the second part his heirs & assigns. In witness
whereof the said party of the first part hereunto
set his hand & seal the day & year above written
Signed sealed and delivered
in the presence of
Frederick A. Russell
Jonathan Burns

Charles H. Austin
Truman Roberts
Exhibit "I"

Charles H. Austin

58.

State of Connecticut
County of Middlesex ss Middletown

Be it remembered that on the
fifteenth day of August in the year of our Lord
one thousand eight hundred & fifty four, before
me Jonathan Barnes a Notary public in & for
the said State duly commissioned & sworn dwelling
in said Middletown & authorized by law to take
the acknowledgements of deeds personally appeared
Charles H. Austin to one known to be the
real person whose name is subscribed to the
foregoing conveyance & acknowledged that
he executed the same as his free act & deed
for the uses & purposes therein mentioned in
witness whereof I hereunto set my hand &
Notarial Seal of office the day & year first
above written

E. J. S.

Jonathan Barnes
Notary public

State of Illinois ss.
Stark County

I Jefferson Winn clerk
of the Circuit Court & Ex officio recorder of
deeds in & for said County of Stark do hereby
certify that the above and foregoing is a correct
& full copy of a deed from Charles H. Austin
to Truman Roberts, Recorded September Seventh
A.D. 1854 in Book C. in page 163 of the
Stark County Records.

Seal

Witness my hand &
Official seal at my office in
Coulton this 4th day of April A.D. 1853
Jefferson Winn clerk &
Recorder

Franklin H. Whitney
vs
Truman Roberts
Exhibits

Filed April 26th 1855
Jefferson Winchell

State of Illinois The People of the State
 Stark County, ss. of Illinois, To and
 Richmond of Ashford
 Windham Co Conn as Commissioners or to
 any Judge or Justice of the Peace of said County
 Know You, That trusting to your fidelity and
 circumspection, we do hereby authorize and
 require you to cause to come before
 you, at such time and place as you
 may designate, Thomas M. Austin
 Isaac G. Murphy Nathan Gallup and C.
 Green Citizens of the Town of Ashford
 Windham County Connecticut Witnesses on
 the part of The Complainant in a certain
 matter of controvery now pending in our
 Circuit Court of Stark County in which
 Franklin H. Whitney is Plaintiff, and
 Thomas Roberts is Defendant, and then and
 there diligently examine the said Witnesses upon
 corporal oath touching the said controversy,
 upon all and singular the interrogatories hereto
 attached, as well on the part of the Plaintiff
 as the defendant, that you reduce to writing
 each of said interrogatories in the order in
 which they are propounded, together with the
 answers of said Witnesses, and certify the same
 to our said Court under your hand and
 seal, returning, also, this writ

Witness my hand and seal of our said Court at Toulon,
 in said County, this 28th day
 of August A.D. 1855. the seal
 of said Court being hereto affixed
 Jefferson Minn Clerk

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Franklin H. Whitney vs Truman Roberts
In the Circuit Court of Stark County
In Chancery

To Mr Truman Roberts

You are notified that on the 14th day of July A.D. 1853 the complainant above named will sue out of the Office of the Clerk of the Circuit Court of Stark County a Commission in said cause directed to Jand Richmond Esq of Ashford Windham County Connecticut as Commissioner or to any Judge or Justice of the Peace of said County requiring said Commissioner Judge or Justice of the Peace to take the depositions of Thomas M. Austin, Isa G. Murphy, Nathan Gallup and E. Green citizens of the said town of Ashford Windham County Connecticut aforesaid, at Ashford in the County aforesaid upon the following interrogatories to be read in Evidence on the part of the complainant on the hearing of this cause

Purple Sanger & Strats
Solicitors for
Complainants

June 25th 1853-

Interrogatories to Thomas M. Austin

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

2^d Are you acquainted with the parties to

Q1 this suit. If so how long have you known them severally?

3^d Did you know one Charles Austin who was a Soldier in the late war with Great Britain? If so state when and where and whether he was ever married and to whom, whether he ever had any children born in lawful wedlock - if so what were their names ages, and if alive their several places of residence? If dead, when they died, and whether the said Charles Austin is dead or alive, and when and where he died if dead

4th State whether you ever made and executed a deed to the Defendant Truman Roberts. If so state what land was conveyed by said deed, and under what circumstances. Look at the certified copy of a deed marked "B" now shown to you and state whether you believe the same to be a copy of the original deed executed by you to said Roberts, and if so attach the same to this your deposition. State as near as you can remember the time you made said deed, and whether you ever made any more than one deed to the said Truman Roberts & what consideration he paid you for the same

5th State whether you had any knowledge that you had any interest in or title to said land until you was informed of that fact by said Roberts

6th What statements and representations did said Roberts make to you to induce you to make said deed. State fully and particularly all the ~~circumstances~~ circumstances and all the conversation which

(62)

passed between you at or about the time said deed was so executed by you, and what induced you to execute the same & whether you believed the statements and representations of said Roberts to be true, and whether you would have executed said deed if you had known them to be false

7th

Did he said Roberts say any thing to you and what about your Uncle Ruben Scriptur, or did he pretend to read any thing and if so what from a letter from said Ruben Scriptur - relate particularly all that he said and did relative to this matter, and whether he said any thing and what about having purchased said land or lost any of the deeds or papers, & if so from whom did he say he had^{ed} purchased, and what papers did he say he had lost?

8th

Did said Roberts say anything about applying to a Court for a title to said land, If so what State fully

9th

What if anything did he say about the value of said land

10th

Do you know any other matter or thing of benefit to either of the parties If so state the same fully & particularly

Purple Sanger & Rath
Compt^s Solicitors

Interrogatories to Ira G. Murphy,
Nathan Gallup and E. Green

63.

Interrogatories to Ira G. Murphy, Nathan
Gallup and E Green

1st What is your age occupation and place of Residence?

2^d Do you know the parties to this suit or either of them?

3^d Have you heard the deposition of Thomas M. Austin read; if so state whether you were present at the time of making, and Execution of the Deed therein mentioned and whether you are the person who took the acknowledgment of said Deed.

4th Did said Roberts at or about the time said deed was executed make any statements or representations, to induce the said Thomas M. Austin to make said deed. State fully and particularly all that you heard him say and saw him do in relation to the matter at that or at any other time.

5th Do you know anything further of benefit to either party if so state the same fully

Perple Sawyer & Poate
Compt. Solicitors

Franklin M. Whitney vs Truman Roberts & Ill. In the Circuit Court of Stark County
The Deposition of Thomas M. Austin

taken before the undersigned on this 18th day of September A.D. 1853. by virtue and under the authority of the commission hereto attached. The said Thomas M. Austin being first duly sworn to testify the truth the whole truth and nothing but the truth in answer to

Interrogatory 1st. deposes and says, my name is Thomas M. Austin, am thirty eight years old and am a Heatter by trade my place of residence is in the Town of Ashford in the County of Windham and State of Connecticut,

To Interrogatory 2^d he says I am some acquainted with Franklin H. Whitney and Truman Roberts the parties to this suit. I first became acquainted with Mr Whitney in February last and in August 1854. first saw Mr Roberts and transacted a little business with him. spent but a few hours with him, think I should know him by sight.

To Interrogatory 3^d. He says I knew one Charles Austin who was a soldier in the late war with Great Britain, He was my father and was married at Norwich in the State of Connecticut, as I have always been told, to Lydia Burdick in the year 1811 or 1812.

He had four children born in lawful wedlock, viz Charles M. Austin Lydia J. Austin, Thomas M. Austin and Edward Austin. Charles is about forty one years old and lives in Middletown in this State and has lived there for the past ten years. Lydia J. Austin is dead. She died at Norwich in this State about the year 1831 as near as I can remember. She was born in October 1816.

65.

The Deponent was born April 3^d A.D. 1817 and resides in the Town of Ashford in Windham County and State of Connecticut and has resided there for the last twelve years.

Edward Austin is dead. He died in Norwich aforesaid. I was then living at my father's in Norwich and was present at the funeral. He was born as my mother says at Norwich July 15th 1827. and died aged about fifteen months. My Father Charles Austin is dead. He died at Norwich aforesaid about twenty two years ago as near as I can recollect.

To Interrogatory 4th. He says I made and executed a deed to the Defendant Truman Roberts, the land conveyed by said deed was the North East Quarter of Section Number Thirty three in Township Twelve North, I do not now distinctly recollect the range, but think it was in range Six East in the Military Bounty tract in the State of Illinois.

Roberts stated to me that the land was not worth half of five dollars an acre, that my Uncle Ruben Scripture had sold the land to him and had lost or mislaid some of the papers in relation to his title. He claimed the land to be his and if it refused to execute a deed of conveyance, the Court would no doubt grant him a full title for twenty dollars. He stated that my Uncle Scripture requested him to come down to get our titles, and would be saving my uncle trouble and expense if I did so. I do not recollect the precise day when I made the deed, but it was between the 10th and 17th day of August and 1854. The consideration in the deed was one dollar if I recollect right, but he said he would give me ten dollars and did give me that sum. I never made any more than one deed to the said Truman Roberts. I have examined a certified copy of a deed marked "B."

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now shown to me and can say that I believe the same to be a copy of original and executed by one to said Roberts and have attached the same to this my Deposition

To Interrogatory 5th. He says I had no knowledge that I had any interest in or title to said land until I was informed of that fact by said Roberts.

To Interrogatory 6th He says. Roberts wanted to know if I was the son of Charles Austin I told him I was. He wanted to know further if my father was a soldier in the late war with Great Britain? I told that he was. Roberts then said that the bounty land of my father got for his services, he conveyed to my uncle Hurbin Scripture and that he Roberts had bought it of Scripture and paid him for it, and supposed he had a good title to it, but found after looking into it more particularly that he had not, said that my uncle Scripture had lost, or mislaid some of the papers connected with the title and wanted a quiet claim from me to establish his title. Roberts came to my house about 8 O'clock in the evening seemed to be in hurry and wanted the business done immediately, I told him it was late and my family were sick and I wanted more time to think of it. He said it would make him more expense to go back and come again and wanted I should do it immediately, I went over to the store of Esq Murphy to consult him about it and Roberts came in there, I talked with Esq Murphy about it and he did not wish to give me much advice not knowing the circumstances but after being repeatedly urged by Roberts and it being quite late and not wishing to contest the title with him I finally concluded to make him out a deed, He said he came down to me in good faith, had bought the land and paid for it, I took him to be an honorable man

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and believed the statements and representations which he made were true and should have by no means executed the deed if I had known them to be false

To Interrogatory 7th He says & did not know at that time whether my uncle Scripture was living or if living, where he was, but Roberts said he was alive and well and lived at Sandy Creek, Oswego County New York. had married his second wife - He said that Scripture offered to come down to get our title, provided he, Roberts, would pay his Scriptures expenses but he Roberts had concluded to come himself - Roberts did not pretend to read anything from a letter from said Reuben Scripture but said that Scripture wanted we should execute the deed as it would save him Scripture trouble and expense, Roberts said he had purchased the land of Scripture but did not say anything about having lost any of the deeds or papers himself but that said Reuben Scripture had lost or misplaced some some of the papers connected with the title.

He Roberts, showed me a paper which he pretended was a deed from Reuben Scripture to him and in making out my deed took some minutes from that paper relative to the description of the land

To Interrogatory 8th He says, said Roberts told me that if we did not give him a title to the land he should apply to the Court, which would cost him some twenty dollars

To Interrogatory 9th He says said Roberts said that the land was in a wild state and was not worth half of five dollars per acre.

To Interrogatory 10th He says that said Roberts

told him that there were tax titles to contend with, I do not know any other matter or thing of benefit to either of the parties. I have said all I think of on the subject to the best of my knowledge -- Thomas M. Austin

Subscribed & sworn to before
me this 15th day of September

1855. Land D. Richmond Commissioner

This deed made and entered into on this Eleventh day of August Eighteen hundred and fifty four, by and between Thomas M. Austin son, and heir at law of the late Charles Austin a private in Banks Company of the Thirty third Regiment of infantry of Windham County and State of Connecticut of the first part, and Truman Roberts of Onondaga County and State of New York, of the second part (Witnesseth that the said party of the first part, for and in consideration of one dollar, to him in hand paid by the said party of the second part, the receipt whereof I hereby acknowledge hath granted bargained and sold and by these presents do ~~grant~~ sell convey and quit claim unto the said party of the second part, his heirs and assigns all of his right title and claim unto the North East quarter of section thirty three (33) in Township twelve (12) North and range Six West, Sit being in the Military tract and State of Illinois to have and to hold the same, with all the rights privileges and appurtenances therunto belonging unto the said party of the second part his heirs and assigns, In Witness whereof the said party of the first hereunto sets his hand and seal The day and year above written

Ira C. Murphy
Nathan Gallup Jr
Aug 11 AD 1854

Thomas M. Austin

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State of Conn Windham County Vig: Ashford
Personally appears Thomas M. Austin signer and
Sealer. of the foregoing instrument and Acknowledges
it to be his free, act. and before me

Era G. Murphy Esq of Law

State of Connecticut

County of Windham I Thomas Gray clerk of the
County Court. for the County of Windham do. hereby
certify that Era G. Murphy Esq is and was on the
11th day of August. 1854. a justice of the Peace for said
County duly appointed & commissioned & having full power
& authority by the laws of said State to take acknowledgments
& certify the same and that the same is done in
conformity to the laws of this State & that full faith
& credit ought to be given to his official acts and I further
certify that I believe the foregoing signature of the sd.
Era G. Murphy to be genuine. In testimony whereof
I have hereunto set my hand & affixed the seal of said
Court. at Brooklyn this 16th day of August. A.D. 1854.

E. G. S.

Thomas Gray clerk

State of Illinois

Stark County sp: I Jefferson Worin Clerk
& Ex officio Recorder in and for
said County of Stark hereby certify that the above or
for going is a full & perfect copy of a deed from Thomas
M. Austin to Truman Roberts. duly Recorded in
my office September Seventh A.D. 1854. in Book
D. on page 164. of the Stark County Records
Witness my hand and official seal
at the County aforesaid this 4th day
of April A.D. 1855

E. G. S.

Jefferson Worin clerk &
Recorder

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Franklin B. Whitney

Truman Roberts

In the Circuit Court of
State County Ill, in Banc
The Depositions of Ira G. Murphy

taken before me the undersigned on this 15th day of September
A.D. 1855 by virtue and under the authority of the
commission hereto attached the said Ira G. Murphy
being first duly sworn to testify the truth, the whole truth
and nothing but the truth in answer to

Interrogatory 1st deposes and says, that I am
fifty two years old and my occupation is that of
farming and merchandizing I also have a commission
and exercise the office of a Justice of the Peace and
reside in Ashford in the County of Windham and
State of Connecticut.

To Interrogatory 2^d He says I have no
acquaintance with the Plaintiff in this case I never
saw him before today In August 1854, I saw
Truman Roberts the Defendant a few hours and
all the acquaintance I had with him was at that
time

To Interrogatory 3^d He says, I have seen the
Depositions of Thomas M. Austin read and was present
at the time of the making and execution of the said
deposition mentioned and was the person who took the actual
oath of said depositions

To Interrogatory 4th He says that in the month
of August A.D. 1854 near the middle of the month I should
think about 9 o'clock in the evening Thomas M. Austin
came into my store and asked ~~me~~ my advice about

CCC
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conveying his interest in the Bounty land of his father. I did not advise him not knowing the circumstances of the case. pretty soon Truman Roberts came in and he urged Mr Austin to give him a deed and after talking with him and urging him some length of time, He turned to me and said. Don't you think he'd better? I then asked Mr. Roberts what the property was worth? he said but little. I then asked if it was worth five hundred dollars he said it was not.

I then asked him if it was worth two hundred and fifty dollars? He said it was not. it was not worth half that sum. I then asked him if there were any buildings on the lot? He said there were no buildings of any value said there was one log hut or shanty on it.

I then said to him. that if he had represented the facts correctly, it was no great object for a man to go there and fight for it. He then said that he had a deed of it and could hold the land and pulled out of his pocket, what he said ~~before~~ was a deed. and laid it down upon the counter. said it was deed from Ruben Scriptum to him - said that Ruben Scriptum to him - said that Ruben Scriptum acted under a power of Attorney from Charles Austin. but did not attach the power of attorney to the deed he gave him and the power of Attorney ~~to the~~ was now lost or mislaid and for that reason he wanted to get this deed from the heirs of Charles Austin. after this conversation Thomas M. Austin and said Roberts went out doors and stairs some time and when they came in Roberts laid two five dollar bills on to the counter and called for some paper. He then wrote a deed and took the description from the same deed, he claimed to have from Scriptur. Thomas M. Austin signed

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the deed and I took the acknowledgment of it and also witnessed it. Mr Austin took the money from the Counter.

Afterwards, some two or three weeks, I received a letter from said Roberts, enclosing the deed and saying there was a mistake in the deed and wished Mr Austin to correct it. The mistake in the deed as near as I can recollect was this, that in the description, it read North West quarter whereas it should have read North East Quarter. I spoke to Mr Austin about the Error, and he delayed correcting it for near a fortnight fearing that something was wrong when I received another letter from Mr Roberts urging Mr Austin to execute it immediately. Mr Austin did correct the Error and execute the deed and I immediately sent the deed to Roberts.

To Interrogatory 5th He says I do not now think of anything further of benefit to either party excepting that said Roberts did say that if Austin did not give him a deed, he could get a title from the Court at a small Expense and probably it would have been cheaper for him to have gone to Court than to have taken the course he had Subscribed and sworn to before me this 15th day of September 1853—

James D. Richmond
Commissioner

Franklin B. Whitney & In the Circuit Court of
62 Truman Roberts Stark County Mo.
In Answering
The Depositions of William

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Gallup Jr taken before me the undersigned on this 15th day of September A.D. 1853 by virtue and under authority of the commission hereto attached, the said Nathan Gallup being first duly sworn to testify the truth, the whole truth and nothing but the truth in answer to

Interrogatory 1st he says Sam twenty six years old and by occupation a farmer, now reside in the Town of Windham, County Windham and State of Connecticut.

To Interrogatory 2^d He says I have seen both the parties to this suit, but have no particular acquaintance with either of them.

To Interrogatory 3^d He says I have heard the deposition of Thomas M. Austin read and was present at the time of the making and execution of the deed therein mentioned and was one of the witnesses to the execution of the deed but did not take the acknowledgment of said deed

To Interrogatory 4th He says that about the 13th or 14th day of August 1854 - and about 10 o'clock at night I was called up by Thomas M. Austin to witness a deed. I got up and went over to the store of Mr Murphy and saw Mr Austin and Mr Roberts in the store talking ~~about~~ and said Roberts was telling Austin about the right he had got to this land. Said he had got a deed of it, but some of the papers were lost, and he should have to go to Court about it unless he had a quit claim from the heirs of Charles Austin and as he had been down to New

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York he thought he would come back this way and get a deed. He appeared to be in a great hurry said the land was in a wild state and was not worth half of five dollars an acre. He said Scripture deeded this land to him and he supposed he had a good deed but Scripture having lost some of the papers, it was necessary he should get a deed from the heirs and further more he told Austin that it would save his much trouble and expense, if he, Austin, would convey to him, Roberts. Roberts said it would not cost him a great deal to get a good title from the Court. Austin then Executed the deed and I witnessed it as above stated

To Interrogatory 5th He says I do not know anything further of benefit to either party
Subscribed and sworn to before Nathan Gallup for me this 15th day of September 1855
Saml D. Richmond
Commissioner

Franklin H. Whitney vs Truman Roberts } In the Circuit Court of Stark County Ill. In Chancery

The Deposition of Ephraim Green taken before the undersigned on this 15th day of September A.D. 1855 by virtue and under the authority of the Commission hereto attached the said Ephraim Green being first duly sworn to testify the truth, the whole truth and nothing but the truth in answer to

Interrogatory 1st deposes and says that

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that I am fifty Eight years old. am a hatter by trade and reside in the Town of Ashford, County of Windham and State of Connecticut

To Interrogatory 2^d. He says I have seen both the parties to this suit. but, but am not acquainted with either of them

To Interrogatory 3^d. He says I have heard the Deposition of Thomas M. Austin read. but was not present at the time of the execution and making of the deed therein mentioned and am not the person who took the acknowledgement of said deed

To Interrogatory 4th. He says that some time about the middle of August A.D. 1854 at about 8 o'clock in the evening said Roberts came to my house and enquired if Mr Austin lived there I told him he did. He then got out of his waggon and came into the house. Mr Austin soon came in and Roberts asked him if he was the son of Charles Austin? Austin replied that he was.

Roberts then made known his business to him and wanted he should execute a deed. Thomas refused, said he wanted time to think of it and wanted to see his Brother in Middletown before he did any thing about it. He urged him very strongly. and told him if he did not do it he could get a good title by going to court and should do it if he refused. He said he bought the land of his uncle Reuben Scripture but an account of some of the papers being lost. he had come there to get a good title said that his, Austin's uncle. proposed to come down and hunt up the title and get a title

of course you may know them personally

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but he Roberts finally concluded that he would come himself. Roberts said the land was not worth much more fighting for.

They both went out of the house and I heard no further conversation between them.

To Interrogatory 5th He says I know nothing further that I now think of of benefit to either party.

Subscribed & sworn to } Ephraim Green
before me this 15th day of }
September 1853-

Land D. Richmond
Commissioner

State of Connecticut }
County of Windham } ss

I Land D. Richmond Commissioner appointed to take Deposition in the foregoing entitled case do certify that the preceding Depositions of Thomas M. Austin Ira G. Murphy, Nathan Gallup and Ephraim Green were taken before me at my office in Ashford Windham County Connecticut on the 15th day of September A.D. 1853- that said Witnesses were first duly sworn according to law. that the interrogatories were severally propounded to them by me and that their several answers were by me reduced to writing and they severally subscribed their Depositions in my presence. In witness whereof I have hereunto set my hand this fifteenth day of September A.D. 1853-

Land D. Richmond
Commissioner

Franklin H. Whitney
vs
Samuel Roberts

Depositions
Thomas M. Austin
Jas. P. Murphy
William Collier
Ephraim Grieco

Filed April 22nd 1856

J. Winn Clerk

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State of Illinois } The People of the State
Stark County } of Illinois

To B F Rhodes Esqr of Pulaski
Oswego County N.Y. as Commissioner or to any
Judge or Justice of the Peace of said County
Know you that trusting to your Fidelity
and Circumspection We do hereby authorize
and require you to cause to come before
you at such time and place as you may
designate Reuben Scepter of Sandy Creek in
the County of Oswego at Pulaski in said County
Witness on ^{the} part of Complainant in a
certain matter of Controversy now pending
in our Circuit Court of Stark County in
which Franklin H Whitney is Plaintiff and
Truman Roberts is Defendant and then and
there diligently examine the said Witness
upon Corporal Oath touching the said Contro-
versy upon all and singular the interrogatories
hereto attached as well as on the part of the
Plaintiff as the Defendant that you reduce
to writing each of the said interrogatories in
the order in which they are propounded
together with the answers of said Witness
and certify the same to our said Court
under your hand and seal returning
also this writ

Witness Jefferson Weir Clerk of our
said Court at Toulon in said County
this 28th day of August A.D. 1855 the
seal of said Court being hereto affixed
Jefferson Weir Clerk

sub: & so how long have you known them severally

78. ~~CCC~~ Franklin W Whitney vs Truman Roberts

In the Circuit Court
of Stark County

In Chancery

To Mr Truman Roberts

You are Notified
that on 14th day of July A.D. 1855. the Com-
plainant above named will sue out of
the Office of the Clerk of the Circuit Court
of Stark County a Commission in said
Cause directed to B F Rhodes Esq of
Pulaski Oswego County N.Y. as Commissioner
or to any Judge or Justice of the Peace of the
County of Oswego and State of New York requi-
ring said Rhodes as Commissioner or said Judge
or Justice of the Peace to take the deposition of
Herman Scribner of Sandy Creek in the County
aforesaid at Pulaski in said County upon the
following interrogatories to be read in evidence
on the part of the Complainant upon the hearing
of this Cause

June 25th 1855 Charles Sanger & Pratto
Solicitors for Complainant

1st Are you acquainted with the parties
to this suit? If so how long have you
known them or either of them? State
also your Age occupation and place
of residence

2^d State whether you ever knew one Charles
Austin If so state when and where and
whether he was or was not a soldier in the
war with Great Britain of 1812 State if

2
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you know what Company he was in in said War and how long he served. whether he was ever married and to whom: Whether he ever had any Children born in lawful Wedlock? If so what were their names - are they dead or alive. If dead when did they die. If living where do they now reside and where have they resided for the last five years

3^d State whether the said Charles Austin received a Patent for some land for his services as a Soldier in said war. If so what was the description of said Land?

4th If you state that such land was the North East quarter of Section Number Thirty three in Township Twelve North in Range Six East in the Military bounty tract in Illinois State of our means of Knowledge of that fact and whether the Patent was ever in your possession

5th Is the said Charles Austin dead or alive? If dead. about what time and where did he die?

6th Look at the Power of Attorney now shown to you marked "A" and State whether the same was made and executed by said Charles Austin & If so when under what Circumstances and for what purpose? Attach said Power of Attorney to this your deposition

7th State whether the Defendant Truman sent: If so how long have you known them personally

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4 Roberts ever made any application to you to aid him in acquiring the title to said Land? If so when and where? and what did he say about his having a claim or title to the same? what offers did he make you relative to procuring said title to said Land? State fully and particularly all the conversation which passed between you and him upon the subject and every thing that was said or done by either in relation to said Land and whether or not you informed him that you had already sold the same under said Power of Attorney

8th State whether the said Truman Roberts ever purchased the said Land of you? or whether at any time you ever offered to look up Charles R. & Thomas M. Austin or the Heirs of the said Charles Austin and get from them a deed of said Land to said Roberts provided he said Roberts would pay your expenses in so doing? Or whether any such talk or conversation ever passed between you and the said Roberts and whether you ever wrote the said Roberts any letter relating to said Land

9th State whether you know anything further of benefit to either of the parties to this suit
Charles Sanger & Pratt
Compt Solicitors

~~81.~~

81.

"A"

Know all men by these Presents that I Charles Austin of Stoddard in the County of Cheshire and State of New Hampshire for divers good causes and Considerations now hereunto moving have made ordained authorized² Constituted and appointed and by these presents do make ordain authorize constitute and appoint Reuben Scripture of Stoddard aforesaid my true and Lawfull Attorney for me and in my name and to my use or but to the use of him the said Reuben Scripture to ask demand sue for recover and Receive of the United States of America all and every part and parcel of Land that is due to me the said Charles Austin on account of ~~ed~~ by me the said Austin to the said United States as a Soldier in Lieut Banks Company in the Thirty third Regiment of Infantry as may more fully appear by my discharge and to have and to use all lawful ways and means in my name or otherwise for the recovery thereof And on receipt thereof acquittances or other sufficient discharges for the same for me and in my name to make seal and deliver and to do all lawful acts and things whatsoever concerning the premises as fully in every respect as I myself might or could do if I were personally present and an Attorney or Attorneys under him for the purposes aforesaid to make at his pleasure to revoke hereby ratifying allowing all and whatsoever my said Attorney shall in my do or cause to be done in and about the premises by presents of I have herewith

sent. If so how long have you known him severally



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set my hand and seal this twenty in the
year of our Lord one thousand Eight hundred
the words States-on-respectly were
interlined before signing

Charles Austin

New Hampshire

March 25th 1816

Personally appeared the above named
Charles Austin and Acknowledged the foregoing
Instrument to be his voluntary act and deed

Before me J Robbins

Justice of the Peace

State of New Hampshire

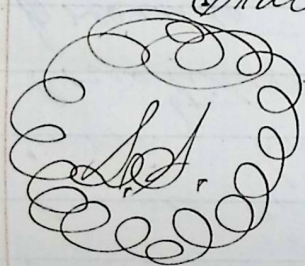
Secretary's Office Concord

January 16th 1855

I hereby Certify that at the date of the annex-
ed attestation Josiah Robbins was a Justice
of the Peace for the County of Cheshire in
the said State duly Commissioned and
qualified and that to his acts and attestations
as such full faith and Credit are and
ought to be given in and out of Court And
I do believe that the signature of said
J. Robbins thereto is genuine

In Testimony whereof I have
hereunto affixed the seal of the
State the date above written

John S. Hadley Secretary of State



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Franklin W Whitney vs Truman Roberts In the Circuit Court of Stark County Ill In Chancery

The deposition of Reuben Scripture taken before the undersigned on this 18th day of September AD 1855 by virtue and under the authority of the Commission hereto attached The said Reuben Scripture being first duly sworn to testify the truth the whole truth and nothing but the truth in answer to Interrogatory 1st deposes and says: I am acquainted with the Plaintiff in this suit have been acquainted with him about three years I have seen the Defendant Truman Roberts should know him by sight am some acquainted with him first saw him about a year ago I am sixty four years of age and a Farmer by occupation and reside in the Town of Sandy Creek in the County of Oswego and State of New York

To Interrogatory 2^d He deposes and says I knew one Charles Austin in the Town of Nelson in the County of Cheshire in the State of New Hampshire & was acquainted with him many years He was a soldier in the war of 1812 with Great Britain he served in Banks Company of the 33^d Regiment of Infantry He enlisted during the war I think I think he served about two years The said Charles Austin was married to Lydia Burdick in the year 1811 or 1812 He had one Child born in Lawful wedlock to my knowledge and I think he had other

sub: &c how long have you known them severally

82

Children The Child I knew was named Lydia & was born I think in the year 1816 Lydia ~~was born~~ died when she was about fifteen years old unmarried and without issue I have heard that there were other Children but have never seen them & am not acquainted with them

To Interrogatory 3^d He deposes and says Charles Austin received a Patent for some land for his services in said war the land in said Patent was described as follows to wit The North East Quarter of Section Number Thirty three in Township Twelve North in Range Six East in the Military Bounty tract in Illinois State

To Interrogatory 4th He deposes and says on or about the 25th of March 1816 the said Austin executed and delivered to me a Power of Attorney to obtain said Patent and this Power of Attorney was executed before said Patent was issued The Patent was in my possession the year 1818 and I examined it

To Interrogatory 5th He deposes and says Charles Austin died about twenty years ago at Norwich in the State of Connecticut

To Interrogatory 6th He deposes and says (The Power of Attorney hereto annexed & marked "A" here exhibited to witness) The Power of Attorney now shewn to me & marked "A" was made and executed by the said Charles Austin to me and was executed by him to secure me against my liability on a promissory note of Eighty

Dollars & Interest which I had signed for him as surety the said note was signed by said Austin as principal & by me as surety and was given & made payable to one Parker. The note was for the sole benefit of said Austin and he had the avails of it. I afterwards paid and took up said note - said Power of Attorney is hereto attached - said Power of Attorney was executed to me March 25th 1816

Ex Interrogatory 7th He deposes and says: The Defendant Truman Roberts a little over one year ago at my House in the Town of Sandy Creek N.Y. made application to me to aid him in acquiring the Title to said Land at that time said Roberts said he had Bought the said Land of Benjamin Gibbs and that the Land had been sold for taxes and those who had the Tax titles would not give up the Land & that he could not hold the Land unless he got said Power of Attorney or a Quit Claim Deed from the Heirs of Charles Austin He wanted me to find the Power of Attorney & send it to him at Utica or Chicago I told him I would look for the Power of Attorney & if I could find it would send it to him I had forgotten where the Power of Attorney was at that time I had previously let Charles Cross have the Power of Attorney but had forgotten it about a month after this conversation the Defendant came to my house again & we had another conversation on the

sub: If so how long have you known them severally

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Subject He then asked me if I would not go down to Connecticut and hunt up the Heirs of Charles Austin & obtain a Title to this Land for him from them and said he would pay my expenses and troubles if I would go down I told him I could not go that it was difficult for me to get away from Home and I could not go He then said he thought he would go himself He commenced this conversation by asking if I had found the Power of Attorney I told him I had not He then made the proposition I have stated

The first conversation commenced by his asking if I had the Power of Attorney for the Land I conveyed to Gibbs & said if I had he wanted me to hunt it up I told him in the first conversation that I had sold the Land to Benjamin Gibbs I have testified to all that was said or done between Mr Roberts & me in relation to this Land excepting after the 1st conversation and before the 2d I received a letter from him requesting me to go down & get a title from the heirs of Charles Austin

To Interrogatory 8th He deposes and says: The said Truman Roberts never purchased the said Land of me I never offered to look up Charles H & Thomas M Austin or the Heirs of the said Charles Austin & get from them a Deed of said Land to said Roberts

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provided he said Roberts would pay my expenses in so doing. It is my best recollection that I never made any offer to that effect. I think I have stated all the conversation had on the subject of this Land between said Roberts & myself. I never wrote a letter to Mr Roberts the deft in relation to this land or on any subject.

In the 7th last Interrogatory He deposes and says Benjamin Gibbs aforesaid conveyed said land to Charles H. Cross and I gave said Cross said Power of Attorney to fortify his Title to said Land about the year 1837. Some time before I gave said Power of Attorney to said Cross I executed a Deed of said Land to said Cross on his informing me that said deed from me to said Gibbs had been lost. The last said Deed was executed about the year 1837.

The said deed from me to Gibbs was executed about the year 1825 as near as I can recollect. I do not know anything further to the benefit of either of the parties to this suit. I have stated all I know on the subject to the best of my knowledge.

Subscribed & Sworn to me Reuben Scriptur
before me this 18th day of
September Ad 1855

G. F. Rhodes
Commissioner

State of New York
County of Oswego ss Benjamin F. Rhodes
Commissioner appointed to take the deposition
of Reuben Scriptur in the foregoing

suit. If so how long have you known them personally

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4

Entitled Cause to Certify that the preceding deposition of Reuben Scripture was taken before me at the dwelling house of the said Reuben Scripture in the town of Sandy Creek Oswego County New York on the Eighteenth day of September A.D. 1855 - That said Reuben Scripture was first duly sworn according to Law that the Interrogatories were severally propounded to him by me and that his several answers were by me reduced to writing and that the witness Reuben Scripture subscribed his Deposition in my Presence

In witness whereof I have hereunto set my hand this Eighteenth day of September A.D. 1855 -

J. E. Rhodes
Commissioner

4

My

[Handwritten signature]

J. Wimmer
Clerk

Franklin W. Whitney
 vs
 Truman Roberts

In the circuit Court
 of Stark.

In Chancery.
 To Mr Truman Roberts

You are notified that on the
 14th day of July A.D. 1855. the Complainant
 above named will sue out of the office of the
 clerk of the circuit Court of Stark County
 a commission in said cause directed to Sarah
Richmond Esq of Ashford, Windham County
Connecticut ^{as Commissioner} or to any Judge or Justice of
 the Peace of said County requiring said
 commissioner Judge or Justice of the Peace
 to take the depositions of Thomas M. Austin
 Ezra G. Murphy, Nathan Gallup and C. Green
 citizens of the said town of Ashford, Windham
 County Connecticut aforesaid. at Ashford in
 the County aforesaid upon the following
 interrogatories to be read in Evidence on the
 part of the complainant on the hearing of this
 cause

June 25. 1855.

Purple Sanger & Pratt
 Solicitors for Complainant

Interrogatories to Thomas M. Austin

1st What is your name, age, occupation and
 place of Residence

2nd Are you acquainted with the parties to this
 suit: If so how long have you known them severally

89

3rd

Did you ever know one Charles Austin who was a Soldier in the late war with Great Britain; If so State when and where and whether he was ever married and to whom, whether he ever had any children born in lawful wedlock, if so what were their names ages and if alive their several places of Residence? If dead where they died and whether the said Charles Austin is dead or alive, and where he died, if dead

4th

State whether you ever made and executed a deed to the Defendant Truman Roberts, If so State what land was conveyed by said deed, and under what circumstances, Look at the certified Copy of a Deed marked "B" now shown to you and State whether you believe the same to be a copy of the Original deed Executed by you to said Roberts and if so attach the same to this your deposition. State as near as you can remember the time you made said deed, and whether you ever made any more than one deed to the said Truman Roberts & what consideration he paid you for the same

5th

State whether you had any knowledge that you had any interest in or title to said land until you was informed of that fact by said Roberts

6th

What Statements and representations did said Roberts make to you to induce you to make said deed. State fully and particularly all the circumstances, and all the conversation

8th Did said Roberts say anything about applying to a court for a title to said land
If so what? state fully

(90) which passed between you at or about the time said deed was so executed by you, and what induced you to execute the same & whether you believed the statements and representations of said Roberts to be true and whether you would have executed said deed if you had known them to be false

7th Did he said Roberts say anything to you and what about your Uncle Ruben Scripter. or did he pretend to read any thing and if so what from a letter from said Ruben Scripter relate particularly all that he said and did relative to this matter and whether he said anything and what about having purchased said land or lost any of the deeds or papers & if so from whom did he say he had so purchased and what papers did he say he had lost.

8 #
9th What if any thing did he say about the value of said land

10 Do you know any other matter or thing of benefit to either of the parties. If so state the same fully & particularly

Perfile Sanger & State
Compt's Solicitors

Interrogatories to Ira G. Murphy,
Nathan Gallup and E. Green

1st What is your age occupation and place of residence

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(91)

2nd

Do you know the parties to this suit or either of them

3rd

Have you heard the deposition of Thomas M. Austin read; If so State whether you were present at the time of making and Execution of the deed therein mentioned and whether you are the person who took the acknowledgment of said deed

4th

Did said Roberts at or about the time said deed was executed make any statements or representations to induce the said Thomas M. Austin to make said deed, State fully and particularly all that you heard him say and saw him do in relation to the matter at that or at any other time

5th

Do you know any thing further of benefit to either party if so State the same fully

People Sanger & Pratt.
Compt. Solicitors

State of Illinois
Stark County Jefferson Weir being
duly sworn says that he posted a copy of the
forgoing notice and interrogatories at the door
of the Court house in Toulon Stark County
Illinois on the 28th day of July A.D. 1853:

Subscribed & sworn to Jefferson Weir
before me this 28th day
of July A.D. 1853.
Alex. Moncrief J.P.

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Franklin H. Whitney
vs
Truman Roberts

In the circuit
Court of Stark
County

In Chancery

To Mr Truman Roberts or his attorney

You are notified that on the
~~11th~~^{10th} day of July A.D. 1855 the Complainant
above named with me out of the Office of the
Clerk of the circuit Court of Stark County
a commission in said cause directed to
Arthur B. Calif Esq of Middletown Middlesex
Co Connecticut as Commissioner or to any Judge
or Justice of the Peace of said County requiring
said Commissioner Judge or Justice of the
Peace to take the depositions of Charles H.
Austin of said town and County and of
Jonathan Barnes of the same place at
Middletown aforesaid upon the following
interrogatories: to be read in Evidence upon the
part of the Complainant on the hearing of this
cause

Purple Sanger & Pratt
Solicitors for Complainant

June 25 1855

Interrogatories to Charles H. Austin

1st What is your name age occupation and
place of Residence

2nd Are you acquainted with the parties

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to this suit. if so how long have you known them severally

3rd

Did you ever know one Charles Austin who was a Soldier in the war with Great Britain, If so State when and where whether he was ever married & to whom whether he ever had any children born in lawful wedlock if so what were their names ages, and if alive, their several places of Residence, if dead, when they died, and whether the said Charles Austin is dead or alive and when and where he died - if dead.

4th

State whether you ever made and executed a deed to the Defendant Truman Roberts If so State what land was conveyed by said deed and under what circumstances, look at the certified copy of a deed marked "A" now shown to you and State whether you believe the same to be a copy of the original deed executed by you to said Roberts and if so attach the same to this your deposition State as near as you can remember the time you made said deed & whether you ever made any more than one deed to the said Truman Roberts, and what consideration he paid you for the same

5th

State whether you had any knowledge that you had any interest in or title to said land until you was informed of that fact by the said Roberts

6th

What statements and representations did said Roberts make to you to induce you to make

9th

said deed? State fully and particularly - all the circumstances and all the conversation which passed between you at or about the time said deed was so executed by you what induced you to execute the same and whether you believed the statements and representations of said Roberts to be true; and whether you would have executed said deed if you had known them to be false

7th

Did he said Roberts say any thing to you and what, about your Uncle Reuben Scribner - or did he pretend to read any thing and if so what from a letter from said Reuben Scribner? relate particularly all that he said and did relative to this matter, and whether he said any thing and what about having purchased said land, or lost any of the deeds or papers & if so from whom did he say he had so purchased, and what papers did he say he had lost,

8th

Did said Roberts say any thing about applying to a Court for a title to said land & if so what? State fully

9th

What if any thing did he say about the value of the said land

10

Do you know any other matter or thing of benefit to either of the Parties, if so state the same fully and particularly.

Purple Sanger & Bates
Compt Solicitors

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Interrogatories to Jonathan Barnes

1st

What is your age occupation and place of residence -

2nd

Do you know the parties to this suit or either of them. If so how long have you known them.

3.

Have you heard the Depositions of Charles H. Austin read; If so state whether you were present at the time of the making and execution of the said. therein mentioned and whether you are the person who took the acknowledgments of the said deed

4th

Did the said Roberts at or about the time said deed was executed make any Statements or Representations to induce the said Charles H. Austin to make said deed; State fully and particularly all that you heard him say & saw him do in relation to the matter at that or at any other time

5th

Do you know any thing further of benefit to either party; If so state the same fully?

Purple Sanger & Co
Compt. solicitors

State of Illinois

Stark County

Jefferson Wain being duly sworn says that he posted a copy of the foregoing Notice and interrogatories at the door of the Court House in London Stark County Illinois on the 28th day of July A.D. 1855 -
Subscribed & sworn to before me
Jefferson Wain

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Franklin H. Whitney } In the circuit
vs } Court of State
Truman Roberts } County

In Chancery

To Mr Truman Roberts

You are notified
that on 14th day of July A.D. 1853 the
Complainant above named will sue out
of the Office of the Clerk of the circuit Court
of State County a Commission in said
cause directed to B. F. Rhodes Esq of Pulaski
Oswego County N.Y. as Commissioner or to any
Judge or Justice of the Peace of the County of
Oswego and State of New York requiring said
Rhodes as Commissioner or said Judge or
Justice of the Peace to take the deposition of
Reuben Scriptor of Sandy Creek in the
County aforesaid. At Pulaski in said County
upon the following interrogatories to be read
in Evidence on the part of the Complainant
upon the hearing of this cause

June 25. 1853-

Purple Sanger Pratt
Solicitor for Complainant

1st

Are you acquainted with the parties to this
suit If so, how long have you known them or
either of them. State also your age, occupation
and place of Residence

2nd

State whether you ever knew one Charles
Austin; If so State when and where, and whether

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he was ~~not~~ or was not a Soldier in the war with Great Britain of 1812? State If you know what Company he was in, in said War and how long he served; whether he was ever married and to whom; whether he ever had any children born in lawful wedlock If so what were their names are they dead or alive; If dead where did they die, If living, where do they now reside & when have they resided for the last Five years

3rd State whether the said Charles Austin Received a Patent for some land for his services as a soldier in said War. If so what was the description of said land

4th If you State that such land was the North East Quarter of Section Number Thirty three, in Township Twelve North in Range Six East in the Military bounty tract in Illinois State your means of knowledge of that fact, and whether the Patent was ever in your possession

5. Is the said Charles Austin dead or alive? If dead about what time and when did he die

6th Look at the Power of Attorney now shown to you marked "A" and State whether the same was made & Executed by said Charles Austin, yif so when under what circumstances and for what purpose? Attach said Power of Attorney to this your deposition

7th
98

State whether the Defendant Truman Roberts ever made any application to you to aid him in acquiring the title to said land? If so when & where? and what did he say about his having a claim or title to the same. What offers did he make you relative to procuring said title to said land; State fully and particularly all the conversation which passed between you and him upon the subject and everything that was said or done by either in relation to said land; and whether or not you informed him that you had already sold the same under said power of attorney.

8th State whether the said Truman Roberts ever purchased the said land of you? Or whether at any time you ever offered to look up Charles H. & Thomas M. Austin, or the Heirs of the said Charles Austin and get from them a deed of said land to said Roberts provided he said Roberts would pay your expenses in so doing? Or whether any such talk or conversation ever passed between you and the said Roberts and whether you ever wrote the said Roberts any letter relating to said land.

9th State whether you know any thing further of benefit to either of the parties to this suit

Purple Sanger & Pratt
Compts Solicitors

99

State of Illinois
Stark County

Jefferson Worin being duly sworn says that he posted a copy of the foregoing notice and interrogatories at the door of the Court house in Toulon Stark County Illinois on the 28th day of July A.D. 1853-

Subscribed & sworn to Jefferson Worin
before me this 28th day
of July A.D. 1853-

Alex Moncrief J.P.

100. Franklin H. Whitney } In the circuit
vs } Court of State
Imman Roberts } County
In Chancery

State of Illinois
Peoria County

N. H. Purple being duly sworn according to law. says that he is one of the Solicitors of the Complainant above named cause That said Imman Roberts the defendant above named is a non resident of this State, that he has made diligent inquiry and cannot find that the said Imman Roberts has any attorney employed in said cause in this State and he therefore states that to the best of his knowledge information and belief said Defendant has no attorney in said Cause in this State

N. H. Purple

Subscribed & sworn to

before me this 24th July A.D. 1853. Witness my hand & the seal of the circuit Court of

L. S.

Peoria Co. Ills.

Jacob Gale, Clerk

Franklin H. Whitney

vs

Truman Roberts

Notice &c to take
Depositions. &c

Filed July 28th 1855-
Jefferson Linn
Clerk

101-

Truman Roberts

In presence of

State Circuit Court

State of Illinois
County of Clark
I Jefferson Minor
Clerk of the Circuit Court within
and for the County aforesaid do
hereby certify that the above in-
going is a true, correct & full copy
of the Record, Bill, Answer, Replication
Exhibits and Evidence in the above
Entitled Cause as the same appears
Upon the files and Records of
My Office

Witness Jefferson Minor
Clerk of said Circuit Court
and the Seal thereof at
the County aforesaid this
first day of April AD
1858.

Jefferson Minor

Franklin H. Whitney

vs
Truman Roberts

Bill of

Bill in Chancery

Filed April 26th 1853

J. Wins Clerk

[Faint signature]

Supreme Court, April Term 1859.

Franklin H. Whitney, Plff in Error }
vs }
Guman Roberts Defendant in Error } Standing

Issue writ of Error & Scire facias to have
Error Returnable to next Term according
to Law.

Jan'y 19, 1858.

Franklin H. Whitney, Plff in Error }
vs } Error to Stand
Guman Roberts Deft in Error }

I do hereby Enter myself security
for costs in this cause and acknowledge
myself bound to pay or cause to be paid
all costs which shall accrue in this action
either to the opposite party or to any of the
Officers of this Court in pursuance of the
laws of this State

M. P. [Signature]

Wolrd January 19, 1859.

Sheweth the Whiting Affidavit } Supreme Court
no } April Term 1839
Thuman Roberts Defendant in Error }
Error to State

State of Illinois }
Cook County } P. M. Puget being sworn
Says the above named Defendant Thuman
Roberts defendant in Error in this case is
a Non resident of the State of Illinois &
that he lived and resided and has so done
since the commencement of this suit
in the State of Illinois, and further
saith not.

Sworn to before me this } P. M. Puget
18th January A.D. 1839 }
Philip A. Rogers
Notary Public

7 111
Franklin H. Whitney
vs

Truman Roberts
Record & assign-
ment of Enors &
Affidavit of non residence

Filed Jan. 18. 1888
L. Leland Clerk