

No. 13677

Supreme Court of Illinois

^N
~~H~~aykinson et al

vs.

Barbour

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division.

No. 196

Hankinson

vs

Barbour

1862

1867

Proceedings in chancery, before the circuit court of Peoria county, in the state of Illinois on the 25th day of March A.D. 1861, in a certain cause wherein Corey Barbours & Cromwell W. Barbours were complainants and Ambrose C. Hawkinson & Abraham Barbours were defendants.

Be it Remembered that heretofore to wit, on the 24th day of January A.D. 1860, there was filed in the office of the clerk of the circuit court of Peoria county, Illinois, a Transcript of the proceedings of the circuit court of Marshall county, Illinois, together with the papers filed in said last named court, in words and figures following to-wit:-

A Record of the judgment orders decrees and proceedings of the honorable circuit court of Marshall county in the state of Illinois began and holden at the court house in the city of Lacon in and for said county on Monday April (14th A.D. 1856) fourteenth in the year of our Lord one thousand eight hundred and fifty six. - Present the Honorable Madison C.

Transcript
from
Marshall County

Hollister, Judge of the Ninth Judicial Circuit Court of the state of Illinois. William H. L. Wallace, States Attorney for said circuit, and A. Gardner, Sheriff of said county and G. L. Foot clerk of said circuit court and by James H. C. Boal deputy.

April 19th A.D. 1856.

Cory Barber et al

vs

Ambrose C. Hankinson

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Be it remembered that this day come the complainants by their solicitors and at their motion it is ordered that the complainants have leave to amend their bill of complaint herein, and it is ordered that this cause be continued.

A record of the judgments orders proceedings and decrees of the Honorable circuit court of the county of Marshall county in the state of Illinois, at a regular term thereof, began and holden at the court house in the county and state aforesaid, on Monday October 20th A.D. 1856. Present the Honorable Madison C. Hollister Judge of the ninth judicial circuit court.

Leave to Amend
Bill

2

of the state of Illinois William H. L. Wallace
States attorney Greenbury L. Fort clerk and Abram
Gardner, Sheriff.

October 20th A.D. 1856.

Corey Barbour & Cromwell W. Barbour

vs

Ambrose Hankinson & Abraham Barbour.

Be it remembered that this day
came the complainants and at their
instance and motion it is ordered that
they have leave to file an amended
bill herein upon payment of the costs
of the term.

Record of the orders judgments decrees and
proceedings of the circuit court of the coun-
ty of Marshall in the state of Illinois at a
term thereof began and holden at the court
house in the city of Lacon in said county
on the first Monday being the fourth day
of May in the year of our Lord one thous-
and eight hundred and fifty seven. Present
the Hon. Martin Ballou judge of the 23^d
Judicial Circuit of the state of Illinois, Geo.
W. Hipp states attorney James Prescott clerk
and N. L. Crane Sheriff of said county.

Leave to file
Amended
Bill

3

May 21st AD 1857.

Corey Barbour & Cromwell W. Barbour

vs

Ambrose Haskinson & Abraham Barbour

On this day it is ordered by the court that a rule be entered herein that the complainants file an amended bill in this cause by the first day of September next.

Rule on compts.
to file amended
bill by Sept. next.

October 22nd AD 1857.

Corey Barbour & Cromwell W. Barbour

vs

Bill to quit title

Ambrose C. Haskinson & Abraham Barbour

Continued.

This day by agreement of the parties this cause is continued.

4

Pleas before the circuit court of Marshall County in the state of Illinois at a term thereof began and held at the court house in the city of Lacon in said county on the fourth Monday the same being the twenty-fifth day of January in the year of our Lord one thousand eight hundred and fifty eight. Present the Hon. M. Ballou judge of the 23rd judicial Circuit of the state of Illinois presiding, George W. Stipp states attorney for said judicial Circuit, Henry L. Crane, Sheriff of said Marshall county & James Wescott, clerk of said circuit court.

January 26th AD 1858.

Corey Barbour & Cromwell W. Barbour

" Bill to quit Tette.

Ambrose C. Hankinson & Abraham Barbour

This day come the complainants

Proof Publication }

by their counsel and made proof of publication as to Abraham Barbour one of the dependants herein.

February 6th AD 1858.

Corey Barbour & Cromwell W. Barbour

" Bill to quit Tette

Ambrose C. Hankinson & Abraham Barbour

Continued

This day on motion of complainant this cause is continued.

5

Pleas before the Circuit Court of Marshall county in the state of Illinois at a term thereof began and held at the Court house in the city of Lacon in said county on Monday the third day of May in the year of our Lord one thousand eight hundred and fifty eight. Present Hon. M. Ballou judge of the 23rd judicial circuit of the state of Illinois presiding Geo. W. Stepp states attorney of said judicial circuit Henry L. Crane sheriff of said county and James Prescott clerk of said circuit court.

May 14th AD 1858.

Corey Barbour & Cromwell W. Barbour

" Bill to quit Title

Ambrose C. Hankinson & Abraham Barbour

This day came the complainants by L. G. Pratt their solicitor and entered a motion for leave to amend their bill by making Elisha Greenfield a party defendant to this proceeding, and after argument of counsel the court being fully advised in the premises doth order that said motion be sustained and that the complainants have leave to amend their said bill by the first day of June next and that the complainants pay the costs of this Term.

Elisha Greenfield
made party
defendant

February 2nd AD 1859.

Corey Barbour & Cromwell W. Barbour

" Bill to quit title

Ambrose C. Hankinson & Abraham Barbour

This day came the parties by their solicitors and by agreement this cause is continued.

Continued.

May 4th AD 1859

Corey Barbour & Cromwell W. Barbour.

"

Ambrose C. Hankinson, Abraham Barbour & Elisha Greenfield

Continued

This day came the parties by their attorneys and by agreement this cause is continued.

Pleas before the circuit court of Marshall county in the state of Illinois at a term thereof began and held at the court house in the city of Lacon in said county on Monday the third day of October in the year of our Lord one thousand eight hundred and fifty-nine Present the Hon. Mark Bangs judge of the 23rd judicial circuit of the state of Illinois presiding, Henry Miller, states attorney for said judicial circuit Thomas Ellis Sheriff of said county of Marshall and James Wescott clerk of said circuit court.

October 12th AD 1859.

Corey Barbour & Cromwell W. Barbour

|| Bill to quit Tittle

Ambrose C. Hankinson, Abraham Barbour & Elisha Greenfield

The judge of this court having been of counsel for the complainants herein it is ordered that the venue be changed to the county of Peoria in this state, and it is further ordered that the clerk of this court transmit to the clerk of the circuit court of said Peoria county

Change of
Venue to
Peoria

a transcript from the record of the proceedings in this court and the papers in this cause duly certified according to law.

State of Illinois
Marshall county }^{ss}

I, James Wescott, Clerk of the circuit court within and for the county of Marshall and state of Illinois do certify that the foregoing is a correct transcript from the records of the proceedings in said court in a certain cause in Chancery of Corey Barbour & Cromwell W. Barbour against Ambrose C. Hankinson et al. and that the accompanying papers marked (A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) are all the papers in said cause filed in my office.

In witness whereof I hereto set my hand and affix the seal of said court at my office in Lacon this thirty first day of December A.D. 1859
James Wescott, Clerk

State of Illinois,
Marshall County & circuit court. April Term 1856
To the Honorable Judge of the Marshall circuit court in Chancery sitting.

certificate
of clerk

Bill in
Chancery

Filed, March

7th 1856

G. L. Fort, Clerk

The complainants Corey Barbour & Crow-
well W. Barbour represent to this honorable
court, that on the thirteenth day of
January in the year eighteen hundred
and thirty two one Amasa Barbour of
the county of Jefferson, State of New York
was seized in fee of the south east quarter
of section twenty five, township thirteen
north of range nine east of the fourth
principal Meridian in the state of Illi-
nois now lying & being in county aforesaid,
that the said Amasa Barbour & Betsey,
his wife on the day & year last aforesaid
by their deed of warranty & seizen
the date wherof is the day & year last
aforesaid, conveyed to the complainant
in fee simple for a valuable consid-
eration the tract of land aforesaid described.
The complainants further aver
that by virtue of said deed of conveyance
a copy of which is herewith filed marked
Exhibit (A) and made a part of this bill they
became seized in fee of said tract of land
and that they have remained and con-
tinued to be seized in fee of said land from
the date of said and ever since. Your pe-
titioner further states that the said
Amasa Barbour departed this life

9

in the year 1833. Four complainants further state that they omitted to have their said deed recorded in proper county, and that one Ambrose C. Hankinson for the purpose of defrauding complainants out of said land or certain portions thereof, pretended to procure conveyances from certain of the heirs of Amasa Barbour, deceased, well knowing the rights of complainants in the premises for the purpose of effecting said fraudulent intent, the said Hankinson on the 13th day of October in the year 1854 procured Ira Hubbard & Roxena Hubbard the wife of said Ira (the said Roxena being one of the heirs at law of said Amasa deceased, to convey to him by quit claim and for the consideration of fifteen dollars their interest in the tract aforesaid which deed was filed for record in the recorder's office of said county of Marshall Oct 28 in the year 1854 and was recorded in Vol 2 page 67. That on the 31st day of July 1835, the said Hankinson procured one Bent Fuller and Sally Fuller his wife, the said Sally being one of the heirs at law of the said Amasa Barbour to convey to him the said Hankinson by quit claim deed

the pretended interest of her the said Sally
in said land, for the consideration of
one hundred dollars, which deed was filed
for record in said county August
6th in the year 1855 and recorded in the
recorders office in Vol. 2 page 610 of said
records - and that on the 1st day of
August in the year 1855, the said Han-
Kinson procured one Eunis Masher
and Catharine Masher his wife, the said
Catharine being one of the heirs at law
of the said Amasa Barbours to convey
to him the said Hankinson, the pretended
interest of her the said Catharine by quit claim
deed for the consideration one hundred
dollars, which said deed was filed for
record on the 8th day of August in the
year 1855, and recorded in Vol 2 page 614
in the records of the recorder's office of
said county. And also that on the 1st
day of August in the year 1855, the
said Hankinson procured one Benjamin
Collins and Polly Collins his wife, the
said Polly being one of the heirs at
law of the said Amasa Barbours to
convey to him the said Hankinson
the pretended interest of her the said Polly
in and to said land for the consideration

of one hundred dollars, which deed
was filed for record on the 8th day of
August 1855, and recorded in Vol 2 page
615 of the records of the recorder's
office of said county. Your com-
plainants aver that in the year 1854
& 1855 at the time of executing said deed
that there were three heirs of the said
Amasa Barbour in addition to those
herein mentioned to-wit: Lovina Ward,
Abraham Barbour and Elbridge Barbour,
your complainants further aver that
the said Amasa Barbour died testate
leaving will which was duly proven
and admitted to probate, in the county
12 of Jefferson New York, the place of
his domicile at the time of his death
by which will the said Amasa disinherited
the said Roxina and cut her off from
any share or interest in his property
real and personal. Your complainants
state that they have paid the taxes on
said lands for the last twenty five or
thirty years & that it has been notorious
in the county of Marshall that they were
the owners of said lands. Your com-
plainants charge that said Hawkins-
son at the time & times that he procured

13
said conveyances he well knew that the heirs aforesaid of the said Amasa had no title to any part or parcel of said land and that he well knew that the title thereof was in your complainants. Your complainants charge that the said Haukinson was not a bona fide purchaser for a reasonable consideration but that said purchase was mala fide and that said deed are fraudulent and void. Your complainants further charge that the deed executed by the said Roxina and Ira Hubbard was never acknowledged by the said Roxina to be her act and deed as by inspection of the record will more fully appear, the said Roxina being at the time a married woman as shown by the deed. Your complainants therefore charge that for that cause the said Haukinson takes or acquires no title or interest in said land by said deed. Your complainants further aver that said Abraham Barlow one of the heirs of said Amasa did on the 10th day of October 1855 procure from the said Ira & Roxina Hubbard a conveyance by quit claim deed of the pretended

104
interest of her the said Roxina in & to said land
which deed is recorded in Vol R. page 130 of the
records of the recorder office of said
county. Your complainants state
that said land was at the time of
~~the~~ ~~time~~ of the several pretended con-
veyances of said heirs to said Haukinson
of the value of four thousand dollars
Your complainants for greater cer-
tainty refer to the records of said con-
veyances, and pray that the said Ambrose
C. Haukinson and Abraham Barbour
may be made defendants hereto and
that they be required to answer the
matter ~~and~~ herein charged without
oath which is hereby expressly waived
and that he be compelled to produce
said deeds in court, and that they
be adjudged fraudulent & void, &
that your complainants have such
other & further relief as the justice &
equity of their case may require. Your
complainants further state that the
said Abraham Barbour was estopped
by the deed of the said Amasa to complain-
ants from acquiring or taking any title
to said land by virtue of the deed of said
Ira & Roxina. Your complainants hope

I believe that the said Abraham took said deed with a view to protect the interest of said complainants

Ira J. Fenn, Sol for Comptrol

Issue subpoena in chancery against the said dependants returnable to next term

Let the subpoena to said dependant Haver Kinson be directed to the sheriff of Peoria County

Ira J. Fenn, Comptrol

State of Illinois }
Marshall County }^{ss}

Cromwell W. Barbour one of the complainants in the foregoing bill being sworn saith that Abraham Barbour is a resident of the state of New York and not a resident of this state sworn to & subscribed C. W. Barbour this 7th day of March A.D. 1856. G. L. Fort, clerk

I do hereby enter myself security for costs in this cause and acknowledge myself bound to pay, or cause to be paid all costs which may accrue in this action either to the opposite party or to any of the officers of this court in pursuance of the laws of this state dated at Lacon this 7th day of March A.D. 1856.

Ira J. Fenn

Precipe.

157
aff. of
non-residence

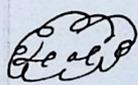
Bond for costs

Summons

The People of the state of Illinois, To the Sheriff
of Peoria county. Greeting: We command
you to Summon Ambrose C. Haukinson
impleaded with Abraham Barbour to
appear before our Circuit Court
on the first day of the next term
thereof, to be held at Lacon, within
and for the said county of Marshall
on the 14th day of April next then
and there in our said court, to an-
swer the matters contained in a
certain bill filed in said court, on
the Chancery side thereof, by Corey
Barbour and Cromwell W. Barbour to
quiet title. Hereof fail not, and make

due return of your doings hereon.

Witness, Greenbury L. Fort, Clerk of our
said court, and the seal thereof, at Lacon



this 7th day of March in the year of
our Lord one thousand eight hundred
and fifty six Greenbury L. Fort, clerk

Sheriff's
Return

I have served this writ by delivering a true
copy of the same to the within named
Ambrose C. Haukinson and reading the
same to him on this the 8th day of March
AD 1856 as within commanded

David D. Irons, Sheriff of Peoria Co. Ill.

by deed of warranty and seizon, said tract of land in fee simple for a valuable consideration to said complainants and he therefore calls for the proof thereof.

18
This respondent admits that Amasa Barbour died in 1833 as alleged in complainants' said bill, and also that complainants, if they had any such deed as they now pretend to have had, omitted to have the same recorded in the proper county, but said respondent denies that he for the purpose of defrauding complainants out of said land or certain portions thereof pretended to procure conveyances from certain of the heirs of Aurora Barbour deceased well knowing the rights of complainants in the premises as alleged in complainants' said bill, but respondent avers that he purchased from certain of the heirs of said Amasa Barbour deceased their interest in said land in good faith believing said heirs to be the real owners of said land and that he paid said heirs a valuable consideration therefor, without having any knowledge of the pretended claim of said complainants.

Said respondent admits that Ira

19
Hubbard and Roxena his wife (said Roxena being one of the heirs of said Amasa Barbour deceased) did on the 13th day of October AD 1854 by quit claim deed in consideration of fifteen dollars convey to him their interest in said land, and that said deed was filed for record Oct. 28th 1854 and was recorded in Vol 2 page 87 as alleged in complainants said bill, and respondent further admits that on the 31st day of July AD 1835 one Buel Fuller and Sally Fuller his wife (the said Sally being one of the heirs of the said Amasa Barbour deceased) did in consideration of one hundred dollars to them paid by said respondent convey to said respondent by quit claim deed their interest in said land, which deed was recorded in said county of Marshall August 6, 1855 in Vol 2 page 600 as alleged in complainants bill, and said respondent further admits that on the first day of August AD 1855 one Eunis Washier and Catharine Washier his wife (the said Catharine being one of the heirs of the said Amasa Barbour deceased) did in consideration of one hundred

20
dollars to them paid by said respondent convey to said respondent by quit claim deed all their interest in said land, which deed was recorded Aug. 8. AD 1855 in Vol. 2^d page 614 in the Recorders office of the county of Marshall as alleged in complainants bill; and respondent further admits that on the 1st day of August AD 1855 one Benjamin Collins and Polly his wife (the said Polly being one of the heirs of the said Amasa Barbour deceased) in consideration of one hundred dollars to them paid by said respondent did convey by quit claim deed to said respondent all their interest in said land which deed was recorded in Marshall county Aug. 8. 1855 in Vol. 2^d page 615 as alleged in complainants bill; but respondent denies that he obtained any of said deeds with a fraudulent intent as imputed to him in complainants bill, and avers that he received said deeds in good faith honestly believing that he had through said heirs acquired a portion of the title to said land.

Said respondent as to the allegations contained in complainants bill that in 1854 & 1855, the time of executing said deeds there were three heirs of Amasa Barbour in addition to those above mentioned, to-wit:-

Lavina Ward, Abraham Barbour and Ed-
ridge Barbour, say he has no knowl-
edge of the truth of said allegations, he
therefore neither admits or denies but
calls for the proof thereof. Said
respondent further says as to the al-
legations of said complainants that
Amasa Barbour died testate leaving a
will which was duly proved and ad-
mitted to Probate in Jefferson County
N. J. his domicile at death by which will
Amasa Barbour disinherited Roxana Hub-
bard oforesaid from taking any of his
property either real or personal that he
said respondent has no knowledge
and therefore neither admits or denies
but calls for the proof thereof.

Said respondent further says as
to the allegation of said complainants
that they had paid the taxes upon said
land for the last 25 or 30 years said
respondent has no knowledge and
therefore can neither admit or deny
but calls for proof, but said respon-
dent does deny that it has been nots-
rious in Marshall county that Com-
plainants were the owners of said land
as alleged in complainants bill.

Said respondent says ^{as} ~~to~~ to the allegation contained in complainants bill that said respondent well knew when he procured said conveyances at divers times that the heirs aforesaid heirs of Amasa Barber had no title to any part of said land and well knew the title thereof was in said complainants, said respondent denies and avers that if such was the fact that the title to said land was in complainants he had no notice thereof.

22. Said respondent contrary to the allegation of said complainants insists that he was a bona fide purchaser for a reasonable consideration and that said purchase was not malafide and said deeds fraudulent and void as charged by said complainants.

Said complainants charge that the deed executed by Roxana Hubbard was never acknowledged said respondent says at the time of making this answer he is not aware whether said deed is acknowledged or not, but will submit said deed to the inspection of the court.

Said respondent says as to the value of said land he has no accurate knowl-

edge but he believes it to be egregiously overestimated in complainants bill of complaint.

Said respondent having fully answered all the material allegations contained in the complainants bill which concerns said respondent and being willing and ready to prove all matters and things averred by said respondent as this court shall direct pray to be hence dismissed with his reasonable costs and charges in this behalf most wrongfully sustained.

Nazard Perley

A. C. Hartinson

Counsel for deft

Exhibit
"A"
Referred to in Bill.

This indenture made the thirtieth ~~th~~ day of January in the year of our thousand eight hundred and thirty-two between Amasa Barber and Betsey his wife of the town of Le Roy Jefferson Co. state of New York of the first part and Corey Barber and Wolsey Barber of Fayette township Vigo County and state of Indiana of the second part. Witnesseth, that the said party of the first part in consideration of the sum of one dollar, a dollar law-

24
ful money of the United States of
America, paid to him by the said party
of the second part the receipt where
of is hereby acknowledged, hath granted
bargained, sold, released, and confirmed,
and by these presents, as grant, bargain,
sell, release, and confirm to the said
parties of the second part their heirs
and assigns, all that certain piece
or parcel of land situate, lying and be-
ing in the state of Illinois, being the
South East quarter of section twenty
five in township thirteen north
in Range No nine East being in the
tract appropriated by the acts of con-
gress of the United States of America
on and since the sixth day of May
in the year of our Lord one thousand
eight hundred and twelve and is the
same tract of land and containing
one hundred and sixty acres which
on a warrant in favor of William
Holmes No 5274 was by letters patent
on the twenty ninth day of November
in the year of our Lord one thousand
eight hundred and fourteen deeded
to the said William Holmes, the said
letters patent being signed ^{by} James Monroe,

President of the United States and counter-
signed by Josiah Meigs and recorded
in Vol 8th p. 206 all which by reference
to said letters patent will more fully
and at large appear -- Together
with the hereditaments and appurte-
nances, and all the estate, right, title
and interest of them the said parties
of the first part of, in, or to the
same, and the reversions and
remainders thereof. To have and
to hold, all and singular the said
premises hereby granted to the said
parties of the second part, their heirs
and assigns to the proper use of the
said parties of the second part their
heirs and assigns for ever, Subject
to the conditions and stipulations
contained in the letter patent whereby
the lands were originally granted, And
the said parties of the first do hereby
for themselves their heirs executors
and administrators, covenant with the
said parties of the second part their heirs
and assigns, that they the said parties
of the first part, immediately before
the enrolling and delivery hereof are
seized of the said premises of an estate

25-

in fee simple therein, also that they have
power to sell and convey the same, as
heretofore intended, also that the said par-
ties of the second part, their heirs and
assigns shall quietly and peaceably
hold and enjoy the same, also
that the same is free from incum-
brances. And they the said parties
of the first part, and their heirs
the said premises to the said parties
of the second part, and their heirs
against all persons do and will
warrant and defend for ever by
these presents. In witness whereof
the said parties of the first part have
herewith set their hands and seals
the day and year first above written.
sealed and delivered in the presence of
Amasa Barber
Betsy Barber

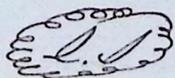
In the second line from the top
and Betsy his wife interlined before
signing. Benjamin Mcomber
State of New York
Jefferson County

On the 31st day of January
1832 personally came before me Amasa
Barber and Betsy his wife to me known
as the grantors of the within deed who before

me acknowledged they executed the same
and the said Betsey having been exam-
ined by me separate and apart from
her said husband acknowledged that
she executed the same freely without
any fear or compulsion of her hus-
band.

Benjamin Mcomber Clerk
State of New York
Jefferson County Clerk's Office

27
I do hereby certify that
Benjamin Mcomber whose name is
subscribed to the certificate of the
proof or acknowledgment of the an-
nexed conveyance was at the time of ta-
king such proof or acknowledgment
a commissioner in and for the said
county, duly commissioned and sworn
and authorized by law to take the same,
and further that I am well acquaint-
ed with his hand writing and verily
believe his signature to the said cer-
tificate of proof or acknowledgment
is genuine. In testimony whereof
I have herewith subscribed my name
and affixed the seal of the said county
at Watertown the 6th day of February 1832

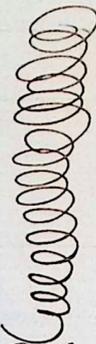


P. Bruchan, Clerk

Amended
Bill

Corey Barbour
Cromwell W. Barbour
"

Ambrose C. Harkinson
Abraham Barbour



In the circuit
Court of Marshall
County, Illinois

Filed Sept 25,
1857.
James Mascott
Clark

Amended Bill.

Your orators by way of Amendment to their original bill filed in this cause further state that on the 13th day of January AD 1832 one Amasa Barbour of the county of Jefferson in the state of New York was seized in fee simple of the South east quarter of section twenty five (25) in township thirteen (13) north of range nine (9) east in the now county of Marshall and state of Illinois. That he claimed title to said land through the following chain of conveyances to wit. A Patent of the United States to William Holmes dated November 22nd AD 1817 & a deed with covenants of general warranty from said William Holmes to Amasa Barbour dated May 1st AD 1822. Copies of which said conveyances marked 1, 2, are herewith filed and made part of this bill. And on the 30th day of January AD 1832 the said Amasa Barbour

28

29
by his deed of that date conveyed the said land to the complainants in fee simple; a copy of which said deed of conveyance is filed with the original bill in this cause and is herewith referred to and made part of this amended bill. And your orator further charge, that since the date of the said conveyance to them they have paid all the taxes assessed upon said land down to the present time, and have been openly and notoriously claimants and owners of the same, But not supposing or suspecting that any other person or persons would set up a fraudulent claim or title to said land, your orators neglected to have their deed recorded in the proper county. And your orators further charge that the said Amasa Barbour died testate in Jefferson County in the State of New York on or about the day of 1853; that his will was duly proved and admitted to probate in said county, a copy of which duly certified and marked, is hereto attached and made part of this amended bill.

And your orators further charge that the said Amasa at the time of his death left the following named

30
Children who except as otherwise provided in said will would have been his heirs at law-to-wit: Roxana, then and now intermarried with Ora Hubbard-Sally, then and now intermarried with Buel Fuller - Catharine, then and now intermarried with Eunis Mosher-Polly, then and now intermarried with Benjamin Collins, Abraham Barbour, Elbridge Barbour and Lovina Ward, and your orators further charge that one Ambrose C. Hankinson of Peoria in the county of Peoria & State of Illinois, who is and was at the time of the procuring of the conveyances hereinafter mentioned a professional land speculator; well knowing the premises and that your orators were the legal owners and had and held the conveyance aforesaid of said land from the said Amasa Barbour and had paid all the taxes thereon from the date of said conveyance, and fraudulently designing and intending to cheat and defraud your orators out of the said land. Having made the discovery that your orators deed had not been recorded - on the

21
13th of October 1854 procured a conveyance from said Ora Hubbard and Roxana his wife of their interest in said land which he caused to be recorded in the recorder's office of Marshall County on the 28th day of October AD 1854. And on the 31st day of July 1855 he procured a conveyance from Buel Fuller and Sally his wife which he caused to be recorded in the same office on the 6th day of August AD 1855. And on the 1st day of August AD 1855 he procured a conveyance from Paris Masher & Catharine his wife, and from Benjamin Collins and Polly his wife of all their and each of their several interests in said land and caused the same two last deeds to be recorded on the 8th day of August AD 1855 copies of which said deeds are filed with the original Bill in this case and the same are herewith referred to and made part of this amended bill.

And your orator further charges that the said Ambrose C. Hankinson well knew both before and at the time he made the

32
said several pretended purchases, and was so informed by the several parties who conveyed to him that the said land had been sold and conveyed to your orators as hereinbefore stated in the life time of the said Amasa Barbour; that although the said Hanksinson at the time he pretended to purchase said land as herein before stated, well knew that the same was worth at least the sum of four thousand dollars, yet he paid merely a nominal consideration therefor, not exceeding \$200 or \$250, well knowing that he was acquiring no equitable title thereto, and that the same had been previously sold to your orators as aforesaid.

And your orators further charge that Abraham Barbour one of the heirs of the said Amasa Barbour deceased on the 10th day of October AD 1855 purchased and procured a conveyance by quit claim deed of the interest of the said Roxana Hubbard in and to the land aforesaid, and under said deed or in some other manner claims to have, an interest in said land.

33

And your orator further charges that the said several conveyances by the said several heirs of the said Anasa Barbour are fraudulent, and ought in justice and in equity to be set aside and declared fraudulent and void as against your orator. And your orator further show that they are now and for several months last past have been in actual possession of the said land having fenced and enclosed the same and erected a small dwelling house thereon which is now occupied by their tenant who went into possession of the same as such tenant, under their title as aforesaid claiming the entire tract of land aforesaid, and that they therefore have no adequate remedy at law against the said Haukinson who holds his fraudulent and illegal title as a cloud and blemish upon the rights and title of your orator, and refuses to take any steps or proceedings at law to settle or decide the same.

Your orator therefore

Pray as in and by their original bill
they have prayed

Purple & Pratt, Compts Solicitors

Deed
from
Wm. Holmes
to
Amasa Barbour

Filed Sept. 25, 1857
James Wescott,
Clerk

34
This Indenture, Made the first day of
May in the Year of our Lord one thousand
eight hundred and twenty two between
William Holmes late a private in Ran-
soms company of the thirty second
regiment of infantry and now of the
town of Rutland, Jefferson County, New
York of the first part, and Amasa Bar-
bour of the town of Le Roy in said County
of the second part, Witnesseth that the said
party of the first part, for and in con-
sideration of the sum of fifty dollars
money of account of the United States
to him in hand paid, by the said party
of the second part, the receipt where-
of is hereby confessed and acknowl-
edged, hath granted, bargained, sold,
remised, released, aliened and confirm-
ed, and by these presents doth grant bargain,
sell, remise, release alien and confirm
unto the said party of the second part,
and to his heirs and assigns forever,
all that certain piece or parcel of land
situate, lying & being in the state of Illinois,

35
being the South East quarter of Section
twenty-five of Township thirteen north
in Range nine east, being in the tract
appropriated by the acts of the Congress
of the United States of America, on
and since the sixth day of May in
the year of our Lord one thousand
eight hundred and twelve, and is
the same tract of land and contain-
ing one hundred and sixty acres which
on a warrant in favor of said William
Holmes Number 5274 was by letters patent
on the twenty ninth day of November in
the year of our Lord one thousand eight
hundred and seventeen, deeded to the said
William Holmes, the said letters patent
being signed by James Monroe, Presi-
dent of the United States and counter-
signed by Josiah Phelps, and recorded
in Vol 8th page 206, all which by reference
to said letters patent will more fully
and at large appear - together with all
and singular the hereditaments and ap-
purtenances thereunto belonging or in
any wise appertaining, and the reversion
and reversions, remainder and remainders,
rents, issues and profits thereof; and
all the estate, right, title, interest, claim

36
and demand whatsoever, of the said
party of the first part either in law
or equity of in and to the above bar-
gained premises, with the said heredita-
ments and appurtenances to have
and to hold said premises with the
appurtenances to the said party of
the second part, his heirs and assigns
to the sole and only proper use, benefit
and behoof of the said party of the sec-
ond part, his heirs and assigns forever,
And the said party of the first part,
for himself his heirs, executors, admin-
istrators doth covenant, grant, bar-
gain, promise and agree to and with
the said party of the second part,
his heirs and assigns, to forever war-
rant and defend the above bargained
premises and every part and parcel, now
being in the quiet and peaceable pos-
session of the said party of the second
part against the said party of the first
part, his heirs, executors administra-
tors and assigns, and against all and
every other person or persons claim-
ing or to claim the said premises or any
part thereof. In witness whereof
the said party of the first part hath

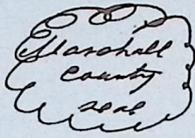
hereunto set his hand and seal
the day and year first above
written. (signed) Wm. Holmes Seal
Sealed and delivered in presence of
(signed) Horatio Orvis
State of New York

Jefferson County }th May 15th 1822, I certify
that William Holmes well known to
me to be the person who executed
the within deed, come before me
and acknowledged that he executed
the same (signed) Horatio Orvis Comd
Recorders office, Pike county }

Illinois 10 November 1822 } I hereby certify that
the within deed and the accompanying
certificates were on this day duly re-
corded in my office in Volume 5 pages 141
& 142. (signed) Paul D. Smith, Recorder P. C. Ill.

State of Illinois }
Marshall County }th S. G. L. Fort, Clerk of
the circuit court of the said county
of Marshall and by virtue thereof offic-
ing Recorder of said county, do hereby cer-
tify that the instrument of writing here-
to attached and which purports to have
been executed by William Holmes to Anne
Barber was filed in said office for record
on the 7th day of March 1856 at 10

o'clock A.M. and the same was this day duly recorded in book R at pages 500 & 501.



In testimony whereof I have hereunto set my name and affixed the seal of said court at the city of Lason, in said county on this 28th day of March A.D. 1856

G. L. Fort, Clerk by

J. St. Clair Boal, Dep.

Cory Barbour &
Cromwell W. Barbour
" "
Ambrose C. Haukinson &
Abraham Barbour



In the Circuit Court of Marshall County, Illinois

The answer of Ambrose C. Haukinson one of the dependants to complainants amended answer. This respondent reserving all manner of benefit and advantage to himself of exception to the many errors and insufficiencies in said Amended Bill contained for answer thereto or unto so much or such parts thereof as this respondent is advised is material for him to make answer unto. Respondent answers and says he admits as he has already admitted that on the 13th day of January A.D. 1832 one Amasa Barbour

38
Answer of Haukinson to Amended Bill.

Filed October 22^d 1857
James Maccott, Clerk

of the county of Jefferson in the state of New York was seized in fee simple of the south east quarter of section twenty-five (25) in township thirteen (13) north of range nine (9) east of the 4th principal meridian in the county of Marshall and state of Illinois. Respondent also admits the said Amasa Barbour claimed title to said land through a patent of the United States to William Holmes and by deed from William Holmes to him the said Amasa Barbour as to the date of said patent and deed he is not informed but presumes it as stated in complainants bill of complaint. Said respondent further answering says he has no knowledge only as he is informed by complainants bill that the said Amasa Barbour on the 30th day of January AD 1832, by his deed of that date conveyed the said land to the complainants in fee simple, a copy of which said deed of is on file in this case, and therefore calls for proof of the same.

This respondent further answering says he has no knowledge except as he is informed by complainants bill, "that since the date of the said conveyance

complainants have paid all the taxes assessed upon said land down to the present time, and he denies that complainants have been openly and notoriously known as the owners of the same." This respondent further answering says he admits if said complainants had any deed as they represent for said land they neglected to have said deed recorded in the proper county, but the reason why they neglected so doing is but known to themselves.

40
This respondent further answering says he has no knowledge of the truth of the charge made by said complainants, except as he is informed by said bill, as to Amasa Barbour dying testate or about the day of AD 1833. Said respondent admits that said Amasa Barbour died about the year 1833 but whether he died testate or intestate is not within the knowledge of respondent and he therefore calls for the proof. This respondent further answering says he admits that the said Amasa Barbour left at the time of his death the several children named by said complainants to wit: Roxana now intermarried with Ira Hubbard, Sally, then and now

41
intermarried with Buel Fuller, Cath-
arine, then and now intermarried
with Emis Musher, Sally then and
now intermarried with Benjamin Col-
lins and Abraham Barbour, but he has
no knowledge of Elbridge Barbour and
Lovina Ward being the children of Ama-
sa Barbour. This respondent
further answering denies com-
plainants charges that this res-
pondent well knowing the premises
and that said complainants were the
legal owners and had and held the
conveyance aforesaid of said land
from the said Amasa Barbour and
had paid all the taxes thereon from
the date of said conveyance, fraudulent-
ly designing and intending to cheat
and defraud said complainants out of
said land having made the discovery
that complainants deed had not been
recorded on the 13th day of October 1854
procured a conveyance from said Ezra
Stubbard and Roxana his wife of their
interest in said land and on the 31st day
of July 1855 he procured a conveyance
from Buel Fuller and Sally his wife
and on the 1st day of August AD 1855

112
he procured a conveyance of Ernie Mascher
and Catharine his wife and from Ben-
jamin Collins and Polly his wife of all
their and each of their several inter-
ests in said land, said respondent
herein meaning specifically to
deny first that said respondent
well knew the premises as set
forth by complainants, secondly
to deny that he ever knew prior
to the time he purchased the title
or interest of the several heirs named
in complainants bill, that complain-
ants or either of them claimed to be
the legal owners of said land on the
contrary he avers he had never to his
knowledge heard of either of said Com-
plainants, and had no knowledge what-
ever of them or either of them, and
had never heard of the pretended claim
they now set up, thirdly he denies
that he obtained the conveyances
mentioned in complainants bill fraud-
ulently designing and intending to
cheat said complainants, fourthly he
denies having made the discovery that
complainants had not recorded their
deed. Respondent did not know com-

plainants had one to record, but he admits the obtaining deeds of conveyance from all the parties named in said bill at the dates mentioned and that said deeds were recorded at the dates mentioned in complainants bill, but avers that he procured all of said deeds in his usual course of business without any fraud whatever.

43 This respondent denies that he knew, as charged in said bill, that both before and at the time he purchased said land or made said several purchases that said land had been sold and conveyed to said complainants, and he also denies that he was so informed by the parties who conveyed to him.

Respondent denies that at the time he made said purchases he knew said land was worth four thousand dollars, and he denies that said land is worth that amount, on the contrary he avers that said land does not in his judgment exceed in value one half that amount. Said respondent denies that the consideration paid for said land by him did not exceed two

44
hundred and fifty dollars and denies
that he knew he was not acquiring
an equitable title thereto, but on
the contrary he believed he was buy-
ing both the legal and equitable title
to said land. Said respondent
further answering denies said con-
veyances made to said respondent
as aforesaid being fraudulent and
void as charged in complainants said
bill of complaint. Said respondent
further answering denies that said
complainants are now actually in
possession of said land having fenced
and enclosed the same, but he is in-
formed on the contrary that said
land is not enclosed. Said res-
pondent having fully answered
all the material allegations contained
in the defendants amended bill which
concerns said respondent and being re-
ady and willing to prove all matters and
things averred by said respondent as this
court shall direct prays to be hence
dismissed with his reasonable costs
and charges in this behalf most wrong-
fully sustained

A. C. Hawkinson
E. W. Hazard, Counsel for depts.

Replication

Coray Barbour	~	Bill in Chancery,
Cromwell W. Barbour	~	In the Marshall
"	~	County Circuit
Ambrose C. Hawkins	~	Court
Abraham Barbour	~	October Term 1857.

Filed, October 22,
1857

James Treacott, clerk,

And now comes the said complainants by Purple & Pratt their solicitors, and for replication to the answer of defendant Hawkinson filed herein to the amended bill of complainant say that they ought not to be denied the the equity prayed for in their said bill for the reason that the said answer inasmuch as the same denies the averment of complainants said amended bill is not true - and that the averments in said bill are true which complainants will make appear as the court may direct.

Purple & Pratt, Compts solicitors

Chancery Notice

Certificate of
Publication

Chancery Notice. - Coray Barbour & Cromwell W. Barber v. Ambrose C. Hawkins & Abraham Barbour. =
In the Circuit court of the county of Marshall Illinois - Bill to quit Title.

Affidavit of the non-residence of the said Abraham Barbour, one of the defendants above named, having been filed in the office

Filed, January 26,
1858.

James Treacott,
Clerk

46
of the clerk of said court. Notice is hereby
given to the said Abraham Barbour, that
Cory Barbour and Cromwell W. Barbour
the complainants aforesaid, have filed
their Bill of complaint in said court,
on the Chancery side thereof, that sub-
poena in chancery has been issued in
said cause against said defendants, ac-
turnable according to law. Now un-
less you the said Abraham Barbour
shall personally be and appear
before said circuit court, on the
first day of the next term thereof,
to be holden at Lacon in said county,
on the first Monday of October A.D. 1857
and plead, answer or demur to said
complainants bill of complaint the
same and the matters & things there-
in charged & stated will be taken as con-
fessed, and a decree entered against
you according to the prayer of
said bill

James Weacott, Clerk

Or a J. Ferr, court's solr.

I hereby certify that the annexed
Chancery notice was published in the
Illinois Gazette, a weekly newspaper
printed and published in the city of
Lacon, Ill., four consecutive weeks, com-

menacing Aug 1st AD 1857 and ending
Aug 22nd AD 1857. Dated Lacou this
6th Oct AD 1857 Allen W. Ford
publisher Ills. Gazette.

Affidavit of
C. W. Barbour

Barbour & Barbour } case in Chancery
" } in the Marshall
Hawkinson & others } County court

Filed, May 14, 1858

James Wescott, clerk

47
C. W. Barbour one of the com-
plainants in this case states that
since the filing of this bill he has
learned & believes that one Elisha
Greenfield was a partner of the said
Hawkinson in the purchase from the
heirs of Amasa Barbour & was to share
in the profits or loss in said speculation,
and this affiant further states that the
said Greenfield was the party who man-
aged & intrigued to procure the title as in
the bill stated, that he hunted up the
heirs & repeatedly solicited them to convey
said land. And this affiant is inform-
ed that the name of Hawkinson was
not mentioned or known to the heirs
at the time they made said deeds
sworn to before } C. W. Barbour
me this 14th day of May }
AD 1858, James Wescott, clerk }

Deposition of
Polly Collins.

Open and filed
October 13, 1858.
Per general order
of court.
James Mescott, clerk

Deposition of Polly Collins a witness
produced sworn and examined on oath
on the 8th day of October 1858 at Evans Mills
New York by virtue of and in answer to the
Interrogatories contained in a commission
issued by James Mescott Clerk of the Circuit
court of Marshall County in the state of
Illinois to me C. P. Granger directed
for the examination of witnesses in a cause
depending in said court between Cory
Barbur Et al. complainants and Ambrose
C. Hankinson Et al. dependants. To the
first interrogatory this deponent says.

48
I am acquainted with the complain-
ants and with Abram Barbour one of the
dependants and have seen Elisha Greenfield
one of the dependants, I do not know
Ambrose C. Hankinson. I have known
the complainants and Abram Barbour
one of the dependants since my childhood

To the 2^d Interrogatory saith:

I am fifty one years of age, my name is Polly
Collins - I reside at Evans Mills, New York.
I am a house keeper.

To the 3^d Interrogatory saith:

I knew Amasa Barbur in his life
time - he was my father.

To the 4th Interrogatory saith:

I concur fully in the answers to the interrogatory given by the witness Lovina Ward to the same interrogatory.

To the 5th interrogatory saith:
I do not know that he conveyed that particular lot to complainants - but I always understood that father gave cousin Cory Barber & Woolsey Barber the complainants a quarter section of land in Illinois.

To the 6th Interrogatory saith
I as an heir of Amasa Barber gave a quit claim deed to Ambrose C. Hankinson of a quarter section of land in Illinois - I understood at the time the land that I quit claimed was at or near Peoria, Illinois - said deed was made and executed by Polly Collins and her husband Benjamin Collins to Ambrose C. Hankinson at Evans Mills, New York on or about the 1st day of August 1855.

To the 7th Interrogatory saith -
A man calling his name Greenfield acted as such agent

To the 8th Interrogatory saith :-
Said Greenfield was not to my knowledge informed that a prior sale of said land had been made by Amasa

Barbur at the time I gave the quit claim -
at that time I had a conversation with
said Greenfield - I said to him have
you examined the records - he said I
have - and Wolsey Barbours name is
not on the record - I said then it
cannot be Wolsey Barbours land -
he said I think not if it was it would
be on records he produced a deed
and read it, I took the pen and
signed it & my husband signed it,
acknowledged it, and he paid me one
hundred dollars and left. The
above is all the conversation
I recollect at that time.

50
To the 9th Interrogatory saith:-

In October 1854 I first saw Mr. Greenfield
and had a conversation with him about
a quarter section of land in Illinois, that
he wanted a quit claim deed of the heirs
of Amasa Barbur of - I told him I was
one of the heirs of Amasa Barbur, that my
father in his life time owned several mil-
itary lots in Illinois, that he had sent
the deeds there by one Wilcox and they were
lost - I also told him that my father
gave one of the lots to my cousins Coray
& Woolsey Barbur, and asked him if this

lot that he wanted a quit claim of was
not their land - he says I think not
as the title on record is in your fathers
name. I said are you sure it is in my
fathers name - he said yes it is recorded
to Amasa Barbour - I said then it must
be one of those deeds that were lost,
I told him I had just returned from
Indiana - had had a conversation there
with my Cousin Woolsey Barbur about
his title to the piece father gave him
- he (Woolsey) said he had a regular chain
of title and showed me the deed from
the patentee William R. Homes to my
father - (I wished to get the date of that
deed to aid me in finding the deeds that
were lost) - he said when you saw that
deed did you see any other deed - I
said oh no, I had no occasion to ask for
any other, all I wanted was the date of
the old deed - I dont recollect any
thing more that was said at that
time about the title of the land - Crom-
well W. Barbur one of the complainants
was always known here and in the
family of Amasa Barbur as Woolsey
Barbur.

None that I know of.

To the 2^d cross-interrogatory saith
They have not.

To the 3^d cross-interrogatory saith
They have not.

To the 4th cross-interrogatory saith
I never did to my knowledge

To the 5th cross-interrogatory saith
I know one Greenfield who said he
acted as agent for Haukinson in pur-
chasing the quit claim deed of me - I
don't know his name is Elisha

112 To the 6th cross-interrogatory saith
There was nothing said to Greenfield
at the time he procured the deed of
me, of the nature mentioned in the
6th cross-interrogatory to my knowledge.

To the 7th cross-interrogatory saith
I do not. P. Collins

Sworn & subscribed this
8th day October 1858 at Evans
Mills, New York, before me

C. P. Granger

Justice of the Peace

Commission
to take
Deposition of
Lorria Ward,
James Ward,
Catharine Mosier,
Mary Fuller,
Delia Folger

State of Illinois, Marshall County, Ill. - The People
of the state of Illinois, Do Olean this P. Granger
or to any Justice of the Peace or Notary Pub-
lic of Evansville, Jefferson County, N. J. - Greeting:-
Know ye, that we, confiding in your ability, skill and
fidelity, have appointed you, and by these pres-
ents do appoint, authorize and empower
you, at a certain time and place, to be by you
appointed for that purpose, to cause the wit-
nesses whose name are mentioned in the
caption of the annexed interrogatories, to come
before you and then and there diligently
and faithfully to examine them on oath
upon the said interrogatories, in the or-
der in which they are propounded; and you
will cause the answers of the witnesses
thereto, to be reduced to writing, in the or-
der in which they shall be proposed
and answered; and you will then
cause the witnesses to sign their names
to the same in your presence. You will
also annex a certificate, subscribed by
yourself at the foot of the depositions
stating that the names same were sworn
to and signed by the deponents and the time
and place when and where the same were
taken. The depositions thus taken and sub-
scribed, and all exhibits produced or ac-

Deposition =
Opened and filed
under general
order of Court
October 13, 1858,
James Wescott, clerk.

5-3

ferred to by the witnesses together with this
commission and the annexed interroga-
tories, you will inclose, seal up and direct
to the clerk of the circuit court of the
County of Marshall, in the state of Ill-
inois, with the names of the parties
libigant endorsed thereon. Witness
James Wescott, clerk of the circuit
court of said county of Marshall
and the seal of said court being
hereto affixed, this eighteenth day of Sep-
tember in the year of our Lord one thous-
and eight hundred and fifty-eight
James Wescott, Clerk

Jefferson County, Ill. I hereby certify that in pur-
suance of the within commission I have ex-
amined Lovinia Ward, James Ward, Catharine
Prosser and Delia Folger by administering to
each of them the oath publicly and examining
them on the interrogatories annexed, and
reduced the same to writing which ex-
amination is herewith annexed, signed
by each of the deponents and returned as
required by said commission C. P. Grainger

Dated October 8th 1858.

Justice of the Peace & Commissioner

Commissioners
Certificate
on back
of Commission

74

Cory Barber
 Cromwell W. Barbour
 W
 Ambrose G. Huntington
 Abraham Barbour
 Elisha Greenfield



In the circuit
 Court of Marshall
 County
 In chancery

E. W. Hazard, Esq., Defts attys

You are notified that on the 18th Sep-
 tember A.D. 1858, I shall apply to the
 clerk of the circuit court of Mar-
 shall county for a commission
 to be issued in this cause to Cleanth's
 P. Granger or to any Justice of the Peace
 or notary Public of Evansville, Jeffer-
 son county N.J. to take the depositions
 of Lovina Ward, James Ward, Catharine Musier,
 Mary Fuller & Delia Folger of Jefferson
 county N.J. aforesaid to be read in evidence
 on the part of the complainants in this cause
 upon the hearing thereof. Purcell & Pratt
 Compts Solicitors.

Notice to take
 depositions

5-5

Interrogatories =

- 1st Are you acquainted with the parties to this
 suit - If so state how long have you known them.
- 2^d What is your age name place of residence and occu-
 pation.
- 3 Did you know Amasa Barbour in his
 life time & if so state what the relation
 or connexion he was to you.

4. Do said Amasa Barbour dead or alive and if dead when and where did he die, what heirs and legal representatives did he leave surviving him and how many and which are living - If any have died since his death when and where did they die - state fully the entire history of his said Amasa Barbour's family.

5. State whether you know that said Amasa Barbour in his life time conveyed to complainants the South east quarter of Section twenty-five (25) in township thirteen (13) north of range nine (9) east of the 4th Principal meridian in Marshall county, Illinois - and your means of knowledge.

6. Do you know whether the heirs of Amasa Barbour ever made quit claim deeds of said land to Ambrose C. Hankinson one of the defendants, if so when & where & by whom were such deeds made.

7. Who acted as agent for the said Hankinson in procuring said deeds.

8. If you state that one Olisha Greenleaf so acted or any other person state whether such person was not fully informed at the time of such purchase of the prior sale made by Amasa Barbour to the complainants, state all the conversation which

took place at the time, or about the time such conveyances by said heirs were made, and when and where it occurred.

9th Do you know any thing further of benefit to the complainants, N.W. Purple & L.G. Pratt
Comptrol Solicitors

I accept service on the within and will file conso-Interrogatories on or before the 18th inst. Gallsburg. Sept. 8th 1858. C. H. Hazard, Counsel for depts.

In the circuit court of Marshall county, Illinois of the October Term A.D. 1858.

Cory Barbour Etal.

vs

vs

In Chancery

Ambrose B. Hankinson Etal

3-7
Cross. Int.

Cross interrogatories to be administered to each and every witness summoned before the commissioner appointed to take depositions in the above entitled cause in the county of Jefferson and state of New York.

1st Have you any interest in the event of this suit by which you are to gain or lose?

2^d Have the complainants or either of them proposed or agreed to pay you any thing in the event the suit is decided in their favor?

3^d Have the complainants or either of them talked with you in regard to what you will swear to?

3rd Did you ever see Ambrose C. Hankinson
one of dependants? If year, state when and where?

5th Do you know Elisha Greenfield? If year
state when and where you became acquaint-
ed with him.

6th In answer to the 8th interrogatory of
the complainant the witness says that
Elisha Greenfield procured the deeds men-
tioned in complainants interrogatories, and
that the witness or some other person inform-
ed him Greenfield about a prior sale made
by Amasa Barbour, then let the witness
state whether said Greenfield was not told
that a deed was made by Amasa Barbour
for the land mentioned in complainants
interrogatories but that it was never de-
livered to the complainants because
complainants did not comply with certain
conditions which was the consideration
for the making of said deed. State fully
what was said to the agent of Mr. Hankinson
at the time he purchased said land as to
the title never having been conveyed by said
Amasa Barbour in his life time.

7th Do you know anything further that would
be of benefit to the dependants, If so state the same as fully as
though you were specially interrogated thereto.

C. W. Hazard, Counsel for depts.

Depositions of Lovinia Ward, James Ward, Catharine Mosher & Delia Folger, the witnesses produced, sworn and examined on oath on the 8th day of October 1858 at Evans Mills, Jeff Co New York by virtue of a commission issued to C. P. Grauger by James Wescott, clerk of the court of Chancery of Marshall county in the state of Illinois in a certain cause depending before the said court between Cory Barbour et al. plaintiffs and Ambrose C. Hankinson et al. defendants.

Lovinia Wards
Deposition

The said Lovinia Ward, deposes as follows:-
1st To the first Interrogatory she saith -

5-9
I am acquainted with all the parties except Hankinson. I have known the plaintiff I have known the plaintiff & the defendant Abraham Barbour since my childhood - and have known Olisha Greenfield since October 1854.

2^d To the second Interrogatory saith -

I am fifty-four years old my name is Lovinia Ward - I reside in the town of LeRoy, Jefferson county, New York - am a farmers wife and of course a housekeeper.

3^d To the third Interrogatory saith -

I know Amasa Barbour in his life time he was my father.

4th To the fourth Interrogatory saith -

Said Amasa Barbour is dead - he died May

7th 1834 at LeRayville, New York - at his death he left seven children, as follows: Sally Fuller, Abram Barber, Roxana Hubbard, Lovina Ward, Pally Collins, Catharine Mosher, and Elbridge G. Barber, all are living so far as I know, he also left a widow Betsy Barber who died in June 1849 at Evans Mills, New York -

3rd To the fifth Interrogatory saith:-

I do not know that my father conveyed the lot described in the fifth interrogatory to complainants or to any one else, but I understood from my father before I was married that he was going to give a certain lot of land in Illinois to my cousins Cory and Madley Barber, and subsequently it was understood in our family that father did ^{give} them a lot in Illinois.

6th To the 6th Interrogatory saith:-

I do not.

7th To the 7th Interrogatory saith:-

I do not know.

8th To the 8th Interrogatory saith:-

In the fall of 1854 a man calling himself Olisha Greenfield called at our house and enquired about the heirs of Amasa Barber. He then stated that there was land in Illinois belonging to said heirs, and that he wished to purchase it. I asked him if it was not Wal-

61
sey Barbur's land - he said he knew nothing of Wadley Barbur. I then told him that I understood father had bought five or six soldier rights on the military tract in Illinois, and that he had given one of those lots to Cory and Wadley Barbur, and had sent money to get the deeds recorded & pay the taxes on the others by one Wiley, and that I did not know whether the quarter section he was enquiring about was the one given to Cory & Wadley or not, but referred him to Cory & Wadley Barbur, Ferrabante, Indiana, for information about it - he then left.

In the spring of 1855 said Greenfield came again to our home and talked with my husband about buying the land and again in the latter part of the same summer and wanted us to tell what we would take for our right in the Illinois land, I asked him about the taxes on non-resident land he said from 3 to 8 dollars a year - I then asked him who had paid the taxes on the lot he wanted to buy - he said it had been paid by different persons - I then said if it should prove to be Wadley's land would he have to cover the taxes he had paid on the land - he replied if Wadley Barbur chose to pay taxes on other people's land it was

no concern of his and that to decline to quit claim on the mere suspicion that it was Woolsey Barber's land showed me to be a strange woman and what not one woman in a hundred would do - said that I showed a great deal of sympathy for Woolsey Barber whom he presumed was a sick man and would not miss it and that I had better give it to my poor sister Hubbard - he then left.

9th To the 9th Interrogatory saith
I do not.

Cross Interap 1st To the first cross-Interrogatory saith
I have not

62 2^d To the 2^d cross-Interrogatory saith
They have not -

3^d To the 3^d cross-interrogatory saith
They have not

4th To the 4th cross interrogatory saith
I never saw Ambrose C. Hawkinsow to my knowledge

5th To the 5th cross-interrogatory.

I know Elisha Greenfield, I first became acquainted with him at our house in LeRoy, Jefferson county New York in the fall of 1854.

6 To the 6th cross-interrogatory - witness has nothing to say.

1st To the 7th cross interrogatory saith.

I know nothing further of benefit to dependants. Lovina Ward sworn and subscribed at Evans Mills N. J. this 8th day of October 1858, before me.

C. P. Granger, Justice of the Peace & Commissioner.

James Ward's
deposition

1st James Ward being duly sworn deposes and saith To the 1st Interrogatory.

I am acquainted with the complainants and have seen Mr. Greenfield and am acquainted with Abram Barber one of the dependants. Cromwell W. Barber one of the complainants was known here as Wadley Barber

2nd To the ~~1st~~ 2nd interrogatory saith

I am fifty seven years of age, reside at Le Roy, Jefferson county, New York, am a farmer.

3rd To the 3rd interrogatory saith

I knew an Abram Barber in his life time - he was my father-in-law.

4th To the 4th interrogatory saith

I fully concur in the answer to this interrogatory given by the witness Lovina Ward

5 To the 5th Interrogatory saith -

I do not know

6 To the 6th interrogatory saith -

I do not

7 To the 7th interrogatory saith

I do not know

To the 8th interrogatory saith

I was not present at the time the conveyances were made. In the fall of 1854 Elisha Greenfield came to my house and had a conversation with my wife and during that conversation I asked him the numbers of the lot he wished to purchase - he declined to give them.

8 To the 9th interrogatory saith

I do not, except that I always understood that Amasa Barbour gave a quarter section of land in Illinois to Cary and Walsey Barbur.

Cross interog. To the 1st cross-interrogatory saith.

I have not

2^d To the 2^d cross-interrogatory saith

I have not

3 To the 3^d cross-interrogatory saith

They have not.

4 To the 4th cross-interrogatory saith

I never did.

5 To the 5th cross-interrogatory saith

I have seen him at my house two or three times.

6 To the 6th cross-interrogatory saith

I have nothing to say
7 To the 7th cross interrogatory saith
I do not

James Ward.

Sworn & subscribed this 8th October 1858 be-
fore me at Evans Mills, N. York,
C. P. Gauger, Justice of Peace & Commissioner.

Cath. Mosher's
deposition

1 Catharine Mosher being duly sworn deposes
and saith to the first Interrogatory.

I am acquainted with the complain-
ants and with Abram Barber and have
seen Elisha Greenfield, two of the dependants.

65 2 To the 2^d interrogatory saith.

I am forty-three years of age, reside at Le
Rayville, Jefferson county, New York - my hus-
band is a merchant & farmer - and I keep
house.

3 To the 3^d interrogatory saith

I knew Amasa Barber in his life time
he was my father.

4 To the 4th interrogatory saith

I fully concur in the answer to this
interrogatory given by witness Lovina Ward

5 To the 5th interrogatory saith

I do not know that father conveyed
that particular lot, but it was always un-
derstood in our family that father gave

a tract of land in Illinois to my Cousin Cory
and Woolsey Barber.

6 To the 6th interrogatory saith

I know that I gave a quit claim
deed of lands in Illinois to Ambrose C. Hutchinson
but I do not know what particular lot
said deed was made at Le Royville New
York, in the summer of 1855 and was made and
executed by Catharine Mosher and her husband
Eunis Mosher to Ambrose C. Hutchinson.

7 To the 7th interrogatory saith

A Mr. Greenfield

8 To the 8th interrogatory saith

66
I do not know that said Greenfield
was informed that the land quit claimed
had been previously conveyed to the com-
plainants at the time I gave the deed. When
Greenfield first called on me in the fall
of 1854 - I asked him if it was not Woolsey
Barber's land - he said Woolsey Barber's name
was not on the record - he offered me fifteen dol-
lars - I refused to take it. I told him if my father
owned land that I had any right in, I wanted
more than fifteen dollars for it - he left then
and came again the next spring and had a con-
versation with my husband, and again in or about
August following when I gave the deed he giving
me one hundred dollars for the same.

1 To the 1st interrogatory saith,

I do not think of any thing.

Cross-interrog. To the first cross-interrogatory saith

I have not.

2 To the cross-interrogatory saith

They have not

3 To the 3rd cross-interrogatory saith

They have not

4 To the 4th cross-interrogatory saith

Not that I know of

5 To the 5th cross-interrogatory saith

I suppose I know Olesia Greenfield

67 I first saw him at York Mills, Oneida county New York, in the fall of 1854.

6 To the 6th cross-interrogatory saith

I did not tell Greenfield nor was he told in my presence that a deed was made by Amasa Barber for the land mentioned in complainants interrogatories but that it was never delivered to the complainants because complainants did not comply with certain conditions, which was the consideration for making such deed nor any thing like it.

7 To the 7th interrogatory saith

I do not

Catharine Mosher

Sworn & subscribed this 8th day of October 1858 before me

C. P. Granger, Justice of Peace & Commissioner.

Delia Folger's
Deposition

Delia Folger being duly sworn deposes
and to the first Interrogatory saith.

I am acquainted with the complainants
and with Abram Barber one of the depend-
ants and have seen Eliza Greenfield
one of the dependants - Ambrose C. Har-
rison I never saw. I have been ac-
quainted with the complainant and Abram
Barber since my childhood

2^d To the 2^d interrogatory saith.

I am forty years of age - my name is
Delia Folger, I reside at Cape Vincent, Jeffer-
son county, N. York. I am a house keeper.

3^d To the 3^d interrogatory saith

I knew Amasa Barber in his
life time, he was my grand Father.

4 To the 4th interrogatory saith.

I fully concur in the answer
to this interrogatory given by the wit-
ness Lovina Ward.

5 To the 5th interrogatory saith

I do not know that Amasa Barber
conveyed that particular lot to com-
plainant or any one else, but I always
understood from my mother, who is
daughter of Amasa Barber that my grand
father Amasa Barber conveyed a quarter
section of land in Illinois to complainants.

6th To the 6th interrogatory said

I know of one of the heirs of Amasa Barber giving a quit claim deed of a quarter section of land in Illinois to Ambrose C. Hankinson & said deed was made and executed at Cape Vincent, New York on the last of July 1855, and was executed by Sally Fuller and her husband Buel Fuller to the said Ambrose C. Hankinson.

7 To the 7th interrogatory said

A man who gave his name as Elisha Greenfield I suppose it was Elisha Greenfield.

8 To the 8th interrogatory said

69 Elisha Greenfield was told by Sally Fuller my mother and by my father Buel Fuller in my presence that Amasa Barber in his life time had conveyed a quarter section of land in Illinois to these complainants - and they did not know but this might be the same Elisha Greenfield, said he did not know Cory and Woolsey Barber - that their names were not on the record, but that Amasa Barber's name was on the record, that he had seen some of the heirs and they were willing to sell - that if Cory and Woolsey Barber had a good title to the land a quit claim could not affect it, and that Hankinson for whom he (Greenfield) was only agent took it wholly

at his own risk & matter then concluded to give the deed, but as she took the pen to sign it she asked Greenfield, if the land should prove to belong to Cary and Marley Barbour, what would be the consequence of giving this quit claim? he replied that Frankinson was prepared for them, and laughed heartily - he then paid one hundred dollars in gold, took the deed and left.

9 To the 9th interrogatory said

I do not that I remember.

Cross-interrog. To the 1st cross interrogatory said

I have not.

2 To the 2^d cross interrogatory said

They have not

3 To the 3^d cross-interrogatory said

No, never.

4 To the 4th cross-interrogatory said

No.

5 To the 5th cross-interrogatory said

I have seen Olisha Greenfield once - it was at the time of his taking the deed of my mother in July 1855, at Cape Vincent New York.

6 To the 6th cross-interrogatory said

Greenfield was not told at the time he took the deed of my mother "that a deed was made by Amasa Barbour for the land mentioned in complainants interrogatories but

that it was never delivered to the complainants, because complainants did not comply with certain conditions, which was the consideration for the making of said deed" - and there was nothing said at that time to the agent of Mr. Hawkinson "as to the title never having been conveyed by said Amasa Barber in his life time" - I have stated all the conversation that I recollect at that time in my answer to the complainants 8th interrogatory
To the 7th cross interrogatory with
I do not.

Delia Folger

Osworn & subscribed at Evans Mills, New York, this 8th day of October 1858, before me.

C. P. Granger, Justice of Peace & Commissioner

I certify that the above depositions were sworn to and signed by the several deponents on the 8th day of October 1858 at Evans Mills, New York, before me

C. P. Granger, Justice of Peace & Commissioner.

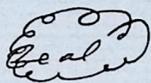
State of New York
Jefferson County Clerk's Office

J. John L. Nassh, Clerk of the County of Jefferson, and of the courts of record for said county, do hereby certify that C. P. Granger, Esquire, before

whom the annexed affidavit was taken
was, at the time of taking such affidavit
a Justice of the Peace, in and for said coun-
ty, duly authorized to take the same; and
that I am well acquainted with the hand-
writing of such Justice, and verily believe
his signature thereto is genuine. In Testi-
mony whereof, I have hereunto subscribed
my name and affixed the seal of said Coun-
ty and courts thereof, this 9th day of

October 1858

Jno. L. Marsh, clerk



Motion to suppress
depositions
of
Lovina Ward
James Ward
Catharine Mosher
Mary Fuller
Delia Fulger.

Filed, February 17,
1859
James Westcott,
Clerk.

Cory Barbour Et al. vs. Ambrose C. Hankinson
In the circuit Court of Marshall County.
In Chancery.

And now comes the dependants
and move the court to suppress the de-
positions of Lovina Ward, James Ward, Cath-
arine Mosher, Mary Fuller and Delia Fulger,
filed in this cause for the causes here-
inafter assigned, to wit:-

1st The depositions are not entitled of the
care in which they are filed.

2^d Because the witnesses Lovina Ward
and James Ward declined answering
dependants 6th cross. interrogatory.

3^d There is no sufficient certificate made
by the commissioners.

4th The deposition does not appear
to have been taken by Cleanth's
P. Granger as commissioner but
by C. P. Granger a Justice of the Peace

C. W. Hazard

Counsel & atty for depts.

Agreement
between
Greenfield
&
Bestor & Hankinson

attached to
deposition of
Elisha Greenfield

75

Agreement made this 29th day of June AD
1854 between Elisha Greenfield of the City
of Henry and County of Marshall - Illinois
of the one part and George C. Bestor
and Ambrose C. Hankinson of the City
of Peoria and said state of the other part
witnesseth Elisha Greenfield is to procure
such patent titles as he can to lands lying
in the Military Bounty Land District
in the state of Illinois an information
which Bestor & Hankinson may furnish
him the profits to be divided equally -
that is Elisha Greenfield half and Bestor
& Hankinson half on all such lands
that he Elisha Greenfield may buy
after paying to either party the a-
mount expended in buying and hunt-
ing up the same Bestor & Hankinson
are to sell the same title to be taken
in the name of either party as con-
venience may dictate.

Geo. C. Bestor &
A. C. Hankinson
Elisha Greenfield

Notice to
Purple & Pratt to
take depositions

Cory Barbour &
Cornwall W. Barbour

vs

Ambrose C. Hanksinon vs

In the circuit Court
of Marshall County, Ill.

In the Chancery

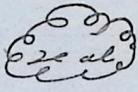
To Messrs Purple & Pratt solicitors for
the above named complainants.

77
Take notice that on the 22^d day
of December A.D. 1858 between the hours
of 10 o'clock A.M. and 6 o'clock P.M. of the
same day and continuing from day to day
if necessary at the office of the circuit
clerk in the county of Stark in the
village of Toulon and before Jeffer-
son Wynn, clerk of the circuit court
of Stark county we will proceed to take
the deposition of Elisha Greenfield
to be read in evidence in the above
entitled cause. Hazard & Bardsley
Dated 9th Dec'r. 1858.

State of Illinois }
Peoria County } ss

Andrew Young being first
duly sworn ~~and~~ on his oath says he served
the within notice on the day of December
A.D. 1858 by giving a copy of the same
to N. A. Purple, one of the within named
firm of Purple & Pratt. Andrew Young

Sworn to and subscribed before me
this 9th day of December AD 1858.



Joseph Strafford

Notary Public Penua County

Rec'd a Copy, Dec 9, 1858

N. H. Purple, counsels solicitor

The deposition of Elisha Greenfield
Taken before Jefferson Winn, clerk of
the circuit court in and for the coun-
ty of Stark and state of Illinois at his
office in Louisa on the twenty second
day of December in the year of our
Lord one thousand eight hundred
and fifty eight. To be read in evidence
in a cause now pending in the circuit court
of Marshall county wherein Cary Barbour
and Cromwell W. Barbour, are plaintiffs
and Ambrose C. Hankinson and others
are defendants, said deposition was
taken between the hours of 10 o'clock A.M.
and 6 o'clock P.M. of said day pursuant to
the notice hereto attached.

The said Elisha Greenfield being first
duly sworn gives answer to the fol-
lowing Interrogatories:

July 1st

What is your age occupation and place of
residence?

Ans.

I am about thirty nine years of age

Hand and filed under general
order of court this fourth
day of May AD 1857
James Wazewitz, clerk

78

Am a carpenter & joiner but not now engaged in any business. I reside in Toulon Stark county Illinois

Int. 2^d Have you a family?

Ans I have.

Int. 3^d Are you a freeholder in the town where you reside?

Ans. I am.

Int. 4th Are you acquainted with the parties to this suit?

79 Ans I am acquainted with Ambrose C. Harkinson and have seen Cromwell W. Barbour.

Int. 5th When and where did you see Cromwell W. Barbour?

Ans. I saw him in the Spring or Summer of 1856 as near as I can recollect, in Stark County Illinois.

Int. 6th Do you know the south east quarter of section twenty-five (25) in township thirteen (13) north of range nine (9) east of the 4th principal meridian in Marshall County Illinois?

Ans I do.

Int 7th Did you act as the agent of Ambrose C. Harkinson in purchasing a title to said land from some of the heirs of Amasa Barbour deceased?

Ans George C. Bestor and Ambrose C. Harkinson

son furnished the money for me to buy the land in the name of Haukinson and I was to have one half of the nett profits arising from the same.

Int 8th Have you any interest in the land at the present time?

Ans I have not.

Int. 9th Have you any interest in the event of this suit?

Ans I have not.

Int 10th State in what manner your interest in said land has been disposed of.

80
Ans It has been disposed of by a receiver appointed by order of court, to wit: James Harriot of Pekin, Ill. to settle up the business of Bestor & Haukinson, and this land was sold by him to Andrew Young as I am informed by quit claiming all the right, title and interest vested in said Haukinson. The matter has been settled between me, Bestor & Haukinson and I have received my share by an allowance made me of the moneys arising from the sale of said land.

Int 11th Are you not liable to contribute to pay the costs of this suit in the event it is decided against the defendants.

Ans I do not consider myself liable

to pay any of the costs, I am informed that at the time Mr. Young purchased the land of Judge Harriott, he, Young, gave to Mr. Haukinson an indemnifying bond against all further costs in said suit. I allowed in settlement with Beston & Haukinson a sum sufficient as I understood it to cover my share of the costs, and that I was not to be held liable to them for any further costs.

81
Int. 12th Name the heirs from whom you purchased said quarter of land.

Ans. Mrs. Roxana Hubbard & her husband, Sally Fuller & Buel Fuller her husband, Polly Collins & Benjamin Collins her husband, Catharine Mosher & Eunus Mosher her husband, these are all.

Int. 13th At the time you purchased from them did you know that Amasa Barbour in his life time had conveyed said land to the complainants or any person?

Ans. I did not.

Int. 14th Did you suspicion that he had.

Ans. I did not, but from ^{all} the information I had I believed he had not conveyed.

Int. 15th What information had you that caused you to believe that Amasa Barbour

had never conveyed his title to said land.

Ans.

First - The records showed the title to be in Amasa Barbour at the time of his death - ^{Secondly =} All of the children of Amasa Barbour with whom I conversed upon the subject told me that their father owned several Patent titles in the Military district in the state of Illinois, and that he sent his deeds for record by one Wilcox, and that they had never heard from the deeds since. They also told me that their father had said he had agreed to give the complainants a quarter section of land in Illinois but that they did not know of any conveyance having been to complainants and they believed he never had made a conveyance to them - Mrs. Polly Collins told me that she had been at the house of Wavley Barbour as she called him, in the state of Indiana and that she had enquired about the land her father gave him as she wanted to know what had become of the other quarter sections she said he produced a patent for some quarter but she could not tell what number but he did not show her any

87

deed from her father, although she said she called for it, and she said she believed he had not any deed from her father, or he would have produced it and that she did not believe her father had ever conveyed by deed the land he said he was going to give said complainants. From these facts and circumstances I thought the title was vested in the children of Amasa Barbour, and purchased of them so believing.

83
Int. 16th

What did you pay the heirs for their title to said land?

Ans

I paid Mrs. Hubbard \$15 and the other one hundred dollars each.

Int. 16th

Was this a high price compared with what you usually paid for a quarter section of land?

Ans

It was.

Int. 17

Did any one of the heirs of whom you purchased assign any reason why they believed their father had not deeded to the complainants the land he intended to give them.

Ans.

Mrs. Masher said that they the complainants did not do as they agreed to in taking care of her father's land in Indiana and in doing some other

business for him which they were to do in consideration of his giving them the land in Illinois and she did not believe her father deeded to them for that reason

Int. 18th Did Mrs. Fuller state to you whether she believed her father had deeded?

Ans. She said she did not know as her father had deeded to complainants and from what she could learn she thought he had not conveyed.

Elisha Greenfield.

Cory Barber &
Cromwell W. Barber } In the circuit Court
" } of Marshall County
Ambrose C. Hawkins & }
3 }

84
Protest

The complainants in this suit insisting that Elisha Greenfield is interested in this suit as a party - and otherwise, object to the competency of his testimony and under such protest they request the officer before whom his deposition is to be taken to put to him the following cross-interrogatories, and to return this paper with his deposition.

Cross
Interrogatories

Are you the same Elisha Greenfield

who purchased the land in controversy and took a deed ~~from~~ for the same from the heirs of Amasa Barbour in the name of Ambrose C. Hankinson.

2 How much did you pay said heirs or either of them for said land, and how much to each and who furnished the money.

3 In making said purchase did you not act as the agent of the said A. C. Hankinson.

4 What sum did you receive for your services in making said purchase.

5 Why did you take the deed in the name of said Hankinson.

6 Was you a partner with said Hankinson in said purchase, or in the land business generally.

7 Was there any written contract between you and him in relation to said business, if so give a copy of the same and attach it to your deposition in this cause.

8 If you was not a partner with said Hankinson, how was you connected with him, did you receive a certain share of the profits arising from the sale or purchase of real estate what

was the nature of your contract & connection with him - state fully & particularly.

9* Did not the heirs of said Amasa Barber at the time they sold to you, or some of them, and if so which & when & where, tell you that the land had been previously sold and conveyed by said Amasa to the complainants, and that they had no interest in or title to the same or to that effect.

10 Did you not know, or were you not informed at the time you were negotiating for or purchasing said land that the same had been previously sold and conveyed to the complainants or to some persons.

11 Did you not know or were you not informed at or before the time you made said purchase that the complainants and their agents were and for many years previous had been paying taxes on said land.

12 What is your general business and occupation & what has it been for the last ten or fifteen years.

13 Have you not been in the habit & practice of going round the country as a "Land Pirate" buying up titles for the

mere purposes of speculation, looking out and watching to find flaws or defects in titles, when you knew that in justice and equity, the settlers and taxpayers were the owners of the land and were you not engaged by Hau-
Kinson in that kind of business, when you bought the land in controversy.

14th If you have not done this, what have you been doing.

15 Who told you or how did you find out who were the heirs of Amasa Barber and where they resided.

87
16 Did you ever examine the records of Putnam or Marshall county to ascertain who paid taxes on the land in controversy - or any other books papers or documents for the same purpose. If so when & where and in whose possession were they.

17 Don't you think that you have or feel some interest in this cause.

N. H. Purple, for plaintiffs.

And in answer to the following cross-interrogatories propounded by N. H. Purple, Esq., on behalf of said defendants, propose and say as follows.
to-wit:

Cross-Int. 1st

Are you the same Elisha Incefield who purchased the land in controversy and took a deed for the same from the heirs of Amasa Parbour in the name of Ambrose C. Haukinson?

Ans.

I am.

Cross-Int. 2^d

How much did you pay said heirs or either of them for said land and how much to each and who furnished the money?

Ans.

Three hundred & fifteen dollars, one hundred dollars to Mr. Fuller, one hundred dollars to Mrs. Collins, and one hundred dollars to Mrs. Mosher and fifteen dollars to Mrs. Hubbard. Bestor & Haukinson furnished the money.

88
Cross-Int. 3^d

In making said purchase did you not act as the agent of said A. C. Haukinson?

Ans.

I had an agreement with Bestor & Haukinson that they were to furnish abstracts of the titles and what other information they could; also to furnish the money to purchase the land with - I was to buy land, they to make sales, and to give me one half the amount of the profits.

Cross-Int. 4th

What sum did you receive for your services in making said purchase.

Ans

I have the net profits arising from the sale of said land.

Cross-Int 5th

Why did you take the deed in the name of said Haukinson.

Ans

Because he was to make sales and it would be more convenient for him to convey.

Cross Int 6,

89

Was you a partner with said Haukinson in said purchase or in the land business generally.

Ans

I was a partner only in such lands as I bought

Cross Int, 7th

Was there any written contract between you and him in relation to said business? If so give a copy of the same and attach it to your deposition in this case.

Ans

There was a written contract between us. I have it not with me but will furnish it as soon as I can.

Cross-Int. 8th

If you was not a partner with said Haukinson, how was you connected with him? Did you receive a certain share of the profits from the sale or purchase of real estate? What was the nature of your contract & connexion?

state fully and particularly
Ans I have stated the nature of my
contract & connexion with said Hau-
kinson fully as I can in my answer
to cross-interrogatory 3^d, but for full
particulars will refer to the copy of
written agreement which is to be furnished
and attached to this my deposition.

Cross-Int 9th Did not the heirs of said Amasa
Barbour at the time they sold to you
or some of them and if so which & when
& where tell you that the land had been
previously sold and conveyed by said Amasa
to the complainants, and that they had
no interest in or title to the same, or
to that effect?
90

Ans They did not.
Cross-Int 10th Did you not know or were you
not informed, at the time you were
negotiating for or purchasing said
land, that the same had been previously
sold and conveyed to the complain-
ants or to some persons.

Ans I did not.
Cross-Int 11th Did you not know or were you
not informed at or before the time you
made said purchase that the complainants
and their agents were and for many years pre =

vions had been paying taxes on said land?

Ans

I knew nothing of the payment of taxes on said land until after I purchased it, when William B. Green came to me and told me he had a tax title upon it.

Cross-Int. 12th

What is your general business and occupation and what has it been, for the last ten or fifteen years?

Ans

91
Until about 1852, I followed the business of a house carpenter & joiner; and since that time I have served as a deputy sheriff about 2 years in Marshall County; and the balance of the time I have been principally engaged in buying lands.

Cross-Int 13th

Have you not been in the habit and practice of going round the country as a "Land Pirate" buying up titles for the mere purpose of speculation looking out and watching to find flaws or defects in titles when you know that in justice and equity the settlers and tax payers were the owners of the land? and were you not engaged by Harkness in that kind of business when you bought the land in controversy?

Ans

As the term "Land Pirate" is a term not used among gentlemen I do not understand it as applicable to anything connected with

my business, I act in no such capacity.

Cross Int. 14th If you have not done this what have you been doing?

Ans I have been attending to my own business.

Cross Int. 15th Who told you or how did you find out, who were the heirs of Amasa Barbour and where they resided.

92
Ans A son of Buel Fuller at Cape Vincent, Jefferson Co. N. York told me that his grand father Amasa Barbour had title to several tracts of land in Illinois and told me where he formerly resided and that he was dead, and that his (Fuller's) mother was a daughter of Amasa Barbour and where she then resided. I then through Beator & Hawkinson found out that the title to this quarter of land was in said Amasa Barbour by the records. I then found out who the heirs were by inquiry in the neighborhood where they resided.

Cross Int. 16th Did you ever examine the records of Putnam or Marshall county to ascertain who paid taxes on the land in controversy or any other books, papers or documents for

the same purpose, If so when and where and in whose possession were they?

Ans I never have.

Cross. Pgs. 17

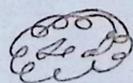
Don't you think that you have or feel some interest in this cause,

Ans. I have no pecuniary interest in this cause I do feel some interest in it.

Elisha Greenfield.

State of Illinois^{3rd}
County of Stark^{3rd}

93
I, Jefferson Winn, clerk of the Circuit Court in and for said county do certify that the foregoing deposition of Elisha Greenfield was sworn to and signed by the deponent before me and in my presence and that the said deposition was taken by me on the twenty second day of December A.D. 1858 at my office in Louisa in said county of Stark between the hours 10 o'clock A.M. and 6 o'clock P.M. of said day. Given under my hand and the seal of said court at my office in Louisa this 22^d day of December A.D. 1858.



Jefferson Winn, clerk

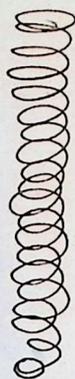
Deposition of
Polly Collins

Cory Barbour
Cromwell W. Barbour

In the circuit court
of Marshall county

opened & filed under
general order of Court
this 12th day of Octo-
ber 1857.
James Prescott, clerk

Ambrose C. Hankinson
Abraham Barbour &
Elisha Greenfield



In Chancery.

E. W. Hazard, Esq.

Defts atty.

Notice
to depts. attorney

You are hereby notified that on
the 25th day of June A.D. 1859, I shall apply
to the clerk of the circuit court of Mar-
shall county for a commission to be is-
sued in this cause to Thomas H. Nelson
or to any justice of the Peace or no-
tary Public of Vigo county Indiana
to take the deposition of Polly Collins
of Terzchant, Vigo county Indiana afore-
said, to be read in evidence on the
part of the complainants in this cause
upon the hearing thereof.

Service accepted \checkmark People & Pratt per

E. W. Hazard \checkmark F. W. Shaw, Compt. Solentus

Served June 14th 1859

95

1st Are you acquainted with the parties to this suit. If so state how long have you known them?

2^d What is your age name, place of residence and occupation.

3^d Did you know Amasa Barbour in his life time. If so state what relation or connection he was to you.

4th Is said Amasa Barbour dead or alive and if dead, when and where did he die, what heirs and legal representatives did he leave surviving him, and how many and which are living. If any have died since his death, when and where did they die. State fully the entire history of said Amasa Barbour family.

5th State whether you knew that said Amasa Barbour in his life time, conveyed to complainants the South East quarter of Section twenty five (25) in township thirteen (13) north range (9) nine east of the fourth (4) principal meridian, in Marshall county Illinois, and your means of knowledge.

6th Do you know whether the heirs of Amasa Barbour ever made quit claim deeds of said land to Ambrose C. Hawkins or one of

the dependants, If so, where & when and by whom were such deeds made.

7th Who acted as agent for the said Hawkinson, in procuring said deeds.

8th If you state that one Elisha Greenfield so acted, or any other person, state whether such person was not fully informed at the time of such purchase, of the prior ~~and~~ sale made by Amasa Barbour to the complainants. State all the conversation which took place at the time or about the time such conveyances by said heirs were made and where and when they occurred.

9th Do you know any thing further of benefit to the complainants.

N. H. Purple, L. G. Pratt &

F. W. Shaw, Compls Solicitor

98.
Cross-Int. Cross-Interrogatories to the above named Witness.

1. If you say that Elisha Greenfield acted as agent in procuring from you a quit claim deed to a quarter section of land in Illinois, to which you claimed title as an heir of Amasa Barbour, state the conversation you held with him in the precise language used between him and you at the time you sold and deeded to Hawkinson

- 2 If you cannot give the precise language used in said conversation, then state it as near as you can and in the manner in which it occurred.
- 3 Have you at any time heretofore made your affidavit or deposition in this case? If so state when and before whom.
- 4 Has a copy of said affidavit or deposition been shown to you since you made it, and it was sent away, or has any portion of it been shown to you, or read to you, or told you, for the purpose of refreshing your memory?
- 5 Has any one written to you stating what you testified in the former deposition?
- 6 Did you in your conversation with Greenfield tell him that you believed the land he was about buying belonged to the heirs of your father? and that you doubted whether your father ever conveyed any land to Massey & Cory Barbour, that he talked about it, but did not do it, or something to the same effect, or something like it?
- 7 Did you tell him that your father owned several tracts of land in Illinois and that the deeds had been sent for Record and never returned? and that you believed that the tract which you were

about deciding your interest in, was one of the tracts that was among the lost deeds?

8 Did you tell Mr. Greenfield that you had recently been to Indiana, at the house of your cousin Woolsey Barbour and had a conversation with him about his title to the tract of land your father gave him, and didn't you tell said Greenfield at the same time that you was convinced from the way your Cousin acted that your father never deeded the land. If you did not tell him so, what did you tell him in regard to that.

9 Did you or did you not tell said Greenfield, that you called for his Woolsey Barbour's deeds conveying the lot from your father to him, and that he only produced an old Patent, and did not show any deed from your father and that you believed it was because he had not got it? If you did not make such a statement, did you not make to him one of similar import. If you say you did not, then state what you did say in regard to it.

10 Did Mr. Greenfield tell you who was the patentee to the land you sold him?

11 Was there any talk about the Patentee, I mean the soldier who served for the land? Was his name mentioned between you and Mr. Greenfield? If so, which mentioned it and how come it to be mentioned?

12 Was you anxious to sell at the time you conveyed?

13 Did you try to make Greenfield believe he was getting a genuine title from you?

14 Did you believe yourself that you was conveying a genuine title to the land? or did you think Greenfield was paying you money for nothing.

15 Have you now any interest in the event of the suit?

16 Do you feel any way interested in the case?

17 Would you prefer that the complainants should recover or would you feel just as willing that the suit should go in favor of Starkinson, or have you no feeling about it?

18 Have your cousins or either of them ever been to see you about this matter or wrote to you about it? Have you been censured by them.

19 Have the complainants attorneys or

either ever written to you about the matter:

26 Have you been blamed by your Cousins for selling the land? Have you promised them or either of them that you will do all in your power to get the land back, or to help them beat in this suit, or anything of the kind. If so state what you have promised them.

27 Have you stated the whole truth in this matter. If not state it as fully as if specially interrogated thereto.

E. W. Hazard,

Counsel for Dept.

11 Was there any talk about the Patentee, I mean the soldier who served for the land? Was his name mentioned between you and Mr. Greenfield? If so, which mentioned it and how come it to be mentioned?

12 Was you anxious to sell at the time you conveyed?

13 Did you try to make Greenfield believe he was getting a genuine title from you?

14 Did you believe yourself that you was conveying a genuine title to the land? or did you think Greenfield was paying you money for nothing.

15 Have you now any interest in the event of the suit?

16 Do you feel any way interested in the case?

17 Would you prefer that the complainants should recover or would you feel just as willing that the suit should go in favor of Hutchinson, or have you no feeling about it?

18 Have your cousins or either of them ever been to see you about this matter or wrote to you about it? Have you been consulted by them.

19 Have the complainants attorneys or

STATE OF ILLINOIS, PEORIA COUNTY.

The People of the State of Illinois,

To Thomas H.
Nelson or to any Justice of the Peace
or Notary Public of Vigo County
Indiana

GREETING.

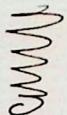
We, having confidence in your skill and fidelity, have appointed you, and by these presents do authorize and require you, at a certain time and place, to be by you appointed for that purpose, to cause the witness whose name is mentioned in the caption of the annexed interrogatories, to come before you, and then and there diligently and faithfully to examine *her* on oath, upon the said interrogatories, in the order in which they are propounded; and you will cause the answers of the witness thereto to be reduced to writing in the order in which they shall be proposed and answered; and you will then cause the witness to sign *her* name to the same in your presence. You will also annex a certificate, subscribed by yourself at the foot of the deposition stating that *sworn to and* signed by the deponent and the time and place when and where the same *was* taken. The deposition thus taken and subscribed, and all exhibits produced and referred to by the witness together with this Commission and the annexed interrogatories, you will inclose, seal up, and direct to the Clerk of the Circuit Court of the County of Peoria, in the State of Illinois, with the names of the parties litigant indorsed thereon.

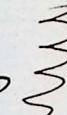
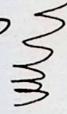
James Wescott
Witness, ~~FRANK R. SWAN~~, Clerk of the Circuit Court of the County of Peoria,
and the seal of said Court, this *twenty fifth* day of *June* in the
year of our Lord one thousand eight hundred and ~~sixty~~ *fifty nine*

James Wescott

Clerk.

The return, if taken by a magistrate, should be accompanied by a certificate of his official character, under the great seal of the state of Indiana or of the proper court of record of the county of which he is a resident.

Corey Barbour &  Plaintiffs
Cromwell W. Barbour 


Aubrose C. Hankinson 
Abraham Barbour and 
Elisha Inceupied  Defendants

Suit pending in the circuit court of Marshall County, Illinois.

Deposition of Mrs. Pally Collins taken pursuant to the notice, Deedimus and upon the interrogatories hereto attached, to be read in evidence, on the trial of the above entitled cause, pending in said circuit court of Marshall County, Illinois, on behalf of the plaintiffs. The said witness being of lawful age, and first duly sworn, according to law, as in the certificate hereinafter stated, in answer to the interrogatories propounded by the said plaintiffs, deposes as follows:-

103
pet In answer to the first of said interrogatories, witness says,

I am acquainted with the parties to this suit except Hankinson - I have known Corey, Cromwell and Abraham Barbour, from their youth

thirty five years or more, and I have known
Greenfield from the fall of 1854

2 In answer to the second of said in-
terrogatories, witness says:

My name is Polly Collins -
my age is fifty-one years - I reside
at Armysburg, Parke county, Indiana, and
am a house keeper.

3 In answer to the third of said interroga-
tories, witness says:

I knew Amasa Barbour - he was
my father.

4th In answer to the fourth of said in-
terrogatories deponent says

104 Amasa Barbour ~~was~~ died May 7th
1834 at Leroy, Jefferson county, New
York. He left seven children at the time
of his death, as his heirs, all of whom
are still living so far as I know, their
names are, Sally Fuller - Abraham Bar-
bour - Roxina Hubbard - Lavinia Ward,
& myself - Catharine Mosher - Elbridge
G. Barbour.

5 In answer to the fifth of said
interrogatories, deponent says:

I had always understood both
before and after fathers death, that
he had given to the complainants

a tract of land in the military tract in Illinois, but as to the number of the land, section, township or county, I cannot state, as I do not know the number of any tract of land that father ever owned. My understanding as to the gift of said land to the complainants was derived from father - as I have several times heard him say that he had made said gift.

6th In answer to the sixth of said interrogatories, deponent says:-

105 I made a quit claim deed to Ambrose C. Haukinson of a tract of land in Illinois, or rather of my interest therein, but I do not know the number of the land. I did not see any other deeds made to Haukinson. The deed I made was executed at Evans Mills and was the only deed ever executed by me to Haukinson - and bore date about the 1st of August 1855 and was made for the consideration of one hundred dollars.

7th In answer to the seventh of said interrogatories, deponent says:

Elisha Greenfield was the only acting person in the execution of said

deed known to me.

8th In answer to the Eighth of said in-
terrogatories, deponent says.

106
Same time in October 1854, Elisha
Greenfield called on me and represent-
ed that he was an agent for Ambrose
C. Hankinson - and said he wished to
buy a piece of land lying in Illinois
belonging to the heirs of Amasa Barbour.
He said that he had seen a sister of mine
and bought her interest for fifteen dol-
lars - I told him that Corey & Walsey
Barbour had a piece of land in Illi-
nois which had been given to them
by my father - & asked Greenfield if it was
my interest in that land that he wished to pur-
chase - He said I think not - that that
was not the land he was in search of -
for it now stands on record in the
name of Amasa Barbour, and that
the title was in his heirs - I then told
him that I had just returned from
Terre Haute, Indiana, and seen Walsey
Barbour & had talked with him on the
subject of his land in Illinois, that he
had derived from my father - and
Walsey told me that he had a regular chain
of title. Greenfield then remarked, that it

104
could not be that land, as the land he
was after stood in my father's name. He
offered me \$15⁰⁰/₁₀₀ for my interest in the land
which I declined. I told him that Walsey
Barbour showed me the deed from the
patentee William H. Holmes to my father.
He asked me if Barbour showed me any
other deed except that - I told him that
he did not - I told him my object in
examining in the deed was to ascertain
the date, so as to aid me in finding other
deeds that had been lost. I asked how
it happened that the land, if this was
one of the deeds - that was lost - had
not been sold for taxes before this.
He answered that he did not know, but
supposed that those who lived upon
the land had paid the taxes - He said
that one Underhill lived on the land
at that time. In August 1855, I
made the quit claim deed to Hankinson
and at that time, I asked Greenfield if he
had examined the records to ascertain if it
was Walsey Barbour's land that he was
wanting to buy. He said that he had
made the examination, and that he could
not find the name of Walsey Barbour
on the records. At that time as on the

former occasion Greenfield was representing Haukinson. He further said that if it proved to be Wolsey Barbour's land, if he has a regular claim of title that a quit claim from me would not affect his title. Cromwell W. Barbour, was called in the family & was generally called Wolsey Barbour - and where I have used the name of Wolsey Barbour - in reference to the Holmes tract of land, I referred to the land claimed by Cary and C. W. Barbour.

9th In answer to the 9th interrogatory of complainant's witness says:

168 I do not now recollect any thing further, in ~~my~~ answer to said interrogatories -

Cross-Int 1-

The said deponent in answer to the interrogatories propounded by the said defendants, answers as follows:

1st In answer to the first of said interrogatories.

I do not remember the precise language of the conversation between Greenfield and myself at the time referred to - the substance of said conversation as nearly as I can recollect is stated in my answer to the 8th of complainant's interrogatories.

2^d In answer to the second of said interrogatories, deponent says.

I refer to my answer to the 8th of complainants interrogatories, which is all that recollect on the subject.

3^d In answer to the third of said interrogatories -

I have heretofore given my deposition in this cause, before Justice Granger at Evans Mills Jefferson county, New York, in October 1858.

4th In answer to the fourth of said interrogatories witness says:-

No, in answer to each of said questions.

5th In answer to the fifth of said interrogatories witness says:

No.

6th In answer to the 6th of said interrogatories witness says:

My answer to the 8th of complainants interrogatories state substantially the conversation between Greenfield and myself. I did not state to Greenfield then or at any other time, that I doubted whether my father conveyed any land to Walsey & Corey Par-bour, or anything to that effect.

7th In answer to the 7th of said interrogatories witness says.

I did say that father owned several tracts in Illinois - and that the deeds have been lost

and I supposed that I was quit claiming as to one of the tracts, the deed to which had been lost.

8th In answer to the eighth of said interrogatories deponent says:

My answer to said question can be found in my answer to the 8th question of complainants. I did not tell Greenfield that I was convinced that my father never deeded the land to Corey & Walsey Barbour. What was said on that occasion will be found in said answer.

9th In answer to the 9th of said interrogatories deponent says:

110 I refer for my answer to said question to my answer to said 8th interrogatory of complainants. I did ^{not} call for father deed to Walsey Barbour, but I called for the deed of William R. Holmes to my father to ascertain the date of the deed as explained in answer to said 8th of complainants interrogatory.

10th In answer to the tenth of said interrogatories deponent says

No.

11th In answer to the 11th of said interrogatories, witness says

The name of William R. Holmes was mentioned as stated in my answer heretofore given.

I first mentioned the name - and it came to be mentioned in the manner heretofore stated.

12 In answer to the 12th of said interrogatories witness says

No.

13 In answer to 13th of said interrogatories, witness says

No.

14 In answer to the 14th of said interrogatories witness says,

I supposed that Hankinson & Mansfield were speculating & that my title if I had any was good.

15 In answer to the 15th of said interrogatories witness says,

None.

16 In answer to the 16th of said interrogatories witness says

No.

17 In answer to the 17th of said interrogatories witness says;

My only feeling in regard to the case is that justice should be done

18 In answer to the 18th of said interrogatories witness says

Walsey Barbour wrote to me on the subject and censured me. He was the only one ^{who} wrote to me on the subject.

No one came to see me on the subject except
Corey Barbour, when he come to take my de-
position last fall.

19th In answer to the 19th of said interrogatories
witness says

No.

20 In answer to the 20th of said interrogatories
witness says

I have made no promises to my cousins
or any one else that I would do any thing
to get the land back or keep them beat in
this suit or any thing of the kind. I have
been blamed by Wolsey Barbour for selling
the land.

21 In answer to the 21st of said interrogatories
witness says

112 I have stated the truth as far as I recollect
it & as fully - And further saith not.

Pally Collins.

State of Indiana, Vigo county, set.

I, Thomas W. Nelson, a notary public
within and for said county of Vigo & state
of Indiana, do hereby certify that Mrs. Pally Col-
lins the above named deponent, was by me first
sworn to tell the truth, the whole truth and nothing
but the truth in the cause now pending in
the circuit court of Marshall county, Ill-
inois, wherein Corey Barbour and Cromwell

Certificate
of
Notary Public
in
Vigo Co. Ia.

113
W. Barbour are complainants and Ambrose
C. Hankinson, Abraham Barbour and Elisha
Greenfield are dependants - that the foregoing
deposition was all written by me - and that
said deponent subscribed her deposition
after the same had been carefully read
over to her by me that said deposition was
taken on behalf of the complainants and pur-
suant to the notice, Dodimus - and upon the
interrogatories hereto annexed - that said
deposition was taken at Terre Haute, in
said county of Vigo & State of Indiana &
was sworn to and signed at the time &
place, when & where taken - that the same
was taken on the 4th day of October 1859 be-
tween the hours of ten o'clock A. M.
and 7 o'clock P. M. of said day - and agreeably
in all respects to said notice and Dodimus

Given under my hand & notarial
seal this 4th day of October 1859
Thomas A. Nelson

Notary Public

And afterwards to-wit, on the 20th day of March
AD 1860, there was opened and filed under general
order of the Peoria county circuit court, in said
cause, a notice and depositions in words
and figures following to wit:-

Notice to take
depositions of
Silas Ramsey
Ira J. Ferris
Greenbury L. Forte
James Wescott
Wm. B. Green

Corey Barbours x
Cromwell W. Barbours
" "
Ambrose C. Haukinson
Amasa Barbours xal

Peria circuit court
In Chancery

Take notice that on the fifth day
of May A.D. 1860 between the hours of 9 A.M.
and 6 P.M. of that day, at the office of N.T. Crane,
Esq. in the city of Lacon county of Marshall
and state of Illinois, before said N.T. Crane, Esq.
or some other person, duly authorized by
law to take depositions, the deposition of
Silas Ramsey, Ira J. Ferris, Greenbury L. Forte,
James Wescott, Wm. B. Green, residents of said
county will be taken to be read in evidence
on the trial of the above entitled cause,
on behalf of the complainants when and
where you can appear and cross-examine
said witness if you deem proper. Yours &c
N.H. Pople, Complainants Solicitor

114

To Wm. Wead, Esq. Atty Solicitor
April 23/60.

Service accepted April 23 1860.

N.W. Wead, atty for plff

Depositions
Filed March 20, 1860

Ira J. Ferris

The depositions of Ira J. Ferris, Greenbury L. Fort,
William B. Green and Silas Ramsey taken before
the undersigned clerk of the circuit court of
Marshall county, Illinois, on the 5th & 7th days

115
of May AD 1860 at the office of N. J. Crane, Esq
in the city of Lacon, Marshall County, Illinois,
between the hours of nine o'clock A.M. and
six o'clock P.M. of said day, in a certain suit
in Chancery pending in the circuit court
of Peoria county in the state of Illinois, where
in Corey Barbour and Cromwell W. Barbour
are complainants and Ambrose C. Haukinson
Amasa Barbour, Et al. are dependants, in pur-
suance of the annexed notice. The said Ira
J. Ferris being by me first duly sworn doth de-
pose & say. In answer to the several interroga-
tories as follows

1st Interrogatory

What is your name, place of residence,
and occupation.

I am sixty years of age, my name
is Ira J. Ferris, my place of residence is La-
con, Marshall County, Illinois, and I
have been occupied for many years un-
til recently, in the practice of law

Second Interrogatory

How long have you resided at such place
and been engaged in such business.

Answer. I have resided at this place about twen-
ty four years and was engaged in the practice
of law to some extent from the year 1836
up to the year 1855.

Third Interrogatory

Are you acquainted with the parties to this suit or either of them and if so how long have you known them severally.

Answer

I am acquainted with one of the plaintiffs only - C. W. Barbour, became acquainted with him in the spring of 1856. Have no acquaintance with the defendants.

Fourth Interrogatory.

116
Are you acquainted with the south east quarter of Section twenty-five in township thirteen north of range nine east of the fourth principal meridian in Marshall county (S.E. 1/4 of 25 T. 13. N. 9 E.) Illinois. If so state how long you have known the same - what is its present value, and its value from 1854 to this time? Whether you ever paid any taxes on said land and when and on whose account. How far the same is from the city of Lacou, and whose land it was reputed to be, in the neighborhood of Lacou and in the vicinity of the land - whether the same is occupied or improved and if so by whom & who first took possession of said land, at what time & in what manner the same was taken? Please state fully

State also any other fact you may know relating to the same.

Ans.

117
I am acquainted with the land described in the interrogatory, have been acquainted with it since the year 1836 when I first went across it - but more particularly within the last few years. It is worth in my judgment twenty dollars an acre, and was worth about the same in 1856, which lands in some locations have been depressed in value, I think this from its peculiar location has not been worth less than that sum since that date. As to the payment of taxes - they were paid by Fern & Bangs (of which firm I was a member) on account of C. W. Barbour, for the years 1850 & 1851, and for the years 1854, 1855, 1856, 1857 & 1858, the taxes of said land were paid by myself on account of the plaintiffs. The taxes for the year 1859, for the year 1859 by agreement of the tenant in possession of the land were to be paid by the tenant on account of the plaintiffs and appear to have been paid. The land lies about four miles from the city of Lacou. It has been known and reputed to some extent in the neighborhood of the cities of Lacou & Henry as the Barbour Land.

The land is now occupied and improved. The plaintiffs through my agency took possession of the land erected a tenement thereon in the spring of the year 1857 and leased it to a tenant soon after who went into actual occupancy. The land has since been enclosed and all or nearly all put under cultivation. In the year 1850 Fern & Baug paid to Elias Ramsey money to redeem said land from a previous tax sale in which the land was sold to said Ramsey - the amount is not now recollected but was accepted by said Ramsey for the redemption of the land. The redemption was made for the benefit of C. W. Barbour or for the complainant.

118
Fifth Interrogatory

Look at the tax receipts now shown you marked (No. 1) purporting to be signed by Theodore Perry, Treasurer of Marshall and those marked (No. 2) (No. 3) (No. 4) (No. 5) purporting to be signed by Samuel Maxwell, Treasurer of Marshall county and that whether you are acquainted with the hand writing of each of them and how you become acquainted therewith, and whether you believe the signatures to said receipts to be in the proper hand writing of said Perry & Maxwell

and whether they were treasurers of Marshall county at the dates of said several receipts.

I have examined the tax receipts submitted purporting to be signed, one of them by Theodore Perry, Treasurer of Marshall county and the others by Samuel Maxwell, Treasurer of Marshall county. I am familiarly acquainted with the hand writing of both Theodore Perry & Samuel Maxwell. I have seen them write often and believe the signatures to said receipts to be in the proper hand of said Perry and Maxwell. They were treasurers of the county of Marshall at the dates of said receipts.

Ira J. Fern.

Sixth Interrogatory

Do you know of any thing further of benefit to either party?

I dont think of any thing material to the parties

Ira J. Fern.

G. L. Fort's
deposition

Greenbury L. Fort being also duly sworn says in answer to

First Interrogatory

What is your name, age, place of residence & occupation:

Answer to 1st: G. L. Fort - age 33 years, reside at Lacon, Illinois and

my occupation is an attorney at law.

Second Interrogatory

How long have you resided at that place and in what business have you been engaged during the time. Do you know either of the parties, how long have you known them severally.

Answer

(20) I have resided in Lacan twelve years and in the neighborhood twenty eight years - for the last twelve years I have been reading law, acting as sheriff of Marshall county and clerk of the circuit court & recorder of Marshall county dealing in land and farming some & practicing law. I was clerk of the circuit court & Recorder of Marshall county from first of December 1852 to first of December 1856. I know Ambrose C. Hankinson and I have seen one of the complainants I have known Hankinson since 1850 or 1851 he lived in this county then.

Third Interrogatory

In what business has the defendant Hankinson been engaged, and how long to your knowledge has he been engaged in such business - and where has he resided and how far from the land in controversy in this suit.

Answer

About 1853 or 1854 he Hankinson commenced dealing

in real estate at Peoria Illinois I think, and continued in that business up to within a year or so (and may be in it yet) in connection with Geo. C. Boston a part of the time and a man by the name of Freeman part of the time, has resided at Peoria during that time which is about thirty three miles from the land in controversy.

Fourth Interrogatory

121
Are you acquainted with the South east quarter of section twenty five in township thirteen north in range nine East of the fourth principal meridian, Illinois (S.E. 25. 13 N. 9. E) and if so how long have you known the same, and what in your opinion has been its value since A.D. 1854 and whose land was it commonly reported to be in this neighborhood

Answer

I have seen the land and am partially acquainted with it; I have known the land since 1850 in 1854 it was worth from ten to fifteen dollars per acre, since that it has increased in value and is probably worth twenty dollars per acre now. I don't remember of having heard of the ownership of the land talked about until 1856, about that time and since I have heard it belonged to the Barbours, so far as I have heard

it spoken of it was commonly called theirs.

Fifth Interrogatory

Do you know of any thing else that will be of benefit to either party to this suit.

Answer

I do not

G. L. Fort.

W. B. Green's
deposition

William B. Green being also duly sworn says in answer to

1st Interrogatory

What is your age, name, place of residence and occupation?

Answer to Int. 1st

About Sixty Years of age - William B.

122 Green, Marshall County, Illinois - Farmer.

2^d Interrogatory

How long have you resided at such place and been engaged in such business

Answer to 2 Int.

Twenty two years.

3^d Interrogatory

Are you acquainted with the parties to this suit or either of them and if so how long have you known them severally.

Answer to 3^d Int.

I have a slight acquaintance with Mr. Hankinson and have seen one of the com-

plaintants some time in 1858.

4th Interrogatory

Did you ever purchase the south east quarter of section twenty-five in township thirteen north of range nine east of the 4th P. M. in Marshall County, Illinois for taxes, if so what year and what became of your said purchase

Answer to 4th Int.

123
I bought it in 1853 for the taxes of 1852 and sold and conveyed my title to Mr. Barbour - he claimed to be the owner of the patent title he paid me for it about one hundred and sixty dollars.

5th Int.

How far does the land lie from Lacom, Marshall County what was the value of the land at the time you purchased it and what is its present value?

Answer to 5th Int.

It lays perhaps about four miles from Lacom on the opposite side of the river - it was worth at the time I purchased it about ten dollars an acre it may be worth fifteen dollars per acre now

6th Interrogatory

State whether before the time of the

redemption from your purchase at tax sale expired it was or not reported in the neighborhood of said land that it belonged to the complainants;

Answer to 6th int.

Yes it was so reported - I heard it from D. W. Danley & Abneriah Merritt who lived adjoining the land.

Int 7th

Do you know any thing further of benefit to either party to this suit?

Answer to 7th int.

I do not

William B. Green

124
The hour of 6 o'clock having arrived and not having concluded the depositions the further taking of the same is adjourned until Monday May the 7th A.D. 1860 at 9 o'clock A.M. at the same place

Monday May 7th A.D. 1860 pursuant to adjournment Elias Ramsey was this day duly sworn and answers interrogatory 1st What is your age, name, place of residence and occupation?

Answer to 1st Int.

Age 48 years, Elias Ramsey - Lacon, Marshall county Attorney.

E. Ramsey's
deposition

Int 2^d

How long have you resided at such place and been engaged in such business.
Answer to 2^d int

Have resided here about twenty four years and been engaged as an attorney seventeen years

Int 3^d

Are you acquainted with the parties to this suit or either of them and if so how long have you known them.
Answer to 3^d

125
I am acquainted with Hankinson and Corey Barbour. I have known Hankinson nine or ten years and have known Barbour by correspondence with him twelve or fifteen years - within the last three or four years I have seen him frequently.

Fourth Interrogatory

Are you acquainted with the south east quarter of section twenty five in township thirteen north of range nine east of the fourth principal meridian in Marshall County (SE $\frac{1}{4}$ S. 25 T. 13 R. 9 E) Illinois if so state how long have you known the same, what is its present value and its value from 1854 to this

time - whether you ever paid any taxes on said land and when and on whose account; How far the same is from Lacon and whose land it was reputed to be in the neighborhood of Lacon and in the vicinity of the land - Whether the same is occupied or improved and if so by whom & who first took possession of said land, at what time & in what manner the same was taken; Please state fully & state also any other fact of which you may know relating to the same?

Answer to fourth Interrogatory

124
I am acquainted with the land - known it for some twenty three or twenty four years, its present value is from ten to fifteen dollars per acre, it has been worth that from 1854 to present time I have paid taxes on the land prior to 1850 paid taxes on account of the Barbons - complainants - the land is about four miles from Lacon - it was reputed and known by men who were dealing in land as belonging to the Barbons - the complainants - the land is occupied and improved of my own knowledge - I don't know who first took possession of the land - been occupied about three years - don't know

in what manner the land was taken possession of.

5th Interrogatory

What did you do with the tax receipts you took when you paid the taxes. If you can not state the years for which you paid state whether it was before or after Ira J. Fenn or Fenn & Baup had the agency of and paid taxes on the same.

Answer to 5th Int.

127
My recollection is that I sent the tax receipts to Corey Barbour one of the complainants, that I paid the taxes for some two, three or four years, and it was prior to the time that the taxes was paid by Fenn or Fenn & Baup.

6th Interrogatory

State whether Hankinson the defendant ever before 1855 made any inquiry of you or any other person as to who was the owner of the land—state whether you had ever & if so when purchased said land for taxes and when?

Answer to 6th Int.

I have no recollection of Hankinson prior to 1855 making any inquiries of me or any other person as to who owned the land in question can't tell whether

I ever purchased it for taxes or not except what the records might show nor can't tell when except from the records.
7th Inst.

Do you know any thing further of benefit to either party?

Answer to 7th Inst.

I dont recollect of any thing
Silas Ramsey.

State of Illinois }
Marshall County }^{es}

128
I, James Wescott, clerk of the circuit court of said county do certify that the foregoing depositions of Ira J. Fenn, Greenbury L. Fort, William B. Green and Silas Ramsey were taken before me at the office of Hezekiah L. Crane, Esq. in Lacon, Marshall county Illinois on the days and times in the annexed notice and in the captions to the said several depositions mentioned, and in pursuance of said notice, that said witnesses were first duly sworn by me according to law and their depositions were severally signed by the said witnesses in my presence.

Witness my hand and the seal of the circuit court of Marshall county
this seventh day of May AD 1860
James Wescott, Clerk

33

evidence on the trial of a certain suit in Chancery now pending and undetermined in the circuit court of Peoria County in said state wherein C. W. Barbour et al. are complainants and Ambrose C. Haukinson et al. are defendants on the part and in the behalf of said complainants the said witnesses being first duly sworn to testify the truth in relation to the matter in controversy so far as they might be interrogated

Ira J. Fern being duly sworn as aforesaid makes answer to the interrogatories as therein stated.

I. J. Fern's deposition

- 130
- Int 1st What's your name, age, and place of residence?
- Ans 1st Ira J. Fern - sixty years of age - residence Lacon, Marshall county, Illinois.
- Int. 2^d Do you know the parties to this suit?
- Ans. 2^d I am acquainted with but one of the plaintiffs C. W. Barbour - I am not acquainted with the defendants except Mr. Greenfield.
- Int 3^d Have you acted as agent for any of the plaintiffs in this suit for the payment of Taxes on the south east quarter of section twenty five in township thirteen north of Range nine east of the fourth principal meridian
- Ans 3^d I have acted as agent for the plaintiff for the payment of taxes on said land since

1850 part of the time in connexion with Mr. Bangs we paid the taxes for 1850 & 1851 & by some mistake or inadvertance it was aved for taxes of 1852 - and I have since bought in the tax title for the plaintiffs and have paid for years of 1854, 1855, 1856, 1857 & 1858 and have in my possession the tax receipts for the years stated except for 1850 & 1855. I think the receipt for 1850 was transmitted to the plaintiffs, and I am not quite certain whether the tax for 1855 was paid by me or by Mr. Green from whom I purchased the tax title.

131
Int. 4th

Are you acquainted with the land in question and how long have you been so acquainted with it?

Ans 4th

I have been acquainted with it four and twenty years.

Int 5th

When was that land reduced to actual possession and by whom?

Ans 5th

It was reduced to actual possession by the complainants in the spring of 1857 - previous to which time it had been lying vacant and unoccupied with the exception of a small corner on the east side of the railroad.

Int 6th

What was the value of that land at the time it was taken possession of by the complainants?

Ans 6th

Worth about twenty dollars per acre.

Int 7th What is the nature of the improvements on said land.

Ans 7th The land is entirely enclosed. has on it a small tenement and is leased to James Henry and a large portion of it under cultivation - the tenement was built in 1857
Wm J. Ferris.

Ramsey's
deposition

Silas Ramsey being duly sworn as aforesaid deposes and says in answer to the following interrogatories as therein stated.

Int 1st What's your name, age and place residence.

Ans to Int. 1st Silas Ramsey - age over 21 years - residence Yacon, Illinois

Int 2^d Do you know the parties to this suit?

Ans to Int 2^d I know one of the complainants and the dependant Haukinson.

Int 3^d Did you ever act as agent for the complainants for the payment of taxes on the
138 S.E. 1/4 of Section 25 Town 13 North of range Nine (9) East of the 4th P. M.

Ans to Int 3^d I acted as agent for C. W. Barbour

Int 4th What time was it?

Ans to Int 4th It was prior to the time that Mr. Ferris acted as agent - at the time I acted as agent my impression is I took receipts and sent them to C. W. Barbour I paid the taxes more than one year but cannot tell how many years.

Silas Ramsey

Bangs
deposition

Mark Bangs being first duly sworn as aforesaid deposes and answers the following interrogatories as therein stated.

Int 1st Do you know the parties to this suit

Ans to Int 1st I know none of them except C.W. Barber.

Int. 2^o Did you ever act as agent for the payment of taxes on South east quarter of section twenty-five in town thirteen north of range nine east of the fourth principal meridian

Ans to Int 2^o The firm of Fenn & Bangs of which I was a member acted as agent for C.W. Barber for the payment of taxes on said land for for two or three years I think.

Int 3^o When did such agency commence?

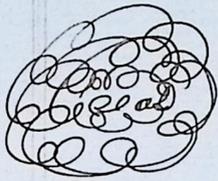
Ans to Int 3^o The latter part of 1850 or the fore part of 1851. Among the first acts done by us as such was to redeem said land from a tax sale. I do not recollect for what year said sale was made

Mark Bangs.

State of Illinois }
Marshall county }
do.

I, James Wescott, clerk of the circuit court, within and for the county of Marshall, and state of Illinois do certify that the foregoing depositions of Ira J. Fenn, Elias Ramsey & Mark Bangs were taken before me at my office in Lacey

in said county on the 16th day of January AD 1860, at the hour of 1 o'clock P. M. and in pursuance of the notice hereto attached, that the interrogatories and answers thereto were reduced to writing by me in the order in which they were proposed and answered and that they were respectively sworn to and signed by said witnesses in my presence.



In testimony whereof I hereto set my name and affix the seal of said court at my office in Lacou in said county this sixteenth day of January AD 1860.
James Wescott, clerk

And afterwards to-wit on the 19th day of November AD 1860, there was opened and filed under general order of said court, in said cause a deposition in words and figures following to-wit:—

Notice to take
deposition of
J. Ramsey

Cory Barbour and		In the circuit court
Cornwell W. Barbour		of Peoria County
"		In Chancery
Ambros C. Hankinson and Abraham Barbour		

Take notice that on the 2nd day of October AD 1860 between the hours of 9 A.M. and 6 P.M. of that day at the office Hezekiah J. Crane, Esq. in the city of Lacou

County of Marshall and state of Illinois
before Hezekiah J. Crane, Esq. or some
other person duly authorized by law
to take depositions, the deposition of
Silas Ramsey a resident of said county
will be taken to be read in evidence on
the trial of the above entitled cause
on behalf of the complainants, when and
where you can appear and cross examine
said witness if you deem proper

125
Yours &c N. H. Purple
County solicitor

To Wm. Wood, defendants solicitor

Sept. 18, 1860.

State of Illinois }
Peoria County } ss.

N. H. Purple being sworn says
he served the within notice on Wm. Wood
Esq., defendants solicitor, by leaving a copy
thereof at his office with his clerk this
Sept 19th 1860 N. H. Purple

Sworn to before me

this Sept 1860.

State of Illinois }
Marshall county } ss

The deposition of Silas Ramsey of
Lacon, in the county of Marshall in the

136
State of Illinois, taken before the undersigned
clerk of the circuit court of the county
of Marshall on the 2nd day of October A.D. 1860.
between the hours of nine o'clock
A.M. and six o'clock P.M. of said day
at the office of Hozekiah T. Crane, Esq.,
in the city of Lacon, Marshall County,
Illinois, in a certain suit in chancery pend-
ing in the circuit court of Peoria county
Illinois wherein Corey Barbours and Crom-
well W. Barbours are complainants and Ambrose
C. Hankinson and Abraham Barbours are
defendants, in pursuance of the annexed
notice; the said Silas Ramsey being first
duly sworn to state the truth the whole
truth and nothing but the truth, made an-
swer to the several interrogatories as fol-
lows - To the

1st Interrogatory

What is your name, age, place of res-
idence and occupation.

Answer. Silas Ramsey - about forty
nine years - residence Lacon, Illinois
occupation a lawyer and farmer.

2nd Interrogatory

Are you acquainted with the par-
ties to this suit? And if so how long
have you known them severally.

Answer = I am acquainted with C. W. Barbour and also A. C. Hankinsow have known each of them several years - and not acquainted with the other dependants or complainants.

3^d Interrogatory

Look at the receipts now shown to you marked on the back severally A. B. C. D. attached to and made part of this interrogatory and of your answer to the same, and state by whom the same are severally executed, or purport to have been executed.

State of Illinois } Sheriffs office

Marshall county } Lacon, Jan 4th 1847

Recd of Elias Ramsey for P. Barbour four dollars & thirty two cents the tax due the state of Illinois & county of Marshall on the S. E. 4th Sec. 25 T 13 R 9 E 4 P. M. for the year 1846

A. Ramsey, Shff

State of Illinois } Sheriffs office

Marshall county } Lacon Dec 10th 1848

Recd of Elias Ramsey for P. Barbour three dollars and ninety six cents the tax due the state of Ills & county of Marshall for the year 1847 on the S. E. 4th Sec. 25 T 13 R 9 E 4 P. M.

A. Ramsey Shff

127

"D"

"C"

State of Illinois } Sheriff's office
Marshall County } Lacon May 1850
Recd of Jas Ramsey for P. Barbour
six dollars & thirty two cents the tax
due the state of Illinois & county of
Marshall on the S. E. 1/4 Sec 25 T. 13 R. 9 E.
for 1849
Henry L. Crane, Shff
& Col of In. Co. Ills.

State of Illinois } Sheriff's office
Marshall County } Lacon March 1849
Received of Jas Ramsey for P. Barbour
five dollars & eighty six cents the tax due
the state of Illinois & county of Marshall
on the S. E. 1/4 Sec 25 T. 13 R. 9 E. for 1848.

Henry L. Crane, collector of Shff
Marshall County, Ills

Answer: The receipts marked A and B
on the back were executed by Henry L.
Crane, and C and D are purported to be
executed by Addison Ramsey.

4th State who was sheriff and collector
of the county of Marshall for the
years 1847, 1848 and for the years
1849 and 1850 - whether you are
or not acquainted with the hand
writing of Henry L. Crane of Mar-
shall county, Illinois, and your means
of knowledge - and whether the said sig-

139
natures "Henry L. Crave, Shff & Col. of
M Co Ills" to the receipts marked
"A" and "B" are in the proper hand
writing of the said Henry L. Crave.
Answer - for the year 1847 and 1848
Addison Ramsey was sheriff and
collector of Marshall county
and for the year 1849 and 1850 Hen-
ry L. Crave was sheriff and col-
lector of Marshall county. I am
acquainted with the hand writing of
Henry L. Crave - have seen him write
frequently for the last 12 years, and
know that the signatures to the re-
ceipts marked A. and B are in his pro-
per hand writing.

3rd Interrogatory

Who signed the receipts marked 'C'
and 'D'? If you say they were signed
by yourself state whether or not you
was authorized by the said A. or Addi-
son Ramsey to sign and execute the
same in his name.

Answer - I signed the receipts marked
C and D. I was authorized by Addison
Ramsey then sheriff and collector
of Marshall county to sign and exe-
cute the same in his name.

6th Interrogatory

State on whose account and for whom the money and taxes mentioned in said receipts was paid and whether or not the name of "P. Barbour" was inserted in each of the said receipts marked A. B. C & D above said was so done or not through inadvertence or by mistake.

Answer - The money was paid by me on account of C. W. Barbour and the name of P. Barbour was written in said receipt by me in a mistake

149
7th Interrogatory

Do you know any thing further of benefit to either party

Answer - Not that I recollect except what I have stated in former depositions

Elias Ramsey

State of Illinois
Marshall County } ss

I, James Wescott, clerk of the circuit court in and for the county of Marshall, state of Illinois do hereby certify that the foregoing deposition of Elias Ramsey was taken

subscribed and sworn to before me at the office of Hezekiah J. Crane, Esq. in the city of Lacon, Marshall county, Illinois on the 2nd day of October AD 1860 pursuant to the notice hereto annexed - The said witness was by me first duly sworn, and that the answers of the said witness were reduced to writing in the hand writing of the said witness in my presence and that he subscribed his name to the said deposition also in my presence.

141

Witness my hand and the seal of the circuit court of said county at Lacon, Marshall county Illinois this 2nd Oct. AD 1860

James Mascott
Clerk



Original papers read as evidence on the trial of this cause on the part of complainants, but not filed. Said original papers are in words and figures following to-wit:-

Deed, from William Holmes
to Anasa Barbour

This Indenture made the first day of May in the year of our Lord one thousand eight hundred and twenty-two, between William Holmes late a private in Ransoms company of the thirty second regiment of infantry and now of the town of Rutland Jefferson Co. New York of the first part, and

142
Amasa Barber of the town of Lelloy in said County of the second part, - Witnesseth, that ^{said} the party of the first part, for and in consideration of the sum of fifty dollars, money of account of the United States, to him in hand paid by the said party of the second part the receipt whereof is hereby confessed and acknowledged, hath granted, bargained, sold, remised, released, aliened and confirmed, and by these presents, doth grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part and to his heirs and assigns forever, All that certain piece or parcel of land, situate lying & being in the state of Illinois, being the south east quarter of section twenty five of township thirteen north in range nine east, being in the tract appropriated by the acts of the Congress of the United States of America, on and since the sixth day of May in the year of our Lord one thousand eight hundred and twelve, and is the same tract of land and containing one hundred and sixty acres, which on a warrant in favor of the said William Holmes, Number 5274, was by letters patent, on the twenty ninth day of November in the year of our Lord one thousand eight hundred and seventeen, deeded to the said William Holmes - The said letters patent being signed

113
by James Monroe, President of the United States
and countersigned by Josiah Meigs, and recorded
in Vol. 8. p. 206, all of which by reference to said let-
ters patent will more fully and at large ap-
pear, together with all and singular the
hereditaments and appurtenances thereunto
belonging, or in any wise appertaining, and
the reversion and reversions, remainders and
remainders, rents, issues and profits thereof,
and all the estate, right, title, interest, claim
and demand whatsoever, of the said party of
the first part, either in law or equity
of, in and to the above bargained premises,
with the said hereditaments and appurtenances,
To have and to hold the said premises with the
appurtenances to the said party of the second
part, his heirs and assigns to the sole and
only proper use, benefit and behoof of the
said party of the second part, his heirs and
assigns, forever. And the said party of the
first part, for himself his heirs, execu-
tors, administrators, doth covenant, grant,
bargain, promise and agree, to and with the said
party of the second part his heirs and assigns
to forever warrant and defend, the above bargained
premises, and every part and parcel thereof,
now being in the quiet and peaceable pos-
session of the said party of the second part,

144
State of New York } May 15, 1822, I certify
Jefferson County } that William Holmes
well known to me to be the person
who executed the within deed came before
me and acknowledged that he executed the
same.

Horatio Orris, Com.

State of New York } I certify that William
Jefferson County } Holmes to me well known
to be the person who executed the within
deed came before me and acknowledged
that he executed the within deed

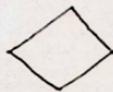
May 15, 1822.

Horatio Orris, Com.

against the said party of the first part his heirs,
executors, administrators and assigns, and a-
gainst all and every other person or persons claim-
ing or to claim the said premises, or any part thereof.
In witness whereof the said party of the first part
hath hereunto set his hand and seal the day and
year first above written

Note. the word "second" in the last line erased & the word
"first" interlined

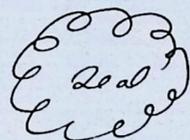
Wm. Holmes,



Sealed and delivered

in presence of *Henrich*

State of New York



Clerks office,

Jefferson County, N.Y.

I, Henry N. Sherwood, Clerk of the
County of Jefferson and clerk of the Court
Common Pleas in and for said county do
hereby certify that Horatio Orvis before whom
the annexed deed was proven was on the date
of the same a commissioner for the County
of Jefferson, duly commissioned and sworn
as such, and that he is authorized by law to
take such acknowledgment, and further, that
I am acquainted with the hand writing of the
said commissioner and verily believe that
the signature of Horatio Orvis is the proper
hand writing of him the said Commissioner

In witness whereof, I have hereunto set my hand
and affixed the seal of the county this 17th
day of August 1822

N. N. Sherwood, Clerk

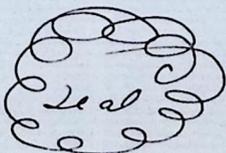
Recorder's office, Pike county, Illinois, 10

Nov. 1822 ~ I hereby certify that the within
Deed and the accompanying certificates were
on this day duly recorded in my office in
volumes, pages 141 & 142. Daniel D. Smith,

Recorder P. C.

State of Illinois, Marshall county, W.

145
J. G. L. Fort, Clerk of the circuit court
of the said county of Marshall, and by virtue
thereof ex-officio Recorder of said county
do hereby certify, that the instrument of
writing hereto attached and which purports
to have been executed by William Holmes
to Amasa Barber was filed in said office
for Record on the 7th day of March A.D. 1856
at 10 o'clock A.M. and that the same was this
day duly recorded in Book R at pages 500
& 501



In testimony whereof, I have
hereunto set my name, and af-
fixed the seal of said court at
the city of Lacon, in said county
on this 28th day of March A.D.
1856

J. G. L. Fort, Clerk

By J. H. C. Bual, Deputy

Deed from
Amasa Barber
or wife
to
Corey & Walsey Barber

This Indenture, made the thirtieth day of January in the year one thousand eight hundred and thirty two between Amasa Barber and Betsey his wife of the town of La Roy Jefferson Co. State of New York of the first part, and Corey Barber and Walsey Barber of Fayette Township, Vigo county and state of Indiana of the second part; witnesseth that the said party of the first part, in consideration of the sum of one dollar dollar, lawful money of the United States of America, paid to him by the said party of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, released and confirmed, and by these presents do grant, bargain, sell, release and confirm, to the said parties of the second part, their heirs and assigns, All that certain piece or parcel of land situate lying and being in the state of Illinois being the south east quarter of section twenty-five in township thirteen north in range No. nine east being in the tract appropriated by the acts of Congress of the United States of America on and since the sixth day of May in the year of our Lord one thousand eight hundred and twelve, and is the same tract of land and containing one hundred and sixty acres which on a warrant in favor of William

140

147
Homes No 5274 was by letters patent on the
twenty ninth day of November in the year
of our Lord one thousand eight hundred
and fourteen, deeded to the said William Holmes.
The said Letters Patent being signed by James Monroe,
President of the United States and countersigned
by Josiah Meigs and recorded in Vol 8th p 206
all which by reference to said letters patent
will more fully and at large appear. To-
gether with the Hereditaments and Appurtenan-
ces, and all the estate, right, title and interest,
of them the said parties of the first part,
of, in or to the same, and the reversions
and remainders thereof. To have and to hold,
all and singular, the said premises hereby
granted to the said parties of the second part,
their heirs and assigns to the proper use
of the said parties of the second part, their
heirs and assigns for ever; subject to the
conditions and stipulations contained in
the letters patent whereby the lands were
originally granted. And the said parties
of the first do hereby, for themselves their heirs,
executors and administrators, covenant with
the said parties of the second part, their heirs
and assigns, that they the said parties of the
first part, immediately before the enrolling
and delivery hereof, are seized of the said

premises of an estate in fee simple therein:
Also, that they have power to sell and
convey the same as hereby intended; Also,
that the said parties of the second part,
their heirs and assigns, shall quietly
and peaceably hold and enjoy the
same: Also that the same is free from in-
cumbrances. And they the said parties of
the first part, and their heirs, the said prem-
ises to the said parties of the second part, and
their heirs, against all persons, do and will
warrant and defend for ever, by their presents.
In witness whereof the said parties of the first
part have hereunto set their hands and seals
the day and year first above written.

Amasa Barber 
Betsy ^{her} Barber 
mark

148
Sealed and delivered
in presence of

in the second line from the top
and Betsy his wife interlined
before signing

Benjamin Mcomber
Jefferson County
State of New York

On the 31st day of January 1832
personally came before me Amasa Barber
& Betsy his wife to me known as the grantors

of the within deed who before me acknowl-
edged they executed the same and the said
Betsey having been examined by me sepa-
rate and apart from her said husband ac-
knowledged that she executed the same free-
ly without any fear or compulsion of
her husband Benjamin Mcomber, Comr.

State of New York, }
Jefferson County Clerk's office }^{es}

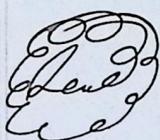
600
Cred
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149
I do hereby certify that Benja-
min Mcomber whose name
is subscribed to the certificate
of the proof of acknowledgment of the au-
nexed conveyance was at the time of taking
such proof or acknowledgment a com-
missioner in and for the said county
duly commissioned and sworn and au-
thorized by law to take the same; and
further, that I am well acquainted with
his hand writing, and verily believe his
signature to the said certificate of proof
or acknowledgment is genuine. In tes-
timony whereof, I have herewith subscribed
my name and affixed the seal of the said
county at Watertown, the 6th day of Februa-
ry 1832 P. Burr

State of Illinois, Marshall county, Ill.

J. G. L. Fort, clerk of the circuit court

of the said county of Marshall, and by virtue thereof ex-officio Recorder of said county, do hereby certify, that the instrument of writing hereto attached, and which purports to have been executed by Amasa Barber & wife, to Cora Barber and Wolsey Barber was filed in said office for record on the 7th day of March AD 1856 at 10 o'clock A. M.; and that the same was this day duly Recorded in Book R at pages 502 & 503.



In testimony whereof, I have herewith set my name, and affixed the seal of said court, at the city of Racine, in said county, on this 28th day of March AD 1856
G. D. Fort, clerk

By Jas. M. C. Breal, Deputy.

Treasurer's office, Vandalia, 3^d December 1832

Received of Cora Barber Two dollars and 50 cents being the amount of the tax due to the state of Illinois, on the following described land for the year set forth:

District	acres	Description	Year	Tax
Military	160	S. E. 25. 13 N. 9 E.	1832	2 50

James T. B. Stapp, Aud. John Dement, Treasurer

State of Illinois

County of Putnam, ss ^{summe} I, Hooper Warren, clerk of the county Commissioners Court of said county

Tax Receipts =
1832

Tax Receipt
1833 & 1834

do hereby certify that C. W. Barber has paid into this office two dollars and ninety eight cents being the redemption money on the sale of one acre of the south east quarter of section No. 25, in Township No 13 N. R. 9 E. sold by me, as clerk aforesaid on the third day of March 1834 for the tax interest and costs due on said quarter section of land, to the state of Illinois, for the year 1833, also, the sum of two dollars and fifty six cents for the tax interest and costs due to the state of Illinois on said quarter section of land for the year 1834
 Given under my hand at Hennepin this 11th day of October 1834, N. Warren, clk.

Tax receipt
 1840.

State of Illinois } Clerk's Office Commissioners Court
 County of Marshall } Lacon, July 17th 1841.

Received of C. W. Barbour of Terre Haute, Indiana by the hands of Elisha Swan the sum of two dollars and forty cents the amount of the taxes for the year 1840 on the S.E. 25, 9 E of the 4th principal meridian in the military Bounty land

J. M. Shannon, Clerk

Rec^d Lacon, July 17th 1841 of Cory Barbour & C. W. Barbour \$5.89 in full for the redemption of the S.E. 25-13 N. 9 E of 3rd principal Meridian said land having been sold for taxes for the year 1839 & Bot by ~~me~~^{me} at the sale for

Taxes in May 1840 - Elisha Swan.

Tax receipt
1841

State of Illinois } Collectors office
 Marshall County } Lacon, Feb. 11th 1842

Rec'd of C. W. Barbour per E. Swan five ¹⁷/₁₀₀ dollars, the taxes due the state of Illinois and the county of Marshall for the year 1841 - on the following lands to wit S. E. of 25, 13 N 9 E. containing 160 acres, valued at \$640

David Verney, Collector
 for Theodore Perry, Spt.

Tax receipt
1842

State of Illinois } Collectors office
 Marshall County } Lacon, apt 29, 1845

Rec'd of C. W. Barbour two ⁸⁸/₁₀₀ dollars the taxes due the state of Illinois and the county of Marshall for the year 1842, on the following land to wit S E 25 13 N 9 E 480 240

Road tax	48
	<hr style="width: 50px; margin: 0 auto;"/>
	288

D. Verney, Collector
By Samuel C. Cochran

Tax receipt
1844

State of Illinois } Clerk's office, County Commissioners Court,
 Marshall County } Lacon Oct. 23 1845

This certifies that C. W. Barbour by S. Rannier has this day paid at this office

the sum of seven dollars and ninety four cents, being the redemption money on the under mentioned tract of land sold for the taxes interest and costs due thereon, to wit:—

acres	Description	When Sold	Year's Tax	Am't Redemption Money	Name of Purchaser
160	SE 25 13-9				
	SE 25 13-9	1845	1844	7.94	
	Certificate			25	
				<u>\$ 8.24</u>	

J. M. Shannon, Clerk

153

Tax receipt
1850

State of Illinois }
Marshall County } Treasurer's office

Received of C. W. Barbour the sum of six dollars and Eighty cents the taxes due the state of Illinois and county of Marshall on the following described land for the year 1850.

acres	Description	Section	Town	Range	Value	Tax
80	E 1/2 SE	25	13	9	152	3.40
80	W 1/2 SE	25	13	9	152	3.40
						<u>\$ 6.80</u>

Lacon, April, 1851

R. B. Rogers, Treasurer

Tax Receipt
1851

State of Illinois }
Marshall County } Treasurer's office 1851

Received of C. W. Barbour the sum of five dollars and thirty-six cents, the taxes due the state of Illinois and county of Marshall on the following described lands for the year 1851

acres	Description	Sec.	Town	Range	Value	State Tax	County Tax	Town Tax	Prop Tax	Sch Tax	Year	Total
160	SE	25	13	9	480							536

Theodore Perry
Treas. Marshall Co.
Treasurer Marshall Co.

Tax receipt
1853

\$10⁶⁰/₁₀₀ Treasurer's office, Illinois

Springfield, July 27th 1854

Received of C. W. Barber the sum of Ten and ⁶⁰/₁₀₀ Dollars being the tax and costs for the year 1853, on the SE¹/₄ section 25 Township 13 N Range 9 E of the 4 P. M. 160 acres valued at \$800 returned to this office as non-resident land from Marshall county John Moore, Treasurer
County signed
Thos. N. Campbell, Auditor.

Tax receipt
1854

State of Illinois }
Marshall County } Treasurer's office, Lacon May 3rd 1855.

Received of C. W. Barber, per J. J. Ferrin, the sum of ten dollars and forty eight cents, the taxes due the state of Illinois and the county of Marshall on the fol =

owing described Land for the year
A.D. 1854.

Description	Sec.	Town	Range	Acres	Value	Year	Amount Tax	In whose name listed
E 1/2 S.E. 1/4	25	13	9E	80	400	1854	5 12	Unknown
W 1/2 S.E. 1/4	25	"	"	80	400	"	5 12	Same
				Adv			24	
							\$ 10, 48	

Samuel Maxwell, Treasurer & Collector of Marshall Co.

Tax receipts

1856 } State of Illinois } Collectors office, ^{City} ~~Town~~ of Lacru
Marshall County } ₂₀ } 185

185

Received of C.W. Barber per J. J. Fenn the sum of fourteen dollars and twenty three cents, the taxes due the state of Illinois and county of Marshall, on the following described lands for the year 1856.

Description	Sec	Town	Range	Value	State and County Tax	Town Tax	Town School Tax	Debt-Added Tax	Road Tax	RR Interest Tax	Total Tax
157 acres S.E. 1/4	25	13	9.6	628	8 16	94	2 51		1 25	1 25	14 11
									Costs		12
											\$ 14 23

Samuel Maxwell, Collector

Tax Receipt

1857 } State of Illinois, } May 6th 1858
Marshall County, 20 }

No----, Received of C.W. Barber, by J. J. Fenn twenty two \$400 dollars in full for the following state, county,

town, and special taxes, on the following described real estate, in Township No 13 Range No 9 East and due for the year 1857, to wit:—

Description	Sec.	No. of acres		Valuation		State tax		County tax		Town tax		Township school tax		District school tax		Road tax		RR tax		Total tax			
		Acres	100ths	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.		
S E 1/4	25	157		942		11	30					2	81		6	59			1	88		22	59
																					Costs		35
																							\$22 84

Samuel Maxwell, Collector & Treasurer

Tax receipt

1858

State of Illinois, Marshall County, N. 3 Laco, July 25th 1859
 No — Received of C. Barber per J. J. Ferris, Twenty six ⁵²/₁₀₀ dollars in full for the following state, county, town and special taxes, on the following described real estate, and on personal property, due for the year 1858, to wit:—

Description	Sec.	No. of acres		Valuation		Town tax		County tax		Township school tax		District school tax		Road tax		Total tax		
		Acres	100ths	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	D.	C.	
S E 1/4	25	157		942		13	96										26	52

Samuel Maxwell, Collector & Treasurer

Dec'd from
 Jeff Marshall Co.
 to
 W. B. Green

Know all men by these presents, that whereas, at the June term, A.D. 1853, of the county court of Marshall county in the state of Illinois, a judgment was obtained in said court in favor of the state of Illinois, against the following described land to wit, the East half of the south east quarter of section twenty five in town thirteen

157
north of range nine east of the fourth prin-
cipal meridian containing eighty acres, for the
sum of six dollars and sixty one cents, being the
amount of taxes, interests and costs assessed
upon said tract of land for the year 1852; and
whereas, on the twenty seventh day of June AD
1853, Theodore Perry then treasurer of the county
aforesaid, by virtue of a precept issued out
of the county court of the county aforesaid,
dated the twentieth day of June 1853, and
to said treasurer directed, did expose to public
sale, at the door of the court house in
the county aforesaid, in conformity with
all the requisitions of the statute in such
case made and provided, the tract of land
aboves described, for the satisfaction of
the judgment so rendered, as aforesaid; and
whereas, at the time and place aforesaid, Wil-
liam B. Green of the county of Marshall
and state of Illinois having offered
to pay the aforesaid sum of six dollars
and sixty one cents, for eighty acres, which
was the least quantity bid for, the said tract
of land was stricken off to him at that price.
Now, therefore, I, Abram Gardner, Sheriff
of the county aforesaid, for and in con-
sideration of the said sum of six dol-
lars and sixty one cents to the said Theodore

15-8
Perry then treasurer as first aforesaid,
in hand paid by the said William B. Green at the
time of the aforesaid sale, and by virtue of
the statute in such case made and provided,
have granted, bargained and sold, and by
these presents do grant, bargain, and sell
unto the said William B. Green his heirs and
assigns, the following real estate, to wit:
the east half of the south east quarter
of section twenty five in town thirteen
north of range nine east of the fourth
principal meridian, containing eighty acres
To have and to hold unto him the said William
B. Green his heirs and assigns forever, sub-
ject however, to all the rights of redemption pro-
vided by law. In witness whereof, I, Abram
Gardner, Sheriff of said county, by virtue
of the authority aforesaid, have hereunto
subscribed my name and affixed my
seal, at Lacon, this thirtieth day of June
1855

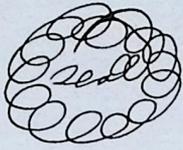
Abram Gardner

Sheriff Marshall County

State of Illinois, Marshall County, Ill.

I, Washington E. Cook, Clerk of the county court
in and for said county, do certify that Abram Gar-
ner, sheriff of said county, who is personally
known to me as the identical person signing
the above deed, this day appeared before me, and

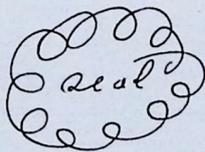
acknowledged the signing and sealing the same
for the uses and purposes therein expressed.



In testimony whereof, I have hereunto
set my hand and seal of said court,
at Lacon, this thirtieth day of July
1855. Washington C. Cook, Clerk

State of Illinois, Marshall County, Ill.

159
I, G. L. Fort, Clerk of the circuit court
of the said county of Marshall, and by vir-
tue thereof ex-officio recorder of said county
do hereby certify, that the instrument of writing
hereto attached, and which purports to have
been executed by Sheriff of Marshall county to Wil-
liam B. Green was filed in said office, for
record, on the 16th day of July AD 1856, at
5 o'clock P.M.; and that the same was this
day duly recorded in Book II, at page 259



In testimony whereof, I have hereunto set
my name, and affixed the seal of
said court, at the city of Lacon,
in said county, on this 17th day
of July AD 1856

G. L. Fort, Clerk

Filed from Clk
of Marshall Co
to

Wm B. Green

I know all men by these presents, that whereas,
at the June term, AD 1853, of the county
court of Marshall County, in the state
of Illinois, a judgment was obtained in

160
said court in favor of the state of Illinois
against the following described land, to-
wit: the west half of the south East quarter
of section twenty five, in town thirteen
north of range nine east of the fourth prin-
cipal meridian containing eighty acres,
for the sum of six dollars and sixty one
cents, being the amount of taxes, interests
and costs assessed upon said tract of land
for the year 1852; and whereas, on the twenty-
seventh day of June AD 1853, Theodore Parry
then treasurer of the county aforesaid, by
virtue of a precept issued out of the county
court of the county aforesaid, dated the
twentieth day of June 1853, and the said
treasurer directed, did expose to public
sale, at the door of the court house
in the county aforesaid, in conformity
with all the requisitions of the statute
in such case made and provided, the
tract of land above described, for the
satisfaction of the Judgment so rendered,
as aforesaid; and whereas, at the time
and place aforesaid, William B. Green
of the county of Marshall and state of
Illinois having offered to pay the aforesaid
sum of six dollars and sixty one cents, for
eighty acres, which was the least quantity bid for

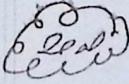
161
the said tract of land was stricken off to him at that price. Now therefore, I, Abram Gardner, sheriff of the county aforesaid for and in consideration of the sum of six dollars and sixty one cents to the said Theodore Perry then treasurer as first aforesaid, in hand paid by the said William B. Green, at the time of the aforesaid sale, and by virtue of the statute in such case made and provided, have granted, bargained and sold, and by these presents do grant, bargain and sell unto the said William B. Green his heirs and assigns, the following real estate, to wit: the west half of the south east quarter of section twenty-five in town thirteen north of range nine east of the fourth principal meridian containing eighty acres. To have and to hold, unto him the said William B. Green his heirs and assigns forever, subject however, to all the rights of redemption provided by law. In witness whereof, I, Abram Gardner, sheriff of said county, by virtue of the authority aforesaid, have herunto subscribed my name and affixed my seal, at Lacan, this thirteenth day of June 1855

Abram Gardner 
Sheriff Marshall County

State of Illinois, Marshall county, Ill.,
I, Washington E. Cook, clerk of the county
court in and for said county, do certify
that Abram Gardner, sheriff of said county,
who is personally known to me, as the
identical person signing the above
deed, this day appeared before me, and
acknowledged the signing and sealing
the same for the uses and purposes
therein expressed. In testimony whereof,
I have hereunto set my hand and
 seal of said court, at Lacon, this
thirtieth day of July 1855

Washington E. Cook, Clerk

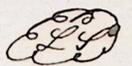
State of Illinois, Marshall county, Ill.

162
J. G. L. Fort, clerk of the circuit court
of the said county of Marshall, and
by virtue thereof ex-officio recorder of said
county, do hereby certify, that the instrument
of writing hereto attached, and which purports
to have been executed by Sheriff of Marshall
county to William B. Green was filed in said
office, for record, on the 16th day of July AD
1856, at 5 o'clock P. M.; and that the same
was this day duly recorded in book W at
page 260. In testimony whereof, I have hereunto
 set my name, and affixed the seal of said court at the city
of Lacon in said county, on this 17th day of July AD 1856,
J. G. L. Fort, Clerk.

Deed from
Wm. B. Green
to
Corey Barber
&
C. W. Barber

103
This Indenture, made this seventeenth day of September in the Year of our Lord one thousand eight hundred and fifty-eight between William B. Green of the county of Marshall and state of Illinois (Widower) party of the first part, and Corey Barber and Cromwell W. Barber of Terra Haute in the state of Indiana, parties of the second part, Witnesseth, That the said party of the first part, for and in consideration of the sum of Two hundred dollars, lawful money of the United States of America, to him in hand paid by the said parties of the second part, at or before the executing and delivery of these presents, the receipt whereof is hereby acknowledged, has remise, released, sold, and for ever quit-claimed, and by these presents doth remise, release, sell and for ever quit-claim, unto the said parties of the second part, and to their heirs and assigns for ever, all that certain lot piece or parcel of land, situated lying and being in the county of Marshall and state of Illinois and known and described as the Southeast quarter of section twenty-five in town thirteen north of range nine east of the fourth principal meridian containing one hundred and sixty acres more or less. To have and to hold the said premi-

ses, as above described, with the privileges and appurtenances thereto belonging, to the parties of the second part, their heirs and assigns for ever. In witness whereof, the said party of the first part hath hereunto set his hand and seal the day and year first above written.

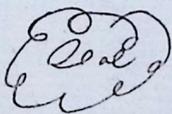
William B. Green 

Signed, sealed and delivered in presence of }

State of Illinois, }
Marshall County }^{ss}

164
I, Mark Bangs, Notary public in and for said county, in the state aforesaid, do hereby certify that William B. Green, who is personally known to me to be the same person whose name is subscribed to the annexed deed appeared before me this day, in person, and acknowledged that he had signed sealed and delivered the said instrument of writing as his free act and deed, for the uses and purposes therein expressed.

Given under my hand and Notarial seal, this seventeenth day of September A.D. 1858
Mark Bangs, N.P.



State of Illinois }
Marshall county } ss

165
I, James Wescott, Clerk of
the circuit court and Ex-officio
recorder for said county, do hereby
certify that the instrument of writing
hereto attached and which purports
to have been executed by William B. Green
To Corey & Cromwell W. Barber was
filed in said office for record, on the
17th day of September AD 1858, at 2
o'clock P.M. and that the same was
this day duly recorded in book that
pages 443 & 444.

In testimony whereof, I have
hereunto set my hand, and affixed
the seal of said court, at Galesburg,
in said county, this tenth
day of November AD 1858.

James Wescott, Clerk
By Lewis B. Dutton, Deputy

607
Seal
C

Proceedings
in
Peoria county
Circuit Court.

Proceedings in Chancery before the circuit court at a term thereof began and held at the court house in the city and county of Peoria in the state of Illinois on the first Monday in the month of March, in the year of our Lord one thousand eight hundred and sixty, it being the fifth day of said month. Present the Honorable Elisha N. Powell, Judge of the 16th Judicial circuit in the state of Illinois. John Poyner, Sheriff, and C. W. Sloan, clerk to wit:

Wednesday, March 28th A.D. 1860.

Corey Barbour vs

vs To Quit title

Ambrose C. Hawkins vs

166
On motion this cause is continued at complainants costs by agreement.

Proceedings in Chancery before the circuit court, at a special term thereof began and held at the court house, in the city and county of Peoria, state of Illinois on the third Monday in the month of August, in the year of our Lord one thousand eight hundred and sixty, it being the twentieth day of said month. Present - the Honorable Elisha N. Powell,

judge of the 16th judicial circuit in said state,
John Bryner, Sheriff and Enoch Sloan, clerk
to wit;

Friday, September 7th A.D. 1860.

Corey Barbour & al

vs

To Quit-tittle.

Ambrose C. Hawkins & al

Proof of
publication

This day came the plaintiffs by attorney and proved to the satisfaction of the court that due notice of the pendency of this suit has been given to the said Abraham Barbour by the publication of an advertisement thereof four weeks successively in a newspaper printed and published weekly in the city of Tacon, Marshall county, according to law. And the said Abraham Barbour having failed to plead answer or demurrer to the bill filed herein against him, it is considered and adjudged by the court that the matters and things therein contained are taken pro-confesso as to him.

187

Pro-confesso

as to

Abraham Barbour

Proceedings in Chancery before the circuit court, begun and held at the courthouse in the city and county of Peoria, in the state of Illinois, on the third Monday in the month of November, in the year

of our Lord one thousand eight hundred and sixty, it being the nineteenth day of said month. Present the Honorable Elisha N. Powell, Judge of the 16th Judicial circuit in said state, John Bryner, sheriff and Enoch D. Sloan, clerk to wit:-

Friday, December 28th A.D. 1860.

Corey Barbour vs

vs

Suit title

Ambrose C. Hankins vs

By agreement of parties this cause is submitted to the court to be heard in vacation

168
Proceedings in chancery before the circuit court began and held at the court house in the city and county of Peoria, Illinois, on the first Monday of March, in the year of our Lord one thousand eight hundred and sixty one, it being the fourth day of said month. Present the honorable Elisha N. Powell, judge of the 16th judicial circuit in the state of Illinois, James Stewart, Sheriff and Enoch D. Sloan clerk, to wit:-

Decease

Monday, March 25th AD 1861.

Corey Barbour

Crowwell C. Barbour

vs Quit title

Ambrose C. Haukinson

Abraham Barbour

169
This day this cause came on to be heard upon the complainants Bill and Amended Bill, the answers of the dependants, Haukinson, Replication, Evidence and exhibits, and the same was argued by counsel - and the court now being sufficiently advised in the premises - and the said complainants Bill having been taken as confessed against the dependant Abraham Barbour, and it further appearing to the court that the charges and allegations in said complainants bill contained are substantially true as therein stated and set forth; It is therefore ordered, adjudged and decreed that the several conveyances and deeds in said complainants bill mentioned, to wit - the deed from Ira Hubbard and Roxana his wife to Ambrose C. Haukinson, Dated Oct. 13th AD 1854; and the deed from Buel Fuller & Sally Fuller his wife to the said Ambrose C. Haukinson,

170
Dated July 31, 1855; and the deed from Ewins
Mooker and Catharine his wife to the
said Ambrose C. Harkinson, dated
August 1, 1855. and the deed from Ben-
jamin Collins and Pally his wife to the
said Ambrose C. Harkinson, dated
August 1st 1855; having been procured
to be made and executed by the several
parties in fraud of the complainants rights,
interest and title to the premises in said
deeds described, and with full notice of
the said complainants title as stated
and set forth in their said bill. Be, and
the said several deeds and conveyances
are hereby set aside annulled, vacated and
declared to be wholly and absolutely void
and of no effect whatever: And the said
Ambrose C. Harkinson is hereby requir-
ed to deliver up the said deeds to the said
complainant. And it further appear-
ing to the court that the deed from
Ora Hubbard and Roxana his wife to
Abraham Barbour, dated October 10th 1855
in complainants bill described may tend
to cloud or otherwise embarrass the title
of the complainants, it is further ordered
adjudged and decreed that the same be
also set aside vacated annulled and declared

to be wholly void and of no force or effect whatever, and the said Amasa Barbour is also hereby required to surrender the same to the said complainants, It is further ordered, adjudged and decreed, that the defendant Ambrose C. Haukinson, pay the costs of this suit and that execution issue therefor, as in cases at common law

171
on motion defendant is allowed an appeal to the supreme court of this state, on his filing bond herein in the sum of three hundred dollars, with security to be approved by the clerk by agreement, in twenty days.

Stipulation = I hereby stipulate that upon the hearing of this cause no witnesses were examined orally - And that the evidence given consisted of the depositions filed, the exhibits and deeds mentioned in bills and answers and other deeds, and various tax receipts of which I have a schedule, N. H. Purple
March 25, 1861.

Ambrose C. Stackinson

or

Corey Barber & al

In the Supreme Court

of the State of Illinois

3rd Grand Division

April Term A.D. 1862

And now comes the said plaintiff in Error by Mead his Attorney says, that in the record & proceedings aforesaid and in the Decree aforesaid manifest error hath interposed to his prejudice in this

1st The Court admitted improper evidence on the trial of said Cause on the part of defendants in Error

2^o The Court excluded proper testimony on the part of the P^lff in Error

3^o The decree of the Court was against equity

4. The Decree ought to have been in favor of the plaintiff in error

5. The Court also erred in deciding the Oath made to Plaintiff in Error to be fraudulent

For all which & other reasons apparent upon said record the said plaintiff prays that the same may be reversed set aside and

C. The Bill says it to have been dismissed
Barber is wrong
The Decree against

for might hold By Attorney
his Attorney

And now come the said defendants
in Error by Purple their Attorney and say
that in the record & proceedings aforesaid
and in the decree aforesaid, no such
error hath intervened as is alleged above
& that he pray may be reviewed by
the Court

A. Purple
Clerk

119 196
Am brose G. Haukinson
& Abraham Barbours

or

Tony Barbours

● Cromwell W. Barbours

Recd

Filed April 22, 1862

L. Leland
Clerk