

No. 14599

Supreme Court of Illinois

Forbes

vs.

Hall

71641  7

STATE OF ILLINOIS,
Procedural
SUPREME COURT,

THIRD GRAND DIVISION.

Wm. H. Hall
No.

154 - *104*

J. W. Middleton & Co., Stationers, 196 Lake St.
Made in

Forbes
vs. Hall
Hall

1864
14599

154

Supreme Court of Illinois:

THIRD GRAND DIVISION.

APRIL TERM, A. D. 1864.

THOMAS C. FORBES,
Plaintiff in Error,

vs.

MOSES T. HALL,
Defendant in Error.

} ERROR TO McLEAN.

ABSTRACT AND POINTS.

This was a bill in Chancery, filed by defendant in error, in the McLean Circuit Court, July 17th, 1860, to compel the plaintiff in error to convey to him the south half of the north-east quarter of section 5, 22, 6, in said county.

A The Bill alleges: That one Geo. Cheeny, on the 26th of September, 1853, purchased of the U. S. and entered the said $S\frac{1}{2}$ of the $NE\frac{1}{4}$ of sec. 5, and at the same time entered the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ of said section 5.

That on the 21st of March, 1854, ~~said~~ Cheeny and wife conveyed *the* said first mentioned tract to complainant.

That on the 23d of December, 1854, the Commissioner of General Land Office, by mistake, cancelled *the whole entry*, because ~~said~~ *the* last mentioned tract had been selected by the State as Swamp Lands under the act of Sept. 28th, 1850.

That on the 15th of January, 1855, ~~said~~ plaintiff in error was

Filed April 18. 1864
L. C. McLean

permitted, by mistake of the Register of the Land Office at Danville, to enter the ~~said~~ first mentioned tract.

3 That, by mistake, a patent for the same was issued to ~~said~~ Forbes.

That Forbes, at the time of his entry, had full notice of the rights of complainant; and that complainant has all the time been in actual possession of the premises, and has the equitable title, while Forbes has the legal title.

That Forbes holds the ~~said~~ legal title in trust for complainant, but refuses to convey, though requested, and prays answer under oath, and that he be ordered to convey and deliver the patent to complainant.

52 ~~Summons and service.~~ *under oath*

The answer of Forbes admits that Cheeny purchased and entered the lands first mentioned; and alleges:

1 That he knows nothing about the conveyance to complainant of ~~said~~ lands, nor about the entry of the last mentioned tract.

That ~~said~~ entry was cancelled, but not by mistake, but for error in the entry.

3 That he entered ~~said~~ land on ~~said~~ 18th of January, 1853, but that the entry was not made by the mistake of the Register, but was permitted by him with full knowledge of all the facts.

That the patent was issued to him, but not by mistake.

That he did not make ~~said~~ entry with notice of the rights of ~~said~~ complainant; that he has no recollection of ever having heard or knowing anything of the claim of complainant to ~~said~~ land.

3 That the officers of the Land office notified ~~said~~ Cheeny of the cancellation of his entry, and gave him a reasonable time to re-enter the same, which he failed to do, and thereupon ~~said~~ officers permitted him (~~said~~ Forbes), to enter ~~said~~ land.

That he (Forbes) immediately notified ~~said~~ Cheeny of ~~said~~ entry,

and that if he, ~~said~~ Cheeny, would at once send him ~~(Forbes, the~~ entry money in gold (\$100), and the entry fee of one dollar, he ~~(Forbes)~~ would transfer to him ~~(Cheeny)~~ the certificates; or, if he (Cheeny) preferred, he might have the land for \$150, on a credit of one year, with ten per cent. after due, and all taxes.

That Cheeny replied, that he would take the land on the credit; and ~~said~~ Cheeny has since frequently promised to pay for ~~said~~ land upon ~~said~~ terms.

10. That respondent has paid all the taxes for the years 1855, 1856, 1857, 1858 and 1859, and now claims that there is due to him \$300 on ~~said~~ land upon ~~said~~ credit sale, and that he is now and always has been ready and willing to convey upon the payment of the amount due.

That complainant never has requested him to convey.

~~11.~~ Affidavit of Forbes, that answer is true.

Replication by complainant.

12 Decree recites that cause came on to be heard upon the following

EVIDENCE.

13 Certificate of Register of Land Office of entry by Cheeny of S $\frac{1}{2}$ of SE $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ sec. 5, town 22, range 6, on the 24th of Sept., 1853, and that on the 23d of Dec., 1854, the Commissioner of General Land Office cancelled said entry for the reason that part of said tract, to wit: the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said section, had been selected by the State as Swamp Lands under act of Sept. 20th, 1850.

And that on the 15th of January, 1855, Forbes entered the S $\frac{1}{2}$ of SE $\frac{1}{4}$ of said section.

Signature to certificate admitted.

14 GEORGE CHEENY testified as follows:

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In the fall of 1853 I went to Danville to enter some lands for myself, and that Hall, (deft in error,) wanted the 80 in controversy and another 40, and sent by him the money to enter it for him (Hall); that the office was closed when he arrived there, and he made out applications in writing in his own name for all the land he and Hall wanted, and left them and the money with Forbes (plff in error), to make the entries, and received from Forbes a receipt therefor, as follows:

Received, Danville, Ill., August 31st 1853, of George Cheeny, three hundred dollars, to enter the following lands, viz. :

The W H NE 31, 22, 6.

“ NW SE “ “ “

“ SH NE 5, “ “

“ NW NE “ “ “

as soon as the same can be done at the office.

THOMAS C. FORBES.

And that he afterwards received the following letter, in the hand writing of Forbes :

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DANVILLE, ILL., Sep. 24, '53.

SIR,—Enclosed please find receipt for the entry of your land, which I hope will be satisfactory to you. You will see by the certificates that the land overruns, and I paid two dollars and ten cents excess. This amount and my fee you can send me. I purchased the 40 adjoining on the north, which was all I could get, making four forties in a row. Mehavvy has on the north, east and south of your last entries. The forty you can have if you want it.

In haste, yours,

THOMAS C. FORBES.

Witness further testified, that he afterward made to complainant a deed for the land, the record of which deed was offered in evidence without objection. That he never had any interest in the land and got nothing for executing the deed; that Hall commenced improving the land the year he deeded to him, and 16 had continued in possession ever since.

STATE OF ILLINOIS,
SUPREME COURT,

} ss. The People of the State of Illinois,

To the Clerk of the McLean Court for the County of McLean Greeting:

Because, In the record and proceedings, as also in the rendition of the judgment of a plea which was in the Circuit Court of McLean County, before the Judge thereof, between Th. Moses T. Hall

complaint, and Thomas C. Forbes

defendant....., it is said manifest error hath intervened, to the injury of the aforesaid Defendant

..... as we are informed by him complaint..... and we being willing that error should be corrected, if any there be, in due form and manner, and that justice be done to the parties aforesaid, command you that if judgment thereof be given, you distinctly and openly, without delay, send to our Justices of the Supreme Court the record and proceedings of the plaint aforesaid, with all things touching the same, under your seal, so that we may have the same before our Justices aforesaid at Ottawa, in the County of La Salle, on the first Tuesday after the third Monday in April next, that the record and proceedings, being inspected, we may cause to be done therein, to correct the error, what of right ought to be done according to law.

Primarily to matter

Witness, The Hon. JOHN D. CATON, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 18th day of April in the Year of Our Lord One Thousand Eight Hundred and Sixty four



L. Leland
Clerk of the Supreme Court.
J. B. Rice Secy

154-104

Thomas C. Forbes

No. 154

vs.

Moses T. Hall

WRIT OF ERROR.

This writ of error is made
a supersedeas & as such
is to be obeyed by all concerned
L. Leland Clerk
U.S. District Court

FILED

April 18.

A. D. 1864

L. Leland

Clerk.

Pleas continued and held at the Court House in Bloomington, in and for the County of McLean and State of Illinois before the Hon. John M. Scott, Judge of the Circuit Court of the Eighth Judicial Circuit of said State, in a certain cause therein pending, wherein Moses J. Hall was Complainant and Thomas L. Forbes was Defendant.

State of Illinois

McLean County } ss. Be it remembered that
heretofore, to wit: on the 17th day of July A.D. 1860, came Moses J. Hall by his Attorneys and filed in the Office of the Clerk of the Circuit Court of said County his Bill of Complaint against Thomas L. Forbes, in words and figures as follows, to wit:

State of Illinois

McLean Circuit Court

September Term, 1860,

To The Honorable David Davis, Judge and Chancellor of the 8th. Judicial Circuit of said State, sitting as Chancellor. Himself complaining, your orator, Moses J. Hall, would most respectfully show unto your Honor, that heretofore, to wit, on the 26th day of September, 1853, one George Cheney purchased of the General

Government of the United States, and legally
interested at The Land Office at Danville,
Illinois, in which district the land then
lay - The South half of the North-East
Quarter of Section No. five (5) in Township
No. Twenty-Two (22) North Range Six East
of The 3d. P. M., being in said McLean county
and that afterwards, to-wit, on the 21st,
day of March 1854, said Cheney, joined
by his wife, conveyed said land to Grant.
Said Cheney, at the time he entered the
above tract of land and as part of the
said entry, also entered the North-West
 $\frac{1}{4}$ of the said North-East quarter of Section
5, Town 22, N. R. 6, E. 3d. P. M. Afterwards,
to-wit, on the 23d. day of December, 1854,
the Commissioners of The General Land-Office
by mistake cancelled the whole of said
entry, because the last-mentioned forty
acres had been selected by The State of
Illinois, as Swamp land, under the act of
Congress, of the 28th. of September, 1850. And
afterwards, on the 15th day of January 1855,
one Thomas C. Forbes by mistake of The
Register and Receiver of The Land-Office at
Danville, Illinois, was permitted to enter
said first-mentioned tract, to-wit, the said South
half of the North-East quarter of Section
No (5) Town 22, N. R. No. 6, E. of The 3d. P. M.

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And by mistake the United States Govern-
ment has issued to said Forbes a patent to
said last-mentioned tract of land; and said
Forbes now by reason of said patent holds
the legal title to said last-mentioned tract
of land. Orator would show that said Forbes
made his said entry with full notice of the
rights of orator at the time, both actual and
constructive; and that orator was at the time
and has since been and now is in possession
of said 80-acre tract of land; and that orator
holds the equitable title to the same, by the
reason of the entry by said Cheney and the
conveyance by him to orator; and that said
Forbes acquired the legal title to the
same and now holds it in trust for orator
but refuses to convey the same to orator,
although often, before the filing of this bill
requested to convey to orator; that said
Forbes' legal title is a cloud upon the
title of orator to the same, and as orator
is without remedy at law, he invokes the
aid of Equity, and prays the said Thomas G.
Forbes be made defendant, and cited to appear
and answer this bill under oath. And
upon a final hearing for a decree, that
said Forbes convey to orator the legal title
to said land; and that he deliver to orator the
Patent for the same; and for costs, and for

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general relief. And, as is duty bound, &c.
Williams & Williams
Sols; for Complaint.

And thereupon, afterwards, to-wit, on the 28th.
day of November, A.D. 1860, These issued out
of said Clerk's office a writ of Summons in
words and figures as follows, to-wit:

State of Illinois

McLean County

SS. The People of the State of Illinois—
To the Sheriff of Vermilion County: Greeting;

We command you to Summon Thomas
L. Forbes, if to be found in your county, pers-
onally to be and appear before the Circuit
Court of said county of McLean, on the first
day of the next term thereof, to be holden
in the Court-house in Bloomington on the
second Monday in the month of December next
to answer to a certain Bill of Complaint
filed in our said Circuit Court on the chancery
side thereof, against him, by Moses T. Hall,
for Relief. And further to do and receive
what shall then and there by our said Court
be adjudged against them. And this they
are in no wise to omit. And have you
then and there this writ, and make return
thereon in what manner you execute the same.
Witness: William McCallough—



Clerk of said Circuit Court, and the
Seal thereof hereto affixed at Bloom-
ington this 28th day of Nov. in the
year of our Lord one thousand eight
hundred and sixty - William H. Cullum,
Clerk, by J. Burr, Deputy.

Which Summons was by the Sheriff of
Vermilion County returned into said Clerk's
Office, endorsed as follows, to wit:

Tuesday, November the 20th, 1860, Served
this writ by reading the same to Thomas G.
Horkes, and by delivering to him an exact
copy thereof. John M. Parker, Sheriff,
Vermilion County, Ills.

And thereupon afterwards, at the December
Term of said Circuit Court, to wit, on the 24th
day of December, A.D. 1860, the following
order was made in this cause, as appears
of record, to wit:

Moses J. Hall }
vs. } Bill for Relief
Thomas G. Horkes }

And now at this day on motion of
said Plaintiff by his Attorney, said Defendant is by
the Court ruled to answer the Bill of Complaint

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filed herein against him, by the first day
of the next Term of this Court; and this
cause is continued.

And thereupon, on the 23d. day of February,
A.D. 1861, came said Defendant and filed his
answer to said Bill of complaint: which answer
was in words and figures as follows, to wit:

The answer of Thomas H. Forbes, defendant, to
the Bill of complaint of Charles Hall, Com-
plainant:

This defendant now and at
all times hereafter saving and reserving
to himself all manner of benefit and ad-
vantage of exception to the many and in-
sufficiencies in complainant's said Bill
of complaint contained, for answer
thereunto, or unto so much, or such parts
thereof as this defendant is advised is
material for him to make answer unto:
He answers, and says; That, it is true that
on or about the 24th day of September A.
D. 1863, one George Cheney purchased of the
General Government, and entered at the Land
Office at Denver, Illinois, Lot No. one of the
North-east quarter of Section Two in Town-
ship Twenty-two North of Range Six East, con-
taining eighty acres, more or less, and

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which said tract is the one described in
the ^{said} bill of complaint.

And said defendant further answering says
he knows nothing of the conveyance by said
Lehney and wife to said complainant, of said
tract of land, and therefore he cannot admit
or deny the allegation of said complainant
in his said bill, to that effect. Neither
can he admit or deny said complainant's
allegation that at the time of said entry, and
as a part of said entry said Lehney also
entered the N. W. $\frac{1}{4}$ of the said S. E. $\frac{1}{4}$ of Sec.
line, T. 22, N. R. 6. East, for he is entirely
ignorant of said transaction.

Said defendant further answering says,
that the Commissioner of the General Land
Office did cancel the entry of the said eighty
acre tract of land; but said cancellation
was not made by mistake of said Com-
missioner, but on account of some error
or some informality of the original entry.
And as to the cancellation of said entry of
said last mentioned tract, this defendant
has now no recollection. Neither has he
now any recollection of the express reason
for the cancellation of the first described
tract of land, although at the time of the
cancellation he was informed of the reason.

Defendant further answering says that on or

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about the 15th. day of January A.D. 1855, he did enter at the Land office at Danville, the first above described tract of Land, but said entry was not made by mistake of the Register and Receiver of said Land-office; but said entry was permitted by said officers with a full knowledge of all the facts connected with the transaction. Said defendant further answering says, that the General Government of the United States has issued to defendant a Patent for the said first above described tract of Land, bearing date the 3d. day of January A.D. 1856; but said Patent was not issued as aforesaid, by mistake, and under and by virtue of said Patent, said defendant now holds the legal title to the Lands thereby conveyed.

Defendant further answering says, that it is not true that he made his said entry with full notice of the rights of said Complainants, either actual or constructive, further than that said Complainants may have had his deed recorded, of which this defendant has no actual notice.

Defendant further says that he has no recollection of ever hearing of or knowing anything of the claims of said Complainants to the said first mentioned tract of Land until the commencement of this proceeding.

Said defendant, further answering, says, that

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said Land-officers had notified said Leheny
of the cancellation of his said entry, which
notice said Leheny received, as he informed this
defendant. And said Land-officers, after
having given said Leheny a reasonable
time to re-enter said tract of land, and he
failing to make the re-entry, permitted
this defendant to enter it. Immediately
thereupon, defendant wrote to said Leheny
to the effect that if he would at once send
him the entry money in gold, to-wit, one
hundred dollars, and the usual fee, which
he believes, was, about one dollar for fee,
for entering, defendant would transfer the
entry to him; or if he preferred, he might
have the land on time on the usual terms,
which were, on a credit of twelve months
at one hundred and fifty dollars, with ten
per cents, annually thereafter, with all
taxes and fees: To which offer said
Leheny replied that he would take the land on
the credit terms above specified. And this
defendant has had personal interviews with
said Leheny, since, and he has always agreed
to pay this defendant the amount due on the
time terms as above specified. And this
defendant at one period afterwards, at the
request of said Leheny, sent him the amount
then due.

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Said Defendant further averring, says -
that since said entry by him he has paid the
taxes on said land, as follows to wit:
for the year 1855, \$2.00. for 1856, \$2.00 for 1857, \$2.00
for 1858, \$1.88, for 1859, \$3.12. Also has he paid
commissions for paying said taxes, travelling
expenses &c. &c. and he now claims as due
him the sum of three hundred dollars, and
on the payment of this amount, he is per-
fectly willing to convey the said tract of
land, under the direction of the honorable
court.

Defendant further averring, denies that said
Complainant has ever requested him
to convey the said tract of land to him, or
that he has ever made known his claim
on the land to him in any way whatever,
save by filing his bill of complaint against
him.

And now having fully aversand he
prays to be hence dismissed with his
reasonable costs in this behalf expended,
Thomas L. Forbes.

State of Illinois ss.
County of Vermilion ss. I, Thomas L. Forbes, the
defendant in the cause to which the above
aversion is filed to the bill of complaint of
Moses J. Hall, after having been duly

11
Snoon, on oath say that the foregoing
answer is true, in substance and in fact.
Thos. G. Forbes

Subscribed and sworn to this 21st day of
February, A.D. 1861. Witness my hand
and official seal this 21st day of
Feb. A.D. 1861. E. A. McKee, Clerk.

And afterwards, to wit, on the 21st day of May,
A.D. 1861 came said Complainant and filed his
Replication to said answer: which replication
runs in words and figures as follows, to wit:

State of Illinois,

McLean Circuit Court

Special Term, 1861.

Moses J. Hall,

vs.

ss In Equity for Relief
Thomas G. Forbes

And the said Complainant for
replication to the answer of defendant,
say that the said answer wherever it denies
the allegations in the bill, is not true; and
that the said bill and everything and every
allegation therein contained, is true, and
this Complainant is ready to prove the
same in any manner the Court may
direct

11
Soren, on oath say that the foregoing
answer is true, in substance and in fact.
Thos. G. Forbes

Subscribed and sworn to this 21st day of
February, A.D. 1861. Witness my hand
and official seal this 21st day of
Feb. A.D. 1861. E. A. McKee, Clerk.

And afterwards, to-wit, on the 21st day of May,
A.D. 1861 came said Complainant and filed his
Replication to said answer; which replication
runs in words and figures as follows, to-wit:

State of Illinois,

McLean Circuit Court

Special June Term, 1861.

Moses J. Hall,

vs.

ss In Equity for Relief
Thomas G. Forbes

And the said Complainant for
replication to the answer of defendant,
say that the said answer wherever it denies
the allegations in the bill, is not true; and
that the said bill and everything and every
allegation therein contained, is true, and
this Complainant is ready to prove the
same in any manner the Court may
direct

Wherefore, he prays relief, as in the original bill.

Williams, for Compl't.

And thereupon, by a general order of continuance, entered by said Court at the close of each Term thereof, this cause was continued from Term to Term, until the December Term 1863. And at said December Term, to-wit, on the 30th. day of December A.D. 1863, this cause came on for a final hearing.

Present: Hon. John M. Scott, Presiding Judge
Edward R. Roe, Clerk,
Hovval Dixon, Sheriff.

and the following decree was rendered herein, as appears of record, to-wit:

Moses J. Hall

vs.

Thomas R. Forbes

Bill for Relief.

And now at this Term of the Court this cause came on for final hearing, and was tried and submitted upon the following evidence. - Complainant introduced the certificate of the Register of the U.S. Land Office, as follows: - U.S. Land Office, Springfield, Ills. July 14th. 1860. I, William C. Keefe, Register of the Land-office at

Springfield, Illinois, do hereby certify that on the 24th. day of September, 1853 George Aherny purchased of the General Government at the Land office at Danville the South half of South-east qn. and the N. West $\frac{1}{4}$ of the North East qn. of Section No. five in Township No. Twenty-Two, North of Range No. Six East of the 3d. P. M. containing 121 $\frac{68}{100}$ acres. I further certify that on the 23d. day of December 1854, the Commissioner of the General Land office cancelled the said entry for the reason that part of the Tracts included thereby, to wit, the said North-East quarter North-East quarter had been selected by the State of Illinois as Swamp Land under the act of the 20th of September, 1850. I further certify that on the fifteenth day of January 1855, Thomas L. Forbes purchased of the General Government at the Land office at Danville the South half of the North-east qn. of Section No. five in Township No. Twenty-Two, North of Range No. Six East of the 3d. P. M., containing 80 Acres - all of which appears of record in my office.

Gives under my hand the day and year above written

Wm. E. Keefe, Register.

The signature to the same being admitted to be genuine, complainant thus called and

had known George Cheney, who testified that in the fall of 1853 he went to the Danville Land-office to enter some land for himself, and then Complainers, Hall, wanted the 80 acre tract claimed in the bill, and another 100 acre tract; and sent the money with witness to enter them for him, Complainers. - Then when witness got there, the office for some reason was closed, and he could not make the entries; and he had to sign the applications in his own name for all the land, - That he made out the applications and signed them for the land he wanted and also for the land Complainers wanted, and left them and the money with the defendants to make the entries for witness. - That the defendants then gave witness the following receipt:

"Received, Danville, Ills. August 31st. 1883,
of George Cheney, Three hundred dollars to
enter the following lands, viz:

The NW, SE-31-22-6

" NW, SE. - " " "

" SW, NE, S " "

" NW, NE. " " "

as soon as the same can be done at the office.

Thomas C. Forbes,

and that afterwards he got from the Defendants the following letter which, which was

in the hand-writing of the defendant.

" Danville, Ills. Sept 24/93.

" Sir:

" I enclose please find Receipts for the entry of your Land, which I hope will be satisfactory to you. You will see by the certificates that the Land was surveyed, and I paid Two dollars and ten cents each, this amount and my fee you can send me. I purchased the 40 in Section 30, joining on the North, which was all I could get, - making four Forties in a row. McHenry lies on the North, East and South of your last entries. The Forty you can have if you want it. In haste yours -

Thomas L. Forbes "

" Witness further testified that he afterwards made to the complainant a deed to the land; the record of which deed was offered in evidence without objection. That he never had any interest in the land claimed in the Bill, only that he used his own name in entering it, and that he got no consideration for the deed to the land claimed in the bill, only the money with which it was entered belonged to complainant. That according to the best recollection of the witness, the same Spring or Summer after witness made complainant the deed, that complainant commenced

breaking and improving the land; and thus
 Compliments had ever since been, and still
 is in the actual possession and cultivation
 of the land. Witness stated that he knew
 nothing more of the matter until he re-
 ceived a letter from the Register notifying
 him of the cancellation of the certificate.
 A few days after this, and before he had
 time to go to Danville, he received a
 letter from Defendant, which witness had
 lost: he had hunted for it and could not
 find it. It is now either lost or destroyed.
 In said letter defendant informed witness
 that he, Defendant, had entered said land; and
 that he, witness, might have it for \$150.00.
 Witness answered the letter, saying he wanted
 the land. Defendant here showed witness a
 letter, and asked him if that was his own
 son - above alluded to. Witness said it was.

Defendant then read the letter, as follows:
 "Cheney's Grove, March the 7. '55.

Thomas H. Forbes Esq. Dear Sir: - Some
 time since, I received a letter from Davis, the
 Register, that the land that I entered in Sec-
 tion 5 Town twenty-two, had been cancelled on
 account of it conflicting with Swamp
 Selection. I - wrote to him that I wanted
 the land and requested him to write me
 the particulars, and how soon I would have

to attend to it. Can yesterday I learned by Mr. Mearns that you had entered and that I could have it. I am glad that you done me the kindness to enter it, if it had to be entered again. From Mr. Davis's letter I could not learn why it was that it had to be entered again. Please let me know the particulars, and what it took to enter it, and what you charge for your trouble, and I will forward the money. Yours with respects,
George Leheny."

Witness said he never had any offers from dependents for the land, but the above. That he, witness, never made any agreement with dependents whatever, to buy the land from dependents. That witness knew that Complainers wanted the 80, and he always intended to hold it if he could, by the first entry; and that the money for the first entry had never been withdrawn, but that Complainers always claimed the land under the first entry. Complainers thus introduced the following Tax receipts for the land:

(Tax receipts not filed)

This was all the evidence for Complainers. Dependents then introduced a Patent from the U.S. to him, Dependents, for the 80 acre tract described in the bill; and the following tax receipts:

State of Illinois

McLean County, } Collector's office, March 1st 1856

Received of Thomas G. Forbes -
\$39,68, which is in full of the State, County,
School and Road Tax, for the year 1855, on his
personal property and the following described
real estate, to-wit:

No. Acres.	Description.	Sec.	Town.	Range.	Value.	Tax.
80.	N 1/2 N E.	7.	23.	5.	200.	212.
160	S W	11.	22	SE.	400.	400.
80	N 1/2 N W.	36.	24	"	240.	240
80	N 1/2 S W.	"	"	"	240.	240
85 92	Lot 2 N W.	2.	22	6E.	215.	215.
80	Lot 1 N E.	5.	22	6E.	200.	200
40	S W S E	30.	"	"	100.	108
320	S 1/2	25.	25.	"	640.	640
80	S 1/2 N E.	"	"	"	160.	160
40	N W N E.	"	"	"	80	80
160	S W.	28	"	"	320.	320
80	S 1/2 N W.	"	"	"	160.	160
80	S 1/2 N E.	31	"	"	160.	160
320	N 1/2	12	21	"	800	800
						39.68

J. J. Price, Coll.

State of Illinois

McLean County, } March 20th 1858.

Received of Thomas G. Forbes -
\$61,95, which is in full of the State, County,
and School Tax for the year 1857, on his

personal property, and the following described Real Estate, to-wit:

No. of Acres

Description. See Town, Range, Section

Description. See, Town, Range, Value, School Tax, State Tax, Total.									
160	SW.	11	22	SE	480	480			\$4.80
85 1/2	Lot 2, NW.	2	22	6"	215	215			2.15
40	SW SE.	30	"	"	100	100			1.00
320	S 1/2	25	25	"	800	12.00	2.80		8.00
80	S 1/2 NE	"	"	"	200	300	200		5.00
40	NW NE.	"	"	"	100	150	100		2.50
160	SW	28	"	"	400	700	400		11.00
80	S 1/2 NW	"	"	"	200	350	200		5.50
320	N 1/2	12	21	"	800		800		8.00
									\$161.95

J. H. Moore, Clerk

By George Parke.

County Treasurer's Office

McLean county, Illinois } Bloomington, May 10th, 1859.

Received of Thomas G. Forbes by David Davis \$18.90 in full for State, county, ^{Town} School, Road and Bridge Tax, for the year 1858, on the following described Real Estate, to-wit:

Description.	Sec.	Town	Range	Acres	Value	S. Tax	Co. Tax	Town Tax	School Tax	R. & B.	Total Tax.
SW 1/4	11	22	SE	160	480	3.22	1.10	24		48	\$ 5.04
Lot 2, NW 1/4	2	22	6E	85 1/2	215	1.44	.49	9	150		3.25
" 1. NE 1/4	5	22	6E	80	200	1.34	.46	8			1.88
SW 1/4 SE 1/4	30	"	"	40	100	.67	.23	4			.94
N 1/2 of	12	21	"	320	800	5.36	1.84	32			7.52

W. Thomas, Treasurer & Collector

County Treasurer's Office,
McLean County

Bloomington March 16th. 1860

Received of Thomas G. Jones \$24.⁸⁸/₁₀₀
in full for State, County, Town, School, Road and
Bridge Tax, for the year 1859, on the following
described Real Estate, to wit:

Description	Sec.	Town	Range	Acres	Value	S. Tax	Co. Tax	T. Tax	Sch. I.	R. & R.	Total.
SW 1/4	11	22	5 E.	160	5,214	3,64	125	38		96	\$ 6.23
Lot 2. NW 1/4	2	22	6 E.	86 ⁶⁰ / ₁₀₀	114	145	49	19		80	2.93
" 1. NE 1/4	5	"	" "	80	2,40	266	55	22		80	3.18
SW SE	30	"	" "	110	1,00	67	23	9		40	1.94
SE 1/2 of	12	21	" "	320	800	354	184	72		320	14.12
M. Thomas											\$ 24.85

Treasurer and Collector.

State of Illinois

March 13th. 1859

McLean County } Received of Thomas G. Jones \$18.00
which is in full of the State, County and School
Tax for the year 1854 on his person Property, and
the following described Real Estate, to wit:

No. of Acres.	Description	Sec.	Town	Range	Value	S. Tax	Co. Tax	T. Tax	Sch. I.	R. & R.	Total.
160	SW 1/4	11	22	5 E	\$400					4.00	\$ 4.00
85 ⁹² / ₁₀₀	Lot 2. NW 1/4	2	"	6 "	215					2.15	2.15
80	" 1 NE 1/4	5	"	6 "	200					2.00	2.00
40	SW SE 1/4	30	"	" "	100					1.00	1.00
3,20	SE 1/2	25	25	" "	640	640	640	640		12.60	12.60
80	SE 1/2 NE 1/4	"	"	" "	160	1.60	1.60	1.60		3.20	3.20
40	NW 1/4 NE 1/4	"	"	" "	80	80	80	80		1.60	1.60
160	NW 1/4	28	"	" "	320	288	320	320		6.08	6.08
80	SE 1/2 NW 1/4	"	"	" "	160	1.64	1.60	1.60		3.04	3.04
80	SE 1/2 SE 1/4	31	"	" "	160	1.44	1.60	1.60		3.04	3.04
320	SE 1/2	12	21	" "	8.00					8.00	8.00

J. H. Moore, Coll. By Geo. Parker

\$14 6.91
per cent. 1.09
\$148.00

This was all the evidence. And now the Court being fully advised, finds: That the Complainant is in Equity the owner of the Land claimed in the Bill, and that Defendant holds the legal title to said Land, in Trust for Complainant and that Defendant when he acquired said legal title had full notice of the rights Complainant. It is therefore considered and decreed by the Court that the Defendant do within Fifty days from this date convey by Quit-claims deed the Land described in the bill, to the Complainant; and in case the Defendant does not so convey said Land as above, that at the end of said Fifty days, the Master in Chancery of this Court do in the name of the Defendant, execute, sign, Seal and deliver to Complainant a deed to the Land in the bill claimed, conveying to the Complainant all the rights, title and interest of the Defendant in and to said Land. And that for the same the Master be allowed a fee of Five dollars, to be taxed as part of the costs of this cause; and that the Complainant pay all the costs of this cause, for which let execution issue.

State of Illinois,
 McLean County } I, Edward R. Rue, Clerk
 of the Circuit Court in and for said County do
 hereby certify that the foregoing is a true
 copy and complete Transcription of the Records
 and files of my Office pertaining to a cer-
 tain cause, wherein Moses J. Hall is Com-
 plainant, and Thomas C. Forbes is Defendant.

In Witness whereof I have hereunto
 Set my hand and the Seal of said
 Court, this fourth day March,
 A.D. 1864



E. R. Rue, Clerk

Now comes the Saide Thom
as to Forbes plaintiff in Error
by Glover Cook Campbell his
attys and says that in the
Record of proceedings afore
saide there is manifest error
in this to wit

The Court erred in making
the Decree afore saide, in
manner of form aforesaid

Glover Cook Campbell
for Plffs in Error

State of Minn's
Supreme court

3d Grand Division

Attorn April Term 1864

James C. Rockey

vs

Mrs R Hall

Error W. & M. Hall
County

And now comes the said
Defendant in error, by his counsel
and deputed etc, and says that
there is no error in the record
and that the ~~record~~ should
be in all things affirmed

R. E. Williams & A. B.

Pres

Counsel for Defendant in error,

we submit the case for ~~defect~~ in
error on. Briefly reviewed brief
and ask a decision, and affirmance

R. E. Williams &

A. B. Pres for ~~defect~~

154

104

Thomas to Rorhey
by

Moses O. Hall

Domela in error
but rubinism

Hills May 23^d 1864
L. Island
Ch.

R. G. Williams &
S. B. Pres

Chicago April 5. 1864

Let the writ of error to be issued hereon be made a Super-
cedens upon the p[er]f in error giving bond in the usual
form in the penal sum of One thousand dollars with
Henry S. Forbes as surety conditioned according to law

L. O. Prekenth

Associate Justice of Sup Court

1864
Thomas C. Forbes

vs

Moses D. Haver

Record

Abstract &
Points made
Dec 17/64

Filed April 18. 1864
L. Deland
Clerk