

14337

No. _____

Supreme Court of Illinois

McDowell

vs.

Morgan.

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division.

No. 189

4337

McDowell

vs

Morgan

1862

Supreme



United States of America
 State of Illinois
 Livingston County

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 \$

Plea before the Honorable
 Charles R. Star Judge of the 20th Judicial Circuit
 of the State of Illinois begun and held at the Court
 House in the Town of Pontiac in said County on
 Monday the 20th day of September A.D. 1858

Present Hon. Charles R. Star Judge of 20th Judicial Circuit
 Simeon De Witt State Attorney
 James M. Reynolds Sheriff of said
 County
 Peter Jerome W. Gray Collector of said
 County

Be It remembered that on the 21st day of September
 A.D. 1858 it being one of the regular days of the
 September term of the Livingston Circuit Court for
 the year last aforesaid - Certain proceedings were
 had and Entered of Record in said Court in words
 and figures following to-wit:

"Thomas L. Mc Dowell

v

"Richard P. Morgan & Etal

"Adjournment

"This day came the Plaintiff
 on his motion It is ordered by the

"by

" 20 Defendants answered to his said
 " Bill by the 1st day of January next and it is ordered
 " by the Court that this cause be continued until next term
 " in course

And afterwards to wit on the 22^d day of March AD 1859
 it being also one of the regular days of the March Term
 AD 1859 of the Livingston County Circuit Court the said
 Court having been duly organized when the following
 proceedings were had and Entered of Record in said
 Court

" Thomas L. Mc Dowell
 " 23 vs. " Bill for Enforcement
 " Richard P. Morgan Jr Etal) and relief

" On this day came the said
~~" Complaint by Wallace his Solicitor and J. H. H.~~
 " replication to the Separate answers of the Defendants
 " Richard P. Morgan Jr and Perry H. Fell and thereupon
 " came the said Defendants Agnes Mc Elduff George A
 " Keaton and David Riling by J. Whitmore their solicitor
 " and enters their appearance herein and waives service
 " of Process herein and thereupon on motion of
 " Complainant's Solicitor, said Defendants Mc Elduff
 " Keaton and Riling are ruled by the Court to file their
 " answers herein in due time and the said Defenda-
 " nts Mc Elduff Keaton and Riling failing to file
 " their answers herein and being three times

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" ~~Term~~ Solemnly called came not but made default
 " thereupon it is decreed by the court that the said
 " Complainant Bill of Complaint ~~bill of complaint~~
 " herein be taken pro confesso, as to said Defendants
 " Mc Alduff Heaton and Riling for want of an
 " answer

And afterwards to wit on the 23rd day of March
 AD 1859 it being also one of the regular days of the
 March Term of of the Livingston County Circuit
 Court the following proceedings were had and
 entered of Record in said Court to wit

" 23 } Thomas L. Mc Donnell
 vs } Conjunction
 " Richard P. Morgan & Etal }

" Now again on this day
 " comes the Parties by their counsel and the respondents
 " by their counsel moves the court to dissolve the
 " Conjunction which motion having been heard
 " by the court is denied Thereupon the respondents
 " by their counsel made a motion for a continuance
 " of this cause with leave to take Depositions which
 " motion being heard by the court is granted Thereup-
 " on the Respondents by their counsel made a motion
 " for leave to take the deposition of Perry H. Fell
 " one of the defendants herein

"State of Illinois }
 "Livingston County } "By virtue of the authority in
 "me vested by the laws of the State of Illinois I Charles
 "B. Star Judge of the 20th Judicial Circuit do hereby order
 "and appoint a special term of the Circuit Court to be
 "held in and for the County of Livingston in said
 "State at the Court House in the Town of Pontiac in
 "said County on Tuesday the Eighteenth day of
 "October next for the trial of all civil and Criminal
 "causes that may be pending in said Court, and for
 "the transaction of such other business as may be presen-
 "ted to said Court at its said Special Session
 "In testimony whereof I have hereunto set my
 "hand this 24th day of September AD 1859

Charles B. Star

Judge of the 20th Judicial Circuit of the State of Illinois

"State of Illinois }
 "Livingston County } ^{ss} "I William T. Russell Sheriff
 "of said County by virtue of an order of the Clerk of
 "the Circuit Court have posted up five notices of
 "the time of holding the Special October term of the
 "Circuit Court in said County as required by the
 "Statute in such case made and provided
 "Given under my hand this tenth day of October
 "AD 1859

William T. Russell

Sheriff of Livingston County
 "per C. R. Hoopes Deputy

And afterwards to wit on the 22^d day of October
A.D. 1859 it being one of the regular days of the October
Special Term of the Livingston County Circuit Court
the said court being then duly organized and sitting
in open court for the transaction of judicial business
the following proceedings were had and entered of
Record by said court to wit

"23"	"Thomas L. Mc Dowell vs Richard P. Morgan & Etal	}	"Bill for Injunction On motion of complainant Counsel it is ordered by the court that the clerk open and file all depositions pertaining hereto
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And afterwards to wit on the 25th day of October A.D.
1859 it being also one of the regular days of the October
Special Term of the Livingston County Circuit Court
The following proceedings were had and entered
of Record in said Court to wit

"23"	"Thomas L. Mc Dowell vs Richard P. Morgan & Etal	}	"Injunction Now again on this day came the parties by their counsel and complainant by his counsel moves the court to continue which motion being heard by the court is granted at said
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"Complainant's Costs

And afterwards to wit on the 18th day of September AD 1840 it being one of the regular days of the September term of the Livingston County Circuit Court the said Court being then duly Organized and sitting in Open Court for the transaction of judicial business the following proceedings were had and entered of Record by said Court to wit

"In the matter of
"Thomas L. McDowell
"do
"Richard P. Morgan for

} "Bill for Injunction

"This day came the Complainant

"Thomas L. McDowell by Wallace his solicitor and
"Moore the Court here to suppress from the Testimony
"to be read upon the hearing of this cause the deposition
"of Bersey H. Fell

And afterwards to wit on the 26th day of September AD 1840 it being also one of the regular days of the September term of the Livingston County Circuit Court the following proceedings were had and entered of Record by said Court to wit

"In the matter of
"Thomas L. McDowell
"do
"Richard P. Morgan for

} "Bill for Injunction

"This day came the parties Complainant and
 "Respondent by their respective Solicitors and in
 "accordance with their agreement made in the
 "hearing of the Court. It is ordered by the Court that
 "this cause be passed until Thursday Morning
 "of next week being the fourth day of October A.D.
 "1860

And afterwards to wit on the 3^d day of
 October A.D. 1860 it being also one of the regular
 day of the September term of the Livingston County
 Circuit Court the following proceedings were
 had and entered of Record by said Court to wit

"On the matter of
 "Thomas L. McDaniel

"23

"vs

"Richard P. Morgan Jr

"Bill for Enforcement

"This day came the Parties
 "by their Solicitors and the said Respondent moves the
 "Court for to continue this cause and upon hearing
 "the said motion it is ordered by the Court that this
 "Cause be continued to the next term of this Court

And afterwards to wit on this 20th day of March
 A.D. 1861 it being one of the regular days of the March
 Term of the Livingston County Circuit Court the
 said Court being then duly organized and sitting in
 open Court for the transaction of judicial Business

The following proceedings were had and entered of Record by said Court to wit

23

In the matter of
"Thomas L. Mc Dowell
"Richard P. Morgan for
"and Others

Injunctive

This day came the said ^{Parties} Com-
plainant and Defendant by their respective Solicitors
"and moves the Court that this cause be set for trial on
"Thursday of next week It is thereupon ordered by the
"Court that this cause be set for trial on Thursday of
"next week being the twenty Eighth day of March
"A.D. 1861

And afterwards to wit on the 2 day of April A.D.
1861 it being also one of the regular days of the March
term of the Livingston County Circuit Court the following
proceedings were had and entered of Record by said
Court to wit

23

In the matter of
"Thomas L. Mc Dowell
"Richard P. Morgan for
"and Others

Injunctive

And now on this day came

"As well the Complainant by W. H. S. Wallace his
 "Attorney as the defendants by J. H. Wickizer their
 "Attorney Whereupon it is ordered by the Court that
 "the Complainant's Motion made herein at a former
 "day of this court to suppress the Deposition of Perry
 "H. Hill and also the motion to suppress the Deposition
 "of Campbell a part of the Deposition of Babcock
 "Gordon and Dunlap be disposed of on hearing

And here to give to wit on the 17th day of March A.D.
 1858 came the said Complainant by W. H. S. Wallace
 his attorney and files his Bill for objection
 herein and is in words and figures following
 to wit:

"To the Hon. Charles P. Starn Judge of the Circuit
 "Court of Livingston County in the State of Illinois
 "in Chancery Sitting

"Humbly Complainant sheweth
 "Unto your Honor your Obedt Thomas and the Board of
 "Said County of Livingston that on or about the
 "same day of January A.D. 1853 your Obedt by his
 "agent applied to the Register and Receiver of the
 "United States Land Office at Greenville in said State
 "of Illinois to be permitted to enter and purchase
 "from the United States Government the West Quarter
 "and half of Section number eighteen (18) and the
 "South East quarter of said section eighteen (18)

" And the west half of the North East quarter of
 " said Section eighteen (18) - said Section being in
 " Township number thirty (30) North of Range number
 " seven (7) east in the district of Lands then subject
 " to sale at said Hannville also the west East quarter
 " of Section number thirteen (13) in Township number
 " thirty (30) North of Range number six (6) east in
 " the same district of Lands aforesaid - And your
 " Orator avers that said lands then belonged to the
 " United States government and were then subject
 " to private entry at said Land office at Hannville
 " with land warrants or cash at the price of one dollar
 " and twenty five cents per acre - And the said appli-
 " cation of your Orator to enter or purchase said lands
 " was made in every respect in accordance with the
 " regulations of the Land department of said United
 " States Government, and was in writing, but the
 " same was then delivered to the register of said Land
 " office, and is not now in the power of your Orator
 " to produce or make an exhibit
 " And your Orator further shews unto your Honor
 " that at the time he so applied to enter or purchase said
 " Lands by his agent as aforesaid the register or receiver of
 " said Land office stated to your Orator said your that
 " one Henry K. Fell had applied to enter or purchase
 " said Lands with a large amount of other lands, but
 " that said Fell was not then present and had not
 " deposited or left with said Land office money

"or Land Warrants to complete said purchase.
"but that the said land officer has given the said
"Field thirty days within which to furnish the
"money or Land warrants and complete the
"purchase, and thereupon your Orator by his said
"agent insisted upon his right to purchase said
"lands in as much as he was then then ready with
"his money and Land Warrants to complete the
"purchase and make full payment for said Land.
"And after some little hesitation the said Land
"officer acceded to your Orator's request, and
"permitted your Orator by his said agent to enter
"or purchase said lands from the Government of
"the United States - and thereupon your Orator by his
"said agent located Military Land Warrant No 1460 since
"under the act of Congress of the 28th September 1850
"upon the said North East quarter of Section number
"thirteen (13) in Township number thirty (30) North
"of Range number six (6) of said and succeeded
"said Land warrant to said Land officer in
"behalf of the said Government of the United
"States and thereupon one D. Colapp" who was then
"and then Register of said Land official at Knoxville,
"executed and delivered to your Orator a certificate
"of said Location, in the words and figures following

"viz."

"Military Bounty Land act of 28th September 1850
"Register office

"Military Land Warrant No 3482 in the name of
"Frederick Winright has this day been located by
"Thomas L. McDowell upon the South East quarter of
"Section 18 in Township 30 N. of Range 7 East
"subject to any pre-emption claim which may be
"filed for said land within forty days from this date
"Contents of tract located } "D. Clapp
"160 acres } "Register.

"And your orator also then and there by his said agent
"located military land warrant No 24,536 issued under
"said act upon the West fractional half, and the west
"half of the North East quarter of said section
"eighteen (18) containing in all one hundred and
"seventy one and $\frac{57}{100}$ acres - and said last mentioned
"land warrant being for only one hundred and sixty
"acres, your orator by his agent then and there paid
"to the receiver of said land office the sum of fourteen
"dollars and eighty four cents, being the amount of
"the excess of said last mentioned tracts over
"one hundred and sixty acres being $\frac{1157}{100}$ acres at
"one dollar and twenty five cents per acre and
"thereupon the said D. Clapp as such Register
"as aforesaid then and there executed and delivered
"to your orator a certificate of such location
"which said certificate was in the words
"and figures following to wit -

"Military Bounty Land act of 28th September 1850

"Register's office

"Hawaii 24th 1853

"Military Land Warrant No 20,536 in the name of
 "Waac Langley has this day been located by Thomas
 "C. McDowell upon the N. H. Co. & the N. H. A & fl
 "quarter of Section 18 in Township 30 N. of Range 7
 "East subject to any preemption claim which may
 "be filed for said land within forty days from this
 "date

"Contents of tract located }
 "171 $\frac{57}{100}$ acres }

"H. Clapp
 "Register

"And your orator is ready to produce the ~~certificates~~
 "originals of said general certificates of location
 "above set out, and prove the same as this Honorable
 "shall direct-

"Your orator further shews unto your Honor that said
 "lands were all vacant unimproved and unoccupied
 "at the date of said certificates, and remained
 "vacant unimproved and unoccupied for more
 "than forty days after the date of said certificates of
 "location - and that no preemption claim for any
 "of said lands was ever filed -

"Your orator further shews unto your Honor that
 "afterwards on or about the 14th day of September A.D.
 "1853 he enclosed said certificates of location with
 "other certificates for other lands, in a letter directed

to the Commissioner of the general Land office at
Washington City, and requested patents for the lands
mentioned in the certificates to be sent to your orator.
And afterwards on or about the 20th day of September
1853 your orator received from the Commissioner of the
General Land office aforesaid, a letter acknowledging
the receipt of said certificates and stating that
patents for the lands therein mentioned would be
issued in due time if no valid objections thereto
existed - which said letter your orator now has ready
to produce and prove as this court may direct.

Your orator further sheweth unto your Honor that
afterwards some time in the month of December
A.D. 1853 he took possession of said lands and
commenced making improvements thereon built
a house and fenced a part thereof, and on or about
the 31st day of January A.D. 1857 your orator sold
and conveyed by warranty deed of that date to one
Agnes McEluff a part of said lands in said
Section Eighteen (18) viz - One hundred and sixty
acres off of the north end of the west fractional half
and the west half of the North East quarter of the
South East quarter of said section eighteen (18)
bounded as follows - Commencing at a point on the
North line of said Section Eighty (80) rods from
the North East corner of said section, thence west
30 chains + 16 links to the North West corner of
said section, thence South 47 Chains and 31 links

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a Thence East 140 chains & 4 links thence North 7
 chains & 31 links along the East line of said section
 to the south East corner of the North East quarter of
 said section, thence West 80 Rods - thence ~~East~~ North
 160 Rods to the place of beginning - and the said
 Agnes McDuff ever since has been and still is
 in the actual possession of said Land so sold and
 conveyed to her by your orator said land has been
 bargained in March 1854 but the conveyance therefor
 was not made until the 31st of January as aforesaid
 And your orator further avers that on or about
 the eleventh day of August A.D. 1855 he ^{conveyed} sold and
 by a warrant deed of that date to one George A
 Heaton another portion of said Land in said section
 eighteen (18) being one hundred acres in said section
 lying immediately south of the One hundred and
 sixty acres so sold and conveyed by your orator to
 the said Agnes McDuff as aforesaid - and said
 Heaton has ever since been in the actual possession
 thereof - and your orator further avers that on
 the said Eleventh day of August A.D. 1855 your
 orator sold and conveyed by warrant deed of that
 date to one Isaac Baker Seventy one and a half
 acres off from the South end of said section
 eighteen (18) - and that said Isaac Baker
 afterwards sold and conveyed the same and
 by one or more mean conveyances from said
 Isaac Baker the title to said last mentioned

"tract so conveyed by your crator to the said Deeds
"Baker has become vested in one David Piling,
"and ^{said} Piling is now in the actual possession of
"said Piling - said several deeds of conveyance are
"not now in your crator's power or custody to
"produce or ~~either the originals of said deeds or~~
"certified copies thereof from the same make
"Exhibits but he will produce either the originals
"of said deeds or certified copies thereof from the
"record as this Honorable Court may direct -
"And when so produced your crator prays that the
"same may be taken and included as part of
"this your crator's bill - said Deeds so executed
"by your crator were full covenant Warrant deeds
"and were executed and delivered by your crator
"in good faith, your crator supposing he then held
"the legal title to the lands thereby conveyed -
"Your crator further shews unto your Honor that
"some time in the month of February, A.D. 1856
"your crator was notified for the first time that
"said Perry K. Bell had been permitted by
"the Land officers at Newcastle to apply to
"purchase said lands so vested by your crator
"as aforesaid - and that was on about the twenty
"fifth day of January, A.D. 1853 & soon there
"after your crator had purchased said
"lands as aforesaid, the said Land officers at
"Newcastle without giving any notice whatsoever

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your order, had cancelled and set aside the entries
so made by your order as aforesaid on the 4th
day of January A.D. 1853 and had permitted the
said Fell to enter said Lands and had issued
Certificates of Location therefor to said Fell for
all of said Lands except the West half of the
North East quarter of said Section Thirtieth (15)
And thereupon the said Fell as your order is
advised and believes, sent or said Certificates
of Location so issued to him to the office of
the Commissioner of the General Land office
at Washington City, and claimed patents for
the lands therein mentioned - and your order
further shows that he is advised and believes
that afterwards some time about the 22nd day
of November A.D. 1856 the said Commissioner of
the General Land office, without giving notice
to your order, and without giving your order an
opportunity to adduce proofs, and acting upon
ex parte affidavits and proofs, decided that
said Fell was entitled to patents for said
Lands mentioned in said Certificates, and
ordered said Certificates forwarded to him by
your order as aforesaid to be cancelled ~~to~~
~~cancel~~ and caused the word "Cancelled" to be
written across the face of your order Certificates
without the knowledge or consent of your
order - and your order avers that his said

"Certificates of location were never submitted by
"him to said Commissioner of the general land office
"for his adjudication thereon - and were sent to him
"for no other purpose than to receive patents for the
"lands therein mentioned -
"Your crator further shows that he is not fully
"advised as to whether the said Fell assigned his
"said certificates before the patents issued thereon
"as hereinafter stated, or whether the patents
"issued to said Fell and then he conveyed the lands
"to Richard P. Morgan Jr but he charges the fact
"to be either that said Fell assigned his said
"certificates to said Richard P. Morgan Jr and
"the patents for the lands therein described were
"issued by the United States directly to said
"Morgan, or else that the said patents issued to
"the said Fell and then said Fell conveyed
"the lands mentioned in said certificates to said
"Morgan, but in either event, your crator charges
"the fact to be that the said Fell and the said
"Morgan acquire whatever legal title they or either
"of them did acquire to said lands with a full
"knowledge of your crator's rights in the premises - and
"they and each of them had notice of your crator's
"prior entry and purchase of said lands, at the time
"they and each of them acquired the legal title
"therein - your crator further shows unto you that
"that the said lands in the north east quarter

of said Section Thirteen (13) constitutes a part of
 a farm now and for a long time past occupied by
 your estate, and your estate is now in the
 actual exclusive possession thereof -
 Your estate further shews unto your Honor that
 the said Richard P. Morgan Jr was about the
 21st day of September A.D. 1857 filed his declaration
 in Ejectment in three several suits in the Circuit
 Court of said County of Swainston in which
 said lands all lie, against the said Agnes
 McEluff George A. Heaton and David Piling
 to recover the possession of the lands so sold and
 conveyed by your estate by warrant deed as aforesaid -
 said - said Morgan claims the same in fee
 that rules were taken by the said Morgan on
 said McEluff Heaton & Piling at the
 September term 1857 of said Court to plead to
 said declarations within twenty days from
 the entry of said rules - that said McEluff
 Heaton and Piling having each pleaded in
 said Ejectment suits & said cause now
 pending and undetermined on the common
 law side of this Court -
 Your estate further shews unto your Honor that
 said Richard P. Morgan Jr also threatens bring
 an action of Ejectment against your estate for the
 East half of the North East quarter of said section
 Thirteen (13) and your estate fears that unless the



"Said Morgan shall be restrained by an injunction
"out of this Honorable Court he will proceed to
"assert his legal title under said patents against
"the said McBluff Heaton and Riling and thus
"render your orator liable on his covenants of warranty
"on the deeds of conveyance so made by him as
"aforesaid, and that he the said Morgan will also
"attempt to set up and assert his said legal
"title against your orator for the said East half
"of the North East quarter of said section thirteen (13)
"your orator further sheweth unto your Honor
"that the said Richard P. Morgan Jr now holds
"the legal title to said lands in trust for your
"orator and his grantors and that it is inequi-
"table and unjust that he should assert or
"attempt to assert his said legal title in a
"Court of law as against your orator or his
"said grantors
"It was much therefore as your orator is remediless
"in the premises by the strict rules of the Common
"Law and can only have adequate relief in the
"premises in a Court of Chancery where matters
"of this sort are properly cognizable and relivable, to
"the end that your orator may have such relief,
"your orator prays that the said Henry K. Fell,
"Richard P. Morgan Jr, Agnes McBluff, George A.
"Heaton and David Riling may be made parties
"defendant to this your orator's bill of complaint

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that they and each of them may be summoned
to answer this your crators bill of complaint,
that they the said defendants be ^{each} required to
answer specifically this your crators bill of
complaint, but without oath, their oaths to their
answers being hereby expressly waived - and
that on the final hearing of this cause the said
^{Defendant} Richard P. Morgan may be required by a decree
of this court to convey the legal title to said Lands
to your crator and his said Granters - that this
Court may by its said decree declare that said
Richard P. Morgan Jr. holds said legal title in
trust for your crator and his said granters -
and that the said Kersey H. Fell and the said
Richard P. Morgan Jr. and all others claiming
or to claim said Lands or any part thereof by
through or under said Fell or Morgan, may
by said decree be perpetually enjoined from setting
up or asserting any claim to said Lands or
any part thereof, under said legal title as
against your crator or his Granters - and
that in the mean time, ^{you} Heres will order
and direct that the said Richard P. Morgan Jr.
shall be enjoined from further prosecuting
said actions of ejectment against the said
McBluff, Keston and Keling, and that the
said Richard P. Morgan Jr. his agents, attorneys and
servants be required by the order of this Court

1 wholly to desist from the further prosecution of
2 said ejectment suits until the further order
3 of this court and that the said Richard
4 Mc Morgan Jr be enjoined from setting up or
5 asserting said legal title as against you
6 your orator and the said M^c Elduff, Keaton
7 and Piling, until the further order of this
8 court - and that your Honor will grant
9 unto your orator such other and further relief
10 as to equity appertains and to your Honor
11 may seem meet &c -

12 W. H. L. Wallace
13 of counsel for complt

14 J. C. Mc Howell

15 State of Illinois }
16 Livingston County } ss

17 Thomas C. Mc Howell of said
18 County, being first duly sworn in oath deposes
19 that he is the complainant in the foregoing
20 bill - that he has read and heard the same read
21 and knows the contents thereof that the matters
22 and things in the said bill alleged, except
23 when the same are therein stated on information
24 and belief are true in substance and in
25 fact, and that all other matters in said bill
26 stated he verily believes to be true according
27 to the best of his knowledge information
28 and belief -

29 J. C. Mc Howell

23 "Subscribed and sworn to
" before me this 16th day
" of March A.D. 1858
" B. W. Gray Clerk
" Livingston County Ill

" Let an injunction issue as prayed for in
" Complaint filing a Bond conditioned
" according to law in the sum of \$2000 -
" with security to be approved by the Clerk
" Pentec March 17/58

" L. R. Starr
" Judge of the 20th Judicial Circuit "

" Filed March 17 A.D. 1858
" B. W. Gray Clerk

And also on this same day to wit March
17th A.D. 1858 comes the said complainant
and files his Bond which is in words and
figures following to wit

" Know all men by these presents that we
" Thomas L. McDowell as principal and Stephen
" Kyle as surety both of Livingston County ~~Ill~~
" State of Illinois are held and firmly bound
" unto Richard P. Morgan Jr in the penal sum
" of two thousand Dollars lawful money of the



United States to the payment of which sum
 Well and Truly to be Made, we ^{do} bind ourselves
 our heirs executors and administrators jointly,
 and severally, firmly by these presents - witnesses
 our hands and seals this 17th day of March
 A.D. 1858

"The condition of the above obligation
 is such that whereas the said Thomas Co.
 Mc Dowell has filed in the office ^{of the Clerk} of the circuit
 Court of said County his bill in chancery
 against the said Richard P. Morgan Jr.
 Henry McFell, Agnes McHuff, George A.
 Keaton and David Riling, praying among
 other things for an injunction against said
 Richard P. Morgan Jr. restraining him from
 further prosecuting his certain ejectment suits
 on the common law side of said Court against
 the said Agnes McHuff, George A. Keaton & David
 Riling and whereas the said injunction has at
 the present March term of said Court been
 allowed by the judge of said Court - notwithstanding
 if the said Thomas Co. Mc Dowell shall well
 and truly prosecute his said bill in chancery,
 and shall well and truly pay all such
 damages as shall be awarded against him
 on the dissolution of said injunction in case
 the same shall be dissolved then the above
 obligation shall be void otherwise to be

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"And remain of full force and virtue
"Approved by me this
"17th 1858

"Thos. M. Howell
"S. H. Kyle

"B. W. Gray
"Clerk"

"Filed Mar 17 1858

"B. W. Gray
"Clerk"

And afterwards to wit on the 20th day of
May 1858 the Peoples writ of Injunction
Issued out of said Court in words and
figures following to wit

"State of Illinois }
"Livingston County } ss
"Pro the Circuit Court then
"on the Chancery side
"The People of the State of Illinois

"to the Sheriff of said County Greeting;
"To Richard P. Morgan Jr and to all and
"singular your agents, Attorneys and servants
"Greeting;

"Whereas Thomas C. Mc Dowell complainant
"hath lately exhibited and filed his certain bill
"in chancery in our said Court against you
"the said Richard P. Morgan Jr defendant praying
"relief touching the matter therein mentioned and
"Whereas it appears by the said complainants bill of
"Complaint that you the said Richard P. Morgan Jr

"On or about the 21st day of September A.D. 1857.
"filed your declarations in Ejectment in three
"several suits in our said Court on the common
"Law side thereof against one Agnes McElduff
"one George A. Heaton and one David Riling to
"recover the possession of Lands conveyed by said
"Complainant by covenant of warranty, to said
"to said McElduff, said Heaton and said Riling,
"upon the said Morgan claiming the same wife
"and whereas an order of our said Court made
"in this case on the Seventeenth day of March
"A.D. 1858 it was ordered that under the seal of
"our said Court "An injunction should issue as
"providing for our Complainants filing a Bond
"conditioned according to Law in the sum of
"\$2000 with security to be approved by the Clerk
"which said bond has been duly filed by the
"Complainant and approved by one the Clerk
"of our said Court.

"Wherefore finally enjoined and
"Command you and every of you that you and
"immediately after your receipt or notice of this
"our writ by you or any of you had, you or
"any of you do not attempt to ^{seize upon} arrest your cattle
"now and to the East half of the north East quarter
"of section No Thirteen Township No thirty North of
"Range six East as against said Complainant
"and that you and every of you do not further

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"prosecute said suits of Ejectment against
"said McElduff said Keaton and said Riling
"And that you and every of you do not commence
"or further prosecute any action suit bill or plaint
"or enter any judgement or sue out any levy or
"execution in any of our courts against the said
"Mc Howell, the said McElduff the said Keaton and
"the said Riling touching any of the matters
"contained in his the said Complainant's bill
"of complaint, but that you and every of you
"do from hence forth wholly desist from commencing
"or further prosecuting any such actions suits
"bills or plaints and from entering any such
"judgements and suing out and levying any
"such executions until our said court shall
"have made further order in this case to the
"contrary, and hereof you are not to fail under
"the penalty of the Law. To the Sheriff of Livingston
"County, Illinois to execute



"In witness whereof I have hereunto
"set my hand and seal of office at
"Pontiac this May 20th 1858
"J. B. W. Gray Clerk"

And after words to wit on the 8th day of July
1858 the Sheriff of said County made the following
Endorsement on the back of said writ in
words and figures to wit

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" Service by leaving a true copy of this writ with
" the writ in named Richard P. Morgan this
" 8 day of July 1858

" Service by copy 1.00

" 20 miles 1.00

" Return 100

" Gas W. P. Smith ^{\$2.10}
~~Ed. Shuff.~~

And afterwards to wit the Clerk of said Court endorsed on
the back of said writ in words and figures
to wit

"Filed July 31st 1858

"B. W. Gray Clerk"

And afterwards to wit on this 31st day of December
A. D. 1858 came Richard P. Morgan Jr and filed his
Answer herein in words and figures to wit

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" The Separate Answer of Richard P. Morgan Jr to
" the Bill of Complaint of Tho^s Cook^r Davis
" against him Agnes M^{rs} Alduff, Mary A. Hester
" and David Rilling, Reserving & C. for answer
" to said Bill or to so much thereof as this Defendant
" is informed is necessary for him to answer
" Answering Says - That he admits that the
" Complaint by his great Alexander Campbell
" did apply to the Register of the ~~general~~ ^{General} Council
" said office on or about the 14th day of January

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"A.A. 1853 to be permitted to enter the said lands
"described in said Complainant's Bill of
"Complaint, But this Respondent is informed &
"believes that the complainant obtained his
"Certificate of entry of said lands by falsely
"representing to the Register (by his agent Alex.
"Campbell) that the first applicant for said
"lands had relinquished his right to enter said
"lands, to him, said Compt^{rs} agent. This
"Respondent avers ~~that~~ that he was present
"at the time the first applicant (W. K. Fell
"appeared before the Register of the Hannibal
"Land office and claimed the right to enter
"said lands and saw him actually enter the
"same and receive the Register & Receiver
"Certificate of entry therefor, which was given
"about the 25 day of January A.D. 1853,
"This Respondent further says that while present
"at the land office he heard the Register of
"said office recite to said first applicant the
"Conditions upon which he consented to give
"Certificates of entry of said lands to said
"Compt^{rs} agent. And the conditions were as
"follows. The said Campbell represented to the
"said Register that the first applicant had
"relinquished his right to enter said land to
"him. But as it was out of his (said Campbell's)
"direct route to said office to pass through

Bloomington the residence of R. H. Fell the
said first applicant he had failed to get said
Relinquishment in Writing, And that upon
said representations above, but not that said
Fell had in any manner forfeited his right
under his application to enter said lands said
Register issued certificates of entry of said
lands to said Campbell and recd his
Warrants & Money on deposit for the same;
with the express understanding & agreement
by & between the said Register & said Campbell
that if the said first applicant should claim
his right to enter said lands under his appli-
cation his right to do so should in no manner
be compromised or infringed upon by the issuing
of said certificates to the said Campbell, and
that it was then agreed & further understood
by & between said Campbell & said Register
that in the event of said first applicant
claiming the right as aforesaid to enter the said
lands when the office should open for entries
that then the said Campbell would return to
said Register the certificates of entry & receive
his said Warrants & Money so deposited with
said Register, This Respondent avers that
the statement made in the complete Bill,
that the said R. H. Fell had not left with
said Land office Money & Warrants to

"Complete the entries of said lands under
 "his application, and that the said Lands
 "officers had given him any advantage in
 "time for completing his entries other than
 "he properly acquired by his application is not
 "strictly true. This Resp^{at} knows of his own
 "Knowledge that said Fell had deposited
 "Lands warrants and money with H. Clapp
 "who was then Register of said Land office,
 "for the purpose of completing the entries of
 "said lands described in the Compl^{ts} Bill -
 "This Respondent further knows of his own
 "Knowledge that an actual survey of all of
 "the lands described in the Compl^{ts} Bill
 "of complaint was made by said Fell with
 "a view to entering the same - This Resp^{at}
 "further says that he admits the allegations in
 "Compl^{ts} Bill that the said lands at the date
 "of his said Compl^{ts} application to enter the
 "same were unoccupied + vacant But denies
 "the further statement that they remained
 "vacant + unoccupied for more than forty days
 "after the date of the said 11th of January A.D.
 "1853. As this Resp^{at} knows of his own
 "Knowledge (being present) that the first
 "applicant H. H. Fell did actually enter
 "the said lands in dispute on a portion of
 "them on the 25th day of January A.D. 1853.

"The defendant further answering says, that
 "he is advised that the statement in the Compl^{ts}
 "Bill that he took possession of said lands some
 "time in December AD 1853 & built a house
 "therein is not strictly true, & he insists upon
 "the Compl^t being held to strict proof - This
 "Respondent admits that from time to time
 "said Compl^t made conveyances of some
 "lands to various parties as set forth in his
 "said Bill But denies utterly the truth
 "of the statement that he supposed he the said
 "Complainant held at the date of said convey-
 "ances "the legal title to the lands therein
 "conveyed; This Resp^d further says that
 "the Compl^t statement in said Bill that he
 "was notified in the month of Feb AD 1856
 "for the first time that Perry Ho. Fell had
 "been permitted by the land officers at Danville
 "to apply to purchase said lands is not true
 "in fact; that this respondent is informed
 "and verily believes that notice was given to
 "the said Compl^t or his agent very soon after
 "the 25th day of January AD 1853, that said
 "Fell had on the said 25th day of Jan-
 "actually entered the said lands and claimed
 "the title thereto. This Resp^d admits that
 "it is true as stated in Compl^t Bill that said
 "Fell sent on his certificates of location

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"of said lands to the Genl. Land Office
"at Washington and received the Patents therefor
"But this Resp^d is not advised as to the
"action of the Commissioner of the Genl Land
"Office as set forth in Compl^t Bill as to
"Cancelling said Compl^t Certificates of
"entry so complained of but submits whether
"the facts as herein described do not show
"just & sufficient reasons for the Cancellation
"of Compl^t said Certificates. This Respon-
"dent further answering says that he
"denies the charge in said complaints
"Bill that R. H. Fell either assigned his
"said Certificates of entry to said Rich^d P.
"Morgan (this Respon^d) and that said Morgan
" (Respon^d) received the Patent therefor, or else
"that said Patents issued to said Fell and
"then said Fell conveyed the lands mentioned
"in said Certificates to said Morgan. But
"changes the fact to be That said Fell conveyed
"the said lands by deed to the said Morgan or
"or about the 1st day of March A. D. 1853. —
" This Respon^d admits that at the time of
"receiving the deed of conveyance from said Fell
"that he was aware as herein before set forth of
"the Compl^t having rec^d Certificates of
"entry from Register of the Land Office.
" This Respon^d further says that he admits

the charge in Compl^t Bill that he had
"Commenced actions in ejectment as set forth
"in Compl^t Bill to recover Possession of said
"Says This Respondent admits, that he
"holds the legal title to said lands as charged
"in Compl^t Bill ~~But denies~~ but denies
"that he holds them in Trust for the benefit
"of the Compl^t or his grantee - This
"Respondent further answering says that
"he neither admits or denies the several other
"Statements and Allegations set forth in said
"Complainant's Bill of Complaint But
"insists on the proof thereof -

"And now having fully answered all of
"the Allegations and Averments in Complainant's
"Bill of Complaint that he is advised is
"Material for him to answer This Respondent
"Prays that the Injunction issued on the
"Complainant's Bill of Complaint be dissolved
"and this defendant be discharged with his
"reasonable costs And as in duty bound this
"Respondent will ever Pray &c

"Rich^d P. Morgan Jr

"And the said Respondent further answering says
"and submits to this Hon^{ble} Court that the fact in
"said bill alleged as therein alleged do not
"entitle said complainant to the relief prayed

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"for in that behalf and this respondents claims
"the same Benefit of this Allegation as if he had
"for this cause demand to said bill of Complaint,
"Or otherwise insisted upon the benefit thereof
"Wichizen "Rich^d. P. Morgan Jr "

On the back of the above answer is endorsed
"Filed Dec 31st A.D. 1858
"B. W. Gray Clerk"

And also to wit on this same day to wit on
the 31st day of December A.D. 1858 came Perry
H. Fell and filed his answer herein in words
and figures to wit

"The separate answer of P. H. Fell to the
"Bill of Complaint of Tho^s L. M^r Howell against
"him against M^r Alduff Geo A Heaton and David
"Willing Reserving &c for answer to said
"Bill, or ^{to} so much thereof, as this defendant
"is informed is necessary for him to answer.
"Answering says: That he admits that the
"Compl^t by his agent Alexander Campbell did
"apply to the Register of the Newcastle
"Land office on or about the 4th day of January
"1853 to be permitted to enter the said lands
"described in said Compl^t Bill of Complaint
"But this defendant charges the Trust to be

"that he had before that time to wit on or about
 "the 20th day of October A^D 1852 made a written
 "application to the said Register to be permitted to
 "enter the said lands together with others. That
 "upon making said application (which was
 "done in good faith & with the intention of com-
 "pleting the entries) he was informed by the
 "Register that no entries could be made before
 "about the 1st day of February A^D 1853. That in
 "consequence of the business of the Office being
 "behind it became necessary to close the office
 "until that time to enable them to make out their
 "full reports to the Department at Washington
 "He was at the same time advised by the said
 "Register that they were receiving written appli-
 "cations by parties wishing to make entries which
 "by a rule they had adopted would entitle the
 "Applicants upon the Reopening of the Land
 "Office to make their entries in consecutive
 "order according with the date of their appli-
 "cations the first applicant by being present at the
 "opening of the office was allowed a reasonable
 "time to make his application good by entries,
 "at the same time this Respondent was prepared
 "with money and warrants to make entries of
 "the lands included in said complainant's
 "Bill, but was advised by the said Register
 "that they had dispensed with the necessity

of depositing the same upon Applications Made
by responsible parties in good faith, as they had
found it troublesome in practice and did not
like to assume the risk attendant upon such
deposits. This Defendant is well aware
that some time previous to his making applica-
tion as aforesaid the regulations of said Land
office require all applications to be accompanied
with a sufficient amount of Money and
Land Warrants to make good said applications;
But that the Register of his own accord and
not to favor this Respondent (as is insinuated
in said Compt^l Bill) dispensed with this
rule and receive applications as aforesaid
without being accompanied by money & Warrants
recognizing them as good according to their date
This Respondent avers that this was the general
rule at the time of his application and that
he was not an exception. This Respondent
further avers that it is not true as stated in
Compt^l Bill of Compt^l that he "had not
departed or left with said Land office's money
or Land Warrants to complete said purchase"
That he had at the time in the hands of D. Slapp
who was the Register at that very time a
considerable amount of Money & Warrants with
which to make good said applications,
This Respondent further says that once about

On the 20th day of January 1853 he received notice
from said Register that the Office would open
and be ready to make entries by the 25th day of Jan^y
1853 that thereupon he went to said Office & on
the 25th day of Jan^y was ready with money and
warrants to make good his application for said
lands. The Register then advised this Respon-
dent that one Alex Campbell, (the Agent of
the Complainant) had on or about the 4th day
of Jan^y AD 1853 represented to him the said
Register that this Respondent had relinquished
to him the right which he had acquired by virtue
of his said application to enter the West half
of the ~~N E q~~ Section Eighteen, the West half
of the N E q of section 18 and the West half
of the S E q of Section 18 all in Township thirty,
north of Range Seven east of the 3^d P M - also
the East half of the N E q of Section 13 in
Township thirty, north Range six East of the 3^d
P M - Being part of the lands embraced in
Complainant's Bill - This Respondent was
further advised by said Register that upon the
Representative's assurance of said Campbell
he issued Certificates of entry of the lands aforesaid
& delivered them to the Agent of the Compl^t & rec^d
the money and warrants of the said Complainant
on deposit (without making an actual entry of
said lands upon the Records of said office)

" But with the express understanding & agreement
 " with the said Campbell that if this Resp^{ant}
 " should claim his right to enter the said Lands
 " under his application his right to do so should
 " in no wise be compromised or infringed upon
 " by the issuing of the said Certificates to the said
 " Complainant's agent and that it was then
 " agreed & understood by & between the said Camp-
 " bell & the said Register that in event of this
 " Resp^{ant} (claiming the right (as aforesaid) to
 " enter the said lands that then the said Camp-
 " bell would return the said Register the Cer-
 " tificates of entry & receive his said Warrants
 " & Money so deposited with said Register.
 " This Respondent avers that he never did
 " relinquish his right to enter said lands to
 " said Campbell or to any person for him.
 " But that he was at all times from the date
 " of his said application, ready with warrants
 " & Money to make good his said application
 " and only awaited the notice of said Register
 " that he was prepared & ready to make the
 " Entries, & that on receiving notice as aforesaid
 " he immediately appeared before said
 " Register & claimed the right to enter said
 " lands and did actually enter said lands
 " & received the Register & Receiver's Certificates
 " of entry therefor. This Respondent neither

Admits or deny the statements made in
 Complainant's Bill that he took possession of
 said premises as therein set forth or of the convey-
 ances therein set forth as he is not advised in
 the premises. But this Respondent is informed
 & verily believes that all said conveyances so
 set forth in said Bill were made after notice
 given to said Register that this Respondent
 had claimed the said lands and had entered
 the same and that the said notice was imme-
 diately given to the Complainant after the
 entry was so made by this Respondent.

This Respondent further says that he neither
 admits or denies the several other statements
 and allegations set forth in said Complainant's
 Bill of Complaint. But insists on the proof
 thereof. And now having fully answered all
 of the allegations & averments in Complainant's
 Bill that he is advised is material for him
 to answer Now begs to be discharged

"H. K. Hall"

And the said Respondent further answering says
 & submits that the fact in said bill alleged as
 therein alleged do not entitle said Complainant
 to the relief prayed for in that behalf and this
 Respondent claims the same benefit of this
 Allegation as if he had for this cause demanded to
 said bill of Complaint as otherwise insisted upon

"The benefit thereof
"Wickizer Sol

And also at this day to wit on the
31st day of December AD 1858 the following endorsement
was made on the back of the above answers in words
and figures to wit

"Filed Dec 31st AD 1858
"B. W. Gray Clerk"

And afterwards to wit on this 25th day of
March AD 1859 comes the said Complainant
by W. H. S. Wallace his attorney and files his repli-
cation to the separate answers above in words
and figures to wit

"Livingston County Circuit Court
"March Term 1859

"In Chancery

"The undersigned

- "Richard P. Morgan Jr
- "Henry H. Fell
- "James M. McDuff
- "Margaret Heatant
- "David Pilung

"Bill for Injunction
" + Relief

"And now again comes
"said complainant by W. H. S. Wallace his

1 Solicitor, and for replication to the separate
2 Answers of the said Defendants Richard P
3 Morgan, and Henry H. Fell filed herein, says
4 that said Answers and each of them is untrue,
5 uncertain and insufficient, and the said
6 Complainant is ready to aver and maintain
7 his said bill to be true, certain and sufficient
8 as this Honorable Court may direct, wherefore
9 he prays as in and by his said bill he has
10 already prayed &c

"W. H. S. Wallace,
"Solr. for Complainant

And on this same day to wit on the 22^d day
of March A.D. 1859 was returned on the back
of the above replication in words and figures
to wit

"Filed Mar. 22 A.D. 1859
"B. W. Gray Clerk

And on this same day to wit on the 22^d day of
March A.D. 1859 came the said Complainant and
pleaded the Affidavit of Alexander Campbell
in words and figures to wit

"State of Illinois
"Livingston County, Circuit Court Sheriff

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Thomas C. Mc Dowell

" "

Richard P. Morgan Jr

" Henry H. Fell

" Augustus M. Stuff

" George A. Keaton

" David Piling

3 J. W. Chaney

" Alexander Campbell

" of LaSalle County, in said State being first
 " duly sworn according to law on oath deposed
 " and says - that in the Autumn of 1852 and in
 " the winter of 1852-3 and sometime after, he
 " was engaged in entering lands at the United
 " States Land office at Danville - that he was at
 " said office in September 1852 and made entries
 " of lands at said office for myself & others -
 " at that time the rule at the office was that the
 " parties desirous to make entries should make
 " written application accompanied with the money
 " or warrants in the forenoon of the day, and in
 " the afternoon of the same day these applications
 " were opened and when there was more than one
 " application for any one tract it was put up
 " and sold to the highest bidder amongst those
 " having made such applications & no one else was
 " allowed to bid - Sometime in the month of
 " November A.D. 1852 I made an arrangement
 " with Thomas C. Mc Dowell the complainant



" in this case, to enter for him some four or five
" thousands acres of Lands a part of which I entered
" in the Chicago district - In November or December
" 1852 I made examination of Lands in Townships
" 29 + 30 in Range Six + Seven, which lands were
" in the Danville district - Some time in Decem-
" ber 1852 I received notice that the land office
" at Danville would open for entries of Land
" on the first day of January 1853, which notice
" was either by publication in a newspaper at
" Danville or by a written or printed notice sent
" me by some person - the office having been closed
" for some time in the month of December 1852
" was understood. On the latter part of December
" 1852 I left LaSalle where I resided for the purpose
" of going to Danville to make entries of Lands
" for said Mr. Howell - On my way I stopped at
" Pontiac and in company with Mr. Bush a
" Surveyor examined some lands Townships 29,
" Range 5 + 6 in said Danville district - I was
" told by Mr. Bush that one Fell had made application
" for these last mentioned lands or the greater part
" of them - I told Bush that I wanted to enter
" some lands and would like to take some of
" those we examined He told me that he would
" give me a letter to Mr. Fell and that he thought
" Fell would permit me to enter some of the lands
" that Bush + I had examined in Townships

429 P. 546 - I had considerable conversation with
 Mr Bush but do not now recollect the exact
 language, but the substance of it was as I now
 recollect that Fell had applied for more land
 than he intended to enter & proposed to make his
 selections from the lands so applied for - I went
 from Kenton to Danville when I arrived I
 think on the 2nd day of January A.D. 1853 - I
 saw Mr Clapp the Register of said Land Office and
 inquired of him at what time he would be in
 the office in the next day - He told me - I
 requested him to come a little earlier, as I
 wished to make some examination of the
 plat books, as I had a considerable amount
 of entries to make - I think he said he would
 be in the office as I desired - When I came to
 examine the plat books I found that the lands
 on both sides of the survey ^{line} of the Chesapeake &
 St Louis Railroad had been applied for - and
 on enquiring of said Clapp learned that
 the application was made by one Mr Fell - I
 asked said Clapp whether Fell had deposited
 the money or warrants to enter the lands so
 applied for - he replied that he had not - I
 waited over one day, and made enquiry of
 persons who I supposed knew the law and
 rules regulating the land office and from
 all I could learn & from my own judgment

now the matter I concluded that no application
could be made for a longer time than the office
was closed, but that if the parties making such
application were not present and ready to
make the entries, the lands were subject to
entries by any other person who might be present
and tender the payment - And in this view
of the matter and with no other understanding
I went to said office on the next day being the
14th day of January 1853, and informed the
Register of said Land office that I insisted
upon my legal right to enter the East half
of the North East quarter of Section 13 T. 30 N.
R. 6 E. and the West fractional half + 2 3/4
+ 10 3/4 N 2 3/4 Sec. 18 T. 30 N. R. 7 E. with other
lands in that neighborhood - I did not say
to said Clapp that I had no doubt that
said Fell would waive his said right
to enter said lands to me Merced I say to
said Clapp that I could procure from Fell
a written relinquishment of his right to
enter said lands, nor any thing in sub-
stance to that effect, but I then insisted
to said Register that said Fell had no
right to make an application and have time
to complete the purchase - and I insisted upon
my legal right to enter the lands notwithstanding
said Fell's application. After some little delay



by me, without ~~on my part~~ any understanding
 or agreement on my part that said entries might
 be canceled or said certificates returned in any
 contingency whatever. Think I told Mr Kellogg
 at the time in substance that I would keep him
 (Kellogg) clear of any costs in the matter - but
 upon the ground that I had the legal right to
 make the entries & upon no other. There was
 then a very large amount of lands subject to
 private entry at said office and I certainly
 should not knowingly have made any entry
 which would be liable to be set aside - at the
 same time I made other entries in my own name
 for Mr Howell and assigned the certificate
 to him - and Mr Kellogg then wrote a letter to
 Mr Howell giving directions how to proceed to get
 his patents - I know the hand writing of said
 Kellogg and I well believe the signature to the
 letter hereunto attached marked "A" is the
 hand writing of said Kellogg. Affiant further
 states that he was largely engaged in entering
 lands at said ^{Land} office in the year
 1852, 1853, 1854 & afterwards - that he believes
 he knows the rules & regulations of said
 office in regard to making entries of lands -
 and so far as he knows there never was any
 rule or regulation by which time was given
 to applicants to complete their purchases of

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"lands subject to entry after the office was open
"for entries - and if any such regulation had
"required he believes he should have committed
"Subscribed & sworn to before Alex. Campbell
"on this 23rd day of March
"1859 "B. M. Gray (initials)"

Exhibit

"C" Land Office Danville Ills

"Jan'y 14th 1853

"Sir

"A number of locations by or with Land
"Warrants have this day been made in the name
"of Alexander Campbell and the certificates
"assigned to you. If you will forward said
"certificates to the Commissioner of the Genl.
"Land office at Washington City, the Patents
"for the lands therein described will be issued
"in your name. Mr Campbell could not
"make said locations in your name as
"the Com^{rs} requires a Power of Atty, with
"such Warrant. When you forward the certificates
"send directions when you wish the Patents
"sent, and the Com^{rs} will forward them to
"your order.

Yours Respectfully

"D. C. Campbell

"Thos. C. McHale Esq

And on the 22^d day of March the following
recognition was made in the Books of the above
affidavit in words and figures to wit

"Filed Mar 22nd A.D. 1857

"B. M. Gray Clerk"

And also on this same day to wit on the 22^d day
of March the following affidavit of D. Lopp
was filed in said Court and is in words and
figures following to wit

"State of Illinois }
"County of Vermilion }

"David Lopp, being first
"duly sworn according to law, on his oath deposes
"and says; That during the year A.D. 1852, and
"until April A.D. 1853, he was Register of the
"United States Local Land office at Danville
"in the state of Illinois - that during a portion of
"the year 1852, to wit from about the 20th day of
"August in said year until about the last of
"October in said year there was such a demand
"for the public lands, by parties who were daily
"presenting themselves as applicants to enter or
"locate some of said lands, that it was impossible
"for him the said Register and the then Receiver,
"to wit John W. Humphrey, to keep the Books of
"their respective offices put up, and to maintain

the returns for the General Land office as was
 required of them to do; that up to about the last
 of October or the first of November A.D. 1852
 (as this department now believes as to date) the business
 of the two respective offices to wit the Register office
 and the Receiver office had so accumulated and
 grown so far behind, as to the putting out the Books
 of said offices, all the entries and locations made;
 And the making out and forwarding of the reports
 to the General Land office (and they having
 up to this time once gone over the district in the
 way of receiving applications and allowing of
 entries and locations after the land office had
 been opened, (after having been closed to entries
 and locations for near two years) as they were
 instructed to do by the Commission of the General
 Land office) that they about this time to wit
 about the first of November A.D. 1852 to wit
 them to put all the entries on all the books of their
 respective offices, and to complete their returns
 for the General Land office adopted the following
 plan or rule; to wit; That they would permit no more
 entries or locations of lands until after the first day
 of January A.D. 1853, but that as parties came to the office
 desiring to enter or locate lands, that the Register
 would receive their respective applications in writing
 and file the same in regular case, marking the
 tract applied for with pencil on the Maps of the

office, with the letters "A. P." giving the applicants
 notice that they could have from the 1st day of
 January A.D. 1853 to the 1st day of February of
 same year to appear at the office and complete
 their entries of land thus applied for.

This deponent would further state that some
 time in the month of November A.D. 1852 as he
 now believes, (as to date) one Perry Ho. Fell
 appears at said ^{land} office and applied in writing
 by written application to enter or locate a number
 of Tracts of Land therein enumerated, amongst which
 was some lands in Section No Eighteen (18) in
 Township No Thirty (30) North Range No Seven East,
 also some lands in Sec. No Thirteen (13) Township
 No Thirty (30) North Range No Six (6) East, and
 that said P. H. Fell was told by this deponent
 that he, said Fell, could not be permitted to
 enter or locate said lands at that time, but
 that he, this deponent would receive said Fell's
 applications, as he was doing for other ~~parties~~
 applicants and file them in order, and that
 he, said Fell would under the rule adopted by
 the office, be entitled to the right to enter or
 locate said lands, he being the first applicant
 therefor, provided he appears at said land office
 either by himself or agent at any time during the
 month of January A.D. 1853 and perfects said
 entries or locations; as the rule adopted by the

offic^r was that the said offic^r would ^{allow} entries or
 "locations to be made from and after the first day
 "said month; and all applicants were required
 "to complete the entries of the lands by them respectively
 "by applied for during said month of January 1853.
 "otherwise they would forfeit their rights to enter
 "under their said applications.
 "This deponent further states that sometime in
 "the month of January 1853, perhaps on or about
 "the 4th day of said month one Alexander Camp-
 "bell, did appear at said ^{Land} office and apply to
 "enter or locate certain lands in said Section of
 "No Eighteen in Township No Thirty North, Range
 "No Seven East and also some in Section No thirteen
 "in Township No Thirty North, Range No Six East,
 "being the same lands or a part of the same which
 "were applied for by R. H. Fell as set forth in
 "this Deposition. Whereupon said Alex^r ~~Campbell~~ Camp-
 "bell was told by this deponent that he said
 "Campbell could not be permitted to enter said
 "lands, as they had been previously applied for
 "by said R. H. Fell, in reply to which he Mr Camp-
 "bell said that he was well acquainted with
 "the said R. H. Fell, and that he had no doubt
 "the said Fell would waive his right to enter
 "said lands to him the said Alex^r Campbell.
 "And the said Alexander Campbell further
 "represented to this Deponent that he the said

1 Campbell had been with and conversed with
2 some individual, residing in Livingston County,
3 in this State, (whose name this deponent does not
4 now recollect,) and that he this resident of
5 Livingston County, represented to him the said
6 Mr Alex Campbell, that he had in some way or
7 manner assisted Mr R. H. Fell in selecting those
8 tracts of land, and that he had no doubt but
9 that he the said R. H. Fell would relinquish his
10 claim or rights to these lands. The said Alex Camp-
11 bell further represented to this deponent that he the
12 said Campbell, would have seen the said R. H.
13 Fell and procured from him a written relinquish-
14 ment of his rights to enter said lands, had it not
15 been for certain difficulties in the way of having
16 an interview with the said R. H. Fell; which
17 was as this deponent now recollects and believes,
18 the distance from where he was to Bloomington
19 the residence of said R. H. Fell.

20 This deponent further states that upon the representa-
21 tions thus made as above stated (in consultation
22 with the said Receiver of the said land office) the
23 said Alexander Campbell, was permitted to enter
24 or locate said lands, with the express understand-
25 ing that in case the said Perry H. Fell
26 should appear at said land office during said
27 month of January A. D. 1833 and claim his right
28 to enter said lands, that then and in that case

the entries of the said Alex. Campbell, were
to be cancelled, and the said Perry H. Fell
was to be allowed to enter said lands according
to his said Fell application; and the said Alex.
Campbell did agree that in this case he would
return to the land office the certificates of entry
or location which he received for said tracts of
land. This deponent further states that during
the said month of January, A.D. 1853 some time
in the latter part of said month, the said Perry
H. Fell did appear at said land office, before this
deponent, then register of said Office, and there
and then did claim his right to consummate and
complete his entries or locations of said tracts of
land according to his applications made and
filed as aforesaid, and the rule adopted by
said land officers as aforesaid; and the said
land officers to wit: the Register and Receiver,
did then and there permit the said P. H. Fell
then to consummate and perfect his entries of said
tracts of land; and said officers did then and
there receive from the said P. H. Fell warrants
and money in full payment to the Government of
the United States for said tracts of land, and
did issue to the said Perry H. Fell certificates
of entry or location of said lands.

This Deponent would further state that the entries
or locations made by the said Alex. Campbell,

As in this deposition before stated were not made
 in the name of said Alex Campbell, but that he
 made such entries or locations, as agent, for, and
 in the name of some other party or parties; whose
 name or names this deponent does not now recollect.
 This deponent further states that the said Alexander
 Campbell was subsequently notified by this deponent
 that said tracts of land had been entered & located
 by the said Perry H. Fell as above set forth;
 and the said Alexander Campbell then representa-
 ted to this deponent that it was out of his, said
 Campbell, power to surrender said certificates
 of location or entries as the same had passed out
 of his possession

"D. Clapp"

State of Illinois }
 County of Vermilion }

Personally appeared before

the undersigned Clerk of the Circuit Court
 within and for the County of said the above
 named Daniel Clapp who after being first
 duly sworn according to law on his oath
 says that the matters and things in the foregoing
 affidavit particularly set forth are true in
 substance and in fact as he verily believes

Given under my hand and the seal of said
 Court at Danville this 20 day of February
 1837

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Saml. C. Craig Clerk

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On the back of the above affidavit is
Enclosed in words and figures to wit

"Filed March 22nd A.D. 1859

"B. W. Gray Clerk"

And afterwards to wit on the 23rd day of
March A.D. 1859 the following affidavit was
filed in said Court in words and figures to
wit

"State of Illinois

"Livingston County & Circuit Court thereof

"Chancery

"Thomas C. McDowell

"Richard P. Morgan Jr

"Henry H. Hill

"Agnes M. Huff

"Mary A. Heaton

"David Piling

"James Henry of said
County, being sworn in oath says that he
is acquainted with the West fractional half
of South East quarter & N.E. 1/4 of Sec 18, T. 30 N.
R. 7. E. and the N.E. 1/4 of 13 & 30
& 16 E in said County, that affiant came

to this County & saw said land for the first
time in Feb. 1854 - said land is all adjoining
at that time Thos. Co. Mc Dowell the complain-
ant was in possession of said land - and had
a house thereon - also a stable and two wells
dug - and broke about 100 acres of prairie
therein the following summer - The N.E. 1/4 of
Sec 13 aforesaid is a part of a farm owned &
occupied by Mc Dowell the complainant it is
now all fenced & broke and a growing hedge round
three sides of it

Subscribed & Sworn to before me James Co. George
this 2nd day of March A.D. 1857.
B. W. May Jr. Clerk

Benjamin Thompson of said County
being sworn or oath say that he is acquainted
with the complainant in the above entitled
Cause and also the defendant Morgan, and that
the N.W. Sec. 18. T. 30. N. R. 7. E. and the N.E. 1/4
of Sec. 13. T. 30. N. R. 6. E. in said County - in
Nov. 1853 the complainant came into the neighbor-
hood of the land and soon after commenced
hauling cut timber & material for a house on said
land which house was raised some time in
the latter part of Dec. 1853 or first part of January
1854, and complainant or Agent Mc Dowell
George A. Keaton & David Pilling have

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"Occupied said land ever since
 "Subscribed & sworn to before me } "Benjamin Thompson
 "this 23rd day of March A.D. 1859 }
 "B. W. Gray Cir. Clk }

"Archibald B. Dunlop of said County
 being sworn on Oath deposes and says that he
 is acquainted with the Complainant Thomas Lee
 M. Howell and the Defendant Morgan & is
 also acquainted with Sec. 18, T. 30, N. P. 7 E. and
 the N. E. 1/4 of Sec 13, T. 30, N. P. 6 E. - that some
 time in August or September A.D. 1857 affiant
 heard a conversation between Complainant and
 said Morgan about said land on Sec 18 - in
 which said Morgan said in substance that he
 made a mistake in entering the land on Sec 18 -
 that he thought it lay where Sec. 13, T. 30, N. P. 6. lies
 or he would not have entered it - That there
 are improvements on said land made by
 Complainant & said Agnes M. DeLuff, Heaton
 & Reling worth from \$1000 to \$2000. independent
 of the value of the land itself

"Subscribed & sworn to before me } "A. B. Dunlop
 "B. W. Gray Cir. Clk }

"Jacob B. Reese of Will County in said
 State being sworn on oath deposes and says that
 he is acquainted with Complainant Thomas Lee

"M^r Howell and the Defendants Fell &
 "Morgan - that affiant came to this State in the
 "first part of the year 1853, and was engaged as a
 "civil engineer on the Chicago & St Louis Railroad -
 "Morgan was also an engineer on said Road and
 "afterwards Superintendent - That some time after
 "affiant came here he heard conversations at
 "different times between Gen. Fell (a brother of
 "F. H. Fell) Morgan & one Spencer (who was also
 "an engineer on said Road) in which they were
 "talking about entering lands at Danville in
 "the neighborhood of Dwight in Livingston County,
 "in which it was said that they way they came to
 "get them, they applied ^{at the Land office} for all the lands in the
 "neighborhood of Dwight, far more than they
 "expected to enter or intended to enter, and then
 "after selecting what they wanted & could buy
 "they let the rest go

"Subscribed & sworn to before me }
 "this 23rd day of March 1859 } "Jacob P. Reese"
 "B. M. Gray, Clerk"

On the basis of the above affidavits is
 enclosed in words and figures to wit
 "Filed March 23 A.M. 1859
 "B. M. Gray, Clerk"

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And also on the same day ^{the} was filed

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in said court the following affidavit to wit

"State of Illinois

"Livingston County + Circuit Court thereof

"Thomas C. McDowell

vs

"Richard P. Morgan Jr

"Henry H. Hill

"Agnes M^o Olduff

"George A. Heatun +

"David Piling

"In testimony -

"John Leland of Woodford

"County being sworn on oath deposes and says

"that he was engaged in making entries of

"government lands at the U.S. land office at

"Danville in the year 1852, 1853, 1854 + sub-

"sequently, - that was at said Danville land

"office at different times in the months of

"August, September, October and November

"1852 and in January, 1853 - that said office

"was open for entries during all said months

"to affiant's knowledge - that said affiant made

"one or more entries of land at said office about

"the 20th day of November 1852 and said office

"was then open for entries of lands -

"affiant further states that he never knew of

"any rule or regulation in said office by

which applicants to purchase lands could be
allowed time after making their applications
in which to complete their purchases until
some time in the Spring of 1854 the officers
of said land office received sealed applications
for lands, and adopted the rule that all the
applications made on a certain given day should
be disposed of before they would permit other
entries to be made, and the effect of that rule
was to extend the time of payment in some instances
for several months - but this regulation was as
affiant is informed ~~and~~ believes corrected
by the Commissioner of the general land office
on complaint made to him - but the general
rule was that all applications for land must
be accompanied with money, or warrants & the
party must stand ready to complete his purchase
on the same day the application was made -
and such was the rule during the fall of 1852
and the winter of 1852 + 3 - so far as affiant
knew, and if a different rule had existed
affiant would have been very likely to have
known it as he was largely engaged in
making entries & had a strong interest in
knowing what the rules were - and if affiant
could have had that day or any other time given
him ^{any} under ~~the~~ rule he would have been
likely to have availed himself of the very

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"An important advantage of such regulations

"Subscribed & sworn to before me

the 28th day of March A.D. 1859

"B. W. Gray Clerk"

"John Clark"

On the back of the above affidavit is
endured in words and figures to wit

"Filed March 28th A.D. 1859

"B. W. Gray Clerk"

And afterwards to wit on the 8th day of
September the following Deposition was filed
in said Court and is in words & figures to
wit

"That C. M. Dwyer

"do

"B. P. Morgan Jr

"R. H. Hill

"David Piling

"Gen. A. Keaton

"Agnes M. Haldoff

"In Livingston County

"Am. Channing

The Deposition of John W.

Murphy this day taken by agreement of parties

before John W. Yager a Notary Public in City

of Fulton Ills. Said Deposition to be used as

evidence in the trial of the above entitled

Cause, Subject to all legal exceptions except
as to the ~~and~~ usual notice of the time & place
of taking deposition

"W. H. L. Wallace
for Compt
J. H. Wickizer Sel
for Fell & Morgan

Deposition of Witness taken before me John W.
Gager a Notary Public in and for the City of
Alton County of Madison and State of Illinois
on this second day of September in the year
A D eighteen hundred and fifty nine between
the hands of Esq. A. C. A. M. and Esq. A. C. A. M.
P. M. pursuant to the foregoing agreement to be
read in evidence on behalf of the defendant
in the above entitled Cause.

John W. Murphy of Lawful age being
by me first duly ~~sworn~~ Examined, cautioned
and solemnly sworn de jure et iure

Interrogatory 1st "Do you know the parties to this suit in
the caption of this deposition or any of them or
which of them and how long have you known
them respectively?"

Answer "I am well acquainted with Fell for the last
64 ten or twelve years - the others I do not know."

Q⁵ "Q^{ty} 2. "In what capacity were you acting in the
"Year 1852 and 1853. If you had any office
"State what it was?"

"Ans "I was Receiver of Public Monies at Hannible
"Land office Illinois.

"Q^{ty} "3 "Do you know any thing of the entry of the West
"of fractional half of Section 18. and the $\frac{1}{2}$ of the
"S $\frac{1}{4}$ and the $\frac{1}{2}$ of the N.E. $\frac{1}{4}$ Section 18 in
"Town 30. N.R. Third principal Meridian;
"and the E $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Sec. 13. Town 30.
"N.R. 6. E. 3^d P.M. in Livingston County Illinois?"

"Ans "I cannot say that I know any thing about
"those particular tracts of Land

"Q^{ty} 4. "Do you know of R. H. Fell making written
"application to said Hannible Land office in
"the fall of 1852 for any lands?"

"Ans "I recollect of M^r Fell making application for
"a considerable number of tracts of Land
"partly in Livingston County and partly in
"McLean County. I think in the fall of 1852.

"Q^{ty} 5. "Did he enter the lands so applied for at the
"time of his said application if not why did

Was not entered at that time?

Ans "I think he applied for a number of tracts some
of them that fall which he did not enter at the
time as did many others. For the reason that
the office had been so thronged with applications
after the office opened in August previously,
that we were not able to make up returns to
the department & keep our books put up
without stopping the making of entries for some
weeks during which time we established a rule
to ~~establish~~ receive applications for any lands
subject to entry, and file them and gave the
applicant time until a fixed time to come
and perfect their entries. I recollect Mr. Hill
& availed himself of this arrangement for a
number of tracts of land, but the Solential
tracts I cannot give.

Subq. 6. In your last answer you say "we fixed a rule"
Who do you mean by "we"?

Ans "The Register of the Land office with my-
self established the rule.

Subq. 7. Was the said rule uniform in your practice
at said Land office, and was it generally
66 known to purchasers?

"Ans" 61 "It was not departed from to my knowledge
and purchasers were informed of it informally,
as I believe

"July 8" "Did any one else apply for the same lands
that Fell had applied for after Fell's
application, and before the expiration of the
time given him under said rule, if yes, who
was it?"

"Ans" "According to my best recollection there was
one or more instances of that kind occurred,
but the names of any of the parties I cannot
now state positively

"July 9" "Was any body else permitted to enter any of
the said land previously applied for by Fell?
If yes why was he permitted so to enter the lands
already applied for by Fell?"

"Ans" "My recollection is that some man applied to
enter some of the lands which Fell had applied
for before the expiration of the time that had
been allowed for Fell to complete his entries
The Register consulted with me, as to what
had best be done. It was agreed between us
that if the man would risk the entries, being
informed of the rule, he insisted that Mr. Fell



"Would not enter the lands that he had applied
 for, that we would let him make the entry.
 My recollection is that he took the land subject
 to the condition that ~~Fell~~ did not perfect the
 entry in the time allowed by the rule. It was
 the opinion of the Register and myself that
 Fell had applied for more land than he
 expected really to enter in order to get time to
 select such as he might really ~~enter~~ intend
 to enter, that was what I understand to be
 the opinion of the man who applied to enter
 some of the lands."

"July 10" "Was there any agreement or arrangement between
 you and the Register with the one part, and the said
 person ~~or~~ who ever he was with the other part
 as to what was to be done in the event Fell did
 appear to perfect his entry at said land office?
 during the time given ~~him~~ to do so as aforesaid?
 If yes state what was said agreement ^{and arrangement} and what
 the said person agreed to do?"

"Ans" "I cannot recollect of any special agreement
 on the part of the person referred to as to what
 he would do in that event; but it was distinctly
 understood according to my recollection that
 Fell would be permitted to enter the lands
 applied for by him, provided he came to

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a perfect his entries within the time which had
"been allowed."

"Qnty 11" "Did Fell appear at the land office within
the time given him to complete his entries and
did he enter any of the lands the other persons
you spoke of had been permitted to enter. If
yes why was Fell permitted so to do?"

"Ans" "My recollection is that Fell did appear at the
office within the time to complete the entry of
a part or all of the lands he had previously
applied for; and that he did enter some of
the lands which the other party had been permitted
to enter for a reason given in a previous answer
which was that he had been allowed under
the rule established to perfect his entries within
that time

"Qnty 12" "Was any notice given to the said person that
Fell had appeared within the time given him
and had completed the entry of the said land?"

"Ans" "I cannot state to my own knowledge that
there was any notice given him."

"Qnty 13" "Was there any rule established by said
Danville land office in the fall of 1852

with reference to the applicants for Scams
& depositing Scams warrants or money to com-
plete his Entries under the other rule you speak
of - giving the time to complete their Entries -
"If yes state what was the rule?"

"Ans" "There was no requirement under the rule to which
I have referred to make a deposit either of a warrant
or money. A rule requiring a deposit to be made at
the time application was made had existed
during the month of September of that year but
had been dispensed with at the time Fell's
application was made
Cross interrogatories by Complainant's Counsel

Ex Subj-1st "Did not the person you speak of as having applied
to enter some of the lands applied for by Fell
insist that Fell had no right to make an
application covering a large number of tracts
without being ready with the money or warrants
to complete the purchase, and that as Fell
was not then there with his money or warrants
to make payment for the lands he (said person)
insisted on his legal right to make the entry

"Ans" "My recollection at this time is that that was
the position he assumed."

"Cr. Subj 2" 71 State to your best recollection of the number of
tracts or acres embraced in Fell's application ^{which}
"you say was made in the fall of 1882?"

"Ans" "It is impressed on my mind that it must
have covered not less than three thousand acres
of land and might have been a good deal
more."

"Cr. Subj 3" "What length of time was there between the time
"Fell made his application and the time when
"he appeared to complete his entry?"

"Ans" "I think it was not less than a month, and
that he was within a day or two of the end of
the time that had been given."

"Cr. Subj 4" "Had you any special order or direction from the
Commissioner of the General Land Office
authorizing you to receive applications and
give time in which to make payment when
the land was appropriated for, and to withhold
the lands from entry in the mean time?"

"Ans" "I have no recollection that we had any such."

"Cr. Subj 5" "Were the rules you speak of in your answer
to student interrogations reduced to writing?"

"Ans" I don't think any rule was formally established by both offices that was reduced to writing. The Register may have had a rule put up in his office. It is my impression he had, but am not positive.

"In July 6" "Who was the Register at that time?"

"Ans" "Daniel Clapp"

"In July 7" "Was there not a large amount of lands subject to private entries at the Danville Land office at the time the person you speak of made said Entries?"

"Ans" "There was a large amount
"J. H. Murphy"

"J. H. Murphy a Notary Public in and for the City of Altoona aforesaid do hereby certify, that John H. Murphy was by me first duly sworn to testify the truth the whole truth and nothing but the truth and that the deposition by him subscribed as above ^{set forth} was reduced to writing by myself in the presence of the said witness and was subscribed by the said witness in my presence; that I am not counsel attorney or relative to either party or otherwise interested in the event of this suit

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"In testimony whereof I have hereunto set my hand and notarial seal this second day of September A.D. 1857
"J. H. Gager Notary Public"

On the back of the above Deposition was endorsed in words and figures to wit

"Filed Sept 8th A.D. 1857.
"B. N. Gray Clerk"

And afterwards to wit on the 24th day of October A.D. 1857 the following Deposition was filed in said Court and is in words and figures to wit

"The Deposition of Alexander Campbell of Laballe County Illinois, a witness of lawful age produced sworn and examined before Philo Lindley County Clerk of said County at his (said Clerk's) office in Ottawa, Laballe County and State of Illinois, on Saturday the Sixth day of August A.D. 1857. at eight o'clock in the forenoon of said day, said deposition to be used as evidence on the hearing of a certain cause now pending in the Circuit Court of Livingston County in said State on the Chancery Side thereof, wherein Thomas W. McDaniel is Complainant and Richard P. Morgan Perry, H. Fell, and others are

defendants on the part of said Complainant
"H. H. L. Wallace appeared for said Complainant,
"and the said Defendant Morgan appeared
"by himself & James Strain Esq. his Counsel-
"The said Alexander Campbell being first
"duly sworn according to law testified as follows
"in answer to the ~~Following~~ interrogatories -
"Interrogatories by Complainant

"Int 1" "What is your name, age and place of
"Residence?"

"Ans" "My name is Alexander Campbell my age is
"between forty four and forty five years and
"residence the Town of LaSalle, LaSalle County,
"Illinois

"Int 2" "Are you acquainted with the parties to this
"suit if yes how long have you known them
"respectively

"Ans." "I know Thomas L. Mc Dowell have been acqu-
"ainted with him as much as six years, I know
"Mr Morgan, I think between five and six years,
"I think I have met Mr Fell but am not partic-
"ularly acquainted with him

"Int 3" "State whether or not you was acting as agent

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"for the complainant in January 1853 in entering
or purchasing lands from the general government
at the Sawville land Office"

"Ans" "I was

"Int 4" "Are you acquainted with the west fractional
half of Section Eighteen, South East quarter of
Section Eighteen, West half of the North East
quarter of Section Eighteen, being in Township
number Thirty, North, Range Seven East, and
the North East quarter of Section No Thirteen,
Township Thirty, North, Range six East, in
the Sawville land District of the State
whether or not you entered or purchased those
lands for the complainant"

"Ans" "I am acquainted with the lands described.
I believe I entered those lands for him
M^r Howell"

"Int 5" "State when it was you made those entries or
purchases, when it was, who was the officer
with whom you did the business and what
State all the circumstances connected with
such entries or purchases"

"Ans" "I believe it to have been on the fourth day of

January 1853 at the United States land office
 at Danville, Illinois. H. Clapp was the Register
 and I think Mr Murphy was the receiver.
 I do not recollect having any transaction at
 that time with Mr Murphy the receiver.
 I went to the United States land office at
 Danville, on the morning of the third of
 January 1853. I applied to enter some lands
 in Town Twenty nine, Ranges Five and Six. I
 was told by the register Mr Clapp that they had
 been applied for by one Mr Fell, at that time
 or very soon after on the same day I made
 application to enter other lands in Town
 Thirty, Ranges Six and Seven. I was told
 by the register that Mr Fell had also applied
 for those lands. I think Mr Clapp told me
 he expected Mr Fell there on that day or to
 hear from him, after having learned the condition
 of these lands relative to the applications. I
 conversed with some parties and endeavored
 to ascertain what my rights were under the
 circumstances, and concluded that Mr Fell
 had no right to hold those lands under so
 general an application as he had made them.
 and on the morning of the fourth of January
 1853 I went to the United States land office
 at Danville, and inquired of Mr Clapp the
 register, whether Mr Fell had deposited with

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"I then Land Warrants or money to enter the
lands he had so applied for, I think he told
me that he had not, I answer that he told
me that he had not left money or land
warrants to enter ~~all~~ all the land that he had
applied for. I then insisted upon my right
to enter those lands for Mr M^o Dowell, and
when the demand was so made Mr Clapp
permitted the entries to be made and issued
the certificates therefor. I told Mr Clapp, when
insisting upon my right to enter those lands,
that I would keep him harmless from trouble
or costs. I paid for the lands in land
warrants & money. In making the application
and entries I acted as the agent of Thomas C.
M^o Dowell

"Int. 6" "State whether or not those lands were vacant
and unoccupied at the time of the said entry,

"Ans" "I believe they were not occupied at the time
of said entry, and I examined those lands
after said entry, and they were then vacant
and unoccupied more than forty days after
the said entry.

"Int. 7" "Had you entered lands at that office prior
to January 1853

I distinctly told Mr Clapp that I had not delivered the letter to Mrs Fell, nor seen Mrs Fell. I think I stated to Mr Clapp that the lands about which Mr Bush and I had the conversation were in Town Twenty, and Ranges Five and Six.

"Jul. 12th" State whether or not, at the time you made the entries, or at any time before or after, there was any understanding or agreement between you and said register that in case Fell should claim his right to enter said lands under his application, his right to do so, should in no wise be compromised or infringed upon by the issuing of the certificates to Mr Dowell.

"Ans" There was no such agreement

"Jul. 13th" State whether or not, there was any understanding or agreement between you and the said register at the time of making said entries or before or after, that in the event that Fell claimed the right to enter the said lands, that then you would return to said register the certificate of entry of said lands and receive back the warrants and money paid therefore in any thing to that effect or purport

"Ans" There was not - I think it was known to the

Q) "Registered at that time that those certificates were
"to be sent to Mr Mc Dowell in Pennsylvania. He
"gave me a letter to Mr Mc Dowell ^{Mc Dowell} explaining the
"mode or manner of procuring patents for a
"portion of said lands entered at the same time in
"my name for Mr Dowell - with my assignment
"of the certificates to Mr Dowell

"Int. 14" "Did you at any time before or after the
"time of making said Entries make any agree-
"ment or have any understanding with said
"register that he might cancel said entries
"and permit said Bell to enter said lands in
"any contingency

"Ans" "I did not - nor was I at the office after
"that during the time Clapp was in the office
"as I believe

"Cross Examination by defen-

"dant's counsel

"Begns. Int. 1-" "Why did the register object to your entering
"the lands in the month of January 1853.
"and why did you agree to give him warrants
"in case he persisted you to enter said lands

"Ans" "The reason he gave for his objection was that
"they had been applied for by Bell - and Mr
"Clapp appeared to be at a loss to know what
"his duty was under the circumstances

"And when I demanded my right to enter
them he hesitated I insisted upon my right
to enter said lands and told him that I would
keep him harmless from trouble or cost.

Int 2-" Was that the condition upon which he
permitted you to enter said lands

"Ans" "There was no other condition upon my
part that was the only condition upon
my part

"Cross
Int 3-" "Is it not a fact that the Register made an
entry in the books of the office of the sale
of said lands to Mc Donnell - and did he
not tell you that if Fell claimed the land,
the certificates would be cancelled and it
would not appear upon the books of the
office that you had entered the said lands
and that you assented thereto

"Ans." "I have not the means of knowing what
entries were made upon the books - I do
not recollect that the Register told me that
he should cancel the entries if Fell claimed
them I did not assent to that, or that the
entry should be cancelled upon any
condition

"Cross
Sub. 4" "Do you know that the land office at Dawson
83 "was open for the ^{private} entry of land on the fourth of
"January 1853

"Ans" "I believe it was Smeade & Co. who entered them, and saw
"other parties then, who I think were making
"entries

"Alexander Campbell"

"Defendants entered their objections to the
"Examination in chief

"State of Illinois)
"Sasalle County 5th

"J. Philip Lindley County Clerk
"of said County do hereby certify that the above
"deposition of Alexander Campbell was taken
"before me at my office in Ottawa in said
"County on Saturday the sixth day of August
"A.D. 1857, at 8 O'clock in the forenoon - that
"the said Alexander Campbell was by
"me first duly sworn according to law
"and the above interrogatories were by me then
"written down and propounded to said
"witness Campbell and he reduced his
"answers thereto to writing as above shown
"in the order in which the said interroga-
"ories were propounded, and that said
"deposition was then signed and sworn
"to by said Alexander Campbell in my

"presence and before me

[Signature]

"Witness my hand and the seal
of the County Court of said County
of Sabine this 6th day of August
A.D. 1859.

"P. L. Lindley Clerk

"E. S. Herrick Deputy"

On the back of the above deposition is
indented in words and figures to wit:

"Filed Oct. 24 A.D. 1859

B. N. Gray Clerk"

And also on this same day to wit on
the 21st day of October A.D. 1859 there was filed
in said Court the following deposition in
words and figures to wit:

"The deposition of Miss Gordon a witness of
lawful age produced sworn and examined before
Perry A. Armstrong County Clerk of Grundy County
in the State of Illinois at his (said Clerk's) office
in Morris in said County, on Monday the eighth
day of August A.D. 1859 at four o'clock in the
afternoon of said day, to be used as evidence
in the hearing of a certain cause now pending
and undetermined in Circuit Court of
Livingston County, in said State on the

85 Chancery side of said Court, in which
Case Thomas L. Mc Dowell's Complainant
and Richard P. Morgan, Perry, H. Bell and
others are defendants, on the part of said
Complainant. Said Miles Gordon being by and
first duly sworn according to law on oath
deposed as follows in answer to the following
interrogatories on the part of said Complainant
Ans-

"Int. 1." "What is your name, age, occupation and
place of residence?"

"Ans" "Miles Gordon I am thirty nine years I am
a Carpenter and Joiner by trade and reside
in Morris in Grundy County and
State of Illinois

"2nd" "Are you acquainted with the parties to this
suit or any of them if so how long have
you known them respectively

"A" "I am acquainted with S. L. Mc Dowell
the Plaintiff in this suit and have known
him for about six years. I am not acquainted
with the defendants.

"3^d" "Did you ever do any work in building
a house for the Complainant if yes when
was it and where

"A" "I did in the year A.D. 1853 in December
and in January A.D. 1854 build a House for the
Complainant which was the first House

built on complainant's land in the county
of Livingston and State of Illinois I should
think about three miles from Dwight on
the farm occupied by the complainant
since that time

"4th" "What part of a House was it"

"A" "The House is a Balloon Frame two
stories high and 18 feet by 30 feet in
size

"5th" "Was there any other House or improve-
ment on that land when you commenced
building this House

"A" "No

"6th" "At what time did you commence
building this House for Mr. Dowell

"A" "In December A.D. 1853 I think about the
first of said month

"7th" "When was Mr. Dowell at the time the House
was being built and what was he doing

"A" "He was boarding at Mr. Geo. Reising near
the place where the House was built and
was frequently at the place where I was
building the House

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"I swear to and subscribe
 before me this 8th day of
 August 1857
 Perry W Armstrong Clerk"

"Miles Gordon"

"State of Illinois }
 "County Clerk of said County of Grundy do
 hereby certify that the foregoing deposition of
 Miles Gordon was taken before me at my office
 in Morris in said County at four O. Clock in the
 afternoon of said day that previous to his
 examination said witness was by me duly sworn
 according to law that said foregoing interrogations and
 the answers therunto were by me reduced to writing
 and the interrogations propounded to the witness and
 his answers therunto written down by me in
 the order above shown, and said deposition
 having been by me read to said witness he sub-
 scribed his name thereto and was by me
 sworn as to the truth of said several answers.

"Witness my hand & the seal of my
 office at Morris in said County this 8th
 day of August AD 1857 Perry W Armstrong Clerk"

On the back of the above deposition
 was enclosed in words & figures to wit

"Filed Oct. 24 A.M. 1857

"B. M. Gray Clerk"

And also on this same day to wit on
the 24th day of October AD 1859 the following
deposition was filed in said court in words
and figures to wit

- "Thomas C. Mc Dowell
- "Richard P. Mangum
- "Perry Ho Field
- "David Niles
- "George A. Keaton
- "Agnes M. Olduff

"Livington Co Court
"New Chancery

The Deposition of Daniel
"Clapp John S. Fincher C. P. Martin John
"N. Drake, Joseph Peter Thomas R. Forbes, William
"H. Bunn Oliver L. Davis John Woods and
"Benjamin Stewart. this 31st of ~~January~~
"August 1859 taken by agreement of the parties,
to be used on the part of the Defendants on
the trial of the above entitled cause subject
to all legal objections except the notice
required in such cases by law,
Daniel Clapp as witness being duly sworn according
to law deposes as follows, to the several interrogations
to him proposed by Defts atty

"Question 1st" "Who was Register and who was Receiver of the
56 "Danville Land Office in the fall of 1852 & the winter

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"of 1852 & 3?"

"Answer"

"I was Register of the Local Land Office at
"Danville & John H. Murphy was Receiver

"Question 2nd"

"Do you know or remember anything about the
"entry at said Danville Land Office of the following
"lands E 1/2 of N. E. 1/4 of Sec 13 T. 30 N. R. 6 East
"and W. 1/2 Sec 18 & W 1/2 of S. E. 1/4 & W 1/2 of N. E. 1/4
"of Sec 18 T. 30 N. R. 7, East 3rd P. M. if any
"were made written application for said lands
"please state who made it, when made, and who
"entered the said lands

"Answer"

"I do know that some time in the month of
"Oct. or Nov. A. D. 1852 Perry H. Fell made
"written application to enter some lands in Section
"Thirteen Township No. 30 N. R. 6 E. and also
"some in Sec No. 18 T. 30 N. R. 7 East, and that
"in the month of January A. D. 1853 Alexander
"Campbell as agent for some other person whose
"name I do not now recollect entered said
"land, and that also during the same month
"the same land was entered by Perry H. Fell
"by virtue of his written application which was
"filed as before stated

"Question 3rd"

"If as you say Alexander Campbell entered
"said land or some land in said Section 13 & 18

in January 1853. And during same Month 1853.
 please state how that could happen
 Fell entered the same, please give in detail all
 the facts connected with the said double entry.
 Was the Land Office open at the time of Fell's
 written application for same; how was Campbell
 permitted to enter said Lands and then Fell to
 enter the same. please state fully all about it.
 And if you and John H. Murphy as Register &
 Receiver of said Land Office have established
 any rule about applications to enter Lands
 please state it; please give a full and detailed
 account of the whole matter please state
 the conversation of said Campbell with you
 about the matter at the time of his entry of
 said Lands,

"Answer" "On August 21st 1852 said Land Office was
 opened for the entry and location of lands after having
 been closed near two years, against the entry of more
 of the Lands in said district. From that time to Oct
 August 1852 there was such a demand for the Public
 Lands that it was impossible for the Land Officers
 to make the entries as fast as applicants desired
 and to keep the same posted on the books of the
 office as was required of them to do, they the said
 Register and Receiver were instructed by the Com-
 missioner of the General Land Office to commence
 on one side of the District and take applications

for the entry or location of the vacant lands in as many
townships as they could complete the entries of
during the next day and so to continue until they
had in this way passed over the District. This was
done and after getting over the larger portion of
the District in this way parties would frequently
apply to enter lands which had been passed over.
There being considerable demand for the entry
of this kind of land and the office being conside-
rably behind hand in posting the entries already
made, myself as Register and J. H. Murphy as
Receiver adopted the rule that we would allow
the entry of no land which had been passed over
as before stated until Jan and after the 1st day
of January 1853, but that we would receive
written applications for such lands and file
them in their regular order, and that the parties
making such application should have from the
1st day of January 1853 to the 1st day of Febry
1853 to complete the entries of the lands respec-
tively applied for by them under the rule aforesaid.
That under this regulation Henry H. Fell made
application as stated in my answer to Question No.
2. That Mr. Fell was told by myself as Register
that he could not then enter said lands but
that I would file his application and that
he would be entitled to enter the lands applied
for by him during the month of January 1853.

"he being the first applicant. That some time
 "in the month of January A.D. 1853 Alexander
 "Campbell came to the Land office and requested
 "approval to enter some of the lands which had
 "been applied for by H. H. Fell & told Mr. Camp-
 "bell that he could not enter said lands as
 "Mr. Fell had applied for them, and was enti-
 "tled to enter the same at any time during that
 "month under the regulation adopted by the Office.
 "Mr. Campbell then stated that he was well acquain-
 "ted with Mr. Fell and that he had no doubt
 "but that Mr. Fell would relinquish his claim
 "and permit him Campbell to enter. He Campbell
 "further stated that he had had a conversation
 "with some person in Livingston County whose
 "name I do not now recollect Mr. Campbell
 "said had been in some way interested or engaged
 "in making selections of lands for Mr. Fell and
 "that he this same person told him Mr.
 "Campbell that Mr. Fell would relinquish his
 "claim to said lands in favor of him Campbell.
 "He Mr. Campbell further stated that he
 "would have seen Mr. Fell and procured from
 "him a written release or relinquishment of his
 "claim to said lands, but assigned some reason
 "for his failure to do so, which as I now recollect
 "was that it was some considerable distance
 "92 to Blossington where Mr. Fell resides.

And that when at Bloomington he was about
 as far from the Land Office as he was in
 Livingston County when the lands lay, and
 that even had he gone to Bloomington it was
 uncertain whether he would have found Mr. Fell
 at home. Under these statements and representations
 made by Mr. Campbell, I as register and Mr. Murphy as receiver after consulting together
 agreed to permit Mr. Campbell to enter the
 said lands with the understanding however that
 should Mr. Fell appear at the office within said
 month of January and insist upon his right
 to enter said lands that in that case we
 should be compelled to permit him to do
 so, in which event Mr. Campbell was
 required to return the certificates which he
 received for the same; to which Mr. Camp-
 bell agreed. Afterwards some time in the
 latter part of said month of January, Mr.
 Fell came to the Land Office and claimed
 his right to enter said lands under his
 application filed as before stated, which
 he was permitted to do.

"Question 4th" Was any thing said between yourself and
 said Campbell at the time he entered said
 lands about your giving him Campbell's
 notice to return his said certificates of entry

"in case Fell should come & claim his right
"to enter said lands.

"Answer" "I have no recollection of any thing being said
"at the time as to our giving him notice to return
"the certificates; Should Mr. Fell enter said lands.

"Question 5th" "Did you ever give him notice that Fell had
"entered said lands; If yes, about when did you
"do so & did he reply; if yes have you his letter
"in reply

"Answer" "I think I gave him notice but am not certain
"of it confident he had notice; as I remember
"being informed by Mr. Campbell that the
"certificates had passed out of his hands and
"then you he could ^{not} return them. I do not know
"whether this statement of Mr. Campbell came to
"me by letter from Mr. Campbell or whether
"he being in Sawville told me so in person. If
"he informed me by letter I do not know who
"became of said letter but suppose it was
"left in the land office. My opinion now
"is that he gave me the information in person.
"I am of opinion that I received this statement
"from him some time previous to the 1st day of
"May 1853.

"Question 6th" "Please state again what were the express

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terms & conditions upon which you permitted
said Campbell to enter said lands over
Fell's written application

"Answer" "The understanding at the time was that we would
permit Mr Campbell to enter said lands
upon the express condition that if Mr
Fell came to the Land office at any time
during the month of January 1853 and insisted
upon his right to enter said lands that then Mr
Campbell was to return his certificate and
his entry would be cancelled,

"Question 1st" "What did Campbell say to those terms -
did he not assent to them or upon
what terms did he enter said lands.

"Answer" "I think he indeed assent to those terms. for it was
upon this condition that he was permitted to
enter said lands

"Question 2nd" "At the time of Fell's written application for the
lands you speak of was made had you and
the Receiver established any rule about the
depositing of money or land warrants with
you or either of you by the persons making
such applications with which to perfect the
entries of said lands if yes what was the rule.

"Answer"

We did not require the deposit of either Sand
Warrants or Money with applications made for
lands which has been passed over as stated
in my answer to question N^o 3 but informed
the applicants that they must pay for the Sands
either in Money or Warrants during the Month
of January 1853

"Question 9th"

"Why was the whole month of January 1853
given to applicants to complete their entries
of Lands applied for by them some time before
pay at time Sell made his application

"Answer"

For the reasons that there were being made quite
a number of Applications for the entry of lands,
and we supposed that it would take us at least
one month to make the entries on the books
of the office and had we have fixed upon some
certain day alone there would have been such
a crowd on that day that it would have been
impossible to have completed or perfected the
entries

"Cross Interrogation by Counsel for
Complainant

"Question 1st"

"How long did you act as Register of the
Lands office at Lawrence, and during
what years

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"Answer" "not quite four years commencing in August
"or September 1849, and continuing until April
"1853

"Question 2nd" "Did T. H. Fell make any other applications
"or entries during the time you held that office

"Answer" "He did."

"Question 3rd" "How many and to what amount

"Answer" "I could not state anything near the amount
"he was engaged in making entries from about
"the time I went into office until I went
"out

"Question 4th" "What amount of Sand did Fell apply
"for in October & November 1852, at the time
"you mention in your answer to your second
"direct interrogatory

"Answer" "A large amount. I could not say what amount.

"Question 5th" "State your best recollection as to the amount
"he applied for at that time

"Answer" "I should think perhaps as much as ten
"thousand acres.

"Question 6th" "Can you state that it was not as much

"as forty thousand acres

"Answer" "Not positively,

"Question 7th" "Did you not know at the time said applications
"were made, that Fell was applying for more
"lands than he intended to enter,

"Answer" "I did not know for certain but suspected it
"at the time, but Fell told me he intended to
"enter them all

"Question 8th" "Was the rule or regulation you speak of as having
"been made by you and the Receiver, reduced to writing
"or published

"Answer" "I think not - it might have been published but
"I have no recollection of it;

"Question 9th" "Did you ever receive any order or direction
"from the Commissioner of the General Land Office
"modifying or changing the rule of application
"and entries, prescribed by him as stated in your
"Answer to the third direct interrogatory.

"Answer" "The instructions of the Commissioner of the
"General Land Office to us terminated when
"we had once passed over the Land district
"in accordance with said instructions as stated
"in my answer to direct interrogatory No 3,
98 "and we had no further instructions from him

"No reference to receiving applications

"Question 10th" "You did not then receive any order or instruction from said Commissioners changing or modifying the instructions you say you received from him."

"Answer" "We did not"

"Question 11th" "Were there instructions in writing"

"Answer" "They were."

"Question 12th" "When is the writing"

"Answer" "It was left on file in the land office when I went out of office."

"Question 13th" "Do you recollect the date of those instructions."

"Answer" "I do not recollect the exact date - it was some time in the summer of 1852. I think in April or May"

"Question 14th" "State whether the land office was closed at the time said Fell made his application"

"Answer" "It was not closed"

"Question 15th" "Were entries of land being made at that office at the time Fell made his application"

"Answer" "I think there were. In fact, certain there were entries being made at the land office of the land under the instructions of the Commissioners that had not yet been passed over. My recollection is that we did not get over the district in accordance with the instructions until the 1st day of December 1852."

"Question 16th" "Did the office remain open for private entry of
 Lands under the instructions of the Commission
 "from the time you say it was opened in August 1852,
 up to December 3rd 1852

"Answer" "It was in accordance with the Commission's instruc-
 tions. If I am correct in the time we got over the
 "the District being the 3rd December 1852,

"Question 17th" "Was said office closed in December 1852 if so
 "when was it again opened.

"Answer" "It was only closed against the entry of Lands, we
 "were in the office all the while doing the business
 "of the office, posting books, and on the 1st or 2nd
 "day of January 1853 we commenced making entries
 "of Lands on applications previously filed as we
 "had given the applicants notice we would do.

"Question 18th" "Had you any directions, instructions, or orders from
 "the Commission of the General Land Office at
 "any time, to receive applications for lands subject
 "to private entry, and give the applicants time in
 "which to complete the entries by making payment
 "therefor

"Answer" "We had not, except as stated in instructions before
 "referred to, the regulations adopted by us were

"Driven to, ~~from~~ from the crowd of business.

"Question 19th" "Did any other person or persons besides Campbell
"apply during the month of January 1853 to enter
"any of the Lands covered by Fell's application

"Answered" "I think there were other persons applied for some
"of the Lands applied for by Fell. though I could
"not state positively; there was no other case in
"which there were two entries permitted

"Question 20th" "Were such other persons permitted to enter
"such Lands.

"Answered" "I think not, unless they came after Mr. Fell
"had been there, and entered what he did

"Question 21st" "Did you receive from Mr. Campbell a fee
"for making said entries, and did you not
"also receive from Mr. Fell a fee for his entries
"of the same Land

"Answered" "If the entries were made with Land warrants
"I presume we did receive the regular fee allowed
"for locating Land warrants.

"Question 22nd" "Were not both entries made with Land warrants

"Answer." "I am not certain whether they were or not if
"I had access to the land office books I could
"tell. the books are at Springfield

"Question 23rd" "Were not the most or nearly all the entries at
"that time made with Land Warrants.

"Answer." "Mostly all were except on double priced Lands

"Question 24th" "Was the Land mentioned in your direct exam-
"ination what you call double priced Land.

"Answer." "They were not

"Question 25th" "Was there not in January 1853 a very large
"Amount of Lands in Danville District subject
"to private entry

"Answer." "There was comparatively a large Amount, though
"there had been in 1852 a very large Amount
"entered

"Question 26th" "Did you know the fact that at the time Fell
"made his entry in January 1853, that he was
"entering the Land above described with the
"Money or Warrants of Richard P. Morgan and
"for Morgan,

"Answer"

"I supposed he was from the fact that Mr. Morgan was with him at the office and Mr. Fell had been doing a General Land Agency business, and I knew that a great deal of the land he entered was not for himself, but was entered for other parties, for whom he acted as agent there was also some conversation which took place between Mr. Fell & Mr. Morgan from which I infered that the Lands were being entered for Mr. Morgan.

"Question 27th"

"Was Morgan present when you told Fell that Campbell had entered the Lands.

"Answer"

"I could not say whether he was present or not though if not present at the time when I first informed Mr. Fell of Mr. Campbell's Entry he was present afterwards and knew of Campbell's Entry before Mr. Fell's entry was perfected.

"Question 28th"

"Was there not a very large business done in entering Lands at the Danville Office during the time you was Register, a larger than was ever done in said office during the same length of time

"Answer"

"From 1849 to August 1852, there was a very small amount Entered but from August 1852 to

"April 1853, there was quite a large amount of
 "Land entered much larger I think than has
 "been entered in the same length of time since
 "that period

"Direct examination of ~~the~~ ^{the} witnesses

"Resumed

"Question 4th

"In your ^{answer} to 15th crop interrogatory you stated that
 "at the time Fell made his application for the lands
 "there were private entries being made of lands that
 "had not been passed over as per instructions of
 "Commissioner of General Land Office. Had not
 "the lands Fell applied for been passed over +
 "were they subject to entry under the rule at that
 "time;

"Answer "

"The lands that Mr. Fell applied for had been
 "passed over and we were receiving applications
 "for them but ~~was~~ not perfecting the entries

"Question 2nd

"Would it have been possible to have perfected the
 "entries as far as the lands was applied for.
 "And was it or was it not absolutely necessary
 "in order to give the applicants a fair chance to
 "give each some considerable time in which
 "to complete his entry

"Answer "

"We thought at the time and I am still of the
 "same opinion that it was impossible to complete
 "the entries as far as applications were made.

and the plan that we adopted of receiving applications + filing them was the best course we could pursue in order to give each man or applicant a fair and equal chance for the public lands.

Cross Examination resumed. of 1st Witness

Question 1st "Could not the rights of all parties have been preserved by receiving in any one day only as many applications as could be completed on the next and requiring the applicants to be ready on the next day with the money or warrants to complete their entries

Answer "We were taken applications each day for as much land as we could complete the entries of during the next day for lands which had not ^{yet} been paid over. Consequently we knew of no way in which we could receive applications for lands that had been paid over except by receiving them and filing them until we got over the entire district and got our books posted

Question 2nd "Could you not have refused to receive applications for lands which had been paid over until you had paid over the whole district in accordance with the instructions of the Commissioner of the General Land office

"Answer" "I don't know whether we could or not, the
"Receiver & myself talked about that matter and
"we came to the conclusion at the time, that the Lands
"when once passed over according to the instructions
"of the Commissioner of the General Land Office
"was then legally in market and subject to private
"entry, and that it was not within our power to
"refuse to parties applying to enter said Lands, the
"the privilege of entering the same, to obviate which
"difficulty, we adopted the regulation as before stated.

"Question 3rd" "How was it that you came to the conclusion that you
"had not the right to refuse the privilege of entering such
"Lands, and yet adopted a regulation by which any
"person applying for all of such lands could virtually
"have the exclusive right to enter until the 1st of
"February 1850.

"Answer" "For the reason that the first applicants, as we
"understand the regulations of the Land Office Department
"when land was subject to private entry, were entitled
"to enter the Land applied for and it not being in
"our power as Land Officers to complete the
"entries of the Lands which were then subject to
"private entry at the time that application was
"made therefor, we thought by receiving applications
"and filing them, it would thus entitle the person
"applying for lands to the same, and we could

"perfect the entries as soon as we get time to do so"

"Question 4th" "Was there any Regulation of the Land Office
Department Authorizing Local Land Offices to
sell the public's Lands subject to private entry
on credit"

"Answer." "There was not."

"D. Clapp"

"J. S. Fincher being first duly sworn deposes and
swears as follows to the several interrogatories herein
as follows

"Int. 1st" "Do you know Daniel Clapp the former Register of
the Danville Land Office? If yes how long have you
known him?"

"Ans." "I have known him for fifteen years -"

"Int. 2nd" "Do you know his character for truth and veracity
in the community where he lives?"

"Ans." "I think I do."

"Int. 3rd" "What is his character for truth & veracity?"

"Ans." "I should say his character for truth and veracity
is as good as any man we have -"

"J. S. Fincher"

"E. P. Martin being first duly sworn deposes
 & Swears as follows to the several interrogations
 propounded

"Int. 1." "Do you know David Clapp former Register
 of the Land office at Danville Ill. if yes how
 long have you known him

"Ans" "I do know Mr Clapp & have known him at
 least five years

"Int. 2." "Do you know his reputation for truth and
 veracity among the people whom he lives

"Ans" "I do know it.

"Int. 3." "What is his character for truth and veracity?"

"Ans" "It is good - as good as any man in the
 community

"E. P. Martin"

"John A. Drake being first duly sworn deposes &
 Swears in answer to the several interrogations as
 follows

"Int. 1." "Do you know D. Clapp former Register of
 Danville Land office? If yes how long
 have you known him?"

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"Ans"

"I do, have known him I think since the year
"eighteen hundred and forty five

"Int. 2."

"Do you know the reputation of said Clapp
"for truth and veracity,

"Ans"

"I think I do

"Int. 3"

"What is his reputation for truth and veracity
"in the community where he lives?

"Ans"

"My impression is that his character for truth
"and veracity is above suspicion, with all
"with whom he is acquainted

"G. N. Blake,

Joseph Peters being first duly sworn on oath
"saw and swears in answer to the several
"interrogatories propounded to him as follows

"Int. 1."

"Do you know Paul Clapp former Register
"of Danville Land office? If so how long
"have you known him

"Ans"

"Yes I have known David Clapp former Register
"since the Spring of 1844 and ever since

"Int. 2."

"Do know his character for truth and
"veracity

"I do

"Int. 3" "What is his character for truth and veracity,
"in the community where he lives.

"Ans" "It is good.

"Int. 4" "Is his character such that he is to be believed
"under oath

"Ans" "It is Joseph Peters

"Thomas R. Forbes first duly sworn deposes
"and swears in answer to the several interrogatories
"as follows

"Int. 1." "Do you know Sant Clapp of Danville Ill?
" & if yes how long have you known him.

"Ans" "I do. have known him some 12 or 15 years

"Int. 2" "Do you know his reputation for truth and
"veracity in the community where he lives?

"I do.

"Ans" "I do.

"Int 3" "What is his reputation for truth and veracity?

"Ans" "It is good

"Int. 4." "What is your business and what is the

"I do

"Int. 3"

"What is his character for truth and veracity,
"in the community where he lives.

"Ans"

"It is good.

"Int. 4"

"Is his character such that he is to be believed
"under oath

"Ans"

"It is

Joseph Peters

"Thomas R. Herber first duly sworn deposes
"and swears in answer to the several interrogatories
"as follows

"Int. 1."

"Do you know David Clapp of Danville Ill?
" & If yes how long have you known him.

"Ans"

"I do have known him some 12 or 15 years

"Int. 2"

"Do you know his reputation for truth and
"veracity in the community where he lives?

"I do.

"Ans"

"I do.

"Int 3"

"What is his reputation for truth and veracity

"Ans"

"It is good

"Int. 4"

"What is your business and what is the

"Business of Joseph Peters whose deposition
is above taken?"

"Deputy County Clerk of Vermilion County Ill.
Joseph Peters is Judge of Vermilion County Court.
"Thos. P. Forbes"

"W. H. Brown duly sworn deposes and
swears in answer to the several interrogatories
as follows

"Int. 1." "Do you know Saul Clapp of Danville Ill.?
if yes how long have you known him

"Ans." "Yes. I have known him for 18 years.

"Int. 2." "Do you know his reputation for truth and veracity
in the community where he lives

"Ans." "Yes I know his reputation.

"Int. 3." "What is his reputation for truth and veracity

"Ans." "It is very good.

"Int. 4." "From his reputation for truth among his neighbors
would you believe him under oath?

"Yes I would

"W. H. Brown

Oliver L. Davis first duly sworn deposes & Swears
in answer to the several interrogatories propounded,
as follows.

Int. 1. "Do you know David Clapp of Newville Ill; if
yes how long have you known him.

"Ans" "I have known him I think about fourteen years

Int. 2. "Do you know his reputation for truth & veracity
in the community where he lives.

"Ans" "I do

Int. 3. "What is his reputation for truth and veracity?"

"It is good. No man in this county has a
better one. "O. L. Davis"

John Woods first duly sworn deposes & Swears
in answer to the several interrogatories as follows.

Int. 1. "Do you know David Clapp; if yes how long have
you known him

"Ans" "Yes I know him have known him ten years.

Int. 2. "Do you know his reputation for truth & veracity

"Ans" "I do

Int. 3. "What is his reputation for truth & veracity

"Ans"

"I have never heard any thing against him.
"but think it is correct. "John Woods"

"Benjamin Stewart first duly sworn deposes
" & swears in answers to the several interrogatories
" as follows

"Int 1:"

"Do you know David Clapp? If yes how long have
" you known him

"Ans"

"Yes - I have known him about 10 or 12 years

"Int. 2"

"Do you know his reputation for truth and veracity,

"Ans"

"I do

"Int. 3:"

"What is his reputation for truth and veracity
" among his neighbors.

"Good as far as I know.

"Benj Stewart

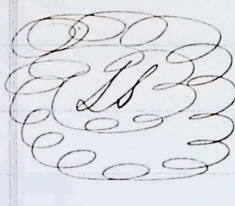
State of Illinois

County of Vermilion

I Samuel G. Craig clerk of the
" Circuit Court for said County do certify that
" the foregoing and attached Depositions of David
" Clapp, John L. Fincher, E. P. Martin, John McWike,
" Joseph Peters, Thomas R. Forbes, William H. Brown,
" Oliver L. Davis, John Woods & Benjamin Stewart
" were this day taken before me by J. H. Michizone
" the part of Defendants and H. H. S. Wallason
" the part of Complainant. that the foregoing

Depositions were reduced to writing before me
and respectively subscribed by the witnesses
herein named said depositions having ^{been} ~~been~~
duly sworn according to law.

My testimony whereof I hereto subscribe

 "My name and office the seal of
the Circuit Court this 31st day
of August AD 1859.

"S. G. Craig Clerk

"by W. Cunningham"

On the Back of the above Depositions
is endorsed in words & figures to wit
"Filed Oct. 24 AD. 1859
B. M. Gray Clerk"

And also on this same day to wit October
24th AD. 1859. was filed in said court the
following Deposition in words and figures
to wit.

"Thos. L. Mc Dowell

vs

"Richd P. Morgan Jr

"Perry H. Bell

"David Piling

"Geo. A. Heaton &

"Agnes Mc Huff

"For Livingston Co's Court

"In Chambers.

"Deposition of Percy H. Fell one of Deft's in
 "above entitled suit Taken this 30th August
 "1889 by agreement of parties on behalf
 "of Defts - to be read as evidence on the
 "trial of above entitled cause subject to
 "any legal objections except notice of time
 " & place of taking this deposition

"W. H. L. Waller

"Sols for Comptor.

"J. H. Mich'ison

"Defts Sol.

"Percy H. Fell being first duly sworn
 "deposes and affirms in answer to the several
 "interrogatories as follows

"Q 1. Do you know the parties to the above entitled
 "cause or any of them & how long have you
 "known them respectively?

"Ans " I am acquainted with neither of the parties except
 "R. P. Morgan Jr. and myself - I have known Rich^d
 "P. Morgan some seven years

"Q. 2. Do you know any thing about the entry at the
 "Newville Survey office Ill. of the following lands
 "to wit N 1/2 Sec 18. & N 1/2 of S. 2. 1/2 & W 1/2 of S. 2. 1/2
 "Sec 18 Town 30 N. R. 7. East. also E 1/2 N. 2. 1/2
 "Sec 13. Town 30. N. R. 7 East in Livingston



County Ill.: If you state all you know about
 it. State whether you ever made a written appli-
 cation to the Register of Land office at Danville
 to enter said lands - when you made such
 application, who was Register + Receiver of Land
 office at the time and if your application to
 enter said lands, was made any considerable
 time before you did enter them. Please state
 why that was so. And why you did not com-
 plete the entry thereof sooner. Please state all
 the facts you know about the written appli-
 cation for said lands and the entry thereof
 either by yourself or anyone else as fully as
 though you were particularly interrogated
 about every part thereof.

"Ans" On or about the 20th day of October 1852 I made a
 written application to the register of the Land office at
 Danville Illinois. David Clapp being the Register
 and John H. Murphy being receiver at that time, to
 be permitted to enter said lands together with other others
 that upon making said application which was done in
 good faith and with the intention of completing said
 entries, I was informed by the Register, D. Clapp that no
 entries could be made until about the 1st day
 of February 1853 that in consequence of the business of
 the office being behind it became necessary to clear the office
 until about that time. To enable the said Register + Receiver
 to make out their full reports to the General Department

"at Washington. I was at the same time advised
 "by the said Register, that they were receiving ~~written~~
 "written application from parties wishing to make Entries,
 "which by a rule they had adopted, would entitle
 "the applicants on the reopening of said office to
 "make their Entries in consecutive order according
 "to the date of their respective applications - The first
 "applicant by being present at the opening of the office
 "was allowed a reasonable time to make his applica-
 "tions good, by Entries. That on or about the 20th day
 "of January 1853, I received notice from W. Clapp
 "the said Register, that the land office would open
 "and be ready to make entries by the 25th day of
 "January 1853 - that thereupon I went to said Land
 "office, and on the ~~25th~~ 25th day of January 1853,
 "was ready with money and warrants, to make good
 "my application to enter said Lands and others. The
 "Register then advised me that one Alex. Campbell
 "(the agent of the complainant) had on or about the
 "4th day of January A.D. 1853 represented to him the
 "said Register that I had relinquished to him the
 "rights, which I had acquired by virtue of my said
 "application, to enter the west half of Section Eighteen
 "the west half of the N. E. qr. of Section 18 and the
 "west half of the S. E. qr. of Section 18, all in Township
 "Thirty North, Range seven East of the 3^d principal
 "Meridian - Also the East half of the N. E. qr. of
 "Section 13 in Township Thirty North, Range 6 East of the

9 3^o P. M. being part of the lands embraced in Complainant's bill in this cause filed. I was further advised by said Register that upon the representations of said of said Campbell he issued certificates of Entry of the lands aforesaid & delivered them to the agent of the Complainant and received the money and warrant of the said Complainant's deposit (without making an actual Entry of said lands upon the records of said office) But with this express understanding & agreement with the said Campbell that if I should claim my right to do so, should in no wise be compromised or prejudiced upon by the giving of the said certificates to the Complainant's agent & that it was then understood by and between the said Campbell and the said Register, that in the event of my claiming the right as aforesaid to enter the said land that then the said Campbell would return to said Register the certificates of Entry & receive his said Warrants & Money as deposited with the said Register. Thereupon I claimed my right to enter said lands and ~~and~~ certificates of entry were issued to me for said lands together with various others.

Question 3. 4 In your answer to 2nd interrogatory you speak of a notice sent you by Clapp the register, a few said that the Danville Land office would be open for entry of land by about the 25th day of January 1850 - know you what letter could do you know when it is?

"Answer"

"I have the letter now in my possession having found it since my answer to the 2^d Interrogatory it was dated January 5, 1853 and was received here through the Post office on the 20th January 1853. The said letter is hereto attached marked A.

"Question 4."

"Have you any interest in the result of the suit herein? Please state all the facts concerning your connection with the said lands in controversy.

"Answer"

"I have no interest whatever. In making my application for lands I purposely included ~~in my~~ in the list. Lands that I intended for other parties as well as for myself. And amongst others for whom I made application was Col. Rich^d. P. Morgan. The lands in controversy in the suit herein I entered with warrants & money furnished me by the said Rich^d. P. Morgan and immediately after the entry thereof I conveyed the same to him by Quit Claim deed.

"Question 5."

"At the time of your application to the Register for lands, had you any money and land warrants or either or deposit with the Register to pay for the lands so applied for.

"Answer"

"Yes -

"Question 6."

"Did you ever relinquish your right to complete your entry under your application, of said lands to A Campbell or any one else.

"Answer"

"I never did -

"Cross interrogatories propounded by Complainants Counsel



"Question 1." "Was Rich^d P. Morgan jointly concerned with you
 "in the purchase of all the lands applied for by you
 "and entered as stated in your answer to the 2^d direct interrogatory

"Answer" "He was not I entered the lands in dispute expressly
 "for Morgan & with his Money and Warrants - The entry
 "was made in my name with Morgans consent,
 "the better to secure the exclusive right that I
 "supposed I had to enter said land by virtue
 "of my application.

"Question 2." "At what time was the arrangement made between
 "you and Morgan by which you were to enter the
 "lands with Morgans Money? Was it before or after
 "you made your application in October 1852.

"Answer" "It was ~~before~~ after.

"Question 3." "Did you know at the time you made the entries
 "as stated to your answer to 2^d direct interrogatory
 "that said lands had been previously entered by
 "Alex Campbell for the Comp^y?"

"Answer" "I was told by H. Clapp the Register that a conditional
 "Entry had been made by one Alex Campbell of
 "said land - the conditions of which were stated in
 "my answer to the 2^d direct Interrogatory.

"Question 4." "Did you not, in the application made by you in
 "October 1852, apply for more lands than you
 "intended to enter

"Answer" "There was more included in the application than
 "I expected to enter I purposely included a large

"Amount so as to provide against any previous
"applications that might have been made by others.
"but intended to and did enter a large amount
"of lands

"Question 5" "What Amount of lands did you apply for at that
"time

"Answer" "I have no means at hand from which I could
"Answer that Question correctly. I should say with-
"out pretending at all to be accurate men, that
"there might have been Twenty thousand acres or
"more, possibly double that amount.

"Question 6." "On your Answer to the 5th direct interrogatory
"you say that you had Money & Land warrants
"on deposit with the Register or Receiver of the
"land office at the time of making your application
"to pay for the lands so applied for. Please state
"whether you mean to be understood that you had
"them sufficient Money & Land warrants so
"deposited to pay for all the lands you so applied
"for

"Answer" "I did not. I had a considerable amount of
"Money and warrants, on deposit at the time refered
"to; but I could not now say with any accuracy
"what amount there was there then on deposit.
"The Register did not require applications to be
"accompanied with warrants & Money (under a
"rule which they had previously adopted) from
"persons whom they recognized as bona fide applicants.

What I had in deposit then was left as a matter
of convenience for safety + not because he
required me to do so.

"Question 7" Read you at any time previous to your return
of the 25th January 1853, directed any portion of
the warrants or money in deposit, to be applied
in payment of the lands in controversy
in this suit?

"Answer" I had not.

"Question 8" Did you not in giving this your deposition in
Answer to the 2^d direct Interrogatory read from
a written paper your answer thereto?

"Answer" I read from what purports to be a copy of an
Answer carefully prepared last month and
which answer is now a part of the records
in this suit. "T. H. Field"

State of Illinois

McLean County } S.S. & William C. Hobbs Clerk of
the County Court of the County and in the State
aforesaid do hereby certify that the said witness
Rensy H. Field prior to the taking of the aforesaid
deposition and on the 30th day of August A.D. 1859
affirmed before me that he would testify that
in relation to the controversy in the suit mentioned
in the caption of this deposition so far as he might
be interrogated in relation thereto and that
said deposition was on the said 30th day of

August 20, 1859 at this County Clerk's office in
Bloomington in said County, and State taken
& reduced to writing and signed & affirmed
to by said witness in my presence

"Sworn under my hands & the seal
of said County, Court this 20th
day of August A.D. 1859.

"W. L. Hobbs clerk of the
County Court W. L. S. Ill.

"A

"Land Office

"Hannville Ills

"January 5th 1853

"Sir

"In reply to yours of the 29th ult (which
came to hand yesterday) I would say that
the N.E.S.W. 29-26-4 is entered in the name
of Saml Drake and if the certificate is
filled up in your name it is wrong.

"The preemption law of 1841 is now in force
as heretofore. We commenced making
private entries on the 1st of this month
and you would better be here immediately
if you wish to secure your application

"Yours Respectfully

"D. Clapp Regr"

On the back of the above depositum is
entered in words and figures to wit

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"Filed Oct 24th A.D., 1859
B. N. Gray Clerk"

And also on this same day to wit October 24th
A.D., 1859, The following deposition was filed in
said court, in words and figures to wit

"Deposition of William P. Babcock and
"Archibald B. Dunlap, witnesses of lawful
"age, produced ~~and~~ sworn and examined
"before Samuel S. Saul County Clerk of
"Livingston County, in the State of Illinois,
"at the office of said clerk in Pontiac in
"said County, on the 10th day of August
"A.D., 1859 at ten o'clock in the forenoon of
"said day. Said deposition to be used as
"evidence in the hearing of a certain cause
"now pending in the Circuit Court of said
"County on the chancery side thereof, wherein
"Thomas L. McDaniel is Complainant and
"and Richard P. Morgan, Henry H. Fell and
"others are defendants on the part of the complainant
"The said William P. Babcock being first duly sworn
"now hath deposed as follows in answer to the
"following interrogatories on the part of said
"Complainant -

"Int. 1" "What is your name, age, occupation & Place of
"Residence?"

"Ques 1" "Billing P. Babcock. My occupation is that of a farmer. My place of residence is Livingston County Illinois. My age is forty five.

"Ques 2" "Were you engaged in entering land at the United States Land office at Danville Illinois at any time or times during the year 1852, if so at what time during said year?"

"Ans 2" "I entered land at that office in August and November of the year 1852

"Ques 3rd" "At the times when you made entries as you have just stated, above, State whether or not, the land office at Danville was open for the transaction of business in entering lands?"

"Ans 3" "To the best of my recollection and belief that office was open at those times.

"Ques 4" "Who was acting as Register of said land office at the times above spoken of?"

"Ans 4" "I believe it was David Kelapp

"Ques 5" "Was there ever any arrangement or rule at that office, to your knowledge, by which any person, could make application for lands subject to private entry and have thirty days from the time of making application in which to make payment?"

"Ans 5" "I cannot say as to length of time given for payment, some lands were withheld from entry, by previous application being made for them, as the officier said, on peruse

"applied to enter a piece of land, and was
"told by the person acting in the office as
"Clerk or Register, that it had been ^{previously} applied
"for, and that the applicant would release on
"payment of five or ten dollars, I don't recollect
"which sum, but it was paid to the said
"Clerk for the first applicant, and the
"second applicant permitted to enter the
"land, and this is all that I know of any
"rule on that subject.

"Int 6." "If there had been any General rule of the
"kind mentioned in the fifth interrogatory,
"would you have been likely to have known it?"

"Ans 6." "I think I should, but might not have.

"Cross Interrogatory proposed by defendant-

"Cross Int 1." "Was you told of this sale of application by Mr.
"Clapp the Register, or had he any thing to do
"with it to your knowledge?"

"Ans to Cross Int 1." "No: I think Mr Clapp was sitting near, the
"Conversation was between the Clerk and the
"second Applicant

"Cross Int 2." "What you state of your knowledge, as to the rule of
"application for lands, do you have reference to the
"time before or after the closing of the ~~the~~ said
"land office in November or December 1852,

"Ans to Cross Int 2." "I think the instance above stated was after
"December 1852.

"Cross Int 3." "Was it before or after the first of February 1853.

"Anst. to Dep't 3." "I think it was after the first of February 1853.
 "Cross. Dep't 4." "Did you any time during the winter of 1852
 "And 1853, become aware that you could make
 "Application for land subject to entry, and have
 "the right by the rules of said ^{Land} office to make
 "the entries when the said office opens.

"Anst. to Cross. Dep't 4." "I do not recollect now of knowing
 "of such a rule, at that time

"Pelling P. Babcock."

"The said Archibald B. Dunlap being by law
 "first duly sworn according to law, on oath
 "deposed as follows in answer to the following
 "interrogatories on the part of said complain-
 "ant

"Dep't. 1." "What is your name, age, occupation and
 "place of Residence?"

"Anst. to Dep't 1." "My name is Archibald B. Dunlap, my age
 "is twenty six years, my place of residence is
 "Livingston County, Illinois, my occupation is
 "that of a farmer

"Dep't 3." "~~No, you know the land described in Section 18
 "Town 30 North Range 7 East, and the North East
 "quarter of Section 13, Town 30 North Range 7
 "East~~

"Anst. to Dep't 3." "I do

"Dep't 2." "Are you acquainted with the parties to this suit?"

"Anst. to Dep't 2." "I am acquainted with all of them.
 "Except Field

"Q. Do you know the lands described as Section 18-
Town 30 North, Range 7 East, and the North East
quarter of Section 13, Town 30 North Range 6,
East

"Ans. to Q. 3. "I do

"Q. Is said land improved or now improved

"Ans. to Q. 4. "It is improved

"Q. State if you know by whom the improve-
ments on said lands were made

"Ans. to Q. 5. "There was some improvements on said lands
when I first saw them, all the improvements that
have been made since were made by Thomas L.
McDowell, George A. Keaton, and David Kelso
and Agnes McDuff

"Q. When did you first see these lands

"Ans. to Q. 6. "In October 1884.

"Q. What improvements were on them at that time?

"Ans. to Q. 7. "The North East quarter of the same was fenced on
three sides and there was about seventy acres of
it sown in wheat, there was about one hundred
& forty acres of the said North East quarter broken
then was about twenty acres broken on the
North west quarter of Section Eighteen.

"Q. Who was in possession of said land when
you first saw it?

"Ans. to Q. 8. "Thomas L. McDowell.

"Q. What in your opinion is the value of the
improvements now on said land?

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"Ques to Sub 9." "About two thousand dollars

"Sub 10." "State whether or not, you heard a conversation
"between the Complainant M^c Dowell, and the
"Defendant Morgan, in August or September 1857,
"in reference to the entry of said lands, if yes,
"State what Morgan said on that subject at
"that time

"Ques to Sub 10." "I did. Morgan said if he had known the land
"lay where it did he would not have entered it.
"that he thought it lay here pointing up and
"down on Section 13 where we were then standing,
"and that this right, reached over west and
"took in that mound, and at the same
"as heel M^r M^c Dowell whether there was ^{not} a pond
"at the foot of the mound, and then remarked
"that there ~~was~~ is where he thought it lay.

"Cross interrogatories by defendant

"Ques to Sub 1." "What were the improvements on said land
"worth when you first knew it in 1834.

"Ques to Sub 1." "Some thing over five hundred dollars.

"Ques to Sub 2." "Were these improvements all made by M^r
"M^c Dowell

"Ans." "As understood from M^r M^c Dowell that he made
"them

"Ques to Sub 3." "at what time did Agass M^r Bluff being a
"Heaten and David Pelling take possession of
"the land on Section 18?

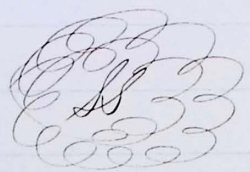
"Ans." Agnes McDuff to possession in the Spring of
"1805 and Heaton and Tilling in the Spring
"of 1836

Ques. "Did you ever hear any thing say that the land
"was in dispute between W^m McDowell and Mrs.
"Morgan, about the time they took possession

"Ans. "I did, some time after they took possession
"of the land I heard them conversing, and
"saying this land was disputed between
"McDowell and Morgan
"A. B. Dunlap"

State of Illinois }
Livingston County } J. Samuel S. Saul County
Clerk of said County, do hereby certify that
the foregoing depositions of Billings P.
Babcock and Archibald B. Dunlap were
taken ^{by and} before me at my office in Pontiac, on
Wednesday the tenth day of August A.D. 1857
at ten O'Clock in the forenoon of said day,
that previous to their examination each of
said witnesses were by me duly sworn
according to law, and the several interroga-
tories and the answers thereto were by me
written down in the order in which they
are above set down in said depositions

That said interrogations were by me propounded
 to said witnesses respectively as above in said
 deposition shown, and the several answers of
 said witnesses respectively, were by me written
 down as the same are shown in said
 deposition, and said respective interrogations
 and the answers therunto were by me carefully
 read to said witnesses respectively, after they
 were so written down as aforesaid, and
 said witnesses then signed their respective
 depositions in my presence and over them
 & then by me respectively duly sworn according
 to law as to the truth of their respective dep-
 ositions aforesaid -



"Witness my hand and official
 seal of the County Court of said
 County at Pontiac in said County
 this 10th day of August A.D. 1857,
 "S. S. Saul
 Clerk"

On the back of the above deposition is
 enclosed in words & figures to wit

"Filed Oct 24 A.D. 1857
 B. M. Gray Clerk"

And afterwards to wit on the 25th day of October
 A.D. 1857 the following stipulation was filed in
 said Court in words and figures to wit

"State of Illinois
 "Livingston County, & Circuit Court thereof

"Thomas L. McDowell

vs

"Richard P. Morgan &
 Henry H. Hill.

"George A. Heaton

"David Riling &

"Agnes McDuff

"In Chancery.

"It is hereby agreed and
 "stipulated by and between said complainant
 "of the one part and said defendants Morgan
 "and Hill of the other part that the following
 "propositions are true, and that the same
 "shall be considered by said Court ^{in its} hearing
 "of said cause as being fully established
 "by complete proof. That the books of
 "Original entries used in the United States
 "Land office at Danville in January
 "1853, shows that the West fractional half
 "and the west half of the North East fractional
 "quarter of Section 18, Town 30, N. 7. E.
 "and the South East quarter of Section 18,
 "Town & Range aforesaid were entered on said
 "book as having been entered by Thomas L.
 "McDowell on the 11th day of January, A. D.
 "1853 the first two tracts as having been

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returned with Military bounty land warrant
No 20,536 in the name of one Langley & the
last named tract ~~with~~ with Military ^{bounty} land
warrant No 3482 - that each of said entries
"appear on said books to have been ~~present~~
subsequently erased, and other entries
made over them and that by said books
it appears that said West tract $\frac{1}{2}$ Sec 18
was entered by Perry H. Hill on the 25th
day of January A.D. 1853, with Military Bounty
land warrant. It also appears by said
book that the North East quarter of Section
13. Town 30 N. R. 6. E was was entered by said
Thomas M. McDowell on the fourth day of
January A.D. 1853 with Military bounty
land warrant No 1960 in the name of
Ephraim P. Emerson and that said entry
in said book appears to have been subsequently
erased & another entry made over it
and it also appears by said books that
the East half of said last mentioned
tract was entered by Perry H. Hill on
the 25th day of January A.D. 1853. with a
Military bounty land warrant -

This agreement is made at Springfield
whither the Solicitors of said parties have
come for the purpose of taking the depo-
sition of W. C. Neefe Register of the

land office at Springfield, and upon
examination of said book, said solicitor
is satisfied that the above propositions
are true and therefore make this stip-
ulation and agreement to obviate the
necessity of taking said Refus deposition
in said case
Sept. 1, 1859.

" W. H. S. Wallace
" Solicitor for Compt
" J. H. Wickizer
" Sol for Morgan & Fell

On the back of the above stipulation is
endorsed in words and figures to wit
"Filed Oct. 25 AD 1859
P. N. Gray Clk."

And also on this same day to wit October
25th AD 1859 the following affidavit was
filed in said Court in words and figures
to wit

"State of Illinois
"Livingston County & Circuit Court thereof
"In Chancery
"Thomas Lewis Howell
"174 Richard Pullinger Jr

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"Henry H. Fell
"George A. Heaton
"David Pilling +
"Agnes McEluff

"William H. S. Wallace
"being duly sworn ^{on oath} deposes and says that
"he is the petitioner of Complainant in said
"Cause, and has the sole charge of the conduct
"of said Cause - and that it necessary in
"the opinion of Affiant that certified copies
"of the Land Warrants with which said Fell
"entered said land, in controversy January
"25. 1853. And of the application ~~made~~ by
"made by said Fell for the entry of said land,
"Should be adduced in the hearing of said
"Cause - Affiant further says that he is
"advised and believes that prior to the
"issuing of the Patents for said land Com-
"plainant filed a caveat in the office of the
"Commissioner of the General Land office
"in Washington City and that thereupon
"an order was made by ^{the} said Commissioner
"that the local land office should take proofs
"on giving notice to the parties - and that
"afterwards said Fell and Morgan procured
"affidavits from Daniel Clapp and others
"and laid them before the Commissioner
"of the General Land office without notice

to Complainant And that said Commissioner
 "wrote notice to said Complainant, and
 "without giving him an opportunity of
 "aducing proofs, decided that patents should
 "issue to said Field for said lands and in
 "affiant's opinion Certified Copies of the
 "affidavits on which said Commissioner ^{acted}
 "in making said decision - and that it
 "will appear from said affidavit of said
 "Clapp, as affiant is informed and believes,
 "that said Clapp, made statements in said
 "affidavit materially variant from the
 "statements made by said Clapp in his
 "deposition on file in this cause - affiant
 "further saith that he hoped and believed
 "he could procure copies of said Warrants
 "and application at the local land office
 "at Springfield, until about the 1st Sept.
 "1859, when on examination at Springfield
 "he ascertained that said Warrants + applica-
 "tion were at Washington City - about the
 "same time (Sept 1 1859) said Clapp's depo-
 "sition was taken in this cause + affiant
 "there for the first time knew certainly what
 "his testimony would be in said cause -
 "Immediately after said deposition was taken
 "and after affiant learned that he could
 "not procure copies of said Warrants and,

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application at Springfield, affiant wrote
to the Commissioner of the General Land
office at Washington city, requesting him
to transmit copies of said warrants and
application and of said affidavits to the
Clerk of this court to be used as evidence in
said cause, and affiant at the same time
sent to said Commissioner an affidavit
of the receipt of said copies as evidence
in this cause as required by the rules of
said General Land office in that behalf
that at the same time affiant wrote another
letter to said Commissioner on another
subject, to which last letter affiant received
a reply from said Commissioner before
the present term of this court, but said
copies have not been received and affiant
verily believes that it is necessary to the
purpose of equity and justice in said
cause that said copies should be before this
court on the hearing of this cause, and he
believes complainant will be able to
procure said copies duly certified so as
to make them evidence in this cause
by the next term of this court, that this application
is not made for the purpose of delay merely
but for the purpose of justice
Subscribed & Sworn to before } W. H. S. Wallace }

me this 25th day of October A.D. 1859.

"B W Gray Esq Clerk"

On the back of the above affidavit is the following endorsement to wit:

"Filed Oct. 25th A.D. 1859

B W Gray Clerk"

And afterwards to wit the 2^d day of April A.D. 1861 The following Testimony of Alexander Campbell was taken in said Court to wit.

"Alex Campbell sworn by Compt.
I entered some lands at Danwells office in
fall of 1852 in Sep was then bought some
in Range then first call these lands had
been withheld for the purpose of selecting
lands for the U.S. L. P. R. after selecting
these lands were again brought into market
and as I understood at public sale but
when there was men there an application
the land was put up and bids received as
between these applicants but when there
was no men there or applicants they were not
so offered the one applicant was allowed
to enter without any bidding I was there
but one time while they being so offered,
I was then in fact the first of Jan in

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Sept I was there about two weeks - I entered
these lands for Mrs McDowell on Tuesday
about the 4th of Jan^r 1853 - In my operation
there I never knew that time was given to
complete entries after applications were
made only while they were being first
offered - applications were made one
day & the lands offered or put up the next
day - Seton shown - witness says it is bluffs
handwriting this is the letter referred to
in my deposition in which I say he
gave me a letter to Mrs McDowell
C. Ross examined. First entered lands
for Mrs McDowell in Danville District
in Jan 4 1853 I had previously entered
for him in Chicago District I entered
altogether for him about 4800 acres
about two thousand in Chicago District
little more or little less may be -
the balance was in Danville District
I entered the lands for him and was to
have a contingent interest for my services
the interest was that I was to have the
right to purchase one half the lands back
at at one dollar & quarter per acre the
and pay him ten per cent interest
within I think three years or may have
been five I think there the interest -



"as I remember it was that neither of us
 "could sell the land without the consent of
 "the other there was no provision made in
 "our agreement in case of sale what was
 "to become with the funds We have since
 "divided the lands I got one + a half
 "sections I was entitled to one half on paying
 "\$1.25 per acre - I paid him at this rate for
 "all I got - the sale of M^o Howell to
 "M^o Elduff Theaton + Peling was taken
 "into consideration in our settlement -
 "I got the whole of my half of the lands
 "at \$1.25 per acre and bought others also
 "for my self or my family,
 "Re examined - I have no interest in the
 "lands in controversy now and had
 "none when my deposition was taken
 "in August 6th 1859 - nor in the proceeds
 "the whole thing had been settled between
 "me and M^o Howell
 "Re cross Examined. the lands were
 "concluded in our settlement. I have
 "paid back no money to M^o Howell
 "Answer to Camp^l the whole matter was
 "settled. Release here given to Campbell
 "from M^o Howell. Camp^l now offers
 "to re examine witness upon matters in
 "his deposition Sept 6th - Court allows

examination to which I left except -
 "Stipulation the Lp on file be considered
 "as now given since released
 "Taken in Term April 2-1861
 "C. R. Starr.

"Filed April 2^d 1861

J. M. Remick Clerk
 J. G. R. Wolgamott Depts in

"Testimony of C. H. Moore sworn -
 "My recollection is that there was a public sale
 "after the land had been withdrawn from market
 "for the Rail Road - Commenced the latter part
 "of August or first of Sep. 1852 - they commenced
 "on the west side of the district in Range
 "one west. Some day the better part of an
 "entire Range would be offered and sometimes
 "only a town or two - and they got through
 "with offering land for public sale some times
 "in Dec. in the meantime there would parties
 "come in to enter lands in the part of the
 "District passed over and they made a
 "regulation that they would not allow
 "them to enter lands passed over until they
 "had got through with the lands being offered
 "at public sale I cannot say how generally
 "that was the rule was known but I was
 "there in Jan^y and I was to have the

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"month of Jan I filed my application by
"letter on Nov or December previous when
"I made my application I did not deposit
"money or warrants - this was found to be
"dangerous for both Officers & applicants -
"liable to be lost - I think the officers adopted
"the rule first out the instance of the
"applicants to require deposits - the rule
"changed as to lands part over as understood
"it - but it remained as to the lands being
"offered at public sale I don't know
"any that did not know these rules -
"as far as I knew the rule was we made
"applications and came back in Jan
"and perfected them I perfected all that
"there was not prior applications for them
"was a press of business I have seen
"two or three hundred applicants a day
"not a day from then to Jan make that
"was not from 50 to 200 persons that applied
"for land - I would say that in the routine
"of business about 125. or 150 tracts could
"be made per day but could not do this
"and make their monthly reports the
"applications for land part over was
"going on all the time when the other was
"being offered at public sale -
"cross examined

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"The public sales could be paid for with
 "land warrants - the land was put up
 "and offered at public sale I think -
 "I don't say but this was the course they
 "took - that they first ran over and asked
 "if any man wanted land in that
 "township and then made publication
 "that they would receive applications
 "on a given day for lands in such &
 "similar townships where lands are
 "required to be sold at public sale
 "they are with held from private entry
 "until so offered I would think that at
 "all sales the party was not obliged to
 "put in applications - Lands that
 "were passed over were applied for in
 "writing in this form - I do hereby apply
 "for the following lands - and sign your
 "name - The officers were in the habit
 "of receiving applications. In an applica-
 "tion for as many lands as you could write
 "on a sheet of paper - I don't know
 "any thing about Jells operations
 "but I know in about a year afterward
 "they got in the habit of making applications
 "and that covered almost the whole
 "creation I know that Jell entered a
 "large amount of lands about this time

"Taken April 2nd 1861 in trial

"C. P. Starr

"Judge

"Filed April 2, 1861

"J. M. Remick clerk

"per J. P. Wolgamott Deputy

Here to file to wit on the 2nd day of March
AD 1868 the following exhibits were filed
in said court and are in words and figures
following to wit:

"Military Bounty Land act of 28 September
"1850. Register office Hannville Ills Jan 4th
"1853 Military Land Warrant No 3,482 in the
"name of Frederick W. Win right has this day
"been located by Thomas C. Mc Donnell upon
"the South East quarter of Section 18 in Township
"30. N of Range 10 East subject to any pre-
"emption claim which may be filed for said
"land within forty days from this date
"Contents of tract located 1600 acres

"H. LeLapp Register

"Military Bounty Land act of 28 September 1850
"Land Warrant Register and Recievs.

"No. 3482

"}

"No. 4,432

"Land office Hannville Ills Jan 4th 1853

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"We hereby Certify, that the attached Military
" Bounty Land Warrant No 3482 was on this
" day received at this office from Thomas C. Mc-
" Dowell of Blair County State of Penn.

"H. Clapp Register
" J. H. Murphy Receiver

"I Thomas C. McDowell of Blair County State
" of Penn hereby apply to locate ^{and locate} the South East
" quarter of section No Eighteen (18) in Township
" No Thirty North of Range No Seven East in
" the District of Lands subject to sale at the
" Land Office at Danville Ills containing
" 160 acres, in ~~petition~~ ^{petition} of the attached
" Warrant numbered 3482 issued under
" the act of 28 September 1850. Witness my
" hand this 4th day of January AD 1853
" H. Clapp Register } Thomas C. McDowell
" J. H. Murphy Receiver } "by A Campbell"

"I request the Patent to be sent to Hollidaysburg Penn.,
" Land Office Danville Ills Jan 4th 1853.

"We hereby certify that the above location is
" correct, being in accordance with law and
" instructions

"J. H. Murphy Receiver,
" H. Clapp Register."

"Sent Land Office Feb 25/58
" This Certif + duplicate Certificate of location
" is sent to the Clerk of the Circuit Court of Spring-
" ston County Ills to be used as evidence in

3482 - 160. (Cancelled)

"The case of Morgan, et al vs M^r Howell
"When the case is decided the Clerk will
"return them to this office S.

"for answer."

"Filed March 2nd 1858

"B. N. Gray Clerk."

"Military Bounty Land Act of 28 September 1850
"Registers office Danville Ills Jan 4th 1853
"Military Land Warrant No. 1960, in the name
"of Ephraim T. Emerson has this day been
"located by Thos. L. M^r Howell upon the North
"East quarter of Section Thirteen (13) in Township
"Thirty North of Range Six East subject to
"any preemption claim which may be filed for said
"land within forty days from this date
"Contents of tract located }
"160 acres } "D. Clapp, Register.

"Military Bounty Land Act of 28 September 1850
"Land Warrant } Register and Receiver
"Apr 1960 } ("No 4393")
"Land office Danville Ills January 4th 1853.
"We hereby certify, That the attached Military
"Bounty Land Warrant No. 1960 was on this
"day received at this office from Thomas L.
"McDonnell of Blair County State of
"Pennsylvania
"D. Clapp Register
"J. H. Humphrey Receiver

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"I Thomas C. Clapp No. 1833
 "State of Penna" hereby apply to locate and describe
 "the North East quarter of Section Thirteen (13)
 "in Township No. Thirtz (30) North of Range No.
 "East in the District of Lands Subject to
 "Sale at the Land Office at Harrisville Ills
 "Containing 160 acres, in satisfaction of the
 "attached Warrant numbered 1960 issued
 "under the act of 28 September 1850.
 "Witness my hand this fourth day of January
 "AD 1853

"Attest

"D. Clapp Register. } Thomas C. Clapp
 "J. H. Murphy Receiver. } by A. Campbell
 Attorney

"I request the Patent to be sent to Holidays being Person
 "Land Office, Harrisville Ills, Janz 4th 1853

"We hereby certify, That the above location is correct,
 "being in accordance with law and instructions

"J. H. Murphy Receiver,
 "D. Clapp Register.

"1960 - 160. "Cancelled

"Genl Land Office Feby 25/58 This certif + dup
 "Certif of location is sent to the Clerk of Livingston
 "Co Ills to be used as evidence in the case of Morgan
 "vs. T. C. Clapp when the case is decided. The Clerk
 "will return them to this office

"for Commr

"Filed March 2nd 1858

"B. N. Gray Clerk"

"Military Bounty Land Act of 28 September, 1850
 "Register office Hannville Ills Jan'y 4th 1853
 "Military Land Warrant No 20, 536 in the name of
 "Isaac Langford has this day been located by
 "Thomas C. Howell upon the W fl 1/2 & the
 "W fl 1/4 quarter of Section 18 in Town ship
 "30 N of Range 7 East subject to any preemp-
 "tion claim which may be filed for said land
 "within forty days from this date.

"Contents of tract located
 "171⁵⁷/₁₀₀ acres } "W. Clapp Register

"Military Bounty Land Act of 28 September 1850
 "Land Warrant } Register and Receiver
 "No 20536 } No 4431

"Land Office Hannville Ills Jan'y 4th 1853.
 "We hereby certify, That the attached Military Bounty
 "Land warrant No 20536, was on this day received
 "at this office, from Thomas C. Howell of Blair
 "County, State of Penna." } "W. Clapp Register
 "J. H. Murphy Receiver.

"Thomas C. Howell of Blair County, State
 "of Penna. do hereby apply to locate and do locate the
 "West 1/2 of the West half of the North East 1/4
 "quarter of Section No Eighteen (18) in Township 30 North, Co 7 East

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in the district of land subject to sale at the Land
 Office Nashville Tenn 57
 of Range No Seven East containing 171
 acres in satisfaction of the attached warrant
 Number 20, 536 issued under the act of 28
 September, 1800, having paid \$ 14, 84 as per Receiver
 Receipt No 12932 Witness my hand this 14th
 day of January A.D. 1853.

"D. Klapp, Register } Thomas L. Mc Donnell
 "J. H. Murphy Receiver } by A Campbell attorney
 "Request the Patent to be sent to Keeliday being
 "Perman

Land office Nashville Tenn Janry, 14th 1853
 We hereby certify, that the above location is correct,
 being in accordance with law and instructions

"J. H. Murphy Receiver.
 "D. Klapp Register."

"20, 536. - 160
 "Genl. Land Office Feby 25/58 This Certif. & Dup
 "Certif is sent to the clerk of the Circuit Court of
 "Livingston Co. Tenn to be used as evidence in the case
 "of Morgan et al vs Mc Donnell.

"When the case is decided the clerk will return
 "them to this office

"S"
 "for Commr"

"Filed March 2nd 1858
 "B. N. Gray Clerk"

And afterwards to wit on the 14th day of
 November A.D. 1859, the following exhibits

Were filed in said Court in words and figures to wit:

"General Land Office 13. September 1836

"Gentlemen.

"From the enclosed letter
"to the Register at Danville, Illinois, you
"will understand the nature of the conflict
"between Thomas C. McDowell of Blair County
"Pennsylvania, and Henry N. Fell, Jr &
"Jarnigan, and Charles A. Morris, for the North
"East quarter Section 13, Township 30, Range
"6. East. the South East quarter of West
"fractional half and West half of North East
"fractional quarter, Section 18 Township 30,
"North, Range 7. East, an answer to which
"has not been received at this Office.

"You will please notify the parties or their
"Attorneys Richard P. Morgan Junr of Poughkeepsie
"and N. Sparks and Alexander Campbell of
"Saballs County Illinois, of a time when you
"will hear such evidence as they may offer
"in support of their claims, and report the result
"of the investigation, with the testimony and
"express joint Opinions thereon, to this office for
"its final action.

"As the time of closing and reopening of the
"Danville Office, the character of the notice

to persons desirous of entering land and the
fact of whether the Suspension was the act
of the Land Officers, or by direction from this
office. May have an important bearing in this
investigation. You will have these facts clearly
set forth in your report. As the Register of 30th
June 1853, may throw some light upon the subject
I herewith enclose you a copy thereof.

"Very Respectfully Yours Ob. Servt

"John Hood

"Acting Commissioner

"Register

"Receiver

"Springfield

"Illinois

"General Land Office November 9th 1859
"Joseph S. Wilson Acting Commissioner of
"the General Land Office, do hereby certify that
"the annexed is a true and literal Exemplifi-
"cation of a letter to Register & Receiver of the Land Office
"at Springfield Illinois from the Records of this
"Office

"In testimony whereof I have hereunto subscribed

"my name and caused the seal of this
"Office to be affixed at ^{the City of} Washington

SS
[Signature]

"on this day read your above written
"J. S. Wilson

"Acting Commissioner of the General Land Office

"Filed Nov. 14th A. D. 1859"

"B. M. May Clerk"



General Land Office February 25, 1858

Sir

At the request of the Hon. Lytle Hickey -
I herewith send you from my files, the certificates
+ Duplicate Certificates of Location, made at
Danville, Ills with Nilit N^o 1960, 3482 + 20,536
for 160 acres each, Act 1830, to be used as evidence in
the cause of Morgan et al, vs. Mc Dowell

When the object for which they are sent is
effected, you will please return them to this office

Very Respectfully

Your Obedt. Servt.

Jas A Hendricks

Commissioner

Clerk of the Circuit Court
of Livingston County
Pentaca, Ills

General Land Office November 9th 1859
Joseph S. Wilson Acting Commissioner of
the General Land Office do hereby certify,
that the annexed is a true and literal copy
+ plification of a letter to the Clerk of the Circuit
Court of Livingston County, Illinois from the
records of this office

SS

In testimony whereof I have hereunto
subscribed my name and caused
the seal of this office to be affixed

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"at the city of Washington on the

"day and year above written

"J. S. Wilson

"Acting Commissioner of the General Land Office

"Filed Nov. 14th A.D. 1859.

"B. N. Gray, Clerk"

"General Land Office 22 November 1856
Gentlemen

"I enclose herewith Bounty Land
 Warrants No^s. 1960, 3482, and 20536 for 160 acres
 each, act of 1830, which were respectively located
 in the names of Tho^s C. McDowell at the
 late Naville Land Office on the 4th January
 1833, upon the following described tracts, to wit
 No^s 1960, upon the North East quarter Section 13
 Township 30, North, Range 6, East
 " 3482 " " South East quarter, Section
 " 18 Township 30 North, Range 7 East
 " 20,536 " West fractional half and west
 " half of North East fractional
 " quarter of Section 18, in
 " Township 30 North of
 " Range 7 East

"The same testimony furnished this office satisfac-
 tory in the premises. It is found that the above lands
 had been applied for by Henry H. Fells prior to
 the location of Mr C. McDowell's Warrants

And that under his said application he
did on the 25th of January 1853, locate the same.
You will find upon an examination
of the plat books of the late Danville Office
that these locations were canceled thereon by
the Register about the time McFell made
his locations

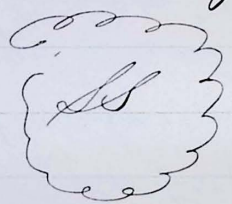
By reference to the letters Records
of said office you will find a letter addressed
to this office by the Register dated June 30th 1853
enclosing the ^{warrants} ~~then~~ named above, together with
with the certificates of location attached
The object now in transmitting these warrants
to you is, that they may either be delivered up
or transmitted to Thos^o C^o Mc^o Dowell, of
Blair County, in Pennsylvania, or to Alexander
Campbell, Esqr & his attorney, of LaSalle
County, Illinois, the Duplicates Certificates
of location having been surrendered to this
Office. In conclusion I have to advise
you that the instructions contained in
my communication of the 13th of September
last ordering an investigation of all the facts
in the above case are recited, as proof has
been furnished this office directly, which has
enabled it to make a decision in the premises.
You will not therefore hold the investigation
incurred in said letter of instructions

"Registered
"Receiver
"Springfield
"Illinois

"Respectfully
"Yours Obedt Servant
"Thos A Hendricks
"Commissioner

"General Land Office November 9th
"1859 J. Joseph S. Nelson Acting Commissioner
"of the General Land Office do hereby certify
"that the Annexed is a true and literal ex-
"plication of a letter to the Register and Receiver
"of the Land Office at Springfield Illinois from
"the Records of this office

"In testimony whereof I have hereunto sub-
"scribed my name and caused the seal
"of this office to be affixed
"at the city of Washington
"on the day and year above
"Written. J. S. Nelson



"Acting Commissioner of the General Land Office
"Filed Nov 14th A.M. 1859
"B. M. Gray

"Land Office Hannibal Illinois October 25th 1853
"Sir

Put in box

"Enclosed please find Milt Warrants No^s
"41,250 and 42,004 Corrected according to
"Instructions to this Office of April 4th 1853
"Very Respectfully



To
 "Hon. Comm^r of Genl
 "Land Office
 "Washington
 "City

"Your Obedient Servt
 "John A Drake
 "Register

"General Land Office November 9th 1859

"I Joseph S. Nelson Acting Commissioner of the
 "General Land Office do hereby certify that the
 "Annexed is a true and literal exemplification
 "of a letter from Register of the Land Office at
 "Danville Illinois from the files of this office
 "In testimony whereof I have hereunto subscribed

JS

"My name and caused the seal of
 "this office to be affixed at the
 "city of Washington, on the day
 "and year above written
 "J. S. Nelson

"Acting Commissioner of the General Land Office
 "Filed Nov. 14th O. L. S., 1859.
 "B. M. Gray Clerk

"General Land Office" November 1855
 "Sir

"As advised in my letter of the 5th Instant
 "directing the return of Patents N^o 34, 813, and
 "35,991, which were transmitted to you under
 "my July last, your letter of the 30th June 1855

Enclosing Military Warrants N^o 3482, 1960 and
20,536 has recently been brought to my notice,
from which it appears, that there was a suspension
of Sales of Land at the Maxwell Office from the
9th December 1852, until the 1st January 1853,
and that the then Register gave notice that persons
desiring to enter or locate land in the interim
should make their applications in writing and
upon the latter date mentioned would be taken
up, and the entries allowed, according to date,
as though there had been no suspension of business,
that during this interruption application was made
to locate Warrants N^{os} 32,406, 35,991, - 34,813,
42,004, 41,250, and 48,844, upon certain lands,
which could not be perfected until after the
expiration of the time specified by the Register,
viz. January 1st 1853, that on the 4th January
1853, Tho^s. L. Maxwell through his attorney, A.
Campbell applied to locate said land with
Military Warrants 1960, 3482, and 20,536, for
160 acres, which was permitted and a duplicate
Certificate of Location given the locator in each
case, the certificates being attached to the Warrants
in the usual manner, (which are now before me),
Subsequently, viz. January 25th - 1853, the owners
of Warrants N^{os} 32,406, - 35,991, - 34,813, - 42,004, -
41,250, - 48,844, returned to this office claiming
the right to locate the land, located on the 4th

" of that month by Mr. Howell and were permitted
" to do so, - the former locations canceled and no
" returns thereof made to this office, and the
" Warrants with the Certificates attached returned
" to Mr. Campbell who was thus put in
" possession of Warrants, Certificates and duplicates
" by the Register, contrary to the express instructions
" from this Office, which requires the Register
" to withhold the Warrant or patent until the duplicate
" is surrendered" Again the Register in failing to
" report the Locations made by ~~Campbell~~ Mr. Howell,
" in his abstract, overlooked the instructions of this
" Office, viz: "When a location is made, with a Warrant,
" and a duplicate Certificate given to the locator, the
" Warrant must be returned here, with the abstract
" for the month in which it was located, and the
" difficulty (if any) marked on the abstract, when
" the Warrant will be suspended and the case
" definitely acted upon" You will please call
" upon Mr. Campbell to forward through you
" to this office, the duplicate Certificates of location
" in his possession, and make a full report of
" all the facts in the case, that may be in your
" possession, or that you may be able to gather
" from your predecessor, that this office may the
" better be enabled to decide upon the right
" of the contending parties, to the tracts in
" question,

"Register

"Danville

"Illinois

Very Respectfully
 "Your Obedt. Servt
 "Thos. A. Hendricks
 "Commissioner

"General Land Office November 9th 1859
 "I Joseph S. Wilson Acting Commissioner of the
 "General Land Office do hereby certify that the
 "Annexed is a true and literal simplification
 "of a letter to Register of the Land Office at
 "Danville Illinois from the Records of this,
 "I protestimony whereof I have herunto subscribed
 "my name and caused the Seal of this Office
 "to be affixed at the City
 "of Washington, on the
 "day and year above written
 "JOS. S. WILSON
 "Acting Commissioner of the General Land Office
 "Filed Nov. 14 A.D. 1859,
 "B. N. Gray, Clerk"

"Military Bounty Land act of 28 September 1850
 "Registers Office Danville Ill. June 25th 1853
 "Military Land Warrant No 488414 in the name of
 "Capt. R. Rose has this day been located by Joseph
 "S. Ferguson upon the N. H. A. quarter of Section 13
 "in Township 30 N. of Range 6 E. Subject to any
 "presumptive claim which may be filed for said

"Land within forty days from this date.

"Contents of tract located

"80-acres S "R. S. Malong Register

"General Land Office November 9th 1859

"I Joseph S. Nelson Acting Commissioner of the

"General Land Office do hereby certify that the

"Annexed is a true and literal copy of a

"of the Duplicate Certificate of Location of Military

"Bounty Land Warrant No. 48, 844 for 80 acres issued

"under the act of September 28 1850 from the

"files of this Office

"In testimony whereof I have hereunto subscribed

ES

"My name, and caused the seal of

"this office to be affixed, at the City of

"Washington, on the day and year above

"written J. S. Nelson

"Acting Commissioner of the General Land Office

"Filed Nov 14th A.D. 1859."

"B. N. Gray Clerk."

also on the back of the above Duplicate Certificate

is the following in words and figures to wit

"Livingston County - 1st quality rolling prairie - 1 mile

"from ~~North~~ timber - 3 ms from straight center

"by N fork of Morgan.

"Military Bounty Land Act of September 1850

"Register Office Nashville Tenn Jan 25th 1853

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"Military Land warrant No. 42,004 in the
"name of Robert Higgins both have been this
"day been located by Perry H. Fell upon the
"West fractional half of Section 18 in Township
"30 N of Range 7. E subject to any preemption
"Claim which may be filed for said land within
"forty days from this date
"Contents of Tract Located

"91 $\frac{57}{100}$ acs) "N. Colapp. Register."

"N. Fractional $\frac{1}{2}$ 18 S 30. R 7.

"Livingston Co Ills

"For value received I Perry H. Fell of McLean
"County Illinois do hereby sell and assign
"Location was issued, do hereby sell and assign
"unto Richard P. Morgan Jr and to his heirs and
"assigns forever the said Certificate of Location, and
"the Warrant and Land therein described and
"authorize him to receive the Patent therefor,
"Witness my hand and seal this 25 day of
"January 1853

"Attest

(Seal)

"State of Illinois, County of Vermilion On this
"25 day of January 1853 before me, personally
"came Perry H. Fell to me well known and
"acknowledged the foregoing assignment to be
"his act and deed and I certify that ^{the said} Perry
"H. Fell is the identical person to whom the within

"named Warrant was assigned,

"General Land Office November 9th 1859

"Joseph S. Wilson Acting Commissioner of the

"General Land Office do hereby certify that the

"Annexed is a true and literal exemplification of the

"Duplicate Certificate of Location of Military Bounty

"Land Warrant No. 42004 for 80 acres issued

"under the act of September 28th 1850 from the files

"of this Office

"In testimony whereof I have hereunto subscribed

"my name, and caused the Seal of this

"Office to be affixed, at the city of

"Washington, on the day and year

"above written. Jos S. Wilson

"Acting Commissioner of the General Land Office

"Filed Nov. 14 A.D. 1859

"B. N. Gray Clerk,

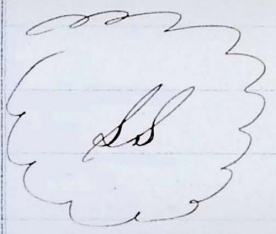
"Bounty
"Land

"Bounty
"Land

"United States of America
"Department of the Interior
"No. 41,250.

"Office of the Commissioner of Pensions
"It is hereby certified that under the act of
"September 28th 1850 entitled "An act granting
"bounty lands to certain officers and soldiers

"Who have been engaged in the military service
 of the United States" John Heartless private
 Captain Peckers Company Virginia Militia
 "Has ~~been~~ entitled to locate Eighty Acres
 at any Land Office of the United States
 in any body and in conformity to the legal
 subdivisions of the public lands upon any
 of the public Lands subject to entry at
 private sale



"I have under my hand and the
 seal of the Department this
 31. day of July Eighteen
 hundred and fifty two
 F. F. C. Triplett

"To

"Acting Commissioner

"Note you can locate this certificate at any
 of the United States land office or it will be
 located for you by the General Land Office on
 the return of it with your request to that
 effect endorsed thereon specifying the State
 and Land District in which you wish the
 location made. If you locate it fill up and
 sign the following application

To the Register of the Land Office -
 at _____ Locate this certificate on
 the _____ quarter of Section _____ in Township _____
 of Range _____
 attest _____ Register

"For Value received J. John Hartless to whom
 "the within Warrant N^o. 41,250, was issued
 "do hereby sell and assign unto Berry, McMillan and
 "John Harris and Assigns forever, the said
 "Warrant, and authorize him to locate the same
 "and receive a patent therefor. Witness my
 "hand and seal this the 23rd day of September
 "1852

"Attest
 "Alex Gooch
 "J. P. Smith
 "John Hartless Seal

State of Virginia County of Amherst
 On this the 23rd day of September in the year
 1852 personally appeared J. John Hartless to me
 well known and acknowledged the foregoing
 Assignment to be his act and deed, and I
 certify that the said John Hartless is the
 identical person to whom the within warrant
 issued and who executed the foregoing assignment
 thereto. Thos. N. Eubank J.P.

State of Virginia }
 Amherst County } ss
 I Samuel M. Garland Clerk
 of the Court of the County of Amherst aforesaid
 do hereby certify that Thomas N. Eubank Esq.
 before whom the above Assignment was ack-
 -nowledged, and who has thereunto subscribed

185 - His name at the time of recording was and
acting Justice in and for said County and the
signature is genuine

ES

My testimony whereof, I have
hereunto set my hand and
affixed the seal of my office this 13th
day of October one thousand
eight hundred and fifty-two
Samuel M. Garland Clerk.

Military Bounty Land Act 28 September 1850
Land Warrant } Registered Receivers.
No 41.250 S } No 49.73.

Land Office Danville Ill. January 25 1853
I hereby certify that the attached Military
Bounty Land Warrant No 41.250 was on this
day received at this Office from Perry H.
Fell of McLean County, State of Illinois
J. H. Clapp Register.
J. H. Murphy Receiver.

Perry H. Fell of McLean County, State of
Illinois hereby apply to locate and do locate the
East half of the North East quarter of Section
No Thirteen in Township No. Thirty North of
Range No six East in the District of lands
subject to sale at the Land Office at Danville
Illinois containing Eight Acres, in satisfaction
of the attached Warrant Numbered 41.250

Witness under the act of 28 September 1850
Witness my hand this Twenty fifth day of January A.D. 1853
Patent

"D. Clapp Registrar" "T. H. Fell
"J. H. Murphy Receiver

"I require the Patent to be sent to Bloomington Illinois
Land office Hancock Illinois January 25 1853

"We hereby Certify, that the above location is correct,
"being in accordance with law and Instructions
"J. H. Murphy Receiver.
"D. Clapp Registrar.

"State of Illinois }
"County of McLean }

"I Richard P. Morgan Jr being first
"Duly sworn, according to law, doth depose and say,
"that I was the Assignee of, and the owner of Land
"Warrant No 41,250 for Eighty Acres, issued under
"the act of September 28, 1850. That my name in
"the assignment thereof, was erased with my
"Knowledge and consent and the name of
"Henry H. Fell was substituted instead with
"my full approbation

"Richard P. Morgan Jr

"I Sworn to and subscribed before me this
"25th day of May 1855

"James Burt
"Notary Public

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State of Illinois }
County of McLean }^{ss}

Richard P. Morgan Jr being first
duly sworn according to law doth depose and
swears, that he was the assignee of Lands
Warrant N^o 41,250 for 80 acres more, under
act of Sep 28, 1850. That his name was erased
from the assignment of said Warrant and the
name of Nersey H. Hill substituted, with his
knowledge approbation and consent

Richard P. Morgan Jr
Subscribed & sworn to before me the 10th day of
September A.D. 1855.

ss.
[Signature]

Our witnesses whereof I have here-
unto set my hand and the Seal
of the County Court at Bloomington
the day & year above written

E. H. Reed
Clerk

General Land Office Novem ber 9th 1859
Joseph S. Wilson Acting Commissioner of the
General Land Office do hereby certify, that the
above is a true and literal exemplification
of Military Bounty Lands Warrant N^o 41,250 for 80
acres Act September 28th 1850 and of its location of
the same from the files of this Office
In testimony whereof I have hereunto subscribed

"My name and caused the Seal of
 "this office to be affixed at the city of
 "Washington on the day and year
 "above written

"Jos. S. Wilson
 "acting Commissioner of the General Land Office

"Filed Nov. 14th A D 1839
 "B. N. Gray Clerk."

"Bounty
 "Land

"Bounty
 "Land

"United States of America
 "Department of the Interior

No 42,004-

"Office of the Commissioners of Pensions

"It is hereby certified that under the act of
 "September 28th 1830, entitled "An Act granting
 "Bounty Land to certain officers and Soldiers who
 "have been engaged in the Military Service of the
 "United States" Robert Higgenbotham Sergt.
 "Capt Coles Company Virginia Militia
 "War 1812, is entitled to locate Eighty Acres
 "at any land office of the United States of
 "in one body and in conformity to the legal
 "Subdivisions of its public lands upon any
 "of the public lands subject to entry at private
 "Sale.

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SS

"Given under my hand and the seal
"of the Department this 28 day of July
"Eighteen hundred and fifty two
"J. J. C. Seplett
"Acting Commissioner

"To

"Note you can locate this Certificate at any of the
"United States Land Offices or it will be located for
"you by the General Land Office on the return of it
"with your request to that effect endorsed thereon
"Specifying the State and Land District in which
"you wish the location made If you locate it
"fill up and Sign the following application.

"To the Register of the Land Office
"at _____ Locate this Certificate on the
"quarter of Section _____ in Township _____ of Range _____
"Attest _____ Register

"For value received I Robert Higgenbotham to
"Whom the within Warrant N^o 42,004 was issued
"do hereby sell and assign unto Perry H. Fell
"And to his heirs and assigns forever the said
"Warrant, and authorize him to locate the same
"and receive a patent therefor witness my hand
"and seal this the 22 day of Sept^r 1852

"Attest _____ Robert Higgenbotham (seal)
"Saml D Staples }
"S. Higgenbotham }

"State of Virginia County of Amhurst.

"On ^{the} 22^d day of Sept^r in the
"year 1852 Personally appeared Robert Heiggenbotham
"to me well known and acknowledged the
"following assignment to be his act and deed,
"and I certify that the said Robert Heiggenbotham
"is the identical person to whom the within warrant
"issued and who executed the foregoing assignment
"Therefore "Thos. St. Eubank J.P.

"State of Virginia Amhurst County } ss

"I Samuel M. Garland Clerk
"of the Circuit Court of Amhurst aforesaid do
"hereby certify that Thomas St. Eubank Esq. before
"whom the above assignment was acknowledged,
"and who has therewith subscribed his name
"at the time of so doing was an acting Justice
"in and for said County, and the signature
"is genuine

"In testimony whereof I have hereunto
"set my hand and affixed the seal
"of my office this 13th day of October
"one thousand eight hundred and
"fifty two
"Samuel M. Garland Clerk

"Lands Warrant
"N^o 42,004 S

"Registered and Received
"N^o 4974

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"Land Office Danville Ill January 25 1853,

"We hereby Certify, That the attached Military Bounty
"Land Warrant No 42,004, was on this day received
"at this office from Perry H. Fell of McLean
"County State of Illinois

"H. Clapp, Register,
"J. H. Murphy Receiver,

"Perry H. Fell of McLean County State of
"Illinois hereby apply to locate and do locate the
"West fractional Half-quarter of Section No
"Eighteen in Township No Thirty North of Range
"No Seven East in the District of lands subject
"to sale at the Land Office at — containing
"Ninety one ⁵⁷/₁₀₀ acres in satisfaction of the
"attached Warrant Numbered 42,004 issued
"under the act of 28 September 1850 - having
"paid \$14.46 as per Recr Receipt No 13041.

"Witness my hand this twenty fifth day of
"January AD 1853

"H. Clapp Register) "P. H. Fell
"J. H. Murphy Receiver.)

"We request the patent to be sent to Bloomington Ills
"Land Office Danville Ill January 25 1853

"We hereby certify, That the above location is correct
"being in accordance with law and instructions

"J. H. Murphy Receiver,
"H. Clapp Register

State of Illinois }
County of McLean } ss

I Richard P. Morgan Jr being
first duly sworn, according to law doth depose
and say that I was the assignee of, and the owner
of Land Warrant No 42,004 for Eighty acres
issued under the act of September 28, 1850 That
my name in the assignment of said Warrant
as assignee thereof, was erased with my know-
ledge and consent and the name of Perry
H. Fell was substituted instead with my
full approbation Rich^d P. Morgan Jr
sworn to and subscribed before me ^{this} Twenty fifth
day of May A D 1855

1853
Geo

James Brisk
Notary Public

State of Illinois }
County of McLean } ss

Richard P. Morgan Jr being
first duly sworn according to Law doth depose
and swear that he was the assignee of Land
Warrant ^{No 42,004} for 80 acres issued under act of
Sep 28 1850 That his name was erased from
the assignment of said Warrant and the name of
Perry H. Fell substituted with his knowledge
and approbation and consent

Rich. P. Morgan Jr

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"Subscribed & sworn to before me this 10th day of
"September, A. D., 1855



"In witness whereof I have hereunto
"set my hand and the seal of the
"County Court at Bloomington the
"day & year above written

"E. H. Rood

"Clerk

"General Land Office November 9th 1839

"Joseph S. Wilson Acting Commissioner of the

"General Land Office do hereby Certify that the

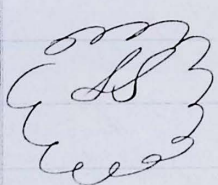
"annexed is a true and literal exemplification of

"Military Bounty Land Warrant No 42,004 for 80 acres

"Act of September 28th 1850, and of the location of the same

"from the files of this Office

"In testimony whereof I have hereunto subscribed



"my name, and caused the seal of
"this Office to be affixed at the City
"of Washington on the day and year
"above written

"Jos. S. Wilson

"Acting Commissioner of the General Land Office

"Filed Nov 14th A. D. 1839

"B. W. Gray Clerk

"Bounty
"Land

"Bounty
"Land

"United States of America,
"Department of the Interior
"Office of the Commissioner of Pensions

"It is hereby certified that under the Act of
"September 28th 1850, entitled "An act, granting
"Bounty Land to certain Officers and Soldiers
"who have been engaged in the Military service
"of the United States" Ephraim Rose Private
"in Capt Bowie's Company Florida Volunteers,
"Florida War, is entitled to locate Eighty
"Acres at any Land Office of the United
"States in any body and in conformity to
"the legal subdivisions of the public Lands,

ES

"upon ~~or~~ any of the public Lands
"subject to entry at private sale,
"Given under my hand and the
"seal of the Department this 11th
"day of March Eighteen hundred,
"and fifty three

"J. E. Heaton Commissioner

"To Note You can locate this certificate
"at any time of the United States Land Office and
"will be located for you by the General Land Office
"on the return of it with your Request ^{to that}
"to that effect endorsed thereon specifying
"the State and Land District in which you wish


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"the location made. If you locate it fill up
 "and sign the following application
 "To the Register of the Land office at
 "Locate this Certificate on the
 "quarter of Section in Township of Range
 "attest Register

"For Value Received I Ephraim Rose to whom
 "the within Warrant N^o 218,844 was issued, do
 "hereby ~~certify~~ sell and assign unto Joseph L.
 "Jernegan of Chicago and to his heirs and assigns
 "forever the said Warrant and authorize him
 "to locate the same and receive a patent therefor

"Witness my hand and seal this fifth day of
 "Witness April 1853

"Owen Cameron }
 "A. B. Sweet }

"Ephraim Rose 

"State of Texas County of Bexar

"On this fifth day of April
 "in the year 1853 before me personally came Ephraim
 "Rose to me well known and acknowledged the
 "foregoing assignment to be his actual deed and
 "I further certify, that the said Ephraim Rose is
 "the identical person to whom the within Warrant
 "issued and who executed the foregoing assignment
 "thereof -

"J. McCarolan
 "J. P. B Co

The State of Texas }
 County of Bexar } I Saml S. Smith Clerk of the
 County Court of said County, do
 hereby certify that John M. Carolew Esq. before
 whom the above and foregoing acknowledgment
 was made and who has therunto signed his
 name was at the time of recording a Justice
 of the Peace in and for the County of and State
 aforesaid, duly commissioned qualified and
 sworn, and that this signature thereto is
 genuine and good and that the said Court
 is a Court of Record.

To Certify to which I have herunto signed my
 name and Affixed the seal of the County
 Court of said County, at office
 in San Antonio this 25th day
 of May A.D. 1853
 Saml S. Smith
 Clk C. C. B. Co

E S 3

Land Warrant } Register and Receiver
 No. 48,844 } "No 7867
 Land office Nauvill from 25 1853
 We hereby Certify, That the attached Military Bounty
 Land Warrant, No 48,844 was on this day
 received at this office from Joseph S. Jernigan of
 Cook County, State of Ill. R. D. Maloney Register
 Wm E. Russell Receiver

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Joseph S. Ferguson of Cook County State
I do hereby apply to locate and do locate the
West Half of the North East quarter of Section
No. Thirteen in Sec 13 or 14 T. 36 N. R. 10 W. North of Range
No. Six East in the district of Lands subject
to sale at the Land Office at Hannville Mo
containing eighty acres in satisfaction of
the attached Warrant numbered 48844 issued
under the act of 28 September, 1830

Witness my hand this 25th day of June A.D. 1853

R. S. Maloney Register.

W^m E. Russell Receiver. Joseph S. Ferguson

I request the Patent to be sent to Mr. Hopkins Morris Esq
Land Office Hannville Mo June 25. 1853.

We hereby certify that the above location is correct
being in accordance with law and instructions.

W^m E. Russell Receiver.

R. S. Maloney Register.

General Land Office November 9th 1839

Joseph S. Wilson acting Commissioner of the
General Land Office do hereby certify that the annexed
is a true and literal copy of Military
Bounty Land Warrant No 48, 844, for 80 acres
act of September 28th 1830 and of the location of
the same from the files of this Office

J. S. Wilson

My testimony whereof I have
hereunto subscribed my name
and caused the Seal of this

Office

"Office to be affixed at the city
"of Washington on today and
"year above written

"Jos S. Wilson

"Acting Commissioner of the General Land
"Office

"Filed Nov 14th A.M. 1859

"B. N. Gray Clerk

"Military Bounty Land Act of 28 September 1850

"Registers Office Hannville Mo January 25 1853

"Military Land Warrant N^o 41,250 in the name of

"John Hartless has this day been located by

"Kerry H. Fell upon the E. N. & quarter of

"Section 13 in Township 30 N of Range 6 E

"subject to any pre-emption claim which

"may be filed for said land within forty

"days from this date

"Contents of tract located }
80 acres } H. Clapp Register

"E 1/2 N 2-13 & 30. 6. }

"S 1/2 6. 6. }

"For Value Received I Kerry H. Fell to whom the

"written Certificate of Location was issued, do hereby

"sell and assign unto Richard P. Morgan and to his

"heirs and assigns forever the said Certificate

"of location and the warrant and Land therein

"described and authorize him to receive the

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"Patent therefor With my hand and seal
"This 25 day of January 1853
"attest (Seal)

"State of Illinois County of DeKalb
"On this 25 day of January 1853, before me personally
"came Henry H. Fell to me well known, and
"acknowledged the foregoing Assignment to be his
"act and deed and I certify that the said
"Henry H. Fell is the identical person to
"whom the within named Warrant was ~~sent~~
"Assigned

"General Land Office, November 9th 1859
"Joseph S. Nelson acting Commissioner of the
"General Land Office, do hereby certify that the
"Annexed is a true and literal exemplification
"of the duplicate Certificate of Location of Military
"Bounty Land Warrant No 41,250 for 80 acres
"issued under the act of September 28th 1850
"from the files of this office.

"In testimony whereof I have hereunto
"Subscribed my name and caused
"the seal of this office to be
"affixed, at the City of
"Washington on this day and year
"above written Jos S. Nelson

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S

"Acting Commissioner of the General Land Office
"Filed Nov 14th 1859.
"B W Gray Clerk

"Military Bounty Land Act of 28 September 1830

"No. 13,041

"Receiver's Office at Nauvoo Jan'y 25th 1853

"Received from Perry H. Fell of McLean County Ills
 "the sum of 14 Dollars and 46 Cents being in
 "full for 11 acres and 57 hundredths of the
 "N. W. 1/4 of Section No 18 in Township No
 "30 N. of Range No 7. E. being 24 acres in said
 "tract over the area located in virtue of Military
 "Land Warrant No 42,004 in favor of
 "Robert Higgenbotham

"\$ 14.46

"J. H. Murphy Receiver

"General Land Office November 9th 1859

"Joseph S. Wilson, Acting Commissioner
 "of the General Land Office do hereby

"Certify that the annexed is a true and
 "literal, & amplification of the Excess
 "Receiver's Receipt No 13,041 on Military
 "Bounty Land Warrant No 42,004 for 80
 "acres issued under the act of September
 "28th 1830 from the files of this office
 "Witness my hand of I have hereunto

"Subscribed my name and
 "Caused the seal of this office
 "to be affixed, at the city
 "of Washington

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"On the day and year
"above written:

"J. S. Wilson

"Acting Commissioner of the General Land Office

"Filed Nov. 14th A.M. 1859

"B. H. Gray Clerk"

~~"My name, and carried the seal of
 this office to be affixed, at the City
 of Washington, on the 14th day of
 August 1857."~~

~~For S. Wilson~~

~~"Acting Commissioner of the General Land Office."~~

~~"Filed Nov. 14th A.D. 1857."~~

~~"B. H. Gray Clerk."~~

General Land Office January 18th 1856

Sir

"I have the honor to acknowledge the
 receipt of your letter of the 16th inst. relative
 to Milit N^o. N^o. 42,004, 41,250 & 32,406.
 Location Law? 25/53, by Perry H. Fell, at
 Hannville, Illinois, and to state that said warrants
 are suspended, in this office, to await a report,
 (in relation to certain conflicts) called for in
 my letter to the Register at Hannville of the
 7th November last, a copy of which is herewith
 enclosed, that you may fully understand
 the case. As soon as the report is received
 an examination of the case will be had,
 and final action taken thereon, the result
 of which will be communicated to
 you.

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With much respect

Your Obedt. Servt.

"Hon^{ble} Thos^s L. Harris

"Thos^s. A. Hendricks

"Ho. of Reps.

"Commrs.

"General Land Office November 9th 1859

"Joseph S. Wilson Acting Commissioner of the

"General Land Office do hereby Certify that

"the annexed is a true and literal exemplification

"of a Letter to Hon^{ble} Thos^s L. Harris from the

"Records of this Office

"In Testimony Whereof, I have hereunto subscribed

"My name and caused the Seal of

"this Office to be affixed, at the City

"of Washington, on the day and

"Year above written

"J. S. Wilson

"Acting Commissioner of the General Land Office

"Filed Nov. 14th A.M. 1859

"B. N. Gray, Clerk

"General Land Office 5 November 1855

"I have the pleasure to return to this office Military

"Patents Nos 34,813 and 35,991 for 80 acres,

"each (act 1850) transmitted to you in letter

"from this office of the 9th July last;

"The tracts having been previously located
"on the 4th January 1853 with Military
"Warrant No 3482 for 160 acs, by Tho^s C.
"McNupell as appears from the Certificate
"of location accompanying the Warrant,
"Which with Warrants No 20536 and 1760
"Was forwarded by you to this Office in
"letter of June 30th 1853, at the request of
"the Attorney A. Campbell who located
"them, which letter was this day brought
"to my Special notice and will be
"Answered at length in a day or two

"Very respectfully

"Yours Obt^s

"Tho^s A. Hendricks

"Commissioner

"Register

"Danville

"Illinois

"General Land Office November 9th 1859
"I Joseph S. Nelson Acting Commissioner of the
"General Land Office, do hereby certify that the
"Copy is a true and literal exemplification of a
"letter to Register of the Land Office at Danville
"Illinois from the Records of this office.

"In testimony whereof I have hereunto subscribed my name

and caused the seal of this office to be affixed

at the City of Washington this day and year

1859

"J. S. Nelson

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"Acting Commissioner of the General Land Office"

"Filed Nov. 14 A.M. 1859

"D. M. Gray Clerk

And afterwards to wit on the 2nd day of April A.D. 1861 the following proceedings were had and entered of Record in said Court in words and figures to wit:

"Livingston County }
" Circuit Court } ^{ss} For Chancery March Term A.D. 1861

"Thomas C. McFarwell

vs

"Richard P. Morgan Jr

" and others

"And now at this day to wit
"on the second day of April A.D. 1861 before the said Court
"at a term thereof held at the Court house in
"the town of
"Pontiac in said County, came as well the said
"Complainant by his Council W. H. S. Wallace
"as the said Defendants Fell and Morgan by
"their Council J. H. Vickizer and the proofs
"and allegations of the said parties being fully
"heard and read and mature deliberation
"being had thereupon had this Court do
"order adjudge and decree that the unjust

"of and in this case be and the same is hereby
"Dismissed and the Bill of Complaint filed in
"this case be and the same is hereby dismissed
"with costs "C. R. Starr"

And afterwards to wit on this 4th day of April
A.D. 1861 the following proceedings were had
and entered of Record in said Court in
words and figures to wit:

"Thomas C. Mc'Donnell }
"Richard P. Morgan & }
"And Others }
"23" }
} Imprisonment

And now on this day to wit
on the fourth day of April A.D. 1861 came the
said Complainant Thomas C. Mc'Donnell by
W. H. S. Wallace his Attorney and Excepts and
prays the Court for an appeal whereupon it
is ordered by the Court that the prayer of the
Complainant be granted on his filing Bond
in the sum of Two thousand dollars within
thirty day with security to be approved by the
Clerk of this Court by agreement and also at
the same time to file his Bill of exceptions
and a Certificate of Evidence.

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State of Illinois }
Livingston County } S.S.

I, James W. Rennie Clerk
of the Circuit Court in and for said County and
State of said do hereby certify that the annexed
and foregoing is a true and correct exemplification
from the Records and files of the Livingston
County Circuit Court in a certain cause
wherein Thomas C. Mc Dowell is Plaintiff
and Richard P. Morgan & Bersey H. Fell
and others are defendants and I further
certify that the said Records and files in
said Court has been carefully Examined
and that the foregoing is a true Exemplifi-
cation of all the Records and files in said
office pertaining to said suit

Given under my hand and
the Judicial seal of said Court
hereto affixed at Pontiac
in said County of Livingston
this Seventh day of March
A. D. 1862.



James W. Rennie Clerk
per J. R. Wolcott
Deputy

Relates for on Transcriber
45,000 words \$4.15

Supreme Court of Illinois
April Term 1862

Thomas L McDowell

vs

Richard P Morgan & oral

And now comes

the said appellant by Hurd Booth
& Potter his attorneys and says there
is manifest error in the foregoing
record in this

- 1st The Court was in dismissing
the bill for want of equity -
- 2^d A decree should have been for
the complainant - according to the
prayer of his bill.

Hurd Booth & Potter
atty for App in error

And the said Appellees come and say
there are no errors in said Record
and they asked to have the decree
entered by the Court below affirmed
in all things

Scott & McKee
for Appellees -

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Thomas G. McDowell
Richard S. Morgan

Received

Filed April 22 1862

L. Leland

Clk