

No. 13180

Supreme Court of Illinois

Hartson

vs.

Reynolds

71641  7

STATE OF ILLINOIS,
SUPREME COURT,
Third Grand Division.

No. 2.

Hurtson
vs

Reynolds

1861.

13180

STATE OF ILLINOIS, }
SUPREME COURT, }

The People of the State of Illinois,

To the Sheriff of the County of

La Salle

Greeting:

Because, In the record and proceedings, and also in the rendition of the judgments of a plea which was in the Circuit Court of La Salle County, before the Judge thereof, between Ira Hanson

plaintiff; and Joseph Reynolds, Isaac R. Hitt, Willis M. Hitt and Mary Hitt

defendants, it is said that manifest error hath intervened, to the injury of the said Plaintiff

as we are informed by his complaints the record and proceedings of which said judgments we have caused to be brought into our Supreme Court of the State of Illinois, at Ottawa, before the Justices thereof, to correct the errors in the same, in due form and manner, according to law: Therefore, We Command You, That by good and lawful men of your County, you give notice to the said Joseph Reynolds, Isaac R. Hitt, Willis M. Hitt and Mary Hitt

that they be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State, on the first Tuesday after the third Monday in April next, to hear the record and proceedings aforesaid, and the errors assigned, if they shall see fit; and further to do and receive what said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said Joseph Reynolds, Isaac R. Hitt, Willis M. Hitt and Mary Hitt

notice, together with this writ.

Witness, The Hon. John D. Caton, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 26th day of March in the Year of Our Lord One Thousand Eight Hundred and Sixty One -

L. Leland

Clerk of the Supreme Court.
by J. B. Rice Deputy

²
+ La Salle

Lra Hartson

No.

vs.

Joseph Reynolds
et al. -

SCIRE FACIAS.

FILED

April 22

A. D. 1862

L. Liland

Clerk.

Joseph Reynolds and
Mary Pitt are not to
be found in this Court
April 5th 1861

Geo. D. R.

D. K. H. and
for now 1861

STATE OF ILLINOIS, }
SUPREME COURT, } ss.

The People of the State of Illinois,

To the Sheriff of the County of

La Salle

Greeting:

Because, In the record and proceedings, and also in the rendition of the judgments of a plea which was in the Circuit Court of La Salle County, before the Judge thereof, between Ira Harton,

plaintiff, and Joseph Reynolds, Isaac R. Hitt
Willis M. Hitt and Mary Hitt

defendant. ..., it is said that manifest error hath intervened, to the injury of the said plaintiff

... as we are informed by his complaints ... the record and proceedings of which said judgments we have caused to be brought into our Supreme Court of the State of Illinois, at Ottawa, before the Justices thereof, to correct the errors in the same, in due form and manner, according to law: Therefore, We Command You, That by good and lawful men of your County, you give notice to the said Joseph Reynolds
Isaac R. Hitt, Willis M. Hitt and Mary Hitt

that They ... be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State, on the first Tuesday after the third Monday in April next, to hear the record and proceedings aforesaid, and the errors assigned, if they shall see fit; and further to do and receive what said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said Joseph Reynolds Isaac R. Hitt, Willis M. Hitt and Mary Hitt

... notice, together with this writ.

Witness, The Hon. John D. Caton, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 21st day of March in the Year of Our Lord One Thousand Eight Hundred and Sixty

L. Leland

Clerk of the Supreme Court.

J. B. Rein Deputy

2 2

Mrs Hartson

No.

vs

Joseph Reynolds
Dals

SCIRE FACIAS.

FILED

April 24

A. D. 1860

L. Leland

Gleck.

Not found in my
County Apr 17 1860

F. Warner

Ret 10

State of Illinois | LaSalle Circuit Court
LaSalle County | 2d April Term 1851

Plas before the Honorable Theophilus
L. Lichey Presiding Judge of the ninth
Judicial Circuit of the State of Illinois
at a Circuit Court Commenced
and held in and for the County
of LaSalle at the Court House in
Ottawa on Monday the twenty eighth
day of April in the year of Our
Lord one thousand Eight hundred
and fifty one It being the Twenty
fifth Year of the Independence of
the United State of America

Present the Honorable Theophilus L. Lichey Judge
Phil Lindley Clerk
Benton. Clerk State Attorney
Henry Thorburn Sheriff

And afterwards to wit: on the ^{6th} ~~10th~~ day of May 1851
the same being one of the days of said term the
following ^{Bill in Chancery was filed} ~~order was made and entered of record~~
viz:

LaSalle Co circ Court In Chancery

To the Hon J. L. Lichey presiding judge

of said Court in Chancery sitting

Complaining shows unto your Honor your
 orator Ira Hartshorn that on the 30th day
 of June A.D. 1855 the north west fractional
 quarter of Section 24 Township thirty three
 north of range two East of the 3^d P.M.
 in said County was offered for sale at
 public auction by the General Government
 of the United States at the Land office
 in Galena pursuant to proclamation
 previously made, that on said sale William
 Crozier bid for the said tract the sum
 of one hundred and ninety seven dollars
 & thirty two & one half cents which was the
 highest sum bid for the same that on
 the said sale the said tract was struck
 off & sold to said Crozier & that on the
 same day the said Crozier paid to the
 Receiver of the said Land office the
 said sum of \$197.32 1/2, and received
 from said Receiver a receipt or duplicate
 for the same which said duplicate has been lost
 or destroyed. That on the same day the said
 Land was duly entered by the Register on the
 proper books of his office in the name of
 the said Crozier and the said entry has since
 remained on the books of the Register of the said

Land office not vacated or annulled. That no Patent has ~~been~~ as yet been issued to the said William Crozier for the said Land.

That on the 31st day of October A.D. 1835 Isaac Reynolds entered by private entry the said tract of Land at the said Land office the previous entry as aforesaid by said Crozier at that time appearing on the books of said office which said entry by said Isaac Reynolds has been subsequently cancelled -

That a Patent for said ^{tract of} Land was on or about the Seventh day of February A.D. 1844 issued by the President of the United States to the said Isaac Reynolds for said tract of Land That since the said entry by the said Crozier the books & papers of said Galena Land office have been moved to the said Dixon Land Office - and your orator further shows on or about the 16th day of February A.D. 1848 your orator purchase the said tract of Land of the said William Crozier and the same was by deed bearing ~~over~~ date on that day duly executed & acknowledged ~~over~~ - signed by the said Crozier and wife to your orator

That since the said conveyance the & prior, to the commencement of said suit said Isaac Reynolds died having devised

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the said tract of Land to Joseph Reynolds in trust until the majority of the children of Mary Kitt his daughter wife of Willis W. Kitt

each one to have his share on arriving at the age of twenty one -
That the said Children ~~so devised~~ to & by whom the said land was so devised are Isaac W. Kitt & Willis W. Kitt who have arrived at the age of twenty one and Mary W. Kitt a Minor -

That your orator is now & has been for the space of about three years last past in possession of said ^{tract of} land by fencing about fifty acres of the same and breaking & cultivating about twenty acres

and your orator further shows that at the October Term A.D. 1850 of this Court the said Joseph Reynolds and Isaac W. Kitt commenced an action of ejectment in this Court against your orator to recover the said tract of land claiming an estate in fee that issue has been joined in said suit and that the same remains pending & undetermined in said Court.

12.

Your orator therefore inasmuch as he has
no adequate relief or defence at law, ^{but} only in
equity prays that the said Joseph Reynolds
& Isaac H. Hitt, Willis M. Hitt, & Mary M. Hitt
may be enjoined & restrained from further pro-
secution of the said Suit at law that they
may be summoned to appear & answer this bill
without oath which is hereby waived and
that upon the final hearing of this cause
the said Joseph Reynolds and Isaac H. Hitt
Willis M. Hitt & Mary M. Hitt may be ^{declared} ~~chosen~~
Trustees for your orator of the legal title and
that they may be decreed to convey the
same to your orator and that ^{they} and all
persons claiming or to claim the said
tract of land by ~~through~~ or under them
by virtue of the said Patent may be per-
petually restrained and enjoined from
setting up or asserting such title
as against your orator and those claiming
or to claim through ~~under~~ ^{or} under him
and for such further or other relief as
the nature of your orator ~~case~~ ^{case} may require
& as may be agreeable to equity and your
orator will ever pray &c.

Thos. Hartson

Hess & Swift Solrs

State of Illinois
LaSalle County ss

Ira Hartshorn the above
complainant being duly sworn
doth depose ~~and say~~ that he has heard the
above bill read & known the contents
thereof & that the matters in the above
bill alleged are true to the best of his
knowledge & belief.

Ira Hartson

Subscribed & sworn to
before me this 5th day
of May 1851. P. Lindly Clerk

And afterwards on the 10th day of May 1851
the same being one of the days of said term of
Court the following order was made and entered
of record in said cause viz:

Ira Hartshorn }
84 15 } Motion for Rejoinder
Joseph Reynolds }
Grace R. Witt, Willis M. Witt & Mary M. Witt

On motion of plaintiff by Ross & Swift his
Solicitors It is ordered that this cause be continued

On the 5th day of November 1837 the answer of
Joseph Reynolds, Isaac R. Kitt & William M. Kitt was filed
in the words and figures following to wit:

Isa. Hartson

vs In Chancery
Joseph Reynolds et al

The ^{joint} ~~joint~~ & several answers of Joseph
Reynolds Isaac R. Kitt & William M. Kitt to the
Bill of complaint of Isaac Hartson against
them & May Mr. Kitt

These respondents
having & reserving all & all manner of exception
to the manifold errors and uncertainties of
said Bill for answer thereto say
That it is not true that on 20th day of June
A.D. 1835 (~~but~~ ^{nor} at any other time) the said
North west fractional quarter of Section Six
in Township thirty three north of range
two East of the third P. M. was sold by the
Government of the United States to William
Crosier as alleged in said Bill.

Respondents
further answering deny that said William
Crosier ever paid to the receiver of the
land office said sum of \$159.32 1/2 or any other
^{sum} for said land alleged in said Bill.

Respondents further answering deny that the said William Crozier ever received from said Receiver a receipt or duplicate for said land as alleged in said Bill.

Respondant further answering deny that said land was duly entered by the register on the proper books of his office in the name of said William Crozier & they ^{also} deny that the said entry has since remained upon the books of the register of said Land office not vacated or annulled as alleged in said Bill.

Respondants further answering admit that no Patent has been issued to the said William Crozier for the said land.

Respondants further ^{answering admit} ~~admit~~ that on the 31st day of October A.D. 1855 Isaac Reynolds entered the said tract of land at the ^{said} Land office, but they deny that at that time or any other ^{time} or previous entry by said Crozier appeared upon the books of said Land Office. & these respondents expressly charge that at the time of said entry by said Isaac Reynolds he purchased said land & paid therefor the sum of one dollar and twenty five cents per acre without

any knowledge of any previous purchase or contract of purchase by any individual whose name is on the record.

Respondents further answering deny that said entry by said Isaac Reynolds has ever been cancelled.

Respondents further answering admit that a Patent for said tract of Land was issued to the said Isaac Reynolds as alleged in said Bill, & that said Patent bears date on the seventh of February A. D. 1844.

Respondents further say that at the time of the said entry or purchase by the said Isaac Reynolds, he received from the receiver of the Land of the ~~land~~ office a receipt or duplicate for said land which said duplicate ^{was} deposited in the General Land Office prior to the issuing said Patent.

Respondent further answering deny that the books & papers of said Galena Land Office have been moved to the ^{said} Dixon Land Office.

Respondents further answering deny that the said William Crozier conveyed

~~conveyed~~ said tract of land to the complainant as alleged in the Bill.

These respondents admitted that said Isaac Reynolds died prior to the commencement of said suit & that he devised the said tract of land to Joseph Reynolds in trust until the majority of the children of Mary Hitt his daughter & wife of Willis W. Hitt each ^{one} to have his or her share on arriving at the age of twenty one.

Respondents also admit that Isaac R. Hitt & Willis M. Hitt who have arrived at the age of twenty one years & Mary M. Hitt a minor are the children to & for whom said land was devised.

Respondents further answering deny that said complainant has for the space of three years next before the filing of said bill been in possession of said land by fencing about sixty acres of the same & breaking about twenty acres.

Respondents admit that in the year 1850 said complainant took possession of said land & that at the October term A.D. 1850 of the Circuit Court

of LaSalle County the said Joseph Reynolds
& Isaac G. Hitt an action of ejectment in
said Court against the complainant to recover
the said tract of land.

Respondents further say that since the
commencement of said ^{suit} the said Willis W.
Hitt having arrived at the age of twenty
one years has been made a party plaintiff
to said ejectment suit. that the same has
been submitted to the Circuit Court for
trial tried & a verdict found for the pla-
aintiffs & the same is now pending in said
Court for judgement to be rendered to
on the verdict.

And said respondents deny
all the allegations in the said bill contained
which have not either admitted or denied
in this answer And having fully answered
they pray to be ~~there~~ dismissed with
their reasonable costs ~~most carefully made~~
~~unjustly~~ ~~unjustly~~ ^{instated}.

E. L. Leland Esqr
for said J. Reynolds
Isaac R. Hitt & Willis Hitt

And afterwards on the 22^d day of November
1857 Complainant filed his replication in
the words and figures following to wit:

Ira Hartson

vs

Joseph Reynolds
Et Als

LaSalle Circuit Court

Nov Term A.D. 1858 -

In Chancery

The Replication of Ira Hartson the
complainant in their cause, to the ^{joint} several
answer of Joseph Reynolds, Isaac R. Hitt
& Willis M. Hitt Defendants herein -

This Plaintiff having & reserving
to himself all & all manner of advan-
tage of exception to the manifold
errors and insufficiencies of said answers for
replication thereto say - that he will
aver & maintain his said bill to be
true certain and sufficient in law to be
answered unto and that the said ans-
wers of the said Defendants & each of them
are uncertain untrue and insufficient to be
replied unto, without this that any other
matter or thing in the said answer contain-
ed, material or necessary in the law to be
replied unto confessed & avoided hereunto or

denied, I true, all which matters and things
this applicant is & will be ready to answer and prove
as this Court shall direct and pray as in & of
his bill he has already prayed

Per Hartman of
Kear & Swift his Solicitor

Arrd on the 21st day of February, A.D. 1852
The following Deposition was filed in the
Clerk's office of said Circuit Court

State of Illinois
Lee County

Per Hartman

vs

Joseph Reynolds
Isaac R. Hitt
Willis M. Hitt &
Mary M. Hitt

The deposition of Cyrus
Aldrich taken before me
Isaac S. Boardman of
Clerk of the Lee County
Circuit Court at my
office in the Court House
in the Town of Havana,
Lee County, Illinois on
Saturday the fourteenth
day of February A.D. 1852
at the hour of nine o'clock A.M. to be used
in evidence on the trial of the above entitled
cause, in pursuance of the notice hereto attached
and marked "Exhibit A"

Cyrus Aldrich
being by me first duly sworn according

to law, on answer to the interrogatories hereafter following doth depose and say.

Interrogatory 1st What is your name, residence and occupation?

Answer—Cyrus Aldrich Lyon—Receiver of Public Money, United States Land Office

Int 2^d. State whether the records in your office show a purchase of the following described lands, to wit: E $\frac{1}{2}$ of N.W. $\frac{1}{4}$, and the W $\frac{1}{2}$ of N.W. $\frac{1}{4}$ of Sec N $^{\circ}$ 6 in Township N $^{\circ}$ 33 E $^{\circ}$ of R 2 E of the 3^d ~~principal~~ principal meridian If so state when the same was made, and by whom

Ans: Purchase was made by William Crossin on the 30th day of June A.D. 1855 of the said tract of land, as appears by the Records of my said office

Interrogatory 3^d. State whether it appears from the Records of your Office, in what funds payment was made by said Crossin for said tract of land; If so state what said records show.

Answer to Int 5. ~~State whether~~ It appears from the records ~~of your office~~, in that payment for said land was made in Bank notes

Int 7 1/2. State whether the records in your office show any other purchase of said land.

Answer to Int 7 1/2 - They do

Int 8 3/4 Where was the same made, and by whom?

Answer, On the 31st of October A.D. 1885, by Isaac Reynolds

Int 9. 6 1/4 State whether the entries in the Records of your office from which you testify are the original entries?

Answer, The Book from which I testify is the original Book of original entry, and the only one in my office to my knowledge, and does not appear to have been ~~referred~~

Int 9. 7 1/4 Do the records in your office show any change ever to have been made in either of said entries?

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Answer. They do not

Intj. 8th State whether the paper hereto attached and marked Exhibit B. is a correct copy from the records in your office.

Answer. It is.

Cyrus Aldrich

State of Illinois

Lee County

J. Isaac J. Boardman
Jr. Clerk of the Circuit

Court in and for said County, do hereby certify that the foregoing Deposition of Cyrus Aldrich was taken by me at my office in Dixon in said County, on Saturday the 14th day of February A.D. 1832 commencing at nine O'clock A.M. and that the said Aldrich was by me duly sworn according to law before the taking of the same and that the said Deposition was sworn to by said Cyrus Aldrich before me at the time and place aforesaid - And that the paper hereto attached marked Exhibit A and Exhibit B. are the original papers here in before referred to

In testimony whereof I have hereunto set
my hand and affixed the seal
of said Circuit Court at Dixon this
14th day of Feby A.D. 1882
J. S. Boardman Jr Clerk

Clerk for Depositions & cert \$ 1.00 paid by Jffs

Exhibit. A.

State of Illinois } La Salle County Circuit
La Salle County } Court
In Chancery

Ira Hartson }

(vs)

Joseph Regnolds }

Isaac H. Kitt }

Willis W. Kitt }

Mary W. Kitt }

To E. J. Leland Esq Solicitor
for the above named
Defendants.

Sir

You are hereby notified that we shall
attend on Saturday the fourteenth day of
February instant at the Office of the
Clerk of the La Circuit Court, in Dixon

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Illinois, at the hour of nine O'clock A.M.
and shall then and there proceed before the Clerk
of said Lee Circuit Court (or other competent
authority) to take the Deposition of Silas Noble
and Cyrus Aldrich to be read as evidence, in
the trial of the above Entitled Cause, when &
where you can attend and cross Examine if
you see fit

February 2^d 1852.

Yours Truly & Devot^y
Solicitor for Camp

Rec^d a copy of this Notice
Feb 2^d 1852

E. S. Leland
Solicitor for Camp

Exhibit A.

Exhibit B.

Register of Receipts issued by the
Receiver of Public monies at Salina Illinois
for lands sold from the 8th day of June 1835
to the thirtieth day of the same month
inclusive

Date of Receipt	Number of Receipt	By Whom purchased Name	Tract purchased			Quantity			Amount of Ant. Rec. paid in			in specie
			Redeemed	Section	part of Township Range	acres	100 ^{ths}	1000 ^{ths}	cents	fractions	money	
1855												
June 21	620	Wm Crozier	La Salle Ill	E. N. of N. W. 1/4	6 33 N 2 E	78	93	98	66 1/4			98.66 1/4
"	621	Litto	"	W. 1/2, N. W. 1/4	6 " " 20	78	93	98	66 1/4			98.66 1/4

Register of Receipts issued by the Receiver of Public money at Galena Ill. for lands sold from the first day of October 1855 to the thirty first day of the same month inclusive

Date of Receipt	Number of Receipt	By Whom purchased Name	Tract purchased			Quantity			Amount of Ant. Rec. paid in			in specie
			Redeemed	Section	part of Township Range	acres	100 ^{ths}	1000 ^{ths}	cents	fractions	money	
1855												
October 31	5741	Isaac Reynolds	Galena Ill	N. W. 1/4	6 33 N 2 E	157	86	197	86 1/4			

State of Illinois } Kimball Leland being duly sworn on oath
Sa. LaSalle County, deposes and says that on the twenty first day
of January A.D. 1852 he delivered to Abraham Hoadley a
true copy of the foregoing
subscribed instrument to wit: Kimball Leland
on this 23 day of January A.D. 1852
J. L. Leland atty at law

State of Illinois }

LaSalle County } Circuit Court of said County.

Sra Herlson }

vs. }

Joseph Reynolds }

Isaac F. Hitt }

Willis M. Hitt }

Mary W. Hitt }

In Chancery.

To Sra Herlson the
above named complainant—

You are hereby notified that on the
Second day of February next the above
named defendants will sue out of the
office of the Clerk of said Court a
dedimus potestatem, directed to R. A.
Clementy Esquire at Washington in the
County of Davis and State of Indiana,
as commissioner to take the deposition
of Caleb Hitt of said Washington, in
the to be read as evidence on the
hearing of the above cause.

The following is a copy of the in-

-terragatories to be propounded to said wit-

-ness-

1st

What is your age, occupation and place of residence?

2nd

Please state any fact or circumstances you may know tending to show whether William Grosier did or did not pay the Government of the United States the purchase money for the North West quarter of Section six in Township three north of Range two East of the third principal meridian.

3rd

If you ever had any conversation or conversations with said William Grosier on the subject of the purchase of said land from the United States, please state the same fully with times and places.

E. J. Leland
Ottawa LaSalle County Ill. for dep.,
Illinois, January 21st, 1852

State of Illinois
LaSalle County

J. Kimball Leland being duly sworn an oath deposes and says

that on the twenty first day of January A.D. 1852 he delivered to Abraham Hoes Esq a true Copy of the foregoing.~
P. Kimball Leland

Subscribed & sworn to before
me this 22^d day of January
A.D. 1852

P Lindley Clerk

State of Illinois } Circuit Court of said County,
LaSalle County }

Era Heartshorn

vs.

Joseph Reynolds

Isaac E. Hitt

Willis M. Hitt

Mary M. Hitt

In Chancery

To Era Heartshorn the
above named complainant.

You are hereby
notified that on the second day of
February next, the above named de-
fendants will sue out of the office
of the Clerk of said Court a ~~decree~~
potestatum, directed to ~~James~~ Judah

esquire at Vincennes, in Knox County and State of Indiana, as commissioner to take the deposition of Willis M. Hitt of said Vincennes to be read as evidence on the hearing of the above cause.

The following is a copy of the interrogatories to be propounded to said Witness?

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

2nd Please state any fact or circumstance that you may know tending to show whether William Crozier did or did not pay the Government of the United States the purchase money for the north West quarter of Section Six in Township thirty three north of Range two East of the third principal Meridian.

3^d If you ever had any conversation or conversations with said William Crozier on the subject of the purchase of said land from the United States, please state the same fully with times and places.

E. S. Lundholm for Deft
Ottawa LaSalle County Minn. January 21. 1882

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Ottawa LaSalle County } E. S. Leland
Illinois, January 21, 1852 } Solr. for depts.

State of Illinois }
LaSalle County }

P. Kimball Leland
being duly sworn on oath deposes and
says that on the twenty first day
of January A.D. 1852 he delivered to
Abraham Hoos Esqr a true copy of the
foregoing.

P. Kimball Leland,
Subscribed & sworn to before
me this 21st day of January
A.D. 1852

P. Lindley Clerk.

LaSalle Circuit Court In chancery

Frederick Hartshorn }
vs. }
Joseph Reynolds }
et alii }

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cross Interrogatories to Caleb Hill & Willis
Mr Hill witness. to be examined on
part of depls.

1st What is the subject matter of this
suit & what is or are the matters or
matter in controversy between these
parties.

2nd Are you in any way or manner
interested directly or indirectly in the
event of the suit or have you or have
you at any time had any interest
direct or indirect in the subject matter
of the suit.

3rd Are you related either by blood
or marriage to any of the parties to
this suit & if you state in what
manner you are so related.

Hees & Swift
for complts
Sends on the 13th day of April AD 1852 the
Deposition of Willis W. Hill was filed in said
Clerk's office in words & figures following viz

The Deposition of Willis W. Hill of
Pincennes Knox County Indiana, a witness
of lawful age, produced sworn and examined

upon his corporal oath, on the 20th day of
February 1852 at my office in Vincennes aforesaid
by Me Lemuel Judah a commissioner duly
appointed by a commission issued out of the
Clerk's office of the Circuit Court of LaSalle
County Illinois tested in the name of Phil
Lindley Clerk of said Court ^{with} the seal
of said Court affixed and to me directed
as such commissioner for the examination
of the said Willis W. Hitt a witness in
a certain suit now pending in the said
circuit Court wherein Ira Hartshorn is
complainant and Joseph Reynolds, Isaac R.
Hitt Willis W. Hitt and Mary M. Hitt
are defendants in behalf of the defendants,
and as well upon the cross ~~examination~~ ^{interrogations} of
the Complainant as on the interrogations of
the ~~Deposition~~ Defendants and on none
others. — The said Willis W. Hitt being
first duly sworn by me as a witness in
the said cause, previous to the commence-
ment of his ~~examination~~ examination to
testify the truth as well on the part of
the complainant in relation to the matters
in controversy between them, as of the de-
fendants as far as he should be interrogated,
testified and deposed as follows to the inter-
rogations on the part of the defendants

Interrogatory 1st. What is your age occupation and place of residence?

Answer I am aged fifty one years this month & a Physician by occupation and my residence is in Vincennes Knox County Indiana.

Interrogatory 2^d. Please state any fact or circumstance you may ^{know} tending to show whether William Crossin did or did not pay the Government of the United States the purchase money for the north ~~East~~ ^{West} quarter of Section Six in Township thirty three north of range two east of the third principal meridian? -

Answer. - At the land sales at Helena in the year 1835 I was present, and heard the said tract of land offered for sale and bid off by Simon Crossin to said William Crossin the next morning, but the said Simon refused to take it or pay for it as he said it was not the price for which he expected. - In the following fall I procured Caleb Hitt as the agent of Isaac Reynolds with the money of said Reynolds to enter said land for said Reynolds - and said Caleb afterwards brought to me the land office certificate for it.

Interrogatory 3^d. If you ever had any conversation or conversations with the said William Crossier on the subject of the purchase of the said land from the United States, please state the same fully with times and places.

Answer. - I never had any private conversation with the said William Crossier concerning the ^{said} land. - I only heard the public declaration as above stated of the said Simon Crossier; I think William Crossier was not present.

And after as follows to the cross ~~interrogatory~~ interrogations of the complainants. Cross Interrogatory 1. What is the subject matter of this suit, and what is or are the matter or matters in controversy between the parties?

Answer I do not certainly know but suppose this suit respects the title to the said tract of land as between the said parties.

Cross Interrogatory 2. Are you in any way or manner interested directly or indirectly in the ^{result} ~~case~~ of the suit, or have you, or have you at any time had any interest direct or

indirect in the subject matter of the said? answer, I have now no interest, and I never had any interest in said land or suit - I only acted as agent for Isaac Reynolds, with his money and for his sole use. —

Cross Interrogatory 3^d. Are you related either by blood or marriage to any of the parties to ^{the} suit, and if so state in what manner you are so related. —

Answer, Isaac R. Hitt, Willis W. Hitt and Mary M. Hitt are my children, Joseph Reynolds is the brother of my former wife. —
W. W. Hitt

And I the said commissioner certify that the said Willis W. Hitt was ~~known~~ ^{known} as above stated previous to his examination; that the above deposition was taken at my office as above stated on the day above stated; and that after the same was taken by me as aforesaid, the interrogatories and answers there to as written down were read over to the said witness, and that there upon the same was signed and sworn to by said witness before me, the oath being administered by me as such commissioner.

at the place and on the day and year above stated.
Sam^l Judah
Commissioner

And on the 17th day of September A.D. 1852
The following Deposition of Caleb Hitt was
filed in said Clerk's office viz.

The Deposition of Caleb Hitt of the County of
Daviess and State of Indiana as Witness
of lawful age, produced sworn and exam-
ined upon his corporal oath, on the 6th
day of September A.D. 1852 at the
office of Richard A. Clement in the
Town of Washington said County of
Daviess, by me the said Richard A.
Clement a commissioner duly appointed
by a dedimus potestatem or commission
issued out of the Clerk's office of
the Circuit Court of LaSalle County
in the State of Illinois, bearing test
in the name of P. Lindley Esqr. Clerk
of the said Court, with the seal of said
Court affixed thereto, and to me directed
as such commissioner for the examination
of the said Caleb Hitt a witness in a
certain suit and matter in contro-
versy, now pending and undetermined

in the said Circuit Court wherein Ira Hartshorn is Complainant and Joseph Reynolds Isaac P. Hill, Willis M. Hill, and Mary M. Hill are defendants, in behalf of the said defendants as well upon the cross-interrogatories of the complainant as on the interrogatories of the defendants, which were attached to and enclosed with the said Commissioner and upon none other - The said Caleb Hill being first duly sworn by me as a witness in the said cause, previous to the commencement of his examination to testify the truth as well on the part of the complainant as the defendant, so far as he should be interrogated, testified and deposed as follows

Interrogatory 1st. What is your age occupation and place of residence

Answer, 37 yrs. Linn. County Surveyor, late of Davies but now of Martin Co. Mo.

Interrogatory 2^d Please state any fact or circumstance you may know tending to show whether William Cassier did or did not pay the Government of the United States the purchase money for the North West

quarter of Section Six in Township thirty three
North of Range two East of the third
principal Meridian

Answer. As the Public Land Sales
in (I think) 1885; we supposed that Wm.
Crosier had a gr. section of land purchased
in his name by his bro. Simon Crosier.
& after we had left Salina, I learned
to my satisfaction that some of the citi-
zens of Salina had made duplicates ~~for~~
they had taken money to Salina, &
being aware that my friend Col. ^{Steffens}
the Receiver, left Duplicates filled entire,
& handed by all who chose, hours previous
to payment &c. ~~Many~~ Duplicates were made
out & the plat^s marked, & for want of
money the lands left unsold.
I detected & procured the return of two
Duplicates showing the Col. \$200. & also
made him acquainted with some cases
where the books showed lands sold to persons
who held no duplicate which he corrected.
I learned of Simon Crosier that a gr.
thus marked to Wm. Crosier was unpaid
for & that he had no duplicate, which
tract, I cannot now designate by nos, but
I think it was a gr. section minus two

acres & some hundredths. I afterwards entered the same land for Isaac Reynolds of Baltimore & I think it lay on the west line of a gr. Sec. purchased by Mr Burnham at the sale of for his sister Hannah Burnham, I think it was in Dec. 6 1855 N. Y. 26. 3? P. M. that is, both pieces referred to as the Burnham & Reynolds lands. -

My ~~memory~~ ^{memory} is corroborated by plats & notes now in my possession & which I have ever had in my possession since the sale referred to, at which sale, myself & others used as a guide to our purchases.

Interrogatory 3^d

If you ever had any conversation or conversations with said William Crozier on the subject of the purchase of said lands from the United States, please state the same fully with times and places -

Answer In fall (I think) of 1855 at Utica, Wm. Crozier told me ^{that} it had got out, that the gr. Sec. of Congress land that he claimed was not bought - ~~that~~ if I had any friend that wanted it, to let them have it. we frequently spoke of it at other times & places not recollected.

I entered the same gr. section of
Congress land for Isaac Regnolds. of
Baltimore, Md.

Cross Interrogatories propounded to be
propounded on the ^{part} ~~part~~ of Complainant.

1st Interrogatory

What is the subject matter
of this suit and what is or are the matters
or matter in controversy between the parties

Answer. Until called upon for this dep-
osition, I knew not that there was such
a suit, & I now know nothing more
about it than shown by the papers now
here ^{before} ~~before~~ the Commissioner who takes
this deposition.

2nd Interrogatory

are you in any way
or manner interested directly or indirectly
in the event of this suit, or have you
at any time had any interest ^{direct or indirect} in the
subject matters of the suit.

Answer. I have no interest directly or
indirectly now, & never had any.

3rd Cross Interrogatory

are you related either by blood
or Marriage to any of the parties to this suit, and
if yes, in what manner you are so related.

Answer. The Hitts named in this suit are children of my Brother as to Joseph Reynolds, the relationship if any, is so distant that I do not know what to call it. Caleb Hitt.

State of Indiana
 Darke County ss

J. Richard ~~Thorn~~ A. Clements
 of the County aforesaid as
 Commissioner duly appointed to take the
 deposition of the said Caleb Hitt a witness
 whose name is subscribed to the foregoing
 deposition do hereby certify, that previous to
 the ^{Commencement of the} examination of the said Caleb Hitt
 as a witness ~~in the suit~~ in the said
 suit between the said Ira Hartshorn
 Complainant, and the said Joseph Reynolds,
 Isaac P. Hitt, Willis H. Hitt and Mary
 M. Hitt, defendants; he was duly sworn
 by me as such Commissioner to testify
 the truth in relation to the matter in
 controversy between the said Complainant
 & Defendants, so far as he should be inter-
 rogated concerning the same; That the said
 deposition was taken at my office in the
 Town of Washington, said County of Darke

and State of Indiana on the 6th day of September
A.D. 1852, and that after said deposition was
taken by me as aforesaid, the interrogations^{and}
and answers thereto, as written down by myself
and the sd. witness, were read over to the said
witness, and that there upon the same was
signed and sworn to by the said deponent
Caleb Hitt, before me the oath being
administered by me as such Commissioner
at the place and on the day and year
last aforesaid

J. A. Clement Comr.

I further certify that the foregoing
pages Number 1, 2, 3 & 4 contain the deposition
of the said Caleb Hitt, taken in the suit
specified in the said deposition.

J. A. Clement Comr.

Friday Jan. 5th 1852 the same being the Am. Term of said
Court
In Chancery

Joseph Reynolds vs. It is ordered by the Court that this
cause be continued

To Ira Hartshorn or R. H. his solicitor

Sir:

You are hereby notified that on Saturday
Friday the Eleventh day of February next

between the hours of 9 O.C. A.M. & 5 O'clock
P.M. of said day and to continue from day
to day if necessary we shall take the depo-
sitions of Burton Ayres, Amasa C. Cress
and before Philo Lindley clerk
of the Circuit Court of LaSalle County and
State of Illinois, at his office in Ottawa,
LaSalle County Illinois, said deposition
to be used as evidence on the hearing
of a certain Chancery suit now pending
and undetermined in the Circuit Court
of said County, on the Chancery side
thereof, wherein you are Complainant
and we are defendants

Yours respectfully
 Isaac P. Holt
 Willis W. Holt
 Mary Holt
 Joseph Reynolds
 by W. L. Wallace their solicitor

I hereby acknowledge the receipt of
a copy of the above notice, this 21st day
of January A. D. 1853.
 A. Haas

In Chancery
LaSalle County Circuit Court

Ira Hartson
vs.
Joseph Reynolds, Isaac P. Holt
Willis W. Holt & Mary Holt } Bill for
injunction

To the above named Ira
Hartson, or to R. Hoes his solicitor,

you are
hereby notified that on the 21st day of
February A. D. 1853, between the hours
of nine o'clock A. M. and nine o'clock
P. M. of said day, before Philo Lindley Esquire
Clerk of said Court at his office in the
Court house in Ottawa in said County,
we shall proceed before said Clerk, to
take the deposition of Burton Agnes and
Amasa O. Crozier, to be used as evidence in
our behalf on the hearing of the above
entitled cause; when and where you may
attend if you see proper, and Cross examine
said witnesses

Yours Respectfully
Ottawa Feb 11, 1853. Joseph Reynolds

Isaac R. Hitt
 Willis W. Hitt
 Mary . Hitt
 by W. H. Wallace their Sdr

I hereby acknowledge service of a copy
 of the foregoing notice, this 14th day of February
 A.D. 1858 -

A. Haco
 Solicitor for Ira Hutton
 the above named compe-
 And on the 21st day of February A.D.
 1858 the following Depositions were
 filed in said Clerk's office viz.

Deposition of Amasa O. Crossin and
 Burton Ayers taken before Philo Lindley
 Clerk of the Circuit Court in & for said
 County at his office in Ottawa pursuant
 to notice on Monday The 21st day of February
 A.D. 1858. between the hours of Ten o'clock
 A.M. & 4 o'clock P.M. of said day to be
 read in evidence on the trial of a
 certain Cause now pending and undetermined
 in the Circuit Court of said County on
 the Chancery side thereof wherein Ira
 Hutton is complainant and Joseph Reginald

Isaac R. Holt Ellis W. Holt & Mary Holt
are defendants on the part of Said Defendants

Interrogations to be propounded to the
Witness Cross-examined on the part of Defendants

Int 1st

What is your name age, Place of
residence & Occupation

Ans. My name Amasa O. Crossin, age
something like Thirty Six I believe.
Residence Township of Utica, Section
Seven Occupation farming

2^d Are you acquainted with the
parties to this suit.

Ans. I am acquainted with Mr. Harrison
and Isaac R. Holt That is all that I
am acquainted with.

3^d Were you in the year 1835
acquainted With Simon Crossin and
William Crossin

Ans. Yes Sir

4th Do You recollect the occurrence of the Land Sales at Salina, in June 1835? if so State whether William Crossier attended the Land Sales at that time

Ans. I do recollect the sales He did not attend it himself

5th State if you know who attended the sale for William Crossier

Ans. My recollection is that Father attended the sale for him took his money to buy the land for him my father's name is Simon Crossier

6th State if you know what land Simon Crossier bought for William

Ans. My recollection in that is that when they left home, He was intending to purchase the piece which he did not get And when he came home he told him he could not get the piece that he wished but that he had bought an other quarter which he might have or make him a deed and he would refund the money This

conversation I cannot be right down positive about But it is according to the best of my recollection.

Q^y 11th Are you acquainted with the North West fractional quarter of section Six Township Thirty three Range two East in LaSalle County

Ans. I am

Q^y 12th State ^{whether you ever} ~~if ever~~ you heard Simon Crosier or William Crosier say any thing about the purchase of said tract and whether the same had been paid for to the Government of the United States

Ans. It is the ~~same~~ ^{same} tract that Simon Crosier told William Crosier that he purchased for him when he came back from Galena And he might take it or make Simon Crosier a deed and he would refund him the money and as for paying I was not there at Galena & cannot say for certain whether Simon Crosier paid for it or not

Q^y 13th State whether you ever heard William

44 Crossin say any thing about the land being
paid for

Ans. Not to my recollection

10th State whether Simon & William Crossin
are now living?

Ans. Simon Crossin is dead I cannot say
for certain whether William is or not

11th State whether you have lived near
the said tract of land ever since 1835?

Ans. When I was at home, I ^{lived} lived in
the Township of Utica ever since 1835
I believe

12th How far from said tract of land

Ans. A part of the time I was liv-
ing within three or four miles and
a part of the time within one mile

13th State whether You ever Knew
of William Crossin Exercising any
act of ownership over said Land.

120
Ans. I do not know what act of ownership means. He claims the Land

14th What do you mean when you say that he claims the Land.

Ans. In talking about the land he used most always to refer to the land ^{that} father bought for him. Father bought no other land for him but this quarter Section at that sale not to my Knowledge.

By Complainant

objected to

1st
State if you know, ^{whether} any improvements have been made upon the quarter Section by you described upon Your direct Examination & if you what improvements when & about what time made and by whom

Ans. There is ~~some~~ improvements upon the Land now. ^{The} Improvements, I should think in about 30 or 40 Acres being under fence and Cultivation I cannot ~~be~~ be positive to the time my recollection is that the breaking was done either in

49 or 50. Mr Hartson I understood had it done Mr Parkerson did some of the breaking for Mr Hartson I do not know whether he did it all or not.

2^d Who has had possession of Simon Crossian papers since his death.

Ans. I have had possession of them since I administered upon his estate

3^d Did you make any search among the papers of Simon Crossian after his death for the duplicate of the receivers Receipt for the purchase money of the land by you described & if so state the result & condition of the Papers

Ans. I made a search for the Duplicate after William Crossian had sold his right to Mr Hartson & could not find the Duplicate or receipt. I found one Box that contained a lot of papers & also a Drawer in a stand that the mice had got into cut all up and made nests of so that I could scarcely make any thing out of most of the Papers that were in the ~~Draw~~ ^{Draw}

or Boy These papers were cut before I took possession of them

4th Was the sale, by William Crossier to the complainant of the quarter section described by you made by William Crossier in person or by an agent and if by an agent state if you know the name of such agent.

Ans. It was made by an agent if I understand the meaning of the phrase Sacted as an agent for both sides

5th What price did the complainant pay William Crossier for the lands and in what kind of funds

Ans. He gave him three hundred and twenty dollars I think accord- to the best of my recollection. Mostly all specie

6th State if you know what if any inducement William Crossier had to make a sale of the lands at that time

Ans. I cannot say positively what

inducement, but understood that he was in debt a considerable & understood there was a judgement against him.

objected to

Q. Had you at the time that you made the sale to the complainant for William Crossier any knowledge or information of any defect in the title to the land & if so what was such defect if ~~any~~ State ~~if any~~ fully

Ans. I was aware that the land had been sold for taxes & I understood from some person I think it was Father that there was another entry of a later date I think he said it would not amount to any thing from the fact that the oldest Entry would hold

Direct Resumed

State whether William Crossier had any agent at the land sale at Galena in June 1835. Except Simon Crossier

Ans. Not to my knowledge

Q Did you ever hear Simon Crossier

1
1
Say any thing about the land having
been paid for.

Ans. I never heard him say ~~correctly~~
directly that that the land was paid
for

Amasa C. Grosvenor

Interrogatories to be propounded to
the Witness Ayers on behalf of Defendants

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

Ans. My name is Burton Ayres my
age 46 years Place of residence La Crosse
Occupation Black Smith

2^d Are you acquainted with the parties
to this suit Complainant & Defendants

Ans. I am acquainted with Mr Hartman
& Isaac Witt

3rd Were you present at the land
sale in Galena in June 1835

Ans. I was

4th Was William Crozier present at that sale

Ans. I think not

objected to

5th State if you know whether Duplicate Receipts for lands, were issued at that Sale to parties who were not entitled to them

Ans. I think there was by the acknowledgement of parties themselves

objected to

6th State whether William Crozier or any person for him ever offered to sell the North West quarter of Section Six Township Thirty three range two LaSalle County to you or to any other person in your presence If Yes What reason did he assign for selling the same

Ans. I think some of the Crozier family have offered to sell it to me I do not recollect who it was I do not know that he gave any reason.

objected to

7th State whether you have resided in the neighborhood of said Land since 1835

Ans. I have within Three or four miles

8th State what was the general reputation in the neighborhood of said Land of Crossin's title thereto

Ans. I do not know

objected to

9th At what time was the land offered to be sold to you by some of the Crossin Family as stated by you in your answer to the 6th Interrogatory

Ans. It was some time before I heard Mr. Horton had bought it I do not recollect how long

10th Was it before or after Junior Crossin's death

Ans. I do not recollect

Barton Agnew

State of Illinois }
 LaSalle County } S. Philo Lindley Clerk of
 the Circuit Court in & for said County do hereby
 Certify that the foregoing —
 Depositions ~~was~~ ^{were} taken before me at my
 office in Ottawa on Monday the 21st
 day of February A.D. 1853 between the
 hours of 9 O.C. A.M. & 4 O.C.P.M. of
 said day That said Witnesses were
 by me first duly sworn and said
 Depositions were carefully read to them
 by me and then signed by said
 Witnesses in my presence

Seal

Witness Philo Lindley Clerk
 of the Circuit Court of said
 County and the seal thereof
 this 21st day of February
 A.D. 1853

P. Lindley Clerk

And afterwards to wit on the 4th day of
 June AD 1853 this summing one day of
 the term of the May Term of said Circuit
 Court The Honorable Hugh Henderson
 Presiding the following affidavit was
 filed

State of Illinois }
 LaSalle County } Circuit Court of said
 County May Term A.D. 1853

Era Hartson }
 vs. }
 Joseph Reynolds } In Chancery
 Isaac P. Witt }
 Willis M. Witt }
 Mary M. Witt }

Isaac P. Witt
 of said County being duly sworn on oath
 says that Mary M. Witt one of the above
 named defendants is his sister & he has
 known her from infancy - that she
 is now over eighteen years of age -
 Subscribed & sworn to }
 before me this 4th } Isaac P. Witt
 day of June A.D. 1853 }
 P. Lindley Clerk }
 Filed June 4th 1853 }

P. Lindley Clerk
 And on said 4th day of June the
 answer of Mary M. Witt was filed in
 words and figures following to wit
 LaSalle County Circuit Court May term
 A.D. 1853

In Chancery

The separate answer of Mary M. Kitt to the bill of complaint exhibited against her and Joseph Reynolds, Isaac R. Kitt & Willis W. M. Kitt, by ~~Isaac~~ ^{Ora} ~~Reynolds~~ ^{Kitt} complainant.

This respondent saving and reserving all benefit of exception to the manifold errors & insufficiencies of said bill for answer thereto, or to so much thereof as she is advised is material to be answered unto, answering says- That ~~true~~ ^{true} it is that no patent was ever issued by the Government of the United States to said William Crozier for the Lands mentioned in said bill, as is therein alleged, & she therefore admits the same.

This respondent further answering admits that Isaac Reynolds purchased said land as stated in said bill, but she denies that said Crozier's alleged entry there appeared upon the records of the land office. And she charges that said Isaac Reynolds purchased and paid for said land without any notice of said Crozier's alleged prior entry thereof.

This Respondent further answering admits
that a patent was issued by the United
States Government to said Isaac Reynolds
as alleged in said Bill

Respondent further answering admits
that ^{the} said Isaac Reynolds ^{secretly} did as alleged
in said bill, and devised said ^{device} as charged
in said Bill, and that this respondent,
and the said Isaac R. Kitt and Wm.
M. Kitt are the persons to & for whom
said device was made

This respondent further
answering denies each and every allegation
of said Bill which is not herein above
admitted - and as to said allegations
which are not here in above admitted
she calls for proof and having fully
answered she prays to be hence discharged
with her reasonable costs in this
be half &c

Mary M. Kitt
by Wm. Wallace her
solicitor -

In Chancery. County of Los Angeles, Circuit Court May
term A.D. 1853.

The separate answer of Mary M. Witt by
 Wm Wallace her guardian ad litem, to
 the bill of complaint exhibited against
 her and Joseph Reynolds, Isaac F. Witt
 & Willis M. W. Witt, by Ira Hartson

Shewing & rescuing all and all
 manner of exception &c for answer to
 said bill. Says

That ~~as one~~ she admits that
 no patent for said land was ever
 issued to said William Crozier by
 the Government of the United
 States

She also admits that the purch-
 ase of said land by said Isaac Reynolds
 as stated in said bill, but denies that
 Crozier ^{entry} ~~entered~~ ^{there} ~~appeared~~
 upon the records of the land office
 & ~~charged~~ ^{charged} that said Isaac Reynolds purchased
 & paid for said land without any
 notice of said William Crozier alleged
 prior entry.

She also admits the issuing
 of a patent ~~for~~ of said land to said
 Isaac Reynolds as charged in said bill

Respondent also admits that Isaac
 Reynolds deceased as alleged in said
 bill and devised the said lands as

charged in said Bill, and that ~~Isaac~~
~~Reynolds~~ ~~deceased~~ this respondent and the
said Isaac R. Witt & the said Willis
W. Witt are the persons ^{for} whose benefit
said devise was made -

This respondent further an-
-swering denies each and every allegation
of said bill not herein above admitted & as to
said allegations which are not above herein ad-
mitted she calls for proof and having fully
answered this respondent prays this honorable
court to protect her rights in the premises
& that she may be hence discharged with
her reasonable costs &c

W H Le Wallace
Guardian ad litem for
said Mary M. Witt

~~In Equity, Circuit Court Co. Circuit Court~~
In Equity Co. Circuit Court &c. In Chancery

Ira Hartson

vs.

Joseph Reynolds et al. } The replication of

complaint to the answer of Mary Hitt left

The complainant for replication says
that the said answer is untrue uncertain &
insufficient & that he will ~~prove~~^{avow} maintain
& prove his bill to be true certain and suffici-
ent &c.

A. Hoos

Sole for compts

And on said 4th day of June AD 1853 The
following proceedings appear of record
The Honorable Hugh Henderson presiding

LaSalle Circuit Court May Term. 1853

Saturday June 4th

Isaac Hartson

27 vs.

In Chancery

Joseph Reynolds

Isaac H. Hitt, Willis W. Hitt & Mary M. Hitt

On motion of complainants by Hoos his solicitor
it is ordered that W. H. L. Wallace Esq be appointed
guardian ad litem for the infant defendant Mary
M. Hitt. And by agreement of parties this cause
is set for hearing this day, on bill, answers,
replication and proofs. And it is further appearing
to the Court that Mary M. Hitt has arrived at

his majority it is therefore ordered that the order here
before her appearance is entered by W. H. L. Wallace
her solicitor from appointing a guardian
ad Litem for said Mary in which
vacated & from upon her appearance is
entered by W. H. L. Wallace her solicitor

As, Hartson

Joseph Reynolds &
others

Be it remembered that at the
hearing of this cause the complainant to sustain
the issue on his part introduced in evidence the
following certificates (here insert the certificates
of Giles Noble, the defendant objected to the cer-
tificates signed by said Noble, and the deposition
of Aldrich which ~~defendant's~~ objections was overruled
& the defendant excepted them and the
following deed (here insert the deed from
to Hartson) and the following deposition (here
insert the deposition of Cyrus Aldrich com-
plainant proved the hand writing of Giles
Noble & that the signature to said certifi-
cates are genuine & that at the date thereof
a true register of the land office in which
the complainant here rested his cause, the

Defendant offered in evidence ~~in~~ patent as follows (here insert ~~the~~ the patent) & the following depositions here insert the deposition of Caleb Hitt Willie W. Hitt Amasa Crasian & Barton Ayres which are as follows (here insert them) which depositions were read,

The defendant then offered in evidence the of letter certified which is as follows (here insert the Evans letter and Nobles certificate thereto, the complainant objected to the same the objection was overruled and the letter read in evidence to which decision of the court the complainant then and then excepted The defendant then offered in evidence the certificate of Justice Butterfield commissioner of the General Land office, which is in the words and figures following (here insert certificate) evidence was objected to by complainant and the objections sustained to which defendant excepted This was all the evidence the court found for the defendant and dismissed the complainant's bill to which ~~the~~ & ~~dismissed~~ decision the complainant then & there excepted & pray that this their bill of exceptions be signed sealed & made a part of the record which is done

Hugh Henderson

Seal

And afterwards to wit at the may term
a.d. 1853 of said Circuit Court on the 1st
day of June the same being one of the
days of said term the following persons
appeared before the Honorable Hugh
Henderson Presiding Judge

Ira Hartson

27 vs

In chancery

Joseph Reynolds

Isaac R. Hitt Willia W. Hitt & Mary M. Hitt

This day this cause came on to be heard
on pleadings & proofs and the com-
plainants introduced & read in eviden-
ce the following deed

Know all men
by these presents that I William Cros-
sar and Isabella the wife of the said
William Crosar all of Pike county and
State of Illinois in consideration of the
sum of three hundred and twenty dollars
to us in hand paid by Ira Hartson
of LaSalle county and State aforesaid, the
receipt whereof we do hereby acknowl-
edge have bargained sold and quitclaim-
ed and by these presents do bargain
sell and quitclaim unto the said

The Hartson and to his heirs and assigns forever, all our and each of our right title and interest estate claim and demands both at law and in equity, and as well in possession as in expectancy of in and to all that ~~certain~~ ^{certain} tract or parcel of land situated in LaSalle County and State of Illinois to wit: the North West quarter of section six in Township thirty three (33) North of range two (2) East of the third principal meridian with all and singular the hereunto and appertinances thereto belonging

In Witness Whereof We have hereunto set our hands and seals this sixteenth day of February A.D. 1848

Signed Sealed and in presence of us. William ^{his} ~~Crossin~~ ^{Crossin} ~~and~~ ^{mark} Isabella ^{his} ~~and~~ ^{mark} ~~her~~ ^{mark}
 Samuel Chew
 Elmira E. Chew

State of Illinois || I, Samuel Chew a
 Pike County Justice of the peace of
 said County do Certify that
 William Crossin and Isabella his wife
 whose signatures appears to the foregoing
 deed, and who is personally known to me
 to be the persons described in and who

executed the same, did severally acknowledged
that they had executed the said conveyance for
the uses and purposes therein mentioned.
And the said Isabella having been by me
made acquainted with the contents of the
said deed and examined separate and apart
from her said husband acknowledged
that she had executed the same and relin-
quished her dower to the premises therein
conveyed voluntarily freely and without com-
pulsion of her said husband

Given under my hand and seal this fif-
teenth day of February A.D. 1848
Samuel Chew Esq

State of Illinois ss I John J. Collard Clerk
County of Pike of the County commission-
ers Court within and for said County
do certify that Samuel Chew Esq whose
name appears to the foregoing and
attached certificate was at the time of
signing the same to wit: on the 15th
day of February A.D. 1848 an acting
Justice of the peace within and for said
County duly elected qualified and com-
missioned and that as such full faith
and credit should be given to all his

official acts. Given under my hand and the
 seal of said court at Pittsfield this 16th
 day of February A.D. 1848
 John J. Collard Clerk

~~Lucille Circuit Court at New Haven~~
~~N.D. 1850, - Saturday June 11th~~

The Complainant then proved that at the
 date of the five following certificates &
 each of them Elias Noble was acting regis-
 ter of the U.S. Land office at Dixon
 Illinois ~~do hereby certify~~ that and that his
 signature to said certificates & to each of
 them was genuine and thereupon read
 in evidence the five following certificates

No 2941 - Land Office Dixon Ill.
 April 23rd 1853 - I Elias Noble register
 of the Land Office at Dixon Illinois, do
 hereby certify that Isaac Reynolds of the
 County of Baltimore and State of
 Maryland did on the thirty first (31st)
 day of October in the year of our Lord
 one thousand eight hundred and fifty three
 (1853) purchase of the General Govern-
 ment at this Office (then at Galena

as the book containing this entry shows)
the North West quarter of Section ^{No} six
(6) in Township No thirty three (33) North
of range No two (2) East of the third (3) principal
meridian opposite the above entry I
find the following note viz: Previously sold
see No 620 & 21 and that said land at
the time of said purchase was within the
district of land subject to sale at this
office, and rendered subject to sale by law,
all of which appears of record in my
office. Given under my hand and seal
the day and year first herein above
written
Fidas Noble Register

C 10 621 - Land office Dixon Illinois

February 18th 1862

I Fidas Noble Register of the Land
office at Dixon Illinois do hereby certify
that William Crossier of the County of
and State of Illinois did on
the thirtieth day of June in the year
of our lord one thousand eight hun-
dred and thirty five Purchase of the
General Government at this office the
West half of the North West quarter of
Section Six in Township No thirty three
North range two East of the third principal

meridian containing seventy eight acres and ²³/₁₀₀ acres and that said land at the time of said purchase was within the district of land subject to sale at this office and rendered subject to sale by law all of which appears of record in my office. Given under my hand the day and year first above written.

"Silas Noble Register

"No 020 Land Office Dixon Illinois February 19th 1852
 I Silas Noble Register of the Land office at Dixon Illinois do hereby certify that William Crozier of the County of ~~sevier~~ and State of Illinois did on the thirteenth day of June in the year of our Lord one thousand eight hundred and thirty five Purchase of the General Government at this office the East half of the North West quarter of Section six in ^{North} Township thirty three North of range No. East of the third principal meridian containing seventy eight acres and ²³/₁₀₀ acre and that said Land at the time of said purchase was within the district of Land subject to sale at this office and rendered subject to sale by law all of which appeared of record in my office. Given under my hand the day and year first above written.

Lilas Noble Register

No 621 - Land office Dixon Illinois April 23^d 1833
I, Lilas Noble Register of the Land
office at Dixon Illinois do hereby certify that
William Crozier of the County of LaSalle
and State of Illinois did on the ~~thirtieth~~
th thirtieth (30^d) day of June in the
year of our Lord one thousand
eight hundred and thirty five (35) pur-
chased of the General Government
at the office (then at Galena as
the book containing this entry shows)
the West half of the North West quarter
of Section No. 16 in Township No.
thirty three (33) North of range No. two
(2) East of the third (3^d) principal meridian
and that said Land at the time of said
purchase was within district of Lands
subject to sale at this office, and ren-
dered subject to sale by law, all of which
appears of record in my office.

Given under my hand and the
day and year first above written.
Lilas Noble Register

*

When defendant then offers & reads in evidence the following paper

X A 620 = Land Office Dixon Illinois April 23
1853

I Silas S. Register of the Land Office at Dixon
Illinois do certify that William Cronas of the County of
LaSalle and State of Illinois did on the thirtieth (30) day
of June in the year of our Lord one thousand eight hundred
and thirty five purchase of the General Government at this
office (then at Galena as the book containing this
entry shows) the East half of the North West quarter of
Section No. Six (6) in Township No. Thirty three (33) North
of range No. Two (2) East of the Third (3) principal mer-
idian And that said land at the time of said
purchase was within the district of lands subject to
sale at this office and remained subject to sale by said
all of which appears of record in my office
In witness whereof I have hereunto set my hand this day and year
first above written

Silas S. Register

Certificate No. 2741 - The United States of America
 To all to whom these presents shall come
 greeting. Whereas Isaac Reynolds of Baltimore,
 State of Maryland, has deposited in the
 General Land Office of the United States a
 Certificate of the Register of the Land
 Office at Helena whereby it appears that
 full payment has been made by the
 said Isaac Reynolds according to the
 provisions of the act of Congress of the
 24th of April 1820 entitled an act ma-
 king further provisions for the
 Sale of the Public Lands for the North
 West quarter of Section Six in Township
 thirty three of Range two East in ^{the} district
 of Lands subject to sale at Helena, Illinois,
 containing one hundred and fifty seven
 acres and eighty six one hundredth
 of an acre according to the official
 plot of the survey of the ^{said} Lands returned
 to the General Land office by the
 Surveyor General which said tract
 has been purchased by the said Isaac
 Reynolds. Now know ye that the
 United States of America in consideration
 of the premises and in conformity with
 the ~~said~~ ^{above} acts of Congress in such case
 made and provided. Have Given

And granted and by these presents give
and grant unto the said Isaac Reynolds
and to his heirs the said tract above
described, To have and to hold the
same together, with all the rights, privi-
leges, immunities and appurtenances of what-
soever nature thereunto belonging unto
the said Isaac Reynolds and to his heirs
and assigns forever.

In Testimony Whereof I
John Tyler President of the United
States of America have caused these
letters to be made patent and the
seal of the General Land Office to
be hereunto affixed.

Given under my hand at the
City of Washington the seven ~~th~~th
day of February in the year of our
Lord one thousand eight hundred
and forty four and of the Independence
~~Year~~ of the United States the Sixty eighth

By the President John Tyler

By R. D. Tyler Secy

J. Williamson Recorder of the
General Land Office Recorded W.
26. Page 42.

And the defendants read in evidence (the complainant objecting thereto) the following certified copy of a letter

Registers Office

Galena Ills April 15 1886. Sir, On the 30th of June 1880. during the public Sales the N. W. 1/4 of section No 6 in Township No 33 North range 2 East of the 3^d principal Meridian was bid off in the name of William Crossier and by him was forfeited. The usual report was omitted to be made to the Clerk on the morning of the next day of Sale, consequently the receiver of public moneys has accounted to the General Department for said quarter section amounting to \$ 197.32 1/2. These forfeitures by Crossier was not discovered by me until the 31st of October ^{last} when I permitted the same to be entered on application by Isaac Reynolds of Baltimore - The Department will therefore ^{see} the propriety of refunding the above amount to the receiver of public moneys as early as practicable

Very respectfully Yours Obedt. Servt,
(Signed) James Evans Register

Hen Levi Woodbury Secretary of the Treasury
Washington City, D.C.

I hereby certify that the above is
a true copy of a letter written by James
Evans to the Commissioners of the General
Land Office as appears upon record in
my office. Elias Noble Register of
Dixon Feb. 21st 1852. the Land Office at Dixon Illinois

The defendants then offered in evidence
a certificate of Justin Butterfield Commissioner
of the General Land Office, under
the seal of that Office, which certificate
is in the words and figures following

General Land Office February 9th 1852
This is to Certify that according to
the Books & Records of this Office it appears
that on the 30th June 1835 William Lewis
purchased at public Sale the East and
West halves of the North West quarter
of Section 6 T. 33. N. R. 2. East in the
district of lands subject to sale at
Galena ^{(now} ~~the~~ Dixon) Illinois, and that
having failed to make payment for the
same as required by law, the entry became
void, and was duly cancelled; that the

said lands having thus become vacant and subject to private entry, were purchased by Isaac Reynolds on the 31st Oct 1835 as per certificate No 2741 and a patent has been duly issued to said Reynolds for the said Lands, and to no other person whatever

my hand ^{and the seal of} Given under
 the Great Seal of the General Land
 Office the day and year above written
 J. Butterfield,
 Commissioner

to the introduction of which certificate the complainant objected & the court sustained the objection of the defendant excepted - The defendants excepted to the reading of the said certificate & the deposition of Cyrus Aldrich in evidence & the complainant excepted to the introduction in evidence of the said certificate & copy of letter said exceptions being severally taken at the time the said several documents respectively were offered to be read in evidence.

And after hearing the said evidence as well as the several depositions filed in this cause & due consideration being thereupon had It is ordered adjudged & decreed that the Complainant's bill of complaint herein be and the same is hereby dismissed and it is further ordered and decreed that the defendant receive of the Complainant their costs & charges in & about the defence of this suit expended and that they ^{have} execution therefor.

Thereupon the complainant comes by his attorney & prays an appeal herein to the Supreme Court of this State which is granted upon condition that said Complainant enter ~~up~~ into a sufficient appeal bond, with James Clark or Truman Hardy as his Security, within twenty days from this date.

Copy of Bill of Exceptions
Grae Norton

Be it remembered that
Joseph Reynolds & others on the hearing of this cause
the Complainant to sustain the issue on his part
introduced in evidence the following certificates

"No 2741 Land Office Dixon Illinois April 23.
1833 - I Silas Noble Register of the Land office at
Dixon Illinois do hereby certify that Grae Reynolds
of the County of Baltimore and State of Maryland did
on the thirty first (31st) day of October in the year of our
Lord one thousand eight hundred and thirty five (35)
purchase of the General Government at this office (then
at Galena as the book containing this entry shows) the
North West quarter of section No Six (6) in Township No
thirty three (33) North of range No two (2) East of the
third (3) principal meridian. Opposite the above
entry I find the following entry: "Previously sold see
No 620 & 621" and that said land at the time of
said purchase was within the district of Lands subject
to sale at this office and rendered subject to sale
by Law: all of which appears of record in my office
Given under my hand the day and year first
above written Silas Noble Register"

"No 621 Land Office Dixon Illinois February
18th 1832, I Silas Noble Register of the Land Office at

76 #

"No 620 - Said Office Dixon Illinois
 February 18th 1832, I Silas Noble Register of the
 Said Office at Dixon Illinois do hereby certify that
 William Amias of the County of - and State of
 Illinois did on the thirtieth day of June in the
 year of our Lord one thousand eight hundred
 and thirty five purchase of the General Government
 at this office the East half of the North West quarter
 of Section Six in Township No thirty three North of
 range No two East of the third principal
 meridian containing twenty eight acres and
 63/100 acres and that said land at the time of said
 purchase was within the district of Lands subject
 to sale at this office and pending subject to
 sale by him all of which appears of record in
 my office

Given under my hand the day and year
 first above written.

Silas Noble Register

thirtieth (30th) day of June in the year of our Lord one
 thousand eight hundred and thirty five (35) purchased
 of the General Government at this Office (then at
 Galena as the book containing this entry shows) the
 West half of the North West quarter of Section No six (6)
 in Township No. thirty three (33) North of range No two (2)
 East of the third (3^d) principal meridian and that
 said land at the time of said purchase was

Deion Illinois do hereby certify that William Croisan
of the County of and State of Illinois did on the
thirtieth day of June in the year of our Lord one
thousand eight hundred and thirty five purchase of
the General Government at this office the East half
of the North West quarter of Section Six in Township
No thirty three North of range No two East of the third
principal meridian containing twenty eight
acres and 100 acres and that said Land at the time
of said purchase was within the district of lands
subject to sale at this office and remained subject
to sale by him all of which appears of record in
my office

Given under my hand the day and year first above
written
Silas Noble Register

"No 621 = Land Office Deion Illinois April 23 1853
I Silas Noble Register of the Land Office at Deion
Illinois do hereby certify that William Croisan of the
County of LaSalle and State of Illinois did on the
thirtieth (30th) day of June in the year of our Lord one
thousand eight hundred and thirty five (35) purchase
of the General Government at this Office (then at
Galena as the book containing this entry shows) the
West half of the North West quarter of Section Six (6)
in Township No. thirty three (33) North of range No two (2)
East of the third (3^d) principal meridian and that
said Land at the time of said purchase was

The defendant objected to the certificate signed by Silas Noble and the deposition of which which objection was overruled & the defendant accepted thereof

within the district of lands subject to sale at this
office and rendered subject to sale by law: all of which
appears of record in my office

Given under my hand the day and year first above
written
Silas Noble Register

No 620 Land Office Dixon Illinois April 23, 1853
I Silas Noble Register of the Land Office at Dixon
Illinois do certify that William Corrian of the County of
Sasalle and State of Illinois died on the thirtieth (30) day
of June in the year of our Lord one thousand eight hundred
and thirty five purchase of the General Government at
this office (then at Galena as the book containing
this entry shows) the East half of the North West quarter
of Section No Six (6) in Township No thirty three (33) North
of range No two (2) East of the third principal
meridian and that said land at the time of said
purchase was within the district of lands subject
to sale at this office and rendered subject to sale
by law: all of which appears of record in my office
Given under my hand the day and year first above
written
Silas Noble Register

#

And the following Deed

Know all men by these presents that I William
Corrian and Grabella the wife of the said William Corrian
all of Pike County and State of Illinois in consideration

of the sum of three hundred and twenty dollars to us
in hand paid by Geo. Hartman of LaSalle County and
State of Illinois the receipt whereof we do hereby acknow-
ledge have bargained sold and quit claimed and
of their heirs do bargain sell and quit claim unto
the said Geo. Hartman and to his heirs and assigns
for ever all our and each of our right title and interest
estate claim and demand both at Law and in
equity. And as well in possession as in reversion of
in and to all that certain tract or parcel of Land
situate in LaSalle County and State of Illinois to wit:
the North West quarter of Section Six in Township
thirty three (33) North of range two (2) East of the third
principal meridian with all and singular the
hereunto and appurtenances thereunto
belonging.

In Witness Whereof we have hereunto set our
hands and seals this sixteenth day of February A.D.
1848

Signed Sealed in presence of us ³ William ^{his} Corries ⁱⁿ
Samuel Chew ^{man} Drabilla ^{his} Corries ⁱⁿ
Amelia C. Chew ^{wife}

State of Illinois ³ I Samuel Chew a Justice of the
Pike County ³ peace of said County do certify
that William Corries and Drabilla his
wife whose signatures appears to the foregoing deed and
who is personally known to me to be the persons described

in and who executed the same, did solemnly
acknowledge that they had executed the said con-
veyance for the uses and purposes therein mentioned,
And the said Grabella having been for me made
acquainted with the contents of the said deed and
examined separate and apart from her said husband
acknowledged that she had executed the same and
relinquished her dower to the purposes therein
conveyed voluntarily fully and without compulsion
of her said husband

Given under my hand and seal this fifteenth day
of February AD 1848 Samuel Chew J.P. *for*

State of Illinois J. P. John J. Holland Clerk of the
County of Pike County Commissioners Court

within and for said County do certify
that Samuel Chew Esq whose name appears to the
foresaid and attached certificate was at the time of
signing the same to wit: on the 15th day of February
AD 1848 an acting justice of the peace within and
for said County duly elected qualified and commissioned
and that as such full faith and credit should be
given to all his official acts

Given under my hand and the seal of
said Court at Pittsfield this 16th day of
February AD 1848
John J. Holland Clerk

and the following deposition (here insert the deposition of Cyrus Aldrich) Complainant proved the handwriting of Silas Noble & that the signatures to said certificate is genuine & that at the date thereof said Noble was acting Register of the Land Office in Dixon. The Complainant here rested his case. The defendant offered in evidence a patent as follows (here insert patent) & the following depositions here insert the depositions of Caleb Hunt, Willis W. Hunt, Amasa C. Crozier & Boston Jones which are as follows (here insert them) which depositions were read.

The defendant then offered in evidence the copy of letter certified, which is as follows (here insert the Exams letter and Nobles certificate thereto) the Complainant objected ~~thereto~~ to the same; the objection was overruled and the letter read in evidence to which decision of the Court the Complainant then and there excepted.

The defendant then offered in evidence the certificate of Justice Butterfield Commissioner of the General Land Office which is in the words & figures following (here insert certificate) which was objected to by complainant, and the objection sustained to which defendant excepted. This was all the evidence ^{the Court} found for the defendant, and dismissed the Complainants bill to which finding and decision the Complainant then and there excepted & prayed that this should be

of exceptions be signed sealed & made a part of
the record, which is done

Hugh Henderson Test

Now all men by these presents that Ira Hartson as principal and Truman Hardy as surety are held and firmly bound unto Joseph Reynolds Isaac R. Kitt, Willis M. Kitt and Mary M. Kitt in the penal sum of Ten hundred dollars lawful money, for the payment of which well and truly to be made we bind ourselves our heirs executors and administrators jointly severally and firmly by these presents Witness our hands and seals this 16th day of June A. D. 1853

The condition of the above obligation is such that whereas at the hearing of a certain cause in Chancery in which said Ira Hartson was complainant and Joseph ^{Reynolds} Isaac R. Kitt, Willis M. Kitt, and Mary M. Kitt were defendants which cause was heard in the Circuit Court in and for LaSalle County Illinois at the May Term of said Court A. D. 1853 the said Circuit Court did on the 11th day of June A. D. 1853. the same being one of the days of said Term, order adjudge and decree in the cause aforesaid that the said complainant's bill being dismissed and that the said defendants recover of the complainant their costs in said suit expended to be taxed from which which said judgement of the Circuit Court

Said Sir Hartson has prayed for and obtained an appeal to the Supreme Court of said State. Now if the said Sir Hartson shall duly prosecute his said appeal with effect and shall moreover pay the amount of the judgement costs interest and damages rendered and to be rendered against him in case the said judgement shall be affirmed in the said Supreme Court, then the above obligation to be void otherwise to remain in full force and virtue Taken and entered into before me at my office in Ottawa this day of June A.D. 1853. } Sir Hartson Seal
 J. Lindley Clerk }
 Truman Hardy Seal

Filed June 16th 1853

J. Lindley Clerk

State of Illinois

Ca. Hall County J. Philo Lindley Clerk of the Circuit Court in and for said County do hereby Certify that the above and foregoing is a true full and complete copy of all the proceedings and the decree of the Court thereon in the foregoing cause, as the same appears of record and on file in my office

In Testimony whereof I have hereunto set my hand and the



Deed of said Court this 13th
day of June A.D. 1854
J. Lindley Clerk

158 Aced 915.80

Griff 35

916.05

\$9.50 pa by Norton

~~Mr~~ Ira Hartson
vs.
No 2 Joseph Reynolds et al.
Record
~~No 2~~ ~~Mr~~ ~~vs~~



Filed June 20th 1854.
L. Leland Clerk.
By P. H. Leland Depy.

Filed June 11. 1855.
L. Leland Clerk.