

101 State fully the nature and amount of the same

Answer At the time that I lived with him he had money due to him I heard him say and whether it has been paid in to him since or not I dont know, cant tell the amount.

Inter 12th Do you know of any other debts monies or credits due and owing to the defendant Armstrong if so state the same

Answer I mentioned all I know of before

Subscribed and sworn before me

this 29th day of April A.D 1862

W W D Wolf

Michael Pryor

Special Master

Albert Jennis a witness produced on the part of complainant in the above entitled ^{cause} being by me first duly sworn on the 28th day of April A.D 1862 deposed as follows

Inter 1st What is your name age and place of residence

Answer Albert Jennis is my name my age forty five years my residence Palmyra Lee

Inter 2nd Do you know the parties to this suit and how long have you known each

Answer I have known Mr Armstrong about ten years have known Mrs Armstrong eight or nine years

Inter 3rd do you know of any lands or Real Estate belonging to Jacob Armstrong defendant if you state the quantity location and value of the same

Answer I sold him last fall forty acres in Palmyra in Section fifteen. He wanted to trade with me a year last winter for my land some land in Palestine I think he said there were some where about one hundred and sixty or seventy acres I could not be positive about that The forty I sold was worth twenty dollars per acre I think the land in Palestine was worth about three dollars an acre.

Inter 4th Did Mr Armstrong offer to trade for your land before or after you sold him the forty acres you spoke of in your answer to the last interrogatory.

Answer

It was before I sold to him

Inter 5th

For what land did Mr Armstrong propose to trade

Answer

For the land that I lived on a forty of which I still own, I sold him one forty

Inter 6th

Do you know of any other lands or Real Estate belonging to defendant if so state the same fully

Answer

I do not

Inter 7th

Do you know of any personal property goods or chattels belonging to or monies debts or credits due and owing to the defendant Armstrong If so state fully and particularly

Answer

I do not

Subscribed & sworn before
me this 28th day of April

Albert Guinness

A.D. 1862

W W D Wolf

Special Master

John O'Neill a witness produced on the part of complainant in the above entitled cause being first duly sworn on the 28th day of April A.D. 1862 deposed as follows

Inter 1st What is your name age and place of residence

Answer My name is John O'Kill my age fifty nine years my place of residence Palmyra Lee County Illinois

Inter 2nd Do you know the parties to this suit and if y^e how long have you known each of them

Answer I have known both of them as much as ten or twelve years

Inter 3rd Do you know of any lands or Real Estate belonging to defendant Armstrong if y^e State the location quantity and value fully and

Answer I do not unless the place where he now lives and I do not know whether he owns that or not

Inter 4th Do you know of any personal property goods or chattels belonging to or monies debts or credits due and owing to the defendant if y^e State fully and particularly

Answer Well sir I have borrowed some money

105th of Mr Armstrong when I was building and gave him a mortgage on my land Eighty acres and when the time expired I was not able to make the payment and he sold the Eighty at the Court house next I know James Charters had the title to it and he Charters gave me five years to redeem it, gave him bond for a deed

Inter 5th of whom did you borrow the money you speak of how much did you borrow and at what rate of interest and when does it become due and payable and to whom is it payable.

(Question objected to by counsel for deft)

Answer Hee bought for me a Span of horses and the horses and the money I borrowed amounted to about six hundred and fifty dollars at the rate of thirty five and twenty five per cent sometimes one and sometimes the other rate. I cannot tell who the notes were drawn to I think they were drawn to Mr Charters

Inter 6th Do you know of any other indebtedness due and owing to Mr Armstrong if you state the same fully

Answer I do not know of any other unless

106 what he got at the sale whether he got that I cannot tell

Cross Interrogatories

Cross Inter 1st when did you execute the Mortgage referred to in your direct examination to Armstrong

Answer About five years this summer when I borrowed the money, or some of it I had borrowed some before

Cross Inter Did you give notes to Armstrong at the time

Answer I did

Cross Inter 2nd How long ago was the property sold at the Court house by Armstrong to pay this debt

Answer Can't tell the exact time I think two years ago last fall I have only ^{raised} ~~not~~ one crop on the place since he sold it

Direct examination resumed

Inter 7th do you now owe the money referred to in your direct examination if you do to

107 whom is the same owing

Answer Mr Charters said that it was with him with whom I was to settle that he was the one to give a clear deed of my place that Mr Armstrong had nothing to do with

Inter 8th who if you know is the beneficial creditor to whom you owe this money

Answer I cannot tell because I did not read the notes when they were drawn

Subscribed and sworn to
before me this 28th day of April AD 1862 John O Neel

W W D Wolf
Special Master

William M Marden a witness produced on the part of the complainant in the above Entitled cause being duly sworn by me on the 28th day of April AD 1862 deposed as follows

Inter what is your name age and place of residence

Answer My name is William M Marden my age is thirty eight years my residence Palmyra Lee County Illinois

Inter 2nd Do you know the parties to this suit and if yes how long have you known them and each of them

Answer I have known both of them about two years

Inter 3rd Do you know of any Real Estate lands personal property goods or chattels belonging to or monies debts or credits due and owing to the defendant armstrong if you state fully & particularly

Answer I suppose that I owe him some money I don't know about anything about any other the amount that I owed was about four hundred and sixty dollars

Inter 4th When does this indebtedness of which you speak become due and what rate of interest if any does it draw

Answer Becomes due the 14th of June three years from next June with interest at the rate of ten per cent

Subscribed and sworn to
before me the 28th day of April

A D 1862

W H D Wolf

Wm A Mardin

Special Master

109 Thomas Enos a witness produced on the part of the complainant in the above Entitled cause being first duly sworn by me on the 28th day of April AD 1862 deposed as follows

Inter 1st What is your name age and place of residence

Answer My name Thomas Enos my age is twenty three years my residence is in Buffalo Township Ogle County Illinois

Inter 2nd Do you know the parties to this suit and how long have you known each of them

Answer I have known Mr. Armstrong three months I don't know Mrs. Armstrong

Inter 3rd Do you of any land or Real Estate or personal property belonging to or monies debts or credits due and owing to the defendant Armstrong If you do state fully and particularly

Answer I don't know of any except one house that he has sold and I don't know whether he got pay for him or not

Subscribed and Sworn to
before me this 28th day of

110

April AD 1862

W W D Wolf

Special Master

Thomas ^{his} X Enos
Mark

Sanford B Parkhurst a witness produced
on the part of the complainant in the
above entitled cause being first duly
sworn by me on this 28th day of April
AD 1862 deposed as follows

Inter 1st what is your name age and place of
residence

Answer My name is Sanford B Parkhurst my
age thirty six years my place of residence
Dixon La County Illinois

Inter 2nd do you know the parties to this suit
if yea how long have you known each
of them

Answer I have known W Armstrong about nine
or ten years I do not know Mrs Armstrong

Inter 3rd do you know of any lands or Real Estate
personal property goods or chattels belong-
ing to or monies debts or credits due and
owing to the defendant or that have belong-
ed or have been due and owing to him at
any time within the last two years if

111 you state the same fully and particularly

(Question objected to by counsel for deft)

Answer about six years ago Mr Armstrong enquired of me about some land that he said he owned in Polk County Iowa he has talked with me occasionally as I have mit him about the same up to last fall There were Five hundred and Sixty acres of that land I do not know what its present value is or whether he owns it now or not

Inter 4th when was the last time that Mr Armstrong spoke to you about this land and what did he say if anything concerning the same

Answer I think that the last talk that I had with him was some time last fall I think I asked him whether Mrs Smith had signed the Deed to him I think that his reply was that she had that was about the extent of our conversation

Inter 5th whom did Mr Armstrong speak of in conversation that you speak of as being the owner of said land

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He has not mentioned to me about any one but himself owning it as I recollect of.

Inter 6th State if you know the location quality and value of said land
(Question objected to by counsel for deft)

Answer It is in the North East corner of Polk County or near the corner it is pretty fair prairie land I have no means of knowing what its present value is
Subscribed and sworn to
before me this 28th day of
April AD 1862

J B Parkhurst

W W D Wolf
Special Master

All of which is respectfully submitted

William W D Wolf
Special Master

I would also further report that Elias B Stiles Charles Baxton Hugh Duffy Cephas Fuller Abram Jennings John O Neil Thomas Enns Thomas Scallier John H Ennen Michael Ryan J P Parkhurst Witnesses in above entitled cause are entitled to one days witness fee, Masters fee \$15.00

W W D Wolf
Master

113 And be it further remembered that on the 10th day of December 1862 there was filed in the Office of the said Circuit Court of Lee County and afterwards to wit on the 13th of May 1863 in the said Circuit Clerk's Office in the City of Rock Island County and State aforesaid the following Deposition in the words & figures following to wit

State of Illinois }
Lee County } In the Lee County
Circuit Court of the May
Term AD 1862

Mary Armstrong }
vs } Bill for Divorce
Jacob Armstrong }

To Jacob Armstrong defendant or
to George P Goodwin his Solicitor

Take notice That on the 2nd day of April AD 1862 at the hour of ten o'clock in the forenoon of said day before Henry Morgan a Justice of the Peace in and for said County at his office in Dixon we shall appear for the purpose of taking the deposition of Sarah E Armstrong Edwin H Houl Mrs Hanson Smith B C Deaton James McKenney Enoch Wood Hanson Smith Thomas

114 Scallan Bery A Stewart Nancy Stewart
Patrick Haunill Hiel F Church Hannah
Church witnesses to be read on the
part of the complainant in the trial of
the above entitled cause said examin-
ation to continue from day to day untill
finished at which time and place you
are notified to appear and cross examine
said witnesses should you feel so dis-
posed

Dated Dixon April 11th 1862

Barge & Fowler
Complainants Solicitors

State of Illinois }
Lee County } I hereby admit service
of a notice of which the within is a
copy this eleventh day of April AD 1862
Geo P Goodwin
Defts Atty.

State of Illinois } SS
Lee County }

Mary Armstrong } In the Lee County
vs } Circuit Court
Jacob Armstrong }

Deposition of Thomas Scallan a resident
of the County of Lee and State of Illinois
aged about fifty five years a witness on
the part of the complainant in the above

113rd entitled suit now pending in Chancery in the Lee County Circuit Court and State aforesaid produced sworn and examined before Harry Morgan a Justice of the peace in and for said County of Lee on the 22nd day of April AD 1862 at his office in the City of Dixon Taken by virtue of the annexed notice.

Said witness being first sworn deposed and says as follows.

Interrogatory 1st What is your name age and place of residence

Answer My name is Thomas Scallan my age is sixty four years and my residence is Palmyra in the County of Lee and State of Illinois

Interrogatory 2nd

Are you acquainted with the parties in this suit

Answer I am

Inter 3rd How long have you known the defendant

Answer Some eight or ten years

Inter 4th Have you been intimately acquainted with him during this time

Answer I yes I have

Inter 5th Where has Mr Jacob Armstrong lived during this time

Answer My first acquaintance with him he lived out of town towards Amboy a part of

146 the time he lived in Dixon and now
he lives in Palmyra

Inter 6th What has been the character of Mr
Armstrongs habits for temperance and
sobriety during your acquaintance with
him

Answer I never saw Mr Armstrong but what
he was capable of attending to business
I have seen him drink liquor

Inter 7th Have you ever seen Mr Armstrong
intoxicated
objected to by
Def Counsel

Answer yes I have

Inter 8th How many times have you seen Mr
Armstrong intoxicated

Answer Twice

Inter 9th Do you know of Mr Armstrong being
in the habit of keeping liquor in his
house

Answer I have got liquor there many a time

Inter 10th How many years have you known
Mr Armstrong to be in the habit of
keeping liquor in his house
objected to by
Def Counsel

Answer I cannot say how long I have been
there be times and he said that he
could not give me a dram he said that
he had no liquor in the house

Inter 11th Try and recollect if you can how long
go you first knew Mr Armstrong

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objected to by {
Def counsel } to keep liquor in his house

Answer I don't think it can be over two years

Inter 12th Do you know of Mr Armstrong
keeping liquor in his house before he
moved to Palmyra

Answer I think that I never took liquor more
than twice with him while he lived
in Dixon and that was in his cellar

Inter 13th Have you not known of Mr arm-
strong constantly keeping liquor in
his house and of becoming frequently
intoxicated within the last three years

Answer I never knew Mr Armstrong to get
intoxicated at his own house

Inter 14th at what places have you seen him
objected to by {
Def counsel } intoxicated and how often

Answer I have seen him intoxicated twice
in my wagon going home from Dixon

Inter 15th How drunk was he at these times
could he stand walk or sit up

Answer I see him do all three of them I saw
him able to walk sit and stand

Inter 16th

objected to by {
Def counsel } Have you ever known him to stay
away from home on account of
drunkenness or intoxication

Answer I never knew him to stay away all

118 night from home on account of being intoxicated

Inter 17th Where did Mr Armstrong live at the time you speak of.

Answer In Palmyra

Inter 18th Has it not been Mr Armstrongs practice to use liquor constantly for the last three years
objected to by the Def Counsel

Answer I cannot tell whether it is or not

Inter 19th Did you attend a Ball on the seventeenth day of March A.D 1860 given in Dixon on the evening in honour of St Patricks day

Answer yes I did

Inter 20th Was Mr Armstrong there
objected to by Def. Counsel

Answer Mr Armstrong was there

Inter 21st Who was with Mr Armstrong at that Ball

Answer His daughter and little boy

Inter 22nd were they with him during the entire evening

Answer I believe that his daughter & son were with the entire evening

Inter 23rd at what time did Mr Armstrong leave the Ball

Answer about one or two O'clock at night

Inter 24th

Who went with him

Answer

With myself my Cousin and Mr Armstrongs two children and some of the neighbours I do not remember who

Inter 25th
objected to by
deft. counsel

Did Armstrong take any part in the Ball

Answer

~~I believe that his daughter & son were with him the entire evening~~

Inter 25th

~~at what time did Mr Armstrong leave the Ball~~

Answer

~~About one or two o'clock at night~~

Inter 24th

~~Who went with~~

Answer

I did not see him dance but he enjoyed himself the same as any other person there

Inter 26th

objected to by
deft. counsel

Was Armstrong in the Ball room all

the while from the time he and you first

went there untill you finally went

home together

Answer

I did not miss him at any time

Inter 27th

objected to by
deft. counsel

Have you attended any other dance

or party within the last three years

in Dixon

Answer

Yes I have attended a Ball at Union Hall and Exchange Hall within that time.

Inter 28th

at what time did the Ball in

Union Hall take place

Answer

I think it was before the St. Patrick's Ball but what year I do not remember.

Inter 29th
objected to by
Def. Couns

Who was at that Ball that you remember

Answer

Mr Armstrong was there Mr Selus Noble

Inter 30th

Did Mr Armstrong dance at that Ball

Answer

I did not see him dance

Inter 31st

are you acquainted with a woman by the name Enesee

Answer

yes I am

Inter 32

How long have you known her

Answer

For a month or two past just at that time

Inter 33

objected to by
Def Coun

Did she attend the party that you

spoke of last

Answer

yes she was there

Inter 34

what is her character for chastity and virtue if you know

Answer

So far as I know or see of her it is good I see no harm of her

Inter 35
objected to

What was her business

Answer

She told me that she was a milliner and had millinery goods for sale

Inter 36

when did she keep her millinery shop if she had

objected to

Answer

I do not know of her having any

121 Shop I never see it

Inter 37 Did she have any other business
objected to ^{to} than that of Milliner

Answer I do not know of her having any
other business I see her give a
watch for security for money to send
to her husb. and Smith on the Rail
Road

Inter 38
objected to Who did she pawn that watch

Answer To Mr Armstrong

Inter 39 Do you know of Mr Armstrong the
defendant was intimate or acquaint-
ed with this woman

Answer I expect that he was acquainted
with her but further I know noth-
ing about it

Inter 40 Did you ever see them together
objected to ^{to} and where

Answer I do not remember of ever seeing
them together ~~any where~~ except the
night he gave her the money and got
the watch

Inter 41 at what place were they when you
objected to ^{to} saw them at that time

Answer In at Mr Wades

Inter 42 Who is Mr Wade where does he live
objected to ^{to} and what kind of business does
he follow

Answer He kept store and lives on Water Street

Inter 43
 objected to by
 Answer
 What is his Christian name and
 what kind of a store does he keep
 His ~~last~~ name is Tom Wade
 he sells whiskey, beer Tobacco &c I
 see that he had his sign up Liquor
 Store.

Inter 44
 objected to by
 &c
 Answer
 Is it not generally known and is
 it not a fact that this man Wade keeps
 what is usually termed a low doggery
 folks may call it what they choose
 I get what I call for & come away.

Inter 45
 objected to by
 &c
 Answer
 Has the defendant been in the habit
 of frequenting Wades store within the
 last three years

Inter 46
 objected to by
 &c
 Answer
 I do not know how often Mr arm-
 strong frequents the place I heard Mr
 Armstrong say that he would not fre-
 quent the place so often if he could
 get what he (Wade) owed him

Inter 47
 objected to by
 &c
 Answer
 Do you know of any other dealing that
 Armstrong had with the woman named
 Ensee except that concerning the watch

Inter 48
 objected to by
 &c
 Answer
 I do not

Inter 49
 objected to by
 &c
 Answer
 Did the defendant ever tell you that
 he got anything else besides the
 watch from the woman called Ensee

Inter 50
 objected to by
 &c
 Answer
 Yes he told me he bought a chain
 and I think a Bonnet, watch chain

Inter 51
 objected to by
 &c
 Answer
 Were the defendant and Mrs Ensee

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together at any time during the
Ball last spoke of
I don't recollect

Answer

Inter 49

objected to $\frac{2}{3}$
see $\frac{3}{3}$

do you know whether Mrs Enessee
ever kept in Dixon or elsewhere a
house of bad repute

Answer

I never heard such a thing and know
nothing about it

Inter 50

objected to $\frac{2}{3}$
see $\frac{3}{3}$

Did you ever tell the complainant that
you had found out that the character
of Mrs Enessee was bad

Answer

I did that it was by hearsay I know
nothing of myself

Inter 51st

objected to $\frac{2}{3}$
see $\frac{3}{3}$

How did you acquire that knowledge
or information

Answer

There was a certain man told so and
from what he told me so and I thought
that it might be so

Inter 52

objected to $\frac{2}{3}$
see $\frac{3}{3}$

Who was it that gave you this infor-
mation

Answer

Mike Ryan told me so

Inter 53

Did you ever see Mrs Enessee at defen-
dant's house

Answer

I did not

Inter 54

Do you know of any other matter or
thing that would tend to the benefit
or advantage of the complainant in
the prosecution of this suit

Not to my knowledge

Cross Examination

Thomas Scullion

State of Illinois ss

Lee County }

I Harvey Morgan a Justice of the Peace of said County do certify that the foregoing deposition was taken by me at the time and place mentioned in the caption thereof that the said witness was first duly sworn and after said deposition was written it was carefully read to said witness and he thereupon signed the same

Witness my hand and seal this 22nd day of April 1862

Harvey Morgan

J P Seal

Deposition of Hannah Church a resident of the County of Lee and State of Illinois aged about twenty nine years a witness on the part of the complainant in the above entitled Cause or suit now pending in Chancery in the Lee County Circuit Court and State aforesaid produced sworn and examined before Harvey Morgan a Justice of the Peace in and for said County of Lee on the 22nd

125 day of April AD 1862 at his Office in
Dixon taken by virtue of the annexed
notice

Said witness being first duly sworn
deposed and says as follows

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

Answer My name is Hannah W Church age
twenty nine years Residence Palestine
Grove Lee County Ills.

Inter 2 Are you acquainted with the parties
to this suit

Answer Yes

Inter 3 How long have you known the
defendant

Answer Partially about four years

Inter 4 When and where did you become ac
quainted with him

Answer The first place I met him was at
Smith & Johnsons Hardware Store the
next place I saw him was at Mr
Alanson Smiths about four years ago
or five years

Inter 5 Where did you live at this time and
what was you doing

Answer Five years ago we lived at Mr Smiths
house and kept boarders, a part of the
time we lived up Stairs

Inter 6 When you lived up Stairs where did

Mr alanson Smith and his family live

Answer

They lived below

Inter 7

What business were they engaged in at this time

Answer

Keeping house I know nothing further

Inter 8

When you kept boarding house who boarded with you

Answer

Mr Thatcher Mr Adams Mr Smith and his wife and others that I do not now recollect.

Inter 9

While Mr Smith was keeping house when did the defendant Armstrong board

Answer

When Mr Smiths people first went keeping house he boarded at home I suppose

Inter 10

Do you know whether Mr Armstrong at any time boarded at Smiths and if so when and how long

Answer

He boarded there about five or six weeks four years ago

Inter 11

What were your opportunities during the time he boarded for seeing the

objected to by Deft Counsel

defendant Armstrong at Mr alanson Smiths and what was the character of the defendants habits for temperance and sobriety during that time

Answer

I did not see him while he was boarding there but once or twice

127 I see nothing out of the way while he was boarding there

Inter 12 Have you ever seen Mr Armstrong in an intoxicated or drunken condition during your acquaintance with him

Answer I think I have

Inter 13th When and how often have you seen him in this condition

Answer I saw once at Mr Smiths and I saw him several times that I thought he was intoxicated

Inter 14 State particularly if you can the time and places and the manner in which he acted - while under the influence of Liquor

Answer I have seen him at Van Horns and I have seen him on the street when I thought he was intoxicated I cannot tell the time - I cannot tell how a drunken man acts or for me to describe it for have not seen many drunken men

Inter 15 Under what circumstances if you know did Mr Armstrong come to Mr Smiths house when he was drunk and how long did he stay

Answer Mr Smith brought him there and he stay all night

Inter 16 How many times do you know

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of Mr Armstrong being at Smiths house in this way or in this condition

Answer

Once

Inter 17

Have you ever known Mr Armstrong come to Mr Smiths house to buy liquor if so how often

Answer

Objected to &c

I never see him pay for any but I heard them say that he bought liquor there

Inter 18

Have you ever known Mr Armstrong to drink any liquor at Smiths

Answer

Yes

Inter 19

How often and to what extent did he drink liquor there

Answer

I have seen him drink liquor there several times but not to take more than one drink at a time

Inter 20

Have you ever seen Mr Armstrong sober while at Mr Smiths

Answer

Yes

Inter 21

Do you know anything concerning the domestic relations between the parties in this suit if you state the same fully

Answer

I do not

Inter 22

Objected to &c

What was the condition of Mrs Armstrongs face when you met her on the street if you so met her & where did John did you so met her,

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Answer

I met her on Main Street at Higgins Store on the corner saw her face bruised I did not know what ailed her face untill about one year after that time when she told me

Inter 23

name the year the month the day if you can when you so saw Mrs Armstrong on the street

Answer

It was four years ago the first of August next I think

Inter 24th

Do you know any thing about Mr & Mrs Armstrong separating and of Mr Armstrong leaving Mrs Armstrong

Answer

No

Cross Examination

Inter 1

How long ago was it that Mr Smith brought Mr Armstrong to his house; When he stay all night testified to by you in your answer to the fifteenth interrogatory

Answer

I cannot tell what year it was it was before Mr & Mrs Armstrong parted and while we lived in the house up stairs in Mrs Smiths

Inter 2nd

Was it prior or subsequent to the time that you met the complainant near Mr Higgins Store testified to by you in your answer twenty second

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direct interrogatory

Answer

It was before

Inter 3

About how long before was it

Answer

But a short time but cannot re-
collect

Inter 4

How do you know that the defendant
Armstrong was at such time drunk

Answer

I saw him smelt the liquor and
saw him vomiting

Inter 5

Was this time in the summer
or winter fall or Spring

Answer

It was in cold weather

Inter 6

Was there any snow upon the ground

Answer

I could not tell

Inter 7

In what year was it

Answer

I cannot tell what year it was, it
was before they parted

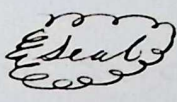
Hannah W Church

State of Illinois { SS

Lee County } }

I Harry Morgan a
Justice of the Peace of said County do
certify that the foregoing deposition
was taken by me at the time and place
mentioned in the caption thereof that
the said witness was first duly sworn
and after said deposition was written
it was carefully read to said witness

131 and she thereupon signed the same
Witness my hand and seal this
22nd day of April 1862

Harvey Morgan J.P. 

Deposition of Hiel F Church a
resident of Lee County and State of
Illinois aged about years a
witness on the part of the complain
ant in the above entitled cause or
suit now pending in Chancery in the
Lee County Circuit and State aforesaid
produced sworn and examined before
Harvey Morgan a Justice of the Peace in
and for said County of Lee on the 22nd
day of April A.D. 1862 at his Office in
Dixon taken by virtue of the annexed
notice

Said witness being first duly sworn
deposeth and says as follows.

Inter 1st What is your name age and place
of residence

Answer My My Franklin Hiel Church age
thirty six years my residence is Palestine
in the County of Lee

Inter 2 Are you acquainted with the par
ties to this suit if yea how long have
you known them

Answer I am I have known Armstrong

for seven years I have not known Mrs Armstrong so long

Inter 3^d

Then what you know of the defendant what has been the character of his habits for Temperance and so bricty during the period you have been acquainted with him

Answer

I never saw him to my knowledge much out of the way at any particular time

Inter 4

What do you mean by his not being much out of the way

Answer

I mean I never saw him too drunk but what he could take care of himself

Inter 5

Objected to by Def Counsel

Have you ever seen him under the influence of liquor at all & if so how often

Answer

I have seen him when I he was jolly from the influence of liquor I could not say how often

Inter 6

About how often was it that you thus saw him and when and where

Answer

Some few times cannot say how often and not positive of the place

Inter 7

Were you intimate with the defendant during this time and did you see him frequently

Answer

Well I was somewhat intimate with him a part of the time the

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greater part of the time saw him often

Inter 8

Can you state one particular time and place which you saw the defendant intoxicated

Answer

I cannot

Cross Examination

Inter 1st

Was the character of defendant arm strong during the time you have been acquainted with him been at any time that of habitual drunkenness or intoxication

Answer

At times I have seen him under the influence of liquor and at other times he was not

Inter 2^d

objected to by Pts counsel

Was he during the last three years that you have known him generally drunk or generally sober

Answer

I should not be a judge as a general thing - neither to my knowledge - I have not been intimate with him the last three years

H. H. Church

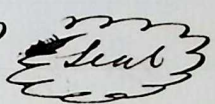
State of Illinois

Lee County } SS

I Henry Morgan a Justice of the Peace in and for said County do hereby certify that the

foregoing deposition was taken by me at the time and place mentioned in the caption thereof that the said witness was first sworn and after said deposition was written it was carefully read to the witness and he thereupon signed the same

Witness my hand and seal
this 22nd day of April 1862

Harry Morgan J. P. 

Ordered that Court adjourn untill
to morrow morning at nine o'clock
A. M.

Harry Morgan J. P.

Dixon April 23rd 1862

Court met pursuant to adjournment.

Deposition of Edwin W. Heine a resident
of the County of Lee and State of Ill-
inois aged about forty five years a
witness on the part of the complainant
in the above entitled suit now pending
in Chancery in the Lee County Circuit Court
produced sworn and examined before

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Harvey Morgan a Justice of the Peace in and for said County of Lee on the 23rd day of April AD 1862 at his office in Dixon taken by virtue the annexed notice

Said witness being first sworn deposes and says as follows

Inter 1st What is your name age and place of residence

Answer My name is Edwin W Heine my age is forty five years and residence Dixon Lee County Illinois

Inter 2^o are you acquainted with the parties of this suit if you please say how long have you been acquainted with them

Answer yes - I have been acquainted eight or ten years

Inter 3^o Have you been acquainted with the habits of the defendant as to temperance within the last three or five years

Answer Somewhat - I have seen Mr Armstrong every few days

Inter 4th State what those habits are especially as to sobriety during that time

Answer I have ~~never~~ seen Mr Armstrong drink something that I supposed was liquor I have no recollection of ever

seeing Mr Armstrong incompetent to do business from the use of liquor

Inter 5th

What has been his character as to sobriety or drunkenness in the last three or five years

Answer

I don't know what his character is I am sure

Inter 6th

Objected to by

Answer

Did you ever see him intoxicated if so how many times and when

I have seen Mr Armstrong when he was a little merry I suppose from the use of liquor but I never saw him but that he walked well enough and talked well enough

Inter 7

Objected to by

by Def. Counsel

Can a man in your opinion be drunk or intoxicated and still be able to walk well enough and talk well enough

Answer

I think not

Inter 8th

Objected to by

by Def. Coun.

How many times have you seen Armstrong a little merry from the effects of liquor

Answer

I could not positively say that I ever saw him so from the effects of liquor

Inter 9th

Objected to by

by Def. Coun.

Answer

within the last three or five years has Armstrong to your knowledge been always sober.

No I think not

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Inter 10th

How much of that time has he been sober

Answer

I can't say

Inter 11th

Have you been intimate with the defendant the last three or four years

Answer

Yes

Inter 12th

are you acquainted with the places that he has mostly frequented during that time

Answer

I should think it was Heaton's Office

Inter 13

Do you know what Stores or Groceries he mostly visits in Dixon

Answer

I do not know what Dry Goods Stores he frequents the most. I think that he spends more time in Deshons Grocery than any other

Inter 14th

Have you ever seen him in any other Grocery or Liquor Store or Saloon or other place where liquor was sold or given away and if so name all the different places you have thus seen him

Answer

Yes — I have seen him in at Mr. Riley's John Hoorn's Doad's Thomas Wade's and I think that is all

Inter 15

How often have you seen him at Wade's within the last five years

Answer

I cannot tell how often but frequently

Inter 16

Objected by
 def coun
 Answer

Has he not been in the habit of visiting Wadde's often and regularly within the last three or five years
 I do not know that he has attended there very regularly

Inter 17

What kind of an institution does Tom Wade keep

Answer

I think it was an institution of learning for some things

Inter 18

What are the principal branches taught in that institution

Answer

Well learn to live economically that is the principal thing perhaps

Inter 19 "

What is the character of the Store that Tom Wade keeps and what is its reputation in the City of Dixon

Answer

I dont think he is keeping Store or Grocery either

Inter 20

Did he ever keep a Store Grocery or Saloon or place for selling liquor and if so how long ago and when did he cease keeping such Store or Grocery or Saloon or place for selling liquor

Answer

He did at one time keep a Saloon I cant say when he ceased selling I am sure

Inter 21

Does not Wade at this time sell liquor where he lives

Answer

I dont know

Inter 22

Were you ever at Wade's and if so when was the last time you were there

Answer

Yes - I should think it was a week ago

Inter 23

Did you see liquor sold there at that time

Answer

No

Inter 24

When was the last time you saw liquor sold or given away or drank at Tom Wade's

Answer

I should think it was a month since I saw liquor drank there

Inter 25

How long have you known Tom Wade to keep a place where liquor was sold or given away.

Answer

Perhaps three years

Inter 25

What has been the reputation among the citizens of Dixon of the place that Wade kept

Answer

I do not know what other folks think I should not call it a first class Saloon

Inter 26

Is it not as low a dogger as any

Objected to & {

man can conveniently keep

Answer

No I think not One might be kept is a Basement Story.

Inter 27

About how often a week have you Mr Armstrong to frequent Mr Wade's within the last three years

Objected to & {

Answer

I think in taking the whole time I have seen him there as often as

once a month about the time his monthly rent became due he used to hound Tom for the rent

Inter 28 About how long ago did Armstrong
 objected to K³ sell Wade the place he now lives
 Answer I do not know I think perhaps
 two years

Inter 29 How often has the defendant frequen-
 ted Wade's within the last two years
 Answer I can't say

Inter 30 State about how often as near as
 you know or remember

Answer For the last six months I have
 seen him there but very little I
 used to see him there occasionally
 before

Inter 31 Was it his custom to drink liquor
 when you thus saw him there

Answer I have seen him drink liquor there

Inter 32 Did you ever see him there at any
 one time that he did not drink liquor

Answer I have seen him there when he
 did not drink in my presence

Inter 33 Did he go into another room to
 drink when Wade kept liquor

Answer I don't know that he did

Inter 34 Where did Wade usually keep the
 liquor that he sold or gave away
 in what part of the house

Answer In the front part of the house

Inter 35

What were the largest no of times you ever saw Armstrong drink at Wadels in any one day

Answer

I dont recollect of ever seeing him drink more than two or three times in any one day

Inter 36

Did you ever see him drink at any other place on the same day that he drank at Wadels two or three times

Answer

I dont know that I did

Inter 37

Did you ever see him drink at Mr Ridleys

Answer

Yes I saw him drink a glass of water there yesterday

Inter 38

Did you ever see him drink whiskey at Ridleys

Answer

Yes I suppose I have

Inter 39

What are the largest number of times you ever saw him drink liquor at Ridleys in one day

Answer

I could not say perhaps three or four times

Inter 40

For how long a time has Armstrong been in the habit of patronising Reddys Grocery

Answer

I dont know cant say how long

Inter 41

Has it been three year

Answer

I dont know I presume he has as long as Reddy has kept Grocery

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Inter 42

Did you ever see him drink at John Horn's any liquor or intoxicating drinks

Answer

Yes

Inter 43

What are the largest number of times you ever saw him drink liquor in a day or twenty four hours there

Answer

I do not recollect of seeing drink more than once in a day

Inter 44

Have you ever known the defendant to stay away from his home on account of drinking liquor or of intoxication either during the time he lived with his wife or afterwards

Answer

No

Inter 45

What business did you follow during the month of July 1858

Answer

I was acting Justice of the Peace

Inter 46

Did the complainant have occasion to visit your office at any time during that month and year

Answer

I do not remember

Inter 47

Has she since January 1858 ever visited your office

Answer

I think she has

Inter 48

When was it as near as you can remember

Answer

I can't tell

Inter 49

For what purpose did she come

Objected to be

Answer

I think the last time she came to me with a complaint against Armstrong

Inter 50

objected to Re 3

What was the nature of the complaint and what transpired during that visit state fully

Answer

I think she wanted a warrant for assault and battery. I did not issue the warrant and there was but little said that I recollect

Inter 51

objected to Re 3

Against whom did she want the warrant issued

Answer

against the defendant Jacob Armstrong

Inter 52

objected to Re 3

What grounds were alleged by her for wishing the warrant issued state fully and particularly

Answer

For abuse of some kind I don't remember what

Inter 53

objected to Re 3

Were there any marks of violence upon her person

Answer

It seems to me that her cheek or some part of her face was black & blue

Inter 54

objected to Re 3

Was that all that transpired upon that occasion

Answer

I don't know there might have been some further conversation between us I can't say what it was.

Inter 55

objected to Re 3

Do you not remember that you asked the complainant if Armstrong

144 had abused her

Answer

It is very probable that I did I do not remember of asking her

Inter 56

What was her answer to the question

objected to Re 3

asked if any such was asked

Answer

That he had misused her

Inter 57

Did she not call your attention to

objected to Re 3

marks of violence upon her face which she said that Armstrong had inflicted

Answer

I think she did

Inter 58

Did you not see the marks and did you not make some reply after examining them and what was your reply if you made any

Answer

As I said before there was a black spot on her face what reply I made I don't remember

Inter 59

Did you issue the warrant for the

objected to Re 3

arrest of Armstrong in compliance of the request of complainant

Answer

No

Inter 60

Why did you not issue it

Answer

As was my custom in similar cases I told the Mrs Armstrong (or the complainant) that such matters were very unpleasant or something to that nature that I always advised them to settle the matter without a suit at law that may not be the exact language but I think to that import,

Inter 61

Did you not tell the complainant that you and Armstrong had dealings together and that the matter would make it unpleasant for you to engage in and advised her to go to another Justice or words to that effect

Answer

I do not remember of using the word dealings I think I told her that we were on friendly terms I don't know that I advised her to go to any Justice I think I told her that if she was determined to prosecute the matter I should prefer that she would before some other Justice

Inter 62

Do you remember any other place or
 objected to { places where liquor was kept to sell or
 &c { give away than those you have already
 mentioned that Armstrong has frequen-
 ted or visited within the last five years

Answer

I do from hearsay

Do you know of any others of your own knowledge

Answer

Yes

Inter 63

Name them and each of them

Answer

I have seen Mr Armstrong drunk or take a glass at Mr Seallans I don't know but I have seen Mr Armstrong take a glass at Van Horns or McKinney's I believe that is all

Inter 64

Have you ever seen the defendant

objected to &c

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at the house of a woman commonly called Mother Fritz who did live near the Dixon Mills

Answer

I don't think I have

Inter 65

Are you sure that you never saw him at her house

Answer

yes I am pretty sure or positive that I have not

Cross Interrogatories

Inter 1st

Did not the defendant Armstrong of your knowledge during the time of his visiting Thomas Wades Saloon have business transactions with such Wade and very frequently call there for the purpose of collecting rent and monies due from said Wade to said Armstrong

Answer

I have heard him frequently ask said Wade for money he claimed to be due him for rent

Inter 2

Do you not know that very many of the times that Armstrong has gone to Wade's he went there for the purpose of collecting what was due him

Answer

I only know from the fact that I have been there frequently him and he made that his business

Inter 3

Did you ever at any time see said Armstrong drunk or intoxicated

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while at said wadls

Answer

I don't think that I ever saw him drunk in my life

Inter 4

In what year was it that the complainant called on you for a warrant testified by you in your direct examination

Answer

I think that it was in the year 1858

Inter 5

About what time in the year 1858 was it that she so called at your office

I think that it was in the summer some time in 1858

Direct examination resumed

Inter 66
objected to &c

Did Mr Armstrong ever advert to you that he had struck Mrs Armstrong or caused her face to be disfigured as it was

Answer

He never acknowledged to me that he struck her

Inter 67

Did not Mr Armstrong get liquor to drink when he called at Wadls for money

Answer

I think he did sometimes

Inter 68

When do you consider a man drunk or intoxicated

Answer

When he is not able to stand from drinking liquor

Edwin W Heim

148 State of Illinois }
Lee County } SS

I Harvey Morgan a Justice of the Peace in and for said County do hereby certify that the foregoing deposition was taken by me at the time and place mentioned in the caption thereof that the said witness was first sworn and that after said deposition was written it carefully read to the said witness and he thereupon signed the same

Witness my hand and seal this 23rd day of April 1862

Harvey Morgan J P (Seal)

Deposition of Eliza M Smith a resident of the County of Lee and State of Illinois aged about twenty six years a witness on the part of the complainant in the above entitled suit now pending in Chancery in the Lee County Circuit Court produced sworn and examined before Harvey Morgan a Justice of the Peace in and for said County of Lee on the 23rd day of April 1862 at his office in Dixon taken by virtue of the annexed notice said witness was first sworn deposed and says

Inter 1

What is your name age and place of residence

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Answer

My name is Elieta Malusa Smith My age is twenty six years residence Dixon Lee County Illinois

Inter 2

Are you acquainted with the parties to this suit if you how long have you known them and where

Answer

I am I have been acquainted with them six years last summer at their place this side of Amboy ever since then in Dixon

Inter 3

What have been the habits of the defendant if you know as regards sobriety and temperance since you have been acquainted with him

Answer

So far as I know I don't know that I have ever seen him when he was very drunk

Inter 4

How often have you seen him when he was to any degree 'intoxicated

Answer

Now but once

Inter 5

State if you please when that one time was and all that know concerning it

Answer

at his own house six years ago last summer, he was not so but that he could get round and attend to business so far as I was any judge

Inter 6

Where did the defendant live at that time

Answer

Inter 7

on his farm this side of Amboy
Did you ever see the defendant at

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any other time when you thought that he was as drunk as he was then

Answer

No

Inter 8

What is the name of your husband and what business has he been engaged in and where during the last four or five years

Alanson Smith he has not been in any business untill last winter when he kept a Grocery - four years ago when he was in the corner where he was this winter I guess he was selling whiskey

Inter 9

Did you ever see Armstrong drink any liquor at your husbands place

Answer

No I never did

Inter 10

Have the defendant and complainant lived together ever since you first got acquainted with

They did untill four years ago this coming summer

Inter 11

Where did the defendant go after he and complainant ceased living together

He boarded at our house four weeks

Inter 12

Do you know whether he was in the habit of drinking liquor during the time he boarded at your house

Answer

I never tasted what he drank and I could not swear what he drank and

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and I never see him the worse for liquor while he boarded there

Inter 13

objected to ^{Ex} of keeping liquor about his house while the defendant boarded there or at any other time

Answer

He always kept what he wanted for his own use

Inter 14

objected to ^{Ex}

Do you know whether or not the the defendant ever drank any liquor at your house

Answer

They drank together I could not swear what they drank

Inter 15

To what part of the house did they go when they wanted to drink

Answer

Sometimes they would go into one part and sometimes into another just as they would choose

Inter 16

In which particular part of the house did your husband keep his liquor

Answer

He kept it in the cellar what little he had

Inter 17

Did you hear any portion of Mrs Church's testimony

Answer

Yes

Inter 18

Did you hear that part of it on which she testified that your husband bringing home Armstrong drunk with him one night

Answer

Inter 19

No I did not hear that part of it.
Where has the defendant lived since
he quit boarding at your house
if you know

on his own farm at Sugar Grove

Where has the complainant lived
during that time if you know

Answer

on the north side of the River I
guess it is the city limits

Inter 20

Have you ever heard the defendant
say any thing concerning his Mar-
riage with the complainant and his
reasons for marrying her

Answer

No - I never did

Inter 21

Did the defendant ever tell you
or any person in your hearing that
if he had known that she had no
money he would never have married
her or words to that effect

Answer

I never did I have heard him
say that she had plenty of her own

Inter 22

Did you ever hear the defendant
after he ceased to live with his
wife say that he never would live
with her again or words to that
effect

Answer

I never did - I heard him tell
her Nephew that if she would be-
have herself he would go back and
live with her and think nothing

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Inter 23

of what had been said and done
Did you ever for yourself or any
one else sell liquor to the defendant

Answer

I never did I did not sell
liquor for a living

Inter 24

Did you ever see any one else sell
Liquor to the defendant

Answer

I never did

Cross Examination

Inter 1st

In what year did the defendant
armstrong quit boarding at Your
house

Four years ago the first of Septem-
ber next

Inter 2

Did the defendant armstrong go
immediately to live on his farm at
Sugar Grove on his quitting boarding
at your house

Answer

I dont know whether he went home
before he went to his farm or not I
dont recollect

Inter

Do you mean to be understood that
the defendant armstrong has lived
on his farm at Sugar Grove ever since
he quit boarding at your house

I dont know but he has been back
and forth to his farm I believe they
have lived together since he quit
boarding at our house and since

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he first went on the farm I and Mrs Church went a visiting Mrs Armstrong and he came in the house and got some things and said that he would be in again in a day or two

Inter

where were the complainant and defendant living together at the time that you and Mrs Church visited Mrs Armstrong as testified by you and in what year and month that you and Mrs Church so visited Mrs Armstrong

In the house where Mrs Armstrong now lives and was four years ago next fall because it was the same fall after he boarded at our house I may be mistaken about it being in the fall it was in the that fall or the next spring, I know it was at the time that a part of the bridge was taken off, the further end was taken off

Do you know how long a time the defendant and complainant continued to live together after the defendant quit boarding at your house if so how long

I don't know how long
do you of their so living together
any length of time

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I don't know the length of time
but know that it was quite a
spull

Elihu M Smith

State of Illinois
Lee County 3 SS

I Harvey Morgan a
Justice of the Peace in and for said
County do certify that the foregoing
deposition was taken by me at the
time and place mentioned in the
Caption thereof that the said witness
was first duly sworn and after said
deposition was written it was care
fully read to said witness and she
thereupon signed the same

Witness my hand and seal this
23rd day of April 1862

Harvey Morgan J P 

Ordered that Court adjourn untill
to morrow morning at 9 o'clock A.M.

H Morgan J P

Dixon April 24th 1862 Court met pur
suant to adjournment

Deposition of Sarah E Armstrong
a resident of the County of Lee and

State of Illinois aged about Eighteen years a witness on the part of the complainant in the above entitled suit now pending in Chancery in the Lee County Circuit Court produced and sworn and examined before Harry Morgan a Justice of the Peace in and for said County of Lee on the 24th day of April 1862 at his office in Dixon taken by virtue of the annexed notice

Said witness being just duly sworn deposite and says

Inter 1st

What is your name age and place of residence

Answer

My name is Sarah E. Armstrong my age is Eighteen years my residence at Palmyra Lee County Ills

Inter 2^d

What relation if any do you bear to the parties in this suit.

Answer

Daughter to the parties

Inter 3

State where you have resided for the last ten years

Answer

In the State of Illinois

State particularly at what different places you have resided during that time and the length of time you have lived at each

Answer

at Dixon about seven years I

137 think so at ambry six months
Palmyra next two years — That is all

Inter 4 How long ago did you first
live in Dixon and when did you
cease residing in Dixon if you ceas
ed so to do

Answer About ten years ago two years ago
I ceased to live in Dixon

Inter 5 at what place do you now reside
and how long have you been living
there

Answer Palmyra I reside now and about
two years

Inter 6 who have you been living with
while at Palmyra

Answer with my Father

Inter 7 where has your Mother been living
during the last four years

Answer In Dixon

Inter 8 How long has your Father resided
at Palmyra

Answer about three years

Inter 9 where and with whom did you live
the year before you went to reside
at Palmyra with your Father

Answer I lived with my Mother in Dixon

Inter 10 Why did you go to Palmyra to reside
with your father

Because he wished me to

Inter 11 Did your father at any time request

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you to go before you went to live with him

Answer

He did

Inter 12

Did you refuse at that time to go and if so why did you refuse

Answer

I did not refuse

Inter 13

Why did you not then go when he first requested you to go

Answer

Because I did not wish to go then

Inter 14

How many brothers and sisters have you living at this time and where have they resided during the last three years

Answer

I have one brother and one sister living My brother has resided the most of the time with my Father at Palmyra my sister with my Mother in Dixon

Inter 15

How often have you visited your brother since you have been living at Palmyra

Answer

Once only

Inter 16

Why have you not visited her more frequently

Answer

Because I did not think that she wished to see me

Inter 17

Objected to be

What has been the character of the treatment of your Mother towards you during the last four years

Answer

It has been different and very

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Inter 18 Strange for a mother to act
State if you please the manner
of her treatment to you during that
time

Answer I have not seen her but twice for
the last two years There was nothing
out of the way there was nothing
out of the way the other two years

Inter 19 Was there any thing out of the
way during the last two years in
her treatment towards you

Answer Not any thing out of the way
but very strange and did not talk
as a mother should talk

Inter 20 What did she say to you that
was strange for a mother to say

Answer She talked about my Father a
great many things there were so
many things and so mixed up that
I could not hardly tell what was said

Inter 21 Did you not say in your answer
in the preceding interrogatory together
with what is already written that your
mother talked about your Father a
great many things that you could not
help even if they were true or words
to that effect

Answer Yes

Inter 22 State particularly what your mother
said to you that you thought strange

Objected to be

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for a mother to say

I thought it strange that she should talk of nothing else but my Father while I was with

Inter 23

Objected to {

Answer

State the words that she used as near as you can remember that I could not do they were so mixed up she was so excited that I did not take any notice of them

Inter 24

Objected to {

Answer

Give the substance of what she said

It was concerning my Father and herself and further I do not remember what did she say concerning your Father and herself

Inter 25

Objected to {

Answer

I do not remember

Inter 26

Objected to {

Answer

do you remember one thing she said at that time and if so state it

I do not I took no notice of what she said

Inter 27

Answer

When did the conversation you have been testifying to take place

about two weeks after I went to live with my Father

Inter 28

Objected to {

Was it not before you went out to live with your Father and while you were getting your clothes ready to go that the conversation took place

It was not

Inter 29

State if you remember what day and

161 what month it was that you went out to live with your Father

Answer I do not remember the day or the month

Inter 30 Do you not remember that you visited your Mother after that time of the conversation referred to for the purpose of getting a book that was at her house

Answer I got the book at her house the same day of the conversation referred to

Inter 31 How long did you stay during that visit

Answer About one half hour

Inter 32 Do you know of your knowledge whether your Father was in the habit of keeping liquor in the house while your Father and Mother were living together

Answer Some times he had it in the house and some times he did not have it

Inter 33 Do you know how many years objected to 23 your Father was in the habit of keeping liquor in his house and if so state how many

Answer I do not know

Inter 34 Do you know of his being without liquor in his house at any time within the last five years

Answer I do

Inter 35 Have you ever known him to drink

162 liquor thus kept in his house and if you state how often

Answer I have a great many times with his friends

Inter 36 Have you ever known your Father to drink liquor in his house at any time when his friends alluded in the answer to the last interrogatory were not with him

Answer yes I have

Inter 37 How often and to what extent have you known him thus to drink

Answer I have never known him to drink any thing of any account

Inter 38 Have you ever known him or any of his friends to get drunk or intoxicated while drinking at his house

Answer I have not

Inter 39 Have you ever at any time seen your Father under the influence of liquor

Answer I think I have slightly

Inter 40 How did you know that he was under the influence of liquor

Answer as far as I was capable of judging I thought so, it was my own opinion

Inter 41 Did he act differently at those times than at others

Answer Not ~~any~~ ^{any} difference

Inter 42 How did you know then that your Father was under the influence of liquor

Answer

Hoe was more pleasant than usual rather

Inter 43

What was his manner when he was not under the influence of liquor

Answer

Nearly the same

Inter 44

What was the character of your Father's conduct towards your Mother during the last three years they lived together

Answer

Nothing out of the way during the time

Inter 45

Was he ever abusive or did he ever use any violence towards her

Answer

Hoe was not nor never used any violence towards her

Inter 46

Where did you live in the month of June July & August 1858

I lived with my Mother in Dixon

Inter 47

Where did your Father live then

Answer

I think he lived there too then

Inter 48

At any part of that time do you know whether or not your Father used any violence towards your Mother

Hoe did not

Inter 49

objected to & 3

Did he not some time during the month of July or at any other time rush upon your Mother and clench her hand upon a table

Answer

Hoe did not

Inter 50

objected to & 3

Did he not in the month of July 1858 or at any other time drag your

164 Mother from the dining room of your house or the house in which they lived into a room adjoining

Answer He did not

Inter 51
Objected to Re 3 Did your Father ever strike your Mother at all

Answer He did not

Inter 52 Did you ever see any part of the face of your Mother Black & Blue or bruised in any manner

Answer I did

Inter 53 When and where was it that you thus saw it and what was the character of the bruise or bruises upon her face at her own house about the time Father left home slightly

Inter 54 What if you know caused the bruises you say you saw on her face

Answer Father had considerable difficulty of getting away from Mother and she in that difficulty fell down - was the cause of the bruise on her face

Inter 55 Tell all about the difficulty you spoke of - in your last answer

Answer In the first place Mother picked up a Bowl and made motion to throw it at ~~her~~ Father. He rose off of his chair and told her not to throw the bowl at him. Mother then picked up the butcher Knife lying on the table. Father caught

163 hold of her hand and took it away from her, she then caught hold of him by the handkerchief and Father in getting away from her the best way he could. She fell down in the difficulty in getting away was the cause of the bruises on her face. She then got up after she fell down. Father was going out of the door she picked up a box sitting by the stove and threw it at him. That is as far as I know of the difficulty

Inter 56 Where were you during all this time

Answer Looking at them

Inter 57 What was the size of the Box that you have been telling about
a small box in which chips was brought in.

Inter 58 Are you sure that you saw your mother throw it at your father

I am

Inter 59 Did it hit him

It did not

Int 60 Where did your Father go to when he left the house

Answer I do not know when he went

Int 61 When did he come back to the house again

Answer He was back to the house the same day again

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Int 62

Answer

How long did he stay

Int 63

Long enough to change his clothes
How long after that was he there
again

Some time after that about ten months
afterwards Am not certain he and
my cousin came then

Int 64

where did your Father sleep that
night

Answer

He slept up stairs he and my
cousin together

Int 65

Answer

How long did he stay that time
until the next morning

Int 66

What time a day was it that this
difficulty that you have been speak
ing of occurred and who was present,
~~excepting Father Mother Brother and~~
~~Myself~~

Just after dinner, we had eaten our
dinner about 1 o'clock there was no
person present excepting Father Mother
Brother and myself

Int 67

Had the dinner table been cleared
when it happened

Answer

They had not

Int 68

What occurred before the time you say
your Mother raised the bowl to throw
it at your Father

Answer

Nothing out of the way occurred

Int 69

objected to

What had been said or done by you

167 Father that caused your Mother to raise the bowl to throw it at your Father

Answer I dont remember what was said between them but I know that mother was talking in a very exciting manner at the time of her raising the bowl

Inter 70 By and remember and state what your Father did or said before your Mother raised the bowl

Answer He did or said nothing to cause her to raise the bowl

Inter 71st Did he say any thing at that time

I dont remember of him saying any thing

Inter 72nd Did he do any thing

Answer He did not

Inter 73rd Do you intend to say that your Mother without any cause whatever raised the bowl for the purpose of throwing it at your Father

Answer I do

Inter 74th What in particular caused the bruise on your Mother's face when you say she fell

Answer I know of no other reason except when falling she must have hurt it.

Inter 75th Did you see her face hit against

168

anything in her fall

Answer

I did not

Int 76th

How long did your Mother lie on the floor after she fell

Answer

About five minutes I should think

Int 77th

Who if any one besides your Father your Brother and yourself have been living on your Father's farm in Palmyra since you yourself went there to live

Answer

No person except his hired hands

Int 78th

Mention the names

Answer

Mr & Mrs Ryan Mr & Mrs Heern that is all

Int 79

How long did Mr & Mrs Ryan live there and when did they leave if they have left

Answer

They lived there a year and a half they left last fall

Int 80th

are you acquainted with a woman by the name of Enesee if yea how long have you known her

Answer

I am not acquainted with any such person

Int 81st

Do you know a woman by the name of Anas or Enos

Answer

No

Int 82nd

Name all the families that you remember being at your Father's house in the year 1860

Answer

Miss Bickers Miss Martin Mr Ryan

169

Miss Titton Miss Martin Miss Hall
Mrs Hall Mrs & Miss Stewart Miss
Heim Mrs & Miss Stroup Miss Johnson
Mrs & Miss Williamson I cant think
of any more just now

Int 83^o
objected to R^y Did your Father ever bring any Woman
to his house or his farm during the
time you have resided with him in
Palmyra

Answer No Sir

Int 84th
objected to R^y Has any woman stayed all night
at your house since you lived at
Palmyra

Answer ~~No~~ Sir Yes

Int 85th
objected to R^y Name all such that have
Mrs Crafton my wash woman
was the only married lady that stay
there

Int 86th
were there any unmarried women that
stayed all night at your fathers house
since you have been living with him
at Palmyra if so name them

Answer Yes there was Miss Stewart Miss Hall
have stayed there often that is all

Int 87th
objected to R^y Have you now named all the fe-
males either married or single that
ever stayed all night at your Fathers
house since you lived with him at
Palmyra

Answer all but Miss Stroup I left her out

170th
Int 88th

Have you ever known a woman that
Reddled Jewelry and who boarded
at Mr Drews in Palmyra

Answer I have not

Int 89th

Has your Father ever lived with your
mother since he first went out to
Palmyra to live

Answer

Yes

Int 90th

How long ago has it been since he
last lived with her

Answer

over a year I should think

Int 91th

Has he lived with her since you
went out on the farm to live with him

Answer

He has not

Int 92th

What did your mother do after she got
up off of the floor after she had fal-
len down

She went and got a box and pitch
ed it at Father as he went out of the
door

Int 93th

What did she do next

Answer

Sat down on the chair and sat
there awhile

Int 94th

What next did she do

Answer

Come over to Dixon

Int 95th

How long was it before she came
home

Answer

Only a short while

Int 96th

State as near as you can the exact
time

177

Answer

I cannot state the exact time
Did your Mother come over to town
any other time that day

objected to K²

Answer

Yes

Int 98th

How long did she stay then

Answer

About the same length of time she
did when she went before

Int 99th

who if you know has provided for
the support of your Mother and young-
est sister since your father left your
Mother

Answer

She has provided for her own sup-
port

Int 100th

How old were you at the time your
youngest sister was born

Answer

About twelve years old

who did the house work at that
time

I did

Int 101th

What part of it did you do

Answer

all of it

Int 102nd

who did the washing the scrubbing
and Baking

Answer

Mother

Int 103rd

Did your Father or engage any
one to do the work at this time

Answer

He did not

Int 104th

when was it that your youngest
sister was born

Answer

Seven years ago the first day of December

1712
172
Inter 105

where were you on the 4th day of December of that year

Answer

I don't remember where I was

Inter 106th

Were you at home all the time for a week after your youngest sister was born

Answer

I believe I was

Inter 107th

objected to
by Dep
Council

Did not your Father bring you down to town within a week after your youngest sister was born and while you were down did you not stop at the house of a man by the name of Matt Johnson

Answer

I was down sometime afterwards I do not know how long it was I did stop at Johnson's a part of a day

Inter 108th

Try and remember the exact number of days it was after your sister was born

Answer

I can't remember it was so long ago

Inter 109th

who stayed at home with your mother while you were gone

She was alone while I was gone

Inter 110th

where did you live at that time

Answer

Three miles on the other side of Dixon

Inter 111th

when your Father went away that day did he leave sufficient wood and water in the house to last till he returned

173

Answer

I do not remember what he left
when your youngest sister was born
was any one at your house besides
your own family

Answer

That was all

Int 113th

Objected to &

Was there a Doctor in attendance any
time during the period your mother
was confined at that time

Answer

No

Int 114th

Have you had any other brothers or
sisters than those now living - if you
give their names

Answer

I have George James & Mary

Int 115th

When was Mary born and how old
were you at the time

I do not remember

Int 116th

Do you remember the time she was born

I do not

Int 117th

Was it before or after the time your
youngest sister now living was born

Answer

Before

Int 118th

Who did the house work at that time

Objected to &

I do not remember

Int 119th

Who was at your house at that time
besides your own family

Answer

I don't remember

Int 120th

Do you remember that one else that
was there

Answer

I do not remember anything about
it

174
Int 121th

was there any doctor in attendance
at that time

Answer

I do not remember whether there
was or not

Int 122^o

are you acquainted with or do you
know a woman by the name of Ennes

Answer

I am not acquainted with any
such person

Int 123^o

Did you ever see or know any
woman by that name

Answer

I did not

Int 124th

at what time of night was your
Father in the habit of coming home
during the last two years that he and
your Mother lived together

Answer

In time for tea

Int 125th

objected to K³

was he in the habit of going away
after tea if so how late at night did
he generally stay away

Answer

Hee was generally in the habit of
going away after stay different
length of time

Int 126th

objected to K³

what was the latest that he
ever stayed

Answer

I could not tell

Int 127th

objected to K³

Did he ever stay away all
night if so how often

Answer

Hee did when his business called
him - I know not how often

Int 128th

objected to K³

How do you know that he only

173st Stay away when his business called him

Answer I had only my own judgment for telling me so

Int 129th Do you now remember any of the strange things concerning your Father that you said that your Mother told you when you last visited her

Answer I do not

Cross examination

Inter 1st when you say in your answer to the 55th direct interrogatory that your Mother caught hold of your Father by the handkerchief what handkerchief do you mean

Answer His neck handkerchief

Inter 2^d Since your Father first went to Palmyra to live for how long a time has he and your Mother lived together

Answer Some six months of that time I guess

Inter 3^d at the time your Mother was confined by the birth of your youngest sister or any other time do you remember of your Mother asking for the attendance of a Physician or for help in her house or any attention but what your Father always procured the same for her if the same could be had

Answer I do not

Sarah E. Armstrong

State of Minnesota
 In County 3rd Sd

I Harvey Morgan a
 Justice of the Peace in and for said
 County do hereby certify that the
 foregoing deposition was taken by
 me at the time and place mentioned
 in the caption thereof that the said
 witness was first duly sworn and
 that after said deposition was writ-
 ten it was carefully read to said
 witness and she thereupon signed
 the same

Witness my hand and seal
 this 24th day of April 1862

Ordered that Court adjourn
 untill to morrow morning at 9
 O'clock A.M.

Dixon April 25th 1862

Court met pursuant to adjourn-
 ment

and proceeded to take the
 testimony of Enoch Wood

~~Court met pursuant to adjournment~~
~~April 25th 1862~~

177 Court met pursuant to adjournment April 25th 1862

~~Court met pursuant to adjournment~~

Deposition of Enoch Wood a resident of the County of Lee and State of Illinois, aged about fifty two years of age, a witness on the part of the complainant in the above entitled cause, now pending in chancery, in the Lee County Circuit Court, and State aforesaid produced. Sworn and examined before Harvey Morgan a Justice of the Peace, in and for said County of Lee on the 25th day of April 1862, at his office in Dixon. Taken by virtue of the annexed Notice. Said witness being first sworn deponeeth and says, as follows

Inter 1st What is your name age and place of residence

Answer My name is Enoch Wood age fifty two years, reside in Dixon.

Inter 2^d What was your business in the years 1859 & 1860

Answer Selling goods in the year 1859 for Wood and Boardman, and in 1860 for Alonzo Wood

Inter 3^d Are you acquainted with the parties in this suit, if so, how long have you known

178
Answer

I have known them about five years

Inter 4th Has the defendant ever had any dealing at your store, if so when did it begin: and how long did it continue

Answer Yes. I should presume he commenced trading with us in 1857 he continued trading with us from time to time until Wood and Boardman quit-Keeping Store and has continued to trade ^{more or less} with Alonzo Wood in the last two years.

Inter 5th Who besides himself if any one with you on his account during that time.

Answer Mrs Armstrong, his daughter and I presume his hired man

Inter 6th How long did Mrs Armstrong continue to trade with you on his account

Answer Well I should presume from recollection the most of the time that Wood & Boardman was doing business. I cannot recollect exactly

Inter 7 { Did you ever refuse to sell her goods upon
objected to { Armstrongs account. question withdrawn
7th Answer

Inter 17th
Objected to
rc

Did she continue to trade with you on his account, as long as he himself continued, so to do

Answer

I don't remember of selling any goods to Mrs Armstrong since Henry Woods has been selling goods she may have been in to trade

Inter 9th
Objected to rc

Did you ever refuse to sell Mrs. Armstrong goods upon Armstrongs account.

Answer

I do not recollect that I did if I have it has slipped my mind.

Inter 10th
Objected to rc

Have you ever notified either by Armstrong or any one acting for him, not to sell to Mrs Armstrong goods on Armstrongs account

Answer

I cannot say that I ever was

Inter 11th
Objected to rc

Do you remember that you were not so notified, or warned?

Answer

If I had any such notice I do not remember it.

Inter 12th
Objected to rc

Do you remember of ever telling the defendant that you had refused trusting the complainant on his account

Answer

I do not recollect that I ever did.

State of Illinois ³ S.S.

In County ³ I Harvey Morgan a Justice of the Peace in and for said County, do certify that the foregoing deposition was taken by me at the time and place mentioned in the Caption thereof that said witness were first duly sworn and after said deposition was written it was carefully to the said witness and he thereupon signed the same Witness my hand this 25th day of April 1862

Harvey Morgan J.P. 

Deposition of Benjamin B. Deshon a resident of the County of Lee and State of Illinois aged about _____ years a witness on the part of the Complainant in the above entitled suit now pending in Chancery in the Lee County Circuit Court and State aforesaid. Produced sworn and examined before Harvey Morgan a Justice of the Peace in and for said County of Lee on the 25th day of April 1862 at his office in Dixon taken by virtue of the annexed Notice.

Said witness being first duly sworn. deposed and said as follows

Inter 1st What is your name age and place of residence

Answer My name is Benjamin B. Deshon age thirty three years residence Dixon.

1861

Inter 2^a

How long have you resided in Dixon and what business have you been engaged in if any

Answer

About six years, followed the Grocery business

Inter 3

Are you acquainted with the parties to this suit if so how long have you known them

Answer

I am acquainted with both of them at the present time. I have known Mr Armstrong about six years Mrs Armstrong three years

Inter 4^o

Has the defendant ever had any dealing at your store, and if so when did it begin, and how long did it continue.

Answer

He has about three years ago it commenced he deals there at the present time.

Inter 5th

Who, if any one besides himself has traded with you on his account during that time

Answer

No one but Mrs Armstrong.

Inter 6th

How long did she trade with you on his account

Answer

Several times for about one year

Inter 7th

Name the time she ceased to trade with you and the reason for it if you know any

Objected to

Answer

About two years ago she ceased, to trade or have ~~any~~ things charged to him. it may not be quite so long as that, there was some unsettled business between Mr Armstrong and myself that had not been settled between us, and I requested a settlement, and stoped making any charges to him, and told Mrs Armstrong to the

182 same effect voluntarily. and she paid me for what she got, from that up to the present time

Inter 8th Is that all you told her. concerning her trading,
objected to re On Armstrongs account,

Answer I do not remember telling her any thing else there might have been some conversation

Inter 9th Did you not tell Mrs Armstrong, that
objected to re Armstrong had given you notice not to trust her on his account.

Answer I do not remember that I did

Inter 10th Do you know that you did not,

Answer I will not swear to that

Inter 11th Did you ever recieve notice to that effect
objected to re At either you or any one for you

Answer I might; and might have not; I wont say whether I did or not cant say distinctly.

Inter 12th Has Mrs Armstrong ever traded with you. since the time you refused to trust her on Armstrongs account-

Answer I think she has, once or twice.

Inter 13th At what time & what the article was

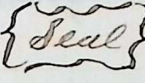
Answer If I recollect right it is about two years ago. the articles I cannot remember

Benj. C. Deshon

State of Illinois }
 } S.S.

See County } I Harvey Morgan a Justice of the peace in and for said County do certify that the foregoing deposition by me at the time and place mentioned in the Caption thereof that the said witness was first duly sworn and

183 after said deposition was written it was carefully read to said witness, and he thereupon signed the same. Witness my hand and seal this 25th day of April 1862

Harvey Morgan, J.P. 

Deposition of Nancy Stewart, a resident of the County of Lee and State of Illinois aged about years a witness on the part of the Complainant in the above entitled suit now pending in Chancery in the Lee County Circuit Court, and State aforesaid produced, sworn and examined, before Harvey Morgan a Justice of the Peace in and for said County of Lee on the 25th day of April 1862 at his office in the City of Dixon taken by virtue of the annexed notice.

Said witness being first sworn deposes and says as follows

Inter 1st
Answer What is your name age and place of residence
My name is Nancy Stewart. My age is forty six years Nelson Lee County Ills.

Inter 2^d
Answer Are you acquainted with the parties to this suit if so how long have you known them
Yes I am acquainted with them. I have been acquainted with them for five or six years

Inter 3^d Have you ever resided at their house and if so how often.

186,

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Answer

Yes I have. I have been in a great many times. I could not say how many times

Inter 4th

How long if you know have the parties been together

Answer

I don't know

Inter 3th

Are they living together at this time

Answer

No

Inter 6th

How long has it been since they have lived together

Answer

I can hardly say. it has been some over two years.

Inter 7th

Are you acquainted with the character of the treatment of the defendant to Mrs Armstrong during any part of the time of their living together

Answer

No I am not

Inter 8th

Do you know of any kind of cruel treatment ever manifested towards Mrs Armstrong

Answer

No, don't

Inter 9th

Did you ever visit the complainant any time in the summer of 1858

Answer

Yes I was in

was there any one with you

Yes Mrs Stevens was

Inter 10th

Who else if any one besides Mrs Stevens was at the house while you were there

Answer

I don't remember of any one.

Inter 11th

How many of Mrs Armstrongs family was there

Answer

I could not say

Inter 12th

Was Mrs Armstrong herself there.

185.

Answer

Yes

Inter 13th

Was Sarah Armstrong her daughter there

Answer

I could not say whether she was there or not

Inter 14th

What time did you leave

Answer

I don't know how long we did stay. I don't think we stay there a great while.

Inter 15th

When you left did any one besides Mrs Stevens go out of the door of the house with you

Answer

I could not say

Inter 16th

Do you not remember that some person or persons went out as far as the gate with you

Answer

I can not say whether any person went out as far as the gate or not.

Inter 17

objected to

What if any thing transpired in the house while you were there

Answer

Nothing that I remember of

Inter 18th

Was there any thing particular about Mrs Armstrongs appearance,

objected to

Answer

Nothing that I noticed

Inter 19th

Was there any thing unusual about her face

Answer

I did not notice any thing

Inter 20th

For what purpose if any did you visit Mrs Armstrong, at that time.

objected to

Answer

I could not say

Inter 21st

For what purpose did you tell her that you come to visit her

1871
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Answer

I dont know that I told her any thing we
just went over there

Inter 22

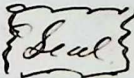
Did you see any marks or bruises on Mrs
Armstrong face, while you were there

Answer

I could not say that I did
attest } Nancy ^{her} Stewart-
Harvey Morgan } ^{near}

State of Illinois } S. S.

In County } I Harvey Morgan a justice
of the peace in and for said County do here-
by certify that the foregoing deposition was
taken by me at the time and place mentioned
in the Caption whereof, that the said witness
was duly sworn, and after said deposition was
written it was carefully read to said
witness and he thereupon signed the same
witness my hand and Seal this 25th day of
April 1862.

Harvey Morgan J. P. 

Deposition of Benjamin. H. Stewart a
resident of the County of Lee and State of
Illinois aged about years a witness
on the part of the Complainant in the above
entitled suit now pending in Chancery
in the Lee County Circuit Court, and State
afore said, produced sworn and examined
before Harvey Morgan a justice of the peace
in and for said county of Lee on the 25th day of

187 April 1862 at his office in Dixon taken by virtue of the annexed notice.

Said witness being first sworn deposes and says as follows

Inter 1st What is your name age and place of residence

Answer My name is Benjamin H Stewart my age is fifty five years and place of residence town of Nelson Lee County Illinois

Inter 2nd Are you acquainted with the parties to this suit if so how long have you known them and where

Answer I am acquainted with them from five to seven years I suppose and at this place (Dixon)

Inter 3rd Have you been acquainted with the habits of the defendant during the whole or any portion of that time

Answer I hardly know how to answer that question I have known Mr Armstrong quite a while as for his drinking I suppose you mean I don't know that I ever knew Mr Armstrong so that he was not capable of attending to his own business

Inter 4th Did you ever see him under the influence of liquor

Answer I have seen him when I thought that he felt pretty well

Inter 5th What has been his practice in regard to drinking liquor if you know

Answer

I don't know any more about that than I suppose when he wanted anything he went and got it

Int 6th

How often in any one day have you seen him drink liquor if you ever saw him

Answer

Oh I have seen him drink some days but I could not tell you how often I have seen him drink

Int 7th

Tell the largest no of times you ever saw him drink in one day

Answer

I don't know that I ever saw him drink more than two or three times in a day, we have hardly ever been together all of one day

Int 8th

objected to 3

How often have you seen Armstrong when he felt pretty well from the effects of liquor state as particularly as you can

Answer

I could not tell anything about that

Int 9th

Why can't you tell

Answer

That would be impossible for me to tell I have seen him several times, he is like other men when he would take a drink he would feel a little lively

Int 10th

What is the largest number you mean when you say several

Answer

You may call it three or half a dozen just as you a mind to

Int 11th

are six times the most you have ever

189 seen the defendant when he felt pretty well from the effects of liquor

Answer I could not say that six times was the most it might have been more or it might be less

Int 12 are you acquainted with a man by the name of Stevens and his wife who formerly resided on Armstrongs farm in Palmyra

Answer I am not

Int 13th Have you ever heard of such persons of that name

Answer I know of no such persons except the old man and John of this place

Int 14th Did you ever have any conversation with Armstrong concerning any persons by that name that lived on his place in Palmyra

Answer Not to my recollection of any one of that name that lived there

Int 15th Did you ever have any conversation
objected to & ² with Armstrong concerning a person by that name that ever worked for him

Answer I don't know that I ever did

Int 16th Have you known all the persons that have lived on Armstrongs farm in Palmyra since 1858

Answer I don't know them all I believe

Int 17 I name all that you remember

Answer Mike Ryan The other names I don't know

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Int 18th

Do you know the ~~time~~ that Armstrong first moved on his place in Palmyra

Answer

I don't know much about it I was sick at the time and do not remember the year

Int 19th

Do you remember who lived on his ~~farm~~ at the time or shortly after he moved out there besides himself

Answer

I do not

Int 20th

objected to K³

Did you ever have any conversation with Armstrong concerning any of the tenants he had on that farm or any persons at work for him or their wives

Answer

I don't know that ever did only he said that some of the women was not very clean

Int 21

objected to K³
by Dep coun³

Go on and state all that you heard and knew that Armstrong said and did concerning the women that have lived on his place at Palmyra since April 1858

Answer

I never heard Mr Armstrong say but very little about his folks that he had on his place there

Int 22^o

objected to K³

State particularly all that you did hear him say about them

Answer

all that I heard him say was that they were not very particular about their work

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Inter 23^o

Is that all that you ever heard him say about them

Answer

all that I can recollect of

Cross Examination

Int 1st

Have you been intimately acquainted with the defendant Armstrong for the last three or four years

Answer

I have

Int 2^o

objected to
Kc

During the time that you have been so acquainted with the defendant Armstrong or any portion of such time has his habit of drinking been that of habitual drunkenness or intoxication

Answer

No Sir I should say not

Direct examination resumed

Int 24

During your intimacy with Armstrong have you ever drank with him on the day of the occasions of him feeling pretty well from the effects of liquor and so how often

Answer

I have drank with him, how often I could not say

Int 25

Has it not been frequently

Answer

No Sir not very frequently

B H Stewart

State of Illinois } ss

Lee County }

I Harvey Morgan an

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acting Justice of the Peace in and for
said County do hereby certify that the
foregoing deposition was taken by me
at the time and place mentioned in the
Caption thereof - that the said witness
was first duly sworn and after said
deposition was written it was carefully
read to the said witness and thereupon
he signed the same

Given under my hand and seal
this 25th day of April 1862

Harvey Morgan J P *Esq*

ordered that Court adjourn until
the day of April 1862 at 9 o'clock
A.M.

H. Morgan J P

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Mary Armstrong
vs
Jacob Armstrong

Harvey Morgan a Justice Peace
for in taking depositions &c \$20.00
Witness fees

Benj H Stewart	one day att ^d	50
Nancy Stewart	" "	50
Sarah E Armstrong	2 " 50	1.00
Edwin H Heim	2 days att	1.00
Mrs Smith	2 " "	1.00
Benj C Deshon	3 " "	1.50
Thomas Scallan	2 " "	1.00
Heial F Church	1 " "	50
Hannah Church	1 " "	50
		<u>\$ 27.50</u>

Constable Jas Jordan Cork
Serr Subp^a

" 14.80
\$ 32.30

State of Illinois ss
Du County } I hereby certify
that the above is a correct amount of
fees in the above case
April 25th 1862

Harvey Morgan J.P.

194 And be it further remembered that afterwards
to wit: on the 11th day of December A.D. 1862 there
was filed in the office of Said Lee County
Circuit Court, and afterwards in the office
of the said Circuit Clerk of said Rock Island
County to wit: on the 13th day of May A.D. 1863
a Deposition concerning Alimony on part of
Defendant in the words and figures following
to wit:

State of Illinois } In the Lee County Circuit Court
Lee County }

Mary. Armstrong }
vs } In Chancery
Jacob. Armstrong }

To the Honorable William
H. Beaton, Circuit Judge, for the 22^d
Judicial Circuit in and for the State of
Illinois

The undersigned to whom it was re-
ferred in the above entitled cause as Special
Master in the above entitled cause to take
proofs on part of complainant and defendant
on motion by complainant for ad interim
Alimony to prosecute the suit above entitled
would respectfully report to your Honor
that in pursuance of such order he did

185 procure the attendance of the witnesses on the part of the defendant and attended by the counsel of the respective parties did on the 28th day of April 1862 and from time to time thereafter as agreed upon by Counsel after duly serving the several witnesses herein-after named to tell the truth the whole truth and nothing but the truth take the proofs hereinafter written as follows

James J. Kennedy a witness produced on the part of Defendant after first being duly sworn on the 28th day of April A.D. 1862 deposed as follows:

Inter 1st What is your name age and place of residence?

Answer My name is James J. Kennedy my age forty two, my residence Dixon Lee County, Illinois

Inter 2^d Are you acquainted with the parties to this suit if yea, how long have you known them or either of them?

Answer I have known Mr Armstrong about three years, Mrs Armstrong about one year.

Inter 3^d Do you know of any separate property

196 real Estate, monies or rents, profits which the complainant Mary. Armstrong has or receives in her own name?

Answer Yes I pay her rents, taking receipts in her own signature.

Inter 4th. For what do you pay her rents and what is the amount of the same per annum?

Answer Well I have paid her rents, for the use of her house in Dement Town. I have paid her Eight and also Six dollars per month.

Inter 5th Who owns the house you speak of?

Answer She says that she owns it, and Armstrong said that she owned it. I first paid rent to Armstrong, but now pay rent to her.

Inter 6th Are you still occupying the house and paying rent to her for the same? and if so at what rent per month.

Answer Yes I am still occupying the house and paying her rent at the rate of Six dollars per month now

J. B. Kennedy

Subscribed and sworn
before me this 28th day of

April A.D. 1862

W. W. Wolf

Special Master

197 William ^{Whe} ~~Whe~~ a witness produced on the part of the defendant in the above entitled cause. being by me first duly sworn on the 28th day of April A.D. 1862 deposes as follows:

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

Answer My name is William ~~Whe~~ my age forty one years my place of residence Dixon Lee County, Illinois

Inter 2^d Do you know the parties to this suit and how long have you known each of them?

Answer I have known Mr Armstrong some six years, Mrs Armstrong since last August.

Inter 3^d Do you know of any property any Real Estate, Monies at interest, Notes, debts, or evidences of indebtedness, which the complainant Mary Armstrong owns or holds in her own right?

Answer Last August I paid her interest on a note that she hold against me which I presume she obtained from Mr Worshington which note is against me and in amount a little over three hundred dollars, about three weeks ago she came to me and pro-

198 posed selling me the note as it will not be due until August coming.

Inter 14th What rate of interest does said note bear?

Answer Ten per Cent

Cross. Interrogations

Cross Inter 1st Do you know of your own personal knowledge whether the complainant Mary Armstrong now holds the note you speak of and your answer to the interrogatory in the direct examination and is the beneficial owner of the same?

Answer I cannot tell whether she owns it at this moment or not. she did some three weeks ago when she was at my house in regard to the beneficial ownership. she stated that she was verry much in need of money, and could not see how she could get along without selling it.

Subscribed and sworn before

me this 28th day of April A.D. 1863

William. N. D. Wolf

Special Master

Wm. A. H.

Joseph. Ball a witness produced on the part of the defendant in the above entitled cause first being duly sworn on the 28th day of April A.D. 1862 deposed as follows:

Inter 1st What is your name age and place of residence?

Answer My name is Joseph Ball my age is thirty six years my residence Dixon Lee County Illinois

Inter 2^d Do you know the parties to this suit and how long have you known them respectively

Answer I have known Mr Armstrong some eight years. Mr Armstrong about two years.

Inter 3^d Do you know of any property Real Estate Monies, credits, evidences of indebtedness, rents and profits, income which the complainant Mary. Armstrong has owns or ~~professes~~ ^{professes} to own or recieves in her own right if you state the same particularly.

Answer I know of some Real Estate in Dement Town in this city the sale of which I negotiated between Mr Jelett of Chicago and Mrs Armstrong. Jelett came to me some two years ago and told me he had some property

200 in Dement Town upon which some Six hundred dollars were to be paid by Jacob Armstrong and wished me to attend to the matter for him. I afterwards went to see Mr Armstrong to know if he could pay the Six hundred dollars he said that he could not but as he had paid considerable on the property he would like his family to get the benefit of what he had paid and that the ~~the~~ old woman meaning Mrs Armstrong had money and if she liked to pay the six hundred dollars she could have the property. I then sent for Mrs Armstrong and told her what Mr Armstrong had proposed. She finally agreed that she would pay the money, if it could be so arranged that Armstrong would not have any thing to do with it. sometime in June 1846 I had a deed made to Mr Coyne in Trust for her, and upon the payment of Six hundred dollars by Mrs Armstrong I gave her the deed, and it is now recorded.

Inter: 4th State whether said Real Estate has any improvements on the same and if so what?

Answer There is a house upon it in which Mr Kennedy resides as I believe.

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Inter

5th What would be the value of said Real Estate and the improvements on the same?

Answer

I never saw the property but Mr Gillett told me in the conversation referred to that it was worth some Sixteen or Seventeen hundred dollars if I recollect right.

Inter

6th Do you know of any other property, credits, Monies or evidences of indebtedness which the Complainant Mary Armstrong ~~owns~~ claims to own in her own right?

Answer

Nothing but what as the former attorney of Mrs Armstrong I would be precluded from showing, and I know of nothing for certain.

Inter

7th Do you know in whose house the Complainant Mary Armstrong has resided for the last two years and now resides and whether during that time or now pays any rent for the use of the same, if you state the same particularly.

Answer

I know that she resides in the house belonging to her husband, whether she pays any rent for the same I do not know.

Cross Examination

Cross Inter 1st What is the present value of the property in Demut Town which you speak of as belonging to the complainant?

Answer Having never seen it I can form no idea.

Subscribed and sworn to Joseph. Ball
before me this 28th day of
April A.D. 1863.

All of which is Respectfully Submitted

Wm W. D. Wolf
Special Master

I would also further report that Joseph Ball, James F. Kennedy and William Nhl witnesses are entitled to one dollar each witness fee. Masters fees five dollars

Wm W. D. Wolf
Master

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And be it further remembered that afterwards to wit: on the 13th day of May AD 1863. there was filed in the Office of the Circuit Clerk of Rock Island County in the City of Rock Island and State of Illinois Depositions on part of Complainant which are in the words and figures following to wit:-

State of Illinois
Lee County

In Lee Circuit Court

February Term AD 1863.

To the Honorable W W Heatow Circuit Judge
for the 22nd Judicial Circuit in and for the State of
Illinois. In Chancery sitting

The undersigned who was appointed heretofore by an order of the said Court duly entered Special Master in the above entitled cause to take proofs on part of Complainant and defendant on motion of Complainant - would respectfully report to your Honor that in pursuance of such order he did procure the attendance of the witnesses, and did on the 15th day of December AD 1862 and from time thereafter in accordance with the Council of the respective parties thereto after duly swearing the several witnesses hereinafter named to tell the truth, did take the proofs hereinafter written as follows:-

2 204 William F. Atchison a witness produced on the part of Complainant being first duly sworn deposed as follows.

Inter 1st What is your name age and place of residence

Ans- My name is W F Atchison, my age is thirty eight years, residence is Milton Junction, Muscatine County, Iowa,

Inter 2^d Do know the parties to this suit, if yes, how long have you known them?

Answer I have known them since 1845, have lived with them within that time two years,

Inter 3^d Are you acquainted with the pecuniary circumstances of the defendant, if yes, declare the same fully and your means of knowledge?

Answer Yes I have been acquainted with him & lived with him that time & know considerable of his business.

Inter 4th State if you know, what property the defendant owns, either Real or Personal,

Answer to 4th I suppose that he owns the lot that he lives on He told me so & that he had deed for it and had paid for it. It is in Lee County, Palmyra Township. I do not know how many acres there is of it, I believe there is One hundred acres or one

205 Hundred & Forty, he told me so. I do not know the description, know the lot where it is. He owns a Horse & Buggy or did a short time ago, or did when I was there a little over a month ago. He owns a lot of Bees. That is all the property that I know of his having in 1862. I know of William Martin paying him money for interest on money loaned. I do not know how much money was loaned. I mind a little more property, one house and two lots in North Dixon that he got of John Daley this summer, the one that Richard Daley. John Daley's son lives in on North side of the River. Also a house belongs to Mr Armstrong that he got of a man by the name of Coffey on this side of the river. A man by the name of Scullin pretends to father the house but he does not own it, he is paid for his trouble in fathering the house it is a focus fixer. Mr Armstrong owns it and receives the rent from Philip Reilly. Yes there is a house by the name of Harris House in Cement Town that Mr Armstrong owns. There is another house that Mr Armstrong got of Alexander Smith a brick house down here. He used to own two lots up by the Cemetery, whether he owns them now I cannot tell. He owned a lot house that he got of a man by the name of Hanson down at the lower Arch of the Illinois Central below the Rail Road and west of the track, whether he owns it now I have not heard him say. There is another house that a man by the name of John Lisle lived in that he owned in 1859. whether he

206 owns it now or not I do not know. In Moral Town
in 1859, he owned a Brick House that he got of one
Jennings or Jennie I don't know which for debt &c at
the Brick Yard, but who owns it now I cannot tell,
there is a house and lot that generally goes by the
name of the Jennings house that Deshon lives in.
Armstrong owns it. There are three houses & five lots
where Mrs Armstrong lives. Armstrong owns three
lots with houses & two vacant lots are together. He
used to own in 1859, two lots down in Bureau
County, one is an Eighty lot, the other one hundred
& sixty acre lot. I do not know whether he owns them
now, he told me then, that he did. He owns some
land down in Palestine how much it is I don't
know. He owns some land out towards Freeport, I
do not know what County it is in, whether in Ste-
phenson or Carroll or either of them, I don't know
but it is up that way. I believe Mr Armstrong told
me that he had some land between Palmyra and
Sterling I think it was a Forty. Then he has Forty
acres more that he got from Albert Jennings or Jennie
that is leased to Reuben Eastwood, and Mr Hine I
understood drew the lease for him. He had in
1859, a section of land all but eighty acres in Iowa
Black Hawk Co. He got it from James A Smith.
He got another one hundred & sixty acres of Thomas
Shay in 1858.

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Inter 5th State in what State & County this last mentioned one hundred & sixty acres is.

Answer It is in the State of Iowa, I do not know what County,

Inter 6th State if you please the value of property that you have mentioned if you know, beginning with the item one horse & Buggy, & ending with the one hundred & sixty acres of land, mentioned as bought of Thomas Shay & mentioned in your answer to the previous interrogatory
(Question objected to by Counsel for defendant)

Answer. Well the value of any property I do not know except the horse & buggy, as I do not consider it my business. The horse is worth one hundred dollars, and the Buggy cost one hundred & few I believe.

Inter 7th State if you know the value of the houses & lots where Mrs Armstrong lives?
(Question objected to by Counsel for defendant)

Answer I do not know, as the value of any property he has except the horse & buggy

Inter 8th State whether or not Armstrong the Defendant has ever stated to you or in your presence the value of any of the property you in your previous answers,

Q 208 have testified concerning, if yea, state which of the property & the value thereof?

Question objected to by Counsel for defendant

Answer to 9th Well he has told me pretty much what all his property cost him, but I cannot remember what it is except the horse & Buggy.

Inter 10th Do you know William Armstrong and what relation he sustains to the defendant if any, and where he resides.

Answer I do not know him, but I understand from Mr Armstrong that he is his brother, and he resides in New York State.

Inter 11th Have you ever had any conversation with the defendant, concerning the transfer of his property or any portion of it to said William Armstrong, if yea state the same fully

Answer. He told me that he had put or given a judgement or some other papers that fix'd of Eight Thousand dollars into his brother William's hands to keep for him so that the folks could not skin him and he thought that it could never be hunted up by putting it in his hands, because he was a man that was rich, done business and lent money him self. If it would be hunted up that he would lose it all, his brother would not swear a lie for

209 it. Mr Armstrong sent a letter with the paper, and the receipt came back all right but no letter with it

Inter 12th

State whether or not you had any communication with the defendant, concerning the transfer of his property or any portion of it to any person than William Armstrong, if yes, state the same fully,

Answer Yes. Thomas Scallion fathers the Duffy House for him. the deed I understood was in Scallion name, got from the Sheriff at Sheriff's sale also

Stites. James Chortus & Mrs Bridget Wall, whatever property is in Mr Stites or Mr Chortus I cannot tell any more than Armstrong said that it was all right, they would do him justice they were true blue to him, they were Mason, Mrs Bridget Wall I understood from Mr Armstrong he told me so, he gave her the deed of the One Hundred and Sixty acres that he got of Thomas Sheng in Iowa, to keep it safe so that they could not skin him, that he borrowed some money of her, and he gave her a deed, and that made it all safe.

Inter 13th State if you know how long Armstrong has lived in the State of Illinois and when he came here

Answer I cannot state when he came. I think he has been here some eight or ten years.

Inter 14th State if you know what was the condition of the defendant's pecuniary circumstances when he came to the State of Illinois.
(Question objected to by Counsel for defendant)

Answer About the best I know he told me that after he bought the farm up here and paid for it and the team, and everything, he had Four thousand dollars left.

Inter 15th Do you know how much he paid for the farm? if you state the same.
(Question objected to by Counsel for defendant)

Answer I do not know how much he paid for it or how much he got for it when he sold it.

Inter 16th Do you know the source or sources from whence the defendant obtained or derived the money mentioned in the answer to the previous interrogatory or any portion of it, if you state the same fully.
(Question objected to by Counsel for defendant)

Answer Yes I know of some moneys coming from Mrs Armstrong's brother to Mrs Armstrong, Two hundred and Forty dollars a year. George Coyne a brother to Mrs Armstrong died in May 1842 & willed her Two hundred and Fifty dollars a year while she lives. James Coyne brother to the deceased & Mrs Armstrong's Executor of George Coyne's last will and Testament told me

211 in 1845, that he had sent the money up to his sister Mary and he lived in New York in Clarkson Street & I heard Mr Armstrong acknowledge getting this money through his wife from his brother-in-law and received it up to 1856 or 1857, and I understand from both parties that since the year 1858, at the time they had the falling out she lifts the money herself, and Armstrong don't get it.

Inter 19th State of you sum what was done with the money. The two hundred and fifty a year or who received the benefit of it previous to the year 1858.
(Question objected to by Counsel for defendant)

Answer That I can't tell.

Cross Interrogatories

Cross Inter 1st What business are you engaged in, and what ^{is your} profession, and what relation if any do you sustain to the Complainant Mary Armstrong

Answer My business is Rail Roading; well it appears and I never found out to the contrary that she is my mother's sister

Cross Inter 2nd Have you been engaged in Rail Roading during the past summer or fall?

Answer I have not been engaged in Rail Roading since the last

212 of May last.

Cross Inter 3rd What business have you been engaged in during the last summer & Fall.

Answer- I worked at Carpenter work for Armstrong some & built a barn in Wilson Junction for John F. Robinson.

Cross Inter 4th Have you at anytime had any communication with the Complainant Mary Armstrong or her Counsel Mep Barge & House or either of them respecting getting admissions or procuring evidence to be testified to by you in this case?

Answer- I deny it, the like was never asked of me by to do by none of the three.

Cross Inter 5th Have you not during the last summer & Fall under the disguised garb of Friendship for Defendant Armstrong, and with the assurance that you would not testify against him in this case, sought to procure admissions from him concerning his property.

Answer- I did not, everything he told me voluntarily & willfully - He wanted to know what I would prove for him against the damned old Cat, and he stated to me a part of what he wanted I should prove & I will prove it for him yet if it is required.

11 Cross Inter 6th Have you not been promised money or other compensation if by your testimony the Complainant Mary Armstrong succeeded in getting a divorce and a large amount of Alimony allowed her?

Answer - The like was never hinted to me or of in any manner whatever, I have proved what I have proved voluntarily.

Cross Inter 7th Have you not previous to this examination been requested by Complainants Counsel, Burge or Fouske or either of them to examine the Records of Lee County for the purpose of testifying to the property of Jacob Armstrong?

Answer - I deny it, I have no knowledge only what Jacob Armstrong told me himself concerning his property I doubt concerning other peoples ~~prop~~ ~~erty~~ business in this case or any other -

Cross Inter 8th State if you know when the Farm referred to by you in your answer to the 14th direct interrogatory was purchased by the defendant?

Answer - I do not know, It was after the year 1845. The time they were driving piles on the Illinois Central across the River he took me up to a site on his farm. he told me that that was his old farm he did not own the farm then he had sold it to a man by the name of Woodford.

Inter 15th Do you know of any attempts that the defendant has made, either of your ^{own} knowledge or from what Dept has to induce or entice any witnesses or witnesses on the part of the Complainant not to testify against the defendant in this cause.
(Question objected to by Counsel for Dept)

Answer — Mr Armstrong told me that he would find some one the money, to treat Mike Ryan & Mrs. Campbell so that they would shut up their mouth and not hurt him. That is all that I can say distinctly.

Subscribed and sworn to
before me this 15th day of
December AD 1862

William W D Wolf
Special Master,

W. T. Atchison

13. 215th John Daley a witness produced on the part of Complainant being first duly sworn on the 24th day of Jan 1863 deposed as follows to wit-

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

Answer 1st My name is John Daley my age Fifty-four my residence Palmyra.

Inter 2nd Do you know the parties to this suit, if you, how long have you known them?

Answer 2nd I have known them since the year 1851.

Inter 3rd Do you know of any Real Estate or Personal property or lands or lots, belonging to defendant Armstrong or which he claims to own or have an interest in, if you state fully and particularly

Answer I do know of some he has over the River, a house and Two lots that I sold him in July last, he has other property I suppose but I do not know where it is I have often heard him talk of other property but don't know what I could describe it. I do not know much about his personal property, I have seen him drive along a Horse & buggy do not know whether it was his or not.

Inter 4th State the value of the house and two lots that you sold him last summer and where the same is situated fully if you know?
(Quertin objected to by Counsel for Deft)

Answer- It is in North Dixon, Block Fifty-one Lot one & two, when I owned it last summer I valued it at Twelve hundred dollars.

Inter 5th How much did you receive for that property when you sold it to Mr Armstrong
(Objected to by Counsel for Deft)

Answer- There is a little further I ought to have stated I received Twelve hundred and twenty five dollars and I think there was another parcel of land that I forgot to state that went in with it a half Lot in Dixon in Block fifty one. East half of Lot one.

Inter 6th State if you know the value of the house and Buggy that you have seen Mr Armstrong driving

Answer- I should Judge that it ought to worth from One hundred and fifty to One hundred and Seventy five dollars, am not much acquainted with it merely pass along the road.

Inter 7th Do you know of any monies, notes, credits,

10. 217 or other evidence of indebtedness due or owing to defendant Armstrong, if you state particularly the kind and amount & from how the same is due & owing?

Answer - I do not.

Inter 8th Do you know of any other lands or lots or Real Estate of any kind belonging to defendant or in which he claims an interest, from your own knowledge or from knowledge derived from conversations had with said defendant if you state fully?

(Quertion objected to by Counsel for Defendant)

Answer - I have often heard him talk about his farm down where he lives I have been on to it, I dont know that he has got any more, I dont remember of his telling me of his having more
x at the . I have often heard him say that he had houses & lots in Town here I could not tell where they are, that he was receiving rent for.

Inter 9th Are you acquainted with the farm upon which the defendant has been living, during the last year, if you state the number of Acres in said farm, the quality of the land, Character of the improvements if any if you know and its distance from Dixon?

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Answer—

I do not know the number of acres. It is about as well improved, as any of our farms around, and I should ^{judge} about six miles from Town

Cross Examination

Cross Inter 1st State who now, occupies if any one the house and two lots sold by you to Jacob Armstrong last July, and who has occupied the same during the last Fall.

Answer A. J. Daley.

Cross Inter 2nd Is A. J. Daley a son of yours.

Answer— He is.

Cross Inter 3rd When you sold the said house and two lots in July last in what was the purchase price received by you.

Answer— do you mean what the pay was received in

Cross Inter 4th I mean what the pay was received in

Answer— On settlements of accounts that I was owing him.

Cross Inter 5th What was the real Cash value of said

17 219 house lots at the time that you sold them

Answer I do not know that I could tell you what it was.

Cross Inter 1st Could the said house & lots at the time they were sold by you been sold for more than six hundred dollars, in Cash.

(Question objected to by Counsel for Complaint)

Answer - I don't know that they could. I don't know that they could have been sold for cash right down.

Subscribed and sworn to
before me this 24th day of
June 1863.

John Daley,

Wm W D Wolf Special Master

Solomon Feuder being produced by the Com-
plainant, after being duly sworn on the 24th
day of June 1863. deposed as follows to wit

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

Answer my name is Solomon Feuder my age Fifty-one
years. I reside in Palmyra

Inter 2nd Are you acquainted with the defendant to
this suit Jacob Armstrong. if so how long have

220 you know him.

Answer I became acquainted with him & have known
six or seven years.

Inter 3rd Do you know of any property Real or per-
sonal, any rights or credits promissory notes or
other evidences of indebtedness which the defen-
dant owns or claims to own, if you state the same
fully?

Answer- Well I know that he claims forty acres of
land that he got of Albert Jensen's other farm
where he now lives & his horse & buggy I have
seen him driving that, that he called it his.
that is all I believe.

Inter 4th Is that all of your answer to that question?

Answer Yes.

Inter 5th Are you in manner indebted to An-
drew the defendant, if you, state the amount
of such indebtedness
(Question objected to by, Counsel for deft)

Answer Well sir! I am not indebted to him at
all.

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19. Inter 6th Have you ^{been} in any manner indebted to him within the past year

Answer - No sir! I do not recollect that I ever had any deal with him.

Inter 7th Do you know of any one else being indebted to the defendant

Answer No sir! I don't

Subscribed and sworn to before me this 24th day of Jan 1863.

His
Solomon X Fender
notary

Wm H Wolf Special Master

The complainant introduces John O'Neil as a witness whereupon Counsel for defendant protests against his being introduced as a witness on the ground that he has been once examined in chief by the Complainant on the 25th day of April A.D. 1862, and Cross-examined and discharged in this suit in relation to the same subject-matter.

John O'Neil a witness produced on the part of Complainant being first duly sworn deposed as follows to wit:-

Inter 10th Have you since the time you were examined before in this case, that is to say on the 25th day of April 1862, paid to the defendant Amstrong

20 Q²² any monies, if you state the amount on what account the same was paid and when?

Answer— Yes sir! I have paid him one hundred dollars I think it was the fourth of this month. He had a mortgage on Eighty acres of my land. I paid this money towards redeeming it.

Inter 2nd Are you still indebted to the said Armstrong of you in what amount.

Answer— I am indebted to him when I settled with him. I was to pay to him One thousand dollars, or I dont know but it was to James Charten as he was the man that was to give me a deed. James Charten told me that Armstrong could not give me a deed, he was the man that was to give me a deed.

Inter 3rd Was the one hundred dollars paid by you to Armstrong paid as part of the principal you owe him or only as interest

Answer— It ~~is~~ was paid towards redeeming the land

Inter 4th Were you to pay interest on the indebtedness if you, what rate of interest

Answer— I was to pay Ten per cent interest

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Q¹ Inter 2th When was the settlement made when it was understood between you and Armstrong that you owed him a Thousand dollars?
(Question objected to by Counsel for deft)

Answer - It was a year ago last Spring
John O'Neil

Subscribed and sworn to before me this 24th day of Jan 1868.

Joseph Ball a witness produced on the part of Complainant being first duly sworn deposed as follows to wit -

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

Answer - Joseph Ball is my name, my age about Thirty Six my place of residence. North Dixie.

Inter 2nd Do you know the parties to this suit, if you how long have you known them

Answer I have Mr Armstrong some Eight or Nine years. Mrs Armstrong between two three years.

Inter 3rd Do you know of any Real Estate, personal property, monies or credits or other evidences of indebtedness belonging to or due and owing to the Defendant or in which the defendant claims

22 224 to have an interest in, if you state fully & particularly

(Question objected to by defendant)

Answer Still I doubt.

Inter 4th Do you know anything about a certain house & lot situated in Berwents addition to Boston in which James F Kennedy now resides or has resided during the last year, if you state particularly all you know about the same.

(Question objected to by counsel for deft)

Answer Sometime in June 1860 I negotiated with Mr Gillett of Chicago for Mrs Armstrong the purchase of what I believe to be the same premises Mrs Armstrong had paid some hundreds of dollars, and being desirous that the property should be kept in the family requested me to see Mrs Armstrong, to see if she would not pay the balance due on the premises and take a deed in her own name. I saw Mrs Armstrong stated the proposal, to which she agreed, & on or about the 6th of June 1860 she drew nearly six hundred dollars out of State Bank, it might have been over, it might have been under that amount, which money I paid for Mrs Armstrong, receiving a deed from said Gillett to one John Coyne in trust for Mrs Armstrong. That is all I know about the case

Subscribed & sworn to before me this 26th day of } Joseph Ball
January 20 1863. - W. W. Duff, Special Master.

23 225 William W Heaton a witness produced on
part of Complainant being duly sworn deposed as
Jan 26th 1863. follows to wit -

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

Answer. My name is William W Heaton, my age
Forty Eight, my Residence, Winton

Inter 2nd do you know the parties to this suit, and
how long have you known,

Answer - I know the parties, and have known them
some ten or twelve years, I do not recollect
the exact time,

Inter 3rd do you know of any Real Estate, personal
property, promissory notes rights or credits, which
the defendant owns in his own name, or is the
equitable owner of, if you state the same fully,
(Question objected to by Counsel for Deft)

Answer - I do not know that he owns anything equitably
that he does not own in his own name, I know
that he has a farm that he claims to own on
which he resides, I know that he did own or
claims to own a house in Dement Town, known
as the Harris House, I do not remember the descrip-
tion of any other town property, I was Trustee
in relation to the Harris property and made a
sale of the same for his benefit, I sold some years

24 226 ago another house and lot. I do not now
remember when it was or who the parties were
I know that Mrs Armstrong is living on some
Town lots and that Mr Armstrong once lived there
with her. I do not know anything about the title
Armstrong holds, the legal title to some five or
six ~~hundred~~ acres of Iowa land which has
been equitably transferred, for the judgment of
an old debt of some Twenty five hundred dollars
due the Chicago Marine Fire and Insurance
Company, that is all the Real Estate that I now
recollect of his owning. I know of personal prop-
erty that he owns or claims to own a Horse and
Buggy. He also carries a Gold watch and Chain
supposed to be his. I do not recollect anything
else in way of personal property. As to Notes
he holds my notes I presume for about One
thousand dollars, and interest, and at the
rate of interest Mr Armstrong charged there was some
time ago some fifteen hundred dollars. due him
He owes me on account for legal services may be
two or three hundred dollars. He owes Heaton and
Goodwin five or six hundred dollars, and Heaton
and Atherton over six hundred dollars which is
agreed by, between the parties shall be applied
on my note to Armstrong. I do not know of any
other Notes or Accounts due Armstrong or that
he claims to own of my own knowledge. All
other knowledge that I have were from state-
ments to me made confidentially as his Attorney

25-227 in the relation of Attorney and Client.

Subscribed and sworn to before me this 26th day of
Jan 1863.

Wm W Wolf, Special Master

Timothy Sullivan a witness produced by
Complainant, after being duly sworn on the 26th
day of January A.D. 1863 deposed as follows.

Inter 1st What is your name, age and place of resi-
dence.

Answer - Timothy Sullivan, my age is about thirty
five years, residence Dixon.

Inter 2nd Do you know the parties to this suit, if you
how long have you known them?

Answer - I have known Mr Armstrong from four to
five years, don't know Mrs Armstrong only knew
her to know her Saturday.

Inter 3rd Do you know of your own knowledge
of any lands or lots, houses or farms, or Real
Estate of any kind that belongs to Mr Armstrong
or in which Mr Armstrong claims or has claimed
to have an interest in if so state the same fully

Answer. No I don't know of any lands or lots that

26 228 He owns, Well I know that he claims to have an interest in or has my note for two or three hundred dollars. The manner that he got this was in trust for some land. I dont know but it is paid, it ought to have been paid. At least one hundred and fifty five dollars was paid which balance is paid.

Inter 4th Has Mr Armstrong any claim or does he claim to have any claim against the land, the house and lot where you live. if you state fully what such claim is if any such exists or claims to exist

Answer- I dont know if he has any I dont own any house lot in town, I dont live in my own house.

Inter 5th Has Mr Armstrong any claim or does he pretend to have any claim against any of your property, if you state fully what it is.

Answer- Well that claim on the land that I spoke of, is all that I know of.

Inter 6th What land do you refer to in your answer to the last question

Answer, Eighty Acres of land in Dixon Township I cant give description

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27. Inter 7th Has Mr Armstrong any claim or does
he pretend to have any claim against the Eighty
Acres of land mentioned in your last answer.
if yes, state what said claim is for and the
Amount thereof.

Answer- He has my note and Trust deed against
the land for three hundred dollars of which
I paid One hundred and fifty five, and the
remainder should be paid before this, which
I think ^{it} is.

Inter 8th State if you know the value of the Eighty
Acres of land?

Answer- I do not.

Inter 9th Do you know of any other indebtedness
that is owing to the defendant Armstrong, if yes,
state fully all you know about the same.

Answer. I dont know of any.
Subscribed & sworn to before
on this 26th day of January, 1863. } Timothy Sullivan
Wm H K Wolf. Special Master }

Reuben Morrell a witness produced on the
part of the Complainant, being first on the
26th day of January 1863 duly sworn deposed
as follows.

230
25 Inter 1st What is your name, age and place of Residence.

Answer. My name is Reuben Merrill, my age Fifty years. my residence ditto.

Inter 2nd Do you know the parties to this suit?

Answer I do.

Inter 3rd Do you know of any Real Estate, lands or lots belonging to the defendant, or which he claims to own or have an interest, if yes, state fully all that you know about the same.

Answer, Well I dont know of anything that he owns or has any interest in at all, that all the interest I know of, is what I have heard from witnesses here.

Inter 4th Do you know of any notes or other evidences of indebtedness owing to the defendant Armstrong, if you state the same fully,

Answer. I dont know of any,

Inter 5th Are you in any way indebted to the defendant if yes, state in what manner & in what amount,

231

29. Answer - I am not indebted to him, not one cent.
Subscribed & sworn to before Reuben Merrill,
on this 26th 1863, Wm W Wolf Special Master

John W. Heeren a witness produced on the part of Complainant being first duly sworn on the 26th day of January A.D. 1863, deposed as follows.

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

Answer. My name is John W. Heeren, my age thirty-eight years, my residence is Gap Grove.

Inter 2nd Do you know the parties to this suit.

Answer - I know them both.

Inter 3rd Do you know of any land or farms or lots that belong to Defendant Armstrong or that he claims to own or has an interest in if so tell all you know about it.

Answer - Well the farm where I live he claims it as his, that is all I know about it and he has got a horse & buggy there. I don't know if it is his. About two years ago I bought a horse & cow of him, and a year ago I bought some four hogs of him, and lately I pay him Eighty dollars Cash, and the

232 balance. I have done a good deal of work for him. We have not settled & I do not know how we stand, may be I owe him some may be he owe me some I can't tell.

Inter ~~Answer~~ 4th When did you pay him the Eighty dollars for the work that you speak of in answer to the last question?

Answer - I cannot tell exactly when not very long ago about a week or so ago. I do the work last year the most of it.

Inter 5th Where is the farm on which you live and how many acres does it contain if you know state the same fully?

Answer - The farm is in Gap Cove, and I believe there is fifty or sixty acres plow land, and the balance is timber in all I think about one hundred and twenty acres. I can't tell exactly.

Inter 6th Do you know of any other land that belongs to Jacob Armstrong or that he claims to own. Tell all you know.

Answer - I don't know any more.

Inter 7th Do you know of any other personal property belonging to Jacob Armstrong or that he claims

31 233 to now, Tell all you know.

Answer, Art what I know,
Subscribed & sworn to before me }
this 26th day of Jan 1863 } John B. King, Notary,
Wm. H. Wolf, Special Master }

Thomas Scullion a witness produced by the
Complainant being first duly sworn on the 26th day
of Jan 1863 deposed as follows to wit-

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

Answer, Thomas Scullion, I am sixty five years of age
reside in Palmyra

Inter 2nd Are you acquainted with defendant, if yes
how long has been ^{that} acquaintance, has it been intim-
ate or otherwise?

Answer, I am acquainted with defendant, I am acquaint-
ed with both parties I have been acquainted Mrs
Armstrong about Twenty five years, I know Jacob
Armstrong eight or Ten years, I have been frequently
at this place.

Inter 3rd Do you know of any personal property, promissory
notes or other evidences of indebtedness which the defen-
dant owns or claims to own, and which he now has

possession of or which some other person holds for him either in his own name or in the name, or the parties in possession of the same if any such exist
(Question objected to by Counsel for deft)

Answer. I know of some personal property. I know of a horse & buggy and hammers. I know of his having a watch. I don't know of any other, hold on I do, I know of one fifty dollar note had from a Cousin of mine Moses Scallan.

Inter 4th Do you know of your own knowledge or from what Armstrong has told you whether James Charters holds any notes in which Armstrong has an interest or owns?

(Question objected by Counsel for deft)

Answer. I do not recollect of his telling me that James Charters had any notes belonging to him. I do not know of Charters having any of his notes of my own knowledge.

Inter 5th Do you know of any Real Estate belonging to the defendant or which he claims to own or which he has or claims to have an interest in. if yes, state & describe the same fully.

Answer. I do know of some. he claims the farm where he lives in Calumet, he claims Forty acres bought from

33. 235. Albert James in Sugar Grove some where. There are some houses in North Gifford that he speaks of seeing. I believe that is all that I know about.

Subscribed & sworn to before me
this 26th of Jan 1863.
Wm H D Wolf Special Master

Thos Scallan

Hugh Smith a witness produced on the part of Complainant being on the 26th day of Jan 1868 duly sworn depose as follows to wit

Inter 1st What is your name. age and place of residence?

Answer. My name is Hugh Smith, my age Fifty three
my residence Dixton.

Inter 2nd so you know the parties to this suit

Id.

Inter 2nd Are you in any way indebted to Jacob Armstrong
if yes, state the amount of such indebtedness. if any
such there be.

Answer- Will I owe him Two hundred dollars, that is about all I owe him.

Intro 4th Is this undoubtedly secured if gov. state in what manner?

34 Answer. Secured by a deed of Trust.

Inter 5th State if you know in whose favor the deed of Trust you speak of is, and upon what property it is given?

Answer Given on that piece that I own up the River at the end of Bluff where the old mill yard is.

Inter 6th Describe the property referred to in your answer to the last question and the building if any thereon or particularly as you can?

Answer. There is a story and one half house frame on it, on Road from Dixie to Grand Dixie It is a three cornered lot -

Inter 7th Of whom did you buy this property that you speak of?

(Auction objected to by Counsel for Deft.)

Answer. I bought of Mr. Armstrong. I traded him a Eighty acres of land.

Inter 8th How much is this property you bought of Armstrong worth?

Answer. Well sir, I could not tell

Inter 9th Who now lives on or owns the Eighty that you

35 Q37 traded to Armstrong

Answer His name is Merrill I don't know his first name I do not know who owns.

Inter 10th When did you trade that Eighty year spent of with Armstrong?

Answer I guess it was three years ago. I believe that it was three years this fall.

Inter 11th Do you know of any land, lots, farms or houses that belong to Jacob Armstrong or which he claims to own or of any notes or accounts that are owing or due to said Armstrong or in which he claims an interest, if yes, tell all you know.

Answer I do not sir.

Subscribed sworn to before me }
this 26th day of June 1863.
Wm W. W. Special Master

Hugh Smith

James C. Ayres a witness produced on the part of Complainant after having been duly sworn on the 26th day of June 1863 deposed as follows.

Inter 12th What is your name age and place of residence?

Answer My name is James C. Ayres my twenty seven my residence Dixon.

7/4/11
2.38
36 Inter 2nd Do you know the parties to this suit?

Answer I know one of them Jacob Armstrong don't know Mary.

Inter 3rd What is your business?

Answer Land Agent & Commercial Broker.

Inter 4th How long have you been in the land agency, and are you acquainted with the value of land in the State of Illinois and Iowa?

Answer I have been in the business some four years, and have some knowledge of the value of land in this State and Iowa.

Inter 5th State if you know the value of medium quality Prairie Land in the County of Polk and State of Iowa.

Answer It would depend on its location, it would range from one dollar to ten dollars per acre.

Inter 6th What is land of the quality mentioned in the last interrogatory situated in the Northern or North Eastern part, or Eastern part of the County of Polk and State of Iowa worth per acre unimproved land?

Answer From one to three or four dollars per acre.

37 239
Intw 7th State if you know the value of medium quality
unimproved Prairie or unimproved Timber land in
County of Blackhawk in the State of Iowa

Answer. Prairie Land I should say that is worth from
one to five dollars per acre. Timber land I would
not be competent to say not having dealt in it. it is
more valuable than prairie usually

Intw 8th Do you know the house in which William
Sprague lived last summer in the City of Dixon
County of Lee State of Illinois, if so state the value
of said house & lot.

Answer. I suppose I do last summer Mr Sprague
lived in Brick house. Well suppose that it is worth
Fifteen hundred dollars.

Intw 9th Are you acquainted with the house in
North Dixon in which Mr D'Eshon now lives
known as the Jenkins House if you state the value
of said House & lot.

Answer I do not know which House it is.

Intw 10th Do you know the place in which the Com-
plainant Mrs Armstrong lives. if you state the value of
said property

Answer I do not know the House.

2040
Inter 11th Are you acquainted with Lot four Block
Fifty one in North Dixon.

Answer No sir. I don't think that I am.

Inter 12th Are you acquainted with the two lots on
First Street immediately East of the Rail Road on
which are two Brick houses, ^{situated} in City of Dixon if
^{situated} you state the value of the same as far as
you know.

(Question objected to, by Counsel for Deft)

Answer Well I don't know the value. I know the houses
and have never having noticed them particularly.

Inter 13th Tell from their situation in the City and their
appearance, what in your opinion would be their
value.

Answer Well I don't know what I have any opinion I
might guess at it. I should say from Twelve to
Sixteen hundred dollars.

Inter 14th What in your opinion is the value of the
West half of the South West, quarter of Section
five Town nineteen North Range ten East 4th P.M.
County of Lee State of Illinois. Also the East half of
Lot one, in the North East fractional quarter Section
Six. Also the East of the South East quarter of Section
Six. Town 19 R ten East of 4th P.M. Also the number

241 of acres in such tract if you know. Also the West
Half of lot one of the North West fractional quarter
Section five Town nineteen R 10 East 4th PM.
(Question objected to by Counsel for West)

Answer - West half of lot one of the North West of Sec
five & West half of South West quarter section five
Town 19. R 10. there would be One hundred Twenty
Acres. & section six there would be One hundred and
Twenty Acres. The value of the land I don't know
Subscribed sworn to before me
this 26th day of Jan 1863. } Jason C. Ayres.
Wm W. Wolf Special Master }

John Dement a witness produced on the
part of Complainant being duly sworn on the 26th
day of January AD 1863 deposed as follows. to wit,

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

Answer - My name is John Dement, my age Fifty nine my
Residence Dixon

Inter 2nd Do you know the parties to this suit?

Answer - Yes.

Inter 3rd Are you acquainted with the house in
Dement Addition to the town of Dixon known as
the Ham's House in which Mr Foster lived last year

242 if you state the value of said property
(Objected to)

Answer Well I think the property is worth Eight Hundred Dollars.

Inter 4th Are you acquainted with the house: lot and Barn immediately East of the one you have just been speaking of where Capt Chump family now reside and which is known as the Chipman House if so state the value thereof.
(Objected to)

Answer- I am acquainted with the house premises. It is worth One thousand or twelve hundred dollars.

Inter 5th Are you acquainted with the lot in which are two Brick houses on south side of First street immediately East of the Rail Road in the City of Dixon if you state the value of the lot and houses.
(Objected by Council for deft)

Answer- I am acquainted with them. I think that located as they are, the houses and lots located as they are, are worth fifteen hundred or sixteen hundred dollars.

Inter 6th Are you acquainted with lot four Block Eighty two, in the City of Dixon. if you state the improvements on the same if any, and the value thereof

243 if you know,

(Objected to by Counsel for Deft)

Answer - There are no improvements on it at all. and the Lot is worth about Seventy five dollars.

Inter 5th Do you know who owns or claims to own the small brick house at the south end of the old Free Bridge in Merrill's Addition to Dixon, if you state the same and the value of said property.
(Question objected to by Counsel for Deft)

Answer - I do not know who owns it. I do not know the amount of ground. The house is probably worth one hundred dollars.

Inter 8th Are you acquainted with the value of good tillable in the County of Bureau State of Illinois if you state the value, the same as far as you know.

(Question objected to by Deft.)

Answer - Good unimproved arable land is worth from five to twenty dollars per acre in that County.

Cross Interrogatories

Cross Inter 1st What is the Cash value of the Harris House Chapman House, the two Brick Houses and the other lands testified to by you

244
43. Summ.

When I gave the value I gave it as cash value
in Currency in banknotes or other Currency

Subscribed sworn to before me

this 26th Jan 1863.

Wm Holf

John Devent,

I as such Special Master issued a Subpoena
for Elias B. Stiles returnable Jan 28th 1863. at the
Hour of nine o'clock. the said Stiles was also
at the said time and place as recited in Subpoena
to bring with him his books of accounts as Banker
from the year 1858 to the year 1861. in Jan of said
year. which said Subpoena was returned duly served
on the 27th day of Jan 1863. The said Stiles did not
obey the said Subpoena and did not appear as
Commanded to in said Subpoena.

All of which is Respectfully submitted

Wm Holf.

Special Master

Master Fees \$15.00

243

And be it further remembered that after-
wards to wit, ^{on the 13th May 1863 -} was filed in the Circuit
Clerk office at Rock Island a Deposition
on the part of defendant in the words
and figures following to wit:

State of Illinois } in the Lee County Circuit Court
Lee County } 18. February, Term A.D. 1863.

Mary. Armstrong

vs

Jacob. Armstrong

To the Hon Wm. H. Heaton

Circuit Judge for the 22^d Judicial Circuit
in and for the State of Illinois in Chancery
sitting

The undersigned who was appointed heretofore by an order of said Court duly entered Special Master in the above entitled Cause to take proofs on part of complainant and defendant on motion by complainant for ad interim alimony to prosecute the suit above entitled, would respectfully report to your Honor that in pursuance of such order he did procure the attendance of the witnesses and did on the 28th day of January A.D. 1863 and from day to day thereafter duly swearing the several witnesses hereinafter named to

246 tell the truth did take the proofs hereinafter written in full

John. Dement first being duly sworn on the 24th day of Jan 1863 deposed as follows to wit:

Inter 1st What is your name age and place of residence.

Answer 1st My name is John. Dement my age fifty nine years my residence Dixon Illinois.

Inter 2^d Do you know the parties in this suit?

Answer 2^d Yes.

Inter 3^d are you acquainted with the value of the Real Estate and property in Dixon and in Dements addition to Dixon.

Answer 3^d I am.

Inter 4th Do you know a house and lot in Dements addⁿ to Dixon belonging to the complainant Mary Armstrong, and for the last year occupied by James. J. Kennedy and now occupied by him as the tenant of the said Mary Armstrong

(Question objected to by council for complainant)

24th
Answer

4th Well I know the house that Mr
Kennedy resided and now resides in
I do not know I presume some of the
facts assumed in question. I do not
know who owns the house.

Inter

5th State what in your opinion is the
value of said house and lot's

Answer

5th I should say that a fair valuation
for that property w^old be from a thousand
to twelve hundred dollars.

Cross examination

Cross Inter

1st What is the cash valuation of that
property at this time?

Answer to

Cross Inter 1st It is my opinion that its
cash value is one thousand Dollars

Subscribed and sworn to John. Devent
before me this 24th day of
January A.D. 1863

Wm. W. D. Wolf Special Master

Owen. Finnegan a witness produced on
the part of Defendant being first duly
sworn on the 24th day of Jan A.D. 1863 deposed
as follows to wit:

Inter

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

Answer

1st My name is Owen Finnegan my age Sixty three I live in north Dixon.

Inter

3^d Do you know the parties to this suit?

Answer

3^d I do

Inter

3^d Do you know who owns or claims to own a certain brick or wooden house on a lot situated at the end of a Bluff this side of the brick yard on the road leading from Dixon to Grand-Detour?

Answer

3^d Yes the owners of it at the present time are ~~Tom~~ Hugh Smith.

Inter

4th State whether or not you ever owned the said premises?

Answer

4th Yes Sir I bought it,

Inter

5th When and of whom did you buy it?

Answer

4th I bought it about two year ago coming May of Hickney & A Neil of Chicago

249

Inter

5th How long did you own and to whom did you sell it?

Answer

5th I bought it in for Tom Smith and he was to have it when he paid me the money

Inter

6th When you bought it of Hickney & C. Niel two years ago coming next May did you buy it for the present owner Tom Smith
Question objected to by Council for Comple-

Answer

6th Yes, Sir

Cross Examination

Cross Inter

1st How do you know that Thomas. Smith & Hughey Smith own that property at the present time

Cross Answer

1st I cant answer the question only that Hughey Smith is living there that is all I know about his concerns. a man twenty miles off might own it for what I know.

cross Inter

2^d What is your occupation

Answer

3^d I sometimes labor for a living.

Subscribed and Sworn to before me

This 24th day of Jan 1863

Wm. H. D. Wolf Special Master

Owen. Finnegan

230 Richard Jordan being called on part of Deft-
after having been duly sworn on the 21st day
of Jan 1863. deposed as follows

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

Answer 1st My name is Richard Jordan my age
about fifty four my residence North Dixon

Inter 2^d Do you know the parties to this Suit-

Answer 2^d Yes Sir.

Inter 3^d Do you know any separate property
Real Estate, Monies, rents and profits that
which the complainant Mary Armstrong
has or claims in her own name or right-

Answer 3^d I do not know of any property belonging
to her except three Cows two of which Cows
I know belong to Mrs Armstrong, the third is
around there and she feeds her in the Stable with
the rest

Cross Interrogations

Cross Inter 1st How long has Mrs Armstrong had the Cows
you refer to?

251

Cross Answer

She had one Cow two years ago the other she had a year ago last Summer, the other I seen here around here about three Months ago she was a stray Cow to me, I noticed her going into her barn

subscribed and sworn to

before me this 24th day of
January A.D. 1863.

Richard ^{his} Jordan
M.D.

W. H. L. Wolf Special Master

Charles. Ruxton a witness produced on the part of the Defendant after being duly sworn on the 24th day of Jan 1863 deposed as follows:

Inter 1st what is your name age and place of residence?

Answer 1st Charles Ruxton Dixon my age twenty nine.

Inter 2^d Do you know the parties to this suit, if yea how long have you known them?

Answer 3^d I have known them five years very nearly six years

Inter 3^d Do you know of any separate property real estate, monies, rents, profits which the Complainant Mary Armstrong now has or

252 receives or has had and received during the time that you have known her if your answer be yes state fully and particularly the same both the nature or kind and amount of the same.

Question objected to by Council for Compt.)

Answer

3^d I don't know of any monies or rents that she now has, but I know that she has at different times the past five years deposited sums of money at the Bank of E. B. Stiles in her own individual name, that she deposited on the 5th of May 1838 two hundred and fifty three ³⁰/₁₀₀ dollars on the 28th day of April 1839 two hundred and fifty three ¹²/₁₀₀ dollars, on the 5th of July 1839 two hundred and fifty dollars, on the 29th October 1839 two hundred and sixty five ^{five}/₁₀₀ dollars, on the 7th day of January 1840 two hundred and seventy three dollars on the 30th day of April 1840 two hundred and seventy nine dollars

Inter

4th Do you know of any interest being paid by the said Stiles to the said complainant on monies so deposited if your answer be yes, stat how much and at what times.

Answer

4th The majority of the above sums she was paid, and she received interest at the rate

253 of ten per Cent per Annum perhaps upon all. I cannot state positively at present but I do know of Mr Stiles having paid Mrs Armstrong on the 7th day of June 1860 between Six and Seven hundred Dollars, which was composed in part of principal and in part of interest.

Cross Examination

Cross Inter 1st From what papers or book if any, did you make the memorandum from which you have testified and how came you to make it?

Cross Answer 1st I distinctly recollect of Mrs Armstrongs making these deposits and I refreshed my memory as to dates and amounts from an account showing what certificates of deposit were issued from the office of E. B. Stiles I refreshed my memory by request of Mr Armstrong who subpoenaed me as a witness in this case

Cross Inter 2^d Where is that account now and can you produce it?

Cross Answer 2^d The account is in the Ledgers of E. B. Stiles and I have no authority to produce the books without his Consent.

254
Cross Inter

3^d What business are you engaged in?

A. C. Answer

A. C. Ans

3^d I am engaged in keeping books and acting as Clerk for E. B. Stiles.

Council for Complainants here requests that the books containing the accounts from which the memorandum made by the witness was made be produced by the witness

Cross Inter

4th Do you refuse to bring the books?

Answer

4th I don't refuse I have no authority

C. Inter

5th Is the money of which you have been speaking now on deposit with E. B. Stiles?

Answer

5th It is not

C. Inter

7th How long since has it Council for Complainants either their pretext to the testimony of Charles Rixton upon the grounds as they assert that the books of accounts are not produced and the answers of witness are not put down in full.

Direct examination resumed

256

Direct Inter 3rd How long have you been engaged as Clerk and Keeping books of E. B. Stiles in his banking office?

Answer 3rd Since the Spring of 1857

D. Inter 6th State wheather or not the Minuto or entries in the books from which you have refreshed your memory were made by yourself as such Clerk or Book Keeper?

Answer to 1st Not entirely. Mr Peterson another Clerk of Mr Stiles kept the Ledger for a year or two after I came to Mr Stiles. he kept the Ledger and I the Journal so that he posted into the Ledger from my entries into the Journal.
subscribed and sworn to Charles Ruxton
before me this 24th day of Jan 1863
W^m W. D. Wolf Special Master

William W. Tilton a witness produced by defendant being on the 24th day of January A.D. 1863 Sworn to tell the truth. deposed as follows.

Inter 1st What is your name age and place of residence?

Answer 1st William W. Tilton. Palmyra aged forty

236 seven years.

Inter 2^d Do you know the parties to this suit-

Answer 2^d I do not know the plaintiff in this case
am acquainted with Jacob Armstrong

Inter 3^d Are you acquainted with the property known
as the Harvey Morgan farm or place in Palmyra
in the County of Lee and State of Illinois, where
the defendant lives or has lived for some time
back.

Answer 3^d I am

Inter 4th Are you acquainted with the value of
Real Estate and farms in said Palmyra in
and about the vicinity where the said Harvey
Morgan Farm is situated?

Answer 4th I hardly know how to get at that
question. I only know by what I have
paid for land in the same neighborhood
I bought land in the same neighborhood for
twenty dollars per acre in trade. I have
not known of any cash value for land in
that section for the last year or half or two
years

Inter 5th State if you know what would be the

257 real or true value of the said Harvey. Morgan place per acre at the present time or at any time within the last year?

Answer 3th. Knowing the situation of the farm as well as I do I would not pay over fifteen or eighteen dollars per acre for it.

Inter 6th Are you acquainted with forty acres of land in said Palmyra sold in the fall of 1861 by one Albert Jenness to said Jacob Armstrong and the value thereof?

Answer 5th I do not only as I have had occasion to assess it a couple of years.

Inter 7th Are you acquainted with the value of land in the neighborhood or vicinity of the said forty acres?

Answer 5th I am not.

Cross Examination

Cross Inter 1st Was the land you purchased for twenty dollars per acre improved or unimproved?

C. Answer 1st It was not all improved a part was improved but all good tillable land.

238
C. Inter

Qd When did you purchase this land at
twenty dollars per acre & were there any
buildings on it?

Answer Two years ago last Spring, there were
no buildings on it.

subscribed and sworn to W. W. Gitten
before me this 24 day of January 1863

W. W. D. Wolf Special Master

All of which is Respectfully
Submitted

Wm W. D. Wolf
Special Master

Masters fees \$3.

Witness one day each

237 And be it further remembered that afterwards
to wit: on the 13th day of May there was filed
for record in the office of Said ~~Rock Island~~ ~~County~~
Circuit Clerk of said Rock Island County
in the City and State aforesaid a record
from Lee County in the words and figures
following.

State of Illinois } S.S.

Lee County } Pleas in the Lee County Circuit
Court in the 22^d Judicial Circuit of the State
of Illinois, in a certain matter wherein
Mary. Armstrong was complainant and
Jacob. Armstrong defendant in an
action for Divorce. At a regular term
of the Lee County Circuit Court, begun and
holden at the Court House in the City of
Dixon, in said Lee County, at the second
Monday (the same being the tenth day of
February A.D. 1862) then being present,
Honorable William. W. Heaton Judge of
the said 22^d Judicial Circuit.

David McCartney States Attorney for said
22^d Judicial Circuit

Benjamin. F. Shaw Clerk of Said Lee
County Circuit Court and Aaron. L. Porter
Sheriff of said Lee County. Be it remember-
ed, that on the tenth day of February A. D.
1862 (the same being one of the regular days
of said February Term) the following proceed-

260 sittings were had in said cause, as appears to us of record, that is to say:

Mary. Armstrong }
vs } Bill of Divorce
Jacob. Armstrong }

On this 10th day of February comes the complainant by Barge & Fausse her Solicitors, also comes the defendant by Goodwin his Solicitor; and on the said complainant's motion, cause is by the Court given to file petition for Alimony ad interim, and cause is also given to the said complainant to take proofs on the motion for such alimony before William W. De Wolf Esq. (who is hereby appointed a Special Master in Chancery in this cause) and on the motion of said defendant, cause is also given him to take proofs on the said motion for alimony before the said Special Master, and the said Special Master is directed to report at a subsequent term of this Court, and afterwards on the 13th day of February again comes the said defendant by his said Council and enters his motion to strike from the files the said complainant's petition for alimony filed in this cause."

261 And afterwards to wit; at another regular term of the said Lee County Circuit Court, begun and holden at the Court House in the City of Dixon aforesaid on the first Monday of May Anno Domini One Thousand Eight hundred and Sixty Two: then present:

Hon William W. Heaton Judge presiding
Benjamin F. Shaw, Clerk as aforesaid
and

Aaron S. Porter Sheriff as aforesaid

Be it remembered that on the fifth day of May A.D. 1862 (the same being one of the regular days of the said May Term) the following proceedings were had in said cause as appears to us of record to wit:

"Mary. Armstrong }
vs } Bill for Divorce
Jacob. Armstrong }

On this fifth day of May A.D. 1862. Comes the Complainant, in this Suit by Barge & Foulke her Solicitors and on her motion she has come to amend her bill of complaint herein, and afterwards to wit at another ^{regular} term of the Lee County Circuit Court, begun and holden at the Court House in the City of Dixon, in said Lee County, on the fourth Monday (the same being the 24th day of November A.D. 1862.) There being present

262 Honorable Tri. C. Wilkinson Judge
of the Sixth Judicial Circuit (in exchange)
David McCartney States Attorney for said
22^d Judicial Circuit, Benjamin F. Shaw
Clerk of said Lee County Circuit Court
and Aaron E. Porter Sheriff of said Lee
County. Be it remembered, that on the tenth
day of December A. D. 1842 (the same being one
of the regular days of said November Term) the
following proceedings were had in said cause,
as appears to us of record, that is to say:

Mary Armstrong }
vs } Bill for Divorce
Jacob Armstrong }

On this tenth day of
December, in the year of our Lord one thousand
Eight hundred and Two, comes the Complainant
by Barger & Fouke her Solicitors, and of Counsel
for said Complainant also comes the defen-
dant by Heaton & Godwin Solicitors and of
Council for said defendant, and thereupon
this cause is set for hearing on amended bill,
Answer, and Replication herein ordered that the
questions of fact arising herein be referred
to a jury for inquiry and thereupon came a
jury of good and lawful men to wit: William
Keder, Amos. Henssey, Andrew. Stubbs, Robert
E. Neil, George. G. Rosebrook, John. S. Fleck,
James. Croniclee, John. Daley, John. Murphey

263 Stephen. H. Finley. Milam. R. Barnes. and
John. Gausson. who were duly elected tried and
sworn well and truly to try the questions
of fact arising herein, and the said jury after
hearing the evidence return a verdict that
the defendant herein, is guilty of the acts of
Adultery with Mrs Stevens and Mrs Emery
as charged in the said Complainants bill of
Complaint herein. And now on the 12th day of
December aforesaid it is ordered adjudged
and decreed by the Court, and this Court by
the power and authority therein vested doth
order, adjudge and decree, that the marriage
contract heretofore existing between Mary
Armstrong the Complainant herein, and
Jacob Armstrong the defendant herein, be
dissolved, annulled, set aside, and for naught
estimated, to all intents and purposes as if
the said marriage contract had never been
made, and it is ordered by the Court, that
the questions of alimony, and the custody of
the children be reserved for further con-
sideration, and decision, at some future term
of this Court. And now on motion of said Counsel
for the Complainant, reference is made to
William. M. De Wolf Esq. as Special Master to
make and report proper testimony to be used
on the hearing of said questions, and it is now
ordered by the Court, that the said complainant
and the said defendant, are to retain respec-

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tively the children now in their custody, but not to remove them from this State, or permit them to go beyond the same, and it is further ordered by the Court, that the defendant pay to the complainant herein for temporary alimony, the sum of twenty dollars per month to be paid on the first day of each and every month, beginning on the first day of January next, and to continue until further order of this Court in this behalf.

And afterwards at another term of the Lee County Circuit Court, begun and holden at the Court House in the City of Dixon, in said Lee County, on the second Monday the same being the ninth day of February A. D. 1863 (then being present Honorable, William. W. Heaton Judge of the said 22^d Judicial district, David McGartney States Attorney for said 22^d Judicial district Benjamin. F. Shan clerk, of said Lee County Circuit Court, and Charles B. Lynn Sheriff of said Lee County, Be it remembered, that on the twenty fourth day of February A. D. 1863 (the said being one of the regular days of said February term) the following proceedings were had in said cause, as appears to us of record, that is to say:

Mary. Armstrong	}	Alimony
vs		
Jacob. Armstrong		

265 now on this day by agreement of the
respective Counsel for said parties
inasmuch as that the Judge of this Court
has been by counsel herein it is now
ordered that the venue thereof be changed
to the County of Rock Island in the Sixth
Judicial Circuit of this State, and the Clerk
of this Court is directed to make a transcript
of all of the proceedings of record in this case,
and that he transmit the same together with all
of the original papers filed herein to the
Clerk of the Circuit Court of said Rock
Island County

State of Illinois } S.D.

Lee County } I Benjamin F. Shaw
Clerk of the Circuit Court in and for said
Lee County in the State aforesaid do hereby
certify that the foregoing is a correct
Transcript of all the proceedings of
record in said cause now in my office;
and said papers are lettered as follows to wit:
Bill for Divorce A; Summons B; Petition
for ad litem Alimony C; Demurer & Answer
D; Notice to take Depositions E; Notice to
take Depositions & Interrogations F; Amended
Bill of Complaint G; Repleation H; Petition
of Communion to take depositions I; Proceedings
of petition J; Depositions K; L; M; N; O;
Answer to amended bill P; Verdict Q

266 Subpoenas before Special Master "L" & Spat
in Circuit Court "L" Affidavits of Witnesses
"P" In Testimony whereof I herewith
set my hand and the Seal of said Court
at Dixon this 29th day of April A. D. 1863



Wm. R. Shaw
five cents

Benjamin F. Shaw Clerk
for Joseph Ball, D.C.

Bill of Costs in said Cause F. Page 214

Doc case 80 cts 4 continuances 80 cts, app't. Sub 25 cts Duns riding 140 cts fil 9/4/83, 2 off 25	3.10
mo to file petition for alimony 20, mo to take procs 20, 2 orders themselves 40 and app. 40	.80
Writ 20, mo to have to amend bill 20, ord grant. Cause 20, 2 orders upon deposition 40 cts	1.00
Decisions & postage 50, app. & filing depositions 10, mo set case for hearing 20, order on app. 20	1.06
ord try leg pay 20, 6.40 for fil 2.70, ord call jury 20 call day jury 15, 70 calls, 20 cts, app. 70 cts	4.00
Ent. verdict 10 cts & decree 25, pro 10, Sub 15, Rec'd decree 100 and as to children 20	1.80
order as to alimony 20 mo for referees 20 ord granting leave 20, and as to payment of alimony 20	.80
order to change venue 20 ord make transcript 20 ord send app. papers 20, Plurimp 80 cts	1.11
Transcript Certificate & Seal & Postage 3.70, attachment 25, Bill of Cost 30, Copy 20 Cost 30 Seal 35 cts	4.60
Sheriff Fees (Filer) Duns 1.00 (Rec'd) App 2.00 (Stevens) App 1.00 App 40 cts App 63 App 1.00	6.85
Witnesses & Attorney, Remuneration 10.00, 10.00, 10.00, 10.00, 10.00, 10.00, 10.00, 10.00, 10.00, 10.00	19.00
" " M. J. Campbell 5.00 James M. Henry 8.00 J. B. Chautau 1.00 J. Ball 4.00	12.60
Two depositions: W. M. De Wolf 2.00 M. L. Blunt 6.00 Henry Morgan 2.00 J. M. Johnston 3.40	50.17
J. Jordan constable 5.25, Witnesses: J. Ball 1.00, J. F. Kennedy 1.00, W. L. L. 1.00, E. B. L. 1.00, C. B. L. 1.00	14.25
Hugh Bluff 1.00, Champion Miller 1.00, J. Jennings 1.00, J. C. Neil 1.00, Thos Ems 1.00, Thomas Deaton 1.00	6.00
John H. Heaton 1.00, Michael Ryan 1.00, J. P. Renschert 1.00, Roy Stewart 1.00, J. E. Armstrong 1.00	5.00
E. W. Hines 1.00, J. Smith 1.00, B. C. Deaton 1.00, Thos Deaton 1.00, H. F. Church 1.00, Hanna Church 1.00, C. B. Deaton 1.00	7.15
Jury Fees	3.00
Total	142.28
Def't Cert: 1 ap Def't & Sal 25 cts fil 4 pro 20 2 mo for cause to take procs 20	.85
2 orders granting leave 40 two orders to report 40 mo to strike from file 20	1.00
order as to custody of certain children 20 bill of costs 30 Copy 20 Doc. Fee 2.20	3.20
Total	147.33

I certify the foregoing to be a correct Transcript of the Bill
of Costs in said cause.

Benjamin F. Shaw Clerk
for Joseph Ball, D.C.

Deft paid \$5.00 on costs

Q67 And be it further remembered that afterwards to wit on the 6th day of February A.D. 1863 in the Circuit Court held in the City of Rock Island County and State of Iowa the following proceeding before the Judge of said Court was had and decree was entered and filed in the Circuit Clerk's office of said Court in the words and figures following to wit:

State of Illinois } S.D.
Rock Island County }

Rock Island County Circuit Court

January Term A.D. 1864

Mary Armstrong

Complainant

vs

In Chancery. Divorce. Alimony &c

Jacob Armstrong

Defendant

February 5th 1864 This cause being now brought on for the hearing and decision by the Court of the questions of alimony and the custody of children which questions were by the decree of the Lee County Circuit Court in this cause at its November Term A.D. 1862 reserved for consideration and decision and the venue of said cause having been changed to the County of Rock Island by an order of said Lee County Circuit Court made and entered into at its February Term A.D. 1863 and the said cause being now heard by this Court upon the amended bill answer

replecation, verdict of the Jury upon the questions of divorce had and determined in the Circuit Court of Lee County aforesaid, and upon the testimony taken returned and filed in the cause, and the Court having duly heard the said cause, as to the said matters reserved as aforesaid and the arguments of the solicitors for the said parties respectively and being now sufficiently advised of and concerning the premises, it is by the Court ordered adjudged and decreed that of the two children issue of the Complainant and the defendant, who are minors namely Jacob Armstrong, aged about twelve years, and Mary Francis Armstrong, aged about nine years, the said Complainant have the sole care custody and control of the said Mary Francis, during the period of her minority, or until it shall be hereafter otherwise ordered and adjudged. It is further ordered adjudged and decreed that for her proper and necessary alimony and allowance in this cause the said complainant shall have recover and receive of and from the defendant, and his estate and property, the premises known as the homestead and being described as Lots numbered Three (3) Four (4) Five (5) Six (6) and Seven (7) in Block numbered Sixty-three (63) in that part of the City of Dixon known as North Dixon, and being in the County of Lee and State of Illinois, to have and to hold in her own right, and in

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fee simple forever. and that the defendant
 convey the same to the complainant by good
 and sufficient deed of conveyance, within thirty
 days from the date of this decree, and in default
 therein that the Master in Chancery of said Lee
 County make and execute to the complainant
 the said deed of conveyance for and on behalf of
 said defendant. and further, that the said com-
 plainant for alimony &c as aforesaid, also have
 and receive of and from the said defendant the
 sum of Twenty Seven hundred and fifty Dollars
 to be paid to the said ~~defendant~~ complainant
 by the said defendant, in lawful money,
 at the times following, viz: Seven hundred
 and fifty dollars on or before the first day of
 March A.D. 1864, and one thousand dollars
 on or before the first day of September
 A.D. 1864 and one thousand dollars on or
 before the first day of March A.D. 1865 with
 interest on each of said sums at the rate
 of six per cent per annum from the date of
 this decree. that the defendant also pay to
 the complainant's solicitors Messrs Barger &
 Houke, or to the Clerk of the Lee County Circuit
 Court for their use and subject to their order
 the sum of two hundred dollars on and for
 their reasonable fees for services rendered to the
 said Complainant or her solicitors in the pro-
 ceedings of her said bill of complaint herein.
 It is ^{further} ordered adjudged and decreed that this

decree shall not be held or construed to re-leave the defendant from the payment of any part of the temporary allowance heretofore ordered in this cause, and which may remain unpaid, but said order of allowance shall be held as of full force from the date of this entry, thereof up to the date of this decree, and that so much of said allowance as remains unpaid be paid by the defendant to the Complainant upon the filing of this decree. It is further ordered adjudged and decreed, that from and after the filing of a copy of this decree in the office of the clerk of the Circuit and ex officio recorder of Lee County in the State of Illinois the same, and the sums of money ^{above} adjudged and decreed to be paid by the said defendant, with interest thereon as aforesaid, shall be and are hereby declared to be a lien in like manner as a judgment at law, upon all and singular the goods and Chattels, lands tenements and real estate of the defendant situate and being in said Lee County, and if the said sums of money so ordered to be paid by the defendant as aforesaid, shall not be paid at the times above specified and ordered the said complainant may have execution for the said sums respectively as they become due and payable or may have an attachment against the body of the defendant or in case of contempt, or the said complainant may elect, finally it is ordered adjudged and decreed that the defendant

271 pay the costs of this suit and execution may
issue therefore.

And the said defendant now prays an appeal
from this decree to the Supreme Court of the
State of Illinois. which said appeal is allowed
provided the said defendant within thirty days
from this date execute to the complainant and
file in this cause in this Court a bond
with Elias B. Stiles of Dixon Illinois as Secur-
ity in the penal sum of Four thousand dollars
and Conditioned as required by law in such
cases.

Rock Island February 6th 1864

Era O. Wilkinson
Judge &c

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And be it further remembered that afterwards to wit on the 3rd day of March AD 1864 there was filed in the Office of the Circuit Clerk of Rock Island County, in the City of Rock Island and State of Illinois an Appeal Bond which is in the words and figures following to wit,

Know all men by these presents, that we Jacob Armstrong of Palmyra in the County of Lee and State of Illinois as principal and Elias B. Stiles of Dixon in the County of Lee and State of Illinois as security are held and firmly bound unto Mary Armstrong of Dixon in the County of Lee and State of Illinois in the penal sum of Four Thousand dollars, for the payment of which well and truly to be made we jointly and severally bind ourselves our heirs executors administrators and assigns, Witness our hands and seals this 20th day of February AD 1864

The condition of the above obligation is such that whereas at the January Term of the Rock Island Circuit Court for the year of our Lord One thousand Eight Hundred and Sixty four, in the matter of the application of the said Mary Armstrong against the said Jacob Armstrong for Alimony and the custody of Children, issue of the said Mary Armstrong and Jacob Armstrong which questions were by the decree of the Lee County Circuit Court in said cause at the November Term AD 1862 reserved for consideration and decision and the venue of said cause having been changed to the County of Rock Island by the order of

273 said Lee County Circuit Court made and entered at its February Term A.D. 1863. the said Mary Armstrong obtained a decree of said Rock Island Circuit Court that of the two children issue of the Complainant and the defendant who are minors, namely Jacob Armstrong and Mary Frances Armstrong, the said Complainant Mary Armstrong have the sole care, custody and control of the said Mary Francis during the period of her minority or until it shall be thereafter otherwise ordered and adjudged, and that the said defendant Jacob Armstrong have the sole care, custody and control of the said Jacob during the period of his minority or until it should be thereafter otherwise ordered and adjudged, And that for her proper and necessary alimony and allowance in said cause the said Mary Armstrong have, recover and receive of and from the said defendant Jacob Armstrong and his estate and property Lots three (3) Four (4) Five (5) Six (6) and Seven (7) in Block Sixty three (63) in North Dixon in the County of Lee and State of Illinois, to have and to hold in her own right and in fee simple forever, And that the said defendant Jacob Armstrong convey the same to the said Mary Armstrong within Thirty days from the date of said decree, and in default thereof that the Master in Chancery of said Lee County make and execute such deed of conveyance And that the said Mary Armstrong also have and recover of and from said Jacob Armstrong the sum of Twenty seven hundred and fifty dollars to be paid to the said Mary Armstrong as follows viz,

Q 74 Two hundred and fifty dollars on or before the first day of March A.D. 1864. One thousand dollars on or before the first day of September A.D. 1864. and One thousand dollars on or before the first day of March A.D. 1865. with interest on each of said sums at the rate of six percent per annum from the date of said decree. And also that the said Jacob Armstrong pay to Messrs Borge & Frouke or to the Clerk of the Lee County Circuit Court for their use and subject to their order the sum of Two hundred dollars as and for their fees for services rendered to said Mary Armstrong as her solicitors in prosecuting her said Bill of Complaint therein

And also that so much of the temporary allowance theretofore ordered in said cause as remained unpaid, be paid by the said Jacob Armstrong upon the filing of said decree. And also that from and after the filing of a copy of said decree in the office of the Clerk of the Circuit Court and Ex officio Recorder of Lee County in the State of Illinois the same and the sums of money in said decree adjudged and decreed to be paid by said Jacob Armstrong with interest thereon should be and were thereby declared a lien in like manner as a judgment at law, upon all and singular the goods and Chattels, lands Tenements and Real Estate of ^{paid} Jacob Armstrong situate and being in said Lee County. And if the said sums of money so ordered to be paid by the said Jacob Armstrong should not be paid at the times specified and ordered by said

275th decree the said Mary Armstrong might have execution for the said sums respectively as they should become due and payable, or that the said Mary Armstrong might have an attachment against the body of said Jacob Armstrong as in Cases of Contempt, as the said Mary Armstrong might elect. And also that the said Jacob Armstrong pay the Costs of said suit and that execution might issue therefor.

From which said decree the said Jacob Armstrong at the time of the rendition thereof prayed an appeal to the Supreme Court of the State of Illinois which said appeal was allowed on condition that the said Jacob Armstrong within thirty days from the sixth day of February 1856 of the date of said decree execute to the said Mary Armstrong and file in said cause in said Court a bond with the said Elias B Stiles as security in the penal sum of Four thousand dollars, and conditioned as required by law in such cases.

Now therefore if the said Jacob Armstrong shall well and truly perform and pay said decree, costs, interest, and damages in case said decree shall be affirmed, and also prosecute his said appeal without delay then this obligation to be void otherwise to remain in full force and virtue.

Jacob Armstrong
Elias B Stiles

sent
sent

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State of Illinois } ss

Rock Island County } I, Edward H Bowman

Clk of the Circuit Court,

within and for said County, hereby Certify that
the foregoing is a full true and correct Copy
of the Record and the several papers in the
case of Mary Armstrong agt Jacob Armstrong
as the same now remains of Record in my
said Office in said County and State aforesaid
in the City of Rock Island.

Witness my hand and Seal
of said Court Affixed this
24th day of March AD 1864
Edward H Bowman Clk
per Robert Thompson Dykott



State of Illinois } In Supreme Court
Third Grand Division } ss } 1st April Term AD 1864

Jacob Armstrong
Appellant }

Mary Armstrong
Appellee }

Assignment of errors

And now the said

James Armstrong Appellant comes and says, that in the record and proceedings aforesaid there is manifest error in this writ.

First, The Court ruled in decreeing alimony and allowance to the Complainant in said cause.

Second, The Court ruled in decreeing that the said Complainant have, recover and receive of and from the defendant and his estate and property, lots three (3), four (4), five (5), six (6) and seven (7), in Block Sixty-three (63), in that part of the city of Dixon known as North Dixon, being in the County of Lee and State of Illinois, to have and to hold in her own right; and in fee simple, forever.

Third, The Court ruled in decreeing that the defendant convey the said real estate to the Complainant; by deed of conveyance, within thirty days from date of decree, and in default thereof, that the Master in Chancery of Lee County make and execute such deed for and on behalf of the said Defendant.

Fourth, The Court ruled in decreeing that the Complainant; for alimony, &c., as aforesaid, also have and recover of and from the defendant the sum of Twenty Seven hundred and fifty Dollars to be paid with interest thereon, as expressed and provided in said decree.

Fifth, The Court erred in decreeing that the defendant pay to the Complainant's Solicitors, Messrs. Barge & Houke, or to the Clerk of the Lee County Circuit Court, for their use, and subject to their order, the sum of two hundred dollars for their fee for services rendered in the complainant as her Solicitors in the prosecution of her said bill of Complaint therein.

Sixth, The Court erred in decreeing, that after the filing of a copy of said decree in the office of the Clerk of the Circuit Court; and of the Recorder of Lee County, in the State of Illinois, the same, and the sums of money above adjudged and decreed to be paid by the defendant, with interest thereon, should be a lien, in like manner as a judgment at law, upon all and singular the goods and chattels, lands, tenements and real estate of the defendant, situate and being in said Lee County.

Seventh, The Court erred in decreeing, that if the said sums of money so ordered to be paid shall not be paid at the times specified in said decree, the Complainant might have execution for the said sums respectively as they became due or payable, or an attachment against the body of the defendant, as in case of contempt, as the Complainant might elect;

Eighth. The Court erred in not decreeing that the defendant pay to the Complainant, in proper installments, for her Alimony and Maintenance, an Annual Amount sufficient to support and maintain her in a manner suited to her rank and condition in life and the defendant's fortune, taking into account the separate property and annual income of the complainant in her own right; instead of decreeing the Complainant out of the estate of the defendant, real estate and money in gross.

Ninth. The Court erred in not decreeing that the complainant should maintain and support the said minor child, Mary Frances Armstrong, by said decree committed to her custody during the minority of said child.
By reason whereof the Appellant prays that said decree and judgment may be reversed &c

By George P. Goodwin for
the Appellant.

State of Illinois } In Supreme Court
Third Grand Jurisdiction } To April Term A. D. 1864.

May Armstrong. Appellee.
 vs.
 Jacob Armstrong. Appellant.

Forfeited in error.

And now comes the said Mary Armstrong, Appellee, by Barge and Fowler, her Attorneys, and says that there is no error, either in the record and proceedings aforesaid, or in giving judgment aforesaid, ~~and~~ ^{and} in rendering the decree aforesaid, in manner and form as above assigned; and therefore, she prays that the said judgment and decree may be affirmed, and that her costs may be adjudged to her re.

Barge & Lumber
Stops for Apples.