BRIEF OF TITLE

TO

NINE TRACTS OF LAND

LYING AND BEING IN

DISTRICT No. 3 of Depreciation Lands,

FORMERLY IN THE

COUNTY OF WESTMORELAND,

BUT NOW

Partly in Allegheny Co. and partly in Butler County,

IN THE

STATE OF PENNSYLVANIA.





LIBRARY

78



BRIEF OF TITLE

TO

NINE TRACTS OF LAND

LYING AND BEING IN

DISTRICT NO. 3 OF DEPRECIATION LANDS,

FORMERLY IN THE

COUNTY OF WESTMORELAND,

BUT NOW

Partly in Allegheny Co. and partly in Butler County,

IN THE

STATE OF PENNSYLVANIA.

PHILADELPHIA:

E. C. MARKLEY & SON, PRINTERS, 422 LIBRARY STREET.

1869.

04 M 7 1 7 7 1 65 6 5

Brief of Title

то

ALL THOSE CERTAIN Nine Several Tracts or Pieces of Land, lying and being in District No. 3, of Depreciation Lands, formerly in the County of Westmoreland, but now partly in the County of Allegheny and partly in the County of Butler, in the State of Pennsylvania.

1. ONE OF SAID TRACTS, No. 91, called "*Le Metge*," containing 207 acres 87 pers., and allowance of six per cent. for roads, &c.

2. ONE OTHER of said tracts, No. 92, called "*Naufonds*," containing 207 acres 87 pers., and allowance of six per cent. for roads, &c.

3. ONE OTHER of said tracts, No. 93, called "*Montplaisir*," containing 207 acres 87 pers., and allowance of six per cent. for roads, &c.

4. ONE OTHER of said tracts, No. 96, called "Montbarbat," containing 245 acres 45 pers., and allowance of six per cent. for roads, &c.

5. ONE OTHER of said tracts, No. 97, called "*Clerac*," containing 245 acres 45 pers., and allowance of six per cent. for roads, &c.

6. ONE OTHER of said tracts, No. 102, called "Jacob's Retreat," containing 216 acres 156 pers., and allowance of six per cent. for roads, &c.

7. ONE OTHER of said tracts, No. 103, called "*Marsac*," containing 216 acres 156 pers., and allowance of six per cent. for roads, &c.

8. ONE OTHER of said tracts, No. 108, called "*Beaupre*," containing 349 acres 80 pers., and allowance of six per cent. for roads, &c.

9. AND THE OTHER OF THEM, No. 109, called "Lamoth," containing 349 acres 80 pers., and allowance of six per cent. for roads, &c.

1786. September 1.

1786.

Datent.-The Supreme Executive Council of the Com-Produced. monwealth of Pennsylvania to Stephen Dutilh, in fee for a certain tract of land, called "Le Metge," situate on the north-west side of the River Ohio, in the County of Westmoreland; beginning at a white oak; thence by Lot No. 87, west 160 pers. to a post; thence by Lot No. 90, south 220 pers. to a post; thence by Lot No. 95, east 160 pers. to a post; thence by Lot No. 92, north 220 pers. to the place of beginning; containing 207 acres 87 pers., and allowance of six per cent. for roads, &c., with the appurtenances; (which said tract of land was surveyed by Samuel Nicholson, one of the Deputy Surveyors of District No. 3, and which said described tract is marked in the survey and plan of the said District No. 91, and was sold to Matthew J. Ellinkhuysen, at public auction, he being the highest and best bidder, who released the same to the said Stephen Dutilh.)

Consideration £5 3s. 9d.

Inrolled October 23, 1786, in Patent Book No. 7, page 258.

Datent.—Same to same, in fee for a certain tract of land, September 1. Produced. called "Naufonds," situate on the north-west side of the Allegany River, in the County of Westmoreland; beginning at a white oak; thence by Lot No. 91, south 220 pers. to a post; thence by Lot No. 96, east 160 pers. to a post; thence by Lot No. 93, north 220 pers. to a post; thence by Lot No. 88, west 160 pers. to the place of beginning; containing 207 acres 87 perches, and allowance of 6 per cent. for roads, &c., with the appurtenances; (which said tract of land was surveyed by Samuel Nicholson, one of the Deputy Surveyors of District No. 3, and which said tract is marked in the survey and plan of said District No. 92, and was sold to Matthew J. Ellinkhuysen, at public auction, he being the highest and best bidder, who released the same to the said Stephen Dutilh.)

Consideration £5 3s. 9d.

Inrolled October 23, 1786, in Patent Book, No. 7, page 257.

Patent.—Same to same, in fee for a certain tract of land, ^{1786.} September 1. called "Montplaisir," situate on the north-west side of the Produced. River Ohio, in the County of Westmoreland; beginning at a white oak; thence by Lot No. 89, west 160 pers. to a post; thence by Lot No. 92, south 220 pers. to a post; thence by Lot No. 97, east 160 pers. to a post; thence by Douglass' District, north 220 pers. to the place of beginning; containing 207 acres 87 pers. and allowance of six per cent. for roads, &c.; (which said tract of land was surveyed by Samuel Nicholson, one of the Deputy Surveyors of District No. 3, and which said tract is marked in the survey and Plan No. 93, and was sold to Matthew J. Ellinkhuysen, at public auction, he being the highest and best bidder, who released the same to the said Stephen Dutilh.)

Consideration $\pounds 2$ 11s. 10d.

Inrolled October 23, 1786, in Patent Book No. 7, page 263.

Datent.—Same to same, in fee for a certain tract of land, September 1. called "Montbarbat," situate on the north-west side of the River Ohio, in the County of Westmoreland; beginning at a post; thence by Lot No. 100, east 160 pers. to a post; thence by Lot No. 97, north 260 pers. to a post; thence by Lot No. 92, west 160 pers. to a post; thence by Lot No. 95, south 260 pers. to the place of beginning; containing 245 acres 45 pers, and allowance of six per cent. for roads, &c.; (which said tract of land was surveyed by Samuel Nicholson, of the Deputy Surveyor's District No. 3, and which said tract is marked in the survey and plan of the said District No. 96, and was sold to Matthew J. Ellinkhuysen, at public auction, he being the highest bidder, who released the same to the said Stephen Dutilh.)

Consideration £3 1s. 4d.

Inrolled October 23, 1786, in Patent Book No. 7, page 259.

1786. September 1. Produced.

Patent.—Same to same, in fee for a certain tract of land, called "Clerac," situate on the north-west side of the River Ohio, in the County of Westmoreland; beginning at a hickory; thence by Douglass' District, north 260 pers. to a white oak; thence by Lot No. 93, west 160 pers. to a post; thence by Lot No. 96, south 260 pers. to a post; thence by Lot No. 101, east 160 pers. to the place of beginning; containing 245 acres 45 pers., and allowance of six per cent. for roads, &c., with the appurtenances; (which said tract of land was surveyed by Samuel Nicholson, one of the Deputy Surveyors of District No. 3, and which said described tract is marked in the survey and plan of the said District No. 97, and was sold to Matthew J. Ellinkhuysen, at public auction, he being the highest bidder, who released the same to the said Stephen Dutilh.)

Consideration £3 1s. 4d.

Inrolled October 23, 1786, in Patent Book No. 7, page 256.

1786. September 1. Produced.

Datent.—Same to same, in fee for a certain tract of land, called "Jacob's Retreat," situate on the north-west side of the River Ohio, in the County of Westmoreland; beginning at a hickory; thence by Lot No. 109, east 160 pers. to a post and black oak; thence by Nicholson's District, north 230 pers. to a post; thence by Lot No. 101, west 160 pers. to a post; thence by Lot No. 103, south 230 pers. to the place of beginning; containing 216 acres 156 pers., and allowance of six per cent. for roads, &c., with the appurtenances; (which said tract of land was surveyed by William Alexander, one of the Deputy Surveyors of District No. 3, and which said described tract is marked in the survey and plan of the said District No. 102, and was sold to Matthew J. Ellinkhuysen, at public auction, he being the highest bidder, who released the same to the said Stephen Dutilh.) Consideration £2 14s. 3d.

Inrolled October 23, 1786, in Patent Book 7, page 260.

Datent.-Same to same, in fee for a certain tract of land, September 1. called "Marsac," situate on the north-west side of the River Produced. Ohio, in the County of Westmoreland; beginning at a hickory; thence by Lot No. 102, north 230 pers. to a post; thence by Lot No. 100, west 160 pers. to a post and hickory; thence by Lot No. 104, south 230 pers. to a black oak; thence by Lot No. 108, east 160 pers. to the place of beginning; containing 216 acres 156 pers., and allowance of six per cent. for roads, &c., with the appurtenances; (which said tract of land was surveyed by Samuel Nicholson, of the Deputy Surveyor's District No. 3, and which said tract is marked in the survey and plan of the said District No. 103, and was sold to Matthew J. Ellinkhuysen, at public auction, he being the highest bidder, who released the same to the said Stephen Dutilh.)

Consideration £5 Ss. 6d.

Inrolled October 23, 1786, in Patent Book No. 7, page 261.

Datent.-Same to same, in fee for a certain tract of land, september 1. called "Beaupre," situate on the north-west side of the River Produced. Ohio, in the County of Westmoreland; beginning at a white oak; thence by Lot No. 111, east 160 pers. to a post; thence by Lot No. 109, north 370 pers. to a hickory; thence by Lot No. 103, west 160 pers. to a black oak; thence by Lot No. 107, south 370 pers. to the place of beginning; containing 349 acres 80 pers., and allowance of six per cent. for roads, &c., with the appurtenances ; (which said tract of land was surveyed by William Alexander, one of the Deputy Surveyors of District No. 3, and which said tract is marked in the survey and plan of the said District No. 108, and was sold to Matthew J. Ellinkhuysen, at public auction, he being the highest bidder, who released the same to the said Stephen Dutilh.)

Consideration £4 7s. 4d.

Inrolled October 21, 1786, in Patent Book No. 7, page 255.

Datent.—Same to same, in fee for a certain tract of land, called "Lamoth," situate on the north-west side of the River Allegany, in the County of Westmoreland; beginning at a white oak; thence by Samuel Nicholson's District, north 370 pers. to a post and black oak; thence by Lot No. 102, west 160 pers. to a hickory; thence by Lot No. 108, south 370 pers. to a post; thence by Lot No. 110, east 160 pers. to the place of beginning; containing 349 acres 80 pers., and allowance of six per cent. for roads, &c., with the appurtenances; (which said tract of land was surveyed by William Alexander, one of the Deputy Surveyors of District No. 3, and which said tract is marked in the survey and plan of the said District No. 109, and was sold to Matthew J. Ellinkhuysen, at public auction, he being the highest bidder, who released the same to the said Stephen Dutilh.)

Consideration £4 7s. 4d.

Inrolled October 23, 1786, in Patent Book No. 7, page 262.

Note.-The foregoing Patents are all made "free and "clear of all restrictions and reservations as to mines, royal-"ties, guit-rents, or otherwise, excepting and reserving only " the fifth part of all gold and silver ore, for the use of this "Commonwealth, to be delivered at the pit's mouth, clear of " all charges."

The said Stephen Dutilh afterwards departed this life, so seised of said described patented lots or tracts of land, having first made and published his last Will and Testament in writing as follows, to wit:

1810. January 4. tion produced.

Will of Stephen Butilh, Wherein and whereby he did January 4. Exemplifica. give, devise and bequeath unto his wife, Catharine Magdalen Dutilh, her heirs, executors, administrators and assigns forever, one full moiety of all his estate, lands, tenements, hereditaments and property, real and personal, whatsoever and

wheresoever situate or being; to have, hold and possess the same to her, his said wife, her heirs, executors, administrators and assigns forever, in lieu and bar of her dower or thirds. And as to the rest and residue of his estate and property, real and personal, whatsoever and wheresoever, he did give and devise the same to all his lawful children who should be living at the time of his decease, and to their heirs, executors, administrators and assigns, in equal shares and proportions, as tenants in common and not as joint tenants, forever.

Duly proved and registered, at Philadelphia, January 29, 1810.

The said Stephen Dutilh, at the time of his death, left to survive him, his widow, the abovenamed Catharine Magdalen Madela Dutilh (who by virtue of said Will became seised of an undivided moiety or half part of said nine patented tracts of land) and issue, 4 sons, viz: Edward, Edmund G., Charles, and Stephen Dutilh.

The said premises were now owned by the following persons, and in the following shares, as tenants in common, viz:

maddaine.									
	Catharine Magdalen	Dutil	lh (wi	dow),			4 8		
	Edward Dutilh,	-	-	-	-	-	$\frac{1}{8}$		
	Edmund G. Dutilh,	-	-	-	-	-	$\frac{1}{8}$		
	Charles Dutilh,	-	-	-	-		$\frac{1}{8}$		
	Stephen Dutilh,	-	-		-	-	$\frac{1}{8}$		
							$\frac{8}{8} = 1.$		

Dect.—The said Edward Dutilh to said Edmund G. Dutilh, in fee for all his one full, equal, undivided eighth part or share of and in the said described nine tracts or parcels of land, situate in District No. 3, of Depreciation Lands, formerly in the County of Westmoreland, but now partly in the

1822. May 3. Produced. County of Allegheny, and partly in the County of Butler, in the State of Pennsylvania.

Consideration \$800.

Acknowledged same day. Recorded May 8, 1822, at Pittsburgh, in Allegheny County, in Book D, 2 Vol. 29, page 144, &c.

Recorded April 9, 1823, at Butler, in Butler Co., in Book E, page 141, &c.

Note.—Allegheny County was taken from Westmoreland and Washington, by Act of 24th of September, 1788, and Butler County, in common with all the counties north-west of the Allegheny River, was taken from Allegheny County, by Act of 12th March, 1800.

AS TO TRACT No. 91, CALLED "LE METGE."

1822. June 10. Produced. **Deed Poll.**—William Gibson, Treasurer of the County of Butler, in the State of Pennsylvania, to John Fleming, in fee for a certain tract of land, situate in Nicholson's District, Cranberry Township, Butler County, numbered in the plan of said District 91, containing 207 acres, with the appurtenances; the same having been sold at public sale, for unpaid taxes of the years 1820 and 1821, and purchased by the said John Fleming, for \$22, he being the highest and best bidder, &c.

> Acknowledged at Court of Common Pleas for Butler County, July 2, 1822.

> Recorded in Butler County, September 17, 1842, in Book N, pages 311 and 312.

1825. May 12. Produced. **Deed Poll.**—(Endorsed on above Treasurer's Deed)— John Fleming to Conrad Reel, in fee for the last described tract of land, with the appurtenances.

Consideration \$100.

Acknowledged same day.

Deed Poll.—(Endorsed on same)—John Fleming and April 24. Jane, his wife, to Conrad Reel, in fee for the same tract of Produced. land, with the appurtenances.

Consideration \$100.

Acknowledged same day.

Beed.—Conrad Reel and Rosanna, his wife, to Edmund G. Dutilh and Charles Dutilh, granting all the right, title, claim and interest in and to the same tract of land, with the appurtenances; to hold the same unto and to and for the proper use and behoof of said E. G. Dutilh and Charles Dutilh, their heirs and assigns forever.

Consideration \$475.

Acknowledged same day. Recorded in Butler County, Sept. 19, 1842, in Book N, pages 312 and 313.

Catharine Magdalen Dutilh having survived her husband, Stephen Dutilh, Senior, afterwards, to wit, in the year 1818, intermarried with John G. Waschmuth, and on June 12th, 1824, without having had further issue, died intestate, her husband, John G. Waschmuth, surviving.

The said John G. Waschmuth died in the year 1828, having made and published his last Will and Testament in writing, as follows :

Will of John G. Waschmuth, in which occurs the following "*Item.*—I nominate and appoint my respected friends, Correspondence "Jno. Bohlen, Charles Graff, and Jacob Sulger, Jr., all of "the City of Philadelphia, executors of this my last Will "and Testament; and I authorize them and the survivors "and survivor of them to sell and dispose of all my real es-"tate, either at public or private sale, as they may see pro-"per, and grant and convey the same by such deeds and "assurances as shall be necessary, to vest the title in the "purchaser or purchasers in fee simple.

1842. January 6. Produced, At the time of the death of said Catharine Magdalen Waschmuth (formerly Dutilh), as aforesaid, she left issue the four sons hereinbefore named, to and in whom her undivided moiety or half part of and in said patented tracts (Tract No. 91, having been previously sold for unpaid taxes, as hereinbefore set forth) descended and vested in equal shares; thus—

Edward Dutilh, $\frac{1}{4}$ th of his mother's $\frac{1}{2}$, -	-	-	-	$\frac{1}{8}$
Edmund G. Dutilh, under his father's Will, conveyed to him by Ed		$\frac{1}{8}$		
Dutilh,	-	$\frac{1}{8}$		
$\frac{1}{4}$ th of his mother's $\frac{1}{2}$,	-	$\frac{1}{8}$		00/00
Charles Dutilh, under his father's Will, $\frac{1}{4}$ th of his mother's $\frac{1}{2}$, -	-	$\frac{1}{8}$ $\frac{1}{8}$		210
Stephen Dutilh, under his father's Will, $\frac{1}{4}$ th of his mother's $\frac{1}{2}$, -	-	1 8 1 8		0 0 1 0
				1
				-

AS TO TRACTS No. 102 ("JACOB'S RETREAT"), No. 108 ("BEAUPRE"), AND No. 109 ("LAMOTH").

1824. June 15. Produced, **Deed Holl.**— William Blair, Treasurer of Allegheny County, in the Commonwealth of Pennsylvania, to James Duff, his heirs and assigns, for a certain tract of land, No. 102, in Alexander's District, containing 216 acres, more or less, situate in Ohio Township, in the County of Allegheny aforesaid, surveyed to Stephen Dutilh's heirs, with the appurtenances.

The same having been sold for taxes of the year 1821 unpaid, and purchased by the said James Duff for $6.62\frac{1}{2}$, he being the highest and best bidder, &c.

> Acknowledged at an adjourned Court of Common Pleas for said county, August 9, 1824.

Endorsement on above Deed Poll, as follows, viz:

"I hereby relinquish my right, title and interest in and to the within described tract of land to the heirs of Stephen Dutilh, for value received, as witness my hand, the 25th day of May, 1826."

(Signed,) JAMES DUFF.

Witness, John McFarland.

Deed Poll.— William Blair, Treasurer of Allegheny County aforesaid, to James Duff, his heirs and assigns, for a certain tract of land, No. 108, in Alexander's District, containing 269 acres, more or less, situate in Ohio Township, in the County of Allegheny aforesaid, surveyed to Stephen Dutilh's heirs, with the appurtenances.

The same having been sold for unpaid taxes of the years 1821 and 1822, and purchased by the said James Duff for \$13, he being the highest and best bidder, &c.

Acknowledged at an adjourned Court of Common Pleas for said county, August 9, 1824.

Endorsement on this Deed Poll, as follows, viz :

"I hereby relinquish my right, title and interest in and to the within described tract of land to the heirs of Stephen Dutilh, for value received, as witness my hand, the 25th day of May, 1826.

(Signed,) JAMES DUFF.

Witness, John McFarland.

Decd Poll.— William Blair, Treasurer of Allegheny County aforesaid, to James Duff, his heirs and assigns, for a certain tract of land, No. 109, in Alexander's District, containing 349 acres, more or less, situate in Ohio Township, in the County of Allegheny aforesaid, surveyed to Stephen Dutilh's heirs, with the appurtenances.

The same having been sold for unpaid taxes of the years

1824. June 15. Produced.

1824. June 15. Produced. 1821 and 1822, and purchased by the said James Duff for \$14.621, he being the highest and best bidder, &c.

> Acknowledged at an adjourned Court of Common Pleas for said county, August 9, 1824.

Endorsement on this Deed Poll, as follows, viz:

"I hereby relinquish my right, title and interest in and to the within described tract of land to the heirs of Stephen Dutilh, for value received, as witness my hand the 25th day (Signed,) JAMES DUFF. of May, 1826." Witness. JOHN MCFARLAND.

1829. November 3. Produced.

meet --- Edmund G. Dutilh and Anna R., his wife, to John Bohlen, Charles Graff, and Jacob Sulger, Junior, executors of the last Will and Testament of John Godfried Wachsmuth, deceased, their heirs and assigns, granting and conveying all his, the said Edmund G. Dutilh's, three full, equal and undivided eighth parts (the whole into eight equal parts to be divided), of and in all those nine certain tracts, pieces or parcels of land, as described on the first or title page of this brief; to hold the same with the appurtenances, unto and to and for the proper use and behoof of the said John Bohlen, Charles Graff, and Jacob Sulger, Junior, and the survivors and survivor of them, and the heirs and assigns of the survivor of them forever, in trust, to sell and dispose of the same, and grant and convey the same to the purchaser or purchasers thereof, his, her or their heirs and assigns forever; and the moneys arising from such sale, after deducting the costs and charges attending such sale, to pay over to the residuary legatees named in the last Will and Testament of the said John Godfried Wachsmuth, deccased, their respective executors, administrators and assigns.

Consideration \$1.

Acknowledged same day. Recorded Dec. 9, 1829, at Pittsburgh, in Allegheny County, in Book O, 2 Vol. 39, page 192, &c.

Recorded Sept. 17, 1830, at Butler, in Butler County, in Book G., pp. 213, 214, and 215.

Dccd.—(Endorsed on last Deed)—John Bohlen, Charles November 19. Graff, and Jacob Sulger, Junior, "executors and grantees Produced. within named," to Charles Dutilh, in fee for the said three full, equal and undivided eighth parts of and in said premises as described in last deed.

Consideration \$1,200.

Acknowledged same day. Recorded Dec. 9, 1829, at Pittsburgh, in Book O, 2 Vol. 39, page 192, &c.

Recorded Sept. 17, 1830, at Butler, in Book G, pp. 215 and 216.

The said Stephen Dutilh being so as aforesaid seized of two undivided eighth parts or shares of and in said premises, departed this life (unmarried), having first made and published his last Will and Testament, in writing, as follows :

Will of said Stephen Dutilh, Wherein and whereby, after directing the payment of his debts and funeral exconfidence of penses, and bequeathing a legacy of \$200 to Dr. Edward B. duced. Wootten, and one of \$500 to Henry Besson, he did will and bequeath to Edmund Godfrey Dutilh, his brother, the remainder of all his property.

Duly proved and registered, at Philadelphia, August 28, 1830.

The said Edward Dutilh being so as aforesaid seized of one undivided eighth part or share of and in said premises, departed this life intestate, unmarried and without issue, whereupon his interest vested in his two surviving brothers, Edmund G. Dutilh and Charles Dutilh, in equal shares.

1833. July 22. SO THAT the several premises described at the head of this brief, are now vested as follows:

Tract No. 91, called "Le Metge" (under deed of Jan'y 6, 1842, from Conrad Reel and wife), in said Edmund G. Dutilh and Charles Dutilh, in equal shares; and the remaining Eight Tracts, as follows, viz:

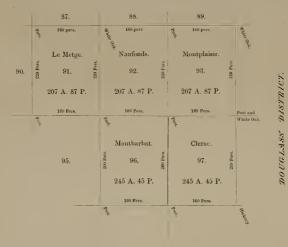
Edmund G. Dutilh, under Will of Stephen Dutilh, deceased, - - $\frac{2}{8} = \frac{4}{16}$ $\frac{1}{2}$ of Edward Dutilh's $\frac{1}{8}$, $\frac{1}{16} - \frac{5}{16}$ Charles Dutilh, under his father's Will, $\frac{1}{4}$ th of his mother's $\frac{1}{2}$, as in former schedule, - - $\frac{2}{8} = \frac{4}{16}$ purchased from executors of J. G. Wachsmuth, - $\frac{3}{8} = \frac{6}{16}$ $\frac{1}{2}$ of Edward Dutilh's $\frac{1}{8}$ th, - $\frac{116}{16} - \frac{116}{1}$

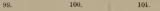
Extracted from the Title Papers produced, by

S. W. THACKARA & SON.

March 29, 1869.









SAMUEL ATCHOLSON'S DISTRICT.







