

# ***Bradshaw Family Genealogy Notes***

## ***Illinois***

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*IL, State Death Index {6064}*

17 Nov 1924	Greear, George Washington d. Nokomis, Montgomery Co., IL	#1115526/1
12 Jun 1928	Greear, James W. d. Edgewood, Effingham Co., IL	#1115523/1
20 Dec 1942	Greear, Sarah A. d. Pana Twp., Christian Co., IL	#1115523

*Adams Co., Marriages {20467}*

10 Aug 1854	Campbell, David Bradshaw, Ruth Ann	#224612
7 Feb 1861	Bradshaw, Daniel H. Chandler, Margaret E.	#224611
11 Jan 1866	Evans, Albert Bradshaw, Amanda L.	#224618
25 Jan 1866	Hunsaker, Joseph A. Bradshaw, Sarah E.	#224615
20 Feb 1866	Bradshaw, John N. Humphrey, Margaret J.	#224614

## ***Clark Co., Marriages {1876}***

7 Apr 1840	Popham, James Bradshaw, Clarissa Ann filed in Marriages (1838-1845), p. 42	
29 Jul 1843	Bradshaw, Charles Doll, Catherine filed in Marriages (1838-1845), p. 133	#111233
29 Jun 1851	Barlow, James M. Bradshaw, Cynthia Ann filed in Marriages (1845-1851), p. 297	#111252
29 Jun 1851	Bradshaw, Cyrus A. Whaley, Lucretica filed in Marriages (1845-1851), p. 298	#111251
15 Jun 1854	Bradshaw, John Allenbaugh, Mary E. filed in Marriages (1851-1856), p. 198	
11 Oct 1855	Mason, Thornton E. Bradshaw, Eliza Jane filed in Marriages (1851-1856), p. 301	#111253
18 Feb 1867	Bradshaw, Henry G. M. Mott, Sarah E. filed in Marriages (1860-1872), p. 307	#111255
16 Jun 1870	Callaway, Melvin L. Bradshaw, Florence L. filed in Marriages (1860-1872), p. 471	#111256

*[Note: There is no other Bradshaw marriage from 1819 through 1899. – MBA]*

## ***Clark Co., Births {4471}***

20 Mar 1878	Bradshaw, ----- female father: William Bradshaw mother: Sarah Mason	#1112547
31 Jul 1879	Bradshaw, Carrol male father: Wm. H. Bradshaw mother: Sarah J. Mason	#1112548

18 Apr 1879	Bradshaw, William L. male father: Henry G. M. Bradshaw mother: Joe Ann Handy	#1112553
29 Aug 1882	Bradshaw, ----- female father: William Bradshaw mother: Sarah Mason	#1112549

*[Note: There is no other Bradshaw birth from 1877 through 1884. – MBA]*

## ***Clark Co., Marshall Twp., Marshall, Marshall Cemetery {1869}***

*Located in Section 14, T11N R12W*

Bradshaw, Lewis (d. @ age 63y-11m-6d)	d. 3 Apr 1867	#111251
Bradshaw, Sarah (consort of Lewis Bradshaw; d. @ age 61y-2m-17d)	d. 12 Feb 1874	#111251/1
Bradshaw, Bird (dau. of G. A. & L. Bradshaw; d. @ age 10m-25d)	d. 1 Sep 1856	#1112512
Bradshaw, Bruce b. 22 Mar 1873	d. 28 Apr 1912	#1112551
Bradshaw, Henry C. b. 23 Jun 1847	d. 10 Feb 1910	#111255
Bradshaw, Gertrude (no dates)		#1112552
Barlow, Cynthia A. (wife of Dr. J. Barlow; d. @ age 28y-7m-9d)	d. 28 Oct 1863	#111252
Barlow, Frank (son of Dr. J. & C. A. Barlow; d. @ age 1y-9m-3d)	d. 6 Apr 1863	#1112522
Barlow, James A. (son of Dr. J. & C. A. Barlow; d. @ age 11m-13d)	d. 20 Aug 1860	#1112521

*[Note: There is no other Bradshaw or Barlow in this cemetery. – MBA]*

## ***Clark Co., Land Grants***

	Bradshaw, Lewis	#11125
15 Nov 1836	40 acres in NE1/4 of NE1/4, Section 22, T12N R14W	
22 May 1838	40 acres in NW1/4, Section 32, T12N R11W	
22 May 1838	80 acres in E1/2 of NW1/4, Section 32, T12N R11W	
1 Dec 1838	80 acres in E1/2 of SE1/4, Section 28, T12N R11W	
1 Dec 1838	80 acres in W1/2, Section 28, T12N R11W	
15 Jul 1839	40 acres in NW1/4, Section 33, T12N R11W	
14 Nov 1848	37.5 acres in SW1/4, Section 31, T11N R11W	
	Bradshaw, Skelton	#11124
22 Jun 1838	80 acres in E1/2 of NE1/4, Section 33, T12N R11W	
17 Dec 1838	40 acres in SW1/4, Section 33, T12N R11W	
17 Dec 1838	40 acres in NW1/4, Section 33, T12N R11W	
	Bradshaw, William	#11123
16 Oct 1838	80 acres in W1/2, Section 28, T12N R11W	

*Edgar Co., Marriages {4513}*

27 Sep 1832	Bradshaw, Elias Stotts, Emily filed in Book A, p. 62	#11128
19 Dec 1833	Breeden, Fielden Bradshaw, Nancy filed in Book A, p. 84	#111221
17 Nov 1836	Bradshaw, Skelton Brown, Elizabeth filed in Book A, p. 124	#11124
26 Oct 1837	Tucker, John Bradshaw, Lucinda filed in Book A, p. 143	#111231
25 Oct 1838	McGee, Harden Bradshaw, Elizabeth filed in Book A, p. 150	#11156
18 Apr 1839	Bradshaw, William Wood, Nancy filed in Book A, p. 154	#11154
25 Nov 1841	Bradshaw, Elias Rusmisle, Delila filed in Book A, p. 166	#11128
5 Mar 1846	Bradshaw, George W. Hensley, Rosannah filed in Book A, p. 192	#111234
23 Mar 1848	Walls, Jonathan Bradshaw, Elizabeth filed in Book A, p. 204	
17 Dec 1848	Bradshaw, Anthony W. Shoptaw, Rebecca Ann filed in Book A, p. 208	#111235
19 Jan 1851	Bradshaw, James M. Brown, Nancy	
28 Dec 1864	Bradshaw, Wm. H. Mason, Sally	#111254

***Edgar Co., Stratton Twp., Pryor Cemetery {1278}***

Bradshaw, Charles	b. 6 Jan 1769	d. 8 Mar 1843	#1112
Bradshaw, Hannah (wife of C. Bradshaw)		d. 12 Jan 1844	#1112/1
McCoy, William	b. 1795	d. 1863	#11121/1
McCoy, Nancy	b. 1792	d. 1868	#11121

***Edgar Co., Blackburn Cemetery {1864}***

McCoy, William A. (son of C. L. & H. Bradshaw; d. @ age 14y-11m-5d)		d. 9 Apr 1872	#1112143
McCoy, Mary L. (dau. of C. L. & H. Bradshaw; d. @ age 17y-3m-15d)		d. 25 Mar 1872	#1112142
McCoy, Luean (dau. of C. L. & H. Bradshaw; d. @ age 6y-9m-16d)		d. 13 Mar 1872	#1112144
Stotts, Lauda C. (dau. of M. & S. Stotts; d. @ age 1y-4m-16d)		d. 6 Sep 1883	

***Edgar Co., Paris Twp., Edgar Cemetery {4514}***

Bradshaw, Bessie Marie (d. @ age 88y)		d. 2 Sep 1978	
Bradshaw, Carroll (d. @ age 39y)		d. 13 Oct 1918	#1112548
Bradshaw, Dorothy (d. @ age 23y)		d. 31 Dec 1905	
Bradshaw, Edward (d. @ age 39y)		d. 7 Aug 1911	#1112544
Bradshaw, Lucille (d. @ age 74y)		d. 9 Dec 1950	
Bradshaw, Sarah Jane (d. @ age 81y)		d. 23 Sep 1922	#111254/1
Bradshaw, William (d. @ age 51y)		d. 30 Oct 1925	#1112545
Bradshaw, William H. (d. @ age 83y)		d. 12 Feb 1924	#111254

*[Note: The above graves are all in Lot 1624, Section D. – MBA]*



***Edgar Co., Index to Estates & Wills***

Name:	Box / Instruments / Will Book:	
Bradshaw, Charles	203 / Estate & Will / 1 (1829-1843)	#1112
McCoy, William	89 / Estate & Will / 3 (1850-1875)	#11121/1
McCoy, Nancy	/ Will / 3 (1850-1875)	#11121
Stotts, Jacob	210 / Estate & Will / 5	
Stotts, Martin	224 / Estate	#111212/1
McCoy, Marcellus	62 / Estate & Will / 8 (1907-1911)	#111216
Stotts, Jesse Martin	/ Will / 8	#1112128
Stotts, Augusta V.	155 / Estate & Will / 10	
Bradshaw, W. H.	288 / Estate /	#111254
Bradshaw, William, Jr.	318 / Estate & Will / 11 (1921-1927)	#1112545
Stotts, Richard Marcellus	337 / Estate & Will / 13	#1112126
Stotts, Jesse M.	304 / Estate & Will / 14	#1112128
	275 / Estate	
	428 / Estate	
Bradshaw, Cora	533 / Estate & Will / 15 (1951-1958)	#1112545/1
Bradshaw, Rachel	106 / Estate /	
Bradshaw, Robert	97 / Estate /	

***Edgar Co., Will Book 1?, pp. 155-156, Will of Charles Bradshaw [#1112] {1268}***

Dated: 21 Nov 1842

Proved: 3 Apr 1843

Description: "I give all the ballance of my Estate both real and personal to my wife, Hannah [#1112/1] . . . after the desease of my wife that all the remains of my said estate be equally divided among my children. Except my son, Elias [#11128], who I desire to take the care of my wife during her life and keep her free from want . . . As a remuneration for which I desire that he have the full and free possion of my land farm, mansion house, out houses"

Executors: sons Lewis Bradshaw [#11125] & Elias Bradshaw

Witnesses: William Hartly & Andrew G. Fitzgerald

***Plat Book of Edgar County, Illinois (Chicago, IL: The American Atlas Co., 1894)***

**Stratton Twp.**

McCoy, M. #111216  
107.22 acres in E1/2 of Section 2, T13N R11W

*[Note: There is no Bradshaw and no other McCoy in Stratton Twp. – MBA]*

*Johnson Co., Marriages {19121}*

15 Sep 1891	Bradshaw, Samuel White, Emma T.	#2-4
16 Apr 1893	Perrin, Luke Bradshaw, Viola	#2-5

***Greene Co., Marriages {30795}***

7 Jul 1836	Bradshaw, Jonas Lee, Nancy W.	
17 Nov 1845	Morrow, Jesse Bradshaw, Elvira	
30 Dec 1847	Bradshaw, William M. Lorton, Susan P.	#23162
13 Sep 1848	Bradshaw, Vance Lorton, Lucinda	#23164
28 Mar 1849	Bradshaw, Perry Wise, Phebe	#23163
30 Sep 1850	Bradshaw, William M. Chipman, Elizabeth	#23162

*Hancock Co., Marriages {30804}*

2 Mar 1845 Riggins, Richt  
Mills, Lucinda

#23131/1

***Madison Co., Marriages {31092}***

26 Feb 1815	Steel, James Bradshaw, Rebecca	#2249
21 May 1816	Jacaway, Samuel Whitehead, Jenney	#2243/1
13 Mar 1817	Bradshaw, Jonas Sawyer, Betsey	#2247
7 Jan 1821	Hoskins, Isaac Bradshaw, Susanah	#224A
7 Oct 1841	Bradshaw, George Van Hooser, Delila	

***Madison Co., Court Order Books***

**Lists of persons subject to Road Labor, March 1815**

“From the New Bridge on Cahokia Creek near Edwardsville to where said road crosses Indian Creek”:

Field Bradshaw [#2244]  
Jonas Bradshaw [#2247]  
Obediah Bradshaw [#2248]

***Madison Co., Tax Assessor’s Book***

**1814 – Slave Owners {31093}**

Ann Bradshaw [#289]: 2

***Madison Co., Probate Book 1 (1821-1832)***

**p. 129 [1<sup>st</sup> Monday, Jun 1823] {31094}**

“Daniel Meeker appeared in Court and presented a petition praying to be appointed administrator of the Estate of Field Bradshaw [#2244] dec and it appearing to the satisfaction of the Court that the said Bradshaw had died intestate

On motion it is therefore ordered that Letters of Administration be granted to the said Meeker upon his entering into Bond with Daniel D. Meeker and Jacoby Judy as sureties in the sum of three hundred dollars . . .”

**p. 238 [24 Mar 1827] {31095}**

“Daniel Meeker appeared in Court and filed his petition, praying to be released from acting as Administrator of the Estate of Field Bradshaw [#2244] late of this County Deceased. As there had no assets come to his hands and that there is no probability that any thing will come unto the hands of the said Administrator.

It is therefore on motion ordered that the said Daniel Meekler be discharged from further liability as Administrator aforesaid.”

***History of Madison County, Illinois (Edwardsville, IL: W. R. Brink & Co., 1882)***

**p. 130 {31096}**

“The Dead. – Before closing this sketch, it is proper to give the names of those pioneers of the county who had closed their earthly career, who had finished their labors, and were now at rest.

1812. – William Bradshaw [#2241]

1813. – John Bradshaw [#2242]”

**pp. 157-158 {31097}**

“May Term 1820.

. . . Grand jury returned 39 cases of assault and battery. . . . Field Bradshaw [#2244] was another fighter; John T. Lusk held an inquest over his body on the 15<sup>th</sup> day of February, 1821, without stating how Field came to his death. This inquest cost the county \$13.50.”

*Massac Co., Marriages {17970}*

11 Oct 1866 Bradshaw, Samuel  
James, Nancy A.

#2-

*McDonough Co., Marriages {13138}*

4 Oct 1834    Bradshaw, Charles  
                  Cyrus, Anna

#23153



*McLean Co., Marriages {4470}*

8 Oct 1857    Campbell, James O.  
                  Fohreman, Rebecca  
                  filed in Book C, p. 357

#111291

*Montgomery Co., Marriages {9603}*

4 Feb 1888	Grear, George W. Bradshaw, Alice filed in Book 1, p. 145	#1115526
7 Mar 1894	Bradshaw, Perry L. Brown, Elija filed in Book 1, p. 218	#1115527

*Morgan Co., Marriages {14062}*

8 Aug 1833	Sparks, John Bradshaw, Elizabeth	#23133
20 Mar 1834	Bradshaw, Tod Dickson, Catharine	#23132
29 Mar 1838	Bradshawl, William Spark, Sarah	#23134
7 Apr 1839	Wiswell, Eugene M. Bradshaw, Elvira	#23138
8 Dec 1839	Prouse, Thomas Bradshaw, Elvina	#23137
6 Feb 1840	Bradshaw, John, Jr. Dickson, Susannah	#23135
17 Jan 1841	Bradshaw, William Roach, Comfort	
21 Dec 1841	Bradshaw, Charles Rose, Matrina E.	
19 Sep 1844	Strawn, James Green Bradshaw, Nancy	#23139
27 May 1849	Thompson, Andrew Bradshaw, Comfort J.	
21 May 1850	Bradshaw, Andrew J. Reeve, Maria Louisa	#2313A

*Pike Co., Marriages {513}*

6 Nov 1831	McAtee, Edward Bradshaw, Elizabeth	#22463
12 Jan 1834	Bradshaw, Thomas Mayes, Eliza	#22462
28 Mar 1837	Bradshaw, William Lathrop, Elizabeth	
6 Aug 1839	Downing, Robert Bradshaw, Ursula daughter of Josiah Bradshaw [?]	#22473
24 Jul 1842	Lucas, Allison Bradshaw, Charlotte	#22481
11 Sep 1842	Bradshaw, John B. Sparrows, Permelia	#22464
31 Mar 1844	Frike, Frederick Bradshaw, Ann	#22474
2 Apr 1845	Bradshaw, Philip Walch, Susannah	#22465
3 Apr 1845	McIntire, Jacob Bradshaw, Lucinda	#22466
11 Aug 1850	James, Ferdinand Bradshaw, Tuza	#22484
9 Apr 1851	Bradshaw, Barnet Davis, Margaret	#22467
23 Mar 1853	Triplett, Golsom Bradshaw, Frances D.	#224621
15 Feb 1857	Riley, Seth Bradshaw, Elizabeth	#22485
29 Nov 1857	Ramage, Ezekiel Bradshaw, Mary Ann E.	#224622
24 Jul 1858	James, Lewis Bradshaw, Emelia E.	
2 Mar 1866	Bradshaw, Erastus Gardner, Lousa	#224624

2 Sep 1866	Bradshaw, Barnett Smith, Matilda	#22467
18 Nov 1869	Bradshaw, Lewis J. Hubbs, Rebecca M. by F. H. Crews	#111555

*Pike Co., Kinderhook, Kinderhook Cemetery {32026}*

Anderson, Mary Ann	b. 16 Jun 1837	d. 7 Sep 1909	#2248x
Bradshaw, Eliza Ann (wife of Thos. Bradshaw)	b. 22 Nov 1816	d. 3 Mar 1867	#22462/1

*St. Clair Co., Marriages {14612}*

28 Jan 1810	Bradshaw, Elijah Boalware, Polly	#2246
15 Feb 1810	Boalware, Thomas Bradshaw, Ursle	#2245

***Sangamon Co., Marriages {12700}***

31 Oct 1824	Bradshaw, Enoch Lacy, Mahala	#224B
20 Nov 1838	Bradshaw, W. F. Whiting, Harriett B. S.	
7 Mar 1852	Bradshaw, Elijah Shoup, Delila	#22476
26 Dec 1858	Bradshaw, Philip Goodman, Cornelia	
17 Nov 1859	Meek, Jefferson Bradshaw, Cilestenia	
21 Feb 1867	Jackson, Lowry Bradshaw, Anna	

***Sangamon Co., Probate Book ?, p. ? (Estate of Thomas Bradshaw) {32013}***

Decedent: Thomas Bradshaw [#22478]

Date Filed: 22 Jun 1863

Administrator: Elijah Bradshaw [#22476]

Heirs: John Q. Bradshaw [#22475], Anna Frick [#22474], Enoch Bradshaw [#22477], legal heirs of Josiah Bradshaw [#22471], legal heirs of Ursula Downing [#22473], Mary Chamberlin [#22472], Elijah Bradshaw



*War of 1812, Muster Rolls, St. Clair Co.*

**Capt. Samuel Judy's Company (otherwise known as Capt. Henry Cook's Company)**

A list of the first company detached from the 2nd Regiment of Militia, Illinois Territory, for a three months' tour, by order of the Commander-in-Chief, 3rd March, 1812, inspected at Cahokia.

Sergeants:

Bradshaw, William [#2241]

Privates:

Bradshaw, Field [#2244]

Bradshaw, Jonas [#2247]

*Reports of Cases at Law and in Chancery, Argued and Determined in the Supreme Court of Illinois, by Norman L. Freeman, Reporter, Vol. LXVII (Springfield, IL: 1875)*

[Containing the Remaining Cases Submitted at the January Term, 1873, and a Portion of the Cases Submitted at the June Term, 1873]

**pp. 179-184 (Michael Henrichsen vs. Samuel P. Hodgen et al) {32015}**

- “1. Partition — jurisdiction to try an adverse claim of title. In a suit for partition when one of the defendants is in possession, claiming title adversely, the court having acquired jurisdiction for the purpose of partition, may do complete justice between the parties, and dispose of the whole question of title between them, and thus save the necessity of an action at law.
2. Same — proof of title — what sufficient. Where the record of a partition suit showed that the deceased ancestor, from whose heirs the plaintiff had procured conveyances, received a deed for the lands in 1845, and that he resided on the same at the time of his death in 1848: Held, that this was prima facie evidence of title in fee in such former deceased owner.
3. And where the defendant in partition, in his answer, stated that he was unable to state, from his present information, whether such former owner died seized of the land or not, but that he presumed said allegation was true : Held, that this was a sufficient admission of title in such owner at the time of his death.
4. Same—decree as to an adverse title in party in possession. In a suit for the partition of lands in the adverse possession of one claiming title acquired under a sale for taxes, while the court may determine the question of title, yet it will be error, upon finding in favor of the plaintiff, to decree that such defendant's title be annulled and extinguished as a cloud upon the title of the other party.
5. Limitation law of 1839 — what is color in good faith. Where the widow of a deceased owner of land conveyed her unassigned dower interest in the same, and her grantee conveyed to the defendant in a suit for partition, informing such defendant that he owned nothing but such dower interest, and that was all he could convey: Held, that such deed could not be relied on as color of title made in good faith, to defeat the suit for partition.
6. Same — color of title to defeat a partition. Where a defendant in possession had acquired a deed from one holding a tax title on the land of which partition was sought, and had paid all taxes thereon for more than seven successive years before the commencement of a suit for partition, such payments being coupled with actual possession: Held, that such deed was color of title, notwithstanding the defendant afterwards suffered the land to go to sale, and that such payment and possession was a bar to the suit, except as to the interest of parties laboring under disability.
7. Deed — delivery. Where a party executes a deed for land, and it is left, with his assent, in the hands of a third party, for the grantee, but is lost in such third party's hands, this will amount to a delivery of such deed.
8. Redemption from tax sale — effect of certificate of as evidence. A certificate of the redemption of land from tax sale is only evidence of the deposit with the clerk of the redemption money. It is not evidence of the right to redeem, and furnishes no evidence of the age of the person assuming to exercise the right.

Appeal from the Circuit Court of Logan county; the Hon. Thomas F. Tipton, Judge, presiding. Messrs. Hay, Greene & Littler, for the appellants. Mr. W. B. Jones, and Mr. W. P. Randolph, for the appellees. Mr. Justice Sheldon delivered the opinion of the Court:

This was a bill in equity, filed by Samuel P. Hodgen, on the 24th of July, 1867, for partition of two certain 40 acre tracts and one 10 acre tract of land, of which, as claimed, one Josiah Bradshaw [#22471] died seized in fee. The partition was sought as between Hodgen, claiming seven-ninths of the land, derived from certain heirs of Bradshaw, and others claiming by descent from Bradshaw. The bill made Michael Henrichsen a party, alleging that he was in possession of the lands, but denying that he had any legal or equitable interest therein. Robert B. Latham was also made a party as claiming some interest in the lands. The court below found the rights of the parties to be as set out in the bill, and decreed partition as prayed for, and declared the claims of title of Henrichsen and Latham to be invalid and annulled the same, and removed that of the former as a cloud upon the title of the complainant. Henrichsen prosecutes this appeal. It is first objected, that Henrichsen being in possession, the proper remedy as to him is at law, by an action of ejectment. But a court of equity, having taken jurisdiction of the case for the purpose of partition, may do complete justice between the parties and dispose of the whole question of title between them, and save the necessity of a resort to an additional suit.

It is then said that equity will require the complainant to make out his case as fully as he would be required to do if he were suing in a court of law; and that the record does not show that Josiah Bradshaw ever had title in fee to these lands. It does show a deed to him of the lands from David French in 1845, and that he resided on the lands at the time of his death, about 1848. This would be prima facie evidence of a title in fee. Besides, Henrichsen says, in his answer, that he is "unable to state, from his present information, whether Josiah Bradshaw died seized of the real estate described in complainant's bill or not, but he presumes said allegation is true" and if the respondent thus presumes, we will so presume. Henrichsen sets up ownership of the lands in fee. His claim of title is under the first section of the limitation law of 1839, by virtue of the actual possession of, and payment of taxes on the lands for seven successive years under claim and color of title made in good faith.

In 1850, the widow of Josiah Bradshaw [#22471/1] conveyed to one Primm her unassigned dower interest in the lands, and thereupon surrendered to him the possession and removed to the State of Iowa with her children. She died on the 10th day of January, 1867. In March, 1858, Primm conveyed his interest in the lands to Henrichsen, telling him, at the time, that he owned nothing but such dower interest, and that was all he could convey. About a week afterward, Henrichsen purchased from Robert B. Latham his interest in these lands, it being a tax title claim, and obtained from Latham a deed therefor. The lands were purchased by Latham at a tax sale in 1852, for the taxes of 1851, and a tax deed was executed to him Nov. 27, 1854. Henrichsen took possession of the lands in the spring of 1858, and has been in the possession of, and paid the taxes on them ever since. The deed from Primm does not appear to be relied on as color of title, as it evidently could not be set up as color of title made in good faith ; but it seems to be claimed that possession was gained thereunder, and the deed from Latham is relied on as good color of title.

This latter deed, in accordance with decisions of this court, must be regarded as constituting good color of title made in good faith. But it is claimed that this was done away with and the color of title lost by reason of a subsequent sale of the lands, and purchase of them by Latham in 1858, for the taxes of 1857, and a tax deed therefor made to him in 1861. It was not necessary that Henrichsen should have title, but only color of title. That consisted in the deed from Latham to Henrichsen in the spring of 1858. The subsequent sale and conveyance of the lands for taxes in nowise impaired the deed itself as an operative deed, and Henrichsen still continued to hold his color of title, notwithstanding the subsequent tax sale and tax deed, and

there could be no imputation to him of bad faith in so doing. The cases cited by appellee's counsel on this head, we consider to be without application.

Henrichsen, then, having taken possession under his deed from Latham, in March, 1858, and paid the taxes for that year and each succeeding year thereafter, up to the filing of complainant's bill, he had, at that time, paid taxes for more than seven successive years, his color of title and possession concurring therewith, whereby, under the statute, he had acquired a complete bar. This, however, will not apply to the ten acre tract, as that was not included in Latham's tax deed of Nov. 27, 1854, and we do not consider, from the evidence, that that tract was embraced in the deed from Latham to Henrichsen in the spring of 1858. This deed, itself, was not produced, having been lost; and we are of opinion, from the evidence, that it only embraced the two forty acre tracts, they being all the lands that were contained in Latham's tax deed of 1854.

A point is made, that there is no sufficient evidence of the execution of this deed by Latham to Henrichsen. Without reviewing the evidence, we will say that, although it is not so satisfactory as might be desired to establish the existence of a lost deed, we are inclined to believe from it that Latham did execute the deed, and that, with his assent, it was left in the hands of the witness Wyatt for Henrichsen, where it remained several years until it became lost. This would amount to a delivery by Latham to Henrichsen. At the time of the tax sale to Latham in 1852, the heirs of Bradshaw, who held the adverse title, were under the age of twenty-one years, and so continued until October 1, 1862, when the eldest one became of age. The statute allowed them three years after the disability of infancy should have ceased to exist, within which to commence suit, and thereby prevent the accruing of the bar of the statute.

As to the eldest, John Bradshaw [#224711], the suit having been brought in 1867, it was commenced too late to save his interest from the bar. As to the remaining heirs, there is no proof whatever as to their age, so that it does not appear that the suit was commenced within the limited time which would save their interest from the operation of the statute. We can attach no importance to the certificate of redemption of James Bradshaw's [#224712] interest, bearing date January 8, 1867, as proof of age. The statute regulating the sale of land for taxes, allows an infant one year after coming of age within which to redeem. The certificate of redemption is only evidence of the deposit of the redemption money with the clerk; it is not evidence of the right to redeem, and consequently furnishes no evidence of the age of the person assuming to exercise the right to redeem.

Upon another hearing there will be an opportunity to supply the proof of the ages of the heirs, if it be important, and also any evidence that there may be to disprove the existence of a deed from Latham to Henrichsen. It was also erroneous to decree that Henrichsen's title should be annulled and extinguished. Perceiving no error as respects the ten-acre tract of land, the decree as to that tract is affirmed; but as to the two forty acre tracts of land the decree is reversed, and the cause remanded for farther proceedings conformable hereto.

Decree reversed in part.”