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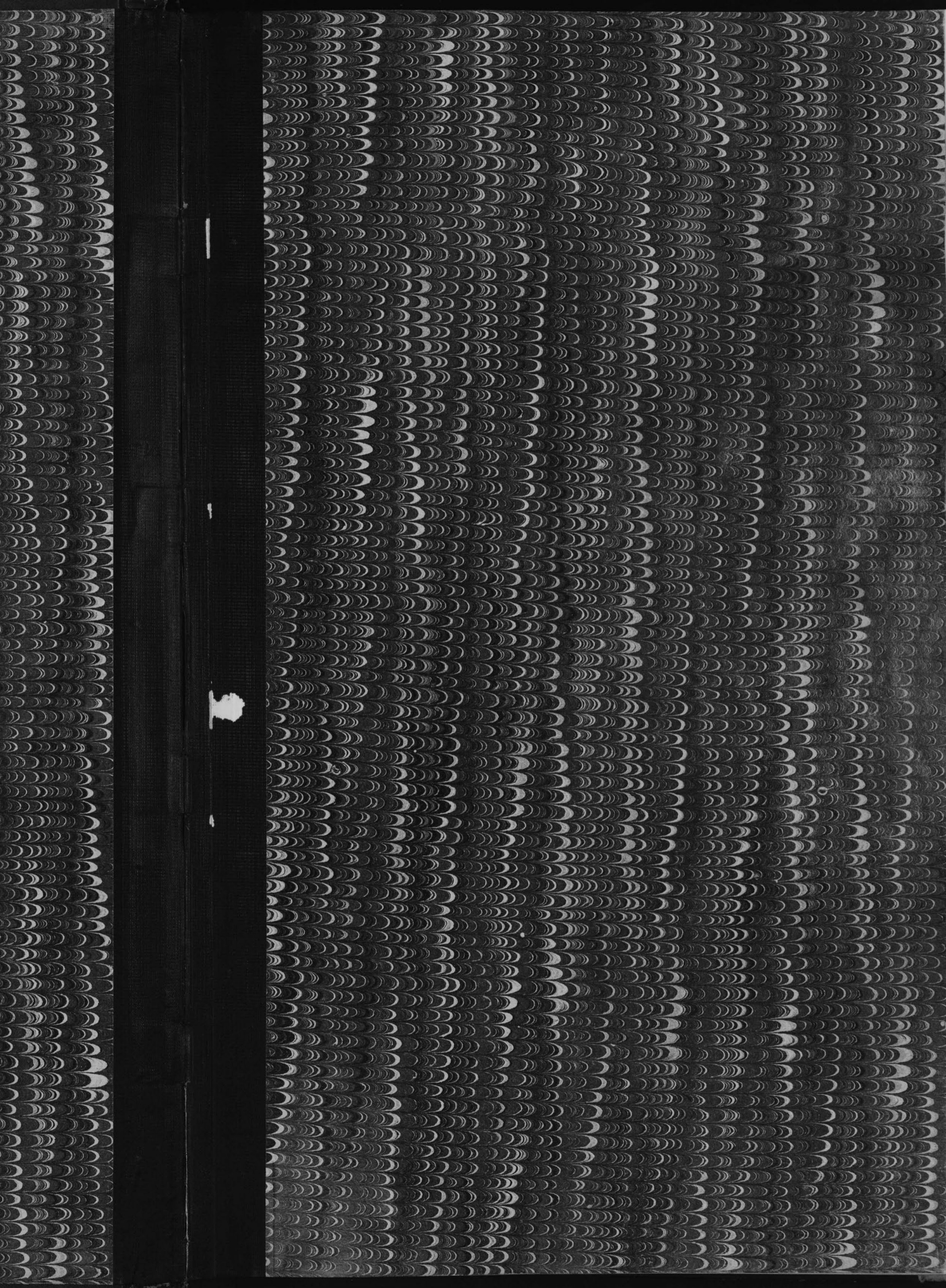
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" Adam D. Hoover, et. al.

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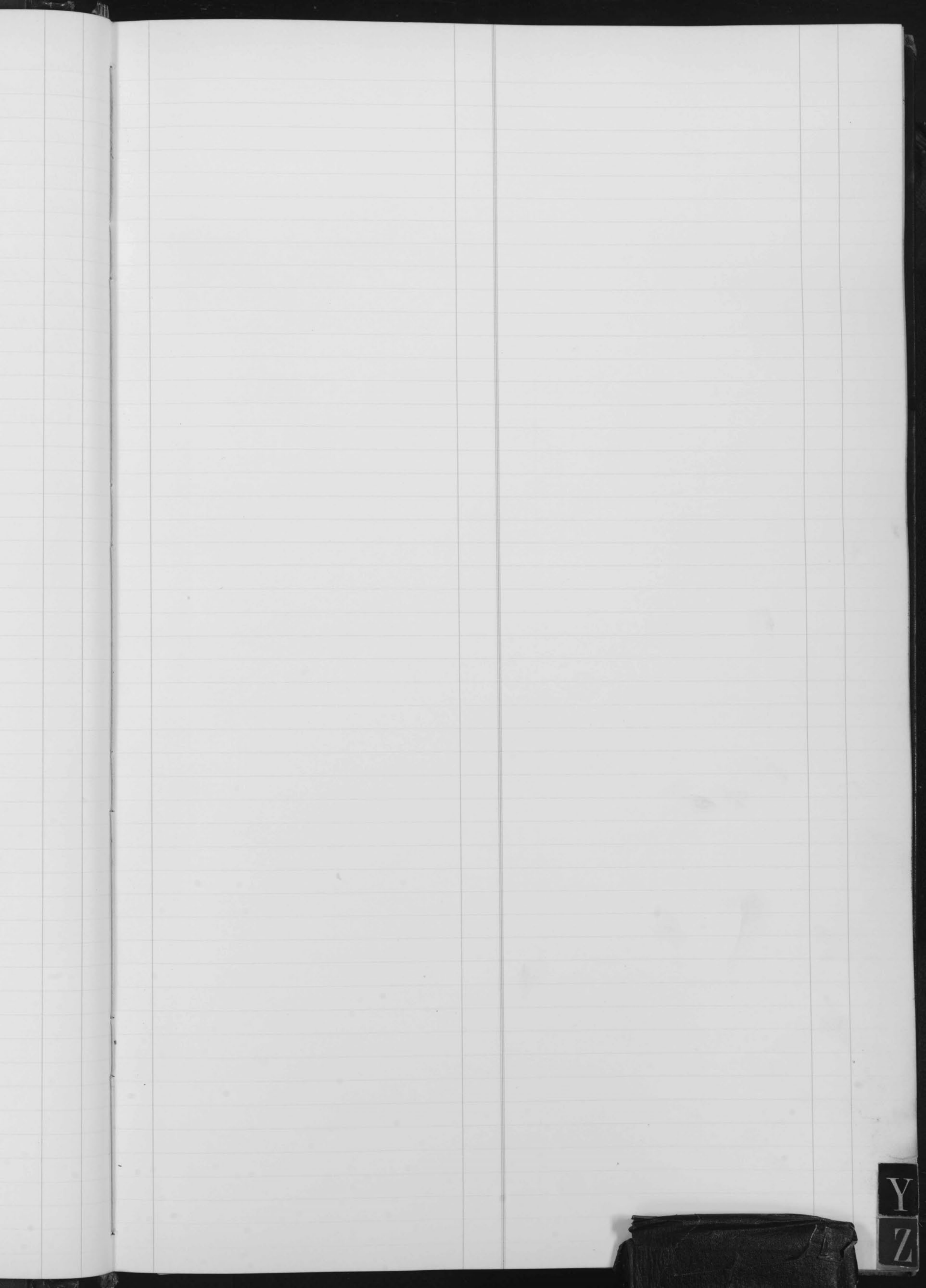
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- 37 White Isaac r.
- 8 Webster L. J. et al. r.
- 41 Watson W. W. J. r.
- 48 Wick Rosina
- 49 Western Union Telegraph
- 56 Wood Sarah P. vs John
- 66 Witts A. B. " H. H. "
- 95 Wolford Adam
- 111 Wall J. H. et al. vs
- 148 Williams Sarah A.
- 177 Wright William A. et al.
- Winters James S.
- 196 Walke, Erwin vs. S.
- 197 Worden, George
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The State
Third Judicial

the several

Logan County

Wood "

Marion "

Myrandot "

Crawford "

Fulton "

William "

Henry "

Putnam "

Union "

Seneca "

Hancock "

Hardin "

Defiance "

Paulding "

Van Wert "

Auglaize "

Mercer "

Allen "

Said terms

This order dated

The above

my office

Times Fixed For Holding Circuit Court, 1885

The State of Ohio,
Third Judicial Circuit.

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit for the year 1885, be fixed as follows, to-wit:

Logan County	on the 3 rd day of March	and on the 26 th day of October
Wood	" " 10 th	" " " 19 th
Marion	" " 24 th	" " " 14 th " " September
Myandot	" " 6 th	" " April " " 21 st
Crawford	" " 9 th	" " " 29 th " " October
Tulton	" " 13 th	" " " 3 rd " " November
Williams	" " 14 th	" " " 5 th " " "
Henry	" " 20 th	" " " 17 th " " "
Putnam	" " 23 rd	" " " 9 th " " "
Union	" " 28 th	" " " 1 st " " December
Seneca	" " 7 th	" " May " " 5 th " " October
Hancock	" " 18 th	" " " 24 th " " September
Hardin	" " 25 th	" " " 11 th " " December
Defiance	" " 1 st	" " June " " 19 th " " November
Paulding	" " 5 th	" " " 24 th " " "
Van Wert	" " 8 th	" " " 12 th " " "
Auglaize	" " 12 th	" " " 26 th " " "
Mercer	" " 15 th	" " " 8 th " " December
Allen	" " 18	" " " 17 th " " "

Said terms to begin at 10 o'clock A.M.
This order dated Feb. 10th 1885

Thomas Beer, }
J. J. Moore, } Judges.
Henry W. Seney, }

The above is a full and correct copy of the original order now on file in my office
Attest. John D. Brugner, Clerk.

Tuesday April 28th A. D. 1885.

Be it remembered that the Circuit Court within and for the Third Judicial Circuit of the State of Ohio was begun and held at the town of Marysville, County of Union and State of Ohio on Tuesday the twenty eighth day of April in the year of our Lord One thousand Eight hundred and eighty five, at ten o'clock A.M.

Present as Judges of said Court
Hon. John J. Moars,

Hon. Henry W. Sewey.

Present as Officers of said Court.

Marion Haskins, Sheriff.

John D. Duggan, Clerk.

The Hon. Thomas Beer one of the Judges of said Court being absent, furnished in writing the cause of said absence as follows:

"The Western Union Telegraph Company."

Received at 845, 4/28-1885. Dated at Bucyrus, O.

To Clerk of the Circuit Court

Marysville, Ohio. I am detained at home by sickness.

Thomas Beer,

Hon. John J. Moars one of the Judges of said Court presiding.

Case
no. 4

Sarah Snodgrass Plaintiff

vs
Joseph Cox Defendant

The parties appeared by their attorneys and thereupon this cause was submitted to the Court upon the petition in error, exhibits and transcript and arguments of counsel and the same was taken under advisement by the Court.

12 o'clock noon: Court adjourned until 1 1/2 o'clock P.M.

1 1/2 o'clock
and officers

Case
no. 1

Williams vs
Wm Kertz

upon the p
not bring
morning.

Case
no. 2

William vs
Elijah F. R

upon the p
not bring
morning.

6 o'clock

Tuesday April 28th 1885.

1 1/2 o'clock P.M. Court convened pursuant to adjournment, same judges and officers as this morning.

Case no. 1
William Smith
vs
Wm Kertz et al

The parties appeared and thereupon this cause was heard upon the pleadings and evidence and arguments of counsel, the arguments not being concluded the further hearing was adjourned until tomorrow morning.

Case no. 2
William Smith
vs
Elijah T. Reese et al

The parties appeared and thereupon this cause was heard upon the pleadings and evidence and arguments of counsel, the arguments not being concluded the further hearing was adjourned until tomorrow morning.

6 o'clock Court adjourned until tomorrow morning at 9 o'clock.

Wednesday April 29th A.D. 1885.

9 o'clock A.M. Court convened pursuant to adjournment.

Present as Judges of said Court

Hon. John J. Moran

Hon. Henry W. Sney

Present as Officers of said Court

Marian Hopkins Sheriff.

John D. Perryman Clerk.

Hon. John J. Moran one of the Judges of said Court presiding

William Smith

no. 1

Wm Kerty et al.

This day appeared the parties and their attorneys and this cause was further heard by arguments of counsel and the argument being concluded this cause was taken under advisement by the Court.

William Smith

no. 2

Elijah T. Reese et al.

This day appeared the parties and their attorneys and this cause was further heard by arguments of counsel and the argument being concluded this cause was taken under advisement by the Court.

12 o'clock noon. Court adjourned until one o'clock P.M.

1 1/2 o'clock P.M. Court convened pursuant to adjournment

Present as Judges of said Court

Hon. Thomas B. ...
Hon. Henry W. Sney

Present as officers of said Court. M. Hopkins Sheriff.

J. D. Perryman Clerk.

S. S. McCracken

17

S. W. McCracken et al.

The parties appeared and thereupon this cause was submitted to the Court upon the pleadings, and evidence and arguments of counsel and the same was taken under advisement by the Court.

John Orr

10

Village of Richwood

The parties appeared by their attorneys and thereupon this cause was submitted to the Court upon the petition in Error, exhibits and transcript and arguments of counsel and the same was taken under advisement by the Court.

David W. Taylor

11

Village of Richwood

The parties appeared by their attorneys and thereupon this cause was submitted to the Court upon the petition in error exhibits and transcript and arguments of counsel and the same was taken under advisement by the Court.

16

Michael A. ...
Village of ...

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Peter Se

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Village of Richwood

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advisement

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George ...
Nancy ...

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of counsel

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Henry ...
John Ligg

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exhibits and ...
bring coun ...
tomorrow

6 o'clock

16 Michael Hannegan
v.s
Village of Richwood

The parties appeared by their Attorneys and thereupon this cause was submitted to the Court upon the petition in error, exhibits and transcript and arguments of Counsel and the same was taken under advisement by the Court.

19 Peter Sells
v.s
Village of Richwood

The parties appeared by their attorneys and thereupon this cause was submitted to the Court upon the petition in error, exhibits and transcript and arguments of Counsel and the same was taken under advisement by the Court.

7 George Coder
v.s
Nancy McFadden

The parties appeared and thereupon this cause was submitted to the Court upon the pleadings and evidence and arguments of Counsel and the same was taken under advisement by the Court.

13 Army Fox
v.s
John Siggitt

The parties appeared by their Attorneys and thereupon this cause was submitted to the Court upon the petition in error, exhibits and transcript and arguments of Counsel, the arguments not being conclusive the further hearing of this case was adjourned until tomorrow morning.

6, o'clock P.M. Court adjourned until 9, o'clock tomorrow morning.

Thursday April 30th A.D. 1855-

9. o'clock A.M. Court commenced pursuant to adjournment.

Present as Judges of said Court.

Hon. Thomas Beer,

" John J. Moore,

" Henry W. Insley.

Present as Officers of said Court.

Marion Hopkins Sheriff,

John D. Pennington, Clerk.

Honorable Thomas Beer one of the Judges of said Court presiding.

Henry Fox

r.s

13

John Liggitt

This day appeared the parties by their attorneys and this cause was further heard by arguments of Counsel, and the arguments being concluded this cause was taken under a writ of sequestration by the Court.

Lucinda Ford

r.s

Daniel S. Ford

The parties by their attorneys and on motion of plaintiff and for good cause shown, it is ordered that this cause be and the same hereby is continued until the next term of this Court at the costs of the plaintiff for this term of Court. It is therefore adjudged and decreed that said plaintiff pay the costs of this term of Court taxed at \$- and in default thereof that execution issue therefor. And it is further ordered that a special mandate be sent to the Court of Common Pleas of said Union County to carry this judgment into execution.

J. R. Taylor

r.s

6

Isaac Jolliff et al.

This cause now coming on for hearing was submitted to the Court on the pleadings and the evidence and was argued by counsel, on consideration whereof the Court finds on the issue joined for the plaintiff that there is justly due from the defendant Isaac Jolliff, to the plaintiff as administrator with the Will annexed of the estate of James O'Laughlin on the note and mortgage in said petition described in the sum of five hundred dollars (\$500⁰⁰) with 8% int. from this 1st day of May 1855. And it is further ordered and adjudged that in case said defendants fail for 30 days to pay to the said plaintiff, as such administrator, the said sum of five hundred dollars with interest thereon @ 8% from May 1st 1855 so as to for suit found due with costs of suit an order issue to the Sheriff of said County commanding him to cause the said lands and tenements in said petition described to be appraised and sold according to law and apply the proceeds of said sale in satisfaction of the said sum so found due with costs of suit. It is further ordered that this cause be remanded to the Common Pleas Court of Union County to carry this decree into execution and for all further proceedings, and that a special mandate therefor be sent to the said Court

1.30 P.M. Court

Officers present

James Duran

14

r.s

The Board of

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Thursday, April 30th A. D. 1885.

1.30 P.M. Court adjourned pursuant to adjournment, the same Judges & Officers present as this morning.
James Surrency et al.

14

The Board of County Commissioners et al.

This day the parties appeared and by their agreement leave is granted plaintiffs to file an additional bond herein instanter, and thereupon this cause was submitted to the Court upon the Report of the Special Master Commissioner, the exceptions thereto, the pleadings, evidence and arguments of counsel and the same was taken under advisement by the Court.

14

James Surrency et al. vs
The Board of County Commissioners et al.

This day again came the said parties and said cause having heretofore been taken under advisement by the Court upon consideration thereof the Court do find,

1st

That the "Road Notice" signed and given by Israel Slack and John H. Dodge and referred to in plaintiffs petition was duly published in the Waynesville Tribune, a newspaper published in said Union County, Ohio, and of general circulation therein for the period of four consecutive weeks commencing with the date of January 18, 1876.

2nd

That the bonds for said road improvements had been issued and sold and that \$21,350.⁰⁰ about 3/4 of the estimated expense of said road improvement was made and expended, and that a large portion of the grading, graveling and bridging on said Free Turnpike Road was done before the said plaintiffs took any steps towards resisting said improvement and that said improvement was fully constructed and completed prior to the day of December A. D. 1878, the construction of which and the expenditure made thereon each and all of said plaintiffs had full and complete knowledge thereof as said improvements progressed.

3rd

That upon the issues joined the Court finds for the defendants excepting the issue as to the number of land owners signing the petition for said improvement and as to said issue the Court refused to find for the reason that the foregoing facts being found, said issue cannot give the plaintiffs the relief prayed for. To all of which said plaintiffs they and there excepted.

It is therefore ordered, adjudged and decreed that the plaintiffs petition be and the same is hereby dismissed and that the plaintiffs pay all the costs herein taxed at \$- and in default thereof that execution issue therefor.

It is further ordered, adjudged and decreed that a Referee fee of \$15.⁰⁰ be paid to the Administrator of W. C. Lawrence deceased, for the service of W. C. Lawrence as Referee in said cause, and that a Referee fee of \$40.⁰⁰ be paid to J. W. Kinkade for his service as Referee in said cause, and that both of said fees be taxed as a part of the costs in said cause. It is further ordered that a Special Mandate be sent to the Court of Common Pleas of this County, to carry said decree for costs into execution, to all of which said plaintiffs they and there excepted.

April 30th A.D. 1885.

David W. Stackstill & David C. Stackstill
Partners as D.W. Stackstill & Co.
v.s

John W. Hoyt surviving member of Dwight & Hoyt

This day the parties appeared by their attorneys and thereupon this cause was submitted to the Court upon the petition in error, exhibits and transcript and arguments of counsel and the same was taken under advisement by the Court.

John Orr Plaintiff in Error.

11 v.s
The Village of Richwood Defendant in Error.

This day this cause which heretofore during this term was heard and was taken under advisement by the Court, again came on for decision and judgment and the Court being fully advised in the premises do find that there is error apparent upon the record in the proceedings of said Court of Common Pleas to the prejudice of the plaintiff in error, in this to-wit:

1st The finding and the judgment of the Court of Common Pleas and of said Mayor was not sustained by the evidence introduced in the case.

2^d It does not appear that the complaint made before the Mayor and on which the plaintiff in error was overruled was in writing under oath.

It is therefore considered and adjudged that the judgment rendered by the Court of Common Pleas and by the Mayor of said Village of Richwood be reversed with costs and held for naught and that the plaintiff in error be discharged, and that he recover of said Village of Richwood his costs up to this time taxed at \$.

And it is further ordered that a special Mandate be sent to the Court of Common Pleas of this County to carry this judgment into execution, and thereupon the defendant in error except to the ruling, decision and judgment of this Court.

18 v.s
Otterbriin University

Stephen Crauston Adm'r

Continued by agreement.

17 v.s
S. S. McCracken

J. W. McCracken Adm'r

Continued by order of Court.

10.30 A.M.
Present as J.
Hon. Thomas
" John J.
" Henry

Hon. Tho
David W.

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Friday, May 1st A. D. 1885

10.30 A.M. Court convened pursuant to adjournment,
Present as Judges of said Court.
Hon. Thomas Beer,
" John J. Moore,
" Henry W. Seney,

Present as officers of said Court
Marion Hopkins, Sheriff,
John D. Bourque, Clerk,
Hon. Thomas Beer, one of the Judges of said Court presiding.

David W. Taylor Plaintiff in Error.

12

The Village of Richwood Defendant in Error.

This day this cause which heretofore during this term was heard and was taken under advisement by the Court, again came on for decision and was judgment, and the Court being fully advised in the premises do find that there is error apparent upon the record in the proceeding of said Court of Common Pleas to the prejudice of the plaintiff in error in this, to wit: The finding and judgment of the Court of Common Pleas and of said Mayor was not sustained by the evidence introduced in the case.

It does not appear that the complaint made before the Mayor and on which the plaintiff in error was arrested, was in writing under oath.

It is therefore considered and adjudged that the judgment rendered by the Court of Common Pleas and by the Mayor of said Village of Richwood be reversed with costs and held for naught and that the plaintiff in error be discharged, and that he recover of said Village of Richwood his costs up to this time taxed at \$-. And it is further ordered that a special mandate be sent to the Court of Common Pleas of this County to carry this judgment into execution. And thereupon the defendant in error excepts to the ruling decision and judgment of this Court.

Richard Hamegaw Plaintiff in Error.

16

The Village of Richwood Defendant in Error.

This day this cause which heretofore during this term was heard and was taken under advisement by the Court again came on for decision and judgment, and the Court being fully advised in the premises do find that there is error apparent upon the record in the proceeding of said Court of Common Pleas to the prejudice of the plaintiff in error in this to wit:

The finding and judgment of the Court of Common Pleas and of said Mayor was not sustained by the evidence introduced in the case.

It does not appear that the complaint made before the Mayor and on which the plaintiff in error was arrested was in writing under oath.

It is therefore considered and adjudged that the judgment rendered by the Court of Common Pleas and by the Mayor of said Village of Richwood recover his costs up to this time taxed at \$-

And it is further ordered that a Special Mandate be sent to the Court of Common Pleas of this County to carry this judgment into execution.

And thereupon the defendant in error excepts to the ruling decision and judgment of this Court.

Friday May 1st 1883.

19 Putes Sells plaintiff in error.
Village of Richwood defendant in error.

This day this cause which heretofore during this term was heard and was taken under advisement by the Court again came on for decision and judgment, and the Court being fully advised in the premises do find that there is error apparent upon the record in the proceedings of said Court of Common Pleas to the prejudice of the plaintiff in error in this to-wit:

1st The finding and judgment of the Court of Common Pleas and of said Mayor was not sustained by the evidence introduced in the case.

2nd It does not appear that the complaint made before the Mayor and sworn which the plaintiff in error was overruled was in writing under oath.

It is therefore considered and adjudged that the judgment rendered by the Court of Common Pleas and by the Mayor of said Village of Richwood be reversed with costs and held for nought, and that the plaintiff in error be discharged, and that he recover of said Village of Richwood his costs up to this time taxed at \$- And it is further ordered that a special Mandate be sent to the Court of Common Pleas of this County to carry this judgment into execution. And thereupon the defendant in error acquiesces to the ruling, decision & judgment of this Court.

Lydian H. Morris

S. W. Van Winkle et al

The parties appeared by their attorneys and thereupon this cause was submitted to the Court upon the pleadings exhibits and arguments of counsel and the same was taken under advisement by the Court.

14 James Savary et al,

The Commissioners of Union County, Ohio.

This day this cause came on to be heard upon the motion of plaintiff for a new trial and was argued by counsel. On consideration whereof and the Court being fully advised in the premises find that said motion is not well taken, and the same is therefore overruled, to which ruling and finding the plaintiffs excepted.

12 o'clock noon Court adjourned until 1.30 P.M.

1.30 P.M. Office as R. L. Wood

15 A. C. Pies

this cause was the exception was taken David W. partners D. W. Sta

20 John W. Ho Firm of Davi

Attorneys, a Court, upon apparent grounds for

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It is the the plaintiff W. F. adde

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6 o'clock

1.30 P.M. Court convened pursuant to adjournment, the same Judges and Officers as this morning.

15- R. L. Woodburn et al. }
A. C. Pierson et al. }

This day appeared the parties and their attorneys & thereupon this cause was submitted to the court upon the pleadings, the report of the referee and the exceptions thereto, and the evidence and the arguments of counsel, and the same was taken under advisement by the court.

David W. Stockstill & David L. Stockstill }
partners under the firm name of }
D. W. Stockstill & Co. Plaintiffs }

20 John W. Hoyt surviving partner of the }
Firm of Dwight and Hoyt Defendant. }

This day again came the parties by their attorneys, and said cause having heretofore been taken under advisement by the court, upon consideration thereof the court do find, there is no error apparent on the record in said proceedings and judgment, that there was reasonable ground for proceeding in error.

It is therefore considered by the court that said judgment be and the same hereby is affirmed and that the defendant in error recover from the plaintiff in error his costs herein taxed at \$-

It is further ordered that a special mandate be sent to the Common Pleas Court of Union County, for execution, to all of which said plaintiff in error they and there excepted.

George Coder plaintiff }
7 Nancy W. Fadden defendant }

This day again came the parties by their attorneys, and said cause having been heretofore taken under advisement by the court, upon consideration thereof the court do find on the issues joined for the defendant Nancy W. Fadden.

It is therefore considered that the petition be dismissed at the costs of the plaintiff taxed at \$- and that the said defendant Nancy W. Fadden go hence without day and recover of the plaintiff George Coder her costs herein expenses taxed to \$-

And it is ordered further that a special mandate be sent to the Common Pleas Court of Union County for execution.

To said decree and decision the plaintiff they and there excepted.

Clock P.M. Court adjourned until tomorrow at 8.30 A.M.

Saturday, May 2nd A.D. 1885.

8.30 A.M. Court convened pursuant to adjournment.

Present as Judges of said Court

Hon. Thomas Beer,

" John J. Moore,

" Henry W. Seavey.

Present as Officers of said Court.

Marion Kapfkin, Sheriff,

John D. Burquer, Clerk.

The First National Bank
of Delaware of Ohio

10

v.s

John Rodgers

The parties appeared by their attorneys & thereupon

this cause was submitted to the Court upon the pleadings, exhibits and the arguments of counsel and the same was taken under advisement by the Court.

Jacob Johnson

5

v.s

Cyrus Staunton et al

This day came on this cause to be heard on the motion

of defendants to dismiss the appeal for want of an appeal bond in the Circuit Court. Whereupon the Court grant leave to appellants to file new appeal bond in 30 days and cause is continued by consent of parties.

George M. Pickard

9

v.s

Commissioners of Union County, O.

Continued.

P. R. Kern

24

v.s

J. P. Cratty et al

Isaac Staley

Left off docket.

21

v.s

Nancy J. Connell

This day appeared the plaintiff and his attorneys and submitted this cause to the Court upon motion and showing of plaintiff for leave to file a new appeal bond herein. Whereupon the Court being fully advised in the premises dismiss the appeal herein at the cost of appellant Isaac Staley.

It is therefore considered and adjudged by the Court that the plaintiff pay the cost herein taxed at \$. To all of which plaintiff accepts.

It is further ordered that a special mandate be sent to the Court of Common Pleas to carry this judgment into execution.

1. O'clock P.M.

Present as

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John H. C

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James A. S

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12. O'clock Noon. Court adjourned until Monday next at 1. O'clock P.M.

6. O'clock P.M.

Monday, May 4th 1885.

1 o'clock P.M. Court convened pursuant to adjournment.

Present as Judges of said Court
Hon. Thomas Beer,
" John J. Moors,
" Henry W. Servey.

Present as Officers of said Court.
Maziah Hapkins, Sheriff,
John DeBrunner, Clerk.

Hon. Thomas Beer one of the judges of said Court presiding.

John H. Preston et al

25

Suey G. French et al

This day appeared the parties by their attorneys and thereupon this cause was submitted to the Court upon the petition in error, the exhibits, and the pleadings and the arguments of counsel and the same was taken under advisement by the Court.

James A. Kile et al

33

D. Mulford et al

This day appeared the parties and their attorneys, thereupon this cause was submitted to the Court on the pleadings and the evidence and the arguments of counsel and the same was taken under advisement by the Court.

William Woodie

34

Uriah Cahill et al

Continued and leave given defendants to plead by June 15th.

A. Paris

35

W. W. Mahan

Left off docket.

John M. Longbrake et al

36

Nathan Howard et al

Continued.

The Beechey Mutual Fire Ins. Co.

22

Moses Thompson

This day appeared the parties by their attorneys and thereupon this cause was submitted to the Court upon the petition in error, the exhibits, and the pleadings, and the arguments of counsel and the same was taken under advisement by the Court.

6 o'clock P.M. Court adjourned until tomorrow at 9 a.m.

Tuesday May 5th A.D. 1885.

9 o'clock A.M. Court adjourned pursuant to adjournment.

Present as Judges of said Court
Hon. Thomas Beer.

" John J. Moore.
" Amos W. Seely.

Present as Officers of said Court.
Marion Hopkins Sheriff.

John D. Buzner, Clerk.

Honorable Thomas Beer one of the Judges of said Court presiding.

James W. Robinson

32

Thomas Martin et al

This day came the parties and submitted this cause to the Court and defendants consented and agreed with plaintiff that he said Thomas Martin doth own on said mortgage in said petition described to the plaintiff the sum of \$202.⁷² besides the \$397.²⁵ for which decree was taken in the Court of Common Pleas in excess of the sum in dispute making a total of \$600.⁰⁰ with 8% of interest from the date thereof March 5th 1885.

It is therefore by consent and agreement of said parties ordered and decreed by the Court that said defendant Thomas Martin pay to plaintiff said sum of \$202.⁷² with 8% of interest so as to make the whole sum \$600.⁰⁰ with 8% per cent interest from March 5, 1885 and that said Thomas Martin pay the costs herein expended taxed at \$⁰⁰. And the Court further order and decree by the consent of said parties that an order of sale be issued for six months from this date and if said defendants fail for six months to pay said \$202.⁷² and interest as aforesaid and costs as aforesaid that an order of sale issue to the Sheriff of said County of Union commanding him to advertise and sell said premises to satisfy said claims of \$202.⁷² and interest and costs and said former decree for \$397.²⁵ and interest and that this cause be remanded to the Court of Common Pleas for further proceedings to carry out this decree.

Isaac White

34

State of Ohio

Indictment for murder in the 2nd degree.

This day appeared the plaintiff by his Attorneys Lancaster and Woodburn also came John M. Probrick Prosecuting Attorney, assisted by D. W. Ayres, on behalf of the State of Ohio, and thereupon this cause was submitted to the Court upon the petition in Error, the exhibits, the transcript and arguments of counsel, and the arguments of counsel not being concluded the further hearing of this cause was adjourned until 1.30 P.M.

1.30 P.M. and Officers

37

Isaac White
State of Ohio

and Woodburn
by D. W. Ayres
further hearing
concluded

Isaac White

Nancy J. C.

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H. A. W.

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W. A. R.

Tuesday May 5th A.D. 1885

1.30 P.M. Court convened pursuant to adjournment, the same judges and Officers present as heretofore.

37 Isaac White }
T.S.
State of Ohio }

This day again appeared the plaintiff by his attorneys Canavan and Woodburn also appeared John M. Brooks Prosecuting Attorney assisted by D. W. Ayers, on behalf of the State of Ohio, and thereupon this cause was further heard upon the arguments of Counsel, and the argument being concluded this cause was taken under advisement by the Court.

Isaac Staley }
T.S.
Nancy J. Cornell }

Error - see page 12.

23 D. F. Gates }
T.S.
A. R. McCowan & Co }

This day this cause came on to be heard upon the motion and showing of the defendants for leave to file a new appeal bond herein whereupon the Court being fully advised in the premises find said motion not well taken and order said appeal to stand dismissed at costs of defendants.

It is therefore considered and adjudged by the Court that the defendants A. R. McCowan & Co. pay the costs herein taxed at \$-

And it is further ordered that a special mandate be sent to the Court of Common Pleas of said County of Union to carry this judgment into execution.

To all of which rulings and judgment defendant accepted

26 James Hoar }
T.S.
O. Holmes }

Continued.

29 Sarah J. Teets }
T.S.
Sarah E. White }

Continued.

28 Sarah J. Teets }
T.S.
Sarah Moses }

Left off docket.

31 H. W. Willis }
T.S.
W. H. Robinson }

Continued.

C. O'Leary, Court adjourned until tomorrow at 9 A.M.

Wednesday, May 6th 1885-

9 o'clock A.M. Court convened pursuant to adjournment.

Present as Judges of said Court.

Hon. Thomas Beer.

" John J. Moore.

" Henry W. Selney.

Present as Officers of said Court.

Marion Hapkins, Sheriff.

John W. Pasquer, Clerk.

Honorable Thomas Beer one of the Judges of said Court presiding.

G. J. Webster et al, Trustees &c.

v.s

Richard Mayfield et al, &c.

This day came on this cause to be heard on the motion of defendants to dismiss the appeal for want of an appeal bond in this Circuit Court. Whereupon the Court grant leave to appellants to file new appeal bond in 30 days and cause is continued by consent of parties.

C. Sheriff's allowance

The Court this day allowed and ordered to be paid to M. Hapkins for his services at this term of Court as Sheriff the sum of \$66⁰⁰

Lydia A. Morris

v.s

S. M. Law Vinkle et al &c

This cause came on for hearing upon the petition in error, the transcript and the original papers & pleadings from the Court of Common Pleas of Union County and was argued by counsel; on consideration whereof the Court find there is no error apparent on the record in said proceedings and judgment. It is therefore considered by the Court that said judgment be and the same is hereby affirmed and that the defendants in error recover from the plaintiffs in error their costs herein taxed at \$
And the Court being of the opinion that there was reasonable ground for proceeding in error, allow no penalty. It is therefore ordered that plaintiffs petition be dismissed and that a special mandate be sent to the Court of Common Pleas of Union County for execution upon said judgment.

No 22

Buckeye Mutual Insurance Company

v.s

Elmer Thompson

This cause having been submitted to the Court and the Court now being fully advised in the premises do sustain said petition in error and find error in this to-wit: "The verdict is against the evidence in that it does not tend to show waiver by plaintiffs in error of increase of risk and in the charge of the Court given on that subject." It is therefore considered that said judgment be set aside and said verdict set aside and a new trial granted and the Court order that a special mandate issue to the said Court of Common Pleas to further proceed with the case by new trial.

Henry Fox

v.s

John Siggat

This cause having been submitted and now on file in

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James K

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-Verification the Court find therein no error apparent in said record.
 It is therefore considered ordered and adjudged by the Court that
 said judgment be and the same is affirmed with costs and that
 the defendant in error recover of the plaintiff in error his costs herein
 taxed to \$ And the Court being of the opinion that reasonable grounds
 for proceeding in error existed allow no penalty.
 It is therefore considered and ordered that a special mandate
 issue to the Court of Common Pleas of this County for execution upon
 said judgment. To all of which Petitioner in error excepts.

33 James Hill et als }
 vs. }
 David Mulford et als }

This cause having been submitted to the Court
 by the parties, Whereupon the Court being fully advised in the premises
 do find for the plaintiffs and against the defendants on the issues found
 between them and that the mistake ought in equity be corrected in said
 deed so as to make it express the true intent of the parties conveying
 to Elijah Warner said lands in fee simple and to his heirs forever
 and that plaintiffs title and possession for said lands ^{should} be quieted
 against said defendants and their cross petitioners for the said
 possession be dismissed. It is therefore considered ordered and
 decreed by the Court that said deed be corrected and operated as a deed
 in fee simple the same as if it had expressly conveyed said land
 to said Elijah Warner and his heirs and assigns and that the
 plaintiffs be and they are acquitted by the decree of this Court in
 their said title and possession against the said defendants and
 that plaintiffs recover of the defendants their costs herein taxed and
 taxed to \$ including the sum of one hundred dollars as dama-
 ges which the Court assess against said defendants in favor of
 plaintiffs and the Court order a special mandate to issue
 to the Court of Common Pleas of Union County Ohio to execute this
 judgment

10 First National Bank of Delaware }
 Ohio Petitioner in error }
 vs. }
 John Rodgers Defc. in Error }

This day again came the parties
 by their attorneys and said cause having heretofore been taken
 under advisement by the Court. Upon consideration thereof the
 Court do find therein no error apparent on the record in said
 proceeding and judgment. That there was reasonable grounds
 for proceeding in error. It is therefore considered by the Court that
 the said judgment be and the same hereby is affirmed and that the
 defendant in error recover from the Plaintiff in error his costs herein
 taxed at \$ It is further ordered that a special mandate ~~issue~~
 be sent to the Common Pleas Court of Union County for execution of all
 of which judgment & decision said plaintiff in error stand then excepted.

15

R. S. Woodburn et al
vs.
A. C. Pearson et al

This cause having been argued and submitted by the parties to the Court and the Court having considered the same order this cause continued with leave to the Plaintiff to file an amended petition by the first day of July 1885 making all the Creditors and all the Stock holders of said Company parties defendant and with leave to all defendants to file answers to said Amended petition by August 1st 1885 & a reply thereto by Aug 22 and that this cause be and it is referred to W. L. Davis of Marion Ohio to take & report the testimony on the issues then made up and to find the facts and report the same with his conclusions of law thereon at the next term of this Court to which time this cause is continued.

25

Jos. H. Ruston et al
vs.
Suey G. French et al

This day again came the parties by their Attorneys & this cause having been heretofore taken under advisement by the Court upon consideration thereof the Court do find there is no error apparent upon the record in said proceedings and judgment and that there was reasonable grounds for proceeding in error. It is therefore considered by the Court that said proceedings and judgment be and the same hereby is affirmed and that the defendant in error recover of the Plaintiff in error their costs herein taxed at \$ To which the Plaintiff the said John H. Ruston A. Depp. H. Hudson J. Bishop and Wm. Bullock all excepted. It is further ordered that a Special Mandate be issue to the Court of Common Pleas of said Union County for execution.

2

William Smith
vs.
Elijah S. Reese et al

This day again came the parties and their counsel, and this came at a former day of this term having been submitted to the cross petition of the said Elijah S. Reese. The amended reply of the Plaintiff thereto and the evidence and taken under advisement by the Court, coming on for finding and decision and the Court being fully advised in the premises do find that all the deeds mentioned in said Cross-petition (except the deed executed by Nancy Harris to the Plaintiff after the death of Minerva C. Evans) were founded upon good full and valuable considerations and that they contained the recitals and were executed and recorded as in Cross-petition stated and that the statements and allegations contained in said Cross-petition are true and the Court finds the the equities of the case to be with the defendant Elijah S. Reese and against the said Plaintiff. That said Plaintiff is not entitled to the possession of the premises in the petition described or any part thereof, but that said Elijah S. Reese is rightfully in possession of said lands. The Court further finds that said defendant Elijah S. Reese is entitled to the relief prayed for in his ^{Cross} petition in having his title and possession quieted to said premises.

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It is therefore ordered adjudged and decreed that the title and possession of said Elijah S. Reese to all and singular the premises in the petition described to-wit: Situate in the County of Union and State of Ohio Part of Survey No 10704 & 10705 being also a part of tract No 1 on plat No 2 of the subdivision of Manawa Co. Evans Land, Beginning at a Stone and pieces of crockery in the North line of said Survey at the North west corner of William Keetz Land, Thence S. 82° W 206 poles to a Stake and Stone witness a Sugar and Ironwood in said Survey line, Thence S. 7. E 137 1/2 poles to a Stone and pieces of crockery at Wm Keetz S.W. Corner, Thence N 8° 40' W 132, 80 poles to the place of beginning containing 170 acres, be quieted as against the plaintiff and all persons claiming through or under him. And that Plaintiff and all persons claiming under him be and he is hereby enjoined from setting up any claim to said premises or any part thereof adverse to the title or possession of said Elijah S. Reese ^{thence} or any person claiming under him or in any manner interfering with his use and enjoyment of the same, It is further ordered that the plaintiff pay the costs of this suit taxed to \$ and in default of payment Execution is awarded therefor. To all of which plaintiff excepts, and it is further ordered by the court that a special Mandate be sent to the Court of Common Pleas of Union County Ohio to carry this Judgment into Execution.

William Smith }
 vs }
 William Keetz et al }

This day came the parties and their and their attorneys and this cause at a former day of this term having been submitted to the court upon the cross petition of the said Cross petition of the said William Keetz the amended Reply of the plaintiff thereto and the evidence and taken under advisement by the court, coming on now for finding and decision, and the court being fully advised in the premises do find that all the deeds mentioned in said Cross petition (except the deed executed by Nancy Harris to the plaintiff after the death of Manawa Evans) were founded upon good, full and valuable consideration's and that they contained the recitals and were executed and recorded as in said cross petition stated and that the statements and allegations contained in said Cross petition are true, and the court finds the equities of the case to be with the defendant Wm Keetz and against the said plaintiff, that the said plaintiff is not entitled to the possession of the premises in the petition described or any part thereof but that the said defendant William Keetz is rightfully in possession of said lands, The court further finds that said William Keetz is entitled to the relief prayed for in his Cross petition in having his title and possession to said premises quieted, It is therefore ordered adjudged and decreed that the title and possession of said William Keetz to all and singular the premises in the petition described to-wit: Situate in Jackson Township, Union County Ohio, being Part of U.M. Survey No 10704 & 10705. Beginning at a Stone & 3 Ironwoods at the N.E. corner of said Survey, Thence with the North line of said Survey 82° W 133.68 poles to a line Stone and pieces of crockery in the center of the Brown road, Thence with the center of said road N 81° 133.68 poles to a Stone in the East line of said Survey and at the S.W. corner of N.C. Blevins Land, thence said Survey line N 9° W, 130.50 poles to the place of beginning containing 102 acres of land, be quieted as against the plaintiff and all persons claiming through or under him. And that the plaintiff and all persons claiming under him be and he is hereby enjoined from setting up any claim to said premises or any part thereof adverse to the title or possession of said William Keetz or any person claiming under him thereto or in any manner interfering with his use and

Enforcement of the same. It is further ordered that the plaintiff pay the costs of this writ taxed to \$ and in default of payment Execution is awarded therefor to all of which the plaintiff excepts- And it is further ordered by the Court that a Special Mandate be sent to the Court of Common Pleas of Union County, Ohio to carry this Judgment into Execution,

Isaac White Pltff in error }
vs }
The State of Ohio Dft in error } Judgment for murder in the 2nd degree

This day again came the plaintiff the said Isaac White by his attorneys Cameron and Woodburn, also came John M. Bradrick Prosecuting Attorney assisted by D. W. Ayers on behalf of the State of Ohio and said cause having heretofore been taken under advisement by the Court upon consideration thereof the Court do find there is no error apparent upon the record in said proceedings and judgment.

It is therefore considered by the Court that the judgment of the Court of Common Pleas be and the same hereby is affirmed. To which ruling of the Court in affirming said judgment the plaintiff in error by his attys excepts.

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All causes not otherwise disposed of are hereby ordered continued until the next Term of this Court. And thereupon this April A.D. 1855 Term of Circuit Court which was begun on the 25th day of April A.D. 1855 and was held and adjourned from day to day, is now adjourned without day.

Wm J. D. Burgher, Clerk,

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State of Ohio
 Third Judicial Circuit.

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit, for the year 1886, be fixed, as follows, to-wit: Allen County on the 8th day of June and the 14th day of December.

Austaipe	"	"	1 st	"	"	"	9 th	"	"
Crawford	"	"	2 nd	March	"	2 nd	"	November	
Defiance	"	"	9 th	"	"	9 th	"	"	
Fulton	"	"	5 th	February	"	17 th	"	September	
Hardin	"	"	16 th	March	"	26 th	"	October	
Henry	"	"	27 th	April	"	11 th	"	November	
Hancock	"	"	9 th	February	"	19 th	"	October	
Hogan	"	"	26 th	January	"	28 th	"	September	
Marion	"	"	16 th	February	"	21 st	"	"	
Mercer	"	"	4 th	May	"	7 th	"	December	
Paulding	"	"	18 th	"	"	23 rd	"	November	
Putnam	"	"	11 th	"	"	30 th	"	"	
Seneca	"	"	23 rd	March	"	16 th	"	"	
Union	"	"	20 th	April	"	5 th	"	October	
Van Wert	"	"	25 th	May	"	25 th	"	November	
Williams	"	"	19 th	January	"	14 th	"	September	
Wood	"	"	8 th	April	"	19 th	"	October	
Wyandot	"	"	23 rd	February	"	23 rd	"	September	

Said terms to begin at 9 o'clock A. M.

Thomas Beer }
 John J. Moore } Judges
 W. Henry W. Searcy }

August 18, 1885

The above is a full and correct copy of the original order now on file in my office.

Attest: John Q. Burger, Clerk

Rules of Practice

for the Circuit Courts of Ohio

Adopted by the judges of the Circuit Courts of the State, at their Annual Meeting, held in the City of Columbus, on the third Tuesday in August A.D. 1885.

At the annual meeting of the judges of the Circuit Court of Ohio, held at the city of Columbus, on the third Tuesday in August, 1885, the following uniform Rules of Practice were adopted, to take effect on the first day of October, 1885, and to be thereafter in force:

Rule I.

Bills of Exceptions

Bills of exceptions must be printed, or written, in a plain, legible hand, upon but one side of the paper. Each page must be numbered, and there must be marginal references to the important parts relied upon. Each bill of exceptions must contain a full index; must have a paste-board, or other substantial cover, and in no case shall it be folded or rolled. Any failure to comply with these requirements will be deemed sufficient for disregarding, or striking from the files, the bill of exceptions, unless good reason be shown for such failure.

Rule III.

Transcripts

The transcript of the journal entries required to be filed, shall contain the entries arranged in the order they appear on the journal, with the date and term of court of each entry; and the proper certificate of the clerk of the court shall be attached at the end of such transcript.

Rule III.

Continuances

An application for the continuance of a cause shall be by motion, supported by affidavit; and if the continuance is asked for on the ground of inability to procure the testimony of an absent witness, the party making the application must state in his affidavit what he expects to prove by such witness, and also by what acts of diligence he has endeavored to procure the testimony of such witness.

If the court finds the testimony material, and that due diligence has been used, such cause may be continued, unless the opposite party consents to the reading of such affidavit in evidence, in which case the trial may proceed and such affidavit be read on the trial, and treated as the deposition of the absent witness.

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Circuit Courts of Ohio

Rules of Court:

Rule IV.

Preservation of Records and Files.

The Clerk of the Court shall be answerable for all records belonging to his office, and all papers filed therein. They shall not be taken from his custody unless by a special order of the court, or a judge thereof, or by the written consent of the attorneys for all the parties, which consent must be filed with the clerk, who shall also, in all cases, take the receipt of the attorney so receiving such records, or papers. All records and papers must be returned to the custody of the clerk at least three (3) days before the first day of each term of the court, and shall so remain during the session of the court. Parties and their attorneys shall at all reasonable and proper times have access to such records and papers for inspection in the clerk's office, or may procure copies from the clerk, on paying the proper fees thereof.

Rule V.

Arguments on Motions.

No oral argument upon any motion shall occupy longer than fifteen minutes, on a side, unless the court, for special reasons, to be assigned before the hearing, shall extend the time.

Rule VI.

Arguments on Error.

The attorney representing the plaintiff in error shall, in a brief and concise manner, state his case and the errors complained of, and each party shall then have not to exceed one hour for the oral argument of the cause, unless the court, for special reasons to be assigned immediately after the statement of the case, shall extend the time.

Rule VII.

Arguments on Appeal.

In appeal cases, after the testimony is all in, arguments of counsel may be limited to such time as the court, in its discretion may deem right and proper.

Rule VIII.

Briefs.

Counsel shall, on the submission of a cause, file with the court a written or printed brief, containing a statement of the questions presented and a succinct statement of so much of the cause, referring to the pages of the record, as is necessary to show how the questions arise, together with a statement of the authorities relied on.

Circuit Courts of Ohio

Rule IX

~~Journal Entries~~

Counsel for the party in whose favor an order, decree or judgment is rendered, shall, within twenty-four (24) hours thereafter, unless further time be given by the court, prepare the proper journal entry, and submit it to the counsel for the adverse party, who shall approve or reject the same within twenty-four (24) hours after its receipt. When approved by counsel and the court, it shall be immediately furnished to the clerk, who shall forthwith enter the same upon the journal. Upon failure to comply with this rule, unless good reasons be shown to the contrary, the cause may be dismissed as for want of prosecution.

Rule X.

~~Journal Entries~~

The party requesting a finding of facts, shall, within twenty-four (24) hours after the order, judgment or decree is rendered, unless further time be given by the court, prepare the finding of facts, and submit the same to the counsel of the adverse party, and within twenty-four (24) hours after its receipt by him the same shall be submitted to the court; and for want of a strict compliance with this rule, unless good cause be shown to the contrary, the clerk shall enter a general finding instead of a finding of facts.

Rule XII.

~~Journal Entries~~

The judges of the several circuits may adopt such rules upon questions of practice, not covered by the foregoing rules, as they may deem expedient, or may, if they deem proper, suspend the operation of any rule in their circuit until the next annual meeting of the Circuit Judges.

Ordered, that the foregoing rules shall take effect and be in force from and after October 1st, 1885, and that the Clerks of the several Circuit Courts, upon receipt of a copy thereof, enter the same upon the journals of their respective courts.

Marshall J. Williams
Chief Justice of the Circuit Courts of Ohio.

August 18, 1885.

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Tuesday Dec. 1st A.D. 1851.

Be it remembered that the Circuit Court within and for the Third Judicial Circuit of the State of Ohio was begun and held at the Town of Mansfield, County of Union and State of Ohio on Tuesday the first day of December in the year of our Lord One thousand eight hundred and fifty one at ten o'clock A.M.

Present as Judges of said Court.

Hon. Thomas Beer

John J. Ward

Henry W. Sney

Present as Officers of said Court.

Marion Hopkins Sheriff.

John D. Brugner Clerk.

Honorable Thomas Beer one of the Judges of said Court presiding.

James Hoover

O. Holmes

This day appeared the parties and their attorneys and submitted this cause to the Court on motion to dismiss the same for want of a good and sufficient bond herein, as required by law.

And the Court being fully advised in the premises overruled said motion.

George M. Richard

James B. Whelpley et al
Commissioners of Union County, Ohio et al.

This day appeared the parties and their attorneys and submitted this cause to the Court upon the report of the Referee and the original papers and pleadings herein the evidence and the arguments of counsel, and the same was taken under advisement by the Court.

Lucinda Ford

D. S. Ford et al

This day appeared the parties and their attorneys and this cause came on to be heard on motion of defendant to require plaintiff to give security for costs, and the Court on being fully advised in the premises overruled said motion.

R. L. Woodburn et al.

A. C. Pierson et al

This day appeared the parties and their attorneys and this cause was heard on motion of defendant to send the said cause back to the Referee to enable them to accept to his report and tender a bill of exceptions to the Referee for his allowance, and the same was taken under advisement by the Court.

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Lucinda Ford
vs
D. S. Ford et al.

This day again appeared the parties and their attorneys and this cause came on to be heard on the motion of defendant Daniel S. Ford for a continuance and the Court being fully advised in the premises does retain said motion and order said cause to stand continued at the costs of said defendant.

It is therefore considered and adjudged by the Court that the defendant pay the costs of this Term herein taxed at \$ and in default thereof that execution issue therefor. And it is further ordered by the Court that a special mandate issue to the Court of Common Pleas to carry said judgment into execution.

12, O'clock noon, Court adjourned until 1, 30 P.M.

1, 30 P.M. Court resumed pursuant to adjournment, the same judges and officers being present as this morning.

The hour having arrived for funeral services of Thomas A. Hendricks, Vice President of the United States, this Court is adjourned until 9, O'clock tomorrow morning.

Attest, John D. Brugger, Clerk.

In reference to the death of the Hon. Thomas A. Hendricks, Vice President of the United States:-

Whereas, the Hon. Thomas A. Hendricks, Vice President of the United States departed this life on Wednesday, the 25th day of November A. D. 1885, and this 1st day of December A. D. 1885 at 2, O'clock P.M. being the day and hour of his funeral and burial, therefore as a mark of respect for his love of Country, his distinguished statesmanship, his rare ability as a lawyer and his integrity and pure trait of character as a man; it is ordered that this Court be and the same is hereby adjourned until tomorrow morning at 9, O'clock.

The above recited by order of Court.

Attest, John D. Brugger, Clerk.

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Wednesday, Dec. 2nd 1885

9 o'clock A. M. Court convened pursuant to adjournment.

Present as Judges of said Court

Hon. Thomas Beer,

" John J. Moore,

" Henry W. Tracy,

Present as Officers of said Court

Marion Hopkins Sheriff.

John D. Benquer. Clerk.

Honorable Thomas Beer one of the judges of said Court presiding.

R. L. Woodburn et al,

15

A. C. Pierce et al

This day came on this cause to be heard on the defendants motion to refer this cause back for the purposes named in their written motion whereupon the court being fully advised in the premises do approve said motion to which ruling of the court the defendants the appellants except and leave is given until tomorrow morning to defendants to file exceptions to the report.

Ottobrin University

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Stephen Craustan Adair & c.

This day appeared the parties by their attorneys and this cause was submitted to the court on the bill of exceptions, petition in error, the original pleadings and papers and arguments of counsel, and the same was taken under advisement by the court.

P. B. Kerr

24

J. P. Cratty et al.

This day appeared the parties by their attorneys and this cause was submitted to the court on the bill of exceptions, petition in error, the original pleadings and papers and arguments of counsel, and the same was taken under advisement by the court.

H. A. Wiles

31

W. H. Robinson Plff. in Error.

W. H. Robinson

H. A. Wiles, Def. in Error

This day came the parties by their attorneys and submitted this cause to the court on the petition in error, bill of exceptions, original pleadings and arguments of counsel and the same was taken under advisement by the court.

Sarah Teets

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Sarah Moses

This day came the parties by their attorneys and submitted this cause to the court on the petition in error, bill of exceptions, original pleadings and arguments of counsel and the same was taken under advisement by the court.

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17, v. l. c.

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W.W.M. Mahow

This day came the parties by their attorneys and submitted this cause to the Court on the petition in error, bill of exceptions original pleadings and arguments of counsel and the same was taken under advisement by the Court.

John M. Longbrake et al.

36

Nathan Howard et al

This day appeared the parties and their attorneys and submitted this cause to the Court on the transcript original pleadings and papers and the evidence and arguments of counsel and the same was taken under advisement by the Court.

James Hoover

26

C. Holmes

This cause came on to be heard on motion of plaintiff for a continuance and the Court being fully advised in the premises sustained said motion at the costs of plaintiff.

It is therefore considered and adjudged by the Court that the plaintiff pay the costs of this Term herein taxed at \$,

And it is further ordered that a special mandate issue to the Court of Common Pleas of Union County, Ohio to carry said judgment into execution.

12 o'clock noon: Court adjourned to one 1/2 o'clock P.M.

Wednesday Dec. 3rd 1885.

1.30 P.M. Court convened pursuant to adjournment, the same Judge and Officers being present as this morning.

B. S. McCracken

D. W. McCracken et al

This day this cause came on to be heard upon the pleadings and evidence, and the same was argued by counsel and submitted to the Court. On consideration whereof the Court do find that the premises as described in plaintiff's petition were sold for the sum of \$1535.⁰⁰ and that said Lots Nos. 211 and 212 were of equal value making the proceeds of each lot \$767.⁵⁰

The Court therefore order distribution of the proceeds of said sale of of each lot as follows: As to the proceeds of lot No. 211 the Sheriff pay:-

- 1st One half the costs of this action in the Court of Common Pleas taxed at \$54.83
- 2nd One half of the taxes due at date of sale \$145.34
- 3rd One half of the allowance to Margaret M. Cracken in lieu of homestead \$250.00
- 4th To the Woodburn Iron Wheel Co. on its judgment herein set up \$44.13
- 5th To Rogers, Dock & Lewis the remainder due on their judgment \$100.00
- 6th To Wagner & Torrey the remainder of said proceeds 163.20

As to the proceeds of Lot No 212, the Sheriff pay:

- 1st One half the costs of this action in the Common Pleas Court taxed at \$54.84
- 2nd One half the taxes due at date of sale \$155.34
- 3rd To Wm. C. Ferguson the amount due on his mortgage \$113.85
- 4th One half the allowance to Margaret M. Cracken in lieu of a homestead \$250.00
- 5th To Gardner Thornhill & Co. the remainder of said proceeds 192.50

As to the allowance in lieu of a homestead the Sheriff pay:-

- 1st To S. Carter & Co. the amount due on their mechanics lien \$95.40
- 2nd To W. C. Ferguson the amount due on his mortgage \$371.41
- 3rd To Hale & Fret the remainder of said allowance 33.19

And the said appellants herein, Hale & Fret not recovering a greater sum than in the Court below; it is ordered that they pay all the costs in this Court. It is further ordered that this case be remanded to the said Common Pleas Court of Union County Ohio for execution.

L. J. Webster et al.

Richard Mayfield et al.

This day came on this cause to be heard on Defendants motion to dismiss this cause for want of compliance with the order of the Court to file a new Appeal Bond, whereupon the Court being fully advised in the premises sustain said motion

It is therefore ordered and decreed by the Court that this cause be dismissed without prejudice and the Court order and decree that the plaintiff pay the costs herein taxed to \$ in twenty days and in default thereof that execution issue as upon judgments at-law; and this cause is remanded to the Court of Common Pleas for execution.

Jacob Johnson
vs
Cyrus Styer

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25 Jacob Johnson
vs
Cyrus Stymates, et al.

This day came on this cause to be heard on motion of Defendants to dismiss this cause for want of compliance with the order of this Court to file new Appeal Bond. Whereupon the Court being fully advised in the premises sustained said motion. Therefore this cause is dismissed without prejudice at plaintiffs costs.

It is therefore considered and decreed and ordered that the defendants recover of the plaintiffs their costs in this cause expended taxed to \$ And this cause is remanded to the Court of Common Pleas for execution.

26 James Hoover
vs
O. Holmes et al.

This cause came on to be heard on motion of the plaintiff for a continuance and the Court being fully advised in the premises sustained said motion at the costs of plaintiff.

It is therefore considered and adjudged by the Court that the plaintiff pay the costs herein of this term of Court taxed at \$ and it is further ordered that a special mandate issue to the Court of Common Pleas of Union County, Ohio, to carry said judgment into execution.

Court adjourned until 9 o'clock tomorrow morning.

Thursday Dec, 3rd 1885.

9, 10 o'clock A.M. Court convened pursuant to adjournment.

Present as Judges of said Court

Hon. Thomas Beer.

" John J. Moore.

" Henry W. Lenny.

Present as Officers of said Court.

Marion Hopkins Sheriff.

John D. Benquer. Clerk.

Honorable Thomas Beer one of the Judges of said Court presiding.

A. Ferris

33

W. W. Mahan

This day again appeared the parties by their attorneys and this cause having been heretofore taken under advisement by the Court now came on for decision. Whereupon the Court filed that there is no error apparent upon the record of said Justice of the Peace and of the said Court of Common Pleas, and the said judgment of the Court of Common Pleas is hereby affirmed at the costs of the said plaintiff in error. It is therefore considered ordered and adjudged by the Court that the said plaintiff pay the costs herein taxed at \$ and in default thereof that execution issue therefor. To all of which decision and judgment of the Court plaintiff excepts. And it is further ordered by the Court that a special mandate be sent to the Court of Common Pleas to carry said judgment into execution.

P. R. Kerr

24

J. P. Cratty et al.

This day again appeared the parties by their attorneys and this cause having been heretofore taken under advisement by the Court now came on for decision, whereupon the Court being fully advised in the premises filed that there is no error apparent upon the record of the said Court of Common Pleas and therefore do affirm the judgment of the said Court of Common Pleas with costs.

It is therefore considered ordered and adjudged by the Court here that said plaintiff pay all the costs herein taxed to \$ and in default thereof that execution issue therefor. To all of which rulings judgment and decision of the Court said plaintiff excepts. It is further ordered by the Court that this cause be remanded to the Court of Common Pleas of Union County, Ohio, to carry said judgment into execution, no record.

12:00 o'clock noon, Court adjourned until one and one half o'clock P.M.

1:30 P.M. Court present as the R. L. Wood

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1.30 P.M. Court convened pursuant to adjournment, the same judge and officers being present as this morning.

R. L. Woodburn et al.

15-

A. C. Pierson et al.

(Should be Dec, 14th 85 -

This day came on this cause to be further heard on the exceptions filed to the said Report of W. J. Davis herein, by A. G. Wilcox and V. G. Hush executors of the will of W. W. Woods deceased and on the motion of the plaintiff to confirm said report. Whereupon the court being fully advised in the premises do overrule all of said exceptions and do sustain said motion to confirm said report and do order decree and adjudge that the plaintiff recover as a valid claim against the said A. G. Wilcox and V. G. Hush as said executors the said sum of fifty three hundred dollars, as the full assessment against said estate on the 53 shares owned and held by said W. W. Woods to be in full satisfaction of the liability of said estate as such stockholders to the creditors of said Butter Dole and Spoke Factory Company and thereupon the plaintiff move the court to assess a judge and order against said executors a part or all of the costs in this case and especially the costs made in this court on the appeal which motion the court overruled and refused to adjudge any costs against said executors on the ground that the face of the stock measures the full liability of such stockholders. And thereupon the court adjudge and ordered and decreed that the plaintiff pay all of the costs of this proceeding including the amount allowed T. J. Arthur as Referee in the Court of Common Pleas and also including the sum of One hundred dollars hereby allowed W. J. Davis for his services as master in this case. To all of which judgment and order for costs the plaintiff except, and to all judgments and orders herein against these defendants said defendants except.

And it is further ordered by the court that a special mandate be sent to the Court of Common Pleas of Union County, Ohio, to carry said judgment into execution.

Wm. Woodie

34

Nathan Howard et al.

This day appeared the parties and their attorneys and submitted this cause to the court on the transcript, original papers & pleadings, the evidence and arguments of counsel and the same was taken under advisement by the court.

T. M. Hubbard Plaintiff in Error

41

W. M. Watson Defendant in Error

This day appeared the parties by their attorneys and submitted this cause to the court on the petition in error, the original pleadings and arguments of the counsel and the same was taken under advisement by the court.

Court adjourned until 9.0 clock A.M. tomorrow.

Friday Dec. 4th A.D. 1885.

9 o'clock A.M. Court convened pursuant to adjournment.

Present as Judges of said Court

Hon. Thomas Peers,

" John J. Moore,

" Henry W. Seely. Present as Officers of said Court.

Marian Hapkins, Sheriff.

John D. Biszner, Clerk.

Honorable Thomas Peers one of the judges of said Court presiding.

William Murphy

140

vs
John Smith

This day came on this cause to be heard by the Court on the petition in error and the reasons and arguments of counsel.

Whereupon the Court find error in the admission of evidence of the declarations of W^m H. Murphy as to his authority to act for plaintiff in error, also in the charge of the Court in relation to same evidence.

Whereupon it is considered and adjudged by the Court that said judgment be and the same is reversed with costs and a new trial granted.

It is therefore considered and adjudged by the Court that the plaintiff in error recover of the defendant in error his costs in this Court expensed taxed to \$ - and this cause is remanded to the Court of Common Pleas for further proceedings and execution upon said judgment for costs.

Stephen Crautaw Admr &c.

18

vs
Ottobria University

This day came on this cause to be heard

further considered by the Court. Whereupon the Court being fully advised in the premises do find error in said judgment of the Court of Common Pleas in this, that the said finding of said Court for said Ottobria University was against the weight of evidence and should have been for the defendant below, that there was no consideration for said subscription, and therefore it is considered and adjudged by the Court that said judgment and proceedings be and the same are reversed with costs.

And the Court further find that there is no cause of action stated in the petition and that said Stephen Crautaw & Administrators is entitled to judgment in this Court on the merits for costs, and thereupon the Counsel for the Ottobria University ask that the cause be remanded without judgment in order that he may file an amended petition. Whereupon the Court being fully advised in the premises do overrule said motion to which said Ottobria University excepts.

Thereupon the Court having found no cause of action is stated in the petition do consider over and adjudge that the said Stephen Crautaw & Admr &c go hence without day and recover of the said Ottobria University his costs herein expensed taxed to \$ - To which judgment and decision of the Court the said Ottobria University excepts.

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George M. Richard *Pltff*
vs
James B. Whelpley *et al.* *Defts*

This day came the parties by their attorneys and thereupon this cause came on to be heard upon all the issues joined between the parties, except the issue as to whether a majority of the resident land owners who were reported by the viewers as benefited and ought to be assessed, had signed the petition asking for the said improvement, and was argued by counsel. On consideration whereof the court first on all the issues thus joined and heard in favor of the defendants. The court finds that the said viewers acted honestly, in good faith and were not guilty of any fraud; that they did ^{leave} off and not report ^{certain tracts of} lands in the assessing district which in their opinion but which in their opinion ought not to be assessed for said improvement because said lands so omitted lay along the line of another road and not on the line of this road which said former road was about to be improved in proceeding then pending before the Commissioners and for which said improvement said land would be assessed, and the court further find that the plaintiff was before the Commissioners at the time of hearing and had full and complete knowledge of the entire proceedings in reference to said improvement. To all of which finding, ruling and judgment of the court the plaintiff at the time excepted and the remaining issue as to whether a majority of the resident land owners whose lands were reported by the viewers as benefited and ought to be assessed had signed the petition for the improvement is continued until the next term of this court.

John W. Longbrake *et al.*
vs
Nathaw Howard *et al.*

This day came on this cause to be heard on the demurrer to the petition whereupon the court being fully advised in the premises do overrule said demurrer, to which ruling of the court the defendants except and the defendants asked and obtained leave to file answer by Feb. 1st 1886 and the cause is continued.

William Woodie
vs
Uriah Cahill *et al.*

This day this cause came on for hearing and the same was submitted to the court on the pleadings, evidence and arguments of counsel. On consideration whereof the court do find the equities of the case to be with the said defendants.

It is therefore considered and adjudged by the court that the said plaintiff shall pay the costs herein expended taxed at \$
And this cause is remanded to the Court of Common Pleas of Union County, Ohio, for execution, to which ruling, finding and judgment of the court the plaintiff excepts.

Friday Dec 4th A.D. 1885

N. M. Hubbard, Pltff in Error,

41

vs
W. M. Watson Defendant in Error.

This day this cause which heretofore during this term was heard and taken under advisement by the Court came on for decision and judgment; and the Court being fully advised in the premises do find that there is error apparent upon the records in the proceedings of said Court of Common Pleas to the prejudice of the plaintiff in error in this suit: The verdict of the jury is not sustained by sufficient evidence and the Court were in correcting the situation of defendants below, to set aside said Verdict and for a new trial and in rendering judgment for the plaintiff below.

It is therefore considered by the Court that the judgment aforesaid be reversed and held for naught and that the plaintiff in error recover from the defendant in error his costs herein expended taxed at \$

It is further ordered that this cause be remanded to said Court of Common Pleas of Union County for a new trial and that a special mandate be sent to said Court to carry this judgment into execution.

C. Kump vs. sl.

27

vs
Adam Nink

Settled & Costs in Com. Pleas Court & Circuit Court paid.

Sarah J. Deets

29

vs
Sarah E. White

This day again appeared the parties by their attys and this cause having been heretofore taken under advisement by the Court no cause on for decision and the Court being fully advised in the premises find that ^{there} is no error apparent upon the record of said Court of Common Pleas and the Court so therefore affirm said judgment with costs.

It is therefore considered and adjudged by the Court that said plaintiff pay the costs herein taxed to \$ and it is further ordered that a special mandate issue to the Court of Common Pleas of Union County Ohio to carry said judgment into execution.

W. N. Robinson Pltff in Error

31

vs
H. A. Willes Deft in Error

This day again came the parties by their attorneys and this cause having been heretofore taken under advisement by the Court now came on for decision and the Court being fully advised in the premises do find that there is no error apparent upon the record and do therefore affirm the judgment of said Court of Common Pleas with costs

It is therefore considered by the Court that said judgment of said Court of Common Pleas be and the same hereby is affirmed and that the plaintiff in error pay all the costs herein taxed at \$ To all of which judgment & costs the plaintiff accepts.

It is further ordered that a special mandate be sent to the Court of Common Pleas of said Union County Ohio to carry said judgment into execution.

Childs vs. Grogan

38

vs
E. S. Gardiner

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Childs, Groff & Co,
vs
S. S. Gardner Assignee et al.

This cause came on to be heard on the written agreement of settlement on file signed by all the parties, and by consent of parties this cause stands settled. It is therefore ordered and decreed by the Court that the assignee pay out of his assets One hundred dollars towards the costs of the Court in the case between these parties and that he pay to all the creditors who have signed said agreement twenty cents on the dollar of their claims as allowed by him without interest, the said claimants each receipting to him therefor in full for his or their whole claim sums or compromise. And it is further ordered and adjudged by the Court as to the balance of the Court costs in this case it is considered and ordered as provided for in said written agreement that the said creditors of said Dr. Weisenborn who have signed said agreement shall pay within ten days and in default thereof that execution issue therefor. No record of the case to be made unless written party require the same, and will pay for the same in advance.

Sheriff's Allowance.

The Court this day allowed and ordered paid to M. Hopkins Sheriff for his attendance at this Term of Court the sum of Thirty five Dollars.

Attest, J. C. Breyer, Clerk.

It is ordered that causes now pending herein need not otherwise disposed of be, and the same are hereby continued. Thereupon Court adjourned without day.

Attest, J. C. Breyer, Clerk.

Tuesday April 20th A.D. 1856.

Be it remembered that the Circuit Court within and for the Third Judicial Circuit of the State of Ohio was begun and held at the Town of Marysville, County of Union and State of Ohio on Tuesday the 20th day of April A.D. 1856, at 10 o'clock A.M.

Present as Judges of said Court

Hon. Thomas Beer,

Hon. Henry W. Seney,

George R. Haynes. Present as Officers of said Court M. Hopkins Sheriff, John D. Bergner, Clerk.

The Hon. George R. Haynes one of the Judges of the 6th Judicial Circuit was transferred and assigned to this Circuit instead of the Hon. J. J. Moon, under and by virtue of the following order, to-wit: Circuit Court of Ohio.

It is ordered, That under and in pursuance of the provisions of Section (453) Four hundred and fifty three, of the act of the General Assembly of the State of Ohio, entitled "An act to revise and consolidate the Statutes relating to the organization and jurisdiction of the Circuit and other Courts," passed February 7th 1855; Judge George R. Haynes of the Sixth Judicial Circuit be and he is hereby transferred and assigned to hold the Circuit Court in Union County, in the Third Circuit for the Term, commencing on the 20th day of April 1856. Dated this 3rd day of April 1856.

Marshall J. Williams,
Chief Justice of the Circuit Court of Ohio.

Hon. Thomas Beer one of the Judges of said Court presiding.

George M. Richards

James B. Whelpley et al.

This day appeared the parties and their attorneys and submitted this cause to the Court upon the report of the Referee, the original pleadings and papers herein, the evidence and the arguments of counsel and the same was taken under advisement by the Court.

George Smith Pltff in Error.

Bowers & Howard Dft in Error.

This day appeared the parties by their attorneys and submitted this cause to the Court upon the petition in error, the Bill of Exceptions, the original pleadings & papers and the arguments of the counsel and the same was taken under advisement by the Court.

12 o'clock noon, Court adjourned until one o'clock P.M.

One 1/2 o'clock
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Tuesday April 20th A.D. 1856.

One 1/2 o'clock P.M. Court convened pursuant to adjournment, the same judges and officers present as this morning.

45 William Turpie et al, Petrs in Error
vs
Wm A. Ballenger, Defendant in Error

This day appeared the parties by their Attorneys and submitted this cause to the Court upon the petition in error, the original pleadings and papers and arguments of the counsel and the same was taken under advisement by the Court.
Daniel R. Miller &c

46 vs
Stephen Cranston Admr &c

This day appeared the parties by their Attorneys and submitted this cause to the Court upon the petition in error the original pleadings and papers and arguments of counsel and the same was taken under advisement by the Court.
Union Biblical Seminary

47 vs
Stephen Cranston Admr &c

This day appeared the parties by their Attorneys and submitted this cause to the Court upon the petition in error the original pleadings and papers and arguments of counsel and the same was taken under advisement by the Court.

3 Lucinda Ford
vs
Daniel S. Ford et al

This cause was continued on motion and showing of the plaintiff and at her costs for this Term. It is therefore considered that said plaintiff pay the costs herein made at this Term of court taxed at \$

26 John W. Longbrake et al
vs
Nathan Howard et al

This cause by agreement is dismissed at defendants costs, without record in this Court.

It is therefore considered and adjudged that the plaintiff recover of the defendants their costs herein expended taxed to \$.

44 George W. Longbrake Petrs in Error
vs
Andrew J. Smith Deft in Error } This cause is continued with leave to supply last papers herein.

Thereupon Court adjourned until tomorrow at 9 o'clock a.m.

Wednesday, April 21st A.D. 1886.

9 o'clock A.M. Court adjourned pursuant to adjournment.

Present as Judges of said Court

Hon. Thomas Beer.

" Henry M. Seney.

" George R. Haynes. Present as Officers of said Court W. Hopkins Sheriff.

John D. Bagnor, Clerk.

The Honorable Thomas Beer one of the Judges of said Court presiding.

George Smith Pltff in Error.

143

Baron and Haws Dft in Error.

This day again came the parties by their attys & this cause having been heretofore taken under advisement by the Court, now came on for decision and judgment. Whereupon the Court being fully advised in the premises do find error in the said record and judgment in this: that the Court of Common Pleas erred in overruling the demurrer of the defendant Smith to the petition of Baron and Haws.

Whereupon the Court consider and adjudge that the said judgment and record be reversed at defendants (Baron & Haws) cost, and the cause be remanded to the Court of Common Pleas for further proceedings.

It is therefore considered ordered and adjudged by the Court that said judgment be reversed, verdict set aside and demurrer to petition sustained and said cause remanded at costs of defendants to be taxed by the Clerk.

Defendants in error except.

James Hoorn

26

Obadiah Holmes et al.

This cause coming on for hearing was submitted to the Court on motion and showing of the defendants O. Holmes & May A. Holmes for a continuance, on consideration whereof the Court do sustain said motion and said cause is continued at the costs of said moving defendants for this Term and continuance and judgment is rendered against said moving defendants for the said costs taxed to \$-

Said continuance is with leave to plaintiff to amend his petition, which is now and seen on file, and defendants are to plead by June 26th 1886, and plaintiff to reply by July 24th 1886.

Rosina Orie Pltff in Error

48

John Struble Dft in Error

Continued.

The Court this day allows and orders to be paid to Marion Hopkins Sheriff for his services herein at this Term of Court the sum of Twenty five Dollars for which sum the Auditor of said County is directed to draw his warrant on the Treas. of said County.

Attest, J. D. Bagnor, Clerk.

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Wednesday April 21st A.D. 1886.

Union Biblical Seminary

47

Stephen Craunton Adm'r of the
Estate of Charles Benton Deceased

This day again appeared the parties by their attorneys
and this cause having been heretofore taken under advisement by the Court
now came on for decision and judgment, Whereupon the Court being fully
advised in the premises do find that there is no error apparent upon the
record and so therefore affirm the said judgment of the Court of Common Pleas
with costs. It is therefore considered ordered and adjudged by the Court that said
judgment of said Court of Common Pleas be and the same hereby is affirmed
with costs and that the said plaintiff pay all the costs herein taxed at \$
To all of which judgment and orders the plaintiff accepts.

It is further ordered that a special mandate be sent to the Court of Common Pleas
of said Union County Ohio to carry said judgment into execution.

Daniel R. Miller for the use of
The Kentucky Conference Branch
Society of the Home Frontier Frontier
and Foreign Missionary Society of
the Church of the United Brethren
in Christ. Plaintiff.

46

Stephen Craunton as Adm'r of the
Estate of Charles A. Benton Deceased Defendant

This day again appeared the parties by their attorneys
and this cause having been heretofore taken under advisement by the Court now
came on for decision and judgment. Whereupon the Court being fully
advised in the premises do find that there is no error apparent upon
the record and so therefore affirm the said judgment of the Court of Common
Pleas with costs, and that the said plaintiff pay all the costs herein

It is therefore considered ordered and adjudged by the Court that said judgment
of said Court of Common Pleas be and the same hereby is affirmed with
costs and that the said plaintiff pay all the costs herein taxed at \$-

To all of which judgment and orders the plaintiff accepts.

It is further ordered that a special mandate be sent to the Court of Common
Pleas of said Union County Ohio to carry said judgment into execution.

for his services
and the Auditor
County.

Wednesday April 21st 1886

W^m Turpie and James H. Turpie

45

William A. Ballenger

This day came the parties and submitted this cause to the court whereupon the court being fully advised in the premises do find error in said record and judgment in this, that the court of Common Pleas erred in sustaining the motion of said Ballenger to strike out the word payment, also erred in overruling the motion of plaintiffs in error to amend their answer by dismissing their allegation denying the making of a contract for the building of the town with said Ballenger. Whereupon the court order and adjudge that said judgment be and it is reversed and set aside.

Whereupon it is considered and adjudged by this court that plaintiffs in error recover of the defendants in error their costs in this court expended taxed to \$ Thereupon this court enters the judgment which said court of Common Pleas should have done on the said verdict. It is therefore considered and adjudged by this court that said W. A. Ballenger recover of the said W^m Turpie and James H. Turpie the said sum of \$93.⁵⁰ and interest thereon from the 5th day of Nov. 1885 the date of said verdict and that each party pay his own costs made in said court of Common Pleas. Also the court order that if said Turpies fail to pay said judgment and interest and their costs in said court for five days that an order of sale of the attached property issue according to law and this cause is remanded to the court of Common Pleas for award of execution.

George M. Rickard Plaintiff

James B. Whepley et al. Defts

This day came the parties by their Attorneys, and thereupon this cause came on to be heard upon the issue joined between the parties, as to whether a majority of the resident land owners reported by the viewors as benefited and who ought to be assessed to build the road, had signed the petition to Commissioners asking for said improvement, all other questions having been disposed of at a former term of this court, and thereupon, by an agreement between counsel of the plaintiffs and defendants, a agreed statement of facts was submitted to the court and argued by counsel, and thereupon the court being fully advised in the premises finds from the agreed statement of facts that there are 121 resident land owners whose lands are reported by the viewors as benefited and who ought to be assessed to build said road, and that of these 121 land owners, 64 had signed the petition for said improvement, and that there is no dispute between the parties as to the above facts.

The court further find from said agreed statement of facts that one Margaret McCullough was the owner of a down estate which had been set off to her by notes and bonds, and which she owned at the time of all the proceedings had herein before the Commissioners, and was a resident of Union County, Ohio, and did not sign the petition for the improvement. That said land in which she had her down estate assigned was reported by the viewors in the name of John McCullough who owned the fee in this down estate, and who also owned other lands in the territory reported for assessments and of which this down estate formed

that O.C. McCune and J.P. Wilcox owned a tract of land jointly, and that S.B. Linville and David Linville owned a tract of land jointly.

formed a part was reported made again tract was a McCullough not counted gave no writ down state owner, mas The court jointly of a be assessed county at the Levi Taylor that Matild tract of land The court of was not co land own. Levi Taylor resident la resident la statement tract of la of the court and the sa ought to be signed the J.P. McCune Susannah to said in O.C. McCune being con reducing It is the resident la assessed the said d to lay out placing an improve defendants It is f pay the ca

That O.C. McCune and J. P. McCune owned a tract of land jointly, and that S. B. Linville and David Linville owned a tract of land jointly.

formed a part; that no estate or interest of Margaret McCullough in said land was reported as against her for assessment by the viewors, and no assessment was made against her for the improvement, but the only assessment against said tract was against the fee simple owned by J. F. McCullough; that said John F. McCullough signed the petition for the improvement; that said dower estate was not counted by the Commissioners. The Court find that said Margaret McCullough gave no written consent to the same. It is the opinion of the Court that said dower estate should be counted as a tract of land owned by a resident landowner, making the number of resident land owners 122.

The Court further finds that Levi and Matilda Taylor were the owners jointly of a tract of land reported by the viewors as benefited and which ought to be assessed; that said Levi and Matilda Taylor were both residents of the county at the time of all the proceedings had before the Commissioners herein; that Levi Taylor signed the petition and was properly counted as a petitioner, and that Matilda Taylor did not sign the petition; that Levi Taylor owned another tract of land reported by the viewors as benefited and which ought to be assessed; The Court find that the tract owned by Levi Taylor and Matilda Taylor jointly was not counted by the Commissioners as a tract of land owned by resident land owners. It is the opinion of the Court that said tract of land owned by said Levi Taylor and Matilda Taylor should be counted as a tract of land owned by resident land owners and be added to the 122, making the total number of resident land owners 123. The Court further finds from said agreed statement of facts that Bruce Robinson and Susannah Robinson owned a tract of land jointly, and that each of the above named parties were residents of the county at the time of all the proceedings had herein before the said Commissioners and the said tracts of land were reported by the viewors as benefited and ought to be assessed; that Bruce Robinson, O. C. McCune and S. B. Linville signed the petition asking for said improvement, but that Susannah Robinson, J. P. McCune and David Linville did not sign said petition. The Court finds that Susannah Robinson, J. P. McCune and David Linville gave no written consent to said improvement. It is the opinion of the Court that said Bruce Robinson, O. C. McCune and S. B. Linville ought not to be counted as petitioners; and that these being counted by the Commissioners as petitioners should be taken from the 64 thus reducing the number of petitioners to 61.

It is therefore considered and adjudged by the Court that a majority of the resident land owners reported by the viewors as benefited and who ought to be assessed did not sign the petition asking for said improvement, and that the said defendants be perpetually enjoined from taking further steps to lay out and construct said road through the lands of plaintiffs, or from placing any assessment against him or his lands for the making of said improvement, to all of which rulings, decisions and judgments the defendants at the time accepted.

It is further considered, and ^{ordered} adjudged by the Court that the defendants pay the costs of the proceedings taxed at \$-

It is ordered that all causes now pending herein and not otherwise disposed of be, and the same are hereby continued.

Thereupon Court adjourned without day.

Attest, John Q. Bingham, Clerk of Circuit Court,
Union County, Ohio.

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- Crawford Co
- Defiance Co
- Hulton Co
- Madison Co
- Wayne Cou
- Waukegan Cou
- Logans Cou
- Marion Cou
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- Paulding Co
- Putnam Cou
- Seneca Cou
- Union Cou
- Van Wert Co
- Williams Co
- Wood Cou
- Wyandot Co
- Said
- Columbus

The above
file in my

Orders for holding Circuit Court - A. D. 1887

The State of Ohio }
Third Judicial Circuit }

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit, for the year A. D. 1887, be fixed as follows, to-wit: -

- Allen County on the 7th day of June and the 22nd day of November
- Ashtabula County on the 15th day of March and the 6th day of October
- Crawford County on the 23rd day of January and the 27th day of September
- DeFrance County on the 26th day of April and the 15th day of November
- Fulton County on the 12th day of April and the 27th day of October
- Hardin County on the 23rd day of February and the 11th day of October
- Henry County on the 19th day of April and the 1st day of November
- Hancock County on the 1st day of March and the 18th day of October
- Logans County on the 13th day of February and the 21st day of September
- Marion County on the 18th day of January and the 13th day of September
- Mercer County on the 24th day of May and the 1st day of December
- Paulding County on the 10th day of May and the 17th day of November
- Putnam County on the 31st day of May and the 6th day of December
- Seneca County on the 22nd day of March and the 13th day of December
- Union County on the 8th day of February and the 4th day of October
- Van Wert County on the 17th day of May and the 29th day of November
- Williams County on the 5th day of April and the 25th day of October
- Wood County on the 8th day of March and the 20th day of October
- Wyandot County on the 1st day of February and the 15th day of September

Said terms to begin at 9 o'clock A. M.
Columbus Ohio, September 21st A. D. 1886.

Thomas B. Bee }
J. J. Moore } Judges
Henry W. Seney }

The above is a full and correct copy of the original order now on file in my office.

wise disposed

County,
of Ohio

Tuesday Oct. 5th A. D. 1886.

Be it remembered that the Circuit Court within and for the Third Judicial Circuit of the State of Ohio was begun and held at the town of Marysville, County of Union and State of Ohio on Tuesday the fifth day of October in the year of our Lord one thousand eight hundred and eighty six, at 9 o'clock A. M.

Present as Judges of said Court

Hon. John J. Moor.

" Henry W. Serrey. Present as officers of said Court M. Hopkins Sheriff.

J. D. Braggner Clerk.

The Hon. Thomas Beer one of the Judges of said Court being absent furnished in writing the cause of such absence as follows:

" Bucyrus Ohio, Sept. 4th 1886 "

Dear Sir: I am considerably under the weather, was taken Sunday morning with a very severe chill - the worst I ever had in my life - and have had fever - headache - pains in the face and limbs all the time since, so I can't get out of bed. The doctor says I must keep my bed a day or so. If you want me to go out I will say telegraph me and if I am able I will go. Yours &c,

Judges Moor and Serrey,
Marysville, O.

Thomas Beer
per Thomas C. Beer.

Hon. John J. Moor one of the Judges of said Court presiding,

Rosina Weiss Paffin Error }

4-8

John Struble Deft in Error }

This day appeared the parties by

their Attorneys and submitted this cause to the Court upon the petition in error, the bill of exceptions and the original pleadings and papers and arguments of counsel and the same was taken under advisement by the Court.

James Hoover }

26

O. Holmes et al }

It appearing to the Court that the defendants herein are in default for answer to plaintiff's amended petition, on motion of defendant leave is granted them to file their answer herein instanten which is done accordingly and the plaintiff has leave to plead to said answer by the 6th day of Nov. 1886, and this cause is continued at the costs of the defendants. It is therefore considered ordered and adjudged by the Court that the defendants pay the costs herein made at this Term of Court to wit \$ and in default mention issue therefor.

Thereupon Court adjourned until one 1/2 o'clock P. M.

1.30 P. M.

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1.30 P.M. Court convened pursuant to adjournment; the same officers & judges present as at this morning.

5-1 J. J. Finley & R. R. Herr Pltff in Error }
vs }
William Whitley Dft in Error }

This day appeared the parties by their attys and submitted this cause to the Court upon the petition in error, bill of exceptions, transcript and original pleadings and papers, and the same was taken under advisement by the Court.

44 George W. Longbrake Pltff in Error }
vs }
A. J. Smith Defendant in Error }

This day appeared the parties by their attys and submitted this cause to the Court upon the petition in error, the transcript and the original pleadings and papers and the arguments of counsel and the same was taken under advisement by the Court.

50 M. W. Hill Assignee of }
S. M. & A. J. Blake Pltff }
vs }
Alex. Reed et al Dfts }

On the motion of plaintiff this cause is passed until the 6th day of Oct. 1886 at the costs of plaintiff for this day Oct. 5th 1886. It is considered ordered and adjudged by the Court that the plaintiff pay the costs herein made this day taxed at \$

5-2 Michael O'Brien Pltff in Error, }
vs }
O. E. Lincoln & Co. Dft in Error }

This day appeared the parties by their Attorneys and submitted this cause to the Court upon the petition in error, the original pleadings & arguments of counsel and the same was taken under advisement by the Court.

5-3 Geo. J. Dilsoor Pltff }
vs }
J. P. Crotty & A. J. Blake Dfts }

This day appeared the parties by their Attorneys and submitted this cause to the Court upon the petition in error, the original pleadings and arguments of counsel and the same was argued by counsel and submitted to the Court.

Merlin Beaton Pltff in Error }
vs }
Allen Haines Dft in Error } and submitted this cause to the Court upon the petition in error, bill of exceptions, original pleadings and arguments of counsel and the same was taken under advisement by the Court.

There upon Court adjourned until tomorrow at 9.0 o'clock A.M.

Wednesday Oct. 6th A.D. 1886

9 o'clock A.M. Court convened pursuant to adjournment.

Present as Judges of said Court

Hon. John J. Morrow

" Henry W. Seney. Present as Officers of said Court, W. Hopkins Sheriff.

J. D. Pronger Clerk of said Court.

The Honorable John J. Morrow one of the Judges of said Court presiding.

George T. Dilsaorn

33

L. C. Cratty and A. J. Blake

This day again appeared the parties by their attorneys and this cause having been heretofore taken under advisement by the Court now came on for decision on consideration whereof the Court find there is no error apparent on the record in said proceedings and judgment.

It is therefore considered by the Court that the judgment aforesaid be and is hereby affirmed, and that the defendants in error recover from the plaintiff in error their costs herein expended taxed to \$ and that there be no penalty attached.

It is further ordered that a special mandate be sent to the Common Pleas Court of Union County for execution upon this judgment, to which *Plff* excepts.

Michael O'Brien *Plff* in Error

32

O. E. Linnelut Co. *Plff* in Error

This day again appeared the parties by their attorneys and this cause came on for decision the same having been heretofore taken under advisement by the Court on consideration whereof the Court do find that there was no error in the judgment of said Court of Common Pleas of Union County Ohio as complained of in said petition in error.

It is therefore considered and adjudged by the Court that the said decision and judgment of said Court of Common Pleas be and the same hereby is affirmed and that said plaintiff in error herein pay the costs of this proceeding taxed at \$ and execution is awarded therefor.

To which ruling and judgment of the Court said plaintiff in error by his attorneys hereby excepts.

It is ordered by the Court a special mandate be sent to the Court of Common Pleas of Union County Ohio to carry this judgment & order into execution.

George W. Longbrake *Plff* in Error

44

Andrew J. Smith *Plff* in Error

This day came on this cause for decision and the Court having heard the parties & considered the cause do find error in said record in this that the Court of Common Pleas erred in rendering judgment against the plaintiff in error for all the costs and for that reason said judgment for costs is reversed at the costs of the defendant in error and further this Court render the judgment which said Common Pleas Court should have rendered, to wit: that each party pay his own costs in said Court. It is therefore considered and adjudged by this Court that each of said parties pay his own costs in said Court and in default for ten days that execution issue therefor. And this cause is remanded for execution.

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Rosina Wrie Pltff in Error

John Struble Dft in Error

This day again came the parties by their attorneys and this cause having been heretofore taken under advisement by the court now came on for decision on consideration whereof the court find that there is no error apparent upon the record in said proceedings and judgment. It is therefore considered by the court that the judgment aforesaid be, and is hereby affirmed, and that the defendant in error recover from the plaintiff in error his costs herein expended taxed to \$

It is further ordered by the court that a special mandate be sent to the court of Common Pleas of Union County Ohio to carry this judgment into execution.

51

J. J. Finley and P. R. Kerr Pltffs in error

William Whitley Dft in error

This day again came the parties by their attorneys and this cause having been heretofore taken under advisement by the court now came on for decision and on consideration thereof the court find that there is no error apparent upon the record of the said proceedings and judgment of the court of Common Pleas of Union County.

It is therefore considered, ordered and adjudged by the court that said judgment be, and the same is hereby affirmed, and that the dft in error recover of the plaintiffs in error his costs herein expended taxed to \$.

It is further ordered by the court that a special mandate be sent to the court of Common Pleas of Union County Ohio to carry this judgment into execution. To all of which said pltffs in error except,

Merlie Beaton Pltff in Error

54

Allen Haines Dft in Error

This day again appeared the parties by their attorneys and this cause having been heretofore taken under advisement by the court now came on for decision. On consideration thereof the court find that there is no error apparent upon the record of the proceedings and judgment of the court of Common Pleas of Union County Ohio.

It is therefore considered ordered and adjudged by the court that the said judgment be, and the same is hereby affirmed and that the plaintiff in error pay the costs herein taxed to \$

It is further ordered that a special mandate be sent to the court of Common Pleas to carry this judgment into execution.

Western Union Telegraph Co.

49

Samuel McAllister

This day appeared the parties by their attorneys and submitted this cause to the court upon the petition in error, bill of exceptions original proceedings and papers and arguments of counsel and the same was taken under advisement by the court.

noon; Thereupon court adjourned until 1.30 P.M.

Wednesday Oct. 6th 1886.

1.30 P.M. Court convened pursuant to adjournment, the same officers being present as this morning.

Western Union Telegraph Co. Plaintiff in Error.

49

Samuel W. Allister Defendant in Error

This day again came the parties by their attorneys and this cause having been heretofore taken under advisement by the Court now came on for decision on consideration thereof the Court find error in the judgment of the Court of Common Pleas of Union County Ohio and the same is therefore reversed at the costs of the defendant.

It is therefore considered ordered and adjudged by the Court that said judgment be, and the same hereby is reversed and remanded to the Court of Common Pleas for further proceedings and that the plaintiff in error recover of the defendant in error its costs herein expended taxed to \$.

To all of which said McAllister, except \$, It is further ordered that a special mandate be issued to the Court of Common Pleas to carry said judgment and order into execution.

M. W. Hill Assignee of S. M. & A. J. Blake

50

Alex. Read et al.

This day appeared the parties and their attorneys and thereupon this cause came on to be heard upon the petition of plaintiff the answer of Lucinda Read and the evidence. On consideration whereof the Court find the equities of the case with the defendants. It is therefore considered ordered and decreed by the Court that the petition stand dismissed and the defendants go hence without day.

It is further ordered and adjudged by the Court that M. W. Hill as assignee of S. M. and A. J. Blake pay all the costs of this proceeding herein taxed to \$ and that a special mandate be sent to the Court of Common Pleas of Union County Ohio to carry this judgment into execution.

51

In the matter of Bailiffs, the Sheriff has reported that he appoints A. H. Goodwin and Lefe Muelw as such bailiffs and the Court allows and orders, that the Sheriff be paid for the services of said bailiffs, during this Term of Court, the sum of \$200 per day each, for two days, Total \$800

W. H. J. D. Berger
Clerk

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Be it remembered that the Circuit Court within and for the Third Judicial Circuit of the State of Ohio was begun and held at the town of Marysville, County of Union and State of Ohio on Tuesday the 8th day of February (A.D. 1887) in the year of Our Lord One thousand eight hundred and eighty seven, at Nine o'clock A.M.

Present as Judges of said Court:

Hon. John J. Moore.

Hon. Thomas Bell.

Hon. Henry W. Searcy.

Present as officers of said Court: M. Hopkins Sheriff.
A.H. Goodwin Deputy Sheriff.

Attst; J. D. Burgher, Clerk.

Hon. John J. Moore one of the Judges of said Court presiding.

Sara P. Wood

56

John A. Phillips et al.

This day appeared the parties and their attorneys and submitted this cause to the Court upon the pleadings, evidence and arguments of course and the same was taken under advisement, by the Court

Perry Douglass et al.

58

Gas B. Whelpshy et al.

This day appeared the parties and their attorneys and submitted this cause to the Court upon the depositions of the plaintiff to to answer of the defendants herin filed and the same was taken under advisement, by the Court

James Hoover

26

O. Holmes et al.

Leaverts reply by March 12th - 1887 - & cause continued.

The Sheriff appoints A.H. Goodwin and Lofe Muller as bailiffs for this term.

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Tuesday Feb. 8th 1887.

1.30 P.M. Court convened pursuant to adjournment. The same officers and judges present as this morning.

v 3
Lucinda Ford
vs
Daniel S. Ford et al.

This day came the parties by their attorneys and the Court directed the evidence to be given only on the point as to whether the sum claimed to have been secured by the mortgage mentioned in the petition was due at the time suit was brought, on which point the Court found against the plaintiff and that the money claimed to be secured by said mortgage was not due at the time this suit was brought. It is therefore ordered that this cause be and the same is dismissed without prejudice to a new action.

It is further ordered and adjudged by the Court that the defendant Daniel S. Ford pay all the costs made on this action prior to the time of filing his second amended answer, and that the plaintiff pay all costs since the filing of said second amended answer this decree for costs however not to affect prior judgments for costs on continuance.

And it is further ordered that a special mandate issue to the County of Common Pleas to carry said orders and judgments into execution.

15-5
P. C. Adams
vs
Sarah W. Kinney et al.

Continued for settlement.

5-7
John Struble
vs
Fred. Weiss et al.

Continued by agreement.

Feb. 9th 1887

9 o'clock A.M. Court came out pursuant to adjournment.

Present as Judges of said Court

Hon. John J. Moore

" Thomas Burr

" Henry W. Seney Present as officers of said Court, W. Hopkins Sheriff
C. H. Goodwin Deputy Sheriff

Attst. J. D. Burgher, Clerk.

The Honorable John J. Moore one of the Judges of said Court presiding.

Sonder and Bright

59

A. G. De Good,

Lydia A. De Good et al.

This day this cause came out to be heard upon the pleadings was submitted on the evidence and argument of counsel. On consideration thereof the Court find that Lydia A. De Good was the owner of the said house and lot in Richwood Ohio and that she is entitled to the money now in the hands of the Sheriff of Union County Ohio resulting from the sale of said House and Lot in the case of J. J. Tridley vs M. Touquet et al, and now in the hands of said Sheriff. It is therefore considered ordered and adjudged that the said Lydia A. De Good recover said money; and the said Sheriff is now ordered to pay the money in his hands so resulting from said sale to Lydia A. De Good and that the plaintiffs pay the costs herein taxed to \$

It is further ordered by the Court that a special mandate be sent to the Court of Common Pleas of Union County Ohio to carry said judgment for costs into execution.

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Perry Douglass et al.)
vs 8
James B. Whelpley et al.)

This day on the motion of the defendants leave was given to the defendants to file an amended answer and thereupon said the plaintiff and filed a demurrer to the second ground of defense in said amended answer and thereupon this cause came on to be heard upon said demurrer and was argued by counsel, On consideration whereof and the Court being fully advised in the premises finds that said demurrer is well taken.

It is therefore considered and adjudged by the Court that said demurrer be and the same is hereby sustained, to which ruling of the Court the defendants at the time accepted, and thereupon on motion of plaintiffs leave was given plaintiffs to file an amended or supplemental petition by April 3rd 1887 and leave was given to defendants to plead thereto by the 4th day of May 1887, and in case said amended petition is not filed by plaintiff then leave is granted to defendants to amend their amended answer by May 4th 1887

Rosina Weis Petitioner in Error)
vs 48
John Struble Deft in Error)

This day this cause came on to be heard upon the motion of the defendant John Struble for a *vinc. pro. tunc* order remanding the said action to the Court of Common Pleas for execution on consideration whereof and the Court being fully advised in the premises finds that said motion is well taken.

It is therefore ordered and adjudged that said cause be remanded to said Court of Common Pleas for execution in accordance with the request of said motion.

C,
The Court allows and orders paid to W. Hopkins Sheriff the sum of Eight Dollars (\$8.00) as pay for the service of A.H. Sweeney and Lefe Mullen as bailiffs at this term of court.

W. Hopkins Sheriff
vs Deputy Sheriff
presiding.

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Feb. 9th A.D. 1887

Sara P. Woods

56

^{vs}
John A. Phillips et al.

This day again came the parties by their attorneys and this cause came on for decision upon the amended answer and cross-petition of the said Rebecca S. Gabriel and the demurrer of the said Drvil Swartz thereto the same having at a former day been argued and submitted.

On consideration whereof the Court do sustain said demurrer and the said Rebecca S. Gabriel not desiring to further plead the Court find the equities of the case again it her self order that the appeal in this case be dismissed and that the cost on appeal be paid out of the money remaining in the hands of the Sheriff arising from sale of land, and the balance of said money be distributed under the former order of the Court of Common Pleas.

To all of which finding ruling and decision of the Court the said Rebecca S. Gabriel by her counsel then and there accepted,

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Supreme Court of the State of Ohio.
The State of Ohio, City of Columbus. January Term A.D. 1887
Nathan Bell et al.

vs.
Richard Brewster et al. Error to the District Court of Union County.

This cause came on to be heard upon the Transcript of the Record of the District Court of Union County and was argued by counsel. On consideration whereof, it is ordered and adjudged by this Court, that the judgment of the said District Court, be and the same is hereby affirmed, and it appearing to the Court that there were reasonable grounds for this proceeding in error, it is ordered that no penalty be assessed herein.

It is further ordered that the defendants in error recover from the plaintiffs in error their costs herein expended taxed at \$

Ordered, that a Special Mandate be sent to the Court of Common Pleas of Union County, to carry this judgment into Execution.

Ordered, that a copy of this entry be certified to the Clerk of the Circuit Court of Union County, "for entry."

I, Urban W. Hester, Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court.

Witness my hand and the Seal of said Court, this third day of March A.D. 1887.

Urban W. Hester, Clerk.
By Horace M. Crow Deputy.

State of Ohio, }
City of Columbus } Supreme Court of Ohio

To the Honorable Court of Common Pleas,
Within and for the County of Union, Ohio, Greeting:-

We do hereby command you, that you proceed without delay, to carry the within and foregoing judgment of our Supreme Court of Ohio, in the cause of Nathan Bell et al. vs. Richard Brewster et al. into execution, the Petition in Error herein and heretofore granted, to the contrary notwithstanding.

Witness, Urban W. Hester, Clerk of our said Supreme Court of Ohio, this third day of March 1887.

{ Clerk's Costs, \$7⁰⁰ pd by Grosvont Loomis. Sheriff's Costs, \$1.²⁵ Paid by Plff }

Urban W. Hester Clerk
By Horace M. Crow Deputy

Times for holding Circuit Court A.D. 1888.

State of Ohio }
Third Judicial Circuit

It is ordered that the terms of the Circuit Court of the several counties in said Circuit for the year 1888 be fixed as follows, to-wit=

Allen	County	on the 4 th	day of June	and the 3 rd	day of December,
Auglaize	"	"	"	28 th	"
Crawford	"	"	"	6 th	"
Defiance	"	"	"	14 th	"
Hancock	"	"	"	21 st	"
Harrison	"	"	"	8 th	"
Huron	"	"	"	27 th	"
Logan	"	"	"	13 th	"
Marion	"	"	"	31 st	"
Mercer	"	"	"	21 st	"
Paulding	"	"	"	15 th	"
Putnam	"	"	"	10 th	"
Tuscarora	"	"	"	17 th	"
Union	"	"	"	7 th	"
Van Wert	"	"	"	20 th	"
Wyandot	"	"	"	14 th	"

Said terms to begin at 9 o'clock a.m.
Columbus Ohio Sept. 20th 1887

J. J. Moore }
Henry M. Tenney } Judges
Thomas Beer }

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Be it remembered that the Circuit Court within and for
 the Third Judicial Circuit of the State of Ohio was begun and held
 at the town of Marysville County of Union and State of Ohio on Tuesday
 the Fourth day of October in the year of Our Lord One Thousand Eight
 Hundred and Eighty seven, at 10. O'clock A.M.

Present as Judges of said Court
 Hon. John J. Moore,
 " Henry W. Sney,
 " Thomas Orr.

Present as officers of said Court
 Marion Hopkins, Sheriff
 John D. Burgess, Clerk.

The Honorable John J. Moore one of the Judges of said Court presiding.

Charles Phellis Pltff in Error.

61

Ann Fogarty Deft in Error.

The parties appeared by their Attorneys
 and thereupon this cause was submitted to the Court upon the petition
 in Error, original papers, transcript, exhibits and arguments of counsel
 and the same was taken under advisement by the Court.

James Hoon

26

O. Holmes et. al.

This day came the parties and their Attorneys
 and submitted this cause to the Court upon the pleadings evidence and
 the argument of counsel and the same was taken under advisement
 by the Court.

}
 Judges,

Tuesday, Oct. 4th A.D. 1887.

2.0' clock P.M. Court convened pursuant to adjournment the same Judges and Officers present as this morning.

62 P. E. Barnes Pltff in Error
vs
Robinson & Piper et al, Dft in Error

The parties appeared by their attorneys and submitted this cause to the court upon the petition in error, original papers, transcript and argument of counsel and the same was taken under advisement by the court.

63 Silas S. Snodgrass Pltff in Error
vs
J. W. Cartmell et al, Ex, & Co, Dft in Error

The parties appeared by their attys and submitted this cause to the court upon the Petition in Error, original papers, transcript and argument of counsel and the same was taken under advisement by the court.

64 Silas S. Snodgrass Pltff in Error
vs
R. L. Woodburn Adm'r & Co, Dft in Error

The parties appeared by their attorneys and submitted this cause to the court upon the petition in error, original papers, transcript and argument of counsel and the same was taken under advisement by the court.

65 The Union Central Life Insurance Co
and Scott and Roney
vs
Henry N. Aurine and W. Hopkins

The parties appeared by their attys and submitted this cause to the court upon the petition in error, original papers, transcript and argument of counsel and the same was taken under advisement by the court.

9 o'clock
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Thursday Oct. 5th A. D. 1887

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9 o'clock A.M. Court convened pursuant to adjournment.

Present as Judge of said Court

Hon. John J. Moon,

" Henry N. Sney,

" Thomas Beer,

Present as officers of said Court

Marian Hopkins Sheriff

John L. Burgher, Clerk.

Hon. John J. Moon one of the Judge of said Court presiding.

Charles Phellis Pltff in Error }

61

vs
Ann Fogarty Dft in Error }

This day again came the parties by their attys and this cause having been heretofore taken under advisement by the Court now came on for decision and judgment; whereupon the Court being fully advised in the premises do find that in said record and proceedings there is error apparent therein to the prejudice of the plaintiff in Error; thereupon said judgment and order of the Common Pleas Court is hereby reversed with costs and it is ordered that this cause be remanded to said Common Pleas Court for further proceedings.

It is therefore considered by the Court here that the plaintiff in Error recover of the defendant in Error his costs herein expended taxed to \$

It is further ordered that a special mandate issue to the Court of Common Pleas of Union County Ohio to carry said ^{order} and judgment into execution.

Silas S. Snodgrass Pltff in Error }

63

vs
Joseph W. Cartmell et al, &c, Dfts in Error }

This day again appeared the parties by their attorneys and this cause having been heretofore taken under advisement by the Court now came on for decision and judgment.

Whereupon the Court being fully advised in the premises do find that there is no error apparent upon the record of said proceedings in the Court of Common Pleas of Union County Ohio to the prejudice of said plaintiff in error and the Court do therefore affirm said judgment at the costs of plaintiff in error.

It is therefore considered and adjudged by the Court that the defendants in error recover of the plaintiff in error their costs in this Court expended taxed to \$

It is ordered by the Court that a special mandate issue to the Court of Common Pleas to carry said judgment into execution.

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by their attorneys as original was

by their attys in error, the same

Oct. 5th 1887

Silas S. Snodgrass Plaintiff Error

64

vs
R. D. Woodburn Advers & Co. Defendant Error

This day again appeared the parties by their attorneys and this cause having been heretofore taken under advisement by the Court now came on for decision and judgment, whereupon the Court being fully advised in the premises do find that there is no error apparent upon the record of said proceedings in the Court of Common Pleas of Union County Ohio to the prejudice of the plaintiff in error and the Court do therefore approve and confirm said judgment at the costs of said in error.

It is therefore considered and adjudged by the Court that the defendant in error recover of the plaintiff in error his costs in this Court taxed at \$

It is ordered, that a special mandate be sent to the Court of Common Pleas to carry said judgment into execution.

The Union Central Life Insurance Co.

and Roney and Scott Defts,

against

65

Henry N. America, Maria Hopkins et al.

This day again appeared the parties by their attorneys and this cause having been heretofore taken under advisement by the Court now came on for decision and judgment, whereupon the Court being fully advised in the premises do find that there is no error apparent upon the record to the prejudice of the plaintiffs and the Court do therefore affirm the judgment of the Court of Common Pleas of Union County Ohio at the costs of the plaintiffs.

It is therefore considered and adjudged by the Court that the defendant recover of the plaintiffs their costs herein as specified taxed at \$ to all of which plaintiffs except. No Record.

It is ordered, that a special mandate be sent to the Court of Common Pleas of Union County Ohio to carry said judgment into execution.

Perry Douglass et al.

58

vs
James D. Whelpley et al.

This day this cause came on to the heard upon the demurrer of the defendants to the supplemental petition of plaintiffs and was argued by counsel, on consideration whereof and the Court being fully advised in the premises finds that said demurrer is not well taken, and therefore overrules the same, to which ruling of the Court the time excepted; and thereupon said defendants asked leave to file an answer, in answer, which leave was granted by the Court and said answer was filed.

Thereupon said plaintiffs and filed a demurrer to the second defense in said answer stated, which demurrer was argued by counsel and submitted to the Court; on consideration whereof and the Court being fully advised in the premises finds that said demurrer is well taken and therefore sustains the same, to which ruling of the Court the defendants at the time excepted.

Said defendants not desiring to further amend their answer, this cause came on further to be heard upon the issues made by the pleadings and the agreed statement of facts. Whereupon the Court being fully advised in the premises finds

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Robinson, J. O

Oct. 5th A.D. 1877

all the facts stated in the supplemented petition to be true, and that the facts therein stated entitle the plaintiff to an injunction as prayed for in the amended petition filed Dec. 30th 1872. The court further find all the issues made by said amended petition and the answer thereto in favor of the defendants, except the issue as to whether a majority of the resident land owners reported by the viewers as benefited and who ought to be assessed to build said road, had signed the petition to the commissioners asking for said improvement; as to this issue the court find on said agreed statement of facts that there are 121 resident land owners whose lands are reported by the viewers as benefited and who ought to be assessed to build said road, and that of these 121 resident land owners, 64 had signed the petition for said road improvement.

The court further find that one Margaret McCullough was the owner of a down estate which had been set off to her by metes and bounds, and which she owned at the time of all the proceedings had herein before the commissioners, and was a resident of Union County, Ohio, and did not sign the petition for the improvement. That said land in which she had her down estate assigned was reported in the name of John T. McCollough who owned the fee in this down estate, and who also owned other lands in the territory reported for assessment and of which this down estate formed a part; that no estate or interest of Margaret McCollough in said land was reported as against her for assessment by the viewers, and no assessment was made against her for the improvement, but the only assessment against tract was against the fee, simple owned by John T. McCollough; that said John T. McCollough signed the petition for the improvement; that said down estate was not counted by the commissioners.

The court find that said Margaret McCollough gave no written consent to the same. It is the opinion of the court that said down estate should be counted as a tract of land owned by a resident land owner making the number of resident land owners 122. The court further find that Levi and Matilda Taylor were the owners jointly of a tract of land reported by the viewers as benefited and which ought to be assessed; that said Levi and Matilda Taylor were both residents of the county at the time of all the proceedings had before the commissioners herein;

that Levi Taylor signed the petition and was properly counted as a petitioner, and that Matilda Taylor did not sign the petition; that Levi Taylor owned another tract of land reported by the viewers as benefited and which ought to be assessed; the court find that the tract owned by Levi Taylor and Matilda Taylor jointly was not counted by the commissioners as a tract of land owned by resident land owners.

It is the opinion of the court that said tract of land owned by said Levi Taylor and Matilda Taylor should be counted as a tract owned by resident land owners and be added to the 122, making the total no. of resident land owners 123.

The court further finds that Bruce Robinson and Susannah Robinson owned a tract of land jointly; that C. C. McLeune and J. P. McLeune owned a tract of land jointly; and that S. B. Linville and David Linville owned a tract of land jointly, and that each of the above named parties were residents of the county at the time of all the proceedings had herein before the said commissioners and the said tracts of land were reported by the viewers as benefited and ought to be assessed; that Bruce Robinson, C. C. McLeune and S. B. Linville signed the petition asking for said improvement, but that Susannah Robinson, J. P. McLeune and David Linville did not sign the petition. The court find that Susannah Robinson, J. P. McLeune and David Linville gave no written consent to said improvement;

Oct. 5th A. D. 1887

It is the opinion of the Court that the said Bruce Robinson, O. C. McCune and S. B. Binville signed the petition asking ought not to be counted as petitioners; and that these being counted by the Commissioners as petitioners should be taken from the 64 thus reducing the number of petitioners to 61.

And the Court is of the opinion and decide that the fact that said Susannah Robinson and J. P. McCune were in favor of said improvement and the fact that Matilda Taylor and David Binville returned no protest or objection to the same is of no legal effect and would be incompetent as evidence to change or vary said Court's no consent being given in writing. To which decision defendants at the time accepted.

It is therefore considered and adjudged by the Court that a majority of the resident land owners reported by the viewers as benefited and who ought to be assessed did not sign the petition asking for said improvement, and that for that reason, as well as for the reason of the facts stated in said supplemental petition, said defendants be perpetually enjoined from placing any assessment against the lands of either of the said plaintiffs for the making of ~~the~~ said improvement. To all of which rulings, decisions and judgment the defendants at the time accepted.

And thereupon said the defendants did file a motion for a new trial for the reasons therein stated, which was argued by counsel; on consideration whereof and the Court being fully advised in the premises finds that said motion is not well taken and therefore overrules the same. To which ruling of the Court the defendants at the time accepted. It is further ordered, considered, and adjudged by the Court that the defendants pay the costs of these proceedings taxed at \$

And it is further ordered by the Court that a special mandate issue to the Court of Common Pleas of Lucas County Ohio to carry said judgment for costs into execution.

The Sheriff having appointed A. H. Goodwier & Lefe Mullen Bailiffs for this Term of Court, it is ordered that they be allowed the sum of \$4.00 each. Total \$8.00

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James Hoover, Plaintiff

vs.
Obediah Holmes & Mary A. Holmes

This day came the parties and this cause being called, and it appearing to the Court that the answer of the defendant contained among other things the defense of "Res adjudicate" which was set up in the 2nd defense in defendant's answer and the Court on the suggestion of the defendant directed the evidence first to that issue, thereupon this cause was heard upon the petition, the 2nd defense set up in defendant's answer and reply thereto together with the evidence.

On consideration whereof the Court being fully advised in the premises, on application of plaintiff for finding of facts, find as a conclusion of fact: "that after the note and mortgage in the petition mentioned was executed, to-wit: on the 11th day of January 1883 the plaintiff James Hoover for a good and valid consideration sold and delivered the same to one James W. Robinson at the same time guaranteeing the payment of a part of said note. That afterwards said James W. Robinson being the owner and holder of said note and mortgage brought suit thereon in the Common Pleas Court of said County to foreclose said mortgage making as parties defendant thereto, the defendant herein and said Hoover, but asking no relief against said Hoover. That said Hoover filed his answer alleging among other things that he sold said note and mortgage to said Robinson at the request of the defendant herein.

The defendants herein filed their answer in that case and set up several defenses, and among others same defense as is contained in the first count of the answer in this case, also alleging that they did not know whether the said Robinson was the owner of the note and mortgage and demanding proof thereof: that at the April Term 1883 of said Court said case was tried and the equities found against the said James W. Robinson and the following entry was made on the Journal of said Court, to-wit: "No. 4041," "James W. Robinson vs. O. Holmes et al." "This day this cause came on to be heard upon the petition and answer of the defendant and the reply of the plaintiff and the Court find from the testimony for the defendants Obediah Holmes and wife Mary J. Holmes and it appearing that James Hoover is not a proper party hereto and that Charles Holmes who was interested in said claim is not a party hereto: It is ordered by the Court that said James Hoover be dismissed without prejudice to any right he may have under said mortgage and it is ordered by the Court that this petition be dismissed at plaintiff's cost without prejudice to the right of James Hoover to bring his action on said note and mortgage and the Court order plaintiff to pay the costs herein within thirty days and in default of payment execution issue therefor as upon judgment at law."

The Court further find that at the time of said suit said Robinson was the owner of said note and mortgage and that subsequently thereto the said Robinson sold said note and mortgage back to the said James Hoover who brings and prosecutes this action thereon; that the judgment and decree of said Court of Common Pleas in the suit brought by said Robinson has never been appealed from and is still in full force

Oct. 5th 1887

and effect. From these facts the Court find that this action of James
Hopper on the same note and mortgage is barred by the former trial and decree
and find for the defendant. It is therefore considered and decreed by the Court
that the defendant go hence without day and recover their costs herein
expended taxed to \$ And it is further ordered by the Court that a special
mandate issue to the Court of Common Pleas of Union County Ohio to carry
said judgment for costs into execution

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Thereupon Court adjourned without day.

Attest.

John D. Brogner,
Clerk of Circuit Court,
Union Co., O.

Jim

State of
Third Judicial

It is
in said

- Allen
- Craig
- Chapman
- Defiance
- Hancock
- Harden
- Henry
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- Marion
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- Putnam
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Times for Holding Circuit Court A.D. 1889.

State of Ohio }
Third Judicial Circuit }

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit for the year 1889 be fixed as follows to-wit:

Allen County	on the 4 th day of June and 10 th day of December
Cuyahoga	" " " 6 th " " May " 21 st " " October
Crawford	" " " 5 th " " March " 8 th " " October
Defiance	" " " 19 th " " February " 10 th " " September
Hancock	" " " 16 th " " April " 19 th " " November
Harden	" " " 14 th " " May " 3 ^d " " December
Henry	" " " 2 ^d " " April " 14 th " " November
Logan	" " " 19 th " " March " 15 th " " October
Marion	" " " 15 th " " January " 18 th " " September
Mercer	" " " 28 th " " January " 30 th " " September
Paulding	" " " 25 th " " March " 11 th " " November
Putnam	" " " 9 th " " April " 23 ^d " " October
Seneca	" " " 21 st " " May " 17 th " " December
Union	" " " 22 ^d " " January " 24 th " " September
Van Wert	" " " 5 th " " February " 3 ^d " " October
Wyandot	" " " 12 th " " " " 26 th " " September

Said Term begins at 9 o'clock A.M.
September 4th 1888

J. J. Moore }
Henry W. Seery } Judges.
Thomas Beer }

The above is a full and correct copy of the original order now on file in my office at list
R. M. Terry clerk.

James
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Be it remembered that the Circuit Court within and for the Third Judicial Circuit of the State of Ohio was was begun and held at the Town of Marysville, County of Union and State of Ohio on Tuesday the Seventh day of February in the year of our Lord One Thousand eight hundred and eighty eight at 9 o'clock A.M.

Present as Judges of said Court,

Hon. John J. Moon

" Henry W. Serrey

" Thomas J. Beck. Present as officers W. Hafskin, Sheriff, John De Burgh, Clerk.

Honorable John J. Moon one of the Judges of said Court presiding.

A. B. Witter Plaintiff in Error,

66

v.s

H. H. Witter et al, Defendants in Error

This day came the parties by their attorneys and submitted this cause to the Court upon the Petition in Error, the transcript, the original pleadings and papers and the same was taken under advisement by the Court.

12 o'clock noon, Court adjourned to 2 o'clock P.M.

2 o'clock P.M. Court convened pursuant to adjournment,

A. B. Witter Plaintiff in Error

66

v.s

H. H. Witter et al, Defendants in Error

This day again came the parties by their attorneys and this cause now came on for decision and judgment, whereupon the Court being fully advised in the premises do find that there is no error apparent upon the record to the prejudice of the Plaintiff in Error and the Court do therefore approve and confirm said judgment at the cost of Plaintiff in Error ^{without prejudice} to all of which Plaintiff in Error excepts.

It is therefore considered ordered and adjudged by the Court that the plaintiff in Error pay the cost herein taxed by

It is further ordered that a special mandate be sent to the Court of Common Pleas to carry said judgment for and into execution,

P. C. Adams

55

v.s

Sarah McKinney et al.

This day this cause was called and for want of prosecution the same was dismissed by the Court, John Struble

57

v.s

Lord Weir et al.

Continued by consent of parties.

Thereupon Court adjourned without day.

The State of

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Circuit Court

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Supreme Court of the State of Ohio.
The State of Ohio, City of Columbus. January Term A.D. 1888.

James Sweeney et al }
vs } Error to the Circuit-Court of Union County.
The Commissioners of }
Union County. }

This cause came on to be heard upon the Transcript of the Record Circuit-Court of Union County and was argued by counsel, on consideration whereof, it is ordered and adjudged by this court, that the judgment of the said Circuit-Court, be and the same is hereby affirmed, and it appearing to the court that there were reasonable grounds for this proceeding in error, it is ordered that no penalty be assessed herein.

It is further ordered that the defendants in error recover from the plaintiffs in error their costs herein expended taxed at \$.

Ordered, that a Special Mandate be sent to the Court of Common Pleas of Union County, to carry this judgment into execution.

Ordered, that a copy of this entry be certified to the clerk of the Circuit-Court of Union County, "for entry."

I Urban H. Hester Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said court, this 22^d day of March A.D. 1888.

Urban H. Hester Clerk
By Horace M. Crow Deputy

Seal

The State of Ohio }
City of Columbus } Supreme Court of Ohio.

To the Honorable Court of Common Pleas,

Within and for the County of Union Ohio, Greeting;

We do hereby command you, that you proceed without delay, to carry the within and foregoing judgment of our Supreme Court of Ohio in the cause

James Sweeney et al
vs

The Commissioners of Union County,

into Execution, the petition in error herein and heretofore granted, to the contrary notwithstanding.

Witness, Urban H. Hester Clerk of our said Supreme Court of Ohio, at Columbus, this 22^d day of March 1888.

Seal

Urban H. Hester, Clerk
By Horace M. Crow Deputy

Clerk's cost \$5.00 Paid by J. E. Powell.

Supreme Court of the State of Ohio

The State of Ohio } January Term A.D. 1888.

City of Columbus } Error to the Circuit Court of Union County.

Henry Fox vs. John Liggett. } This cause came on to be heard upon the Transcript of the Circuit Court of Union County and was argued by counsel.

On consideration whereof, it is ordered and adjudged by this Court, that the judgment of the said Circuit Court be and the same is hereby affirmed and it appearing to the Court that there were reasonable grounds for this proceeding in error, it is ordered that no penalty be assessed herein.

It is further ordered that the defendant in error recover from the plaintiff, in error his costs herein expended taxed at \$

Ordered, that a Special Mandate be sent to the Court of common pleas of Union County, to carry this judgment into Execution.

Ordered, that a copy of this entry be certified to the Clerk of the Circuit Court of Union County for Entry.

D. Urban H. Hester, Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry was truly taken and correctly copied from the journal of said Court, this 14th day of June A.D. 1888

Urban H. Hester Clerk
By Horace M. Brown Deputy

Seal

State of Ohio } Supreme Court of Ohio.
City of Columbus }

To the Honorable Court of Common Pleas.

Within and for the County of Union, Ohio Greeting.

We do hereby command you, that you proceed, without delay, to carry the within and foregoing judgment of our Supreme Court of Ohio in the case of Henry Fox

vs
John Liggett

into Execution, the Petition in Error herein and heretofore granted to the contrary notwithstanding.

Witness, Urban H. Hester Clerk of our said Supreme Court of Ohio at Columbus this 14th day of June 1888.

Urban H. Hester, Clerk
By Horace M. Brown Deputy

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Supreme Court of the State of Ohio.

The State of Ohio }
City of Columbus }

January Term A. D. 1888.

Error to the Circuit Court of Union County.

This cause came on to be heard upon the Transcript of the Record of the Circuit Court of Union County and was argued by counsel. On consideration whereof, it is ordered and adjudged by this Court that the judgment of the Said Circuit Court, be and the same is hereby affirmed, and it appearing to the Court that there were reasonable grounds for this proceeding in error it is ordered that no penalty be assessed herein.

It is further ordered that the defendants in error recover from the plaintiffs in error their costs herein expended taxed at 8

Ordered, That a Special Mandate be sent to the Court of Common Pleas of Union County, to carry this judgment into execution.

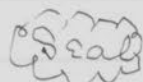
Ordered, That a copy of this entry be certified to the Clerk of the Circuit Court of Union County, for entry.

D. Urban H. Hoester Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the journal of Said Court.

Witness my hand and the Seal of Said Court, this 15th day of June A.D. 1888

Urban H. Hoester Clerk

By Horace M. Crow Deputy



State of Ohio }
City of Columbus }

Supreme Court of Ohio.

To the Honorable Court of Common Pleas

Within and for the County of Union Ohio, Creating;

We hereby command you, that you proceed without delay to carry the within and foregoing Judgment of our Supreme Court of Ohio in the Cause of

James B. Whelpley et al

vs

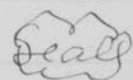
Perry Douglas et al

into execution, the Petition in Error herein and heretofore granted to the contrary notwithstanding.

Witness, Urban H. Hoester Clerk of our Said Supreme Court of Ohio, at Columbus this 15th day of June A.D. 1888.

Urban H. Hoester Clerk

By Horace M. Crow Deputy



State of Ohio } Supreme Court of the State of Ohio,
 City of Columbus } of the term of January A.D. 1888,
 Term Tuesday, June 5th

A. B. Witter }

vs

H. W. Witter et al. }

Error to the Circuit Court
 of Union County,

Ordered by the court that this case be and the same is hereby
 dismissed, for failure to file printed record,

I Urban H. Hester Clerk of the Supreme Court of the State of Ohio
 do hereby certify that the foregoing entry is truly taken and correctly
 copied from the records of said court, to-wit: from Order Book No 10,
 page 590.

In witness whereof I have hereunto subscribed my name and
 affixed the seal of said Supreme Court this 15th day of June A.D. 1888.

Urban H. Hester - Clerk,

By Horace M. Crow Deputy,

Seal

is hereby

State of Ohio
correctly
No 10,

name and
AD 1888,

No.
County,

Tuesday, September 25th AD. 1888.

Be it remembered that the Circuit Court within and for the 3^d judicial District of the State of Ohio, was begun and held at the Town of Marysville, County of Union and State of Ohio, on Tuesday the Twenty fifth day of September, in the year of our Lord, one thousand eight hundred and eighty eight, at 9 o'clock A.M.

Present as Judges of said Court,
Hon John J Moore
" Thomas J Beer

Present as officers of Hopkins Sheriff
Frank J Wall & Andrew Hopkins Constables
Honorable John J Moore one of the Judges of said Court presiding.

No 68. Philip Snider et al vs William M Winger et al

This day this cause was compromised by the parties in open court, as per motion adopted by the Counsel of the village of Marysville at its Session of September 24th 1888, which motion is as follows, That the case of Philip Snider et al vs William Winger mayor of the village of Marysville et al be compromised by plaintiff by plaintiff paying the costs in said case of \$18⁵².

It is therefore considered and adjudged that this cause be dismissed in accordance with said motion above written and that said plaintiff pay the costs herein taxed at \$18⁵² for which execution is awarded.

Thereupon Court adjourned till 2 o'clock P.M.

Two o'clock P.M Court convened pursuant to adjournment
Present as Judges of said Court
Hon John J Moore
" Thomas J Beer
" Henry W Seenev.

The Same officers as in the forenoon.

No 71. The Dwelling House Insurance Company plaintiff in error vs

D.A and F.M Rickman Defendants in error

This day came the parties and settled this cause as follows
The plaintiff in error has paid to the defendant in error the sum of four hundred dollars in full of all claims, and the defendant in error agree to and do accept said payment in full of all claims against the plaintiff in error, and the

and the record.

No 73. Ann vs Charles

original County, find the judgment aforesaid sent in and tax

Said Co. To wh in error

Bailiffs. The Sheriff terms of \$4⁰⁰.

No 67. B.D. vs D.C. Mary

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Tuesday, Sept 25th A.D. 1888.

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and the defendant in error has paid the cost. And by agreement there is to be no record.

No. 73.

Ann Fogarty
vs
Charles Phillis Survore) On Error.

This day this cause came on for hearing upon the petition in error, the transcript and the original papers, and pleadings from the court of Common Pleas, of Union County, and was argued by Counsel. On consideration whereof the Court find there is no error apparent on the record in said proceedings and judgment. It is therefore considered by the Court that the judgment aforesaid be and the same is hereby affirmed, and that the defendant in error recover from the plaintiff in error, his costs herein expended and taxed at \$-

It is further ordered that a Special Mandate be sent to said court of Common Pleas, to carry this judgment into execution. To which decision and judgment of affirmance the plaintiff in error excepts.

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Philip Snider
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Bailiffs.

The Sheriff having appointed F. D. Wall and Andrew Hopkins Bailiffs for this term of court it is hereby ordered that they each receive be allowed the sum of \$4⁰⁰, Total \$8⁰⁰.

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taxed at

67.

R. D. Lowe
vs
D. C. Fay and
Mary A. Fay.

This day came the parties in person and by their attorneys, and submitted the cause to the court, on the petition answer and reply, and upon the testimony and argument, whereupon the Court being fully advised in the premises do find for the plaintiff on the issue joined between the parties, and therefore it is considered, ordered and adjudged by the Court that unless the defendants within 90 days pay to the plaintiff the sum of Five hundred and thirty eight and 90/100 dollars, with eight percent interest from January 22nd 1887 together with the costs taxed in said judgment and together with the costs in this court taxed to \$

government

That the deed made by D. C. Fay to his wife Mary A. Fay be set aside and held for naught, as against the said judgment and costs, due plaintiff from D. C. Fay as alleged in his petition and that an order of sale issue to the Sheriff of this County commanding him to proceed according to law, to sell the land in said petition described to satisfy the said sum, and interest and costs and costs that may accrue,

and,

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And it is ordered that this cause be remanded to the Court.

of Common Pleas of this County to carry into effect the decree
 And it is ordered that in case defendants pay said sum
 and interest and costs as above specified, that said deed
 and conveyance remain undisturbed and in full force
 To all of which rulings, orders and judgment the defendants
 there and there excepted,

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Court convened pursuant to adjournment, at 9 o'clock this morning, the same officers and judges being present as on yesterday,

George W. Moachling }
vs }
John Newlove and }
Mary W. Newlove }

This day came the parties and their attorneys, and thereupon the cause came on to be heard upon the pleadings of the parties and the evidence, and was argued by counsel and submitted to the court,

On consideration whereof, the court being fully advised in the premises finds in favour of the defendant Mary W. Newlove, and against the plaintiff upon the issues joined between them, and that at the time of signing said note the said Mary W. Newlove did not intend to, and did not bind herself, or her separate property for the payment of the same, and that the land in the petition described is not charged with the payment of said note or any part thereof.

It is therefore adjudged by the court, that the attachment issued in this case be, and the same is hereby discharged, and this cause is dismissed at the costs of the plaintiff.

It is adjudged and decreed that the said Mary W. Newlove recover of the plaintiff her costs in this action expended and taxed at \$.

To which ruling and judgment of the court the plaintiff excepts and moves the court here for a new trial of this case, which motion for a new trial has been overruled by the court, to which ruling of the court the plaintiff excepts, and the clerk of the court is directed to keep the records of said court open for thirty days from this date for the purpose of allowing the plaintiff to file his bill of exceptions herein.

No 69.

John Robinson }
vs }
Samuel Bruce Robinson }
Brend Robinson }
James Black, assignee }
Susannah Robinson and }
John B. Taylor, guardian }

This day came the parties with their attorneys, and this cause was submitted to the court upon the pleadings and the evidence, upon consideration whereof the court do find;

That the defendant Susannah Robinson is the owner in fee of the undivided eight fourteenths (8/14) of the entire premises described in the petition. That the defendant Samuel B. Robinson is the owner in fee of the undivided six fourteenths (6/14) of the entire premises described in the petition, subject to the dower interest of the defendant Susannah Robinson.

That there is due the said plaintiff upon the first cause of action alleged in the petition the sum of eleven hundred and sixty nine and 4/100

Dollars, which sum draws interest at the rate of 8% per annum, and is the first best lien upon the entire premises described in the petition

II That there is due the plaintiff upon the second cause of action alleged in the petition, Eighteen hundred and three Dollars (\$1803⁰⁰), which sum draws interest at the rate of 8% per annum, and is the second best lien upon the undivided (6/14) of said premises, being the premises owned by Samuel B Robinson Subject to the dower interest of Susannah Robinson

III That there is due the said plaintiff upon the third cause of action alleged in the petition, Thirteen hundred and nine Dollars and 20/100 dollars (\$1309²⁰), which sum draws interest at the rate of 8% per annum and is the second best lien on the undivided 7/14 of said premises, said 7/14 being a part of the premises owned by Susannah Robinson,

IV That there is due the plaintiff on the fourth cause of action alleged in the petition Five hundred and seventy three and 17/100 dollars (\$573¹⁷), which sum draws interest at the rate of 8% per annum and is the third best lien on the undivided 7/14 of said premises, said 7/14 being a part of the premises owned by Susannah Robinson

V That there is due the plaintiff upon the fifth cause of action alleged in the petition Twenty nine hundred and fifty eight and 18/100 dollars (\$2958¹⁸) with interest at the rate of 8% per annum and is the third best lien upon the undivided 6/14 of said premises, being the premises owned by Samuel B Robinson, Subject to the dower interest of Susannah Robinson,

That the said Susannah Robinson is entitled to dower in any remaining surplus that may remain upon the sale of the undivided 6/14 of said premises, being the premises owned by Samuel B Robinson, after satisfying the first best liens described in the first cause of action

It is therefore ordered adjudged and decreed that upon the failure to pay ^{to the} said plaintiff the respective sums due him as aforesaid together with the costs of this action, within thirty days from the rising of the Court, that an order issue to the Sheriff of Union County, commanding him to appraise advertise and sell as upon execution the following described premises, to-wit

Descriptive of Lands,

Being Virginia Military Survey No - Beginning at a hickory Sugar & Gum, upper corner on the Creek to John Arroy's Survey No 88, Running N 53° E, 137 poles to two red oaks, and a white oak in the center of the original Survey; Thence N 37° W 95 poles to a stake white oak and maple in the south line of a lot of land owned by John Robinson; Thence South 53° W 36 1/2 poles to a blue ash and Sugar tree, corner to Thomas Robinson's land on the Creek; Thence down the Creek S 12° E 12 poles; thence S 80° E 110 poles; Thence N 53° E 190 poles to the beginning, And that out of the proceeds arising from the sale of said premises, he pay

First First.

The costs of this action - and that out of the 6/14 the proceeds remaining the 17/100 The amount due plaintiff upon the first cause of action

Second The dower

Third The annuity

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Second The lower interest of Susanwah Robinson estimated upon the remainder according to the annuity tables

Third The amount due plaintiff upon the second and fifth Cause of action

Fourth The amount due James Black, - and that out of the 7/4 of the proceeds remaining after deducting costs he pay.

First The amount due plaintiff upon the first cause of action, if the same is not paid and satisfied as aforesaid,

Second The amount due plaintiff upon the third and fourth Causes of action

Third - The ballance to John B Taylor Guardian, &c, -
And that out of the 1/4 of the proceeds remaining after deducting costs he pay.

First The amount due plaintiff upon the first cause of action if the same is not paid and satisfied as aforesaid,

Second The ballance to John B Taylor Guardian, &c,

It is further ordered that a Special Mandate be sent to the Court of Common Pleas to carry this decree into effect,

72

E J Evans

v.s.

Julia C Simpson

This cause on for hearing upon the Petition in Error. The transcript and original papers and pleadings from the court of common Pleas of Union County Ohio, and was argued by counsel; On consideration whereof the Court finds there is no error, apparent on the record in said proceedings and judgment.

It is therefore considered by the Court, that the judgment aforesaid be, and the same is hereby affirmed, and the defendant in error recover from the plaintiffs in error her costs herein taxed at \$

It is further ordered that a Special Mandate be sent to the Court of common Pleas of Union County for execution and for further proceedings upon said judgment.

To all of which the Plaintiff in error excepted and does now except,

1975

Marion Johnson

v.s.

The incorporated village of Marysville

This cause being heard on the demure to the petition, the Court on consideration thereof sustains the same, And thereupon plaintiff failing to plead further, it is considered by the Court that the defendant go hence without day and recover from the plaintiff his costs herein expended.

Thereupon Court adjourned without day.

Times For Holding Circuit Court, A.D. 1889

State of Ohio
Third Judicial Circuit

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit, for the year 1889, be fixed as follows To-wit:

Allen County	on the 4 day of June, and the 10 th day of December
Auglaize "	" " 6 " " May, " " 21 st " " October
Crawford "	" " 5 th " " March " " 8 th " " "
Defiance "	" " 19 " " Feb " " 10 th " " September
Hancock "	" " 16 th " " April " " 19 th " " November
Harden "	" " 14 th " " May " " 3 rd " " December
Henry "	" " 2 ^d " " April " " 14 th " " November
Logan "	" " 19 th " " March " " 15 th " " October
Marion "	" " 15 " " January " " 18 th " " Sept
Mercer "	" " 28 " " January " " 30 th " " Sept
Paulding "	" " 26 th " " March " " 11 th " " Nov.
Putnam "	" " 9 th " " April " " 23 ^d " " October
Seneca "	" " 21 st " " " May " " 17 th " " December
Union "	" " 22 ^d " " " January " " 24 th " " September
Vanwert "	" " 5 th " " " February " " 3 ^d " " October
Wyandot "	" " 17 " " " " " " 26 " " Sept.

Said Terms to begin at 9 o'clock A.M.

September 18th 1888.

J. J. Moore
Henry W. Seenev } Judges
Thomas Beer }

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Tuesday January 22nd A.M. 1889.

Be it remembered that the Circuit Court, within and for the "Third" Judicial District of the State of Ohio, was begun and held at the town of Marysville County of Union and State of Ohio, on Tuesday the 22nd day of January in the year of our Lord one thousand eight hundred and Eighty nine, at Nine o'clock A.M.

There were present as Judges of Said Court,
How John J Moore
" Thomas J Beer
" Henry W Servey -

Present as officers - Thomas Martin Sheriff,
and R M Conry Clerk,

W H Conry, Treasurer,
James Sweeney)

No 76

This day came the parties in person and by counsel and submitted this cause to the court, on the pleadings, the evidence, and the arguments of Counsel, whereupon the court being fully advised in its premises, do overrule the demurrer to the petition, (to which judgment of the court in overruling the demurrer to the petition the defendant excepts) and find for the plaintiff on the issues joined in the petition, answer and Reply.

Therefore the court find that the sum for which the defendant is liable by reason of the premises is four hundred and ninety four dollars and six cents, which sum defendant ought to pay as prayed for to plaintiff.

It is therefore considered, ordered, and adjudged by the court that the said plaintiff, the present Treasurer, as Treasurer recover of said defendant said sum of four hundred and ninety four dollars and six cents, and his costs herein expended taxed to \$ and in default of payment in ten days, the court consider order and adjudge that an order of sale issue to the Sheriff of this county commanding him to appraise, advertise and sell the land in said petition described, according to law to satisfy said judgment and costs and interest from this date.

And it is further ordered that a mandate issue remanding this cause to the court of common pleas, to carry this judgment and decrees into execution.

To all of which findings, rulings, judgment and decrees, the defendant excepts.

In Re: }

Court

Constables

The Sheriff having appointed Lutz Muller and Durrelle Peice Court Constables for the term. It is therefore considered and ordered by the Court that the said Court Constables so appointed receive pay for one day each.

Thereupon Court adjourned without day
attest, R M Conry Clerk

Supreme Court of The State of Ohio,

The State of Ohio, } January Term A.D. 1889.
City of Columbus }

William H. Robinson)
vs)
J. A. Willis,) of Union County,

This cause came up for hearing on the Transcript of the Record of the Circuit Court and the Court of Common Pleas of Union County and was argued by counsel. On consideration whereof, it is ordered and adjudged by this court that the judgment of the Said Circuit Court be and the same is hereby reversed at the costs of the defendant in Error. It is therefore considered that the plaintiff in Error, recover of the defendant in error, his costs in this behalf expended to be taxed.

And proceeding to render judgment the Circuit Court should have rendered, it is ordered and adjudged, that the judgment of the court of Common Pleas be and the same is hereby reversed and a new trial awarded, at the costs of the defendant in Error, for error in excluding for error in excluding the evidence offered by the defendant William H. Robinson, and which should have been admitted upon the issues as made up by the pleadings;

It is therefore considered that the plaintiff in error in the Circuit Court recover of the defendant in error, his costs in that behalf expended to be taxed. And this cause is remanded to the Court of Common Pleas, for further proceedings.

Ordered, That a Special Mandate be sent to the court of Common Pleas of Union County, to carry this judgment into execution.

Ordered, That a Copy of this entry be certified to the Clerk of the District Court of Union County for Entry,



J. Urbaw H. Hester, Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry, is truly taken and correctly copied from the Journal of Said Court.

Witness my hand and the Seal of Said Court this ninth day of May A.D. 1889

Urbaw H. Hester Clerk
By Horace M. Crow Deput.

State of Ohio } Supreme Court of Ohio,
City of Columbus, }

To the Honorable Court of Common Pleas,
within and for the County of Union, Ohio, Greeting,
We do hereby command you, that you proceed, without delay,
to carry the within and foregoing judgment of our Supreme Court of Ohio, in the Cause of William H. Robinson vs. -

A.A.
graded,



1889,

A. A. Willis, into execution, the petition in error, herein and heretofore
granted, to the contrary notwithstanding,



Witness, Urban H. Hester, clerk of our
Supreme Court of Ohio, at Columbus
this ninth day of May A.D. 1889,
Urban H. Hester Clerk,
By Horace M. Brown, Deputy,

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Times For Holding Circuit-Court A.D. 1890.

State of Ohio,
Third Judicial District, }

It is ordered that the times of the Circuit Court of the
Several Counties in said Circuit, for the year 1890, be fixed
as follows to-wit,

Allio County,	on the 2 nd day of June, and the 10 th day of November,
Auglaize "	" " 19 th " " May, " " 16 th " " October
Crawford "	" " 11 th " " Feby " " 18 th " " November
Defiance "	" " 28 th " " Jan ^y " " 30 th " " September
Hancock "	" " 1 st " " April " " 21 st " " October
Harden "	" " 25 th " " March " " 2 ^d " " Dec,
Henry "	" " 4 th " " Feby " " 2 ^d " " October
Lagau "	" " 18 th " " March " " 25 th " " September
Marion "	" " 14 th " " Jan " " 17 th " " "
Mercer "	" " 10 th " " March " " 13 th " " October
Paulding "	" " 26 th " " May " " 6 th " " "
Putnam "	" " 22 ^d " " April " " 6 th " " Nov
Seneca "	" " 6 th " " May " " 9 th " " Dec
Union "	" " 21 st " " Jan " " 23 ^d " " Sept-
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Vanwert, "	" " 3 ^d " " March " " 8 th " " Oct,

Said Terms to begin at 9 o'clock A.M.

September 17th 1889.

Henry W. Seeneey
Thomas Beer
John J. Moore,) Judges.

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Tuesday, September 24th 1889.

Be it Remembered that the Circuit Court, within and for the third Judicial District, of the State of Ohio, was begun and held at the town of Marysville, County of Union and State of Ohio, on Tuesday September the 24th day, (A.D. 1889) one thousand eight hundred and eighty nine, at nine o'clock A.M.

There were present as judges of said Court:
Hon. Henry W. Seery,
" Thomas Beer,
" John J. Moore. } Judges.

Present as officers, Thomas Martin Sheriff, and
R. J. Emry Clerk.

In the matter of the assignment of J. G. Blake Union County Bank and of Blake.

No 82

This day this case came on to be heard upon the petition in Error, The transcript and the original papers, and pleadings from the court of common pleas, of Union County Ohio, and the report of its referee W. T. Hoopes. And was argued by counsel, on consideration whereof the Court find there is no error apparent on the record in said proceedings, finding, and report.

It is therefore considered by the court, that the judgment of said common Pleas Court, confirming the report of said Referee be, and the same hereby affirmed, and that the defendant in error recover from the plaintiffs in Error, his costs herein expended, Taxed at \$

It is therefore ordered that a special mandate be set to the court of common Pleas Court of Union County for execution on the judgment. Plaintiff in error excepts.

A. G. Boring, }
vs
J. G. Rogers et al }

This day came the administrator of A. G. Boring deceased, and suggested the death of the plaintiff and by order of the court, John P. Wolpe Administrator of A. G. Boring's deceased, is substituted in his stead as plaintiff and on plaintiffs motion this Cause is continued.

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Judges.

Tuesday, September 24th AD 1889.

78

Anthony Mouldlesworth
vs
William Whiteley et al

This day this cause came on to be heard upon the motion of the plaintiff Anthony Mouldlesworth to dismiss the appeal, was argued by Counsel, and the court being fully advised in the premises do sustain said motion and the appeal is hereby dismissed, and the Clerk of this court is hereby required to issue a Special Mandate to the Common Pleas Court of said County for execution upon the Judgments in said Court. And that the defendant pay the costs in this Court taxed at \$ - Defendant excepts,

84.

Bank of Marysville
vs
The Waudsch Mulekauer Co

This cause came on to be heard on the petition in error. The Transcript and the original papers and pleadings from the Court of Common Pleas of Union County, and was argued by Counsel, on consideration whereof the Court find there is no error apparent on the record on said judgment and proceedings.

It is therefore considered by the Court that the judgment aforesaid be and the same is hereby affirmed, and that the defendant in error recover from the plaintiff in error his cost herein expended, taxed to \$ -

And the Court being of opinion that there is probable grounds for proceedings in error, allow no penalty.

It is therefore ordered that a Special Mandate be sent to the Common Pleas Court of Union County for execution and further proceedings upon said Judgment.

To all of which Rulings, decisions and Judgments, the said Bank of Marysville then and there excepted.

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Tuesday September 24th 1889.

No 70.

John B Taylor, Guardian
of Susannah Robinson,

vs
John B Robinson et al

Now comes the parties herein, and it appearing to the Court that this cause has been compromised, by the parties thereto the same is dismissed by agreement of the parties.

It is therefore ordered by the Court that the costs be paid as directed in the adjustment thereof in its Court of Common Pleas. And it is ordered that a Special Mandate be sent to the Court of Common Pleas, of Union County for execution and further proceedings.

85.

John B Taylor, Guardian
of Susannah Robinson

vs
John Robinson, et al

This cause came on for hearing upon the petition in error. The transcript and the original papers, and pleadings from the Court of Common Pleas, of Union County, and was argued by counsel, On consideration whereof the Court find there is no error apparent on the record in said judgment and proceedings.

It is therefore considered by the Court that the judgment aforesaid be and the same is hereby affirmed and that the defendant in error recover from the plaintiff in error, his costs herein expended and taxed at \$. and the Court being of opinion that there is reasonable ground for proceedings in error, allow no penalty.

It is further ordered that a Special mandate be sent to the Common Pleas Court of Union County for execution and further proceedings upon said judgment.

To all of which rulings and decisions the plaintiff in Error, then and there excepted to,

Court Constables.

It appearing necessary for the proper discharge of the business of this Term of the Circuit Court, of Union County, and on motion of the Sheriff of the County, that E P Houghton and J W Lawrence be appointed Court Constables, whereupon it is considered, and ordered by the Court that, E P Houghton and J W Lawrence be, and they are hereby appointed Court Constables for this September term of the Circuit Court, of Ohio, for the County of Union.

Pay of Court Constables

It is this day ordered by the Court, that E P Houghton and J W Lawrence, receive pay for one day each as court constables, the amount of \$2⁰⁰ per day each,

Mandate - Supreme Court of the State of Ohio,
State
Supreme Court of Ohio, January Term A.D. 1889
City of Columbus.

Daniel B. Miller for the use of &c.,
vs.
Stephen Crauston administrator &c.

Error to the Circuit Court
of Union County,

This cause came on to be heard
upon the transcript of the record of the Circuit Court of Union
County, and was argued by counsel, on consideration
whereof, it is ordered and adjudged by this Court, that the
judgment of the said Circuit Court be and the same is hereby
reversed, It is therefore considered that the plaintiff in error of
the defendant in error, as such administrator his costs in this
behalf expended, to be taxed and levied as required by statute

And proceeding here to render the judgment, the Circuit Court
should have rendered, it is ordered and adjudged that the judg-
ment of the Common Pleas be and the same is hereby reversed
and this case is remanded to the Common Pleas for further
proceedings, and that the plaintiff in error in said Circuit
Court, recover of the defendant in error, his costs in that
Court expended to be taxed and levied as required by statute;

Ordered that a Special Mandate be sent to the Court of Common
Pleas of Union County, to carry this judgment into Execution

Ordered that a copy of this entry be certified to the Clerk of
the Circuit Court of Union County, for entry.

J. Urban H. Hester, Clerk of the Supreme
Court of Ohio, do hereby certify that the foregoing
Entry is truly taken, and correctly copied from
the Journal of said Court,

Witness my hand and seal of said Court
this 10th day of October A.D. 1889.

Urban H. Hester Clerk

State of Ohio, City of Columbus,
Supreme Court of Ohio,

To the Honorable Court of Common Pleas,

Within and for the County of Union Ohio Greeting,

We do hereby Command you that you proceed without delay
to carry this and the foregoing judgment of our Supreme Court
of Ohio, in the cause of Daniel B. Miller for the use of &c.,
vs.

Stephen Crauston administrator &c.,
into execution, the Petition in Error herein and heretofore granted
to the contrary notwithstanding

Witness, Urban H. Hester, Clerk of our said
Supreme Court of Ohio, at Columbus, this 10th day of October
A.D. 1889.

Urban H. Hester Clerk,

Clerks coat's 1885 - paid by Harrison O. M.
Printing Record \$10.00 " " J. Cameron



Supreme Court of The State of Ohio.

Mandate.
 The State of Ohio. City of Columbus } January Term AD 1889.
 The Union's Biblical Seminary }
 vs. }
 Stephen Cranston admr &c } Error to the Circuit Court
 of Union County.

This Cause came on to be heard upon the transcript of the Record of the Circuit Court of Union County, and was argued by Counsel, on Consideration whereof, it is ordered and adjudged by this Court, that the Judgment of said Circuit Court, be and the same is hereby reversed, It is therefore considered that the plaintiff in error recover of the defendant in error his costs in this behalf expended to be taxed, and levied as required by Statute, And proceeding here to render the Judgment the Circuit Court should have rendered it is further ordered and adjudged that the Judgment of the Common Pleas be and the same is hereby reversed, and this cause is remanded to the Common Pleas for further proceedings.

It is also ordered and adjudged that the plaintiff in Error, in the Circuit Court, recover of the defendant in error, his Costs in that Court expended and taxed, and that the same be levied as required by Statute.

Ordered that a Special Mandate be sent to the Court of Common Pleas of Union County, to carry this Judgment into Execution. Ordered that a copy of this entry be certified to the Clerk of the Circuit Court of Union County "for Entry."

I Urban H. Hester, Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken, and correctly copied from the Journal of said Court.



Witness my hand and the Seal of said Court, this 10th day of October AD 1889
 Urban H. Hester, Clerk.

State of Ohio, City of Columbus, } Supreme Court of Ohio.
 To the Honorable Court of Common Pleas,
 Within and for the County of Union Ohio, Greeting.

We do hereby command you, that you proceed, without delay, to carry the within and foregoing Judgment of our Supreme Court of Ohio, in the Cause of - - The Union's Biblical Seminary }
 vs }
 Stephen Cranston admr &c }

into Execution the said Judgment herein, and heretofore granted to the contrary notwithstanding
 Witness Urban H. Hester Clerk of our said Supreme Court of Ohio, at Columbus, this 10th day of October, AD 1889.



Urban H. Hester, Clerk.
 Clerk's Costs \$5⁰⁰ paid by S. F. Marsh
 Printing Round \$10⁰⁰ " " J. F. Cameron

Mandate.

Supreme Court of The State of Ohio.

The State of Ohio, City of Columbus, } January Term A.D. 1889.

The Otterbein University

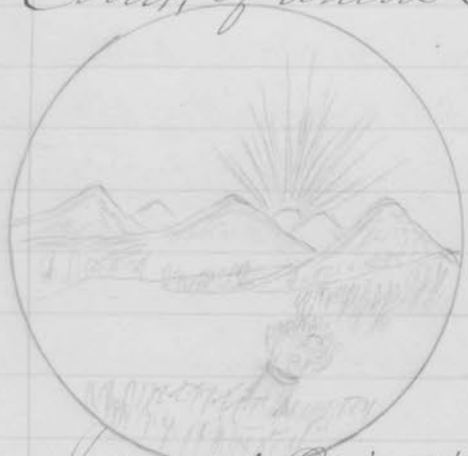
vs
Stephen Cranston.

} In Error to the Circuit Court
of Union County,

This cause came on to be heard upon the Transcript of the Record of the Circuit Court, of Union County. And was argued by Counsel. On consideration whereof, it is ordered and adjudged by this Court that the judgment of the said Circuit Court be and the same is hereby reversed, at the costs of the defendant in error. It is therefore considered that the ~~defendant~~^{plaintiff} in error recover of the defendant in Error his costs in this behalf expended to be taxed; And proceeding here to render the judgment, the Circuit Court should have rendered. it is ordered and adjudged that the judgment of the said Court of Common Pleas be and the same is hereby affirmed, And it is ordered and adjudged that the said Otterbein University recover of the said Stephen Cranston as such Administrator its costs in that Court expended to be Taxed and levied as required by Statute.

Ordered that a special Mandate be sent to the Court of Common Pleas of Union County to carry this judgment into execution

Ordered that a copy of this entry be certified to the Clerk of the Circuit Court, of Union County Ohio, "for Entry,"



D. Urbaw H. Hester, Clerk of the Supreme Court of Ohio, do hereby Certify that the foregoing entry is truly taken, and correctly copied from the Journal of said Court.

Witness my hand and the Seal of said Court, this 10th day of October A.D. 1889.

Urbaw H. Hester, Clerk.

State of Ohio, City of Columbus, } Supreme Court of Ohio.

To the Honorable Court of Common Pleas,

Within and for the County of Union, Ohio, Greeting

We do hereby command you, that you proceed, without delay, to carry the within and foregoing judgment, of our Supreme Court of Ohio, in the cause of
The Otterbein University

vs
Stephen Cranston adm^r &c, into execution, the Petition in Error herein and heretofore granted, to the contrary notwithstanding



Witness, Urbaw H. Hester, Clerk of our said Supreme Court of Ohio, at Columbus, this 10th day of October A.D. 1889.

Urbaw H. Hester Clerk.

Clerk's fees \$5.00 paid by S. F. Mark
Printing Record \$10.00 " " J. L. Currier

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Tuesday September 24th AD 1889.

V J Hills
vs
John Moore et al
vs
V J Hills et al.

This day came the parties in this cause and submitted this cause to the court. Whereupon, the court having heard the arguments of counsel, and on due consideration thereof the court find no error in said record, and judgment in said record set forth,

Whereupon it is considered, ordered and adjudged by the court that said Record Proceedings and judgment be affirmed with costs, and that defendant in error recover of the said plaintiff in error, their costs herein expended and taxed to \$.-

And the court order that a special mandate issue to the Court of Common Pleas, by the clerk, remanding this cause to said court, to carry into effect this judgment of the court, and the court being of the opinion that there was reasonable ground for proceedings in error, allow no penalty.

No 77. William H Cravy Treasurer }
vs } In Error
Landon Bishop }

This cause came on for hearing upon the petition in error, the transcript and the original papers and pleadings from the court of Common Pleas of Union County, and no motion of the appellant was dismissed. It is therefore considered by the court, that this cause be, and the same is hereby dismissed, and that the judgment of the common Pleas Court of said County be and the same is hereby affirmed,

And that the defendant in error, recover from the plaintiff in error his costs herein expended, to be taxed at \$ and execution is awarded therefor,

It is further ordered that a special mandate be sent to the Court of Common Pleas of Union County for execution upon this judgment. And the court being of opinion that there is reasonable ground for proceedings in error, allow no penalty. No Record.

Closing of Term.
It is ordered that all causes, motions and matters now pending in this court, and not otherwise disposed of, be, and the same are hereby continued to the next term thereof. This ^{present} term of this Circuit Court, was begun on the 24th day of Sept (AD 1889) one thousand eight hundred and eighty nine, and continued from day to day, and from time to time by regular adjournments, until the 24th day of Sept. AD 1889, aforesaid, and is now adjourned without day.
Attest W H Cravy Clerk, Presiding Judge

Supreme Court of The State of Ohio,

State of Ohio, City of Columbus, } January Term 1889,
J J Finley et al }
vs } Error to the Circuit Court of Union County,
William Whitley } Ohio,

This Cause came on to be heard upon the transcript of the Record of the Circuit Court of Union County, and was argued by Counsel On Consideration whereof, it is ordered and adjudged by this Court that the judgment of the said Circuit Court, be and the same is hereby affirmed, and it appearing to the Court that there is reasonable grounds for this proceeding in error, it is ordered that no penalty be assessed herein,

And it is further ordered that the defendant in error, recover from the plaintiffs in error his costs herein expended taxed at #.

Ordered that a Special Mandate be sent to the Court of Common Pleas of Union County, to carry this judgment into execution.

Ordered that a copy of this entry be certified to the Clerk of the Circuit Court of Union County "for entry"



I Urban H Hester Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court

Witness my hand and the Seal of said Court, this 31st day of October AD 1889
Urban H Hester Clerk

State of Ohio, }
City of Columbus } Supreme Court of Ohio,
To the Honorable Court of Common Pleas,

Within and for the County of Union Ohio Greeting
We do hereby command you that you proceed without delay, to carry the within and foregoing judgment of our Supreme Court of Ohio, in the Cause of
J J Finley et al
vs

William Whitley,
into execution, the petition in error herein and heretofore granted to the contrary notwithstanding



Witness Urban H Hester Clerk of our said Supreme Court of Ohio, at Columbus, this 31st day of October AD 1889.

Urban H Hester Clerk,

Clerks Costs \$5.00 paid by P W Kerr
Printing Record \$29.40 " " " "
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Tuesday January 21st AD 1890.

The State of Ohio.
Union County - } 53.

This present term of the Circuit Court, in and for the County of Union, in the Third Judicial District of the State of Ohio, held in the Court House in the City of Marysville, County and State as aforesaid, was begun and held on the Twenty first day of January, in the year of our Lord one thousand eight hundred and ninety

Present
Hon Henry W Seacey } Judges of the Circuit Court in the
" John J Moore, } Third Judicial District

Hon. Henry W Seacey Presidency.

Thomas Martin Sheriff of Union County

Attest, Wm Gray Clerk of Circuit Court of Union County Ohio.

Bucyrus Ohio, January 18th 1890.

Sir,

Entry,
Illness of Judge
Bear.

In account of Ill health I will not be able to attend the January Term, AD 1890 of the Circuit Court of Union County
Thomas Bear Judge.

Clerk of Circuit Court,
Union County Ohio

M. A. G. Bowling,

vs

E. P. Rogers et al.

No 87.

This day this Cause came on for hearing and by agreement of the parties hereto, was continued

No 81

Henry E Goff

vs

William Martin et al

On motion to the court and good cause shown therefor, leave is granted to the Plaintiff to file an amended petition in this case, and the same is filed, thereupon came James V Goff and waived the issuing and service of Summons, and entered his appearance herein and filed his answer.

The defendant William Martin excepted to the ruling of the court allowing the plaintiff to file an amended petition

Therefore this cause is continued by agreement,

It is
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There
o'clock

Tuesday January 21st A.D. 1890.

It is this day ordered by the Court, that J. W. Lawrence and E. P. Hays be, and they are hereby appointed Special Court Constables for this January Term of 1890 of the Circuit Court, of the said Circuit, for the County of Union, Ohio.

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Thereupon Court adjourned to meet tomorrow morning at 9 o'clock A.M.

Wednesday January 22^d A.D. 1890

Wednesday January 22^d 1890,

9 o'clock A.M.

Court opened pursuant to adjournment.

Present:

Hon. Henry W. Deeny } Judges of the Circuit Court in this

" John J. Moore. } Judicial District.

Hon. Henry W. Deeny presiding.

Whereupon Court adjourned till nine o'clock tomorrow morning

Thursday
Morning

January Term AD 1890

Wednesday Thursday January 23^d 1890
9 o'clock AM.

Court convened pursuant to adjournment.

Here Henry W. Deane }
" John J. Moore } Presiding Judges of the Circuit Court.

Thereupon Court adjourned to meet at nine o'clock Tomorrow
Morning.

January Term AD 1890.

Friday Morning January 24th AD 1890
9 o'clock AM
Court opened pursuant to adjournment,
Hon Henry W Seney } presiding judges.
" John J Moore }

Thomas Martin Sheriff
attest M. Curry, Clerk, of Circuit Court.

George Crandal,
vs
Jasper Woodworth et al

This cause came on for hearing upon the Petition in Error, The Transcript and the original papers and pleadings, and the Bill of Exceptions from the Court of Common Pleas of Union County, and was argued by Counsel, On consideration whereof the Court find there is Error therein apparent upon the record, to the prejudice of the plaintiff in error.

It is therefore considered by the Court that the judgment aforesaid be reversed and held for naught, and that the Plaintiff in error, recover from the defendant in error his costs herein expended and taxed at \$ -

The Court further proceeding to consider the premises, overruling the motion of the plaintiff in error for a new trial be sustained, that the verdict of the jury be set aside, and a new trial be and the same is granted.

And it further ordered that this cause be remanded to the said Common Pleas Court, of Union County for a new trial, and that a Special Mandate be sent to the said Court to carry this Judgment into execution.

To which Rulings, decisions and judgments of the Court the defendant then and there excepted

Benjamin Thomas,

No 86
Circuit Court

vs
The Board of Education
of York Township,
Union County Ohio

Common Pleas No 5711.

This day came on this cause to be heard by the Court. Whereupon the Court having heard the evidence offered by the parties, and the argument of counsel, and the defendants having asked the Court to make its findings of law and facts separately. The Court on full consideration find the facts as follows, viz -

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"The controversy arises from a dispute between the parties, as to whether the strip of land, in the petition described was formerly owned by Thomas W. Miller, or owned by James C. Miller. The plaintiff claiming title by deed from Thomas W. Miller, and the defendant claiming title by deed from the heirs of James C. Miller.

We have heard the case upon the evidence, and from the evidence we find the following facts. - That the land owned by Thomas W. Miller was formerly owned by Jonathan C. Miller. That when these lands were owned by Jonathan C. Miller and James C. Miller, to wit, about 50 years ago, a fence was built between these two tracts; The lands lying west of the fence were owned by Jonathan C. Miller, and the lands lying east of the fence were owned by James C. Miller. That the lands in dispute lie west of the fence, immediately adjoining thereto. That a Church was erected (now destroyed) upon the land immediately west of the said fence, and adjacent thereto, which land was donated for said purpose by Jonathan C. Miller; That a School House was erected upon the land immediately east of said fence and adjoining thereto, which land was donated for said purpose by James C. Miller. That the land west of the fence (including the land in dispute) have been in the possession of Jonathan C. Miller, Thomas W. Miller and the plaintiff for a period of about 50 years. - That the deed from Jonathan C. Miller to Thomas W. Miller, calls for the south line and east line as follows; "Thence with James & Charles Miller's S. 6^o W 138 poles to a Beach and Buckeye; ~~Thence~~ the monument named beach & Buckeye are destroyed and marked the South west corner of the James C. Miller Tract, and the South East corner of the Jonathan C. Miller Tract; and were located at the South end of said fence. That the deed from Thomas W. Miller to the Plaintiff, Benjamin Thomas calls for the same line, as follows, "Thence with the Center of a Gravel Road N 80^o E 64 poles, to a Stone, with Bricks under it." That at the end of the 64 poles no monument ever existed, but farther east in said line, where the Beach and Buckeye were located, was or did exist, consisting of a Stake with bricks on top of said Stake, as found by Bell, the Surveyor, and that his corner is the true corner, said Stake and bricks being buried in the ground some distance. - From these facts, as a conclusion of said, we find that monuments control distances, and that the call in Thomas's Deed, "To a Stone with Bricks under it" carries the line to the Monument, and therefore the land in dispute is covered by Thomas's deed, and in connection with the long possession of Thomas and his Grantors the plaintiff is entitled to have his Title quieted to the Bell Corner.

It is therefore considered, ordered and decreed by the Court that the plaintiff's title and possession to said land in the petition described be and the same is hereby quieted as against any and all claims of the defendant in said land; and the Court further order and decree that the defendant pay the costs in this case, and in default of the payment for ten days, that execution issue therefor as ~~against~~ ^{upon} judgments at law. And thereupon the

Except to the findings of the Court as to the facts and the Law in the case, and to the judgment of the Court,

Whereupon the Court orders this Cause to be remanded back to the Court of Common Pleas for execution,

Ordered that a copy of this entry be certified to the Clerk of the Court of Common Pleas of said County for entry,

William G. M. Allister and
Lemington M. M. Allister
as administrators of
B. T. M. Allister Dec'd.

vs
The New York, Lake Erie,
and Western Railroad
Company.

This Cause came on for hearing, upon the petition in error, the Transcript, and the Original papers and pleadings from the Court of Common Pleas, of Union County and was argued by Counsel,

On consideration whereof the Court find there is no Error apparent on the record in said proceedings and judgment;

It is therefore considered by the Court, that the judgment aforesaid be, and the same is hereby affirmed; and that the defendant in error, recover from the plaintiff in error, its costs herein expended and taxed at \$—

It is further ordered that a Special Mandate be sent to the Common Pleas Court of Union County for execution upon said judgment,

To which judgment and decision the plaintiff Excepts,

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No 90. vs

The Trustees
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January Term AD 1890. Friday January 24th 1890.

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no 90.
vs
The Trustees of the Baptist
Church of Richmond Ohio

In Error,

This Cause came on for hearing upon the petition
in error, the transcripts, and the original papers, and pleadings from the
Court of Common Pleas, of Union County, and was argued by counsel;
On consideration whereof, the Court find there is no error apparent on the
record in said proceedings and judgment; It is therefore considered by
the Court, that the judgment aforesaid be, and the same is hereby affirmed.
And that the defendant in error, recover from the plaintiff in error
his costs herein expended, taxed at \$-
And the Court being of opinion that there was reasonable ground for
proceedings in error, allow no penalty.
It is further ordered that a Special Mandate be sent to the Common
Pleas Court of Union County for execution upon this judgment.

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It is ordered that all Causes, Motions and Matters now pending in
this Court, and not otherwise disposed of be and the same are hereby
continued to the next term thereof.

This present term of the Circuit Court was begun
on Tuesday January (21st AD 1890) the twenty first day, in the
Year of our Lord one thousand eight hundred and Ninety, and
continued from day to day and from time to time, by regular
adjournments until the 24th day of January AD 1890, as
aforesaid, and is now adjourned without day.

Attest
J. M. Brown, Clerk.

Times For Holding Circuit Court A.D. 1890.

State of Ohio.
Third Judicial District.

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit, for the year 1891 be fixed as follows, to-wit:

Allen	County	on the 1 st day of June, and the 16 th day of November
Auglaze	" " "	18 th " " May " " 23 rd " " November
Crawford	" " "	10 th " " Feby, " " 6 " " October
Defiance	" " "	27 th " " January, " " 29 " " September
Hancock	" " "	30 th " " March " " 20 th " " October
Harden	" " "	24 th " " March " " 10 th " " November
Henry	" " "	3 rd " " Feby " " 1 st " " October
Logan	" " "	20 th " " January " " 24 th " " September
Marion	" " "	13 th " " January " " 16 " " September
Mercer	" " "	16 th " " March " " 14 " " October
Paulding	" " "	25 th " " May " " 30 th " " November
Putnam	" " "	21 st " " April " " 5 th " " November
Seneca	" " "	5 th " " May " " 8 th " " December
Union	" " "	3 rd " " March " " 22 nd " " September
Vanwert	" " "	16 th " " February " " 17 th " " October
Wyandot	" " "	10 th " " March " " 7 th " " December

Said terms to begin at 9 o'clock A.M.

Columbus Ohio, Sept 16th 1890.

Henry W. Seney,
Thomas Beer,
John J. Moore } Judges.

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Mandate - Supreme Court of the State of Ohio,

The State of Ohio }
 City of Columbus } January Term A.D. 1890

Bowers v. Howe } Error To The Circuit Court
 vs } of Union County,
 George Smith }

This cause came on to be heard upon the transcript of the record of the Circuit Court of Union County and was argued by Counsel, on consideration whereof, it is ordered and adjudged by this Court, that the judgment of the said Circuit Court, be and the same is hereby affirmed, and it appearing to the Court that there were reasonable grounds for proceeding in error, it is ordered that no penalty be assessed herein,

It is further ordered that the defendant in error recover from the plaintiff in error, his costs herein expended and taxed to \$... and this cause is remanded to the Court of Common Pleas, with direction to render a judgment in favor of the defendant on the second defence in his answer, to the petition of the plaintiff.

Ordered that a Special Mandate be sent to Court of Common Pleas of Union County, to carry this judgment into execution.

Ordered that a copy of this entry be certified to the Clerk of the Circuit Court of Union County, for Entry.

J. Urban H. Hester, Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court, Witness my hand and the seal of said Court, this 2^d day of May A.D. 1890

Urban H. Hester Clerk

State of Ohio, City of Columbus, } Supreme Court of Ohio,

To the Honorable Court of Common Pleas,

Within and for the County of Union, Ohio, Greeting,

We do hereby command you, that you proceed, without delay, to carry this within and foregoing judgment of our Supreme Court of Ohio, in the Cause of

Bowers v. Howe,

vs
 George Smith,

into execution, the petition in error herein and heretofore granted to the contrary notwithstanding

Witness, Urban H. Hester, Clerk of our said Supreme Court, at Columbus, this 2^d day of May A.D. 1890

Urban H. Hester Clerk

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September, Tuesday, 23^d. AD 1890.

Be it remembered that the Circuit Court, within and for the Third Judicial District of the State of Ohio, was begun and held at the Town of Marysville, County of Union and State of Ohio, on Tuesday, the 23^d day of September, in the year of our Lord One Thousand eight hundred and ninety, at Nine o'clock A.M.

Present as Judges,
Hon Henry W Sneyd
" Thomas Beers, } Presiding Judges.
" John J Moore }

Present as officers.

Thomas Martin Sheriff,
J W Lawrence Deputy Sheriff, and
R M Brody clerk.

92. Berry P Stewart, et al
vs
Commissioners of Union County

This day this cause came on to be heard and was continued by agreement of the parties.

93. Berry P Stewart, et al
vs
The Commissioners of Union County Ohio

This day this case came on to be heard, and was continued by agreement of the parties.

No. 87. A G Boring
vs
E. P. Rogers et al

This day this case came on to be heard and was continued by agreement of the parties hereto.

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Therefore Court adjourned until one o'clock P.M. tomorrow,

Wednesday September 24th 1890

Sept 24th 1890. one o'clock P.M. Court convened pursuant to adjournment.

Emily M Adams administratrix

vs

Anna Gill & Henry D Gill.

88

This day came the parties to this Cause, and submitted this cause to the Court on the pleadings Testimony and arguments of Counsel for plaintiff and for Anna Gill, Henry D Gill, and Counsel for Mary Callahan, Whereupon the Court being fully advised in the premises do overrule the motion to dismiss Henry D Gill, and do find against defendant, Mary Callahan and for the plaintiff on the issue joined between them, and that plaintiff is the owner of said note and mortgage, in the petitions described.

And the Court find for said ^{plaintiff as} administrator, and against said defendants on all the issues between them;

And the Court find the balance due and unpaid on said note and mortgage this day to be and amount to the sum of Five hundred and eighty six dollars, and thirty cents, after reducing the interest to six per cent per annum,

It is therefore considered ordered and decreed that said defendants, Annie Gill and Henry D Gill within five days pay to the present administrator of the Estate of Susan Adams deceased, said sum, to wit: \$586³⁰ so found due on said mortgage, and interest from this date, and all costs, except the costs made by Mary Callahan, herein, and in default of payment thereof, that an order of sale issue to the Sheriff of this County, according to law, commanding him to appraise, advertise and sell the premises in said petition described according to law, and bring the proceeds thereof into Court according to law,

And it is considered and adjudged by the Court, that the cross-petition of Mary Callahan be dismissed at her costs, and that plaintiff recover of said Mary Callahan the costs made by her, in this case. And this cause is remanded to the Court of Common Pleas of Union County Ohio, to carry this order into execution,

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A. G. S B

vs
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95 Mrs M J Abrams. vs Adam Wolford admr } In error,

This day this Cause came on for hearing upon the petition in error, and the transcript from the Court of Common Pleas, of Union County Ohio, and was argued by Counsel, On Consideration whereof the Court find there is no error apparent, on the record in said proceedings and judgment, It is therefore considered by the Court that the judgment aforesaid be and the same hereby is, affirmed, and that the defendant in error recover from the plaintiff in error his costs herein expended. Taxed at \$.

It is further ordered that a Special Mandate, be sent to the Common Pleas Court, of Union County, Ohio, for execution on this judgment, To all of which the plaintiff in error excepted

97 James H Pitts, et al. vs James M Davids et al.

This day came on this Cause to be heard on defendants motion to require Plaintiffs to make George Pitts a party. Also for leave to file their separate amended answers, and for continuance.

Whereupon the Court overrules the motion to require George Pitts to be made a party, and do grant leave to file said amended answers, instantly, and continues the Cause.

87 A. G. Boeing vs E P Rogers et al.

Continued by agreement.

81 Henry E Hoff vs Wm Martin et al

This Cause is continued on the plaintiffs Motion and affidavit, on account of absent witnesses, and at plaintiffs cost, It is therefore adjudged by the Court that defendants recover of plaintiff the costs of this Term of Court.

Wednesday September 24th A D 1890

96 James Scott,
vs
O M Scott & Bros et al

This day came the parties to this Cause and settled this Cause as per written agreement on file and James Scott receipted the docket in full against O M Scott & Bros, and J W Robinson - no record

88. C Aultman & Co,
vs
H. M. Haines

This day came the parties and submitted this Cause to the Court, on the petition in error, the Transcript and the arguments of Counsel.

Whereupon the Court being fully advised in the premises do find that there is no error in said record, and it is therefore considered and adjudged by the Court, that said judgment of the Court of Common Pleas be, and the same is affirmed with costs, but without penalty.

It is therefore considered and adjudged by the Court, that said judgment be affirmed, and the defendant in error, recover off of the plaintiff in error his costs herein taxed to \$ - - and it is ordered that a Mandate issue remanding this Cause to the Court of Common Pleas, to carry this judgment into Execution.

94 John L. Montgomery admr &c
vs
Sarah Montgomery

This day came the parties to this action to the Court, whereupon the Court being fully advised in the premises do find that there is no error in the record described in plaintiffs petition. It is therefore considered and adjudged by the Court that the said judgment be and the same is hereby affirmed with costs but without penalty.

It is therefore considered and adjudged that said defendant in error recover of plaintiff in error her costs herein expended taxed to \$ - - And it is ordered that a Mandate issue to remand this Cause to the Court of Common Pleas to carry the same into Execution.

Sheriffs
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Sheriff's allowance

It is hereby considered by the court - That Thomas Martin Sheriff and J. W. Lawrence appointed Special Court-Constable have and receive from the county the sum of \$4.00 each for two days service each during said September term of Circuit court; in all \$8.00. It is therefore ordered by the court that the Auditor of Union county draw his warrant on the Treasurer of said county for the sum of Eight-dollars in payment of said Thomas Martin ^{\$4.00} and Joseph Lawrence Special Constable \$4.00 in all \$8.00 by order of the Circuit-Court -

Thos. A. Seney Pres Judge

Supreme Court. - Mandate. -

State of Ohio. } Supreme Court of the State of Ohio,
 City of Columbus. } of the Term of January 1891. - Term,
 Tuesday January 20th,

James Hoover
 vs
 Obadiah Holmes et al } Error to the Circuit Court of Union
 County

Ordered by the Court that this cause be and
 the same is hereby dismissed for want of preparation,

I Urban H. Hester Clerk of the Supreme Court of
 the State of Ohio do hereby certify that the foregoing "Entry"
 is truly taken and correctly copied from the records of said
 Court, to wit, from Order Book No 11. Page 584.

In witness whereof I have hereunto sub-
 scribed my name and affixed the seal of
 said Supreme Court this 22^d day of
 January A.D. 1891

Urban H. Hester Clerk

Ohio,
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May 20th,

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Tuesday March 3^d A D 1891

The State of Ohio }
County of Union 56 }

This present term of the Circuit Court, in and for the County of Union, in the Third Judicial Circuit of the State of Ohio, held in the Court-house in the City of Marysville, County and State aforesaid, was begun on the 3^d day of March, in the year of our Lord one thousand eight hundred and ninety one

Present

Hon Thomas Pease }
" John Moore }

Judges of the Circuit Court in and

in the third Judicial Circuit of Ohio.

The Hon Henry W Searey presiding.

Thomas Martin Sheriff of said County

Attest R M Long

Clerk of the Circuit Court of Union County

Ohio.

Court opened at 9 o'clock in the forenoon.

To the Clerk of the Circuit Court, Union County, Ohio: Sickness in my family will prevent me from being in attendance upon the first and second day of the March term A D 1891

Signed Henry W Searey.

Kenton Ohio March 2^d 1891

6 o'clock P.M. Court adjourned till 9 o'clock tomorrow morning

Court
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James

upon motion, whereof. Exempt.

97 James E
vs.
James W

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Court
Morn

Wednesday March 4th AD 1891

Court Convened at 9 o'clock this forenoon pursuant to adjournment,

97 James E Pitts et al
vs
James M Davids et al

This day this Cause came on to be heard upon motion of plaintiff to dismiss appeal, for reasons mentioned in said motion, was argued by Counsel, and the Court upon consideration whereof, overrules said motion, to which ruling of the Court the Plaintiff Except.

97 James E Pitts et al
vs
James M Davids et al

This Cause came on to be heard on the motion of plaintiff to strike from the files the depositions of W. F. Hea stand, the same not being properly directed by the Notary Public, which motion is sustained, and the same is stricken from the files, and the motion to strike from the files the depositions of Israel Hedges is overruled,

Court adjourned till 9 o'clock Tomorrow Morning

Thursday, March 5th 1891

9 o'clock, A.M. Court opened, pursuant to adjournment.

Now Thomas Beers,
" John Moore,
" Henry W. Seney
Judges.

Thomas Martin Sheriff, of Union County Ohio,

Attest R. M. Gentry clerk,

92. Berry P. Stewart et al,
vs
Commissioners of
Union County,

This day this cause came on for trial on the Second Amended Petition, and the answer thereto and the evidence and thereupon progressed, and this day on motion of the defendants leave is given said defendants to file an amended answer herein instante and the same is filed accordingly, to which ruling and judgment of the Court plaintiffs except. And thereupon said cause is continued at the costs of defendants made at this term.

And it is ordered and adjudged by the Court that the plaintiffs recover of the defendants their costs herein taxed at this term,

And on motion of the plaintiff leave is hereby given them to plead by April 18th 1891

93. Berry P. Stewart et al
vs
County Commissioners et al

This day this cause came on for trial on the second Amended Petition and the answer thereto and the evidence, and thereupon progressed, and this day on motion of the defendants leave is given said defendants to file an amended answer herein, instante, and the same is filed accordingly, to which ruling and judgment of the Court, plaintiff except.

And thereupon said cause is continued at the costs of of said defendants made at this term,

and it is ordered and adjudged by the Court that the plaintiff recover of the defendants their costs herein taxed at this term

And on motion of the plaintiffs leave is hereby given them to plead herein by April 18th 1891.

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Motion

99 Mary J Phelps et al }
vs }
Charles Loran et al }

This day came the parties, whereupon the plaintiff
dismissed this petition in error.

Wherefore it is considered by the Court that this cause
be dismissed at plaintiff's costs and it is adjudged by this Court
that plaintiffs within ten days pay the costs herein, and on default
thereof that execution issue therefor.

And this cause is remanded to the Court of Common
Pleas for Execution

Court adjourned till 10 o'clock tomorrow
morning

Friday March 6th 1891

10 o'clock AM Court convened pursuant to adjournment,

Present
Hon Thomas Beer,
" John Moore
" Henry W Sealey.

Judges of the Circuit Court in and for the third judicial Circuit, of Ohio
Hon Thomas Beer presiding,

Benjamin Rogers
vs
G J Baldwin

100

This Cause came on for hearing upon the petition in error, the transcripts and the original papers, and pleadings from the Court of Common Pleas of Union County Ohio and was argued by Counsel, on consideration whereof the Court find there is no error apparent on the record, in said proceedings and judgment. It is therefore considered by the Court that the judgment aforesaid be, and the same is hereby affirmed; and that the defendant in error recover of the plaintiff in error, his costs herein expended and taxed at \$-

And the court being of opinion that there was reasonable grounds for proceedings in error, allow no penalty.

It is further ordered that a Special Mandate be sent to the Court of Common Pleas of Union County Ohio for execution upon this judgment,

E T Reese
vs
Robert W Preston.

No 98,

This day this Cause came on to be heard upon petition in error, and Bill of Exceptions herein, and the Court being fully advised in the premises do find there was not sufficient evidence to sustain said verdict heretofore rendered in said action; and the Court required the defendant in error to permit said verdict so that it would amount to and be only \$30⁰⁰ from this date, or the Court would grant the plaintiff in error a new Trial, wherefore the defendant in error remitted as required as required by the Court.

It is therefore considered, ordered and adjudged by the Court that the defendant in error Robert Preston, recover of said plaintiff in error, said E T Reese said sum of Thirty Dollars with interest from the 6th day of March AD 1891 and his cost herein taxed at \$-

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No 101

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Friday March 6th A.D. 1891

The State of Ohio, on relation of
Edward H. Porter prosecuting
Attorney of Union County Ohio,

Quo Warranto,

No 101

Against.

The Marysville Light &
Water Company.

This day this cause came up for hearing upon the pleadings and the evidence, and the same was argued by Counsel and submitted to the Court on consideration whereof the Court find that the defendant, the said Marysville Light & Water Company has, as alleged exercised the franchise and privilege of the exclusive right to maintain water works in said Village of Marysville, and has exercised the franchise and privilege of having any and all Taxes that may be levied against said water-works, and the Capital invested therein, paid by said Village of Marysville, Contrary to, and without the Authority of the Law of the State of Ohio,

Wherefore, it is ordered and decreed that the prayer of said plaintiff's petition, that the defendant be wholly ousted from the exercise of said franchised privileges so set forth in the petition and answer herein be refused, but it is ordered and decreed that said Company be, and it is hereby ousted of said franchise and privilege of exercising the exclusive right, to maintain water works in said Village, and of having any and all taxes that may be levied against said water works, and the Capital invested therein, paid by said Village, as aforesaid; but that it be ousted of no other of said franchises and privileges; and that the plaintiff recover of the said defendant his costs herein expended and taxed \$ - and that defendant pay its own costs, and executions awarded,

To all of which rulings, orders and decrees of the Court, the plaintiff excepts, and also to all of which said rulings, orders and decrees, of the Court the Defendant excepts,

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Friday March 6th AD 1891

Harry E Goff
vs
William Martineau

This day came the parties and submitted their cause, to the Court upon the pleadings, and the testimony, submitted by the parties; Whereupon the court being fully advised in the premises do find for the defendant William Martin, on the issues joined between the plaintiff and William Martin, and that the ^{certificate of} acknowledgment to the deed mentioned, in said deed was defective by reason of the mistake of the officer making the same, and the mutual mistake of the parties to said deed and further find that said mistake should in equity be corrected, so as to show a certificate made in legal form. And the Court find that said Sarah E Goff was not insane when she made said deed, and had legal mental capacity to make the same, as alleged in defendant's answer.

Wherefore it is ordered, adjudged and decreed by the Court, that said deed be corrected in the manner aforesaid, and that plaintiff's petition be dismissed, and that the defendant William Martin recover of the plaintiff his costs herein, expended, taxed to \$ -

And this cause is remanded to the Court of Common Pleas for execution,

Benjamin Rogers
vs
G J Baldwin

No 100

This cause came on for hearing upon the petition in error, the Transcript and the original papers and pleadings from the Court of Common Pleas of Union County Ohio and was argued by Counsel, on consideration whereof the Court find there is no error apparent on the record, in said proceeding and judgment, it is therefore considered by the Court, that the Judgment aforesaid be, and the hereby is, affirmed; and that the defendant in error recover from the plaintiff in error, his costs herein expended and taxed at \$

It is further ordered that a special mandate be sent to the Court of Common Pleas of Union County, Ohio, for execution upon this Judgment,

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Friday March 6th 1891

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It is ordered that all Causes, motions, and matters now pending in this Court and not otherwise disposed of, be, and the same are, hereby continued to the next term thereof.

The present term of this Circuit Court was begun on the Third day of March A.D. one thousand eight hundred and ninety one, and continued from day to day, and from time to time by regular adjournments, until this Sixth day of March A.D. 1891. of the year aforesaid, and is now adjourned without day.

Times For Holding Circuit Court A.D. 1892,

State of Ohio,
Third Judicial Circuit

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit, for the year 1892, be fixed as follows, to wit:

Allen	County	on the	31 st	day of	May,	and	the	5 th	day of	December
Auglaize	"	"	2 ^d	"	"	"	"	17 th	"	October
Crawford	"	"	9 th	"	Feb'y	"	"	4 th	"	"
Defiance	"	"	26 th	"	Jan'y,	"	"	27 th	"	September
Hancock	"	"	7 th	"	March	"	"	24 th	"	October
Harders	"	"	5 th	"	April,	"	"	29 th	"	November
Henry	"	"	2 ^d	"	Feb'y,	"	"	29 th	"	September
Logan	"	"	19	"	Jan'y,	"	"	15 th	"	September
Marion	"	"	12 th	"	Jan'y,	"	"	21 st	"	September
Mercer	"	"	23 ^d	"	May	"	"	12 th	"	October
Paulding	"	"	16 th	"	May	"	"	14 th	"	November
Putnam	"	"	1 st	"	March	"	"	19 th	"	October
Seneca	"	"	12 th	"	April	"	"	13 th	"	December
Union	"	"	23 ^d	"	February	"	"	13 th	"	September
Vanwert	"	"	15 th	"	February	"	"	10 th	"	October
Wyandot	"	"	10 th	"	May	"	"	22 ^d	"	November,

Said terms to begin at 9 o'clock A.M.

Columbus, Ohio,

September 13th 1891.

Thomas Beer }
John J Moore } Judges,
Henry W. Soney }

The above is a full, and true copy of the original order now on file in my office, this 18th day of September A.D. 1891

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Supreme Court of The State of Ohio.

William G. Allister et al,
vs
The New York Lake Erie &
Western Rail Road Co

Supreme Court of the State of
Ohio,
of
The Term of January AD 1891
To-wit: Tuesday March 3rd

Error to the Circuit Court of
Union County.

Ordered by the Court that this cause be, and the same
is hereby dismissed for failure to file printed record.

J. Urban H. Hester, Clerk of the Supreme Court of
the State of Ohio, do Certify that the foregoing entry is truly
taken and correctly copied from the records of said Court.
To-wit: from volume of Book No 12, Page 7.



In Witness whereof I have hereunto sub-
scribed my name and affixed the
Seal of said Supreme Court this
11th day of March AD 1891

Urban H. Hester, Clerk
By Horace M. Crow Deputy

Filed March 13th 1891

R. M. Ivory Clerk

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Tuesday, September 22^d AD 1891

The State of Ohio }
County of Union } p.p.

This present term of the Circuit Court, in and for the County of Union, in the first Judicial Circuit of the State of Ohio, held in the Court House in the City of Marysville, County of Union and State of Ohio, was begun on the 22^d day of September, in the year of our Lord, one thousand Eight hundred and ninety one,

Present

Hon Thomas Beer,
Hon, John Moore
Hon, John W Albough.

Judges of the Circuit Court

in the Third Judicial Circuit of Ohio,

Hon Thomas Beer presiding
Thomas Martin Esq,

Sheriff of Union County, Ohio.

Attest

R. A. Coory

Clerk of the Circuit Court of Union County Ohio,

Court opened at 9 o'clock AM.

Hon John W Albough, a Judge of the Circuit Court of Ohio, is hereby transferred from the Fifth Circuit to the Third Circuit; and is assigned to sit in the Circuit Court of Union County, as one of the Judges of said Court during the term beginning September 22^d 1891

W. H. Repton.

Attest Sept 19th 1891. - Chief Justice of the Circuit Court of Ohio

103 Horea Finck et al

vs

William Kerley et al

This day came the parties by their attorneys and thereupon this cause came on to be heard. Upon the motion of the defendant to dismiss the appeal, in this case for reasons in said motion stated, and was argued by Counsel and submitted, on considerations whereof, the Court being fully advised in the premises grant, and sustains said motion - It is therefore considered and adjudged by the Court that the appeal in this case be, and the same is dismissed at the cost of the plaintiff, and it is ordered that the plaintiff pay its costs on appeal,

To which ruling of the Court the plaintiffs except, and it is further ordered that a Special Mandate be sent to the Common Pleas Court of Union County, Ohio to carry this judgment into execution.

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Tuesday September 22^d AD 1891

The Chicago, St. Louis and
Pittsburg Railway Co.

104

vs
Jonathan Hammond

This cause is continued by agreement of the parties.

James E Pitts et al

97.

vs
James M Davids et al

This day this cause was heard and submitted to the Court upon the pleadings, evidence and argument of counsel, and the Court upon consideration thereof find the equities of the case with the defendants. It is therefore adjudged and decreed by the Court that the plaintiff's petition and amended petition be dismissed, and that the said plaintiff's pay the costs of this suit taxed at \$. and in default thereof execution issue therefor. And it is further ordered that a special Mandate be sent to the Court of Common Pleas of Union County to carry this decree into execution.

Thereupon came the said plaintiffs by their attorneys, and asked the Court for a special finding of fact, and the Court to comply with said request so made find the facts as follows to wit:

- 1st That the copy of the Will of Andrew Pitts, attached to the petition of the plaintiffs, is a true copy of said will, duly probated in Delaware County Ohio,
- 2^d That James E Pitts and Mary D Pitts, the plaintiffs, are two of the children of said Andrew Pitts mentioned in said will,
- 3^d That said Andrew Pitts died in 1864, and said Elizabeth J Pitts, died in October 1879. - That James E Pitts was born in 1853, George Pitts was born in 1855, and Mary D Pitts, was born February 23^d 1862
- 4th That said Elizabeth J Pitts wife of and widow of said Andrew Pitts, sold said land in the said will mentioned for \$1900. March 27, 1865, and purchased 65 acres of land in Union County Ohio, on the 24th day of March 1865, for \$2600⁰⁰ and took the title to the same in fee, in her own name; That a part, to wit; \$1900 was paid of the proceeds of said 80 acres.
- 5th That Elizabeth J Pitts sold said 65 acres, for \$2600, November 13th 1865, and received \$2000, in cash, and the purchaser agreed to assume and pay \$600, due on the land from her,
- 6th That on the 4th day of April 1866, said E J Pitts, purchased of M Young, the 40 acres of land in controversy for \$2000, and took the title thereto in her own name. It was not proved that any part of said \$2000, was the fund derived from the sale of the said 65 acres,
- 7th That on the first day of April 1872, J M Davids one of the defendants purchased of E J Pitts, then intermarried with Daniel Hollenbaugh, said 40 acres, for \$1800, which was the full value of said land, and at said time said Davids had no knowledge, or notice of any claim of right or interest of said plaintiff in said land
- 8th That on the 29th day of March 1877, said Davids sold and conveyed said 40 acres to Mary Charles, with 10 acres adjoining thereto for \$3200, and she paid thereon \$941, and on the 10th day of February 1880, she agreed with him to convey said lands to said Davids, in consideration of \$166, and delivering up to her,

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her notes outstanding on the land, and the deed was made at his request to Lanna J. Devides, his wife on the 15th day of February 1880, by quit claim deed.

9th That at the time Mary Charles obtained title to said land, she had no knowledge of the claim of said Pitts heirs,

Therupond Court adjourned till 10 1/2 o'clock Tomorrow Morning,

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Court Convening at 10 o'clock AM, pursuant to adjournment,
 Berry O. Stewart et al }
 vs } The same Judges & officers as were in attendance
 The Commissioners of }
 Union County Ohio, } on Yesterday

This day, on motion of plaintiffs, leave is granted them to withdraw their motion, "to make the amended answer of defendants more definite and certain," and for leave to make and file a motion to strike out certain matter in said amended answer; and said motion was sustained, and said motion to make more definite & certain was withdrawn by plaintiffs, and their motion to strike out filed, by them; Whereupon said cause came on to be heard upon the motion of plaintiffs to strike out of said amended answer certain matter described and designated in said motion, and the Court being fully advised in the premises do overrule said motion. ^{To which rulings and judgment of the Court in overruling said motion to strike out, the plaintiffs duly excepted.} And said cause is continued.

93

Berry O. Stewart et al }
 vs }
 The County Commissioners }
 of Union County Ohio }

This day on motion of the plaintiffs leave is granted them to withdraw their motion, "to make the amended answer of defendants more definite and certain," and for leave to make and file a motion to strike out certain matter in said amended answer; and said motion was sustained, and said motion to make more definite and certain was withdrawn by plaintiffs and their motion to strike out filed by them; Whereupon said cause came on to be heard upon the motion of plaintiffs to strike out of said amended answer, certain matter described and designated in said motion, and the Court being fully advised in the premises, do overrule said motion. ^{To which rulings and judgment of the Court, its overruling said motion to strike out, the plaintiffs duly excepted.} And said cause is continued.

105

Abraham Liggett }
 vs } In Error,
 Morgan Savage }

ring,

This day this cause came on for hearing upon the petition in error, Transcripts, bill of exceptions and original papers and pleadings from the Court of Common Pleas, of Union County, Ohio, and was argued by counsel, and submitted to the Court: on consideration whereof the Court find that there is no error apparent on the record in said proceedings and judgment. It is therefore considered and adjudged by the Court, that the judgment aforesaid be, and the same hereby is affirmed; and that the defendant in error recover from the plaintiff in error, his costs herein expended, taxed at \$-. And the Court being of the opinion that there was reasonable grounds

Wednesday September 23rd AD 1891

for proceedings in error, allow no penalty.

It is further ordered that a Special Mandate be sent to the Common Pleas Court, of Union County Ohio, for Execution upon the Judgment To the decision, and judgment of the Court the plaintiff in Error, by his Attorney, then and there excepts

Thomas D Fuller

vs
A. M. Robinson

This day this Cause came on for hearing upon the petition in error. The Transcript, and original papers, and pleadings from the Court of Common Pleas, of said County of Union, and was argued by Counsel, On Consideration whereof the Court find that there is no error apparent on the face of the record in said Judgment and proceedings.

It is therefore considered by the Court that the Judgment aforesaid be, and the same is hereby affirmed, And that the defendant in error recover from the plaintiff in error, his costs herein expended and taxed at \$.

And it is further ordered that a Special Mandate be sent to the said Court of Common Pleas, for Execution upon the Judgment aforesaid.

Court Bailiffs,

J. L. Lawrence, and C. P. Houghton being appointed Bailiffs by the Court, It is therefore ordered, that the Clerk make entry hereof, and Certify for two days services for each of said Bailiffs.

It is ordered that all Causes, motions and matters now pending in this Court, and not otherwise disposed of, be, and the same are hereby continued to the next term thereof.

The present term of this Circuit Court was begun on the Twenty second day of September AD one thousand eight hundred and ninety one, and continued from day to day, and from time to time, by regular adjournments, until this Twenty third day of September of the year aforesaid, and is now adjourned without day.

Attest
R. M. Gory Clerk

Here Thomas Bar
Presiding Judge

97

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Made, for

October 29th AD 1891

In Vacation.

97

James E Pills et al
vs
James M Davids

Now comes the plaintiffs by their attorney and presents to the Court his certain bill of Exceptions herein, which being found by the Court to be true is allowed, signed, sealed, and so no motion is hereby made. part of the record in this case.

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This Tuesday February 23^d AD 1892

This State of Ohio }
Union County ss }

This present Term of the Circuit Court, in and for the County of Union, in the Third Judicial Circuit of the State of Ohio, held in the Court House in the City of Marysville County and State aforesaid was begun on the Twenty third day of February, in the Year of our Lord, one thousand Eight hundred and ninety Two.

Present.

Hon Thomas Beers }
Hon John J Moore } Judges.
Hon Henry W Seewag }

Judges of the Circuit Court in and for the Third Judicial Circuit of Ohio,

The Honorable Thomas Beers presiding.

Thomas Martin Esq. Sheriff of said County

Attest

J W Gray, Clerk of the Circuit Court of Union County Ohio.

Court opened at Nine o'clock A.M.

Thereupon Court adjourned till tomorrow morning at nine o'clock,

Wednesday February 24th A D 1892.

Court convened pursuant to adjournment, at 9 o'clock
A.M.

Hon Thomas Beers

" John J Moore

Henry Seene

Judges

Thomas Martin Sheriff.

attest - J M Lenny clerk,

Mary Decker }
vs

Conrad Decker }

This day the parties and by agreement of
the parties this cause is continued, with an order and judgment
of the Court that said defendant pay to the plaintiff Mary
A Decker the sum of thirty dollars, within thirty days from
this date, and in default of the payment of said sum of thirty
dollars, within thirty days, that execution be issued
against said defendant and in favour of said plaintiff,
for said sum of \$30.00

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Wednesday February 24th AD 1897

108

J. E. Taylor and
 John Price } in Error
 vs
 Hollis & Marshall }

This cause came on for hearing upon the petition in Error. The Transcript and the original papers, and pleadings from the Court of Common Pleas, of Union County, Ohio, and was argued by counsel, and on consideration thereof the Court find that there is error apparent upon the record in the proceedings of said Court, to the prejudice of the plaintiff in error.

It is therefore considered by the Court, that the judgment rendered by said Court below be reversed and held for naught and the Court further proceeding to render such judgment as the said Court of Common Pleas ought to have rendered, find that said Court had no jurisdiction of the persons of the plaintiffs in error.

It is therefore considered by the Court, that the petition of the said defendants in error upon which said judgment against the plaintiffs in error was rendered, be dismissed for want of jurisdiction, and that plaintiffs in error, recover of the said defendant in error their costs in this behalf expended and taxed to \$_____ and execution is awarded therefor.

It is further ordered, that this cause be remanded to the Court of Common Pleas of Union County Ohio, for the execution of this judgment.

And thereupon Court adjourned until 7 o'clock tomorrow evening,

Thursday February 25th AD 1892

Court convened at half past nine o'clock in the forenoon

John S. Beers }
" John Moore } Judges.
" Henry W. Seelye }

Thomas Martin Sheriff of Union County

This present
Attest R. M. Levy Clerk of Circuit Court of
Union County Ohio,

The Chicago, St. Louis,
and Pittsburg Railway Co

104

vs
Jonathan Hammond

This cause came on for hearing upon the petition in error, the Transcript, Bill of exceptions and the original papers and pleadings from the Court of Common Pleas of Union County; and was argued by counsel; on consideration whereof the Court find there is no error apparent on the record in said proceeding and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same is hereby affirmed, and that the defendant in error recover from the plaintiff in error his costs herein expended and taxed to \$

It is further ordered that a Special Mandate be sent to the Common Pleas Court of Union County for execution upon said judgment - To all of which the plaintiff in error then and there excepted

" F. M. Taylor

106

vs
Hietwood Courtright

This cause coming on for hearing upon the petition in error, Transcript, Bill of exceptions, and the original papers and pleadings from the Court of Common Pleas of Union County, and was argued by counsel; on consideration whereof the Court find there is no error apparent on the record in said proceedings, and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is affirmed, and that the defendant in error recover from the plaintiff in error his costs herein expended taxed to \$ - It is further ordered that a Special Mandate be sent to the Common Pleas Court of Union County, for execution upon this judgment - To all of which the plaintiff in error excepted.

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Thursday February 25th AD 1897.

92 Berry P Stewart et al
vs
The Commissioners of Union County

This day this Cause came on to be heard upon the issues joined between the parties, and the evidence introduced by both parties and was argued by Counsel, and the Court being fully advised in the premises find the equities of the case to be with the defendants, and that the petition of plaintiff is not sustained by the evidence and should be dismissed with costs. It is therefore considered, ~~ordered~~, adjudged and decreed that the injunction heretofore granted, in this case, be dissolved and the petition dismissed and that the plaintiff pay the costs of this action herein taxed at \$ _____ Dollars, except the costs heretofore adjudged against the defendants. To which findings, rulings, and judgments of the Court the plaintiff by their Counsel except.

93 Berry P Stewart et al
vs
The Commissioners of Union County, Ohio

This day this Cause came on to be heard upon the issues joined between the parties, and the evidence introduced by both parties and was argued by Counsel, and the Court being fully advised in the premises find the equities of the case to be with the defendants, and that the petition of the plaintiff is not sustained by the evidence and should be dismissed with costs. It is therefore considered, adjudged and decreed that the injunction heretofore granted in this case be dissolved and the petition be dismissed and that the plaintiffs pay the costs of this action herein, taxed at \$ _____ Dollars, except the costs heretofore, adjudged against the defendants, to which findings, rulings and judgments of the Court the plaintiffs by their Counsel except.

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March 16th A.D. 1892,

State of Ohio, } Supreme Court of the State of Ohio,
City of Columbus, } Of the Term of January A.D. 1892
To wit; March 8th

John Montgomery,
Administrator,
vs
Sarah Montgomery

Error to the Circuit Court, of Union County

This Cause is hereby dismissed by the Plaintiff in

Error.

I, Urban H. Hester, Clerk of the Supreme Court of the State of Ohio, do hereby certify that the foregoing entry, is truly taken, and correctly copied from the records of said Court, from Order Book, No 12, Page 336,

In Witness Whereof, I have herewith subscribed My name, and affixed the seal of said Supreme Court, this 15th day of March A.D. 1892

Urban H. Hester, Clerk
Horace M. Crow Deputy,

March 27th A.D. 1892.

The State of Ohio } January Term, A.D. 1892,
City of Columbus }
James Sweeney }
vs }
William H. Cravy, Treas. }

Error to the Circuit Court of Union County,

This Cause came on to be heard upon the Transcript of the Circuit Court of Union County Ohio, and was argued by Counsel. On Consideration whereof, it is ordered and adjudged by this Court that the judgment of the said Circuit Court be and the same is hereby affirmed, and it appearing to the Court, that there were reasonable grounds for proceedings in error, it is ordered that no penalty be assessed herein. - It is further ordered that the defendant in error recover from the plaintiff in error his costs herein expended taxed at \$.

Ordered that a Special Mandate be sent to the Court of Common Pleas of Union County, to carry this judgment into execution

Ordered, that a copy of this entry be certified to the clerk of the Circuit Court of Union County for entry,

I, Urban H. Hester Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court.

Witness My hand and seal of said Court this 27th day of March A.D. 1892

Urban H. Hester Clerk
Horace M. Crow Deputy,

Seal

The State of Ohio }
County of Union } ss

This present term of the Circuit-Court in and for the County of Union in the Third Judicial District of the State of Ohio, held in the Court-house in the Village of Mansville Ohio County aforesaid, was begun on the 15th day of September in the Year of our Lord one thousand eight hundred and Ninety two.

Present:

Hon Thomas Beer
Hon John G. Moore
Hon Henry W. Sawyer

Judges of the Circuit-Court in
3^d Judicial District of Ohio

Hon Thomas Beer Presiding
Thomas Martin

Sheriff of Union Co. O.

A. B. Serishes

Coroner of Union County Ohio

Attest:

R. Melroy

Clerk of the Circuit-Court of Union Co Ohio

By W. M. Winger - Deputy.

James H. Wall and
Almira L. Wall his wife

vs
Robert W. Thompson &
Josephine M Thompson his wife

This day this cause is settled by the parties as follows. Defendants are to pay \$200. down on the judgment against R. W. Thompson in this case in Common Pleas Court and the balance of said judgment including the interest on the same is to be paid by the said defendants Josephine M Thompson and Robert W. Thompson in ten days from this date.

Plaintiffs are to pay sixty two & 50/100 dollars on the costs made by them; and defendants are to pay all the other made in the case and judgment is entered accordingly and it is adjudged that if said costs and balance of said judgment are not paid according to said settlement that execution issue therefor according to law.

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107
Mary A. Decker }
vs }
Conrad S. Decker }

This day came the parties and agreed on the question of Alimony in this case to-wit: \$18.00 to be paid in 30 days \$18. in 60 days \$40. in six months from this date and \$40. at the end of each six months thereafter during her life to be made the first lien on the 48 acres of land which was set off to her for life in the court of Common Pleas.

Therefore the court find said agreement reasonable and confirm the same, and it is ordered by the court that said Conrad S. Decker in 30 days pay Mary A. Decker Eighteen dollars and the same amount in sixty days and forty dollars in six months from this date and forty dollars at the end of each six months thereafter during her life all to be and the same is made a first lien on said 48 acres of land. Each party to pay the half of the costs made on the appeal, and it is ordered that each party pay half of the costs in sixty days and in default of payment of either of said sums of money when due as aforesaid an order of sale may issue on record in circuit court.

109
William Goff Plaintiff in Error }
vs }
Algernon S. Johnson Defendant in Error }

This cause came on for hearing upon the petition in error the transcript and the original papers and pleadings from the court of common pleas of Union County and was argued by counsel. On consideration whereof the court find there is no error apparent on the record in said proceedings and judgment.

It is therefore considered ordered by the court that the judgment of the court of common pleas be and the same is hereby affirmed with costs and that the defendant in error recover from the plaintiff in error his costs herein expended taxed at \$ and the court being of opinion that there was reasonable ground for proceedings in error allow no penalty.

It is further ordered that a Special Mandate be sent to the court of common pleas of said County for execution upon said judgment.

110
L. M. Benton et al }
vs }
Florence Ellis et al }

Continued by agreement of parties

Tuesday, September 13th A.D. 1897

The State of Ohio or relations
of Robert M. Coory

No 112.

vs
Samuel A. Hullson
Auditor of Union
County Ohio

This day came the said relator as
also the said respondent by their attorneys, and thereupon this
cause was heard upon the petition and application of the said
relator for an alternative writ of Mandamus as asked for;
and the Court being fully advised in the premises do
refuse the same.

It is therefore considered by the Court that the
petition of the said relator be dismissed, and that the said
respondent recover his costs herein taxed to \$ and that
he also pay his own costs, - in default of which execution
issue - To all of which the relator excepts,

Court Bailiffs.

Appointment of D. Prof.

This day the Court appointed J. W. Lawrence and
Thomas A. Martin Court Bailiffs.

It is therefore considered by the Court that J. W. Lawrence
and T. A. Martin, receive pay for one day each for services
as Court Bailiffs, at \$2⁰⁰ each - four dollars (\$4⁰⁰).

Clerk will certify.

Third

Counties in
Allen Co
Auglaize
Crawford
Deane
Hancock
Harrison
Henry Co
Logan Co
Marion
Mercer
Paulding
Putnam
Seneca Co
Union Co
Vanderburgh
Warrick
Said to
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Times of Holding Circuit Court for 1893.

State of Ohio }
Third Judicial Circuit

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit for the year 1893 be fixed as follows, to wit:
Allen County, on the 4th day of April, and the 20th day of November,
Auglaize County on the 17th day of April and the 9th day of November
Crawford County on the 31st day of January and the 28th day of September,
Deane County on the 7th day of March and the 19th day of October
Franklin County on the 23rd day of May and the 5th day of December
Harden County on the 21st day of March and the 12th day of October,
Henry County, on the 28th February and the 17th day of October
Logan County on the 14 day of February and the 5th day of October
Marion County on the 24 day of January and the 3rd day of October,
Mercer County on the 25th day of April and the 13th day of November
Paulding County on the 13th day of March and the 26th day of October
Pulman County on the 28 day of March and the 31st day of October
Seneca County, on the 9th day of May and the 28th day of November
Union County on the 21st day of February and the 10th day of October
Van Wert County on the 1st day of May and the 25th day of October,
Wyandot County on the 17th day of January and the 26th day of September,
Said terms to begin at 9 o'clock AM,
Columbus Ohio, September 20th AD 1892

Thomas Beer }
John J Moore } Judges
Henry H Seavey }

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Lawrence
Seavey
(8400)-

In Vacation, Dec, 13th 1892,

Case 113 Jason Case and
Lorenia Case - appeal,

vs
Heile Eckelberg

The above case is this day settled by the parties
herein as follows, to wit:

"The plaintiffs to pay all costs, except Notary fees of defen-
dant.

The Defendant abandons the excavation and Erection of scales
in front of plaintiff's residence as described in petition herein
and not to commence again erection of Scales in front of plaintiff's
residence in Richwood Ohio. This is therefore adjudged that
the defendant recover his costs herein (except said Notary fees)
Taxed to \$-

Signed Gardner Mellen, Atty. for plaintiff
" James E. Robinson attorney for defendant.

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Tuesday February 21st AD 1893

The State of Ohio }
County of Union. }

This present term of the Circuit court, in and for the County of Union in the 10th Judicial Circuit of the State of Ohio, held in the court house in the village of Mansville County and State aforesaid, was begun on the 21st day of February in the year one thousand eight hundred and ninety Three.

Present;

Hon Henry W. Sney
Hon James K. Day

Judges of the Circuit-Court in the 10th Judicial Circuit-Court of Ohio
Hon Henry W. Sney presiding

William A. Snodgrass
Sheriff of Union County Ohio

A. B. Swisher M.D.
Coroner of Union County Ohio

Attest:

H. McLeroy

Clerk of the Circuit-Court of Union County Ohio

By W. M. Winget, Deputy.

Ottawa Ohio Feb 21st 1893

This certifies that because of sickness, I am unable to be present at the Union County Circuit-Court at its February Term 1893.

John J. Moore, Judge

110

L. M. Benton et al }
vs }
Florence Ellis et al }

This day this cause was continued by the agreement of the parties, and leave is granted to plaintiffs to file amended petition by April 1st 1893.

Court Bailiffs

This day the court appointed Joseph Lawrence and John Shirk Court Bailiffs.

It is therefore considered by the court that Joseph Lawrence and John Shirk receive pay for one day each for services as court Bailiffs at \$3.00 each for the present term.

Clerk will certify.

Tuesday, February 21st 1893.

113

Lincoln & Kenniball }
vs
P L Coe, et al }

This day this cause came on to be heard upon the petition in error and the original papers, and was argued by counsel, on considerations whereof the court being fully advised in the premises, finds there is no error in the proceedings and judgment of said Court of Common Pleas

It is therefore adjudged by the court that said judgment be, and the same is affirmed, and the court finding that there were reasonable grounds for error, assess no penalty,

It is ordered that a special Mandate be sent to the Court of Common Pleas, to carry the judgment of said Court into effect, and for execution and that defendant in error recover from plaintiff in Error their cost on this proceeding herein expended.

L J. Taylor & M Taylor }

114

Thetwood Courtright }
vs
In Error }

In Error

This day this cause came on to be heard upon the petition in error, and the original papers, and was argued by counsel, of both parties, on considerations whereof the court being fully advised in the premises find there is no error in the proceedings and judgment of said Court of Common Pleas.

It is therefore adjudged by the court, that the said judgment be, and the same is affirmed, and the court finding that there was reasonable ground for error assess no penalty.

It is therefore ordered that a special Mandate be sent to the Court of Common Pleas to carry the judgment of said Court into effect, and for execution, and that defendant in error recover from plaintiff in error their costs in this proceeding expended, and the bill of Exceptions not to be recorded in the record, to all of which plaintiffs in error except.

L M Kenton, et al }

110

vs
Florence Ellis - et al }

This Cause was continued by agreement and leave was given to the plaintiff to file amended petition by the first of April

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It is ordered, that all Causes, Motions, and Matters now pending in this Court, not otherwise disposed of, be, and the same are hereby continued to the next term thereof.

The present term of this Court was begun on the Twelfth first day of February AD (1893,) One thousand and Eight hundred and Ninety three, and continued from day to day, and from time to time, by regular adjournments until this 27th day of February AD 1893, - and now adjourned without day.

Attest
R. M. Every clerk,

Mandate from The Supreme Court.

The State of Ohio } January Term AD 1893,
City of Columbus }

The Bank of Marysville, } Error to the Circuit Court of
vs } Union County
The Wendisch-Mulhauser Brewing Co,

This Cause came on to be heard upon the transcript of the record of the Circuit Court of Union County and was argued by counsel, On Consideration whereof, it is ordered and adjudged by the Court, that the judgment of the said Circuit Court be, and the same is hereby reversed with costs, and this Court proceeding to render the judgment which the Circuit Court should have rendered, it is considered and adjudged that the judgment of the Court of Common Pleas be and the same is hereby reversed with costs, for error in sustaining the demurrer to the answer, and overruling the demurrer to the petition - It is further considered and adjudged that the plaintiff in error recover its costs in this Court, and in the Circuit Court expended, to be taxed, and that this Cause be remanded to the Court of Common Pleas with instructions to overrule the demurrer to the petition and for further proceedings according to law.

Ordered that a Special Mandate be sent to the Court of Common Pleas of Union County to carry this judgment into execution.

Ordered that a copy of this entry be certified to the clerk of Union the Circuit Court of Union County for entry.

I Josiah B Allen, Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the journal of said Court.
Witness My hand and the seal of said Court this 18th day of March AD 1893.



Josiah B Allen Clerk,
Horace M Crow Deputy.

State of Ohio, City of Columbus, }

Supreme Court of Ohio,

To the Honorable Court of Common Pleas,

Union and for the County of Union, Ohio, Greeting;

We do hereby command you, that you proceed, without delay, to carry the within and foregoing judgment of our Supreme Court of Ohio, in the Cause of The Bank of Marysville,

vs
The Wendisch-Mulhauser Brewing Company,

into execution, the petition in error herein and heretofore granted to the contrary notwithstanding.

Witness Josiah B Allen Clerk of our said Supreme Court of Ohio, at Columbus, this 18th day of March AD 1893.



Josiah B Allen Clerk,
Horace M Crow Deputy.

Received, filed & Recorded,
This 20th day of Mar 1893
H M Crow, clerk

The State of Ohio }
City of Columbus }
of the Record
of the Record
On consideration
judgment
it appears
in error
It is
plaintiff
Order
Union County
Order
Court
(Seal)

State of Ohio }
City of Columbus }
We do hereby
within
Cause of
into execution
the bond



Supreme Court of the State of Ohio,

The State of Ohio }
City of Columbus } January Term AD 1898,

Jasper Woodworth et al }
vs }
George Brandall }

of the Record, of the Circuit Court of Union County, and was argued by Counsel
On consideration whereof, it is ordered and adjudged by this Court that the
judgment of said Circuit Court be, and the same is hereby affirmed, and
it appearing to the Court that there was reasonable grounds for proceedings
in error it is ordered that no penalty be assessed herein,

It is further ordered that the defendant in error recover from the
plaintiff in error his costs herein expended taxed at \$.

Ordered that a Special Mandate be sent to the Court of Common Pleas of
Union County to carry this judgment into execution,

Ordered that a copy of this entry be certified to the clerk of the Circuit
Court of Union County "for Entry"

I Josiah B Allen Clerk of the Supreme Court of Ohio
do hereby Certify that the foregoing entry is truly taken
and correctly copied from the Journal of said Court
Witness my hand and the Seal of said Court this
28th day of March AD 1898.



Josiah B Allen Clerk
John P Dana Deputy,

State of Ohio }
City of Columbus } Supreme Court of Ohio,
To the Honorable Court of Common Pleas,

Within and for the County of Union Ohio, Greeting,
We do hereby command you that you proceed without delay, to carry into
execution, the Petition in error herein, and heretofore granted, to
the contrary notwithstanding,

Witness Josiah B Allen, Clerk of our Supreme Court
of Ohio, at Columbus, this 28th day of March AD 1898



Josiah B Allen Clerk
John P Dana Deputy,

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Times of Holding Circuit Court AD 1894,

State of Ohio,
Third Judicial Circuit,

It is ordered that the Terms of the Circuit Court of the Several Counties in said Circuit for the Year 1894 be fixed as follows, to-wit;

Allen County	on the 3 rd day of April, and on the 13 th day of November
Auglaize County	" " 17 " " " " " 27 th " " November
Crawford	" " 30 " " January " " " 27 " " September
Defiance	" " 27 " " February " " " 9 " " October
Hamilton	" " 22 ^d " " May " " " 11 th " " December
Harrison	" " 13 th " " March " " " 23 ^d " " October
Henry	" " 20 th " " Feby " " " 11 th " " October
Logan	" " 6 th " " Feby " " " 4 th " " October
Marion	" " 23 ^d " " Jan ^y " " " 25 " " September
Mercer	" " 24 th " " April " " " 4 th " " December
Paulding	" " 6 th " " March " " " 6 " " October
Putnam	" " 20 th " " March " " " 30 " " October
Seneca	" " 8 th " " May " " " 20 " " November
Union	" " 13 th " " February " " " 2 ^d " " October
Vanwert	" " 1 st " " May " " " 18 th " " October
Wyandot	" " 16 th " " January " " " 19 th " " September

Said Terms to begin at 9 o'clock A.M.,
Columbus Ohio Sept 19th 1893

John J. Moore }
Henry K. Seneff } Judges,
James H. Day }

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fixed as

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} Judges,

Tuesday ~~September~~ ^{October} 10th AD 1893.

The State of Ohio)
County of Union) ss.

This present term of the Circuit Court, in and for the County of Union, in the Third Judicial Circuit of the 10th Judicial District of the State of Ohio, held in the Court House in the City of Marysville, County and State aforesaid, was begun on the "Tenth" day of October, in the year of our Lord one thousand Eight hundred and ninety three.

- Present -

Hon. John J. Moore }
Hon. Henry W. Servey. }
Hon. James H. Day. }

Judges of the Circuit Court
in the Third Judicial Circuit of
Ohio.

Hon. John J. Moore presiding,
Wm. Snodgrass, Esq.,
Sheriff of Union County

Attest
R. M. Gory,
Clerk of the Circuit Court of Union County.

Leontidas Marion Kenton }
B. Kenton, and Debba J. Conkling }

vs.
Florence S. Ellis et al }

110

This day came the parties and filed their written contract which is ordered to be made part of the record. Whereupon the Court ordered that so much of this cause as seeks to set aside the deed made by Arthur T. Kenton to Florence S. Ellis, described in plaintiffs petition be, and the same is hereby dismissed, as provided in said agreement filed. And thereupon as to the balance of the land in the petition described the court find that the said plaintiffs are tenants in common with each other and with Florence S. Ellis, and the heirs of Etta Harrington deceased, who left her husband Benjamin B. Harrington living, and that they are entitled to partition of said balance of said land in the proportions hereinafter mentioned to wit: Leontidas Marion Kenton, one fifth part; B. Kenton one fifth part; Debba J. Conkling, one fifth part; Alice Harrington one fifteenth part; William Harrington one fifteenth part; and Florence S. Harrington, one fifteenth part; thereof, and Florence S. Ellis one fifth part thereof; Therefore it is ordered by the court that said Florence S. Ellis pay the costs of Court to this time, made on said issue hereby settled, excepting all costs made on the petition alone, and except costs already paid on depositions, and that the Sheriff of this County by the oaths of John M. Robinson, Marion Hopkins & George M. Pick three disinterested freeholders, not of kin to either party, of the vicinity of said lands, make

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Thereupon

partition of said balance of said land, and set off to said Leonidas Marion
Kenton and B Kenton, and Dikha J Boukkin, and Florence S Ellis, each
the one fifth of the same, and to the said Benjamin B Harrington, his
dower, of the one third of one fifth of said balance; and subject to said dower
that they assign to Alice Harrington, William Harrington and Florence Etta
Harrington each the one fifteenth part thereof, and that he make his report
to the court of common Pleas of this County of his proceedings, to which
Court this cause is remanded for further proceedings on this order.

James T Black Receiver
of Plain City Bank.

12/

vs
James H Robinson administrator,
debtor of estate of Olva Smith (decd)

Continued, with leave to file
Amendment to petition instanter, and the same filed.

Thereupon Court adjourned until tomorrow Morning at 8 o'clock.

Wednesday, October 11th AD 1893.

Court convened pursuant to adjournment at 8 o'clock A.M. with the same judges, and officers present as on yesterday, when the following cases came on for hearing, to wit:

No 118. Ray G. Morse, administrator of the Estate of Nancy Bland deceased vs Matthias Loschkey and the Connecticut Mutual Life Insurance Co.

In Circuit Court of Union County Ohio, Entry.

This cause coming on for hearing was submitted to the Court upon the petition of the plaintiff, the answer of Matthias Loschkey, the answer of the Connecticut Mutual Life Insurance Company, the Reply of the plaintiff Ray G. Morse, Administrator &c and the evidence; and on consideration whereof the Court find on the issues joined, for the plaintiff on the indebtedness set forth in the petition with interest to the 10th day of October 1893, being the first day of this term of said Court, the sum of \$4441.⁰⁰

The Court further find that in order to secure the payment of the indebtedness described in the petition, to wit; the sum of \$1000.⁰⁰ due December 1st 1875; with interest at 6 per cent, and one note of \$550.⁰⁰ due December 1st 1876, at 6 per cent interest and one note for \$550.⁰⁰ due December 1st 1877, at 6 per cent interest and that the said sums were for purchase money for the lands sold to John R M Dowell, by Nancy Bland, and described in the plaintiffs petition and that the mortgage described in the plaintiffs petition was executed and delivered by John R M Dowell, to Nancy Bland, and on the premises in the petition described. - That said mortgage was duly recorded in Book 11. Eleven page 617 & 618, of the Records of Mortgages of Union County Ohio, and is a good and valid first lien on the premises in the petition described, in the petition of the plaintiff, and that the conditions in said mortgage have been broken. - And the Court further find that said mortgage was uncanceled at the time of the commencement of this action and it is ordered and decreed that the cancellations appearing on the record of said mortgage be and the same are set aside and held for naught. And the Court find that the Connecticut Mutual Life Insurance Company hold and have a mortgage on the 46 acres additional to the lands described in the plaintiffs petition to secure their indebtedness of \$1500.⁰⁰ with interest against the defendant Matthias Loschkey, and it is ordered that the said the Connecticut Mutual Life Insurance Company, Exhaust said additional lands to satisfy their said indebtedness, and that thereafter said Company hold and have subordinate to the mortgage described in the plaintiffs petition as a second mortgage on the premises so described in the plaintiffs petition.

It is therefore adjudged and decreed that unless the defendant Matthias Loschkey shall within 10 days, from the entry of this decree pay or cause to be paid to the clerk of this Court, the costs of this

action, with interest, redemption order of him to report to which and decreed

127 John C. v Robert

the Court the duty of B. Price. action petition grants of said this action

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hearing of Ann Consider said at the

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the petition and on and after Court of further

action, and to the plaintiff his attorney the sum so found due as aforesaid with interest from the 10th day of October 1893, the defendants equity of redemption be foreclosed, and that said premises be sold, and that an order of sale issue therefor to the Sheriff of Union County Ohio, directing him to appraise, advertise and sell said premises, as upon execution and report his proceedings to the Common Pleas Court of Union County Ohio, to which court this cause is remanded for ^{the} execution of this order and decree,

127
John C Price
vs
Robert Smith adm^r

Now comes John F Bennett, and suggests to the court the death of John C Price, plaintiff herein, and that he is the duly appointed and qualified administrator of the said John C Price, and moves the court for leave to become a party to this action, and to continue the same, and for leave to file supplemental petition herein. And the court finding the suggestion to be true grants said motion, and said John F Bennett as administrator of said John C Price is accordingly made party plaintiff in this action, with leave to file supplemental petition in this action by November, 25th 1893 - and cause continued,

120
Walter C Tullington
vs
Ann M Pilcher et al

This day this cause came on for hearing upon the motion of the plaintiff to dismiss the appeal of Ann M Pilcher and was argued by counsel, on consideration whereof the court sustains said motion, and said appeal is dismissed - To all of which Ann M Pilcher at the time excepted,

117
Elijah Mitchell
vs
Robert C Robinson

This day this cause came on to be heard, upon the petition in error of the plaintiff and the answer of the defendant, and other exhibits, and the court being fully advised in the premises and after due consideration thereof do reverse the decision of the court of common pleas, and remand the same to said court for further proceedings.

October - Wednesday, - 11th AD 1893

Court Bailiffs

The Court having appointed Joseph W Lawrence and Jesse Pearse, Court Bailiffs, for this term of the Court,

It is therefore considered, and ordered by the Court that, Joseph W Lawrence and Jesse Pearse, receive pay for two days each, for services as such Court bailiffs - for the present term, - The clerk will enter on the Journal, and certify the same to the Auditor.

116, John Robinson }
vs }
Charles M Jones et al }

This day came the plaintiff by J. L. Cameron, and J. W Robinson, his attorneys, and the said defendant by Selwyn N. Owen, and Cole & Bales, their attorneys, and thereupon, this cause came on for trial, upon the pleadings the exhibits and the evidence, and was argued by counsel and submitted to the Court. Upon consideration whereof and upon request of the said plaintiff the Court states its finding of facts and of conclusions as follows,

The undisputed facts in this case are that on January 27th 1887, Thomas Jones, executed and delivered to the plaintiff his Mortgage deed, securing the payment of four thousand dollars, with interest at the rate of eight per cent per annum, payable annually. The \$4,000, was evidenced by a promissory note of the same date, conditioned to be paid as stated in the Mortgage.

This indebtedness was secured to be paid upon one hundred and seven acres of land, in Union County described in the Mortgage.

At the same time and in the same manner Thomas Jones, executed and delivered to the plaintiff his Mortgage deed upon real estate described in the Mortgage, situate in Union County, being 117 acre tract of land, and securing two promissory notes, one for \$4,000 due in two years from date with interest at eight per cent, payable annually - and another for \$227.40 due in two years without interest.

That each of these two Mortgages was filed for record on January 30th 1887. - That on the 10th day of April 1888, the said Thomas Jones, his wife joining in the conveyance, conveyed by deed duly executed, containing covenants of general warranty, both said tracts of land, to his two sons, defendants in this suit, Charles M. and Albert N. Jones for the expressed considerations of \$13,494. At the same time this conveyance was made Thomas Jones conveyed to his two sons certain other real estate, - - one tract situate in Delaware County, and one tract in Madison County, the former being quite largely incumbered, together with some personal property.

At the time of these conveyances, Thomas Jones was largely indebted, - being the amount of these Mortgages and other indebtedness, aggregating the sum of about \$20,000.⁰⁰

The court was indebted January two per cent assumed indebtedness by mortgage The two bear interest At the 1 January his two and nine and secured The Court percent several interest on this suit The \$8,000.⁰⁰ thereafter parties, signed Robinson without eight per cent and as the day of the above per January What would for Mortgage excess, of be applied paymen The pay in case of the fact be paid be the amount be removed for by the plaintiff Hendrick the law adjudged said sum

The court finds from the evidence offered, that on July 1st 1871, Thomas Jones was indebted to the plaintiff in the sum of \$6,000. That from that time to January 27th 1877 he paid upon said sum annually interest at the rate of two per cent per annum. That at the date last named the plaintiff assumed payment of indebtedness to Thomas Jones, which, with an increased indebtedness to himself, aggregated in all \$11,370.35. The \$3,370.35 secured by mortgage on real estate in Delaware County has been paid.

The two notes of \$4,000 each, and now in controversy, were conditioned to bear interest at the rate of 8th of eight per cent per annum, payable annually. At the time of the execution and delivery of the notes and mortgages, to-wit: January 27th 1877, and as part of the transaction, Thomas Jones executed his two notes for \$227.40 each, one payable in one year without interest and unsecured, and the other payable in two years, without interest, and secured in the second mortgage named. These notes have been paid.

The court finds that the consideration for these notes consisted of two percent usurious interest. The two years on the indebtedness for which the several notes amounted to were given January 27th 1877. Making the interest contracted for 10th of ten per cent per annum each year, on the \$8,000 for which this suit is brought.

Thomas Jones continued to pay two per cent per annum on the \$8,000 until July 27th 1881. From which time for eighteen months thereafter six per cent per annum was paid by contract between the parties, which contract is set out in the reply of said plaintiff signed by John Robinson, and which was surrendered to John Robinson at the expiration of eighteen months, said contract was without consideration. After the expiration of said eighteen months eight per cent interest has been paid as set forth in the petition and as therein named, except a further payment of \$120. on the 15th day of May 1891. The usury therefore that we find is the excess above six per cent paid upon the \$6,000 from July 1st 1871 to January 27th 1877, the usury being four per cent each year.

What was then due upon the \$6,000 indebtedness, added to the \$2,000 would form the new principal, and the consideration for the two mortgages for \$4,000 each. All the interest paid upon in excess of six percent, upon this new principal, is usurious and should be applied as payment upon the principal, including the \$120. payment of May 15th 1891.

The court finds from the evidence that the defendants agreed to pay in consideration for the land, and personal property, the indebtedness of the father, Thomas Jones, and should have the usury that has been paid, applied in payment of the principal, and the residue will be the amount due upon the mortgages, for which the decree should be rendered. Proceeding therefore, with the accounting prayed for by the parties hereto, the Court find that there is due to the said plaintiff upon the said mortgage indebtedness the sum of sixteen hundred and ten dollars, which is the first and best lien upon the lands described in the petition. It is therefore ordered adjudged and decreed that upon the failure of the payment of said sum of sixteen hundred and ten dollars, with the accrued

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interest thereon at six per cent, and the cost of this proceeding to be taxed within fifteen days from the entering of this decree, the said premises, or so much thereof as may be necessary to satisfy the charge herein made upon said lands, be appraised, advertised and sold upon execution at law, and the proceeds thereof applied to the payment, first, of the costs herein adjudged, and increased costs, and - Secondly - to the sums found due as aforesaid,

To All, and Singular, the findings of fact, and conclusions, of Law aforesaid, The said plaintiff by his counsel at the time duly excepted,

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Tuesday, February, 13th AD. 1894

The State of Ohio,
Union County, ss. }

This present term of the Circuit Court, in and for the County of Union, in the Third Judicial Circuit, of the 10th Judicial District of the State of Ohio, held in the Court House in the City of Marysville, County of Union, and State as aforesaid was begun on the thirteenth day of February, in the year of our Lord, One thousand eight hundred and ninety four

Present

Hon Henry W. Sweeney,
Hon John Moore,
Hon James H. Day.

Judges of the Circuit Court, in the Third Judicial District of Ohio -

Hon John Moore, Presiding,
Wm S Snodgrass, Esq,
Sheriff of Union County, Ohio

Attest
J. M. Gray
Clerk of the Circuit Court of Union County Ohio;

James T Black
Receiver & Plaintiff
vs
James W Robinson
Administrator &c
Defendant
No 6389 common pleas.
No 121 Circuit Court.

This day came the parties and thereupon this cause came on to be heard, on the demurrer of the defendants. Whereupon the Court being fully advised in the premises do sustain the demurrer of the defendants, to which action of the court in sustaining the said demurrer, the plaintiff at the time excepted, and thereupon the the plaintiff not desiring to further amend the petition; It is ordered and adjudged by the Court that the plaintiffs petition be dismissed, and that the defendants recover of the plaintiff their costs herein expended taxed to \$ to which finding and judgment of the court the plaintiffs also excepts.

no. 119

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Tuesday, February 13th AD 1894

No. 119

Dora Miller by
her Guardian &c - plaintiff }
vs
Mary Tatum et al. defendant }

This day came on this cause to be heard on the Motion of plaintiff to dismiss the appeal, whereupon the Court being fully advised in the premises do find for the plaintiff on the motion; and therefore it is ordered by the Court that the appeal in this case be, and the same is dismissed; To all of which John R Taylor excepts. It is therefore ordered that a special Mandate issue to the Court of Common Pleas to carry out its order of partition the same if said appeal had not been taken.

John C. Price, }
vs
Robert Smith Treas. }

This day on motion of John F Bennett, administrator of John C Price deceased; the appeal in this case is dismissed, at the costs of the estate of said Price and it is ordered that the dismissal of this cause be certified to the Court of Common Pleas for execution.

Joseph W Lawrence and Jesse Pearce appointed bailiffs for the Term, by the Court. They are allowed one days attendance each. Clerk will enter on journal and certify to auditor for payments.

Thereupon Court adjourned Sine Die, Feby 13th 1894 at 8 o'clock P.M.

State of Ohio, } Supreme Court of the State of Ohio.
City of Columbus } of the term of January AD 1894
To wit February 20th,

Ains M. Pilscher } Error to the Circuit Court
No 3854, vs } of Union County,
Walter (Fullington)

Ordered by the Court, that this cause be and
the same is hereby dismissed, for failure to file printed Record.

I Josiah B Allen, Clerk of the Supreme Court of the State of Ohio
do hereby certify that the foregoing entry is truly taken and correctly
copied from the records of said Court, to wit; from Order Book
No 13, Page 384.

(Seal)

In Witness whereof - I have hereunto subscribed
My Name, and affixed the seal of the Supreme
Court this 27th day of February AD, 1894
Josiah B Allen Clerk
Geo H Koler Deputy -

Supreme Court of the State of Ohio,
of the Term of January AD 1894
To wit April 17th 1894

The State of Ohio }
City of Columbus }

C. Aullman & Co. } Error to the circuit Court
vs } of Union County,
W M Hannes }

Ordered by the Court, that said cause be and the same
is hereby dismissed for want of preparation.

Cash

\$2⁰⁰ Motions filed, Paid by J W Robinson
\$5⁰⁰ Docket, " " D W Myers
\$46¹³ Printing Record, due from p[er]f.

I Josiah B Allen, Clerk of the Supreme Court of the State
of Ohio, do hereby certify that the foregoing entry is truly taken and
correctly copied, from the records of said Court, to wit; from
Order Book No 13, Page 412.

(Seal)

In Witness whereof I have hereunto subscribed
My name, and affixed the seal of the said
Supreme Court this 24th day of April 1894
Josiah B Allen Clerk
by Geo H Koler Deputy.

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Time fixed for holding Circuit Court A.D. 1895

The State of Ohio
Third Judicial Circuit

It is ordered that the terms of the Circuit Court of the several Counties in the said Circuit for the year 1895 be fixed as follows to-wit:

Allen County	on the 2 nd day of April and the 19 th day of November
Auglaize	16" 27"
Bradford	26" February 15" October
Defiance	27" January 1"
Hancock	21" May 10" December
Hardin	12" March 27" October
Henry	5" February 3"
Logan	12" 10
Marion	22" January 24" September
Mercer	23" April 26" November
Paulding	5" March 22" October
Putnam	19" 12" November
Seneca	7" May 3" December
Union	19" February 8" October
Van Wert	30" April 24"
Wyandot	15" January 18" September

Said terms to begin at 9 O'clock A.M.

This order dated at Columbus Ohio
September 18th 1894.

John J. Moore }
Henry W. Leroy } Judges
James W. Day }

The above is a full and correct copy of the original order now on file in my office

Attest- J. W. Gosnell Clerk
By J. A. Gosnell Deputy.

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Tuesday Oct. 2nd A.D. 1894

State of Ohio
Union County ss)

This present term of the Circuit Court, in and for the County of Union, in the Third Judicial District Circuit, of the 10th Judicial District of the State of Ohio, held in the Court house in the City of Waverille, County of Union, and state as aforesaid was begun on the Second day of October in the year of our Lord One thousand Eight hundred and Ninety four.

Present

Hon Henry W. Sweeney

Hon John J. Moore

Hon James H. Day

Judges of the Circuit Court in
the Third Judicial District of Ohio

Hon John J. Moore Presiding

William S. Snodgrass Esq.

Sheriff of Union County Ohio

Joseph W Lawrence and Jesse Pearce appointed bailiffs for the term by the Court. They are allowed one days attendance each. Clerk will enter on Journal and certify to Auditor for payment

The New York Lake Erie
and Western Railway Co.

Pliff in error

In the Circuit Court

Union County Ohio.

vs

Arthur D. Holman Def in error

129

This cause came on for hearing upon the petition in error.

The transcript the original papers and pleadings from the Court of Common Pleas of Union County Ohio, and was argued by Counsel; on consideration whereof the Court find there is no error apparent on the record in said proceedings and judgment.

It is therefore considered by the Court that the judgment aforesaid be and the same hereby is affirmed, and that the Defendant in error recover of the Plaintiff in error his costs herein expended.

It is further ordered that a special mandate be sent to the Common Pleas Court of Union County Ohio for execution upon this Plain Judgment.

To all of which findings and judgment the plaintiff in error then and there excepted.

Porter & Porter

D. W. Ayres Atty for Plaintiff in Error.

Tuesday October 2nd 1894

126

The German Lutheran Church and Congregation }
vs } Entry
C. B. Gartner }

This cause came on for hearing upon the petition in error, the transcript, and the original papers and pleadings from the Court of Common Pleas of Union County Ohio, and was argued by Counsel: on consideration whereof, the Court find there is no error apparent in the record in said proceedings, and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is affirmed, and that the defendant in error recover of the Plaintiff in error his costs herein expended.

It is further ordered that a special mandate be sent to the Common Pleas Court of Union County Ohio for execution upon this judgment

To all of which findings and judgment the Plaintiff in error then and there excepted

Order & Court

127

Fredrick Kurt }
vs Plf. } In Circuit Court
John L. Thompson } Union County
Def. } Ohio
Entry

This cause came on for hearing This 2nd day of October A. D. 1894. upon motion of defendant to dismiss the appeal herein, and motion of Plaintiff for leave to file an amended reply; and the Court upon argument of counsel and after due consideration overrules said motion to dismiss appeal and grants leave to Plaintiff to amend his reply instantly and continues said cause for hearing next term; on the of the Plaintiff to which rulings defendant then and there excepted.

Approved
Robinson & Woodburn.
+ J. C. Robinson for Defts.

128

Robert Thomas }
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Christopher }
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Tuesday Oct 2nd 1894

128
 Robert Samler and
 Thomas Martin }
 vs
 Sarah A Hale et al. } Entry

This day by consent and agreement with the Defendant Sarah A Hale and
 Henry Woody heir of Wm Woody deceased the plaintiff dismiss this cause
 at the costs of said Sarah A Hale

Therefore it is ordered by the Court that this cause be dismissed without
 record at the costs of said Sarah A Hale which they are ordered to pay in
 40 days and in default thereof that execution issue therefor - No record to be
 made of the case -

123
 P. C. C. St. L. Ry Co. }
 vs
 Charles McCune } Entry

This cause came on for hearing upon the petition in error the transcript
 and the original papers and pleadings from the Court of Common Pleas of
 Union County Ohio, and was argued by Counsel, on consideration whereof the
 Court find there is no error apparent on the record in said proceedings
 and judgment.

It is therefore considered by the Court that the judgment aforesaid be
 and the same is hereby affirmed - and that a penalty of 5 per cent penalty
 be added to the said judgment of the said Court of Common Pleas - and that
 the Defendant in error recover of the plaintiff in error his costs herein
 expended and said 5 per cent penalty on said judgment -

It is further ordered that a special mandate be sent to the Common
 Pleas Court of Union County Ohio for execution upon this judgment
 to all of which findings the plaintiff in error then Excepted.

Argus Atty for Deft in error

Christopher Hambbs
 vs
 The Waladay Hay Co.

Supreme Court of the State of Ohio

January Term A.D. 1894

The State of Ohio }
City of Columbus.

97 James E. Ritter } Error to the Circuit Court-
J. M. Davids et al } of Union County.

This Cause came on to be heard upon the Transcript of the Record of the Circuit Court of Union County and was argued by Counsel. On consideration whereof, it is ordered and adjudged by this Court that the judgment of the said Circuit Court be and the same is hereby affirmed, and it appearing to the Court that there were reasonable grounds for this proceeding in error, it is ordered that no penalty be assessed herein.

It is further ordered that the defendants in error recover from the plaintiffs in error their costs herein expended taxed at —

Ordered, That a special Mandate be sent the Circuit Court of Union County, to carry this Judgment into Execution.

I Josiah B. Allen, Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court. Witness my hand and the Seal of said Court this 27th day of November A.D. 1894.

Josiah B. Allen Clerk.
By Geo. H. Kollar Deputy.

State of Ohio }
City of Columbus } Supreme Court of Ohio.

To the Honorable Circuit Court:
Within and for the County of Union, Ohio. Greeting:

We do hereby command you that you proceed without delay to carry the within and foregoing Judgment of our Supreme Court of Ohio, in the cause of James E. Ritter et al vs. J. M. Davids et al into execution, the Petition in Error herein and heretofore granted to the contrary notwithstanding.

Witness Josiah B. Allen Clerk of our said Supreme Court of Ohio at Columbus, this 27th day of Nov. 1894.

Josiah B. Allen Clerk,
By Geo. H. Kollar Deputy.
Clerk's Costs \$5⁰⁰ Paid by P.R. Kerr
Printing Record \$12⁸⁰ " " "
Sheriff's Costs 20⁰⁰ Due Thomas Martin

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133

vs

Edward M

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Tuesday February 19th 1895

State of Ohio }
Union County ss: }

This present term of the Circuit Court in and for the County of Union in the Third Judicial Circuit of the Tenth Judicial District of the State of Ohio held in the Court House in the City of Marysville, County of Union and State aforesaid was begun on the 19th day of February in the year of our Lord One Thousand Eight Hundred and ninety five.

Present

Hon Henry W. Seenus

Hon James B. Day

Judges of the Circuit Court in the Third Judicial District of Ohio.

Hon. Henry W. Seenus Presiding Judge.

Wm. J. Snodgrass Esq. }
Sheriff Union County Ohio }

Hon James L. Price one of the judges of the Circuit Court in the Third Judicial District of Ohio.

Being absent for the reason given in the following letter received from him by the Clerk of the Court to-wit:

Lima O. Feb. 18th 1895.

To Clerk of Circuit Court of Union County Ohio:

I am unable to be present

at sitting of Circuit Court in Union County on Feb. 19th 1895.

expected to be present Feb 20th 1895, in time for opening Court.

James L. Price
Circuit Judge.

Attest:

J. N. Gosnell - Clerk of the Circuit Court of Union County.

Geo. Beecher }
vs }
Edward Morgan }

133

By leave of the Court the defendant was given 15 days to file an answer to plaintiffs petition.

Joseph W. Lawrence and Jesse Pease appointed Bailiffs for the term by the Court. They are allowed three days attendance each. Clerk will enter on Journal and certify to Auditor for payment.

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Tuesday Feb. 19th 1895

Circuit Court, Union County, Ohio

Edwin H. Perkins et al }

181

vs

Alfred Scott et al }

Entire

This cause came on for hearing upon the petition in error, the transcript, and the original papers and pleadings from the Court of Common Pleas, and was argued by Counsel; and, on consideration thereof, the Court find that there is error apparent upon the record in the proceedings of said Court to the prejudice of the plaintiffs in error.

It is therefore considered by the Court that the judgment rendered by the said Court below be reversed and held for naught, and that the plaintiffs in error recover their costs herein expended, taxed to Dollars.

And the Court further find proceeding to render such judgment as the said Common Pleas Court should have rendered, find for the plaintiffs, and find there is due from the defendants to plaintiffs a balance on the cause of action set forth in the plaintiffs petition, including interest up to the first day of this term of Court, to-wit: February 19th 1895 - the sum of \$1395.07 dollars.

It is therefore considered by the Court that the plaintiff, W. W. Merchant as Administrator de bonis non of the estate of Abner Liggitt deceased, recover from the said defendant Alfred Scott, and the defendant Thomas Arthur as Administrator de bonis non of the estate of Absolom Liggitt deceased, to be levied of the property of said defendants estate, the sum of \$ together with the costs herein expended, taxed to \$

It is further ordered that a special mandate be sent to the Court of Common Pleas for the execution of this judgment.

To all of which rulings and judgment, the defendants in error did then and there, and at the time excepted.

Court adjourned until 8³⁰ o'clock tomorrow morning.

Allest
J. H. D.

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Wednesday February 20th 1895, 8³⁰ O'clock A.M.

Court convened pursuant to adjournment
Result.

Hon. Henry W. Sweeting
Hon. James H. Day
Hon. James L. Price

Judges of the Circuit Court
in the Third Judicial District of
West Virginia
Hon. Henry W. Sweeting - Presiding - This -
West Virginia City
Sheriff of Union County.

Attest-

J. N. Gosnell Clerk of the Circuit Court of Union County.

Frederick Kunt

127

vs
John L. Thompson

Entry.

This 20th day of February A.D. 1895, this cause came on for hearing upon the appeal of plaintiff from the decree order and judgment of the Common Pleas Court reforming the deed of conveyance from defendant to plaintiff herein sued upon, and this Court, upon the pleadings, evidence and argument of counsel, and after due consideration find in favor of plaintiff and against defendant, and that sufficient cause is not shown to warrant any reformation whatever in said deed and that it should not be reformed to all of which defendants excepto.

It is therefore considered and adjudged that plaintiff recover of defendant his costs herein accruing on account of said appeal, taxed at \$53.19 to which judgment defendant excepto.

It is further ordered that this action be remanded to the said Common Pleas Court of Union County to abide this decree and for all further proceedings.

Thursday Feb 21 1895

Christopher Hubbs }
Plaintiff in Error } Entry.

132

v-s
The Waladay Hay Co. }
Defendant in Error }

This day this cause came on for hearing upon the petition in error, and the transcript of the proceedings, and judgment of L.M. Cravy Justice of the Peace, in and for said County, and also upon the transcript, and the original papers and pleadings in the Court of Common Pleas of said County of Union, and was argued by counsel.

In consideration whereof the Court find that there is error apparent upon the record and proceedings of the Court of Common Pleas to the prejudice of the Plaintiff in error, in this writ; that the Court of Common Pleas erred in reversing the judgment of the said Justice of the Peace.

It is therefore considered by the Court that the judgment of the Court of Common Pleas aforesaid be reversed and held for naught; and that the judgment of said Justice of the Peace be, and the same is hereby affirmed, and that the Plaintiff in error recover of the Defendant in error his costs herein expended taxed to \$

It is further ordered that a special mandate be sent to the Court of Common Pleas of said County for the proper proceedings to carry the judgment of the said Justice of the Peace into execution. To which judgment, ruling and decision the defendant in error, then and there excepted. Porter & Porter
February 19th 1895.

The Waladay Hay Co. Plaintiff in Error }
v-s } Entry.
Lester Cline. Defendant in Error }

130

This day this cause came on for hearing upon the petition in error, and the transcript of the proceedings, and judgment of L.M. Cravy Justice of the Peace, in and for said County, and also upon the transcript and the original papers and pleadings in the Court of Common Pleas of said County of Union, and was argued by counsel.

In consideration whereof, the Court find there is no error apparent on the record in said proceedings, and judgment of said Court of Common Pleas, nor in the proceedings and judgment of said Justice of the Peace.

It is therefore considered by the Court that the judgment of said Court of Common Pleas affirming the judgment of said Justice is hereby affirmed; and that the Defendant in error recover from the Plaintiff in error his costs herein expended, taxed at \$-

It is further ordered that a special mandate be sent to the Court of Common Pleas of said County for execution upon its said judgment of affirmance. To which judgment, ruling, and decision of this Court the Plaintiff in error then and there excepted. Porter & Porter

It is pending the same This C the Nin once the Conclude Regular February Attest

912 The State v-s Charles S to the Court No 912 on Same has Exceptions be allowed Said cause from the Tr

Thursday February 21 1895

It is ordered that all causes, motions, and matters now pending in this court, and not otherwise disposed of, and the same are hereby continued to the next term thereof.

This February term of the circuit Court was begun on the nineteenth day of February in the year of our Lord one thousand eight hundred and ninety-five, and continued from day to day and from time to time by regular adjournments until this twenty first day of February and is now adjourned without day.

Attest J. M. Gasnell
Clerk of Circuit Court

912 The State of Ohio } March 18th 1895 The following Entry was filed to wit
vs } Cause No 912
Charles Linnance et al } Entry

Now comes the defendant Charles Linnance and presents to the Court his certain bill of Exception in the above entitled cause to wit, Cause No 912 on the Criminal docket of this Court and it appearing to the Court that the same has been presented to and approved by Council for the State and said bill of Exception being found by the Court to be in all respects true and correct the same is allowed signed ^{and} sealed by the Court and on Motion is made a part of the Record in said cause and at the request of the defendant Charles Linnance will be omitted from the Transcript of the record issued herein.

April 11th 1895. - In Vacation

134

Charles L. Linnance }
vs }
The State of Ohio }

In the Circuit Court - within and for the Co. of Union County, and state of Ohio.

This 11th day of April 1895, came the said parties by their respective attorneys and thereupon said cause was submitted to the Deans, Henry W. Lenny, James H. Day and James L. Price Judges of the Circuit Court of Ohio for the Third Judicial Circuit upon the application of the said Charles Linnance Pff. in error for an order to suspend the execution of sentence of the Court of Common Pleas of Union County Ohio, made and rendered at the January Term A.D. 1895, thereof, on due consideration thereof the Judges find that notice of the time and place of the hearing of said application was duly given to the Prosecuting Attorney of said County and that said sentence ought to be suspended.

It is therefore ordered that said sentence made and entered at the January Term A.D. 1895, of the Court of Common Pleas of Union County Ohio, in said entitled cause be and the same hereby is suspended until the further order of the Circuit Court herein, do done and ordered at Chambers at the City of Findley Ohio, this 11th day of April A.D. 1895.

Henry W. Lenny
James L. Price
Judges of the Circuit Court
of Ohio Third Circuit

It is further ordered by said judges at said time and place, that the said County of Union by the Clerk of Courts thereof, pay to the Clerk of Courts of Hancock County at Findley Ohio, the sum of two dollars (\$2.00) as expenses during the hearing of the above entitled motion.

Charles Linnance }
vs }
State of Ohio }

The following entry was filed April 16th 1895 to wit

This day on motion of Charles Linnance he being in open Court in person plaintiff in error and upon producing the order of the Circuit Court of Ohio for the Third Judicial District suspending the sentence and judgment against said Linnance until the further order of said Circuit Court for leave to file a bond with sureties conditioned by law for his appearance and surrender to the Sheriff of said County of Union in case the sentence and judgment against said Linnance be not revised or a new trial ordered. On consideration thereof the Court allows said motion and fix the amount of said bond at \$2000.

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Times for holding Circuit Court, A.D. 1896

State of Ohio }
Third Judicial Circuit }

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit for the year 1896 be fixed as follows, to wit:

Aller County	on the 14 th day of April and the 24 th day of September
Auglaize "	" " 28 th " " " " 17 th " " November
Crawford "	" " " " " " " " 29 th " " September
Defiance "	" " " 3 rd " " " " 20 th " " October
Hancock "	" " " 26 th " " " " 8 th " " December
Hardin "	" " " 31 st " " " " 5 th " " November
Henry "	" " " 25 th " " " " 18 th " " October
Logan "	" " " 11 th " " " " " 8 th " " "
Marion "	" " " 21 st " " " " 22 nd " " September
Mercer "	" " " 5 th " " " " 19 th " " November
Paulding "	" " " 17 th " " " " 15 th " " October
Putnam "	" " " 7 th " " " " 10 th " " November
Seneca "	" " " 12 th " " " " 1 st " " December
Union "	" " " 18 th " " " " 6 th " " October
Vanderbort "	" " " 24 th " " " " 27 th " " "
Wyandot "	" " " 14 th " " " " 16 th " " September

Said terms to begin at 9 O'clock A.M.

Columbus Ohio

September 17th 1895

Henry W. Sunny
James S. Day Judges
James L. Price

Tuesday Oct. 8th 1895.

The State of Ohio }
County of Union } ss.

This October term of the Circuit Court, in and for the Third Judicial District of the State of Ohio, held in the Court house in the City of Marysville Union County and State aforesaid, was begun on the Eighth day of October in the year of our Lord, one thousand eight hundred and ninety five in accordance with the Constitution and laws of the State of Ohio.

Present,

Hon. Henry W. Sney

" James S. Day

" James L. Price,

Judges of the Circuit Court in the Third Judicial District of Ohio.

Hon. Henry W. Sney presiding,

William G. Woodgrass,

Sheriff of Union County, Ohio

Attest: J. M. Gasnell Clerk

George Becker, Plaintiff in Error

v. s.

Edward Morgan, Defendant in Error

133.

Entry

This cause came on for hearing upon the petition in error, the transcript, and the original papers and pleadings from the Court of Common Pleas of Union County and was argued by Counsel; on consideration whereof, the Court find there is no error apparent on the record in said proceedings and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same here by is, affirmed; and that the defendant in error recover from the plaintiff in error his costs herein expended.

It is further ordered that a special mandate be sent to the Common Pleas Court of Union County for execution and for further proceedings upon said judgment.

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No 912

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Tuesday Oct-8th 1895.

9/2 vs
 Charles Linnance } Plaintiff in Error } Circuit Court
 The State of Ohio } Defendant in Error } Indictment for Burglary and
 Grand Larceny.

This day this cause came on to be heard on the petition and bill of exceptions of plaintiff and the Court being fully advised in the premises it is ordered and adjudged by the Court that the judgment, verdict and sentence be set aside and new trial granted and the case be remanded to the Court of Common Pleas of Union County for new trial.

Mandate From the Circuit Court

State of Ohio } ss Circuit Court Union County Ohio
 Union County }

At a term of the Circuit Court within and for the County of Union in the State of Ohio begun and held before

Hon Henry W. Sewey }
 Hon James H. Day } Presiding Judges
 Hon James S. Price }

at Marysville on the 8th day of October A.D. 1895. Among other proceedings then and there had by and before said Court as appears by its Journal were the following

No 912 } Charles Linnance
 vs
 The State of Ohio

This day this cause came on to be heard on the petition and bill of exceptions of Plaintiff and the Court being fully advised in the premises it is ordered and adjudged by the Court that the Judgment Verdict and Sentence be set aside and new trial granted and the case remanded to the Court of Union Common Pleas of Union County for new trial

Ordered that a special Mandate be sent to the Court of Common Pleas of said County to carry this Judgment into execution

Ordered that a copy of this Entry be certified to the Clerk of the Court of Common Pleas of said County for entry etc

I J N. Garnell Clerk of the Circuit Court of Ohio within and for Union County do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court

Witness my hand and the Seal of said Court this 8th day of October A.D. 1895 J N. Garnell Clerk Circuit Court

State of Ohio Union County } Circuit Court of Ohio
 Within and for Union County

To the Honorable Court of Common Pleas Within and for the County of Union Ohio Greeting

We do hereby command you that you proceed without delay to carry the within and foregoing Judgment of our Circuit Court in the case of Charles Linnance vs The State of Ohio into Execution

Witness J N. Garnell Clerk of our Circuit Court at Marysville Ohio this 8th day of October A.D. 1895
 J N. Garnell Clerk

Supreme Court of the State of Ohio

The State of Ohio }
 City of Columbus }

January Term A.D. 1895

L. J. Taylor et al
 vs

Error to the Circuit Court of
 Union County

Wheatwood Cautright

This Cause came on to be heard upon the Transcript of the Record of the Circuit Court of Union County and was argued by Counsel
 On Consideration whereof it is ordered and adjudged by this Court that the Judgment of the said Circuit Court be and the same is hereby affirmed, and it appearing to the Court that there were reasonable grounds for this proceeding in Error, it is ordered that no penalty be assessed herein.

It is further ordered that the defendant in Error recover from the plaintiffs in Error his costs herein expended taxed at \$-----

Ordered that a Special Mandate be sent to the Court of Common Pleas of Union County to carry this Judgment into Execution

Ordered that a copy of this Entry be certified to the Clerk of the Circuit Court of Union County for Entry

I Josiah B. Allen Clerk of the Supreme Court of Ohio do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court

Witness my hand and the Seal of said Court - This 17th day
 of ~~November~~ December A.D. 1895

Josiah B. Allen Clerk
 by Geo. H. Kalkreuth Deputy

Seal

County

script of the
Council
Judgment
appearing
ever, it is

the plaintiffs

Common Pleas

at Court of

County of Ohio
Columbus and County

to 17th day

by
Deputy

Tuesday February 18th A.D. 1896.

The State of Ohio }
County of Union } ss:

The February term of the Circuit Court in and for the Third Judicial District of the State of Ohio, held in the Court House in the City of Mansville, Union County and State aforesaid, was begun on the Eighteenth day of February in the year of our Lord One thousand eight hundred and Ninety six, in accordance with the Constitution and laws of the state of Ohio.

Present:

Hon. Henry C. Sweeney

" James S. Day

" James L. Price

Judges of the Circuit Court, the third Judicial District of Ohio.

Hon. Henry C. Sweeney presiding.

William G. Smokey

Sheriff of Union County, Ohio.

Attest:

J. M. Gosnell

Clerk.

Court opened at 9 O'clock A.M.

The State of Ohio }
vs

The Ohio Realty Institute Co

This day came the plaintiff and dismissed this case without prejudice by the consent of defendant

Whereupon this case is dismissed without prejudice and without Record at plaintiff cost & thereupon the plaintiff paid the costs

B.V. Ruff

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Bailiffs

Tuesday February 14th 1896

B.V. Buffington }
 v.s }
 Mars Thompson }
 Circuit Court in Error
 to the Common Pleas Court

This day the said parties appeared by their Attorneys and the cause came on to be heard upon the petition in error of the said plaintiff B.V. Buffington together with the original papers and pleadings and a duly certified transcript of the orders and judgment of the Court of Common Pleas of Union County Ohio filed herein in said action wherein Mars Thompson was Plaintiff and B.V. Buffington was Defendant mentioned and referred to in said petition in error and was argued by Counsel upon consideration whereof the Court find that there is no error manifest upon the face of the record in said orders and judgment of said Court of Common Pleas

It is therefore considered ordered and adjudged by this Court that the judgment and proceedings of the said Court of Common Pleas in said action in favor of said Defendant in error be and the same are hereby in all things affirmed

There being however in the opinion of this Court reasonable grounds for this proceeding in error no penalty is attached

It is further considered and adjudged that the Plaintiff in error pay the costs of this proceeding taxed at \$ and in default thereof that execution issue therefor to which judgment order & decision of the Court in affirming said judgment said Plaintiff in error is held - Ordered that a Special Mandate be sent to the Court of Common Pleas of Union County Ohio to carry this judgment into execution

Lorena Graham
 Defendant in error }
 v.s }
 Bank of Richmond }
 Plaintiff in error }
 In Circuit Court -
 Union County, Ohio.

139

This cause coming on for hearing this 18th day of February 1896, upon motion of defendant, Nancy Kimbrell to strike plaintiff in error's petition from the files and to dismiss her action thereon, the Court after hearing argument of defendant's counsel and upon due consideration find that there has been no final order of the Court below to which error would lie.

It is therefore ordered that plaintiff in error's petition and action herein be dismissed, and that she pay the costs on account thereof taxed at \$

Appointing Court Bailiffs.

Jesse Peare and J.L. Lawrence being appointed Bailiffs by the Court, it is therefore ordered that the Clerk make entry hereof, and certify for one day services for each of said Bailiffs.

Tuesday February 18th 1896.

187

B. V. Buffington } Circuit Court, in Error to the
vs } Common Pleas Court.
Moses Thompson }

This day the said parties appeared by their attorneys and this cause came on to be heard upon the petition in error of the said plaintiff B. V. Buffington together with the original papers and pleadings and a duly certified transcript of the orders and judgment of the Court of Common Pleas of Union County, Ohio, filed herein in said action wherein Moses Thompson was plaintiff and B. V. Buffington was defendant mentioned and referred to in said petition in error, and was argued by counsel.

Upon consideration whereof the Court find that there is no error manifest upon the face of the record in said orders and judgment of said Court of Common Pleas.

It is therefore considered, ordered and adjudged by this Court that the judgment and proceedings of the said Court of Common Pleas in said action in favor of said defendant in error be and the same are hereby in all things affirmed.

There being however in the opinion of the Court reasonable ground for this proceeding in error no penalty is attached.

It is further considered and adjudged that the plaintiff in error pay the costs of this proceeding taxed \$ and in default thereof that execution issue therefor, to which judgment order and decision of the Court in affirming said judgment said plaintiff in error excepted.

Ordered that a special mandate be sent to the Court of Common Pleas of Union County, Ohio, to carry this judgment into execution.

State of Ohio
City of Columbus

John H. ...
Charles M. ...

is hereby

Supreme
Entry is

Seal

Circuit

Supreme Court Entry

March 17th 1896 The following Entry from Supreme Court was filed

State of Ohio }
City of Columbus }

Supreme Court of the State of Ohio

of the Term of January A.D. 1896

To wit Tuesday March 10th

John Robinson }
vs }
Charles M Jones et al }

Error to the Circuit Court of Union County

Ordered by The Court that said Cause be and the same is hereby dismissed for want of preparation

I Josiah B Allen Clerk of the Supreme Court of the State of Ohio do hereby certify that the foregoing Entry is truly taken and correctly copied from the records of said Court to-wit from order Book No 14 Page 484 In witness whereof I have hereunto subscribed my name and affixed the Seal of said Supreme Court this seventeenth day of March A.D. 1896

Josiah B Allen Clerk
By Geo H Kalker Deputy



Circuit Court

Sheriffs Certificate for Pay
Clarks Office Union County

Marysville Ohio April 2nd 1896

To the Auditor of said County

William G Snodgrass Sheriff

is entitled to receive out of the County Treasurer for Services at February Term 1896 of the Circuit Court as follows

For Jesse Pearce Deputy	2.00
For Joseph Samuana Bailiff	2.00
Total	\$ 4.00

J. M. Gosnell Clerk of said Court

March 25th 1896 The following Entry was filed to-wit

Fredrick Sparks an Infant by his
Next friend Isaac J Sparks Plaintiff
Against

Robert Henderson Walter Pullington
Edward M Pullington Defendants

Circuit Court of Union County
Ohio

Journal Entry

This day came the plaintiff by his
Attorney and filed his bill of Exceptions with evidence attached to and
made part of said bill having first presented the same to defendants
Counsel Robinson, and also to John A Price Judge of the Court of
Common Pleas of Union County Ohio before whom the case was tried
at the January term of said Court who refused to sign the said
bill of Exception or to correct and sign the same

Thomas Reed Attorney for
Plaintiff

The Sta
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District
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J. M.
Treasurer
Clerk of
J. M. Ta
for the
Ohio

Tuesday Oct: 6th 1896

The State of Ohio, Union County, ss:

This separate term of the Circuit Court in and for the County of Union, in the Third Judicial Circuit of the 10th Judicial District of the State of Ohio, held in the Court House in the City of Mansfield, County and State aforesaid, was begun on the 6th day of October in the year of our Lord One thousand Eight Hundred and Ninety Six.

Present,

Hon. James H. Day
Hon. James L. Price
Hon. J. H. Rhine

Judges of the Circuit Court in the 3rd Judicial Circuit of Ohio.

Hon. James H. Day, Presiding.
Wm. S. Dwyer, Esq.
Sheriff Union County.

Attest,

J. M. Hosnell

Clerk of the Circuit Court of Union County.

J. W. Lawrence and Jesse Pease appointed Bailiffs for the Term by the Court.

This day it is considered and ordered that the Clerk of this Court enter and certify one day each for J. W. Lawrence and Jesse Pease as special Court marshals for the February Term of the Circuit Court of Union County Ohio

Total amount of fees \$4⁰⁰

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Union County
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Plaintiff

October 17th A.D. 1896.

The Board of Insurgency
Directors of Champlain Co. D.

138

vs

In Error

The Board of Insurgency
Directors of Essex Co. D.

This day this cause came on for hearing upon the Petition in Error, Transcript, Bill of Exceptions and original papers and pleadings from the Court of Common Pleas of Linn County, Mo., and was argued by counsel, and submitted to the Court.

On consideration whereof the Court find that there are no errors apparent on the record in said proceedings and judgment.

It is therefore considered and adjudged by the Court that the judgment aforesaid be, and the same hereby is affirmed, ^{to which finding and judgment of the Court plaintiffs except.} and that the defendants in error recover from the plaintiffs in error their costs herein expended, taxed at \$

And it is further ordered that this case be remanded to the said Common Pleas Court of Linn County for execution.

Friedrich Sparks et al. Plaintiff in Error

142

vs

Robert Henderson et al Defendant in Error

Plaintiff having leave dismissed his Petition in error without prejudice to another action. Plff to pay Cost Judgt for cost

The Toledo
Rail Road

141

Samuel

plaintiffs
being for
judgment
execution

Oct 6th 1896

The Toledo & Ohio Central
Rail Road Company

141

vs
Samuel R. Burger

Circuit Court

Lucas County, Ohio

This day this case came on for hearing on
plaintiffs petition in error, after argument by counsel the Court
being fully advised in the matter the Court said we find no error,
judgment is affirmed, with costs, without penalty, judgment for costs,
execution awarded and case remanded for execution.

Thomas Reed

Atty. for Def. in error.

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10-6-96

Suprem Court of the State of Ohio

State of Ohio }
City of Columbus }

of the Term of January A.D. 1896
To-wit. Tuesday, October 6th

No 4682

Alfred Scott et al
vs
Edwin H Perkins et al

Error to the Circuit Court of
Union County

Ordered by the Court. Upon Consent of parties, that said
cause be and the same is hereby dismissed at costs of plaintiffs in Error.

J. Josiah B. Allen, Clerk of the Supreme Court of the State of Ohio
do hereby certify that the foregoing Entry is truly taken and correctly copied from
the Records of said Court to-wit: from Order Book No 15, Page 69.



In witness Whereof; I have hereunto subscribed my name and
affixed the seal of said Supreme Court this Thirteenth day of
October A.D. 1896

Josiah B. Allen Clerk
By John P Dana Deputy

Circuit Court of }
Union County Ohio }

Certificate for pay to Sheriff
Marysville Ohio Oct 6th 1896

The Court charges for Oct Term A.D. 1896 Union County
Circuit Court as due for services rendered are as follows

Jesse Pearce \$ 2.00
Joseph Courance \$ 2.00
Total \$ 4.00

To the Clerk of Courts Union County Ohio
you will make entry and formalize the above
Say Presiding Judge

It is ordered that all causes, motions and matters now
pending in this court are otherwise disposed of, be, and the same
are hereby continued to the next term thereof

The present term of this court was begun on the
6th day of October A.D. 1896, One thousand Eight Hundred and
Ninety six, and continued from day to day and from time to
time by regular adjournment until this 6th day of October
A.D. 1896 and now adjourned without day

Attest

J. M. Gosnell Clerk.

The State
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vs
John A.

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No. 13, Page 69.
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The State of Ohio,
on the relation of
Frederick Sparks
an infant by his
next friend
Isaac J. Sparks
vs
John A. Price

144

In the Circuit Court of
Union County, Ohio.

This day this cause came on for hearing before
the undersigned judges of said Court at Chambers on the
motion of plaintiff for a writ of Mandamus to compel
defendant as Judge of the Common Pleas Court of Union
County, Ohio, to allow and sign his true bill of Exceptions
taken in said Common Pleas Court on the trial of the
case of Frederick Sparks an infant by his next friend
plaintiff against Robert Henderson et al defendants at the
January term of said Common Pleas Court A.D. 1896.

Upon consideration whereof that an alternate writ
issue commanding the defendant John A. Price as Judge
aforesaid to forthwith upon receipt of this order to allow
and sign the bill of exceptions filed herein and made
part of plaintiffs petition, or appear before the Circuit
Court of Union County, Ohio, at its February Term A.D. 1897,
on the first day of the term thereof viz on the 2nd day of
Feb. 1897, and then show cause why as Judge aforesaid
he should not allow and sign said bill of exceptions.

So done and ordered at Chambers at Lima, Ohio,
this 24th day of November A.D. 1896.

James A. Day
James L. Price
C. B. Finley

Judges of the Circuit Court 3rd
Judicial District

Tuesday February 2nd 1897

The State of Ohio, Union County.

The separate term of the Circuit Court in and for the county of Union, in the Third Judicial Circuit of the 10th Judicial District of the State of Ohio, held in the Court House in the City of Marysville, County and State aforesaid, was begun on the 2nd day of February, in the year of our Lord One thousand Eight Hundred and Ninety Seven

Present

Hon. James H. Day

Hon. James L. Rice

Hon. C. B. Finley

Judges of the Circuit Court in the 3rd Judicial Circuit of Ohio

Hon. James H. Day, Presiding.

J. Ed. Robinson

Sheriff, Union County.

Attst.

J. N. Lornell, Clerk of the Circuit Court of Union Co.

This day J. N. Lawrence and Allen Harris appointed Bailiffs for the term, by the court.

This day it is considered and ordered that the Clerk of this Court enter and certify two days each at Two Dollars per day for Allen Harris and Joseph N. Lawrence as Bailiffs for the February Term of the Circuit Court of Union County, Ohio.
Total amount of fees \$8.00

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Union County Court adjourned to meet tomorrow morning at 9 o'clock

Wednesday Feb. 3rd A.D. 1897.

Court convened pursuant to adjournment at 9 O'clock A.M. with the same Judges and officers present as on yesterday, then the following cases came on for decision &c.

The State of Ohio, on relation of
Frederick Sparks infant by
his next friend &c.

Circuit Court of Union County.

144

vs
John A. Price

This day came the defendant and the plaintiff whereupon the plaintiff withdrew his Reply and by leave of the Court demurred to the defendant's Answer.

Whereupon the Court being fully advised in the premises do overrule said demurrer and this cause being submitted to the Court it is found by the Court that no presumptive mandamus should be made and the plaintiff's petition should be dismissed.

Therefore it is considered and adjudged by the Court that defendant go hence and recover of the plaintiff his costs taxed to \$ to all of which plaintiff excepts

The General Electric Company,

In the Circuit Court of Union County, O.

146

vs
The Village of Milford Center,

Entry dismissing Appeal

This day came the parties and it appearing to the Court herein that the appeal herein is not well taken because said cause is not appealable, therefore on motion of the plaintiff and due consideration had it is ordered and adjudged that the attempted appeal be dismissed and held for void and that the defendant pay the costs herein.

J.H.R.

The Ohio Pipe Company,

In the Circuit Court of Union County, O.

145

vs
The Village of Milford Center,

Entry dismissing Appeal.

This day came the parties and it appearing to the Court herein that the appeal herein is not well taken because said cause is not appealable, therefore on motion of the plaintiff and due consideration had it is ordered and adjudged that the attempted appeal be dismissed and held for void and that the defendant pay the costs herein.

J.H.R.

It is ordered that all causes, Motions and matters now pending in this Court not otherwise disposed of, be, and the same are hereby continued to the next term thereof.

The present term of this Court was begun on the 2nd day of February A.D. 1897, and continued from day to day and from time to time by regular adjournments until this 3rd day of February A.D. 1897 and now adjourned without day.

Attest

J.W. Gosnell, Clerk.

Wednesday Sept. 22nd A.D. 1897.

The State of Ohio, Union County, ss.

The September Term of the Circuit in and for the County of Union, in the Third Judicial Circuit of the 10th Judicial District of the State of Ohio, held in the Court House in the City of Mansfield, County and State aforesaid, was begun on the 22nd day of September, in the year of our Lord, One Thousand Eight Hundred and Ninety Seven.

Present,

Hon. James H. Day
" James L. Price
" C. H. Norris

Judges of the Circuit Court in the 3rd Judicial Circuit of Ohio.

Hon. James H. Day, presiding.

J. Ed. Robinson Esq.,
Sherriff, Union County, O.

Attest,

J. N. Hosnold Clerk of the Circuit Court of Union County, O.

This day J. W. Lamsuee and Allen Haines are appointed Bailiffs for the Term by the Court.

State of Ohio }
City of Columbus }

Suprem Court of the State of Ohio
of the Term of January A.D. 1897

To-wit, Tuesday, June 22nd

NO 4021 James T. Black Receiver
vs

James W. Robinson Adm^r Est

This cause, by agreement of parties, having been settled it is ordered by the Court, that the petition in error be and the same is hereby dismissed

J. Josiah B. Allen, Clerk of the Supreme Court of the State of Ohio do hereby Certify that the foregoing Entry is truly taken and correctly copied from the Records of said Court, to-wit from Order Book No 15 Page 358

In Witness Whereof, I have hereunto, subscribed my name and affixed the Seal of said Supreme Court this Twenty-fourth day of June A.D. 1897

Josiah B. Allen Clerk
By John P. Dana Deputy

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Wednesday Sept. 22nd 1897

Terms for holding Circuit Court A.D. 1898.
State of Ohio,
Third Judicial District }

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit for the year, 1898, be fixed as follows, to-wit:

- Wyandott County on the 5th day of January and the 14th day of September.
- Marion County on the 12th day of January and the 22nd day of September.
- Crawford County on the 19th day of January and the 28th day of September.
- Union County on the 3rd day of February and the 5th day of October.
- Logan County on the 9th day of February and the 12th day of October.
- Aardin County on the 23rd day of February and the 7th day of October.
- Henry County on the 3rd day of March and the 19th day of October.
- Defiance County on the 9th day of March and the 26th day of October.
- Paulding County on the 16th day of March and the 31st day of October.
- Van Wert County on the 23rd day of March and the 3rd day of November.
- Putnam County on the 30th day of March and the 7th day of November.
- Allen County on the 6th day of April and the 16th day of November.
- Auglaize County on the 20th day of April and the 23rd day of November.
- Mercer County on the 27th day of April and the 30th day of November.
- Seneca County on the 4th day of May and the 7th day of December.
- Hancock County on the 25th day of May and the 14th day of December.

Said terms to begin at 9 O'clock A.M.

September 21, 1897.

Janus H. Day
Janus L. Rice } Judges,
Calib H. Norris }

Fredrick Sparks, an Infant
by his next friend

vs.
Robert Henderson et al

In the Circuit Court of Union County

This day came on this cause on the petition in Error, and the Court being fully informed in the premises find no error in the record and that the judgment of the Court of Common Pleas should be affirmed.

Therefore it is considered and adjudged by the Court that the said judgment be and the same is hereby affirmed with costs but no penalty.

Therefore it is considered and adjudged by the Court that defendant in error reverse of plaintiff in error their costs herein expended to-wit 10¢ and this cause is remanded to the Court of Common Pleas for execution.

Court adjourned until 9 O'clock tomorrow morning

Thursday Morning Sept. 23rd 1897

Court convened at 9 O'clock pursuant to adjournment.
Judges and officers present

Theodore Reymers, by
Uriah Cook his Guardian
vs
Amy S. Bell et al

In Circuit Court
Union County, Ohio.

This day this cause came on to be heard by the
Judges of said Court, and after hearing the evidence adduced the hour
for adjournment having arrived, this cause is continued until 9 O'clock
Wednesday morning.

James C. Martin
vs
John Hudson

In the Circuit Court of
Union County, Ohio.

This day came the parties by their attorneys, and
this cause coming on for hearing, and after hearing the arguments
of Counsel this case is submitted to the Court for decision.

9 O'clock P.M. Court adjourned until 9 O'clock Wednesday morning

Court

Theodore
Uriah Cook,
vs
Amy S.

147

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is overruled

Friday Sept 24th 1897

Court convened at 9 o'clock A.M. pursuant to adjournment,

Present, *Hon. James H. Day*
" *James L. Price* } Judges
" *Colt C. Norris* }

Theodore Reynor by
Wm. Cook, Plaintiff

In Circuit Court
Winn County, Miss.

147

vs
Amy S. Bell et al

This day came the parties, and their attorneys, and this cause came on to be heard upon the pleadings of the parties, and the evidence, and was argued by counsel and submitted.

On consideration whereof the Court being fully advised in the premises find that the said Theodore Reynor at the time of executing the deed to Amy S. Bell mentioned in the petition was possessed of sufficient mental capacity to make and execute a valid deed of conveyance for the lands in said deed described, and that said deed was not void.

The Court further find that the defendant Allen B. Struthers was an innocent purchaser of said lands for full value and without any notice or knowledge of the consideration passing from said Amy S. Bell to said Theodore Reynor and wife, and the Court find the equity of the case to be with the said Allen B. Struthers, and that rescission of said contract cannot properly be decreed, and that the plaintiff is not entitled to the relief demanded in the petition, and that the injunction in this case ought not to have been granted.

It is therefore considered and decreed by the Court that the injunction heretofore granted in this case be and the same is dissolved and held for naught, and ^{without prejudice as between the plaintiff and Amy S. Bell} this decree is dismissed, without prejudice as between the plaintiff and Amy S. Bell.

And it is further decreed that the defendant's severer of the plaintiff their costs herein expended and execution is awarded therefor and this cause is remanded to the said Court of Common Pleas for execution.

Thereupon the plaintiff files his motion for a new trial which is overruled by the Court to which ruling plaintiff excepted.

By the Court
at 9 o'clock

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arguments

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Friday Sept. 24th 1897

148
Amelia B. Applegate
vs
Sarah A. Williams et al

Court of Common Pleas
Union County, Ohio

This day came the parties and submitted this cause to the Court, whereupon the Court being fully informed in the premises do not find any error in the said record and that the Court of Common Pleas did not err in sustaining the demurrer to the Answer and Cross petition of Amelia B. Applegate or in sustaining the Motion to strike from the files the Answer and Cross-petition of Josephine Smith and of Florence Zell Smith and find that said judgment of the Court of Common Pleas should be affirmed.

It is therefore considered and adjudged by the Court that said judgment be and the same is affirmed with costs; and the Court find there was reasonable ground for the plaintiff in Error to prosecute this petition and do not adjudge any penalty and order the Clerk to remand this judgment back to the Court of Common Pleas for execution and that defendant in Error recover of plaintiff in Error their costs herein taxed to \$

150
James C. Martin
vs
John Hudson

In the Circuit Court,
Union County, Ohio.

This day this cause came on for hearing upon the petition in Error, the transcript and the original papers, and pleadings from the Court of Common Pleas of Union County, and was argued by Counsel;

On consideration whereof the Court find that there is error therein apparent upon the record to the prejudice of the plaintiff in Error in this, to-wit; that the judgment of the Court of Common Pleas was for the defendant in Error when according to the facts found by the Court, the judgment should have been for the plaintiff in Error.

It is therefore considered by the Court that the judgment aforesaid be reversed and held for naught.

And the Court now proceeding to render such judgment as the Court of Common Pleas ought to have rendered in said cause, find that the plaintiff in Error has a legal estate in, and is entitled to the immediate possession of the said property described in his petition, and that the defendant in Error unlawfully keeps him out of the same.

It is therefore considered and adjudged by the Court, that the plaintiff in Error recover from the defendant in Error the said real property described in his petition, and that the plaintiff in Error recover of the defendant in Error his costs herein expended taxed at \$

And it is ordered that a writ issue to the Sheriff of this County, commanding him to put the plaintiff in Error in possession of said premises, and for this purpose the Sheriff will call to his aid, if necessary, the County Surveyor to establish the corners. And this cause is remanded to the Court of Common Pleas for execution to which decision, order and judgment of the Court the defendant then and there excepted.

James H. Day
Presiding Judge.

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The State
City of Columbus

B. V. Bay

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Mandate: Supreme Court of the State of Ohio.

The State of Ohio,
City of Columbus.

January Term A. D. 1897,
To-wit Tuesday, December 14th.

4878

B. V. Buffington
vs
Moses Thompson

Error to the Circuit Court of
Union County.

This cause came on to be heard upon the transcript of the Record of the Circuit Court of Union County, and was argued by Counsel.

On consideration whereof, it is ordered and adjudged by the Court, that the judgment of the said Circuit Court, be and the same hereby is affirmed, and it appearing to the Court that there were reasonable grounds for this proceeding in error, it is ordered that no penalty be assessed herein.

It is further ordered that the defendant in error recover from the plaintiff in error his costs herein expended taxed at \$

Ordered, that a special mandate be sent the Court of Common Pleas of Union County, to carry this judgment into Execution.

Ordered, that a copy of this entry be certified to the Clerk of the Circuit Court of Union County, "for entry."

I, Josiah B. Allen, Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court. Witness my hand and the Seal of said Court, this 20th day of December A. D. 1897.

Seal

Josiah B. Allen Clerk
By John P. Dana Deputy

State of Ohio,
City of Columbus.

Supreme Court of Ohio

To the Honorable Court of Common Pleas, Within and for the County of Union, Greeting:

We do hereby command you, that you proceed without delay, to carry the within and foregoing judgment of our Supreme Court of Ohio, in the Cause of B. V. Buffington vs Moses Thompson, into execution, the Petition in Error herein and heretofore granted, to the contrary notwithstanding.

Witness, Josiah B. Allen, Clerk of our said Supreme Court of Ohio, at Columbus, this 20th day of Dec. 1897.

Seal

Josiah B. Allen Clerk
By John T. Dana Deputy

Clerk's Costs, \$6⁰⁰, Paid by J. L. Cameron.

It is ordered that all causes, motions and matters now pending in this Court not otherwise disposed of be, and the same are hereby continued to the next term thereof.

Attest

J. N. Gosnell, Clerk of the Circuit Court of Union County, Ohio.

Whereas, a clerical mistake occurred in fixing the time of holding the Circuit Court in the different Counties composing the Third Circuit of Ohio, for the year A. D. 1898, and the necessities of the business pending, and to pend, and said Courts, in said Counties, require the said mistake to be corrected and the said times changed;

Therefore, it is ordered by the Judges of said Third Circuit, that the times fixed for holding Courts in the different Counties of said Circuit, be changed and fixed, as follows, to-wit:

Wyandot County on the 13th day of September.
 Marion County on the 11th day of January and the 20th day of September.
 Crawford County on the 18th day of January and the 27th day of September.
 Union County on the 1st day of February and the 4th day of October.
 Logan County on the 8th day of February and the 11th day of October.
 Harder County on the 23rd day of February and the 6th day of October.
 Seneca County on the 1st day of March and the 18th day of October.
 DeFiance County on the 8th day of March and the 25th day of October.
 Paulding County on the 15th day of March and the 20th day of October.
 Van Wert County on the 22nd day of March and the 1st day of November.
 Putnam County on the 29th day of March and the 9th day of November.
 Allen County on the 5th day of April and the 15th day of November.
 Auglaize County on the 19th day of April and the 22nd day of November.
 Mercer County on the 26th day of April and the 29th day of November.
 Seneca County on the 3rd day of May and the 6th day of December.
 Hancock County on the 24th day of May and the 13th day of December.

The said terms to begin at 9 O'clock A. M.

Upper Sandusky, Ohio, Jan. 5th 1898.

James H. Day
 James L. Price
 Calist H. Norris

Judges of the Circuit Court of the
 Third Circuit of Ohio.

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Feb. 1st A. D. 1898

The State of Ohio, Union County;

The Separate Term of the Circuit Court in and for the County of Union, in the Third Judicial Circuit of the Sixth Judicial District of the State of Ohio, held in the Court House in the City of Marysville, County and State aforesaid, was begun on the 1st day of February, in the year of our Lord One Thousand Eight Hundred and Ninety Eight.

Present

Hon. James H. Day

Hon. James L. Price

Hon. Galat H. Norris

Judges of the Circuit Court in the 3rd Judicial Circuit of Ohio,

Hon. James H. Day, presiding,

J. Ed Robinson, Esq.,

Sheriff Union County,

Attest,

J. N. Gosnell, Clerk of the Circuit Court of Union County,

Court adjourned until 9 O'clock tomorrow morning.

Feb. 2nd A.D. 1898

Court convened at 9 O'clock A.M. pursuant to adjournment,
Same Judges and officers present as on yesterday.

152 Elizabeth Hupp
vs
John Parnur et al

In the Circuit Court of Union County, Ohio,

This day came all the parties in this case and submitted this cause to the Court upon the demurrer of the plaintiff to the 2nd, 3rd and 4th defenses of the answer of W^m J. Moore, Whereupon the Court being fully advised in the premises do sustain said demurrer - Whereupon the Court at the request of said W^m J. Moore do dismiss without prejudice to another action all the claims set up in his said third and fourth defenses.

Whereupon the said defendant excepts to said ruling of the Court on said demurrer but not desiring to further plead this cause came on to be heard, and the Court being fully advised in the premises upon the petition and the part of the answer not demurred to, the Court find that said W^m J. Moore is entitled to dower in said lands and that subject to his dower the land descended to the plaintiff and defendants as alleged in said petition and that partition should be made of said real estate to them.

It is therefore ordered and decreed by the Court that an order issue to the Sheriff of this County, commanding him by the oaths of Henry W. Rogers, Robert F. Elliott and J. S. Styer, three judicious and disinterested freeholders of the vicinity, be set off to said W^m J. Moore as his said dower the full one third of said real estate in the petition described, for and during his life time, and that by the oaths of the same freeholders he assign lands subject to said dower to said parties as follows, viz: 1/7 of one half to the plaintiff, To John Parnur, Edward Parnur, Sarah Smith, Emily Webb, Cluster Wright each 1/7 of one half part thereof, To Squire Montgomery, Robin Montgomery, Henry Montgomery, Frank Montgomery, John Montgomery, Edward Montgomery, Amos Montgomery, Forest Durbin each 1/9 of one half part thereof, To Lewis Webb, James Webb, Dennis Webb, Columbia Webb, Carrie Higgins, Truman Webb, and Washella Higgins each one seventh (1/7) of 1/7 of one half part thereof, To Alvah Montgomery, Vera Hight and Sarah C. Shrop each 1/3 of 1/9 of one half thereof, and if the said land cannot without manifest injury be so set off that they assign said dower and appraise said land subject to said dower according to law and report the same to the Court of Common Pleas to which this cause is remanded for execution of this order. The costs of the appeal to be paid by said W^m J. Moore appellant without record in Circuit Court, but the remaining costs be distributed and paid by said other parties in proportion to their said several interests in said land as ordered by the Court. To all of which the said William J. Moore excepts.

147

Anna Taylor
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Feb. 2nd 1898.

147

Anna Taylor Love
Admt. - Off. in error
vs
Levy James, Def. in error

In the Circuit Court of
Union County Ohio

This cause came on for hearing upon the petition in Error, the transcript and the original papers and pleadings from the Court of Common Pleas of Union County Ohio, and was argued by counsel. On consideration whereof the Court find there is no error apparent on the record in said proceeding and judgment.

It is therefore considered by the Court that the judgment aforesaid be and the same hereby is affirmed, without penalty and that the defendant in error recover from the plaintiff in error his costs herein expended taxed at \$

It is further ordered that a special mandate be sent to the Court of Common Pleas of said County of Union, for Execution upon the judgment, to which ruling and judgment of the Court the plaintiff in error excepts.

Henry Woodie
Off. in error
vs
Miss George
Def. in error

In the Circuit Court
Union County Ohio.

153

This cause came on for hearing upon the Petition in Error, the Transcript and the original papers and pleadings from the Court of Common Pleas of Union County Ohio, and was argued by counsel. On consideration whereof the Court find there is no Error apparent on the record in the said proceedings and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same is hereby affirmed, without penalty, and that the defendant in error recover from the plaintiff in Error his costs herein expended taxed at \$

And it is further ordered that a special mandate be sent to the Court of Common Pleas of said County of Union for execution upon the judgment, to which ruling and judgment of the Court the plaintiff in error excepts.

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Feb. 2nd 1898

Joseph Lawrence and Allen Haines appointed Court Bailiffs for this the February Term, by the Court, and they are allowed two day attendance each.

The Incorporated Village
of Marysville

In the Circuit Court.

13-4

The Cleveland, Cincinnati, Chicago
and St. Louis Railway Company

This day came the parties and submitted this cause to the Court upon the pleadings, evidence and arguments of counsel.

Whereupon the Court being fully advised in the premises do find for the plaintiff against the defendant on the issues joined, and that there is due the plaintiff from the defendant by reason of the premises the sum of One Hundred and Sixteen ^{and 27/100} Dollars with interest from October 31, 1896, and the further sum of One Hundred and Sixteen ^{and 27/100} Dollars with interest thereon from January 31, 1897, making a total this 2nd of February, 1898, due as aforesaid the sum of Two Hundred and Forty Eight Dollars, which the Court finds is also a lien upon the real estate, right of way, iron rails, tracks, side tracks, depot grounds and other property known as the Cleveland, Cincinnati, Chicago and St. Louis Railway situate within the County of Union, Ohio, and being its right of way, iron rails, Rail Road tracks, side tracks, depot grounds as used by and occupied by said defendant.

It is therefore considered ordered and adjudged by the Court that the plaintiff recover of the defendant said sum of Two Hundred and Forty Eight Dollars and its costs herein expended, taxed to \$15⁰⁰.

And further the Court orders and decrees that said lien be enforced and if defendant fail for ten days to pay said judgment and costs and interest, that an order of sale issue to the Sheriff of this County, commanding him to appraise, advertise and sell said right of way, iron rails, Rail Road tracks, depot grounds within said County, used and occupied by defendant, or so much thereof as may be necessary to satisfy said judgment and costs.

The Court in deciding this cause; 1st, overruled the demurrer of defendant to the petition of plaintiff, to which decision and ruling the defendant then and there accepted.

Thereupon after said judgment and decree, the defendant moved the Court to set aside the finding, decree and judgment made in this cause, and grant to defendant

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Feb. 3rd 1898

a new trial therein, which motion the Court overruled; to which ruling and decision the defendant then and there excepted.

And the defendant then and at the time excepted to all judgments, decrees and decisions above rendered and made.

And the Court order the journal to be kept open for fifty days for time to defendant to prepare his bill of exceptions in this cause, and this cause is remanded to the Court of Common Pleas for execution.

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The Incorporated Village
of Mayfield,

The Cleveland, Cincinnati,
Chicago and St. Louis
Railway Company

In the Circuit Court,
Winn County, Ohio.

Now comes the said The Cleveland, Cincinnati,
Chicago and St. Louis Railway Company, and presents to the
Court its certain bill of exceptions taken on the hearing and trial
of this cause, and said bill of exceptions is allowed, signed and
sealed, and ordered to be placed on file, and made a part of the
record in this case.

It is ordered that all cases, motions and matters now pending in
this Court, not otherwise disposed of, be, and the same are hereby continued to the next
term thereof.

The present term of this Court was begun on the 1st day of February 1895,
One thousand Eight hundred and Ninety eight, and continued from day to day
and from time to time by regular adjournment until this 2nd day of Feb. A.D.
1898, and now adjourned without day.

Attest,

J. N. Grinnell Clarke

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State of
John H.
vs
James C. D.

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3153

State of
John H.
vs
James C. D.

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(Seal)

5853

State of Ohio, City of Columbus,
John Hudson
vs
James C. Martin et al

Error to the Circuit Court of
Union County,
Supreme Court of the State of Ohio, of the Term
of January, A.D. 1898, To-wit; Tuesday, April 12th.

Ordered by the Court, that said cause be and the same
is hereby dismissed for failure to file printed record.

Clk's Costs \$5⁰⁰, paid by D. W. Ayers.

I, Josiah B. Allen, Clerk of the Supreme Court of the State of
Ohio, do hereby certify that the foregoing Entry is truly taken and
correctly copied from the Records of said Court, To-wit; from
Order Book No. 16, Page 49.

In witness whereof, I have hereunto subscribed my
name and affixed the Seal of said Supreme Court,
this Nineteenth day of April A.D. 1898.

(Seal)

Josiah B. Allen Clerk
By John T. Dana Deputy

3153

State of Ohio, City of Columbus,
John Hudson
vs
James C. Martin et al

Supreme Court of the State of Ohio,
of the Term of January, A.D. 1898,
To-wit; Tuesday, May 17th.
Motion by Plaintiff to Re-instate Cause No. 5833
on the General Docket.

Ordered by the Court, that said motion be
and the same is hereby allowed.

I, Josiah B. Allen, Clerk of the Supreme Court, of the
State of Ohio, do hereby certify that the foregoing Entry is truly
taken, and correctly copied from the Records of said Court,
To-wit; from Order Book No. 16, Page 96.

In witness whereof, I have hereunto subscribed my
name and, affixed the Seal of said Supreme
Court, this Twenty-fourth day of May A.D. 1898.

(Seal)

Josiah B. Allen Clerk
By John T. Dana Deputy

Times for holding Circuit Court, A. D. 1899.
 State of Ohio }
 Third Judicial Circuit }

It is ordered that the terms of the Circuit Court of the several Counties, in said Circuit for the year 1899, be fixed as follows, to-wit:

- Wyandot County on the 10th day of January and the 12th day of September.
- Marion County on the 17th day of January and the 19th day of September.
- Crawford County on the 24th day of January and the 26th day of September.
- Union County on the 7th day of February and the 3rd day of October.
- Hardin County on the 14th day of February and the 5th day of October.
- Logan County on the 21st day of February and the 10th day of October.
- Henry County on the 28th day of February and the 17th day of October.
- Paulding County on the 7th day of March and the 19th day of October.
- DeFiance County on the 14th day of March and the 24th day of October.
- Van Wert County on the 21st day of March and the 31st day of October.
- Putnam County on the 28th day of March and the 8th day of November.
- Allen County on the 11th day of April and the 14th day of November.
- Auglaize County on the 25th day of April and the 21st day of November.
- Wesley County on the 2nd day of May and the 28th day of November.
- Seneca County on the 9th day of May and the 5th day of December.
- Hancock County on the 23rd day of May and the 12th day of December.

Said terms to begin at 9 o'clock A. M.
 September 20th 1898.

James H. Day }
 James L. Pate } Judges.
 Robert H. Norris }

The State
 the County of
 of the State of
 aforesaid, now
 Eight Days

Attorney

Garr Scott
 vs
 Isaac J. Sp...
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Mary C. Sp...
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 vs
 Henry V. Sp...

1898, upon the
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 in error the
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 Ohio Court

Tuesday Oct. 4th A.D. 1898

The State of Ohio, Union County, ss.

The separate Term of the Circuit Court in and for the County of Union, in the Third Judicial Circuit of the Tenth Judicial District of the State of Ohio, held in the Court House in the City of Marysville, County and State aforesaid, was begun on the 4th day of October in the year of our Lord One Thousand Eight Hundred and Ninety Eight.

Present,

Hon. James H. Day
" James L. Pulte
" Calib. A. Norris

Judges of the Circuit Court in the 3rd Judicial Circuit of Ohio.
Hon James H. Day, presiding.

J. Ed. Robinson Esq.
Sherriff, Union County.

Attest,

J. N. Gosnell, Clerk of the Circuit Court of Union County.

Garr Scott & Co.

Circuit Court

vs
Isaac J. Sparks et al

Union County, Ohio.

partis. hinc.

This day this cause was continued by agreement of the

Mary L. Hill and
Harriet Williamson,

In the Circuit Court,
Union County, Ohio.

158

vs
Henry V. Spicer
Off in error
Def in error

This cause came on for hearing this fourth day of October, 1898, upon the petition in error, the transcript and the original papers and pleadings from the Court of Common Pleas of Union County, and was argued by counsel. On consideration whereof the Court find there is no error apparent on the record and said proceedings and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is, affirmed; and that the defendant in error recover from the plaintiff in error his costs herein expended taxed at \$

And the Court being of the opinion that there was reasonable excuse for proceedings in error, allow no penalty.

It is further ordered that a special mandate be sent to the Common Pleas Court of Union County for execution upon said judgment.

Tuesday October 4th 1898

Joseph Lawrence and Allen Hains appointed Court Bailiffs for the October Term, by the Court, and they are allowed one days attendance each.

Sherriff's Certificate for pay.
Club's Office, Union County,
Maryville, Mo. Oct. 7th 1898.

To the Auditor of said County:

I, Ed Robinson, Sheriff, is entitled to receive out of the County Treasury for services at the Oct. Term Circuit Court as follows:

For Allen Hains Bailiff one day	\$ 2.00
For Joseph W. Lawrence Bailiff one day	\$ 2.00
Total	\$ 4.00

The above bill allowed and ordered paid by the Court, See Journal No 1

Page 210.

Seal

J. N. Gosnell Clerk of said Court.

It is ordered that all causes, motions and matters now pending in this Court, and not otherwise disposed of be and the same are hereby continued to the next term thereof. This present term of the Circuit Court was begun on Tuesday Oct. 4th A.D. 1898, and continued from day to day and from time to time by regular adjournments until the 4th day of October A.D. 1898, as aforesaid, and is now adjourned without day.

Attest

J. N. Gosnell Clerk.

State of Mo
City of Colum

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The Incorporated

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Seal

October Term

To the Auditor

the Court

To Joseph

To Allen

Seal

State of Ohio } Supreme Court of the State of Ohio, of the Term of January 2^d 1898.
City of Columbus } To-wit, Tuesday October 4th.

6177 The C. & St. L. Ry Co. } Error to the Circuit Court
vs } of Union County.
The Incorporated Village of Marysville.

Ordered by the Court, that said cause be and the same is hereby dismissed for failure to file printed record.

Clerks Costs \$5.00 Paid by Order of Court.

I, Josiah B. Allen, Clerk of the Supreme Court of the State of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the records of said Court, to-wit: from Order Book No. 16, page 182.

In witness whereof, I have hereunto subscribed my name and affixed the seal of said Supreme Court this 11th day of October A.D. 1898.



Josiah B. Allen Clerk
By John C. Danna Deputy

Joseph Lawrence and Allen Haines appointed Court Bailiffs for the October Term, 1899, and they are allowed one days attendance each.

Sheriffs Certificate for Pay

Clerks Office Union County

Marysville Ohio, Oct 4th 1899.

To the Auditor of said County.

J Ed Robinson Sheriff, is entitled to receive out of the County Treasurer for services at the October Term Circuit Court as follows

To. Joseph Lawrence	one day	\$ 2.00
To. Allen Haines	one day	\$ 2.00
	Total	\$ 4.00

The above bill allowed and ordered paid by the Court



J. W. Osnell Clerk of said Court

in this Court,
Term thereof,
Oct. 4th A.D. 1898,
minutes until

Tuesday February 7th A.D. 1899.

The State of Ohio,
Winn County, ss.

The present term of the Circuit Court in and for the County of Winn, in the Third Judicial Circuit, of the 10th Judicial District of the State of Ohio, held in the Court House in the City of Marysville, County of Winn and State of Ohio was begun on the 7th day of February, in the year of our Lord One thousand eight hundred and ninety nine.

Present

Hon James H. Day

Hon James L. Ordee

Hon Calist A. Norris

Judges of the Circuit Court, in the Third
Judicial District of Ohio.

Hon James H. Day Presiding

J. Ed Robinson Esq.
Sheriff of Winn County, Ohio.

Attest

J. N. Gensel,

Clk of the Circuit Court of Winn County, Ohio.

John D. Mathur

In Circuit Court of Winn County, Ohio.

160

vs
William A. Knight et al

Entry

This day this cause came on for hearing and by agreement of the parties hereto, was continued.

John D. Mathur

In Circuit Court.

160

vs
William A. Knight et al

Winn County, Ohio.

This day this cause is continued by agreement of the parties, and it is agreed between the parties that until this case is heard on its merits the defendant may have the privilege to repair the dam or to keep it from becoming injured by water or floods, and not to be raised any higher than it originally was.

Thereupon Court adjourned to meet at 9 O'clock tomorrow morning.

Court com

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155

H. M. Balling

vs

Samuel Shun

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D. Harris, D

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Wednesday Morning, February 8th A.D. 1899

Court convened at 9 o'clock A.M. pursuant to adjournment.

Present, Hon. James H. Day,
Hon. James L. Rice
Hon. Calhoun H. Norris

Judges.

J. Ed Robinson, Sheriff

Att. J. W. Grinnell Clerk

The Court appointed John O Connor and George O Zimmerman Bailiffs for the term; they are allowed two days attendance each.

155
H. M. Ballinger, Plaintiff
vs
Samuel Sherwood, Assignee,
for the benefit of Creditors of
Calhoun F. Harris and Margaret
D. Harris, Defendants.

Circuit Court,
Union County, Ohio.

This cause came on for hearing upon the petition in error, the transcript and the original papers and pleadings from the Probate Court and the Court of Common Pleas, and was argued by counsel; and on consideration thereof, the Court find that there is error apparent upon the record, in the proceedings of said Courts, to the prejudice of the plaintiff in error, in this to-wit:

First--- The said Court of Common Pleas and Probate Court erred, in overruling the demurrer of H. M. Ballinger to the answer of the said Samuel Sherwood, assignee;

Second--- The said Court of Common Pleas and Probate Court erred, in sustaining the demurrer of the said Margaret D. Harris to the petition of the said H. M. Ballinger.

It is therefore considered by the Court, that the judgments rendered by said Courts below be reversed, and held for naught, and that the plaintiff in error recover from the defendant in error his costs herein expended, taxed to \$

It is further ordered that this cause be remanded to the Probate Court of this County for further proceedings according to law, and that a special mandate therefor be sent to said Court. To all of which findings, orders, rulings and decrees of the Court the defendants, Samuel Sherwood assignee and Margaret D. Harris then and there by their counsel excepted.

The Union Banking Company, Plaintiff

vs
Isaac J. Sparks, Louisa L. Sparks et al
Defendants

The Circuit Court, Union County, Ohio.

On Appeal.

Ed
Garrett & Co - - - - Plaintiff

vs
Isaac J. Sparks, Louisa L. Sparks et al
Defendants

This day this cause came on to be heard upon the petition and Supplemental Petition of the Union Banking Company against Isaac J. Sparks and Louisa L. Sparks et al, and Garrett & Co, against Isaac J. Sparks, Louisa L. Sparks et al; these two cases having been heretofore consolidated under the case and title of Garrett & Co, against Isaac J. Sparks, Louisa L. Sparks et al, No. 7071; and was heard upon the pleadings, records and the evidence, and the Court being fully advised in the premises, find the equity and

Wednesday Feb 8th A. D. 1899

the law of both said cases or consolidated, to be with the plaintiffs in each case.

And the Court find first - that the sale heretofore made by the Sheriff on the writs of execution issued herein, and the return of the same, with his proceedings, and the sale of said lands and tenements under said writs of execution; and the Court having carefully examined said proceedings, and being satisfied that said sale has in all respects been made in conformity to law, and finds the same to be legal, and does therefore approve and confirm the same.

And the Court further find that at the date of said sale the said Louisa L. Sparks was the sole owner of the said premises so sold, in fee-simple, and in her own right, and that the said heirs at law of the said Michael J. Brake deceased, and neither of them had any title or interest in said premises.

And it is further ordered, that the Sheriff make to the purchaser Joshua Norril, a deed in fee-simple for the lands and tenements so sold.

And the Court finding that said sale was made by the former Sheriff, William G. Snodgrass, whose term of office has now expired, it is ordered that the present Sheriff, J. Ed. Robinson be authorized to execute and deliver such deed to the said purchaser Joshua Norril, and a writ of possession is awarded to put said purchaser in possession of the said premises.

And the Court further finds, that the said Louisa L. Sparks, is not a party to the case in this Court, she not having executed any appeal bond as required by law.

Therefore, the Court find, adjudge, order and decree that the said plaintiffs are entitled to the payment of their judgments in full, in preference to the said domestic claim, out of said proceeds of sale.

And the Court coming on now to the distribution of said purchase money in the hands of the Sheriff, orders payment;

First, to the Treasurer of this County, the taxes and penalties due on said property so sold to-wit, the sum of \$

Second - To the Clerk of the Court, the costs of these actions, taxed \$

Third, To the Union Banking Company and Gaar Scott & Co, the amount of their judgments, with the interest thereon, neither being preferred to the other, amounting to \$ to the Union Banking Company; and \$ to Gaar Scott & Co.

Fourth, D. W. Ayers or Hamilton Bros. Attorneys for Louisa L. Sparks, the balance of said proceeds of sale amounting to \$

To all of which ruling and orders of the Court, the heirs of Michael J. Brake except.

A. M. Ballin

156

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Common Pleas,

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said A. M. Ball

Wednesday Feb 8th A. D. 1899

A. M. Ballinger
Plaintiff in Error

In the Circuit Court
Minn County, Minn.

156

vs
Samuel Sherrwood Assignee of
Calit F. Harris,
Defendant in Error

This cause came on to be heard upon the petition in error, original papers and pleadings and the transcript of the docket and journal entries in the Probate Court and Court of Common Pleas, and was argued by counsel.

On consideration whereof the judgment of the said Court of Common Pleas is affirmed, without penalty.

It is therefore considered that said defendant in error recover of said plaintiff in error their costs herein, and it is ordered that a special mandate be sent to the Court of Common Pleas to carry this judgment into execution. In all of which findings, judgments and orders of the Court the said A. M. Ballinger by his counsel then and there excepted.

Supreme Court of The State of Ohio

The State of Ohio } January Term A.D. 1899.
 City of Columbus } To Wit May 2nd

#5838

John Hudson } Error to the Circuit Court of
 vs } Union County
 James C. Martin et al }

This cause came on to be heard upon the transcript of the Record of the Circuit Court of Union County, and was argued by Counsel.

On consideration whereof it is ordered and adjudged by this Court, that the judgment of the said Circuit Court, be and the same is hereby affirmed, and it appearing to the Court that there were reasonable grounds for this proceeding in error, it is ordered, that no penalty be assessed herein.

It is further ordered that the defendant in error recover from the Plaintiff in error their costs herein expended, Paid at \$.

Ordered that a Special Mandate be sent the Court of Common Pleas of Union County, to carry this judgment into Execution.

Ordered, that a copy of this entry be certified to the Clerk of the Circuit Court of Union County for Entry.

J. Josiah B. Allen, Clerk of the Supreme Court of Ohio do hereby certify that the foregoing entry is truly taken, and correctly copied from the Journal of said Court.

Witness my hand and the Seal of said Court this 9th day of May A.D. 1899.

Josiah B. Allen Clerk,
 By John P. Danna Deputy.

State of Ohio } Supreme Court of Ohio
 City of Columbus }

To the Honorable Court of Common Pleas

Within and for the County of Union Ohio I do hereby command you, that you proceed without delay, to carry the within and foregoing judgment of our Supreme Court of Ohio in the Cause of John Hudson vs James C. Martin et al. into execution, the Petition in error herein and heretofore granted, to the contrary notwithstanding.

Witness Josiah B. Allen Clerk of our said Supreme Court of Ohio at Columbus, this 9th day of May, 1899.

Josiah B. Allen Clerk
 By John P. Danna Deputy
 Clerks Cost 7⁰⁰ Paid by D.W. Ayers

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...Clerk

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Oct 3rd 1899.

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No 168

vs
Martha Patch

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October 3rd 1899

The State of Ohio }
Union County }

The present Term of the Circuit Court in and for the County of Union in the Third Judicial Circuit of the 10th Judicial District of the State of Ohio, held in the Court House in the City of Marysville, County and State aforesaid, was begun on the 3rd day of October in the year of our Lord One Thousand Eight Hundred and Ninety Nine

Present

Hon. James H. Day
" James S. Price
" Caleb H. Norris

Judges of the Circuit Court in the 3rd Judicial Circuit of Ohio,
Hon James S. Price Presiding

J. Ed Robinson Esq
Sheriff Union County

Attest

J. N. Gosnell Clerk of the Circuit Court of Union County, Ohio.

Joseph Lawrence and Allen Haines appointed Court Bailiffs for the October Term, 1899, and they are allowed one days attendance each,

Sheriff's Certificate for pay
Clerks office Union County
Marysville Ohio, Oct 4th 1899

To the Auditor of Said County

J. Ed Robinson Sheriff, is entitled to receive out of the County Treasurer for services at the Oct Term, Circuit Court as follows.

For Joseph Lawrence one day	\$ 2.00
For Allen Haines one day	\$ 2.00
Total	\$ 4.00

The above bill allowed and ordered paid by Said Circuit Court

Seal

J. N. Gosnell
Clerk of Said Court

No 163

Harmon Patch Jr }
vs
Martha Patch et al }

In Circuit Court No. 163.

This day this Cause came on to be heard upon the Motion of J. M. Kennedy, and the Petition in Error of Harmon Patch Jr. in which said Kennedy and said Patch Jr seek to set aside and reverse an order and judgment of the Court of Common Pleas made on January 30th 1899, and for reasons appearing in said Motion, and said Petition in Error, and was argued by Counsel, in consideration whereof the Circuit Court find that there is no Error apparent in the Record and proceedings of said Court of Common Pleas, and the Circuit Court finding that there is no certified Transcript of Entries made in said Court of Common Pleas to exhibit any Error. The petition in Error is dismissed at the Costs of Plaintiff in Error. = It is therefore considered that defendants in Error receive of

Oct 3rd 1899.

Plaintiff in Error their costs herein expended at \$-- and Cause remanded to Common Pleas Court for Execution; Plaintiff excepts to said ruling and decision of said Circuit Court

No 162.

E. Salisbury vs The State of Ohio and the Village of Richwood, Ohio

Mandate from Circuit Court, in Error Judgment reversed and Cause remanded the State of Ohio Circuit Court of Union County,

October Term A.D. 1899.

At a term of the Circuit Court, within and for the County of Union in the State of Ohio, begun and held at Marysville, on the 3rd day of October A.D. 1899, before Honorable James S. Price, Presiding Judge, and Hon James H. Day, and Hon Caleb Morris Judges, among other proceedings then and there had by and before said Court, as appears by its Journal, is the following, to-wit:

No 162

E. Salisbury vs The State of Ohio and the Village of Richwood, Ohio

Plaintiff in Error Defendants in Error

The said parties appeared by their attorneys, and this cause came on to be heard upon the Petition in Error of the said E. Salisbury, Plaintiff in Error herein, together with the original papers and pleadings and a duly certified Transcript of the orders and judgment of the Court of Common Pleas of Union County, Ohio, filed therewith in the said Cause, wherein E. Salisbury is Plaintiff and The State of Ohio, and the Village of Richwood, Ohio is Defendants mentioned and referred to in said Petition in Error, and was argued by Counsel:

"Upon consideration Whereof the Court find that in the record and proceedings aforesaid, there is Error Manifest upon the face of the Record to the prejudice of the Plaintiff in Error in this To-wit: Find Error there is no Evidence to support the charge against Plaintiff in Error. Judgment of the County Common Pleas Court and Mayor overruled at the costs of defendants and Cause remanded for Execution Plaintiff excepts

State of Ohio Third Judicial Counties in Wyandot, Marion, Crawford, Union, Hardin, Logan, Henry, Paulding, Defiance, Van Wert, Putnam, Allen, Auglaize, Mercer, Seneca, Hancock, Said Term

October 8th 1899

Times for Holding Circuit Court, A.D. 1900

State of Ohio }
Third Judicial District }

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit for the year, 1900, be fixed as follows: To-wit:

Wyandot County, on the 9th day of January and the 11th day of Sept.
 Marion County, on the 16th day of January and the 18th day of Sept.
 Crawford County, on the 23rd day of January and the 25th day of Sept.
 Union County, on the 6th day of February, and the 2nd day of Oct.
 Hardin County, on the 13th day of February, and the 4th day of Oct.
 Logan County, on the 20th day of February, and the 9th day of Oct.
 Henry County, on the 27th day of February, and the 16th day of Oct.
 Paulding County, on the 6th day of March, and the 18th day of Oct.
 Defiance County, on the 13th day of March, and the 23rd day of Oct.
 Van Wert County, on the 20th day of March, and the 30th day of Oct.
 Putnam County, on the 27th day of March, and the 7th day of Nov.
 Allen County, on the 3rd day of April, and the 13th day of Nov.
 Auglaize County, on the 17th day of April, and the 20th day of Nov.
 Mercer County, on the 24th day of April, and the 22nd day of Nov.
 Seneca County, on the 1st day of May, and the 27th day of Nov.
 Hancock County, on the 15th day of May, and the 11th day of Dec.

Said Terms to begin at 9 O'clock A.M.

September 19th 1899James D. Price }
Calib H. Norris }
James H. Day }

Judges

Tuesday, February 6th 1900

The State of Ohio }
Union County ss } This present Term of the Circuit Court, in and for the
County of Union, in the Third Judicial District of
the State of Ohio, held in the Court House, in the Village of Marysville
County and State aforesaid was begun on the Sixth day of February
in the year of Our Lord One thousand Nine Hundred

Present

Hon James L. Rice
Hon Caleb H. Morris
Hon James H. Day
Judges of the Circuit Court
in the Third Judicial District
of Ohio
Hon James L. Rice Residing

J. Ed Robinson Esq
Sheriff of Union County
Ohio

Attest

J. N. Gosnell

Clerk of the Circuit Court of Union County, Ohio

No
160

John D. Mather; Plaintiff
vs

William A. Wright, James W. Wright
and Margaret B. Wright, Defendants

Decree for Injunction

This day this cause came on for hearing
and the same was submitted to the Court upon the pleadings and evidence
and was argued by counsel: - On consideration whereof the Court being
fully advised in the premises finds upon the issues joined in favor of
the Plaintiff and that the Plaintiff is entitled to the relief prayed for in his
Petition

"It is therefore considered, ordered and decreed by the Court that said defendants
William A. Wright, James W. Wright, and Margaret B. Wright, be and each of
them are hereby forever and perpetually enjoined from erecting or maintaining
a dam across said Bokes Creek touching the Plaintiffs land or any part thereof
from interfering with the free and unobstructed flow of the water in said
Creek along and adjoining the lands of the Plaintiff as prayed for in the Plaintiff
Petition

It is further adjudged and decreed that the Plaintiff recover from the defendants
his costs in this action expended to wit \$

"It is further ordered that a Special Mandate be sent to the Court of Common
Pleas of this County for execution upon this judgment.

Whereupon the defendants filed their Motion for a New Trial in this cause
which was overruled by the Court, and to which ruling and decision of the
Court the defendants then and there excepted, and fifty days is allowed
for preparing and filing bill of exceptions.

"To all of which decisions and judgment the defendants then and there
excepted

J. E. Porter Jr. Peter
Kendrick

Court

161

Doratha
vs
Board of Com
Union Co.

joined by
Witnesses
defendants

"It is to
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161

Doratha P
vs
Commissioner
Union County

Plaintiff
fully advised
Plaintiff

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Wednesday, Feb. 7th 1900

Court convened at 9.0^o clock A.M. Pursuant to adjournment

Present Hon James L. Price
Hon Caleb H. Norris
Hon James H. Day
Judges.

161 Dorothea Pfarr } Circuit Court of Union County.
vs }
Board of County Com. of } Entry
Union Co. et al.

This day this cause came on for trial upon the issues joined by the parties. And the Court after hearing the testimony of the witnesses and exhibits, and records filed in said case do find for the defendants

"It is therefore ordered and adjudged by the Court that the injunction heretofore granted in this action be dissolved and that the plaintiff's Petition be dismissed, and that the defendants recover their costs, and that said case be remanded to the Court of Common Pleas for execution:.. To all of which judgment and order and finding of the Court the Plaintiff excepts, and Moved the Court for a New trial, which Motion was overruled by the Court, and the Plaintiff was granted fifty days from said judgment by the Court to prepare and file his bill of exceptions in the Supreme Court of Ohio

Approved J. M. Kennedy for Plaintiff
Geo E Robinson for Defendants

161 Dorothea Pfarr } Circuit Court of Union County Ohio
vs } Overruling Motion for New Trial
Commissioners of }
Union County Ohio }
et al

This day this Motion heretofore filed herein by the Plaintiff came on to be heard by the Court, and the Court being fully advised in the premises do overrule said Motion to which the Plaintiff excepts

"And thereupon the Court on said Motion gave the Plaintiff fifty days in which to prepare and have allowed and signed his bill of exceptions herein as of the present term, and for such purpose the Minutes of this Court for this term is left open

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Thursday, Feb 8th 1900

Maysville Ohio Feb 8th 1900

Execut Court of
Union County Ohio

Certificate for Pay to Sheriff for Court Bailiff for the February Term, 1900, is as follows

To. Joseph Laurena	Two days	\$	4.00
To. Allen, Haines	Two Days	\$	4.00
	Total	\$	8.00

To the Clerk

You will Journalize and Make Entry of the above

James L. Price, Presiding
Judge

Wednesday, March 21st 1900, In Chambers

161 Doatha Parr, Plaintiff
vs
Board of County Commissioners
of Union County et al
Defendants

Superior Court of Union County, Ohio

Entry

"At the February Term of said Court, 1900, leave was given the Plaintiff to prepare her bill of Exceptions in the above case within fifty days from the 7th day of February, 1900.

"That said bill of Exceptions was duly prepared, and approved by the opposite Counsel in said case on the 19th day of March, 1900, and was presented to the Judges of said Court on the 20th day of March, 1900, within the time allowed by them for preparation and was approved by them, and that the same should be filed and made a part of the record of this case, which is accordingly done this 21st day of March, 1900.

J. M. Kennedy, Atty. for Plaintiff

No 160 John L. Walker
vs

Common Pleas No 746

William A. Wright
James M. Wright and
Margaret B. Wright

Circuit Court No 160

"This day came the Defendants above named, and presented to the Court here their bill of Exceptions to the overruling of their Motion for a New Trial in the above entitled case, and the same is signed and allowed, and ordered to be filed, and made a part of the record in this case, but not to be spread on the Journal.

O.K. Entry on Journal James L. Perier P. J.

The State
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Tuesday Oct. 2nd, 1900.

The State of Ohio
Union County ss.

This present term of the Circuit Court in and for the County of Union, in the third Judicial District of the State of Ohio, held in the Court House at the Village of Marysville, County and State aforesaid, was begun on the 2nd day of October in the year of our Lord one thousand nine hundred.

Present James S. Price,
Caleb H. Norris, } Judges.
James H. Day }

Hon. James S. Price
Presiding Judge.

J. Ed. Robinson, Sheriff Union County,
Ohio.

Attest:-

Chas. P. Woodward,
Clerk of the Circuit Court of Union County,
Ohio.

Court opened at 9 A.M. and there being no business to transact this Court adjourned sine die at 9:10 A.M.

James S. Price, Presiding Judge.

Attest:-

Chas. P. Woodward, Clerk of the Circuit Court of Union,
County, Ohio.

Times for Holding Circuit Court, A. D. 1901.

State of Ohio,
Third Judicial District,

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit for the year 1901, be fixed as follows: to-wit:-

Augusht County on the 8th day of Jan. and the 10th day of Sept., Marion County on the 15th day of Jan. and the 17th day of September, Crawford County on the 22nd day of Jan. and the 24th day of Sept. Union County on the 5th day of Feb. and the 1st day of Oct. Hardin County on the 12th day of Feb. and the 3rd day of Oct. Logan County on the 19th day of Feb. and the 8th day of Oct. Henry County on the 26th day of Feb. and the 15th day of Oct. Paulding County on the 5th day of March and the 17th day of Oct. Defiance County on the 12th day of March and the 22nd day of Oct., Van Wert County on the 19th day of March and the 29th day of Oct. Putnam County on the 26th day of March, and the 6th day of Nov. Allen County on the 9th

day of April and the 12th day of Nov. Auglaize County on the 23rd day of April and the 19th day of Nov. Mercer County on the 30th day of April and the 26th day of Nov. Seneca County on the 7th day of May and the 3rd day of Dec. Hancock County on the 21st day of May and the 10th day of Dec.

Sept. 18th, 1900.

Said terms to begin at 9 o'clock A.M.

James S. Price }
Caleb H. Norris } Judges.
James H. Day }

It is ordered that all causes and motions and matters now pending in this Court, not otherwise disposed of, be, and the same are hereby continued to the next term thereof.

The present term of this Court was begun on the 2nd day of Oct. 1900 at 9 o'clock A.M. and continued until this 2nd day of Oct. 1900 at 9:10 o'clock A.M. and now adjourned sine die.

Attest Chas. Fenhorwood
Clerk.

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Appointments

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164

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Tuesday Feb. 5th, 1901

The State of Ohio,
Union County ss.

This present Term of the Circuit Court in and for the County of Union, in the Third Judicial District of the State of Ohio, held in the Court House at the Village of Marysville, County and State aforesaid, was begun on the 5th day of February, in the year of our Lord, one Thousand Nine Hundred and One.

Present: Hon. James L. Price, Presiding Judge.

S. F. Burnham, Sheriff of Union County.

Attest:-

Chas. P. Howwood, Clerk of Circuit Court of Union County.

Appointment

Circuit Court of Union County,
February, 5th, 1901.

Appointment of Court Bailiff.

It is ordered by the Circuit Court of Union County, Ohio that Joseph H. Lawrence be and he is hereby appointed Court Bailiff to serve during the present Term of this Court, or until the Court shall otherwise direct.

Thereupon in open Court came the said Joseph H. Lawrence and accepted said appointment and took the oath to faithfully and impartially discharge the duties of said appointment.

Margaret D. Haines

164

vs.

H. M. Ballinger, and
Samuel Sherwood,

Circuit Court of Union County, Ohio,
Feb. 5th, 1901.

This day this cause was continued, and on motion to the Court leave was granted the Plaintiff to reply in 60 days.

It is ordered that all causes, motions and matters now pending in this Court, not otherwise disposed of, be, and the same are hereby continued to the next term thereof.

The present term of this Court was begun on the 5th day of February A. D. 1901, at 9 o'clock A. M. and continued until 9:30 o'clock A. M. of same day; and adjourned sine die.
Chas. F. Woodward, Clerk.

In Memoriam.

Resolutions Adopted by the Circuit Court Judges in Annual Convocation Assembled, at Columbus, O., Tuesday, September, 17th, 1901.

The Judges of the Circuit Courts of Ohio, in Annual Convocation assembled, under the cloud of our great national bereavement:-

Resolved:- That out of respect to our martyred President, the Circuit Courts of the State be adjourned, until Friday, the 20th of September.

Resolved:- That the Judges of this Court assemble in Canton on the morning of Thursday, the 19th, inst. and attend the funeral of President McKinley in a body.

Resolved:- That we extend our profound sympathy to Mrs. McKinley.

Resolved:- That a copy of these resolutions be spread upon the minutes of the respective Circuit Courts of the State.

Done this 20th day of Sept, A. D. 1901.

Attest:- Chas. F. Woodward
Clerk.



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Myaudon
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Hawthorn
Putnam
Allen
Anglais
Mercer
Seneca
Hancock

Sept. 17th

Orders for Holding Circuit Court, A. D. 1902.

State of Ohio,

Third Judicial District.

It is ordered that the terms of the Circuit Court of the several Counties in said Circuit for the year, 1902, be fixed as follows, to-wit:-

Wyandot County on the 7th day of Jan'y, and the 9th day of Sept.
 Marion County on the 14th day of " and the 16th day of "
 Crawford County on the 21st day of " and the 23rd day of "
 Union County on the 4th day of Feb'y and the 30th day of "
 Hardin County on the 11th day of " and the 1st day of Oct.
 Logan County on the 18th day of " and the 7th day of Oct.
 Hurry County on the 25th day of " and the 14th day of "
 Paulding County on the 4th day of March and the 16th day of "
 DeFayette County on the 11th day of March and the 21st day of "
 Newkirk County on the 18th day of " and the 4th day of Nov.
 Putnam County on the 25th day of " and the 28th day of Oct.
 Allen County on the 8th day of April and the 11th day of Nov.
 Auglaize County on the 22nd day of " and the 18th day of "
 Mercer County on the 29th day of " and the 25th day of "
 Seneca County on the 6th day of May and the 2nd day of Dec.
 Hancock County on the 20th day of May and the 9th day of Dec.

Said terms to begin at 10 o'clock A. M.

Sept. 17th, 1901.

Caleb H. Norris
 James H. Day
 William T. Mooney } Judges.

Tuesday, Oct. 1st, 1901.

The State of Ohio, } ss.
Union County }

This present term of the Circuit Court, in and for the County of Union, in the Third Judicial Circuit of the State of Ohio, held in the Court House in Marysville, County and State aforesaid, was begun on the 1st day of October, in the year of our Lord, one thousand nine hundred and one,

Present:-

Hon. Caleb H. Norris

Hon. James H. Day

Hon. William J. Mooney,

Judges.

Hon. Caleb H. Norris, presiding.

Simon J. Burdham, Sheriff of Union County,

Attest:-

Chas. C. Fuhrwood,

Clerk of Circuit Court.

Appointment of Court Bailiffs.

Circuit Court, Union County, Ohio.
October Term, 1901.

It is ordered by the Circuit Court of Union County, that N. A. Garrard, and W. B. Jones, be and they hereby are appointed Court Bailiffs to serve during the present term, of this Court, or until the Court shall otherwise direct; and as such Bailiffs they shall preserve order in the Court Room, open and adjourn Court, and discharge such other duties as the Court may from time to time direct.

Thereupon in open Court came the said N. A. Garrard, and W. B. Jones and accepted said appointment and took the oath of office to faithfully discharge and impartially perform the duties of said appointment.

Court adjourned to Wednesday, Oct. 2nd, 1901

Court me.

164

Margaret H. vs.

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166

J. M. Keen vs.

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Wednesday, Oct. 2nd, 1901.

Court met pursuant to adjournment,

Credits:-

Hon. Caleb H. Norris,

Hon. James H. Day, Judges,

Hon. Caleb H. Norris, presiding,

Margaret D. Haines

Circuit Court, Union County, Ohio.

164

vs.

H. M. Ballinger and
Samuel Sherwood,

Oct. 2nd, 1901.

This cause came on to be heard upon the petition in error, ^{the answer of the defendants in error,} and the reply to the same by the plaintiff in error, and also upon the demurrer of the defendants in error to the reply of the plaintiff in error, the original papers and pleadings, and the transcript of the record in the Court of Common Pleas; and was argued by counsel and submitted to the Court. On consideration whereof the Court being fully advised in the premises sustains said demurrer to said reply and orders the dismissal of the said reply, and affirms the judgment of the Court of Common Pleas. It is therefore considered by the Court that said defendants in error recover of said plaintiff in error their costs herein taxed to \$ —. It is further ordered by this Court that a special mandate be sent to the Court of Common Pleas to carry this judgment into execution. To all of which orders, judgments and decrees the plaintiff herein excepts by her counsel.

J. M. Kennedy.

Circuit Court, Union County, Ohio.

166

vs.

J. Ed. Robinson et al.

Oct. 2nd, 1901.

This day this cause came on for hearing upon the petition in error, the demurrer of plaintiff in error to the second ground of defence set up in the answer of defendants in error, the transcript of the proceedings below, and the original papers in the case; and was argued by counsel; in consideration whereof the Court find that there is no error in said proceedings and judgment, and the said judgment is therefore affirmed at the costs of the plaintiff in error. It is therefore considered that the defendants in error recover of the plaintiff in error their costs taxed at \$ —. It is further ordered that this cause be remanded to the Court of Common Pleas, for execution without fault. To which decisions, rulings and judgment of the Court the plaintiff in error at the time excepts.

Wednesday, Oct. 2nd, 1901.

The A. & C. Railway Co.

Circuit Court, Union County, Ohio.

165

vs.

Oct. 2nd, 1901.

Albert Carr.

This case came on to be heard upon the petition in error, bill of exceptions, original papers and pleadings, and the transcript of the docket and journal entries in the Court of Common Pleas, and was argued by counsel; upon consideration whereof the judgment of the Court of Common Pleas is reversed, for the reason that the verdict and judgment are not sustained by the weight of the evidence; and no further errors assigned were passed upon for the reason that the same were not noted on the margin of the bill of exceptions; and this case is remanded to the said Court of Common Pleas for further proceedings according to law.

It is therefore considered that said plaintiff in error recover of said defendant in error, its costs herein. Ordered that a special mandate be sent to the Court of Common Pleas to carry this judgment into execution.

Joshua Richardson et al.

Circuit Court, Union County, Ohio.

167

vs.

Oct. 2nd, 1901.

B. F. Paxson et al.

This day this cause came on for trial and hearing upon the issues made by the pleadings of the parties, and the evidence and was argued by counsel; and the Court being fully advised in the premises find the equities of the case to be with the plaintiffs against the defendants, B. F. Paxson and wife; and the Court finds that said deed of conveyance so made by Clark Richardson to B. F. Paxson was fraudulent and void as claimed by plaintiffs in their petition, and should be set aside and cancelled of record. The Court therefore order, adjudge and decree that said deed of conveyance so made be set aside, vacated and held for naught, and order that the same be cancelled of record, and the Court adjudge the costs made herein against the said B. F. Paxson. It is therefore considered by the Court that the plaintiffs recover of the said B. F. Paxson their costs herein taxed to \$ — and execution is awarded therefor.

And the Court further find from the issues joined in the case that said land is subject to partition, and said cause is remanded to the Court of Common Pleas for execution for costs against the said B. F. Paxson, and for the partition of said real estate and for such other proceedings in said cause as are required by law.

Motion for new trial by said B. F. Paxson is overruled, and the said B. F. Paxson to all the rulings and decisions and judgments herein made except, and fifty days is allowed for the bill of exceptions.

And it is further ordered that the Clerk of this Court cause to be entered on the margin of the record of said deed cancellation of the same.

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It is ordered that all causes, motions and matters now pending in this Court not otherwise disposed of, be and the same hereby are continued to the next term thereof.

The present term of this Court was begun on the 1st day of October, A. D. 1901, at 9 o'clock A. M. and continued from day to day and from time to time by regular adjournments; and on this 2nd day of October, A. D. 1901, at 7:30 P. M. adjourned sine die.

Attest:-
Chas. F. Woodward,
Clerk.

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Tuesday Feb. 4th, 1902.

The State of Ohio,
Union County ss.

This present term of the Circuit Court, in and for the County of Union, in the Third Judicial District of the State of Ohio, held at the Court House, in Marysville, County and State aforesaid, was begun on the 4th day of February, in the year of our Lord, One Thousand Nine Hundred and Two.

Present, Hon. Caleb H. Norris,
Hon. S. M. Douglass, } Judges.
Hon. R. M. Voorhees, }

Hon. Caleb H. Norris, Presiding Judge.
Attest:- Chas. Kuhnhorwood, Clerk.

Circuit Court of Ohio,

Feb. 4th, 1902.

Under and pursuant to the provisions of Sec. 453 of the Revised Statutes of Ohio, Hon. R. M. Voorhees, a Judge of the Circuit Court of Ohio, for the Fifth Circuit, is hereby transferred to the Third Circuit, and assigned to sit in the Circuit Court of Union County, as one of the Judges of said Court for the Term commencing on the 4th day of Feb. 1902.

Silas Marion Douglass,
Chief Justice of the Circuit Court of Ohio.

Circuit Court of Ohio,

Feb. 4th, 1902.

Under and pursuant to the provisions of Sec. 453 of the Revised Statutes of Ohio, Hon. S. M. Douglass, a Judge of the Circuit Court of Ohio, for the Fifth District, is hereby transferred to the Third Circuit, and assigned to sit in the Circuit Court of Union County as one of the Judges of said Court, for the Term, commencing on the 4th day of Feb. 1902.

Silas Marion Douglass,
Chief Justice of the Circuit Court of Ohio.

Court adjourned to Wednesday, Feb. 12th, 1902.

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Wednesday, Feb. 12th, 1902,

Wednesday, Feb. 12th, 1902, Court convened pursuant to adjournment at 9 o'clock A. M. Present

Hon. Caleb H. Norris
Hon. J. M. Douglass, } Judges.
Hon. R. M. Voorhees }

Hon. Caleb H. Norris, Presiding Judge,
Attest: - Chas. F. Harwood, Clerk,

Appointment of Court Bailiffs.

Circuit Court, Union County, Ohio,
February Term, 1902,

It is ordered by the Circuit Court of Union County, that H. A. Garrard, and H. B. Jones, be and they hereby are appointed Court Bailiffs, to serve during the present term of this Court, or until the Court shall otherwise direct; and as such bailiffs they shall preserve order in the Court Room, open and adjourn Court, and discharge such other duties as the Court may from time to time direct.

Whereupon in open Court came the said H. A. Garrard, and H. B. Jones, and accepted said appointment and took the oath of office to faithfully discharge and impartially perform the duties of said appointment.

Court adjourned to Thursday, Feb. 13th, 1902,

Thursday, Feb. 13th, 1903,

Court convened on Thursday, Feb. 13th, 1903, at 9 o'clock, A. M., pursuant to adjournment, present,

Hon. Caleb H. Norris,
Hon. S. M. Douglas, } Judges,
Hon. R. M. Worrels, }

The National Masonic Provident Association, Plaintiff in Error.

vs.

Circuit Court, Union County, Ohio.

168

Patrick C. Dea, Defendant in Error.

Feb. 13th, 1903.

This cause came on for hearing on the petition in error, the Transcript, and the original papers and pleadings from the Court of Common Pleas of said County, and was argued by counsel, and submitted to the Court. Whereupon on consideration thereof the Court find that there is error apparent upon the record in the proceedings of the said Court of Common Pleas, to the prejudice of the said Plaintiff in error, in this, to wit: Said Court of Common Pleas erred, in view of the statement of admitted facts, in the Bill of Exceptions, set forth, in sustaining the motion of the said defendant in error to dismiss the appeal therefrom taken to said Court of Common Pleas, by said Plaintiff in error, from the judgment of said Justice of the Peace, and in said Court's order dismissing said appeal.

This Court further find from the admitted facts aforesaid, that the undertaking of said Plaintiff in error for said appeal was executed and presented in time under the Statutory limitation therefor.

It is, therefore, considered, ordered and adjudged by this Court that the judgment and order, so as aforesaid rendered by said Court below be and the same is hereby reversed and held for naught, and that the said Plaintiff in error recover from the said defendant in error its costs herein expended taxed at \$-. And this Court further proceeding to render such judgment as the said Court of Common Pleas ought to have rendered, considers and overrules said motion to dismiss the said appeal.

It is further considered and ordered by this Court that this cause be remanded to the said Court of Common Pleas for execution, and for further proceedings and judgment according to law; and that a special mandate therefor be sent to said Court below, to which orders and judgments of this Court, the said defendant in error excepts.

169

William H. M.
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Edwin H. P.

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Mary A. J
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Thursday, Feb. 13th, 1902,

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William H. Merchant, Admr, Plaintiff in Error.
Vs. Circuit Court, Union County, Ohio,
Edwin H. Perkins, Admr, Defendant in Error, Feb. 13th, 1902,

This day this cause came on to be heard upon the petition in error of William H. Merchant, and upon the demurrer of the said Edwin H. Perkins to the amended answer of the said William H. Merchant; and the Court being fully advised in the premises do find that the Court of Common Pleas erred in sustaining said demurrer, and said demurrer is hereby overruled, and the judgment rendered by said Court below is reversed, And the Court looking to the whole record find that the petition of said Perkins is insufficient and defective, and obnoxious to a demurrer, and the objection of said Merchant to the petition of the plaintiff, that the same is insufficient and defective, is sustained, and the costs adjudged against the said Edwin H. Perkins, execution awarded therefor, and the cause remanded to the Court of Common Pleas for execution, and for further proceedings according to law. To all which rulings and judgment the said Edwin H. Perkins at the time excepted,

170

Mary A. Jones. Plaintiff
Vs. Circuit Court, Union County, Ohio.
J. W. Mourou, Treasurer and Feb. 13th, 1902,
The Village of Richwood- Defendants.

This day this cause came on to be heard, upon the pleadings and the evidence, and was argued by counsel and submitted to the Court, whereupon the Court find in favor of the plaintiff. It is therefore considered by the Court that the injunction prayed for by plaintiff in her petition be made perpetual. It is further ordered that the defendant, The Village of Richwood, pay the costs of this proceeding taxed at \$-, and that the Plaintiff recover her costs herein expended taxed to \$-, and execution is awarded therefor; to all of which rulings and judgments of the Court the defendant, The Village of Richwood, by its counsel excepts. And this cause coming on further to be heard on the motion of defendant for a new trial, the Court, on consideration overrules the same; to which ruling and judgment of the Court, the defendant, The Village of Richwood, excepts; and 50 days are allowed for preparing a Bill of exceptions herein, and cause remanded for execution.

Thursday Feb. 13th, 1902.

Order Court. Circuit Court, Union County, Ohio. February, Term, 1902, February, 13th, 1902.

It is hereby ordered by the Circuit Court of Union County, Ohio, that H. A. Garrard, and H. B. Joubert, Court Bailiffs during the present Term, be allowed for three days service, and the Clerk of this Court is hereby ordered to journalize and certify to said Bailiffs for the same.

It is ordered that all causes, matters and motions now pending in this Court, not otherwise disposed of, be, and the same hereby are continued to the next term hereof. The present term of this Court was begun on the 4th day of February, A. D. 1902, and continued from day to day, and from time to time by regular adjournments, and on this 13th day of February, A. D. 1902, at 10 o'clock A. M. adjourned sine die.

Attest: Chas. Pughorwood,
Clerk.

161 Maudate From Supreme Court. Dorothea Pfarrt- Vs. The Board of County Commissioners of Union County, O. et al. Circuit Court of Union County, Ohio. May 14th, 1902.

The following mandate was received and filed in the above case, and it is hereby ordered that due execution thereof be had.

The State of Ohio, City of Columbus Vs. Dorothea Pfarrt, Vs. The Board of Commissioners of Union County et al. Supreme Court of the State of Ohio, January Term, A. D. 1902, Towit, May 6th, 1902. Error to the Circuit Court of Union County.

This cause came on to be heard upon the transcript of the Record of the Circuit Court of Union County, and was argued by counsel. On consideration whereof, it is ordered and adjudged by this Court, that the judgment of the said Circuit Court be, and the same is hereby affirmed, and it appearing to the Court that there were reasonable grounds for this proceeding in error, it is ordered that no penalty be assessed herein. It is further ordered that the defendant in error recover from the plaintiff in error its costs herein expended taxed at \$ —. Ordered that a special Maudate be sent the Circuit Court of Union County, to carry this judgment into execution.

I, Lawson E. Emerson Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court.

Witness my hand and the Seal of said Court this 13th day of May, A. D. 1902,
Lawson E. Emerson, Clerk
By J. G. Obermeyer, Deputy,

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Tuesday, Sept. 30th, 1902,

The State of Ohio, Union County ss.

This present term of the Circuit Court, in and for the County of Union, in the Third Judicial District of the State of Ohio, held in the Court House in Marysville, County and State aforesaid, was begun on the 30th day of September, in the year of our Lord, One Thousand Nine Hundred and Two.

Present: Hon. Caleb H. Norris,
Hon. James H. Day,
Hon. William T. Rooney, } Judges,

Appointment of Court Bailiffs.

Circuit Court of Union County, Ohio,

September Term, 1902,

It is ordered by the Circuit Court of Union County that H. S. Jones and S. G. Welch, or and they hereby, are appointed Court Bailiffs to serve during the present term of this Court, or until the Court shall otherwise direct; and as such Bailiffs they shall preserve order in the Court Room, open and adjourn Court, and discharge such other duties as the Court may from time to time direct.

Thereupon in open Court came the said H. S. Jones and S. G. Welch, and accepted said appointment and took the oath of office to faithfully and impartially perform the duties of said appointment.

F. O. Coney,
vs.

Circuit Court of Union County, Ohio,

Sept. 30th, 1902,

The Village of Richwood, Ohio,

This day by agreement of the parties hereto, this cause was continued by the Court.

H. C. Hamilton
vs.

Circuit Court of Union County, Ohio,

Sept. 30th, 1902,

Asbury Chewy, Admr.

This day by agreement of the parties hereto, this cause was continued by the Court.

The Mill Creek Church of Christ et. al.

Circuit Court of Union County, Ohio,

Sept. 30th, 1902,

Sapayette Thompson et. al.

This day by agreement of the parties hereto, this cause was continued by the Court.

The C. C. & S. L. R. R. Co.

Circuit Court of Union County, Ohio,

Sept. 30th, 1902,

The Village of Malford Center, O.

This day by agreement of the parties hereto, this cause was continued by the Court.

Terms of Holding Circuit Court, A. D. 1903.

State of Ohio, Third Judicial Circuit.

It is ordered that the time of the beginning of the Terms of the Circuit Court of the several Counties in said Circuit for the year 1903 be fixed as follows, to-wit:-

- Cuyahoga County on the 6th day of January, and the 8th day of September.
- Marion County on the 13th day of January, and the 15th day of September.
- Crawford County on the 20th day of January, and the 22nd day of September.
- Meion County on the 3rd day of February, and the 29th day of September.
- Hardin County on the 10th day of February, and the 1st day of October.
- Logan County on the 17th day of February, and the 6th day of October.
- Henry County on the 24th day of February, and the 13th day of October.
- Paulding County on the 3rd day of March, and the 15th day of October.
- DePauw County on the 10th day of March, and the 20th day of October.
- Pulham County on the 17th day of March, and the 27th day of October.
- Newark County on the 31st day of March, and the 4th day of November.
- Allen County on the 7th day of April, and the 9th day of November.
- Auglaize County on the 21st day of April, and the 19th day of November.
- Mercer County on the 28th day of April, and the 23rd day of November.
- Seneca County on the 5th day of May, and the 1st day of December.
- Hancock County on the 19th day of May, and the 14th day of December.

Said Terms to begin at 9 o'clock A. M.
Sept. 16th, 1902,

Caleb H. Norris }
James H. Day } Judges.
William T. Mooney }

Court adjourned to Wednesday, October, 1st, 1902,

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Philip Lind
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Wednesday, October 1st, 1902, Court convened at 9 o'clock A. M.

Present: Caleb H. Norris
James H. Day, } Judges,
William T. Mooney }

Attest: Chas. Tenhewood, Clerk.

Philip Lind.

Ns.

Circuit Court of Union County, Ohio.

172

Elizabeth Aire et al.

Oct 1st 1902,

This cause came on to be heard upon the petition in error, bill of exceptions, original pleadings, and the transcript of the docket and journal entries of the Court of Common Pleas, and was argued by counsel; and on consideration thereof the Court find no error in the proceedings and judgment of the Court of Common Pleas, and the same are therefore accordingly affirmed, but without penalty.

It is therefore considered and adjudged by the Court, that the defendants in error recover of the plaintiff in error their costs herein expended, taxed at \$- and it is ordered that a special mandate be sent to the said Court of Common Pleas to carry this judgment into execution, To all of which finding, judgment and order, the plaintiff by his Attorney duly excepted at the time thereof.

Lorna C. Graham.

Ns.

Circuit Court of Union County, Ohio.

173

Lucinda Read.

Oct 1st 1902,

This cause coming on for trial on appeal from the Common Pleas Court, the defendant asked leave to file an amended answer in answer, and was granted such leave; and thereupon the plaintiff asked and obtained leave to reply thereto in answer, and both of said pleadings were accordingly filed. The cause was then heard by the Court upon said pleadings, the petition, the evidence, and the briefs of counsel; and upon due consideration thereof, the Court find upon the issues joined in favor of the defendant. It is therefore considered, ordered and adjudged by the Court that the plaintiff's petition be dismissed; that the defendant recover from plaintiff her costs herein expended, taxed at \$-, for which amount judgment is rendered, and execution awarded; and that a special mandate be sent to the Court of Common Pleas of Union County to carry this judgment and order into execution. To all of which finding, judgment and orders, the plaintiff by her Attorney then and there duly excepted, and the Court granted fifty days for the preparation and allowance of a bill of exceptions.

Order of Court.

It is hereby ordered by the Circuit Court of Union County, Ohio, that A. S. Jones, and G. S. Welch, bailiffs, during the present term, be allowed for three days service; and the Clerk of this Court is hereby ordered to journalize and certify for the same,

It is ordered that all causes, matters, and motions, now pending in this Court not otherwise disposed of, be, and the same hereby are continued to the next term hereof. The present term of this Court was begun on the 30th day of September 1902, and continued from day to day and from time to time by regular adjournments, and on this 1st day of October, 1902, at 10 o'clock A. M. adjourned sine die,

Attest: Chas. F. Woodward, Clerk

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February Term, A. D. 1903.

The State of Ohio, Union County, ss.

This present term of the Circuit Court in and for the County of Union, in the Third Judicial District of the State of Ohio, held at the Court House in Marysville, County and State aforesaid, was begun on the 3rd day of February, in the year of our Lord, One Thousand Nine Hundred and Three.

Present: - Hon. Caleb H. Norris
Hon. James H. Day, } Judges.
Hon. H. J. Mooney, }

Attest: Chas. F. Woodward, Clerk,

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Appointment of Court Bailiffs.

Circuit Court of Union County, Ohio.
February Term, 1903.

It is ordered by the Circuit Court of Union County, that W. B. Jones and W. A. Garrard, Es. and they are hereby appointed Court Bailiffs to serve during the present Term of this Court, or until the Court shall otherwise direct; and as such Bailiffs they shall preserve order in the Court Room, open and adjourn Court, and discharge such other duties as the Court may from time to time direct.

Thereupon in open Court came the said W. B. Jones and W. A. Garrard and accepted said appointment, and took the oath of office to faithfully and impartially perform the duties of said appointment.

177 William A. Knight et. al.
Vs.
The State of Ohio, Ex. Rel.
John D. Mather.

Circuit Court of Union County, Ohio.
Feb. 3rd, 1903.

This cause being this day called for trial, and the plaintiff failing to appear in person, or by Attorney, the action is hereby dismissed at plaintiff's costs without prejudice to a future action.

It is therefore considered by this Court that the defendant in error recover of the plaintiffs in error his costs herein, and execution is awarded for costs.

It is further ordered that a special mandate be sent to the Court of Common Pleas of Union County, Ohio, for the execution of this judgment.

176 The Mill Creek Church of Christ,
(Incorporated Society) and Andrew H. Dean, Trustees.
Vs.

Circuit Court of Union County, Ohio.

Safayette Thompson et. al.

The plaintiffs in error release and surrender all claims to the legacy of \$500, provided in the will of A. H. Thompson; and also release and surrender all claims to a similar legacy of \$500, in the will of Levi Red,

and also grant to the Church of Christ (unincorporated society) worshipping at Lunda, Union County, Ohio, and to the community at large, the use of the Cemetery for the burial of their dead, and the use of the house for funerals, when so desired and will co-operate in the work of repairs and beautifying the Cemetery Grounds.

The Church of Christ (unincorporated Society) worshipping at Lunda, Union County, Ohio, and the defendants in error surrender any claims that they may have made or claimed upon the church house and premises and personal property therein used and occupied by the Mill Creek Church of Christ (incorporated Society) the plaintiffs in error.

This settlement leaving each of said Church organizations free and independent of each other and without any contention between them.

It is further ordered that the judgment of the Court of Common Pleas awarding the \$500. legacy in the Will of A. H. Thompson to Lafayette Thompson for himself and in behalf of Cynthia E. Miller, Mary L. Gleason, George A. Thompson, D. H. Thompson and Rachel A. Harshfield, to the amount of said legacy \$500, and one half of the accrued interest thereon from Oct. 1st, 1900, to February, 1st, 1903, be and the same is hereby affirmed, and the costs of this suit shall be paid from said fund, except each party shall pay their own Attorneys fees. Ordered that a special mandate be sent to the Court of Common Pleas of said County to carry this judgment into execution. Ordered that a copy of this Entry be certified to the Clerk of the Common Pleas Court for entry, etc.

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Court adjourned to Wednesday, February 4th, A. D., 1903.

Wednesday, February 4th, A.D. 1903, Court convened at 9 o'clock A.M.

Present:-

Hon. Caleb H. Norris,

Hon. James H. Day,

Hon. Wm. T. Moody

} Judges.

173 Frank O. Cenny, Plaintiff in Error.

vs.

Circuit Court of Union County, Ohio.

The Village of Richwood, Defendant in Error.

Feb. 4th, 1903.

This cause came on for hearing upon the petition in error, the transcript and the original papers from the Court of Common Pleas of Union County, Ohio; and was argued by counsel; on consideration whereof the Court find there is no error apparent on the record in the proceedings and judgment.

It is therefore considered by the Court that the judgment aforesaid, be and the same is hereby affirmed; and that the defendant in error recover from the plaintiff in error its costs herein expended taxed at \$—. for which execution is awarded.

It is further ordered that a special mandate be sent to the said Court of Common Pleas of Union County directing it to carry into execution the judgment hereby affirmed. To all of which finding, judgment and order the plaintiff in error, by his attorney, at the time thereof duly excepted, and caused his exception to be noted herein.

174 H. C. Hamilton - Plaintiff in Error

vs.

Circuit Court of Union County, Ohio.

Asbury Cenny, Admr. of the estate of
Thomas H. Biddle, deceased - Defendant in Error.

Feb. 4th, 1903.

This cause coming on for hearing this fourth day of February, 1903, and the question having been raised as to the filing of the original papers, or any copies thereof, necessary to exhibit the error complained of, leave is granted the defendant in error to file a motion to affirm the judgment of the Common Pleas Court, and this cause is continued for hearing.

178 The State Ex. Rel.

Attorney-General,

Circuit Court of Union County, Ohio.

vs.

Feb. 4th, 1903.

S. S. Drake and others.

This cause coming on to be heard upon the petition, answer and reply, and the evidence and stipulations of counsel, the Court upon consideration thereof, finds that the act of the General Assembly of the State of Ohio, creating the special school district of Magnetite Springs, Ohio, (95 Ohio L. 718) is invalid and in contravention of the Constitution of Ohio, and that the defendants are acting as the Board of Education of said special school

district without authority of law, whereupon the Court adjudges and decrees that the said defendants be and they are hereby ousted from so acting as the board of education of the said special district. And the Court further finding that the said special school district was carved out of the school districts of Leesburg, and Devils-half-acre of Leesburg Township, Union County, Ohio; that the Boards of Education of said Leesburg and Devils-half-acre, school districts have levied and largely collected a tax of 7 $\frac{1}{2}$ mills upon the taxable property within the present boundaries of their respective districts, for the purpose of conducting the schools now within their jurisdiction; that the defendants acting as the Board of Education of said special school district have levied and largely collected a tax of ten mills upon the taxable property within said special school district of which seven mills is for the purpose of conducting the schools within said special school district, and three mills is for a sinking fund to redeem certain bonds, in the principal sum of Six Thousand Dollars, theretofore sold by the defendants acting as such Board of Education of said special school district; that the defendants acting as such Board of Education of said special school district, have entered into contracts necessary to the conducting of the schools in said special district, which contracts are still subsisting and expire on the 29th day of June, 1903; and have expended about Six Hundred Dollars of the moneys coming into their hands from the sale of the bonds aforesaid, for the purpose of purchasing a site for a school house, for paying expenses incident to the sale of said bonds, and for drafting of plans and specifications for the new school house authorized by the aforesaid act of March, 26th 1902, (95 Ohio S. 718) but have not commenced the erection of said school building; therefore, the Court being of the opinion that the present execution of the judgment of ouster therein rendered, will give rise to a condition inimicable to the public interests, grants and orders that the execution of said judgment of ouster be and the same is hereby stayed until the 29th day of June, 1903; and the Court, upon further consideration, orders and adjudges that the defendants be and they are hereby perpetually enjoined from doing or performing any further act or thing, as the Board of Education of said special school district in or in furtherance of the construction of the aforesaid school building.

To which judgment of ouster and decree of perpetual injunction the defendants and each of them except.

And thereupon this cause coming on to be heard upon the motion of the defendants for a further stay of execution, the Court overrules the same to which ruling defendants except.

And thereupon this cause coming on to be heard upon the motion of defendants for a new trial herein, the Court overrules the same, to which defendants except.

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It is hereby ordered by the Circuit Court of Union County, Ohio,
 that H. A. Garrard and W. D. Jones, bailiffs during the present term,
 be allowed for two days service; and the Clerk of this Court is hereby
 ordered to journalize, and certify for the same.

It is ordered that all causes, matters, and motions, now pending in
 this Court not otherwise disposed of, be, and the same hereby are con-
 tinued to the next term hereof.

The present term of this Court was begun on the 3rd day of February
 A. D. 1903, and continued from day to day by regular adjournments
 and on this 4th day of February, 1903, at 5:30 P. M. adjourned
 sine die.

Attest:-

Chas. Furkwood,
 Clerk.

178 The State of Ohio, ex. rel.
Attorney General.
Vs.
S. S. Drake et. al.

Circuit Court, Union County, Ohio.
Mar. 3rd, 1903.

Now comes the defendants and present their bill of exceptions, which is allowed, signed and stated by the Court, and is made a part of the record in this cause, but is not to be recorded or spread at large upon the Journal.

164 The State of Ohio, City of Columbus,
Margaret D. Haines
Vs. No. 7795.
H. M. Ballinger et. al.

Supreme Court of the State of Ohio,

January Term, A. D., 1903,
Towet, Tuesday, March, 31st.

Error to the Circuit Court of Union County.

This cause came on to be heard upon the transcript of the Record of the Circuit Court of Union County, and was argued by counsel. On consideration whereof it is ordered and adjudged by this Court, that the judgment of the said Circuit be, and the same is hereby affirmed; and it appearing to the Court that there were reasonable grounds for this proceeding in error; it is ordered that no penalty be assessed herein. It is further ordered that the defendant in error recover from the plaintiff in error their costs herein expended taxed at \$—.

Ordered that a special mandate be sent the Probate Court of Union County, to carry this judgment into execution.

Ordered that a copy of this entry be certified to the Clerk of the Common Pleas and Circuit Courts of Union County for entry.

I, Lawson E. Emerson, Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court.

Witness my hand and the seal of said Court, this 14th day of April, A. D., 1903.

(Seal)
Lawson E. Emerson, Clerk
By J. G. Obermyre, Deputy.
Supreme Court of Ohio,
To the Honorable Probate Court, within and for the County of Union, Ohio,
Greetings:— We do hereby command you that you proceed, without delay, to carry into execution the within and foregoing judgment of our Supreme Court, in the cause of Margaret D. Haines Vs. H. M. Ballinger et. al., into execution, the petition in Error herein and heretofore granted, to the contrary notwithstanding.

Witness, Lawson E. Emerson, Clerk of our said Supreme Court of Ohio, at Columbus, this 14th day of April, A. D., 1903.

(Seal)
Lawson E. Emerson, Clerk
By J. G. Obermyre, Deputy.

Times
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1904, for of
Hyandot
Marion
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Union
Hardin
Logan
Henry Co
Caulding Co
DeFrance Co
Putnam Co
Newark Co
Allen Co
Anglais
Merler
Seneca Co
Hancock
Said
September

Times for Holding Circuit Courts, A. D. 1904,
State of Ohio, Third Judicial Circuit.

It is ordered that the time of the beginning of the terms of the Circuit Courts of the several counties in said Circuit for the year 1904, be fixed as follows, to-wit:—

- Wyandot County on the 5th day of January, and the 13th day of September,
- Marion County on the 12th day of " , and the 20th day of " ,
- Crawford County on the 19th day of " , and the 27th day of " ,
- Union County on the 2nd day of February, and the 4th day of October,
- Hardin County on the 9th day of " , and the 6th day of " ,
- Logan County on the 16th day of " , and the 11th day of " ,
- Hurry County on the 23rd day of " , and the 18th day of " ,
- Faulding County on the 1st day of March, and the 30th day of " ,
- Defiance County on the 8th day of " , and the 25th day of " ,
- Putnam County on the 15th day of " , and the 1st day of November,
- Nauvort County on the 22nd day of " , and the 9th day of " ,
- Allen County on the 29th day of " , and the 15th day of " ,
- Auglaize County on the 12th day of April, and the 22nd day of " ,
- Mercer County on the 19th day of " , and the 29th day of " ,
- Seneca County on the 26th day of " , and the 6th day of December,
- Hancock County on the 10th day of May, and the 13th day of " ,

Said terms to begin at 9 o'clock A. M.
September, 15th, 1903.

James H. Day }
William T. Mooney } Judges.
Caleb H. Norris }

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September Term A. D. 1903.

The State of Ohio, Union County, ss.

This present term of the Circuit Court in and for the County of Union and State of Ohio, in the Third Judicial District, held at the Court House in the Village of Marysville, County and State aforesaid was begun on the 29th day of September, A. D. 1903.

Present: - Hon. Caleb H. Norris, }
Hon. James H. Day } Judges.
Hon. William J. Mooney }

Attest: Chas. Dehorwood, Clerk.

Appointment of Court Bailiffs,
Circuit Court of Union County, Ohio.

September Term, 1903.

It is ordered by the Circuit Court of Union County that N. B. Jones and H. A. Garrard be, and they are hereby appointed Court Bailiffs, to serve during the present term of this Court, or until the Court shall otherwise direct, and as such bailiffs they shall preserve order in the Court room, open and adjourn Court, and discharge such other duties as the Court may from time to time direct.

Thereupon in open Court came the said N. B. Jones and H. A. Garrard, and accepted said appointment, and took the oath of office to faithfully and impartially discharge the duties of said appointment.

Emma N. Naukinkle.

vs.

Circuit Court of Union County, Ohio.

182

H. C. Hamilton et al.

Sept. 29th, 1903.

This cause having been settled the same is hereby dismissed by consent of the parties hereto.

Court adjourned to Wednesday, Sept. 30th, 1903.

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179 James S. The
vs.
Morris H. S.
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181 vs.
Lou Yoder
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Wednesday Sept. 30th, 1903, Court convened at 9 o'clock, A. M.

179 James S. Hinters,
Vs.
Morris H. Hill.

Circuit Court of Union County, Ohio,
Sept. 30th, 1903.

This cause came on for hearing on the petition in error, the transcript, and the original papers and pleadings from the Court of Common Pleas of Union County, and was argued by counsel; on consideration whereof the Court finds that there is no error apparent upon the record of said proceedings and judgment.

It is therefore considered by the Court that the judgment of said Common Pleas Court be, and the same hereby is, affirmed; and that the defendant in error recover from the plaintiff in error his costs herein expended, taxed at \$—.

And the Court being of the opinion that there was reasonable grounds for said proceeding in error, allow no penalty.

It is further ordered that a special mandate be sent to the said Common Pleas Court of Union County for execution upon said judgment.

To all of which finding, judgment and order, the plaintiff in error hereby duly excepts.

The C. C. & S. P. Ry Co.

Circuit Court of Union County, Ohio,
Sept. 30th, 1903.

171 Vs.
The Village of Milford Center.

Come now the petitioner and dismiss its proceeding herein at its own proper costs.

The Union Central Life Ins. Co.

Circuit Court of Union County, Ohio,
Sept. 30, 1903.

180 Vs.
A. J. Miller, Executor et al.

This day came the parties and settled this case, and all claims of the estate of J. D. Haines against the estate of Aggie M. Haines is settled and discharged, and this action is dismissed without record and cost paid.

E. H. Moore

Circuit Court of Union County, Ohio,
Sept. 30th, 1903.

181 Vs.
Lou Yoder by A. Yoder et al.

This cause came on for hearing upon the petition in error, the transcript and the original papers and pleadings from the Court of Common Pleas of Union County, and was argued by counsel; on consideration whereof, the Court finds that there is no error apparent on the record in said proceeding and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is affirmed; and that the defendant in error recover from the plaintiff in error his costs herein expended taxed at \$—. And the Court being of opinion that there was reasonable grounds for proceedings in error, allow no penalty.

It is further ordered that a special mandate be sent to the Common Pleas Court of Union County, for execution upon this judgment.

H.C. Hamilton vs. Asbury Chumy, Adm'r, &c. — Circuit Court, Union County, Ohio, Sept. 30/03.

174

This day this cause came on to be heard on the motion of the plaintiff in error for leave to file the original papers in this action, with the bill of exceptions now on file herein, for the reason claimed that the same by mistake were not filed with said bill of exceptions. The Court, after hearing the evidence on said motion, and the arguments of counsel thereon, and being fully advised in the premises, find that D. H. Ayers, one of the Attorneys for the plaintiff in error delivered the bill of exceptions filed herein to Charles E. Senhorwood, Clerk of this Court, within the term, the same was to be filed, both at the time being at the residence of said D. H. Ayers, in Marysville, Ohio, and away from said Clerk's office; that he then and there requested said Clerk of Courts to file in this Court the original papers in this cause with the bill of exceptions then delivered to him and now on file herein, and that said Clerk replied "alright". The said original papers in said case were at all times on file in the office of the Clerk of the Courts of Common Pleas and in custody of said Senhorwood. The Court further find that both said D. H. Ayers and W. S. Hoopes, plaintiff in error's Attorneys herein, reside in Marysville, the County-seat of said Union County, that they have ready, easy and free access to the office of said Clerk of Courts, to the records thereof, and to the papers there on file; that they both avail themselves of such privilege frequently; that on or about the 29th day of January, 1903, being but a few days previous to the last term of this Court, said W. S. Hoopes came into the office of said Clerk of Courts and requested to be given the papers in the case of Thomas H. Piddle vs. H. C. Hamilton in the Common Pleas Court being the original papers omitted to be filed herein; that said Clerk then and there in his view climbed up a sliding ladder and took said papers from among the files of cases disposed of in said Common Pleas Court, and handed them to said W. S. Hoopes; that he took them into the law library room of the Court House, and he and said D. H. Ayers there retained and examined them for some time; that he brought them back into the office of said Clerk of Courts and said to him, "We will not put them back up there, for we will want them again, I will just put them in here," or words to that effect, and thereupon he placed them in one of the file boxes of cases pending in the Common Pleas Court; that said D. H. Ayers and W. S. Hoopes each know the manner of classification of papers on file in the office of said Clerk, and especially the file box and its location for papers filed in the Circuit Court; that said original papers never were docketed or marked as filed in the Circuit Court; that they never were placed among the files or in any manner filed in this said Circuit Court.

The Court further find that no original papers or transcripts thereof necessary to exhibit the error complained of have been filed herein, as required by section 6716 of the Revised Statutes of Ohio, and that more than four months have elapsed since the rendition of the judgment of the Common Pleas Court, hereby sought to be reversed, and since the overruling by said Court of plaintiff in error's motion for a new trial in this cause. The Court therefore disallows and overrules said motion of plaintiff in error for leave to file said original papers at this date.

And the Court coming now to consider said petition in error, find that notwithstanding said petition in error there were no original papers or transcripts thereof at any time filed, and that neither said original papers or any part of the same were ever filed in this Court, or were ever a part of the files in this action. The Court therefore, finding no error apparent upon the record of the proceedings and judgment of the lower Court as presented to this Court herein, affirms said judgment with costs but without penalty; and orders that a special mandate be sent to the said Court of Common Pleas of Union County for execution upon said judgment; to all of which findings, rulings, orders and judgments of this Court the plaintiff in error by his counsel duly excepted at the time thereof.

It is hereby ordered that H. B. Jones and H. A. Garrard, Bailiffs during the present term be allowed for two days service; and the Clerk of this Court is hereby ordered to journalize and certify for the same.

It is hereby ordered that all causes, matters and motions now pending in this Court not otherwise disposed of be, and the same hereby are, continued to the next term hereof.

The present term of this Court was begun on the 29th day of September, A. D., 1903, and continued from day to day and from time to time by regular adjournments, until this 30th day of September, A. D., 1903 at 9:30 o'clock A. M. and adjourned sine die.

Attest:
Chas. Senhorwood, Clerk

The State
County of Union
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A. D., 1904.

Attest:

It is ordered
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Bailiffs to
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184
Chas. A. Legg
vs.
Ida M. M.
the Cross-petition

185
H. H. M.
vs.
Edwin H. C.

183
D. H. Ayers
vs.
Eliza W.
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February Term A. D. 1904.

The State of Ohio, Union County ss.

This present term of the Circuit Court within and for the County of Union, and State of Ohio, in the Third Judicial District, held at the Court House in the Village of Marysville, County and State aforesaid, was begun on the 2nd day of February, A. D. 1904,

Present: - Hon. Caleb H. Harris, Hon. James H. Day, Hon. William T. Mooney, Judges.

Attent: - Chas. C. Dehorwood, Clerk.

Appointment of Court Bailiffs.

Circuit Court of Union County, February Term, 1904.

It is ordered by the Circuit Court of Union County that H. B. Jones and H. A. Garrard, be and they are, hereby appointed Court Bailiffs to serve during the present term of this Court, or until the Court shall otherwise direct; and as such bailiffs they shall preserve order in the Court Room, open and adjourn Court, and discharge such other duties as the Court may from time to time direct.

Thereupon in open Court came the said H. B. Jones and H. A. Garrard and accepted said appointment, and took the oath of office to faithfully and impartially perform the duties of said appointment.

Chas. A. Liggitt,

184

vs.

Circuit Court of Union County, Ohio.

Ida M. McKittrick et al.

Feb. 2nd, 1904.

This day this cause was continued on motion and showing of the Cross-petitioner, Martha C. Liggitt, costs to follow and abide result of litigation.

Hon. H. Merchant, Admir.

185

vs.

Circuit Court of Union County, Ohio.

Edwin H. Perkins, Admir.

Feb. 2nd, 1904.

This day this cause was continued by agreement of the parties.

D. H. Ayers, Guardian, &c.

183

vs.

Circuit Court of Union County, Ohio.

Eliza Webb et al.

Feb. 2nd, 1904.

This day on motion of the defendants by their Attorney leave was given to file answer instantly and the same was filed. And thereupon this cause was continued by agreement of the parties.

- 186 The State of Ohio ex. rel. Board of Education of Leuburg Tp.
 vs. Circuit Court of Union County, Ohio.
 Dwight Edwards, et. al. Feb. 2nd, 1904.
 This day this cause was continued by the agreement of the parties.
- 187 Martha Liggitt, Admrix.
 vs. Circuit Court of Union County, Ohio.
 The estate of Fideon Liggitt et. al. Feb. 2nd, 1904.
 This day this cause came on for hearing upon the petition in error, the transcript and the original papers and pleadings from the Court of Common Pleas of Union County, and was argued by Counsel; on consideration whereof, the Court find no error appearing on the face of the record in said proceedings and judgment.
 It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is, affirmed with costs, and execution is awarded, And the Court being of opinion that there was reasonable grounds for proceedings in error, allow no penalty.
 Ordered that a special mandate be sent to the Court of Common Pleas of Union County to carry this judgment into execution.
 Ordered that a copy of this entry be certified to the Clerk of the Court of Common Pleas of said County for entry &c.
 To all which rulings ^{orders} and judgments of the Court the plaintiff by her counsel then and there excepted.

It is hereby ordered that St. B. Jones and St. A. Garrard, bailiffs during the present term be allowed for one day's service; and the Clerk of this Court is hereby ordered to journalize and certify for the same.

It is hereby ordered that all causes, matters and motions now pending in this Court not otherwise disposed of be, and the same hereby are continued to the next term hereof.

The present term of this Court was begun on the 2nd day of February, A. D., 1904 at 9 o'clock A. M., and continued to the 2nd day of February, A. D., 1904, at 3:45 o'clock P. M. and adjourned sine die.

Term
 State of Ohio
 the Circuit
 year, 1905,
 Wyandot Co
 Marion Co
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 Union Co
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 Putnam Co
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 Seneca Co
 Hancock Co
 Said term
 Sept. 20th

Times for Holding Circuit Court, A.D. 1905.
State of Ohio, Third Judicial Circuit.

It is ordered that the time of the beginning of the terms of the Circuit Court of the several counties in said Circuit for the year, 1905, be fixed as follows, to-wit:-

- Wyandot County on the 10th day of January and the 12th day of September,
- Marion County on the 17th day of January and the 19th day of September,
- Crawford County on the 24th day of January and the 26th day of September,
- Union County on the 9th day of February and the 3rd day of October,
- Hardin County on the 14th day of February and the 5th day of October,
- Jogau County on the 21st day of February and the 10th day of October,
- Henry County on the 28th day of February and the 17th day of October,
- Paulding County on the 7th day of March and the 19th day of October,
- Defiance County on the 14th day of March and the 24th day of October,
- Pullman County on the 21st day of March and the 31st day of October,
- Nauvort County on the 4th day of April and the 8th day of November,
- Allen County on the 11th day of April and the 14th day of November,
- Auglaize County on the 25th day of April and the 21st day of November,
- Mercer County on the 2nd day of May and the 28th day of November,
- Seneca County on the 9th day of May and the 5th day of December,
- Hancock County on the 23rd day of May and the 12th day of December,

Said terms to begin at 9 o'clock A.M.
Sept. 20th, 1904.

James H. Day
William T. Mooney, } Judges.
Caleb H. Norris, }

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October Term A. D. 1904.

The State of Ohio, Union County ss.
The present term of the Circuit Court within and for the County of Union and State of Ohio, in the Third Judicial District, held at the Court House in the Village of Marysville, County and State aforesaid, was begun on the 4th day October, A. D. 1904.

Present: Hon. Caleb H. Norris,
Hon. James H. Day,
Judges.

The following Certificate was filed:-
Marysville, Ohio, Oct. 4th, 1904.
This is to certify that J. T. Mooney, one of the Judges of this Court because of illness is not able to sit in the present term of the Circuit Court of Union Co. Ohio.
Attest: Chas. Fenharwood, Clerk.

It is ordered by the Circuit Court of Union County that H. B. Jones and H. A. Garrard, or any one of them are hereby appointed Court Bailiffs, to serve during the present term of this Court, or until the Court shall otherwise direct; and as such Bailiffs they shall preserve order in the Court Room, open and adjourn Court, and discharge such other duties as the Court may from time to time direct.
And thereupon in open Court came the said H. B. Jones and H. A. Garrard, and accepted said appointment, and took oath to faithfully and impartially discharge the duties of said appointment.

183 D. H. Ayers, Guardian of Don C. Black
vs. Circuit Court of Union County, Ohio,
Eliza Webb et al. Oct. 4th, 1904

This day came the parties and settled this cause upon the following terms, to wit: It is agreed that the Administrator of the estate of Mary Laughrey shall pay to the plaintiff as such Guardian the sum of Two Hundred Dollars out of the funds of said estate; that the said Administrator shall pay the costs of this proceeding out of said fund; that the balance of said fund shall be divided into six equal parts, and paid one part to the plaintiff, and one part to each of the other heirs of said Mary Laughrey.
This cause shall be dismissed without record.

184 Chas. A. Liggett.
vs. Circuit Court of Union County, Ohio,
Ida M. Kitrick et al. Oct. 4th, 1904.
This day this cause was continued by agreement of the parties.

Court adjourned to Wednesday, Oct. 5th, 1904.

Wednesday,
same Judge

The State
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Wednesday, October, 5th, 1904, Court convened at 9 a. m. Present same judges as on yesterday.

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The State of Ohio, ex. rel.
Board of Education of Leesburg Twp.

Circuit Court of Union County, Ohio,
Oct. 5th, 1904.

vs.
Dwight Edwards et. al.

This day this cause was dismissed at the costs of the Board of Education of Leesburg Township.

It is therefore considered by the Court that the Board of Education of Leesburg Twp., Ohio, pay the costs of this action taxed at \$ —, and execution is awarded therefor.

For the District, county and
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Stephen Bros.

vs.

Robert Neal.

Circuit Court of Union County, Ohio.

Oct. 5th, 1904.

This day this cause came on for hearing upon the petition in error, the transcript, and the original papers and pleadings from the Court of Common Pleas of Union County, Ohio, and was argued by counsel and submitted to the Court; on consideration whereof the Court find there is no error apparent on the record in said proceedings and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is, affirmed; and that the defendant in error recover of the plaintiff in error his costs herein expended.

And the Court being of the opinion that there was reasonable ground for proceedings in error, allow no penalty.

Ordered that a special mandate be sent to the Court of Common Pleas to carry this judgment into execution.

Ordered that a copy of this entry be certified to the Clerk of Common Pleas Court of said County for entry, etc.

It is hereby ordered that H. B. Jones and H. A. Garrard, Bailiffs during the present term be allowed for two days service; and the Clerk of this Court is hereby ordered to Journalize and certify for the same.

It is hereby ordered that all causes, matters and motions now pending in this Court not otherwise disposed of be, and the same, are continued to the next term thereof.

The present term of this Court was begun on the 4th day of October, A. D. 1904, at 9 o'clock A. M. and continued to the 5th day of October A. D. 1904, by regular adjournments, and on this 5th day of October A. D. 1904, at 4 o'clock P. M. adjourned sine die.

Attest:- Chas Feulharwood, Clerk

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February Term, A. D. 1905.

The State of Ohio, Union County, ss.

The present term of the Circuit Court within and for the County of Union, and State of Ohio, in the Third Judicial District, held at the Court House in the Village of Marysville, County and State aforesaid, was begun on the 9th day of February, A. D. 1905, Present: Hon. Caleb H. Norris, Judge, Hon. Edward Nolrath, Judge.

The following certificate was filed and ordered to be placed upon the Journal: Feby. 9, 1905, Because of illness, I am not able to sit at the February Term, 1905, of the Circuit Court of Union County, Ohio.

James H. Day, Judge Circuit Court 3rd Circuit of Ohio

Attest: Chas. Fenhorwood, Clerk.

It is ordered by the Circuit Court of Union County that S. F. Burnham, Esq and he is, hereby appointed Court Bailiff to serve during the present term of this Court or until the Court shall otherwise direct; and as such bailiff he shall preserve order in the Court Room, open and adjourn Court, and discharge such other duties as the Court may from time to time direct. And thereupon in open Court came the said S. F. Burnham, and accepted said appointment, and took oath to faithfully and impartially discharge the duties of said appointment.

Resolutions of Union County Bar Association. On motion to the Court the following Resolutions were ordered to be spread upon the Journal of this Court:-

In memoriam of Judge H. J. Mooney of the Third Judicial Circuit of Ohio,

Be it resolved by the Bar Association of Union County, Ohio, that in the death of Judge Mooney, the Judiciary of the State has lost one of its youngest and ablest jurists.

That the members of this Association feel his death as a personal loss.

That his decisions on the bench show that he was a careful and painstaking Judge of unquestioned integrity and an ornament to the profession.

That he was an approachable and kindly man, whom it was a pleasure to meet, and with whom it was profitable to associate.

That he was a just Judge, and a good man, an exemplar of a better manhood, an honor to our profession, and a credit to himself and family.

That as a tribute of our respect and esteem, this Association be represented at his funeral.

That a copy of these resolutions be sent to his family.

That these Resolutions be presented at the next session of the Circuit Court in this County, to be engrossed upon the records of said Court, that future generations may

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185

H. W. Mercer vs. Edwin H. C.

the transcript Pleas of Union tion thereof in the pro error. It rendered by that the costs herein And the C. Edwin H. C. and sister of the State the estate person are parties to. And the fund in of the Co of Common and for ju to said C defendant.

188

Emma J. vs. Arthur G.

The transcript, to from the Co by counsel. No error a. It is there be, and the from the p penalty, the grounds for awarded,

learn that the good and pure life of an honest and upright man leaves its impress for good upon all with whom he comes in contact,

J. L. Cameron,
W. J. Hoopes, } Committee,
J. H. Kirkade.

N. W. Merchant, Admr. &c.

185

vs.
Edwin H. Perkins, Admr. &c.

Circuit Court of Union County, Ohio,
Feb. 9th, 1905.

This cause came on for hearing upon the petition in error, the transcript, and the original papers and pleadings from the Court of Common Pleas of Union County, Ohio, and was argued by counsel; and on consideration thereof, the Court find that there is error apparent upon the record in the proceedings of said Court to the prejudice of the plaintiff in error. It is therefore considered by this Court that the judgment rendered by said Court below be reversed and held for naught; and that the plaintiff in error recover from the defendant in error his costs herein expended taxed at \$-

And the Court further proceeding to consider the premises find that Edwin H. Perkins, Charles L. Perkins and Catherine R. Bee, the brothers and sister of Lydia Ann Perkins, dec'd, and that James A. Perkins of the State of Kansas, the father of dec'd, as the Administrator of the estate of Lydia Ann Perkins, deceased, and in his own proper person are necessary parties to this action and should be made parties to this action and required to interplead.

And the plaintiff in error herein should be required to pay the fund in controversy herein, into Court to await the disposition of the Court; and order that the cause be remanded to the Court of Common Pleas of Union County, Ohio, for said further proceedings and for judgment, and that a special mandate therefor be sent to said Court, Execution for costs awarded, To all which defendant in error excepts.

Emma J. Schultz.

188

vs.
Arthur Fletcher.

Circuit Court of Union County, Ohio,
Feb. 9th, 1905.

This cause came on for hearing on the petition in error, the transcript, the bill of exceptions, and the original papers and pleadings from the Court of Common Pleas of Union County, Ohio, and was argued by counsel; on consideration whereof, the Court find that there is no error apparent on the record of said proceedings and judgment. It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is affirmed; and that the defendant in error recover from the plaintiff in error his costs herein taxed at \$-, but without penalty, the Court being of the opinion that there was reasonable ground for proceedings in error herein. Execution for costs is awarded, To all which plaintiff in error excepts.

190 Josephine M. Thompson et al.
Vs. Circuit Court of Union County, Ohio.

James L. Rogers et al.

Feb. 9th, 1905.

The plaintiffs not desiring to further prosecute this proceeding in error, the same is dismissed without record. It is ordered by the Court that the costs of this proceeding in error be paid out of the proceeds of the sale of lands in the original petition described.

191 Josephine M. Thompson et al.
Vs. Circuit Court of Union County, Ohio.

James L. Rogers et al.

Feb. 9th, 1905.

The plaintiffs not desiring to further prosecute this proceeding in error, the same is dismissed without record. It is ordered by the Court that the costs of this proceeding in error be paid out of the proceeds of the sale of lands in the original petition described.

184 Chas. A. Liggitt.
Vs. Circuit Court of Union County, Ohio.

Ida M. McKittrick et al.

Feb. 9th, 1905.

This 9th day of February, 1905, this cause came on to be heard, and thereupon came the parties and their attorneys, and the Court having heard the evidence and arguments of counsel do find as follows:-

1. This action was begun in the Common Pleas Court of Union County, Ohio, to partition the estate of Gideon Liggitt, deceased. There were five (5) children of the said Gideon Liggitt, four (4) by his first wife and one (1) by his second wife, Martha E. Liggitt, the answering defendant in said case. At the time of the decedent's marriage to his second wife, Martha E. Liggitt, in September, 1882, he was financially embarrassed. At that time Martha E. Liggitt was in possession of the sum of Nine Hundred (\$900) Dollars, and agreed in January, 1883, to loan, and during 1883 did loan to the said Gideon Liggitt said sum of Nine Hundred (\$900) Dollars for the express purpose of building a house on the farm of the said Gideon Liggitt, with the promise on the part of the said Gideon Liggitt that he would repay the same to her. The said money was used during the year, 1883, for the purpose of building said house, and the said house was actually constructed upon the said farm during said year. The said money was not given as a gift by the said Martha E. Liggitt but was to be repaid to her by the said Gideon Liggitt. Said Gideon Liggitt died intestate in March, 1902, without having repaid said money, or making any arrangements therefor by will, security or otherwise.
2. The only money of said Martha E. Liggitt that is directly and affirmatively traced as going into the said house is the sum of Four Hundred and Fifty (\$450) Dollars paid to Lewis B. White in the month of February, 1883. The finding is that said sum of Four Hundred and Fifty (\$450) Dollars paid to Lewis B. White in February, 1883, was money loaned by said Martha E. Liggitt to the decedent, Gideon Liggitt, and was by him paid to said Lewis B. White in February, 1883, on the contract price of said house, and that said Gideon Liggitt promised to repay the same and never did so; and that there is due to said Martha E. Liggitt the said sum of Four Hundred and Fifty (\$450) Dollars, with interest thereon from that date making a total of principal and interest now due the said Martha E. Liggitt from the estate of said Gideon Liggitt, deceased and out of the proceeds of sale of the said lands in said partition proceedings, the sum of One Thousand and Forty-seven (\$1047) Dollars.
3. At the time of the commencement of this action in the Common Pleas Court of Union County, Ohio, the said Martha E. Liggitt was, and she still is, the duly appointed and acting Administratrix of the estate of said Gideon Liggitt, deceased.

It is therefore considered by the Court that the said Martha E. Liggitt do recover from the estate of the said Gideon Liggitt, deceased, the sum of One Thousand and Forty-seven (\$1047) Dollars; to which the said plaintiff and the defendants other than Martha E. Liggitt except.

It is further ordered by the Court having heard the evidence and arguments of counsel do find as follows:-
First, the costs of this proceeding in error be paid out of the proceeds of the sale of lands in the original petition described.
Second, To Martha E. Liggitt the sum of Four Hundred and Fifty (\$450) Dollars with interest thereon from that date making a total of principal and interest now due the said Martha E. Liggitt from the estate of said Gideon Liggitt, deceased and out of the proceeds of sale of the said lands in said partition proceedings, the sum of One Thousand and Forty-seven (\$1047) Dollars.
Third, To Martha E. Liggitt the sum of Four Hundred and Fifty (\$450) Dollars with interest thereon from that date making a total of principal and interest now due the said Martha E. Liggitt from the estate of said Gideon Liggitt, deceased and out of the proceeds of sale of the said lands in said partition proceedings, the sum of One Thousand and Forty-seven (\$1047) Dollars.
Fourth, To Martha E. Liggitt the sum of Four Hundred and Fifty (\$450) Dollars with interest thereon from that date making a total of principal and interest now due the said Martha E. Liggitt from the estate of said Gideon Liggitt, deceased and out of the proceeds of sale of the said lands in said partition proceedings, the sum of One Thousand and Forty-seven (\$1047) Dollars.
Fifth, The balance of the said sum of One Thousand and Forty-seven (\$1047) Dollars to be paid to the said Martha E. Liggitt out of the proceeds of sale of the said lands in said partition proceedings, the sum of One Thousand and Forty-seven (\$1047) Dollars.
And thereupon the Court doth order that the said Martha E. Liggitt do recover from the estate of the said Gideon Liggitt, deceased, the sum of One Thousand and Forty-seven (\$1047) Dollars; to which the said plaintiff and the defendants other than Martha E. Liggitt except.
The Statutory costs of this proceeding in error be paid out of the proceeds of the sale of lands in the original petition described, and

It is hereby ordered that S. F. Liggitt do serve as administrator of the estate of the said Gideon Liggitt, deceased, and

It is ordered by the Court that the said Martha E. Liggitt do recover from the estate of the said Gideon Liggitt, deceased, the sum of One Thousand and Forty-seven (\$1047) Dollars; to which the said plaintiff and the defendants other than Martha E. Liggitt except.
And the Court doth order that the said Martha E. Liggitt do recover from the estate of the said Gideon Liggitt, deceased, the sum of One Thousand and Forty-seven (\$1047) Dollars; to which the said plaintiff and the defendants other than Martha E. Liggitt except.
A. M. - S.

It is further ordered, adjudged and decreed by the Court (the costs, taxes and Attorney fees in the lower Court having been paid by agreement) that the Sheriff out of the proceeds of said real estate in his hands pay:-

First, the costs of this action taxed at \$-.

Second, To Martha E. Liggitt the amount of her dower interest in said premises, which the Court finds amounts to the sum of \$2726.25.

Third, To Martha E. Liggitt the sum of \$1047.00, as the amount found due her as above upon the claim set forth in her amended answer and cross-petition.

Fourth, To Martha E. Liggitt, as Administratrix of Eideon Liggitt, deceased, such sum as the Probate Court shall certify to be necessary to pay the debts of said decedent.

Fifth, The balance of said proceeds remaining in his hands, after the payments of on said to the persons entitled to said estate as distributees, as heretofore found herein.

And thereupon the said plaintiff filed his motion for a new trial herein for reasons stated in said motion, which motion is overruled by the Court, to which the plaintiff, and the defendants other than Martha E. Liggitt at the time excepted.

The Statutory time is allowed for preparation and filing of Bill of Exceptions. Execution is awarded, and cause remanded to the Court of Common Pleas for execution.

It is hereby ordered, by the Circuit Court of Union County, Ohio, that S. F. Burnham, Bailiff during the present term be allowed for two days service; and the Clerk of this Court is hereby ordered to journalize and certify for the same.

It is ordered that all causes, matters and motions now pending in this Court not otherwise disposed of be, and the same hereby are continued to the next term hereof.

And thereupon on Thursday, 4 February, 9th, 1905, at 10 o'clock A.M. - said Circuit Court adjourned sine die.

Attest: Chas. F. Fetherwood, Clerk

Times for Holding Circuit Courts, A. D. 1906.
State of Ohio, Third Judicial Circuit.

It is ordered that the time of the beginning of the terms of the Circuit Courts of the several Counties in said Circuit for the year, 1906, be fixed as follows, to-wit:-

Wyandot County	on the 9th day of January, and the 11th day of September.
Marion County	" " 16th " " " " 18th " " " "
Crawford	" " 30th " " " " 25th " " " "
Union	" " 13th " " February " " 2nd " " October,
Hardin	" " 20th " " " " 4th " " " "
Logan	" " 27th " " " " 9th " " " "
Henry	" " 6th " " March " " 16th " " " "
Paulding	" " 13th " " " " 18th " " " "
Defiance	" " 20th " " " " 23rd " " " "
Putnam	" " 27th " " " " 30th " " " "
Van Wert	" " 10th " " April " " 6th " " November,
Allen	" " 17th " " " " 13th " " " "
Auglaize	" " 1st " " May " " 20th " " " "
Mercer	" " 8th " " " " 27th " " " "
Seneca	" " 15th " " " " 4th " " December,
Hancock	" " 22nd " " " " 11th " " " "

Said terms to begin at nine o'clock, A. M.

Sept. 19th, 1905,

Caleb H. Norris }
Silas C. Thurin } Judges.
Edward Volkrath }

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192 John K. Bo
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The State of Ohio, Union County, ss.

The present term of the Circuit Court within and for the County of Union and State of Ohio, in the Third Judicial District, held at the Court House in the Village of Marysville, County and State aforesaid, was begun on the 3rd day of October, A.D., 1905.

Present: - Hon. Caleb H. Harris. }
 Hon. Silas E. Hurin. } Judges.
 Hon. Edward Nollrath }

Attest: Chas. C. Peuhorwood,
 Clerk.

192 John K. Borrger.

Circuit Court of Union County, Ohio.
Oct. 3rd, 1905.

No. The Evangelical Lutheran
St. Johns Church vs.

This day this cause came on for hearing upon the motion of the plaintiff by his Attorney to dismiss the appeal of this case to this Court, and was argued by counsel and submitted to the Court; on consideration whereof the Court overrules said motion, to which plaintiff by his Attorney then and there excepted; and the Court allow the Statutory time for filing a bill of exceptions hereto.

It is hereby ordered by the Circuit Court of Union County, that Samuel Hrusley be appointed Bailiff to serve during the present term; and that he be allowed for one days service. The Clerk of this Court is ordered to journalize said appointment, and certify to said Bailiff for said service.

It is ordered that all causes, matters and motions, now pending in this Court, not otherwise disposed of, be, and the same thereby are, continued to the next term thereof. And thereupon at one o'clock P.M. Oct. 3rd, A.D. 1905, said Circuit Court adjourned Sine die.

Attest: Chas. C. Peuhorwood, Clerk

The State of Ohio, Union County, ss:-

The present term of the Circuit Court, within and for the County of Union, and State of Ohio, in the Third Judicial District, held at the Court House, in the Village of Marysville, County and State aforesaid, was begun on the 13th. day of February, A. D. 1906.

Present:- How. Caleb H. Norris.
How. Silas E. Hurin. } Judges.
How. Michael Donnelly.

Attest:- Chas. S. Penhorough, Clerk.

194 ^{vs} Wm. H. Horubek.

Eliza Horubek et. al.

Circuit Court of Union County, Ohio.

Feb. 13th, 1906.

This day this cause was continued by agreement of the parties hereto.

It is hereby ordered by the Circuit Court of Union County, that Wesley A. Garray and W. B. Jones, be appointed Bailiffs to serve during the present term; and that they be allowed for three days service. The Clerk of this Court is ordered to journalize said appointments, and certify to said Bailiffs for said service.

Court adjourned to Wednesday, February, 14th, 1906.

Wednesday, Feb. 14th, 1906. Court convened at 9 o'clock A. M. Present same judges as on yesterday.

Court adjourned to Thursday, February, 15th, 1906.

Thursday, Feb. 15th, 1906, Court convened at 9 o'clock, A. M. Present same judges as on yesterday.

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Entry.

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195
Entry.

S. W. Van Winkle, Plff.
vs.
Adam D. Hoover, et. al. Defts.

In the Circuit Court of Union County, Ohio
February, 15th, 1906. Case No. 195.
An appeal, Journal Entry.

And now this cause coming on to be heard in this Court, on appeal from the Court of Common Pleas of said County, upon the pleadings and the evidence, the same was argued by Counsel and submitted to the Court.

Whereupon, the Court, being fully advised in the premises, find that all of the defendants have had due legal notice of the pendency and demand of the Petition herein.

The Court further find that the plaintiff and said Adam D. Hoover, defendant, are tenants in common in the real estate described in the petition; that the plaintiff, S. W. Van Winkle, has a legal right to one-seventh of said Estate, and that the defendant, Adam D. Hoover, has a legal right to six-sevenths thereof as claimed in the 1st. ground of Defense set forth in his answer and Cross-Petition.

It is, therefore, ordered, adjudged and decreed by this Court that Partition of said real estate be made to said S. W. Van Winkle and Adam D. Hoover, respectively, in the proportions aforesaid found; and Evan L. Jones, John Cartmell and William Sidle, three judicious and disinterested free holders of the vicinity, are hereby appointed Commissioners to make such partition.

And it is further ordered by the Court that a writ of partition issue to the Sheriff of Union County, Ohio, commanding him that by the oaths of the Commissioners aforesaid named the cause to be set off and divided to each of the above named parties the part and portion of said Estate to which they are severally above found entitled. And it is further ordered that if said Estate be found entire, and not divisible by metes and bounds without manifest injury to the value thereof, such fact be reported by the said Commissioners with a just valuation of said lands. And of his proceedings herein, said Sheriff is ordered to make due return to the Court of Common Pleas of said County of Union.

And it is further ordered and adjudged by the Court that the plaintiff, S. W. Van Winkle, pay the costs incurred in contesting the said Adam D. Hoover's title, so as aforesaid found, taxed at \$; and that the remainder of the costs on partition be paid by said S. W. Van Winkle in the proportion of one-seventh, and by said Adam D. Hoover in the proportion of six-sevenths, thereof.

It is further ordered that this cause be remanded to the said Court of Common Pleas for Execution and for all further proceedings.

And, thereupon, the said plaintiff moved the Court for a new Trial in the premises, which motion, the Court, on consideration thereof, do overrule.

Of all of which findings, orders, and judgments of this Court in the premises, the said plaintiff, by his Counsel, excepts; and the Statutory time for Bill of Exceptions is allowed.

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193

Rolla M. Howard, plaintiff.
vs.
May Howland, et. al. defendant

Circuit Court of Union County, Ohio.
Entry.

This day came the parties hereto in person and by their attorneys, and thereupon this cause came on to be heard by the Court upon the pleadings and the evidence adduced by the parties respectively, and was argued by counsel, on consideration whereof, and being fully advised in the premises, the Court do find that prior to the marriage of plaintiff and Mary Howard deceased, said plaintiff paid \$200.⁰⁰ for the purchase of the property described in plaintiff's petition; and that subsequent to said marriage plaintiff invested in the repairing and improving of the dwelling house on said premises the sum of \$1500.⁰⁰; that said purchase and improvements were made upon the express agreement that the title to said premises was to be taken and held by said plaintiff and Mary Howard, deceased, jointly and equally, and that said plaintiff is entitled to the relief prayed for in the first cause of action of his petition.

And the Court do find further that all and every of said defendants, have been duly notified of the bringing, pendency and demands of said action against them as required by law, and that said plaintiff hath a legal right and estate in said premises, and as in said petition set forth, and no reason appearing why partition should not be made as prayed for in said petition, it is ordered, adjudged and decreed by the Court that the title to eight-tenths of the premises be confirmed in the plaintiff, and that his title to and possession of said $\frac{8}{10}$ of said premises be and the same, hereby is, forever quieted as against the claims of said defendants adverse to him.

And the Court further find that R. L. Woodburn hath a legal right and estate in $\frac{3}{12}$ of said premises subject to the dower estate of the plaintiff therein; and that May Howland hath a legal right and estate in $\frac{1}{12}$ of said premises subject to the dower estate of the plaintiff therein.

It is therefore ordered and adjudged by the Court on motion of Hoopes & Robinson, Attorneys for said plaintiff, that by the oath of C. S. Chapman, O. B. Davis and B. F. Carnean, judicious, disinterested freeholders of the County of Union, upon actual view of the premises, one full and equal third part of the undivided $\frac{9}{12}$ belonging to said R. L. Woodburn, and one full and equal third part of the $\frac{1}{12}$ belonging to the said May Howland be assigned and set off to said plaintiff as his dower estate therein; and that by the like oath of the same commissioners, upon like actual view, partition be made of said lands in the following proportions, to-wit: - to the said Rolla M. Howard in addition to his dower estate above mentioned $\frac{8}{12}$ thereof; to R. L. Woodburn, subject to the dower estate of Rolla M. Howard, $\frac{3}{12}$ thereof; and to May Howland, subject to the dower estate of Rolla M. Howard, $\frac{1}{12}$ thereof, if the same can be done without manifest injury to the value thereof; and if not that the said premises be appraised

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192 John K. Bo...
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evidence, and...
On consideration that in the two of said of Marysville in the county Darby Towns had, the country need over to the in Marys country w must was should court abandoned should own a member continue to therein and 1882, the purchased possession erected of kept up x his body kept up x for his pt That in ship from of said Tris and notif his body wife, and id, said The Court performed denied the

at the true value thereof in money; and it is further ordered that a writ and order of partition issue to the Sheriff of Union County commanding him to cause said dower to be assigned, and said partition to be made accordingly, and that he make report of his proceedings herein to the Court of Common Pleas of Union County, Ohio.

192 John K. Bourger
vs.

Circuit Court of Union County, Ohio.
Feb. 15th, 1906.

The Evangelical Lutheran St. Johns Church and Congregation.

This cause came on to be heard upon the pleadings and evidence, and was argued by counsel and submitted to the Court.

On consideration whereof, the Court being fully advised in the premises finds that in the year 1878 there were four Lutheran Congregations in this County, two of said Congregations being at Marysville, and two in the country South of Marysville, said churches had two Cemeteries both located at the Churches in the country, one being in Paris Township and the other being in Darby Township; that in said year a re-arrangement of the churches was had, the churches in Marysville consolidating, and the one in the country nearest to Marysville was abandoned, the congregation going over to the other church in the country. For the name of the Church in Marysville it was styled Trinity Church, and the one in the country was, and is called the St. Johns Church; that an arrangement was made between said churches whereby Trinity church should control and keep in repair the Cemetery located at the abandoned church in Paris Township, and that St. Johns church should own and control the other Cemetery at its Church, and that a member of either church, owning a lot in either cemetery, should continue to hold the same, and should have the privilege of burial therein and the use of the cemetery vault. That in the year, 1882, the plaintiff being a member of the defendant church, purchased the privilege of a lot in the cemetery thereto and took possession of the same, and caused his wife to be buried thereon and erected on said lot a family monument and has ever since kept up said monument reserving room for the burial of his body on said lot beside his wife, and has ever since kept up said monument and burial lot, and reserved the same for his place of sepulcher at death.

That in the year, 1898, the plaintiff withdrew his membership from the defendant church and became, and now is a member of said Trinity Lutheran church, that the plaintiff has been informed and notified by the defendant that in the event of his death his body cannot be buried in said Cemetery lot beside his wife, and that by reason thereof his title and easement and rights in said burial lot have been and are disquieted.

The Court further find that said Trinity church has kept and performed its part of said reciprocal agreement, and has not denied the right of burial in its Cemetery to members of defendant.

church, nor has Trinity Church consented to an abridgment to the rights of its members, to burial in defendant's Cemetery.

The Court finds the equity of the case with the plaintiff, and that so long as he remains a member in good standing of the Lutheran Church and continues to care for his lot in defendant's cemetery, he is entitled to sepulcher therein. It is therefore, considered, ordered and decreed by the Court that the plaintiff's right, title and easement and possession of said burial lot be and the same is hereby quieted as against the defendant and all persons claiming through or under it, and the defendant and all persons claiming under it, are hereby enjoined from interfering with the plaintiff in his said right of sepulcher and burial in said Cemetery lot conditioned however upon plaintiff continuing to be a member in good standing of the Lutheran Church.

It is further adjudged and decreed by the Court that the plaintiff recover of the defendant his costs herein expended, and that defendant pay its own costs, and execution is awarded, therefore. Defendant moved the Court for a new trial, and the motion was overruled by the Court to which judgment and ruling the defendant then and there excepted.

On February, 15th, A. D. 1906 the Circuit Court in and for Union County adjourned sine die.

Attest:- Chas. Fenhorwood, Clerk

On February
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In Vacation.

On February, 28th. 1906, the following Entry was filed.

196
Entry.

Ernie Walker,
vs.
The State of Ohio,

Circuit Court of Union
County, Ohio.

On motion of the Plaintiff in Error in that behalf and it appearing that a petition in Error, Bill of Exceptions and the original papers having been duly filed in the above entitled cause, in the Office of the Clerk of the Circuit Court of Union County, Ohio. It is ordered that the execution of the judgment and sentence heretofore imposed by the Court of Common Pleas of Union County, Ohio, against Plaintiff in Error Ernie Walker, be, and the same is hereby suspended, until the next term of and until the further order of the Circuit Court of Union County, Ohio. This upon condition that the Plaintiff in Error, execute his recognizance conditioned according to law, with security to the approval of the Clerk of the Circuit Court of Union County, Ohio, in the sum of One Thousand Dollars. Said suspending sentence shall take effect only after said recognizance is duly executed and filed with said Clerk.

Done at Chambers, Bellefontaine, Ohio, February, 28th. 1906.

Caleb H. Norris. } Judges of the
Silas E. Hurin. } Circuit Court,
M. Donnelly. } Union County, Ohio.

Times for holding Circuit Courts, A. D. 1907.

State of Ohio, Third Judicial Circuit.

It is ordered that the time of the beginning of the terms of the Circuit Courts of the several Counties in said Circuit for the year 1907, be fixed as follows, to-wit:

- Wyandot County, on the 8th. day of January and the 10th. day of Sept.
 - Marion County, on the 15th. day of January and the 17th. day of Sept.
 - Crawford County, on the 29th. day of January and the 24th. day of Sept.
 - Union County, on the 12th. day of February and the 1st. day of Oct.
 - Hardin County, on the 19th. day of February and the 3rd. day of Oct.
 - Logan County, on the 26th. day of February and the 8th. day of Oct.
 - Adair County, on the 5th. day of March and the 15th. day of Oct.
 - Caldwell County, on the 12th. day of March and the 17th. day of Oct.
 - Defiance County, on the 19th. day of March and the 22nd. day of Oct.
 - Cuthbert County, on the 26th. day of March and the 29th. day of Oct.
 - Van Wert County, on the 9th. day of April, and the 5th. day of Nov.
 - Allen County, on the 16th. day of April, and the 12th. day of Nov.
 - Anguize County, on the 30th. day of April, and the 19th. day of Nov.
 - Merces County, on the 7th. day of May, and the 26th. day of Nov.
 - Dareca County, on the 14th. day of May, and the 3rd. day of Dec.
 - Hancock County, on the 21st. day of May, and the 10th. day of Dec.
- Said Terms to begin at nine o'clock A. M.

September, 18th. 1906.

Caleb A. Morris
Silas E. Quinn
M. Donnelly

Judges.

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The State of Ohio, Union County, ss:-

The present term of the Circuit Court, within and for the County of Union and State of Ohio, in the Tenth Judicial District, held at the Court House, in the Village of Marysville, County and State aforesaid, was begun on the 2nd day of October, A.D. 1906.

Present: Hon. Caleb H. Norris.
Hon. Silas E. Hurin. } Judges.
Hon. Michael Donnelly }

Attest: Charles Parrott, Clerk.

Appointment of Court Bailiffs.

It is ordered by the Circuit Court of Union County that W. B. Jones and Wesley A. Garrard, Jr, and they are hereby appointed Court Bailiffs, to serve during the present term of this Court, or until the Court shall otherwise direct; and as such Bailiffs they shall preserve order in the Court Room, open and adjourn Court, and discharge such other duties as the Court may from time to time direct.

And thereupon in open Court came the said W. B. Jones and W. A. Garrard and, accepted said appointment, and took oath to faithfully and impartially discharge the duties of said appointment.

vs. W. H. Hombek.

Circuit Court of Union County, Ohio.
Oct. 2nd. 1906.

194. Entry. Eliza Hombek, et. al.

This cause appealed, dismissed and all costs paid this 2nd day of October, 1906.

198. Entry. P. G. Johnson, vs.

Circuit Court of Union County, Ohio.
Oct. 2nd. 1906.

Ethel Clark.

Entry.

This day this cause was continued by agreement of parties, until the next term of this Court.

Court adjourned to Wednesday, October, 3rd. 1906.

Tuesday, Oct. 3rd. 1906. Court commenced at 9 o'clock, A. M.,
Present same Judges as on yesterday.

Orin Walke, Plaintiff in Error. Circuit Court of Union
County, Ohio.

196.
Entry.

The State of Ohio, Defendant in Error.

Oct. 3rd. 1906.

This cause came on for hearing upon the Petition
in Error, the Transcript and Bill of Exceptions, the Original
Papers and pleadings from the Court of Common Pleas of Union
County, Ohio, and was argued by Counsel; and, on considera-
tion thereof, the Court find that there is error apparent upon
the record in the proceedings of said Court, to the prejudice
of the Plaintiff in Error; in this, to-wit, that the said Court
of Common Pleas refused to the Plaintiff here, a new trial on
his motion therefor; and in this, to-wit, that the said Court
of Common Pleas permitted evidence to go to the jury in
chief as to the facts upon which it was claimed Plaintiff in
Error ill feeling toward the Prosecuting witness, Frank Mc
Vay, arose; and in this, to-wit, that said Court of Common
Pleas permitted Counsel for the State to argue to the jury
that Plaintiff in Error was guilty of an other crime than
the one for which he was on trial; and in this, to-wit, that
said Court of Common Pleas permitted Counsel for the State to
comment to the jury upon evidence not admitted by the
Court; and in this, to-wit, that the Court of Common Pleas charg-
ed the jury as follows, "But if the evidence fails to prove every
material averment to your satisfaction as reasonable jurors,
then it is your duty to acquit the defendant" which charge should
have been so worded as to exclude reasonable doubt.

It is therefore considered by this Court, that the motion for a new
trial be sustained, that the judgment rendered by the Court below
be reversed and held for naught, and that the verdict rendered
by the Court below be set aside, and that a new trial be granted
to the said Orin Walke in said Court; and that the Plaintiff
in Error recover his costs herein expended from the Defendant
in Error; and that a special Mandate be sent to the Court of
Common Pleas of Union County, Ohio, for the execution of this
judgment.

It is hereby ordered by the Circuit Court of Union County, that
W. B. Jones and Wesley A. Garrard be allowed for two days
service as Court Bailiffs during the present Term of this Court,
and the Clerk of this Court is ordered to certify to said Bailiffs
for said service, which is accordingly done.

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197
Entry

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199
Entry

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This day it is ordered by the Circuit Court of Union County, that Charles Parrott be allowed the sum of \$5.00 for making up the Trial Docket for this Term of Court, which sum is to be paid out of the County Treasury.

197
Entry

Edward A. Schaumb, Plaintiff in Error
vs
George W. Worden, Defendant in Error
Circuit Court of Union County, Ohio, Oct. 3rd, 1906.

This cause came on for hearing upon the Petition in error, the Transcript and Bill of Exceptions, the original papers and pleadings from the Court of Common Pleas of Union County, Ohio, and was argued by Counsel; on consideration whereof the Court find there is no error apparent on the record in said proceedings and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is affirmed; and that the Defendant in Error recover from the Plaintiff in Error his costs herein expended, taxed at \$

To which finding the Plaintiff in Error excepts.

199
Entry

F. C. Penney Plaintiff in Error
vs
Clarence M. Sanders et als - Defendant in Error
Circuit Court of Union County, Ohio
October 3rd 1906

Continued for entry by agreement of Parties.

On October 3rd, 1906 at 5 P. M. the Circuit Court in and for Union County, Ohio, adjourned sine die.

Attest: Charles Parrott, Clerk.

The State of Ohio, Union County, D.S.

The present term of the Circuit Court, within and for the County of Union, and State of Ohio, in the Sixth Judicial District held at the Court House, in the Village of Mansville, County and State aforesaid, was begun on the 12th day of February, A.D. 1907.

Present: Hon. Caleb H. Morris (Judge),
Hon. Frank Taggart (Judge).

Attest: Charles Parrott, Clerk.

The Circuit Court of Ohio,

Transfer of Judge.

February 7th 1907.

Under and Pursuant to the provisions of Section 453 of the Revised Statutes of Ohio, Hon. Frank Taggart, a Judge of the Circuit Court of Ohio, for the Fifth Circuit, is hereby transferred to the Third Circuit, to sit in the Circuit Court of Union County for the work commencing on the 12th day of February, 1907, to exchange with Hon. Silas G. Huron, a Judge of the Circuit Court of Ohio, for the Third Circuit.

Harrison Wilson,

Chief Justice of the Circuit Court of Ohio.

(Seal)

February 12th 1907.

Because of death of a relative I will not be able to sit as one of the judges of the Circuit Court of the Feb. term, 1907, of said Court in Union County, Ohio.

M. Donnelly,

Circuit Judge 3rd Circuit, Ohio.

Appointment of Court Bailiff.

It is ordered by the Circuit Court of Union County that Wesley A. Garrard be, and he is hereby appointed Court Bailiff to serve during the present term of the Court, or until the Court shall otherwise direct, and as such Bailiff he shall preserve order in the Court Room, open and adjourn Court, and discharge such other duties as the Court may from time to time direct.

And thereupon in open Court came the said Wesley A. Garrard and accepted said appointment and took oath to faithfully and impartially discharge the duties of said appointment.

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Court adjourned to Wednesday, February 13th 1907.

Wednesday February 13th 1907, Court convened at 9 o'clock A.M. Present same judges as yesterday.

199 Entry

F. O. Penney, Plaintiff in Error,
vs.
Clarence M. Sanders, et al. Defendants in Error.

Circuit Court,
Union County, Ohio
February 13th 1907.

It appearing to the Court that since the commencement of this action the plaintiff in error, F. O. Penney, has become insane and that Sarah S. Penney has been appointed and has qualified as the guardian of his estate, it is ordered that this action be prosecuted in his behalf in the name of said Sarah S. Penney as guardian of the estate of said F. O. Penney, a lunatic.

199 Entry

Sarah S. Penney as Guardian of the estate of F. O. Penney, a lunatic, Plaintiff in Error,
vs.
Clarence M. Sanders, et al, Defendants in Error.

Circuit Court of Union County,
Ohio,
February 13th 1907.

This cause came on for hearing upon the petition in error, the transcript, and the original papers and pleadings from the Court of Common Pleas, of Union County Ohio, and was argued by counsel; and, on consideration thereof the court find that there is error apparent upon the record in the proceedings of said court, to the prejudice of the plaintiff in error, in this writ; said court having found as a matter of fact,

1. That from the 11th day of November, 1904, to the 6th day of December, 1904, one George A. Baker was carrying on what is termed a "bucket shop" in the property mentioned, under the style of, The George A. Baker Company.
2. That during all that time, and until the 25th of May, 1905, John M. Sanders, Percy H. Sanders and Jesse D. Kagy were the owners of the property in which said business, and of which they had knowledge, was being carried on.
3. That George A. Baker was not the tenant of the three owners, but had subleased the room from Carl Algorer, the tenant.
4. That on the 3rd. day of May, 1905, the plaintiff recovered a judgment against said George A. Baker for the sum of \$776.25 for money by him lost in said bucket shop venture, carried on by said Baker.
5. That this action was begun on the first day of July, 1905, and that prior thereto, to wit, on the 25th day of May, 1905, the said defendants Clarence M. Sanders and James H. Sanders purchased said real estate for value without knowledge of plaintiff's claim of a lien thereon.

found as a matter of law that said premises having been sold and conveyed to innocent purchasers before this action was brought they are not subject to the lien claimed by the plaintiff, and that the judgment in favor of plaintiff against said George A. Baker was not such a lien upon the said premises as could be enforced against the said Clarence M. Sanders and

James H. Sanders which said in dismissal said F. O. Penney. It is judgment same heretofore.

And as the said the finding of the court which A. Baker in the sum of \$ and \$ premises a court of common law the said day of May, premises in judgment, in the said Court quired by

It is in error, to five days from of this Court herein the premises with interest said premises sheriff of Union County and sell same in the premises further on

It is said Court and decree of the excepted

200 Entry

Dora Ellis vs. George A. Baker

and exhibited by counsel in favor of Dora and find to George A.

James H. Saunders, they having purchased before this action was brought, which said finding as to the law was error. And said court erred in dismissing said action and rendering judgment against the said F.O. Pannoy for costs.

It is therefore considered and adjudged by this Court that the judgment rendered by said Court of Common Pleas be and the same hereby is reversed and held for naught.

And the Court further proceeding to render such judgment as the said Court of Common Pleas ought to have rendered, find, from the finding of facts of said Court of Common Pleas, that the judgment which the said F.O. Pannoy recovered against the said George A. Baker, in said Court of Common Pleas, on the 3rd day of May, 1905, for the sum of \$776.25 with interest from the 6th day of December, 1904 and \$ costs, was a valid and subsisting lien on the premises described in plaintiff's second amended petition, in said Court of Common Pleas, at the time said premises were purchased by the said Clarence M. Saunders and James H. Saunders, on the 25th day of May, 1905, and is still a valid and subsisting lien on said premises in favor of the plaintiff in error to the amount of said judgment, interest and costs, superior to any interest therein which the said Clarence M. Saunders and James H. Saunders may have acquired by reason of said conveyance.

It is therefore adjudged and decreed that unless the defendants in error, Clarence M. Saunders and James H. Saunders, shall within five days from the entry of this decree, pay or cause to be paid, to the clerk of this Court the costs of this case, and to the plaintiff in error herein the sum so found due as aforesaid, to wit: the sum of \$776.25 with interest from the 6th day of December, 1904, and \$ costs, that said premises be sold, and that an order of sale issue therefor to the sheriff of Union County, Ohio, directing him to appraise, advertise and sell said premises as upon execution, and report his proceedings thereunder to the Court of Common Pleas of said County for further order.

It is further ordered that a special mandate be sent to said Common Pleas Court for the execution of this judgment and decree. To all of which findings, ruling, orders and decree of this Court the said defendants in error then and there excepted.

200
Entry.

Dora Elliott, Plaintiff,

vs.
George A. Williams, et al. Defendants.

Circuit Court of Union
County, Ohio,
February 13th, 1907.

This day, this cause came on to be heard upon the pleadings and exhibits and evidence introduced by the parties and was argued by counsel and submitted to the Court for decision.

Whereupon the Court finds upon the issues joined in favor of Defendant, George A. Williams and against the Plaintiff, and finds that the deed executed and delivered by Harry Williams to George A. Williams set up and referred to in the petition, was

vayed the title to the premises described in the petition absolutely and in fee simple as avowed by said Defendant in his answer and not in trust for Plaintiff or any of the other children of Henry Williams, as avowed in the petition.

It is accordingly considered by the Court and is ordered, adjudged and decreed that the said Petition be dismissed and that Defendant, George R. Williams, recover of Plaintiff, Dora Elliott, his costs herein expended, taxed at the sum of Dollars. To which finding and decision of the Court, Plaintiff by her counsel excepts and asks time to reduce said exceptions to writing which is accordingly allowed, and Plaintiff is given twenty days to reduce her said exceptions to writing and to present a Bill of Exceptions to the Court for allowance and signature. And this case is remanded to the Court of Common Pleas for execution in accordance with the above judgment and decree.

On February 13th, A.D. 1907, the Circuit Court in and for Union County, Ohio, adjourned sine die.

Attest: Charles Parrott, Clerk.

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Times for Holding Circuit Courts, A. D. 1908.
State of Ohio, Third Judicial Circuit.

It is ordered that the times of the beginning of the terms of the Circuit Court of the several Counties in said Circuit for the year 1908, be fixed as follows, to-wit:

Wyandot County on the 7th day of January and the 8th day of September.
 Marion County on the 14th day of January and the 15th day of September.
 Crawford County on the 28th day of January and the 22d day of September.
 Union County on the 11th day of February and the 29th day of September.
 Hardin County on the 18th day of February and the 1st day of October.
 Logan County on the 25th day of February and the 6th day of October.
 Henry County on the 3d day of March and the 13th day of October.
 Paulding County on the 10th day of March and the 15th day of October.
 DeFiance County on the 17th day of March and the 20th day of October.
 Putnam County on the 24th day of March and the 27th day of October.
 Van Wert County on the 7th day of April and the 4th day of November.
 Allen County on the 14th day of April and the 10th day of November.
 Auglaize County on the 28th day of April and the 17th day of November.
 Mercer County on the 5th day of May and the 24th day of November.
 Seneca County on the 12th day of May and the 1st day of December.
 Hancock County on the 19th day of May and the 8th day of December.

Said terms to begin at 9 o'clock A. M.
September 17th, 1907.

Caleb H. Norris
 Silas E. Hurin } Judges.
 M. Donnelly

November 23 A. D. 1907.

In the Circuit Court of Union County, Ohio.

On account of the number of Counties in this Circuit, and the large amount of business to be transacted by said Court in said Circuit it is very often necessary and expedient for the public service to have papers sent by the Judges of said Court to the Clerk of this Court and by the Clerk of said Court to the Judges of said Court by express or mail and to facilitate the business of said Court it is often necessary and expedient for said Judges to use the telephone and telegraph on official business, and for the Clerk of this Court to use said telephone and telegraph in communication with the Judges of said Court on official business. It is therefore ordered that such expenses so incurred by said Judges of said Circuit Court, and by the Clerk of such Court for express charges and telephone and telegraph service aforesaid be and the same is ordered paid out of the County Treasury on certificate of said Clerk.

Caleb H. Norris,
 Silas E. Hurin,
 M. Donnelly.

Circuit Judges of the 3rd. Circuit of Ohio.

The State of Ohio, Union County, ss.

The present term of the Circuit Court within and for the County of Union and State of Ohio in the Sixth Judicial District held at the Court House in the Village of Marysville, County and State aforesaid, was begun on the 1st. day of October, A. D. 1907.

Present: Hon. Caleb W. Norris
Hon. Silas E. Hurin
Hon. Michael Donnelly } Judges

Rule VI.

No case shall be reported for publication except such as may be selected by the several Circuit Courts of this State or by a majority of the judges thereof. Whenever it has been decided to report a case for publication, the syllabus thereof shall be prepared by the judge delivering the opinion, and approved by the full bench of the court so reporting, or by a majority of the judges thereof; the report may be Per Curiam, or, if an opinion be reported, the same shall be written in as brief and concise form as may be consistent with a clear presentation of the law of the case.

Only such cases reported in accordance with this rule shall receive the official sanction of the several Circuit Courts of the State.

Appointment of Court Bailiffs.

It is ordered by the Circuit Court of Union County that George Edwards and Wesley A. Garrard be and they are hereby appointed Court Bailiffs to serve during the present term of this Court, or until the Court shall otherwise direct, and as such Bailiffs they shall preserve order in the Court Room, open and adjourn Court and discharge such other duties as the Court may from time to time direct.

And thereupon in open Court came the said George Edwards and W. A. Garrard, and accepted said appointment and took oath to faithfully and impartially discharge the duties of said appointment.

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Court adjourned to Wednesday, October 2nd, 1907.

Wednesday, October 2nd, 1907. Court convened at 9 o'clock A. M. Present same judges as yesterday.

203.
Entry.

George W. McGhee, Plaintiff in Error.
vs.

Circuit Court
Union County, Ohio.
October 2nd, 1907.

Edwin R. Hotschpiller and Francis B.
Hotschpiller, Defendants in error.

This cause came on to be heard upon the petition in error, bill of exceptions, original papers and pleadings, and the transcript of the docket and journal entries in the Court of Common Pleas, and was argued by counsel; upon consideration whereof, the judgment of the Court of Common Pleas is reversed, for the reason that said Court erred in arresting the testimony from the jury and in directing a verdict for the defendants, and in overruling the plaintiff's motion for a new trial.

And this cause is remanded to said Court of Common Pleas for a new trial. It is therefore considered that said plaintiff in error recover from the defendants in error his costs in this court. Ordered that a special mandate be sent to the court of common pleas to carry this judgment into execution. To all of which rulings and decisions of the court the defendants in error here and here excepted.

198.
Entry.

C. G. Johnson, Plaintiff in Error,
vs.

Circuit Court,
Union County, Ohio,
October 2nd, 1907.

Edith Clark, Defendant in Error.

This cause came on to be heard upon the petition in error, bill of exceptions, original papers and pleadings, and the transcript of the docket and journal entries in the Court of Common Pleas, and was argued by counsel.

Upon consideration whereof, the verdict returned in the Court of Common Pleas and the judgment of the Court of Common Pleas is set aside and reversed, for the reason that said court erred in the matters and things set forth in the petition in error.

The court finds that the verdict is not supported by the weight of the evidence, and that the verdict is excessive in amount to a degree showing passion and prejudice, and said cause is remanded to the Court of Common Pleas for a new trial, and for such proceedings as are consonant with law.

It is therefore considered that said plaintiff in error recover from the defendant in error his costs herein, for which judgment is accordingly rendered and execution awarded.

It is ordered that a special mandate be sent to the Court of Common Pleas to carry this judgment into execution.

To all of which findings and judgment of the Circuit Court, the said defendant in error excepts.

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The State of Ohio, Union County, ss:

The present term of the Circuit Court within and for the County of Union and State of Ohio in the Sixth Judicial District held at the Court House in the Village of Marysville, County and State aforesaid, was begun on the 11th day of February, A. D. 1908.

Present: Hon. Silas E. Herin }
Hon. Michael Donnelly } Judges

Mariou, Ohio, Feb. 11th, 1908.

I hereby certify that by reason of unavoidable casualty, I shall be unable to be present at the February 1908 term of court at Marysville, Union Co., Ohio.

C. H. Norris.

Appointment of Court Bailiffs.

It is ordered by the Circuit Court of Union County that George Edwards and Wesley A. Garrard be and they are hereby appointed Court Bailiffs to serve during the present term of this Court, or until the Court shall otherwise direct, and as such Bailiffs they shall preserve orders in the Court Room, open and adjourn Court and discharge such other duties as the Court may from time to time direct.

And thereupon in open Court came the said George Edwards and Wesley A. Garrard and accepted said appointment and took oath to faithfully and impartially discharge the duties of said appointment.

201
Entry.

George W. Harsch, Plaintiff in Error,

vs.

J. D. Southard, Defendant in Error.

in Error.

Circuit Court,

Union County, Ohio,

February 11th, 1908.

This day this cause was dismissed at the costs of the Plaintiff

Wednesday, same Judge

205
Entry.

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Court adjourned to Wednesday, February 12th, 1908.

Wednesday, February 12th, 1908. Court convened at 9 o'clock A.M. Present same Judges as yesterday.

205
Entry.

The Barber Asphalt Company, Plaintiff.

vs.

The Village of Marysville, Defendant.

Circuit Court,
Union County, Ohio,
February 12th, 1908.

This cause came on for hearing upon the petition in error, the transcript and the original papers and pleadings from the Common Pleas Court of Union County, Ohio, and was argued by counsel and in consideration thereof the Court find that there is error apparent upon the record in the proceedings of said Court to the prejudice of the plaintiff in error in over-ruling motions and in refusing leave to file amended petition.

It is therefore considered by this Court that the judgment rendered by said Court below be reversed and held for naught, and that the Plaintiff in error recover from the defendant in error his costs herein expended taxed at \$

It is further ordered that this cause be remanded to the Common Pleas Court for Union County, Ohio, for further proceedings according to law. So all of which ruling of the Circuit Court the defendant then and there excepted.

204
Entry.

Malin Wright, Plaintiff in Error,

vs.

Rebecca Margaret Ogaul, Defendant in Error.

Circuit Court, Union County, Ohio,
February 12th, 1908.

This cause came on for hearing upon the petition in error, the transcript and the original papers and pleadings from the Court of Common Pleas of Union County, and was argued by counsel, on consideration whereof, the Court find there is no error apparent on the record in said proceedings and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is confirmed; and that the defendant in error recover from plaintiff in error said judgment and costs, and costs herein expended, taxed at \$

It is further ordered that a special mandate be sent to the Common Pleas Court of Union County for execution upon this judgment. So all of which the plaintiff in error excepted at the time.

206

Entry

Fannie Rockwell et, al, Plaintiffs in Error } In The Circuit Court
 Against } of Union County Ohio,
 William L. Blaney, et, al. Defendants in Error } June 9th 1908,

This cause came on for hearing upon the petition in error, the transcript, and the original papers and pleadings from the Court of Common Pleas, of Union County, and was argued by counsel; on consideration whereof, the court find that there is error therein apparent upon the record, to the prejudice of the plaintiffs in error, in this, to-wit: that there is error in setting aside entry of substitution, and in striking the amended petition of plaintiffs from the files, and in dismissing the action.

It is therefore considered by the Court that the judgment aforesaid be reversed and held for naught, and that the plaintiffs in error recover from the defendants in error their costs herein expended taxed at \$_____.

It is further ordered that this cause be remanded to the said common pleas court of Union County for further proceedings; and that a special mandate be sent to the said court to carry this judgment into execution.

To all of which findings, orders, judgment, and decrees, the defendants in error excepts.

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On June 9th 1908, The Circuit Court of Union County, Ohio
 Adjourned sine die.
 Attest Charles Parrott
 Clerk

Times For Holding Circuit Courts, A. D. 1909.

State of Ohio }
Third Judicial Circuit }

It is ordered that the time of the beginning of the terms of the Circuit Courts of the several Counties in said Circuit for the year 1909, be fixed as follows, to-wit:

- Wyandot County on the 5th day of January and the 7th day of September.
- Marion County on the 12th day of January and the 14th day of September.
- Crawford County on the 26th day of January and the 21st day of September.
- Union County on the 9th day of February and the 28th day of September.
- Hardin County on the 16th day of February and the 30th day of September.
- Logan County on the 23rd day of February and the 3rd day of October.
- Henry County on the 2nd day of March and the 12th day of October.
- Paulding County on the 9th day of March and the 14th day of October.
- Defiance County on the 16th day of March and the 19th day of October.
- Putnam County on the 23rd day of March and the 26th day of October.
- Van Wert County on the 6th day of April and the 3rd day of November.
- Allen County on the 13th day of April and the 9th day of November.
- Anglaize County on the 27th day of April and the 16th day of November.
- Mercer County on the 4th day of May and the 23rd day of November.
- Seneca County on the 11th day of May and the 30th day of November.
- Hancock County on the 18th day of May and the 7th day of December.

Said terms to begin at 9 o'clock A. M.

September 13th 1908.

Caleb H. Norris, }
Silas C. Hurm, } Judges.
M. Donnelly . }

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The State of Ohio, Union County, ss.
 The present term of the Circuit Court, within and for the County of Union and State of Ohio, in the Tenth Judicial District, held at the Court House in the Village of Marysville, County and State aforesaid, was begun on the 29th day of September, A. D. 1908.
 Present, Hon. Caleb F. Norris,
 Hon. Silas E. Hurin.

Sept. 29th 1908.

From unavoidable cause I will be unable to sit at September Term, 1908, of the Circuit Court of Union County, Ohio, as an facts Judge of said Court.
 M. Donnelly.

The State of Ohio, On Relation of Frank G. Ballinger, Prosecuting Attorney, vs. Gilbert R. Houser.

Entry 207. This cause being heard on the petition of the plaintiff, the defendant being in default for answer or demurrer.

The Court on consideration find that the defendant before and at the time of the election in November, 1907, was and had been holding the office of Trustee of Union Township, Union County, Ohio. And that by reason thereof the election of said Houser to the office of Councilman of the village of Milford Center, Ohio, at said time was void and of no effect and that the said defendant was guilty of intruding into the office of councilman of the village of Milford Center, Ohio, and of unlawfully holding and exercising the same. It is therefore ordered adjudged that the said Gilbert R. Houser be and he hereby is ousted and altogether excluded from said office and from all the franchises, privileges and emoluments thereof. And that the said relator Plaintiffs recover from the said defendant his costs therein expended taxed at \$_____

It is hereby ordered, that W. A. Garard and G. C. Edwards bailiffs during the present term be allowed for one days services and the Clerk of this Court is hereby ordered to Journalize and certify for the same.

Anna C. vs. Oscar Bod...

Entry 208. This day the transcript of the Court of by Counsel on consideration of the record. It is, therefore, ordered and entered, be the defendants costs herein awarded. It is further special, in Union County. To all of in the presence of Counsel, e

The State,

M. F. Leon vs. The Village of

Entry 209. in error, from the argued that there proceedings. It is the aforesaid. The defendant his costs. It is further Common this judge. To all of except a

Anna C. Smith et als }
 vs. } In the Circuit Court of Union County, Ohio.
 Oscar Bodley et al

Entry
 208,

This day this cause came on to be heard upon the petition in error the transcript, and the original papers and pleadings from the Court of Common Pleas of Union County, Ohio, and was argued by Counsel and submitted to the Court. Whereupon, the court on consideration thereof, find that there is no error apparent on the record in said proceedings and judgment. It is, therefore considered and adjudged by the Court that the orders and judgments aforesaid, by the Court below made and entered; be, and the same hereby are affirmed; and that the defendants in error recover from the Plaintiffs in error their costs herein expended, taxed at \$, and execution is awarded therefor.

It is further considered and ordered by the Court that a special mandate be sent to the Court of Common Pleas of Union County, Ohio, for execution upon this judgment. So all of which findings, orders, and judgments of this Court in the premises, the said plaintiffs in error, by their Counsel, except.

The State of Ohio, Union County, Sd.

W. F. Leonard

vs. } In the Circuit Court of Union County, Ohio.
 The Village of Richwood et al

Entry
 209

This cause came on for hearing upon the petition in error the transcript, the original papers and pleadings from the Court of Common Pleas, Union County, Ohio. And was argued by counsel: On consideration whereof the Court find that there is no error apparent on the record in said proceedings and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is affirmed, and that the defendant in error recover from the plaintiff in error his costs herein expended taxed at \$.

It is further ordered that a special mandate be sent to the Common Pleas Court of Union County, Ohio, for execution upon this judgment.

So all of which findings and judgments plaintiff in error except at the time.

210
Entry.Milo L. Myers, Trustee,
Plaintiff in Error,
vs.The John Church Company,
Defendant in Error.Circuit Court,
Union County, Ohio,
September 28th, 1908.

This cause came on for hearing upon the petition in error, the transcript, and the original papers and pleadings from the Court of Common Pleas of Union County, Ohio, and was argued by counsel; on consideration thereof, the court find there is no error apparent on the record in said proceedings and judgment.

It is therefore considered by the court that the judgment aforesaid be, and the same hereby is, affirmed; and that the defendant in error recover from the plaintiff in error its costs herein expended.

It is further ordered that a special mandate be sent to the Common Pleas Court of Union County, Ohio, for execution upon this judgment.

To which finding and judgment of the Circuit Court aforesaid the plaintiff in error excepted.

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On September 29th, 1908, the Circuit Court of Union County, Ohio,
adjourned Sine Die.

Attest Charles Parrott, clerk.

Supreme Court of the State of Ohio.
 The State of Ohio, City of Columbus, January Term A. D. 1908.
 To-wit: Tuesday, Dec. 22nd.
 Error to the Circuit Court of
 Union County,
 vs.
 Clarence M. Sanders, et al,
 No. 10533
 Sarah S. Perry, Guardian,
 et al.

This cause came on to be heard upon the transcript of the Record of the Circuit Court of Union County, and was argued by counsel. On consideration thereof, it is ordered and adjudged by this Court that the judgment of the said Circuit Court be, and the same hereby is reversed and this Court proceeding to render the judgment which said Court of Common Pleas should have rendered. It is considered and adjudged that said judgment of the Court of Common Pleas be and it hereby is affirmed.

It is further considered that said plaintiffs in error recover their costs herein and in the Circuit Court taxed to \$

Ordered, that a special mandate be sent the Court of Common Pleas of Union County, to carry this judgment into execution.

Ordered, that a copy of this entry be certified to the Clerk of the Circuit Court of Union County, "for entry".

I, Joseph G. Obermeyer, Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of this Court.

Witness my hand and the Seal of said Court, this 23rd. day of December, A. D. 1908.

(Seal)

Supreme Court of Ohio.

Joseph G. Obermeyer, Clerk
 By W. G. Bartholow, Deputy.

State of Ohio, City of Columbus,

To the Honorable Court of Common Pleas, within and for the County of Union, Ohio, Greeting:

We do hereby command you, that you proceed, without delay, to carry the within and foregoing judgment of our Supreme Court of Ohio, in the cause of Clarence M. Sanders, et al, vs. Sarah S. Perry, Guardian, et al, into execution, the Petition in Error herein and heretofore granted to the contrary notwithstanding.

Witness, Joseph G. Obermeyer, Clerk of our said Supreme Court of Ohio, at Columbus, this 23rd. day of December, 1908.

(Seal)

Joseph G. Obermeyer, Clerk.
 By W. G. Bartholow, Deputy.

Docket Fee \$5.00 Paid by J. L. Cameron
 Printing Record \$20.90 " " J. L. Cameron.

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February 9th 1909.

The State of Ohio, Union County, S.S.
 The present term of the Circuit Court, within and for the
 County of Union, and State of Ohio, in the Tenth Judicial
 District, held at the Court House in the Village of Marysville,
 County and State aforesaid was opened on the 9th day
 of February, A. D. 1909, at 10 O'clock A. M. by the Sheriff
 and Clerk of ^{The Case of Hatcher, vs. Hatcher was continued by agreement of parties} said County, there were no judges present,
 there being no business to transact, and on the same
 day the Circuit Court of Union County, Ohio, was adjourned
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In Vacation.

Supreme Court of the State of Ohio.
January Term, A. D. 1909.

To Wit: - Friday June 23rd 1909.

The State of Ohio }
City of Columbus }

11003.

Edwin R. Holsenpiller et al, } Error to the Circuit Court
George H. McShee. } of Union County.

Mandate

213

This cause came on to be heard upon the Transcript of the Record of the Circuit Court of Union County, and was argued by Counsel. On consideration whereof, it is ordered and adjudged by this Court, that the judgment of the said Circuit Court be, and the same is hereby, affirmed; and it appearing to the Court that there were reasonable grounds for this proceeding in error, it is ordered that no penalty be assessed herein.

It is further ordered that the defendant in error recover from the plaintiff in error his costs herein expended taxed at \$.

Ordered, that a special Mandate be sent to the Court of Common Pleas of Union County, to carry this judgment into execution.

Ordered, That a copy of this entry be certified to the Clerk of the Circuit Court of Union County, "for entry".

I, John S. Mc Nutt, Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court.

Witness my hand and the seal of said Court this 25th day of June, A. D. 1909.

By John S. Mc Nutt, Clerk
C. W. Horn - Deputy.

State of Ohio, }
City of Columbus } Supreme Court of Ohio.
To the Honorable Court of Common Pleas,

Within and for the County of Union, Ohio, greeting:

We do hereby command you, that you proceed, without delay, to carry the within and foregoing judgment of our Supreme Court of Ohio, in the cause of Edwin R. Holsenpiller, et al vs. George H. McShee into execution, the Petition in Error herein and heretofore granted, to the contrary notwithstanding.

Witness John S. Mc Nutt, Clerk of our said Supreme Court of Ohio, at Columbus, this 25th day of June A. D. 1909.

By John S. Mc Nutt, Clerk
C. W. Horn Deputy.

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The State of Ohio, Union County, ss.

The present term of the Circuit Court, within and for the County of Union and State of Ohio, in the Tenth Judicial District, held at the Court House in the Village of Marysville, County and State aforesaid, was begun and held on the 28th day of September A.D. 1909;

Present - Hon. Silas E. Hurin,
Hon. Michael Donnelly,
Hon. Wm. H. Kinder.

In the Circuit Court of Union County, Ohio.

James Hatcher, }
Plaintiff, }
vs. }
Alexander Hatcher, et al }
Defendant }

Entry
211

This cause coming on this day for hearing, was submitted to the Court upon the petition of the plaintiff the answer of the defendant, Alexander Hatcher, and the reply of the plaintiff, the evidence and the agreement of Counsel for Plaintiff and the Defendant, Alexander Hatcher, and on consideration thereof, the court find on the issue joined for the defendant, Alexander Hatcher;

It is therefore considered by the Court that the said defendant, Alexander Hatcher, go hence, without day and recover from the plaintiff his costs herein expended.

Approved.

J. J. Cameron - Attorney for plaintiff,
Hoopes and Robinson - Attorneys for Defendant.

Said Circuit Court of this Union County, adjourned sine die as of this date

Chas. Knott Clerk

In Vacation

Times for Holding Circuit Courts, A.D., 1910.

State of Ohio }
Third Judicial Circuit }

It is ordered that the time of the beginning of the terms of the Circuit Courts of the several Counties in said Circuit for the year 1910, be fixed as follows, to-wit:

Wyandot County on the 14th day of January and the 13th day of Sept.
 Marion County on the 11th day of January and the 20th day of Sept.
 Crawford County on the 18th day of January and the 27th day of Sept.
 Union County on the 1st day of February and the 4th day of October
 Hardin County on the 8th day of February and the 6th day of October
 Logan County on the 13th day of February and the 11th day of October
 Henry County on the 23rd day of February and the 18th day of October
 Paulding County on the 1st day of March and the 20th day of October
 Defiance County on the 8th day of March and the 25th day of October
 Putnam County on the 15th day of March and the 1st day of November
 Van Wert County on the 29th day of March and the 8th day of November
 Allen County on the 5th day of April and the 15th day of November
 Auglaize County on the 19th day of April and the 22nd day of November
 Mercer County on the 26th day of April and the 29th day of November
 Seneca County on the 3rd day of May and the 6th day of December
 Hancock County on the 10th day of May and the 13th day of December
 Supt terms to begin at 10 O'clock, A. M.
 September 21st 1909.

Silas C. Hurin,
 M. Donnelly,
 W. H. Kunder } Judges.

The State of
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This present
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The State of Ohio } S.S.
County of Union }

This present term of the Circuit Court, in and for the County of Union, in the Tenth Judicial District of the State of Ohio, held in the Court House in the Village of Marysville, County and State aforesaid was begun on the 1st day of February A.D. 1910.

There not being a quorum of the Circuit Judges present the Sheriff adjourned Circuit Court until to-morrow morning at 9 o'clock.

Wednesday, February 2^d, 1910, Circuit Court convened at 9 o'clock, A. M. There not being a quorum of Judges present, the Sheriff adjourned said Court until to-morrow morning at 9 o'clock.

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Thursday, February 3, A.D. 1910, Circuit Court convened at 9 O'clock, A. M.

Present, Hon. Silas E. Hume
" Hon. Michael Donnelly
" Hon. W. H. Kinder

It is hereby ordered by the Circuit Court of Union County, that Wesley A. Barnard and George B. Edwards be allowed for one days service as Court Bailiffs during the present Term of this Court. And the Clerk of this Court is ordered to certify to said Bailiffs for said service, which is accordingly done.

Robert M. Croy as executor of the estate of Rosetta Holycross, deceased.

Martha A. Croy, et al.

In the Circuit Court of Union County Ohio.

Entry

212

This cause came on for hearing upon the petition in error, the transcript, the original papers and pleadings from the Court of Common Pleas, Union County, Ohio. And was argued by Counsel. Whereupon the Court took the same under advisement for decision and adjourned this cause therefor.

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Court adjourned without day.

Supreme Court of the State of Ohio.

The State of Ohio, }
City of Columbus } Union County, Ohio.

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208

To the Honorable Court of Common Pleas.

Within and for the County of Union, Ohio: Greeting:
We do hereby command you, that you proceed, without delay, to carry the within and foregoing judgment of our Supreme Court of Ohio, in the cause of Anna E. Smith et al vs. Oscar Bodley, et al into execution, the Petition in Error herein and heretofore granted, to the contrary notwithstanding.

Witness, John S. McNutt, Clerk of our said Supreme Court of Ohio, at Columbus, this 29th day of March, A.D. 1910.

John S. McNutt, Clerk.

Fees 19⁵⁰

By E. W. Horn, Deputy.

Supreme Court of the State of Ohio.

January Term, 1910

The State of Ohio. City of Columbus.

Anna E. Smith, et al }
vs. } Error to the Circuit Court of
Oscar Bodley, et al. } Union County, Ohio.

This cause came on to be heard upon the transcript of the Record of the Circuit Court of Union County, and was argued by Counsel. On consideration whereof, it is ordered and adjudged by this Court, that the judgment of the said Circuit Court be, and the same is, hereby, affirmed; And it appearing to the Court that there were reasonable grounds for this proceeding in error, it is ordered that no penalty be assessed herein.

It is further ordered that the defendant in error recover from the plaintiff in error their costs herein expended taxed at \$—. Ordered, That a special mandate be sent to the Court of Common Pleas, of Union County, to carry this judgment into Execution. Ordered, That a copy of this Entry be certified to the Clerk of the Circuit Court of Union County, "for entry."

I John S. McNutt, Clerk of the Supreme Court of Ohio, do hereby certify that the foregoing entry is truly taken and correctly copied from the Journal of said Court.

Witness my hand and the seal of said Court this 29th day of March, A.D. 1910.

John S. McNutt, Clerk.
By E. W. Horn, Deputy.

Tuesday, July 5th 1910, Circuit Court convened at 9 o'clock, A. M.

Robert McCray, as executor of the estate of Rosetta Holycross, deceased, Plaintiff in error, vs.

Martha A. Crary, Robert C. Holycross, Nancy C. Jordan, Tobitha Burroughs, P. F. Holycross, A. M. Jenkins, W. L. Jenkins, John A. Jenkins, Lydia Dunlap, Jane Dunlap, Lillie Smith, Mattie Garrard, Nellie Hensel, Maud Clinger, Christ's Hospital of Cincinnati, Ohio, The Methodist Episcopal Church of North Lewisburg, Ohio, The Darby Methodist Episcopal Church, The Home Missionary Society of the Methodist Episcopal Church of North America, Rosina Beltr, Willis Epps, and George Jordan, Defendants in error.

In the Circuit Court of Union County, Ohio.

This cause came on to be heard upon the petition in error, bill of exceptions, original papers and pleadings, and the transcript of the docket and journal entries in the Court of Common Pleas, and was argued by counsel; upon consideration whereof, this Court finds that there was error in the proceedings and judgment of the Court of Common Pleas, prejudicial to the plaintiff in error in this to wit:—

That the finding and decree of the Court of Common Pleas is not sustained by, and is contrary to the evidence, and contrary to the law of the case.

It is therefore considered, ordered and adjudged, that said finding and decree of the Court of common pleas, be and the same is hereby set aside and held for naught, and a new trial granted at the costs of the defendants in error. It is further ordered and adjudged that the plaintiff in error recover of the defendant in error, his costs herein expended, and execution for such costs is hereby awarded. And this cause is remanded to said Court of Common Pleas for execution and for a new trial and further proceedings in accordance with law.

To all of which findings and judgment, the defendants in error, excepts,

Times for

State of Ohio

It is ordered that the Circuit Court of Union County, Ohio, be fixed for the year 1911, be fixed for

Wyandot County

Marion County

Crawford County

Union County

Hardin County

Logan County

Henry County

Paulding County

Defiance County

Putnam County

Van Wert County

Allen County

Anglaize County

Mercer County

Seneca County

Hancock County

Said Term

September

On July 5th 1910, the Circuit Court in and for Union County, Ohio, Adjourned Sine Die,

Chas. Panoff
Clerk of said Court,

In Vacation.

Times for Holding Circuit Court, 1911.

State of Ohio, Third Judicial Circuit.

It is ordered that the time of the beginning of the terms of the Circuit Courts of the several Counties in said Circuit for the year 1911, be fixed as follows, to wit:

- Wyandot County on the 3^d day of January and the 12th day of September.
- Marion County on the 10th day of January and the 19th day of September.
- Crawford County on the 17th day of January and the 26th day of September.
- Union County on the 31st day of January and the 3^d day of October.
- Hardin County on the 7th day of February and the 5th day of October.
- Logan County on the 14th day of February and the 10th day of October.
- Henry County on the 21st day of February and the 17th day of October.
- Paulding County on the 28th day of February and the 19th day of October.
- Defiance County on the 7th day of March and the 24th day of October.
- Putnam County on the 14th day of March and the 31st day of October.
- Winnebago County on the 28th day of March and the 8th day of November.
- Allen County on the 4th day of April and the 14th day of November.
- Auglaize County on the 18th day of April and the 21st day of November.
- Mercer County on the 25th day of April and the 28th day of November.
- Seneca County on the 2^d day of May and the 5th day of December.
- Hancock County on the 9th day of May and the 12th day of December.

Said Terms are to begin at 10 O'clock, A. M.

September 20th 1910.

Silas Hurin, }
 M. Donnelly, } Judges,
 W. S. Kinder }

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Tuesday, October 4th 1910.

The State of Ohio, Union County, ss.

The present Term of the Circuit Court, within and for the County of Union and State of Ohio, in the Sixth Judicial District, held at the Court House in the Village of Marysville, County and State aforesaid, was begun on the 4th day of October, A. D. 1910

Present Honorable Silas E. Hurin,
" Honorable Michael Donnelly,
" Honorable William H. Kinder.

Entry George W. McEhee vs. Edwin R. Hotsenpiller et al } In the Circuit Court of Union County, Ohio.

Continued on motion and application of the plaintiff in error, supported by affidavits, and at costs of plaintiff in error.

Appointment of Court Bailiffs.
Circuit Court, Union County, Ohio.
October Term, 1910.

Appointed County, that W. A. Barnard and George C. Edwards be, and they hereby of Court are appointed Court Bailiffs to serve during the present Term Bailiffs, of this Court, and as such Bailiffs they shall preserve order in the Court Room, open and adjourn Court and discharge such other duties as the Court may from time to time direct.

Thereupon in open court came the said W. A. Barnard and George C. Edwards and accepted said appointment and took the oath of office to faithfully perform the duties of said appointment.

Entry George W. McEhee vs. Edwin R. Hotsenpiller, et al } In the Circuit Court of Union County, Ohio.

213 Continued on motion and application of the plaintiff in error supported by affidavits, and at cost of Plaintiff in error.

Circuit Adjourned until Wednesday Oct. 5th 1910, 9 O'clock, A. M.

Wednesday, Oct. 5th 1910.
Present.

Entry William of the estate vs. Genri M.

216 And now of the plain Indiana M. his duties The defend by counsel struction to which said And the Co the copy of and that a of the filing Genri M. under said And the construction not die in by said will That the te should be pe personal esta of administ That Eliza fo as provided That W. H. Hedges, the provis That the he Johnson me not per ca heirs as m That the p in accorda Thereupon their motu So all of wh the said by It is order by said ex

Wednesday, October 5th 1910, Circuit Court convened at 9 O'clock, A. M.
Present,

Honorable Silas E. Hurm }
Honorable Michael Donnelly, } Judges,
Honorable William H. Kinder }

William W. Kinney, as Executor
of the estate of Indiana Webb, deceased,
Plaintiff,
vs.
Gemri Webb, et al.
Defendants.

216

And now this cause came on to be heard upon the petition of the plaintiff, praying for a construction of the will of said Indiana Webb, and for advice and direction from the Court as to his duties as such executor in administering said estate.

The defendant Gemri Webb and other defendants being represented by counsel who submitted briefs and arguments as to the construction to be placed upon said will and the manner in which said estate should be administered.

And the Court being fully advised in the premises finds that the copy of said will attached to said petition is a true copy thereof, and that all the defendants have been duly and legally notified of the filing and pendency of the petition, and that the defendant Gemri Webb, widow of said Indiana Webb, has elected not to take under said will.

And the Court finds and declares the true meaning and construction of said will to be as follows: That the testatrix did not die intestate as to her personal estate, but that she intended by said will to dispose of her entire estate both real and personal.

That the testatrix intended that her debts and costs of administration should be paid out of her personal estate; and that any balance of her personal estate, that might be left after the payment of her debts and costs of administration, should be dispersed, as provided in item four of her will.

That Eliza Jones, sister of said testatrix, under the distribution to be made as provided in item four of the will, is to have a one sixth part thereof. That W. H. Hedges, only heir of Morgan Hedges, is entitled to a one sixth part, under the provision of said item four of said will.

That the heirs of Lemuel Jones, Ross Jones, Eideon Jones and Rachael Ann Johnson mentioned in item four of said will take per stirpes and not per capita and in like manner the children of any such heirs as may be deceased.

That the plaintiff be and he is directed to administer said estate in accordance with the provisions of said will as herein construed. Thereupon the defendant Gemri Webb and the other defendants made their motion for a new trial herein which is overruled.

To all of which rulings, findings and directions of the Court the said Gemri Webb and other defendants then and there excepted. It is ordered by the Court that the costs of this proceeding be paid by said executor out of the funds of said estate.

Circuit Court, Union County, Ohio.

It is hereby ordered that W. A. Garrard and George C. Edwards, bailiffs during the present term be allowed for three days' services; and the Clerk is hereby ordered to journalize and certify for the same.

It is ordered that all causes, matters and motions now pending in this Court not otherwise disposed of be, and the same hereby are continued to the next term hereof.

And thereupon on Wednesday, October 5th A. D. 1910, at 10 O'clock, A. M. said Circuit Court adjourned sine die,

Attest: Charles Parrott,
Clerk.

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214 This day to

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Tuesday, January 31st 1911.

The State of Ohio, Union County, ss.
The present term of the Circuit Court, within and for the County of Union, and State of Ohio, in the South Judicial District, held at the Court House in the Village of Marysville, County and State aforesaid, was begun on the 31st day of January, A. D. 1910.

Present Honorable Silas G. Huren,
" Honorable Michael Donnelly,
" Honorable William H. Kinder.

Appointment of Court Bailiffs.

Circuit Court of Union County, Ohio.

January Term, 1911.

It is ordered by the Circuit Court of Union County, that W. A. Garrard and George C. Edwards, be, and they hereby are appointed Court Bailiffs to serve the present Term of this Court; And as such bailiffs they shall preserve order in the Court Room, open and adjourn Court and discharge such other duties as the Court may from time to time direct.

Thereupon in open Court came the said W. A. Garrard and George C. Edwards and accepted said appointment, and took the oath of Office to faithfully perform the duties of said appointment.

The State of Ohio, ex rel.
Newt Lingrel, Plaintiff.
vs.
George Temple, Defendant

In the Circuit Court of Union County, Ohio

Entry

214

This day this case was dismissed at the cost of the plaintiff.

Said judges deliberated until 10 O'clock, P. M. then had Court adjourned until tomorrow morning, at 8 O'clock.

February 1st 1911
Wednesday, Court convened at 8 O'clock, A. M. Present Honorables
Silas E. Humm, Michael Donnelly and W^m H. Kinder.

George W. McShee, }
Plaintiff in error, } Circuit Court of Union County, Ohio,
E. R. Hotsenpiller et al. }
February 1st 1911,
215 Defendants in error

This cause came on for hearing upon the petition in error, the transcript, the bill of exceptions, the original papers, and the proceedings from the Court of Common Pleas of Union County, was argued by Counsel; and on consideration thereof, the Court find that there is error apparent upon the record in the proceedings of said Court, to the prejudice of the plaintiff in error.

It is therefore considered by the Court that the judgment rendered by said Court below, be reversed and held for naught and that the verdict rendered by the Court below be set aside on the ground that the judgment below is against the weight of the evidence.

And the further proceeding to render judgment as the said Court of Common Pleas ought to have rendered, finds that the defendants Frances E. Hotsenpiller as Guardian of Edwin R. Hotsenpiller, and Frances E. Hotsenpiller are indebted to the plaintiff herein George W. McShee in the sum of Five Hundred Dollars (\$500.00.).

It is therefore considered by the Court, that the plaintiff herein George W. McShee, recover from said defendants Frances E. Hotsenpiller as Guardian of Edwin R. Hotsenpiller and Frances E. Hotsenpiller the sum of Five Hundred (\$500.00) Dollars and his costs herein expended, taxed at \$, for which execution is awarded.

It is further ordered that a special mandate be sent to the Court of Common Pleas for the execution of this judgment. The plaintiff excepts to all that part of said findings and judgment wherein this Court after reversing the Court below proceeded to make such findings and to render such judgment as it considered the said Court of Common Pleas ought to have found and rendered in this case.

And the defendants herein except to all said findings and judgment.

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George Smith
F. W. Beem,
of J. W. Beem

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February 1st 1911.

S.A. McNeil, Administrator
with the Will annexed of the
estate of Robert Smith, deceased.

Plaintiffs
George Smith, Mary Smith,
F.W. Beem, Mary Beem, guardian
of J.W. Beem,

In the Circuit Court of Union County,
Ohio.

Defendants

This cause coming on this day for hearing upon the pleadings and was submitted to the Court on the evidence and the argument of Counsel, the Court finds that the defendant, Mary Beem, who is the wife of J.W. Beem, has been duly appointed guardian of J.W. Beem, one of the devisees and legatees named in said will of Robert Smith, deceased; that said J.W. Beem is insane and has been insane for more than a year last past, and is confined in the State Hospital at Columbus, Ohio.

The Court further finds that the testator, Robert Smith, did not die intestate as to all or any part of his estate; that the proper devisees and legatees to whom distribution of said estate should be made are Mary Smith, Mary Beem, guardian of J.W. Beem, and F.W. Beem, to each one equal one third part left for distribution on the final settlement of testator's estate, and finds that the policy of insurance held by the testator, in the Knights Templars and Masonic Mutual Aid Association, in which the wife, Minnie Smith, is the beneficiary, reverted to the testator on the death of said beneficiary Minnie Smith, prior to the death of the testator, and said policy of insurance therefore becomes and is a part of the testator's estate, passing by and under the provisions of his said will to the residuary legatees above named.

It is therefore considered, ordered and adjudged that said will of Robert Smith, deceased, be construed that Robert Smith did not die intestate as to all or any part of his estate; that the proper devisees and legatees to whom distribution shall be made are Mary Smith, Mary Beem, guardian of J.W. Beem, and F.W. Beem, to each one equal one third part of said estate left for distribution on the final settlement of said Robert Smith's estate, and that the Policy of insurance held by the testator Robert Smith, in the Knight Templars and Masonic Mutual Aid Association, in which his wife Minnie Smith, was named as the beneficiary, reverted to the testator on the death of the said Minnie Smith, the beneficiary, prior to the death of the testator, and that the same passes under the provisions of said will to said residuary legatees above named.

It is further considered, ordered and adjudged by the Court that the costs of this action, taxed at \$, be paid by the plaintiff out of the assets of said estate.

To all of which findings, decree and judgment of the Court the plaintiff S.A. McNeil, Administrator of the estate of Robert Smith, deceased, excepts. Said Circuit Court of Union County, adjourned sine die.
 Chas. Parryth
Clerk.

In Vacation

Supreme Court of the State of Ohio.
The State of Ohio, } January Term, A.D. 1911.
City of Columbus } To-Wit: Tuesday, February 7

Mandate The State of Ohio, ex rel }
M. F. Leonard } Error to the Circuit Court of Union County,
Vs. W. 11663 }
The Village of Richwood, et al

This cause came on to be heard upon the Transcript of the Record of the Circuit Court of Union County, and was argued by Counsel. On consideration whereof, it is ordered and adjudged by this Court, that the judgment of this Circuit Court be, and the same is hereby affirmed; An Authority of State of Ohio ex rel, vs. Board of Public Service of Columbus, 81 Ohio St. 218.

The State of Ohio, } Supreme Court of Ohio
City of Columbus. }

To the Honorable Court of Common Pleas.

Within and for the County of Union, Ohio, Greeting:
We do hereby command you, that you proceed, without delay, to carry the within and foregoing judgment of our Supreme Court of Ohio, in the Cause of,
The State of Ohio, ex rel M. F. Leonard

vs.
The Village of Richwood, et al.
into execution, the Petition in Error herein and heretofore granted, to the contrary notwithstanding.

Witness, Frank E. McKean, Clerk of our said Supreme Court of Ohio, at Columbus, this 14th day of February, A.D. 1911.
Frank E. McKean, Clerk
By J. M. Thumm, Deputy,

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October Term 1911.

The State of Ohio

Union County, s.s.

The present term of the Circuit Court of Union County and State of Ohio, in the ^{3rd} Judicial District, held at the Court House in the Village of Marysville County and State aforesaid was begun on the 3rd day of October 1911.

Present:

Hon. M. Donnelly Presiding Judge, Hon. Michael Donnelly, Wm. H. Kinder, L. K. Powell } Judges. Third Jud. Cir. Ohio. Cad Price Sheriff, Union Co. O Attest: John C. Hartshorn, Clerk.

The Circuit Court of Ohio

Assignment

Pursuant to the provisions of Section 1528 General Code of Ohio, Hon. L. K. Powell, a Judge of the Circuit Court for the 5th Circuit is hereby assigned to the Third Circuit, to sit in the Circuit Court of Union County, commencing on the 3rd day of October 1911.

Thomas A. Jones Chief Justice Civ. Court of Ohio.

Ralph Moffett, a taxpayer on behalf of the Village of Richwood Ohio.

No. 219.

vs

The Village of Richwood O

This cause came on for hearing on demurrer of Defendant. Upon hearing the argument of Counsel the Court took the matter at issue under advisement until to-morrow morning.

Hazetta E. Drumm, a taxpayer on behalf of Village of Richwood O

No. 220

vs

The Village of Richwood Ohio

This cause came on for hearing on demurrer of Defendant. Upon hearing the argument the Court took the matter at issue under advisement until to-morrow morning.

It is ordered by the Circuit Court of Union County that W. A. Garrard and George C. Edwards be and they hereby are appointed Bailiffs during the present term.

Thereupon in open Court came the said W. A. Garrard and George C. Edwards and took the oath of office to faithfully and impartially discharge the same.

Court Adjourned until to-morrow morning Oct. 4, at 8 o'clock a.m.

Circuit Court convened Wednesday Oct. 4, 1911 at 8 o'clock a.m.
Present Honorable Michael Donnelly, Wm. H. Kinder and
L. K. Powell.

Ralph Moffett, a taxpayer
on behalf of Village of
Richwood Ohio,

No. 219. - Filed Oct. 27, 1911

vs
The Village of Richwood Ohio.

This cause came on for hearing on demurrer of
Defendants, Upon argument of Counsel of Plaintiff and Defendants
on October 3, 1911 and after due consideration by said Court on
October 4th, 1911 the Court finds the petition states facts sufficient
for a cause of action and overrules the demurrer, Exceptions
taken by Defendants. The Defendants are given thirty days in
which to file an answer and the Plaintiff is given fifteen
days thereafter in which to file a reply. Cause continued.

Hazetta E. Drumm, a taxpayer
of the Village of Richwood Ohio.

No. 220 - Filed Oct. 27, 1911

vs
The Village of Richwood Ohio.

This cause came on for hearing on demurrer of Defendants
Upon argument of Counsel of Plaintiff and Defendants on Oct. 3, 1911
and after due consideration by said Court on Oct. 4, 1911, the
Court finds the petition states facts sufficient for a cause of
action and overrules the demurrer, Exceptions taken by Defend-
ants. The Defendants are given thirty days in which to file an
answer and the Plaintiff is given fifteen days thereafter in
which to file a reply. Cause continued.

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Times for Holding Circuit Courts, A.D. 1912,

State of Ohio
Third Judicial Circuit

It is ordered that the times of the beginning of the terms of the Circuit Courts of the several counties in said Circuit for the year 1912 be fixed as follows, to-wit:

Wyandot County	on the 2 nd day of January	and the 3 rd day of Sept.
Marion	" " " 9 th " " " " " 10 th " " "	
Crawford	" " " 16 th " " " " " 17 th " " "	
Hardin	" " " 30 th " " " " " 24 th " " "	
Logan	" " " 6 th " " February " " 1 st " " Oct.	
Henry	" " " 13 th " " " " " 8 th " " "	
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Allen	" " " 19 th " " " " " 12 th " " "	
Union	" " " 9 th " " April " " 21 st " " "	
Auglaize	" " " 16 th " " " " " 26 th " " "	
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Seneca	" " " 30 th " " " " " 10 th " " "	
Hancock	" " " 14 th " " May " " 17 th " " "	

Said terms to begin at 10 o'clock A.M.
September 19, 1911.

Filed Sept. 30, 1911

M. Donnelly
W. H. Kinder
Phil M. Crow } Judges

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Oct. 4, 1911.

It is ordered by this Court that That George C. Edwards be allowed Two days, and \$2.50 for night services, and W. A. Garrard be allowed Two days pay as Bailiffs during the present term. And the Clerk of this Court is hereby ordered to journalize and certify for the same.

It is ordered that all causes, matters and motions now pending in this Court not otherwise disposed of, be, and the same hereby are continued to the next term of this Court. The present term of this Court was begun on the 3rd day of October 1911, and continued from day to day and from time to time by regular adjournments and on this 4th day of October 1911 at 10 o'clock A. M. did adjourn sine die.

Attest: John C. Hartshorn, Clerk.

April Term 1912.

The State of Ohio, Union County ss.

This present term of the Circuit Court in and for the County of Union, in the 3rd Judicial Circuit of the State of Ohio, was held at the Court House in Marysville, County and State aforesaid was begun on the 9th day of April 1912.

Present Honorable Michael Donelley }
Honorable W. H. Kinder } Judges,
Honorable Phil M. Crow }

Cad Price, Sheriff.

Attest: John C. Hartshorn, Clerk.

Appointment of Court Bailiffs.

It is ordered by the Circuit Court of Union County, that George C. Edwards and W. A. Garrard be and they hereby are appointed Bailiffs for the present term.

In the Circuit Court of Union County, Ohio.

223 Sherman Hill,
Plaintiff.

vs

No. 223.

Receiver Laura M^cEntire et al.
Defendants.

On motion of the Plaintiff, and for good cause shown, it is ordered that Cad Price, Sheriff of Union County, be, and he hereby is, appointed Receiver in this cause, to take possession of the 65 acres of land described in Plaintiff's petition herein, the \$120000 in money paid to the Clerk of the Court of Common Pleas, by the Plaintiff herein, the note and mortgage for \$96720 deposited with the said Clerk by Plaintiff, and to do all and other acts authorized by law in this case, and to report his proceedings hereunder from time to time to this Court.

And now came the said Cad Price and was duly sworn as such receiver.

Approved: Hoopes, Robinson & Hoopes, Atty for Plaintiff.
John H. Millie, Atty for Defendant.

Filed Apr. 9, 1912.

219

Ralph Moff
Plaintiff

vs

The Village

Judgment

At the

on April 9, 1912
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220

Hazetta E.

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The Village

Judgment

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for the Defendant
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Motion
Remanded

In the Circuit Court, Union Co. Ohio

719

Ralph Moffett,
Plaintiff,

vs

No. 719

Judgment

The Village of Richwood O,
Defendant.

At the regular term of said Court held at Marysville, O, on April 9, 1912. This cause came on for hearing upon the pleadings and evidence, and was submitted.

On consideration whereof the Court finds and decrees for the Defendant, and the Petition of Plaintiff dismissed at costs of the Plaintiff, and judgment entered for costs. Motion for a new trial overruled, Exceptions saved. Remanded to Court of Common Pleas for Execution.

H. V. Spicer, Atty for Plaintiff.

A. B. Simons, Atty for Defendant.

In the Circuit Court of Union Co. Ohio.

270

Hazetta E. Drumm,
Plaintiff

vs

No. 770

Judgment

The Village of Richwood O et al,
Defendants.

At the regular term of said Court held at Marysville O, on April 9, 1912. This cause came on for hearing upon the pleadings and evidence, and was submitted.

On consideration whereof the Court finds and decrees for the Defendants and the Petition of the Plaintiff dismissed at costs of the Plaintiff and judgment entered for costs.

Motion for new trial overruled, Exceptions saved. Remanded to Court of Common Pleas for Execution.

H. V. Spicer, Atty for Plaintiff

A. B. Simons, Atty for Defendant.

In the Circuit Court of Union County, Ohio.

James W. Heath,
Plaintiff.

vs

Arthur Webb et al,
as Commissioners of
Union County, Ohio.

Defendants.

No. 221

This cause came on to be heard upon the petition, the transcript, and the original papers and pleadings from the Court of Common Pleas of Union County, and was argued by counsel; on consideration whereof the Court find there is no error apparent on the record in said proceedings and judgment.

It is therefore considered by the Court that the judgment aforesaid be, and the same hereby is, affirmed; and that the defendant in error recover from the plaintiff in error his costs herein expended.

It is further ordered that this cause be remanded to the Common Pleas Court for execution.

In the Circuit Court of Union County, Ohio

Sherman Hill,
Plaintiff

vs

Laura M. Entire et al,
Defendants.

No. 223

223

Leave

This cause coming on for hearing upon the motion of The Richwood Banking Company for leave to be made a party hereto and to plead herein and the Court being fully advised in the premises and upon good cause shown, leave is granted said The Richwood Banking Company to be made a party hereto and to plead instantee.

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It is hereby ordered by the Circuit Court of Union County Ohio, that George C. Edwards and W. A. Garrard, Bailiffs during this present term each be allowed 4 days service; and the Clerk of this hereby ordered to journalize and certify for the same.

It is ordered that all causes, matters and motions now pending in this Court not otherwise disposed of be, and the same hereby are continued to the next term hereof.

The present term of this Court was begun on the 9th day of April 1912, and continued from day to day and from time to time by regular adjournments and on this 11th day of April 1912 at 3:30, Court adjourned sine die.

Attest:

John C. Hartshorn,
Clerk.

Times of Holding Court of Appeals
1912.

State of Ohio,
Third Appellate Dist. }

It is ordered that the time of beginning of the terms of the Court of Appeals of the several Counties in said Appellate District for the year 1912 be fixed as follows:

Wyandot County	on the 7 th day of January;
Marion County	" " 14 th " " "
Hardin	" " 21 st " " "
Logan	" " 4 th " " February
Henry	" " 11 th " " "
Paulding	" " 18 th " " "
Defiance	" " 25 th " " "
Putnam	" " 4 th " " March
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Allen	" " 18 th " " "
Union	" " 25 th " " "
Auglaize	" " 1 st " " April
Mercer	" " 8 th " " "
Seneca	" " 15 th " " "
Hancock	" " 22 nd " " "

Said terms to begin at 10 o'clock A.M.
Sept. 17, 1912.

Michael Donnelly }
Walter H. Kinder } Judges
Phil M. Crow }

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November Term 1912.

The State of Ohio, Union County ss.

This present term of the Circuit Court in and for the County of Union, in the 3rd Judicial Circuit of the State of Ohio, was held at the Court House in Mansville Ohio, County aforesaid was begun on the 21st day of November 1912

Present: Honorable Michael Dounelly }
" N. H. Kinder } Judges
" Phil M. Crow }

Ed Price, Sheriff.

Attest John C. Hartshorn, Clerk

Bailiffs:

It is ordered by the Circuit Court of Union County, that George C. Edwards and N. A. Garrard be and they hereby are appointed Bailiffs for the present term.

In the Circuit Court of Union County, Ohio.

Fred E. Parsons,
Plaintiff,

vs

The Board of Education,
Millcreek School Dist,
Defendant

No. 225.

This day came the parties and their attorneys and this cause came on to be heard upon the pleadings and the evidence, and was argued by counsel and submitted to the Court:

On consideration whereof, the Court, being fully advised in the premises finds, upon all matters in issue between the parties, in favor of the defendant, except the Court finds that the advertisement notice for the sale of bonds is defective and insufficient, and an injunction is allowed against a sale of bonds under said advertisement notice.

It is ordered and adjudged that the defendant pay the cost of this proceeding and execution is awarded therefor. Motion for a new trial is made by plaintiffs and overruled, to which the plaintiff excepts.

It is further ordered that this cause be remanded to the Court of Common Pleas for execution.

Approved: Hoopes, Robinson + Hoopes Attorneys for Plaintiff
John H. Willis, Cameron + Cameron " " Defendant.

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Wednesday Nov. 22, 1912 - Circuit Court convened at 8:30 A.M.
 Present Honorable Michael Donnelly, W.H. Kinder + Phil M.
 Crow, Judges.

In the Circuit Court of Union County, Ohio.

Sherman Hill,
 Plaintiff,

223

vs

No. 223.

Laura M^cEntire et al,
 Defendants.

Judgment

This day this cause came on to be heard upon the pleadings, and evidence, and the same was argued by counsel and submitted to the Court.

On consideration whereof the Court finds that the allegations of the petition are sustained by the evidence; that the contract set forth in the plaintiff's petition was duly entered into between the plaintiff and the defendant, Laura M^cEntire, and that the same is a valid and subsisting contract between said parties; that the contract subsequently entered into between said defendant, Laura M^cEntire and said defendants John A. Potts and Hattie E. Potts was so executed by them in derogation of the rights of said plaintiff, and was so entered into by said defendants, John A. Potts and Hattie E. Potts, with full knowledge of the existence of said contract between said plaintiff and said defendant, Laura M^cEntire.

The Court further finds that on the 1st day of April 1912, the plaintiff tendered into the Court of Common Pleas, Union County, Ohio, for the use and benefit of defendant, Laura E. M^cEntire, the sum of \$1200.00 and executed his promissory note secured by mortgage upon the premises hereinafter described with proper release of dower for \$967.70 payable to the said defendant. The Court further finds that the said defendant, Laura M^cEntire has refused to accept such tender and failed to comply with said contract on her part.

The Court further finds that under the terms of said agreement said premises were to have been deeded to said plaintiff clear of incumbrances except a mortgage of \$1200.00 with the interest paid to April 1, 1912, and except the June 1912 installment of taxes and assessments and all taxes and assessments thereafter.

The Court further finds that a mortgage described in said agreement as a \$1200.00 mortgage is in fact a mortgage for \$1750.00 with a considerable amount of accrued interest unpaid, and that the mortgage of \$1207.30 has a considerable amount of accrued and unpaid interest upon it; that there is in force upon said premises transcript liens as follows: To John A. Potts and Hattie E. Potts \$230.00 with interest from Feb. 13, 1912 and \$2.85 costs; also a transcript lien to same parties, John A. Potts and

Hattie E. Potts of \$200.00 with interest from March 26, 1912, and \$4.10 costs; to Richwood Banking Company a transcript lien of \$77.40 with interest from Nov. 20, 1912 at 8% and \$6.75 costs.

The Court further finds that the transcript lien of \$200.00 in favor of John A. Potts and Hattie E. Potts has been appealed to the Court of Common Pleas, and the same is now pending in said Court.

The Court further finds that by an agreement between the plaintiff and defendant, Laura M. Entire, the defendant agrees to accept in lieu of the mortgage and note of \$967.70 the sum of \$925.00 in cash, and that the plaintiff has agreed to pay said sum in cash.

The Court further finds that the receiver heretofore appointed in this case has paid out of the \$1200.00 in his hands, the December 1911, and the June 1912 installment of taxes. That the June installment of taxes should be paid by the plaintiff and the December 1911 installment be charged against the defendant, Laura M. Entire.

It is therefore considered and decreed that the plaintiff pay to the receiver herein, for the said Laura M. Entire in addition to the \$1200.00, which he has already paid to the Court of Common Pleas of this county, the sum of \$925.00 and the mortgage and note executed by plaintiff to the defendant, Laura M. Entire, reduce the mortgage of \$1750.00 to \$1200.00 with interest paid to April, 1912, that she pay the interest on the \$1207.30 mortgage to April, 1912, that the transcript lien of John A. Potts and Hattie E. Potts of \$230.00 with interest and costs be paid; that the transcript lien of The Richwood Banking Co. for \$77.40 with interest and costs be paid; and that the sum of \$275.00 be paid by the receiver, heretofore appointed in this case, to the Court of Common Pleas to be held ^{by him} pending the final disposition in the case of John A. Potts and Hattie E. Potts against Laura M. Entire; being case no. —. Upon the final disposition of this case if judgment is rendered against Laura M. Entire that said judgment be paid out of said sum, and the balance be turned over to said Laura M. Entire; in case judgment be rendered against John A. Potts and Hattie E. Potts the whole of said sum be paid to Laura M. Entire.

It is further considered by the Court that the sum of \$26.83 being December 1911 installment of taxes and assessments on said premises be charged against the defendant, Laura M. Entire, and that the sum of \$23.28, being June 1912 installment of taxes be credited to the defendant, Laura M. Entire.

It is ordered and adjudged that the plaintiff, Sherman Hill, pay to the defendant, Laura M. Entire the said sum of \$23.28; that the receiver heretofore appointed in this case pay to the holders of the respective mortgages in this case such sum as may be necessary to reduce them to the amounts in the findings hereinbefore contained. That the receiver out of said money if sufficient, pay the liens as hereinbefore found against said defendant, and that he pay the balance of said money, if any to the defendant, Laura M. Entire,

and that the entry of this the mortgage 1, 1912, subject all taxes and Sherman Hill

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and that the defendant, Laura M^cEntire, within 10 days from the entry of this decree execute a deed of general warranty subject to the mortgage of \$1200.00 and one of \$1207.30 with interest paid to April 1, 1912, subject to the June, 1912, installment of taxes and assessments, and all taxes and assessments becoming due thereafter, to the plaintiff, Sherman Hill, for the premises described as follows, to-wit:

Beginning at a stone at the intersection of the Marysville and Kenton Gravel Road, with the Stamats' Gravel Road, thence with the Marysville and Kenton Road, in a northerly direction, N. 38°-50' W. 102.84 rods to a stone in the center of said road, thence in a northeasterly direction N. 67°-30' E. 30.97 rods to a stone, thence in an easterly direction S. 78°-40' E. 53.27 rods to a stone, in M. F. Stamats' South line, thence in a southerly direction, S. 11°-15' W. 82.92 rods to place of beginning containing 23.34 acres more or less Southwest Tract:

Being in the Township of York, County of Union and State of Ohio, and bounded and described as follows: Beginning at a stone in the N. line of Rebecca J. Norris' land S. 7°-30' E. 5.30 rods from Rebecca J. Norris' northwest corner, thence in a westerly direction N. 78°-30' W. 98.4 rods to a stone in Jonathan Erwin's north line, and at the S.E. corner of C. Wynn's land; thence in a northerly direction, N. 11°-15' E. 91.80 rods to a stone at C. Wynn's N.E. corner; thence in an easterly direction, S. 78°-55' E. 26.06 rods to a stone in the center of the Marysville and Kenton road; thence with the center of said road in an easterly direction, S. 11°-15' W. 32 rods to place of beginning containing 42.96 acres more or less, and that upon her failure to comply with this within 10 days, that this decree shall operate as a conveyance of said premises to the plaintiff, Sherman Hill.

It is further ordered and decreed that the title of the said Sherman Hill to said premises is hereby quieted against the said Laura M^cEntire and against said John A. Potts and Hattie E. Potts, and said Laura M^cEntire, John A. Potts and Hattie E. Potts are forever enjoined from interfering with the said Sherman Hill and said title to ^{the} said premises.

It is further ordered that the plaintiff recover from the defendant, his costs herein expended, taxed at \$216.84; that the sum of \$25.00 be paid to the Receiver, Cad Price, as a compensation herein, and that the sum of \$10.00 as his expenses herein for surveying the premises be allowed the receiver; and that said total of receiver's compensation and expenses be taxed against the defendant, Laura M^cEntire \$17.50, and against the plaintiff, Sherman Hill \$17.50. Judgment is rendered against the defendant for his costs herein.

Approved: Hoopes, Robinson + Hoopes, Atty for Plaintiff.
John H. Millie, Atty for Laura M^cEntire.

Filed Feb. 6, 1913

In the Circuit Court of Union County, Ohio

Nancy Ross et al,
Plaintiffs

vs

No. 224.

224

The Board of County
Commissioners Union Co. O,
Defendant.

Judgment

vs

This cause came on to be heard on the pleadings and the evidence, and was argued by counsel and submitted to the Court.

Plaintiffs

for

costs.

On consideration the Court being fully advised in the premises finds upon all matters in issue between the parties in favor of the defendants, and the Court further finds that the lands of the plaintiffs are benefitted by said Baumgardner Ditch improvement in the sum \$203.80, and that the plaintiffs are not entitled to the relief for which they pray.

Wherefore the plaintiff's petition is dismissed and it is considered that said defendants go hence without day and recover of said plaintiffs its costs herein.

Judgment is rendered against the plaintiffs for costs herein, for which execution is awarded.

Motion for new trial is made by the plaintiffs and overruled, to which the plaintiffs excepts.

It is further ordered that this cause be remanded to the Court of Common Pleas for execution.

Approved:

Atty for Plaintiffs.

John H. Willis, Atty for Defendant.

Circuit

John Dilsaver
Plaintiff

vs

The Board of
Commissioners
Union County

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Filed Aug. 5, 1913.

Circuit Court, Union County, Ohio.

John Dilseaver,
Plaintiff

vs

The Board of County
Commissioners,
Union County, Ohio.

No. 726

Decree Dec. 7, 1913.

This day this cause came on to be heard on the issues joined, upon the exhibits, agreed statement of facts, and the testimony, the same having been argued by counsel;

It is therefore considered, ordered and adjudged by the Court, that perpetual injunction be allowed as prayed for in Plaintiff's petition.

It is ordered that the Defendants pay all the cost of the case for which a judgment is rendered against them, and that the cause be remanded back to the Court of Common Pleas for execution.

Approved: S. W. Saw Winkle, Atty for Plaintiff
John A. Willis, Pros. Atty, Union Co.

