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In Vacation.

Order of Injunction. Before the Probate Judge, Union County, Ohio.

Benjamin A. Fay and Hester A. Fay

vs

The Incorporated Village of Marysville, Union County, Ohio.

Motion for a temporary injunction, in the Court of Common Pleas, Union County, Ohio.

And now on this 28th day of June 1883 came the plaintiffs by Robinson and Piper their Attorneys; And it being made to appear that there is at this time no Common Pleas, District or Supreme Judge in said County, the motion of the plaintiffs for a temporary injunction came on and was heard upon the petition of the plaintiffs Benjamin A. Fay and Hester A. Fay and the defendants therein filed, and after hearing the arguments of Counsel, And being fully advised in the premises, it is Considered and ordered that a temporary injunction be, and the same hereby is allowed in this case to restrain the said defendant from removing the fence and the soil within the plaintiffs enclosure and so as to endamage the plaintiffs premises as prayed for in plaintiffs petition. It is further ordered that the Clerk of the Court of Common Pleas issue summons in this case endorsed injunction allowed on said plaintiffs giving an undertaking to the said defendant, conditioned according to law with security to be accepted by the said Clerk of the Court of Common Pleas, in the sum of $500.00

John B. Coats, Probate Judge.

Filed and recorded, June 29th 1883. J. D. Brugner, Clerk, Union County, Ohio.

Monday, July 9th A. D. 1883.

Court met today at 1, o'clock P.M. pursuant to adjournment. the same officers being present as heretofore.

4258

James A. Reed, R. H. Johnson, James A. Reed and Henry True partners as Marion County Bank

4273 vs

John Auselman

This day came the Plaintiffs by Johnson and Fisher their Attorneys, and thereupon came A. J. Carpenter one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendant herein and by virtue of the same warrant of Attorney, confesses that there is due from said defendant to said plaintiff as is alledged in said plaintiffs petition the sum of $153 20/100.

It is therefore considered that said plaintiff do recover of said defendant the said sum of $153 20/100 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed, and with interest to be computed at the rate of Eight per centum per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4247

The Peoples Bank

4270 vs

J. B. Wells, S. Long, James W. Wells & W. B. Seley

This day came the Plaintiff its Attorney S. T. Cochenour and thereupon came John W. Bradish one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney, duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition the sum of Five Hundred and forty eight 23/100 Dollars ($548 23/100).

It is therefore considered that said plaintiff do recover of said defendant the said sum of $548 23/100 so as aforesaid confessed to be due, together with costs of suit herein to be taxed, and with interest to be computed at the rate of Eight per centum per annum. And by virtue of said warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

Monday, July 9th A. D. 1883

4258 A. J. Whitney et. al vs Vesso A. Gregg et. al

And now comes the said A. J. Whitney by his Atty and the defendants F. M. Sanders & Peggie Price and the Peoples Bank each by their respective Attorneys the defendants Vesso A. Gregg and Gertie Gragg bring in default for answer or demur and thereupon this cause came on for hearing upon the petition, answers of the Peoples Bank, F. M. Sanders and Peggy Price and the evidence whereupon it is considered that the said plaintiff is entitled to an account of the money due him in the premises, and the Court after hearing the evidence do find that there is due to said plaintiff, on this 9th day of July A.D. 1883 on the note and mortgage in said petition described the sum of Four Hundred and fifty nine 69/100 Dollars.

It is therefore considered by the Court here that said plaintiff recover of the defendant Vesso A. Gragg the said sum of Four Hundred & fifty nine 69/100 Dollars the sum so found due, and also his costs taxed to &. And it is further ordered and adjudged that an order issue to the Sheriff of said County commanding him to cause said lands and tenements in said petition described to be appraised, advertised and sold according to law and that he bring the proceeds of said sale into Court subject to the further order of the Court as to the distribution thereof.

4247 Isaac N. Graham vs Cynthia Ann White et al

And now came the said Isaac N. White by A. J. Carpenter his Attorney, and thereupon this cause came on to be heard upon the petition and the evidence and was argued by counsel: On consideration whereof the Court do find that due notice of the pendency of this action had been given and that each and all of the defendants have entered their appearance herein in writing waiving the issuing and service of summons and waiving time: And the Court do further find that the said Isaac N. Graham has a legal right to and is sieged in fee simple of the one eighth part of said premises = And the Court do further find that the said Cynthia Ann White, Jacob S. Lawr, John W. Lawr, G. R. White, Carrie A. Lawr, Kate S. Lawr and Willie C. Lawr are tenants in common in said premises with the said Isaac N. Graham in the following proportions, to-wit = That the said Cynthia Ann White is sieged of the one eighth part thereof, the said Jacob S. Lawr of one eighth part thereof, the said John W. Lawr of one eighth part thereof, the said G. R. White of three eighths part thereof and the said Carrie A. Lawr, Kate S. Lawr and Willie C. Lawr are each sieged of one twenty fourth part thereof. It is therefor ordered that a writ of partition issue to the Sheriff of said County commanding him that by the oaths of A. D. Mowry, Asa Langstoff and John Blair partition be made of said lands in the following proportions, to-wit = To the said Isaac N. Graham one eighth part. To the said Cynthia A White one eighth part. To the said Jacob S. Lawr one eighth part. To the said John W. Lawr one eighth part. To the said G. R. White three eighths part. To the said Carrie A. Lawr one twenty fourth part. To the said Kate S. Lawr one 24th part. To the said Willie C. Lawr one 24th part. And it is further ordered that the Sheriff return his proceedings in the premises forthwith.

Monday July 9th A.D. 1883

4249 J. L. Fish as Guardian &c. vs A. C. Hamilton

4250

And now came the said J. L. Fish as Guardian &c, by A. J. Carpenter his Attorney and thereupon this cause came on to be heard upon the petition and the evidence and was argued by Counsel: On consideration whereof the Court do find that due notice of the pendency and object of this action has been given to the defendant according to law: And the Court do further find that said Thomas Elmer E. Moore has a legal estate in and is seized in fee simple of the one fourth part of said premises: And the Court do further find that the said John W. Moore, Mabel Moore and A. C. Hamilton are tenants in common in said premises with the said Thomas Elmer E. Moore in the following proportions to-wit That the said John W. Moore, Mabel Moore and A. C. Hamilton are each seized of the one undivided one fourth part thereof.

It is therefore ordered that a writ of partition issue to the Sheriff of said County Commanding him that by the oaths of A. S. Macary, John Graham and partition be made of said lands in the following proportions, to-wit= To the said Thomas Elmer E. Moore one fourth part, To the said John W. Moore one fourth part. To the said Mabel Moore one fourth part, To the said A. C. Hamilton one fourth part, and it is further ordered that the Sheriff return his proceedings in the premises forthwith.

4254 Elizabeth A. Stewart vs Enoch Stewart et. al

This day this cause came on for hearing upon motion for appointment of Guardian ad-litem for the minor heirs to this suit, And it appearing to the Court that Addie Williams is a minor over fourteen years of age, and that Fannie Williams, Jennie Williams Anderson Williams, Lucy Williams and Olive Green are minors under fourteen years of age, And that they all have been duly served with summons and have neglected for more than 20 days from return day of summons to have Guardian ad-litem appointed, On motion of the Court by J. McKennedy Attorney for Plaintiff A. H. Kolfrath is hereby appointed Guardian for the suit for said defendant Minors. And now comes the said A. H. Kolfrath in open Court and accepts said appointment.

Monday July 9th A.D. 1883.

4250

William Davis, Plaintiff,
vs.
Alexander Davis, Wm. Debolt,
Laura E. Debolt, Joseph Davis Jr
Clara E. Finley & Catherine Davis Defendants

Common Pleas Court.
Union County, Ohio.
Decree for Partition.

This cause coming on to be heard on the pleadings and evidence the Court find that the defendants Alexander Davis, William Debolt, Laura E. Debolt had legal notice of the pendency and prayer of petition, and are in default for answer or demurrer, and the petition is thereby confessed by them to be true. And the defendants Joseph Davis Catherine Davis and Clar E. Finley have filed their answer herein consenting to the prayer of the petition and asking that it be granted.

The Court further find that the plaintiff is sieged of and has a legal right to the undivided one fifth (1/5) part of said premises and is entitled to hold the same in severalty; And that the defendants are tenants in common with him in the following proportions, to-wit= Alexander Davis is sieged of and has a legal right to the undivided one fifth part, Laura E. Debolt is sieged of and has a legal right to the undivided one tenth part. Joseph Davis Jr. is sieged of and has a right to the undivided one fifth part, Catherine Davis is sieged of and has a legal right to the undivided one fifth part, And Clara E. Finley is sieged of and has a legal right to the undivided one tenth part.

It is ordered adjudged and decreed, therefore that partition of said estate be made in the proportions above described, and that an order issue to the Sheriff of this County commanding him that by the oaths of Alfred Scott W.H. Robb and John D. Smart, three judicians and disinterested freeholders of the vicinity who are hereby appointed commissioners for that purpose, he set off to the plaintiff and said defendants, cotenants their proportions of said estate in severalty, or if said Commissioners find said premises cannot be divided without manifest injury to the value thereof, it is ordered that appraise the same, And of his proceedings make due return.

Monday, July 9th A.D. 1883

4254

Elizabeth A. Stewart
vs
Enoch Stewart et al

Now comes the Plaintiff Elizabeth A. Stewart by her Attorney and this cause came on to be heard upon the petition of Plaintiff, and the defendants being in default for answer or demurrer, and the Court being fully advised in the premises do find that the said James Stewart was in his lifetime seized in fee simple of the real estate and premises described in the petition and that the plaintiff is the widow of the said James Stewart deceased. That the said James Stewart died leaving a last will and testament which was duly proven and admitted to Probate that the Plaintiff has appeared in the probate Court of this County, and elected not to take under said will, and that she is entitled to have her dower in the said premises assigned and set off to her, as prayed for in her said petition.

It is therefore ordered, adjudged and decreed by the Court that the said plaintiff be endowed of one equal third part of the premises as described in the petition, as set off and willed to the said Enoch Stewart if there be sufficient thereof, and that the same be set off and assigned out of the land as described in the petition if not, then equally off the other shares as described in said petition pro rata with each other as to quantity; And that a writ issue to the Sheriff of Union County, commanding him that by the oaths of A.S. Mowry, John Parr and Simeon Childs three judicious disinterested men of the vicinity in the said County, who are not of kin to either of the parties, and who are hereby appointed Commissioners for that purpose to set off and assign such dower to said plaintiff according to law.

And that of such proceedings together with the said Commissioners of praisement of the yearly net value of said real estate estimated from the 31st day of May 1883 to the day of such assignment of dower, the said Commissioners and the said Sheriff make due return forthwith.

4243

E. L. Lewis
vs
S. S. Gardiner Assignee &c

Continued on mo. to dismiss appeal for want of time to hear the same.

Thereupon Court adjourned until tomorrow at one o'clock P.M.

Tuesday July 10th A. D. 1883

Court met to day at one o'clock P.M. pursuant to adjournment, the same officers being present as heretofore.

4243 James Patrick vs Hiram Kent and Eliza Fox et. al

Now came the plaintiff herein by his Attorneys and his petition thereupon coming on to be heard the Court find that all of the defendants have had due legal notice of the pendency and demand of said petition, and that they are in default for answer or demurrer: And that the said petition is hereby confessed by them to be true. Thereupon the Court find that the said plaintiff James Patrick is seized of and has a legal right to, the undivided one third part of the estate described in the petition, and is entitled to have partition made of said premises: That the defendants Hiram Kent and Eliza Fox are tenants in Common with the said plaintiff in the said premises in the following proportions, to-wit= That the said Hiram Kent is seized of and has a legal right to the undivided one third part thereof, and that the said Eliza Fox is seized of and has a legal right to the undivided one third part thereof, and no reason appearing why partition should not be made. It is therefore ordered, adjudged and decreed, that partition of said estate be made, and that an order issue to the Sheriff of Union County Ohio commanding him that by the oaths of A. S. Mowry, John Morse and James McCloud, three disinterested and judicious freeholders of the vicinity who are hereby appointed Commissioners for that purpose, he cause to be set off and divided to the said Plaintiff and to each of the said defendants, Hiram Kent and Eliza Fox, the part and proportion of the said estate to which they are hereinbefore severally found entitled.

And it is ordered, that, if in the opinion of the said Commissioners said premises cannot be divided by metes and bounds without injury to the value thereof, they appraise the same. And of his proceedings herein, the said Sheriff is ordered to make due return forthwith.

Tuesday, July 10th A. D. 1883.

4274

C. Aultman & Co.
vs
S. E. Gamble

This day came the Plaintiff by F. B. Benton his atty, and thereupon came E. E. Cole one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendant to said Plaintiff as is alleged in said Plaintiffs petition the sum of $361 87/100.

It is therfore considered that said Plaintiff do recover of said defendant the said sum of Three Hundred and Sixty one and 87/100 Dollars ($361 87/100) so as aforesaid confessed to be due, together with costs of suit herein, to be taxed with interest to be computed at the rate of 8 % per annum.

And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4231

#139

Thereupon Court adjourned until to morrow at one o'clock P.M.

Wednesday, July 11th A. D. 1883

Court met to day at one o' clock P.M. pursuant to adjournment; the same officers being present as heretofore.

4231 W. R. Kinnear & Co. vs Karst and Woodruff

This day came the plaintiffs by their Attorneys and thereupon this cause came on to be heard upon the petition of Plaintiff exhibits and testimony and the defendants both and each of them being in default for answer and demurrer, the Court find that the allegations of the petition are confessed by the defendants to be true and that they are indebted to the plaintiffs in the sum of $351 50/100 together with interest thereon from the 20th day of January A.D. 1883 amounting at this date (July 10th 1883) to the sum of $360 95/100.

It is therefore considered by the Court that the said plaintiffs W. R. Kinnear and Company recover from the said defendants Karst & Woodruff the said sum of Three Hundred and Sixty and 95/100 Dollars and their costs herein expended taxed to $.

4139 Cynthia Eastman vs Ephraim Eastman | Leave to file ans- & cross- petition and same filed.

Thereupon Court adjourned until tomorrow at one o' clock P.M.

Thursday, July 12th A. D. 1883.

Court met this day at one o'clock P.M. pursuant to adjournment: the same Officers being present as on yesterday.

4256 John D Cranston Guardian &c. vs W.W. Haines & C. F. Haines Admrs &c. } Money Only. 4243

Now comes the Plaintiff herein and the defendants being in default for answer and demurrer, the Court find that the allegations of the petition are by them confessed to be true and that the defendants are indebted to the plaintiff as said Guardian in the sum of Five Hundred fifty two and 07/100 Dollars ($552 07/100) with int. at 8 per cent per annum from July 9th 1883. It is therefore considered by the Court that the said plaintiff recover from the said defendants the said sum of Five Hundred and Fifty two and 07/100 Dollars ($552 07/100) with 8 % int from July 9th A.D. 1883. and their costs herein expended taxed at $.

4067 William Roberts vs W. L. Curry et. al } 4233

This day this cause came on to be heard upon the demurrer of Defendants to Plaintiffs Petition.

Whereupon the Court being fully advised in the premises doth sustain said demurrer, and the Plaintiff not desiring to further plead the Pet. is dismissed at his cost.

It is therefore considered ordered and adjudged by the Court that the Defendants recover of the Plaintiffs their costs herein taxed to $. To all of which ruling and Judgment the Plaintiff by his Attorney Excepts.

Thereupon Court adjourned until tomorrow at 8½ o'clock A. M.

Friday, July 13th A.D. 1883.

Court met this morning at 8½ o'clock pursuant to adjournment: the same officers being present as on yesterday.

4243 James Patrick vs Hiram Kent et. al

On mo. to the Court by J. M. Kennedy Attorney for Plaintiff and it appearing that the heirs of William Patrick Deceased late of the State of Illinois are necessary parties to this cause.

It is therefore ordered that Anna Patrick of the State of Illinois, be made a party she being one of the heirs of William Patrick Deceased: and that others, whose names and places of residence are unknown to this plaintiff being the other heirs of the said Wm. Patrick Deceased be made parties hereto: and thereupon this cause is continued without further action thereon until the next term of this Court.

4233 Charles F. Gill vs J. S. Gill et. al

And now comes the said Charles F. Gill by D. R. Kerr his Atty, and the defendants by their Atty and thereupon this cause coming on to be heard upon the petition, answer and cross-petition, and evidence, and was argued by counsel, and the said defendant J. S. Gill still failing to demur or answer to the said petition, the said petition is taken to be true. It is therefore considered that the said plaintiff ought to recover the amount due him by reason of the premises: On consideration whereof the Court find that there is due to the Plaintiff on the notes and Mortgage in the Petition mentioned and set forth, the sum of Five hundred dollars and that it is a lien upon said premises:

It is therefore considered and decreed by said Court here that said Mortgage deed be and the same are hereby foreclosed and the defendant J. S. Gill pay the plaintiff said sum of Five Hundred Dollars, the sum found due as aforesaid and the costs taxed at $. And it is further ordered and adjudged that in case the said defendant fail for 10 days from this date, to pay to the said plaintiff the said sum of $500.00 so as aforesaid 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, advertised and sold, according to law, and apply the proceeds of the sale, first in payment of costs: second, in payment of the judgment so as aforesaid rendered; and the residue, if any, he bring into Court, to abide the further order of said Court.

Thereupon Court adjourned until tomorrow at 8, o'clock A.M.

Saturday, July 14th A. D. 1883.

Court met this morning at 8 o'clock pursuant to adjournment; the same officers being present as on yesterday.

4250 William Davis vs Alexander Davis, Laura E. Dibolt, Joseph Davis Jr., Catherine Davis & Clara E. Finley — In partition.

This day this cause came on for hearing on the return of the Sheriff and report of the Commissioners heretofore appointed herein, and on motion to confirm the same. And it appearing from said report that said estate cannot be divided by metes and bounds without injury to the value thereof, the Court find the said returns and proceedings in all respects correct and in conformity to law and do therefore approve and confirm the same and thereupon neither of the parties electing to take said premises at its appraised value, on motion by the plaintiff it is ordered that said estate be sold at public auction at the door of the Court House, in Marysville, and that an order issue therefor to the Sheriff of Union County.
And the said Sheriff is ordered to return his proceedings to this Court without unnecessary delay.

4247 Isaac N. Graham vs Cynthia Ann White et al — In Union Common Pleas.

On motion of A. T. Carpenter, Counsel for said petitioner, and upon producing the return of the Sheriff, and the report of the Commissioners heretofore appointed herein, and the same having been examined by the Court, and found in all respects correct and in conformity to law: It is hereby ordered that the said proceedings and report be, and the same is hereby approved and confirmed.
And it appearing from said report that said estate could not be divided by metes and bounds without injury to the value thereof, and neither of said parties electing to take said premises at the valuation thereof, it is ordered that the said premises be sold at public sale by the Sheriff of said County of Union, according to law, and that he return his doings in the premises to the next term of this Court to which time this action is continued.

Bills

Certified

endorsed,

Certified

4249

4043

Bills — Saturday July 14th A. D. 1883.

Certified — The Summons heretofore issued by order of John A. Price Judge, to the Trustees of the several townships of this Union County for names of persons to serve as additional Jurors is this day returned and filed endorsed as follows: Received this writ June 1st 1883.

And pursuant to its command, within the life of the writ, I served a true copy of this writ on the trustees of each township in the County. Service on each Township .30¢ each = $4.20 Mileage to perform service $4.00 and Copies $2.25 Total $10.45/100

John Hobrusack, Sheriff, Union County, O.

Endorsed, "Approved:- Clerk make proper entry, ordering the above fees to be paid to the Sheriff out of the County Treasury, on the warrant of the Auditor. July 13th 1883"

"John A. Price, Judge."

Certified — Union County to John Hobrusack Dr.

For serving and returning two Venires for Juries in the cases of Lucy V. French et. al vs Robert Hill et. al and Lucy V. French et. al vs John N. Preston et. al under the statute for the benefit of occupying claimants July 12th 1883. Nine Dollars ($9.00)

John Hobrusack, Sheriff.

4249 — J. L. Fish as Guardian &c. vs A. C. Hamilton et. al | Union Common Pleas.

On motion of A. T. Carpenter counsel for said petitioner, and upon producing the return of the Sheriff and the report of the Commissioners heretofore appointed herein, and the same having been examined by the Court, and found in all respects correct and in conformity to law: it is hereby ordered that said proceedings and report be, and the same is, hereby approved and confirmed. And it appearing from said report that said estate could not be divided by metes and bounds without manifest injury to the value thereof, and neither of said parties electing to take the said premises at the valuation thereof, it is ordered that the said premises be sold at public sale by the Sheriff of said County of Union, according to law, and that he return his doings in the premises to the next term of this Court, to which time this action is continued.

4043 — Hannah Andrews vs Lewis G. Andrews |

This day this cause came on for hearing on the motion of Plaintiff to file an amended Petition which motion was sustained by the Court and leave granted, and said Amended Petition was accordingly filed.

Date Aug 19th A. D. 1883.

4354 Elizabeth N. Stewart
vs
Enoch Stewart,
Emily Johnson et al Benjamin Johnson,
Harriett E. Miller et al Elsworth Miller,
Caroline Kennedy et al Henry C. Kennedy,
Carrine Williams, William Williams,
Addie Williams, Fannie Williams,
Jennie Williams, Anderson Williams
Lucy Williams et al Dion Green,

Court of Common Pleas.
Union County,
Ohio.

This day this cause came on to be heard upon the return of the Sheriff and the Commissioners herein before appointed for the assignment of Dower, under the former order of this Court and on motion to confirm the same. And the Court being fully advised in the premises, find said proceedings and assignment in all respects in conformity to law, and hereby approve and confirm the same. It is therefor ordered decreed and adjudged that the said Elizabeth N. Stewart have and possess the lands so assigned, to-wit- Bounded and described as follows: Beginning at three white thorns from one root, thence N. 54° E. 110 36/100 poles to a stone set by T. J. Sager as a division corner between the lands of Enoch Stewart and America Williams thence with the lines dividing said lands N. 35° W. 57 poles to a stake, thence S. 55° W. 110 76/100 poles to a stake in the line of survey No. 4610. Thence with said line S. 35° E. 59 poles to the beginning 40 acres more or less.

It is further ordered that the Plaintiff pay one equal third part of the costs of this suit herein taxed at $. That Enoch Stewart pay 2/15 of said cost, that Emily Johnson pay 2/15 of said costs, that Harriett E. Miller pay 2/15 of said costs, That Caroline Kennedy pay 2/15 of said cost, and that the heirs of America Williams deceased, to-wit- Carrine Williams, William Williams, Addie Williams, Fannie Williams, Jennie Williams Anderson Williams and Lucy Williams pay Jointly 2/15 of said cost herein taxed, And it is further ordered that if said costs are not paid within ten days from this date, that execution issue therefor.

Thereupon Court adjourned until Monday at one o'clock P.M. Sept. 3rd 1883.

In Vacation.

Order of Injunction. Before the Probate Judge, Union County Ohio, Sept Term. 1883

Mary Thomas
vs
William Epps and
Thomas B. Benton

Motion for temporary Injunction, In the Court of Com. Pleas. Union County, Ohio.

And now on this 14th day of August 1883 came the Plff by J. M. Kennedy her Atty: And it being made to appear that there is at this time no Common Pleas, District, or Supreme Judge within said County, the Motion of the Plaintiff for a temporary injunction came on and was heard upon the petition of the Plaintiff Mary Thomas therein filed, and after hearing the argument of Counsel, and being fully advised in the premises, It is considered and ordered that a temporary injunction be and the same is allowed in this case to restrain the said defendants William Epps and Thomas B. Benton from in any manner interfering or disturbing the Plaintiff Mary Thomas in the use and occupancy of her farm of 52⅓ acres of land situate in Allen Township, Union County, Ohio, part of survey No. 3748 including the ownership of ⅓ of the crop of wheat now growing, one half of the hay now in stack on said farm, and the use of the meadow pasture being about 20 acres of said land and about 12 acres of stubble pasture and one half of the corn now growing on said land as prayed for in said petition of Plaintiff.

It is further ordered that the Clerk of the Court of Common Pleas issue Summons in this case endorsed injunction allowed on said Plaintiff, giving an undertaking to said Defendant, conditioned according to law with security to be accepted by the said Clerk of the Court of Common Pleas, in the sum of $100.00

John B. Coats, Probate Judge.

Fullington Kellis and Woods
vs
A. C. Pierson et al

And now came the said parties by their Attys, and on motion of Plaintiffs, and all parties consenting to a reference to F. J. Arthur as referee, it is ordered by the Court that this cause stand referred to said F. J. Arthur as Referee to take testimony and ascertain the amount due on the account set out in the Plaintiffs petition, who were the original owners of stock, when and to whom the stock was from time to time transfered; who were stockholders at the commencement of this action; who of all the stockholders are liable to be assessed, and the amount each should be assessed, for the payment of the amounts due plaintiffs on the Judgments and account set out in their petition; And the probable costs of this action; who of the said stockholds are solvent and responsible, who are insolvent, and who doubtful. And that said referee reduce to writing the testimony and have the same subscribed by the witnesses, and that he report his findings and doings, to this Court at the next term thereof, (reporting his findings of fact and law separately,) together with all the testimony in writing, to which 83. To which the defendants hereby except and this cause is continued to the next Term of this Court.

Clerk will enter on Journal.

John A. Price.
Judge.

Monday Sept. 3rd 1883

Court met today at one o'clock P.M. pursuant to adjournment the same Officers being present as heretofore.

James Patrick
vs
Hiram Kent et. al

4321

This cause came on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed and on the motion to confirm the same, and it appearing from said report that said estate could not be divided by metes and bounds, without injury to the value thereof, and that said Commissioners have made and returned their appraisement of said estate at $1160.00 the Court find the said return and proceeding in all respect correct and in conformity to law, and do therefore approve and confirm the same.
And thereupon neither of said parties electing to take the estate at its appraised value On motion of the Plaintiff it is ordered that said estate be sold at public auction, and that an order issue therefor to the Sheriff of Union County and the said Sheriff is ordered to return his proceedings to this Court without unnecessary delay.

Tuesday. Sept. 4th A.D. 1883

Court met this morning at 9. O'clock pursuant to adjournment. the same officers being present as on yesterday.

4321 G. W. Machling vs Henry Aurine Jr. et al Andrew Aurine

This day came the Plaintiff by N. F. Carpenter his Atty and thereupon came N. H. Brightler one of the Attorneys of record of this Court, who. by virtue of a warrant of attorney, duly executed, and now produced in open Court and duly proven waived the issuing and service of process and entered the appearance of said defendants herein, and by virtue of the same warrant of Attorney confesses that there is due from said defendants to said Plaintiff, as it is alleged in said Plaintiffs Petition the sum of Two hundred and fifty one and 84/100 Dollars.

It is therefore considered and adjudged that said Plaintiff do recover of said defendant the said sum of Two hundred fifty one and 84/100 Dollars so as aforesaid confessed to be due, together with costs of suit herein, to be taxed, and with interest to be computed at the rate of Eight per centum per annum. And by virtue of said warrant of Attorney all errors are released and all right of appeal, and all right to file a petition in Error are waived.

Mary E. Grow vs Samuel Grow

On motion of the Plaintiff and on her producing the return of the Sheriff of the sale made under the former order of this Court and the Court on careful examination of the proceedings of the said Sheriff being satisfied that the same have been in all respects in conformity to law and the orders of this Court, it is ordered that the said Sheriff convey to the purchaser Joseph Roff by deed according to law the property so sold, and said purchaser is hereby subrogated to all the rights of said lienholders in said premises so far as they may be paid herein, and a writ of possession is awarded to put said purchaser in possession of said premises and the Court coming now to the distribution of the proceeds of said sale amounting to $367 00/100 It is ordered that the Sheriff out of the money in his hands pay the taxes of 1882 due June 20th 1883 amounting to $2 51/100. Secondly, the costs of this action taxed at $— bring all costs herein up to date. Thirdly, to the Plaintiff $33 00 on her judgment for alimony. Fourthly, that said Sheriff retain in his hands Twenty five Dollars of said money until the further order of this Court and pay the remainder to said defendant.

Tuesday, Sept. 4th A. D. 1883.

4318 The Peoples Bank
vs
Jacob Kline, Abraham Kline and William Cassiday

This day came the plaintiff by A. F. Carpenter his Attorney and thereupon came A H Beightler one of the Attorneys of record of this Court, who, by virtue of a warrant of Attorney, duly executed, and now produced in open Court and duly proven, waives the issueing and service of process, and enters the appearance of said defendant herein, and by virtue of the same warrant of Attorney confesses that there is due from said defendant to said Plaintiff as is alleged in said plaintiffs petition the sum of One hundred and two and 55/100 Dollars.

It is therefore considered and adjudged that said Plaintiff do recover of said defendants the said sum of $102 55 so as aforesaid confessed to be due, together with costs herein, to be taxed, and with interest to be computed at the rate of Eight per centum per annum. And by virtue of said warrant of Attorney all errors are released and all right of appeal, and all right to file a petition in error are waived.

4324

4323

4319 The Peoples Bank
vs
D. J. Sanderson Ed Manerva Sanderson

This day came the plaintiff by A. F. Carpenter his Attorney, and thereupon came A H Beightler one of the attorneys of record of this Court, who, by virtue of a warrant of Atty duly executed and now produced in open Court, & duly proven, waived the issueing and service of process, and entered the appearance of said defendants herein, and by virtue of the same warrant of Atty confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition the sum of One hundred and seventy three and 76/100 Dollars.

It is therefore considered and adjudged by the Court that said Plff do recover of said defendants the said sum of One hundred and seventy three and 76/100 Dollars, so as aforesaid confessed to be due together with costs herein to be taxed, and with interest to be computed at the rate of Eight per centum per annum. And by virtue of said warrant of Atty all errors are released and all right of appeal, and all right to file a petition in error are waived.

Tuesday. Sept. 4th A. D. 1883

4324 Luther Lane vs James Heath & Chas Brady

This day came the plaintiff by J. S. McCampbell his Atty, and thereupon came John M. Brodrick one of the Attorneys of record of this Court, who, by virtue of a warrant duly executed, and now produced in open Court, and duly proven, waived the issuing and service of process, and entered the appearance of said defendants herein, and by virtue of the same warrant of Atty, confesses that there is due from said defendant to said plaintiff as is alleged in said Plaintiffs petition the sum of $435 28/100.

It is therefore considered and adjudged that said Plaintiff do recover of said defendants the said sum of Four hundred thirty five and 28/100 Dollars so as aforesaid confessed to be due, together with costs of suit herein, to be taxed, and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Atty all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4323 Luther Lane vs E. Mitchell

This day came the Plaintiff by J. S. McCampbell Attorney and thereupon came John M. Brodrick one of the attorneys of record of this Court, who, by virtue of a warrant of Attorney, duly executed, and now produced in open Court and duly proven, waived the issuing and service of process and entered the appearance of said defendant herein, and by virtue of the same warrant of Attorney confesses that there is due from said defendant to said Plaintiff the sum of Three hundred and fifty six and 52/100 Dollars.

It is therefore considered and adjudged that said Plaintiff do recover of said defendant the said sum of Three hundred fifty six & 52/100 Dollars, so as aforesaid confessed to be due, together with cost of suit herein to be taxed, and with int. to be computed at the rate of Eight per centum per annum. And by virtue of said warrant all errors are to be released and all right of appeal, and all right to file a petition in error are waived.

Tuesday Sept 4th A. D. 1883

4377 Luther Lane
vs
Joseph Guitrieu

This day came the Plaintiff by J. S. McCampbell his Attorney and thereupon came J. C. Broderick one of the Attorneys of record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in Open Court and duly proven waived the issuing and service of process and entered the appearance of said defendant herein, and by virtue of the same warrant of Attorney confesses that there is due from said defendant to said Plaintiff as is alleged in said Plaintiffs petition the sum of $413.34/100

It is therefore considered and adjudged that said Plaintiff do recover of said defendant the said sum of Four hundred and thirteen and 34/100 Dollars, so as aforesaid confessed to be due, together with costs of suit herein, to be taxed, and with interest to be computed at the rate of Eight per centum per annum.

And by virtue of said warrant of Attorney all errors are released and all right of appeal, and all right to file a petition in error are waived.

4269

Lucretia S. Ball
vs
4264 Rebecca A. Faires & Peter Faires

4292

Now came the Plaintiff herein, and the defendants being in default for answer and demurrer the Court find that the allegations of the petition are confessed to be true and that the said defendants are indebted to the Plaintiff on the note now past due in the sum of Ninety and 40/100 Dollars ($90 40/100) including interest to Sept. 4th 1883 and that there will be due to Plaintiff from defendants on second note, on the 14th day of June A. D. 1884 the further sum of One hundred and fifty Dollars together with 6 p.c. int. thereon from June 14th 1883. The Court further finds that the defendants Rebecca A. Faires and Peter Faires, her husband, executed and delivered to the Plaintiff Lucretia S. Ball the mortgage deed in the petition described, and on the premises therein described. That said mortgage was duly recorded in the records of mortgages of Union County, and is the first and best lien on the premises in the petition described. The Court further finds that the condition of defeasance in said mortgage has been broken, and that said plaintiff is thereby entitled to have the defendants equity of redemption foreclosed.

It is therefore considered and decreed that unless the defendants shall within three days from this 4th day of Sept. A. D. 1883, pay or cause to be paid to the Clerk of this Court the costs in this case, and to the Plaintiff the sum of $90 40/100 & 6 p.c. int. from this date, the defendants equity of redemption be foreclosed and said premises shall be sold, and an order of sale shall issue therefor to the Sheriff of Union County, Ohio directing him to sell said premises as upon execution and bring the proceeds into Court for further order.

Thereupon Court adjourned until to-morrow morning at 8½ o'clock.

Wednesday Sept. 5th A.D. 1883

Court met this morning at 8.30 o'clock pursuant to adjournment, the same Officers being present as on yesterday.

4269 A. T. Carpenter as Admr of M. E. Lawrence Dcrased vs Elias Robertson, L. J. Robertson, A. J. Robertson & Albert Wallace

Now came the Plaintiff herein and the defendants being in default for answer and demurrer, the Court find that the allegations of the Petition are confessed by them to be true and that the defendants are indebted to Plaintiff as Administrator of M. E. Lawrence Deceased in the sum of One hundred and five & 35/100 Dollars ($105-35/100) and that said defendant Albert Wallace is surety on said indebtedness for the other defendants.

It is therefore considered by the Court that said Plaintiff as Administrator aforesaid recover from said defendants Elias Robertson, L. J. Robertson and A. J. Robertson as principal debtors, and albert Wallace as surety the said sum of One hundred and five and 35/100 Dollars with 6% interest thereon from this the 4th day of Sept. A.D. 1883 and his costs herein expended taxed to $

#292 Francis M. Graham vs Stephen Graham et al

And now this cause coming on to be heard upon the petition and the evidence the Court find that all of the defendants have had due legal notice of the pendency and demand of the said petition and that they are in default for answer thereto. Whereupon the Court further find that the plaintiff and defendants hereafter named are tenants in common in the estate described in the petition, That the plaintiff Francis M. Graham has a legal right to the one sixth thereof, The defendant Stephen Graham one sixth part thereof, and the defendant Christian M. Graham one sixth part thereof, the defendant Elizabeth Hamilton one sixth part thereof, the defendant Sarah Lane one sixth part thereof, and the defendant Alvah C. Graham one sixth part thereof; And that the Plaintiff is entitled to have partition of said estate made, as prayed for in his petition. It is therefor ordered adjudged and decreed that partition of said estate be made in favor of all parties in interest, and James N. Roney, C. L. Robinson and Eldridge Gorrin three judicious and disinterested freeholders of the vicinity are hereby appointed commissioners to make the same, And it is ordered that a writ of partition issue to the Sheriff of Union County, Ohio, commanding him that by the oaths of the commissioners above named he cause to be set off and divided to each of the above named parties the part and proportion of said estate to which they are severally above found entitled. And it is ordered that if said estate cannot be divided without manifest injury to the value thereof they shall return that fact to the Court with a just value now of the estate, And of his proceedings herein said Sheriff is ordered to make due return.

Thereupon Court adjourned until Tomorrow at 8.30 A.M.

Thursday, Sept. 6th A.D. 1883

Court met this morning pursuant to adjournment, the same Officers being present as on yesterday

The State of Ohio
vs
Samuel McLarren

This day came the defendant in his own proper person in open Court and confessed that the accusations in the complaint herein are true. It is therefore considered and adjudged by the Court that the said Samuel McLarren is the reputed Father of said child, and that he stand charged with the maintenance thereof in the sum of two hundred and fifty eight and 50/100 Dollars, And it is ordered that said defendant pay the Costs of this proceeding amounting to $- and in default thereof that execution issue therefor.

2786 Henry Fox
vs
Josiah Liggett

By consent of parties the entry of continuance in this cause is set aside and cause set for trial at this April Term

4267 J. W. Stewart
vs
William Hinesletal } Settled & cost paid.

4219 Sarah Drennan
vs
Homer Drennan } Consolidated with Case No. 3985 RC, by order of Court.

4218

Thereupon Court adjourned until tomorrow at 8½ o'clock A.M.

4239

Friday Sept. 7th A. D. 1883

Court met this morning at 8.30 A.M. pursuant to adjournment.
The same Officers being present as on yesterday.
The State of Ohio.
Union County. SS.

To the Court of Com. Pleas, Union County, Ohio.

It is hereby certified that I, the undersigned Justice of the Peace acting as Coroner, in the case of Phillip Gorring, deceased, on or about the 25th day of July A.D. 1883 in Union County, Ohio. That I employed S. E. Williams M.D. to Make a Post Mortem examination of said Phillip Gorring deceased, which examination was made to my satisfaction in writing, and the same is now on file in the Office of Clerk of Court of Common Pleas, Union County, Ohio.

H. M. Hall.
Justice of the Peace, acting Coroner.

Union County, Dr: To S. E. Williams Thirty Dollars, for performing a Post Mortem Examination on Phillip Gorring Deceased, at the request of H. M. Hall J. P. acting Coroner, on the 25th day of July 1883.

S. E. Williams M. D.

The forgoing bill is approved; and it is ordered that the Auditor of the County of Union draw his warrant on the Treasurer of said County in favor of said S. E. Williams M. D. for said sum of $30.00 Sept. 7th 1883.

John A. Price, Judge.

The State of Ohio.
Union County, SS.

To the Court of Common Pleas, Union County, O.

It is hereby certified that I, the undersigned Justice of the Peace acting as Coroner, in the case of Phillip Gorring Deceased, on or about the 25th day of July A. D. 1883, in Essex Union County, Ohio, employed R. W. Connell M. D. to make a Post Mortem Examination of said Phillip Gorring deceased which examination was made to my satisfaction and a written report of the same is now on file in the Coroners Office in Marysville, Ohio.

H. M. Hall Justice Peace, acting Coroner.

Union County, Ohio. Dr. For making Post Mortem Examination on Phillip Gorring Deceased Thirty Dollars, on July 25th 1883.

R. W. Connell M. D.

The forgoing bill is approved; and it is ordered that the Auditor of the County of Union draw his warrant on the Treasurer of said County in favor of said R. W. Connell M. D. for said sum of $30.00 September 7th 1883.

John A. Price, Judge.

4218	V. T. Hills vs S. S. Gardiner	Continued.
4239	John Smith vs William Murphy	Continued by agreement.

Friday Sept. 7th A. D. 1883

4276 Blackburn M. Johnson
vs
Margaret Davis et al

Now came the plaintiff herein by her Attys Robinson and Piper and her petition thereupon coming on to be heard the Court find that all of the defendants have had due legal notice of the pendency and demand of said petition and that they are in default for answer and demurrer and that petition is hereby confessed by them to be true.

Whereupon the Court find that the said Blackburn M. Johnson the said Plaintiff, is seized of and has a legal right to the undivided one seventh part of the estate in the petition described, and is entitled to have partition made of said premises. The defendants are tenents in common with the Plaintiff in said premises in the following proportions to wit: Margaret Davis the undivided one seventh part; William D. Johnson the undivided one part; Mary Malin the undivided one seventh part; Almira L. Wall the undivided one seventh part; Nancy J. Shipley the undivided one seventh part; and Helen M. Smith the undivided one seventh part. And no reason appearing why partition should not be made.

It is therefore ordered and adjudged and decreed that partition of said estate be made; and that an order issue to the Sheriff of said County of Union, commanding him that by the oaths of A. S. Mowry, Washington Davis and Sylvanus Taylor three judicious and disinterested freeholders of the vicinity he cause to be set off and divided to the said Plaintiff and to each of said defendants the part and proportion of said estate to which they are hereinbefore severally found entitled. And it is ordered that if the opinion of said Commissioners said premises cannot be divided by metes and bounds without injury to the value thereof they appraise the same, and of his proceedings herein the Sheriff is ordered to make due return without unnecessary delay.

4332

George A. Borger
vs
Hart Hitchcock & Co. et al

This day came the defendants Hart Hitchcock & Co. and moved the Court for leave to file answer in the above case and the Court being fully advised in the premises sustain said motion and grant such leave to file answer by Sept. 8th 1883.

Thereupon Court adjourned until tomorrow at 8½ o'clock A.M.

Saturday Sept. 8th A. D. 1883

Court met this morning pursuant to adjournment. the same Officers being present as on yesterday.

4332 William Burgner and Son
vs
C. J. Monnot and L. G. Monnot

This day came the Plaintiffs by John M. Rodrick their attorney and thereupon came J. S. McCampbell one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendant to said Plaintiff as is alleged in said Plaintiffs Petition, the sum of $153 35/100

It is therefore considered that said Plaintiff do recover of said defendant the said sum of $153 35/100 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of Eight per centum per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

Henry Fox
vs
John Liggett

This day came the parties by their attorneys, and this cause came on to be tried; and thereupon came a jury, to-wit=
W. E. Tanner. John Connor Jr. James Mitchell. W. R. Robinson
W. H. Jordon. James Poling. Louis Figley. George Coons
W. H. Willis Lewis Brown Cicero Kent & Levi Snuffin. who, being duly impannelled and sworn to well and truely try the issue. Joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties or discharged by the Court, and after hearing the testimony, arguments of counsel, and charge of the Court, the said Jurors retired to their room to deliberate upon their Verdict, and after due deliberation returned into open Court and presented their Verdict in Writing, in the words and figures following, to wit= Verdict. The State of Ohio. Union Co. ss. April Term A. D. 1883. to-wit= Sept. 8th 1883. Henry Fox Plff vs John Liggett Dfendant. We, the Jury, in this case, being duly impannelled and sworn do find and say that we find for the defendant.

Levi Snuffin. Foreman.

And thereupon plaintiff filed his motion for a new trial which motion is continued.

Saturday Sept. 8th A.D. 1883

4163 Sarah Graham
v.s
William Graham

This day came the parties by their Attorneys and thereupon this cause came on to be heard upon the petition and evidence. On consideration whereof the Court being fully advised do find that the allegations of the Plaintiffs petition are true. That said plaintiff was a resident of the County of Union and State of Ohio for more than one year befor filing the petition. That the parties were married as stated in said petition and that the defendant has been guilty of committing adultery as stated in said petition.

The Court further finds that befor the beginning of this suit the defendant had caused the lands hereinafter described to be conveyed to the Plaintiff for her lifetime and that said deed was without consideration. The Court further finds that the said child Elbert Graham is now under the control of the Plaintiff.

It is therefore considered and adjudged by the Court that the marriage relation heretofore existing between said parties be and the same is hereby dissolved, and both parties are released from the obligations of the same. It is further ordered that the care, custody, control, nurture and education of said child Elbert Graham be forever confided to the said Plaintiff exclusively, And by the express agreement and consent in open Court of said defendant William Graham, the said William Graham is hereby forever enjoined from interfering in any manner with said Elbert Graham, or with the said Sarah E. Graham in her custody, care, education or control of said Elbert Graham and from visiting said child until the further order of this Court. That the said deed of conveyance causing said lands to be conveyed to said Plaintiff for life be and the same is hereby set aside and annulled, and the said Plaintiff is hereby ordered to convey the same to the defendant by deed of quit-claim within 30 days from this date but said deed is not to effect the lien of said Plaintiff for the alimony herein granted. It is further ordered and decreed by the Court that the defendant pay the Plaintiff as her reasonable alimony the sum of One Thousand Dollars to be paid within one year from this date without interest and said defendant is also adjudged to pay the cost of this proceeding taxed at $. And it is ordered by the Court that said allowance of alimony be and the same is hereby made a lien upon all the real estate of said defendant and especially upon the lands hereinbefore mentioned and hereinafter described and for any balance remaining after the exhaustion thereof. But said alimony shall not be due and payable until after execution by said plaintiff to said defendant of the deed herein ordered to be made, And the said defendant redeemed the possession of said premises which are described as follows: Situate in the Township of Rush County of Champaign and State of Ohio. Part of Virginia Military survey No. 102. Beginning at a stone at the north east corner of said lands formerly owned by Thomas Anders and in the lands of Abraham Spencer heirs, thence S. 37° W. 84 3/5 poles to the N.Y.P. & C. R. R. line. Thence with said line S. 5-3/2° W. 76 poles to a stone in said line. Thence S. 37° E. 28 3/5

4076

4093

4101

4145

execution issued against the said defendant

Saturday. Sept. 8th A. D. 1883

poles to a stone, Thence N. 53½° E. 23 poles to a stone, Thence S. 37° E. 50½ poles to a stone. Thence N. 62° E. 24 poles to a stone. Thence S. 36° E. 3 poles to a stone. Thence N. 54° E. 30 4/5 poles to the place of beginning, containing thirty two (32) acres & Eighteen (18) poles, being a part of the lands formerly owned by William Adair, deceased, and being the same lands conveyed by Jeremiah Poling to said Sarah E. Graham during life and after her death to said William Graham and his heirs by deed dated May 31st 1879 and recorded in Volume 5-4 Page 106 of the records of deeds of Champaign County, Ohio.

Marysville, Ohio Sept. 8th A. D. 1883.
Union County Dr. to feeding two juries Fourteen Dollars ($14.00)
John D. Radebaugh
Correct and just. John Hobrusch, Sheriff, Union County, Ohio.

The above and foregoing acct is approved and allowed, and the Auditor of Union County is directed to draw his warrant on the Treasurer of said County in favor of said John D. Radebaugh for said sum of Fourteen Dollars ($14.00).
John A. Price Judge

4076 John C. Bailey vs Elliott Young

This cause is dismissed without prejudice to a new action at cost of Plaintiff.

It is therefore considered and adjudged by the Court that the Plaintiff pay the cost herein taxed to ___, for which execution is awarded.

4093 Eliza Dain vs George Slagle

Leave to George Slagle to answer by Sept. 8" 1883

4101 Sarah Mummy vs David Mummy

This day this cause was dismissed at Plaintiffs cost without prejudice to a new action.

It is therefore considered and adjudged by the Court that the plaintiff pay the cost herein taxed to ___ for which execution is awarded.

4145 D. M. Robinson vs P. C. & St L. Ry Co.

Leave to Plaintiff to comply with former order as to separately stating & numbering cause of action during present week.

Saturday Sept. 8th A.D. 1883

3968 Jonah Lauer
vs
Laura Lauer

This cause is this day dismissed at Plaintiffs costs without prejudice.

4250 William Davis Plaintiff
vs
Alexander Davis, Wm. Debolt, Laura E. Debolt, Joseph Davis Jr., Clara E. Finley, Catherine Davis Defts

Court Com. Pleas, Union County, Ohio.

It is therefore considered and adjudged by the Court that the Plaintiff pay the costs of this action taxed at $. and in default thereof that execution issue for the same.

On motion of the Plaintiff and on his producing the return of the Sheriff of his proceedings under the order of sale, the Court having examined the same, and being satisfied that they were had in all respects in conformity to law and the orders of this Court hereby approve and confirm said proceedings and sale, and the Sheriff is ordered to convey said premises to Wm. Davis the purchaser thereof by deed in fee simple. And the Court coming now to distribute said funds in the hands of the Sheriff do order that he pay the same,

1st " First, to the Treasurer of this County $13,59

2nd " Second, to the Clerk of this Court the costs of this action taxed to $91,31 including a counsel fee of $41.12 to P.B. Call and Sam Pfaff Attorneys.

3rd " Third, and of the net of said proceeds that he pay to the Plaintiff, and to each of the defendants, Alexander Davis, Catherine Davis & Joseph Davis Jr. one fifth part of the Cash, to-wit= $66.10 and to the defendants Laura E. Debolt and Clara E. Finley each one tenth part of the cash proceeds to-wit= $33.05 And to the Plaintiff Wm. Davis and each of the defendants Alexander Davis, Catherine Davis and Joseph Davis Jr. one fifth part of the notes for the defered payments, and to the defendants Laura E. Debolt and Clara E. Finley each one tenth part of the notes for the defered payments.

4210 Margaret Johnson
vs
John B. Johnson

This day this cause is dismissed without prejudice to a new action

3017 3140 3364 3616 3859 4056 4060 4167 4179

Saturday Sept. 8th A.D. 1883

3017	Emma Cartmel vs Benny Woodworth.	Cont'd for service.
3140	Jas Carter vs Bank of Mth Leesburg.	Cont'd by agreement.
3364	F. D. Davis vs E. Lister.	Continued by agreement.
3616	M. L. Stewart vs Jab E. Stephenson.	Cont'd
3859	Lucinda Ford vs Rhoda Ford	Continued.
4056	V. J. Case vs P. Cranston Admire.	Continued.
4060	Lucinda Ford vs Daniel Ford	Continued
4167	Ann B. Oglesby vs J. D. Alexander et al	Leave to file amended pet. instanter.
4179	Alfred Fogle vs H. Highbarger et al	Continued by agreement.

Saturday Sept. 8th A. D. 1883.

A222 George B. Hamilton }
vs }
Edgar M. Horn }

This day this cause came on to be heard on Motion to confirm the Sale made of the property described in the plaintiffs petition and upon producing the return of the Sheriff of the Sale made under the former order of this Court and the Court on careful Examination of the proceedings of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and the orders of this Court. It is ordered that the said proceedings and Sale be and they are hereby approved and confirmed. and it is further ordered that the said Sheriff Convey to the purchaser Morris W. Hill assigne of the purchaser Sylvanus Taylor by deed according to law the property so Sold. and the purchaser is hereby subrogated to all the rights of said lien holders in said premises so far as they may be paid therein for the protection of his title and a writ of possession is hereby awarded to put the purchaser in possession of said premises.

It is further ordered that the Clerk cause satisfaction of the mortgages herein sued upon to be entered on the Record thereof in the office of the Recorder of Union County. And the Court coming now to distribute the proceeds of said Sale Amounting to $1020. It is ordered that the Sheriff out of the Money in his hands pay. First to the Treasurer of this County the Taxes Penalty & interest against said property To-wit $21.01
Secondly, the Costs of this action taxed at $ 61.11
Thirdly, To the defendant the Richwood Building & Saving Association the amount found due it to-wit $ 445.0
Fourthly. To the plaintiff George B. Hamilton the amount found due him on his first cause of action to-wit; $ 416.00
Fifthly- To the defendant W. S. Davis the sum found due him with interest To-wit; $302.75-
Sixthly- To Geo B. Hamilton the amount found due on his second cause of action, or so much thereof as remains in the hands of said Sheriff To-wit; $170.00 to apply as a credit upon the amount found due on his second cause of action To-wit; $285.45 with interest from March 17th 1883 at 8 per cent; and there still remaining due to said Hamilton on his second cause of action. the sum of $123.00 It is considered by the court that he recover of said Edgar M. Horn and J. M. Horn said sum of $123.00 and execution is awarded therefor.

It is ordered that all causes not otherwise disposed of be and they are hereby continued until the next Term of this Court. and thereupon this April a. D. 1883 Term of Court is adjourned without day.

Attest: J. D. Burgner, Clerk.

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Monday Sept. 10th A. D. 1883

The State of Ohio.
Union County, SS. This separate session of the Court of Common Pleas of the Third Judicial District of the State of Ohio, within and for the County of Union, for the Term of September, in the year of our Lord One thousand eight hundred and eighty three, held in the Court-House in the town of Marysville, County and State aforesaid, was begun on Monday the 8th day of September, in the year aforesaid.

Present. Hon. John A. Price Judge of the Court of Com. Pleas of the 3rd Judicial District of Ohio.
John Hobrusack, Sheriff of Union County, O.

Attest: J. L. Bumgarner Clerk of the Court of Common Pleas of Union Co. O.

The Venire facias for a Grand Jury, heretofore issued, and returnable this day at 8 o'clock A. M. was duly returned by the Sheriff, with his endorsement thereon, as follows, to-wit=
1883 Sept. 10th served the within named Jurors as follows

1	A. Warner	Personally
2	Le Roy Tyler	"
3	Bliss Dafforth	"
4	James Leeper	"
5	George A. Fox	"
6	J. M. Blue	"
7	Arthur Liggett	"
8	J. C. Hull	"
9	N. P. Thompson	"
10	Norton Reed	"
11	L. G. Baker	"
12	Charles Wilkins	"
13	George Snapp	"
14	J. J. Scott	"
15	J. S. Hutchinson	By leaving a copy at residence.

John Hobrusack Sheriff Union Co. O.

Upon calling the same in open Court all the above named jurors appeared in answer thereto; and, for good cause shown, the Court excused Le Roy Tyler and J. J. Scott: and the panel being incomplete, the Sheriff summoned as Talismen, to complete the same, the following named persons, who appeared in answer thereto, to-wit = W. H. Winget and James B. Whelpley. And the panel being full the Court appointed James B. Whelpley foreman of the grand jury, and he, with his fellow Jurors, took the oaths in manner and form as prescribed by law; and the said jury being instructed by the Court in relation to their duties, were conducted to their room, attended by the Sheriff. The following named persons compose the grand jury, to-wit=
A. Warner, Bliss Dafforth, James Leeper, Geo. A. Fox, J. M. Blue, Arthur Liggett, J. C. Hull, N. P. Thompson, Norton Reed, L. G. Baker, Charles Wilkins, George Snapp, J. S. Hutchinson, William H. Winget and James B. Whelpley, foreman of the grand jury.

Monday Sept. 10th A.D. 1883

Henry Miller James T. Miller
Samuel Huston & William Huston
Partners under the firm name of
Millers & Hustons
4333 vs.
Frank Evans

This day came the plaintiffs by J. C. Richards their Attorney, and thereupon came J. L. Cameron one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court & duly proven, waived the issueing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendant to said Plaintiffs, as is alleged in said Plaintiffs petition, the sum of $411 90

It is therefore considered that said Plaintiffs do recover of said defendants the said sum of $411 90/100 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 6 p.c. per centum per annum. And by virtue of said Warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

D. J. Thomas
vs.
E. A. Finnefrock Admrx.

This day came the parties by their Attorneys, and this cause came on to be tried; and thereupon came a jury, to-wit: W. M. Benjamin, W. H. Conkright, Cicero Kent, Lewis Brown, Elbert Tobry, James Poling Jr. W. H. Jordon, Lewis Figley, Walter Bales, Levi Snuffin, John Connor Jr. and George Coons who, being duly impaneled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of Counsel, and charge of the Court, the said jurors, retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit: The State of Ohio, Union County ss. Sept. Term 1883 to-wit: Sept. 10th 1883, D. J. Thomas vs E. A. Finnefrock Admrx. We, the jury in this case, being duly impaneled and sworn do find and say that we find for the Plaintiff in the sum of ($166 85/100) One hundred & sixty six dollars and eighty five cents. W. H. Conkright, Foreman.

Monday Sept. 10th A.D. 1883

J. C. Johnston
vs
Isaiah Mewhorter
D. C. Mewhorter
W. C Mewhorter

This day came the Plaintiff personally, and thereupon came E. E. Cale one of the Attorneys of record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of attorney, confessed that there is due from said defendant to said Plaintiff as is alleged in said Plaintiffs petition the sum of $152.98 It is therefore considered that said Plaintiff do recover of said defendant the said sum of $152.98 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed, and all interest to be computed at the rate of 8 per centum per annum, and by virtue of said Warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

Roxy J. Morey and C. D. Morey
vs
Gertrude E. Morey, Alby B. Morey and Abraham Morey

It appearing to the Court that the defendant Gertrude E. Morey is an infant under the age of 14 years upon the application of Plaintiffs, parents of the said Gertrude E. Morey it is ordered that A. H. Beightler be appointed guardian ad litem for said minor defendant and thereupon said A. H. Beightler accepts said appointment.

4153 Cora E. Fogle
vs
Eli Hildebrand et al
by consent of parties.

} Leave to plaintiff to file Pet. in 20 days from Rising of Court Cause continued 4013

Court adjourned to Tuesday Sept. 11th 1883 at 8½ o'clock A.M.

Tuesday. Sept. 11th A. D. 1883

Court met this morning pursuant to adjournment, the same Officers being present as heretofore.

Alvah Smith
vs
4279 David M. Douglass

This cause coming on for hearing on the petition of Plaintiff, and the evidence, the Court find that the defendant David M. Douglass has been duly served with summons in this case, and that he is in default for answer and demurrer, and that the allegations of the petition are thereby confessed by him to be true, and that there is due the Plaintiff from the Defendant David M. Douglass, on the promissory note set forth in the petition, with 8% interest from the 30th day of March 1883, the sum of Twelve hundred and fifty nine dollars and sixty four cents ($1259.64/100).

The Court further find that in order to secure the payment of said note, the defendant David M. Douglass, executed and delivered to said Alvah Smith, plaintiff, his certain mortgage as in the petition described, and on the premises therein described; that said mortgage is a good and valid lien on said premises, and that the conditions in said mortgage have been broken. It is therefore considered by the Court that the plaintiff recover from the defendant the said sums of $1259.64/100, with interest as aforesaid, and his costs herein expended, and it is further adjudged and decreed that unless the defendant, David M. Douglass, shall within three 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 herein the sum so found due as aforesaid, with interest from the 30th day of March 1883, 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, directing him to appraise, advertise and sell said premises as upon execution, and report his proceedings to this Court for further order.

J. P. Johnson
vs
4013 Eliza Johnson

This day came the parties by their Attorneys, and this cause came on to be tried; and thereupon came a jury to-wit= W. H. Willis, W. R. Robinson, James Mitchell, George Coons, W. H. Conkright= Walter Bales, Louis Figley, James Poling Jr. Elbert Foley, Cicero Kent, M. M. Benjamin & L. D. Marks who, being duly impaneled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evi= =dence, unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of Counsel, and charge of the Court, the said jurors, retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit= Verdict. The State of Ohio. Union County ss. J. P. Johnson Plaintiff vs Eliza Johnson Defendant. We, the jury in this case, being duly impaneled and sworn, do find and say that we find for the defendant.

W. H. Conkright. Foreman.

Tuesday September 11th 1883

4325 Roxy J. Morey and Charles D. Morey, her husband Plffs.
Gertrude E. Morey, Abby B. Morey & Abraham Morey Defts

This cause came on 4275
this day to be heard, was submitted to the Court upon the petition of plaintiffs the separate answer of Gertrude E. Morey by her guardian ad litem A.H. Beightler, and the answer of answers B. Morey and Abraham Morey, and the evidence, and on consideration thereof the Court find that it was the intention of the grantors to the deed refered to in the petition Abby B. and Abraham Morey to thereby convey to the said Roxy J. Morey a fee simple estate in the lot described, and that the limitation of the inheritance, contained in the granting and habendum clauses, to the heirs of the grantees body by Charles D. Morey was inserted without knowledge as to its legal effect and was a mistake, and that the said Roxy J. Morey is entitled to the relief asked for in the petition.

It is therefore ordered, adjudged and decreed that the title and possession of said Roxy J. Morey to all and singular the premises in the petition described, to-wit= "Beginning at a stake in the line between Hester A. Fay and said Abby B. Morey and thirty six feet North from a stone in said line; Thence East 203 feet and 3 in. parallel with the south margin of 6th " Street (formerly West South Street) to the west margin of Ash Street, (formerly Cherry St.); thence with the west margin of said Ash Street South 44 feet to the line between Maria L. and R.L. Partridge and said Abby B. Morey; Thence West with said line 203 feet and 3 in. to the south east corner of Hester A. Fay's land; Thence North, passing a stone in the line between Hester A. Fay and Abby B. Morey to the place of beginning." Being part of out lot No. 43 Marysville, Union County, Ohio, be quieted as against the defendants and all persons claiming under them, or any of them, and that her estate therein be decreed a full and complete estate in fee simple, and the costs of suit paid by plaintiff.

Enter John A. Price, Judge,

Court adjourned to Wednesday Sept. 12th 1883 at 8½ o'clock A.M.

Wednesday Sept. 12th A. D. 1883

Court met this morning pursuant to adjournment: the same Officers bring present as yesterday

4275 James W. Scott
vs
Ephraim Eastman Preston Jolley,
E. G. Allen & Cynthia Eastman

This day came George W. Beeman and upon his motion he is made a party defendant herein, and leave is granted him to file answer herein by the 15th day of Sept. A. D. 1883. And this cause coming on to be heard upon the petition of the Plaintiff and the answer and cross-petition of E. G. Allen, and the evidence. And it appearing to the Court that said Ephraim Eastman, Preston Jolley and Cynthia Eastman have failed to answer or demur to the said petition and cross-petition are adjudged by the Court to be in default, and the Court do find that there is due to the Plaintiff from the said Ephraim Eastman & Preston Jolley upon the note mentioned and set forth in his petition the sum of $5 94/100 including interest to this date, and the Court do further find that the last three of said notes mentioned in the petition of Plaintiff and the answer and cross petition of said E. G. Allen are not yet due; and the Court do further find that by reason of the mortgage in said petition mentioned the amount so found due to the Plaintiff and the amount to become due to said Allen are the first and best lien upon the premises in said petition described and that said notes were given for the purchase money of said premises— It is ordered by the Court here that the said Ephraim Eastman and Preston Jolley within two days pay to the said Plaintiff the amount so found due him with interest from this date, and to the Clerk of this Court the costs of this case and in default of such payment, it is ordered that the equity of redemption of the said Ephraim Eastman and Preston in said premises be and it is hereby forrclosed and said premises be sold to pay the same, and that an order issue by the Clerk of this Court to the Sheriff of this County commanding him to cause said premises to be appraised, advertised and sold as upon execution at law, and that he bring the proceeds of such sale into this Court to abide its further order thereon, and this cause is continued

Wednesday, Sept. 12th A. D. 1883

This day appeared at the bar of this Court the grand Jury heretofore impaneled and sworn, in, and for, the body of the County aforesaid viz; A. Warner, Bliss Danforth, James Leeper, Geo. A. Fox, J. M. Blue, Arthur Liggett, J. C. Hull, N. P. Thompson, Norton Reed, L. G. Baker, Charles Wilkins, George Trapp, J. S. Hutchinson, W. M. Winget & Jas. B. Whelpley, and presented to the Court, through their foreman, James B. Whelpley, their certain bill of indictment against William Evans for Perjury.

2 Frank Adams for Rape, upon a female child, under twelve years of age.

3 Frank Adams for Assault with intent to commit rape.

4 Louis J. Kantel for keeping saloon open on Sunday.

5 John Wanner for furnishing intoxicating liquors to person while intoxicated.

6 John Wanner for furnishing intoxicating liquors to a person in the habit of getting intoxicated, each indorsed, "A true bill, James B. Whelpley, foreman of the grand jury."

Report of The grand Jury.

To the Honorable, John N. Price Judge of the Court of Common Pleas, Union County, Ohio.

The grand Jury of the Court of Common Pleas of said County, of the September Term 1883 beg leave leave to report that they have been in session three days, and herewith return to the Court the Indictments presented by said Jury;

We have carefully examined into all such matters as have legitimately come to our notice, having examined over Sixty four witnesses touching Twenty Cases and presented six bills and ignored Fourteen cases considered by us. The business has been transacted in as expedicious a manner as possible.

During our session we have visited the County jail and made a complete examination thereof, and find that the rules prescribed by the Court for the care thereof and for the government of its inmates, have been carried out and properly enforced.

We would recommend the commissioners to construct a sewer from the cess pool at the jail to the cess pool at the Court House as soon as possible.

Sept. 12th 1883. Respectfully submitted, James B. Whelpley Foreman

And there being no further business for said Jury they were discharged finally.

Thereupon Court adjourned until tomorrow at 8½ o'clock A. M.

Thursday Sept. 13th A. D. 1883

Court met this morning pursuant to adjournment: the same officers being present as on yesterday.

4048 Newton Pierce vs Hugh J. Perry

This day came the parties by their Attorneys, and this cause came on to be tried; and thereupon came a Jury to-wit= W. H. Willis W. K. Robinson, James Mitchell, George Coons, John Connor Jr. Levi Snuffin, Walter Bales, Louis Figley, W. H. Jordon, James Poling Jr. Elbert Tobey, & Lewis Brown, who, being duly impannelled and sworn to well and truly try the issue joined between the parties in this action, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel, and charge of the Court, the said jurors retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit= Verdict. The State of Ohio, Union County, SS. September Term A. D. 1883, to-wit = Sept. 13th " 1883. Newton Pierce Plff vs Hugh J. Perry Defendant. We, the jury in this case, being duly impannelled and sworn do find and say that we find for the Plaintiff and assess his damages at $562.50 J. E. Tobey, Foreman.

3649 Joseph W. Cummings, Admr. of Robert Smith Deceased vs Samuel Waddle Admr. et al

In Foreclosure

This cause coming on to be heard upon motion to confirm the final report of, and to discharge the receiver herein, it is ordered on motion of said receiver, that he be allowed and paid the sum of Fifteen Dollars out of the money in his hands in full of his services herein, And the Court finding the said report correct, and that the said receiver has fully obeyed the orders of the Court to him issued and has duly paid over all moneys coming into his hands as such receiver, It is therefore ordered that all acts and things done by him as well as his report be and the same are hereby approved and confirmed, and the said David O Burr is discharged from his duties liabilities and responsibilities as such receiver and his undertaking therefor is vacated and cancelled. And it is further ordered that out of the balance of said moneys so paid over by the said receiver the costs herein be first paid taxed to $ and that the remainder of said moneys be applied as payment upon the judgments in this cause rendered and remaining unpaid.

4203 John W. Forman vs Henry Gough et al

Leave to file Reply in 30 days & ctd by agreement

Thursday Sept. 13th 1883.

4337 The Peoples Bank
vs
J. F. Pickett
B. N. Pickett and Robert Norris

This day came the Plaintiff by A. J. Carpenter Attorney, and thereupon came J. S. McCampbell one of the Attorneys of record of this Court, who by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition, the sum of $213 5/100

It is therefore considered that said Plaintiffs do recover of said defendants the said sum of $213 5/100 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum, and by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4339

4336 The National Exchange Bank, of Tiffin Ohio,
vs
P. J. Hyatt

4040

This day came the said Plaintiff the National Exchange Bank, of Tiffin, Ohio, and filed its petition against the said defendant P. J. Hyatt, and thereupon L. Piper one of the attorneys of this Court, appeared in open Court in behalf of the said P. J. Hyatt, and virtue of a warrant of Attorney for that purpose executed and now produced to this Court and duly proved and waived the issueing and service of process upon said defendant P. J. Hyatt entered the appearance of the said defendant herein and confessed that the said P. J. Hyatt does owe to the said Plaintiff the said sum of Five hundred and three and 33/100 Dollars ($503 33/100) as alleged in said Petition and that the same bears interest at the rate of eight per cent.

It is therefore considered and adjudged by the Court that the said Plaintiff the National Exchange Bank of Tiffin Ohio, recover of the said Defendant P. J. Hyatt the said sum of Five hundred and three and 33/100 Dollars ($503 33/100) said sum so confessed to be due that the same bear interest at the rate of eight per cent, and also all costs expended herein, taxed to $. and in default of payment that execution issue and by virtue of said warrant of Attorney all error is hereby released.

Court adjourned to Friday Sept. 14th 1883 at 8½ o'clock A. M.

Friday Sept. 14th A. D. 1883.

Court met pursuant to adjournment; the same officers being present as on yesterday.

4339 The Huber Manufacturing Company,
vs
John Day. L. A. Lindenberger & James Scott

This day came the Plaintiff by Jones and Lytle its attorneys and thereupon came L. Piper one of the attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendants to said plaintiff as is alleged in said Plaintiffs Petition, the sum of $298.03

It is therefore considered that said Plaintiff do recover of said Defendants the said sum of $298.03 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4040 Joshua James
vs
Hugh J. Perry

This day came the parties by their attorneys, and this cause came on to be tried; and thereupon came a Jury, to-wit= W. W. Benjamin Cicero Kent, Lewis Brown, W. H. Jordon, Levi Smyffin, Lewis Figley, Walter Bales, John Connor Jr. W. H. Willis, James Poling Jr. James Mitchell and James Leeper who, being duly impanelled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court; and after hearing the testimony, arguments of Counsel, and Charge of the Court, the said jurors, retired to their room to deliberate upon their verdict; and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit= Verdict.

The State of Ohio, Union County, SS. Sept. Term, A. D. 1883, to-wit= 9/14-83

Joshua James Plaintiff vs Hugh J. Perry Defendant.

We, the jury in this case, being duly impanelled and sworn do find and say that we find for the Plaintiff and assess his damages at $500.00 W. H. Jordon Foreman

Court adjourned to Saturday Sept. 15th 1883 at 8.30 A.M.

September 15th A. D. 1883

Court met pursuant to adjournment: present, same officers as heretofore.

William Jolliff

4217 vs

Martha E. McCamey & Leroy S. McCamey

Now came the plaintiff herein and the defendants being in default for answer and demurrer the Court find the allegations of the Petition are confessed by them to be true - and that there is due from defendants to the Plaintiff with interest to the first day of this Term (Sept. 10th 1883 the sum of One hundred and Seventy two and 51/100 Dollars being the balance of unpaid purchase money upon the premises described in the petition, and that said Plaintiff has a Vendors lien thereon for the same which is the first and best lien on said premises and that he is entitled to have the same sold for the payment and satisfaction of said lien.

It is therefore ordered, adjudged and decreed, that unless said Martha E. McCamey or Leroy S. McCamey, or someone in their behalf shall within three days from this 13th day of Sept. 1883 pay to the said William Jolliff or his Attorney the said sum of $172 51 with 6 p.c. int. from Sept. 10th 1883, and to the Clerk of this Court the costs of these proceedings said premises shall be sold as upon execution and an order shall issue therefor to the Sheriff of Union County, Ohio and that said Sheriff bring the proceeds of said sale into Court for further orders.

Francis M. Robinson & Henry E. Robinson
Partners, as Robinson and Co.

vs

Madison Williams, surviving partner
of Isaac M. Williams, deceased.

This day came the Plaintiff by Hoornstein & Sears Attorneys, and thereupon came J. L. Cameron one of the Attorneys of record of this Court, who by virtue of a warrant of attached duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendant to said plaintiff as in alleged in said plaintiffs petition the sum of $179 85 It is therefore considered that said plaintiff do recover of said defendant the said sum of $179 85 so confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

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Dat. Sept. 15th A. D. 1883

4292	Francis M. Graham vs Stephen Graham et. al	This cause came on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein, and on motion to confirm the same. And it appearing from said report that said estate could not be divided by metes and bounds without manifest injury to the value thereof, and that said Commissioners made and returned their appraisement of said estate, Lot No. 260 at $350.00 Lot No. 261 @ $350.00 Lot No. 288 $500.00 and No. 3351 as described in petition $1,000.00 the Court find the said return and proceedings in all respects correct and in conformity to law, and therefore approve and confirm the same, and thereupon neither of said parties electing to take the said estate at its appraised value, on motion of the plaintiff it is ordered that said estate be sold at public auction, and that an order issue therefor to the Sheriff of Union County, and the said Sheriff is ordered to return his proceedings to this Court without unnecessary delay.
3665	David J. Ellis vs A. J. Mahaffey et. al	Leave to answer by Jan. 1st A. D. 1883.
3767	Cyrus Moor vs W. Harriman.	Continued.
3780	Lewis J. Ellis vs Alex. J. Mahaffey et. al.	Continued.
3904	Catherine Robbins vs Orion Robbins.	Continued.
3909	John E. Danford vs Jonas Figley.	Continued.
3859	Lucinda Ford vs Rhoda Ford.	Cont'd by agreement.
3927	Ed. O. Stephenson vs Mathew Lingrell	Cont'd by agreement.
3973	Mary Ramsey vs John W. Ramsey	Continued

Court adjourned to Monday at one o'clock P.M. Sept. 17th 1883.

Monday, Sept. 17th 1883.

Court met pursuant to adjournment. The same officers present as heretofore.

Bill — The Court this day doth allow and order to be paid to Thomas Lane the sum of seven dollars and fifty cents - supper for jury. And the Auditor of Marion County is directed to draw his warrant on the Treasurer for the same.

4136

4313 — R. A. Glick v.s. P. G. Wagnegar — By agreement of parties the time for answer is extended in this case to Nov. 1st 1883.

4093 — Eliza Spain v.s. Georgs Slagle — Continued.

4013 — Justin P. Johnson v.s. Eliza Johnson — The jury heretofor impannled in this case having on a former day of this term of Court returned a Verdict for the Defendant and no motion for a new trial having been made: It is therefore considered ordered and adjudged by the Court that the Defendant recover of the Plaintiff her costs herein expended to $, and execution is awarded therefor.

4025

3706 — Fullington Phellis & Woods v.s. Alonzo C. Pearson et al. — This day came the Plaintiffs and suggested the death of W. W. Woods one of the Plaintiffs and one of the Defendants and that Alfred G. Wilcox and V. G. Hush are the Executors of his will duly qualified and thereupon the Court ordered that said Executors be made parties Plaintiff & Defendant in his stead and thereupon they entered their appearance as such parties.

4037

Court adjourned to Tuesday Sept. 18th 1883 at 8½ o'clock A.M.

Tuesday Sept. 18th 1883

Court met this morning pursuant to adjournment; the same officers being present as heretofore.

4136 Ida V. Brooks vs Ellis F. Brooks

And now came the said Ida V. Brooks by J. L. Cameron her Attorney and thereupon this cause came on for hearing upon the petition and testimony and was argued by counsel. On consideration whereof the Court do find that due and legal notice of the filing and pendency of this petition was given to the said defendant according to law and the Court do further find that the said Plaintiffs residence has been as stated in her petition and that the defendant has been guilty of gross neglect of duty and extreme cruelty as alleged in said petition.

It is therefore adjudged and decreed that the marriage relation heretofore existing between the said parties be and the same is hereby set aside and wholly annulled, and the said parties wholly released from the obligations of the same; and it is further ordered, that the said plaintiff be restored to her maiden name of Ida V. McAllister and that she pay the cost of this suit to be taxed.

4025 Mary A. Dauborun vs John C. Ramsey } Continued.

4037 F. N. and W. Otte vs Minnie C. Hawkins } This cause is dismissed without prejudice at cost of Plaintiff. It is therefore considered and adjudged by the Court that the Plaintiff pay the cost herein taxed at $.

Court adjourned to Wed. Sept. 19th 1883 at 8½ a.m.

Wednesday Sept. 19th 1883

Court met pursuant to adjournment: the same officers present as heretofore.

C. C. Finch

4343 vs

Dow. Dewitt Ed Wm. Ramsey
doing business under the firm name of
Dewitt and Ramsey

This day came the plaintiff by Rudolph Coleman his Attorney, and thereupon came J. M. McCampbell one of the attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of attorney, confessed that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the sum of $1570.00/100.

It is therefore considered that said Plaintiff do recover of said Defendants the said sum of $1570.00 so far aforesaid confessed to be due, together with costs of suit herein, to be taxed, and with interest to be computed at the rate of 8 per centum per annum, And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4305

4154

4141 James D. McNeal vs N. Y. P. & O. R. R. Co. } Continued by order of Court.

Court adjourned to Thursday Sept. 20th 1883 at 8/2 A.M.

Thursday. Sept. 20th 1883

Court met this morning at 8/2 o'clock pursuant to adjournment: the same officers being present as on yesterday.

4305 Dampson Blue, By
J.L. Fish his next Friend
vs
Anthem Bailey et. al

It appearing to the Court that Charles Harden and Nelson Harden are both minors over 14 years of age and have been duly and legally served with summons herein and have neglected for more than 20 days since the return of service of summons upon them to apply for the ad litem, and that Dora Blue and Samina Blue are minors under 14 years of age and have been duly and legally served with summons. On motion of said Plaintiff by J.L. Cameron his Atty J. W. Robinson is hereby appointed guardian for the suit for said minor defendants.

And now comes the said J. W. Robinson and in open Court accepts said appointment and files his answer on behalf of said minor defendants.

4154 William Learine
vs
Orrin Hammond

This day came the parties by their attorneys and thereupon this cause came on to be heard upon the motion of the Plaintiff to dismiss the appeal in this case. On which motion the parties being present the Court permitted oral evidence to be introduced and from the evidence offered by the parties the Court find that the transcript in this case was filed before the thirtieth day from the rendition of the judgment by the said Justice of the Peace.

Thereupon the Court do overrule said motion and thereupon the Plaintiff asked and has leave to file a petition by the 10th of December & cause continued.

Court adjourned to Friday at 8/2 o'clock A.M. Sept. 21st 1883

Friday Sept. 21st 1882

Court met this morning pursuant to adjournment: the same Officers being present as heretofore.

4116 The First National Bank of Delaware Ohio vs John Rodgers & Howard Rodgers

This day came the parties by their attorneys, and this cause came on to be tried; and thereupon came a Jury to-wit: Elbert Tobey, Lewis Brown, W. H. Willis, Cicero Kent, Walter Bales, James Poling Jr., Geo. Coons, Levi Snuffin, W. H. Jordon, W. R. Robinson Lewis Figley and James Mitchell who, being duly impaneled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court, the said jurors retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit: Verdict. The State of Ohio, Union County, SS.

4116 The First National Bank of Delaware, Ohio, Plff vs John Rodgers & Howard Rodgers Defendants

We the jury in this case being duly impannelled and sworn do find and say that we find for the defendant Howard Rodgers. W. H. Willis. Foreman.

65-2 The State of Ohio vs William Evans | Indictment for Perjury.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff, and arraigned upon said indictment, for plea thereto, saith he is "not guilty;" and puts himself upon the Country, and the Prosecuting doth the like.

Sheriffs Allowance

And it appearing that said defendant is in indigent circumstances, and unable to employ counsel, the Court, at his request, assigns James B. Cole, Esq. as counsel to defend him.

654 The State of Ohio vs Frank Adams | Indictment for rape, upon a female child under twelve years of age.

Now comes the Pros. Atty on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff, and arraigned upon said indictment, for plea thereto, saith he is "not guilty;" and puts himself upon the Country, and the Pros. Atty doth the like. And it appearing that said defendant is in indigent circumstances, and unable to employ counsel, the Court, at his request, assigns J. B. Cole Esq as counsel to defend him. and the Court being fully advised in the premises also appoints John L. Porter Esq. as counsel to the Pros. Atty in this case.

Friday Sept. 21st 1883

653 The State of Ohio vs Frank Adams — Indictment for assault with intent to commit rape.

Now comes the Pros. Atty on behalf of the State of Ohio, and the defendant being brought in Court in custody of the Sheriff, and arraigned upon said indictment for plea thereto, saith he is "not guilty;" and puts himself upon the Country, and the Pros. Atty doth the like.

415-8 James Jalliff vs Jacob Schwarz

This day this cause came on for hearing upon Demurrer of Plaintiff to Defendants answer herein and after arguments of Counsel and the Court being fully advised in the premises doth sustain said demurrer; whereupon the defendants asked and obtained leave to file an amended ans- instanter and the same is hereby filed.

415-8 James Jalliff vs Jacob Schwartz

This cause came on to be heard on motion of Plaintiff to strike amended answer of Defendant herein and the Court being fully advised in the premises does sustain said motion and thereupon this cause was settled at cost of defendant.

It is therefore considered and adjudged by the Court, that the defendant pay the cost of this action taxed at $ and in default of the same that Execution issue therefor.

Sheriffs allowance

To Honorable John A. Price, Judge,
Union County D r. To John Habrusack as Sheriff of said County
Annual allowance $300.00 allowed by law see sec. 1231
revised statutes of Ohio, dated Sept. 11th 1883. John Habrusack, Sheriff.
Sept. 21st 1882.

The foregoing bill is approved and allowed; and the auditor of Union County is directed to draw his warrant on the Treasurer of said County in favor of John Habrusack, Sheriff, for said sum of Three hundred Dollars, ($300.00)

John A. Price Judge

653 The State of Ohio vs Frank Adams

And now the defendant being brought into Court in charge of the Sheriff, and it appearing that he is in indigent circumstances, and unable to employ Counsel, the Court at his request appoints D. W. Ayers Esq. as Counsel to defend him.

Court adjourned to Monday at one o'clock P.M. Sept. 24th 1883

Monday Sept. 24th 1883

Court met pursuant to adjournment: same officers present as heretofore.

4350 Mack Bros
vs
J. W. Chapman
Sarah Chapman and S. Davis

This day came the Plaintiff by J. B. Cole Atty, and thereupon came E. E. Cole one of the Attorneys of Record of this Court, who, by virtue of a Warrant of Attorney, duly executed and now produced in open Court and duly proved, waived the issueing and service of process and entered a appearance of said defendant herein, and by virtue of the same warrant of Attorney, confessed that there is due from said Defendant to said Plaintiff, as is alleged in said Plaintiffs Petition, the sum of $136.93

It is therefore considered that said Plaintiff do recover of said defendant the said sum of $136.93 so as aforesaid confessed to be due together with costs of suit herein to be taxed and with out to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney all errors are released and all right of appeal, and all errors are waived.

4294 The Farmers Bank of Union Co. O.
vs
Andrew J. Evarts et. al

This day came the plaintiff by its attorney and the defendants Andrew J. Evart and Winget Harriman being in default for answer or demurrer, the Court find that the allegations of the petition are confessed by them to be true and that said Andrew J. Evart, as principal, and said Winget Harriman as guarantor, are indebted to said plaintiff in the sum of Two hundred and nine dollars with six per cent interest thereon from the 10th day of September A. D. 1883.

It is therefore considered and adjudged by the Court that the said plaintiff recover from the said defendant Andrew J. Evart, as principal, and from the said Winget Harriman as guarantor, the said sum of Two hundred and nine dollars with interest thereon at the rate of six per centum per annum from the 10th day of September A. D. 1883, and its costs herein expended, and execution is awarded for the same. And the said Laban Stallard not having been served with process this action is dismissed as to said defendant Laban Stallard without prejudice to a new action herein.

637

Venire

Sheriff's Return

637 The State of Ohio vs George H. Argo — Indictment for murder in the first degree;

This day came the Prosecuting Attorney on behalf of the State of Ohio, the defendant George H. Argo being brought into Court in custody of the Sheriff, and his counsel also coming. And the Venire facias for the jury in this case heretofore issued according to law, returnable this day, was duly returned by said Sheriff, with his endorsement thereon as follows;

Venire. The State of Ohio, Union County, SS. To the Sheriff of said County, Greeting;

We command you that, without delay, you summon Henry Morse, Daniel Burnham, A. H. McCampbell, Michael Fogle, Jason Case, George Smith, Samuel B. Holycross, George Freshwater, John Burns, A. A. Hill, William Staley, D. S. Clements, John Hamilton, Henry Jones Sr. John Horney, H. W. McVay, W. W. Shipley, John A. Phillips, McKendre Bishop, John Wiley, J. K. Dodge, J. R. Taylor, D. Shenneman, Wesley Skidmore, Wm Stillings, Jasper Converse, James Herd, James Cox, Thomas Yeasley, J. J. Woodlock, Robert Robinson, Pearl Harvey, John H. Trickey, Martin Price, Wells Hildreth, T. J. Hale, to be and appear before the Court of Common Pleas within and for said County of Union, at the Court House in Marysville, in said County, on Monday, the 24th day of Sept. A. D. 1883, at 8, o'clock A. M. and so from day to day until discharged, then and there to serve as Petit Jurors in the case of the State of Ohio against George H. Argo on an indictment for Murder in the first degree; and how you shall execute this writ make appear to our said Court on the 8th day of Sept. and have you then and there this writ. Witness my signature as Clerk of our said Court, at Marysville, this 6th day of August A. D. 1883. J. L. Burgner Clerk. (Seal)

Sheriff's Return. The State of Ohio, Union County, SS. Sheriffs Office, Marysville, 1883. On the 27th day of Aug. 1883 I served this writ on the within named; Henry Morse, Daniel Burnham, Michael Fogle, Jason Case, George Smith, Samuel B. Holycross, John Burns, A. A. Hill, William Staley, D. S. Clements, John Hamilton, Henry Jones Sr. John Horney, H. W. McVay, W. W. Shipley, John A. Phillips, McKendre Bishop, John Wiley, J. K. Dodge, J. R. Taylor, D. Shenneman, Wesley Skidmore, William Stillings, Jasper Converse, James Cox, James Herd, Thomas Yeasley, J. J. Woodlock, Robert Robinson, Pearl Harvey, John H. Trickey, Martin Price, Wells Hildreth and T. J. Hale, by delivering to each of above named parties personally, a summons to appear before the Court of Common Pleas of Union County, Ohio, on the 24th day of Sept. A. D. 1883, as stated within and for the purpose therein stated stated. The within named A. H. McCampbell not found within my County, and the within named George H. Freshwater I found sick and unable to attend as required. John Habenicah, Sheriff, Union County, Ohio.

And said Venire facias being called in open Court, all of the above named parties appeared in answer thereto, except A. H. McCampbell and George Freshwater; And also the alias Venire facias heretofore issued according to law, returnable this day, was duly returned by said Sheriff, with his indorsements thereon, as follows;

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Monday.

September 24th 1883.

Alias Venire

The State of Ohio.
Union County, SS. To the Sheriff of said County, Greeting; We command you that, without delay, you summon Edward St John, Robert Hicks Jr. W. L. James and David Logan, to be and appear before the Court of Common Pleas within and for said County of Union, at the Court House in Marysville, in said County, on Monday, the 24th day of Sept. A.D. 1883, at 8, o'clock in the forenoon of said day, and so from day to day, until discharged, then and there to serve as Petit Jurors, in the case of the State of Ohio against George H. Argo on an indictment for Murder in the first degree; and how you shall execute this writ make appear to our said Court on the 8th day of Sept. 1883 and how you then and there this writ. Witness my signature as Clerk of our said Court, at Marysville, this 28th day of August A.D. 1883. J. D. Burgner, Clerk. (Seal)

11305

Sheriff's Return.

The State of Ohio.
Union County, SS. Sheriffs Office, Marysville, 1883. On the 29th day of August 1883 I served this writ on the within named; Edward St John, Robert Hicks Jr. David Logan and W. L. James, by delivering to each of said persons, personally, a summons to appear before the Court of Common Pleas of Union County, Ohio, on the 24th day of Sept. A. D. 1883, as stated within and for the purpose therein stated. John Hobensack, Sheriff, Union County, Ohio.
And said Alias Venire Facias being called in open Court, and all of the above-named persons appeared in answer thereto.
And thereupon this cause came on to be heard on the motion and showing of the said defendant George H. Argo for a delay in the trial hereof for reasons fully set forth and verified by oath in said showing. On consideration whereof the Court do order that the trial of said defendant George H. Argo, be fixed for the 19th day of December A. D. 1883, and to which time the trial of said cause is delayed and postponed. And the Court thereupon ordered that all of said parties who were called on said Venire facias and said alias Venire facias should report in open Court as jurors herein on said seventeenth day of December A.D. 1883, at one o'clock P.M. of said day, said seventeenth day of December A.D. 1883, being the date to which this said September A.D. 1883, term of Court will adjourn for said trial.

3985

Homer Drumm
v.s
Sarah Drumm

} Case No. 4219 consolidated with this case reams Ct'd

William Hall,
v.s
P. B. Cole admr &c.

} Jacob Leonard has leave to ans. by Dec. 1st 1883

4290

Court adjourned to Tuesday Sept. 25th A.D. 1883 at 8½ o'clock A.M.

Tuesday Sept. 25th A.D. 1883

Court met this morning pursuant to adjournment; the same officers being present as heretofore.

11305 Dawpson Blue by his next friend J.L. Fish vs Anthem Bailey et. al

This day came the parties by their Attorneys and thereupon this cause came on to be heard upon the pleadings of the parties and the evidence and was argued by counsel. On consideration whereof the Court being fully advised in the premises do find that the Plaintiff has a legal estate in and is seized in fee simple of the undivided one fourth part of the premises in the petition described, and that the other named defendants are tenants in common with the petitioner in said premises in the following proportions, to-wit: the said Josephine Spears is entitled to the one twenty fourth part thereof subject to an estate in courtesy of said Anthem Bailey. Said Clara Daniels is entitled to the 1/24th part thereof subject to an estate in courtesy of said Anthem Bailey. Said Charles Hardin is entitled to the 1/24th part thereof subject to the estate by courtesy in said Anthem Bailey. Said Nelson Hardin is entitled to the 1/24th part thereof subject to an estate by courtesy in said Anthem Bailey. Said Cora Blue is entitled to the one fourth part of said estate free from Courtesy, and the one 24th part thereof subject to the Courtesy of Anthem Bailey. The said Arvina Blue is entitled to the one fourth part thereof free, and the 1/24th part thereof subject to the courtesy of said Anthem Bailey. That said Mary A. Blue had an estate in fee simple in the 1/4th part of said premises and she died leaving her husband Anthem Bailey surviving her. The Court finds that said Plaintiff is entitled to hold his part of said premises in severalty. It is therefore ordered by the Court that a writ of Partition issue to the Sheriff of said County of Union commanding him that by the oaths of Asberry Cheney, Daniel White and T.J. Sager partition be made of said premises to the said several parties as follows: To the Plaintiff, one fourth part thereof; To Cora Blue one fourth part thereof; To Arvina Blue the one fourth part thereof; And that the remaining one fourth being subject to the Courtesy of said Anthem Bailey be divided to the said Josephine Spears, Clara Daniels, Charles Hardin, Nelson Hardin, Cora Blue and Arvina Blue each one twenty fourth part thereof, subject to the right of Anthem Bailey to the Courtesy, and that if in the opinion of said commissioners partition cannot be made of said of said premises without manifest injury to the value thereof then that they appraise the same both free from Courtesy, and subject to the same. And of his proceedings in the premises the Sheriff return his proceedings forthwith.

4290 Mary Thomas vs William Epps et al. } Leave to ans. by Sept. 26th 1883.

Tuesday Sept. 25th 1883

4301 George Beecher Pltff
vs
J. M. Quemner Deft

Now comes the Plaintiff, by his Attorney, and the defendant being in default for answer and demurrer, the Court find that the allegations of the Petition are confessed by him to be true, and that he is indebted to the Plaintiff in the sum of $282.25

It is therefore considered by the Court that the said Plaintiff recover from the said defendant the sum of Two hundred and Eighty two and 25/100 Dollars, and his costs herein expended.

4262 Benjamin N. Sanders
vs
Margaret E. Sanders

This day came the Plaintiff by J. L. Cameron his Attorney and thereupon this cause came on to be heard upon the petition and evidence. On consideration whereof the Court being fully advised in the premises do find that due and legal notice has been given to the defendant of the filing and pendency of this petition.
The Court do further find that the Plaintiff has been a resident of the State of Ohio for more than the year past and he was at the filing of the petition and ever since has been a bona fide resident of said County of Union. The Court finds that the defendant has been guilty of wilful absence as stated in said petition for more than three years prior to the filing of said petition and that she has also been guilty of gross neglect of duty as therein stated.
It is therefore considered adjudged and decreed by the Court that the marriage relation heretofore existing between said parties be and the same is hereby set aside and wholly annulled and both parties released from the obligations of the same, and that the Plaintiff pay the cost of this proceeding to be taxed at $.

4289 C. W. Southard
vs
George W. Donley et. al

This day came the Plaintiff by his attorney and the defendant still failing to answer or demur, the Court find that the allegations of said petition are confessed by them to be true and that there is due from said defendant George W. Donley as maker and said Defendant William Rhoads as indorser, to said Plaintiff the sum of Eight hundred and seventy three and 07/100 Dollars with (6%) six per cent, interest thereon from the 10th day of September A. D. 1883.
It is therefore considered and adjudged by the Court that the said plaintiff do recover from said defendant George W. Donley as maker, and from said defendant William Rhoads as indorser, said sum of Eight hundred and seventy three and 07/100 Dollars with six per cent, interest thereon from the 10th day of September A. D. 1883, and his costs herein expended and execution is awarded therefor.
The Court further find that the defendants Geo. W. Donley and Alma M. Donley, his wife, executed and delivered to the said defendant William Rhoads their mortgage in the petition described, and on the premises therein

described; that said Mortgage was duly recorded in Vol. 17 page 342 of the records of Mortgages, in said Union County, Ohio, and is the first and last lien on said premises described in the petition.
The Court further find that said defendant William Rhoads, duly transfered all his right, title, and interest in and to said Mortgage to said plaintiff, and that said Plaintiff is now the legal owner and holder thereof as in his said petition set forth. The Court further find that the condition of defeasance in said Mortgage has been broken, and that the said plaintiff is thereby entitled to have the defendants equity of redemption foreclosed. It is therefore considered, ordered and decreed that unless said defendants shall, within ten days from the entry of this decree, pay, or cause to be paid, to the Clerk of this Court the costs in this case, and to said plaintiff the said sum of Eight hundred and seventy three and 07/100 Dollars with six per cent. interest thereon from (Sept 10th) the tenth day of September A. D. 1883, according to the terms of said Mortgage deed, the defendants equity of redemption be foreclosed, and said premises shall be sold, and an order of sale shall issue therefor to the Sheriff of said Union County, Ohio, directing him to sell said premises as upon execution and bring the proceeds into Court for further order.

4238 Mary E. Kautel Ex'd Louis J. Kautel M vs Maggie M. Holycross Ex'd N. M. Holycross — In the Court of Com. Pleas of Union County, Ohio

This day this cause came on for hearing and the defendants refusing to file an amended answer, or demurrer herein, the Court therefore find that the allegations of the petition are confessed by them to be true, and the Court find that said defendants are indebted to said Plaintiff Mary E. Kautel in the sum of three hundred and eighteen and 45/100 Dollars, with six per cent. interest thereon from the 10th day of September A. D. 1883.
The Court further find that the said defendants Maggie M. Holycross Ex'd N. M. Holycross executed and delivered to the said plaintiff Louis J. Kautel the mortgage deed in said petition described and on the premises therein described; that said mortgage was duly recorded in Volume 18 page 462 of the records of Union County, Ohio, and is the first and last lien on the premises described in the petition. The Court further find that said mortgage was duly assigned by said Louis J. Kautel to said John Kautel and by said John Kautel to said Plaintiff Mary E. Kautel as in said petition set forth. The Court find that the condition of defeasance in said mortgage has been broken, and that the said Plaintiff Mary E. Kautel is thereby entitled to have the defendants equity of redemption foreclosed. It is therefore considered and decreed that unless the said defendants shall within ten days from the entry of this decree, pay, or cause to be paid, to the Clerk of this Court the costs in this case, and to said plaintiff the said sum of three hundred and eighteen Ex'd 45/100 Dollars with six per cent. interest thereon from the 10th day of Sept A. D. 1883, according to the terms of said Mortgage deed, the defendants equity of redemption be foreclosed, and said premises shall be sold, and an order of sale shall issue therefor to the Sheriff of said Union County, Ohio, directing him to sell said premises as upon execution, and bring the proceeds into Court for further order.

Thereupon Court adjourned to Wed. Sept. 26th 1883 at 8½ O'clock A. M.

Wednesday, Sept. 26th A. D. 1883

Court met pursuant to adjournment; the same officers being present as heretofore.

4164 B. W. Converse et. al
v.s
McKee Weakley & Co.

This day came the parties by their attorneys, and this cause came on to be tried; and thereupon came a Jury, to wit: W. H. Willis, Walter Bales, Elbert Foby, Lewis Brown, M. M. Benjamin, John Connor Jr. Levi Snuffin, James Poling Jr. Cicero Kent, W. N. Jordon, Moses Thompson & Joseph Roff, who, being duly impannelled and sworn to well and truly try the issue joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel, and charge of the Court, the said Jurors, retired to their room to deliberate upon their verdict; and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit: The State of Ohio, Union County, ss:

Verdict - Sept. Term A. D. 1883. to-wit - Sept. 26th 1883

B. W. Converse et. al Plaintiffs
v.s
McKee Weakley & Co. Defts

We, the Jury in this case, being duly impannelled and sworn do find and say that we find for the plaintiff.

John Connor, Foreman.

4072 The Otterbein University
v.s
Stephen Grant as Admr of Rhoda Benton

This cause the parties by their attorneys and waived the calling and empannelling of a Jury & submitted this cause to the Court upon the pleadings of the parties, the exhibits & testimony and was argued by counsel and submitted.

On consideration whereof the Court being fully advised in the premises do find for the plaintiff, and that there is due said plaintiff from the said Stephen Grant as Administrator of Rhoda Benton by reason of the premises the sum of Eleven hundred, twelve and 50/100 Dollars.

Thereupon said defendant made his motion for a new trial which motion is overruled by the Court, to which ruling of the Court in overruling said motion the defendant then and there excepted and and asked the Court then and there to allow, sign and seal his bill of exceptions which is accordingly done.

It is therefore considered ordered and adjudged by the Court that the said Plaintiff recover from the said defendant as Administrator of said Rhoda Benton to be levied of the property of said Rhoda Benton deceased the said sum of Eleven hundred and twelve and 50/100 Dollars together with costs herein expended, taxed at $.

4300

4257

Wednesday Sept. 26th A. D. 1883

4300 Joseph Russell
vs
Isabella J. Hawkins 2nd
A. B. Robinson

And now comes the said Joseph Russell and the said Isabella J. Hawkins and A. B. Robinson having failed to demur or answer to the petition of the said Joseph Russell it is considered that the said Joseph Russell ought to recover of the defendant Isabella J. Hawkins as principal and of the defendant A. B. Robinson as her surety the said sum of Two hundred and fifty four 43/100 dollars ($254.52) so demanded in his petition together with the sum of Five 43/100 dollars ($5.43) which the court finds due as the interest thereon as prayed for in said petition. It is therefore considered that the said Joseph Russell recover against the said Isabella J. Hawkins as principal and of the said A. B. Robinson as her surety the said sum of Two hundred and fifty Nine 23/100 dollars ($259.23) with interest thereon from September 10th 1883 together with his costs in and about his suit in this behalf expended taxed to $

Elizabeth Case
vs
4257 Elisha Case

Elisha Case This day came the plaintiff by J. L. Cameron her attorney and submitted this cause to the court upon the petition & evidence. On consideration whereof, the court being fully advised in the premises do find that due and legal notice has been given to the defendant. The court further finds that the residence of the plaintiff has been as stated in the said petition. That the defendant has been guilty of habitual drunkenness for more than three years prior to the filing of said petition. The court further find that the said children are now with and cared for by the plaintiff. The court further finds that the defendant is the owner of the lands mentioned in the petition which is described as follows. Situate in Jackson Township Union County Ohio East of Survey No 9941 Beginning at a stone at the N. E. corner of the lands conveyed to said John Case by Francis Harper & at the S. E. corner of Isaac Noggles land. Thence S 8¼ E 46½ poles to D. D. Mathers N. E. corner Thence with said Mathers North line S 79¾ W 34 96/100 poles to a Stake, Thence N 8¼ W 46 100 poles to a Stake in Isaac Noggles South line. Thence N 80¾ E 34 96/100 poles to the beginning containing Ten acres. That there is a mortgage on said premises executed by said defendant to said John M. Sanders for about the sum of $1320. It is therefore considered ordered and adjudged by the court that the Marriage relation heretofore existing between said parties be and the same is hereby dissolved and wholly annulled and both parties released from the obligations of the same It is further ordered and decreed that the care custody nurture and Education of said children be and same is hereby given to the plaintiff with privilege to the defendant to visit them at reasonable times when sober. It is further ordered and decreed by the court that the said plaintiff have as her reasonable alimony the said 10 acres of land. But if said defendant within 30 days from this date pays off the mortgage incumbrance and all other incumbrances that may be on said lands and pays the cost of this proceeding including an atty fee of Thirty dollars to J. L. Cameron the counsel of plaintiff then that said defendant have four acres off the west side of said lands leaving said plaintiff six acres free from all cost and incumbrance which shall be her alimony. The foregoing decree for alimony having been agreed upon by the parties is approved and decreed by the court = If the defendant fails to pay the cost incumbrances and atty fees herein provided then the plaintiff shall pay the same and have the whole of said lands as hereinbefore decreed –

Court adjourned to Thursday Sept. 27th 1883 at 8½ o'clock A. M.

Thursday, Sept. 27th A. D. 1883

Court met pursuant to adjournment; the same officers being present as on yesterday.

The Bank of Richwood
vs
4354 J.L. Graham, John Lewis & D.H. Graham

This day came the plaintiff by D.W. VanWinkle Attorney and thereupon came T.B. Fulton one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendants to said Plaintiff as is alleged in said plaintiffs petition, the sum of $563.00

It is therefore considered that said plaintiff do recover of said defendants the said sum of $563.00 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8 per centum per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

Report.

Viola W. Jones
vs
Alexander J. Mahaffey

This day this cause came on to be heard upon the motion of the defendant James T. Mahaffey to strike the amended petition of the plaintiff from the files and was argued by counsel, On consideration whereof and the Court being fully advised in the premises overrules said motion to which overruling of said motion the said defendant at the time excepted.

Lewis Strong Plaintiff
vs
4287 D.H. Graham and Miller Gregory

This day this cause came on for hearing upon the demurrer of the plaintiff to the answer of Isaac Graham and also to the motion of the Commissioners of Union County to be made parties and the Court being fully advised in the premises do sustain said demurrer to said answer, and also upon consideration of said motion to make said Commissioners parties leave is hereby granted to make said Commissioners of Union County parties defendant to this action, with leave to answer by the first of November next, and said cause continues.

Thursday, September 27th A. D. 1883

New Grand Jury.

It being deemed necessary, the Court this day ordered the Sheriff to call together a New Grand Jury by summoning from among the by-standers or neighboring citizens fifteen good and lawful men having the qualifications of grand jurors: Whereupon, the following named persons were called, and appeared in answer thereto, to-wit:
Moses Thompson, James A. Vaughn, Winfield S. Adams, G. A. Johnson, Edward N. Clark, William H. Robb, Christopher Houston, James B. Whelpley, Henry Harrington, William M. Robinson, A. D. Doolittle, J. B. Robinson William L. Gibson, William T. Wood, N. Freemond,
and the Court appointed Christopher Houston foreman of the said grand jury, and he, with his fellow jurors, took the oaths, in manner and form as prescribed by law; and the said jury being instructed by the Court in relation to their duties, were conducted to their room, attended by the Sheriff.

Report. This day appeared at the bar of this Court the new grand grand jury heretofore impaneled and sworn in, and for, the body of the County aforesaid, viz; Moses Thompson, James A. Vaughn, Winfield S. Adams, G. A. Johnson, Edward N. Clark, William H. Robb, Christopher Houston, James B. Whelpley, Henry Harrington, William M. Robinson, A. D. Doolittle, J. B. Robinson, William L. Gibson, William T. Wood, and N. Freemond, and presented to the Court through their Foreman, Christopher Houston, their certain bill of indictment against William Irwin for horse-stealing, indorsed, "A true bill, Christopher Houston, Foreman of the grand jury."

Thursday, September 27th A. D. 1883

4048 Newton Pierce
vs
Hugh J Peavy

This cause coming on for hearing on the motion of the said Hugh J Peavy to set aside the verdict and for a new trial herein, the Court on consideration thereof overrule the same to which ruling of the Court the said defendant then and there excepted. It is therefore considered by the Court that the said plaintiff recover from the said defendant the sum of Five hundred and sixty two and 50/100 Dollars heretofore by the verdict of the jury found due with interest from the day of September 1883, And thereupon the defendant asked the Court to allow sign and seal his bill of exceptions which is accordingly done and the same is ordered to be made a part of the record of this cause,

3913 The State of Ohio
vs
Wright Harriman

This cause is dismissed without prejudice to a new action.

Court adjourned to Friday at 8½ o'clock A.M. Sept. 28th 1883

Friday, September 28th A. D. 1883

Court met pursuant to adjournment; the same officers being present as on yesterday.

4208 A. J. Rigdon vs Rhoda Baker

This day came the parties by their attorneys, and this cause came on to be tried; and thereupon came a jury, to-wit: W. H. Willis, Walter Bales, Elbert Tobey, Lewis Brown, M. M. Benjamin Levi Snuffin, ~~Cicero Kent, W. H. Jordon,~~ Cicero Kent, W. H. Jordon, L. H. Marks, Allen A. Barrows, James Mitchell and Lewis Figley, who, being duly impaneled and sworn to well and truly try the issue joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel, and charge of the Court, the said jurors retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and the figures following, to-wit: The State of Ohio, Union Co. ss. September Term A. D. 1883, to-wit: Sept. 28th 1883. A. J. Rigdon Plaintiff vs Rhoda Baker Defendant. We, the jury in this case, being duly impaneled and sworn do find and say that we find for the Plaintiff in the sum of $155.00 James Mitchell, Foreman.

Edward L. Lewis vs D. D. Gardiner, Assignee of Wright and Lewis

This day came the parties and this cause came on to be heard upon the motion of the Plaintiff to quash said appeal, for reasons stated in said motion and was argued by counsel, upon consideration of which the Court do sustain said motion and quashes said appeal for the reason that said defendant gave no undertaking for said appeal as provided by law. And it is ordered that an order of this entry be lodged with said Morris W. Hill said Justice from whom which said appeal was taken. And it is further ordered that D. D. Gardiner, assignee, Defendant herein pay the costs in this Court taxed at $.

4342 Jacob Karst et. al vs Commissioners Union Co. O. } Dft. has leave to ans. by Dec. 1st 1883.

65-5 The State of Ohio vs John Wanner } Indictment for furnishing intoxicating Liquors to a person in the habit of getting intoxicated. This day came the Pros. Atty on behalf of the State of Ohio & the defendant being present and upon being arraigned upon said indictment for Plea thereto saith he is not guilty & puts himself upon the County & the Pros. Atty doth the like.

65-6 The State of Ohio vs John Wanner } Indictment for furnishing intoxicating Liquors to person while intoxicated. This day came the Pros. Atty on behalf of the State of Ohio & the defendant being present and arraigned upon said indictment for plea thereto saith he is not guilty and puts himself upon the County & the Pros. Atty doth the like.

Friday, September 26th A. D. 1883

4272 Jessie Dillon vs J. B. Dillon

Now came the plaintiff and the defendant having been duly served with summons and a copy of the petition herein and having failed to appear, the Court find him in default for answer and demurrer to said petition and that the allegations thereof are confessed by him to be true.

The Court also find that said plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and was at the time a bona fide resident of said County of Union, and that the parties hereto were married as in said petition set forth.

The Court further find on the evidence adduced that the defendant has been guilty of gross neglect of duty, and of wilful absence from plaintiff for more than three years last past prior to the filing of plaintiff's petition without the fault of plaintiff as alleged in plaintiff's petition and that by reason thereof the plaintiff is entitled to a divorce. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Jessie Dillon and J. Dillon be, and the same is, dissolved and both parties are released from the obligations of the same.

It is further ordered, that the custody, care, education and control of said Blanche Dillon, infant daughter of said parties, hereby be confided to the said plaintiff Jessie Dillon exclusively, but said J. Dillon shall have the privilege of seeing said Child on proper occasions. It is further ordered by the Court that the said plaintiff recover from said defendant her costs herein expended taxed to $ and execution is awarded therefor.

6578 The State of Ohio vs William Irwin } Indictment for Horse stealing.

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff, and arraigned upon said indictment, for plea thereto, saith he is "not guilty;" and puts himself upon the Country and the Prosecuting Attorney doth the like.

6579 The State of Ohio vs William Irwin } Indictment for Burglary and petit larceny.

Now comes the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff, and arraigned upon said indictment, for plea thereto, saith, he is "not guilty;" and puts himself upon the Country and the Pros. Atty doth the like.

6577 The State of Ohio vs Louis J. Kautel } Indictment for keeping saloon open on Sunday.

This day came the Pros. Atty on behalf of the State of Ohio & the defendant being present & arraigned upon said indictment for plea thereto saith he is not guilty & puts himself upon the County & the Pros. Atty doth the like. Court adjourned to Monday at one o'clock P.M. Oct. 1st 1883.

4356

4317

4316

Monday Oct. 1st A. D. 1883

Court met pursuant to adjournment: the same officers being present as heretofore.

Isaac F. Gates
v.s
435-6 A. R. McCown & Co. et. al

This day on motions to the Court and the Court being fully advised in the premises granted an injunction against the defendants as prayed for in said petition, on condition that said plaintiff execute and deliver to said defendants a bond to be approved by the Clerk of this Court in the sum of One hundred and fifty Dollars, said injunction to remain in force until the further order of the Court.

John A. Price, Judge.

Roberts Sellers & Co.
v.s
4317 Beth Gates

And now came the plaintiffs by their Attorneys and the defendants being in default for answer and demurrer the Court find that the allegations of the petition are confessed by him to be true, and that the defendant is indebted to the plaintiffs in the sum of One hundred fifty eight and 35/100 Dollars.

It is therefore considered by the Court that said plaintiffs recover from the ~~said~~ defendant Beth Gates the said sum of One hundred and fifty eight and 35/100 Dollars ($158.35) with int. from Oct. 1st 1883 at six per cent and their costs herein expended taxed to $.

Drusilla Cassill
v.s
4316 Wm. H. Robb Admr. et. al

This day came the defendant Benjamin Grant and moved the Court for leave to file answer within thirty days from this day and the Court being fully advised in the premises do grant such leave accordingly.

Monday Oct. 1st A. D. 1883

4298 John Robinson
vs
Harmon Patch Jr. et al
Harmon Patch Sr.

This day this cause coming on to be heard upon the petition of plaintiff and answers of the defendant Harmon Patch Sr. the defendant Harmon Patch Jr. being in default for answer and demurrer and was submitted upon the pleadings and evidence. And the Court being fully advised in the premises finds that there is due from the defendants to the plaintiff upon the notes in plaintiffs petition described including interest computed to September 10th 1883 the sum of Seven hundred & Six and 6/100 Dollars. It is therefore considered ordered and adjudged that the plaintiff recover against said defendants the said sum of seven hundred and six and 6/100 Dollars with 8 p% interest from September 10th A.D. 1883 together with his costs in this and about this suit in this behalf expended taxed to $.
And it being made to appear to the Court that the defendant Harmon Patch Sr. is liable as surety for his codefendant, it is hereby certified Harmon Patch Jr. is principal debtor and Harmon Patch Sr. surety in the above Judgment.

4149 Thornton D Briggs
vs
Winget Harriman

This day came the Plaintiff by his Attorney and the defendants by their Attorneys and a jury being waived by the parties this cause was submitted to the Court upon the pleadings and the evidence and was argued by counsel. Whereupon the Court finds that there is now due to the Plaintiffs upon the notes and mortgage in the petition described including interest added to this Sept. 21st A.D. 1883 the sum of Twenty two hundred and One Dollars ($2201.00) and that by agreement of parties made in open Court the defendant Winget Harriman assumes and agrees to pay to the Michigan Mutual Life Insurance Company a Mortgage given said Company by Jonathan Cheney January 22nd 1875 and recorded in Record of Mortgages Book 11 Page 239 upon which there is now due the sum of Nine hundred and 71/100 Dollars ($900 71/100) which amount is to be credited upon the amount found due leaving amount due from defendant to Plaintiff after crediting the above sum of ($1300 29/100) Thirteen hundred and 29/100 Dollars the balance so found due as aforesaid with 6 p% int. thereon from Sept. 21st 1883 and also his cost taxed to $.
And it is further ordered and adjudged that in case the said Winget Harriman fails for thirty days from this 21st day of Sept. 1883 to pay to the said plaintiff the said sum of thirteen hundred and 29/100 Dollars ($1300.29) so as aforesaid found due with costs of suit, an order issue to the Sheriff of said Co. commanding him to cause the lands and tenements in said petition described to be appraised, advertised 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. No record

Monday. Oct. 1st A. D. 1883

653 The State of Ohio vs Frank Adams — Indictment for assault with intent to commit rape.

Now comes the prosecuting Attorney, on behalf of the State of Ohio, the defendant being brought into Court in custody of the Sheriff; thereupon said defendant retracts his plea of not guilty heretofore entered, and for plea to said indictment saith he is guilty as he stands charged in said indictment, which plea is accepted by said prosecuting Attorney, and the said defendant is remanded to the custody of the Sheriff until Sentence.

4014 Morgan Savage vs Michael Cody et.al

This day came the parties and settle this cause at defendants costs. It is therefore considered and adjudged by the Court that plaintiff recover of defendants his costs herein taxed, to $. and no record to be made of this cause.

3991 D. J. Thomas vs E. A. Finnefrock Admivr

This day this cause came on to be heard upon the motion to set aside the Verdict heretofore found by the Jury and grant a new trial herein, On consideration whereof and the Court being fully advised in the premises do overrule the said motion.

It is therefore considered and adjudged by the Court that the Plaintiff recover of the Defendant E. A. Finnefrock as the Administrator of the Estate of Josiah Innis deceased, the sum of One hundred Sixty Six and 85/100 Dollars the amount of the said Verdict heretofore found by the Jury together with his costs herein expended taxed at $.

Court adjourned to Tuesday at 8½ o'clock A.M. Oct. 2nd 1883.

Tuesday Oct. 2nd A. D. 1883

Court met pursuant to adjournment; the same Officers being present as heretofore.

4357 Conrad & Borger vs Joseph Townsend Henrietta Townsend & Lewis Norwich

This day came the plaintiffs by A. T. Carpenter their Attorney, and thereupon came L. Piper one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court & duly proven, waived the issuing and service of process, & entered appearance of said defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition, the sum of $133.10

It is therefore considered that said plaintiff do recover of said defendant the said sum of $133.10 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

2706

4311 The Peoples Bank vs Herbert H. Chaffee et al

And now comes the said Peoples Bank by A. T. Carpenter its Attorney and the said defendant still failing to answer or demur to said petition it is considered that the said plaintiff is entitled to an account of the money due him in the premises and the Court after hearing the evidence do find that there is due to said plaintiff on the note and mortgage in said petition described including interest computed to September 10th 1883 the sum of One hundred & thirty three and 42/100 Dollars.

4088

It is therefor considered by the said Court here that the said plaintiff recover of the said defendant Herbert H. Chaffee the said sum of One hundred and Thirty three and 42/100 Dollars with 8 p/c interest from Sept. 10th 1883 and also his costs taxed to $.

And it is further ordered and adjudged that in case said defendant fails for five days from this 1st day of Oct. 1883 to pay to the said plaintiff the said sum of One hundred and Thirty three and 42/100 Dollars with 8 p/c int. thereon from Sept. 10th 1883 (and also his costs of suit taxed) so as aforesaid found due, an order of Sale issue to the Sheriff of said County commanding him to cause the lands and tenements in said petition described to be appraised advertised and sold according to law and to bring the proceeds of said sale into Court subject to the further orders of this Court as to its distribution.

4164

Tuesday, Oct. 2nd A. D. 1883

The State of Ohio
vs
Frank Adams

Union County O. Oct. 2" 1883

This is to certify that Dr. S. Burkam & Dr. J. N. Wright made a medical examination on the person of Frank Adams at a trial before me on a charge of rape. Charges for the same $5.00 each.

H. Dague J. P.

The forgoing is approved and allowed; The Auditor of Union County is directed to draw his warrant on the Treasurer of Union County in favor of Dr. S. Burkam for $5.00 and in favor of Dr. J. N. Wright for $5.00

John A. Price. Judge.

3706

Fullington Phellis & Woods
vs
A. C. Pearson et. al

This day came on this cause to be heard on the defendants motion for further orders, Whereupon leave is granted to Veloris Turner to file his amended answer, and leave is granted to the plaintiffs to file their reply to the answers of defendant instanter. And further it is ordered that the referee herein-before appointed shall, in addition to his duties under the former order of the Court, proceed with the testimony as to the indebtedness by said Company to R. L. Woodbury and to L. Pfeifer and report the amount then due on the accounts set up in their answers. And further it being claimed that there are accounts, notes, judgments &c. due said Company by divers persons, the Court appoint T. T. Arthur Receiver to collect all sums due and unpaid to said Company and bring into Court the proceeds of said claims, and the Court order that before he enters upon his duties as receiver he give bond according to law in the sum of $500.00 with security approved by the Clerk of this Court. And this Cause is continued for report.

Nancy L. Overfield.
vs
4088
J. J. Gabriel & Perry Monroe, Admrs &c

This day came the parties and settle this case as follows; the defendants as such administrators agree to allow judgment to be entered against them for Twenty five Dollars ($25.00) and each party agree to pay their own costs. It is therefor considered that the plaintiff recover of the defendants, as Administrators of Jacob Parthemore dec'd, said sum of $25.00 and that each pay the costs by them respectively made.

B. M. Conwell et al
vs
4164
McKee Weakley & Co

The Jury heretofore impanneled in this case having on a former day of this term of Court returned a verdict for the plaintiffs and no Motion for a new trial having been made, It is therefore considered ordered and adjudged by the court that the plaintiffs recover of the defendants McKee, Weakley & Co their costs herein expended taxed to $ and execution is awarded therefor.

Tuesday Oct. 2nd A. D. 1853

The State of Ohio
vs
William Evans

2157

This day came the prosecuting attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff, and his counsel also being present, the defendant then retracted his plea of not guilty, heretofore entered herein, and filed a demurrer to the indictment, and the same was argued by counsel and submitted to the Court.

On consideration whereof the Court do overrule said demurrer. Thereupon the said William Evans was arraigned upon said indictment and for plea thereto saith he is "not guilty"; and puts himself upon the Country and the prosecuting attorney doth the like.

E. L. Hawkins
vs
4226 Eli G. Piper Admr.

This day came a jury, to-wit:- W. H. Conkright, M. M. Benjamin, W. H. Willis, James Mitchell, Walter Bales, Lewis Brown, John Connor Jr. Cicero Kent, Levi Snuffin, Lewis Figley, James Paling Jr. & Elenth Burrows and after progress the plaintiff asked leave to file an amended petition instanter which was granted, whereupon a juror was withdrawn and the cause continued at the plaintiffs costs.

It is therefore considered and adjudged by the Court that the defendant recover of the plaintiff the costs of this term taxed at $. and by agreement the plaintiff has ten days from this day to file an amended petition and the defendant has ten days after the amended petition is filed to plead to the petition.

Stephen Cranston and others
vs
9558 Orson Benton et. al Defts

4176

This day came the parties and thereupon on the plaintiffs motion the report of the Commissioners for partition is confirmed and it appearing that the said real estate in said petition described will not bear partition; it is therefore considered, ordered and decreed that the said lands be sold according to law for the benefit of the several parties interested as herein before decreed and that an order of sale issue to the Sheriff of this County, commanding him to advertise and sell said lands according to law, and bring into Court the proceeds thereof for further order and this cause is continued for that purpose.

Tuesday, Oct. 2nd A. D. 1883

2157 James Darrow et. al
vs
The Board of County Commissioners of Union County, Ohio and others.

This day came on this cause to be heard on the plaintiffs motion to set aside the report of the referee and on the motion of the defendant to confirm the same and on the exceptions of said plaintiffs to the report of the said Master. Whereupon the Court being fully advised in the premises do overrule the motion of the plaintiffs and the Court do hereby confirm the said report: To which ruling of the Court in overruling the motion to set aside the report, and in overruling the exceptions of said plaintiffs to said report the Plaintiffs at the time excepted.

Whereupon it is ordered and decreed by the Court that all orders made in this cause as to the payment of taxes be set aside and the plaintiffs petition be and the same is dismissed on its merits and that the plaintiff pay the costs of this proceeding taxed to $. within ten days and in default thereof that execution issue therefor as upon judgments at law. And the Court order that as a part of the costs in this cause, that $15.00 be paid to the administrator of W. C. Lawrence Dec'd, former referee for his services for taking the testimony herein which was used in the hearing before J. H. Kinkade present referee, Also it is ordered that as a part of the costs herein that $40.00 be paid to J. H. Kinkade for his services as referee in this cause. Whereupon the plaintiff gave notice of their intention to appeal this cause to the District Court and the Court fix their appeal bond at $400.00

4176 Harriott Alexander
vs
W. H. Conkright Admr &c.

This day came the parties by their attorneys and thereupon this cause came on to be heard upon the motion of the defendant to strike from the files the 3rd amended petition of said plaintiff and was argued and submitted. On consideration whereof, the Court being fully advised in the premises do overrule said motion to which ruling the defendant excepted. Thereupon on suggestion of the Court the plaintiff asked and had leave to file an amended petition herein in ten days which amended petition shall contain a complete transcript of the pleadings and journal entries in the case in Delaware County, Ohio, between the above named parties and this cause is passed till for ten days to await said amended petition.

Tuesday, Oct. 2nd A. D. 1883

4179 Mary E. Grow vs Samuel Grow

This cause came on this day to be heard on the petition the answer and cross-petition of the defendant and reply of the Plaintiff and the evidence, and on consideration thereof, the Court find that the Plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same, and was at the time a bona fide resident of Union County Ohio and that the parties were married as set forth in said petition. The Court further finds upon the evidence adduced that the defendant has been guilty of the facts charged in said petition, to-wit= Extreme cruelty toward the plaintiff and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the parties Mary E. Grow and Samuel Grow be, and the same hereby is dissolved, and both parties are released from the obligations of the same.

It is further ordered, that the custody, care and control of Katie May Grow be, until further ordered confined to said Samuel Grow with the privilege of and to said Mary E. Grow of visiting and seeing said Katie May Grow at all proper times. And the Court find that the defendant is the owner of the property described in the petition, except what has already been sold in this case. It is further ordered that the plaintiff retain all the personal effects that she now has and have the balance of the Fifty Dollars already allowed for pending alimony.

It is further ordered and adjudged that the defendant pay the Plaintiff as her reasonable alimony in money the sum of Two hundred Dollars ($200 00/100), One hundred within ninety days from this date, and one hundred within six months from this date, and in default of payment for three days, that execution issue therefor, and the same be a lien upon the unsold balance of said property described in plaintiff's pet. It is further ordered that the plaintiff recover of the defendant her costs herein taxed at $.

65-2 Attorney Verdict 65-2 4358

65-2 The State of Ohio vs William Evans } Indictment for perjury.

This day came the prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff, and his Attorney also coming, thereupon came a jury, to-wit= W. McCambridge, W. H. Willis, Elbert Sobey, Cicero Kent W. R. Robinson, Lewis Brown, Lewis Figley, Levi Snuffin, John Conner Jr. James Mitchell, W. H. Jerdon & Geo. Coons who, being duly impaneled and sworn according to law, and the evidence being adduced on the part of the State and of the defendant, and the prosecuting Attorney having argued the case in the opening to the jury, and the Counsel for the defendant having argued fully thereupon Court adjourned until tomorrow morning, Oct. 3rd 1883. 65-8

Thereupon Court adjourned till tomorrow at 8½ A. M. Oct. 3rd 1883

Wednesday. Oct. 3rd A. D. 1883

Court met at 8½ o'clock A.M. pursuant to adjournment: the same Officers being present as on yesterday.

65-2 The State of Ohio vs William Evans

This day came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff, and his Counsel being present: thereupon came the same jury impannelled on yesterday in this cause, and the Prosecuting Attorney having closed the arguments in this cause, and the jury having been charged by the Court fully in the premises, thereupon the jury retired for deliberation. After due deliberation the jury returned their verdict in open Court which is as follows;

Verdict. 652 The State of Ohio vs William Evans

Common Pleas, Union County, Ohio. Indictment for perjury. Sept. Term A. D. 1883.

We, the jury in this case, find the defendant William Evans, Guilty, in manner and form as he stands charged in the indictment. W. H. Conkright. Foreman."

Thereupon the defendant was remanded to jail to await sentence.

T. L. Kerr vs J. C. Kitchen 4358

This day came the plaintiff by Haverstein & Swat his Attorneys and thereupon came P. B. Cole, one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of Attorney, confessed that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition, the sum of $643,05 It is therefore considered that said plaintiff do recover of said defendant the said sum of $643,05 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of seven per centum per annum, and by virtue of said Warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

658 The State of Ohio vs William Irwin Indictment for horsestealing.

This day this cause came on for hearing upon the motion and showing of the said defendant and the same was argued by counsel and submitted to the Court. On consideration whereof the Court do sustain said motion and said cause is continued to the next term of this Court. Thereupon the defendant asked the Court to fix the amount of the recognizance herein, and the Court do therefor fix the amount of such recognizance in the sum of Two hundred dollars.

Wednesday, Oct 3rd A. D. 1883

10/6.83 C.

The State of Ohio
vs
William Evans

The defendant herein having been heretofore, on this day convicted of perjury was this day brought into Court, in custody of the Sheriff, and informed by the Court of the Verdict of the jury, and inquired of if he had anything to say why judgment should not be pronounced against him; and having nothing but what he hath already said; It is therefore considered and adjudged by the Court that the said defendant William Evans be imprisoned and confined in the Penitentiary of the State of Ohio, and kept at hard labor, but without any solitary confinement, for the period of three years; and that he pay the costs of this prosecution for which execution is awarded.

653 The State of Ohio
vs
Frank Adams

Indictment for assault with intent to commit rape.

The defendant in this case having on a former day of this Term, entered a plea of guilty to the charge of the indictment in this case, was this day brought into Court in the custody of the Sheriff: and the Court being fully advised in the premises, and the said defendant being inquired of if he had anything to say why sentence should not be pronounced against him; and having nothing to say,

It is therefor considered and adjudged by the Court that the said defendant Frank Adams be imprisoned and confined in the penitentiary of the State of Ohio, and kept at hard labor, but without any solitary confinement, for the period of twelve years; and that he pay the costs of this prosecution, for which execution is awarded. 4305

4127 Elias Johnson Ex'd Julia Johnson
vs
Richard White

This day this cause came on to be heard on the demurrer to the petition of plaintiff and was argued by counsel, and on consideration whereof the Court do sustain said demurrer, the Court holding and deciding first, That there is a misjoinder of parties plaintiff, Second, that several causes of action are improperly joined therein. (The Plaintiffs not desiring to amend their petition the Court thereupon dismissed said petition with costs.)

To all of which rulings and decisions of the Court, the plaintiffs then and there and at the time excepted.

Wednesday Oct. 3rd A. D. 1883

10/6-83 C. Union County, Ohio, Dr. To John Habrusack, Sheriff, for Sept. Term 1883,
To serving 63 witnesses before the Grand Jury, copies $6.30 service $6.30 and
mileage $52.98 = $65.58 $65.58
Serving and summoning one regular Grand Jury $4.50
" " " " special " " 4.50
" " " " regular petit " of 2 ordinances Summons $4.50 mil. $3.00 7.50
$82.08
Correct and unpaid. John Habrusack, Sheriff.

To the Honorable John A. Price Judge.
Union County Dr. To John Habrusack Sheriff, for serving special
Venire for jury in the case of the State of Ohio vs George H. Argo $13.50
I hereby certify the above account to be correct.
John Habrusack, Sheriff.
Oct. 3rd 1883. Approved and ordered to be paid. Clerk will make for per entry.
John A. Price, Judge.

To the Honorable Judge: Union County to John Habrusack Sheriff Dr.
for Service of Henry Habrusack special bailiff, attending Court 6 days per day @ $2.00 $12.00
Service of D. T. Elliott 3 days at 2.00 per day 6.00
Service of Thomas Martin special bailiff attending court 26 days @ $2.00 per day 52.00
I hereby certify the above account to be correct. $70.00
John Habrusack, Sheriff.
Oct. 3rd 1883. Approved and ordered to be paid.
John A. Price Judge

Dampsey Blue by his next friend
J. L. Fish
vs
Anthem Bailey et. al 4305

On motion to the Court by J. L. Cameron
Counsel for the plaintiff, and upon producing the return of the Sheriff
and the report of said Commissioners heretofore appointed and
the same having been examined by the Court here and found
in all respects correct and in conformity to law. It is hereby ordered
that the said proceedings and report be and the same is hereby
approved and confirmed and thereupon neither of said parties electing
to take the said premises at the said valuation, it is ordered that
the said premises be sold at public sale by the Sheriff of said County
according to law and that said sale be free from the Courtesy of
said Anthem Bailey, and that the Sheriff return his doings in
the premises at the present term of this Court the same having been
adjourned until Dec. 17th 1883.

Wednesday Oct. 3rd A. D. 1883

653 The State of Ohio vs Frank Adams

This day the Court do allow D. W. Ayers Esq. the Attorney heretofore appointed herein, the sum of $50.00 as his compensation for defending the above named defendant.

654 The State of Ohio vs Frank Adams

This day the Court do allow P. B. Cole Esq. the Attorney herefore appointed herein, the sum of $50.00 as his compensation for defending the above named defendant.

654 The State of Ohio vs Frank Adams

This day the Court do allow John L. Porter Esq. heretofore appointed to assist the Prosecuting Attorney in the prosecution of this case the sum of $50.00 as his compensation for such services.

652 The State of Ohio vs William Evans

This day the Court do allow James B. Cole Esq., heretofore appointed as counsel to assist defendant herein, the sum of $50.00 as his compensation for such services.

3072 W. W. Woods vs W. C. Barnett et. al

This day came on this cause to be heard on the motion of the enterprise building and loan association to distribute the proceeds of the sale made of the lot sold to Moses Thompson for $1425.00 Whereupon the Court find that said $1425.00 is not sufficient to pay the amount due to said Loan Association on the two mortgages set up in the answer of said Loan Association and therefore it is considered, ordered and decreed, that the proceeds of said sale be paid over to said Loan Association upon said mortgages. And said Loan Association not desiring or asking for any award of execution for any further sum against said W. C. Barnett, and said W. W. Robinson having compromised with said association as to his claim to the said Loan Association is dismissed from the cause and as to other matters pending between some of the parties as to premises not sold this cause is continued. As to the order of the Court awarding the proceeds of said sale to said Loan Association W. C. Barnett excepts.

4254

4254

Wednesday, Oct. 3rd A. D. 1883

4254	Amanda M. Bellman vs John W. Bellman	Court of Common Pleas. Union County, Ohio. Decree for divorce &c.

Now came the plaintiff, and the defendant having been duly served with summons and a copy of the petition herein, and having failed to appear, the Court find the defendant John W. Bellman in default for answer and demurrer to said petition, and find that the allegations thereof are confessed by the defendant John W. Bellman to be true. The Court also find that the plaintiff at the time of filing her said petition had been a resident of the State of Ohio for one year next preceding the same, and was at that time a bona fide resident of this County of Union, and that the parties hereto were married as in said petition set forth.

The Court further find, upon the evidence adduced, that the defendant has been guilty of gross neglect of duty to plaintiff, for more than three years last past and has failed and wilfully neglected to provided plaintiff with the common necessaries of life; and has for more than three years last past been guilty of habitual drunkenness, and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Amanda M. Bellman and John W. Bellman, be, and the same hereby is dissolved, and both parties are released from the obligations of the same. It is further ordered, that the custody, care, education and control of Charles N. Bellman, the said Child of the parties hereto be, until order, confided to the Amanda M. Bellman exclusively, and the defendant is hereby enjoined from interfering in any manner with the said Child or the said Amanda M. Bellman in custody of it. But it is hereby ordered that the defendant have the privilege of visiting said child at reasonable times; any violation of this privilege by either party may be reported to this Court.

It is further ordered by the Court that the plaintiff pay the cost of this proceeding; and execution is awarded.

4255	Peter Sells Plff in Error vs Village of Richwood Dfdt in Error	

This day this cause came on to be heard on the Petition in Error of the said Peter Sells to reverse the judgment of the Mayor of the said Village of Richwood, the Transcript and bill of exceptions filed and was argued by counsel. On consideration whereof and the Court being fully advised in the premises finds that there is no error in the judgment of the said Mayor, and affirms the judgment of the said Mayor at the cost of the Plaintiff in Error Peter Sells which he is ordered to pay in ten days and in default of such payment of costs in this Court execution is awarded. To all of which rulings judgments orders and decisions of the Court, the Plff in Error then and there and at the time excepted. And thereupon the Court fix the amount of the Supersedeas bond to be executed by the Plaintiff in Error at $150.00

Wednesday, Oct. 3rd 1883

*4040	Joshua James vs Hugh J. Perry	This day this cause came on to be heard upon the motion of Defendant to set aside the Verdict heretofor found and grant a new trial herein. On consideration whereof and the Court being fully advised in the premises do overrule said motion on condition that Plaintiff enter a remititur of $30.00 as to the wheat which is done. It is therefor considered and adjudged by the Court that the Plaintiff recover of the Defendant the sum of $470.00 and his costs herein expended taxed to $. To all of which the Defendant excepts.
4031	George M. Rickard vs James B. Whelpley et al	This day this cause came on to be heard on the motion of the defendants to modify the report of the Master Commissioner filed herein as in said motion stated and 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 overrules the same, And the Court thereupon doth confirm the report of the said Master Commissioner and orders that the said Master be paid for his services the sum of One hundred Dollars ($100.00). No action was taken by the Court on the exceptions filed by the plaintiff to said masters report. The Court further orders that the defendants be perpetually enjoined as prayed for in the petition of the plaintiff, and that the plaintiff recover of the defendants his cost taxed at $. and that defendants pay their own cost taxed at $. for all of which execution is awarded, to all of which rulings, decisions, orders and judgment of the Court the defendants then and there and at the time excepted. And thereupon the defendants gave notice of their intention to appeal this cause to the District Court and the Court fix the amount of the appeal bond at $.300.00
4241	William Hoobs vs H. J. Perry	This day the Commissioners of Union County, Ohio having filed herein their report according to law, the Court do appoint O. B. Martin & J. S. McCampbell to assist the Prosecuting Attorney in examining the same as provided by statute. Defendant has leave to plead in 10 days.

4208

4344

Wednesday Oct. 3rd 1883

4208 A. J. Rigdon
v.s
Rhoda Baker

This day this cause came on for hearing on motion of the defendant to set aside the verdict of the Jury heretofore rendered herein, and for a new trial, and the same was argued by counsel and submitted to the Court. On consideration whereof the Court do overrule said motion. To which ruling of the Court the defendant by her Attorneys excepts.
This cause then came on to be further heard on motion of the Plaintiff for Judgment on said Verdict of the Jury and for decree and order of sale on said Mechanics lien, and the same was argued by counsel and submitted to the Court. On consideration whereof it is considered and adjudged by the Court that said plaintiff do recover of said defendant the said sum so found due him by said Verdict, to wit= the sum of One hundred and fifty five Dollars, with interest thereon at the rate of six per centum per annum from the 28th day of Sept. A. D. 1883 and also his costs herein taxed to $. and execution is awarded therefor. The Court further find that said sum of One hundred and fifty-five dollars was on account of the materials furnished and labor performed as set forth in the petition, and that the same is a lien on the premises described in the petition, by reason of the mechanics lien therein described and recorded in Vol. 2 Page 215 of the Union County, Ohio, records of liens; and that the said plaintiff is entitled to have the said lien enforced.
It is therefore ordered and decreed that, unless the said Judgment is paid within ten days from the entry (of this decree) hereof, then that an order may issue to the Sheriff of Union County, Ohio, commanding him to sell said premises as upon execution; and of his proceedings in the premises to make due return to this Court.
To all of which rulings, Judgments, orders and decree of the Court said defendant by her attorneys hereby excepts.

John Orr, Plaintiff in Error
4344 vs
Village of Richwood Defts in Error

This day this cause came on to be heard on the petition in error of the said John Orr to reverse the Judgment of the Mayor of the said Village of Richwood, the transcript and bill of exceptions and was argued by Counsel. On consideration whereof and the Court being fully advised in the premises finds that there is no error in the Judgment of the said Mayor and affirms the Judgment of the said Mayor at the costs of the Plaintiff in Error John Orr which he is ordered to pay in ten days and in default of such payment of costs in this Court execution is awarded.
To all of which rulings, Judgments, orders and decisions of the Court, the plaintiff in Error, then and there, and at the time excepted.
And thereupon the Court fix the amount of the Supersedeas bond to be executed by Plaintiff in Error at $150.00

Wednesday Oct. 3rd A. D. 1883

4140 Martha Mackain vs Flora Liggett

This day this cause came on for hearing and there=upon James B. McCampbell was appointed as guardian ad litem, for the said defendants, Flora Liggett, Willie Liggett and William Liggett and said guardian having filed his answer herein the cause came on to be heard upon the petition, answer of said guardian, and the evidence, and the same was argued by Counsel and submitted to the Court. On consideration whereof the Court do find that of the money paid by said plaintiff as part of the purchase money for the premises described in said petition, that the sum of Three hundred Dollars thereof was paid by said plaintiff at the time of the purchase thereof and while said William Liggett former husband of said plaintiff was living and that as to said sum a trust resulted by operation of law in favor of said plaintiff, and that said sum of money was the one sixth part of said purchase money, and that said plaintiff is thereby entitled to, and hereby is decreed to be, the owner in fee simple of the undivided one sixth part of said premises so described in said plaintiff's petition. As to the remaining three hundred dollars so paid by said plaintiff as part of the purchase money aforesaid, the Court find that the sum of Two hundred thereof was paid by said plaintiff on the 1st day of April A. D. 1871 and the sum of One hundred Dollars thereof was paid by said plaintiff on the first day of April A. D. 1873, both of said sums having been paid subsequent to the death of said William Liggett, and that no trust resulted therefrom by reason of said sums having been paid since the said death of the said William Liggett. It is therefore considered, adjudged and decreed that said plaintiff do recover of said defendants, Flora Liggett, Willie Liggett and William Liggett said sum of Five hundred and Eleven and 95/100 Dollars with six per cent. interest thereon from the 10th day of Sept. A. D. 1883 said sum being the principal and interest so found due as aforesaid. The Court further find that the said plaintiff as late widow of said William Liggett, deceased, is entitled to dower in the remaining undivided five sixths of the premises described in the petition, and that the said plaintiff is seized of, and has a legal right to the undivided one sixth part of the estate described in the petition, and is entitled to have partition made of said premises, that the defendants Flora Liggett, Willie Liggett and William Liggett are tenants in common with the said plaintiff in the said premises and are seized of, and have a legal right to the remaining five sixths of said premises, subject to such dower of said plaintiff. And no reason appearing why partition should not be made. It is therefore ordered, adjudged, and decreed that the said plaintiff be endowed of the full equal one third part of said five sixths of said premises, and that subject thereto, partition of said estate be made; and that an order issue to the Sheriff of said County of Union, Ohio, commanding him that by the oaths of Andrew J. Mowry,

4345

4346

Wednesday, Oct. 3rd A.D. 1883

Joseph K. Richey, and Thos N. Elsom three judicious and disinterested free-holders of the vicinity, who are not of kin to either party, and who are hereby appointed commissioners for that purpose, he set off and assign such dower to the said plaintiff, according to law, and that by the like oaths of the said named commissioners, he cause to be set off and divided to the said plaintiff and to all of said defendants Flora Liggett, Millie Liggett, and William Liggett, in gross, the part and proportion of the said estate to which they are herinbefore severally entitled. And it is ordered that if, in the opinion of the said Commissioners, said premises cannot be divided by metes and bounds without injury to the value thereof, they appraise the same both subject to, and also free from the dower of the said plaintiff. And of his proceedings herein, the said Sheriff is ordered to make due return without unnecessary delay.

David W. Taylor Plff in Error
4345 vs
Village of Richwood O. Dft in Error

This day this cause came on to be heard on the Petition in Error of the said David W. Taylor to reverse the judgment of the Mayor of the said Village of Richwood, the transcript and bill of exceptions and was argued by counsel. On consideration whereof and the Court being fully advised in the premises finds that there is no error in the judgment of the said Mayor, and affirms the judgment of the said Mayor at the costs of the Plaintiff in Error David W. Taylor, which he is ordered to pay in ten days, and in default of such payment of costs, in this Court execution is awarded. To all of which rulings, judgments, orders and decisions of the Court, the plaintiff in Error, then and there, and at the time excepted. And thereupon the Court fix the amount of the supersedeas bond to be executed by Plaintiff in Error at $150.00

Michael Hannegan, Plff in Error
4346 vs
Village of Richwood, O. Dft in Error

This day this cause came on to be heard on the petition in Error of the said Michael Hannegan to reverse the judgment of the Mayor of the said Village of Richwood, the transcript the bill of Exceptions, and was argued by counsel. On consideration whereof and the Court being fully advised in the premises finds that there is no error in the judgment of the said Mayor and affirms the judgment of the said Mayor at the costs of the Plaintiff in Error Michael Hannegan which he is ordered to pay in ten days and in default of such payment of costs in this Court execution is awarded. To all of which rulings, judgments, orders and decisions of the Court, the Plaintiff in Error, then and there, and at the time excepted. And thereupon the Court fix the amount of the supersedeas bond to be executed by the Plaintiff in Error at $150.00

Wednesday Oct 3rd A.D. 1883

D. D. McCracken

3447 vs

D. W. McCracken et al

On motion of Defendants & Cross-petitioners and upon producing the return of the Sheriff of the Sale made under the former order of this Court and the Court on careful examination of the proceedings of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and the order of this Court; It is ordered that said proceedings and sale, be and the same is hereby approved and confirmed and it is further ordered that the said Sheriff convey to the purchaser William A. Ferguson & appearing thos. D. E. Hall & Geo. W. Frost have assigned this bid to him the lands and tenements so sold, and the said purchaser is hereby subrogated to all the rights of all the lien holders in said premises, for the protection of this title, and a writ of possession is awarded to put said purchaser in possession of said premises.

And the Court coming now to the distribution of the proceeds of said sale amounting to $1535.00 and said proceeds arising from the sale of said lot No. 212 and part of lot No. 211 in the town of Richwood, as the same are described in the petition and cross-petitions filed herein, and there being certain liens against said premises, some of which are against Lot No. 212 alone, and others being against both lots, and being agreed by the parties, and found to be just by the Court, that said Lot No. 212 and part of lot 211 Hale & Frost are of equal value; it is therefore adjudged by the Court that said sum of $1535.00 be divided in two equal parts of $767.50 each, and that the same be distributed as follows:

As to the money arising upon the sale of lot 211, 4293

First, One half the costs of this action taxed at $,

2nd " One half the taxes, due up to date of sale $155.34

3rd " One half of the allowance, decreed to the wife of said defendant D. W. McCracken in lieu of a homestead in premises sold, to-wit = $250.00

4th " To the Woodburn Sarven Wheel Co. the balance due said Company on its judgment against the said D. W. McCracken rendered Oct. 7th 1876, to-wit: including interest to date $44.13

5th " To Rodgers Duck & Lewis, the balance due said Company on its judgment against D. W. McCracken rendered Feb. 19th 1877, to-wit = including interest and costs paid $100.00

6th " To Wagner & Forny, the amount due them on their judgment against D. W. McCracken rendered Feb. 21st 1877, to-wit = $22.00 or so much thereof, as the balance remaining after paying said judgment of Rodgers Duck & Lewis in full - to-wit = $163.20

Second As to the money arising from the sale of lot no 212 to-wit = $767.50 (as follows,

1st " One half the costs of this action taxed at $54.84

2nd " One half the taxes due upon the premises sold to date of sale $155.34

3rd " To Wm. A. Ferguson the amount due him upon his judgment on his note & mortgage, dated Jan. 16th 1871, for purchase money, to-wit = including interest to date, $113.85

4th " To the wife of said defendant D. W. McCracken one half the amount decreed to her in lieu of homestead in said premises $250.00

Wednesday Oct. 3rd A. D. 1883

5th " To Godman Thornhill & Co. the amount due them on their note and mortgage dated Dec. 27th 1875 signed by D. W. McCracken only, or the balance remaining, after the allowance in the preceding item is made, to be applied as far as it will go to the payment of said claim of Godman Thornhill and Co. to-wit: $193.50

and in the third place, That out of said $500.00 above decreed to the Wife of the Defendant D. W. McCracken in lieu of a homestead the following liens on said lot No. 212 which precedes the allowance of a homestead, be paid, as follows-

1st " To S. Carter and Co. the amount due on their Mechanics lien dated Feb. 7th 1877, on which judgment was rendered, against said D. W. McCracken, May Term 1879 for $45.95 amount now due thereon including interest and costs of said suit, $95.40

2nd " To W. H. Ferguson, the amount due him on his judgment, rendered on his note and Mortgage, dated and filed for record, Feb. 21st 1877 at — o'clock P.M. so much of what remains of said $500.00 after paying the said amount due on the last mentioned claim until his claim is paid in full, to-wit: $371.44

And there remaining still in the hands of the Sheriff the sum of $33.14 he is hereby ordered to pay the same, upon the claim of Hale and Frost as set forth in their Cross-petition filed herein.

To all of which rulings and decisions of the Court the defendants by their Attorneys there and then excepted, Margaret McCracken who claimed homestead allowance, also excepted as above.

Hale & Frost

4293

Charles W. Southard
vs
P. C. Adams

This day this cause came on to be heard and it appearing to the court that the said Philip C. Adams had since the filing of the petition herein paid to said plaintiffs the amount of their said claims and having at the time of the payment thereof agreed to pay to the Clerk of the court the costs herein, and having failed to pay said costs. It is therefore considered and adjudged by the court that said plaintiffs do recover of said defendant Philip C. Adams their costs herein expended taxed to $ and if default be made in the payment thereof for the period of ten days from the Entry of this decree then that an order issue to the Sheriff of said county commanding him to appraise advertise and sell the premises in said petition described as upon Execution and bring the proceeds into Court for further order.

Wednesday Oct. 3rd 1883

4243 Hannah Andrews }
vs }
Lewis L. Andrews }

This day this cause came on to be heard upon the petition and amended petition of the plaintiff and the defendant being in default for answer and the court finding that the plaintiff was a resident of the State of Ohio for more than one year last past and is now a bona fide resident of Union County. The court further finds that said parties were married as alleged in her said petition. The court further finds that the said Lewis L. Andrews was guilty of gross neglect of duty toward the plaintiff The court further find that said plaintiff is entitled to the custody and care of Eddie R. Andrews and Melinda J. Andrews, and the said defendant be allowed to visit them at all proper times.

It is further ordered and adjudged and decreed that the marriage relation heretofore existing between said parties be dissolved and that plaintiff Hannah Andrews have the custody, care, control and education of said Eddie R. Andrews Melinda J. Andrews, the said infant children and that She have her decree against said Lewis L. Andrews defendant for her reasonable Alimony taxed at $300.00

It is further ordered and adjudged that She recover her costs herein expended taxed at $ and in default of payment of said alimony and costs for 10 days from the rendition of this decree Execution issue therefor.

4276 Blackburn M. Johnson Plaintiff }
vs }
Margaret Davis and }
Others. Defendants }

This day this cause came on to be heard upon the return of the Sheriff and the report of the commissioners heretofore appointed herein and on motion to confirm the same. And it appearing that said Estate cannot be divided by Metes and bounds without manifest injury to the value thereof and that said commissioners have made and returned their appraisement of said premises, to wit in the sum of $3940. The court find the said returns and proceedings in all respects correct and in conformity to law and do therefore approve and confirm the same. And it appearing to the court that the said W. S. Johnson. Helen M. Smith and Aluria L. Wall have elected to take the said premises at their appraised value the same are upon the payment W. S. Johnson. Helen M. Smith and Aluria L. Wall of the said sum of $3940. hereby adjudged to them and the Sheriff is ordered to convey said premises to them accordingly by deed in fee simple. It is further ordered that the Sheriff out of proceeds of the said sale pay.

First. To the Treasurer of Union County Seventy Nine 24/100 dollars being the taxes due on said premises.

Secondly. To the Clerk of this court the costs of this action including a counsel fee of $50.00 To Robinson & Piper for their services herein taxed $112.91

Thirdly. And of the residue of proceeds of said Sale to the plaintiff Blackburn M. Johnson and to defendants Margaret Davis. W. S. Johnson Mary Malin Aluria L. Wall Nancy J. Shipley & Helen M. Smith Each one Equal Seventh part and also to each one Seventh part of Notes for defered payments

4247

Wednesday. Oct. 3rd 1883

4247 Isaac H. Graham
vs
Cynthia Ann White

On Motion of plaintiff and upon producing the return of the Sheriff of his proceedings and Sale under the former order of this court and the court being satisfied, on examination, that the same have been had in all respects according to law, the said proceedings and Sale are hereby approved and confirmed and the Sheriff is ordered by deed duly executed to convey said premises to Morris W. Hill the purchaser in fee Simple.

It is further ordered that the Sheriff out of the proceeds of said Sale pay:

First= That he credit Morris W. Hill, the purchaser with the Sum of Two hundred and Seventy & 44/100 dollars said Sum being the Taxes and penalty due on said premises together with the gravel Road assessment thereon and now ~~due~~ lien thereon, and said purchaser being willing and prefering to assume and pay the same.

Second= That said Sheriff pay the clerk of this court the costs of this action including a counsel fee to A. J. Carpenter of $25.00 for his services herein, as taxed at $107.03

Third= And of the residue of the proceeds of said Sale To the plaintiff Isaac H. Graham one eight of the balance of the cash proceeds To wit- The Sum of $44.31
And also one note due in one year for $87.50
and One note due in Two years for $87.50

Fourth= To defendant Cynthia Ann White in cash $44.31
And also one note due in one year for $87.50
and One note due in Two years for $87.50

Fifth= To defendant Jacob S. Leave in cash $44.31
And also One note due in One year for $87.50
And One note due in Two years for $87.50

Sixth= To defendant John W. Leave in cash $44.31
And also one note due in one year for $87.50
and one note due in two years for $87.50

Seventh= To defendant C. R. White in cash $120.92
and also one note due in one year for $262.50
And One note due in Two years for $262.50

Eighth= To defendant Cora A Leave in cash $ 13.47
and also one note due in one year for $ 29.16
and one note due in Two years for $ 29.16

Nineth= To defendant Ida S. Leave in cash $ 13.47
And also one note due in one year for $ 29.16
and one note due in Two years for $ 29.16

Tenth= To defendant Willie C. Leave in cash $ 13.47
And also one note due in one year for $ 29.16
And one note due in two years for $ 29.16

Recapitulation — Taxes, penalty & pike assessment = $270.44
Court cost & attorney fee $ 107.03
Isaac H Graham Cash & notes (1/8) $ 215.31
Cynthia Ann White Cash & notes (1/8) $ 215.31
Jacob S. Leave Cash & notes (1/8) $ 215.31
John W. Leave " " (1/8) $ 215.31
C. R. White Cash & notes (3/8) $ 645.92
Cora A Leave " " (1/24) $ 71.79
Ida S. Leave Cash & notes (1/24) $ 71.79
Willie C. Leave Cash & notes (1/24) $ 71.79
Total proceeds of Sale $2100.00

Wednesday Oct. 3rd. 1883.

Henry Fox
3786 vs
John Liggett

This day this cause came on to be heard on the motion of Plaintiff to set aside the verdict of the Jury and grant a new trial herein for reasons contained in said motion.

And the Court being fully advised in the premises overrules said motion to which overruling of said motion the Plaintiff by his Attorneys then and there excepted, and asked the Court to allow, sign and seal his bill of exceptions which was accordingly done.

It is therefore considered ordered and adjudged by the Court that the defendant recover of the Plaintiff his cost herein expended taxed at $. and that the defendant go hence without day.

The First National Bank
of Delaware Ohio
4116 vs
John Rodgers and Howard Rodgers

This day this cause came on for hearing on the motion for a new trial and to set aside the verdict herein and was argued by Counsel. On consideration whereof the Court doth overrule said motion to which ruling of the Court the said Plaintiff did except and presented its Bill of Exceptions to the Court and asked that the same be allowed, signed and sealed by the Court and ordered to be made part of the Record in this case all which is accordingly done, and it is hereby ordered the Bill of Exceptions be made part of the record in this cause and this order be entered on the Journal of this Court. It is therefore ordered and adjudged that the said defendant Howard Rodgers go hence without day and recover of the Plaintiff his costs herein expended taxed at $. and that the Plaintiff pay its own cost to which ruling and Judgement of the Court the said Plaintiff did also except.

Court adjourned to Monday at one o'clock P.M. Dec. 17th 1883.

Times fixed for holding Courts, in the Tenth Judicial District of the State of Ohio, for the year A. D. 1884.

Be it remembered that at a meeting of the Judges of the Court of Common Pleas of the 10th Judicial District of the State of Ohio, in the Town of Forest, in the County of Hardin, and State of Ohio, on the 13th day of October 1883, for the purpose of fixing the times of holding the terms of the Court of Common Pleas, and the District Courts, for the year A. D. 1884.

It is ordered, that a term of Court of Com. Pleas be commenced at 8 o'clock A.M.

In Crawford County on	January	28th	April	28th	November	10th
" Hardin "	"	" 7th	"	14th	September	15th "
" Hancock "	"	February 4th	May	19th	October	20th "
" Logan "	"	" 11th	"	19th	"	20th "
" Marion "	"	January 7th	April	14th	"	15th "
" Seneca "	"	February 4th	May	19th	"	20th "
" Union "	"	January 14th	April	14th	September	8th "
" Wood "	"	" 7th	"	14th	"	15th "
" Wyandot "	"	February 18th	May	19th	"	15th "

It is that a term of District Court, be commenced at 8, o'clock A.M.

In Crawford County on March 8th In Hancock County on December 1st
In Marion County on November 27th In Seneca County on April 1st
In Hardin County on November 24th In Logan County on March 21st
In Wood County on December 3rd In Union County on March 18th
And in Wyandot County on March 26th

John A. Price
Thomas Beer
Luther M. Strong } Judges.

To the Clerk of Court of Common Pleas, of Union County, Ohio:

And you are hereby directed to have the foregoing order published for two consecutive weeks in newspapers published in said County.

John A. Price.

Judge.

In Vacation

Henry D. Gill vs O. P. Lee et C. O. Bishop Ad. Wesley Talleman	Order of Injunction before the Probate Judge. Union County. Ohio. Motion for a temporary injunction in the Court of Com. Pleas. Union County. Ohio.

And now on this 7th day of Dec. A. D. 1883 came the plaintiff by J. L. Cameron his Attorney; and it being made to appear that there is at this time no Common Pleas, District or Supreme Judge within said County, the motion of the Plaintiff for a temporary injunction herein was heard upon the petition of the plaintiff Henry D. Gill and the affidavit thereto therein filed. And after hearing the argument of counsel, and being fully advised in the premises, it is considered and ordered that a temporary injunction be, and the same hereby is allowed in this case to restrain said defendants from erecting or constructing the framework and scales mentioned and from doing any further act or thing toward the erection, construction or completion of said scales mentioned in said petition, or in any manner further obstructing said street by the erection or completion of said framework or scales, and from in any manner obstructing said street by the erection of the said scales, as prayed for in the said petition of plaintiff.

It is further ordered that the Clerk of the Court of Common Pleas issue summons in this case and said injunction allowed on said plaintiff giving an undertaking the said defendants, or either of them according to law with security to be accepted by the said Clerk of the Court of Common Pleas, in the sum of $300.00

John B. Coats.
Probate Judge.

The State of Ohio. In Vacation Dec. 10th 1883.
vs
Isaac W. White. Charge of murder in the first degree.

This day the defendant appeared before the Honorable John B. Coats, Probate Judge of this County, the Clerk, and the Prosecuting attorney, also upon notice given by the Sheriff according to the Statute in such case made and provided, attended a regular examining Court for this purpose at the Court House in the village of Marysville, Union County, Ohio. And the said Judge, upon full examination of witnesses and consideration had, finding probable cause for holding the said Isaac W. White to answer, remanded him to Jail.

John B. Coats.
Probate Judge.

Supreme Court of the State of Ohio.

The State of Ohio. City of Columbus, January Term A.D. 1883.

Commissioners of Union County et al } Error to the District Court of Union County.

vs

Charles Green

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 reversed for error in rendering Judgment in favor of Charles Green the plaintiff below. And proceeding to render the judgment the District Court should have rendered it is considered that the plaintiffs in error (being defendants below) go hence without day and recover their costs in the District Court and the Common Pleas Court expended taxed at $—. and it is further ordered that the Plaintiffs in Error recover from the defendant in error their cost in this Court 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 District Court of Union County, "for entry."

I, Dwight Crowell 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 12th day of December A.D. 1883.

Dwight Crowell Clerk.

By Frank Higley Deputy.

SEAL

Supreme Court of Ohio.

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 The Commissioners of Union County, Ohio, et al vs Charles Green into execution, the Petition in Error herein and hereto for granted, to the contrary notwithstanding.

Witness Dwight Crowell Clerk of our Supreme Court of Ohio, at Columbus, this 12th day of December 1883.

Dwight Crowell Clerk By Frank Higley Deputy.

SEAL

Clerks cost $5.00 Paid by Plaintiff

Printing Record $16.15 " " "

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No 637

#

637

Monday Dec 17th A.D. 1883

Court met today pursuant to adjournment, the same officers being present as heretofore, to-wit:

John A. Price Judge.

John M. Brodrick, Pros. Atty. John Habermack Sheriff

Thomas Martin Deputy. Attest. J. D. Bruner. Clerk.

#

The State of Ohio }
vs } Indictment-for murder in the first degree.
No 637 George H. Argo }

This day came the prosecuting attorney on behalf of the State of Ohio the defendant George H. Argo being brought into court in custody of the Sheriff and his counsel also coming. And the venire facias heretofore returned herein being called in open court the following named persons appeared in answer thereto. To-wit;

Henry Moore. Daniel Burnham. Jason Case George Smith. Samuel Holycross. John Burns. A. A. Hill. William Staley. D. S. Clement. John Hamilton John Horney. H. W. McBay. M. M. Shipley. John A. Phillips. McFarlane Bishop. John Wiley. J. H. Dodge. J. R. Taylor. D. Shenneman, Wesley Whidmore William Stillings. Jasper Converse. James Cox James Heard Thomas Yearsley. J. J. Moreloch. Robert Robinson. Pearl Harvey. John H. Hickey Martin Price. Wells Hildreth and I. J. Hoale. and the Venire facias heretofore returned herein being called in open court the following named persons appeared in answer thereto, Ed St John. Robert Hicks Sr David Logan and W. L. James. and upon the further call of said venire and said alias venire. for cause shown the court excused Martin Price and Thomas Yearsley and the defendant by his counsel challenged for cause Daniel Burnham Samuel B Holycross. A. A. Hill. William Staley. John Horney. John A. Phillips. William Stillings Jasper Converse. James Cox James Heard. J. J. Moreloch. Pearl Harvey. Ed St John and W. L. James and said challenges were sustained; and also challenged peremptorily M. M. Shipley. Jason Case. John Wiley. J. R. Taylor John H. Hickey Wesley Shidmore. Henry Morse. George Smith. and H. W. McBay. and the said venire facias and alias venire facias being exhausted without obtaining a jury herein on motion of the defendant by his counsel the court issued a Special venire for the following named persons as jurors herein, to-wit= W. P. Anderson. A. J. Chapman George W Court. A. D. Doolittle. Willard Winget W. T. Wood Charles Lore. L. N. McCloud. George Heistand. J. P. Martin A. J. Ferguson. W. H. Pennington. J. P. Heathine. Ray C. Moore Sr R. A. McIntire Elias Thomas. William Ferris. Jefferson Richey. W. H. Loveless. T. P. Shields E. P. Rogers R B. Thompson. Warrell Owen. John McAllister A. B. Martin Lester Oliver. John Hudson. John Newlove. Lester Doolittle and Byron Galloway And thereupon court adjourned the further hearing of this cause until tommorrow Morning at Nine Oclock—

#

The State of Ohio } Indictment-for Murder in the first degree
vs } Jammus A. Donnee Esq was this day appointed as official
No 637 George H Argo } Stenographer to take the evidence in this case and after taking the oath required by law Entered upon the discharge of his duties

Tuesday December 18th A. D. 1883.

Court met at 9 oclock A. M. pursuant to adjournment the same officers being present as on Yesterday.

No 4375 Cyrus Baughan vs Sarah Drake et al

It appearing to the court that Nancy J Skidmore John B. Skidmore Rosa Wheeler and French Wheeler minor defendants have been duly served with process and that each of them together with their parents with whom they reside have waived the issuing of summons and entered their appearance herein and that said Nancy J Skidmore Rosa Wheeler and French Wheeler are each over the age of fourteen years and have not applied for the appointment of a guardian ad litem although more than twelve days have elapsed since the entering of their appearance by them. on application by the plaintiff it is ordered that L. Piper Esqr be appointed guardian ad litem for said minor defendants. and thereupon said L. Piper accepts said appointment

No 2966

No 4375 Cyrus Baughan vs Sarah Drake et al

And now comes the said Cyrus Baughan by A.S. Carpenter his attorney and thereupon this cause came on to be heard upon the petition. the answer of the minor defendants and evidence and was argued by counsel. On consideration whereof the court do find that due notice of the pendancy of this action has been given to all the defendants and that all of said defendants have voluntarily entred their appearance herein in writing waiveing the issueing and service of Summons and the court do further find that the said Cyrus Baughan has a legal right to and is seized in fee simple of one undivided fifth part of the said premises. and the court do further find that the said Sarah Drake. Nancy Jane Robb. Julia A. Skidmore. Nancy Jane Skidmore. John B. Skidmore. Sylvester Cyrus Wheler. Mary Jane Lawrence. Sarah Elizabeth Markley. Matilda Irena Wheler. Marion Lafayette Wheeler Rosa Wheeler and French Wheeler are tenants in common in said premises with said Cyrus Baughan in the following proportions to-wit That the said Sarah Drake and Nancy Jane Robb are each seized of one undivided one fifth part thereof: The said Julia A. Stevenson Nancy Jane Skidmore & John B. Skidmore are each seized of one undivided fifteenth part thereof: That the said Sylvester Cyrus Wheler. Mary Jane Lawrence Sarah Elizabeth Markley. Matilda Irena Wheler. Jay Wheler Marion Lafayette Wheler Rosa Wheler and French Wheeler are each seized in fee simple of an undivided fortieth part thereof. It is therefore ordered that a writ of partition issue to the Sheriff of said county of Union commanding him that by the oaths of A.S. Mowry David A. Rea and Samuel B. Skidmore partition be made of said lands in the following proportions to-wit: To the said Cyrus Baughan one fifth part thereof.

No 3706

To the said Sarah Drake one fifth part thereof.

To the said Nancy Jane Robb one fifth part thereof.
To the said Jane C. Stevenson one fifteenth part thereof.
To the said Nancy Jane Skidmore one fifteenth part thereof.
To the said John B. Skidmore one fifteenth part thereof.
To the said Sylvester Cyrus Wheeler one fortieth part thereof.
To the said Mary Jane Lawrence one fortieth part thereof.
To the said Sarah Elizabeth Markley one fortieth part thereof.
To the said Matilda Irma Wheeler one fortieth part thereof.
To the said Jay Wheeler one fortieth part thereof.
To the said Mary Lafayette Wheeler one fortieth part thereof.
To the said Rosa Wheeler one fortieth part thereof.
To the said French Wheeler one fortieth part thereof.
And it is further ordered that the Sheriff return his proceedings in the premises forthwith.

Rogers, Piper & Engle
vs
No 2960 D. W. McCracken et al

This day this cause came on to be heard upon motion to confirm Sale of the real estate mentioned in the order of sale. was argued by Counsel and the court being fully advised in the premises, and upon the return of the Sheriff being produced the Court find that the proceedings of the Sheriff has been in all respects according to law and the order of this Court. It is therefore ordered and adjudged by the Court that said Sale and proceedings of the Sheriff be and the same is hereby confirmed and said Sheriff is hereby ordered to execute to the purchaser Lorenda E. Moore his heirs and assigns a deed for said premises, and a writ of possession is hereby awarded to purchaser, and it is further ordered by the court that the Sheriff bring the proceeds of said Sale into court for further consideration.
In vacation of the court.

Millington, Phillis & Woods
vs
No 3706 A. C. Pierson et al

This day came on this cause to be heard on the motion of R. L. Woodburn, L. Piper & J. W. Robinson to be substituted in this case as plaintiffs instead of the present plaintiffs as provided by Section 5012 of the revised Statutes of Ohio and the court being satisfied that said R. L. Woodburn L. Piper and J. W. Robinson have become the owners of said Judgments and accounts in the manner alleged in their written Motion filed herein. the Court sustains said Motion and orders that the said R. L. Woodburn L. Piper & J. W. Robinson be and they are hereby made plaintiffs herein with full power and authority to continue the prosecution of said suit the same as the plaintiffs could have done if they had not so assigned their said claims. the said assignees to be responsible for all costs of the plaintiffs in the cause.

Tuesday December 18th A. D. 1883.

4396 James B Horn Administrator of Lewis Jolliff Decd Pltff
vs
Jason N. Chapman and D. B. White Defendants

This day came the plaintiff by Robinson & Piper Attorneys and thereupon came Jas S. McCampbell one of the attorneys of record of this Court, who, by virtue of a warrant of attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of attorney, confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition the Sum of $333.50/100. It is therefore considered that said Plaintiff do recover of said defendant the said Sum of $355.50/100 so as aforesaid confessed to be due together with costs of Suit herein, to be taxed, and with interest to be computed at the rate of Eight per centum per annum payable annually. And by virtue of said warrant of attorney, all errors are ~~waived~~ released, and all right of appeal, and all right to file a petition in error are waived.

4397 Joseph Hawn
vs
M. D. Degood & Almeda J Degood

This day came the plaintiff by Robinson & Piper his attorneys, and thereupon came Jas S. McCampbell one of the attorneys of record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open court and duly proven, waived the issuing and service of process, and Entered appearance of said defendants herein, and by virtue of the same warrant of Attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition the Sum of $103.32. It is therefore considered that said plaintiff do recover of said defendants the said Sum of $103.32 so as aforesaid confessed to be due together with costs of Suit herein to be taxed, and with interest to be computed at the rate of 8% per centum per annum payable annually. And by virtue of said warrant of attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

No 637. The State of Ohio
vs
George H. Argo
Indictment for Murder in the first degree.

This day came the prosecuting attorney on behalf of the State of Ohio, the defendant being brought into court in custody of the Sheriff and his attorneys also coming and the same jurors who were in the panel on adjournment being present, and the Special Venire Facias heretofore issued according to law returnable this day, was duly returned by said Sheriff with the endorsements thereon as follows, to-wit:

Copy of Special Venire Facias See page 93.

The State of Ohio Union County ss. Sheriffs Office 1883 December 17th 1883. The following named jurors were severally summoned by me as within required on the 17th & 18th days of December A. D 1883 and in the manner hereinafter Specified

1. W. P. Anderson Paris Tp Dec 17th Personal Service

Second Copy of Special Venire Facias See page 93

Tuesday December 18th A. D. 1883.

2.	A. S. Chapman	Paris	Tp	Dec 17th 83	Personal Service
3	Geo W. Court	"	"	" "	" "
4	A. D. Doolittle	"	"	" "	" "
5	Willard Winget	"	"	" "	" "
6	W. T. Wood	"	"	" "	" "
7	Charles Lee	"	"	" "	" "
8	S. McCloud	"	"	" "	" "
9	George Heistand	"	"	" "	" "
10	Joseph P. Martin	Darby	"	" 18 "	" "
11	A. J. Ferguson	"	"	" "	By Copy
12	W. F. H. Pennington	"	"	" "	" "
13	J. P. Kentline	"	"	" "	" "
14	Ray C. Morse	"	"	" "	Personal "
16	R. A. McGuire	"	"	" "	" "
16	Elias Thomas	"	"	" "	By Copy "
17	William Ferris	Dover	"	" "	Personal "
18	Jefferson Richey	"	"	" "	" "
19	W. H. Loveless	"	"	" "	" "
20	J. P. Shields	Millcreek	"	" "	By Copy
21	E. P. Rodgers	"		" "	" "
22	R. B. Thompson	"		" "	Personal "
23	Warret Owen	"		" "	By Copy
24	L. McAllister	Lees burgh			Not found
25	L P Martin	"	"	" "	By Copy
26	Lester Oliver	"		" "	" "
27	John Hudson	"	"	" "	Personal "
28	John Newlove	"	"	" "	" "
29	Lester Dockum	Darby	"	" "	By Copy
30	Byron Galloway	"	"	" "	" "

Sheriffs Fees. $10.00 John Hedensack. Sheriff. U. Co. O.

And Special Venire Facias being called in open court the following named persons appeared in answer thereto. Viz: W. P. Anderson. A. S. Chapman Geo W. Court. A. D. Doolittle Willard Winget W. T. Wood. Charles L Lee S. N. McCloud. Geo Heistand J. P. Martin. A. J. Ferguson R. A. McGuire Elias Thomas. William Ferris. W. H. Loveless R. B. Thompson John Hudson. John Newlove and Byron Galloway. And upon the further call of said Special Venire Facias. For cause shown the court excused G. W. Court Willard Winget W. T. Wood. Charles L. Lee. S. N. McCloud. George Heistand. R. A. McGuire Elias Thomas William Ferris W. H. Loveless and Byron Galloway. and the defendant by his counsel challenged peremptorily. W. P. anderson A. S. Chapman and J. P. Martin and the State challenged peremptorily A. D. Doolittle and the panne for said jury being incomplete a Second Special venire Facias was issued according to law returnable forthwith. was duly returned by the said Sheriff with his endorsement thereon as follows=

The State of Ohio. Union County ss.

December 18th 1883. The following named jurors were severally summoned by me as within required on this 18th day of December and in the manner hereinafter Specified.

Second Copy of Special Venire Facias See page 93

Tuesday, December 18th A. D. 1883.

1	J. J. Scott	Paris Tp	Personal Service
2	Dyer Reed	"	"
3	Damie March	"	"
4	C. M. Bigman	"	"
5	J. P. Freman	"	"
6	J. B. Wheeley	"	"
7	S. B Woodburn	"	"
8	C. Houston	"	"
9	Walter Fullington	"	"
10	Waldo Grey	"	"
11	J. D. Radebaugh	"	"

1st Special Venire

Fees $4.00 John Kobensack. Sheriff Union Co Ohio

and said 1st Special Venire Facias being called in open court- all of the persons therein named appeared in answer thereto, and upon the further call of said 1st Special Venire Facias. for cause shown the court excused J. J. Scott. C. Houston. C. M. Bigman J. B. Wheeley J. P. Freman S. B. Woodburn Walter Fullington J. D. Radebaugh and Waldo Grey. and the defendant by his counsel Challenged peremptorily Dyer Reed. and the panel of said jury being incomplete, a Third Special Venire facias was issued according to law returnable forthwith, and duly returned by said Sheriff with his endorsement thereon as follows.

For Copy of Third Special Venire Facias See page

The State of Ohio. Union County S.S.

Dec 18th 1883. The following named jurors were severally summoned by me, as within required. on this 18th day of Dec A.D. 1883 and in the manner hereinafter Specified.

1	David Edwards	Paris Tp	Personal Service	2nd Special Venire
2	William Goff	" "	" "	
3	S. M. Dolbear	" "	" "	
4	Geo Beecher	" "	" "	
5	W. H. Robb	" "	" "	
6	John Zwerner	" "	" "	
7	Scott Rice	" "	" "	
8	F. B. Sprague	" "	" "	
9	Geo Welling	" "	" "	
10	Geo Kinney	" "	" "	
11	J. A. Henderson	" "	" "	
12	Alonzo Turner	" "	" "	
13	Aaron Turner	" "	" "	
14	Theodore. Mullen	" "	" "	

Fees $4.00 John Kobensack Sheriff Union Co Ohio

and said 3d Special Venire facias being called in open court the following named persons appeared in answer thereto. D. Edwards. William Goff W. H. Robb. John Zwerner. F. B. Sprague and George Kinney, and upon the further call of said 3d Special Venire facias for cause shown the court excused David Edwards. William Goff. W. H. Robb John Zwerner and F. B. Sprague, and there now being in said panne twelve good men haveing the qualifications of jurors. the panne being complete, and the following named persons having been tried and accepted. to-wit: 1. McKendie Bishop 2 David

3rd Special Venire

Tuesday. December 18th A.D. 1883

Shenneman. 3. John Newlove. 4. David Logan 5 Robert Robinson 6. Wells Hildreth 7 Thomas J. Hale. 8 Andrew J. Ferguson 9 Robert Hicks Jr 10 Russel B. Thompson 11 John Hendson 12 George Kinney. were duly impaneled and Sworn to well and truly try and true deliverance Make between the State of Ohio and the prisoner at the bar. George H Argo. and thereupon after Cautioning the jury under the Statute Court adjourned until tommorow morning at 8½ Oclock.

pr
Special Venire

The State of Ohio Union County S.S. To the Sheriff of said County Greting:
We command you that: without delay. you Summon. 1 W.P. Anderson 2 R.L. Chapman 3 Geo M. Court 4 A.D. Doolittle 5 Willard Winget 6 W.T. Wood 7 Charles Lee 8 J.N. McCloud 9 George Heistand 10 J.P. Martin 11 A.J. Ferguson 12 J.P. Kerr 13 W.H. Pennington 14 Ray L. Morse 15 R.F. McArtire 16 Elias Thomas 17 William Ferris 18 Jefferson Richey 19 W.H. Loveless 20 J.P. Shields 21 E.P. Rogers 22 R.B. Thompson 23 Wamitt Owen 24 John McAllister 25 A.B. Martin 26 Lester Oliver 27 John Hudson 28 John Newlove 29 Lester Dockuno 30 Byron Galloway to be and appear before the court of Common pleas within and for Said County of Union, at the court house in Marysville, in Said county on Tuesday the 18th day of Dec A.D 1883 at 9 oclock in the forenoon. and so from day to day until discharged. then and there to Serve as petit jurors in the case of the State of Ohio against Geo H Argo on an indictment for Murder in the first degree; and how you Shall execute this writ Make appear to our Said court on the 18th day of Dec - 83 and have you then and there this writ.
Witness My Signature as Clerk of Said Court at Marysville. this 18th day of Dec A D 1883. Seal J. L. Burgner. Clerk

Second Special Venire

The State of Ohio Union county S.S. To the Sheriff of Said county Greting:
We command you that: without delay you Summon 1 J.J. Scott 2 Dyer Reed 3 ~~Daniel~~ March 4 C.M. Ingman 5 J.F. Fruman 6 J.B. Wolfley 7 S.B. Woodburn 8 C. Houston 9 Walter Fullington 10 Waldo Guy 11 J.D. Radebaugh to beand appear before the court of common pleas within and for Said Union county, at the court house in Marysville in Said County forthwith and so from day to day until discharged. then and there to Serve as petit jurors in the case of the State of Ohio against George H Argo on an indictment for Murder in the first degree; and how you Shall execute this writ Make appear to our Said court on this 18th day of Dec 1883 and have you then and there this writ. Witness my signature as Clerk of our Said court at Marysville this 18th day of Dec A.D 1883.
Seal J. L. Burgner. Clerk

Third Special Venire

The State of Ohio Union County SS. To the Sheriff of Said County, Greeting:
We Command you that: Without delay. You Summon 1 David Edwards 2 William Coff 3 S.W. Dolbear 4 Leo Beecher 5 W.H. Robb 6 John Zimmer 7 Scott Rice 8 F.B. Sprague 9 George Welling 10 George Kinney 11 J.A. Henderson 12 Alonzo Turner 13 Aaron Turner 14 Theodore Pullen to be and appear before the court of Common Pleas within and for Said County of Union, at the Court house in Marysville in Said County forthwith and so from day to day until discharged then and there to Serve as Petit jurors in the case of the State of Ohio against George H. Argo on an indictment for Murder in the first degree

and how you shall execute this writ make appear to our said court on this 18th day of Dec 1883.

Witness My Signature as Clerk of our said court at Marysville this 18th day of Dec 1883

(Seal)

J. L. Burgess. Clerk

No 4399.

No 2960

No 637

Wednesday December 19th A.D. 1883

This Morning Court met at 8½ Oclock the same officers being present as on yesterday.

No 4399. Fullington and Phillis. Plaintiffs
vs
Rodgers and Thompson
R. W. Thompson and
W. J. Rodgers. Defendants

This day came the plaintiffs by their attorneys and thereupon came J. B. Benton one of the attorneys of record of this court, who by virtue of a warrant of attorney duly executed, and now produced in open court and duly proven, waived the issuing and service of process, and entered appearance of said defendants herein and by virtue of the same warrant of attorney, confesses that there is due from said defendants to said Plaintiffs as is alleged in said plaintiffs petition, the sum of $9336.92-

It is therefore considered that said Plaintiffs do recover of said Defendants the said sum of $9336.92 so as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of Eight per centum per annum. And by virtue of said warrant of attorney all Errors are released, and all right of appeal, and all right to file a petition in Error are Waived.

No 2960 Rogers Keifer & Engle
vs
D. W. McCracken et al

This day this cause coms on again to be heard upon the Motion of L. E. Brokaw one of the defendants for an order of distribution was argued by Counsel and the Court being fully advised in the premises find that the answer and cross petition of the said L. E. Brokaw is true and that his claim as therein set forth is the first and best lien against the premises sold. It is therefore ordered by the court that the Sheriff pay out of the proceeds of said sale To-wit $200.00 First the costs of this action taxed at $ 2d The taxes due upon said premises at the time of the sale. To-wit: $2637. 3d To L. E. Brokaw the balance remaining in his hands to apply on his claim.

No 637 The State of Ohio
vs
George H. Argo
Indictment for Murder in the first degree.

Now comes the Jury heretofore impaneled in this case and also the prosecuting attorney on behalf of the State of Ohio, and the said George H. Argo being brought into open Court in custody of the Sheriff his counsel also coming, and the jury heretofore impaneled in this cause being present the Examination of Witnesses on behalf of the State of Ohio was commenced, and being still in progress. Thereupon the Court adjourned until Thursday Morning at 8½ Oclock

Thursday. December 20th A. D. 1883.

This Morning Court met at 8½ oclock pursuant to adjournment the Same Officers being present as on yesterday.

No 3706 Fullington. Phelps & Woods vs A. B. Pearson et al

Now comes R. L. Woodburn L. Piper and J. W. Robinson the present plaintiffs and moved the court to confirm the report of the Refere and enter up judgments thereon and thereupon came S. Cole as attorney for A. G. Wilcox and C. G. Rush Executors of the Will of W. W. Woods and Suggested that they were not in court and desired to make defense against the $5500 for which said report holds them liable on account of Stock claimed to have been sold by R. L. Woodburn and D. D. Shearer. Whereupon the court find that said Executors Should have leave to file answer, and thereupon the said Executors by their said attorney Enter their appearance and leave is granted to them to file their answer by the 14th day of January 1884 and this cause as to said Executors is continued. and thereupon the court find said report of said Refere in all respects regular and therefore the same is in all respects confirmed by the court. Except as to said Estate of W. W. Woods and as to that the report is opened up and set aside, And thereupon it is considered ordered and adjudged by the court that the following defendants go hence without day and recover of the said present plaintiffs their costs herein taxed to $ To-wit- Philip Snider, B. W. Keeys. J. W. Robinson A. S. Mowry A. L. Chapman. C. L. Chapman. J. B. Whelpley. J. H. Wood. C. M. Bergman F. H. Mc Watts. L. N. McCloud R. J. McAllister. A. Goldsmith. Dunn & Shipley R. M. Henderson A. F. Wilkins. Snodgrass & Thompson J. H. Money. R. L. Partridge Fred J. Sager L. L. Reed James Fullington and Charles Phelps, And further it is found by the court by said report that there is due the plaintiffs from the said Marysville Butter Tub and Spoke company the Sum of Nineteen Thousand Seven hundred and two dollars and three cents found due them by reason of the judgments and accounts mentioned in said petition of plaintiffs and answers of R. L. Woodburn and L. Piper and after deducting the $2200 paid thereon by application of the Shares of James Fullington Four Shares Charles Phelps Four Shares. P. B. Cole two Shares and W W Woods Twelve Shares his original Subscription of Stock to said company. and therefore it is considered and adjudged by the court that the plaintiffs recover of the said Marysville Butter Tub and Spoke company the said Sum of Nineteen Thousand and two hundred dollars and three cents found due as aforesaid with their costs herein taxed to $ -

No 4348

No 3442

Further it is considered and adjudged by the court that said Incorporated company is insolvent and the Stockholders owning said Stock are liable to judgments against each of them respectively as found by said Refere to Satisfy said Judgment against said incorporated company and it is considered and adjudged therefore that the present plaintiffs recover of said Stockholders Each the said Sums as found by said Refere against them respectively. To-wit; Of A. B. Pierson Five Thousand dollars. of D. D. Shearer Fifteen hundred dollars. Of A. B. Robinson One hundred and fifty dollars. Of L. Piper Eight hundred dollars. being $2000. After

No 4287

Thursday December 20th A.D. 1883.

$1200 is deducted therefrom as found by the Referee of Alvin Thompson one hundred dollars Of W. H. Robinson J. W. Robinson & L. Piper jointly one hundred dollars. Of Baldwin and Speakman Two hundred dollars. Of John Ausman Two hundred dollars. Of Valorus Turner. Two hundred dollars. Of N. S. Long Five Hundred dollars. Of Robert W. Thompson Three Hundred dollars. Of D. W. Henderson One Hundred dollars Of W. W. Woodburn One Hundred dollars. Of W. M. Liggett One hundred dollars of Parsons & Shearer Fifty dollars. Of R. L. Woodburn Thirteen Hundred and Fifty dollars being $1900 less $550 deducted as allowed by said Referee to said R. L. Woodburn, of Delmore Snodgrass Five Hundred dollars. Of W. F. Wilcox Thirty Three Hundred dollars, on which plaintiff claim said Woods Estate is also liable. Of D. H. Woodburns Estate Three Hundred dollars Each sum when collected on execution or otherwise to apply as so much on said judgment against said Marysville Butter Tub and Spoke company and as to the claim against said Woods Estate and said George Holland this cause is continued, and as to the Receiver this cause is continued with power and authority to said Receiver to proceed to collect by suit or otherwise any sum he may be able from any debtors to said Butter Tub and Spoke company and bring the same into court, Notice of appeal by W. F. Wilcox & the court at his request fix the appeal bond for him at $350.00.

	Moses F. Eagle vs A. T. Pheasant & Alpha B. Hamilton	Petition on Note and Mortgage.

No 4348

And now comes the said Moses F. Eagle by J. M. Kennedy his atty and the said defendants still failing to answer or demur to said petition it is considered that the plaintiff is entitled to an account of the money due him in the premises, and the court after hearing the evidence do find that there is due to the said plaintiff on the note and mortgage in said petition described the sum of forty nine dollars and seventy one cents. It is therefore considered by the said court that the said plaintiff recover of the said Defendant the sum of $49.71 three sum so found due as aforesaid, and also his costs taxed at $ " And it is further ordered and adjudged that in case the defendant fails to pay said sum so to the plaintiff so as aforesaid found due with the costs of suit an order of Sale issue to Sheriff of said County, commanding him to cause the lands and tenements in said petition discribed, to be appraised advertised and sold according to law and apply the proceeds of said Sale in satisfaction of said sum found due with costs of suit.

	V. S. McCracken vs D. W. McCracken et al	

No 3442

The defendants Hale & Fleet thereupon gave notice of their intention to appeal to the District court from this order of distribution of the proceeds of said Sale as to the said Hale & Fleet and the court fix the appeal bond for said Hale & Fleet at $100.00.

	Lewis Strang vs Isaac Graham et al	This day this cause is settled by agreement of parties and the same dismissed without record. costs paid.

N287

Thursday December 20th A.D. 1883.

No 4243 | James Patrick vs Hiram Kent et al } In Partition

4366

And now comes the said James Patrick by his atty J. M. Kennedy and on motion and producing the report of the Sheriff of his sale made under the former order of this court, and the court being satisfied on examination that said sale has been made according to law; It is ordered that said proceedings and sale be and the same is hereby approved and confirmed and the said Sheriff is ordered by deed duly executed, to convey said premises to said purchaser in fee simple.

4393

And it is further ordered that the said Sheriff out of the moneys in his hands pay, first- The costs of this action including a counsel fee of $200 to J. M. Kennedy and that of the residue he pay the said Jame Patrick the one fourth part thereof- To Hiram Kent- the one fourth part thereof- To Eliza Fox the one Fourth part thereof- To Bessie M. Martin the one eighth part thereof. To Clara Bell Patrick the one eighth part thereof-

The State of Ohio vs George H. Argo } No 637 Indictment—for murder in the first degree.

Now comes the prosecuting attorney on behalf of the State of Ohio and the defendant George H Argo being brought into open court in custody of the Sheriff his counsel, and the jury heretofore impannelled in this case, being present- the examination of witnesses on behalf of the State of Ohio was resumed, and being still in progress. Thereupon Court adjourned until Friday Morning December 21st 1883 at 8½ Oclock-

Friday December 21st A.D. 1883

This Morning court met at 8½ o'clock A.M. the same offices being present as on Yesterday.

1366 Margaret A. Johnson vs John B. Johnson

This day by agreement of parties, the question of Pendiy alimony was settled and the defendant gave plaintiff Seventy five dollars in Settlement of the same.

1393 Ann E. Dillinger vs Stephen Dillinger

This day this cause was dismissed at the cost of plaintiff and cost paid. Without Record.

The State of Ohio vs George H. Argo } Indictment for Murder in the first degree

Now comes the prosecuting attorney on behalf of the State of Ohio, and the defendant George H. Argo being brought into open court in custody of the Sheriff, his Counsel and the Jury heretofore Empanneled in this case being present. The Examination of Witnesses on behalf of the State was resumed and being still in progress. Court adjourned until tommorow Morning at 8½ O'clock.

Saturday December 22d A. D. 1884.

This Morning court met at 8½ Oclock pursuant to adjournment the same officers being present as on Yesterday.

No 4292. Francis M. Graham vs Stephen Graham et al

4347

On Motion of the plaintiff and upon producing the return of the Sheriff of his proceedings and Sale under the former order of this court, and the court being satisfied on Examination that the same have been had in all respects according to law, the said proceedings and Sale are hereby approved and confirmed. And the said Sheriff is ordered by and hereby Executed to convey Lot Number Two hundred and Sixty (260) described in petition to the purchaser Elizabeth Hamilton in fee Simple (free of dower). and Lot Two hundred and Sixty one (261) to the purchaser R.B. Thompson in fee Simple (free of dower) also Lot Number Two hundred and Eighty eight (288) to the purchaser R.B. Thompson in fee Simple (free of Dower) Also the premises as described in the petition, being part of Virginia Military Survey No 3337 described by Metes and bounds and being the last piece described premises in the plaintiffs petition to the purchaser Joseph A. Davis in fee simple (free of dower) - The said Mary J. Graham widow of said Robert Graham having released her dower interest in all of the above premises by quit-claim deed as set forth in the petition of the plaintiff -

3442

And it appearing to the court that the total amount of Sale of the premises described in petition $1941.70 It is further ordered that out of the proceeds of said Sale the Sheriff pay. "First" To the Treasurer of Union county Thirty Seven 7/100 Dollars being the taxes and penalty due on said premises. "Secondly" To the clerk of this court the costs of this action including a counsel fee of $6[illegible] To R.E. Woodburn for his services herein taxed at $162.13. "Thirdly" And of the balance of the proceeds of said Sale, To the plaintiff Frances M Graham One Sixth part of the cash proceeds to-wit the Sum of $ and also one Sixth part of the Notes for the defered payments. To the said defendants Stephen Graham, Christian M. Graham Elizabeth Hamilton, Sarah Lam and to George George Graham Guardian of Alva S. Graham Each one Sixth part of the cash proceeds to-wit the Sum of $ and also to each one Sixth part of the Notes for the defered payments.

No 637

No 637 The State of Ohio vs George H. Argo } Indictment for Murder in the first degree.

This day came the prosecuting attorney on behalf of the State of Ohio and the prisoner George H Argo being brought into court in custody of the Sheriff his counsel and the jury heretofore Empanneled in this case being present; the Examination of Witnesses on behalf of the State was resumed and some progress made. Thereupon court was adjourned until Monday December 24th 1883 at 1½ Oclock P. M.

Monday, December 24th A. D. 1883.

This day court met at one o'clock P.M pursuant to adjournment. the same officers being present as on Saturday.

4347 A. Le. Rice Pltff vs Joel C. Conklin Deft

This day the plaintiff A Le Rice asked and obtained leave to file petition in the above case.

3442 S. S. McCracken vs D. W. McCracken & others

This day came the defendants Hale Peel & Co by their attorneys and gave notice of their intention to appeal from the judgment decree and rulings of this court as to the distribution of the proceeds of Sale of the premises in the petition described but this appeal shall not in any manner effect the Sale, confirmation of Sale or the deed made by the Sheriff to the purchaser of said premises but said Sale confirmation and deed shall remain same as if this appeal had not been taken.

The court being fully advised in the premises fixes the bond at one hundred dollars.

No 637 The State of Ohio vs George H. Argo — Indictment for Murder in the first degree.

This came the prosecuting attorney on behalf of the State of Ohio and the prisoner George H Argo, being brought into Court in custody of the Sheriff. his counsel And the jury heretofore Empaneled in this case being present, the examination of Witnesses on behalf of the State was resumed. after making some progress, Court adjourned until until tommorow Morning at 9 O'clock.

Tuesday. December 25th A.D. 1883.

This morning court met pursuant to adjournment the same officers being present as on yesterday.

No 4380 — E. L. Bellers vs Sylvester Temple & George Temple } Judgment on Default.

And now comes the said plaintiff by his attorney and the said defendants having failed to demur or answer to the petition of the said Plaintiff the same is therefore taken to be true; and it is considered that the said Plaintiff ought to recover the said sum of $1418.0 so demanded in his petition together with the sum of $53.0 which the court find due as the interest thereon, as prayed for in said petition; it is therefore considered that the said plaintiff recover against the said defendants the said sum of $1471.30, together with costs in and about this suit expended, taxed to $ -

No 4380

No 637 — The State of Ohio vs George H. Argo } Indictment for murder in the first degree.

No 637.

This day came the prosecuting attorney on behalf of the State of Ohio. and the prisoner George H. Argo being brought into open court in custody of the Sheriff. his counsel and the jury heretofore empaneled in this case being present; the Examination of Witnesses on behalf of the State was resumed, and being still in progress. Court adjourned until tommorow morning at 8½ o'clock

Wednesday, December 26th A. D. 1883

court-met-this morning at 8½ o'clock pursuant to adjournment-the same officers being present-as on yesterday;

No 4404 — L. M. and A. J. Blake vs J. M. Hoskins and H. C. Hoskins

This day came the plaintiffs by C. B. Keen attorney and thereupon came J. S. McCampbell one of the attorneys of record of this court, who, by virtue of a warrant-of attorney duly executed, and now produced in open court and duly proven, waived the issuing and service of process and entered appearance of said defendants herein, and by virtue of the same warrant of attorney, confesses that-there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition the sum of $46726- It is therefore considered that said plaintiffs do recover of said defendants the said sum of $46726 so as aforesaid confessed to be due together with costs of suit-herein to be taxed and with interest-to be computed at-the rate of 8% per annum. And by virtue of said warrant of attorney, all errors are released, and all right of appeal, and all right to file a petition in Error are waived, and on Motion the court-& by consent of counsel and proof Made to the court H. C. Hoskins is suggested as Surety-

No 637. — The State of Ohio vs George H. Argo — Indictment-for Murder in the first-degra.

This day came the prosecuting attorney on behalf of the State of Ohio, and the prisoner George H. Argo being brought into court-in charge of the Sheriff, his counsel and the jury heretofore Empanneled in this case being present. the examination of witnesses on behalf of the State was resumed and after making some progress court adjourned until tommorow morning at 8½ O'clock-

Thursday. December 27th A. D. 1883.

This Morning court met at 8½ oclock pursuant to adjournment the same officers being present as on yesterday=

No 4307

No 4306

No 637 — The State of Ohio vs George H. Argo } Indictment - for Murder in the first degree.

This day came the prosecuting attorney on behalf of the State of Ohio. and the prisoner George H. Argo being brought into court in custody of the Sheriff, his counsel, and the jury heretofore impaneled in this case being present. the examination of witnesses on behalf of the State was resumed, and after making some progress the Court adjourned until tommorow Morning at 8½ Oclock=

637

Friday December 28th A.D. 1883

This Morning Court met at 8½ Oclock the same officers being present as on yesterday

No 4307 — The Peoples Bank vs J.W. Mahaffey & S. Stamatis

This day came the plaintiff by A.F. Carpenter Attorney, and thereupon came S.B. Benton one of the attorneys of record of this court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition the sum of $102.00 It is therefore considered that said plaintiff do recover of said defendants the said sum of $102.00 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8% per annum, And by virtue of said Warrant of attorney, all errors are released and all right of appeal, and all right to file a petition in error are waived.

No 4306 — A. Altman & Co vs J. C. Rodgers

This day came the plaintiff by S.B. Benton Attorney, and thereupon came W.S. Hoops one of the attorneys of record of this court who, by virtue of a warrant duly executed, and now produced in open court and duly proven, waived the issuing and service of process, and entered appearance of said defendant herein, and by virtue of the same Warrant of Attorney, confesses that there is due from said defendant to said plaintiffs as is alleged in said plaintiffs petition the sum of $139.15; It is therefore considered that said plaintiffs do recover of said defendant the said sum of $139.15 so as aforesaid confessed to be due, together with costs of suit herein to be taxed, and with interest to be computed at the rate of 8% per annum And by virtue of said Warrant of attorney all errors are released, and all right to file a petition are waived.

637 — The State of Ohio vs George H. Argo — Indictment for murder in the first degree.

This day came the Prosecuting Attorney on behalf of the State of Ohio, and the prisoner George H. Argo being brought into Court in custody of the Sheriff, his Counsel and the Jury heretofore impanneled in this case being present: The examination of witnesses on behalf of the State was resumed, the State rested, and the examination of witnesses on behalf of the defendant commenced & after making some progress Court adjourned until tomorrow at 8½ o'clock A.M.

Saturday, Dec. 29th A.D. 1883.

Court met this morning at 8½ o'clock pursuant to adjournment the same Officers being present as heretofore.

4305 Sampson Bleuby & L. Fisk
v.s.
Anthon Bailey et al.

This day came the parties by their attorneys and thereupon this cause came on to be heard upon the motions of the defendant to set aside the sale, and the Plaintiff to confirm the same heretofore made in this case and was argued by counsel and submitted.
On consideration whereof the Court being fully advised in the premises do find from the evidence that at the time said sale was made parties interfered and prevented fair bidding and for that reason the sale is set aside, but the Court finds this action for appeals brought and on the motion and application of the said plaintiff and consent of defendant a new sale is hereby ordered and the Sheriff is hereby commanded to proceed without delay and advertise and sell said property according to Law as heretofore ordered and to bring the proceeds into Court to await the further order hereof.

637 The State of Ohio
v.s.
George H. Argo
} Indictment for murder in the first degree

This day came the Prosecuting Attorney on behalf of the State of Ohio and the prisoner being brought into Court in custody of the Sheriff, his Counsel and the Jury heretofore impannelled in this case being present. The examination of witnesses on behalf of the defendant was resumed and some progress made. Thereupon Court adjourned until Monday Dec. 31st 1883 at one o'clock P.M.

3706

4379

637

Monday Dec. 31st A. D. 1883

Court met today at one o'clock P.M. pursuant to adjournment: the same Officers being present as heretofore to-wit:

John A. Price Judge.
John M. Brodrick Prosecuting Attorney, John Hobensack Sheriff.
Attest. J. L. Bruner Clerk

3706 R. L. Woodburn L. Piper & J. W. Robinson
v.s.
A. C. Pierson et al.

This day came the Plaintiffs and on their motion leave is given to them to file a Supplemental Petition in this case this day and for the purpose of granting this leave the continuance is opened up.

4379 McCune, Lonnis & Griswold
v.s.
Seth Gates

And now comes the said McCune, Lonnis & Griswold and the said Seth Gates having failed to demur or answer to the petition of the said McCune, Lonnis and Griswold it is considered that the said McCune, Lonnis and Griswold ought to recover the said sum of $268.47 so demanded in their petition, together with the sum of $12.05 which the Court finds due as the interest thereon (computed to this 28th day of Dec. 1883.) as prayed for in said petition: it is therefore considered that the said McCune, Lonnis and Griswold, recover against the said Seth Gates the said sum of $280.52 at 6 p.c. int. from this 28th day of Dec. 1883, together with their cost in and about this suit in this behalf expended taxed at $.

637 The State of Ohio
v.s.
George H. Argo
Indictment for murder in the first degree.

This day came the Prosecuting attorney on behalf of the State of Ohio and the Prisoner being brought into Court in custody of the Sheriff, his Counsel and the Jury heretofore impannelled in this case being present: The examination of witnesses on behalf of the defendant was resumed and some progress made, thereupon Court adjourned until tomorrow, to-wit: January 1st A. D. 1884, at 8½ o'clock

Tuesday Jan. 1st A.D. 1884

Court met this morning pursuant to adjournment: The same Officers being present as heretofore.

4399 Fullington Ed Phellis vs Robert W. Thompson Ed W. S. Rodgers — Court of Common Pleas. Union County. Ohio.

Order.

On motion by Plaintiffs Ed the proof being sufficient it is ordered by the Judge of this Court that the above named defendants Robert W. Thompson and W. S. Rodgers be and appear at the office of the Clerk of this Court on Friday Jan. 4th 1884 at one o'clock P.M. before R. L. Woodburn who is appointed Referee for that purpose and answer all questions which may be required of them by the Plaintiff concerning their property.

The Sheriff of this County is ordered to serve upon the said defendants a copy of this order duly certified by the Clerk of this Court and the Clerk is ordered to record the same upon the Journal and Execution Docket of said cause.

Jan. 1st 1884. John A. Price.

Judge of Court of Common Pleas.

637 The State of Ohio vs George A. Argo — Indictment for Murder in the first degree.

This day came the Prosecuting attorney on behalf of the State of Ohio and the Prisoner George A. Argo being brought into Court in custody of the Sheriff; his Counsel and the Jury heretofore impaneled in this case being present, the examination of witnesses on behalf of the Defendant was resumed and some progress made.

Thereupon Court adjourned until tomorrow morning at 8½ o'clock.

4327 A. W. Justice vs John Warner

This day on motion of the Plaintiff the said Plaintiff asked and obtained leave to file a petition herein instanter which is accordingly done.

Wednesday, January 2nd A. D. 1884

Court met this morning at 8½ o'clock, pursuant to adjournment: the same officers being present as heretofore.

4376 G. W. Betts vs J. W. Makoffey et al.

And now comes the said G. W. Betts by A. T. Carpenter his attorney and the said defendants still failing to answer or demur to said petition it is considered that the said Plaintiff is entitled to an account of the moneys due him in the premises, and the Court after hearing the evidence, do find that there is due to the said Plaintiff on the note and mortgage in said petition described the sum of Three hundred and Twelve and 88/100 Dollars (including int. computed at 6% to this the 28th day of December A. D. 1882.)

It is therefore considered by the said Court here that said Plaintiff recover of the defendant, J. W. Makoffey, the said sum of Three Hundred and Twelve and 88/100 Dollars, with 6% int. from this the 28th day of Dec. A. D. 1883, the sum so found due as aforesaid and also his cost taxed to $.

And it is further ordered and adjudged that in case the said defendant, fails for three days from this 28th day of Dec. 1882, to pay to the said Plaintiff the said sum of Three Hundred and Twelve and 88/100 Dollars, with 6% interest from this 28th day of Dec. 1883, so as aforesaid found due, with costs of suit, an order issue to the Sheriff of said County of Union, commanding him to cause the said lands and tenements in said petition described to be appraised advertised and sold according to Law and apply the proceeds of said sale in satisfaction of the said sum so found due with cost of suit.

4414 The Peoples Bank vs B. C. Newlove et Joseph Newlove

This day came the Plaintiffs by A. T. Carpenter their Attorney and thereupon came one of the attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service and service of process, and entered appearance of said Defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said Defendant to said Plaintiff as is alleged in said Plaintiffs Petition, the sum of $1142 40/100. It is therefore considered that said Plaintiff do recover of said Defendant the said sum of $1142.40 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8% per annum, and by virtue of said warrant of Attorney, all errors are released, and the right of appeal, and all right to file a petition in Error are waived.

637 The State of Ohio. vs George H. Argo. } Indictment for murder in the first degree.

This day came the Pros. Atty on behalf of the State of Ohio, and the Prisoner George H. Argo being brought into Court in custody of the Sheriff, his Counsel and the Jury heretofore impannelled and sworn in this case being present. The examination of witnesses on behalf of the Defendant was resumed and some progress made: Thereupon the Court adjourned until to-morrow at 8½ o'clock A.M.

Thursday, Jan. 3rd 1884

Court met at 9½ o'clock AM pursuant to adjournment: The same Officers being present as heretofore.

C. Aultman & Co }
vs }
G. W. Betts }

No 4416

No 4417.

This day came the plaintiff by T. B. Benton attorney and thereupon came John L. Porter one of the attorneys of record of this court who by virtue of a warrant of attorney duly executed and now produced in open court and duly proven waived the issuing and service of process herein and entered appearance of defendant, and by virtue of the same warrant of attorney confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition the sum of $145.00 It is therefore considered that said plaintiff do recover of said defendant the sum of $145.00 so as aforesaid confessed to be due together with costs herein to be taxed and with interest to be computed at the rate of 8 per centum per annum and by virtue of said warrant of attorney all errors are released and all right of appeal and all right to file a petition in Error are Waived.

4397

The State of Ohio }
vs } Indictment for Murder in the first degree.
George W Argo }

637

No 637

This day came the prosecuting attorney on behalf of the State of Ohio, and the prisoner George W. Argo being brought into open court in custody of the Sheriff, his Counsel and the jury heretofore empannelled in this case being present, the Examination of Witnesses on behalf of the defendant was resumed, and some progress made. Thereupon Court adjourned until tommorow morning at 8½ Oclock.

Friday. January 4th A. D. 1884.

Court met at 8½ Oclock A. M. pursuant to adjournment, the same officers being present as on yesterday;

No 4417. C. Aultman & Co } vs } G. W. Betts }

This day came the plaintiff by J. B. Benton their attorney, and thereupon came John L. Porter one of the attorneys of record of this court, who, by virtue of a warrant of attorney duly executed, and now produced in open court and duly proven, waived the issuing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of attorney, confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition the sum of $142.40. It is therefore considered that said plaintiff do recover of said defendant the said sum of $142.40 so as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of 8 per centum per annum. And by virtue of said warrant of attorney all errors are released, and all right to file a petition in error waived.

4399 Hullington & Phillis } vs } Rodgers & Thompson }

This day came on to be heard the Motion of the defendants to set aside the order made in this case, Whereupon the court overruled the Motion, To which the defendants Excpt.

No 637 The State of Ohio } vs } George W. Argo } Indictment for Murder in the first degree.

This day came the prosecuting attorney on behalf of the State of Ohio, and the prisoner George W Argo being brought into open court in custody of the Sheriff, his counsel and the Jury heretofore impannelled in this case being present, the examination of witnesses on behalf of the defendant was resumed and some progress made,

Thereupon Court adjourned until 8½ Oclock tommorrow morning.

Saturday. January 5th A.D. 1884

Court Met at 8½ Oclock pursuant to adjournment. The same Officers being present as on Yesterday.

No 3358 Stephen Cranston Jr et al vs Orson Benton et al

This day came the parties and submitted this cause to the court to confirm Sales and distribute proceeds thereof &c Whereupon the court being fully advised in the premises hereby confirm and approve the said proceedings and Sale and order the Sheriff of this county to execute a deed in fee simple to Stephen Cranston Jr for said 221¾ acres Sold to Stephen Cranston Jr and a deed to Lewis Benton for the 122¾ acres Sold to Lewis Benton upon their paying the ⅓ of the purchase Money and Securing by Notes and Mortgage the 2d & 3d payments according to law. 3455

"2d" The court further order that the amount of the costs taxed in the whole case including an attorneys partition fee to Cole & Robinson & Powell for $173.63 be retained out of the purchase Money & paid to the Clerk for the proper parties. but retaining for further order of the court so much of the cost bill as was made on the trial of the validity of the deed made by Phoebe Benton to Orson Benton & Daniel & Lewis Benton.

"3d" That after deducting said costs. that the Sheriff pay the balance of the first payment of said purchase Money to the following persons in the following proportions viz; To Hugh Houston 72/2880 parts. To Minerva Dixon (To Elijah H. Dixon 36/2880 parts) 36/2880 parts. To Mary Bailey 72/2880 parts. To John H Houston 36/2880 parts. To David B Houston (To Darius Howden) 36/2880 parts. To Sarah Howden 36/2880 parts. To Lewis Benton 69/2880 parts. To Daniel Benton 69/2880 parts. To Amy Jenkins 69/2880 parts. To Minerva Benton 69/2880 parts. To Emma A. Benton 15/2880 parts. To Anna M Benton 15/2880 parts. To Ella L. Benton 15/2880 parts. To Alice E. Benton 15/2880 parts. To Loyola B. Neill 30/2880 parts. To James M. Neill 30/2880 parts. To Stephen Cranston Jr 180/2880 parts To John D. Cranston 180/2880 parts. To George A. Cranston 180/2880 parts. ~~To John Cranston 180/2880 parts~~. To Julius Cranston 180/2880 parts. To Edward Cranston 180/2880 parts. To James Cranston 180/2880 parts. To Melissa A. Gideon (now Cranston) 180/2880 parts. To Lula Cranston 180/2880 parts. To Orson Benton 360/2880 parts. To Samuel Pennington. 360/2880 parts ~~and to Sarah Houston 72/2880 parts~~. And it appearing that Stephen Cranston Jr hath purchased from Orson Benton Samuel Pennington (same Cranston & Hugh Houston) their Shares in said estate of Phebe Benton and Hiram Benton dec'd The court order their respective Shares above mentioned to be paid to said Stephen Cranston Jr as their assignee. 3452

"4th" The court further order the Sheriff to take notes & Mortgages from said purchasers for the 2d & 3d payments in the same proportions as above mentioned to said Several claimants and that he distribute the notes for the 2d payments to said parties now entitled thereto. but that he hold the notes for the 3d payment for further order of the court and as to the demand of the administrator to have part of the (3rd or) purchase Money to meet any deficiency of the personal estate of Phebe Benton dec'd to pay her debts, and as to the question of liability for the costs made in the trial of this cause as to the deeds made by Phebe Benton to Orson Benton & to Daniel & Lewis Benton. and as to the question of taxes & rents

Saturday, January 5th. A.D. 1884.

and as to report by the Receivers hereinbefore appointed this cause is continued for hearing and the said 3d payment of said lands the court order said Sheriff to hold to abide any order the court may make in respect to the questions so continued for hearing. And as to said questions this cause is continued.

3455 Lewey V. French et al vs Robert Hill Ray Hill James W. Wells Peter Wollam, John Wollam Jacob Wollam George Wollam Israel Wollam John Taylor H. J. Holmes and Elizabeth Long

This day came this cause on to be heard on the motion of the said defendants to set aside the said assessment of the valuation, the lasting and valuable improvements and the value of the said lands without the improvements as well as the value of the net annual rents and profits as reported by the jury sent out for that purpose on the day of 1883 and the court having heard the parties by their counsel and being advised in the premises do sustain said motion of the defendants, and do find that said report and assessments of said jury as to each and every defendant ought to be set aside and held for naught.

It is therefore considered and adjudged by the court here that each one of the assessments so made and reported by the said jury, severally against each and everyone of said defendants on several tracts of land is hereby set aside and held for naught, and the court order that such proceedings be had according to law on said original order for the benefit of the said defendants and occupying claimants as authorized by law and said order.

3452 Lewey V. French et al vs John H. Preston, Henry Henderson Henry Hudson, Thompson Bishop Beverly Depp and William Butcher

This day came this cause on to be heard on the Motion of the defendants to set aside the report made by the jury in this case on the day of 1883 of the lasting and valuable improvements as well as the value of the several tracts of land together with the net annual rents and profits of said several tracts of respectively under the law for the benefit of occupying claimants. and the court being fully advised in the premises do sustain said Motion for reasons on file and the court do find from the evidence that said report of the jury ought to be set aside and held for naught so far as relates to the defendants made in this entry and so far as relates to these respective lands. Therefore it is considered and adjudged by the court that the said assessments as made by the jury in each and every tract of land in said report be and the same is hereby set aside and held for naught and the court order that another assessment be made out, that another jury be appointed according to law on the former order of this court to make such assessment according to the form of the Statute in such case made and provided—

Saturday. January 5th A. D. 1884.

Court Met at 8½ Oclock A. M pursuant To adjournment. the same officers being present as on yesterday.

4233. Charles F. Gill vs J. S. Gill

This day this cause came on to be heard on Motion of the plaintiff to confirm the sale of premises made by the Sheriff in this case and for an order of distribution of the proceeds thereof, was argued by counsel and the court being fully advised in the premises and the return of the Sheriff being produced to the court and it appearing to the court that said Sale and proceedings of the Sheriff were in all respects according to law and the order of the court. It is hereby ordered and adjudged that said proceedings and Sale be and the same is hereby confirmed and the Sheriff is hereby ordered to make to the purchaser Charles F. Gill a deed for said premises according to law. And the court coming now to the distribution of the proceeds, it is ordered that the Sheriff out of the Money in his hands pay. First the costs of this action taxed at $ 2d The Taxes due upon said premises, 3d. The ballance of the Money in his hands to be applied as far as it will go on the decree for the plaintiff. Charles F. Gill.

No 637 The State of Ohio vs George D Argo } Indictment for Murder in the first degree. 637

This day came the prosecuting attorney on behalf of the State of Ohio, and the prisoner being brought into court in custody of the Sheriff, his counsel and the jury heretofore impanneled in this case being present the examination of witnesses on behalf the defendant was resumed and completed and the defendant rested his case. Thereupon Court adjourned until 1½ Oclock P. M of Monday January 7th 1884.

Monday January 7th A. D. 1884

Court Met this day at 1½ oclock P.M. pursuant to adjournment the same officers being present as on Saturday

637 The State of Ohio vs George H. Argo } Indictment for Murder in the first degree.

This day came the prosecuting Attorney on behalf of the State of Ohio, and the prisoner George H. Argo being brought into court in custody of the Sheriff, his counsel and the jury heretofore Empannelled in this case being present, the Examination of witness in rebuttal on behalf of the State was begun and concluded and the State rested its cause. Thereupon Court adjourned until 8½ Oclock A. M tommorow. Thurs

Tuesday January 8th A. D. 1884

Court met this morning at 8½ Oclock the same officers being present as on yesterday-

	J. W. Robinson assignee of S. L. Reed & Son vs Winget Harriman & Lafayette Harriman	

No 4388

This day came the plaintiff, but defendant Winget Harriman came not but made default. Whereupon this cause was submitted to the court and the court find there is due $109.75 this day on the note in petition described-

Thereupon it is considered, ordered and adjudged by the court that plaintiff recover of the said Winget Harriman said sum of $109.75- and $ Costs- and as to Lafayette Harriman this cause is continued for service,

	The State of Ohio vs George W. Argo	Indictment- for Murder in the first degree.

No 637

No 637

This day came the prosecuting attorney on behalf of the State of Ohio and the prisoner George W. Argo being brought into court in custody of the Sheriff, his counsel and the jury heretofore empaneled in this cause. The arguments of counsel was commenced and still being in progress. Court adjourned until tommorow morning 8½ Oclock

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Tue Wednesday January 9th A. D 1884

Court met at 8½ Oclock A M the same officers being present as on yesterday

No 637 The State of Ohio vs George W. Argo } Indictment for Murder in the first degree.

This day came the prosecuting attorney on behalf of the State of Ohio, and the prisoner George W. Argo being brought into Open court in custody of the Sheriff his Counsel and the Jury heretofore Empannelled in this case being present. The argument was resumed and being Still in progress. Court adjourned until 8½ Oclock tommorow Morning.

Thursday January 16th A. D. 1884

Court met at 8½ Oclock A. M. pursuant to adjournment the same officers being present as on yesterday-

S. L. Gardiner assignee of
Wright & Lewis
vs
P. L. Wagnegar J. H. Flickinger
Wm L. Jones and W. G. Hoskins

This day came the plaintiff and thereupon came E. M. Porter one of the Attorneys of record of this court who by virtue of a warrant of Attorney duly executed, and now produced in open court and duly proven, waived the issuing and service of process and entered appearance of said defendants herein and by virtue of the same Warrant of Attorney, confesses that there is due from said defendants to said plaintiff the sum of $373.63 as is alleged in said plaintiffs petition- It is therefore considered that said plaintiff do recover of said defendants the said sum of $373.63. So as aforesaid confessed to be due, together with costs of suit- herein to be taxed and with interest- to be computed at 8% per annum- And by virtue of said warrant of attorney all errors are released, and all right of appeals, and all right to file a petition in error are waived-

No 637

The State of Ohio
vs
George H Argo
} Indictment for Murder in the first degree-

This day came the prosecuting attorney on behalf of the State of Ohio, and the prisoner being brought into court in custody of the Sheriff his counsel and the jury heretofore empannelled being present the argument of counsel being still in progress court adjourned until 8½ tomorrow morning

Friday January 11th A. D. 1884

Court Met at 8½ Oclock A. M. pursuant to adjournment the same officers being present as on yesterday.

4427 J. M. Robinson vs D. F. Parsons W. W. Hill & A. J. Blake

This day came the plaintiff in person and thereupon came E. W. Potter one of the Attorneys of record of this court who by virtue of a warrant of Attorney duly executed and now produced in open court and duly proven, waived the issuing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the sum of $200.40-

It is therefore considered that said plaintiff do recover of said defendants the said sum of $200.40 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8 % per annum

And by virtue of said warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in Error are waived.

637 The State of Ohio vs George H Argo } Indictment for Murder in the first degree

The Court this day orders that Warren O Donnel Esqr the official Stenographer in this case be allowed the sum of Eight dollars per day for Twenty Three days amounting to One hundred and Eighty four dollars-

No 637 The State of Ohio vs George H. Argo } Indictment for Murder in the first degree.

Now come the prosecuting attorney on behalf of the State of Ohio and the defendant being brought into Court in custody, his counsel and the jurors heretofore impannelled being present. And the said jury having heard the testimony adduced by the parties, the arguments of counsel and charge of the Court, retired to their room in charge of the Sheriff for deliberation-

4238 Mary E Kantel et al vs Maggie M. Holycross et al }

On motion of the plaintiffs and on their producing the return of the Sheriff of the Sale made under the former order of this Court; and the court on careful examination of the proceedings of the said Sheriff, being satisfied that the same have been had in all respects in conformity to law and the order of this court, it is ordered that the said proceedings and Sale be and they are hereby approved and confirmed. And it is further ordered that the said Sheriff convey to the purchaser, Mary E Kantel by deed according to law the property so sold,

Friday January 11th A. D. 1884.

It is further ordered that the clerk cause satisfaction of the mortgage herein sued on to be entered on the record thereof, in the office of the Recorder of this county.

And the court coming now to distribute the proceeds of said sale amounting to Nine hundred and one dollars, It is ordered that the Sheriff out of the Money in his hands pay:

1st To the Treasurer of this county the taxes penalty and interest against said property, To-wit- the sum of Twenty Nine & 23/100 dollars. This amount was paid by the plaintiff and receipted for to her.

2d- The costs of this action, taxed at Thirty two 24/100 dollars.

3d- To the plaintiff Mary E. Kantel, the amount heretofore found due her, with interest, to-wit: the sum of Three hundred and twenty three and 60/100 Dollars.

4th- The court further find that the second and third of said Notes in the petition described are not yet due, and that there is owing thereon to said plaintiff the sum of Five hundred and Forty and 49/100 dollars, which the court find, the plaintiff is entitled to receive out of the proceeds of said sale by virtue of their lien on the property sold.

It is therefore ordered that the Sheriff pay to the plaintiff Mary E. Kantel the said amount of Five hundred and forty and 49/100 dollars so as aforesaid found owing thereon, or so much thereof as the remainder of said proceeds will pay, to-wit; the sum Five and 23/100 dollars being the balance of said proceeds- And a writ of possession is awarded to put said purchaser in possession of said premises.

No 3786

No A072

No 6377

No 4140

Saturday. January 12th A.D. 1884.

Court met this morning at Nine o'clock

No 3786 — Henry Fox vs John Liggett et.al

This day came the said Henry Fox and presents to the court his certain bill of exceptions herein which being found by the court to be true is allowed Signed and Sealed, & on motion is hereby made part of the Record.

No 4072 — Otterbein University vs Stephen Cranston Adner

This day the court allowed Signed and Sealed the bill of exceptions herein filed Marked "A" and ordered the same to be recorded as part of the record of this cause.

No 637 — The State of Ohio vs George H. Argo — Indictment for Murder in the first degree.

And Now come the prosecuting attorney on behalf of the State of Ohio, and the prisoner George H. Argo being brought into court in charge of the Sheriff, his counsel being present. And afterward came the jury, conducted into court by the Sheriff, and returned their verdict in writing Signed by their foreman. To-wit;

The State of Ohio vs George H. Argo — No 637. Indictment for Murder in the 1st Degree.

We the jury find the defendant George H. Argo. Not guilty of Murder in the first degree, and not guilty of Murder in the Second degree, but we find him guilty of Manslaughter as he stands charged in the indictment. A. J. Ferguson, Foreman.

The defendant filed a motion by his attorney for a new trial and this cause was continued by the court on good cause Shown until the next term of this court.

No 4140 — Martha Mackan vs Flora Liggett et al

On motion to the court by the plaintiff, and upon producing the return of the Sheriff and the report of the commissioners heretofore appointed herein, and the same having been examined by the court and found in all respects correct and in conformity to law and the forms of this court, the said proceedings and report are hereby approved and confirmed. It is therefore ordered and decreed that the said Martha Mackan have and possess the lands so assigned to her as and for her reasonable dower in said premises; and that She and the other parties hold in severality the parts and premises so set off and

Saturday January 12th A.D. 1884.

assigned to each respectively.

And the Clerk is hereby directed leave so much of this decree as will show the transfer of title to the several parties, put upon record in the office of the Recorder of this County. And it is further ordered that the costs of this action including a counsel fee of $45.00 to John M. Brodrick attorney for service herein taxed at $ be paid by the said parties in the following proportions to wit- One half by the said Martha McKean and the other half by the said Flora Liggett Willie Liggett and William Liggett-

To the Honorable John A. Rice Judge.

C Union County Dr To Thomas Lane for Serving five Meals to the jury in the Argo trial at $7.50 per Meal Total $37.50

I Certify the above bill to be correct.

John Koobensack, Sheriff.

Approved and ordered to be paid. The Clerk will make proper Entry accordingly- John A. Price, Judge.

No 4375 Cyprus Boughan vs Sarah Drake et al

This cause came on for hearing upon the return of the Sheriff and the report of the commissioners heretofore appointed herein, and on motion to confirm the same, and it appearing that said estate cannot be divided by Metes and bounds without manifest injury to the value thereof and that said commissioners have made and returned their appraisement of said premises in the sum of $307.63 the court find the said return and proceedings in all respects correct and in conformity to law and do therefore approve and confirm the same.

And it appearing to the court that the said Cyprus Boughan and Nancy Jane Robb have Elected to take said premises at their appraised value the same are, upon payment by the said Cyprus Boughan and Nancy J. Robb of said sum of $307.63 hereby adjudged to them; and the Sheriff is ordered to convey said premises to them accordingly by deed in fee simple -

It is further ordered that the Sheriff out of the proceeds of the said sale pay; First: To the Clerk of this court the costs of this action (including a counsel fee of $53.31 to A. J. Carpenter for his services herein) taxed to $75.81

Secondly; The taxes now a lien on said land, to-wit- $50.32

Thirdly: It appearing from the answer of Isaac Shirk the administrator of the estate of John Boughan deceased filed herein that the indebtedness of said estate is largely in excess of the assets which have come into his hands and that fifteen hundred dollars or more of the money realized from said sale will be required to pay said indebtedness it is hereby ordered, no one objecting thereto, that the balance of the proceeds of said sale amounting to $294.80 be paid to said Isaac Shirk as administrator of said John Boughan deceased and that after the payment of the debts of said John Boughan and the cost of administration said Isaac Shirk shall of the money remaining in his hands pay Cyprus Boughan One fifth 1/5 thereof.

2d To Sarah Drake One fifth (1/5) thereof- 3d To Nancy Jane Robb one fifth (1/5) thereof-
4th To Julia A. Skidmore one fifteenth (1/15) thereof. 5th To Nancy Jane Skidmore one fifteenth (1/15) thereof.
6th To John B. Skidmore one fifteenth (1/15) thereof. 7th To Sylvester Cyprus Wheeler one fortieth (1/40) thereof
8th To Mary Jane Lawrence one fortieth (1/40) thereof. 9th To Sarah Elizabeth Markley one fortieth (1/40) thereof
10th To Matilda Irene Wheeler one fortieth (1/40) thereof. 11th To Gay Wheeler one fortieth (1/40) thereof
12th To Marion Lafayette Wheeler one fortieth (1/40) thereof. 13th To Rosa Wheeler one fortieth (1/40) thereof
14th To French Wheeler One fortieth (1/40) thereof-

Report of G. J. This day appeared at the bar of this court- the grand jury heretofore impaneled and sworn in and for the body of the county aforesaid, to wit:
1. Martin Eirick 2. Robert Norris 3. Jerry Rinehart 4. A.B. Eaton 5. C.M. Graham.
6. R.B. Thompson. 7 Emanuel Jarvis. 8. Thomas Skidmore. 9. Peter Rausch. 10. L.L. Bowlsbile
11. Boyd Thornton 12. A.J. Ferguson 13 J.P. Smithine 14. Albert Adams. 15. J.J. Miller.
and presented to the court, through their foreman, Martin Eirick their certain bills of indictment- as follows, Against- Isaac White for Murder in the second degree John L. Schneider for assault and Battery. Joseph T. Wells Assault and Battery.
Charles Williams for Pocket picking- William R. Shackelford for assault with intent to Commit a Rape. Thomas Jefferson Gibson for Burglary and Petit Larceny-
William Irwin, for Burglary and petit Larceny- William Irwin for Horse Stealing. Asbury Johnson for Burglary and Petit Larceny- Each one indorsed "a True Bill". Martin Eirick. Foreman of the grand jury

It is hereby ordered that ace causes herein pending not otherwise disposed of be and they are hereby continued until the next term of this Court.
Thereupon this Term of Court is adjourned without day.

Attest: J.D. Burgner, Clerk.

Monday January 14th 1884.

This a separate Session of the Court of Common Pleas of the 10th Judiciae district of the State of Ohio, within and for the County of Union for the term of January in the year of our Lord one thousand eight hundred and Eighty four. And at the court house in the Village of Marysville County and State aforesaid was begun on Monday January 14th A. D. 1884.

Present Hon John A. Price. Judge of the Court of Common Pleas of the 10th Judicial district 10th Judiciae district of Ohio

John Kobensack Sheriff of Union County

John M. Broderick Pros. Attorney.

Attest.

J. D. Burgner Clerk of the Court of Common Pleas of Union County, Ohio.

The venire facias for a grand jury heretofore issued returnable this day at 9 Oclock A.M. was duly returned by the Sheriff with his Endorsements thereon as follows, to-wit.

The State of Ohio Union County, SS. Jany 14th 1884

I served this writ on the within named jurors as follows.

1	Robert Norris	December 19th	Personally
2	Jerry Rinehart	" 29	"
3	A. B. Eaton	" 28	"
4	Goram Bird	" 19	"
5	C. M. Graham	" 20	"
6	R. B. Thompson	" 18	"
7	Thomas Skidmore	" 18	"
8	Peter Rausch	" 18	"
9	L. C. Burkebile	" 28	"
10	Boyd Thornton	" 18	"
11	A. J. Ferguson	" 10	
12	Martin Eirick	" 24	
13	Emanuel Davis	30	
14	J. P. Kreitline	18	
15	Albert Adams	19	

And upon calling the same in open court and the same being incomplete the Sheriff Summoned from among the bystanders to complete the same the following named person To-wit. J. J. Miller who appeared in answer thereto and the panne being free the court appointed Martin Eirick foreman of the Grand jury who with his fellow jurors took the oath in manner prescribed by Law and the said jury being instructed by the court were conducted to their room attended by the Sheriff for deliberation.

The following named persons compose the Grand jury. To-wit; Robert Norris. Jerry Rinehart. A. B. Eaton. C. M. Graham. R. B Thompson. Thomas Skidmore. Peter Rausch. L. C. Burkebile Boyd Thornton A. J. Ferguson Martin Eirick foreman J. P. Kreitline Albert Adams and J. J. Miller

4147 Hurdulia Butler et al vs John Chapman - Continued

D. J. Case vs Peleg Cranston Admr - Continued.

3455 Lucy D French et al vs Robert Hill et al Continued

Monday January 14th A. D. 1884

4395 James B. Norris adms vs M.W. Price, J.D. Horton & A.J. Blake & A.M. Blake

This day came the plaintiff but the defendant came not, but made default. Whereupon this cause was submitted to the court by plaintiff, and the court finds there is due plaintiff from said defendants on the note mentioned in the petition the sum of Three Hundred and thirty Seven dollars & twenty cents, And therefore, it is considered and adjudged by the court that the plaintiff recover of said defendants said sum of $337.20 and his costs taxed to $ & this judgment to bear 8 per cent interest.

C Magnetic Springs O. Janry 13th 1884
Union County. Dr To H. McFadden for post-Mortem of David Fritz in November 1883. the sum of $30.00 H. McFadden M. D.
I Called Dr H McFadden to assist in Post Mortem on the body of David Fritz of Pharisburgh Union County Ohio. H.W. Perry, Coroner Union Co
Jan 14th 1884. The within account is approved and allowed, and the Auditor of Union county is directed to draw his warrant on the Treasurer of said county in favor of Dr H. McFadden for said sum of $30.00
John A. Price Judge

M. L. Stevenson
vs
Job E. Stevenson et al

Continued with leave to Edward A. Stevenson to file cross petition in 30 days.

3140 James Carter vs Bank of North Lewisburgh } Continued

William Bowser vs H. J. Perry } 4211 Leave to file answer & answer filed

Finley S. Davis vs Elijah Lister et al } 3064 Continued

La. D. French et al vs John H. Preston et al } By consent of parties this cause is continued,

Thereupon court adjourned until 8 o'clock A. M tommorrow.

Tuesday January 15th A. D. 1884

Court met at 8½ Oclock A. M. pursuant to adjournment. The same officers being present as on yesterday.

No 4115

Commissioners of Union County. To S. S. Skidmore M. D. for Services in holding Post Mortem on body of David Fee 5 Nov 28th 1883 of Pneumonia.
Amount $30.00.

Sealed Dr Skidmore to assist in post Mortem on body of David Fee 5 Nov 28th 83. H. M. Morey, Coroner of Union Co

Jany 15th 1884. The within bill is approved and allowed, The Auditor of Union County is directed to draw his warrant on the Treasurer of Union County in favor of Dr S. S. Skidmore for said sum of $30.00.
Jany 16th 1884. John A. Price, Judge

3706

R. L. Woodburn & L. Piper
and J. W. Robinson
vs
A. C. Pearson et al

This day came the parties plaintiff and the Executors of the will of W. W. Woods dec'd defendants and thereupon the said defendants withdrew their Motion filed to open up Judgments in this cause at last term and filed their answer and the plaintiffs filed their Reply & thereupon on Motion this cause was refered again to F. T. Arthur as referee to take testimony and report his findings of fact and law upon the issues joined between said parties on said answer and reply, and he is required to hear said cause after notice by either party served on him and the adverse party for five days and report the evidence in writing and his findings of fact and law on said issues at as early a day as practible.

Peleg Cranston Adams
vs
James Mulvaine

This day this cause came on to be heard upon the issues joined upon the answer of the defendant and was argued by Counsel on consideration whereof and the court being fully satisfied in the premises find that said Two Hundred Dollars was paid as alleged in the said defendants answer.

It is therefore considered and adjudged that the said James Mulvaine go hence without day and recover of the plaintiff his Costs taxed at $ and plaintiff pay his own cost taxed at $ for all of which Judgment is entered accordingly.

Delaware County Shatzinger Bank
vs
John Rogers et al

This day leave was given the defendants to file answer herein within five days from this date.

William M. Watson
vs
Nancy Watson et al

Leave granted defendants to file their Separate answers herein instanter.

Thursday January 15th A.D. 1884

No 4115 The First National Bank of Delaware O }
vs }
John Rogers et. al }

This day on motion to the court leave was given to defendants to file an amended answer herein within five days from this date.

James D. McNeal }
vs }
N. Y. P & O. R R }

This day by leave of court permission was given to plaintiff to file his reply herein which is done accordingly.

Ida May Daugherty by }
her Next-Friend }
vs }
John McKittrick }

On Motion of the defendant it is ordered that his Motion to Strike out certain portions of the petition as irrelevant be and and the same is hereby sustained. And as to the motion of defendant to make the petition more definite and certain the same is overruled. And it appearing to the court that the plaintiff is an infant and sues by her Next-friend. on Motion it is by the court that the plaintiff give security for costs to the acceptance of the Clerk of this court by Thursday the 16th day of January 1884.

Ackerman Ed Skinner }
vs } Mandamus.
L. L. Gardiner Assignee }

On motion of the Plaintiffs under proper showing the Court grant the motion for Temporary Mandamus upon the Defendant as prayed for for five days and the defendant within five days to show cause why the same shall not be made permanent.

Thereupon court adjourned until 8½ Oclock A. M on tommorrow-

Wednesday January 16th A.D. 1884.

Court met at 8½ Oclock A. M. pursuant to adjournment.

4203 John W. Foreman
vs
Henry Lough et al

No 637.

This day came the plaintiff and has leave of the Court to file Reply and thereupon this cause was continued on Motion and Showing of defendants and at their cost to obtain the depositions of Lewis Howe Harper & Wife.

It is therefore considered and adjudged by the court that the defendant pay the costs of this term of court taxed to $ —

Melissa Snodgrass
vs
Alex Snodgrass

This day on Motion to the Court this cause was continued on the application of defendant John Knock at his costs for the term.

It is therefore considered that the plaintiff recover of John Knock his costs of this term taxed at $ —

4431 F. J. Arthur Guardian of Mary Etta Richey
vs
Almira L. Richey

Report of C. C.

This day came the plaintiff by his attorney and thereupon this cause came on to be heard upon the petition of the plaintiff and the evidence, the only defendant Almira L Richey being properly before the court, having entered her appearance herein and requesting that partition be made immediately, On consideration whereof the court finds that the said Almira L. Richey is seized of and has a legal right to the undivided fourteen thirty ninth 14/39 part of the Estate described in the petition, and that subject thereto the said Plaintiff F. J. Arthur as Guardian of Mary Etta Richey is seized of and has a legal right to the undivided Twenty five thirty ninth 25/39 part of the Estate described in the petition and is Entitled to have partition made of said premises, and no reason appearing why partition should not be made, It is therefore considered adjudged and decreed by the court that said partition be made as prayed for, and that an order issue to the Sheriff of the said County of Vernon commanding him that by the oaths of W. H. Root W. C. Malin and Moses Thompson three judicious and disinterested freeholders of vicinity who are not of kin to either party, and who are hereby appointed commissioners by the court for that purpose he cause to be set off and divided to the said plaintiff and the said defendant the part and proportion of the said Estate to which they are hereinbefore severally found Entitled to, And it is ordered that if in the opinion of the said commissioners said premises cannot be divided by Metes and bounds without manifest injury to the same therefor then that they appraise the same according to law. And that the Sheriff return his proceedings herein without delay.

Jail Docket 48

the part on the South separate and the part on the North separate

Thereupon court adjourned to meet at 8½ oclock tomorrow morning.

Thursday. January 17th A. D. 1884.

Court met this morning at 8½ o'clock pursuant to adjournment, the same officers being present as on yesterday.

No 637. The State of Ohio vs George H. Argo } Indictment for Murder in the first degree.

This day came the prosecuting attorney on behalf of the State of Ohio, and the defendant being brought into court in custody of the Sheriff and his counsel also coming Thereupon the motion for a new trial heretofore filed herein came on to be heard and the same was argued by counsel and submitted to the court. On consideration whereof the court do overrule said motion. to which ruling of the court the defendant by his counsel then and there excepted. The defendant herein George H. Argo having having heretofore been convicted of manslaughter and being in open court in custody of the Sheriff and informed by the court of the verdict of the jury and inquired of if he had anything to say why judgment should not be pronounced against him and having nothing to say but what he hath already said.

It is therefore considered and adjudged by the court that the said defendant George H. Argo be imprisoned and confined in the penitentiary of the State of Ohio and kept at hard labor but without any solitary Confinement for the period of Twenty years; and that he pay the costs of this prosecution for which execution is awarded.

Report of G. J. This day appeared at the bar of this court the grand jury heretofore impaneled and sworn, in and for the body of the County aforesaid, viz
Martin Eirick, Robert Norris, Jerry Rinehart, O. B. Eaton, C. M. Grahame R. B. Thompson, Emanuel Jarvis, Thomas Steinmore, Peter Rausch, L. C. Burkebile, Boyd Thornton, A. J. Ferguson, J. P. Keithline, Albert Adams and J. J. Miller, And presented through their foreman Martin Eirick their certain bills of indictment against the following named persons. Isaac White for Murder in the Second degree. John H. Schneider for Assault and Battery. Joseph T. Wells for Assault and Battery. Charles Williams for Pocket-picking. William G. Shackelford for assault with intent to Commit Rape. Thomas Jefferson Gibson for Burglary and Petit Larceny. William Irwin for Burglary and Petit Larceny. William Irwin for Horse Stealing. And Asbury Johnson for Burglary and Petit Larceny. Each one indorsed "a True Bill" Martin Eirick. Foreman of the Grand jury.

Jail Rept &c To the Honorable John A. Price. Judge of the Court of Common Pleas Union County O.
We Grand jury of the court of common pleas of said County, of the January Term 1884 beg leave to report that they have been in session four days and herewith return to the Court the indictments presented by said jury; We have carefully Examined into all such matters as have legitimately come to our notice, having Examined over one Hundred witnesses covering fifteen cases and presented nine bills and ignored seven cases considered by us. The business has been transacted in as expiditious a maner as possible. During our session We have visited the County jail and made a complete examination thereof, and find the rules prescribed by the court for the care thereof and for the government of its inmates, have been carried out and properly enforced. Respectifully Submitted.
Marysville O Jany 17th 1884 Martin Eirick. Foreman

And there being no further business for the said jury they were discharged finally—

637 The State of Ohio vs George H. Argo

The Sheriff is allowed two guards to assist in conveying the Prisoner to the penitentiary under the sentence of the Court.

Nancy A. McFadden vs Charles L. Chapman

Continued with leave to plaintiff to amend her petition in 30 days from the rising of court—

No 4334 Hester Murry vs Archie E. Smith

This day this cause came on to be heard on motion of defendant to quash the service of summons upon him in this case and was submitted to the court upon the pleadings Exhibits and affidavit— Whereupon the court being fully advised in the premises does sustain said motion and the service of process heretofore made upon the defendant in this case is hereby set aside and quashed.

4261 Kilburn Jones Vs. vs Thos B. Benton et al

This day this cause came on to be heard upon the petition of the plaintiff and the evidence, the defendants though they had entered their appearance in the said action having failed to answer, demur or otherwise object to said petition of plaintiffs. On consideration whereof and the court being fully satisfied in the premises find all allegations of said petition to be true and that there is due to plaintiffs upon the note and mortgage set out in the petition from the said Thomas B. Benton the sum of $715.00 with 8% int from the first day of this Term. It is therefore considered, adjudged that the plaintiffs recover of said defendant Thomas B. Benton said sum of $715.00 with interest as aforesaid. It is further considered, adjudged and decreed that unless said Thomas B. Benton pay or cause to be paid to said plaintiffs said sum of $715.00 with interest as aforesaid within five days that an order issue to the Sheriff of this County commanding him to cause the premises described in plaintiffs petition to be appraised, advertised and sold according to Law and that he apply the proceeds as follows:

1st That he pay the costs of this action and taxes, if any are unpaid,
2nd That he pay to plaintiffs the amount of their judgment as aforesaid,
3rd That he return the surplus if any to the said Thomas B. Benton.

Thereupon Court adjourned until 8½ oclock tommorrow Morning—

Friday January 18th A. D. 1884

Court met this Morning at 8½ Oclock the Same officers being present as on Yesterday

Robert F. Cross plaintiff
vs
George P. Cross & others Defendant
} In Partition

This day came the parties by their attorneys and Submitted this cause to the court upon the pleadings & bills and testimony, On consideration whereof the court being fully advised in the premises do find that all the defendants have in writing waived the issuing and Service of Summons and voluntarily entered their appearance herein and waived all questions of time and that said defendants have had due and legal notice of the filing and pendancy hereof.

The court further finds that said Stanley E. Bellus is the duly appointed and qualified guardian of said Frank A. Bellus and that he is the true and lawful attorney in fact of said Charles E Bellus. Harriett D. Bellus and Mabel Bellus.

The court further finds that said Daniel G. Cross in his lifetime made advancements to his children which were intended by him and in fact were advancement out of his personal estate and the said several advancements ought to be considered as a part of his personal estate in the distribution of his property.

The court further finds that it was not the intention of said Daniel G. Cross that the said advancement should bear interest and that equitably interest should not be computed on the same.

The court further find that the amounts so advanced by said Daniel G. Cross to his Children are as follows;

That he advanced to George P. Cross the Sum of $1936.75-
To Elizabeth Nash the Sum of $1319.00
To Sarah Bellus, mother of Chas E. Mable. Harriett D & Frank A Bellus
The Sum of $824.00
To Mariette Park the Sum of $1350.00
To Robert F Cross the Sum of $1354.00
To Harriett D. Cross the Sum of $1538.00
To John B. Cross the Sum of $1350.00

The court finds the Sum total of all the said advancements to be $9671.75;

The court further finds that the said decedant Daniel G. Cross died intestate and that he left no personal estate for distribution.

The Court further finds that said Daniel G. Cross died Seized in fee Simple of the real estate in the petition described but their being Some questions as to the present right of possession of said tract of 286 acres of land, this action is dismissed without prejudice as to the said 286 acres of land. But the court finding from the evidence in favor of the plaintiff and no objection to the partition of said lot No 69 in the village of Marysville Union County Ohio. the court finds that said Lot No 69 descended to the heirs of said Daniel G. Cross subject to the dower of said Phoebe Y. Cross as alleged in said petition in the following proportions, to-wit;

George P. Cross, John B Cross and the said plaintiff Robert F. Cross Sons of said Daniel G. Cross deceased Each one Seventh part thereof.

To Mariette Park, Elizabeth Nash and Harriett D. Cross daughters of said decedent each one Seventh part thereof.

To Mabel Bellus, Charles E. Bellus, Harriett D. Bellus and Frank A. Bellus who

Friday, January 18th A. D. 1884.

are children and only heirs of Sarah Bellus deceased who was a daughter of Daniel G. Cross deceased, each one twenty eighth (1/28) part thereof.

The said Phoebe G. Cross widow of Daniel G. Cross deceased is entitled to dower in said premises,

It is therefore considered ordered and decreed by the court that said several advancements so made be taken into consideration as advancements made out of the personal estate of said decedant and there being no personal estate left, it is ordered that each of said several parties have deducted from his or her respective share of said estate the amount in value of his or her said advancement said advancement being added to the appraised value of said lands and that in this manner partition of said lot No 69 in Marysville Ohio be made, and that a writ of partition issue to the Sheriff of said County of Union commanding him that by the oaths of Benjamine A. Fary, William A. Robb and Smith N McCloud, one full Equal third part of said premises to-wit, said Lot No 69 be set off and assigned to the said Phoebe G. Cross as her dower Estate, and that by the like oaths of said above named commissioners partition be made of said premises, to-wit Lot No 69 aforesaid subject to said dower Estate in the following proportions and in the manner following, To-wit; To the plaintiff such portion the value of which added to his said advancement of $135.40 will Equal 1/7 part in value of said Lot No 69 with the total advancement added-

To George P. Cross such portion the value of which added to his advancement of $1936.75 will Equal 1/7 part in value of said lot No 69 with the total advancement added-

To Elizabeth Nash such portion the value of which added to her advancement of $1319.00 will Equal 1/7 of the value of said premises with said total advancement added-

To Marietta Park such portion the value of which added to her advancement of $1350.00 will Equal 1/7 part of the value of said lot No 69 with the total advancement added-

To Harriett D. Cross such portion the value of which added to her advancement of $1538.00 will Equal 1/7 part of the value of said lot No 69 with the total advancement added,

To John B. Cross such portion the value of which added to his advancement of $1350.00 will Equal 1/7 part the value of said lot No 69 With said total advancement added-

To Mabel Bellus, Harriett D. Bellus, Charles E. Bellus and Frank A. Bellus each such portion the value of which added to the sum of $206. (being 1/4 of the advancement made to their Mother) will equal in value 1/28 part of said premises with said total advancements added-

But upon the answer of said Phoebe G Cross, It is ordered that if said premises To-wit; Lot No. 69 will not bear division by Metes and bounds without manifest injury to the value thereof no dower be assigned and that said premises be appraised free from said dower interest, and it appearing to the court that said Lot No 69 has erected upon it three buildings and that it would probably be to the best interest of said Estate, in the event of said property being sold, to sell the same in subdivisions by the foot front. It is ordered that if said property be appraised, then that said commissioners return their appraisement of the same both as a whole and in such subdivisions as may seem most advan-

Friday January 18th A. D. 1884

tagions to the parties,

It is further ordered that of his proceedings in the premises, said Sheriff make return forthwith.

Spencer W. Garwood }
Against }
No 4220 Cashie M. Garwood }

This day came said Spencer W. Garwood by Porter & Porter his attorneys, and thereupon this cause came on for hearing upon the petition and testimony and was argued by counsel, On consideration whereof the court do find that due notice of the filing and pendancy of this petition was given to the said defendant Cashie M. Garwood according to law, and the court do further find that said defendant has been wilfully absent from the said plaintiff for more than three years prior to the filing of said petition. It is therefore adjudged and decreed that the Marriage relation heretofore existing between the said Spencer W. Garwood and Cashie M Garwood be and the same is hereby set aside and wholly annulled, and the said parties wholly released from the obligations of the same, It is further considered that the plaintiff pay the costs of this suit herein taxed to $ -

David M. Robinson }
vs }
Pittsburgh Cinc & St Louis Railway Co }

Leave is granted the plaintiff to file amended petition this week and the same is filed and the cause set for trial this term,

Thereupon court adjourned to meet on tuesday January 22nd 1884 at o'clock P. M.

Tuesday January 22d A.D. 1884

Court met at 10 o'clock A.M. the same officers being present as on Friday

No 11438 C. Aultman & Co
vs
L. E. Gamble, J. M. Dunn
and Georg Borger

This day came the plaintiff by J.B. Benton attorney, and thereupon came J. M Kennedy one of the attorneys of record of this court, who, by virtue of a warrant of Attorney duly Executed, and now produced in open court and duly proven, waived the issuing and Service of process, and Entered appearance of said defendants herein, and Entered appearance of said defendants herein and by virtue of the same warrant of attorney, confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition, the sum of $369.92- It is therefore considered that said plaintiff recover of said defendant the said sum of $369.92 so as aforesaid confessed to be due, together with cost of suit herein to be taxed and with interest to be computed at the rate of 8% per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived-

637 The State of Ohio
vs
Geo. W. Argo
} Indictment for Murder in the first degree

John L. Porter, who was heretofore appointed to assist the Prosecuting Attorney in the trial of this case, is hereby allowed the sum of Seven Hundred and fifty dollars as compensation for his services rendered in said case, and the Court approves of said amount as just and right in that behalf.

I approve of the above amount as fair and just for the services rendered by said John L. Porter in said cause.

John M. Brodrick Pros. Atty.

Jan. 22nd 1884. approved.

John A. Price, Judge.

660 The State of Ohio
vs
Isaac White
} Indictment for murder in the second degree.

This day came the Prosecuting Attorney on behalf of the State of Ohio, and the Defendant being brought into open Court in custody of the Sheriff and upon being arraigned on said indictment for Plea thereto saith he is "not guilty" and puts himself upon the Country and the Pros. Atty doth the like.

660 The State of Ohio
vs
Isaac White
} Indictment for murder in the 2nd degree.

On motion of the Prosecuting Attorney the Court appoints D. W. Ayers Esq. to assist the Pros. Atty in the trial of this case.

Tuesday, January, 22nd 1884.

662 The State of Ohio vs Asbury Johnson } Indictment for Burglary and petit larceny.

This day came the Prosecuting Attorney on behalf of the State of Ohio, and the Defendant being brought into open Court in custody of the Sheriff and being arraigned upon said indictment for plea thereto, saith he is "not guilty" and puts himself upon the country and the Prosecuting Attorney doth the like.

663 The State of Ohio vs William Irwin } Indictment for Burglary & Petit Larceny.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the Defendant being brought into Court in custody of the Sheriff and arraigned upon said indictment for plea thereto saith he is "not guilty" and puts himself upon the country and the Prosecuting Attorney doth the like and on mo. of the Pros. Atty the Courts appoints W. S. Hoops Esq. to assist the Pros. Atty in the trial of this case.

664 The State of Ohio. vs William Irwin } Indictment for Horse stealing.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the Defendant being brought in open Court in custody of the Sheriff and arraigned upon said indictment for plea thereto saith he is "not guilty" and puts himself upon the Country and the Prosecuting Attorney doth the like and on mo. of the Pros. Atty the Courts appoints W. S. Hoops to assist the Pros. Atty in the trial of this case.

665 The State of Ohio vs William R. Shackelford } Indictment for assault with intent to commit rape.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the Defendant being brought into Court in custody of the Sheriff and arraigned upon said indictment for plea thereto saith he is "not guilty" and puts himself upon the country and the Prosecuting doth the like.

661 The State of Ohio vs John S. Scheiderer } Indictment for assault and Battery.

This day came the Prosecuting Attorney on behalf of the State of the State of Ohio and the Defendant being brought into open Court in custody of the Sheriff and arraigned on said Indictment for plea thereto saith he is "not guilty." Thereupon the Defendant asked the Court to fix the amount of his recognizance herein and the Court accordingly fix the same at One Hundred Dollars. Thereupon came said Defendant John S. Scheiderer and entered into recognizance in the sum of One Hundred Dollars with Jacob Hauser as his surety conditioned for his appearance at the next Term of this Court to which time said cause is continued on mo. & showing of Defts

Tuesday, January 22nd 1884

666 The State of Ohio vs Charles Williams } Indictment for Pocket picking.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the Defendant being brought into Court in custody of the Sheriff and arraigned upon said indictment for plea thereto saith he is "not guilty" and puts himself upon the Country and the Pros. Atty doth the like. And it appearing to the Court that said Defendant is in indigent circumstances and unable to employ counsel, the Court at his request appoints E. E. Colean counsel to defend him.

637

668 The State of Ohio vs Thomas Jefferson Gibson } Indictment for Burglary and Petit Larceny.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the Defendant being brought into Court in custody of the Sheriff and arraigned upon said indictment for Plea thereto saith he is "not guilty" and puts himself upon the Country and the Pros. Atty doth the like. And it appearing to the Court that the Defendant is in indigent circumstances and unable to employ counsel, the Court at his request appoints T. B. Fulton Esq. as counsel to defend him.

1356

4431

662 The State of Ohio vs Asbury Johnson } Indictment for Burglary and Petit Larceny.

It appearing to the Court that the Defendant herein is in indigent circumstances and unable to employ counsel the Court at his request appoints J. A. McCampbell as counsel to defend him.

4327 N. A. Justus vs John Wanner

Leave is granted Defendant to withdraw demurrer and file demurrer to petition herein, and answer is withdrawn

4277

Court adjourned until Tomorrow at 9 o'clock A.M.

Wednesday, January, 23rd 1884

Court met this day at 9 o'clock pursuant to adjournment, the same officers being present as heretofore.

637 — The State of Ohio vs Isaac White — Indictment for Murder in the Second Degree

This day came the Defendant and asked the Court to fix the amount of his recognizance herein and the Court doth accordingly fix the same at Five Thousand Dollars.

4356 — Isaac F. Gates vs A. R. McCown Co. et al.

This day this cause came on to be heard upon the motion of A. R. McCown Co to dissolve the injunction heretofore granted herein, and 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. On motion of said Defendant A. R. McCown Co. leave was given them to file answer instanter.

4431 — F. T. Arthur Guardian of Mary Etta Richey vs Almira S. Richey — Entry confirming Report of Comis'r & order of Sale.

This cause coming on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein, and on motion to confirm the same, and it appearing to the Court from the report of the said Commissioners that said premises cannot be divided by metes and bounds without manifest injury to the value thereof, and that the said Commissioners have made and returned their appraisement of said premises at Three Thousand Dollars ($3,000.00) the part on 4th St at $700.00 and the part on 5th St at $2300.00 or the whole at

The Court find the said return and proceedings in all respects correct and in conformity to law, and do therefore approve and confirm the same, and neither of said parties electing to take said premises at the appraised value, on motion of the plaintiff it is ordered that said premises be sold at public auction on the premises, ⅓ cash; ⅓ in one year; ⅓ in two years with interest on deferred payments to be secured by mortgage on the premises sold and that an order of Sale issue therefor to the Sheriff of said Union County, Ohio, and that said Sheriff return his proceedings into this Court without unnecessary delay.

4277 — Ida May Daugherty by her next friend &c. vs John McKitrick

This day this cause was settled by agreement of parties and the Plaintiff to have judgment against the said John McKitrick for the sum of One Hundred Dollars. It is therefore ordered and adjudged that the Plaintiff recover of the said Defendant One Hundred Dollars and her Costs taxed at $ and in default of payment of the same for Sixty days from this date execution issue therefor.

Court adjourned until tomorrow at 9 o'clock A.M.

Thursday, January 24th 1884

Court met this morning at 9 o'clock pursuant to adjudgement; the same Officers being present as heretofore.

H. H. Justice
vs
John Warner

This cause coming on for hearing was submitted by the parties on demurrer to the petition. On consideration whereof the Court do sustain said demurrer at the cost of the Plaintiff to which Plaintiff excepted and asked and obtained leave to amend petition by January 24th 1884.

4400 John Fletcher
vs
O. B. Martin et al.

This cause being heard on the demurrer to the petition, the Court on consideration thereof, sustain the same, and the plaintiff not desiring to further plead; it is therefore ordered and adjudged by the Court that the defendants go hence without day and recover from the Plaintiff their cost herein expended. no record

S. M. V. V. J. Blake
vs
Mrs J. E. Rosette et al.

This cause came on for hearing on the petition of Plaintiff and the defendants being in default for Answer & Demurrer the Court find the allegations in petition to be true, and that there is due to said plaintiffs from the said defendants Mrs J. E. Rosette and John E. Rosette, on account of the materials furnished as set forth in the petition the sum of $149.96 and that the same is a lien on the premises described in the petition, by reason of the mechanics lien therein described and which is recorded in Book No 2 Page 235, of the Union County Record of Liens, and that said plaintiffs are entitled to have lien enforced.

It is therefore considered that the plaintiffs recover from the said Defendants Mrs J. E. Rosette and J. E. Rosette her husband, the said sum of One Hundred & Forty nine & 96/100 dollars, with interest from September 11th 1883, together with their costs herein expended, and that unless said judgment is paid within ten days from the date of this entry, there an order may issue to the Sheriff of Union County, Ohio, commanding him to sell said premises as upon execution and to make due return of his proceedings in the premises to this Court.

4265 B. A. Fay
vs
Village of Marysville

This cause is continued with leave to Plaintiff to reply in Twenty days to the answer of Defendant just filed.

4241

4159

4429

Jany 23/84
658

Jany 23/84
659

Thursday January 24th A.D. 1884

4241 Wm. Hoover vs H. J. Perry

This cause being set down for trial on the 17th day of January and Plaintiff by reason of sickness in his family was not ready for trial, whereupon on his motion this cause is continued at his costs with leave to reply in ten days.

4159 Louisa D. Skidmore vs Lanson B. Harvey

This day came on this cause to be heard by the Court on the motion & Demurrer of the Plaintiff to the Defendants answer. Whereupon the Court being fully advised in the premises do overrule said motion & Demurrer to which Plaintiff excepts and thereupon this cause is continued

4429 Harmon Patch vs F. J. Sagar

By trans. from Doc. of H. J. King J.P. Paris Tp Miami Co. O.

This day this cause came on to be heard upon the motion of the Plaintiff for a Judgment upon his transcript herein filed, the appellee failing to file his transcript within thirty days from the date of the Judgment of said Justice upon appeal. And the Court being fully advised in the premises do find for the Plaintiff.

It is therefore ordered and adjudged that the Plaintiff recover Judgment in this Court for said sum of Sixty four & 37/100 Dollars debt with interest thereon from the 19th day of Nov. A.D. 1883 and cost herein taxed at $.

Jany 23rd/84 658 The State of Ohio vs William Irwin } Indictment for Horse Stealing

Nolle Prosequi is Entered herein by order of the court at the request of the Prosecuting attorney.

Jany 23rd/84 659 The State of Ohio vs William Irwin } Indictment for Burglary & Petit Larceny

Nolle prosequi is Entered herein by order of the court at the request of the prosecuting attorney.

Court adjourned until Monday Jan. 28th 84 at one o'clock P.M.

Monday, January 28th 1884.

Court met today pursuant to adjournment: the same Officers being present as heretofore.

Minnie W. Bonner Plaintiff

4446 vs

Richard Tobau, Thomas Mehau & Thomas Coleman Defendants

This day came the Plaintiff by her Attorney: also appeared in open Court for and on behalf of said defendant J. M. Kennedy an Attorney at Law of this Court, and by virtue of the warrant of Attorney annexed to the note attached to the petition in said cause, shown to have been duly executed by said defendants entered the appearance of said defendants, and waived the issueing and service of process in this action, and confessed a Judgment on said note against said defendants and in favor of said plaintiff for One Hundred and sixty two dollars and Eighty cents, being the amount of principal and interest due on said note, and for the cost taxed and to be taxed, and released and waived all exceptions, errors and right of appeal in the premises. It is therefore considered that said plaintiff recover of said defendants the sum of One Hundred and sixty two dollars and Eighty cents, being the amount of said note with interest computed at 8 per cent. per annum, from the 11th day of Oct. A. D. 1883: and also her costs herein expended taxed at $.

4389

Ackerman & Skinner

4432 vs

D. D. Gardiner Assignee &c, Mandamus

The plaintiff withdraws his motion for Mandamus without prejudice at plaintiffs costs, no record. It is therefore considered and adjudged by the Court that defendant recover of plaintiffs his cost herein expended taxed to $.

Nellie Wiellie

4398 vs

Marshall Wiellie

This day this cause came on to be heard upon the petition of the plaintiff, the defendant being in default for answer or demurrer and the Court being fully advised in the premises doth find for the plaintiff as follows, first; That the parties were married as alleged in the petition, 2nd That said defendant has been guilty of gross neglect of duty toward the plaintiff It is therefore ordered and adjudged that the marriage relation heretofore existing between the parties be dissolved and held for nought and that the plaintiff be restored to her maiden name of Nellie Shields. It is further ordered and adjudged that she pay the costs of this case and that she have judgment against the defendant therefor, and that in default of payment thereof for ten days from the rising of the Court that execution issue therefor.

Monday, January 28th A. D. 1884

New York Pensylvania & Ohio R. R. Co. v.s. Uriah Cahill et.al | In Error.

This day this cause came on to be heard on the petition in error of the plaintiff and on the record and proceedings of the County Commissioners and Probate Judge in said cause and was argued by Counsel, and the Court being fully advised in the premises do find that there is no error in the record, proceedings, judgment and orders of said County Commissioners and said Probate Judge. Therefore it is ordered and adjudged that the said proceedings and the judgments and orders made befor said County Commissioners and said Probate Judge, be and the same are hereby affirmed with costs.

To all of which Judgments, orders and findings the Plaintiff then and there excepted. And Plaintiff gives notice of its intention to take this case to the District Court by petition in error, and the Court fix the amount of the Supercedeas Bond at $300.00

4389 Delphine Ginn v.s. George F. Ginn | Decree for Divorce.

This day came the said plaintiff Delphine Ginn by F. T. Arthur her Attorney, and thereupon this cause came on for hearing, upon the petition and testimony and was argued by counsel, on consideration whereof the Court find that due notice of the filing and pendency of this petition was given to the said Defendant according to law, and the Court do further find that the said Defendant has been guilty of gross neglect of duty as charged in the petition. It is therefore adjudged and decreed that the marriage relation heretofore existing between the said parties Delphine Ginn and George F. Ginn be and the same is hereby set aside and wholly annulled, and the said parties wholly released from the obligations of the same. And it is further ordered that the said Plaintiff be decreed the custody of her said children, and that the defendant have the privilege of visiting the said children at all proper times, and that the Defendant pay the cost of this suit taxed to $6.80

Tuesday, Jan. 29th A.D. 1884.

Court met this morning at 9. o'clock pursuant to adjournment: the same Officers being present as on yesterday.

4447 N. Sandrowitz vs. William Williams

This day came the plaintiff by L. S. Gardner his atty, and thereupon came R.L. Woodburn one of the attorneys of Record of this Court, who, by virtue of a Warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of attorney, confesses that there is due from said defendant to said Plaintiff as is alleged in said plaintiffs petition the sum of $104.19 It is therefore considered that said plaintiff do recover of said defendant the said sum of $104.19 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8 ps per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in Error are waived.

664 The State of Ohio vs William Irwin } Indictment for Horse-Stealing.

Now comes the Prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and his counsel also coming, thereupon came the following Jury, to wit= J.N. P. Bowie, Arthur Gibson, Adam Phillips, F.N. Martin Alvin Downer, Emanuel Fox, Jacob Keller, L.D. Fisher, Henry Huber, N.C. Ferris, George Horriman, Watterman Hill, And the said Jury having heard the testimony adduced by the parties, the arguments of counsel and the charge of the Court after deliberation thereon returned the following Verdict= to wit= 1141

664 The State of Ohio vs William Irwin } Common Pleas, Union County, Ohio. Jan. Term 1884. Indictment for Horse-Stealing.

We, the jury in this case, find the defendant William Irwin, Guilty, in manner and form as he stands charged in the Indictment, and we assess the value of the property stolen at $28.00 N.C. Ferris, Foreman.

And thereupon said Defendant is ordered into Custody of the Sheriff to await sentence.

668

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Tuesday, January, 29th 1884

668 The State of Ohio vs Thomas Jefferson Gibson } Indictment for burglary & petit larceny.

Now comes the prosecuting Attorney on behalf of the State of Ohio, the defendant was brought into Court in custody of the Sheriff, and his Counsel also coming: Thereupon said defendant retracts his plea of "not guilty" heretofore entered and for plea to said Indictment, saith he is guilty as charged in said indictment: and the said Defendant is remanded to the custody of the Sheriff until sentence.

666 The State of Ohio vs Charles Williams } Indictment for pocket-picking.

Now comes the prosecuting Attorney on behalf of the State of Ohio, the defendant was brought into Court in custody of the Sheriff, and his Counsel also coming: Thereupon said defendant retracts his plea of "not guilty" heretofore entered, and for plea to said Indictment, saith he is guilty as charged in said indictment; and the Court being fully advised in the premises, and the said defendant being inquired of if he had anything to say why Judgment should not be pronounced against him: and having nothing to say: It is therefore considered and adjudged by the Court, that the said defendant Charles Williams be imprisoned and confined in the penitentiary of the State, and kept at hard labor, but without any solitary confinement, for the period of one Year: and that he pay the costs of this prosecution, for which execution is awarded,

4141 James L. McNeal vs New York Penn. & Ohio. R.R. Co. }

This day this cause came on to be heard upon the motion of the plaintiff to make the following amendments to his petition, or file an amended petition with the following additional matter, "said plaintiff " further says that he had made arrangements to thrash his grain on the follow- " ing day, had engaged his Thrasher and his hands, of all which he informed the said " Conductor before he was ejected from said train, and by reason of being ejected " from said train as aforesaid he was prevented from getting home on the following " morning and kept from thrashing his grain on that and suffered great- " damage thereby", and was argued by counsel, On consideration whereof and the Court being fully advised in the premises overrules said motion to which ruling of the Court said plaintiff at the time excepted.

Tuesday January 29th A.D. 1884.

P. R. Kerr
vs
T. P. Cratty et al.

This day this cause came on to be heard on the Demurrer of the defendant to the petition of the plaintiff and the Court being fully advised in the premises, do sustain said demurrer, to which ruling plaintiff excepts, and thereupon plaintiff asked and obtained leave to amend his petition within thirty days from the rising of the Court, and this cause is continued.

4314

James D. McNeal
4141 vs
N. Y. P. & O. R. R. Co.

This day came the parties by their attorneys, and this cause came on to be tried: and thereupon came a jury to-wit = J. J. Gabriel, J. N. P. Bowie, Arthur Gibson, Adam Phillips, T. N. Martin, Alvin Downer, Emmanuel Fox, L. D. Fisher Henry Huber, H. C. Ferris George Harriman and Watterman Hill, who, being duly impannelled and sworn to well and truly try the issue joined between the parties in this cause and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court - and after hearing the testimony arguments of counsel and charge of the Court the said Jurors retired to their room to deliberate upon their verdict and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit = The State of Ohio, Union County, ss. Jan. Term A.D. 1884. to-wit = Jan. 29th 1884 James D. McNeal Pltff vs New York, Pennsylvania & Ohio R. R. Co. Dft. We, the Jury in this case, being duly impannelled and sworn do find and say that we find for the Plaintiff and assess his damages at $15.00

Jas. J. Gabriel. Foreman.

4304

E. L. Hawkins
4226 vs
Eli G. Piper Admr &c

This cause having been reached and passed for amended petition and being again reached and the plaintiff not being ready for trial, on the motion of Defendant it is dismissed without prejudice for want of prosecution at the plaintiffs cost. Whereupon it is considered and adjudged by the court that the defendant recover of the plaintiff his costs taxed to $. No Record

Tuesday, January 29th 1884

	Robert F. Cross
4314	vs
	Georgr P. Cross et al.

This day came on this cause for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein and on motion to confirm the same and it appearing that said estate cannot be divided by metes and bounds without manifest injury to the value thereof and that said commissioners have made and returned their appraisement of said premises by subdividing said lot No. 69 into four subdivisions Numbered 1. 2. 3. & 4 appraising subdivision no. 1. at $3,300.00 No. 2. at $3200.00 No. 3. at $2,000.00 and No. 4 at $2,300.00 and appraised the said Lot No. 69 as a whole at $10,700.00 all free of the Dower of said. Phoebe J. Cross. That said sale be made either by subdivisions or as a whole lot as may be most advantageous to said estate and that an order issue therefor to the Sheriff of said County of Union.

	Elizabeth K. Lauer
4304	vs
	Alfred D. Lauer

Now comes the Plaintiff and the Defendant having been duly served with Summons and a copy of the Petition herein, and having failed to appear, the Court find him in default for answer and demurrer to said petition. and find that the allegations thereof are confessed by him to be true. The Court also find that the Plaintiff, at the time of filing her petition, had been a resident of the State of Ohio for one year next preceding the same and was at that time a bona fide resident of this County of Union, and that the parties hereto were married, as in said petition set forth. The Court further find upon the evidence adduced that the defendant has been guilty of habitual drunkenness and wilfull absence as in said petition set forth. and that by reason thereof, the Plaintiff is entitled to divorce as prayed for. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Elizabeth K. Lauer and the said Alfred D. Lauer, be, and the same hereby is, dissolved, and both parties are released from the obligations of the same. It is further ordered that the custody, care, Education, and control of the said Child of the parties hereto be, until further order, confided to the said Elizabeth K. Lauer Exclusively, but that the Defendant Alfred D. Lauer have the privilege of visiting said Child at all proper times. and it further considered by the Court that the Plaintiff pay the cost herein taxed to $.

Court adjourned until tomorrow at 9. o'clock A.M.

Wednesday, January 20th 1884

Court met at 9 o'clock A.M. pursuant to adjournment. the same Officers being present as on Yesterday.

4309 D. H. Graham vs S.S. Gardiner assignee

On application leave is granted to the plaintiff to file an amended petition within 30 days of the court and this cause is continued.

4391 Sarah J. Teets vs Sarah Moses

This cause continued with leave to defendant to plead within 30 days from the rising of the court.

Charles Green et al vs Sarah Moses et al

On application leave is granted to the defendant Bazel Batchelor to file answer in 30 days from the rising of the court and this cause continued.

4403 Amanda Darling vs Cliff F. Darling et al.

And now this cause coming up for hearing upon the petition, and the evidence, the Court find that all the defendants have been duly served with Summons herein and are in default for answer. The Court further find that the said H. H. Darling was, in his lifetime, seized in fee simple of the real estate and premises described in the petition, and that the plaintiff is the Widow of the said H. H. Darling, deceased; and that she is entitled to have her dower in the said premises assigned and set off to her, as prayed in her petition. It is therefore ordered adjudged & decreed by the Court that the said plaintiff be endowed of one full equal third part of the premises described in the petition: and that a writ issue to the Sheriff of Union County, Ohio, commanding him that by the oaths of F. J. Sager, B. F. McCombs and Newton Pierce, three judicious, disinterested men of the vicinity, in the said County, who are not of kin to either of the parties, and who are hereby appointed Commissioners for that purpose, he cause to be set off and assigned the Dower to said plaintiff, in manner as above ordered. And that of such proceedings, together, with the said Commissioners appraisement of the yearly net value of said real estate, estimated from the 26th day of Dec. 1883 to the day of such assignment of dower, the said Commissioners and the said Sheriff make returns without unnecessary delay.

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Thursday. January 31st 1884

Court met at 9. o'clock A.M. pursuant to adjournment: the same Officers being present as on yesterday.

4449 E. G. Allen vs U. C. Hopkins Lafayette Harriman Charles Noyes

This day came the Plaintiff by B. F. Stahl Attorney, and thereupon came J. W. Robinson one of the attys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendant herein, and by virtue of said warrant of Attorney confesses that there is due from said Defts to said Plaintiff as is alleged in said Plaintiffs petition, the sum of $108.41 It is therefore considered that said Plaintiff do recover of said Defendants the said sum of $108.41 and costs of suit said confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8 p.c. per annum. And by virtue of said warrant of attorney, all errors are released, and all right of appeal, and all right to file a petition in Error are waived.

656 The State of Ohio vs John Wanner } Indictment for furnishing intoxicating liquors to a person while intoxicated.

Now comes the prosecuting attorney on behalf of the State of Ohio the defendant appearing in open court according to the requirements of his recognizance heretofore given herein; Thereupon said defendant retracts his plea of not guilty heretofore entered, and for plea to said indictment, saith he is guilty as charged in said indictment; and the said defendant is released on his own recognizance to appear in open court on the second day of February A. D. 1884 for sentence.

662 The State of Ohio vs Asbury Johnson } Indictment for "Burglary and Petit Larceny"

Now comes the prosecuting attorney on behalf of the State of Ohio and the defendant being brought into court in custody of the Sheriff his counsel being present, Thereupon came the following named persons as Jurors. To-wit:- J. H. P. Bowie, J. J. Sabine, Arthur Gibson, Adam Phillips F. A. Martin, Alvin Downer, Emanuel Fox, Jacob Keller, L. D. Fisher, H. C. Ferriss, George Harriman, and Watterman Hice who were duly Sworn & Empannelled, and after hearing the evidence Arguments of counsel and charge of the court retired to their room for charge of the Sheriff for deliberation.

Thursday January 21st 1884.

4448 Conrad & Borger vs A. O. T. Ins Co

This day came the Plaintiffs by A. T. Computer their attorney and thereupon came W. T. Harper one of the Attorneys of Record of this Court, who, by virtue of a Warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendant herein, and by virtue of the same Warrant of Attorney, confesses that there is due from said Defendant to said Plaintiffs as is alleged in said Plaintiffs petition, the sum of $145.17 It is therefore considered that plaintiffs do recover of said Defendant the said sum of $145.17 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8% per Annum, and by virtue of said Warrant of Attorney, all errors are released, and all right of appeal and all right to file a petition in Error are waived.

4290 Mary Thomas vs Wm Epperstal.

This day this cause coming on to be heard by the Court on motion of the defendant and it appearing to the Court that the injunction heretofore granted herein by the Probate Court of this County ought not to have been granted: whereupon it is ordered by the Court that the same be and hereby is dissolved and the Plaintiffs petition dismiss at cost of Plaintiffs.

It is therefore considered and adjudged by the Court that the Defendant recover of the Plaintiff their cost herein expended taxed to ft.

4358½ Frederick Kuntz Pltff. vs Adam Mink Deft. } Union County Com. Pleas

On motion of the Plaintiff and it appearing that this Court has no jurisdiction herein for the reason that the Transcript does not show any judgement below this cause is stricken from the docket.

4285 Sarah J. Marks vs Jonah Marks } now come the plaintiff and the defendant having been duly served with summons and a copy of the petition herein, and having failed to appear the Court find him in default for answer and demurrer to said petition, and find that the allegations thereof are confessed by him to him to be true. The Court also find that the plaintiff at the time of filing her petition, had been a resident of the State of Ohio for one year next preceding the same and was at that time a bona fide resident of this County of Union, and that the parties hereto were married as in said petition set forth. The Court further find upon the evidence adduced that the defendant has been guilty of gross neglect of duty and has been wilfully absent for more than three years last past and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Sarah J. Marks & Jonah D. Marks be, and the same hereby is dissolved and both parties are released from the obligations of the same. It is further ordered that the petitioner be, and she hereby is restored to her maiden name of Sarah J. Whitley.

662 Verdict

4141

No 665

Friday February 1st A.D. 1884.

Court met at 8½ Oclock A.M. the same officers being present as on yesterday.

662 The State of Ohio vs Asbury Johnson } Indictment for Burglary and Petit Larceny.

Now comes the prosecuting attorney on behalf of the State of Ohio, and the defendant being brought into court in custody of the Sheriff, his counsel being present, also came the jury heretofore empaneled in this case and returned their verdict in writing signed by their foreman which reads as follows viz;

Verdict- The State of Ohio vs Asbury Johnson } Common Pleas Union County Ohio No 662. January Term A D 1884 Indictment for Burglary and Petit Larceny.

We, the jury in this case, find the defendant Asbury Johnson, Guilty in manner and form as he stands charged in the Indictment

John J. Gabriel, Foreman.

4141 James J. McNeal vs N.Y.P.&O.R.R.Co.

This day this cause came on to be heard on the motion of the Plaintiff to set aside the verdict and grant a new trial herein, and the Court being fully advised in the premises overrules said motion.

Thereupon it is considered ordered and adjudged by the Court that the plaintiff recover of the defendant the sum of $15.00 the amount heretofore assessed against the Defendant by the Jury and that each party pay his own cost taxed to ⁂. and in default thereof execution is awarded.

No 665 The State of Ohio vs William R. Shackelford } Indictment for assault with intent to commit Rape.

Now came the prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff, also came the following named persons as jurors, to-wit: J. H. P. Bonic, J. J. Gabriel Arthur Gibson, Adam Philips Alvin Downer, Emanuel Fox Jacob Keller, Henry Hauber, H. C. Ferris, Watterman Hill and James Smith regular jurors and John Ford talis juror and the evidence on behalf of the State being Still in progress, this cause was continued until to-morrow,

Friday Feb. 1st A. D. 1884

Emil Kesewetter et al.

4408 vs

George W. Betts et al.

This day this cause came on to be heard upon the petition of the Plaintiffs, and the evidence, the defendants, though duly served with a summons herein failing to answer or demur or otherwise object to Plaintiffs petition. On consideration whereof and the Court being fully advised in the premises finds that all of the allegations of the Plaintiffs petition are true: that there is due to the Plaintiffs from the Defendant Geo. W. Betts the sum of Six Hundred and Ninety Seven and 85/100 Dollars on the note described in the petition and that the said George W. Betts and Margaret A. Betts gave a Mortgage on the premises described in the petition to secure the payment of said note.

It is therefore considered and adjudged by the Court that the said plaintiffs recover of the said George W. Betts the said sum of Six Hundred and ninety seven and 85/100 Dollars and that the same bear interest from the 1st day of this Term at 7 o/o per annum.

It is further considered and adjudged and decreed by the Court that unless the said George W. Betts pay or cause to be paid to plaintiffs the said sum aforesaid within ten days from the rising of this Court that an order issue to the Sheriff of this County commanding him to cause the real estate in the petition described to be sold according to the statutes in such case made and provided to satisfy the amount so found due Plaintiff and that he bring the proceeds of said sale into Court to await its further order. 4127

Union County Bank

4392 vs Court of Com. Pleas.

Geo. H. Argo et al.

D. W. Ayers made party Defendant with leave to answer within thirty days from rising of the Court.

Sampson Blue by his next friend

4305 vs 4450

Anthem Bailey et al. On motion of the Plaintiff and upon producing the return of the Sheriff of his proceedings and sale under the former orders of this Court and the Court being satisfied on examination thereof that the same have been had in all respects according to law. That said proceedings and sale are hereby approved and confirmed, And the said Sheriff is ordered by deed duly executed to convey said premises to the purchaser Wm. D. Cameron in fee simple free from Courtesy.

It is further ordered that out of the proceeds of said sale the Sheriff pay first

(1st) to the Treasurer of Union County dollars being the taxes and penalty due upon said premises.

(2ndly) Secondly, to the Clerk of this Court the cost of this action including a counsel fee of $ to J. L. Cameron for his services herein taxed at $.

And as to all other and further questions of distribution and question of rents and profits and improvements this cause is continued.

Saturday February 2d A. D. 1884.

Court met at 8½ Oclock A. M pursuant to adjournment the same officers being present as on yesterday.

To the Honorable John A. Rice Judge of Union County Common Pleas.

Union County To Thomas Loane Dr

Jany 31st /84	To One Supper for Jury	$ 7.50
February 1st "	" " Breakfast	$ 7.50
	Amount	15.00

This is to certify that the above meals were furnished by T. Loane & correct & unpaid.

John Hobensack. Sheriff U. Co O

Feb 2d 1884.

The foregoing bill is approved and allowed and the Auditor of Union County is directed to draw his warrant on the Treasurer of said county in favor of said Thomas Loane for said Sum of $15.00.

John A. Rice. Judge

4127 Elias Johnson & Julia Johnson vs Richard White

This day on Motion of Plaintiffs, the Entry made in this case at the last term of this court is so far modified, as to Strike from said Entry these Words, and the Same are Stricken from said Entry to-wit; "The plaintiffs not desiring to amend their petition the court thereupon dismissed said petition with costs."

The plaintiffs thereupon asked for and obtained leave to amend their petition in 20 days from the rising of the court and cause continued.

4450 Alvah Smith vs Jasper Bidwell Et. al

This day came the plaintiff by his attorney A. J. Carpenter. and Thereupon came John L. Porter one of the attorneys of record of this court who by virtue of a warrant of Attorney duly executed and now produced in open court and duly proven waived the issueing and service of process herein and Entered appearance of defendants, and by virtue of the same warrant of attorney confesses there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition the Sum of $ 279720 - It is therefore considered that said plaintiff do recover of said defendants the said Sum of $ 279720 So aforesaid confessed to be due together with Costs herein to be taxed and with interest to be computed at the rate of 8% per annum, and by virtue of said warrant of attorney all errors are released and all right of appeal and all right to file a petition in Error are waived -

Saturday February 2d A. D. 1884.

4348 Moses S. Engle vs A. S. Pheasant et al } On motion of the plaintiff and on his producing the return of the Sheriff of the Sale made under the former order of this court and the court on Caufse Examination of the proceedings of the Sheriff being satisfied that the same have been had in all respects in Conformity to law and the order of this court, it is ordered that the said proceedings and sale be and the same are hereby approved and Confirmed And it is further ordered that the Sheriff Convey to the purchaser Moses S. Engle by deed in fee Simple the lands & tenements so Sold and a writ of possession be awarded to put said purchaser in possession of said premises. 4189

And it is further ordered that out of the proceeds of the Sale of said property, the Sheriff pay out of the money in his hands pay first the costs of this action Taxed at $ Then to the plaintiff the ballance of the money arising from said Sale if any.

665 The State of Ohio vs William R. Shackelford } Indictment for Assault with attempt to Commit Rape.

Now came the prosecuting attorney on behalf of the State of Ohio, the prisoner being brought into Court in custody of the Sheriff, his counsel being present, also came the jury heretofore Empanneled in this case, who, after hearing the ballance of the testimony, the arguments of Counsel, and Charge of the Court, retired to their Room in Charge of the Sheriff for deliberation. And afterward came the jury, conducted into court by the Sheriff, and returned their verdict in writing, Signed by their Foreman, to Wit; 4451.

We, the Jury in this case find the defendant William R Shackelford Guilty, in Manner as he Stands charged in the indictment. But would recommend the court to Exercise the greatest leniency consistent with the law.

J. W. Smith. Foreman.

Thereupon court adjourned until Monday Feby 4th 1884 at 9 Oclock A.M.

Monday February 4th A. D. 18884.

Court met this morning at 9 oclock pursuant to its adjournment, the same officers being present as on Saturday.

4189 Mary E. Crow vs Samuel Crow

On motion of the plaintiff and on her producing the return of the Sheriff of the Sale made under the former order of this court, and the court, on carful examination of the proceedings of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and order of this court, it is ordered that the said proceedings and Sale be and they are hereby approved and confirmed. And it is further ordered that the said Sheriff convey to the purchaser T. J. Arthur, by deed in fee Simple the lands and Tenements so sold; and a writ of possession is awarded to put said purchaser in possession of said premises

And the court coming to distribute the proceeds of said Sale amounting to dollars, It is ordered that the Sheriff out of the Money in his hands, pay, First- The costs of this action, taxed at $ Secondly- The Taxes taxed at $11.26- Thirdly- To the plaintiff Mary E. Crow the amount heretofore found due her with interest to-wit; the Sum of dollars- Fourthly- To the defendant Samuel Crow the balance of the money remaining in his hands, to-wit; the Sum of dollars. Fifth, The cost of transfer and record of Deed from A. B. Robinson to said Samuel Crow taxed at $. 88-

Sixthly- It is further ordered that the Sheriff of Union County hold the last payment of Alimony heretofore granted to the plaintiff until the same becomes due and then pay the same over to said plaintiff, amount $100.00-

4451. Nelson P. Thompson vs F. A. Thompson and A. J. Thompson

This day came the plaintiff by Powell & Fulton attorneys, and thereupon came R. L. Woodburn one of the Attorneys of record of this court, who, by virtue of a warrant of attorney duly executed and now produced in open court and duly proven, waived the issueing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the Sum of $ 316.07. It is therefore considered that said plaintiff do recover of said defendants the said Sum of $ 316.07 so as aforesaid confessed to be due, together with costs of Suit herein to be taxed and with interest to be computed at the rate of Eight per centum per annum. And by virtue of said warrant of Attorney all Errors are released, and all right of appeal, and all right to file a petition in Error are Waived-

Monday, February 4th A.D. 1884

664 The State of Ohio vs William Irwin } Indictment- for Horse Stealing.

The defendant herein having been heretofore convicted of Horse Stealing was this day brought into Court, in Custody of the Sheriff, and informed by the court of the verdict of the jury and inquired of if he had anything to say why Judgment Should not be pronounced against him, and Showing no good and sufficient cause why Judgment should not be pronounced. It is therefore adjudged by the court that the said defendant William Irwin be confined and imprisoned in the peritentiary of this State and kept at hard labor, but without any solitary confinement for the period of Two Years, and that he pay the costs of this prosecution. for which Execution is awarded.

668 The State of Ohio vs Thomas Jefferson Gibson } Indictment for Burglary and Petit Larceny

The defendant herein, having on a former day of this term Entered a plea of guilty to the charge of the indictment in this case, was this day brought into court in custody of the Sheriff and inquired of if he had anything to say why judgment should not be pronounced against him, and Showing no good and sufficient cause why Judgment should not be pronounced, It is therefore adjudged by the court that the said defendant Thomas Jefferson Gibson be imprisoned and confined in the penitentiary of this State and kept at hard labor, but without any Solitary Confinement, for the period of One year, and that he pay the costs of this prosecution for which Execution is awarded. 668

662 The State of Ohio vs Asbury Johnson } Indictment- for Burglary and Petit Larceny. 664

The defendant herein having been heretofore convicted of Burglary and Petit Larceny was this day brought into court in custody of the Sheriff and inquired of if he had anything to say why judgment should not be pronounced against him, and showing no good and sufficient cause why judgment should not be pronounced It is therefore adjudged by the court that the defendant Asbury Johnson be imprisoned and confined in the penitentiary of this State, and kept at hard labor, but without any Solitary confinement. for the period of Two years. and pay the costs of this prosecution for which Execution is awarded- 663
And it is further ordered that J. S. McCampbell atty heretofore appointed to defend the prisoner in this cause be allowed $25.00 for his services in that behalf.

Monday February 4th A. D. 1884-

656 The State of Ohio } Indictment-for furnishing Intoxicating liquor to a person while
vs } intoxicated-
John Warner }

The defendant having on a former day of this term entered a plea of guilty to the charge of the indictment in this case was this day came into Court and being inquired of if he had anything to say why judgment should not be pronounced against him and showing no good and sufficient cause why judgment should not be pronounced. It is therefore adjudged that the said defendant John Warner pay a fine of Fifty dollars and the costs of this prosecution; and that he stand committed to the jail of Union County until the amount of said fine and costs shall be paid, or he be otherwise legally discharged.

To the Honorable John A. Price Judge-
Union County Ohio. To Thomas Loane Dr
Three meals for jury one ~~on the 2d day of Feb.~~ Two on the 3d day of February 1884 at $.75 each Total $ 13.00
This is to certify the above Meals were furnished by T. Loane on the 2d & 3d days of February 1884- John Hoobensack Sheriff.

The foregoing bill is approved & allowed and the Auditor of Union County is directed to draw his Warrant on the Treasurer of said county in favor of said Thomas Loane for said sum, $ 2250
John A. Price. Judge.

668 ~~Thos~~ State of Ohio } Indictment-for Burglary & Petit-Larceny
vs }
Thomas Jefferson Gibson }

J. B. Fulton attorney heretofore appointed by the Court to defend the prisoner in this case is allowed $ 25.00 for his services.

664 The State of Ohio } Indictment-for Horse Stealing.
vs }
William Irwin }

W. F. Hoops heretofore appointed to assist the Prosecuting Attorney in the prosecution of this case and R. L. Woodburn appointed to defend the prisoner are each allowed $ 25.00 for their services herein-

663 The State of Ohio } Indictment-for Burglary & Petit-Larceny-
vs }
William Irwin }

R. L. Woodburn heretofore appointed to defend the prisoner in this case, is allowed $ 10.00 for his services herein-

Monday February 4th. A. D. 1884.

The State of Ohio on relation
of S. B. Robinson
vs
The county Commissioners of Union county Ohio

This day this cause came on to be heard upon the demurrer to the Reply of plaintiff herein filed and the cause was argued by counsel and submitted to the court. On consideration whereof said court do sustain said demurrer and dismiss plaintiffs petition herein.

It is therefore considered and adjudged by the court that said plaintiffs petition herein filed be dismissed and that said defendants recover of said plaintiff their costs herein taxed to $ To all of which rulings of said court the said plaintiff by his attorney Excepts.

4341

4151 — Daniel R. Miller vs Stephen Cranston Adms

Cause continued with leave to plaintiff to file amended petition within thirty days from this date.

4151

4073 — Union Biblical Seminary vs Stephen Cranston Adms

Cause continued with leave to plaintiff to file Reply within thirty days from this date.

4073

No 3706 — R. L. Woodburn, L. Piper & J. W. Robinson vs A. C. Pearson et al

4145

The Executors of the Will of W. W. Woods having given Bond in the Probate court the attachment-proceedings in this case is by agreement hereby set aside.

3558

4327 — H. H. Justice vs John Wanner

660

This day came the parties by their attorneys and the plaintiff having failed to file amended petition within the rule of court heretofore entered on sustaining demurrer to the petition and being in default therefor. Moved the court for leave to file amended petition, on submission whereof the court overrule said motion and refused said leave. And thereupon the court find that at the commencement of this action the plaintiff was not entitled to the possession of the property in his petition described. And thereupon said cause coming on for hearing on application of defendant for inquiry into his rights in said

Feb. 4th A. D. 1884

property and assessment of his damages in the premises and was submitted to the Court upon the Evidence of both parties, both plaintiff and defendant orally in open court, waiving a jury and consenting to said submission to the court without the intervention of a jury and the court assenting thereto, And thereupon the court find that at the commencement of this action the right of property and possession in said property in the petition described was in the said defendant and the same having been delivered to plaintiff on his giving bond do assess the damages of defendant in the premises at $141.00-

It is therefore ordered and adjudged that the defendant recover of the plaintiff his damages as aforesaid assessed in the sum of $141.00 & his costs herein taxed to $ To all of which rulings the plaintiff excepts & moved the court for a new trial in this case, and said Motion being submitted was by the court overruled & to said overruling the plaintiff excepted-

4341	Loyola Morriss vs S. W. Vanwinkle et ae	This day the plaintiff took leave of the court to file an amended petition within 30 days from the rising of the court and cause continued-
4151	Daniel R. Miller &c. vs Stephen Crawford Admr &c.	Contd with leave to Pff to file amended petition in 20 days.
4073	Union Biblical Seminary vs Stephen Crawford Admr &c.	Continued with leave to Plaintiff to Replevin 20 days.
4145	David M. Robinson vs P. C. and St L. Ry Co.	Continued.
3568	Stephen Crawford et al. vs Orson Benton et al.	
660	The State of Ohio vs Isaac White	Indictment for Murder in the second degree. This case is continued until the next term of this Court.

Thereupon Court adjourned until 9 o'clock tommorow morning

Tuesday February 5th A. D. 1884

Court met this morning at 9 oclock the same officers being present as on Yesterday.

4329 Martha Jones et al vs J. W. Bridges

This cause being heard on the demurrer and motion to the petition, the court on consideration thereof, doth hereby sustain said demmurrer and motion to the plaintiffs petition, to which ruling of the court the plaintiff Excepts, and leave is granted to plaintiff to file amended petition within thirty days.

4291 Maria D. Robinson vs George C. Wilcox

This day this cause came on to be heard upon the pleadings & bibits and testimony was argued by counsel and the court being fully advised in the premises do find the Equity of the case in favor of the plaintiff upon the issues joined, that the plaintiff ought to make a warranty deed for the lot in the contract mentioned and an Easement in the road on the line indicated in said contract and that defendant ought to pay the balance of the consideration money on said contract with interest from December 18th 1882,

It is therefore considered, ordered and decreed that the plaintiff make and deliver a deed of general Warranty to the defendant for the lot in the petition described and an Easement for a road on the line indicated in said contract and it is further ordered and decreed that the defendant pay the plaintiff the sum of four hundred dollars the balance of the consideration money for said premises and interest from December 18th 1882.

It is further ordered that the plaintiff pay all costs of this action taxed to $ -

623 The State of Ohio vs Hugh J. Perry — Indictment for assault and Battery.

Now came the prosecuting attorney on behalf of the State of Ohio, also came the defendant, who being arraigned on said indictment for plea thereto saith he is guilty as charged in said indictment. It is therefore ordered and adjudged that the defendant Hugh J. Perry pay to the State of Ohio a Fine of Five dollars ($5.00) and the costs of this prosecution taxed, and Execution is awarded.

617 The State of Ohio vs Larson B. Harvey — Indictment for Seduction

Nolle prosequi is entered herein, by order of court at request of the prosecuting attorney.

4112

665

4392

4284

Tuesday February 5th A. D. 1884.

4412 Leegler, Barlow & Co
vs
J. M. Hoskins et.al

Now comes the plaintiffs by their attorney and the defendant J. M. Hoskins being in default for answer or demurrer the court find that the allegations of the petition are confessed by him to be true and that he is indebted to the said plaintiffs in the sum of $206.07- It is therefore considered that the plaintiffs Leegler Barlow & Co recover from the defendant J. M. Hoskins the said sum of $206.07 dr 8% int from this date and their costs herein expended, and as to the other defendants this cause is continued.

665 The State of Ohio
vs
William R. Shackelford } Indictment for assault with intent to commit a Rape

This cause being heard on the motion for a new trial, the court, on consideration, and for good cause shown, grant the same. The said verdict is accordingly vacated, and a new trial granted.

R. M. Conable & Co.
vs
D. Weisenberger et al.

This day came the Plaintiffs and the Defendants and it appearing that D. L. Gardner Assignee of D. Weisenberger has taken possession of the goods assigned, by consent the attachment is dissolved and the Sheriff directed to return to said Assignee the goods he had seized on the writ of attachment to be sold and the proceeds distributed as the Court shall hereafter order. And as to all the parties except D. Weisenberger this cause is dismissed without prejudice to the rights of any party to this cause and as to said D. Weisenberger this cause is continued.

4392 Union County Bank
vs
G. A. Argo et al } Court of Common Pleas, Union County, O.

Cause continued, with leave to Plaintiff to file amended petition within thirty days from this date.

4284 Hester A. McAllister
vs
Phoebe Hrice et al. } This day came on this cause to be heard on the demurrer to the petition whereupon the Court sustains said demurrer and this cause is dismissed at Plaintiffs costs without prejudice to the Plaintiffs right of recovery from the Administrator of the Estate of W. D. Hrice for the improvements &c performed on said land referred to in said petition. No Record. It is therefore considered and adjudged by the Court that defendants recover of Plaintiffs their costs herein taxed to $.

Tuesday, Feb. 5th A. D. 1884

3706	R. L. Woodburn L. Piper and J. W. Robinson vs A. C. Pierson et al.	4422

This day came on this cause to be heard by the Court upon the Report of F. F. Arthur filed Feb. 2nd 1884 on the motion of Plaintiffs to confirm and the motion of the Executors of the Will of W. W. Woods to set the same aside.

Whereupon the Court being fully advised in the premises do confirm and approve said report and order judgment thereon according to said Report. It is therefore considered and adjudged by the Court that the said Report be and it is hereby approved and that the said Plaintiffs recover of the Marysville Spoke & Butter Tub Manufacturing Company the said sum of $19.200.00 and their cost herein taxed with interest from the 20th day of Dec. 1883 the same as was adjudged in this cause by this Court Dec. 20th 1883. And for the purpose of satisfying said Judgment and interest and cost it is considered ordered and adjudged by the Court that the several stock holders in said incorporated Company be held liable to pay thereon an amount equal to the face value of the stock and it is therefore considered, ordered and adjudged by the Court that the plaintiffs recover of the said Executors of the Will of W. W. Woods the sum of fifty three hundred Dollars on account of the 53 shares of stock owned by his estate. And it is further considered ordered and adjudged by the Court that the Plaintiffs recover of George Holland the sum of Twelve hundred dollars on account of the 12 shares of stock owned by him. And the Court further consider and adjudge that the costs of this cause including a fee of $60.00 for F. F. Arthur on his first Report and $30.00 on his second Report, be paid out of the sums which may be collected by Plaintiffs upon the several Judgments rendered against the several stockholders. And the Court consider order and adjudge that the said Executors of the Will of W. W. Woods decease have no right or claim against the said Incorporated Company for the services of said Woods as claimed in their answer and Cross petition and therefore said claim is hereby dismissed by the Court to all of which rulings and Judgments of the Court the said Executors Except. And as to the Receiver appointed this cause is continued for his report. And thereupon the counsel for the Executors of the Will of W. W. Woods deceased gave notice of their intention to appeal this cause to the District Court so far as it relates to said Judgment against them and the Court further find that the said Executors of the Will of W. W. Woods deceased having given bond as Executors in the Probate Court of Union County, Ohio, no further bond is required to perfect the appeal in this case.

4421

Tuesday, Feb. 5th A.D. 1884

4422 Azubah Case vs Manerva Sanderson et al.

Now came the Plaintiff herein, and the Defend=ants being in default for answer and demurrer, the Court find the allegations of the Petition are confessed by them to be true and that said James Sanderson now is and at the time of executing said note was insolvent. The Court further finds that the defendants James Sanderson & Manerva Sanderson are indebted to the Plaintiff on the note set forth in Plaintiffs Petition in the sum of Sixty six and 52/100 Dollars including interest computed to Feb. 4th 1884. The Court further finds that the Defend=ant Manerva Sanderson, at the time of incurring her liability intended to and did charge her separate property and estate with the payment of the same.

It is therefore considered by the Court that the Plaintiff Azubah Case recover from the Defendant Manerva Sanderson the said sum of Sixty Six and 52/100 Dollars with 8 p% interest from Feb. 4th 1884, and her cost herein expended and execution is awarded against the separate property and estate of said defendant therefor.

4421 A. J. Carpenter vs Wm. T. Meremus et al.

And now comes the said A. J. Carpenter and the said defendants still failing to answer or demur to said petition, it is considered that the said Plaintiff is entitled to an account of the money due him in the premises and the Court after hearing the evidence, do find that there is due to said Plaintiff, on the notes and Mortgage in said petition described (interest computed to Feb. 3rd 1884) the sum of Two Hundred & thirty two 70/100 Dollars ($232.70) It is therefore considered by the Court here, that the said Plaintiff recover of the said Defendant Wm. T Meremus, the said sum of Two Hundred and thirty two and 70/100 Dollars, the sum so found due as aforesaid, with interest from the 3rd day of Feb. 1884, and also his cost taxed to $. And it is further ordered and adjudged that, in case the said Defendant fails for three days from this 4th day of Feb. 1884, to pay to the said Plaintiff the said sum of Two Hundred & Thirty two and 70/100 Dollars so as aforesaid found due, with interest from the 3rd day of Feb. 1884 at 6 p% 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, advertised and sold according to law and apply the proceeds of said sale in satisfaction of the said sum so found due with costs of suits

Tuesday Feb. 5th 1884

David W. Stackstill and David C. Stackstill
Partners in the firm name of D. W. Stackstill & Co.

4155 vs

John W. Hoyt Survivor &c.

This day came on this cause to be heard by the Court, both parties having waived the trial by Jury. Whereupon the Court after hearing the evidence and arguments of Counsel of the parties do find for the Defendant upon the issue joined in the case. Therefore it is considered and adjudged by the Court that the attachment be and the same is discharged, and thereupon the Plaintiff moved the Court for a new trial which motion the Court overruled, to which finding of the Court and the said ruling of the Court the Plaintiff excepted. Whereupon it is considered and adjudged by the Court that the Defendant go hence without day and recover of the Plaintiff his costs herein taxed to $. C.

And for the purpose of preparing and filing a Bill of Exceptions this Journal is on Plaintiffs Motion kept open for thirty days as provided by law.

James Williams
vs
4382 William Lightlinger

And now this cause coming on for hearing upon the pleadings and evidence was submitted to the Court without the intervention of a Jury, On consideration whereof the Court find that the defendant is indebted to the plaintiff in the sum of $100.00 It is therefore considered by the Court that the said plaintiff recover from the said Defendant the said Sum of $100.00 and his cost herein expended taxed at $. C.

John Paonn
vs
4405 D. H. Rosette & Co.

And now this cause coming on for hearing upon the pleadings and evidence and the defendants being in default for answer or demurrer and the Court being fully advised in the premises find that the defendants are indebted to the Plaintiff in the sum of $207.70 C.

It is therefore considered by the Court that the said plaintiff recover from the said Defendants the said sum of $207.70 and his cost herein taxed at $.

Louisa D. Skidmore
vs
4159 Lawson B. Harvey

This cause is dismissed without prejudice at cost of plaintiff. It is therefore considered, ordered and adjudged by the Court that the defendant recover of the plaintiff his cost herein taxed at $. C.

Tuesday. Feb. 5th 1884

To the Honorable John A. Price Judge. Union County. Ohio.
To John Hobrusack. Sheriff. Dr. Henry H. Hobrusack. Deputy Sheriff.
in attendance on Grand Jury 6 days at $2.00 perday $12.00
D. T. Elliott special Deputy 21 " " " " " 42.00
$54.00

Feb. 5th 1884. John Hobrusack. Sheriff.

To the Honorable John A. Price Judge. Union County. Ohio.
To John Hobrusack. Sheriff. Dr.
Serving and returning special Venire of 16 for a jury in the case of State of Ohio vs L. B. Haney $5.50
Feb. 5th 1884 John Hobrusack. Sheriff.
Feb. 5th 1884
The foregoing bills approved and allowed. Clerk will make proper entry accordingly.
John A. Price. Judge.
C.

To the Honorable John A. Price Judge.
Union County Dr. To John Hobrusack. Sheriff. for services of Thomas Martin Special Bailiff attending Court during the Argo trial 21 days at $2.00 perday = $42.00
Service of D. T. Elliott 24 days at $2.00 perday 48.00
" " Henry Hobrusack 23 " " " " " 46.00
I certify that the above bill is correct. John Hobrusack. Sheriff. $136.00
The above is approved and ordered to be paid.
The Clerk will make proper entry accordingly.
John A. Price. Judge.
C.

To the Honorable John A. Price Judge.
Union County Dr. To John Hobrusack in Argo trial
One Special Venire 20 names 10.00
Two regular " at $4.00 each 8.00
$18.00

The above is approved and ordered to be paid.
The clerk will make proper entry accordingly—
John A. Price. Judge.
C.

J. D. Bingner Clerk, Court Common Pleas. Union County. Ohio.
Union County To John Hobrusack Dr. For Jan. Term 1884.
To serving and returning Venire for Grand Jury 4.00
" " " " " of 20 names for Petit Jury 6.50
To service, copies and mileage Grand Jury witnesses 121.22
$131.72

John Hobrusack Sheriff. Union County. Ohio.

C. I hereby certify the above and foregoing bill to be correct as appears by return of the said Sheriff on said Venires and subpoenas.
J. D. Bingner Clerk

Tuesday, Feb. 5th A. D. 1884.

4176 Harriett Alexander
vs
W. H. Corbright as Admr with the Will annexed of Nicholas Money Deceased

This day came the parties by their attorneys and thereupon this cause came on to be heard upon the demurrer of the defendants to the fourth amended petition of said Plaintiff and was argued by counsel and submitted to the Court.

On consideration whereof the Court being fully advised in the premises do sustain said demurrer to which ruling the Plaintiff by her Counsel excepted. And the Plaintiff not further desiring to amend her petition, it is considered ordered and adjudged by the Court that this cause stand dismissed at the cost of the Plaintiff and it is further adjudged that the Defendant recover of said Plaintiff his cost herein expended taxed at $.

4390 William M. Watson
vs
Nancy Watson of W. M. Watson dec'd, Margaret Finley & Evans Finley, her husband, Bell Madder & John Madder her husband, Samuel Watson, David H. Watson, Cornelia Walker & Luther Walker, her husband.

And now comes the parties herein by their attorneys, and thereupon this cause came on to be heard, upon the petition for partition, and the consent to the petition therein prayed for, being entered in open Court, by each of the defendants herein, by E. E. Cale Esq. their attorney, in accordance with the separate answers of each of the defendants heretofore filed herein; The Court find that the plaintiff Wm. M. Watson, and the defendants Margaret Finley, Bell Madder, Samuel Watson, David H. Watson, and Cornelia Walker, are tenants in Common, in the estate described in the petition, and that the defendant Nancy Watson is entitled to dower therein: That the plaintiff has a legal right to the one sixth part thereof, and the defendants, Margaret Finley, Belle Madder, Samuel Watson, David H. Watson and Cornelia Walker have a legal right to the five sixths part thereof. 4328

It is therefore ordered, adjudged and decreed, by the Court, with the consent of all the parties herein, that partition of said estate be made, as prayed for in the petition. And it being necessary that Commissioners be appointed to make the same, it is ordered and decreed, by the consent of all the parties, that the plaintiff, William M. Watson, have and hold in severalty, and divested of any claim of dower by said Nancy Watson, who hereby relinquishes all claim for dower in this partition of said estate, the part of said estate described as follows, to wit= Beginning at the North East corner of the land described in the petition and at the South East corner of lands now owned by ____ Peters, and in the centre of the Marysville and Milford Centre, gravel road. Thence westerly with the north line of said land described in the petition, to the northwest corner thereof. Thence southerly, with the west line of said land, One Hundred and ten (10) feet to a stone in said line; Thence S. 36° E. about 160 poles, parallel with the line first above described, to the centre of said Marysville & Milford Centre gravel road. Thence northerly with the centre of said road, to the place of beginning, containing Six acres and two thirds of land, more or less, exclusive of the Railroad, and that the defendants, Nancy Watson, Margaret Finley, Belle Madder, Samuel Watson, David H. Watson and Cornelia Walker, have and hold jointly and in common, the residue of said land described in the petition.

And the Clerk of this Court is hereby directed to have so much of this decree, as will show the transfer of title to the said parties, put on record in the office of the Recorder of this County.

As to the taxation of costs and expenses herein this cause is continued.

4155

Entered March 5th A/1884.

4268

Tuesday Feb. 5th A.D. 1884.

4155 D. W. Stockstill & Co.
vs
John W. Hoyt, Surviving partner

Entered March 5th 1884.

Common Pleas, Union County, Ohio.

This day came the said D.W. Stockstill & Co. and presented his certain Bill of Exceptions herein which being found by the Court to be true is allowed signed and sealed, and on motion is hereby made part of the record in this case.

4268 R.W. Connell
vs
Trustees of Claibourne Tp

This day came the parties to this action by their Attornies and this cause coming on to be heard, and was by agreement of parties submitted to the Court upon an agreed statement of facts, furnished the Court, and the Court being fully advised in the premises and upon consideration thereof do find for the Plaintiff and assess his damages against the defendant in the sum of $15.50 with interest from Feb. 18th 83. Wherefore it is ordered and adjudged by the Court that the plaintiff recover of the defendants the sum of $16.40 and his cost laid herein to $. Whereupon the defendants moved the Court for a New Trial, which was overruled by the Court, to which defendants except, and 30 days is allowed by the Court for filing a bill of exceptions.

Ex parte proceeding

4328 A. North et al

This day this cause came on for hearing upon the petition of the Trustees of the Baptist Church of Mingo, Champaign County, Ohio, and the Trustees of the Baptist Church of Allen Centre, Union County, Ohio, and the evidence and upon hearing it appears that the sale of the property described in the petition, is desired by the members of the society of the Baptist Church of Mingo, Champaign County, O, and also by the society of Baptist Church of Allen Centre, Union County, Ohio, and that it is right and proper that authority be given to accomplish the same. It is hereby ordered and decreed by the Court, that said petitioners A. North, M. F. Williamson and David Johnson as trustees of the Baptist Church of Mingo, Champaign County, Ohio, and Henry Paling, Cyrus Paling and J.B. Paling as trustees of the Baptist Church of Allen Centre, Union County, Ohio, are hereby authorized and empowered by the Court to sell the premises as described in their petition at private sale and to report their proceedings to this Court forthwith.

Thereupon Court adjourned without day and all cases not otherwise disposed of are continued.

Attest J. W. Bergen Clerk

Supreme Court of the State of Ohio.

The State of Ohio,
City of Columbus. } January Term A. D. 1884

David Mulford et al.
vs.
John D. Southard 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 are 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 District Court of Union County, "for entry."

I, J. M. Cruikshank 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 12th day of Feby A. D. 1884.

J. M. Cruikshank Clerk.
By J. W. Sloane Deputy.

4487

4304

4320

4469

Francis M. Dort
vs.
T. T. Kilbury, Henry Koerner and McKendree Bishop as Trustees of Jerome Township Union Co. O. and L. C. McDowell

In Union County Common Pleas.
Before Probate Judge.
Temporary Injunction. Feb. 26th 1884.

This day came the Plaintiffs by his Attorneys and on his motion and affidavits herein filed, and on good cause shown and it appearing to the Court that at this time there is no Supreme or Common Pleas Judge in said County; It is ordered, That an injunction be issued hereon enjoining the defendants from disturbing the line fence between the said Francis M. Dort and L. C. McDowell by changing and altering the post thereof to be held and kept in repair by the said Dort and McDowell as prayed for in said petition, until the further order of the Court of Common Pleas or a Judge thereof, or otherwise dissolved by due Course of law, upon the Plaintiff giving an undertaking in the sum of $100.00 conditioned according to law, with sureties to the approval of the Clerk of the Court of Common Pleas of Union Co. Ohio

sureties to the ap

In Vacation.

4482	Isaac Haley vs John S. Connell Nancy J. Connell H. J. Kling	In Union Common Pleas Court. Before Probate Judge. Temporary injunction. March 11th 1884.

This day came the Plaintiffs by his Attorneys and on his motion and affidavits herein filed, and on good cause shown and it appearing to me that at this time there is no Supreme or Common Pleas Judge in said County:
It is ordered, that an injunction be issued hereon enjoining the defendant from interfering with the said Plaintiffs peaceable occupancy of the lands described in Plaintiffs petition by Execution for restitution or otherwise. as prayed for in said petition, until the further order of the Court of Common Pleas or a Judge thereof, or otherwise dissolved by due course of law, upon the Plaintiff executing an undertaking in the sum of $100.00 conditioned according to law, with sureties to the approval of the Court of Common Pleas of Union County, Ohio. John B. Coats. Probate Judge. (Seal)

4504	J. T. Wells vs C. Aultman & Co. et al John T. Johnston Sheriff &c	Befor Probate. In Vacation. Temporary Injunction. March 27th 1884.

This day came the Plaintiff by his Attys. and on his motion and affidavits herein filed, and on good cause shown and it appearing to me that at this time there is no Supreme or Common Pleas Judge in said County:
It is ordered, that an Injunction be issued hereon enjoining the defendants from proceeding further from collecting, or attempting to collect the judgments described in Plaintiffs petition, as prayed for in said petition, until the further order of the Court of Common Pleas or a Judge thereof, or otherwise dissolved by due course of law, upon the plaintiff executing an undertaking in the sum of $150.00 conditioned according to Law, with sureties to the approval of the Clerk of the Court of Common Pleas of Union County, Ohio. John B. Coats.
Probate Judge. (Seal)

4320	Charles Greene et al vs Sarah L. Moser et al	In Union County Common Pleas Befor Probate Judge. Temporary Injunction April 3rd 1884.

This day came the plaintiffs by their Attys and on their motion and affidavits herein filed and on good cause shown and it appearing to me that at this time there is no Supreme or Common Pleas Judge in said County: It is ordered, That an injunction be issued hereon enjoining the defendants from proceeding at Law befor Henry Highbarger a Justice of the Peace of said County in forcable entry and detention to obtain possession of the lands in the petition described and enjoining said Henry Highbarger from proceeding in the action now pending before him and to restrain said Sarah L. Moser from proceeding in any cause at law until this case can be heard and determined as prayed for in said petition, until the further of the Court of Common Pleas or a Judge thereof, or otherwise dissolved by due course of law upon the plaintiff executing an undertaking in the sum of $200.00 conditioned according to Law with sureties to the approval of the Clerk of the Court of Com. Pleas of Union County, Ohio. John B. Coats. Probate Judge. (Seal)

~~Monday April 7th 1884~~

4488 Isaac Stofer vs O.B. Mather & Ed Mather } Before the Probate Judge, Union County, O.

And now on this 17th day of March 1884 came the plaintiff by Carpenter and Woodburn their attorneys; and it being made to appear that there is at this time no common Pleas, District, or Supreme Judge within said County, the motion of Plaintiff for a temporary injunction came on and was heard upon the petition of the plaintiff Isaac Stofer therein filed, and after hearing the argument of Counsel, and being fully advised in the premises, it is considered and ordered that a temporary injunction be, and the same hereby is allowed in this case to restrain the said defendants O.B. Mather and Ed. Mather from collecting any of said accounts in said petition mentioned, or doing anything whatever in the matter mentioned therein in the aforesaid petition as prayed for in said petition of plaintiff.

It is further ordered that the Clerk of the Clerk of the Court of Com. Pleas issue Summons in this cause endorsed "injunction allowed," and said plaintiff giving an undertaking to said defendant conditioned according to law, with security to be accepted by the said Clerk of the Court of Com. Pleas, in the sum of $500.00

John B. Coats, Probate Judge.

Samuel B. Woodburn, Israel Slack and Andrew H. McCampbell vs Wm. M. Liggett et al } In Union Common Pleas Court. Before Probate Judge. Temporary Injunction. April 3rd 1884.

4508

This day came the Plaintiff by his Attorneys and on his motion and affidavits herein filed, and on good cause shown and it appearing to the Court that at this time there is no Supreme or Common Pleas Judge in said County: It is ordered, that an injunction be issued hereon enjoining the defendants from paying or negotiating the order issued as prayed for in said petition and interfering with the distribution or payment of moneys taxed and assessed for the improvement of the said as mentioned in the petition, as prayed for in said petition, until the further order of the Court of Common Pleas or a Judge thereof, or otherwise dissolved by due course of law, upon the plaintiff entering an undertaking in the sum of $100.00 conditioned according to law with sureties to the approval of the Clerk of the Court of Common Pleas, Union County, Ohio.

John B. Coats, Probate Judge. (L.S.)

Monday April 14th A.D. 1884.

This separate session of the Court of Common Pleas of the 10th Judicial District of the State of Ohio, within and for the County of Union for the Term of April in the year of our Lord, One Thousand Eight Hundred and Eighty four, was begun and held at the Court House in the Town of Marysville, County and State aforesaid, on Monday April 14th A.D. 1884.

John A. Price, Judge.

Present.

John M. Braddick, Pros. Atty. Jno. Hobrusack, Sheriff.

Attest. J. L. Brugner, Clerk.

The venire facias for a grand jury heretofore issued returnable this day at 9. O'clock A.M. was duly returned by the said Sheriff with his endorsements thereon as follows, to-wit=

T. S. Lourless	Served personally.
C. W. Smith	" "
Joseph O'Harra	" "
James Haines	" "
John Rathburn	" "
P. J. Wyeth	" "
David Hall	" by copy
Joseph F. Woods	" " "
John Rausch	" " "
John M. Longbrake	" personally
Lester Clark	" "
Abraham Carow	" "
J. L. Sharp	" " "
J. W. Bell	" "
George Parthemore	" " "

John Hobrusack, Sheriff Union Co. O.

And upon calling the same in open Court the panel being found complete by each juror answering thereto, the Court appointed C. W. Smith Foreman of the Grand Jury, who, with six fellow jurors took the oath in manner and form prescribed by law; And the said Jury being instructed by the Court were conducted to their room attended by the Sheriff for deliberation.

The following named persons compose the Grand Jury, to-wit=

T. S. Lourless, Joseph O'Harra, James Haines, John Rathburn, P. J. Wyeth, David Hall, Joseph F. Woods, John Rausch, John M. Longbrake, Lester Clark, Abraham Carow, J. L. Sharp, J. W. Bell, George Parthemore, C. W. Smith Foreman.

Monday, April 14th A.D 1884

#468	John L. Powers vs Charles A. Powers et al	In Partition. Entry of appointment of Guardian ad-litem and Trustee.

It is ordered by the Court that A. H. Beightler be and he is hereby appointed Guardian Ad-litem to the defendant Thomas A. Powers, an infant named in the petition. It is also ordered by the Court that the said A.H. Beightler be and he is hereby appointed Trustee for the suit to the defendant James T. Powers, a person of unsound mind named in the petition. And the said A.H. Beightler appeared in open Court and accepted said appointment and filed his answers as such Guardian ad-litem and Trustee.

4431	F. T. Arthur Guardian of Mary Etta Richey vs Almira S. Richey	

On motion of the Plaintiff and upon producing the return of the Sheriff of his proceedings and sale under the former order of this Court, and the Court being satisfied on examination that the same have been had in all respects according to law, the said proceedings and sale are hereby approved and confirmed and the said Sheriff is ordered by deed duly executed to convey the premises described in the order of sale to James B. Whelpley the purchaser of said premises in fee simple. The Court further find that said premises are situated in Summit Nos. 335-1 and 336-4 instead of all in 3354 as described in the order of sale, and the Court orders said Error corrected in deed of Sheriff as well as of record.

It is further ordered that the Sheriff out of the proceeds of said sale pay first to the Clerk of this Court the cost herein, including a fee of $61.75 to plaintiffs Attorney and the taxes that are a lien, total $123.31 Second, that the remainder of the money having been and balance is this day paid into Court, be divided between F. T. Arthur as Guardian of Mary Etta Richey and Almira S. Richey according to their respective shares as follows, Fourteen thirty ninths (14/39) to Almira S. Richey being $635.72 and Twenty five thirty ninths (25/39) to F. T. Arthur as Guardian of Mary Etta Richey being $1491.47

Monday, April 14th A.D. 1884

David M. Robinson

#1145 vs

P. C. & St L. Railway Co.

This day came on this cause to be heard on the motion of defendant to make the second cause of action more definite and certain. Whereupon the Court being fully advised in the premises overrules said motion to which defendant excepts.

John L. Powers

#1468 vs

Charles A. Powers et al

Order of Partition

This cause came on to be heard upon the petition of John L. Powers, the answer of Ellen Powers widow, the answer of Guardian ad litem of Thomas A. Powers, an infant defendant, and the answer of the Trustee for the suit of James T. Powers defendant, who is a person of unsound mind and the exhibits, On Consideration whereof and it appearing to the satisfaction of the Court that all the parties hear had due notice of the pendency and demand of the said petition as required by law, and that the petitioner has a legal right and estate in the premises described in the petition, and as therein set forth, and no sufficient reason appearing why partition should not be made it is ordered by the Court that by the oaths of A. D. Mowry, Luther Turner and John Wiley three judicious disinterested freeholders of the vicinity one full and equal third part of the lands in said petition described, be assigned and set off to the said Ellen Powers as her dower estate; and that by the like oaths of the same persons partition be made of the said lands, subject to the said dower estate, in the following proportions, to wit=
To John L. Powers one equal ninth part.
To Charles A. Powers, William, William M. Powers, Joseph W. Powers, Phoebe A. Harris wife of George W. Harris, Napoleon B. Powers one equal ninth part each, if the same can be done without manifest injury to the premises, and if in their opinion the dower cannot be assigned and a division so made without manifest injury to the premises, then and in that case that they return the true value in money of said premises to this Court without assignment of dower. And it is further ordered that a Survey be made of the premises, kept the seven acres lot in the Corporation of Marysville Ohio in the petition mentioned in parcels and the exact quantity of land ascertained, and that a writ of Partition issue to the Sheriff of this County, commanding him to cause said dower to be assigned, and said premises and survey to be made in accordance with this order.

Thereupon Court adjourned until to morrow at 8.30 a.m.

Tuesday April 15th A.D. 1884

Court met pursuant to adjournment at 8.30 A.M. the same officers being present as on yesterday.

4466 John D. Southard vs Sol. S. Drake et al — Dr partition.

This day came all the parties in this case and submitted this cause to the Court on motion for order of partition. Whereupon the Court find that the said John D. Southard is a tenant in Common with said defendants in the lands in petition described and is entitled to partition as prayed for and that the several parties are the owners of said lands in the following proportions, to-wit:- Plaintiff 3/7 parts thereof, Sol. S. Drake 2/7 parts thereof, Abraham Drake 1/7 part thereof- Abraham Drake 1/7 part thereof- John A. Bayley 1/21 part thereof, Lewis C. Bayley 1/21 part thereof and Charles A. Bayley one twenty first thereof. That said Lewis C. Bayley is under the guardianship of Newman G. Dillon and that Catherine M. Bayley is entitled to hold one third of their 1/7 as dower, as the widow of George W. Bayley deceased, and that she has filed her answer asking money of the value of her said dower in case of the sale of the said premises in lieu of her dower therein. 4152

It is therefore ordered by the Court that James Herd, Levi Rea and A. S. Mowry three disinterested freeholders of the vicinity, not of kin to either party, be, and they are appointed Commissioners in Partition and the Sheriff of this County is Authorized and Ordered by the oaths of said Commissioners to set off to said Plaintiff in severalty 3/7 of said lands, to Sol. S. Drake 2/7 of said lands, to Abram Drake 1/7 thereof, and in case of division that they set off the said shares of Sol. S. Drake and Abram Drake together in one body, To John A. Bayley, Lewis C. Bayley and Charles Bayley each 1/21 thereof subject to the dower of Catherine M. Bayley and that by the like oaths he set off to the said Catherine M. Bayley her said 1/3 in said 1/7 of said Bayleys.- 4151

The Court further order that if the said Commissioners in Partition shall be of the opinion that said lands cannot be so divided without manifest injury then that they do so report and not set off said dower but cause said lands to be surveyed and return their appraisement of said farm clear of all incumbrances of taxes and dower forthwith. 4073

And as to all questions arising from the use of said premises and from the sale thereof for taxes the cause is passed until the report of said Commissioners shall be filed. 4458

Fullington and Phelps

4419 vs

Rodgers and Thompson

On application of defendants the defendants have leave to file answer any day during this week.

Tuesday April 15th A.D. 1884

Sampson Blue

4305 vs

Anthem Bailey et al

On motion to the Court and it being made to appear that since the Commencement of this suit that John M. Blue has been duly appointed and qualified as guardian for the estate of said Sampson Blue it is by the Court here ordered that said John M. Blue be and he is hereby substituted as next friend for said Sampson Blue in lieu of said J.L. Fish and the further proceedings in this case is ordered to be conducted in the name of said John M. Blue as Guardian for said Sampson Blue. And thereupon came said John M. Blue and filed his reply herein to the answer of said Anthem Bailey.

Cora E. Fogle

4152 vs

E. Hildebrand et al

Now comes the Plaintiff, and dismisses this action at her own costs without prejudice.

It is therefore considered that the defendants recover their own costs herein taxed at $.

Daniel R. Miller, for the use &c. vs Stephen Cranston Admr &c. — 4151 — Cont'd, with leave to Plaintiff to file an amended petition in thirty days from the rising of the Court.

Union Biblical Seminary vs Stephen Cranston Admr &c. — 4072 — Cont'd with leave to plaintiff to file Reply in thirty days from the rising of Court.

W. H. Conkright vs Elizabeth Wells & Orlando Wells — 4458

Now comes the plaintiff by his Attorneys and the defendants being in default for answer or demurrer, the Court finds that due and legal notice of this suit has been made by the service of Summons upon the said defendants and that the allegations of the petition are confessed by them to be true and that they are indebted to the plaintiff in the sum of $120.60

It is therefore considered by the Court that the said plaintiff W. H. Conkright recover from the said defendants Elizabeth Wells and Orlando Wells the said sum of One Hundred and Twenty and 60/100 Dollars with 6% interest per annum from the 14th day of April 1884 and their costs herein expended taxed to $

Tuesday April 15th 1884

A. T. Carpenter

4421 vs

Wm T. Menees et al

On motion of the Plaintiff and on his producing the return of the Sheriff of the sale made under the former order of this Court and the Court on a full examination of the proceedings of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and the orders of this Court, it is ordered that the said proceedings and sale be and they are hereby approved and confirmed. And it is further ordered that the Sheriff convey to the purchaser A. T. Carpenter by deed in fee simple the lands and tenements so sold (and the said purchaser is hereby subrogated to all the rights he already has by virtue of his lien for purchase money for said premises, so far as said lien may be paid herein for the protection of his title) and a writ of possession is awarded to put said purchaser in possession of said premises.

And the Court coming now to distribute the proceeds of said sale amounting to $1045.00 it is ordered that the Sheriff out of the money in his hands pay=

First, the costs of this action taxed to $29.79

Secondly, To the Plaintiff the amount heretofore found due him, with interest, to-wit=$

Thirdly, It appearing that there is still owing to Plaintiff on said indebtedness seven notes of $142.29 each, or the sum of $996.03 which while not yet due is secured by mortgage and is the first or best lien thereon it is ordered that the remaining balance in the Sheriffs hands be also paid to the Plaintiff to apply on said indebtedness, to-wit= the sum of $

Jail report 16

661

R. Kerr

4178 vs

T. P. Gratty et al

This day this cause came on to be heard upon the Demurrer of plaintiff to the answer of the defendants, was argued by counsel and submitted to the Court Whereupon the Court upon consideration thereof overrule said demurrer, to which plaintiff excepted.

Tuesday, April 15th A.D. 1884.

Grand Jury Report.

This day appeared at the Bar of this Court the Grand Jury heretofore impannelled and sworn in and for the body of the County of Union and State of Ohio, to wit = I. S. Loveless. Joseph O'Harra. James Haines. John Rathburn. P. J. Wyeth. David Hall. Joseph F. Woods John Rausch. John M. Longbrake. Lester Clark. Abraham Groves. J.L. Sharp. J.W. Bell. George Parthemore and C.W. Smith, Foreman. and presented through their Foreman, their certain bill of indictment against Silas Bailor for assault with intent to wound, endorsed "a true bill, C.W. Smith, Foreman of the Grand Jury."

Jail report &c. To the Honorable John A. Price, Judge of the Court of Common Pleas, Union County, Ohio, The Grand Jury of the Court of Common Pleas of said County, of the April Term, 1884, beg leave to report that they have been in session two days, and herewith return to the Court the indictments presented by said Jury: We have carefully examined into all such matters as have legitimately come to our notice, having examined Six witnesses, covering three cases and presented one bill and ignored two cases considered by us, and one case not considered on account of failure of witnesses to attend. The business has been transacted in as expeditious a manner as possible.

During our Session we have visited the County Jail and made a complete examination thereof, and find that the rules prescribed by the Court for the care thereof and for the government of its inmates, have been carried out and properly enforced. Marysville O. April 15th 1884

Respectfully submitted, "C.W. Smith Foreman."

661 State of Ohio vs John S. Scheidener } Indictment for assault and Battery.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the defendant being in Court and also represented by Counsel, Thereupon the defendant withdrew his plea of "not guilty" heretofore entered herein and for plea to said indictment saith he "is guilty" and having nothing to say why sentence should not be pronounced against him, therupon it is considered, ordered and adjudged by the Court that said John S. Scheidener pay a fine of ten Dollars and the costs of prosecution herein taxed to $- and the said defendant to stand committed to the Jail of Union County, Ohio, until said fine and costs are paid, and sentence is awarded.

Thereupon Court adjourned until tomorrow at 8:30 A.M.

Wednesday, April 16th 1884

Court met this a.m. at 8.30 O'clock, pursuant to adjournment, the same Officers being present as heretofore.

4239 John Smith vs William Murphy

This day this cause came on to be heard and upon the motion and showing of the defendant the above case is continued at the defendants cost of this Term with leave to the defendant to answer within 20 days from the rising of the Court.

It is therefore considered and adjudged that the defendant pay the cost of this Term taxed at $-

4433 M. Thompson vs Buckeye Ins. Co. } Leave is given to defendant to file amended answer by Tuesday April 22-1884.

4115 First Nat. Bank of Drl. vs John Rodgers et al

This day came the parties plaintiffs and dismissed this cause without prejudice. Therefore it is considered and adjudged by the Court that the plaintiffs within ten days pay the costs herein expended taxed at $- and this cause stands dismissed without prejudice to another action.

4413 Bank of North Lewisburg vs J. M. Alexander } Replevin

The plaintiff having failed to get its writ of replevin served, now dismisses this action without prejudice and without record. It is considered therefor that plaintiff pay the cost herein in ten days and in default thereof that execution issue therefor.

4056 V. J. Case vs Peleg Cranston Admr } 4487

This cause having been settled by the decree of the District Court of this County in the Case of V. J. Case against Clinton W. Case et al in the same is dismissed at the costs of the defendant to be paid as Admr of the Estate of Newton Case deceased, with record as consolidated with said cause in the District Court.

4464

Wednesday April 16th 1884

#464 James Wilson vs Charles Lash } Union Common Pleas.

This cause now coming on for hearing on the petition the Court find that the defendants, have been duly served with Summons in this cause, and that they are in default for answer or demurrer, and that the allegations of the petition are confessed by them to be true, and that there is due the plaintiff from the defendant Charles Lash, on the promissory note set forth forth in the petition, with 6% interest from this date, the sum of One Hundred and eight dollars and twenty five cents ($108.25) The Court further find, that in order to secure the payment of said note, the defendants, Charles Lash and Mattie M. Lash his wife, executed and delivered to said James Wilson, the Plaintiff, their certain mortgage as in the petition described, and on the premises therein described, that said mortgage was duly recorded in Book 16 page 450 of the record of Mortgages of Union County, Ohio, and is a good and valid lien on said premises described in the petition, and that the conditions in said mortgage have been broken.

It is therefore considered, ordered and adjudged by the Court, that the plaintiff recover from the defendant, Charles Lash, the said sum of One Hundred and eight dollars and Twenty five Cents, with 6% interest thereon from this date, and his costs herein expended.

It is further adjudged and decreed, that unless the defendants Charles Lash, shall, within ten 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 herein, the sum so found due as aforesaid, with interest from the date of this entry, the defendants equity of redemption be foreclosed, and said premises be sold, and that an Order of sale issue therefor to the Sheriff of Union County, directing him to appraise, advertise and sell said premises as upon execution and report his proceedings herein to this court for further order.

#487 G. W. Sewellen vs Abraham Hedges, M. W. Hill & Newton Pierce } And now comes the said G. W. Sewellen Plff by his Atty and the said defendants having entered their appearance herein and having failed to demur or answer to the petition of the said plaintiff the same is therefor taken to be true, and it is considered that the said G. W. Sewellen, Plaintiff, ought to recover the said sum of $205.83 so demanded in his petition, together with the sum of $2.63 which the Court find due as the interest thereon, as prayed for in said petition: It is therefor considered that the said G. W. Sewellen Plaintiff recover against the said Abraham Hedges, M. W. Hill and Newton Pierce defendants the said sum of $208.46 together with his costs in and about this suit expended, taxed to $—

Thereupon Court adjourned until to-morrow at 8.30 a.m.

Thursday April 17th 1884

Court met at 8.20 a.m. pursuant to adjournment the same officers present as heretofore.

4428 R. M. Corable & Co. vs D. Weisenberger et al } Money Only.

Now came the Plaintiffs herein and the defendants being in default for answer and demurrer the Court find that the defendants have duly served with process and that the allegations of the petition are by them confessed to be true and that the defendant D. Weisenberger is indebted to the Plaintiffs in the sum of One Hundred twenty six and 87/100 dollars ($126 87/100)

It is therefore considered by the Court that the said Plaintiffs recover from the said defendant D. Weisenberger the said sum of ($126 87/100) One Hundred twenty six 87/100 Dollars with int. from April 14th 1884 and his cost herein expended taxed to $.

4439 Morgan Root & Co. vs D. Weisenberger } Money Only.

Now come the Plaintiffs herein and the defendants being in default for answer and demurrer the Court find that the defendant has been duly served with process and that the allegations of the Petition are by him confessed to be true and that the defendant D. Weisenberger is indebted to the Plaintiffs in the sum of One Hundred Sixty Eight and 85/100 Dollars ($168 85/100).

It is therefore considered by the Court here that the said Plaintiffs recover from the said D. Weisenberger the said sum of One Hundred and Sixty Eight and 85/100 Dollars ($168 85/100) with interest from April 14th 1884 and their cost herein expended taxed to $.

4442 R. & J. Cummings & Co. vs D. Weisenberger } Now come the Plaintiffs herein and the defendant being in default for answer and demurrer the Court find that the defendant has been duly served with process and that the allegations of the Petition are by him confessed to be true and that the defendant D. Weisenberger is indebted to the Plaintiffs in the sum of Nine Hundred Ninety five and 29/100 Dollars ($995 29/100)

It is therefore considered by the Court here that the said Plaintiffs recover from the said defendant D. Weisenberger the said sum of Nine Hundred Ninety five and 29/100 Dollars ($995 29/100) with interest from April 14th 1884 and their costs herein expended taxed to $.

4440

4441

3707

3780

Thursday, April 17th A.D. 1884

Childs Groff and Co.
4440 vs
D. Weisenberger

And now came the plaintiffs herein and the defendants being in default for answer and demurrer, the Court find that the defendant has been duly served with process and that the allegations of the Petition are by him confessed to be true, and that the defendant D. Weisenberger is indebted to the Plaintiffs in the sum of Thirteen Hundred fifty nine and 90/100 Dollars ($1359 90/100). It is therefore considered by the Court that the said Plaintiffs recover from the said defendant D. Weisenberger the said sum of Thirteen Hundred fifty nine and 90/100 Dollars ($1359 90/100) with interest from April 14th 1884 and their cost herein expended taxed to $.

Adams & Ford
4441 vs
D. Weisenberger

Now came the Plaintiffs herein and the defendants being in default for answer and demurrer, the Court find that the defendant has been duly served with process and that the allegations of the petition are by him confessed to be true and that the defendant D. Weisenberger is indebted to the Plaintiffs in the sum of Eleven Hundred and One and 99/100 Dollars ($1101.99) It is therefore considered by the Court that the said Plaintiffs recover from the said defendant D. Weisenberger the said sum of Eleven Hundred and One and 99/100 Dollars ($1101.99) with interest from April 14th 1884 and their costs herein expended taxed to $.

Violia W. Jones
3707 vs
Alex. J. Mahaffey et al

This day this cause came on to be heard upon motion of defendant filed herein on the 16th day of Jan. A.D. 1884 and was argued by counsel On consideration whereof and the Court being fully advised in the premises do overrule the said motion to which ruling of the Court the defendants at the time excepted.

Lewis J. Ellis
3780 vs
Alex. J. Mahaffey

This day came this cause on to be heard upon the motion ~~the motion~~ of the defendant James J. Mahaffey to require the said Plaintiff to make his amended petition more definite and certain in manner as in said motion stated. On consideration whereof the Court being fully advised in the premises do overrule said motion, to which ruling of the Court the defendant James J. Mahaffey excepted.

Thursday, April 17th A.D. 1884

4348 G. W. Handley vs F. M. McAdams } 4347

This cause now coming on for hearing on the petition and the evidence and the Court find that the defendants F. M. McAdams and Susannah McAdams have been duly served with summons in this case and that they are in default for answer and demurrer and that the allegations of the Petition are thereby confessed by them to be true, and that the defendants executed to the Plaintiff the two notes as set forth in the petition and that there was a balance of $216.10 with interest at the rate of 6 p% from the 21st day of Dec. 1883 due upon one of said notes, being the one first described in the petition; when said petition was filed and that the last mentioned note in the petition has become due since that time and that both of said notes as alleged in said petition are unpaid. The Court further find that there is due to the Plaintiff from the Defendants on said notes with interest to the first day of this term the sum of $1342.25 The Court further find that in order to secure to Plaintiff the payment of said notes, the defendants F. M. McAdams and Susannah McAdams, his wife, executed and delivered to said G. W. Handley their certain Mortgage as in the petition described and on the premises therein described, that said mortgage was duly recorded in Book 47 Page 89 of the Records of Mortgages of Union County and is a good and valid lien on the premises described in the petition, and that the conditions of said mortgage have been broken. It is therefore considered by the Court that the Plaintiff recover of the defendants F. M. McAdams and Susannah McAdams the said sum of $219.80 and his costs herein expended, and it further adjudged and decreed that unless the defendants F. M. McAdams and Susannah McAdams 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 herein the sum so found due as aforesaid to-wit= the sum of $1342.25 with interest from the 14th day of April A.D. 1884, the defendants equity of redemption be foreclosed and said premises be premises be sold, and that an order of Sale of Sale issue therefor to the Sheriff of Union County directing him to appraise, advertise and sell said premises as upon execution, and report his proceedings to this Court for further order. 4178 4517

4212 Dyvanus Taylor vs Gus Martin & others } Injunction. 4239

And now came the parties by their Attornies & this cause came on to be heard upon pleadings and evidence and the Court being fully advised in the premises do find the equities of the case in favor of the Pltff and that the injunction be and made permanent.

It is therefore ordered adjudged and decreed that said injunction be and the same is hereby made perpetual and further that the defendants Gus Martin and James Wyrkoop pay the costs of Plaintiff herein expended taxed to $.

Court adjourned until tomorrow at 8.30 A.M.

Friday. April 18th A. D. 1884

Court met this morning at 8½ o'clock, pursuant to adjournment, the same officers being present as on yesterday.

4347 A. L. Rice vs Jord Conkling

This cause is continued on motion and showing of the Plaintiff and at his cost.

It is therfore considered and adjudged by the Court that the said Plaintiff pay the cost of this Term of Court taxed at $.

4178 P. R. Kerr vs T. P. Cratty et al

This day came the parties by their Attorneys and this cause came on to be tried; and thereupon came a Jury, to-wit= J. T. Mahoffey, John McElderrey, Geo. W. Smith, J. P. Mahaffie, O. G. Neal, G. S. Welch, John Hamilton, Phillip Vanderau, Grafton Dobolt, Thomas Stone, Alexander Crist & Jacob Tempse, who, being duly empannelled and sworn to well and truly try the issue, joined between the parties, in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court; and after hearing the testimony, arguments of Counsel, and charge of the Court, the said Jurors, retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit= The State of Ohio, Union County, SS. to-wit= April 18th 1884. P. R. Kerr, Plaintiff, vs T. P. Cratty & others Defendants, We, the Jury in this case, being duly empanneled and sworn do find and say that we find for the Defendants.

James T. Mahoffey, Foreman.

4517 Fleck and Chapman vs Edward Berger et al

~~On motion of defendant Loan association leave given The Home Building & Loan association, who are hereby made parties to file Ans. & Cross Pet. by April 19th 1884.~~

On motion of the Home Building and Loan association to be made parties defendant in this action by order of the Court the said association is made defendant with leave to answer by April 19th 1884

4239 John Smith vs William Murphy

Leave to dft to ans within 30 days from issuing of Court & cause continued on mo showing of dft at his cost.

Court adjourned until tomorrow at 8.20 A.M.

Saturday April 19th A.D. 1884

Court met this morning at 8.20 o'clock; the same officers being present as on yesterday.

4207 Melissa Snodgrass
vs
Alexander Snodgrass et al } See below.

This cause came on to be heard upon the petition of the Plaintiff

4241 William Hoover
vs
Hugh J. Perry } This day came the parties by their attorneys and this cause came on to be tried; and thereupon came a Jury, to-wit: James T. Mahaffey, John W. Elderry, George W. Smith, J. P. Martin, O. G. Neal, G. L. Welsch, John Hamilton, Phillip Vancraw, Grafton Drbolt, Alex. Christ, Jacob Templeman and John L. Smart who, being duly impannelled and sworn to well and truly try the issues joined between the parties in this cause, and a true verdict render according to the evidence unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel, and charge of the Court, the said Jurors, retired to their room to deliberate upon their Verdict, and after due deliberation returned into open Court and presented their Verdict in writing, in the words and figures following, to-wit: "State of Ohio, Union County, ss. April Term A.D. 1884, to-wit: Apr. 19-1884" "William Hoover Plaintiff vs Hugh J. Perry Defendant." "We, the Jury in this case, being duly impannelled and sworn do find" "and say that we find for the Plaintiff in the sum of ($90 31/100) Ninety" "and 31/100 Dollars. James T. Mahaffey, Foreman." 4286

4207 Melissa D. Snodgrass
vs
Alex. Snodgrass et al. } This cause came on to be heard upon the petition of the plaintiff and on motion of the plaintiff's counsel this cause was dismissed without prejudice as to the defendant John Kunck, and thereupon said cause came on to be heard upon the plaintiffs petition for alimony and the defendant Alexander Snodgrass being in default for Answer or demurrer and the Court after hearing the testimony do find; First: That the plaintiff was at the time of the filing of this petition a resident of Union County, Ohio. The Court further finds that the defendant Alex. Snodgrass has been guilty of gross neglect of duty. It is therefore ordered and adjudged by the Court that the defendant Alex. Snodgrass pay to plaintiff as her reasonable alimony in money the sum of Five hundred Dollars ($500.00) and her costs herein taxed at $. and no record to be made further. 4355

4575

Court adjourned until Monday Apr. 21st 1884 at 1. o'clock P.M.

Monday, April 21st A. D. 1884

Court met pursuant to adjournment at one o'clock P.M. the same officers being present as heretofore.

#4525 The Bellefontaine Nat. Bank vs Wm. M. Haines Allen Haines and Jack G. Haines Defendants

This day came the Plaintiffs by McLaughlins and Dow, Attorneys and thereupon came J. L. Cameron, one of the Attorneys of Record of this Court, who by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance herein of said Defendants, and by virtue of the same warrant of Attorney, confesses that there is due from said Defendant to said Plaintiff as is alleged in said Plaintiffs petition, the sum of $556.78 It is therefore considered that said Plaintiff do recover of said Defendants the said sum of $556.78 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of Eight per centum per annum, and by virtue of said warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

#4286 Peleg Cranston Admr of J. C. Pooler vs Abraham Carow et al

And now came the Plaintiff herein and asked leave of the Court to file reply to answer of Abraham Carow one of Defendants herein and the Court being fully advised in the premises grant such leave & reply is filed.

#4355 George Davis vs Robert Spratt } Union Common Pleas.

The appeal in this case is quashed for the reason that the Transcript of the proceedings in said case before the Justice of the Peace was not filed in this Court on or before the thirtieth day from the rendition of the judgment by said Justice of the Peace. A Transcript of this order shall be lodged with the Justice of the Peace before whom the case was tried who shall thereupon proceed to issue execution in the same manner as if no appeal had been taken. It is therefore considered by the Court that the Plaintiff, George Davis, recover of the defendant, appellant herein, the costs of said case made in this Court taxed to $.

Clerk Entra. John A. Price Judge.

Monday April 21st A.D. 1884

4305 Sampson Blue by his Guardian John W. Blue
vs
Anthem Bailey etal. } In Partition.

This day came the parties by their Attorneys and submitted this cause to the Court upon questions of distribution as well as the questions of improvements rents and profits and all matters in controversy between the parties. On consideration whereof the Court being fully advised in the premises do find that said Anthem Bailey has in open Court waived his right of Curtesy in said lands and consented that the same be sold free from Curtesy and the same has been so sold. The Court do further find from the evidence that the value of the rents and profits of said lands equal the value of the improvements, and the Court finds that a fair and equitable adjustment of said questions is to let the rents and profits offset the improvements.

And it being made legally appear to the Court that said Anthem Bailey has been duly appointed and qualified as Administrator of said Mary A. Bailey's estate and that it will require about all of her share of said estate to pay and satisfy her indebtedness: It is ordered by the Court that the portion of said Mary A Bailey deceased in said premises be paid to said Anthem Bailey as her Administrator and to be by him accounted for as part of his duties as such Administrator.

That of the cash payment, the said Sheriff pay $5.68 additional costs and to said Anthem Bailey as such Administrator of said Mary A. Bailey the sum of $246.91 and that the notes for the share of the defered payments be executed to him as such Administrator. It is further ordered that said Sheriff pay one fourth of said cash payment after paying costs, expenses and taxes to each of the following persons, to wit:- To Sampson Blue one fourth, To Cora Blue one fourth part, To Armina Blue one fourth part, also that notes for the defered payments be issued to the said parties one fourth each, to wit:- Sampson Blue Cash, $246.91 two notes due in 1 & 2 years from Apl. 1st 84 calling for $303.23 each
To Anthem Bailey Admr Cash $246.91 two notes due in one and two years from April 1st 1884 calling for $303.23 each
To Cora Blue Cash $246.91 & 2 notes due in one & two years from April 1st 1884 calling for $303.23 each.
To Armina Blue Cash $246.91 & 2 notes due in one & two years from April 1st 1884 calling for $303.23 each.
said notes to be secured by mortgage on said premises and to draw interest at 6 % from April 1st 1884, all rights of the said Anthem Bailey against the estate of Mary A. Bailey, deceased, for improvements or otherwise and all rights of said estate against him are saved to him and said estate.

$194.27

4498

Monday April 21st A.D. 1884

Robert F. Cross
vs
Geo. P. Cross et al

On motion of the Plaintiff and upon producing the return of the Sheriff of his proceedings and sale under the former order of this Court and the Court being satisfied on examination that the same have been had in all respects according to law the said proceedings and sale are hereby approved and confirmed. And the said Sheriff is ordered by deed duly executed to convey said premises to the purchaser John B. Cross free of the Dower of the said Rhoda Y. Cross.

And the said Rhoda Y. Cross having by her answer elected to receive in lieu of her Dower its value in money, the Court to find the just and reasonable value thereof to be $906.74

It is further ordered that out of the proceeds of said sale the Sheriff shall pay,

First, To the Treasurer of Union County $42.65

Secondly, To the Clerk of this Court the costs of this action including a Counsel fee of $125.00 to J. L. Cameron for his services herein taxed to

$194.27 Thirdly, To Rhoda Y. Cross the said sum of $906.74 as her full dower interest in said premises. That the residue of the proceeds of said sale be distributed equalizing the several advancements made as follows,

Of the cash payment to George P. Cross none. To Harriett H. Cross none.
To John B. Cross $164.67 To Marietta Park $164.67 To Robert F. Cross $160.67
To Elizabeth Nash $195.67/100. To Charles E. Bellus $172.66/100. To Harriett D. Bellus $172.66/100
To Frank A. Bellus $172.66/100 To Mabel Bellus $172.66/100

That said purchaser execute note secured by mortgage on said premises due in one and two years from April 1st 1884 as follows.

To George P. Cross	note due in one year	$361.55	2nd note	none	
To Harriett H. Cross	" " " " "	$400.30	" "	$360.00	
To John B. Cross	" " " " "	$423.63	" "	$360.00	
To Marietta Park	" " " " "	$423.63	" "	$360.00	
To Robert F. Cross	" " " " "	$423.63	" "	$360.00	
To Elizabeth Nash	" " " " "	$423.63	" "	$360.00	
To Charles E. Bellus	" " " " "	$105.90	" "	$90.00	
To Mabel Bellus	" " " " "	$106.90	" "	$90.00	
To Frank Bellus	" " " " "	$105.90	" "	$90.00	
To Harriett D. Bellus	" " " " "	$105.90	" "	$90.00	

Each of said notes baring interest at 6 o/o from April 1st A.D. 1884.

Wm. Davis
vs
Daniel Benkofile et al

4498 Settled & cost paid.

Court adjourned until tomorrow at 8.30 a.m.

Tuesday April 22nd A.D. 1884

Court met pursuant to adjournment at 8.30 a.m. same officers present as heretofore.

4320 Charles Green et al vs Sarah Moses et al

This cause is continued on motion of Plff for absence of Lou Green and Richard H. Wilt and at their costs.

It is therefore considered by the Court that the Plaintiffs pay the costs of this term and in default that execution issue therefor.

2012 Emma Cartmell vs Benny Woodworth

This cause is dismissed without prejudice at costs of Plaintiff. It is therefore considered and adjudged by the Court that the plaintiff pay the costs of this action taxed to $.

4115 First National Bank of Del. O. vs John Rodgers et al

This day on motion to the Court, the entry made at a former day of this term dismissing this case without prejudice, is hereby set aside and cause continued.

4482 Isaac Haley vs John G. Connell et al

This day this cause came on to be heard upon the motion of the defendants to dissolve the injunction heretofore granted herein, was argued by counsel, and the Court being fully advised in the premises do sustain said motion and order the said injunction dissolved, and the petition dismissed, at the costs of the plaintiff, and judgment is given accordingly. Upon good cause shown the Court grants the plaintiff an appeal herein, and the amount of the appeal bond herein is fixed at $200.00 and the Court suspends the opperation of said order, dissolving said injunction, and dismissing said petition for a period of ten days in which to enable the plaintiff to perfect his appeal, and notice is hereby given by the plaintiff of his intention to appeal from the order dissolving said injunction and dismissing said petition.

4154 William Seaure vs Orrin Hammond

This cause is settled by agreement of parties and each party is to pay one half of the costs made herein taxed to $-

It is therefore considered and adjudged by the court that each party pay one half of the costs herein and in default for 10 days that execution issue against the party in default.

4334 Hester Murry vs Archie E. Smith — Settled & cost paid

4390

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4150

Tuesday April 22nd 1884

4390	William M. Watson vs Nancy Watson et.al	Union Common Pleas.

On motion to the Court by the parties herein, the amicable partition heretofore made, having been examined by the Court, & found in all respects correct, and in conformity to law, the said amicable partition is hereby approved and confirmed.

It is therefore ordered and decreed that the said William M. Watson have and possess the portion of said premises in the petition described which are so assigned to him in said agreement for amicable partition heretofore filed herein, and that said defendants hold jointly and in common, the part of said premises so set off and assigned to them by said agreement.

And it is further ordered that the costs of this action, including a counsel fee of Fifty two dollars and fifty cents ($52.50), to A.W. Beighter, Attorney, for services herein, taxed at $, be paid by said parties in the following proportions to-wit= One sixth by the Plaintiff William M. Watson, and one sixth by each of the defendants, Margaret Finley, Belle Maddex, Samuel Watson, David H. Watson and Cornelia Walker, and execution is awarded therefor.

And the said defendants Margaret Finley, Belle Maddex, Samuel Watson David H. Watson and Cornelia Walker thereupon gave notice of their intention to appeal from so much of said Judgment for costs including counsel fee as effects them and the Court fix the amount of the appeal bond at $200.

3072	W. W. Woods vs W. C. Barnett et.al.	Continued
3140	James Carter vs Bank of North Lewisburg.	"
3364	Finley D. Davis vs E. Leiter et.al	"
3616	M. L. Stuart vs Job E. Stevenson	"
3767	Cyprus Moore vs Wright Harriman et.al	"
3824	H. O. Griswold vs D. W. Campbell et.al	Continued under former order of Sale
3927	Ed. O. Stevenson vs M. Lingrell	Continued
4093	Union Biblical Seminary vs S. Cranston	Cont'd with leave to file amended Reply in 30 days
4151	Dan'l R. Miller rec. vs Stephen Cranston	" " " " " " Pet. " " "
3562	J. W. Lewis vs H. Wheeler	Continued
3692	R. D. Cornell vs Richwood	"
3859	Lucinda Ford vs Rhoda Ford	"
4150	P. Cranston Admr vs C. J. Monroe et.al	"

Court adjourned till tomorrow at 8.20 A.M.

Wednesday April 23rd A.D. 1884.

Court met this day at 8.20 a.m. pursuant to adjournment; the same officers being present as on yesterday.

Bill Ord. The Court this day doth allow and orders to be paid to Thomas Lane the sum of thirteen dollars for furnishing dinners to Jury on April 19th and 23rd 1884. And the Auditor ~~is~~ is directed to draw his warrant on the Treasurer for said amount.

J. D. Bringner Clerk.

#1179 Albert Fogle vs. N. Highborgin et al

This day came the parties by their Attorneys, and this cause came on to be tried: and thereupon came a Jury to-wit= James T. Mahoffey, John McElderry, George W. Smith, J. P. Martin, C. G. Neal, G. S. Welsh, John Hamilton, Phillip Vanderau, Grafton Drbolt, Thomas Stone, Alexander Crist & Jacob Temple who, being duly impanneled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel, and Charge of the Court, the said Jurors retired to their room to deliberate upon their Verdict and after due deliberation returned into open Court and presented their Verdict in writing, in the words and figures following, to-wit= The State of Ohio, Union Co. ss. April Term A.D. 1884, to-wit= April 23rd A.D. 1884

Verdict Albert Fogle, Plaintiff vs Henry Highborgin & Eli Hildebrand Ex'rs &c. Defendants,

Was the plaintiff's claim and account, a copy of which is attached to the amended petition, presented to the defendants as Executors of the last Will and testament of John Hildebrand, deceased, and rejected by them prior to the commencement of this suit? "Yes."

We find the value of Plaintiff's services for John Hildebrand, deceased, as set forth in his amended petition, to be ($230.00) Two Hundred and thirty Dollars. James T. Mahoffey, Foreman

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Wednesday, April 22nd A. D. 1884.

660	The State of Ohio vs Isaac White	Indictment for murder in the second degree.

This day came the prosecuting attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff, and being also represented by counsel it is therefore considered and ordered by the Court that the trial of said cause be fixed for Tuesday April 29th 1884.

668	The State of Ohio vs Silas Bailor	Indictment for cutting with intent to wound.

This day came the Prosecuting attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and arraigned upon said indictment for plea thereto saith he is "not guilty" and puts himself upon the Country and the Prosecuting doth the like.

3904	Catherine Robbins vs Orion Robbins	This cause is dismissed at costs of plaintiff. It is therefore considered ordered and adjudged by the Court that the plaintiff pay the cost herein taxed at $ for which execution is awarded.
4387	N. D. Gill vs O. P. Lemp et al	This cause is dismissed without prejudice to a new action at cost of plaintiff. It is therefore considered and adjudged by the Court that the defendants recover of the plaintiff their costs herein expended taxed at $
4435	W. H. Goff vs Frank Cannon et al	This cause is dismissed at cost of plaintiff. It is therefore considered and adjudged that the defendants recover of the plaintiff their costs herein expended, taxed to $
668	The State of Ohio vs Silas Bailor	It appearing to the Court that the defendant is in indigent circumstances and unable to employ Counsel, the Court at his request appoints W. T. Hooper Esq. as Counsel to defend him.
4437	The State of Ohio vs Richard Thompson	Case dismissed by order of Court.

Court adjourned until tomorrow at 8.30 A.M.

Thursday April 24th A.D. 1884

Court met at 8.20 a.m. pursuant to adjournment the same Officers being present as on yesterday.

4490 Geo. F. Dilsaver vs P. P. Cratty et.al

Now came the defendants and move the Court here for leave for leave to file answer in above entitled case within thirty days from the rising of the Court and the Court being fully advised in the premises do grant such leave and this cause is continued.

4241

4265 Benjamin A. Fay & Wife vs Incorporated Village of Marysville

This day this cause came on to be heard, and the Court after hearing the testimony and the argument of counsel, being fully advised in the premises find the equities of the case to be with the defendant. It is therefore considered and adjudged by the Court, that the injunction heretofore allowed in this case be and the same is hereby dissolved, and the petition of the plaintiff dismissed. It is further considered that defendant recover of the plaintiff its costs herein taxed to $.

4285

It is further ordered that any right or claim that the plaintiffs may have as to damages against defendant is hereby saved to them and no record to be made.

4286 Peleg Cranston Admr. vs Abraham Carver et.al

And now come the parties by their attys and agree that the answer and Cross-petition of James Lyons and this reply of Peleg Cranston the plaintiff may be filed, and so by leave of Court such leave is taken and the said Cross-petition of James Lyons and Reply of Peleg Cranston are filed.

4177

4491

4474

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

Friday April 25th A.D. 1884

Court met at game, pursuant to adjournment, same officers present as heretofore.

4491 Sarah A. Thomas et al vs T. P. Cratty et al

Now came the defendants in the above entitled case and moved the Court for leave to file answer in this case within thirty days from the rising of Court and the Court being fully advised in the premises sustain said motion and grant such leave and this cause is continued.

4241 William Hoover vs Hugh J. Perry

There being no motion for a new trial filed in this case, it is considered by the Court that the Plaintiff recover of the Defendant said sum of Ninety and 21/100 so found by the jury in their verdict and also his costs herein taxed at $.

4305 Sampson Blew by his Guardian John Blew vs Arthena Bailey et al

It appearing to the court in ~~this~~ Case that there is a clerical error in the calculation in this case, in this first the taxes should be \$57.25 instead of \$54.40 and the Attorneys fees should be \$79.60 instead of \$64.60 making a total error of \$17.85 which should be deducted 1/4 thereof from the cash payments heretofore ordered and when paid out the same be deducted from the first notes to be given.

4177 Leacy Akers vs Zachariah Akers

This cause came on this day to be heard on the petition and the answer of the defendant and the evidence and on consideration thereof, the Court find that the Plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same, and was at that time a bona fide resident ~~resident~~ of this County of Union, and that the parties hereto were married as in said petition set forth. The court further find upon the evidence adduced that the defendant has been guilty of gross neglect of duty, in the manner set forth in petition, and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therefore ~~considered~~, ordered and adjudged by the Court that the marriage contract heretofore existing between the said Leacy Akers and Zachariah Akers be, and the same hereby is dissolved and both parties are released from the obligations of the same.

It is further ordered by the court the answer filed by the defendant Zachariah Akers be stricken from the files.

And it is further ordered by the court that the Plaintiff be restored to her maiden name Leacy Ash.

4474 Lydia Fadley vs John Fadley

This day came the plaintiff and her counsel and the defendant came not. The defendant being in default for answer or demurrer to the petition of the plaintiff, thereupon this cause came on to be heard upon the petition of plaintiff, the evidence introduced in her behalf and the argument of her counsel. Whereupon the Court being fully advised in the premises do find that the facts stated in plaintiff's petition are true: That the defendant has been guilty of gross neglect of duty and extreme cruelty towards the plaintiff; It is therefore considered ordered adjudged and decreed by the Court that the plaintiff be and she hereby is divorced from said defendant and that the marriage between plaintiff and defendant be and is hereby dissolved and it is further ordered adjudged and decreed by the Court that the plaintiff have the custody of the child of plaintiff and defendant named in the petition to wit: [illegible] Fadley. The ~~defendant~~ [illegible] to have the privilege of visiting said child at proper times and places to be agreed upon between said parties the plaintiff and defendant or [illegible] ordered by the Court.

Court adjourned until Monday April 28th A.D. 1884 at 1 O'clock P.M.

Monday April 28th A.D. 1884.

Court met at 1 P.M. pursuant to adjournment, the same Officers being present as heretofore.

4492 Anna Jones et al vs Thomas P. Cratty et al

This day came the defendants by their Attorneys and moved the Court for a continuance of this cause with leave to file answer in thirty days from rising of the Court, and the Court being fully advised in the premises do grant such leave and this cause is continued. and ordered

4460

4495 Jacob Leonard vs Simeon Skeel et al

This day this cause came on to be heard upon the motion of Lizzie Cale to be made a party defendant to this cause which motion was sustained, with leave to Lizzie Cale to answer by May 3rd 1884 without prejudice to order of sale heretofore taken herein.

4528 James A. Kile et al vs David Mumford et al

It is ordered by the Court that notice of the pendency of this cause be published in the Marysville Tribune for six weeks to Salathiel Ewing, Belle Ewing and Mary Slocker said to be non residents of the State of Ohio.

4386

660 The State of Ohio vs Isaac White } Indictment for Murder in the second degree.

Saturday April 26th A.D. 1884

This day came the said defendant by his Attorneys and demanded a Struck Jury herein, Thereupon J. L. Burgner Clerk by W. M. Winget Esq. Deputy Clerk of this Court proceeded to the Office of the County Auditor and with the assistance of George M. McCee Esq. Auditor of Union County, Ohio and George Jordan Esq. Recorder of Union County, Ohio, proceeded to select from the qualified Electors of the County, the names of Forty persons, impartial between the parties, and who, from their intelligence and sound judgment are believed to be well qualified to try said cause.

Thereupon said J. L. Burgner Clerk by said W. M. Winget Deputy Clerk proceeded without delay and served notice on the Prosecuting Attorney on behalf of the State of Ohio, and on J. L. Cameron one of the Attorneys of Record for said defendant, of the time of striking the Jury, and at the same time said Clerk by said Deputy Clerk furnished to said Prosecuting Attorney, and said J. L. Cameron as such defendants Attorney, a true copy of the list of such names as aforesaid selected.

Monday April 28th A. D. 1884

Shedrick Kunzy
vs
Adam Mink

This day came the said parties by their Attorneys and by consent this case is dismissed, and each party is adjudged and ordered to pay ½ the costs herein. & no record.

Retta Friezelle
4460 vs
Joshua Friezelle

This cause came on to be heard upon the petition of the plaintiff the defendant being in default for answer or demurrer and the Court being fully advised find as follows, to-wit= First, that at the filing of this petition the plaintiff was a bona fide resident of Union County, Ohio. Second, that said parties were married as set forth in said plaintiffs petition. Third, that the defendant had been wilfully absent from the plaintiff for more than three years next preceding the filing of this petition. It is therefore considered, ordered and adjudged that the marriage relation heretofore existing between said parties be dissolved as to both of said parties and that the plaintiff be restored to her Maiden name of Retta Axline, and that she recover her costs of the defendant taxed at $.

Sarah J. Fleetz
4286 vs
Sarah E. White

This day came the parties and the defendant asked leave to withdraw her answer for the purpose of filing a demurrer to the petition which leave was granted by the Court and said answer withdrawn and demurrer filed. Thereupon this cause came on to be further heard upon said demurrer to the petition of said plaintiff and the Court being fully advised in the premises to sustain said demurrer, to which ruling of the Court the plaintiff excepted, and said plaintiff not desiring to further amend her petition this cause is dismissed at the costs of said plaintiff. It is therefore considered by the Court that the defendant recover of the plaintiff her cost herein expended taxed to $.

Court adjourned until tomorrow at 8.30 a.m.

Tuesday April 29th A.D. 1884

Court met pursuant to adjournment: same officers present as heretofore

Union County Bank
vs
4397 Ella Argo et al

This cause now coming on for hearing on the petition of Plaintiff, the Court find that the defendants Geo. H. Argo and Ella Argo, have been duly served with summons in this case, that they are in default for answer and demurrer, and that the allegations of the petition are thereby confessed to be true, and that they the said George H. Argo and Ella Argo are indebted to the Plaintiff on the promissory note set forth in the petition in the sum of Two Hundred and Ninety Eight and 51/100 Dollars.

It is therefore considered, ordered and adjudged by the Court, that the said plaintiff recover from the said defendants, George H. Argo and Ella Argo, the said sum of $298.51 with 8 p.c. int. from the date of this entry, and the costs of this suit, taxed at $. The Court further find that in order to secure the payment of said note the defendants, Geo. H. Argo and Ella Argo, executed and delivered to said plaintiff, their certain Mortgage as in the petition described, and on the premises therein described, that said Mortgage was duly recorded in Volume 20, Page 236, of the records of Mortgages of Union County, Ohio, and is the first and best lien on said premises described in the petition, and that the conditions of said mortgage have been broken.

It is therefore adjudged and decreed that unless the defendants George H. Argo and Ella Argo, shall within ten days from the date of this entry, pay, or cause to be paid to the Clerk of this Court the costs of this case, and to the plaintiff herein, the sum so found due as aforesaid, with interest from the date of this decree at the rate of 8 p.c. the defendants equity of redemption be foreclosed, and 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 this Court for further order.

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4433

Tuesday, April 29th A.D. 1884

660 | The State of Ohio vs Isaac White | Indictment for murder in the second degree.

This day came the Prosecuting attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and being represented by Counsel, and it appearing to the Court that delay in the trial hereof is made necessary by reason of the demand of said defendant for a struck Jury.

It is therefore considered and ordered by the Court that the trial of this case be delayed to Thursday Morning May 1st A.D. 1884. at 8½ o'clock A.M.

4432 | M. Thompson vs Buckeye Ins. Co. |

This day came the parties by their attorneys, and this cause came on to be tried; and thereupon came a jury, to-wit= J.J. Miller, J.T. Mahaffey, John McElderry, G.W. Smith, G.S. Welsch, John Hamilton, Phillip Vanderau, Alexander Crist, Jacob Temple, W.H. Robb, L.H. Warbs, J.S. Rice, who, being duly impannelled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel, and charge of the Court, the said Jurors retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing in the words and figures following, to-wit= "The State of Ohio, Union County SS. April Term A.D. 1884, to-wit= April 29th 1884.

Moses Thompson Plaintiff vs The Buckeye Insurance Company of Shelby Ohio, Defendant. We, the jury in this case, being duly impannelled and sworn do find and say that we find for the Plaintiff in the sum of $91 26/100

"James T. Mahoffey Foreman"

Court adjourned to meet tomorrow at 8,20 a.m.

Wednesday, April 20th A.D. 1881

Court met at 8.30 a.m. Same Officers present as heretofore.

660 The State of Ohio vs Isaac White } Indictment for murder in the 2nd degree.

This day the Prosecuting Attorney on behalf of the State of Ohio, and the defendant in Custody of the Sheriff and his Attorneys, and the Clerk of the Court attended at the Clerk's Office in Marysville, Ohio and there proceeded to strike a Jury from the list selected heretofore herein. And thereupon the Clerk issued a Venire facias returnable at 8½ o'clock A.M. on Thursday May 1st 1884 for the following named persons, to-wit:-

1 J. G. Turner, 2 J. F. Bennett, 3 E. C. Smith, 4 W. F. H. Pennington, 5 Robert McGuire, 6 Samuel Halycrow, 7 Seth Dackum, 8 J. K. Dodge, 9 S. P. Shields, 10 George Hammawalt Jr, 11 Simon Kilgore, 12 Berry Hammawalt, 13 N. N. Rhoads, 14 John Barnes, 15 Milton Marsh, 16 Wm H. Goff.

4178 P. R. Kerr vs T. P. Crattyetal } This day this cause came on further to be heard upon the motion of Plaintiff to set aside said Verdict and for a new trial, and the Court being fully advised in the premises do overrule said motion. It is therefore considered that the defendants go hence without day and recover of Plaintiff their costs herein taxed at $. To which decision of the Court in overruling said motion for a new trial, and to the judgment on said Verdict Plaintiff excepts. 4479

4465 Letitia E. Jenner vs George W. Jenner } This day this cause came on for hearing upon the petition and evidence. Whereupon the Court do find: that the plaintiff, at the time of filing her petition, had been a resident of the State of Ohio for one year next preceding the same, and was at that time a bona fide resident of this County of Union, and that the parties hereto were married as in said petition set forth. The Court further find, upon the evidence adduced, 4280 that the defendant has been guilty of gross neglect of duty as set forth in said petition, and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Letitia E. Jenner and George W. Jenner be, and the same hereby is, dissolved, and both parties are released from the obligations of the same. It is further ordered that the custody, care, education and control of the said Child (Gracie May Jenner) of the parties hereto be, until further order, confided to the said plaintiff exclusive-ly. And the said defendant is hereby enjoined from interfering in any manner with said child, or with the plaintiff in her custody of her.

4454 Harriett L. Foster admx vs John Wanner et. al } Plaintiff ordered to give security for costs in 20 days.

Wednesday April 20th A.D. 1884

4445 Margaret Mc. Elderry vs Jonas Figley et.al } This day came on this cause to be heard by the Court whereupon the Court being fully advised in the premises do find the allegations of the petition to be true and that there is due to the plaintiff from the defendant Jonas Figley the sum of One hundred and fifty dollars with interest thereon from Oct. 12th A.D. 1877 besides costs as alleged in said petition which was the judgment then obtained against him and which sum the Court find was a lien from said Oct. 12th 1877 and prior and better lien than all of the other liens on said land which have been created thereon since that date. It is therefore considered ordered and adjudged by the Court that unless said Jonas Figley shall within ten days pay said One Hundred and fifty dollars with interest thereon from the 12th of Oct. 1877 to-gether with the remaining costs on said Judgment and the costs of this proceeding, that an order of Sale issue to the Sheriff of this County commanding him to appraise advertise and sell according to law the land in said petition described to satisfy said plaintiffs said claim, and that the same be and remain a lien on said premises prior and better than any claim or lien of Margaret F. Figley and W.N. Robb as her trustee, and of Tilla A. Achill and John E. Southard on said land, and as to the order of liens between said defendants this cause is continued.

4479 M. E. Judy vs M. S. Judy } This day this cause came on to be heard on motion of plaintiff to consolidate this case with No. 4280 on this docket, and the Court being fully advised in the premises sustains said motion and this case No. 4479 is hereby consolidated with No. 4280 and merged into No. 4280

4280 M. E. Judy vs M. S. Judy } Case No 4479 consolidated with and merged into this case.

Court adjourned until tomorrow at 8.30 a.m.

Thursday May 1st A.D. 1884.

Court met this Morning at 8½ o'clock, pursuant to adjournment, the same officers being present as heretofore.

4505 C. W. Southard vs Benoni P. Hildreth

This cause coming on for hearing on the petition, the Court find that the defendants Benoni P. Hildreth and Mary L. Hildreth have been duly served with summons in this case and that they are in default for answer and demurrer, and that the allegations of the petition are thereby confessed by them to be true, and that there is due the plaintiff from the defendants, on the promissory notes set forth in the petition, the sum of Five hundred and forty-Six $^{02}/_{100}$.

It is therefore considered, ordered and adjudged by the Court, that the said plaintiff recover from the said defendants Benoni P Hildreth and Mary L. Hildreth the sum of $546.^{02} with 8% interest from the entry of this decree, and the costs of this suit taxed at $.

The Court further find that in order to secure the payment of said notes, the defendants, Benoni P. Hildreth and Mary L. Hildreth his wife executed and delivered to said, plaintiff, C. W. Southard, their certain mortgage as in the petition described, and on the premises therein described, that said mortgage was duly recorded in Volume 17 page 388, of the records of Union County, Ohio and is now the 1st and best lien on the premises described in the petition and that the conditions in said Mortgage have been broken.

It is therefore adjudged and decreed that unless the defendants, shall within ten 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 herein the sum so found due as aforesaid, with interest at 8% from the date of this entry, the defendants equity of redemption be foreclosed, and said premises be sold, and that an order of Sale issue therefor, to the Sheriff of Union County, directing him to appraise advertise and sell said premises as upon execution, and report his proceedings to this Court for further order.

4391 Sarah J. Fiets vs Sarah Moses

This day come the parties by and with their attorneys and this cause came on to be heard upon the demurrer of the said defendants to the said petition of the plaintiff and was argued by counsel, upon consideration of which the Court do find that said petition does not state facts sufficient to constitute a cause of action against said defendant, To which finding and ruling of the Court the said plaintiff excepts and does now except.

It is therefore considered by the court that the defendant go hence without day and recover her costs of plaintiff taxed at $. and that she pay herein costs and in default that execution issue therefor.

3993 W. B. Baker vs Rosina Baker

This cause is dismissed at plaintiffs costs, It is therefore considered and adjudged by the Court that the plaintiff pay the cost herein and in default execution issue therefor.

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Thursday May 1st A. D. 1884

660	The State of Ohio vs Isaac White	Indictment for murder in the 2nd degree.
		Charles L. Boyle Esq. was this day appointed by the Court as Official Stenographer to take the evidence in this case and after taking the oath required by law entered upon the discharge of his duties
3909	John E. Dauthard vs James Frigley et al	Cause continued by order of Court.
3972	Mary Ramsey vs John W. Ramsey	Continued.
3985 4029	Homer Denman vs Sarah A. Denman	"
4025	Mary A. Dauborn vs John C. Ramsey	"
4047	Perry Dauglorn vs James B. Whelpley et al	"
4054	Rosa F. Wilson vs Harry Wilson	"

Thursday, May 1st 1884.

660	The State of Ohio vs Isaac White	Indictment for Murder in the second degree.

This day came the Pros. Atty on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and his Counsel also being present. The defendant by his Counsel having made a demand for a struck jury for the trial of this cause and the same having been regularly elected, and struck by the Prosecuting Attorney on behalf of the State of Ohio and by Counsel for the defendant in the presence of the defendant and the Clerk of this Court also attending at his Office for that purpose.

The Venire facias thereupon issued by the Clerk returnable this day being called in open Court the following named persons appeared in answer thereto, to-wit:- J. G. Turner, J. F. Bennett, E. C. Smith, W. F. H. Pennington Robert McIntire, Samuel Holycross, Lester Dackens, John K. Dodge, T. P. Shields, George Hannawalt Jr. Simeon Kilgore, Berry Hannawalt, W. W. Rhoades, John Barnes, Milton Marsh, William H. Goff. And upon further call of said Venire facias there appeared in answer thereto J. G. Turner, E. Smith, W. F. H. Pennington, Robert McIntire, Samuel Holycross, Lester Dackens, John K. Dodge, T. P. Shields, Geo. Hannawalt Jr. Simeon Kilgore, Berry Hannawalt, W. W. Rhoades, and the Court for good cause shown excused T. P. Shields and upon further call of said Venire facias, J. F. Bennett appeared and then now being twelve good men having the qualifications of jurors, being the first who appeared and were not excused for cause, and who, having been tried and accepted were duly empanneled and sworn to well and truly try and true diliverance make between the State of Ohio and the Prisoner at the Bar, Isaac White, and thereupon the examination of witnesses on behalf of the State of Ohio commenced.

4-5-31

4-5-20

Court adjourned until to-morrow at 8.20 a.m.

Friday May 2nd A.D. 1884

Court at 8.20 A.M. pursuant to adjournment. Same Officers being present as heretofore.

45-31 Fullington et al Phillis
vs
Karsh & Woodruff & L. Martin

This day came the plaintiffs by their attorneys and thereupon came John M. Broderick one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven waived the issuing and service of process and entered appearance of said defendants herein, and by virtue of the same warrant of Attorney, confessed that there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition, the sum of $15.70. It is therefore considered that said plaintiff do recover of said defendant the said sum of $15.70 so as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said Warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

45-20 Conrad et al Borger
vs
John P. James et al William Schatz

This day came the plaintiffs by their attorneys and thereupon came J. C. Johnston one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process and entered appearance of said defendants herein, and by virtue of the same warrant of Attorney, confessed that there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition, the sum of $169 15/100. It is therefore considered that said plaintiff do recover of said defendant the said sum of $169.15 so as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said Warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in Error are waived.

Friday May 2nd A. D. 1884

4419 — Fielding Jon Ed Phillis v.s. Rodgers and Thompson

This day came on this cause to be heard so far as it relates to the alleged deed by Robert W. Thompson to J. B. Morgridge whereupon the Court find that it was not the intention of said Morgridge in taking possession of said deed to accept the same for the purpose of accepting title to said land in the petition described and that the same is void and of no effect in law or equity and the said Morgridge by the order of this Court brings the same into Court for cancellation and thereupon it is ordered and adjudged by the Court that said foreclosed deed be and it is cancelled and declared null and void and the said Morgridge and Thompson ordered to pay the costs made in that part of this cause. And this cause came on to be heard on the Cross-petition of R. L. Woodburn, L. Piper and J. W. Robinson and the Court being fully advised in the premises do find that the allegations of said Cross-petition are true and that they have a judgment lien as alleged against said 387 acres of land next in priority to the said mortgage to said Warder. 4145

It is therefore ordered and decreed by the Court that the said Robert W. Thompson within thirty days pay said R. L. Woodburn, L. Piper and J. W. Robinson said sum of $300.00 with interest from the date of said judgment and costs and in default thereof that an order of sale issue on their demand to the Sheriff of this County, commanding him to appraise, advertise and sell said 387 acres of land of Robert W. Thompson and bring the proceeds of the same for distribution. 4444

And as to the plaintiffs claim against the said Robert W. Thompson the same is passed for further hearing and as to W. S. Rodgers and his wife and Mrs Robbins this cause is dismissed on an agreement of Settlement between them and the plaintiffs for the half of said Judgment.

4050 — Lucy Kilfian v.s. Thos Kilfian

This cause is dismissed at cost of plaintiff.

It is therefore considered ordered and adjudged by the Court that the plaintiff pay the cost herein taxed at $ and in default execution issue therefor. 660

4093 — Eliza Spain v.s. Geo. Slagle et al

This cause is dismissed without prejudice at cost of plaintiff. It is therefore considered and adjudged by the Court that plaintiff pay the cost herein taxed to $ and in default execution therefor.

Friday May 2nd A. D. 1884

4430 Moses Thompson vs The Buckeye Insurance Co. of Shelby Ohio.

This day came on this cause to be further heard on the motion for new trial by the defendant, whereupon the Court being fully advised in the premises do overrule said motion to which defendant excepts. Whereupon by the motion of Plaintiff judgment is rendered on the Verdict and it is considered, ordered and adjudged by the Court that plaintiff recover of the defendant the said sum of Nine hundred and twelve and 26/100 Dollars ($912 26/100) found due him from the defendant by the Verdict of the Jury together with his costs taxed to $- to all of which the defendant excepts and asks the Court to allow and sign its Bill of Exceptions and on motion the Court order the Journal to remain open for 20 days for the purpose of preparing and signing said Bill of Exceptions.

4145 David M. Robinson vs P. Ft. W. & St L. Railway Co.

This cause came on to be heard on the demurrer to the second cause of action, Whereupon the Court being fully advised in the premises do sustain said demurrer to which plaintiff excepts and thereupon defendant files his answer to the first cause of action and cause continued.

4444 Marion County Bank vs M. E. Wetherby, et al

This cause is settled at cost of defft Mary E. Wetherby.
It is therefor considered that the said defendant pay the costs herein and default that execution issue therefor, no record

660 The State of Ohio vs Isaac White

Indictment for murder in the Second degree.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the Prisoner Isaac White being brought into Court in custody of the Sheriff, his Counsel and the Jury heretofore impannelled to try in this case being present; The examination of witnesses on behalf of the State was resumed, the State rested, and the examination of witnesses on behalf of the defendant was commenced, and after making some progress Court adjourned until tomorrow at 8½ o'clock A.M.

Saturday, May, 2nd A. D. 1884

Court met this morning at 8½ o'clock pursuant to adjournment; the same Officers being present as on yesterday.

4413 W. H. Platner et al vs R. L. Woodburn Admr de bonis non of R. L. Broome deceased

This day came the parties by their attorneys and submitted this cause to the Court upon the evidence and admissions and agreements of parties and thereupon the Court finds that the Mortgage sued upon herein which was executed by said W. H. Platner and Margaret A. his wife was at the time of its execution the property of the said R. L. Broome and was also his property at the time of his decease, and by law passed to his administrator. And the Court further find that said Mortgage has been paid to the full satisfaction of the said R. L. Woodburn as such Administrator of R. L. Broome by the Plaintiffs and by agreement of parties it is ordered and adjudged by the Court that said Mortgage be and the same is cancelled and held for naught, and said decree and judgment is paid and satisfied in full. And by like agreement of parties it is ordered that said plaintiffs pay the costs in this cause within ten days from this date and in default thereof that execution issue therefor.

4349 Fredrick Kunze vs Adam Mink

This cause is dismissed and each party to pay one half of the costs herein taxed at $4.00 4398

It is therefore considered and adjudged by the Court that each party pay one half of the costs herein and execution is awarded against the party in default.

4352 Union Converse Ellis vs Margaret A. Ellis

This cause is dismissed at Plaintiffs costs.

It is therefore considered and adjudged by the Court that the Plff pay the costs of this action for which execution is awarded.

4466

Saturday May 3rd A. D. 1884

4466 John D. Southard vs Sol. S. Drake etal

This day came the parties and submitted this cause to the Court on motion to confirm the report of the Sheriff and Commissioners in partition and the description of the land having been corrected in the petition and in the order of partition to correspond with the actual Survey and the Court being fully advised in the premises do find all of said proceedings regular and lawful and do confirm the same and the Court order and decree that said Catherine M. Bayley be endowed of the 5 12/160 acres set off to her, and that said Plaintiff John D. Southard hold in severalty the 51 acres set off to him, and said Saml S. Drake and Abram Drake hold the said 60 acres set off to them in common, 2/3 to said Saml S. Drake and 1/3 to Abram Drake. And John A. Bayley, Lewis C. Bayley and Charles A. Bayley hold each in severalty the lot set off to them subject to the dower of Catherine M. Bayley in their share. And it is further ordered and adjudged by the Court that the costs of these proceedings, including an Attorney fee of $71 12/100 to Robinson & Piper be paid by said parties in the following proportions viz: plaintiff 3/7 Sol. S. Drake and Abram Drake 3/7 and said three Bayleys each 1/7 part thereof, and in failure for ten days to make such payment that execution issue therefor as upon judgments at law against each one so failing. As to the tax claim the Court find that each of said parties is liable for his share of the pike assessments but not the ordinary tax before the termination of the life estate

4398 Irwin W. Walley vs Abram L. Drenner & Flora A. Drenner

This cause coming on to be heard upon the petition, and defendants being in default for answer or demurrer and it appearing to the Court that both the defendants have had legal notice of the pendency and demand of said petition: Thereupon the Court further finds that the plaintiff and defendants are tenants in common in the estate described in the petition: That the plaintiff Irwin W. Walley has the legal right to the one half thereof and the defendants Abram L. Drenner and Flora A. Drenner the legal right to one fourth each thereof, and that plaintiff is entitled to have partition of said estate made as prayed in his petition.

It is therefore ordered adjudged and decreed that partition of said estate be made in favor of all parties in interest, and J. L. Felkner, Robert Hill and F. J. Seger three judicious and disinterested freeholders of the vicinity are hereby appointed Commissioners to make the same. And it is ordered that a writ of partition issue to the Sheriff of Union County commanding him that by the oaths of the Commissioners above named he cause to be set off and divided to each of the above named the part and portion of said estate to which they are severally entitled. And of their proceeding herein said Sheriff is ordered to make due return.

Saturday May 3rd A. D. 1884

4475

660 The State of Ohio
vs
Isaac White

This day came the Pros. Atty on behalf of the State of Ohio and the Prisoner being brought into Court in custody of the Sheriff, his Counsel and the jury heretofore empaneled and sworn in this case being present.
The examination of witnesses on behalf of the defendant was resumed and some progress made. Thereupon Court adjourned until Monday May 5th 1884 at 9. o'clock A.M.

Monday, May 5th A. D. 1884

Court met pursuant to adjournment at 9 o'clock A.M. Same Officers present as heretofore.

4475 D. C. Bothin vs Lucinda J. Gregg et al

This cause coming on for hearing was submitted to the Court upon the pleadings and evidence: On consideration whereof the Court find that the defendants Lucinda J. Gregg and James O. Gregg (after deducting a credit of seventy five dollars paid April 1st 1884 and since this action was commenced) are still indebted to the plaintiff in the sum of two hundred and ninety six and 43/100 Dollars ($296 43/100). The Court further find that the defendant Lucinda J. Gregg, at the time of incurring her liability intended to and did charge her separate property and estate with the payment of the same.

It is therefore considered by the Court that the plaintiff D. C. Bothin recover from the defendants Lucinda J. Gregg and James O. Gregg the said sum of Two Hundred and ninety six and 43/100 Dollars ($296 43/100) at 8 p/c int. from the first day of April A. D. 1884, and his costs herein expended, and execution is awarded against the separate property and estate of said Lucinda J. Gregg therefor. As to defendants Samuel N. Lee and Robinson and Robinson who hold mortgage liens on the lands described in plaintiffs petition which are prior to and better than that of plaintiff this cause is continued.

The Home Building and Loan Association Company of Marysville, Ohio, plaintiff. against John R. Owen James Allen and Bee and Murphy & D. B. May Defendants

This cause now coming on for hearing on the petition of plaintiff and the answer and cross-petition of James Allen and Bee and Murphy, the Court finds that the defendants John R. Owen, James Allen, Bee and Murphy and D. B. May have been duly served with summons in this case and that said Bee and Murphy have entered their appearance on the back of the petition May 1st 1884 and that the said John R. Owen and D. B. May are in default for answer and demurrer and that the allegations of the petition are thereby confessed by them to be true. The Court further find that the defendant John R. Owen has failed to pay plaintiff the weekly installments of dues interest and premiums as in the petition set forth and that there is due to said plaintiff to the date of filing the petition herein the sums of three hundred and seventy two and 85/100 dollars from said Owen. The Court further find, that in order to secure the regular payment of said dues and other installments as well as those hereafter to become due, the said John R. Owen and Ann E. Owen executed and delivered to this plaintiff their certain mortgage in the petition described and on the premises therein described; That said mortgage was on the 3rd day of July 1882, at 2 1/2 o'clock P.M. duly left for record with the Recorder of Union County, Ohio, and recorded in Book 19 page 102 of the records of mortgages of Union County and that the same is a good and valid lien on the premises described in the petition.

It is therefore considered by the Court that unless the said defendants shall within four days from the entry here of pay or cause to be

Monday May 5th A.D. 1884

paid to the said plaintiff the said sum of $372 85/100 so found due and to the Clerk of this Court the costs taxed herein at $. the defendants equity of redemption be foreclosed and said premises be sold, and that an order of Sale issue therefor to the Sheriff of Union County directing him to appraise, advertise and sell said premises as upon execution and return his proceedings to this Court for further order. The question of priority of liens is held for further order of this Court.

Phillip M. Haws
vs
J. M. Haskins H. C. Haskins & C. D. Pitts

This day came the plaintiff by Robinson and Piper Attys, and thereupon came R. L. Woodburn one of the Attorneys of record of this Court, who, by virtue of a warrant of Attorney duly executed and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendants herein. And by virtue of the same warrant of Attorney, confesses that there is due from said Defendants to said Plaintiff as is alleged in said Plaintiffs petition the sum of $693 21/100.

It is therefore considered that said plaintiff do recover of said defendants the said sum of $693 21/100 so confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum, payable annually and virtue of said Warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4251 David N. Wetherby et al.
vs
Cyrus Moore

This day this cause came on to be heard on motion of Ptff to reform answer and the Court being fully advised in the premises overrules the same. Thereupon the Ptffs asked and obtained leave to reply in 30 days and cause continued.

C This day the Court allows and orders paid to C. L. Bogle Stenographer in the White Case No. 660 for 6 days services at $3 per day $18. for trans. at 5 cts per fol $12.16 = $60.17

660 The State of Ohio
vs
Isaac White
Indictment for Murder in the second degree.

This day came the Pros. Atty on behalf of the State of Ohio and the prisoner Isaac White being brought into Court in custody of the Sheriff, his counsel and the Jury heretofore empanneled and sworn in this case being present: The examination of witnesses on behalf of the defendant was resumed the defense closed, and the examination of witnesses on behalf of the State in rebuttal commenced. The State closed and argument was opened by the Prosecuting Attorney on behalf of the State.
Thereupon Court adjourned until tomorrow morning at 8.30 A.M.

Court adjourned until tomorrow at 8.30 a.m.

4308
3558
4407
4093
2662
660

Tuesday, May 6th A. D. 1884

Court met at go'clock a.m. the same officers being present as on yesterday.

4308 Melvin W. Lowe vs S. S. Gardiner Assignee — Settled & cost paid.

3558 Stephen Cranston et al vs Orson Benton et al — On motion this cause came on to be heard on the question of costs whereupon the Court order that all the costs made in the case be paid by the parties in the proportion in which the land was ordered to be divided and that the costs withheld out of the proceeds of said sale be distributed in that proportion and that as to costs the cause is continued.

4402 C. Aultman & Co. vs Elam Rodgers et al — This day this cause came on to be heard upon the motion and showing of defendants to continue, and upon the hearing of said motion and the Court being fully advised in the premises said motion was sustained.

It is therefore ordered and adjudged that the plaintiff recover of the defendants their costs for this term and the same is continued.

4093 Eliza Spain vs Geo. Slagle et al

This day this cause was dismissed by Plaintiff without prejudice at cost of plaintiff. It is therefore considered and adjudged by the Court that the defendants recover of the plaintiff their costs herein expended

2662 Geo. W. Yockum vs Stephen Warner et al — This day this cause came on to be heard on the motion for a new appraisement herein and the Court being fully advised in the premises sustains said Motion and a new appraisement is hereby ordered.

660 The State of Ohio vs Isaac White — Indictment for murder in the second degree.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the prisoner, Isaac White, being brought into Court in custody of the Sheriff, his Counsel and the Jury heretofore empaneled and sworn in this case being present; argument by Counsel for the defendant was made, Argument was completed by counsel on behalf of the State of Ohio. And the said Jury having having heard the testimony adduced by the parties, the arguments of Counsel and charge of the Court retired to their room in charge of the Sheriff for deliberation

Wednesday May 7th A.D. 1884

Elizabeth Wells
v.s
John Habrunack
} Union Common Pleas.

Exceptions to depositions submitted.
Exceptions 1, 2, 3, 4, to depositions overruled. Exceptions 5, sustained.
Pourich sustaining of exceptions 5, plaintiff excepts.

4419 Fullington et al Phelps
v.s
Thompson and Rodgers et al

The Court having disposed of this case as between the said plaintiffs and said J.B. Morgridge and the said Rodgers and Thompson having settled the said judgment with plaintiff & arranged the back interest with said Warder, this cause is by agreement dismissed at the plaintiffs costs, and said judgment in favor of plaintiffs entered satisfied, but the decree as to said Morgridge and said R.L. Woodburn, L. Piper and J.W. Robinson is to remain in full forces. No record of this cause except original and amended petition summons and cross-petition of R.L. Woodburn, L. Piper and J.W. Robinson and the decree, and if plaintiffs fail to pay said costs in ten days that execution issued for the same.

668 The State of Ohio
v.s
Silas Bailor
} Indictment for cutting with intent to wound.

This day came the Prosecuting Attorney on behalf of the State of Ohio, the defendant was brought into Court in custody of the Sheriff and his counsel also being present, thereupon said defendant retracts his plea of "not guilty" heretofore entered, and for plea to said indictment saith he is guilty of assault and battery which plea is accepted by the prosecuting attorney; and the Court having been fully advised in the premises, and the said defendant being enquired of, if he had anything to say why judgment should not be pronounced against him, and having nothing to say.

It is therefore considered and adjudged by the Court; that the said defendant pay a fine of twenty dollars and the costs of this prosecution and that he be imprisoned in the jail of Union County, Ohio, for the term of ten days, and that he stand committed to said jail of Union County, Ohio, until said fine and costs are paid. At the same time it is considered and adjudged by the Court that said defendant enter into recognizance in the sum of One hundred dollars to keep the peace toward said William Hite, the prosecuting witness.

Thereupon said Silas Bailor entered into such recognizance in open Court.

668 The State of Ohio
v.s
Silas Bailor
} The Court this day doth allow and order paid to W. T. Hooper Esq. heretofore appointed counsel for defendant the sum of $25.00 for his services herein

660 State of Ohio
v.s
Isaac White
} Indictment for murder in the second degree.

The Jury in this case still deliberating.

Thursday May 8th A. D. 1884.

3455 Lucy V. French et al
vs
Robert Hill et al

This day came on this cause to be heard on the motion to confirm the several assessments and appraisements made by the accepting claimant Jury on the writ issued in this case the 1st of May 1884 and neither party desiring to set aside the said valuations the Court here confirm the same, to-wit=

I The said Jury valued the lasting and valuable improvements made on the 5 0 acres by Robert Hill on the land in his possession at $15 85 00 and the net annual rents and profits received by him from the time he was served with process at $100 00 and the value of the said 5 0 acres exclusive of the said improvements at $350 00/100.

II The said Jury valued the lasting and valuable improvements made by Ray Hill on the 25 acres of said land in his possession at $1763.00 and the net annual rents and profits received by him at $75.00 and the value of said 25 acres Exclusive of said improvements at $175 00/100.

III The said Jury valued the lasting and valuable improvements made by James W. Wells on the 41/2 acres of land in his possession at $2.220.00 and the annual rents and profits received by him at $106.00 and the value of said land. Exclusive of said improvements at $5.33.00

IV The said Jury valued the lasting and valuable improvements made by Israel Wallace on the 50 acres in his possession at $3.168.00 and the net annual rents and profits received by him at $150 00 and the value of said 50 acres of land Exclusive of said improvements at $798.00

V That the said Jury valued the lasting and valuable improvements made by Peter Wallace on the 101 acres of said land in his possession at $8.990.00 and the net annual rents and profits received by him at $295 00/100.

That he committed waste of $200.00 and the value of said land Exclusive of said improvements are $1.313.00 and the value of the improvements in excess of rent are $7.960.00

VI That said Jury valued the lasting and valuable improvements made by John Wallace on the 80 3/4 acres in his possession at $5.329.00 and the net annual rents and profits received by him at $238 00/100 and the value of said land Exclusive of the said improvements at $1.040.00 and the excess of said improvements over rents & profits at $4453.00

VII That said Jury valued the lasting and valuable improvements made by Jacob Wallace on the 81 acres in his possession at $5594.00 and the net annual rents & profits received by him at $230.00 and the value of said lands Exclusive of said improvements at $1.215.00 and the excess of improvements over rents and profits are $4747.00

VIII That said Jury valued the lasting and valuable improvements made by George Wallace on the 41/2 acres in his possession at $2165.00 and the net annual rents and profits received by him at $105.00 and the value of said lands Exclusive of said improvements at $336.00 and the value of said improvements over rents and profits are $1.704.00

IX That said Jury valued the lasting and valuable improvements made by John Taylor on the 20 acres in his possession at $750 00/100 and net annual rents and profits received by him at $40.00 and the value of said lands

Thursday May 8th A.D. 1884.

of said improvements at $160.00 and the value of said improvements in excess of said rents and profits at $67.00

X That said Jury valued the lasting and valuable improvements made by Franklin J. Holmes on the 33 acres in his possession at $2.247.00 and the net annual rents and profits received by him at $75.00 and the value of said lands in excess of improvements at $235.00 and the value of said improvements exclusive of the rents and profits at $1910.00

XI That said Jury valued the lasting and valuable improvements made by Elizabeth Long on the 20 acres in her possession at $960.00 and the net annual rents and profits received by him at $60.00 and the value of said lands exclusive of said improvements at $210.00 and the value of said improvements in excess of the rents and profits at $690.00 and the one fifth of all of said lands have been recovered in this cause by Lucy V. Trench et al.

Thereupon the Court set this cause down for further hearing on Thursday May 15th A.D. 1884 with leave to plaintiffs to file their election by that time

4467

Bill

This day the Court do allow and order paid to Thomas Law
For furnishing one meal to Jury May 6th 84 $7.50 — First.
" " three meals " " " 7 " $22.50 — Secondly.
" " two " " " " 8 " $15.00 = $45.00 — Thirdly.

Attest J. D. Bungner Clerk

660 The State of Ohio vs Isaac White } Indictment for murder in the second degree.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and his counsel also being present; the Jury heretofore impannelled herein appeared in open Court and reported that they could not agree upon a verdict in this case, the Jury having retired on Tuesday May 6th A.D. 1884 at six o'clock P.M. and returned on this day Thursday May 8th A.D. 1884 at two o'clock P.M. and the Court being satisfied that said Jury could not agree upon a verdict the Court therefore discharges the said Jury without day and without prejudice to the prosecution of this case. And there not being sufficient time to try said cause at this Term of Court the same is continued to the next Term of this Court.

4484

1398 Irwin N. Walley vs Abram L. Dermer and Flora A. Dermer }

This cause came on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein and on motion to confirm the same, and it appearing from said report that said estate could not be divided by metes and bounds without manifest injury to the value thereof and that said Commissioners have made and returned their appraisement of said estate at $2365.00 the Court find the said return and proceedings in all respects correct and in conformity to law and do therefore approve and confirm the same.

4467

Thursday May 8th A. D. 1884

4467 Elizabeth Wells vs John Hobrusack

Plaintiff is ordered to give security for cost in 30 days from rising of Court, on motion of deft. to which plaintiff excepts.
Motion to strike petition from files overruled. Leave granted to add amended verification and same added. Leave granted defendant on his motion to answer in 30 days from rising of Court and cause continued.

4469 J. L. Fish Guardian vs H. C. Hamilton

On motion of the plaintiff and upon producing the return of the Sheriff of his proceedings and sale under the former order of this Court, and the Court being satisfied on examination that the same have been had in all respects according to law, the said proceedings and sale are hereby approved and confirmed. And the said Sheriff is ordered by deed duly executed to convey said premises to David T. Fish, the purchaser in fee simple.
It is further ordered that the Sheriff out of the proceeds of said sale pay:
First, to the treasurer of Union County One hundred and sixty five and 96/100 Dollars for bring the taxes and ditch assessments now a lien on said premises.
Secondly, to the Clerk of this Court the costs of this action (including a counsel fee of $67 50/100 to A. J. Carpenter for his services herein) all taxed to the sum of $135 30/100.
Thirdly, And the residue of the proceeds of said sale to the plaintiff as Guardian of Thomas Elmer E. Moore, John W. Moore and Mabel Moore three fourths of the balance of the cash proceeds, to-wit= the sum of $488 06 and also three fourths of the notes for the defered payments. To the defendant H. C. Hamilton one fourth of the balance of the cash proceeds, to-wit= the sum of $162 68 and also one fourth of the notes for the defered payments.
It further appearing that the purchaser is willing to assume and pay the $165 96/100 tax and ditch assessment as the same becomes due, the Sheriff is authorized to credit him with that amount on the first payment and he is to pay said tax and assessment.

4484 Charles Jewell vs Roxana Jewell et al

This day the Court appoint as Guardian Ad. litem for John Jewell a lunatic defendant, and George Jewell and Samuel Jewell minor defendants herein.

4467 Elizabeth Wells vs John Hobrusack

On motion of defendant the plaintiff is ordered to give security for costs in 30 days

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11484 Charles Jewell vs Roxana Jewell et.al

And now this cause coming on to be heard upon the petition, the answer of John Jewell and Samuel Jewell by their Guardian ad-litem and the evidence, the Court find that all of the defendants have had due legal notice of the pendency and demand of the said petition, and that, with the exception of those above named, they are in default for answer thereto.

Thereupon, the Court further find that the plaintiff and the defendants hereinafter named are tenants in common in the estate described in the petition; that the said Roxana Jewell, widow, is entitled to dower therein, and that subject thereto the plaintiff Charles Jewell has a legal right to the one eighth of said estate;
the defendant Lydia Mullen a legal right to the one eighth part thereof,
the defendant Huldah Turner a legal right to one eighth part thereof,
the defendant John Jewell a legal right to one eighth part thereof,
the defendant Hannah J. Hedgell a legal right to one eighth part thereof,
the defendant Mary E. Raitt a legal right to one eighth part thereof,
the defendant George Jewell a legal right to one eighth part thereof,
the defendant Samuel Jewell a legal right to one eighth part thereof;
and that the plaintiff is entitled to have partition made of said premises, as prayed for in his petition. 4496

It is therefore ordered, adjudged and decreed that partition of said estate be made, and that dower therein be assigned be assigned to the said Roxana Jewell; and that W. H. Robb and John Wiley, three judicious and disinterested freeholders of the vicinity, are hereby appointed Commissioners to make and set off the same. But it is ordered, upon the answer of said Roxana Jewell, that if, in the opinion of said Commissioners said estate cannot be divided by metes and bounds without manifest injury to the value thereof, no dower be assigned and that said premises be appraised free from said dower interest.

And it is ordered that a writ issue to the Sheriff of Union County, Ohio, commanding him that by the oaths of W. H. Robb and John Wiley the Commissioners above named he cause to be set off and assigned the dower of the said Roxana Jewell, if said estate can be divided, in manner as above. 4384
And of his proceedings herein the said Sheriff is ordered to make due return.

Thursday May 8th A.D. 1884

4514 C. Houston et al. A. J. Whitney
vs
Nancy A. McFadden Hugh McFadden

And now came the said C. Houston and A. J. Whitney by A. J. Carpenter their Attorney and the said defendants still failing to answer or demur to said petition it is considered that plaintiffs are entitled to an account of the money due them in the premises, and the Court after hearing the evidence do find that there is due to the said plaintiffs on the notes and mortgage in said petition described the sum of Five hundred and forty nine dollars ($549.00) with 8% int. from April 14th 1884, the first day of the present term of this Court.

It is therefore considered by the Court here that the plaintiffs recover of the said defendants the said sum of Five Hundred and forty nine dollars the sum so found due aforesaid, and also their costs taxed to $.

And it is further ordered and adjudged that in case the said defendants fail for ten days from this date (may 1884.) to pay the said plaintiffs the said sum of Five hundred and forty nine dollars so as aforesaid found due with costs of suit, an order issue to the Sheriff of said County commanding him to cause the said land and tenements in said petition described to be appraised, advertised 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.

4496 William M. Ayres
vs
J. M. Haskins et al

And now comes the said plaintiff by his Attorney and the said defendant J. M. Haskins having failed to demur or answer to the petition of the said plaintiff, the same is therefore taken to be true; and it is considered that the said plaintiff ought to recover the said sum of $550.00 so demanded in his petition, together with the sum of $51.95 which the Court find due as the interest thereon as prayed for in said petition, in all amounting to $601.95 It is therefore considered that the said plaintiff recover against the said J. M. Haskins as principal and H. C. Haskins as surety the said sum of $601.95 together with his costs in and about his said expended, taxed to $- and this cause is continued as to the defendant G. W. Ragan.

4384 Samuel Taylor
vs
Martha E. Jones et al.

This case is dismissed at plaintiffs cost.

It is therefore considered ordered and adjudged by the Court that the plaintiff pay the costs herein taxed to $- and in default execution issue therefor. No record

Thursday May 8th A.D. 1884

4461 C. L. Chapman vs Anna Mary Warner et al

This day this cause came on to be heard upon the answer and Cross-petition of the said defendant the County Commissioners of Union County, Ohio, and the Court find that service of Summons has been made upon the said defendants Anna Mary Warner and John Warner upon said answer and Cross-petition, and both of said defendants being in default for answer and demurrer herein the Court find that the allegations of said answer and Cross-petition are confessed by them to be true; that the defendants Anna Mary Warner and John Warner, Executed and delivered to the said defendant the County Commissioners of Union County, Ohio, the Mortgage deed in said answer and Cross-petition described and on the premises therein described; that said Mortgage was duly recorded in book 18 page 579, of the records of mortgages of Union County, Ohio, and is the first and best lien on the second described premises in said answer and Cross-petition contained, and is a lien on said first described premises therein set forth.

The Court further find that the Condition of defeasance in said Mortgage has been broken, and that the said defendant The County Commissioners of Union County, Ohio, is thereby entitled to have the defendants, Anna Mary Warner and John Warner's equity of redemption foreclosed.

It is therefore considered, ordered and decreed that unless the said defendants, Anna Mary Warner and John Warner, shall, within ten days from the entry of this decree, pay, or cause to be paid to the Clerk of this Court the costs in this case, and to said defendants, The County Commissioners of Union County, Ohio, the sum of One hundred and eighty two and 90/100 Dollars with interest from the Fourteenth day of April A.D. 1884 at the rate of eight per centum per annum, according to the Terms of said Mortgage deed, the said defendants, Anna Mary Warner and John Warner's equity of redemption be foreclosed, and said premises shall be sold, and an order of Sale shall issue therefor to the Sheriff of said Union County, Ohio, directing him to sell said premises as upon execution, and bring the proceeds into Court for further order.

3707 Violia W. James vs Alex. J. Mahaffey et al

This day this cause came on to be heard upon the demurrer of James T. Mahaffey to the amended petition filed herein and was argued by counsel. On consideration whereof and the Court being fully satisfied in the premises finds that said demurrer is not well taken and therefore overrules the same to which ruling of the Court the defendant James T. Mahaffey at the time excepted.

1780

Thursday May 8th A.D. 1884

4403 Araminda Darling vs Tiff F. Darling et.al

This day this cause came on for hearing upon the return of the Sheriff and of the Commissioners herein, of their proceedings in the assignment of dower under the former order of this Court, and on motion to confirm the same. And the Court being fully advised in the premises, find said proceedings and assignment in all respects in conformity to law, and do hereby approve and confirm the same.

It is therefore ordered and decreed that the said Araminda Darling have and possess the lands so assigned, to-wit = "Situated in the Township of Leesburg, County of Union and State of Ohio, part of Virginia Military Survey No. 6211. Beginning at a stake in the south line of said survey No. 6211, corner to J.W. Beems land, thence with said survey line (courses corrected) S. 78° E. 61 poles to a stake, thence N. 5-2° E. 34 poles to the centre of the Will Johns gravel road, thence with the centre of said road N. 38¼° W. 47 poles to a stake, another corner of J.W. Beems land, thence with his line S. 52° W. 73 poles to the place of beginning, containing fifteen and three fourths (15¾) acres of land." Also another tract in the same Township, County and State and part of the same survey. "Beginning in the centre of the Will Johns gravel road, corner to J.B. Beems land and N. 38¼° W. 38 50/100 poles from the North West corner of the above described tract; thence with said Beems line N. 74¾° E. 21 poles to a stake corner to J.W. Beems land, thence N. 14¾° W. 73 poles with Beems line to a stake, thence N. 77¾° E. 21 7/100 poles to a stake, thence S. 14¼° E. 94 poles to a stake, thence S. 77¾° W. 34 70/100 poles to a stake in the centre of the Will Johns gravel road, thence with the centre of said road N. 38¼° W. 21 80/100 poles to the place of beginning, containing fourteen and three fourths (14¾) acres" = "There being in both tracts (30½) Thirty and one half acres of land," as and for her reasonable dower in said premises.

It is further decreed that the said defendants pay to said plaintiff the sum of Twenty five dollars, being one third of the sum returned by said Commissioners as the net value of said premises, from the time of filing this petition to the assignment of dower.

It is further ordered and adjudged that the costs of this action amounting to the sum of $— be paid in the following proportions, to-wit = One third thereof by the said plaintiff and the remainder by the said defendants ac= =cording to their relative interests in said land, and execution is awarded therefor.

3780 Lewis Ellis vs Alex. J. Mahaffey

This day this cause came on to be heard upon the demurrer of James T. Mahaffey to the amended petition filed herein and was argued by Counsel, On consideration whereof and the Court being fully satisfied in the premises finds that said demurrer is not well taken and therefore over= =rules the same, To which ruling of Court the defendant James T. Mahaffey at the time excepted.

Thereupon Court adjourned until Monday May A.D. 1884 at one o'clock P.M.

In Vacation.

4517	Fleck and Chapman vs Ed. Berger, The Home Building and Loan association Company and others	In Union Common Pleas Before Probate Judge. Temporary Injunction May 17th 1884.

This day came the Home Building and Loan Association Company defendant by its Attorney and on his motion and affidavits herein filed, and good cause shown and it appearing to me that at this time there is no Supreme or Common Pleas Judge in said County;

It is Ordered, That an injunction be issued hereon enjoining the defendant Ed. Berger from selling, disposing of, or incumbering in any way Lot No 397 in Freshwater's Addition to the Village of Marysville, Union County, Ohio as prayed for in said petition, until the further orders of the Court of Common Pleas or a Judge thereof, or otherwise directed by due course of law, upon the plaintiff executing an undertaking in the sum of $200.00 conditioned according to law, with sureties to the approval of the Clerk of the Court of Common Pleas of Union County, Ohio.

John B. Coats, Probate Judge, (seal)

4519

4147

Saturday May 17th A. D. 1884

Court met at Om, O'clock P.M, the same Officers as on the first day of the Term being present.

4519 William Blew
vs
Samuel M. Hamilton

Now came the plaintiff herein, and the defendant being in default for answer and demurrer the Court find the allegations of the petition are confessed by him to be true, and further find that defendant is indebted to plaintiff in the sum of One hundred and thirty four 40/100 dollars ($134 40/100). It is therefore considered by the Court that the said plaintiff recover from the said defendant, the said sum of ($134.40) One hundred and thirty four and 40/100 Dollars and his costs herein expended, taxed at $.

The Court further find that the defendant Samuel M. Hamilton, executed and delivered to the plaintiff, William Blew, the Mortgage deed in the petition described, and on the premises therein described; That said Mortgage was duly recorded in Book 20 page 98, of the records of Mortgages of Union County, Ohio. on the day of March 1883 and is the first and best lien on the premises described in the petition.

The Court further find that the condition of defeasance in said Mortgage has been broken, and that the said plaintiff is thereby entitled to have the defendants equity of redemption foreclosed.

It is therefore considered and decreed, that unless the said defendant shall, within ten days from the entry of this decree, pay, or cause to be paid, to the Clerk of this Court, the costs in this case, and to said plaintiff the sum of $134.40 with 6% interest from the entry of this decree, according to the Terms of said Mortgage deed, the defendants equity of redemption be foreclosed, and said premises shall be sold, and an order of Sale shall issue therefor, to the Sheriff of Union County Ohio, directing him to appraise advertise and sell said premises, as upon execution, and bring the proceeds into Court for further order.

4147 Merdelia Bentler
vs
John Chapman

This day came the parties by their Attorneys and thereupon this cause came on to be heard upon the pleadings of the parties and evidence and was argued by counsel and submitted.

On consideration whereof the Court being fully advised in the premises do find the equities of the case to be with the plaintiff, that the said defendant received the money stated in the petition and that in equity he should account to the plaintiff in the sum of One Thousand Dollars.

It is therefore considered, adjudged and decreed by the Court that the said defendant pay the plaintiff the said sum of One Thousand Dollars the same so as aforesaid found due together with costs of this suit, and it is further ordered and decreed that if said defendant fail for three days to pay said money and costs then that execution issue therefor as upon Judgments at Law.

Thereupon the defendant gave notice of his intention to appeal this case to the Circuit Court, and the Court fix the bond for appeal at $2,000.00

Plaintiff also gave notice of intention to appeal and the Court fix the bond at $200.00

Saturday May 17th 1884

Albert Fogle
vs
Eli Hildebrand and Henry Highbargin
Executors of the estate of John Hildebrand deceased

This day this cause came on to be heard upon a motion of defendants for a new trial and the same being argued to the Court by Counsel and the Court being fully advised in the premises overrules said motion and renders a judgment on the Verdict found by the jury on a former day of this Term against said defendants as said executors for the sum of Two hundred and thirty dollars.

It is therefore ordered and adjudged that said Executors pay this plaintiff the sum of $230.00 and his costs taxed at $-

To all of which rulings and judgment the defendants then and there and at the time excepted.

4520 J. G. Coleman
vs
Phoebe Burroughs

This day this cause came on to be heard upon the pleadings and evidence, and the defendants bring in defendant for answer & d. demurrer and the Court being fully advised in the premises find that there is due the plaintiff from the defendants Phoebe Burroughs and Ira Burroughs on the promissory note set forth in the petition with interest to April 1st 1884, the sum of $196.60

The Court further finds that in order to secure the payment of said debt the defendants Phoebe Burroughs and Ira Burroughs executed and delivered by assignment from Lewis Poling to J. G. Coleman the plaintiff their certain mortgage as in the petition described and on the premises therein described, that said Mortgage was duly recorded in Book 17 Page 221 of the record of Mortgages of Union County and is the first and best lien on the premises described in the petition.

It is therefore considered and adjudged that unless the defendants Phoebe Burroughs and Ira Burroughs shall within ten 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 herein the sum so found due as aforesaid with interest from April 1st 1884 the defendants equity of redemption be foreclosed, and said premises shall be sold, and an order of sale shall issue to the Sheriff of Union County directing him to sell said premises as upon execution and bring the proceeds into Court for further order.

4495 Jacob Leonard
vs
Simeon Skeels et al

This day this cause came on for hearing and the defendants Simeon Skeels and Annie M. Skeels bring in defaunt for answer and demurrer, the Court find that the allegations of the petition are confessed by them to be true and that said defendant Simeon Skeels is indebted to the plaintiff herein in the sum of One hundred & thirty one and 79/100 Dollars with 6 p/c interest thereon from the 14th day of April 1884

Saturday May 17th A.D. 1884

It is therefore considered and adjudged by the Court that the said plaintiff recover from the said defendant Simeon Skeels the sum of One hundred and thirty one and 29/100 Dollars with 6 p.c. interest thereon from April 14th 1884, and his costs herein expended taxed to $.

The Court further find that since the filing of said petition the second note therein set forth has become due and that there is due thereon from said defd Simeon Skeels to said plaintiff the sum of ($236 53/100) Two hundred and thirty six and 53/100 Dollars with 6 p.c. int. thereon from April 14th 1884.

The Court further find that in order to secure the prompt payment of said notes the said defendant Simeon Skeels and the defendant Anne M. Skeels, his wife, executed and delivered to the said Thomas Burroughs their certain Mortgage as in the said petition described, and on the premises therein described and that said Mortgage was duly recorded in Book 16 Page 565 of the records of Mortgages of Union County Ohio, and in the first and last lien on said premises described in the petition.

The Court further find said notes and Mortgages set forth in said petition were duly assigned to said plaintiff by said Thomas Burroughs and that said plaintiff is now the legal owner and holder thereof.

It is therefore considered, ordered and decreed that unless the defendants shall, within thirty 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 herein the sums so found due as aforesaid, with interest as aforesaid from the 14th day of April A.D. 1884, the defendants equity of redemption be foreclosed, and said premises shall be sold, and an order of sale shall issue therefor to the Sheriff of Union County, Ohio, directing him to sell said premises as upon execution and bring the proceeds into Court for further order

John L. Parrott
vs
John A. Parrott et al

On motion to the Court by F. T. Arthur Atty for the plaintiff and upon producing the proceedings of the Sheriff and the report and proceedings of the commissioners herein before appointed, and the same being examined, it is ordered by the Court that said proceedings and report be and the same are hereby approved and confirmed in all respects and thereupon came Ellen Parrott, Widow, and elected to take the said seven acre lot in the Corporation of Marysville, Ohio, at the valuation thereof, as returned by said Commissioners. It is ordered that the said seven acre lot in Marysville be adjudged and decreed to the said Ellen Parrott and the Sheriff is ordered to execute a deed in fee simple to the said Ellen Parrott for the said seven acre lot as aforesaid.

and on further hearing hearing of the cause as to the balance of the estate, and thereupon neither of the said parties electing to take the said balance at the valuation thereof as returned by said Commissioners, on motion of the Counsel for plaintiff it is ordered by the Court that the lands and tenements in the petition mentioned except said seven acre lot in Marysville as aforesaid and as surveyed be sold at public Auction by the Sheriff of this County according to the Statute in such case made and

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provided free from the dower interest of said Edna Powers upon the following terms, to-wit= One third in hand- One third in one year and one third in two years from the day of sale with interest on deferred payments, and that they be secured by a mortgage upon the premises so sold.

Charles Jewell
vs
4484 Roxana Jewell et al

This day this cause came for hearing upon the returns of the Sheriff and the report of the Commissioners heretofore appointed herein, and on the motion to confirm the same. And it appearing that said estate cannot be divided by metes and bounds without injury to the value thereof, and that said Commissioners have made and returned their appraise= =ment of said premises (free from the dower of said Roxana Jewell) in the sum of $5580.00 for lot No. one and $4209.00 for lot No. two; the Court find the said return and proceedings in all respects correct and in conformity to law, and do therefor approve and confirm the same.

And thereupon, neither of said parties electing to take the said premises at their appraised value, and the said Roxana Jewell having by her answer waived her dower by metes and bounds, and asked that in lieu thereof its value be paid her in money. On motion of the plaintiff, it is ordered that said premises be sold at public auction free of the dower of the said Roxana Jewell, and that an order issue therefor to the Sheriff of Union County, Ohio to sell said premises in two different tracts as follows:

"Lot No. One" Situated in the Township of Liberty, County of Union and State of Ohio. Part of Virginia Military Survey No. 5729. Beginning at a stone (hickory, ash, ironwood and sugar gum) south east corner to said survey No. 5729, thence with the east line of said survey N. 8° W. 75 60/100 poles to a stake South East corner to E. Shaw's land, thence with the south line of said land S. 82° W. 24 poles to a stake South west corner to said lands in the centre of the Turner road, thence with the centre of said road N. 8° W. 51 poles to a stone, South East corner to Harrison Shaw's land, thence with the south line of said land S. 82° W. 51 poles to a stone, south east corner to Harrison Shaw's land, thence with the south line of said land S. 82° W. (passing a stone on the westerly margin of said road at 20 feet) 105 poles to a stake and stone, south west corner to said Harrison Shaw's land in the east line of Stephen Shirks land, thence S. 8° E. 120 poles to a stake (north west corner to a lot containing 1 5/10 acres conveyed by George Orahood to S. S. Jewell) a stone in the south line of said survey No. 5729 bears S. 8° E. 2 poles, thence with the north line of said lot N. 82° E. 105 poles to a stake corner to said lot in the centre of said Turner road, thence with the centre of said road S. 8° E. 2 poles to a stake in the south line of said survey No. 5729 thence with line N. 82° E. 24 poles to the place of beginning, containing Ninety three (93) acres more or less."

"Lot No. two, Situated in the Township of Liberty, County of Union and State of Ohio. Part of Virginia Military Survey No. 5729. Beginning at a stone witnessed by a Sugar and dogwood in the south line of said survey No. 5729 and corner to George E. Berry's land, thence with the east line of said land and the east line of H. T. Jackson's land N. 8° W. 117 poles to a stone South West corner to Stephen Shirks land. Thence S. 8° E. 115 poles to a stake, north west corner to a lot containing

45'34

45'46

thence with the south line of said land N. 82° E. 126 poles to a stone north east corner to said Stephen Shirk's land, thence S. 8° E. 115 poles to a stake, with ant corner to a lot containing 1 5/160 acres conveyed by George Orahood to S. S. Jenners, thence with the north line of said lot N. 82° E. 105 poles to a stake, north east corner to said lot in the centre of the Turner road, thence with the centre of said road S. 8° E. 2 poles to a stake in the south line of said survey No. 5729, thence with said line S. 82° W. 231 poles to the place of beginning, containing Ninety three (93) acres and seventy two (72) poles more or less."

And the said Sheriff is ordered to return his proceedings to this Court without unnecessary delay.

James S. Reed

45534 vs

D. B. Dorwood & R. N. Dorwood

This day came the plaintiff by his Attorneys; also appeared in open Court, for and on behalf of said defendants Geo. D. Copeland an Attorney at law of this Court, and by virtue of the warrant of Attorney annexed to the note attached to the petition in said cause, shown to have been duly executed by said defendants, entered the appearance of said defendants, and waived the issuing and service of process in this action, and confessed a Judgment on said note against said defendants, and and in favor of said plaintiff for One hundred and three dollars, being the amount principal and interest due on said note, and for the costs taxed and to be taxed, and released and waived all exceptions, errors, and right of appeal in the premises.

It is therefore considered that said plaintiff recover of said defendants the sum of One hundred and three Dollars being the amount of said note with interest computed at 6 per cent, per annum, from the 13th day of Nov, A. D. 1883: and also his costs herein expended taxed to $—

J. F. Ruhlen

45576 vs

Geo. Stoll et al

This day this cause came on for hearing upon the petition of the plaintiff, the answer and cross-petition of Belle Mitchell and the evidence, the defendants George Stoll and Catherine Stoll still failing to answer or demur to said petition, or answer and cross-petition.

On consideration whereof the Court do find that the plaintiffs mortgage is the first and best lien on the premises described in the petition and the defendant Belle Mitchell's mortgage is the second lien and both said J. F. Ruhlen and said Belle Mitchell are entitled to an account of the money due them on the premises, and the Court after hearing the evidence do find that there is due to said J. F. Ruhlen on the note and mortgage in his petition described the sum of Three hundred and three and 50/100 Dollars to gether with 6 p c interest thereon from April 14th 1884, the first day of the present term of this Court, and that there is due to said Belle Mitchell on the note and mortgage described in her answer and cross-petition the sum of Three hundred and Thirty two and 20/100 Dollars at 8 p c interest thereon from April 14th A. D. 1884 the first day of the present term of this Court.

It is therefore considered by the said Court here that the said plaintiff recover of the

defendant George Stall the said sum of Three hundred and three and 65/100 Dollars at 6% from April 14th 1884.

And it is further ordered and adjudged that in case said George Stall or Catherine Stall fail for five days from this 17th day of May 1884 to pay to said J. F. Ruhlen the said sum of three hundred and three and 65/100 Dollars at 6% int. from April 14th 1884 and to pay to said Belle Mitchell said sum of Three hundred and thirty two and 79/100 Dollars at 8% from April 14th 1884 the sums so aforesaid found due them respectively, with costs of suit an order issue to the Sheriff of said County commanding him to cause said lands and tenements in said petition described to be appraised advertised and sold according to law and apply the proceeds of said sale in satisfaction first, of the said sum so found to J. F. Ruhlen, and secondly, in satisfaction of said sum so found due to said Belle Mitchell, with costs of suit.

Fleck and Chapman
vs
E. O. Huff et al.

This cause came on for hearing and the defendants being in default for answer or demurrer the Court find that the allegations of the petition are confessed to be true and that there is due the plaintiffs the sum of $47 78/100 on the account of the materials furnished and labor performed as set forth in the petition and that the same is a lien on the premises described in the petition by reason of the Mechanics' liens therein described, and recorded in book 2 Page 209 of the Union County records of liens and that the plaintiff is entitled to have said liens enforced.

It is therefore considered that said plaintiffs recover of the defendants E. O. Huff the sum of $47.78 together with the costs herein expended and that unless said Judgment is paid within 10 days from the entry hereof that an order may issue to the Sheriff of Union County Ohio commanding him to sell said premises as upon execution and of his proceedings he make due return to this Court.

Jacob Karch et al.
vs
Commissioners Union County, Ohio.

This day this cause came on for hearing upon the demurrer of defendant to plaintiffs petition, and the same was argued by Counsel and submitted to the Court, On consideration whereof the Court do overrule said demurrer as to the first cause of action, and do sustain the same to the second cause of action in said petition contained. Thereupon defendant asked and obtained leave to plead to said first cause of action within thirty days from the rising of Court and cause continued.

4187 Laura Cole
vs
Leonard Geer

This cause being heard on demurrer to the petition, the Court does, on consideration overrule the same, and on Motion the defendant is rolled and to answer within 30 days.

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4501

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4497	James B. Cole vs W. W. Justice et al	This cause being heard on the demurrer to the petition, the Court doth on consideration overrule the same and on motion the defendant is allowed to answer within 20 days.
665	The State of Ohio vs Wm R. Shackleford	Indictment for assault with intent to commit rape. This day came the prosecuting Attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff, and his counsel also being present, thereupon this cause came on for hearing on the application of the said defendant to fix the amount of his recognizance herein. On consideration whereof the Court do fix the amount of the recognizance herein in the sum of Three hundred and fifty dollars.
660	The State of Ohio vs Isaac White	Indictment for Murder in the second degree. The day came the prosecuting attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff, and his counsel also being present, thereupon this cause came on for hearing upon the application of said defendant to fix the amount of his recognizance herein. On consideration whereof the Court do fix the amount of recognizance herein in the sum of Three Thousand and Five hundred Dollars.
4508	D. B. Woodbury et al. vs Wm M. Liggett et al.	This cause came on to be heard by the Court and on the demurrer to the petition, whereupon the Court being fully advised in the premises do overrule said demurrer, to which defendants excepted, and upon motion of defendants they each and all have leave to answer in thirty days and bave was granted to defts to amend demurrer Cause continued
4486	W. Harriman vs Ella Argo et al	This day this cause came on to be heard upon the demurrer to the petition and the Court being fully advised in the premises do overrule the same, thereupon defendants asked and obtained leave to file answer in 30 days & cause cont'd.
4487	W. Harriman vs Ella Argo et al	This day this cause came on to be heard upon the demurrer to the petition and the Court being fully advised in the premises do overrule said demurrer, thereupon defendants asked and obtained leave to file answer within 30 days & cause cont'd.
4501	J. W. & H. E. Moore vs Ella Argo et al	This day this cause came on to be heard by the Court upon the Demurrer of Defts to the petition, and the Court being fully advised in the premises do sustain said demurrer. and plaintiffs not desiring to further amend his petition herein It is therefore considered ordered and adjudged by the Court that the petition be dismissed without record and that plaintiffs pay the costs herein taxed to $- and in default that execution issue therefor.

Saturday May 17th A. D. 1884

C. S. Chapman
4461 vs
Anna Mary Vanmeter et al

And now comes the said C. S. Chapman by A. T. Carpenter, his attorney, and the said Anna Mary Vanmeter and her husband still failing to answer or demur to plaintiffs petition, this cause was heard upon the petition and answers and cross-petitions of other defendants. Whereupon it is considered that the said plaintiff is entitled to an account of the money due him in the premises and the Court after hearing the evidence do find that there is due to the plaintiff in the note and mortgage in said petition described, after crediting thereon a payment of One hundred and sixteen dollars made thereon on the 8th day of March 1884, and after this suit was commenced, the sum of One hundred and sixteen and 46/100 Dollars with 8 p/c int. from April 14th 1884 the first day of the present term of Court.

It is therefore considered by the Court here that the said plaintiff recover of the defendants Anna Mary Vanmeter and her said husband the said sum of One hundred and Sixteen and 46/100 Dollars, with 8 p/c int. from April 14th 1884, the sum so found due as aforesaid and also his costs taxed to $- And it is further ordered and adjudged that in case said defendants fail for ten days from this day to pay to the said plaintiff the said sum of One hundred and sixteen and 46/100 Dollars with 8 p/c interest thereon from April 14th 1884, the sum so as aforesaid found due with costs of suit an order issue to the Sheriff of said County commanding him to cause the said land and tenements in said petition described to be appraised, advertised and sold according to Law, and apply the proceeds of said sale in satisfaction of said sum so found, in order of its priority, with that of the other defendants having liens thereon, with costs of suit.

T. F. Purdue
4377 vs
Alice G. Phelps

This cause coming on for hearing and it appearing that since the filing of plaintiffs petition his claims has been satisfied except the costs herein it is ordered and adjudged that plaintiff recover of defendants the costs of this action taxed to $- and that if defendants fail for ten days to pay the same to the Clerk of this Court that execution issue therefor.

Lydia A. Morris
4341 vs
S. W. Van Winkle et al

This day this cause came on for hearing upon the demurrer of defendants to plaintiffs amended petition and was argued by counsel and submitted. Whereupon the Court being fully advised in the premises sustained said demurrer. Thereupon plaintiff asked and obtained leave to file second amended petition within thirty days and this cause was continued.

J. M. Dunn
4455 vs
E. G. Rodgers et al

This day this cause came on to be heard upon the demurrer to the petition and the Court being fully advised in the premises sustained said demurrer. Thereupon plaintiff asked and obtained leave to file amended petition in thirty days and cause continued.

4494

Sheriffs allowance

4415

4485

4329

Sat. May 17th A.D. 1884.

#494 Helen M. Watkins Guardian &c. vs Eva B. Kendall and others — Petition to sell land.

This day this cause came on to be heard upon motion to require the plaintiff to make her petition more definite and certain, and to be heard also upon demurrer to the petition, was argued by counsel and submitted to the Court. Whereupon the Court being fully advised in the premises do overrule said motion and demurrer to which ruling of the Court the defendants at the time excepted and leave was given defendants to answer in 60 days from May 17th 1884 and cause continued.

Sheriff's allowance

This day the Court allows and orders to be paid to John Hobrusack Sheriff for services of

Thomas Martin as Deputy Sheriff 28 days at $2.00 per day		$56.00
Henry Hobrusack " " " 3 " " " " "		6.00
" " " " " 2 " " " " " attending Grand Jury		4.00
	Total =	$66.00

Attest J. D. Burgner, Clerk.

#485 Daniel T. Elliott Admbr. vs Daniel S. Ford et al. — Petition to sell land

This day this cause came on to be heard upon the motion of the defendant Lucinda Ford to require the plaintiff to make his petition more definite and certain was argued by counsel and submitted to the court.

Whereupon the Court being fully advised in the premises do overrule said motion. The said defendant then asked leave of the Court to file answer for the defendant Lucinda Ford within thirty days from this date, which leave was by the court accordingly granted and the cause continued.

#486 First National Bank of Zanesville, O. vs J. M. Dunn and others

Now comes the plaintiff by its Attorneys and the defendants being in default for answer and demurrer the Court find that the allegations of the petition are confessed by them to be true and further find that the defendants J. M. Dunn and Thomas Martin are indebted to the plaintiff in the plaintiff in the sum of Four hundred and fifty eight and 86/100 Dollars ($458.86/100) with interest from the 1st day of this Term of Court at 7 per cent per annum. It is therefor considered by the Court that the said plaintiff recover from the said defendants J. M. Dunn and Thomas Martin the said sum of Four hundred and fifty eight and 86/100 Dollars ($458.86/100) with int. at the rate of seven per cent per annum from April 14th 1884 and it costs herein expended taxed to $-

#329 Martha Jones et al vs T. W. Bridges et al — This day this cause came on to be heard on mo. of defts to require Ptffs to make their amended Pet. more definite and certain, whereupon the Court being fully advised in the premises sustains said mo. as to 4th cause of action, overrules the same as to balance & leave is given defts to answer in 30 days and cause continued.

May 17th A. D. 1884

Court opened to

4385.

4261 Kilburn Jones & Co. vs T. B. Burtow et al.

This day this cause came on to be heard upon the motion of the plaintiffs by Pannell & Fulton their Attorneys to confirm the sale of real estate made herein by the Sheriff of this County on the 10th day of May A. D. 1884 to the said plaintiffs on an order of sale issued in this cause and dated the 7th day of April A. D. 1884, and the Court examination of said proceedings being satisfied that said sale has been made in all respects in conformity to law, it is ordered that said sale and proceedings be, and the same is hereby confirmed, and the said Sheriff is ordered to make to the purchaser a deed in fee simple for the lands and tenements so sold

4528

4366 Margaretta A. Johnson vs John R. Johnson Lewis Thompson Jr. Lewis Thompson Sen. & David Myers

4503

This cause came on for hearing upon the petition of the plaintiff and the defendant being in default for answer or demurrer the Court finds that at the filing of the petition herein plaintiff has been a resident of Ohio for more than one year next preceding the same and was a bona fide resident of this County of Union and that the parties hereto were married as in said petition set forth. The Court further find upon the evidence adduced that the defendant has been guilty of gross neglect of duty toward this plaintiff and that by reason thereof the plaintiff is entitled to divorce. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Margaretta A. Johnson and John R. Johnson be and the same is hereby dissolved, and both parties are released from the obligations of the same.

It is further ordered that the custody, care, education and control of the said Children of the parties hereto be confided to the said Margaretta A. Johnson exclusively, and the said John R. Johnson is hereby enjoined from interfering in any manner with either of said Children or with the plaintiff in the custody of them. But is hereby ordered that said Defendant John R. Johnson have the privilege of visiting said Children at all proper times, any violation of this privilege may be reported to this Court. It is further ordered, decreed and adjudged that the defendant pay to the plaintiff as her reasonable alimony in money the sum of Two hundred and fifty Dollars in addition to the pendente alimony already allowed by the Court, and that the injunction heretofore granted be continued and extended until said alimony is paid.

4353

It is further considered by the Court that said Margaretta A. Johnson recover from the said John R. Johnson her costs herein expended and that execution issue therefor

3539

Thereupon Court adjourned until Tuesday June 3rd 1884 at 1 o'clock P.M.

Tuesday June 3rd 1884

Court opened today at 1 P.M. pursuant to adjournment; the same officers being present as heretofore.

4385. N. C. Hamilton et al v.s. S. P. Mulford

This day this cause came on to be heard on the motion of the defendant S. P. Mulford to have the costs of the attachment made in this case adjudged against the plaintiffs, for reasons stated in affidavits on file, and the Court hearing the same, and being advised in the premises do sustain said motion.

It is therefore considered and adjudged that the plaintiffs pay the costs of said attachment and in default of such payment that execution issue therefor

4528 James A. Kile et al, v.s. David Mulford et al, Jacob Snyder

This day came the defendant David Mulford and asked and obtained leave of Court to file answer herein on June 28th A.D. 1884 Cause continued.

4503 Jacob Snyder v.s. Martin Snyder et al,

On motion this day the decree in this case as to Sarah Snyder a Lunatic was opened up and leave was leave was taken to continue the same as to her for service.

Phillips Haron v.s. J. M. Hoskins, H. C. Hoskins & C. D. Pitts

This day this cause came on to be heard upon the motion of H. C. Hoskins and E. D. Pitts, and on consideration the Court finds that H. C. Hoskins and E. D. Pitts are sureties for J. M. Hoskins on the note upon which judgment was heretofore rendered at this Term of Court and the Clerk is ordered to so certify the fact on any execution that may be issued herein.

4353 Elizabeth Wells v.s. John Henson

Motion to make more specific and certain overruled. Plaintiff required to give security for cost within 20 days from Rising of Court and defendant to answer within ten days thereafter Cause continued.

3539 John Gray v.s. J. S. Shakelman & N. Davis

This day came the plaintiff by Broadnax & McCampbell his attys and thereupon came S. B. Cole, one of the attys of record of this Court, who, by virtue of a warrant of attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process and entered the appearance of said defendants herein, and by virtue of the same warrant of atty confesses that there is due from the said defendants to said plaintiff as is alleged in said plaintiffs petition the sum of One hundred thirty seven 7/100 dollars. It is therefore considered and adjudged that said plaintiff do recover of said defendants the said sum of One hundred thirty seven 7/100 dollars so confessed to be due, together with costs of suit herein, to be taxed, & with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of atty all errors are released, and all right of appeal and all right to file a petition in error are waived.

Thereupon Court adjourned until to-morrow at 8:30 a.m.

Wednesday June 4th A.D. 1884

Court met at 8.30 A.M. pursuant to adjournment, the same Officers being present as on yesterday.

Bill — The Court allows and orders to be paid to John Habrunack Sheriff for attending Court June 2nd & 4th the sum of Four Dollars.

Attest J. D. Bringner Clerk.

4488 — Isaac Hofer vs O. B. Mather et al

On motion of O. B. Mather one of the defendants he has leave to file his answer in this case and the same was filed, and on motion Ed. Mather the other defendant has leave to file an amended answer herein and the same is filed

4433 — Moses Thompson vs Buckeye Mutual Fire Ins. Co.

Now comes the defendant and presents to the Court his certain bill of exceptions herein, which being found by the Court to be true is allowed, signed and sealed and on motion is hereby made a part of the record of this case.

2688 — Geo. Armstrong vs N. G. Smith et al.

This day this cause came on to be heard on motion of plaintiff for leave to Sheriff Miller to amend his upon Order of Sale issued Nov. 19, 1878 and confirm sale of property, sold upon said order of sale, and the Court being fully advised in the premises sustained said motion, and said return is ordered to be amended to conform with the facts; and it appearing to the Court from the return of the Sheriff as amended that the said proceedings of said Sheriff had been in all respects according to law and the order of this Court.

It is ordered and adjudged by the Court that said proceedings of the Sheriff, and sale of the premises described in said order of Sale be and the same is hereby confirmed, and the present Sheriff of said County is hereby ordered to convey said premises to the purchaser P. R. Kerr by deed according to law, and the proceeds arising from said sale is ordered to be applied as follows,

1st — To pay the taxes due upon said premises

2nd — To pay the costs of this proceeding taxed at $.

And the balance to be applied on the Judgement of Plaintiff vs Defendant.

Wednesday June 4th A.D. 1884

4280 | Mary E. Judy vs Middleton S. Judy | Court of Common Pleas Union County, Ohio.

This day this cause came on to be heard on the petition of the plaintiff filed in Cause No. 4280 and Cause No. 4479 the same having been consolidated by former order of said Court, and the defendant failing to answer or demur to said petitions and it appearing to the Court that said defendant Middleton S. Judy has been duly notified according to law of the pendency of these suits, by legal service of summons with copy of said petitions upon him personally, and the Court being fully advised in the premises upon the hearing of the allegations and evidence of the plaintiff and in consideration whereof the Court find that the plaintiff at the time of filing her said petitions had been a resident of the State of Ohio for one year next preceding the same and was at said times a bona fide resident of said County of Union and that the parties hereto were married as in said petitions set forth. The Court further find upon the evidence adduced that the defendant has been guilty of gross neglect of his marital duties toward the plaintiff and of extreme cruelty toward her, and that by reason thereof the plaintiff is entitled to Divorce and alimony as prayed for in said petitions.

It is therefore ordered and adjudged by the Court, that the marriage contract heretofore existing between the said Middleton S. Judy & Mary E. Judy be and the same is hereby dissolved and both parties are released from the obligations of the same. It is further ordered and decreed that the said plaintiff have and possess as for alimony the following described real estate, to-wit= "In lot No. 366 in Beatty's addition to the town of Richwood, Union County, Ohio, as the same is known on the recorded plat of said addition" And the said defendant is hereby ordered to convey said real estate with all appurtenances to the same belonging, to said plaintiff, her heirs and assigns forever, by a good and sufficient deed in fee simple, free from any right or claim of said defendant, to any estate, by the curtesy or otherwise therein; and it is further ordered that upon the failure of said defendant to execute said conveyance within five days from the entry hereof that this decree shall operate as such conveyance and in that case it is ordered that the Clerk cause so much of this decree to be recorded in the Office of the Recorder of this County as will show such change of title and it is further ordered and adjudged by the Court that said plaintiff do have, possess and enjoy as and for alimony, all the household and kitchen furniture now in her possession belonging to said Middleton S. Judy.

It is further ordered by the Court that the plaintiff pay the costs of this proceeding.

June 4th A. D. 1884

4286 Peley Crauston Admr of J. C. Pooler
v.s
Abraham Carow and others.

Dr. Foreclosure.

This cause was coming on for hearing was submitted to the Court on the pleadings and the evidence and on consideration thereof the Court finds as the issue joined for the plaintiff and that there is due the plaintiff as said Administrator from the defendant Abraham Carow, on the promissory note set forth in the petition with interest to the first day of this term the sum of Nine hundred and forty six Dollars ($946.00)

The Court further finds that in order to secure the payment of said note the defendant Abraham Carow executed to the said J. C. Pooler his certain mortgage as in the petition described and on the premises therein described that said Mortgage was duly recorded in book 16 page 581 of the records of Mortgages of said Union County and is a good and valid lien on the premises in the petition described, and that the conditions in said mortgage have been broken.

It is therefore considered by the Court that the plaintiff recover from the defendant Abraham Carow the said sum of Nine hundred and forty six Dollars ($946.00) this costs herein expended and it further adjudged and decreed that unless the defendant Abraham Carow shall within ten days from the entry of this decree pay or cause to be paid to the Clerk of the Court the costs in this case, and to the plaintiff herein the sum so found due as aforesaid with interest from the 14th day of April 1884 the defendants equity of redemption be foreclosed and said premises be sold and that an order of sale issue therefor to the Sheriff of said Union County directing him to appraise, advertise and sell said premises as upon execution and report his proceedings to this court for further orders.

To all of which ruling and judgment defendant excepts & said defendant gave notice of his intention to appeal this cause and the Court fixed the amount of the bond at $

3750 Lewis J. Ellis
vs
Alex. J. Mahoffey et al

This day this cause came on to be heard by the Court on demurrer of Defendants to Pltffs Pet. whereupon the Court being fully advised in the premises overrules the same To which ruling of the Court the defendants at the time Excepted. Leave is given defendants to answer in 20 days and cause continued.

4477

Bill C.

Wednesday June 4th A.D. 1884

Peleg Crayston Crawston Admin
of E.C. Pooler Deceased.
#4286 vs
Abraham Carow et al.

This cause now coming on for hearing on the cross petition of the defendant James Lyons and the evidence, the Court find that the defendant Abraham Carow has been duly served with summons in this case and that he is in default for answer and demurrer to the cross-petition of the said James Lyons and that the allegations of the cross-petition of the said James Lyons are thereby confessed to be true by the said Abraham Carow and that there is due the defendant James Lyons on the promissory note in his cross-petition set forth with interest to the 3rd day of May 1884 the sum of Three hundred eighteen and 49/100 Dollars ($318 49/100) with interest at 8 pr per annum.

The Court further finds that in order to secure the payment of said note the defendant Abraham Carow executed and delivered to the said E.C. Pooler in his lifetime his certain mortgage as in the petition described and on the premises therein described, that said mortgage was duly recorded in book 16 on page 581 of the record of Mortgages of said Union County and is a good and valid lien on the premises described in the petition and that the conditions of said mortgage have been broken.

It is therefore adjudged and decreed that unless the defendant Abraham Carow shall within ten days from this 3rd day of June 1884, pay, or cause to be paid, to the Clerk of this Court the costs in this case and to the said James Lyons the sum so found due as aforesaid with interest from the 3rd day of May A.D. 1884 at the rate of eight per cent per annum, the defendants equity of redemption be foreclosed and said premises be sold and that an order of sale issue therefor to the Sheriff of Union County directing him to appraise advertise and sell said premises as upon execution and report his proceedings to this Court for further order. To all of which the defendant Abrahaw Carow excepted. "Clerk will enter"

"John A. Price Judge"

R. A. Hall
#4477 vs
W.H. Rosebrooks

This day came the Defendant herein and asked and obtained leave of Court to file answer in the above entitled cause, within thirty days from the rising of the Court, and this cause continued.

To J. D. Bingner Clerk, Union County, Ohio.

Bill C.

Union County, Ohio, To John Hobensack Sheriff Dr.

For summoning and returning Venire for Grand Jury	15	names	4.00
" " " " " Petit "	20	"	6.65
" " " " " Struck "	16	"	5.35
" " " " " Jury in case of Frank vs Hill	12	names	4.00
" " " " " " " " vs Preston	12	"	4.00
		Total,	$24.00

John Hobensack Sheriff, Union County, Ohio.

Certified as per steit. Attest J. D. Bingner, Clerk.
Union County, Ohio.

Wednesday June 4th A.D. 1884

4517 Fleck and Chapman vs Edward Berger et al.

This day this cause came on to be heard upon the petition of the plaintiff and the defendant Edward Berger being in default for answer or demurrer the Court finds that the allegations of the petition are confessed to be true and that there is due to the plaintiffs from the defendant Edward Berger on account of the materials furnished as set forth in the petition the sum of $12 16/100 and that the same is a lien on the premises described in the petition, by reason of the Mechanics Lien therein described and recorded in book 2 Page of the records of liens of Union County Ohio, and that said plaintiff is entitled to have the said lien enforced.

It is therefore considered that the said plaintiffs have judgment against the defendant Edward Berger for the sum of $12 16/100 together with plaintiffs costs herein expended, and that unless said judgment is paid within 10 days from the 17th day of May A.D. 1884, then that an order issue to the Sheriff of Union County, Ohio, commanding him to sell said premises as upon execution and of his proceedings in the premises to make due return to this Court. As to all other defendants and their cross-petitions this case stands continued, and leave granted to Edward Berger thirty days from the rising of the Court to answer cross petitions of the defendants.

4503 Jacob Snyder vs Martin Snyder et al.

May 17th A.D. 1884

This day this cause came on to be heard upon the petition of plaintiff, the defendants being in default for answer or demurrer; And the Court being fully advised in the premises and on motion by the plaintiff's Counsel J. McKenney, the order of publication heretofore made is confirmed; and it is further found by the Court that said unknown heirs of Rebecca Mounts, deceased, are presumed to be dead, and there appearing to be no reason why a further distribution should not be made of the money claimed in the plaintiffs petition, it is therefore ordered and decreed by the Court that out of said sum so found, to-wit = $100.20 that the costs of this action be paid including an attorney fee of $20.00 to J. McKenney plaintiffs attorney, and that out of the residue the plaintiff Jacob Snyder is to receive $ being the 1/11 part thereof. That Martin Snyder is to receive $ being the one eleventh part thereof. That William Snyder is to receive $ being the one eleventh part thereof. That Georgo Snyder is to receive $ being the one eleventh part thereof. That Andrew Snyder is to receive $ being the one eleventh part thereof. That Susan Jolliff is to receive $ being the one eleventh part thereof. That Hannah Jolliff is to receive $ being the one eleventh part thereof. That Julia Ruhl is to receive $ being the one eleventh part thereof. That Jacob Worman, Daniel Worman, Henry Worman, William Worman, John Worman, Margaret and Elizabeth are to receive each $ being the one seventy seventh part thereof, That Letha Ann Rarette is to receive $ being the one eleventh part thereof, And the Court further find that said Sarah Snyder is a lunatic, and hereby appoints Jacob Snyder a Trustee for her to hold her share of said money in trust for her benefit, and that she receive of said

Wednesday, June 4th A. D. 1884

funds & bring the one eleventh part thereof.

It is further ordered, adjudged and decreed that said parties have a judgment against Tabor Randall for the sum of $105.20 and if said Tabor Randall fails to pay said sum into this Court on or before 60 days from May 17th 1884 then that execution issue for the same against said Tabor Randall.

Isaac F. Gates
vs
A. R. McCown & Co. } 4356

This day on motion of the Plaintiff leave was given him to file his reply herein instanter which was accordingly done, and thereupon this cause came on to be heard upon the pleadings and testimony, On consideration whereof and the Court being fully advised in the premises finds that the allegations of the plaintiffs petition are true.

It is therefore considered and adjudged that the said judgment rendered in favor of the said A. R. McCown & Co. and against the said plaintiff on the 27th day of Oct. 1879 by J. C. Pooler a Justice of the Peace of Taylor Township, Union County, Ohio, a Transcript of which had been filed with the Clerk of this Court for the purpose of obtaining a lien, be and the same is hereby cancelled and the Clerk of this Court is ordered to enter the cancellation thereof on the proper docket in his Office. And thereupon the said defendants gave notice of their intention to appeal this cause to the District Court, and the Court fixed the amount of the bond therefor at $100.00

It is further ordered that the defendants pay all the costs of this action

W. S. Phelps & Son
vs
Geo. E. Skipsley et al } 2844 Conditional order for Revivor of Judgment

Now comes the Plaintiffs herein, and on their motion, and it appearing to the Court that the judgment heretofore rendered in this action, to wit: at the Sept. Term A. D. 1878, for the sum of $207.00 and costs, has become dormant by lapse of time but that said $207.00 has been paid, and that the said costs still remain unpaid; it is therefore ordered that said judgment be revived unless sufficient cause be shown against the same on or before the first day of the next Term of this Court after the service of this order upon said defendants.

Wednesday June 4th A.D. 1884.

3993 Wm. B. Baker v.s. Rosina Baker

This day this cause was dismissed by the Court at Piffs cost. It is therefore considered and adjudged by the Court the Plaintiff pay the costs herein within ten days and in default thereof execution issue therefor.

4126 Jacob Edelblute v.s. Mary L. Edelblute

This cause is dismissed by the Court at Piff's cost. It is therefore considered and adjudged by the Court the Piff pay the cost herein taxed to $ and in default for ten days Execution issue therefor.

4127 Elias Johnson et al. v.s. Richard H. White

Leave is given defendant to ans. within 30 days from rising of Court and cause continued.

4455

4205 Louisa Otte v.s. Frank Otte

This cause is dismissed at Defendants costs. It is therefore considered and adjudged by the Court that the Defendant pay the costs herein taxed to $- and in default execution issue therefor

4401

3455 Lucy V. French et al v.s. Robert Hill et al

Cont'd on mo. to set aside verdict of Jury.

4328

Wednesday June 4th 1884.

4328 Ex. parte.
A. North, M. T. Williams & David Johnson
as trustees of the Baptist Church of
Mingo, Champaign County, Ohio, and
Henry Poling, Cyrus Poling and J. B. Poling
as trustees of the Baptist Church of
Allen Centre, Union County, Ohio,

Now comes the said petitioners by their Attorney W. T. Hooper, and on their motion, and on their producing the report of the petitioners of their sale made under a former order of this Court, and the Court being satisfied that said sale has been made according to law and the former order of this Court; it is ordered that said sale be confirmed, and said petitioners as trustees are ordered to convey by deed whatever interest they may have in the said premises.

4455 J. M. Dunn
vs
E. G. Rodgers

This day this cause came on to be heard on demurrer of defendants to Pet. of Plff. Whereupon Court being fully advised in the premises do sustain said demurrer and leave is granted plaintiff to file an amended petition in 20 days from the rising of Court & cause continued.

4401 Joseph Bidwell
vs
William Parthemore

This cause came on to be heard upon the motion of the plaintiff to strike from the files the pretended transcript of said Justice of the Peace said motion was sustained, thereupon said defendant asked and had leave to file a perfect transcript & cause continued

Thereupon Court adjourned without day. Also see page 242

Attest. J. S. Burgner Clerk

Thereupon Court adjourned without day.

Attest: J. S. Burgner, Clerk.

P. C. Kerr
4178 v.s
J. P. Cratty et al

July 2nd 1884.

And now on this 2nd day of July A. D. 1884 comes the plaintiff, and presents to the Court his certain Bill of Exceptions herein, which, being found by the Court to be true, is allowed, signed, and sealed, and, on motion, is hereby made part of the record of this case.

Lucy V. French et al,
3452 v.s
John H. Prentice et al

Court of Com. Pleas, Union County, Ohio.
Entry on Bill of Exceptions marked No. 1.
July 3rd 1884.

Now come the defendants, the occupying claimants, and move the Court now in session to charge the Jury previous to their proceeding to make their report and verdict or to their legal duties therein (said Jury being in the Office of the Probate Court in the Court House) and as to the rules of law governing the various assessments and appraisements by them to be made herein on the following points,

1st As to the value of the lasting and valuable improvements on the various tracts of lands in this case,

2nd As to the net annual rents and profits of the land,

3rd As to the damage for waste

4th As to the value of the lands without improvements which motions the Court refused and overruled, and to which decisions the defendants excepted, and asked the Court to sign and seal this their Bill of Exceptions No. 1. which is accordingly done.

3452

Verdict,
3457

3452 Lucy V. French et al
vs
John N. Preston et al

July 3rd A.D. 1884.

This day came the Jury herein before appointed to assess the value of all lasting and valuable improvements made on the lands, and to assess the damages if any, which the land has sustained by waste, together with the net annual value of the rents and profits of the land, and to assess the value of the lands without the improvements, under the statute for the relief of occupying claimants in the above entitled case do make the following report of said assessments and valuations, to-wit:-

Verdict, 3452 Lucy V. French et al
vs
John N. Preston et al.

Court of Common Pleas, Union County, Ohio.

We, the Jury in the within writ, having been first duly sworn, do upon actual view of the premises in said writ described, assess the value of lasting and valuable improvements made, as in said writ mentioned, upon each tract respectively as follows, to-wit:-

John N. Preston	$4000.00
Beverly Depp	3640.00
Henry Hudson	1485.00
Thompson Bishop	837.50
William Butcher	2200.00

And we do further assess the damages, which the said lands & tenements have sustained by waste each respectively, to-wit:- (no damages on either tract)

And we do assess the net annual value of the rents and profits, in said writ required as follows, to-wit:-

John N. Preston	$537.00
Beverly Depp	75.06
Henry Hudson	23.48
Thompson Bishop	21.58
William Butcher	5.74

And we further assess the value of said land and tenements as in said writ required exclusive of improvements, or damages sustained by waste, each respectively at,

John N. Preston	$1200.00
Beverly Depp	1015.00
Henry Hudson	495.00
Thompson Bishop	250.00
William Butcher	950.00

And we do find the excess of improvements over rents and profits to be, respectively as follows, to-wit:-

John N. Preston	$3463.00
Beverly Depp	2882.00
Henry Hudson	1251.57
Thompson Bishop	624.92
William Butcher	1629.26

And thereupon the defendants moved the Court to set aside said assessments and valuations of said Jury for reasons set forth in their motion

4560

one file in this cause,
And thereupon the Court being fully advised in the premises do overrule said motion, to which ruling of the Court the defendants each then and there excepted, and prayed the Court to sign and seal their Bill of Exceptions No. 2, which is accordingly done and ordered to be made a part of the record of this cause. And thereupon the plaintiffs elected to pay to said occupying claimants the sums reported by the Jury in their favor and to take the said lands.

It is therefore ordered that the plaintiffs pay to the defendants said sums reported in their favor by the Jury, as follows, to-wit:- To the said John H. Preston $346.30 within six months from June 4th 1884 and the like sum of $346.30 within one year from June 4th 1884.

And that the Plaintiffs pay to said Beverly Depp within six months from June 4th 1884 the sum of $288.20 and the like sum of $288.20 to said Depp within one year from June 4th 1884.

And that Plaintiffs pay to said Henry Hudson within six months from June 4th 1884 the sum of $125.15 and that they pay the like sum of $125.15 to said Hudson within one year from June 4th 1884.

And that plaintiffs pay to Thompson Bishop within six months from the 4th day of June 1884 the sum of $62.49 and that they pay a like sum of $62.49 to said Bishop within one year from the 4th day of June 1884.

And that Plaintiffs pay to William Bishop within six months from June 4th 1884 the sum of $162.92 and that they pay to said Butcher a like sum of $162.92 within one year from June 4th 1884.

It is further ordered that when said Plaintiffs shall pay to said defendants said several sums of money within said times with costs of the proceedings, then a writ shall be issued to the Sheriff of said County of Union, commanding him to put the said plaintiffs in to possession of said premises according to the former decree of this Court. It is further considered ordered and adjudged by the Court that the plaintiffs pay the costs of this proceeding herein to-wit:

4570
Dr
Vacation
Aug. 6th 1884

Lucy V. Freuck et al.
vs
John H. Preston Beverly Depp et al.
Henry Hudson et al. Thompson Bishop et al. Wm Butcher

345.2

And now on this 3rd day of July A. D. 1884 came the defendants and presented to the Court their two certain Bills of Exceptions marked No. 1 and No. 2, which being found by the Court to be true, are each allowed, signed, sealed, and ordered hereby to be made a part of the record of this cause.

Thereupon Court adjourned without day.

Thereupon Court adjourned with day.

Attest. J. D. Burgner, Clerk.

In Vacation: July 25th 1884

4560 | Lester Olivus Et al Andrew A. Thompson vs The Village of Magnetic Springs and The The Treasurer of Union County, Ohio | Order of Injunction, Before the Probate Judge, Union County, Ohio. Motion for temporary injunction in the Court of Com. Pleas Union County, O.

And now on this 25th day of July 1884 came the plaintiffs by Cameron Et Woodburn their attorneys; and it being made to appear that there is at this time no Common Pleas, District or Supreme Judge within said County, the motion of the Plaintiffs for a temporary injunction came on and was heard upon the petition of the plaintiffs and the affidavit therein filed, and after hearing the argument of counsel, and being fully advised in the premises, it is considered and ordered that a temporary injunction be, and the same hereby is allowed in this case to restrain the said defendants from collecting or attempting to collect distraint or otherwise any tax levied upon plaintiffs lands for the purpose of paying for any sewer or sewer bonds of or in said Village; and to restrain said Village from making any further assessment upon the lands of the plaintiffs or either of them for the purpose of paying said sewer bonds or for said sewer; the lands herein refered to being the lands described in the petition in this case, as prayed for in said petition of plaintiffs.

It is further ordered that the Clerk of the Court of Common Pleas issue summons in this case endorsed injunction allowed, on said plaintiffs giving an undertaking to the said defendants, conditioned according to law with security to be accepted by the Clerk of the Court of Common Pleas, in the sum of $100.00

John B. Coats, Probate Judge

Israel Slack, Phillips Klibin & Phillips Rupright) Order of Injunction, before the
vs Probate Judge Union County, Ohio.
4570 John M. Longbrake)

In Vacation Aug 6th 1884

And now on this 6th day of Aug. 1884 came the plaintiffs by Porter and Porter their attorneys; and it being made to appear that there is at this time no Com. Pleas, District or Supreme Judge within said County, the motion of plaintiffs for a temporary injunction came on and was heard upon the petition of the plaintiffs therein filed, and after hearing the arguments of counsel and being fully advised in the premises, it is considered and ordered that a temporary injunction be, and the same hereby is allowed in this case to restrain the said defendant as prayed for by plaintiffs in their petition until further order in that behalf. It is further ordered that the Clerk of the Court of Common Pleas issue summons in this case endorsed injunction allowed on said plaintiffs, giving an undertaking to said defendant, conditioned according to law with security to be accepted by the said Clerk of the Court of Common Pleas, in the sum of $200.00

John B. Coats,
Probate Judge.

In Vacation

The State of Ohio vs Richard Robinson	Aug. 11th 1884 Union County Examining Court. Burglary & Larceny

In pursuance of notice heretofore served by the sheriff as required by law, the Probate Judge, Clerk and Prosecuting Attorney this day met at the Court House in Marysville in said County and an examining Court was held: and the defendant was brought before the Court in custody of the Sheriff and the Probate Judge proceeded to examine witnesses and the evidence not being all heard, thereupon by consent of parties the further hearing in the matter was continued by consent of parties to the 14th day of August 1884 at 9 o'clock A. M.

State of Ohio vs Richard Robinson	Aug. 14th 1884. Union County Examining Court. Burglary and Larceny.

This day came the parties in pursuance of the continuance heretofore ordered, the defendant being in person before the Court and by counsel, also the same officers as heretofore. trial proceeded and the Probate Judge having heard all the testimony including the defendant who requested to testify, and the arguments of Counsel and being fully advised in the premises finds that there is no probable cause for holding the said Richard Robinson to answer said charge; it is therefore ordered that he be discharged.

Monday, September 8th A.D. 1884

The State of Ohio Union County SS.

His Separate Session of the court of Common pleas of the 10th Judicial district of the State of Ohio within and for the county of Union for the Term of September A.D. 1884 held at the court-house in the Town of Marysville County and State aforesaid was begun on Monday, the 8th day of September in the year aforesaid.

Present:

Hon John A. Price,

Judge of the Court of Common pleas of the 10 Judicial District of Ohio

John Hoobensack Sheriff Union County Ohio

Attest, - J.L. Brugner

Clerk of the court of Common Pleas of Union County, Ohio.

The Venire facias for a grand jury heretofore issued and returnable this day at 9 O'Clock A.M. was duly returned by the Sheriff with his endorsements thereon as follows to-wit;

The State of Ohio, Union County SS

Sheriff's Office Sep 6th 1884.

On the 11th day of August 1884, I received this Venire and Served the Same on the Several persons therein named, at the Times and in the Manner Placed opposite their names Endorsed thereon.

		When Served	How Served
1	H.W. Marriott	August 14th	Personal
2	James Wright	" 16	By Copy
3	L.C. Conrad	" "	Personal
4	Samuel Orahood	" 14	"
5	J.M. Martin	" "	"
6	Robert F. Lee	" 13	"
7	David Chenney	" 20	"
8	Milton Thompson	" 14	"
9	W. E Starnes	" 16	"
10	Charles Carter	" 21	"
11	John Bland	" 16	"
12	D.B. Lockwood	" 14	"
13	Joseph Price	" 16	"
14	John Mitchel	" 13	"
15	F.H. Thornhill	" 16	"

And upon calling the Same in open court H.W. Marriott James Wright - Lewis C. Conrad Samuel Orahood John M. Martin Robert F Lee David Chenney, Milton Thompson W.E. Starnes, Charles Carter John Bland, D.B. Lockwood, Joseph Price John Mitchel & F.H. Thornhill appeared and answered thereto, and for good cause Shown the court Excused D.B. Lockwood and F.H. Thornhill. As the panel being incomplete the Sheriff Summoned as Talesmen to complete the Same the following named persons

Monday September 8th A. D. 1884.

Who appeared in answer thereto. To-wit: D. T. Elliott and William Smith. And the panel being full, the court appointed M. E. Starnes Foreman of the Grand jury, and he with his fellow jurors took the oaths in manner and form as prescribed by law and the said jury being instructed by the court in relation to their duties were conducted to their room attended by the Sheriff.

The following named persons compose the Grand jury. To-wit.

1 M. E. Starnes Foreman of Grand jury.
2 H. W. Marriott
3 James Wright
4 Lewis C. Conrad
5 Samuel Oakwood
6 John M. Martin
7 Robert F. Lee
8 David Chenney
9 Milton Thompson
10 Charles Carter
11 John Bland
12 Joseph Price
13 John Mitchel
14 D. T. Elliott and
15 William Smith

4468 John L. Powers vs Charles A. Powers } In Partition
Entry Suggesting the death of James T. Powers an Insane Defendant in this case.

Sep 8th A.D. 1884. This day the death of James T. Powers an insane defendant in this case is suggested to the court by T. T. Arthur Attorney for the parties and the same is ordered by the court to be made a part of the record.

4471 Emeline A. Caskey vs Wright Harriman et al } In Partition

This day came the parties and submitted this cause to the court. Waiving a jury. Whereupon the court find for the plaintiff that there is due on the note in petition described to the plaintiff from said defendants the Sum of two hundred and twenty one dollars and forty cents. $221.40.

It is therefore considered and adjudged by the court that the plaintiff recover of the said defendants said Sum of $221.40, and her costs herein expended taxed at $

Monday September 8th A.D. 1884

H-20

J. S. Coleman
vs
Phoebe Burroughs et al

On motion of the plaintiff and on his producing the return of the Sheriff of the Sale made under the former order of this Court; and the Court on careful Examination of the proceedings of the said Sheriff being Satisfied that the Same have been had in all respects in conformity to Law and the orders of this Court it is ordered that the said proceedings and Sale be and they are hereby approved and confirmed.

And it is further ordered that the said Sheriff Convey to the purchaser J. S. Coleman by deed in fee Simple the lands and tenements So Sold and a writ of possession is awarded to put said purchaser in possession of said premises.

And the Court coming now to distribute the proceeds of said Sale amounting to $400.00 it is ordered that the Sheriff out of the Money in his hands pay. "First" The costs of this action taxed at $
"Second" To the plaintiff J. S. Coleman the amount heretofore found due with interest to-Wit; the Sum of $201.45;
"Thirdly" To hold the balance of said Money to pay Second note described in said petition.
"Fourth" The Taxes now due on said lands.

Carr Scott & Co
vs
Henry Krafthefer
Conrad Krafthefer and
Caspar Karn

This day came the plaintiff by D. C. Welling attorney and thereupon came E. W. Porter one of the attorneys of record of this court who by virtue of a warrant of Attorney duly Executed, and now produced in open Court and duly proven, waived the issueing and Service of process, and entered appearance of said defendants herein, and by virtue of the Same warrant of attorney confesses that there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition the Sum of $446.87.

It is therefore considered that said plaintiffs do recover of said defendants the said Sum of $446.87 So as aforesaid confessed to be due, together with costs of Suit herein to be taxed and with interest to be computed at the rate of 8 per centum per annum. And by virtue of said Warrant of attorney all Errors are released, and all right of appeal and all right to file a petition in Error are Waived.

Monday September 8th A. D. 1884.

4608 — Henry Couchman and O. P. Taylor Partners under the name of Couchman & Taylor vs A Sanders Platt and E. W. Platt

This day came the plaintiffs by their attorneys; also appeared in open court for and on behalf of said defendants John M. Brodrick an attorney at law of this Court and by virtue of the warrant of Attorney annexed to the note attached to the petition in said cause, shown to have been duly executed by said defendants, Entered the appearances of said defendants, and waived the issueing and service of process in this action, and confessed a judgment on said note against said defendants and in favor of said plaintiff, for Seven hundred and Ninety three dollars and fourteen cents, being the amount of the principal and interest due on said note, and for costs taxed and to be taxed, and released and waived all Exceptions, Errors, and right of appeal in the premises.

It is therefore considered that said plaintiff recover of said defendants the Sum of Seven Hundred and Ninety Three dollars and fourteen cts being the amount of said note with interest computed at 8 per cent per annum, from the 14th day of March A D 1884; also their costs herein Expended, taxed at $

3072

4610 — E. E. Riley vs H. E. Gillespie and H. D. Gillespie

This day came the plaintiff by his attorney and thereupon came T. B. Fenton one of the attorneys of record of this court, who by virtue of a warrant of attorney duly executed, and now produced in open court and duly proven, waived the issuing of process and Entered appearance of said defendants herein, and by virtue of the same warrant of attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the Sum of $788 96

It is therefore considered that said plaintiff do recover of the said defendants the said Sum of $788 96 so as aforesaid confessed to be due together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8% per annum. And by virtue of said warrant of attorney all Errors are released, and all right of appeal, and all right to file a petition in Error are Waived.

4398

Thereupon Court adjourned to meet tommorow at 8½ Oclock A. M.

Tuesday September 9th A.D. 1884.

This morning Court met at 8½ O'clock pursuant to adjournment the Same officers being present as on yesterday.

W. W. Woods
vs
3072 W. C. Barnett Jr. et al

This day came the parties by their attorneys and thereupon this cause came on to be heard upon the cross petition of said Steinberger & Hensel together with the Exhibits and testimony.

On consideration whereof the Court finds there is due to said Steinbarger and Hensel from said Missouri C. Barnett and W. C. Barnett upon the note mentioned in their cross petition the Sum of two hundred forty Seven and 35/100 dollars with interest from the first day of this term of Court; and that the Mortgage mentioned in said cross petition was given to Secure said note and that said Mortgage was recorded on the 24th day of November 1877 and became a lien from that date on the premises described in said cross petition.

The court further finds That said Mortgage is now the first and best Lien on that part of said premises described as being in Reed's addition to the Town of Marysville Union County Ohio being a Strip of land one rod wide running East and West and ten rods long running north and South adjoining lot No 382. in said addition and that said Strip of land Still remains unsold.

It is therefore considered ordered and adjudged by the Court that the said Steinberger & Hensel recover of said Missouri C. Barnett and W. C. Barnett the Sum of Two Hundred forty Seven & 35/100 dollars with interest from the first day of this term of Court together with their costs herein Expended.

It is further ordered that if said Barnetts fail for three days to pay said money and costs then that an order issue to the Sheriff of said County commanding him to Appraise advertise and Sell said Strip of land herein described according to law and to apply the proceeds to payment of said claim of Steinberger & Hensel, and Execution is awarded for any balance that may remain.

Irwin W. Walker
vs
4398 Abram L. Deemer and Flora A. Deemer

On motion of the plaintiff and upon producing the return of the Sheriff of his proceedings and Sale under the former order of this Court and the Court being Satisfied on Examination that the Same have been had in all respects according to law, the said proceedings and Sale are hereby approved and confirmed. And the said Sheriff is ordered by deed duly Executed to convey said premises to the purchaser Simpson Anderson in fee Simple free of Dower; It is further ordered that out of the proceeds of said Sale the Sheriff pay. To the Treasurer of Union County $26.32

Tuesday September 9th A. D 1884

being the taxes due on said premises.
2nd To the said plaintiff Irwin W. Walley taxes paid by him on said premises with interest in the sum of $93.13
3d To Abram L. Deemer taxes paid by him on said premises with interest in the sum of $34.57,
4th To the Clerk of this court the costs of this case, including a counsel fee of $54.90 to G. G. Barker for his services herein taxed to $134.73-
5th Of the residue of the proceeds of said Sale to the plaintiff Irwin W. Walley one half the Cash proceeds of said Sale, to-wit; the sum of $185.61- To the defendants Abram L. Deemer and Flora A. Deemer Each one fourth of the balance of the Cash residue of said Sale being $92.80 Also to Each notes for one fourth of the amount of defered payments or one half the amount of defered payments to both. Which shall be to each two notes due in one and two years respectively for the balance of the defered payments to go to said plaintiff Irwin W. Walley.

4329 Martha L. Jones et al vs J. W. Bridges } This day came the parties by their attorneys and thereupon this cause came on to be heard upon the Motion of the plaintiff for Security for costs and the court being fully advised in the premises find said plaintiffs are now nonresidents of this county. It is therefore ordered by the court that the plaintiffs Secure the costs in this case to the acceptance of the Clerk of this court by Saturday the 13th day of September 1884.

4606 Charles Wuichet & Co vs J. M. Hoskins } This day came the plaintiff by its Attorneys and thereupon came L. Piper one of the attorneys of record of this court. Who by virtue of a warrant of Attorney duly executed and now produced in open Court and duly proven, waived the issuing and Service of process and Entered appearance of said defendant herein, and by virtue of the same Warrant of attorney confesses that there is due from said defendant to said plaintiffs as is alleged in said plaintiffs petition the sum of $267.17. It is therefore considered that said plaintiffs do recover of said defendant the said sum of $267.17 so as aforesaid confessed to be due. together with costs of Suit herein, to be taxed and with interest to be computed at the rate of Six per centum per annum. And by virtue of said Warrant of Attorney, all Errors are released, and all right of appeal, and all right to file a petition in Error are waived.

Thereupon Court adjourned until tommorow morning at 8½ Oclock

Wednesday September 15th A.D. 1884

Court met at 8½ Oclock A.M. pursuant to adjournment the same officers being present as on yesterday.

This day appeared at the bar of this court the grand jury heretofore impaneled and sworn in and for the body of the county aforesaid. Viz:

1 H.W. Marriott
2 James Wright
3 Lewis C. Conrad
4 John M. Martin
5 Robert F. Lee
6 David Chenney
7 Milton Thompson
8 M.E. Stamets
9 Charles Carter
10 John Bland
11 Joseph Price
12 John Mitchel
13 Samuel Oakwood
14 D.F. Elliott and
15 William Smith and presented to the court through their foreman M.E. Stamets their certain bills of indictment against W.A Hubbard for keeping a Saloon open on Sunday. John Harris for disturbing a singing School. William Harris for disturbing a Singing School. Howard Stull for Burglary and Grand Larceny. Fredrick Nelson F.F. Lee, Charles Ross W.C. Smith & W.D. McClard for House Breaking and Grand Larceny. H.J. Perry for assault and Battery. W.R. Dunfee for assault and Battery. And Tyras Terry Nash for assault With intent to kill. Each, indorsed, "A True Bill." M.E. Stamets. foreman of the Grand Jury.

To the Honorable John A Price
Judge of the court of common pleas Miami County, O.

The Grand Jury of the court of common pleas of said county, of the September Term, 1884, beg leave to report that they have been in Session three days and herewith return to the court the indictments presented by said Jury; We have carfully examined into all such Matters as have legitimately come to our notice, having examined 87 Witnesses. covering 14 cases and presented 8 bills ignored 11 Cases considered by us. The business has been transacted in as expeditious a manner as possible. During our Session we have visited the county jail and made a complete examination thereof, and find that the rules prescribed by the court for the care thereof and for the government of its inmates, have been carried out and properly enforced.

Respectfully Submitted.

September. 10th 1884. M.E. Stamates. Foreman

And there being no further business for the said Jury they were discharged finally.

Wednesday September 10th A.D. 1884.

4611 Lydia B. McMillen }
vs
John A. McMillen }

This day this cause came on to be heard upon the petition of plaintiff being in default for answer and the having heard the evidence does find as follows, to-wit; 4614

1st That plaintiff is a resident of Union County Ohio.

2d That the plaintiff and defendant were married as set forth in Plaintiffs petition.

3d That the defendant has been guilty of gross neglect of duty as alleged in plaintiffs petition.

It is therefore ordered, adjudged and decreed that the plaintiff be divorced from the defendant and that the marriage relation heretofore existing be wholly dissolved and that the plaintiff be restored to her former name of Lydia B. Mills.

It is further ordered and decreed that the plaintiff have judgment against said John A. McMillen for her costs herein taxed at $7.45.

4456 Nancy E. Thompson }
vs
Richard W. Thompson }

This cause is dismissed without prejudice at costs of plaintiff. 4613

It is therefore considered that plaintiff pay the costs of this action taxed at $4.15 for which Execution is awarded.

4139 Cynthia Eastman }
vs
Ephraim Eastman }

This day came this cause on to be heard upon the petition evidence the Court having fully examined in the premises do find that the plaintiff has been a resident of this State for more than a year prior to the filing of her petition and that she has also during all that time down to the present been a bona fide resident of said County of Union. The Court do further find that said defendant has been duly & legally served with summons & copy of the petition for more than six months prior to the hearing hereof. The Court do further find that the land in the petition described has been sold under proceedings in foreclosure of a mortgage thereon. The Court further find that said defendant has been guilty of gross neglect of duty and extreme cruelty as charged in the petition and that he has absented the plaintiff without cause & refused to contribute to her support. The plaintiff not desiring a decree for divorce the Court find in her favor upon the matter of alimony. It is therefore ordered adjudged and decreed by the Court that the defendant pay to said plaintiff as her reasonable alimony the sum of four hundred Dollars to be paid within ten days from the date of this decree and in default thereof that execution issue therefor as upon at judgments at Law. And it is further ordered that the defendant pay the costs herein taxed at $ and upon failure to pay the same execution is awarded.

Thereupon Court adjourned until 8½ o'clock tomorrow morning.

Thursday September 11th A.D. 1884.

Court met this morning at 8½ oclock pursuant to adjournment the same Officers being present as on yesterday.

Rushville National Bank
of Rushville Indiana
vs
Sells and Arnlin
W.M. Sells and T.R. Arnlin

4614

This day came the plaintiff by Albery, Albery & Smith Attorneys and thereupon came J.W. Robinson one of the attorneys of record of this Court who, by virtue of a warrant of Attorney duly Executed, and now produced in open Court and duly proven, waived the issueing and Service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of attorney, confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition the sum of $187.06. It is therefore considered that said Plaintiff do recover of said defendants the said sum of $187.06 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8% per annum, and by virtue of said warrant of attorney all Errors are released and all right of appeal, and all right to file a petition in Error are Waived.

John Gray
vs
Alexander Johnson +
Jacob Johnson

4613

This day came the plaintiff by Broderick & McAmbree attorneys and thereupon came A.J. Carpenter one of the attorneys of record of this court who, by virtue of a warrant of attorney duly executed and now produced in open court and duly proven, waived the the issueing and Service of process and entered appearance of said defendants herein, and by virtue of the same warrant of attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition the sum of $123.10. It is therefore considered that said plaintiff do recover of said defendants the said sum of $123.10 so as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of Eight per centum per annum from Sept 8th 1884. And by virtue of said warrant of attorney all Errors are released and all right of appeal, and all right to file a petition in error are waived.

Thereupon Court adjourned until 8½ oclock tommorrow Morning.

Friday September 12th A.D. 1884

Court Met this Morning at 8½ Oclock the same officers being present as on yesterday

4617

4230 He. A. Willis vs W. He. Robinson

His day came the parties by their attorneys, and this cause came on to be tried; and thereupon came a jury, to wit; Simpson Rice. Levi Keeran. Luther Turner. Geo. Coleman Samuel Hanson. Solomon Walker. Michael P. Wood. N. M. Hoile. Stephen Hoile. J. N. Gosnell. George Wallace and Leo Nichol. who being duly empanneled and Sworn to well and truly try the issue. joined between the parties in this cause, and a true verdict give under according to the evidence, unless withdrawn by consent of parties, or discharged by the court, and after hearing the testimony, arguments of Counsel and charge of the court. the said jurors, retired to their Room to deliberate upon their verdict, and after due deliberation returned into open court and presented their verdict in writing in the words and figures following, to-wit;

4616

Verdict- The State of Ohio Union County ss. September Term 1884
To wit- September 12th 1884

He. A. Wiles Plaintiff vs W. He. Robinson Defendant.
We the Jury in this case, being duly empanneled and Sworn do find and say that we find for the plaintiff in the sum of $40.93- J. N. Gosnell. Foreman.

4513 William Penn vs J. C. Ramsey

And now comes the Plaintiff herein and moved the court for leave to file reply in this case. Whereupon the court being fully advised in the premises do grant such leave and reply filed

2985 2d 4219 Homer Drumeaq vs Sarah Drumeaq

This cause is dismissed without prejudice at plaintiffs costs
It is therefor considered ordered and adjudged by the Court that the plaintiff pay the costs herein taxed at $13.70 and exceptions is awarded.

Friday September 12th A.D. 1884.

4617 McGarrahan and Carroll
vs
Frank Blasius

This day came the plaintiffs by Powell & Fulton their attorneys, and thereupon came Luke E Byrne one of the attorneys of record of this court, who, by virtue of a warrant of attorney duly executed and now produced in open court and duly proven, waived the issueing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of attorney, confesses that there is due from said defendant to said plaintiffs as is alleged in said Plaintiffs petition, the sum of $155.66. It is therefore considered that said plaintiffs do recover of said defendant the said sum of $155.66 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8 per centum per annum. And by virtue of said warrant of attorney all errors are released, and all right of appeals and all right to file a petition in error are waived.

4616 English & Gilmore
vs
Frank Blasius

This day came the Plaintiff by Powell & Fulton attorneys and thereupon came Luke E Byrne one of the attorneys of record of this court who by virtue of a warrant of attorney duly executed, and now produced in open court and duly proven, waived the issueing and service of process and entered of said defendant herein, and by virtue of the same warrant of attorney, confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition the sum of $160.90. It is therefore considered that said plaintiff do recover of said defendant the said sum of $160.90 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of Eight per centum per annum. And by virtue of said warrant of attorney, all errors are released, and all right of appeals, and all right to file a petition in error are waived,

Thereupon Court adjourned until tomorrow at 8½ o'clock AM.

Saturday September 13th 1884.

Court met this morning at 8½ o'clock pursuant to adjournment, the same Officers being present as heretofore.

4342 Jacob Karst et al. vs Commissioners of Union County, Ohio.

Now comes Jacob Hauser by his Attorneys Cameron and Woodburn and upon his motion to be released as security for costs in the above case, was argued and submitted to the Court by Counsel of parties to this action. The Court being fully advised in the premises do hereby order and adjudge that said Jacob Hauser be this day released as Security from all further liabilities in the above case, and the Plaintiffs have until the 17th of Sept. in which to put in other security.

Union County Bank vs P. E. Barnes Geo. W. Hardey

Verdict

Now comes the plaintiff herein and on his motion and it appearing to the Court that the judgment heretofore rendered in this action, to-wit:- at the Term 1879 for the sum of $ with interest and costs has become dormant by lapse of time, but that said judgment has been paid except the costs, which still remains wholly unpaid. It is therefore ordered that said judgment for costs be revived unless sufficient cause be shown against the same within thirty days from the service of this order upon said defendants.

4224

4060 Lucinda Ford vs Daniel S. Ford et al. Injunction.

This day this cause came on to be heard on the motion of defendant to dissolve the temporary injunction herein heretofore granted by the Probate Court of this County on consideration whereof and the Court being fully advised in the premises do sustain said motion and said injunction is hereby dissolved and plaintiffs petition dismissed at her cost. It is therefore considered that plaintiff pay the costs of this action taxed at $ to all of which plaintiff excepts.

4329

4502

Thereupon Court adjourned until Monday at one o'clock P.M. Sept 15th 1884

Monday September 15th A.D. 1884

Court met at one oclock P.M. pursuant to adjournment; the same officers being present as heretofore.

4239 John Smith vs William Murphy

This day came the parties by their Attorneys, and this cause came on to be tried; and thereupon came a Jury, to-wit= Solomon Walker, Levi Kerr, Luther Turner, Samuel Hammer, George Coleman, Michael P. Wood, N. M. Kirk, Stephen Shirk, J. N. Gosnell, Geo. Wallace, and C. Redman who, being duly impanneled and sworn to well and truly try the issues joined between between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel, and Charge of the Court, the said jurors retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit=

Verdict "The State of Ohio.
Union County SS. Sept. Term A.D. 1884, to-wit= Sept. 15th A.D. 1884.
John Smith vs William Murphy. We the Jury in this case, being duly impanneled and sworn do find and say that we find for the plaintiff in the sum of $112 55/100. Stephen Shirk, Foreman"

4224 D. D. Caudy vs L. Ward

This cause is stricken from the docket for want of service and it is ordered that the plaintiff pay the costs of the same, execution awarded.

4329 Martha Jones vs T. W. Briggs

This day came this cause on to be heard and it appearing that the plaintiff has failed to comply with the former order of this Court as to security for costs; thereupon it is ordered that the plaintiff secure the costs in this case to the satisfaction of the Clerk of this Court within thirty days and that in default thereof this cause stand dismissed at the Plaintiffs costs

4502 Harmon Patch Sr. vs Harmon Patch Jr.

This day this cause came on to be heard upon the demurrer of the Plaintiff to the 5th and 6th grounds of defence in the answer of Harmon Patch Jr. and the Court being fully advised in the premises do sustain said demurrer, and thereupon said defendant asked and obtained leave to amend his said answer by Saturday September 20th next

Monday September 15th A.D. 1884

4503 Jacob Snyder vs Martin Snyder et al — Supplemental Entry.

This day this cause came on to be heard on the motion of Jacob Snyder made at the former Term of this Court for an order for vacating the former entry made in this case for the purpose of getting Service on Sarah Snyder a lunatic and it appearing to the Court that said service is now complete and the Court being fully advised in the premises doth therefor order and decree a further distribution of this estate as heretofore set forth, to the said Sarah Snyder 1/11 part of said money as found in the original entry herein, and it is further ordered that Jacob Snyder be confirmed as the Trustee of said Sarah Snyder a Lunatic, and that execution issue against Jabar Randall against whom Judgment was taken in this case, within thirty days from this date, in default of payment of said Judgment with its interest.

4507

675 The State of Ohio vs William Harris — Indictment for disturbing a singing school.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff, and arraigned upon said indictment for plea thereto saith he is "not guilty" and puts himself upon the Country and the Prosecuting doth the like.

676 The State of Ohio vs John Harris — Indictment for disturbing a singing school

This day came the Pros. Atty on behalf of the State and the defendant being brought into Court in custody of the Sheriff, and arraigned upon said indictment for plea thereto saith he is "not guilty" and puts himself upon the Country and the Pros. Atty doth the like

4312 Wm M. Smith vs J. Smith Alexander — This cause is dismissed without prejudice at plaintiffs costs. It is therefore considered that plaintiff pay the costs of this action taxed at $ and execution is awarded.

First,
Third,

Court adjourned to meet tommorrow morning at 8½, O'Clock.

Tuesday. Sept. 16th A. D. 1884

Court met this morning at 8½ o'clock pursuant to adjournment; the same Officers being present as heretofore.

4507

The Home Building and Loan Association Company of Marysville, Ohio, Pltff.
vs
John R. Owen, E. B. May, James Allen & Bee & Murphy Defts.

This cause coming on for hearing and the defendant John R. Owen still being in default for any answer or demurrer the Court find that the allegations of the cross-petitions of Bee and Murphy and James Allen are true and that there is due the said Bee and Murphy on account of the material furnished as set forth in the petition the sum of $65.95 and that the same is a lien on the premises described in the petition by reason of the Mechanics lien described in the cross-petition of said Bee and Murphy recorded in book 1 pages 249 & 250 of the Union County records of liens and that the said Bee and Murphy are entitled to have the said lien enforced.

It is therefore considered that the said Bee and Murphy recover from the defendant John R. Owen the said sum of $65.95 together with his costs herein expended and execution is awarded therefor.

And the Court further find that there is due to the defendant James Allen from the defendant John R. Owen on the 20th of September 1884 on the note set up in the cross-petition of the said James Allen including interest to the first day of this term the sum of $214.67 and that to secure the payment of said note the defendant John R. Owen and Ann C. Owen his wife executed and delivered to said James Allen their certain mortgage as in the cross-petition described on the same premises described in the petition; that said Mortgage was duly recorded in Book 20 page 374 of the records of Mortgages of Union County and is a lien on said premises for the amount so found due.

It is therefore considered and adjudged that he recover the sum of $214.67 from the said John R. Owen defendant.

On motion of the plaintiff and on his producing the return of the Sheriff of the sale made under the former order of this Court; and the Court on careful examination of the proceedings of said Sheriff being satisfied that the same have been had in all respects in conformity to law and the orders of this Court, it is ordered that said proceedings and sale be, and they are hereby, approved and confirmed. And it is further ordered that the said Sheriff convey to the purchaser James Allen, by deed in fee simple the lands and tenements so sold, and the said purchaser is hereby subrogated to all the rights of the said lienholders and others in said premises so far as they may be paid herein for the protection of his title.

And the Court coming now to distribute the proceeds of said sale amounting to $74.35 it is ordered that the Sheriff out of the money in his hands pay

First, the costs of this action taxed to $38.90 Second taxes and penalty $16.82

Third, to the plaintiff the Home Building and Loan Association of the amount found due it the sum of $34.34 To the defendant Bee and Murphy of the amount found due them the sum of $37.24 This distribution is by agreement between the Home Building and Loan Association Company and Bee and Murphy.

Tuesday, Sept. 16th 1884.

4470 Elias Johnson vs Richard White

This day this cause came on to be heard and the Court being fully advised in the premises do find that heretofore to-wit= on the 27th day of August 1884, the defendant offered to allow Judgment to be taken against him in this action in favor of plaintiff for the sum of seventy eight dollars and seventy five cents and for costs of suit to date of Offer and that within five days thereafter to-wit= on the 30th day of August 1884, said plaintiff accepted said offer. It is therfore considered and adjudged that the plaintiff recover of the defendant said sum of $78.75 and costs according to said offer taxed at $

4127

4806 Rebecca A. Baughman vs Joseph Baughman

Now came the plaintiff and the defendant having been legally summoned by publication and having failed to appear the court find him in default for answer and demurr to said petition and the allegations thereof are confessed by him to be true.

The Court also find that the plaintiff at the time of filing her petition has been a resident of the State of Ohio for more than One year next preceding the same, and was at the time a bona fide resident of said County of Union and that the parties hereto were married as set forth

The court further find upon the evidence adduced that the defendant has been guilty of More than three years willful absence and neglect of duty and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therefore ordered and adjudged by the court that the Marriage contract heretofore existing between the said Rebecca A Baughman and Joseph Baughman be and the same is dissolved and both parties are released from the obligations of the same.

It is therfore ordered and adjudged that the custody care education and control of the said Children of the parties hereto be until further ordered be given to the plaintiff. but it is hereby ordered that the defendant have the privelege of visiting said children at all reasonable times.

It is further considered by the court that the said Rebecca A Baughman recover from said Joseph Baughman her costs herein expended and execution is awarded therefor.

675

676

Thereupon Court adjourned until tomorrow at 8½ o'clock a m.

Wednesday, September 17th A. D. 1884

Court met at 8½ o'clock A.M. pursuant to adjournment, the same officers being present as on yesterday.

4127 Elias Johnson vs Richard White

This day this cause came on to be heard upon the demurrer of plaintiff to the third ground of defense set up in defendants answer, and the Court being fully advised in the premises do sustain said demurrer, to which ruling defendant excepted and thereupon defendant asked and obtained leave to amend his answer by Saturday the 27th day of Sept. 1884.

4297 J. T. Holmes Admr &c. vs Samuel Lytle

This day this cause came on for trial and it appearing to the satisfaction of the plaintiff that the real estate conveyed by the defendants Mortgage had been sold on execution prior to the execution of the mortgage sued upon in this action plaintiff claims nothing from said Mortgage, and thereupon defendant consents that plaintiff have a personal Judgment against him on the note set up in the petition.

It is therefore considered by the Court that the said J. T. Holmes as Administrator of the Estate of Rose Gorman deceased, ought to recover the said sum of $100.00 so demanded in his petition together with the sum of $35.73 which the Court finds due as the interest thereon up to Sept. 8, 1884 the first day of this Term of Court, as prayed for in said petition.

It is therefore considered that the said plaintiff, as such Administrator recover against the said defendant the Sum of One hundred and Fifty one and 73/100 Dollars with 8 p/c int. from Sept. 8, 1884 together with his costs in and about his suit in this behalf expended taxed to $.

676 The State of Ohio vs William Harris

Indictment for disturbing a Singing School.

This day came the Pros. Atty on behalf of the State of Ohio, and the Defendant being brought into Court in custody of the Sheriff, this cause came on to be heard on the application of said defendant to be admitted to bail, and the Court being fully advised in the premises do fix the amount of said bail in the sum of One hundred dollars.

Thereupon came the said defendant with Roseley Harris & Geo. Harris as his sureties and entered into a recognizance in open Court in said sum of One hundred Dollars conditioned that said Deft should be and appear before this Court on the 29 day of Sept 84 and not depart without leave of Court.

676 The State of Ohio vs John Harris

Indictment for disturbing a singing school.

This day came the Pros. Atty on behalf of the State of Ohio & the Deft being brought into Court in custody of the Sheriff, this cause came on to be heard on the application of the said Deft to be admitted to bail, & the Court being fully advised in the premises do fix the amount of said bail at one hundred dollars; thereupon came the said defendant with Roseley Harris & Geo. Harris as his sureties and entered into a recognizance in open Court in said sum of One hundred dollars conditioned that said deft should be and apear before this Court on the 29th day of Sept. 1884 and not depart without leave of the Court

Court adjourned To meet tomorrow at 8½ o'clock A.M.

Thursday September 18th A.D. 1884

Court met at 8½ o'clock A.M. pursuant to adjournment, the same officers being present as on yesterday.

4670 Alvira L. Wall and others Plaintiffs
vs
N. M. Hubbard and others Defendants
} Injunction.

On motion of the plaintiffs by their Attorneys and good cause being shown therefor it is ordered that on an undertaking being given in the sum of One Hundred Dollars ($100.00) with sureties to the approval of the Clerk, an injunction be allowed to issue herein enjoining the said defendants from making sale of the unexpired terms of the said lease in the petition described until the further order of this Court. Sept. 18. 1884.

John A. Price.
Judge of Court of Common Pleas.

4599 George W. Court Admr
of Daniel G. Cross
vs
George P. Cross
} Verdict. $4326

This day came the plaintiff and submitted this cause to the Court upon the petition and evidence and the Court being fully advised in the premises do find that the defendant George P. Cross in writing waived the issueing and service of Summons and entered his appearance in this case and that he is in default for answer for answer or demurrer to the petition, and the Court do further find that there is due to said plaintiff as Administrator of the estate of Daniel G. Cross from the said defendant upon the note set forth in the petition the sum of $1054.00 including interest until the first day of October 1884. It is therefore adjudged by the Court that the said plaintiff as such Administrator recover of said defendant the said sum of $1054.00 with interest from the 1st day of Oct. 1884, at 8 o/o and also his cost herein expended taxed &c.

Thereupon Court adjourned until Tomorrow at 8½ o'clock

Friday, September 19th 1884

Court met at 8½ o'clock A.M. pursuant to adjournment; the same officers being present as on yesterday.

A.L. Rice
vs
J.C. Conklin

This day came the parties by their attorneys, and this cause came on to be tried; and thereupon came a Jury, to-wit= J.N. Gosnell, Geo. Wallace, Samuel Hamner, M. P. Wood, Geo. Coleman, Stephen Shirk, Levi Kerns, Simpson Price, C. Weidman, N.W. Kirk, L.A. Warbs and Solomon Walker who, being duly impaneled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel, and charge of the Court, the said Jurors, retired to their room, to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit: "The State of Ohio, Union County, ss. "
Verdict. " Sept. Term A. D. 1884, to-wit= Sept. 19th 1884. A. L. Rice Pltff vs Jordan C. Conklin Deft. "
" We, the Jury in this case, being duly impaneled and sworn do find and "
" say that at the commencement of this suit the defendant had the right "
" of property in and the right of possession of the horse in controversy, and "
" we assess his damages at $159.75 G. W. Wallace Foreman"

4326

Nancy Artz
vs
Jacob Artz

This day came this cause on to be heard upon the petition of the plaintiff the cross petition of the defendant and the evidence, On Consideration whereof the Court being fully advised in the premises do find that the charges made by the defendant in his cross petition are not true and the same is dismissed. The court do find further that the plaintiff has been a resident of this State and county for more than a year prior to the filing of her petition. The court do further find that the facts stated in the plaintiffs petition are true and that she is entitled to the relief therein demanded.

It is therefore considered ordered and decreed by the court that the marriage relation heretofore existing between the said parties be and the same is hereby set aside and wholly annuled, and it is further ordered that the custody and control of said children be and the same is hereby given to the plaintiff with the privilege to defendant to visit them at proper times. And it is further ordered that the defendant pay to the plaintiff as her reasonable Attorney the sum of dollars within ten days from the date hereof and that he pay the costs of this proceeding, and in default thereof that execution do issue therefor.

Thereupon Court adjourned until tomorrow at 8th A.M.

Saturday September 20th A.D. 1884

Court met at 8? o'clock a.m. pursuant to adjournment, the same Officers being present as heretofore.

J. B. Norris as Admr of the Estate of J. K. Norris deceased

4621 vs

L. B. Jolliff, Isaac Jolliff & John Hudson

This day came the plaintiff by A. J. Carpenter his Attorney, and thereupon came L. Piper, one of the Attorneys of record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the sum of $126.60 It is therefore considered that said plaintiff do recover of said defendants the said sum of $126.60 so as aforesaid confessed to be due together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum from this date. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal to file a petition in error are waived.

Thos J. Miller

4452 vs

Marion Flickinger

This day came the parties by their Attorneys and this cause came on to be tried; and thereupon came a Jury to-wit:- Jasper N. Gosnell, Geo. Wallace, Samuel Hammer, M. P. Wood, Geo. Coleman, Stephen Dirk, Levi Keeran, Simpson Price, C. Weidman, N. M. Kirk, Wm Hall and Joseph Roff who, being duly impanneled and sworn to well and truly try the issue joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of Counsel, and charge of the Court, the said Jurors retired to their rooms to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit:- "The State of Ohio, Union County ss. Sept Term 84, to-wit- Sept 20-1884"

Verdict " Thomas J Miller vs Marion Flickinger. We, the Jury in this case being " duly impanneled and sworn do find and say that we find for the " plaintiff and assess his damages at four cents. Levi Keeran Foreman " Nancy J Smuine

4367 vs

Richard Smuine

This day this cause came on to be heard upon the petition of plaintiff and the defendant being in default for answer or demurrer do find for the plaintiff as follows, to-wit:-

First: The Court finds that the plaintiff was married as stated in the petition and that she was a bona fide resident of Union County at the time of filing this petition.

2nd " The Court finds that this defendant was guilty of gross neglect of duty toward the plaintiff as charged in plaintiffs petition.

4th " The Court also finds for plaintiff and allows her one hundred dollars alimony.

It is thereupon ordered and adjudged that the marriage relation heretofore existing be dissolved and held for naught and plaintiff recover of the defendant One hundred Dollars herein allowed and her costs herein taxed at $21.80

It is further ordered that said plaintiff be restored to her former name of Nancy J. Smuine

Thereupon Court adjourned until Monday at 10 o'clock P.M.

4587

4581

4549

Monday, Sept. 22nd A. D. 1884

Court met at one, o'clock P. M. pursuant to adjournment; the same officers being present as heretofore.

4587 James Grow Plaintiff
vs
Andrew J. Parker Defendant. } Entry on Note and Mortgage.

And now comes the said James Grow by F. T. Arthur his Attorney, and the said defendant Andrew J. Parker still failing to answer or demur to said petition, it is considered by the Court after hearing the reading of said note as prayed for, that the said plaintiff ought to recover the said sum of Seven hundred and two dollars ($702.00) so demanded in his said petition, together with thirty four dollars and thirty two cents ($34.32) which the Court finds due as the interest thereon.

It is therefore considered by the Court here that the said plaintiff do recover against the said Andrew J. Parker the said sum of ($736.32/100) Seven hundred and thirty six dollars and thirty two cents the sum found due as aforesaid, and also his costs in and about his suit in this behalf expended taxed to $. And it is further ordered and adjudged that, in case the said defendant fail for ten days from this date to pay to the said plaintiff the said sum of $736.32 so as aforesaid found due with costs of suit and interest on the same from this date at 8%, an order issue to the Sheriff of this County commanding him to cause the said lands and tenements in said petition described to be appraised, advertised, and sold according to law, and that he apply the proceeds of said sale in satisfaction of said Judgment and costs.

Cornelia A. Taylor
vs
4581 H. C. Irwin & Jno. Newlon } Judgment on default.

And now comes the said plaintiff by her Attorneys and the said defendants having failed to demur or answer to the petition of the said plaintiff, the same is therefore taken to be true; and it is considered that the said plaintiff ought to recover the said sum of $1200.00 so demanded in her petition together with the sum of $167.47 which the Court finds due as the interest thereon as prayed for in said petition; it is therefore considered that the said plaintiff recover against the said defendants the said sum of $1367.47 together with her costs in and about this suit expended taxed to $ and interest on said Judgment at the rate of eight per centum per annum from Sept. 8-1884

Norris B. Thompson et al
vs
4544 Wheeling Thompson et al } 3

It appearing to the court that John Thompson and Watson Thompson two of the defendants to this suit are minors under 14 years of age and have been duly and legally served with Summons herein on motion of the plaintiff A. H. Kollepath is appointed Guardian for the Suit for said minor defendants. And now comes the said A. H. Kollepath in Open Court and accepts said appointment.

Monday Sept. 22nd A. D. 1884.

4584 Wingt Harriman vs Geo. Bates & Wm. Wellwood } And now comes the said Wingt Harriman by his Attorneys and the said defendants having failed to demur or answer to Petition of said Wingt Harriman the same is therefore taken to be true, and it is considered that the said Wingt Harriman ought to recover the said sum of $100.00 so demanded in his petition together with the sum of $8.46 which the Court find due as the interest thereon, as prayed for in said petition: it is therefore considered that the said Wingt Harriman recover against the said Geo. Bates and William Wellwood the said sum of $108.05 with 8% interest from this date together with his costs in and about this suit expended, taxed to $.

The State of Ohio vs Howard Stull } Indictment for Burglary & grand Larceny.
674

Now comes the Prosecuting Attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff, and arraigned upon said indictment for plea thereto saith he is "not guilty" and puts himself upon the country, and the Prosecuting Attorney doth the like.

The State of Ohio vs Fred. Nelson et al } Indictment for house breaking and grand larceny.
673

4591

Now comes the Pros. Atty on behalf of the State of Ohio, and the defendants Frederic Nelson, F. H. Lee, Charles Ross, W. C. Smith and W. D. McCloud being brought into Court in custody of the Sheriff, and arraigned upon said indictment, for plea thereto, each saith he is not guilty and put themselves upon the country and the Pros. Atty doth the like; and it appearing to the Court that said defendants are in indigents circumstances and unable to employ counsel, the Court at their request, assign D. W. Ayers and E. W. Porter as Counsel to defend them.

State of Ohio vs Jonas Perry Nash } Indictment for assault with intent to Kill.
670

4535

Now comes the Pros. Atty on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and arraigned upon said indictment, for plea thereto, saith he is not guilty and puts himself upon the country and the Pros. Atty doth the like; and it appearing that the defendant is in indigent circumstances and unable to employ Counsel the Court at his request assign E. E. Cole Esq. as counsel to defend him

4549 Norris B. Thompson etux vs Wheeling Thompson et-al. }
His cause came on to be heard upon the Motion of plaintiff to the court to confirm publication heretofore made for the unknown heirs of Sarah J. Moots, and the court being fully advised in the premises does find that said heirs are necessary parties to said suit and that said publication was had in conformity to law and does hereby confirm the same-

Thereupon Court adjourned until 8½ o'clock A. M. Tomorrow

Tuesday Sept. 23rd A.D. 1884

Court met this morning at 8½ o'clock pursuant to adjournment; the same officers being present as on yesterday.

4622 Nancy Preston vs John Mathews & James King

This day came the plaintiff by her attorneys, also appeared in open Court, for and on behalf of said defendant, Edward E. Cole, an Attorney at law of this Court, and by virtue of the warrant of attorney annexed to the note attached to the petition in said cause, shown to have been duly executed by said defendants, entered the appearance of said defendants, and waived the issueing and service of process in this action, and confessed a judgment on said note against said defendants, and in favor of said plaintiff, for Four Hundred & twenty Six dollars and Ninety cents, being the amount of the principal and interest due on said note, and for costs taxed and to be taxed, and released and waived all exceptions, errors and right of appeal in the premises. It is therefore considered that said plaintiff recover of said defendants the sum of Four Hundred and twenty six and 90/100 Dollars, being the amount of said note with interest computed at 8 per cent. per annum, from the 22nd day of September 1884, and also her costs herein expended, taxed at $.

4591 V. T. Hills vs J. C. Lee & Elizabeth

And now comes the said V. T. Hills and the said J. C. Lee and Elizabeth Lee having failed to demur or answer to the petition of the said V. T. Hills it is considered that the said V. T. Hills ought to recover the said sum of $198.17 so demanded in his petition together with the sum of $6.20 which the Court finds due as the interest thereon at 8 p.c. up to Sept. 8th 1884, as prayed for in said petition. It is therefore considered that the said V. T. Hills recover against the said J. C. Lee and Elizabeth Lee the said sum of $204.37 with 8 p.c. Int. from Sept. 8th 1884 together with his costs in and about his suit in this behalf expended taxed to $.

4535 The Aultman & Taylor Co. vs F. D. Gosnell & W. A. McCamey

And now comes the said The Aultman and Taylor Co. and the said F. D. Gosnell and W. A. McCamey having failed to demur or Answer to the petition of the said The Aultman and Taylor Co. it is considered that the said The Aultman and Taylor Co. ought to recover the said sum of $204.00 so demanded in its petition together with the sum of $22.00 which the Court finds due as the interest thereon up to Sept. 8, 1884, as prayed for in said petition; It is therefore considered that the said The Aultman & Taylor Co. recover against the said F. D. Gosnell & W. A. McCamey the said sum of $226.00 with interest at 8 p.c. from Sept. 8, 1884, together with their costs in and about their suit in this behalf expended taxed to $.

Tuesday Sept. 23rd A. D. 1884

4588 The Peoples Bank vs Tobias E. Bulen, Leah J. Bulen & Wm C. Moffitt

And now comes the said The Peoples Bank by A. J. Carpenter its Attorney and the said defendants still failing to answer or demur to said petition it is considered that the said plaintiff is entitled to an account of the money due it in the premises and the Court after hearing the evidence do find that there is due to said plaintiff on the note and Mortgage in said petition described the sum of six hundred and eighty seven and 70/100 Dollars ($687.70/100) including interest computed to Sept. 8. 1884.

It is therefore considered by the Court here that the said plaintiff recover of the said defendant Tobias E. Bulen the said sum of Six hundred and eighty seven and 70/100 Dollars ($687.70/100) with ~~exchange from Sept. 8, 1884~~ the sum so found due as aforesaid and also its costs taxed to $. And it is further ordered and adjudged that in case the said defendant fails for 5 days from this 22nd day of Sept. 1884 to pay to the said plaintiff the said sum of $687.70 together with 6 p/c interest from Sept. 8th 1884 with costs of suit, an order issue to the Sheriff of said County commanding him to cause the said lands & tenements in said petition described to be appraised advertised 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.

4536 The Aultman & Taylor Co. vs Cort Gibson, F. D. Gosnell & Laura Gibson

And now comes the said The Aultman & Taylor Co. and the said Cort Gibson, F. D. Gosnell & Laura Gibson having failed to demur or answer to the petition of the said The Aultman & Taylor Co. it is considered that the said The Aultman & Taylor Co. ought to recover the said sum of $190.00 so demanded in its petition together with the sum of $31.92 which the Court finds due as the interest thereon at 8 p/c up to Sept. 8. 1884 as prayed for in said petition, it is therefore considered that the said The Aultman & Taylor Co. recover against the said Cort Gibson, F. D. Gosnell & Laura Gibson the said sum of $221.92 with 8 p/c int. from Sept. 8. 1884 together with their costs in and about their suit in this behalf expended taxed to $.

4463 William Hinton vs Joseph Robbins

This day this cause is dismissed upon motion of plaintiff and at his costs. It is therefor considered that the said defendant recover of the plaintiff his costs herein expended taxed to $. No record

4579

4365

Tuesday Sept. 23rd A. D. 1884

4579 George B. Carpenter vs Fredrick Stukey et al.

This day this cause came on for hearing upon plaintiffs petition, the answer and cross-petition of the defendant G. B. Hamilton and the answer and cross-petition of the defendant Henry Neumeister and the defendant Fredrick Stukey still failing to answer or demur to said petition, or to plead to said answers and cross-petitions it is considered that the said plaintiff and the said defendant Geo. B. Hamilton are each entitled to an account of the money due them in the premises, and the Court after hearing the evidence do find that there is due to the plaintiff on the note and mortgage in said petition described the sum of Three hundred and ninety nine and 40/100 Dollars ($399.40) including interest computed to September 8, 1884, and the Court further finds that there is now due to the defendant G. B. Hamilton on the notes and mortgage in his answer and cross-petition described the sum of Nine hundred and sixteen and 93/100 Dollars ($916.93) including the interest computed on the note due up to Sept. 8, 1884, and that said G. B. Hamilton holds two other notes of $800.00 one due April 4, 1885, and one due April 4th 1887. It is therefore considered by the Court here that the said plaintiff recover of the defendant Fredrick Stukey the said sum of $399.40 so found due as aforesaid with 6 % interest from Sept. 8, 1884, and also his costs taxed to $. And it is also considered that said Geo. B. Hamilton recover of the defendant Fredrick Stukey the said sum of $916.93 the sum so found due as aforesaid with 6 % interest from Sept. 8, 1884, and also his costs taxed to $. And it is further ordered and adjudged that in case the said defendant Fredrick Stukey fails for five days from this 22nd day of Sept. 1884 to pay to said plaintiff the said sum of $399.40 with 6 % interest from Sept. 8, 1884, so as aforesaid found due with costs of suit and to pay to the defendant G. B. Hamilton within five ~~five~~ days from this 22nd day of Sept. 1884 the said sum of $916.93 with 6 % int. from Sept. 8, 1884 so as aforesaid 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 advertised and sold according to law and to bring the proceeds of said sale into Court subject to the further orders of this Court as to the distribution thereof.

4365 Lovie Fisher vs John C. Fisher } Leave to file ans, is this day given to the defendant & ans. filed accordingly.

Tuesday, Sept. 23rd 1884

State of Ohio
vs
W. A. Hubbard
} Indictment for Keeping a saloon open on Sunday.

This day came the Pros. Atty on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and arraigned upon said indictment for plea thereto, saith he is guilty, and having no good reason why sentence should not be pronounced against him it is decreed ordered and adjudged by the Court that the said defendant W. A. Hubbard pay a fine of five dollars, and the costs of prosecution, that he be imprisoned in the Jail of said Union County, Ohio, for the period of one day, and that said defendant stand committed to the Jail of said County until said fine and costs are paid.

4095 Jesse Biggs
vs
Mary Biggs
} This case is dismissed at plaintiffs costs without prejudice to a new action. It is therefore considered that the plaintiff pay the costs of this action taxed at $ and in default execution issue therefor.

4313 R. A. Slick
vs
P. G. Wynnegar
} This day came the parties by their attorneys and this cause came on to be heard upon the motion of the defendant to Strike out certain parts of the plaintiffs petition, On consideration whereof the court being fully advised in the premises do order Stricken out of the petition the following words, to-wit; 4313

" That by reason of said purchase from the defendant he rented a dwelling house
" in Richwood and has moved his family from New York to Richwood, that- 4472
" he himself has removed in it- heavy Expense since said purchase."

As to all other matters said motion is over ruled. To which ruling of the court in overruling said motion the defendant Excepts.

4510

Thereupon Court adjourned until tomorrow at 8½ o'clock A. M.

Wednesday, Sept. 24th A.D. 1884.

Court met at 8½ o'clock A.M. pursuant to adjournment; the same officers being present as on yesterday.

C. This day the Court allows and orders to be paid to John Hobrusack Sheriff as his annual allowance according to Sec. 1231 R.S. of O. the sum of three hundred dollars, and the Auditor of Union County is hereby directed to draw his warrant on the Treas. of said County accordingly.

Attst. J.Q. Burgner, Clerk.

Franklin W. Marriott Executor of H.T. Marriott, deceased,
vs
1875 Joshua P. Marriott et al. } For sale of land.

And now came the plaintiff by Robinson & Piper his Attorneys and moves the Court here for an order setting aside sales of lots heretofore made under the orders of this Court and for a further order of reappraisement and sale of the remaining portion of said lands mentioned in said motion. And the Court being advised in the premises and on consideration of same sustains said motion, And it is therefore considered, ordered and adjudged that an order of reappraisement and sale be issued to the said plaintiff directing him to reappraise and sell all the said lands now remaining unsold and the same is hereby ordered and directed to be done and that the plaintiff make report of his proceedings herein at an early day.

R.A. Glick
vs
4313 P.G. Waynegar } This day this cause was continued on motion and showing of defendant and at his costs for this term. It is therefore considered and adjudged by the Court that the defendant pay the costs of this Term taxed at $. and in default that execution issue therefor.

C. Aultman & Co.
vs
4472 J.S. Wells }

This day the plaintiffs on their motion dismiss this action without prejudice to a new action and at plaintiffs costs. It is therefore considered that the defendant recover of the plaintiff his costs herein to me taxed at $.

A.A. Woodworth
vs
4510 Cleveland, Columbus, Cincinnati & Indianapolis Railway Co. }

This day this cause is continued upon motion of defendant and at its costs and defendant have leave to answer in 30 days from rising of Court. It is therefore considered that plaintiff recover of defendant his costs of this Term taxed at $.

Wednesday Sept. 24th 1884

4402 C. Aultman & Co
vs
Elon Rogers. Zora J. Rogers
and D. W. Henderson

This case coming on for hearing upon the motion of the plaintiff and upon his showing was continued so far as the case relates to C. Aultman & Co against Elon Rogers defendant and at the costs of C. Aultman & Co, It is therefore considered that the said Elon Rogers recover of plaintiff the costs of this term taxed &

This cause coming on for futher hearing upon the answer and cross petition of the defendant D. W. Henderson and the evidence the court find that the defendant Elon Rogers has been duly served with Summons in this case and that he is in default for answer and demurrer and that the allegations of the answer and cross petition of the defendant D. W. Henderson are thereby confessed by him to be true. On consideration thereof the Court find that there is due to the defendant D. W. Henderson upon his answer and cross petition from the defendant Elon Rogers on the promissory note set forth in the petition including interest to the date of this decree the sum of forty one dollars and Eighty cents. The court further find that in order to secure the payment of said note the defendants Elon Rogers and Zora J. Rogers his wife executed and delivered to said D. W. Henderson, the defendant their certain mortgage as in the petition described and on the premises therein described that said mortgage was duly recorded in Book 17 Page 541 of the record of Mortgages of Union County, and is a good and valid lien on the premises described in the petition and that the conditions in said mortgage have been broken

It is therefore considered by the court that the plaintiff recover from the defendant the said sum of Forty $\frac{80}{100}$ dollars and his costs herein expended. And it is further adjudged and decreed that unless the defendant Elon Rogers shall within ten days from the entry of this decree pay or cause to be paid to the plaintiff herein the sum so as aforesaid with interest from the 22nd day of September 1884 the defendants Equity of redemption be foreclosed and said premises be sold and that an order of Sale therefor to the Sheriff of Union county directing him to appraise advertise and sell said premises as upon Execution and report his proceedings to this court for fusther order & cause continued.

4576 Weidman Kent & Co vs F. F. Hazen & M. Lo. Hazen.

And now comes the said Weidman, Kent & Co and the said F. F. Hazen having failed to demur or answer to the petition of the said Weidman, Kent & Co, It is considered that the said Weidman Kent & Co recover on their first cause of action the sum of $600.00 together with the sum of $18.62 which the court finds due as the interest thereon @ 8% computed up to Sept 8 1884. and on their 2nd cause of action the sum of $695.00 so demanded in their petition together with the sum of $54.53 which the court finds due as the interest thereon @ 6% computed up to Sept 8th 1884 as prayed for in their petition. It is therefore considered that the said Weidman Kent & Co recover against the said F. F. Hazen & M Lo. Hazen on their first cause of action $786.62 @ 8% int from Sept 24th 1884 and on their second cause of action the said sum of $754.53 @ 6% int from Sept 8th 1884 together with their costs in and about their suit in this behalf expended taxed &

Court adjourned to meet Thursday Sept. 25th 1884 at 8½ o'clock A.M.

4402 4567 4509 4466 4576 4526

Thursday, Sept. 25th A.D. 1884

Court met at 8½ O'clock A. M. pursuant to adjournment; the same officers being present as heretofore.

4567 John P. Scheiderer vs J. M. Zweenee

This day this cause came on to be heard upon the petition and evidence of Plaintiff, the defendant failing to answer or demurr to plaintiffs petition and being in default and the court being fully advised in the premises do find that there is due to the plaintiff from the defendant as plaintiff hath alleged in his petition the sum of $37.75-

It is therefore adjudged that the plaintiff recover of the defendant said sum of $37.75- and also his costs herein taxed at $

4509 Watterman Kile vs Cleveland Columbus Cincinnati & Ind R R Co

This day this cause is continued upon Motion of defendant and at his costs. It is therefore considered that the plaintiff recover of the defendant costs made at this term taxed at $ And defendant has leave to file answer in 30 days from the sitting of court.

4466- J. M. Dunn vs E. G. Rogers et ae

This day this cause came on to be heard upon the motion of defendants to Strike the name of J. A. Bloods from the amended petition of plaintiff. and the court being fully advised in the premises do sustain said motion and the name of J. A. Bloods is therefore Stricken from said petition.

Thereupon on Motion of plaintiff he has leave to amend his petition by Saturday the 27th day of September.

4526 Herman B Benton vs Mel Lovegrel

This day this cause was continued by Consent of Parties,

Court adjourned to meet Friday Sep 26th 1884 at 8½ Oclock A. M.

Friday Sept 26th A.D. 1884-

Court met at 8½ o'clock A.M pursuant to adjournment The same officers being present as on yesterday-

4522 W.H. Conkright vs D. M Orahood & Thomas Moffitt } Jury Trial

This day came the parties by their attorneys, and this came on to be tried; and thereupon came a jury to wit; J.W Bonnell Geo Wallace Samuel Hamme M.P. Woods Geo. Coleman Stephen Shirk Jesse Keenan Simpson Price C. Weidman M.M. Kirk Luther Skinner & Solomon Walker who being duly empaneled and sworn to well and truly try the issue joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the court, and after hearing the testimony, arguments of counsel, and charge of the court the said jurors, retired to their room to deliberate upon their verdict and after due deliberation returned into open court and presented their verdict in writing, in the words and figures following, to-wit;

Wm H. Conkright vs D. M. Orahood & Thomas Moffitt } Civil action. September Term A.D. 1884 Verdict- To-wit- Sept 26th 1884

We the jury in this case, being duly impaneled and sworn do find and say that- we do find for the plaintiff in the sum of $114.18- J. C. Coleman- Foreman-

3707 Viola W. Jones vs Alex J. Mahaffey et al } This day came the parties by their attorneys and this cause came on to be heard upon the amended petition of the plaintiff and the answer of the defendant James F. Mahaffey and the reply of the plaintiff together with the evidence.

On consideration whereof the court finds from the evidence in favor of the said James F. Mahaffey defendant and that the said Alexander J Mahaffey fully expended all money received by him for the benefit of his said ward the said plaintiff. and that upon a just settlement No sum remained in the hands of said guardian-

It is therefore adjudged and decreed by the court that the defendant James F. Mahaffey go hence and recover his costs- and the plaintiff gave notice of his intention to appeal, and the court fixed the bond at Fifty Dollars-

3780

4626

4307

Friday September 26th A. D. 1884

Lewis J. Ellis }
vs }
3780 Alex J. Mahaffey et al }

This day came the parties by their attorneys and this cause came on to be heard upon the amended petition of the plaintiff and answer of the defendant James T. Mahaffey and the reply of the plaintiff together with the evidence.

On consideration whereof the court find from the evidence in favor of the said James T. Mahaffey defendant and that the said Alexander J. Mahaffey fully expended all money received by him for the benefit of his said Ward the said plaintiff and that upon a just and full settlement no sum remained in the hands of said Guardian.

It is therefore considered and adjudged by the court that the defendant James T. Mahaffey go hence and recover his costs. and the plaintiff gave notice of his intention to appeal and the court fix the bond on appeal at Fifty dollars.

Martha Moore }
vs } Injunction
4626 George Bayer }

On Motion of the plaintiff by her attorney and good cause being shown therefor, it is ordered that on an undertaking being given in the sum of One Hundred dollars with sureties to the approval of the Clerk, an injunction be allowed to issue herein, Enjoining the said defendant from proceeding further with his said action in forcible entry now pending before W. W. Hill a justice of the peace of said County of Miami until the further order of this court. John A. Price Judge of Court of Common Pleas

Charles Stover }
vs }
4307 John R. Owen }

On motion of the defendant it is ordered that the plaintiff give security for cost in this case within 30 days from the rising of this court, and in default thereof that this cause stand dismissed at the plaintiffs cost.

Court then adjourned until Monday September 29th 1884 at half past One Oclock P. M.

Monday September 29th AD. 1884-

Court met at half past one O'clock P M the same officers being present as on Friday-

4572 Ann E. Harnes vs Benj W. Evans } Jeweed

This cause is dismissed without prejudice at defendants costs without record.

It is therefore considered and adjudged by the court that the plaintiff recover of the defendant her costs herein expended taxed to D

4592

4028 Martha A. Sanborn } vs John C. Ramsey }

On Motion of plaintiff this cause was this day dismissed without prejudice to a new trial without record, at the costs of plaintiff. and it is ordered that plaintiff pay the cost of this action within 30 days or in default that Execution issue therefor.

670

4628 Alf Scott et-al } vs L. C. Wentz }

This day came the plaintiff by their Attorneys and thereupon came John M. Brodrick one of the attorneys of record of this Court who by virtue of a warrant of attorney duly executed, and now produced in open court and duly proven, waived the issuing and service of process and entered appearance of said defendant herein, and by virtue of the same warrant of attorney confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition the sum of $146.75- It is therefore considered that said plaintiff do recover of said defendant the said sum of $ 146.75 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8 per centum per annum. And by virtue of said Warrant of attorney all errors are released and all right of appeal and all right to file a petition are waived-

6650 State of Ohio } vs Wm R. Shackleford } Indictment for assault with intent to commit rape.

6600

It is ordered that Dr. R. W. Connell be allowed pay for 162-0 miles travel for attendance as a witness in the above case and the Clerk is hereby ordered to certify his fees accordingly. John A. Price, Judge.

I hereby certify that Dr. Connell above mentioned was subpoenaed at my request. John M. Brodrick, Pros. Atty.

Monday September 29th A.D. 1884-

4592 C. A. Baker vs Hiram Rorey et al

And now comes the said C. A. Baker and thereupon this cause came on to be heard upon the petition and answer of A.S. Morey the defendant Hiram Rorey and A.S. Bellus having failed to demur or answer to the petition of the said C.A. Baker, it is considered that the said C.A. Baker ought to recover of said Hiram Rorey and A.S. Bellus as principals and of said A.S. Morey as surety, the said sum of $325.00 in this petition, together with the sum of $118.04 which the Court finds due as the interest thereon at 8% computed up to September 8th 1884, as prayed for in said petition. It is therefore considered that the said C.A. Baker recover against the said Hiram Rorey and A.S. Bellus as principals and said A.S. Morey as surety the said sum of $433.50 with 8% interest from Sept 8th 1884 together with his costs in and about this suit in this behalf expended taxed to $.

670 The State of Ohio vs Zenas Terry Nash } Indictment for assault with intent to Kill.

Now came the prosecuting attorney for behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff; his Counsel being present: also came the following named persons as jurors, To-wit: Simpson Price William Hall Josiah Keeran Luther Turner, C. Weidman George Coleman, Samuel Hammon, Solomon Walker, Stephen Shirk J. N. Bonnell and George Wallace, who were duly impaneled and sworn according to law. And the said jury having heard the testimony adduced by the parties the arguments of Counsel and the charge of the Court, retired to their room in charge of the Sheriff for deliberation. And afterward came the jury, conducted into Court by the Sheriff and returned the following verdict in writing, Signed by their foreman, To-wit:

We, the jury in this case, find the defendant Zenas Terry Nash not-guilty of intent to kill in manner and form as he stands charged in the Indictment, but we find him guilty of assault in manner and form as he stands charged in the indictment.

Luther Turner Foreman.

668 State of Ohio vs Isaac White } Indictment for Murder in the 2nd degree.

This day came the said defendant by his attorneys & demanded a struck jury herein. Thereupon John D. Burgner Clerk by W.M. Winget Deputy Clerk of this Court proceeded to the office of the County Auditor with the assistance of Geo. W. McBeth Esq. Auditor of Union County, Ohio, and Geo. Jenkins Esq. Recorder of Union County, Ohio, proceeded to select from the qualified electors of the County, the names of forty persons, impartial between the parties, and who from their intelligence and sound judgment are believed to be qualified to try said cause.

Thereupon said John D. Burgner Clerk by said W. M. Winget deputy Clerk proceeded without delay and served notice on the Prosecuting Attorney on behalf of the State of Ohio, and on J. L. Cameron one of the Attorneys of record for said defendant of the time of striking the jury, and at the same time, said Clerk by said deputy Clerk furnished to said Prosecuting Attorney and to said J. L. Cameron as such defendants attorney a true copy of the list of such names as aforesaid selected.

Court then adjourned until 8½ o'clock A.M. September 30th 1884.

Tuesday September 30th A. D. 1884-

Court met at 8½ oclock A M. pursuant to adjournment the same Officers being present as on yesterday.

676

4600 Nancy A. McFadden vs William A. Ballinger & Eliza S. Ballinger

This cause now coming on for hearing was submitted to the court upon the petition of plaintiff and answer of defendants and the evidence. On consideration whereof the court find for the plaintiff and that there is due her on the 1st note in the petition described the sum of $413.61 (including interest to the 1st day of this term) and that there is due her on the last two notes in the petition described the sum of $48.28 dollars making $461.89 in all. not including interest on the principal of last 2 notes from april 24th 1884 not yet due. 4347

The court further find that in order to secure the payment of said notes, the defendants Wm A. Ballinger and Eliza S. Ballinger his wife executed and delivered to the said Nancy A. McFadden the plaintiff their certain Mortgage as in the petition described, and on the premises therein described. That said Mortgage was duly recorded in Book 20 page 280 of the record of Mortgages of Union County and is a good and valid lien on the premises described in the petition, and that the conditions of in said Mortgage have been broken. 4452

It is therefore considered by the court that the plaintiff recover from the defendant the said sum of $461.89 and her costs herein expended. It is further ordered adjudged and decreed that unless the defendants William A. Ballinger & Eliza Ballinger shall within 30 days from the rising of this court pay or cause to be paid to the Clerk of this court the costs of this case and to the plaintiff herein the sum so found due as aforesaid with interest from the 8th day of September 1884. The defendants Equity of Redemption be foreclosed, and said premises be sold and that an order of sale issue therefor to the Sheriff of Union County directing him to appraise advertise and sell said premises as upon execution and report his proceedings to this court for further order- 4513

675- The State of Ohio vs William Harris } Indictment for disturbing a ~~Dancing~~ School

This day came the defendant and with George Harris W Le Marsh and Lamont Bell as his Sureties entered into a recognizance before the court in the sum of One Hundred dollars conditioned for his appearance on the first day of the next term of this court, to answer said charge to which time this cause is continued,

Tuesday September 30th A.D. 1884

676 The State of Ohio vs John Harriss } Indictment for disturbing a singing School.

This day came the defendant, and with George Harriss W. L. Marsh and Samuel Bell his Sureties, entered into recognizance before the court in the sum of One Hundred dollars conditioned for his appearance on the first day of the next Term of this court. to answer said charge. to which time this cause is continued.

4347 A. L. Rice vs Joel C. Conklin }

The Jury in this action, having on a former day of this term rendered a verdict for the defendant and assessed his damages at $159.75 and no Motion for a new trial having been made;

It is therefore considered by the court that the said defendant recover from the said plaintiff the said sum of $159.75. together with his costs herein expended.

4452 Thomas J. Miller vs Marion Flickinger }

The Jury in this action having on a former day of this term rendered a verdict for the plaintiff and assessed his damages at five cents, and no motion for a new trial having been made;

It is therefore considered by the court that the said plaintiff recover from the said defendant the said sum of five cents. together with his costs herein expended, No. record

4513 William Penn vs J. C. Ramsey }

This day came the parties by their attorneys, and this cause came on to be tried; and thereupon came a jury to-wit; W. P. Wood. Simpson Price Levi Forman Luther Turtle. C. Weidman George Coleman. Samuel Hammer Solomon Walker N. M. Poirle. Stephen Shirle. J. N. Gosnell and George Wallace. who. being duly empannelled and sworn to well and truly try the issue. joined between the parties in this cause, and a true verdict render according to the evidence unless withdrawn by consent of parties. or discharged by the court, and after hearing the testimony, arguments of Counsel, and charge of the Court; the said jurors retired to their Room to deliberate upon their verdict and after due deliberation returned into open court and presented their verdict in writing. in the words and figures following, to-wit; We, the jury in this case, being duly impaneled and sworn. do find and say that we find for the plaintiff in the sum of $412.00

We find damages on 2d defense 12.00

400.00

Samuel Hammer. Foreman.

September 30th A.D. 1884.

674 The State of Ohio vs Howard Stull } Indictment for burglary and grand larceny.

This day came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and his counsel also coming. On application of the defendant and on good cause shown the said defendant has leave to withdraw his plea of "not guilty" heretofore entered herein. Thereupon this cause came on to be heard upon the demurrer of the Prosecuting Attorney to the plea of former acquittal filed by said defendant and the same was argued by Counsel and submitted to the Court. On consideration whereof the Court do sustain said demurrer. Thereupon the defendant being arraigned upon said indictment for plea thereto saith he is "not guilty" and puts himself upon the Country, and the Prosecuting Attorney doth the like.

4580

4629

674 The State of Ohio vs Howard Stull } Indictment for Burglary & Grand Larceny

Now came the prosecuting attorney on behalf of the State of Ohio and the defendant being brought into court in custody of the Sheriff his counsel being present, also came the following named persons as jurors, to-wit; W. P. Wood, Simpson Price, Levi Forman, Luther Towne, C. Weidman, George Coleman, Samuel Hannes, Solomon Walker, N. M. Foltz, Stephen Shirk, J. N. Gossett and George Wallace, who were duly impaneled and sworn according to law. After hearing a part of the evidence and the trial being still in progress, Court adjourned until 8½ o'clock tommorow morning.

674

2244 W. A. Phelps & Son vs J. B. Miller, George E. Shipley et al } Now comes the said plaintiff and the conditional order of revivor herein having been duly served upon the said defendants and the said judgment for costs still remaining unsatisfied and no cause being shown why it should not be revived; It is therefore ordered that the said judgment, to-wit:- the costs taxed in said case at $ Said revived against said defendants as in the original action, and execution allowed to issue accordingly.

Thereupon Court adjourned until 8½ o'clock A. M. on tommorow Morning.

Wednesday Oct. 1st A. D. 1884

Court met this morning pursuant to adjournment at 8½ o'clock the same officers bring present as heretofore.

43580 Joseph Elliott vs Jonathan Beard et al

The note described in the petition as past due, with the interest thereon, and costs of suit, having been paid, this action is dismissed without prejudice to action on notes not yet due.

4629 O. M. Scott Plaintiff. vs John Sanderson Manerva Sanderson and P. C. Adams, Defendants.

This day came the plaintiff by his Attorney A. N. Kellogg, and thereupon came J. McKennedy, one of the Attorneys of record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of Attorney confesses that there is due from said Defendants to said plaintiff as in alleged in said plaintiffs petition the sum of $159.58

It is therefore considered that said plaintiff do recover of said defendants the said sum of $159.58 so as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of 8 ⁰/₀ per annum. And by virtue of said Warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

674 The State of Ohio vs Howard Stull } Indictment for burglary and grand larceny.

This day again came the Pros. Atty on behalf of the State of Ohio and the defendant Howard Stull being brought into Court in custody of the Sheriff, and his counsel being present; also came the jury heretofore duly empaneled and sworn and the examination of witnesses on behalf of the State was resumed. The State rested; the examination of witnesses on behalf of the defendant was begun and closed. The examination of witnesses on behalf of the State was offered in rebuttal and the said jury having heard the testimony adduced by the parties, the arguments of counsel, and the charge of the Court, retired to their room in charge of the Sheriff for deliberation.

And afterward came the said jury conducted into Court by the Sheriff and returned the following verdict in writing, signed by their foreman, to-wit= "We, the jury in this case, find the defendant Howard Stull not guilty in manner and form as he stands charged in the indictment. Stephen Shirk Foreman" And there being no further charge against said defendant he is hereby discharged.

Thereupon Court adjourned to meet to-morrow at 8½ o'clock A. M.

Thursday Oct 2d A. D. 1884

Court met this morning pursuant to adjournment at 8½ Oclock the same officers being present as on yesterday.

4286 Reg Cranston Admr vs Abraham Carver et al

On Motion of the plaintiff and on his producing the return of the Sheriff of the Sale made under former order of this Court and the court on carefull examination of the proceedings of the said Sheriff being Satisfied that the same have been had in all respects in conformity to law and the orders of this court: it is ordered that the said proceedings and Sale be and they are hereby approved and confirmed.

And it is further ordered that the said Sheriff convey to the purchasers A J. Carpenter and J. W. Tilton by deed according to law the property so sold and the said purchasers are hereby subrogated to all the rights of the said Lienholders in said premises so far as they may be paid herein for the protection of their title and a writ of possession is awarded to put said purchasers in possession of said premises.

It is further ordered that the Clerk cause Satisfaction of the Mortgages herein sued on to be entered on the records thereof in the office of the recorder of Union County.

And the court coming now to distribute the proceeds of Said Sale amounting to four thousand Seven hundred and twelve dollars, It is Ordered that the Sheriff out of the Money in his hands pay. First. To the Treasurer of this County the taxes, penalty and interest against said property, to wit the Sum of $ 72.56

Second. The costs of this action taxed at $ 63.75.

Third. To the defendant Antoinette H Saville the amount due on the Mortgage as set forth in the answer and Cross petition to wit the Sum of Eighteen hundred Ninety two 76/100 dollars ($1892.76)

Fourth. To the defendant James Lyons the amount heretofore found due him with interest, to Wit the Sum of Three hundred thirty and 3/100 Dollars ($ 330.33)

Fifth. To the plaintiff Reg Cranston as administrator of the Estate of Zelotus C. Pooler deceased the balance of the money in his hands to wit the Sum of Twenty three hundred fifty two 50/100 dollars. ($2352.50) and there still remaining due to said Reg Cranston as said Administrator the Sum of Ten hundred Ninety 82/100 Dollars Execution is awarded against the said Abraham Carver therefor.

670 State of Ohio vs Zenas Terry Nash } Indictment for assault with intent to Kill.

The defendant having heretofore been found guilty of an assault was this day brought into Court in Custody of the Sheriff and informed by the Court of the Verdict of the jury and enquired of if he had anything to say why judgment should not be pronounced against him, and showing no good and sufficient cause, It is therefore adjudged by the court that the said Zenas Terry Nash be confined and imprisoned in the jail of Union County Ohio for 30 days and pay the costs of this prosecution taxed at $

Thursday Oct-2d A-D-1884

4553 Samuel R. Berger vs Jacob Jenkins et al

This day this cause came on to be heard upon the petition of the said Samuel R. Berger and the evidence, the defendants, though duly served with a Summons therein having failed to answer, demur or otherwise object to the plaintiffs petition. On consideration whereof and the court being fully advised in the premises finds that the allegations of the petition are true and that there is due and remaining unpaid upon the notes described in said petition to the first day of the term of this court the sum of $525.36-

It is therefore considered and adjudged that the plaintiff recover of the defendant Jacob Jenkins the said sum of $525.36 and his costs herein taxed &

It is further considered adjudged and decreed by the said court that unless the said Jacob Jenkins pay or cause to be paid to the said Samuel R Berger said sum of $525.36 within five days from this date and to the clerk of the court the costs herein that an order of Sale issue to the Sheriff of this county commanding him to appraise advertise and sell the premises described according to law and that he bring the proceeds into Court for further order.

4494 Helen M. Mathews Guardian vs Eva B. Kendall et al

This day on Motion to the court leave was given John W Patterson Rachel J. Patterson Leroy W Longhman and Martha E. Bradley to file answers which was done accordingly

And thereupon came the said defendants and made an application for the continuance of the said case, and thereupon the said cause was continued until the next term of this court upon the application of said defendants and at their cost and leave was given plaintiff to Reply within 30 days from the rising of this court.

4148- David M. Robinson vs P. C. & St L Railway Co

The plaintiff by leave of the court filed his reply in this case. The defendant not being ready for trial this cause is continued at the costs of the defendant.

4499 Alex. B. Johnson vs R. L. Woodburn assignee

This day this cause came on to be heard by consent of parties and the court being fully advised in the premises do find the claim of Alex. B. Johnson as described in his petition to be the first and prior lien upon the assets of Wm M. Cartmell assignor and that this case be dismissed at plaintiffs costs and without record.

Court then adjourned until 8½ oclock tommorrow morning

Friday Oct 3d A. D. 1884

Court met this morning at 8½ oclock the same officers being present as on yesterday.

4469 Francis M Dort vs I. I. Kellogg et al

This day came on this cause to be heard by the court. Whereupon the court dissolved the injunction and dismissed the petition.

Wherefore it is ordered and decreed that the defendants recover of the plaintiff their costs herein expended taxed to $ and in default of payment for 30 days that execution issue therefor as upon judgments at law.

3824 Giles O. Griswold vs Daniel W. Camp et al

This day came the plaintiff and submitted to the court his motion to confirm the sale made in this cause by the Sheriff on the 27th day of Sept 1884. Whereupon the court being fully advised in the premises do find all the proceedings by the Sheriff in making said sale are regular and that said sale is in all respects lawful and thereupon the court confirms said proceedings and sale and orders the Sheriff of Union County to execute to Giles O. Griswold the said purchaser a deed in fee simple conveying to him all the said real estate and all the personal property described in said petition which said decree was entered and described in said order of sale.

It is further ordered that out of the proceeds of said sale the costs of this proceedings be first paid and second all taxes now due on said property & third that the balance be applied in payment of the decree in favor of the plaintiff and the Court find that there is still due to said Giles O Griswold from said Daniel W Camp & Joseph T. Randole the sum of $19,829.81 with interest from May 24th 1882 subject to a credit of $1338.85/100 for lands sold & to be deducting the costs & the Court award execution in plaintiffs favor against said Camp and Randole for said balance due as upon Judgments at Law

4388 J. M. Robinson assignee Settler vs W Harriman creditor

R. A. Glick vs P. G. Wapmegar

On motion of defendant and on his showing this cause is continued at the defendants cost. It is therefore considered ordered and adjudged by the court that the plaintiff recover of defendant the costs of this term taxed $

4415 D. T. Elliott Adms vs D. S. Ford et al

The defendant obtained leave to file answer in 30 days from the rising of this court & cause continued at defendants costs

Thereupon court adjourned until Monday Oct 6th 1884 at 8 oclock P.M

Saturday, Oct. 4th A.D. 1884.

No. 660 The State of Ohio vs Isaac White } Indictment for Murder in the 2nd degree.

This day the prosecuting attorney on behalf of the State of Ohio, the defendant and his attorneys also coming and J. D. Bunger Clerk by W. W. Winget deputy clerk of this Court, attended at the Clerks office in Marysville, Ohio, and there proceeded to strike a jury from the list selected here=-tofore herein, and thereupon said Clerk by said deputy clerk issued a Venire facias returnable on the 6th day of Oct. A.D. 1884 at one o'clock P.M. for the following named persons, to wit=

1 Phillip Rausch.	2 John Bunsold.
3 John Curry	4 James R. Mitchell.
5 Beverly Dupes.	6 John Liggett.
7 Warrett Owens.	8 O. E. Lincoln.
9 Eli Norvil.	10 Ezra Tallman.
11 William Milligan.	12 James D. Hurd.
13 Anthony Middlesworth.	14 Milton Marsh.
15 J. C. Hull.	16 Lorenzo Cheney.

Monday Oct 6th A.D. 1884

Court met pursuant to adjournment at One Oclock P. M. the same Officers being present as on Oct 3d 1884.

4630 Bissman & Company
vs
Geo W Woolt

This day came the plaintiff by its attorneys; also appeared in open court, for and on behalf of said defendant G. W. Marriott an attorney at Law of this court and by virtue of the warrant of attorney annexed to the note attached to the petition in said cause. Shown to have been duly Executed by said defendant: Entered the appearance of said defendant and waived the issuing and Service of process in this action, and confessed a judgment on said note against said defendant and in favor of said plaintiff for One hundred and Seventy two dollars and Thirty Three cents being the amount of the principal and interest due on said note, and for the costs taxed and to be taxed, and released and waived all Exceptions, Errors and right of appeal in the premises.

It is therefore considered that said plaintiff recover of said defendant the sum of $172.33 being the amount of said note with interest computed at 8 per centum per annum from the 15th day of April A D 1884, and also its costs herein Expended, taxed at $ -

4320 Charles Green et al
vs
Sarah Moses et al

This day this cause came on for hearing upon the petition and Supplemental petition of plaintiffs, the answers of Sarah A Moses and of Basil Batchelor, and plaintiffs replys thereto and the Evidence and was argued by Counsel, Whereupon the court being fully advised in the premises do find for the defendants and that plaintiffs are not entitled to the relief prayed for and that the temporary injunction heretofore allowed ought not to have been granted and the same is hereby dissolved. It is further ordered that a writ of possession be awarded to put said defendants in possession of said premises and that plaintiffs pay the costs of this action taxed to $ within ten days or in default that Execution issue therefor

Thereupon plaintiffs gave notice of their intention to appeal this cause to the circuit court and the appeal bond was fixed by the court at the Sum of Three hundred dollars.

4606 C. E. Lockman
vs
William Hoover et
A. D. Hoover

Leave is this day granted to William Hoover to answer the petition of plaintiff in thirty days from the rising of Court and cause continued.

Monday Oct 6th A D 1884

Supreme Court State of Ohio.

The State of Ohio
City of Columbus.

January Term A. D. 1884

Uriah Cook et al
vs
F. G. Lockwood
} 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 was reasonable grounds for this proceeding in error, it is ordered that there be no penalty assessed herein. It is further ordered that the defendant in error recover of the plaintiff in error his costs herein expended taxed at $

Ordered, That a Special Mandate be sent to the Court of Commun 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,

I J. W. Cruikshank 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 3d Day of October A D 1884.

Seal

J. W. Cruikshank Clerk
By J. W. Slocum. Deputy.

State of Ohio
City of Columbus
} Supreme Court of Ohio

To the Honorable Court of Commun 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

Uriah Cook et al
vs
F. G. Lockwood

into execution, the petition in Error heretofore granted to the contrary notwithstanding.

Witness J. W. Cruikshank clerk of our said Supreme Court of Ohio, at Columbus, this 3d day of October 1884.

Seal

J. W. Cruikshank Clerk
By J. W. Slocum Deputy

Clerks Cost $5.00 paid by Cameron

4562

4115

4513

Monday oct 6th A.D. 1884

4562 Margaret Nash vs Jonas Irry Nash

This day this cause came on to be heard upon the petition of plaintiff the defendant being in default for answer or demurrer and the court being fully advised in the premises do find for the plaintiff.
1st That at the filing of this petition that plaintiff at the filing of this petition was a resident of the county of Union Ohio
2d That the defendant had been guilty of extreme cruelty to the plaintiff
3d That the plaintiff has made due service in this action.
4th That plaintiff is entitled to the custody care and control of their child Minnie M. Nash subject to the visits of the defendant at all proper times
It is therefore ordered and adjudged that the marriage relation heretofore existing between the parties be dissolved and that the plaintiff have the custody care & control of their child Minnie M Nash and that said defendant have the privilege of visiting said child at all proper times and it is further decreed that the plaintiff recover of the defendant herein expenses taxed at $

4115 First National Bank of Delaware vs John Rogers & others

This day came on this cause to be argued on the demurrer to the amended answer & cross petition of the defendants. The plaintiff having before dismissed his petition without prejudice. Whereupon the court being fully advised in the premises do sustain said demurrer
Whereupon it is considered ordered and adjudged by the court that the said plaintiffs petition & the defendants cross petition be and they are dismissed without prejudice to the right of the plaintiff to bring a new action and the defendant to make the same defense sought to have been made herein. "No Record.
It is, therefore considered ordered and adjudged by the court that the defendants recover of the plaintiffs their costs herein taxed to $ To all of which the defendant at the time excepted,

4513 William Penn vs J. C. Ramsey

The jury in this action having on a former day of this term rendered a verdict for the plaintiff and assessed his damages at $400.00 and no motion for a new trial having been made It is therefore considered by the court that the said plaintiff recover of said defendant the said sum of Four Hundred dollars and his costs herein expended.

Monday Oct 6th A.D. 1884-

673 The State of Ohio vs Fredrick Nelson T.H. Lee Charles Ross W.C. Smith and W.D. McCloud } Indictment for Burglary and Grand Larceny. 4596

This day came the prosecuting attorney on behalf of the State of Ohio and the defendants being brought into court in custody of the Sheriff and their counsel also coming. The said defendants thereupon withdrew their plea of "not guilty" and for plea to said indictment say they are guilty of housebreaking and petit larceny, which plea is accepted by the prosecuting attorney, and being asked if they had anything to say why sentence should not be pronounced against them and having nothing but what they had already said. It is therefore considered ordered and adjudged by the court that each of said defendants be imprisoned in the County Jail of Union County Ohio for the term of fifty days and that they pay the costs of prosecution taxed to $ and Execution is awarded therefor, and that said defendants stand committed until said costs are paid.

673 State of Ohio vs Fred. Nelson et al } Indictment for burglary and grand larceny.

This day the Court do allow E.W. Porter and D.W. Ayers, each, the sum of $25.00 for their services herein as counsel for defendants.

670 State of Ohio vs Lucas Perry Nash } Indictment for assault with intent to kill.

This day the Court do allow E.E. Cole, counsel for the deft heretofore appointed herein, the sum of $25.00 for such services.

4545 Clara M. Laurella vs Nancy Eakin } This day this cause came on to be heard on the application of the plaintiff to file an amended petition herein, and the Court being fully advised in the premises and it having been shown to the Court that prior to the filing of the plaintiffs petition herein the said defendant Nancy Eakin had intermarried with one Claire in the City of Dayton. It is therefore considered by the Court that said plaintiff have leave to file an amended petition herein, and to make such further parties in addition to the substitution of the said name of Nancy Claire for said Nancy Eakin as may be necessary to a full determination of this action. 4596

Monday Oct 6th AD 1884

4596 Hugh J. Perry
vs
Thomas Hill et als

This cause now coming on for hearing on the petition of the plaintiff and cross petition of M Neville one of the defendants and the evidence the court find that the defendant Thomas Hill has been duly served with Summons in this case and that he is in default for answer and demurrer and that the allegations of the petition and cross petition are thereby confessed by him to be true and that there is due the plaintiff from the defendant Thomas Hill on the promissory note now due as set forth in the petition with interest to the 1st day of October 1884 the Sum of Five hundred and Seventy five dollars ($575.00)

The court further find that in order to secure the payment of said Notes the defendant Thomas Hill executed and delivered to the said Hugh J. Berry the plaintiff herein his certain Mortgage as in the petition described and on the premises therein described; that said Mortgage was duly recorded in Book 17 on page 417 of record of Mortgages of said Union County and is a good and valid Lien on said premises in the petition described and that the conditions in said Mortgage have been broken.

It is therefore considered adjudged and decreed by the court that unless the defendant Thomas Hill shall within ten days from Oct 1st 1884 pay or cause to be paid to the clerk of this court the costs of this case, and to the plaintiff herein the Sum so found due as aforesaid with interest from the 1st day of October 1884, the defendants Equity of Redemption be foreclosed and said premises be sold. and that an order of Sale issue therefor to the Sheriff of said Union County directing him to appraise, advertise and sell said premises as upon Execution and report his proceedings to this court for further order.

4596 Hugh J. Berry
vs
Thomas Hill et als

And now comes the said Michael Neville and the said defendant still failing to answer or demur to the cross petition of said Michael Neville it is considered that the said Michael Neville is entitled to an account of the money due him in the premises and the court after hearing the evidence do find that there is due to said Michael Neville on the note and Mortgage in his cross petition described the Sum of Five hundred and Seventy five dollars including the interest computed up to Oct 1st 1884. It is therefore considered by the court here that the said Michael Neville recover of the said Thomas Hill the said Sum of Five Hundred and Seventy five dollars with 6% interest from Oct 1st 1884 the Sum so found due as aforesaid and also his costs taxed to $ -

And it is further ordered and adjudged that in case the said Thomas Hill fails for 3 days from this 6th day of October to pay to the said Michael Neville the said Sum of Five Hundred and Seventy five

Monday Octoba 6th A. D. 1884-

dollars with 6% interest from Oct 1st 1884 so as aforesaid found due with costs of suit, an order issue to the Sheriff of said county commanding him to cause said lands and tenements in said petition described to be appraised, advertised and sold according to law and that said Sheriff bring the proceeds into court - subject to the further order of the court as to the distribution thereof-

4341 Lydia A. Morris vs Samuel W. VanWinkle et al

This day this cause came on to be heard upon the demurrer of the defendants to the 2d amended petition of the Plaintiff and the court being fully advised in the premises does find for and sustains said demurrer. To all of which rulings of the court the plaintiff Excepts

It is therefore considered ordered and adjudged that plaintiffs petition be dismissed at her costs taxed at $ -

4549 Norris Thompson vs Wheeling Thompson et al

On motion by the plaintiff and the court being fully advised in the premises. and the court finds the proceedings in all respects correct and the court also finding and confirming the order of publication heretofore made for the unknown heirs of Jane Compton and the unknown heirs of Sarah J. Moots to be in all respects in conformity to law and also finding that J. J. Miller one of the defendants was in default for answer or demurrer, do find for the petitioners and orders distribution of the money found in the hands of J. J. Miller Ex Sheriff of Union County and amounting to $49.20 and being the Share of the unknown heirs of Sarah J. Moots as follows, To-wit: 1st the costs of this action taxed at $ including an atty fee to J. M. Kennedy atty for Pltfs of $ 25.00 -
2d To Norris Thompson. Elisha Thompson. Charles N. Thompson. Ira Thompson Ulerius W. Thompson one twenty fifth part of the residue of said money to each of said plaintiffs.
3d To Wheeling Thompson 1/5 part of said residue. To Watson Thompson and John Thompson 1/10 part of said residue. To the unknown heirs of Jane Compton 1/5 part of said residue. and to Edward E Hemminger 1/5 part of said residue.
And the court further finds that there is said sum of $49.20 with interest from the 1st day of July 1884 in the hands of J. J. Miller Ex Sheriff of Union County Ohio, and the court further orders that said Sheriff pay over to the clerk of said court said sum of $49.20 within 10 days from this date and in default thereof to issue execution therefor and for all proper relief-

4365

Monday Oct. 6th A.D. 1884

Harmon Patrick
4572 vs
Ira A. Robbins et al

Now came the plaintiff by his Attys and the defendants Ira A. Robbins and Mary S. Robbins being in default for answer and demurrer this cause came on for hearing on the petition and evidence on consideration whereof the Court find that said Ira A. Robbins is indebted to the plaintiff upon the promissory notes mentioned in the petition in the sum of Two hundred and twenty Dollars and eight cents including interest until the first day of this Term of Court. It is therefore considered by the Court that the said plaintiff recover from the defendant Ira A. Robbins (impleaded here with Mary S. Robbins) the said sum of Two hundred and twenty and 8/100 Dollars and his costs herein expended.

The Court further find that in order to secure the prompt payment of said note the defendant Ira A. Robbins and Mary S. Robbins, his wife, executed and delivered to said plaintiff their certain Mortgage as in the petition described, and on the premises therein described, that said Mortgage was duly recorded in book 20 page 17 of the records of Mortgages of Union County and the same is the first and best lien on said premises. It is therefore considered and adjudged that unless the defendant Ira A. Robbins shall within two 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 herein the full amount of the sum found due as aforesaid with interest from the 8th day of September 1884 the defendants equity of redemption be foreclosed, and said premises shall be sold and an order of Sale shall issue therefor to the Sheriff of Union County directing him to sell said premises as upon execution and bring the proceeds into Court for further order.

Lovie Fisher
4365 vs
John C. Fisher

This day this cause came on to be heard upon the petition the answer of the defendant John C. Fisher, and the evidence, and on consideration thereof the Court find that the plaintiff, at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and was at that time a bona fide resident of this County of Union and that the parties hereto were married as in said petition set forth. The Court further find upon the evidence adduced that the defendant has been guilty of gross neglect of duty toward this plaintiff and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therefore ordered and adjudged by the Court that the Marriage contract heretofore existing between the said Lovie Fisher & John C. Fisher be, and the same hereby is, dissolved, and both parties are released from the obligations of the same. It is further ordered that the petitioner be, and she hereby is, restored to her maiden name of Lovie Aurine, and that the plaintiff pay the costs herein taxed to J.

Monday Oct. 6th A. D. 1884

Bill — Union County Dr to John Kobrunach Sheriff, For Sept. Term 1884.

Serving 81 grand jury witnesses — $8.10
" 81 copies — $8.10
Mileage on same — $104.08
For serving and returning Venire for grand jury 16 names — $6.00
" " " " " " Petit " 20 " — $7.00
Correct and unpaid. John Kobrunach. Sheriff. — $133.28

I hereby certify that the above is correct as shown by the returns of said Sheriff. ~~and the Auditor of Union County is hereby authorized to draw his warrant on the Treasurer of said County in favor of said Kobrunach for the said sum of $133.28~~

Attest. J. L. Brugner, Clerk.

4546 — N. B. Witter vs E. C. Ellsworth M. Bingham

This cause came on for hearing upon the petition in Error, the transcript and the original papers from the Court of J. G. Turner J. P. of Union Tp. Union County, O. and was argued by counsel. On consideration whereof the Court that so much of the Judgment rendered by said Justice of the Place should be reversed as includes costs of defendant below.

It is therefore considered by the Court that the Judgment aforesaid be and the same hereby is affirmed except not to include defendants costs and that the plaintiff in Error recover of the defendant in error the costs of proceedings in error taxed to $5.33

It is further ordered that a special mandate be sent to said J. G. Turner J. P. for execution upon this Judgment. No record.

4480 — Belle A. Stults vs Chrestley Stults — This cause is dismissed without prejudice to a new action at the costs of Plaintiff. It is therefore considered and adjudged by the Court that the Plff pay the costs herein taxed or in default thereof that execution issue therefor.

660 — The State of Ohio vs Isaac White — Indictment for Murder in the second degree

On motion and showing of defendant the trial of this cause is postponed until Monday Dec. 8th 1884 at one o'clock P.M. at which time said Struck Jury, and the witnesses heretofore subpoenaed herein, are ordered to again appear.

4577 — W. H. Conkright vs D. M. Orahood and Thomas Moffett

The jury in this action having on a former day of this Term, rendered a verdict for the plaintiff and assessed his damages at $114.18 And no motion for a new trial having been made.

It is therefore considered by the Court that the said W. H. Conkright recover from the said D. M. Orahood and Thomas Moffett the said sum of $114.18 with int. at 8% from Sept. 26th 1884 together with his costs herein expended taxed to $

Monday Oct. 6th 1884.

4493 Cynthia Kesot vs Isaiah Kesot

Now comes the plaintiff, and the defendant having been duly served with summons and a copy of the petition herein, and having failed to appear the Court find him in default for answer or demurrer to said petition, and find that the allegations thereof are confessed by him to be true.

The Court also find that the plaintiff at the time of filing her petition, had been a resident of the State of Ohio for one year next preceding the same, and was at that time a bona fide resident of this County of Union and that the parties hereto were married as in said petition set forth. The Court further find upon the evidence adduced, that the defendant has been guilty of gross neglect of duty and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Cynthia Kesat and Isaiah Kesat be, and the same hereby is dissolved, and both parties are released from the obligations of the same. It is further ordered that the custody, care, education and control of the two youngest of said Children, to-wit- John T. Kesat and Freda Kesat be confided to the said plaintiff exclusively, but it is further ordered that said defendant be allowed the privilege of visiting said Children at all proper times.

4484 Charles Jewell vs Roxana Jewell et al

On motion of the plaintiff, and upon producing the return of the Sheriff of his proceedings and sale under the former order of this court, and the court being satisfied on examination that the same have been had in all respects according to law; the said proceedings and sale are hereby approved and confirmed, And the Sheriff is ordered to duly executed to convert the first-described tract of said premises to Roxana Jewell the purchaser in fee simple free of dower; and the second described tract of said premises to the purchaser Mary E. Rosette in fee simple free of dower. And the said Roxana Jewell having asked that in lieu of her dower, its value be paid her in money, the court find the just and reasonable value of her dower interest in said first-described tract to be Nine hundred and Seventy Seven 76/100 dollars, and in the second described tract to be Five hundred and Ninety 23/100 dollars.

It is further ordered that out of the proceeds of said sale of said first-described tract, the Sheriff pay, 1st To the clerk of this court one half of the costs of this action including one half of a counsel fee of One hundred and Thirty Nine 49/100 dollars to Burdick and McCampbell for their services herein taxed at $273.35: the half thereof being $136.68

2d To the said Roxana Jewell widow the said sum of $977.26 as and for her full dower interest in the said premises. (first tract)

3d And of the residue of the proceeds of said sale to the said Plaintiff Charles Jewell one Eighth part of the cash proceeds, to-wit: the sum of $92.88, and also one Eighth of the notes for the defered payments.

To the said defendants, Lydia Mullen, Huldah Turner, John Jewell Hannah J. Jewell Mary E. Rosette George Jewell and Samuel Jewell Each one Eighth of the cash proceeds, to-wit: the sum of $92.88 and also one Eighth of the notes for the defered payments.

It is further ordered that out of the proceeds of said sale of said Second described tract the Sheriff pay, 1st. The remainder of the costs of this action, including the remainder of said counsel fee, to-wit; the sum of $136.62 2d. To the said Roxana Jewell widow, the said sum of $590.22 as and for her full dower interest in the said premises.

3d And of the residue of the proceeds of said sale, to the plaintiff Charles Jewell one eighth of the cash proceeds, to-wit; the sum of $49.31 and also one eighth of the note for the defered payments.

To the said defendants Lydia Mullen, Huldah Turner, John Jewell, Hannah J. Dudgell Mary E. Rosette, George Jewell and Samuel Jewell Each one eighth of the cash proceeds to-wit; the sum of $49.31 and also one eighth of the notes for the defered payments.

The said Mary E. Rosette being the purchaser of said Second tract her interest as heir is merged therein and the Sheriff relieved from the accounting therefor as such heir,

4651

Thereupon Court adjourned until Monday December 8th A D 1884 at one Oclock P. M.

Times fixed for holding Courts

Be it remembered that at a meeting of the Judges of the Court of Common Pleas of the Tenth Judicial district of the State of Ohio on the 25th day of October 1884 for the purpose of fixing the times of holding the terms of the Court of Common pleas for the year A. D. 1885. It is ordered. That a Term of court of common Pleas, Commence at 8 Oclock A. M.

In Crawford county on January 19. April 27. September 14.
In Hardin County on January 19 April 13. September 14.
In Hancock County on February 23 May 25. October 26.
In Logan County on January 5 March 30 September 7.
In Marion County on February 16 May 18 October 19.
In Seneca County on February 23 May 25 October 26.
In Union County on February 16 May 18 October 19.
In Wood County on January 19 April 13 September 14.
In Wyandotte County on March 16 June 8 November 16.

Thomas Beer
Henry C. Dodge
Geo F. Pendleton
John A. Rice.
Judges.

To the Clerk of the Court of Common Pleas of Union County Ohio:

You are hereby directed to have the foregoing order published for 3 consecutive weeks in two newspapers published in said County.

John A. Rice
Judge of Court of Common Pleas

In the matter of the appointment }
of Peleg Cranston Auctioneer }

Peleg Cranston of the county of Union State of Ohio, is hereby appointed and licenced to exercise the trade or occupation of Auctioneer, and make Sales by Auction according to law for the term of One Year from this date. This appointment is conditioned upon his paying to the Treasurer of said county of Union according to law the Sum of Five dollars ($5.00) and upon the further condition that he give bond as required by law, to-wit; as Shown and Specified by Section 4225 of the Revised Statutes of Ohio.

October 29th 1884.

John A. Price
Judge of Court of Common Pleas.

Wm Moodie }
vs }
#651 Miah Cahill et al }
Union County Ohio. }

Order of Injunction. Before the Probate Judge.
Motion for temporary injunction in the court of common pleas

And now on this 19 day of November 1884 came the plaintiff by Powell Bickitts & Fullerton his attorneys and it being made to appear that there is at this time no common pleas circuit or Supreme judge within said county the motion of the plaintiff for a temporary injunction came on and was heard upon the petition of the plaintiff and the verification therein filed, and after hearing the argument of Counsel and being fully advised in the premises, it is considered and ordered that a temporary injunction be, and the same hereby is allowed in this case to restrain the said defendants, The Board of Commissioners may be enjoined from deepening or widening said ditch mentioned in said petition and from appropriating any more lands of plaintiff than was included in the said ditch as originally constructed and the defendant the said Auditor is enjoined from placing any assessments made for the construction of said ditch upon the tax duplicate of said County against plaintiff or his said lands and the said Treasurer is enjoined from collecting or taking any steps to collect the same, as prayed for in said petition of plaintiff. It is further ordered that the Clerk of the court of common pleas issue Summons in this case endorsed injunction allowed on said plaintiff's giving an undertaking to the said defendants conditioned according to law with Security to be accepted by the said Clerk of the court of common pleas in the Sum of $500.00.

John B. Coats Probate judge

Monday Dec. 8th A.D. 1884.

Court met at one o'clock P.M. pursuant to adjournment; the same Officers being present as heretofore, to-wit:

John Habrusack Sheriff. John McBroderick Pros. Atty.

John A. Price. Judge. Attest. John D. Benjamin. Clerk.

4601 Drusilla Donley vs Susan Worline et al } Court of Com. Pleas. Union County. Ohio.

Now came the plaintiff herein by her attorney, and thereupon this cause came on to be heard, and the Court finds, that at the time this action began, the plaintiff had the legal right to, and was entitled to the immediate possession of the real property described in her petition, and that the defendant Levi Donley unlawfully keeps her out of the same: It is therefore considered and decreed by the Court that the said Drusilla Donley, recover from the said Levi Donley, the real property described in the petition in this action. And it is ordered that a writ issue to the Sheriff of Union County, commanding him to put the said plaintiff in possession of said premises. The Court further finds that all the defendants have had due legal notice of the pendency and demand 4647
of the said petition, and that they are in default for answer and demurrer, and that the said petition is thereby confessed by them to be true.

Thereupon the Court finds, that the said plaintiff, Drusilla Donley, is seized of and has a legal right to, the undivided one seventh part of the estate described in the petition, and is entitled to have partition made of said premises; that the defendants, excepting said Levi Donley, are tenants in Common with said plaintiff in the said premises, in the following proportions, to-wit: Each of said defendants, Susan Worline, John B. Donley, James M. Donley, Maud Donley, Rosa Donley and Frank Donley, is seized of, and has a legal right to, the undivided one seventh part thereof, and no reason appearing why partition should not be made. 4645
It is therefore ordered, adjudged and decreed, that partition of said estate be made, and that an order issue to the Sheriff of Union County commanding him, that by the oaths of George Wilbur, A.W. Torrence and A.E. Bennett, three judicious and disinterested freeholders of the vicinity, who are hereby appointed Commissioners for that purpose, he cause to be set off and divided to the said plaintiff, and to each of the said defendants, Susan Worline, John B. Donley, James M. Donley, Frank Donley, Rosa Donley and Maud Donley, the part and proportion of the said estate to which they are hereinbefore severally found entitled. And it is ordered that if, in the opinion of the said Commissioners, said premises cannot be divided by metes and bounds, without injury to the value thereof, they appraise 4644
the same. And of his proceedings herein, the said Sheriff is ordered to make due return without delay.

Monday. Dec. 8th A. D. 1884.

Sterling Coons
vs
4634 Wm. M. Haines et al

And now comes the said Sterling Coons by A. J. Carpenter his Attorney, and the said defendants still failing to answer or demur to said petition it is considered that the said plaintiff is entitled to an account of the money due him in the premises and the Court after hearing the evidence, do find that there is due to the said plaintiff on the notes and mortgage in said petition described the sum of Sixteen hundred & twenty five $\frac{63}{100}$ Dollars (including interest computed to date on the first two notes.) It is therefore considered by the said Court here that the said plaintiff recover of the defendant William M. Haines the said sum of Sixteen hundred & twenty five and $\frac{63}{100}$ Dollars ($1625\frac{63}{100}$) the sum so found due as aforesaid and also his costs taxed to $. And it is further ordered & adjudged that in case the said defendant fails for three days from the 8th day of Dec. 1884 to pay to the said plaintiff the said sum of Sixteen hundred and twenty five and $\frac{63}{100}$ Dollars with 6 p/c int. from this date, so as aforesaid found due with costs of suits, an order issue to the Sheriff of said County Commanding him to cause the lands and tenements in said petition described to be appraised, advertised and sold according to law and apply the proceeds of said sale in satisfaction of the said sums so found due with costs of suits.

Lafayette McIlroy
vs
4647 James Grimes, Henry Grimes & Geo. Stoll.

And now comes the said Lafayette McIlroy and the said James Grimes Henry Grimes & Geo. Stoll having failed to demur or answer to the petition of the said Lafayette McIlroy it is considered that the said Lafayette McIlroy ought to recover the said sum of $126.50 so demanded in his petition together with the sum of $3.06 which the Court finds due as the interest thereon computed to date at 8 p/c as prayed for in said petition.

It is therefore considered that the said Lafayette McIlroy recover against the said James Grimes, Henry Grimes & Geo. Stoll, the said sum of $129.56/00 with 8 p/c int. from this 8th day of Dec. 1884 together with his costs in and about his suit in this behalf expended taxed to $.

Merry Mount Granite Company
vs
4645 Joseph Cartmell & John Clark

And now comes the said Merry Mount Granite Company and the said Joseph Cartmell and John Clark having failed to demur or answer to the petition of the said Merry Mount Granite Company it is considered that the said Merry Mount Granite Company ought to recover the said sum of $15.3 25/100 so demanded in their petition, together with the sum of $3.21 which the Court finds due as the interest thereon as prayed for in said petition; it is therefore considered that the said Merry Mount Granite Company recover against the said Cartmell and Clark the said sum of $18.46 together with their costs in and about their suit in this behalf expended taxed to $.

Monahan & Breen
vs
4644 Joseph Cartmell & John Clark

And now comes the said Monahan & Breen & the said Joseph Cartmell and John Clark having failed to demur or answer to the petition of the said Monahan & Breen, it is considered that the said Monahan & Breen ought to recover the said sum of $435.53 so demanded in their petition, together with the sum of $14.84 which the Court finds due as the interest thereon as prayed for in said petition.

It is therefore considered that the said Monahan & Breen recover against the said Cartmell and Clark the said sum of $450.37 together with their costs in and about their suit in this behalf expended taxed to $.

Monday, Dec. 8th A.D. 1884.

S. S. Gardiner Administrator of Phillip Gorring, deceased.
v.s
S. E. Williams. J. D. White. Joseph Price & D. R. White

This day came the plaintiff by S. S. Gardiner Attorney, and thereupon came A. J. Carpenter one of the Attorneys of record of this Court, who, by virtue of a warrant duly executed and now produced in open Court and duly proven, waived the issueing & service of process and entered appearance of defendants herein, and by virtue of the same warrant of attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the sum of $286.77 It is therefore considered that said plaintiff do recover of said defendants the said sum of $286.77 so as aforesaid confessed to be due with costs of suit herein to be taxed, and with interest to be computed at the rate of six per centum per annum. And by virtue of said Warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

The Peoples Bank
v.s
William N. Houck

This day came the Plaintiffs by A. J. Carpenter Attorney, and thereupon came S. S. Gardiner one of the Attorneys of record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of attorney, confesses that there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition, the sum of $249.54 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

The State of Ohio
v.s
Isaac White

Indictment for Murder in the second degree.

Charles L. Boyle Esq. was this day appointed by the Court as Official Stenographer to take the evidence in this case and after taking the oath required by law said Charles L. Boyle entered upon the discharge of his duties.

Execution issued on transcript.

P. B. Barnes
v.s
W. C. Wynegar et al

Court of Common Pleas. Union County. Ohio.
Entry of confirmation.

This cause came on to be heard on the return of the Sheriff of the writ of execution issued herein with his report of his proceedings and sale of lands and tenements under said writ, and the Court having carefully examined the said proceedings, being satisfied that the said sale has in all respects been made in conformity to the provisions of the Statute in such case made and provided find the same to be legal and do therefore approve and confirm the same. It is further ordered that the Sheriff make the purchaser, Daniel Straw a deed according to law for the property so sold, to-wit:- Situated in Claibourne Tp. Union County. Ohio. Beginning in the centre of the Miller Pike, West of Richwood at a point 30 2/3 westerly from the N. W. Corner of P. B. Grace's land, thence with the centre of said pike westerly 24 1/2 rods, thence in a southerly direction 10 rods to the centre of the Summersville pike leading westerly from Richwood. Thence in an easterly direction 24 1/2 rods with the centre of the said pike to a point about 30 2/3 rods from from the N. W. corner of said P. B. Grace's land, thence in a westerly direction 6 2/3 rods to place of beginning, containing 1 3/4 acres of land, more or less.

Monday, Dec. 8th A.D. 1884

And the said purchaser is herby subrogated to all the rights of any lienholder who shall be satisfied herein for the protection of his title, and a writ of possession is awarded to put the said purchaser in possession of said premises. And the Court coming now to the distribution of the purchase money in the hands of the Sheriff, order that he pay, first, to the Clerk of this Court the costs of this action taxed at $- Second to the plaintiff the balance of the same, to wit: the sum of $

Monday Dec. 8th A. D. 1854

660 The State of Ohio vs Isaac White — Indictment for murder in the Second Degree.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the defendant coming into Court in answer to his recognizance herein, and his counsel also coming, thereupon came the said struck jury, heretofore regularly selected and struck, in answer to a venire facias heretofore issued by the Clerk of this Court, returnable Oct. 6th 1854, which reads as follows, to wit:

Venire for Struck Jury.

The State of Ohio, Union County, ss. To John Hobensack, Sheriff, Greeting:
We command you that without delay you summon 1 Phillip Rausch, 2 John Bunsold, 3 John Curry, 4 James R. Mitchell, 5 Beverly Dapps, 6 John Liggett, 7 Warret Owens, 8 O. C. Lincoln, 9 Eli Norvil, 10 Ezra Tallman, 11 Wm Milligan, 12 James D. Herd, 13 Anthony Middlesworth, 14 Milton Marsh, 15 J. C. Hull, 16 Lorenzo Cheney to be and appear before our Court of Common Pleas, within and for the County aforesaid, at the Court House in the Town of Marysville on the 6th day of Oct. A. D. 1854 at one o'clock P. M. and do from day to day until discharged, then and there to serve as Struck Jurors, which 16 names I, J. L. Bunger as Clerk of said Court do hereby certify to be a fair & correct copy of the list of the Jurors, struck according to law, for the trial of the cause pending in said Court, No. 660 wherein the State of Ohio is Plaintiff & Isaac White is defendant, And I further certify that the order of the names of the Jurors as they now stand upon said panel is the same as that of the list at the time of striking said jury. And how you shall execute this writ make appear to our said Court on the 6th day of Oct. A. D. 1854 and have you then and there this writ. Witness, J. L. Bunger Clerk of our said Common Pleas Court and the seal thereof, this 4th day of Oct. A. D. 1854. J. L. Bunger Clerk. By W. M. Winget Deputy Clerk. (Seal) Sheriffs Office, Union County.

Sheriffs Return

In obedience to the command of this writ, I summoned the within named Jurors, as follows, by notice prescribed by law served personally by copy upon: Phillip Rausch Oct. 4th 54 Served personally, John Bunsold Oct. 4th 1854 Served by copy, John Curry served personally Oct. 4th 1854, James R. Mitchell Oct. 4th 1854 Served by copy, Beverly Dapps served by copy Oct. 4th 1854, John Liggett served personally Oct. 4th 1854, Warret Owens served personally Oct. 4th 1854, O. C. Lincoln served personally on the 5th of Oct 1854. Eli Norvil served personally Oct. 5th 1854, Ezra Tallman served by copy Oct. 5th 1854, Wm Milligan served personally Oct. 6th 1854, James D. Herd served by copy Oct. 5th 1854, A. Middlesworth served personally Oct. 5th 1854, Milton Marsh served Oct. 5th 1854 personally. J. C. Hull served by copy Oct. 5th 1854. Lorenzo Cheney served by copy Oct. 5th 1854. John Hobensack Sheriff. Oct. 6th A. D. 1854

And the trial of this cause for said 6th day of Oct. 1854 upon the motion and showing of said defendant having been postponed to this date at which time said Jurors were ordered by the Court to appear, And upon the call of said Venire Facias all the persons therein named except James R. Mitchell appeared in answer thereto. And for good cause shown the Court excused Beverly Dapps and Warret Owens. Phillip Rausch and James D. Herd being challenged for cause and there not being a sufficient number of said Jurors remaining in the panel, thereupon, on motion of the defendant the Court selected the names of persons to fill the panel for whom the following Special Venire facias was issued.

Special Venire.

The State of Ohio, Union County, ss. To the Sheriff of said County, Greeting: We command you that without delay upon summon W. H. Robb, A. W. Torrence, C. Houston, James A. Henderson and W. M. Winget to be and appear before the Court of Common Pleas within and for said County of Union, at the Court House in Marysville, in said County forthwith, and so from day to day until discharged, then and there to serve as Petit Jurors in the case of the State of Ohio against Isaac White on an indictment for Murder in the second degree: and have you shall execute this writ make appear to our said Court on this 8th day of Dec, 1854 and have you there and then this writ. Witness my signature as Clerk of our said Court at Marysville, O. this 8th day of Dec. A. D. 1854.
J. L. Bunger Clerk (Seal)

Return.

The State of Ohio, Union County, ss. Sheriffs Office Marysville, O. In obedience to the command of this writ I summoned the within named Jurors as follows, by notice prescribed by law, served personally upon W. H. Robb, A. W. Torrence, C. Houston, James A. Henderson and W. M. Winget each on this 8th day of Dec. A. D. 1854.
John Hobensack, Sheriff Union County, Ohio.

And upon the call of said Special Venire facias and the panel still being incomplete on motion of the said defendant a second Special Venire facias was issued returnable forthwith at 9 o'clock.

Thereupon Court adjourned until tomorrow at 9 o'clock A. M.

4635

4500

Tuesday, December 9th A. D. 1884

Court met at 9 o'clock a.m. pursuant to adjournment; the same officers being present as on yesterday.

John L. Brown

4635 vs Partition

Susannah Sewell et al

Now came on this cause to be heard by the Court and thereupon the Court find that all of the defendants have been duly served with summons and that the plaintiff is entitled to partition as prayed in said petition.

It is therefore considered, ordered and decreed by the Court that Andrew J. Mowry, Edmund Jarvis and Henry Kratz, three disinterested freeholders of the vicinity, not of kin to either party, make partition of the real estate in said petition described, and that under their oaths they set off and assign to the plaintiff one full seventh in value of said lands, and to Susannah Sewell the one full seventh in value of said lands, and to Anna E. Forrerian the one full seventh in value of said lands, and to Daniel W. Brown one seventh in value of said lands, and to Rachel M. Browning one seventh in value of said lands, and to Catherine E. Wright one seventh in value of said lands, and to Serepta Brown and Estrella Brown under the guardianship of Robinson Robinson together one seventh in value of said lands: And it appearing that said Susannah Sewell and D. W. Brown prefer that their two shares be set off together, therefore the Court order the said viewers to set their shares off together.

And the Clerk is ordered to issue his writ of partition forthwith to the Sheriff commanding him by the oaths of said Commissioners he make said partition according to law and return his proceedings at this term of Court.

Prudence Gabriel, Plaintiff
vs
4500 Rodney Gabriel Defendant

Now came the plaintiff and the defendant having been duly served with summons and a copy of the petition herein and having failed to appear the Court find him in default for answer and demurrer to said petition and find that the allegations thereof are confessed by him to be true. The Court also find that the plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and was at that time a bona fide resident of this County of Union and that the parties thereto were married as in said petition set forth. The Court further find upon the evidence adduced that the defendant had been guilty of gross neglect of duty in failing to provide plaintiff with any of the necessaries of life and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Prudence Gabriel & Rodney Gabriel be, and the same is hereby dissolved and both parties are released from the obligations of the same. It is further ordered that the custody, care, education and control of the said Child of the parties hereto be until further order confined to the said Prudence Gabriel exclusively, and the said Rodney Gabriel is hereby enjoined from interfering in any manner with said child or with the said Prudence Gabriel's custody of it but it is hereby ordered that the said Rodney Gabriel have the privilege of visiting the same at all proper times and any violation of this privilege by either party may be reported to this Court.

It is further ordered and adjudged that the defendant pay to the plaintiff as her reasonable alimony in money the sum of five hundred dollars immediately, and the same is hereby made a lien upon all the real estate of the said defendant.

And in default of any such payment for three days execution is allowed to issue therefor. It is further ordered that the plaintiff pay the cost of this proceeding and that Judgment stand against said defendant for the same and execution is awarded.

Tuesday Dec. 9th A.D. 1884

Millard F. Langstaff
vs
4646 Andrew Holbaths et al.

And now this cause coming on to be heard upon the petitions and the evidence, the Court find that all of the defendants have had due legal notice of the pendency and demands of the said petition, and that they are in default for answer thereto. Thereupon the Court further find that the plaintiff and the defendants hereafter named are tenants in common in the estate described in the petition; that the plaintiff Millard F. Langstaff has the legal right to the one fourth part thereof, the defendants Andrew Halbath, John E. Newhouse and Duncan McLean each to one fourth part thereof: and that the plaintiff is entitled to have partition of said estate as prayed in his petition.

It is therefore ordered, adjudged and decreed that partition of said estate be made in favor of all parties in interest, and James R. Wheeley, William H. Robb and John R. Taylor three judicious and disinterested freeholders of the vicinity, are hereby appointed commissioners to make the same.

And it is ordered that a writ of partition issue to the Sheriff of Union County, commanding him that the oaths of the commissioners above named be cause to be set off and divided, to each of the above named parties the part and proportion of said estate to which they are severally above found entitled. And of his proceedings herein, said Sheriff is to make due return at this term of Court.

Return

Michael Jacoby
vs
4639 A.B. Butler & wife

This cause coming on for hearing on the petition of the plaintiff and the evidence the Court find that the defendants A.B. Butler & Susan Butler have been duly served with summons in this case, and that they are in default for answer and demurrer and that the allegations of the petition are thereby confessed to be true by them and that there is to the plaintiff from the defendants on the promissory notes set forth in the petition with interest from Jan. 24-81 to this 9th day of Dec. 1884 the sum of $246.50 The Court further find that in order to secure the payment of said notes the defendants A.B. Butler and Susan Butler his wife executed and delivered to said Michael Jacoby the plaintiff their certain mortgage as in the petition described; that said Mortgage was duly recorded in Book 18 Page 28 of the records of mortgages in Union County and is a good and valid lien on the premises described in said petition and that the conditions in said Mortgage have been broken. It is therefore adjudged and decreed that unless the defendant A.B. Butler shall within ten 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 herein the sum so found due as aforesaid with interest from the date of this decree, the defendants equity of redemption be foreclosed and said premises be sold and that an order of Sale issue to the Sheriff of Union County directing him to appraise, advertise, and sell said premises as upon execution and report his proceedings to this Court for further order.

Return

660

2nd Special Venire.

3rd Special Venire.

Return

Tuesday Dec. 9th A.D. 1884

660 The State of Ohio vs Isaac White } Indictment for Murder in the Second degree.

This day again came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant coming into Court in answer to his recognizance herein and his counsel being present: also came the men remaining in the panel upon adjournment yesterday, and for good cause shown the Court excused John Burnside and Anthony Middlesworth was challenged for cause by the defendant. The second Special Venire Facias, issued on yesterday and returnable this morning at 9 o'clock which reads as follows:

2nd Special Venire. The State of Ohio, Union County, SS. To the Sheriff of said County Greeting: We command you that, without delay, you summon J. G. Turner, Ray Mann jr. J. B. Galloway, T. P. Shields, E. P. Rodgers and Simon D. Elliott to be and appear before the Court of Common Pleas within and for said County of Union, at the Court House in Marysville, in said County, on Tuesday Dec. 9th A.D. 1884 at 9 o'clock A.M. and so from day to day until discharged, then and there to serve as Petit Jurors in the case of the State of Ohio against Isaac White on an indictment for Murder in the second degree; and how you shall execute this writ make appear to our said Court on the 9th day of Dec. 1884, and how you then and there this writ.

Witness my signature as Clerk of our said Court at Marysville, this 8th day of Dec. A.D. 1884.

J. D. Bunger, Clerk. (Seal)

Return The State of Ohio, Union County SS. Sheriffs Office, Marysville, Ohio. In obedience to the commands of this writ I summoned the within named Jurors as follows, by notice prescribed by law: J. G. Turner, Dec. 9th 1884 served personally. Ray Mann Jr. Dec. 9th 1884 served personally. J. B. Galloway, Dec. 9th 1884 served personally. T. P. Shields Dec. 9th 1884 served by copy. E. P. Rodgers Dec. 9th 1884 served personally. Simon D. Elliott Dec. 9-1884 served by copy.

John Habrenack, Sheriff, Union County, Ohio.

And upon the call of said Second Special Venire Facias there appeared in answer thereto, J. B. Galloway, and panel still being incomplete and on motion of the defendant a Third Special Venire Facias was issued of which the following is a copy.

3rd Special Venire. The State of Ohio, Union County SS. To the Sheriff of said County Greeting: We command you that, without delay, you summon E. P. Houghton, W. R. Webb, John R. Bostwick, George Becher, George Wilbur jr. and Robert Robinson to be and appear before the Court of Common Pleas within and for said County of Union at the Court House in Marysville, in said County, forthwith, and so from day to day until discharged, then and there to serve as petit jurors in the case of the State of Ohio against Isaac White on an indictment for murder in the second degree; and how you shall execute this writ make appear to our said Court on this 9th day of Dec. 1884 how you then and there this writ. Witness my signature as Clerk of our said Court, at Marysville, this 9th day of Dec. 1884

John D. Bunger, Clerk. (Seal)

Return The State of Ohio, Union County, SS. In obedience to the command of this writ I summoned the within named Jurors as follows: by notice prescribed by law, served personally upon E. P. Houghton, W. R. Webb, George Becher, John R. Bostwick, George Wilbur Jr. and Robert Robinson each Dec. 9th 1884.

John Habrenack, Sheriff, Union County, O.

and upon the call of said Third Special Venire Facias there appearing in answer thereto E. P. Houghton & John R. Bostwick; and there now being in said panel twelve good men having the qualifications of Jurors; to wit: John Curry, John Liggett, O. E. Lincoln, Eli Norvil, Ezra Tallman, William Neilligan, (over)

Tuesday, Dec. 9th A.D. 1884

Milton Marsh, J. C. Hull, Lorenzo Cheney, J. B. Galloway, John R. Bostwick and E. P. Houghton, who were duly empaneled and sworn to well and truly try and true deliverance make between the State of Ohio and the Prisoner at the Bar, Isaac White. A statement of the case was made by the Attorneys and some evidence introduced on behalf of the State: thereupon Court adjourned until to morrow at 9 o'clock A.M.

Attest J. D. Brugger, Clerk.

4659

4401

Wednesday, Dec. 10th A. D. 1884

Court met pursuant to adjournment at 9 o'clock A.M. the same Officers being present as on yesterday.

4659 Farmers Bank vs Thomas Martin and L. Martin

This day came the plaintiff by Brodrick and McCampbell its attorneys, and thereupon came R. L. Woodburn one of the Attorneys of Record of this Court, who, by virtue of a warrant of attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of attorney, confessed that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the sum of $1744.68 It is therefore considered that said plaintiff do recover of said defendants the said sum of $1744.68 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of six per centum per annum, and by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4401 Joseph Bidwell vs William Parthemore

On motion of the Plaintiff, and it appearing that the said defendant after filing a perfect transcript asked leave to withdraw the same, it is ordered that the plaintiff be and he is hereby allowed to file a transcript of the proceedings of said Justice, and on motion of the plaintiff Judgment is allowed against said defendant for the same sum entered by said Justice of the Peace and for cost and execution awarded.

It is therefore considered by the Court that the plaintiff recover of the said defendant the said sum of $25.50 being the sum for which Judgment was rendered by said Justice of the Peace and for his costs herein expended. To which rulings, orders and Judgment of the Court the defendant excepted and asked that his exceptions be allowed as a part of the record of this case which is done accordingly. No record

Wednesday Dec. 10th 1884.

4601 Drusilla Donby vs Susan Norline et al. } This cause came on for hearing upon the return of the Sheriff and the report of the commissioners heretofore appointed herein and on the motion to confirm the same. And it appearing that said estate cannot be divided by meter and bounds without manifest injury to the value thereof, and that said commissioners have made and returned their appraisement of said premises, to wit: in the sum of Sixty five Dollars ($65.00) per acre.

The Court finds the said return and proceedings in all respects correct, and in conformity to law, and do therefor approve and confirm the same.

And thereupon neither of said parties electing to take said premises at their appraised value, on motion of the plaintiff it is ordered that said premises be sold at public auction, and that an order issue therefor to the Sheriff of Union County, and that said Sheriff return his proceedings to this Court without unnecessary delay.

4602

4468

No. 660 The State of Ohio vs Isaac White } Indictment for murder in the Second degree.

This day came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant appearing in Court in answer to his recognizance, and his counsel also coming, also appearing the said Jurors as on yesterday the examination of witnesses on behalf of the State was resumed, and afterward came the said defendant in person and by his Attorneys and moved the Court to discharge the Jury heretofore impannelled herein for the reason of the corruption of one of said Jurors.

Whereupon the Court proceeded to hear evidence in support of said motion and after all the evidence had been adduced in support thereof the further hearing of said motion was postponed until tomorrow morning.

Whereupon Court adjourned until nine o'clock tomorrow morning.

Thursday Dec. 11th A.D. 1884

Court met at 9 o'clock A.M. pursuant to adjournment; the same Officers being present as on yesterday.

2662 George W. Yoakum } v.s. Stephen Warner et al }

On motion of the plaintiff and on his producing the return of the Sheriff of the sale made under the former order of this Court and the Court on carefull examination of the proceedings of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and the order of this Court; it is ordered that said proceedings and sale be, and they are hereby approved and confirmed.

And it is further ordered that the said Sheriff convey to the purchaser Wilford Sharpe by deed according to law the property so sold. Coming now to the distribution of the proceeds of said sale amounting to $85.00 it is ordered that the Sheriff pay first, to the Treasurer of this County the taxes and penalties against the said property amounting to $ Second, to the Clerk of this Court the costs of this action amounting to $. Third that he pay the ballance toward discharging the said plaintiffs claim.

4468 John L. Powers Plaintiff v.s. Charles A. Powers et al Defendants } Confirmation of sale in partition and distribution of proceeds.

This day this cause came on to be heard upon the motion of the counsel for the Plaintiff to confirm the sale made in this case; and upon producing the proceedings of the Sheriff and the sale of the premises by him made in pursuance of a former order of this Court, and the same being examined and found by the Court, in all respects in due form of law. It is ordered: that said proceedings and sale be, and the same are hereby approved and confirmed, and that said Sheriff execute and deliver to the said purchasers; J. J. Morlock for the two pieces by him bought, and to Charles A. Powers, Nancy P. Powers and Ellen Powers as guardian of Thomas A. Powers for the 100 acres bought by them deeds in fee simple for the said lands and tenements by him sold as aforesaid.

And thereupon this cause came on to be further heard upon the answer of Ellen Powers Widow, and on motion to distribute the proceeds of sale and was argued by counsel, On consideration whereof the Court finds that said Ellen Powers is entitled to the seven hundred and fifty dollars ($750.00) out of the estate of said Joseph Powers deceased, for money loaned to him and to be returned and paid back to her, and also the sum of two hundred and fifty dollars ($250.00) out of the estate of James T. Powers deceased, who was a son of this defendant Ellen Powers and said Joseph Powers deceased, for the care and nursing, doctor bills &c of the said James T. Powers deceased, as claimed in her answer. And it is further ordered 1st that the costs and expenses of this suit amounting to $342.00 including attorneys fees to T. J. Arthur, 2nd and the taxes for the year 1884 amounting to $135.34 3rd the amount found due by the Court to Ellen Powers widow from the estates of Joseph Powers and James T. Powers both deceased amounting to $1000.00 be paid out of the money arising from said sale, 4th and that the Sheriff distribute the residue of the first payment as follows, to-wit = 1st To Ellen Powers, Widow. $667.46 = 2nd To John L. Powers $282.73 = 3rd To Charles A. Powers $282 73/100 = 4th To Napoleon W. Powers $282.73 = 5th To Joseph W. Powers $282.73 = 6th To William M. Powers $282.73 = 7th To Thomas A. Powers $282.73 = 8th To Nancy P. Powers $282.73 = 9th To Phoebe A. Harris $282.73

That he divide the residue as follows, and take notes with interest from day of sale and mortgage to secure the same on the premises sold: 1st To Ellen Powers, widow. $667.46 in one year and the same amount in two years. 2nd To John L. Powers $467.15 in one year and the same amount in two years. 3rd To Charles A. Powers $467.15 in one year and the same amount in two years. 4th To Napoleon W. Powers $467.15 in one year and the same amount two years. 5th To Joseph W. Powers $467.15 in one year and the same amount in two years. 6th To William M. Powers $467.15 in one year and the same amount in two years. 7th To Thomas A. Powers $467.15 in one year and the same amount in two years. 8th To Nancy P. Powers $467.15 in one year and the same amount in two years. 9th To Phoebe A. Harris $467.15 in one year and the same amount in two years.

Thursday Dec. 11th 1884

The Court this day allows and orders paid to
Charles L. Doyle, Official Stenographer,
C. For making transcript of notes of testimony taken in the case of the
State of Ohio vs Isaac White 784 folios at per folio $62.72
For four days attendance in said case being Dec. 8. 9. 10. 11 1884 40.00
Total = $102.72

660 The State of Ohio vs Isaac White } Indictment for Murder in the second degree.

This day came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant appearing in Court in answer to his recognizance and his counsel also coming, also appeared the same jury as on yesterday. Thereupon this cause came on to be further heard on the said motion of said defendant to discharge the said jury heretofore impannelled herein, and for a trial to another jury to be hereafter impannelled herein, and the same was argued by counsel and submitted to the Court. On consideration whereof the Court having found that said motion had been made and signed by said defendant Isaac White in his own proper person, and also by his counsel Messr J. L. Cameron, R. S. Woodbury and T. E. Powell, and that the evidence adduced in support of said motion showed the corruption of said Juror as complained of in said motion, and that the said corruption thereof affected the substantial rights of said defendant and was prejudicial to the interest of said defendant in the trial thereof, and that said defendant would thereby be prevented from having a fair trial by an impartial jury.
The Court do therefore sustain said motion and discharge said jury from further attendance herein and said defendant by his Attorneys having asked leave of Court until tomorrow morning to prepare a motion and showing for a continuance herein and the same having been granted by the Court thereupon the further consideration of this cause was postponed until tomorrow morning.

Thereupon Court adjourned until 9 o'clock tomorrow Morning.

660

4626

4623

Friday. Dec. 12th. 1884

Court met at 9 o'clock A.M. pursuant to adjournment: the same officers being present as on yesterday.

660 The State of Ohio vs Isaac White } Indictment for Murder in the second degree.

This day the Court allowes to D. W. Ayers Esq. the sum of Two Hundred Dollars to apply on the allowance hereafter to be made to said D. W. Ayers Esq. for his services in assisting the Prosecuting Attorney in the trial hereof.

This allowance is for the one hundred dollars ($100.00) heretofore allowed by the County Commissioners to said D. W. Ayers and paid him by the County Treasurer, and for One hundred Dollars additional to be hereafter presented to said Commissioners for allowance and payment.

4626 Annie Hensel vs Frank Hensel et al }

This day came the Plaintiff and moves the Court for the appointment of a Guardian ad litem for the infant defendants herein, viz:- Frank Hensel, Mary Hensel, Mattie Hensel and Forest Hensel, and the Court do thereupon appoint W. T. Hooper Esq. as such Guardian ad litem.

4623 Annie Hensel vs Frank Hensel et al

This day this cause came on for hearing upon the petition the answer of Frank Hensel, Mary Hensel, Mattie Hensel and Forest Hensel by their Guardian ad litem W. T. Hooper Esq. and the evidence. On consideration whereof the Court do find that the necessary legal service of summons has been upon all of said defendants and that the statements in said petition are true. That the said Martha Hensel, widow, is entitled to dower in the premises described in the petition, and that subject thereto the said plaintiff Annie Hensel, is siezed of and has a legal right to, the undivided one fifth part of the estate described in the petition, and is entitled to have partition made of said premises; That the defendants are tenants in common with the said plaintiff in the said premises, in the following proportions, to-wit:- That subject to such Dower of the said Martha Hensel the said Frank Hensel is sieged of and has a legal right to the undivided one fifth part thereof, the said Mary Hensel to the undivided one fifth part thereof. The said Mattie Hensel to the undivided one fifth part thereof and the said Forest Hensel to the undivided one fifth part thereof, and no reason appearing why partition should not be made: It is therefore ordered, adjudged and decreed that the said Martha Hensel be endowed of one full equal third part of said premises, and that subject thereto partition be made; and that a wrorder issue to the Sheriff of the said County of Union Commanding him that by the oaths of F. J. Sager, George M. Rickard and Oscar McCune, three judicious and disinterested freeholders of the vicinity, (who are not of Kin to either party) and who are hereby appointed Commissioners for that purpose, he set off and assign such dower to the said Martha Hensel according to law, and that by the like oaths of the said named Commissioners, he cause to be set off and divided to said plaintiff and to each of the said defendants the part and proportion of the said estate to which they are hereinbefore severally found entitled.

And it is ordered that if, in the opinion of the said Commissioners said premises

over

Friday, Dec. 12th A. D. 1884

cannot be divided by metes and bounds without injury to the value thereof, they appraise the same, both subject to and also free from the dower of the said Martha Hurst. And if said premises are appraised that they be appraised in two separate parcels as described in the petition, and of this proceedings herein the said Sheriff make due return without unnecessary delay.

4661

4508 D. B. Woodburn et al. vs W. M. Liggett et al.

This day came on this cause to be heard on the amended demurrer of the defendant. Whereupon the Court overruled said demurrer to which defendants excepts. Whereupan the defendants desiring to answer leave was given to plaintiffs to file their amended petition in ten days, and the defendants to plead thereto according to the Terms of the Code. Cause continued.

4635 John L. Brown vs Susannah Secor et al. Partition.

4604

This day came on this cause to be heard on the report of the Sheriff and Commissioners in partition in which a division of said lands is made among said parties and the Court being fully advised in the premises do confirm said report and proceedings and order that said several parties hold in severalty the respective lots set off to each of them respectively. And the Court further order that each of said parties pay the one seventh part of the costs of this proceeding including the Attorney fee of $52 66/100 to Robinson and Piper within ten days and in default of such payment that execution issue as upon judgments against such of said parties as shall fail to pay such share of costs.

4602 Adam Weidman vs Thomas Wasson et al.

This day this cause came on for hearing on the mo. of the plaintiff to confirm the publication heretofore made on the defendants, to-wit:- Thomas Wasson, Slouin Wasson, Jane Wasson, Margaret Wasson, Louiza Wasson and Sophia B. Wasson whose place of residence and Post Office is unknown to this plaintiff and could not be found. And the Court being fully advised in the premises does hereby confirm and approve said publication of notice.

4660 C. Aultman & Co. vs A. J. Smith & G. W. Pitchford

This day came the plaintiff by D. B. Benton their Attorney, and thereupon came A. H. Kolbrath one of the Attorneys of record of this Court, who by virtue of a warrant of Attorney duly executed and now produced in open Court and duly proven, waives the issuing and service of process, and enters appearance of said defendants herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition the sum of $190.00 It is therefore considered that said plaintiff do recover of said defendants the said sum of $190.00 so confessed to be due, together with costs of suit herein, to be taxed and int. to be computed at the rate of 8 % per annum. And by virtue of said Warrant of Attorney, all errors are released, and all right of Appeal, and all right to file a petition in error are waived.

Friday, December 12th 1884

4661 C. Aultman and Co. vs Wilson Brown and Catherine Brown

This day came the plaintiffs by T.B. Benton Attorney, and thereupon came E.W. Porter one of the Attorneys of record of this Court, who, by virtue of a Warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendants herein, and by virtue of the same Warrant of Attorney, confesses that there is due from said defendants to said plaintiffs, as is alleged in said plaintiffs petition, the sum of $290.95 It is therefore considered that said plaintiff do recover of said defendant the said sum of $290.95- so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8 per centum per annum. And by virtue of said Warrant of Attorney, are errors are releases, and all right of appeal, and all right to file a petition in error are waived.

4604 Trustees of Otterbein University vs J.J. Miller et al. } Court of Common Pleas, Union County, Ohio.

Now came the plaintiff herein, and the defendants being in default for answer and demurrer, the Court finds that the allegations of the petition are confessed by them to be true, and that defendants are indebted to plaintiff in the sum of Eleven hundred Dollars, ($1100.00) with 8% interest from Sept. 11th 1882.

It is therefore considered ordered and adjudged by the Court, that the said plaintiffs recover, from the said defendants, the sum of Twelve hundred and seventy five and 50/100 Dollars with interest from Sept. 8th 1884, and his costs herein expended taxed to $. The Court further finds that the defendants Justus J. Miller and Nancy J. Miller, his wife, executed and delivered to said plaintiff, the mortgage deed in the petition described, that said Mortgage was duly recorded in Book 15 page 482, of the records of Mortgages of Union County, Ohio, and is the first and best lien on the premises described in the petition.

The Court further finds that the condition of defeasance in said mortgage has been broken, and that the said plaintiff is thereby entitled to have the defendants equity of redemption foreclosed. It is therefore considered and decreed, that unless the said defendants shall, within ten days from the entry of this decree, pay or cause to be paid, to the Clerk of this Court the costs in this case, and to the said plaintiffs the sum of Eleven hundred dollars, with 8% int. from Sept. 11th 1882, payable annually, according to the Terms of said Mortgage deed, the defendants equity of redemption be foreclosed, and said premises shall be sold, and an order of sale shall issue therefor, to the Sheriff of Union County, directing him to sell said premises as upon execution, and bring the proceeds into Court for further orders.

Friday Dec. 12th A.D. 1884.

4239 John Smith vs Wm. Murphy

This cause coming on for hearing

4203 John W. Forman vs Henry Gough et al

This day came the parties and waives the Jury trial and submitted this cause to the Court. Whereupon the Court being fully advised in the premises finds for the plaintiff and against the defendants on the issues joined in the premises but the Court finds that said Henry Gough has made improvements on said premises to the value of $100.00 over what he has been paid for which he has a lien on said land.

It is therefore considered and adjudged by the Court that the plaintiff recover of said defendants the possession of said lands and it is further ordered and decreed that plaintiff pay defendant Henry Gough One hundred Dollars in ten days and in default that execution issue therefor. And the Court further order that the plaintiff pay his own costs and that Henry Gough out of said One hundred Dollars pay the costs made by defendants. Defendants give notice of appeal and the Court fix the bond at $200.00

4342

4477

Saturday Dec. 13th A.D. 1884.

Court met at 9 o'clock A.M. pursuant to adjournment = the same officers present as on yesterday.

Jacob Karst et al.
v.s
4343 Commissioners of Union County.

This day came the parties and on motion it is ordered that the said plaintiffs file such affidavits as they may desire in support of their motion for change of venue on or before the 23rd day of Dec. 1884, and that the defendants file their counter affidavits on or before the 13th day of January A.D. 1885 and the plaintiffs shall file any affidavits they may have in rebuttal by the 23rd day of Jan. 1885

R. A. Hall
v.s
4477 W. H. Rosebrook

Now comes the plaintiff herein by his attorney and the defendant being in default for answer or demurrer. the Court hearing the evidence finds that there is due the plaintiff R. A. Hall from the defendant W. H. Rosebrook the sum of $200.66 with interest at 6 p% from the 14th day of April 1884. It is therefore considered by the Court that the plaintiff recover of the defendant the sum of $208.65 with 6 p% int. from this date and his costs herein expended taxed to $.

Laura Cole Reff
v.s
Leonard Geer, W. A. McCamey Ed
D. Shennerman Defendants.

Temporary Injunction made perpetual.

Now came the plaintiff by her attorney and the defendants having omitted to avail themselves of the leave heretofore granted after demurrer overruled to further plead, and being in default for answer; thereupon this cause came on for hearing upon the pleadings and evidence, and was submitted to the Court: On consideration whereof, the Court do find for the plaintiff and that the allegations of the petition are true, and that the plaintiff is entitled to the relief prayed for. It is therefore on motion of the plaintiff adjudged and decreed that the injunction heretofore granted in this action be and the same hereby is made perpetual.

It is further considered that the plaintiff recover from the said defendants her costs herein expended, taxed at $

Thereupon Court adjourned until Monday at one o'clock P.M. Dec. 15th 1884.

Monday Dec. 15th A.D. 1884.

Court met at 9 o'clock A.M. pursuant to adjournment - same officers present as heretofore.

4650 F. G. Ringgold & Co. vs Hartrum & Garnell & J.T. Garnell

This day came the plaintiffs by their attorneys, and the defendants being in default for answer and demurrer, the Court finds that the allegations of the petition are true, and that there is due the plaintiffs from the defendants as in their petition alleged, the sum of One hundred and sixty five and 94/100 Dollars. It is therefore considered and adjudged, that the plaintiffs recover from the said defendants, the said sum of One hundred & sixty five and 94/100 Dollars said judgment to bear interest at the rate of eight per cent. and that plaintiffs also recover their costs herein expended taxed to $.

4647 John D. Southard vs Samuel N. Watson et al.

This day this cause came on to be heard upon the petition of the plaintiff, the defendants though duly served with a summons herein failing to answer, demur, or otherwise object to the petition of the plaintiff but made default. On consideration whereof and the Court being fully advised in the premises finds that there is due from the defendants to the plaintiff upon the note described in the petition the sum of $396.22 and the Court finds that Geo. Coder and Nancy Watson are sureties for Samuel N. Watson on said note.

It is therefore considered and adjudged that the said plaintiff recover from the said Samuel N. Watson as principal and George Coder and Nancy Watson as sureties the said sum of $396.22 and that said sum bear interest at 8 p/c from Dec. 15th 1884 and also his costs in this behalf expended. And also that defendants pay their own costs herein, for all of which execution is awarded.

4564 Jesse E. Cameron assignee of John Newlon vs Washington Neachling et al. } This case is dismissed without prejudice and at the plaintiffs cost.

Thereupon Court adjourned until tomorrow at 9 o'clock A.M.

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4692

Tuesday Dec. 16th A.D. 1884

Court met at 9 o'clock A.M. pursuant to adjournment - the same officers being present as on yesterday.

4455 J. M. Dunn
vs
E. G. Rodgers

On motion of the plaintiff the said plaintiff has leave of the Court to file an amended transcript of the docket of the Justice of the Peace before whom the case was originally tried and also to file an amended petition herein in 30 days from the rising of the Court and cause continued.

4435 Elizabeth Wells et al.
vs
John Henson

This cause came on for hearing upon motion of the defendant, and was ordered by the Court that the plaintiff give security for costs within thirty days from this date, otherwise the cause is dismissed at the costs of plaintiff.

4615 Christian Kuntz and
Frederick Kuntz,
vs
Adam Nick.

This cause came on for hearing upon the petition in error and the transcript of the proceedings and Judgment of L. M. Crary a Justice of the Peace for this said County: On consideration whereof the Court find there is no error in said proceedings and Judgment, and the said Judgment is therefor affirmed at the costs of the Plaintiffs in error taxed at $.

It is further ordered that the said Judgment be carried into effect in the same manner as if rendered in this Court, and execution is awarded therefor, as well as for costs herein. To all of which Plaintiffs in Error excepts. No record

4640 Joel C. Conklin
vs
M. Easterday et al.

This day came this cause on to be heard upon the motion of the plaintiff to strike out certain portions of the defendants answer, and thereupon the defendant Martin Easterday by his Attorney asked and obtained leave of the Court to withdraw his said answer and the Court grant until tomorrow morning to the said defendant to file a new answer.

4692 Williams McWatson Reiff
vs
Reed and Butz Defts

In Error.

This case came on for hearing upon the petition in error and the transcript of the proceedings and Judgment of W. J. King a Justice of the Peace of this said County: On consideration whereof the Court find there is no error in said proceedings and Judgment and the said Judgment is therefor affirmed at the costs of the plaintiff in error, taxed at $. It is therefore ordered that said Judgment be carried into effect in the same manner as if rendered in this Court and execution is awarded therefor as well as for costs herein. No record.

Thereupon Court adjourned until tomorrow at 9 o'clock A. M.

Wednesday, Dec. 17th A. D. 1884.

Court met at 9 o'clock a.m. pursuant to adjournment: the same officers being present as heretofore.

4640 Joel C. Conkling vs W. Easterday

Now comes the plaintiff by his Attorney and the defendant Martin Easterday being in default for answer and demurrer, the Court find that the allegations of the petition are confessed by him to be true and that the plaintiff is entitled to recover his damages by reason of the premises from the said Martin Easterday defendant. And thereupon the Court assess the said damages at $278.75-

It is therefore considered that the plaintiff Joel C Conklin recover from the defendant Martin Easterday the sum of $278.75 with interest from Oct. 1st 1884 and his costs herein expended

4612 Fritz Bros vs R B Williams & C. S. Williams — Judgment on default.

And now comes the said Fritz Bros by their Attorneys Brodrick and McCampbell and the said R B Williams & C. S. Williams having failed to demur or answer to the petition of the said Fritz Bros, the same is therefore taken to be true: and it is considered that the said Fritz Bros, plaintiffs ought to recover the said sum of $100.00 so demanded in their petition, together with the sum of $3.70 which the Court find due as the interest thereon, as prayed for in said petition: it is therefore considered that the said plaintiffs recover against the said defendants the said sum of $103.70 together with the costs in and about said suit expended, taxed to $, and interest on said Judgment from Dec. 8th 1884. 4397

4763 R. and J. Cummings & Co. vs Seth S. Gardiner, Assignee. 4646

This day this cause came on to be heard upon motion of the plaintiff to strike from the files of this case the answer of Charles Wright herein filed for the reasons set forth in said motion, and the same was argued by counsel and submitted to the Court. On consideration whereof the Court do sustain said motion and said answer is by order of the Court stricken from the files in this case.

Thereupon the defendant asked and obtained leave of the Court to file an answer herein within thirty days from the rising of the Court and said cause is continued.

4659 Farmers Bank vs Thomas Martin

This day came the parties and thereupon this cause came on to be heard upon the motion of the said Thomas Martin to vacate the Judgment heretofore rendered at the present term of this Court and for leave to file answer and the Court being fully advised in the premises do find that Judgment has been entered upon a warrant of Attorney in this case without notice to the said Thomas Martin and for a greater sum than is due the plaintiff. It is therefore ordered and adjudged by the Court that the said Judgment be and is hereby vacated and set aside as to Thomas Martin for the purpose of permitting the defendant Thomas Martin make his defense and the said Thomas Martin has leave to file an to the petition of said plaintiff within thirty days from the rising of this Court and cause continued.

Wednesday, Dec. 17th 1884

4453 David B. May vs John R. Owens et al.

This day this cause came on to be heard upon the pleadings and the evidence offered by the parties and was argued by counsel. On consideration whereof the Court do find that the equities of the case are with the plaintiff. It is therefore considered, adjudged and decreed by the Court that the deed mentioned in the petition from David B. May to Ann E. Owens is hereby set aside, cancelled and held for naught and it is further ordered that each party pay his own costs, and thereupon the defendants gave notice of their intention to appeal this cause to the Circuit Court and the Court fixed the amount of the bond therefor at the sum of $175.00

4518 Joseph E. Foulke vs George W. Loar

This day this cause came on to be heard and upon motion of counsel the death of Joseph E. Foulke was suggested; and upon application Mrs Foulke Administratrix of the estate of Joseph E. Foulke be made a party plaintiff, & David Loar made a party defendant with leave to file answer and cross petition in thirty days from the rising of this Court, upon consideration whereof it is ordered and adjudged that the said Administratrix be made a party plaintiff and David Loar a party defendant with leave to plead as applied for.

4397 Union County Bank vs Ella Argo et al. Upon the application of the defendant D. W. Ayers leave was granted to him to file answer and cross petition in 30 days from the rising of the Court. Cause continued.

4646 Millard F. Laugstaff vs Andrew Holbath et al

This cause came on for hearing upon the return of the Sheriff and the report of the commissioners heretofore appointed herein, and on motion to confirm the same. And it appearing from said report that said estate could not be divided by metes and bounds without injury to the value thereof, and that said commissioners have made and returned their appraisement of said estate at $3,800.00 the Court find the said return and proceedings in all respects correct and in conformity to law, and do therefore approve and confirm the same. And thereupon neither of said parties electing to take the said estate at its appraised value, on motion of plaintiff, it is ordered that said estate be sold at public auction and that an order issue therefor to the Sheriff of Union County.

And the said Sheriff is ordered to return his proceedings to this Court without unnecessary delay.

The Commissioners of Union County, Ohio, having filed herein their report as required by law the Court do appoint A. J. Blake Esq. & Robert M. Henderson Esq. as a committee to examine the same according to the statute in such case made and provided.

Wednesday Dec. 17th A.D. 1884

660 The State of Ohio vs Isaac White } Indictment for murder in the second degree. 4504

This day came the prosecuting Attorney on behalf of the State of Ohio, and the defendant coming into Court in answer to his recognizance, and his counsel also coming, thereupon this cause came on to be heard upon the motion and showing of the defendant for a continuance of this cause to the next term hereof, and the same was argued by counsel and submitted to the Court. On consideration whereof the Court do sustain said motion, and it being necessary to continue this case to the next term of this Court, it is ordered that the said defendant do forthwith enter into a new recognizance in the amount of the present one, to-wit- the sum of three thousand and five hundred dollars for his appearance at the next term of this Court, to answer the charge against him; and in default thereof, that he be committed to the Jail of said Union County. 4547

Thereupon in open Court came the said defendant Isaac White with his sureties R.H. White and Benjamin White and entered into recognizance in said sum of three thousand and five hundred dollars, conditioned for the appearance of said Isaac White at the next term of this Court to answer to said Charge.

Bill

The Court this day allows and orders paid to John Hobrusack Sheriff
For attending Court 7 days at two dollars per day = $14.00
" " " 6 " " " " " " " by S. Martin Deputy 12.00
" serving four Venires in the case of the State vs Isaac White @ $4.50 each 18.00
total = $44.00

Michael Jacoby vs A.B. Butler & Wife } Error

4507 Harmon Patch Sen. vs Harmon Patch Jr. et al } 1st " 2nd " 3rd "

This day this cause came on to be heard upon the demurrer of Plaintiff to the amended answer and cross petition of the said Harmon Patch Jr. & wife, and was argued by counsel. In consideration whereof the Court do overrule said demurrer, and thereupon the plaintiff asked and obtained leave, said defendants consenting to the same, to file an amendment to his petition in thirty days from the rising of the Court and the defendants had leave to answer thereto in fifteen days thereafter, and this cause continued. C. C.

William Nevadis vs Uriah Cahill et al } 4681 This day this cause came on to be heard upon motion of the plaintiff to file an amended petition herein, and also upon motion of the defendant to require the plaintiff to give additional security herein and the same were argued by counsel & submitted to the Court. On consideration whereof the Court do sustain both of said motions, and it is ordered that said plaintiff enter into a bond herein payable to said defendants in the sum of One Thousand dollars with surety to the approval of the Clerk of this Court within twenty five days from the entering of this decree and unless said bond be given then the temporary injunction heretofore granted herein is hereby dissolved and the defendants wholly released therefrom, but if said bond be given then said injunction to be and remain in full force until the further hearing hereof, and said plaintiff has leave to file an amended petition herein within thirty five days from the entry hereof, and this cause is continued until the next term hereof. C

Wednesday, Dec. 17th 1884

4504 J. F. Wells vs C. Aultman & Co. et al.

This day this cause came on to be heard upon the pleadings of the parties, and the evidence in the case, and was argued by counsel. In consideration whereof, the Court finds the equities of the case to be with the plaintiff, and the Court finds that said judgment of C. Aultman & Co. against J. F. Wells has been fully paid, and ought to be cancelled.

It is therefore considered, ordered and adjudged, that said judgment be, and the same is hereby declared and decreed to be cancelled and held for naught, and the collection of the same is hereby perpetually enjoined. It is further considered that the plaintiff recover of the said C. Aultman & Co. his costs herein taxed at $. And thereupon the said C. Aultman & Co. gave notice of appeal, and the Court fixed the appeal bond at $100.00

4547 Fleck and Chapman vs Ed. Berger et al.

On motion of the plaintiff and on his producing the return of the Sheriff of the sale made under the former order of this Court and the Court on careful examination of the proceedings of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and the orders of this Court, it is ordered that the said proceedings and sale be, and they are hereby approved and confirmed. And it is further ordered that the said Sheriff convey to the purchaser C. M. Ingman, by deed in fee simple, the lands and tenements so sold, and a writ of possession is awarded to said purchaser in possession of said premises.

And the Court coming now to the distribution of the proceeds of said sale amounting to $800.00 it is ordered that the Sheriff out of the money in his pay

1st the costs of this action taxed to $

2nd To the plaintiff the sum of $12.56

3rd To all the rest of said money and the distribution thereof this case is continued for further distribution of the same.

C. C. The State of Ohio vs W. R. Shacklesford — The Court this day doth allow and orders to be paid to J. L. Cameron Esq. heretofore appointed Counsel for defendant, the sum of $50.00 for his services herein, also to J. W. Robinson Esq. heretofore appointed to assist in the prosecution of this case, the like sum of $50.00

C The State of Ohio vs Howard Stull — The Court this day allows and orders paid to J. L. Cameron Esq heretofore appointed Counsel for defendant the sum of $30.00 for his services herein,

Wednesday Dec. 17th 1884

4044 Clara W. Lewellen v.s Nancy Clare Ed James Clare } In Court of Common Pleas, Union County, Ohio

Now comes the Plaintiff by her Attorneys and the defendants being in default for answer and demurrer to plaintiffs petition, the Court finds that the allegations of the petition are confessed by them to be true, and that the said Nancy Clare is indebted to Plaintiff, on the promissory note set forth in the petition, in the sum of $1180.00/100 with interest at the rate of six per cent. from April 18th 1884.

It is therefore considered by the Court that the said plaintiff, Clara W. Lewellen, recover from the said defendant, Nancy Clare, the said sum of $1180.00 with interest as aforsaid, and her costs herein expended, taxed at $.

The Court further find that, in order to secure the prompt payment of said note, the defendant Nancy Clare, executed and delivered to said Clara W. Lewellen, the plaintiff, her certain mortgage as in the petition described, and on the premises therein described; that said mortgage is the first and best lien on the premises described in the petition. The Court further finds that the condition of defeasance in said mortgage has been broken and that the said plaintiff is thereby entitled to have the defendants equity of redemption foreclosed.

It is therefore considered and decreed that unless the said defendant shall, within five days from the entry of this decree, pay, or cause to be paid, to the Clerk of this Court the costs in this case, and to the plaintiff the sum of $1180.00 with interest from April 18th 1884, according to the terms of said mortgage deed, the defendants equity of redemption be foreclosed, and said premises shall be sold, and an order of sale shall issue therefor to the Sheriff of Union County, directing him to sell said premises as upon execution, and bring the proceeds into Court for further order.

4306 P.C. Adams v.s Sarah McKinney et al }

This day this cause came on to be heard upon the demurrer of Ella Argo, one of the defendants in the above entitled case, to the amended petition of the plaintiff was argued by counsel and submitted to the Court, On consideration whereof the Court do sustain said demurrer. And the plaintiff not desiring to amend his said petition it is ordered and adjudged by the Court that the said petition be dismissed at the plaintiffs costs taxed to $.

To all of which decisions and rulings of the Court the plaintiff excepts

Eli Orahood v.s John W. Lockwood }

This day this cause came on to be heard upon the demurrer of the defendant to the petition of the plaintiff and was argued by counsel, on consideration whereof and the Court being fully advised in the premises finds that the demurrer is well taken as to the third and fourth causes of action in said petition stated and sustains the demurrer as to the same; but that as to the first and second causes of action the demurrer is not well taken and the Court therefore overrules the said demurrer as to said first and second causes of action. Defendant leave was given the plaintiff 15 days from the rising of Court to amend his petition.

4230

4230

4607

Wednesday Dec. 17th A.D. 1884.

H. A. Willis
vs
#730 W. H. Robinson

This day this cause came on for hearing upon motion of defendant for a new trial and was argued by counsel and submitted to the Court. Whereupon the Court being fully advised in the premises doth overrule said motion to which ruling decision and judgment of the Court defendant then and there excepted and on his application 30 days from the rising of this Court was granted to the defendant to prepare his bill of exceptions, and the records are ordered to be kept open for that purpose.

H. A. Willis
vs
#730 W. H. Robinson

The Jury in this action having on a former day of this term rendered a verdict for the plaintiff and assessed his damages at $40.93 and a motion for a new trial having been overruled. It is therefore considered by the Court that the said H. A. Willis recover from the said W. H. Robinson the said sum of $40.93 together with his costs herein expended.

Adam Weidman
vs
#607 Thomas Warsaw et al

This cause came on for hearing was submitted to the Court upon the pleadings and evidence, on consideration whereof the Court finds that the defendants have failed to answer or demur and the Court further finds that due publication has been made in the premises.

The Court further finds that at the time of bringing this action the plaintiff was in possession of the real property described in the petition, and that he has the legal estate in and is entitled to the possession of the same: that neither of the defendants have any estate in, or are entitled to the possession of said real estate or any part thereof and that the plaintiff ought to have his title and possession quieted as against each and every one of the defendants as prayed for in the petition. It is therefore ordered adjudged and decreed that the title and possession of the said Adam Weidman be and is singular the premises in the petition described to wit: Situate in the County of Union State of Ohio and Tp of Paris, being part of original Survey No. 4069 commencing in the centre of the Marysville and Loudon grove road at the north east corner of John Valeathes 16 acre lot, thence with the north line of said 16 acre lot (Courses connected to the Meridian) S. 86° W. 86 poles to a stone in Michael Gundermans line, thence with his line north 4° W. 11 40/100 poles to a stone in John Valeathes line, thence with his line north 86° E. 87 poles to the centre of the Marysville & Loudon road, thence with the centre of said road S. 1 3/4° E. 11 50/100 poles to the place of beginning containing six acres and 70/100 of an acre of land, for further description see recorded plat in the records of the County Surveyor Vol. 3 page 3702 (corrected description by T. J. Sager) be, and the same hereby are, quieted as against the defendants and each and every one of them and all persons claiming under them, or any of them, and said defendants are each of them and all persons claiming under them, are forever enjoined from in any manner interfering with the title or possession of the plaintiff Adam Weidman thereto.

Wednesday Dec. 17th A.D. 1884

4230 N.A. Willes vs O.H. Robinson } Entry on Bill of Exceptions. Jan. 7th 1885.

Now comes the defendant and presents his bill of exceptions which is allowed, signed sealed and made part of the record in this case. Jan. 7th 1885.

4253 George A. Boerger vs Hart Hitchcock & Co. J.M. Dunn & T.B. Benton. } This cause now coming on for hearing was submitted to the Court upon the pleadings and the evidence and on consideration thereof the Court find on the issue joined for the plaintiff and that the Judgment obtained by Hart Hitchcock & Co. vs Dunn and Boerger & T.B. Benton be set aside and vacated as to said George A. Boerger with leave to him to answer in original case in thirty days from the rising of Court

4623 Annie Hensel vs Frank Hensel et al } This day this cause came on to be heard on motion by the plaintiff to confirm the report of the Commissioners heretofore appointed herein and upon producing the return of the Sheriff and the report of said Commissioners, and the same having been examined by the Court and found in all respects correct and that said report has been made in conformity to the best interests of all parties concerned and which the Court do find for the best interests of all said parties hereto, the the said proceedings and report are hereby approved and confirmed. It is therefore ordered and decreed that the said Martha Hensel have her right of dower in all the lands described in said report except that part of the same set off and assigned to the plaintiff Annie Hensel and that she be forever barred from any and all right of dower in all or any part of said premises so set off and assigned to said Annie Hensel. And that the said Annie Hensel hold in severalty to her, her heirs and assigns forever free and discharged of the dower interest therein of the said Martha Hensel the premises so set off and assigned to her in said report and to the said Frank Hensel, Mary Hensel, Mattie Hensel and Forest Hensel in common and subject to the dower interest of said Martha Hensel the premises so set off and assigned to them in said report. And it is further ordered that the costs of this action including a counsel fee of $41.25 to Broderick and McCampbell Attys for services herein, taxed at $62.25 be paid by the said parties in the following proportions to wit:- The plaintiff Anne Hensel the one fifth part thereof $12.47
The defendant Frank Hensel the one fifth part thereof $12.47 The defendant Mary Hensel the one fifth part thereof $12.47
The defendant Mattie Hensel the one fifth part thereof $12.47 the defendant Forest Hensel the one fifth part thereof $12.47

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 regular term thereof, and this Court is now adjourned without day.

Attest. J. D. Burgner, Clerk.

4463

In Vacation

4663	J. M. Longbrake, Daniel Longbrake & Ellen P. Thompson & John W. Robinson vs Nathan Howard, Uriah Cahill and Leither Leiggett commissioners of Union County Ohio and Wm Crary treasurer of Union County Ohio	Order of Injunction. Before the Probate Judge. Union County Ohio. Motion for temporary injunction in the Court of Common Pleas of Union County Ohio

And now on this 20th day of December 1884 came the plaintiffs by Robinson & Piper thier attorneys; and it being made to appear that there is at this time no Common Pleas, Circuit, or Supreme judge within said county, the motion of the plaintiffs for a temporary injunction came on and was heard upon the petition of the plaintiffs therein filed, and after hearing the argument of counsel and being fully advised in the premises, it is considered and ordered that a tempory injunction be, and the same is hereby allowed in this case to restrain the said defendants from proceeding to collect by distraint the subscriptions mentioned in said petition as a tax and from refusing to receive the other taxes assessed against said subscribers without the payment of said subscriptions as prayed for in said petition of plaintiffs, it is further ordered that the Clerk of the Court of Common Pleas issue summons in this case endorsed, Injunction allowed, on said plaintiffs, giving an undertaking to the said defendants conditioned according to law with security to be accepted by the said Clerk of the Court of Common Pleas in the sum of five Hundred dollars

John. B. Coats Probate Judge

In Vacation

4713 Rachel A. James
vs
Riley James
Abraham Showalter
Watterman Hill and
Bank of Milford center Ohio

Order of Injunction Before the Probate Judge Union County Ohio January Term A.D. 1885
Motion for temporary injunction in the Court of Common Pleas of Union County Ohio.

2818

And now on this 28th day of January 1885 came the plaintiff, by J. M. Kennedy her attorney's and it being made to appear that there is at this time no common Pleas. District or Supreme Judge within said County. The motion of the plaintiff for a temporary injunction came on was heard upon the petition of the plaintiff therein filed. and after hearing the argument of counsel. and being fully advised in the premises, it is considered and ordered that a temporary injunction be, and the same hereby is allowed in this case to restrain the said defendant Riley James from in any manner disposing of his property or money set out and described in plaintiffs petition, and it is further ordered that Abraham Showalter. Watterman Hill and the Bank of Milford center Ohio be and the same are hereby restrained from paying any money or property they may owe the defendant Riley James. or that they may have under their control to the said Riley James or his assigns until further ordered by the Court of Common Pleas. as prayed for in said petition of plaintiff. It is further ordered that the Clerk of ~~Union~~ the court of common Pleas issue summons in this case indorsed injunction allowed without undertaking

John. B. Coats
Probate Judge

2818

Maria Donnelly and Seray Donnelly
vs
Annis Carpenter, James B. Palin,
David F. Palin, Mary E. White,
James F. White and Wm M. Palin.

Court of Common Pleas.
Union County, Ohio.
Entry of dismissed.

Maria A. Donnelly & Seray Donnelly having conveyed all their interest in the land described in the petition to Annis Carpenter, and Mary E. White and James F. White having conveyed all their interest in said land to James B. Palin, David F. Palin and Wm M. Palin. Now come all the parties in interest and by agreement dismiss this action at their own costs without prejudice to a future action. "Annis Carpenter."
"J. B. Palin."
Signed = "D. F. Palin"
"Wm M. Palin"

In Vacation. Feb. 10th 1885.

The State of Ohio.
Union County, ss.

I hereby certify that I have this day appointed W. M. Winget Deputy Clerk of the Court of Common Pleas and of the Circuit Court within and for said County of Union. Witness my hand and Official Seal this 9th day of Feb. 1885.
J. D. Bunger, Clerk of Courts. (Seal)
Union County, Ohio.

I do hereby approve the above appointment this 9th day of Feb. 1885.
John A. Price,
Judge.

Thereupon W. M. Winget appeared and took the oath of Office according to law before me this 9th day of Feb. 1885.
J. D. Bunger.
Clerk of Courts, Union County, O.

The State of Ohio
County of Union ss

This Separate Session of the court of Common pleas of the 10th Judicial District of the State of Ohio within and for the County of Union for the term of February A.D 1885 held in the Court House in the town of Marysville in the County and State aforesaid was begun on Monday the 16th day of February in the year aforesaid.

Present

Hon Caleb H. Norris
Judge of the Court of Common pleas of the
10th Judicial District of Ohio.

Marion Hopkins. Sheriff

Attest
J. L. Burgner. Clerk

The Venire facias for a grand jury. heretofore issued, and returnable this day at 1 Oclock P.M was duly returned by the Sheriff. with his indorsement thereon. as follows to-wit;

The State of Ohio Union County ss.

4643

Sheriffs Office Feby 16th 1885-

On the 19th day of Jany 1885- I received this Venire and Served the Same on the Several persons therein named at the times and in the manner placed opposite their names Endorsed thereon.

D. V. Shuler	Jan	19	By Copy
John Corder	"	19	" "
John McCollough	"	19	" "
J. O. Thomas	"	19	" "
J. S. Alexander		19	" "
F. H. Thornhill		19	" "
A. J. Whitney		19	" "
W. L. Morse	Feb	4	" "
William Emmert	Jany	19	" "
W. R. Browning	"	19	" "
Adam Blue		19	" "
George Moder		19	" "
David Wyeth		19	" "
C. L. Robinson		19	" "
George Stephens		Not found in County-	

M Hopkins Shff
By A. H. Godwin Dpty

And the panel being incomplete. the Sheriff Summoned as talesman. to complete the same the following named persons who appeared in answer thereto. to-wit; A. J. Blake J. S. Rice J. L. Jolliff and J. A. Henderson. and the panel being full. the court appointed A. J. Blake foreman

of the grand jury and he with his fellow jurors took the oaths in manner and form as prescribed by law, and the said jury being instructed by the court in relation to their duties, were conducted to their room attended by the Sheriff

The following named persons compose the grand jury, to-wit-

1 A.J. Blake Foreman
2 D.B. Shuler
3 John Coder
4 H.T. McCollough
5 J.O. Thomas
6 J.S. Alexander
7 A.J. Whitney
8 W.L. Morse
9 William Emmet
10 Adam Blue
11 George Moder
12 Durrit Wyeth
13 J.S. Rice
14 J.L. Jolliff and
15 J.A. Henderson

4643

Sterling F. Coons }
vs }
William M. Haines et-al }

On Motion of the plaintiff and on his producing the return of the Sheriff of the Sale made under the former order of this court; and the court on careful examination of the proceedings of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and the orders of this Court it is ordered that the said proceedings and Sale be, and they are hereby approved and confirmed. And it is further ordered that the said Sheriff convey to the purchaser Sterling F Coons by deed in fee simple the lands and tenements so sold; and a writ of possession is awarded to put said purchaser in possession of said premises and the court coming now to distribute the proceeds of said Sale amounting to $1898.12 it is ordered that the Sheriff out of the Money in his hands pay, "First" The costs in this action taxed to $38.30

"Second" The taxes now past due on said lands $33.17

"Third" To the plaintiff the amount heretofore found due with interest $1643.05

"Fourth" To the plaintiff to be credited on the note for $700 due April 1 1885 the balance of the Money in his hands to-wit; $173.67

"Fifth" The purchaser being willing so to do it is allowed him to assume and pay the $33.17 taxes on said premises and retain said amount out of the amount for which he bid off said lands-

3665 David J Ellis
vs
Alexander J Mahaffy et-al

This day came this cause on to be heard upon the motion of the defendants James Mahaffy to dismiss for want of prosecution.

On consideration whereof the court being fully advised in the premises does sustain said motion, and it is ordered and adjudged that this cause be and the same is hereby dismissed at the cost of the plaintiff. It is therefore adjudged by the court that the defendant James T. Mahaffy recover of the plaintiff his cost herein expended taxed to $ no record

4167 Ann E Oglesby
vs
J. Smith Alexander et-al

This day this cause came on to be heard upon the motion of the defendants for security for cost for reasons in said motion stated On consideration whereof it is ordered that the plaintiff secure the cost in this case by the 1st day of April next and in default thereof that this case stand dismissed and and the clerk shall enter judgment for costs against the plaintiff--

4763 The Newark Machine Co
vs
Wilson Brown and
Catherine Brown

This day came the plaintiff by Robinson & Piper attorney and thereupon came Frank Hamilton one of the attorneys of record of this court who, by virtue of a warrant of attorney duly executed and now produced in open court and duly proven, waived the issuing and service of process, and entered appearance of said defendants herein and by virtue of the same warrant of attorney confesses that there is due from said defendants to said Plaintiff as is alleged in said plaintiffs petition the sum of $180 4/100- It is therefore considered that said plaintiff do recover of said defendants the said sum of $180 4/100 so as aforesaid confessed to be due together with costs of suit herein to be taxed and with interest to be computed at the rate of Eight per centum per annum. And by virtue of said warrant of attorney all errors are released, and all right of appeal, and all right to file a petition in Error are waived.

4766

4764 Margaret Stamatis vs Jason A. Chapman et al

This day came the plaintiff by S.S. Gardiner her attorney, and thereupon came A. No. Beightler one of the attorneys of record of this Court: who, by virtue of a Warrant of attorney duly executed and now produced in open Court and duly proven. Waived the issueing and Service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiff's petition the sum of $3703¼. It is therefore considered that said plaintiff do recover of said defendants the said sum of $3703¼ so as aforesaid confessed to be due together with costs of suit herein. to be taxed and with interest to be computed at the date of 8 per centum per annum. And by virtue of said warrant of Attorney, all errors are released, and all right to file a petition in error are waived.

4765 Margaret Stamatis vs C. J. Monroe et al

This day came the plaintiff by S.S Gardiner her attorney, and thereupon came L. Piper one of the attorneys of Record of this Court: who by virtue of a Warrant of attorney duly executed and now produced in open Court and duly proven. Waived the issueing and Service of process and entered appearance of said defendants herein, and by virtue of the same warrant of attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiff's petition the sum of $1438. It is therefore considered that said plaintiff do recover of said defendants the said sum of $1438 so as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of 8 percentum per annum. And by virtue of said warrant of attorney, all Errors are released and all right of appeal, and all right to file a petition are waived.

4766 Margaret Stamatis vs C. J. Monroe et al

This day came the Plaintiff by S.S Gardiner Attorney and thereupon came L. Piper on of the attorneys of Record of this Court: who, by virtue of a Warrant of Attorney duly executed and now produced in open court and duly proven, waived the issueing and Service of process and entered appearance of said Defendants herein, and by virtue of the same Warrant of Attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition the sum of $1961⅙. It is therfore considered that said plaintiff do recover of said defendants the said sum of $1961⅙ so as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of 8 per centum per annum. And by virtue of said Warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in Error are waived.

Thereupon Court adjourned to meet tommorow Morning at 9 O'clock A.M.

Tuesday February 17th A.D 1885

Court met this morning at Nine oclock the same officers being present as on yesterday.

4654

4767 H. C. Hamilton
vs
R. C. Games et al

This day came the plaintiff by P. R. Kerr his attorney and thereupon came L. Piper one of the attorneys of record of this court who ~~being~~ virtue of a warrant of attorney duly executed and now produced in open court and duly proven waived the issuing and Service of process and entered appearance of said defendants herein, and by virtue of the same Warrant of attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition the Sum of $1945.00. It is therefore considered that said plaintiff do recover of said defendants the said Sum of $1945.00 so as aforesaid confessed to be due together with costs of Suit herein to be taxed and with interest to be computed at the rate of 8 per centum per annum. And by virtue of said warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in Error are waived.

4664

4680 W. S. Phelps & Sons
vs
Benjamin Hartsuff et al

Now come the plaintiff by their attorneys and the defendants being in default for answer and demurrer the court finds that the allegations of the petition are confessed to be true and that they are indebted to the plaintiffs in the Sum of $1868.83 with interest from Feby 17th 1885 at the rate of Eight per centum per annum.

4315

It is therefore considered by the court that the said plaintiffs W. S. Phelps & Sons recover from the defendants Benj Hartsuff J. D. Cornell and Alexander Crist the said Sum of $1868.86 with interest at 8% per annum from the 17th day of Feb 1885 together with their costs herein Expended.

4681 W. S. Phelps & Sons
vs
Benjamine Hartsuff et al

4353

Now comes the plaintiffs by their attorneys and the defendants being in default for answer and demurrer the court find that the allegations of the petition are confessed by them to be true and that they are indebted to the plaintiffs in the Sum of $2184.49 with interest from the first day of this term of this Court at 6% per annum

It is therefore considered by the court that the plaintiffs recover of the defendants the said Sum of $2184.49 with interest from the first day of this term of this court at the rate of 6% per annum together with their costs herein Expended taxed to $

Tuesday Feby 17th A.D. 1885-

4654 E. E. Sledd & Sons vs W. T. Thompson

Now comes the plaintiffs by their attorneys and the defendant being in default for answer and demurrer the court finds that the allegations of the petition are confessed by them to be true and that he is indebted to the plaintiff in the sum of $511.42. with 6% interest from Feby 16th 1885. per annum

It is therefore considered by the court that the said plaintiffs E E Sledd & Sons recover from the defendant W T Thompson the said sum of $511.42 with interest from the first day of this term of this court and their costs herein expended taxed to $

4664 William Dunn vs James Dunn et al

Now comes the plaintiff and the defendants whom the court finds were all served with process and it appearing that James Dunn and Jean Blackford are of imbecil mind the court on motion appoint R. L. Woodburn Esq the guardian ad litum of said Jean Blackford and James Dunn and thereupon the said Woodburn appeared in open court and accepted said trust and filed his answer according to law for his said wards.

4315 William Hall et al vs P. B. Cole Admr et al

By agreement of counsel the reply of plaintiffs to the amended answer of Jacob Leonard is filed this day and the cause postponed until Friday of this week for hearing.

4353 Elizabeth Wells et al vs John Hudson — Motion by Deft to dismiss

This day came this motion on to be heard on consideration whereof the court overrules the same, and order that the plaintiff have to the 7th day of March 1885 to put in security for costs to the satisfaction of the Clerk of this court in default thereof this cause stands dismissed to which ruling the defendant Excepts.

Tuesday Feby 17th A D 1885

4637 Mary E Randall, Guardian
vs
John L. Adams Et al

And now comes the said Mary E Randall guardian by A.J. Carpenter her attorney and the said defendants still failing to answer or demur to said petition it is considered that the said plaintiff as guardian, is entitled to an account of the money due her in the premises and the court after hearing the evidence do find that there is due to said plaintiff as guardian on the notes and mortgage in said petition described the sum of Four hundred thirty five 75/100 dollars.

It is therefore considered by the said court here that said plaintiff as guardian aforesaid, recover of the said defendants the said sum of Five hundred & thirty five 75/100 dollars the sum so found due as aforesaid with 6% interest from this 16th day of February 1885; and also her costs taxed to #

And it is further ordered and adjudged that in case said defendants fail for three days from the 16th day February 1885 to pay to said plaintiff the said sum of Five hundred thirty five & 75/100 dollars with the 6% interest from the 16th day of February 1885 so as aforesaid 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 advertised 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.

4697

4652 James B. Mitchel
vs
Robert Buck et al

This day came the plaintiff made proof to the satisfaction of the court of lawful notice published to the defendant and of personal service by leaving copy of summons at their place of residence and thereupon this cause came on to be heard by the court. Whereupon the court find there is due plaintiff from Robert Buck the sum of $174.65 secured by Mortgage which the plaintiff has been compelled to pay as alleged and which sum is the first lien on the premises in said petition described. Whereupon it is considered ordered and decreed by the court that unless defendants pay said sum to plaintiff with interest and cost within three days that an order of sale issue to the Sheriff of this county commanding him to appraise advertise & sell according to law said premises and bring the proceeds into Court for further order that said Mortgage be stand foreclosed.

4697 J. H. P. Bonic
vs
Margaret A. Bonic et al

It appearing to the court that the defendant William A. Bonic is insane and has been duly served with summons in this case and that he has no legal guardian or trustee. On application of the plaintiff it is ordered that L. Piper be appointed a trustee for said William A Bonic and thereupon said L. Piper

accepts said appointment.

#697. J. H. P. Bonic vs Margaret A. Bonic et al }

It appearing to the court that Margaret A Bonic and Raymond B Penn Minor defendants have been duly served with notice and have also entered their appearance herein and that said Margaret A. Bonic who is 15 years of age and has no guardian has not applied for the appointment of guardian ad litem although more than 20 days have elapsed since notified of the pendency of this suit and that said Raymond B. Penn who is 8 years old and has a legal guardian to wit; the defendant Isaac Bonic has not by himself or guardian answered nor applied for the appointment of a guardian ad litem although both said minors and the said legal guardian have had over 20 days notice of the pendancy of the suit On application of the plaintiff it is ordered that L. Piper be appointed guardian ad litem for both of said minor defendants and thereupon said L. Piper accepts said appointment.

#697 J. H. P. Bonic vs Margaret A. Bonic et als }

And now comes the said J. H. P. Bonic by A. S. Carpenter his attorney and thereupon this case came on to be heard upon the petition answer of guardian ad litem for infant defendants and answer of Senia for insane defendant and the answer of Margaret A. Bonic and evidence and was argued by counsel: On Consideration whereof the court do find that due notice of the pendancy of this action has been given according to law, and the court do further find that the said J. H. P. Bonic has a legal right to and is seized in fee simple of one half of said premises, and the court do further find that the said William A. Bonic Isaac W. Bonic Daniel W. Bonic. Margaret A Bonic and Raymon A Penn are tenants in Common in said premises in the following proportions to wit: Each one is seized of one tenth part thereof. And that the said Margaret A Bonic is Entitled to dower therein and that she consents that said premises be sold free and discharged of her said dower and elects to take the value thereof in money in case said premises are sold.

It is therefore ordered that a writ of partition issue to the Sheriff of said County of Union Commanding him that by the oaths of Asa Smart M. Haggard and Andrew Anderson partition be made of said lands subject to the said dower estate in the following proportions to-wit: To the said J. A. P. Bonic one half part thereof To the said Wm. Bonic one tenth part thereof. To the said Isaac W. Bonic one tenth part thereof To the said Daniel W. Bonic one tenth part thereof. To the said Margaret A. Bonic one tenth part thereof To the said Raymond B. Penn one tenth part thereof

It is further ordered that if said commissioners find partition cannot without manifest injury be made of said premises that they shall appraise the same free of the dower of said Margaret A Bonic.

And it is further ordered that the Sheriff return his proceedings in the premises forthwith

Tuesday Feby 17th A. D. 1885-

James M. Robinson }
vs }
4648 Isaac F Gates et-als }

This day came on this cause to be heard by the Court and it-appearing that this cause relates to the same Subject-Matter as cause No 4642 brought in this court by Wm Black against said defendants & James Smith it therefore on Motion ordered and adjudged by the court that said two causes are consolidated into one Case under the name of Wm Black against James M. Smith et-al & as No 4642 & 4648. and it-appearing that all of the parties in interest have been duly served with process and the court thereupon on Motion grant-leave to J. D. Ackerman and Bro to file their answer and cross petition. and it-appearing to the court that there is due to James M. Robinson on his petition from Isaac F Gates the sum of Eight hundred dollars with interest from June 18th 1884 now amounting to $832.00 & that on the 18th day of June 1885 there will become due to him from said Gates the further sum of $1080 which sum is a lien on said land as averred in said petition from June 19th 1883.

It is therefore Considered ordered and decreed by the court that the defendants Isaac F Gates. Cyrus Moore & others within two days pay to said J. M. Robinson said sum of $832.00 with 6% interest & costs of this proceeding 4643
and if they fail to make such payment that an order of Sale issue to the Sheriff of this County who is appointed Special Master for that purpose. commanding him to appraise advertise and sell said lands in said petition described according to law to satisfy said claim due. and said Master is ordered to bring the proceeds of said Sale into Court to satisfy said decree and said claims.

And thereupon on Motion of said Wm Black the court find there is due to him as claimed in his said petition from said J. M. Smith the sum of $ 323.12 which the court find is a lien on said land from the 25th day of April 1882 and therefore it is considered ordered & decreed that unless said J. M. Smith and said defendants pay to said Black the sum so found due to him within two days together with interest & costs that an order of Sale issue to the said Sheriff commanding him to appraise advertise and sell said lands and bring the proceeds into court for distribution to satisfy said claim and other liens.

Leave is granted to Andrew Maxon & Co to file answer & cross petition. and as to all other matters and other parties this cause stands for further order.

Mill-R Slocum }
vs }
4696 Geo W. Baker et-als }

And now comes the said Mill R. Slocum by A. J. Carpenter and the defendant W. W. Hill by S. Gardiner his attorney and all of the other defendants still failing to answer or demur to said petition it is considered that the plaintiff is entitled to an account of the money due him in the premises and that the defendant W. W. Hill is also entitled to an account of the money due him in the premises. and the court after hearing the

Evidence do find that there is now due to the said plaintiff on the note and Mortgage in said petition described the sum of Forty 4 87/100 dollars including interest computed at 6% up to Feb 16th 1885; And that there is due to said defendant M.W. Hill on the Notes and mortgages described in his answer and cross petition the sum of $27.25 including interest at 6% computed up to Feb 16th 1885; It is therefore considered by the Court here that the said plaintiff recover of the defendant George W. Baker the said sum of $40.87 the sum so found due with interest at 6% from Feb 16 1885 and his costs taxed to $ and it is also considered by the court here that the said M.W. Hill recover of the defendant George W. Baker the said sum of $27.25 the sum so found due him as aforesaid with 6% int from Feb 16. 1885 and also his costs taxed to $. And it is further ordered and adjudged that in case the defendant Geo W. Baker fail for 2 days from the 16th day of Feb 1885 to pay to plaintiff the said sum of $40.87 and to said M.W. Hill the said sum of $27.25 so as aforesaid found due to each of them respectively with 6% interest from this the 16th day of Feb 1885 with costs of Suit, an order issue to the Sheriff of said county commanding him to cause said lands and tenants in said petition described to be appraised advertised and sold according to law and to bring the proceeds into court subject to the further order of the court as to the distribution thereof.

S. H. Lee
vs
Richard H. White et-als

H693

And now comes the said S H. Lee by A.J. Carpenter his attorney and the defendant Emma E. Lamb also by A J. Carpenter her attorney and the said defendant Richard H. White still failing to answer or demur to said petition, It is considered that the said plaintiff is entitled to an account of the Money due him in the premises. And the court after hearing the evidence do find that there is now due to the said plaintiff on the note and Mortgage in said petition described the sum of One thousand & Sixty three 56/100 Dollars (1063.56).

It is therefore considered by the court here that the said plaintiff recover of the said defendant the said sum of One thousand & Sixty three 56/100 dollars ($1063.56) with interest thereon at 7½% from this 16th day of February 1885. the sum so found due as aforesaid and also his costs taxed to $.

And it is further ordered and adjudged that in case the defendant Richard H. White fail for five days from this date the 16th day of February 1885 to pay to the said plaintiff the said sum of One thousand & Sixty three 56/100 Dollars ($1063.56) so as aforesaid found due with costs of Suit an order issue to the Sheriff of said county commanding him to cause said lands and tenements in said petition described to be appraised advertised and sold according to law and bring the proceeds into court subject to the further order of the court as to the distribution thereof.

Tuesday Feby 17th A.D. 1885=

4679 Conrad Sungle
vs
S. H. Rosette

Now comes the plaintiff by his attorneys and the defendant being in default for answer and demurrer the Court find that the allegations of the petition are confessed by him to be true and that he is indebted to plaintiff in the sum of $117.95 with interest thereon at the rate of 6% from Feb 6th 1883. 4695

It is therefore considered by the Court that the said plaintiff Conrad Sungle recover from the defendant S. H. Rosett the said sum of $117.95 with interest thereon at 6% from Feby 6th 1883 and his costs herein expended. (amounting to $132.39 with 6% from Feb 16th 1885)

4687 F. B. Slingold & Co
vs
Hartman & Gosnell et al

This day came the plaintiffs by their attys and the said defendants failing to answer or demur to the petition of plaintiff, it is considered that the plaintiff ought to recover of the defendants the sum of One Hundred and Eighteen dollars as the plaintiffs have in their petition demanded. It is therefore considered and adjudged that the plaintiff recover of said defendants said sum of $118.00 and also their costs in this behalf expended taxed at $. 4692

4691 Alexander Johnson
vs
Robert McElroy et al

And now comes the said Alexander Johnson and the said Robert McElroy & S. McElroy having failed to answer or demur to the petition of the said Alexander Johnson it is considered that the said Alexander Johnson ought to recover the said sum of $137.00 as demanded in his petition together with the sum of $2.32 which the court finds due as the interest thereon at 6% computed upto Feb 16th 1885 as prayed for in said petition It is therefore considered that the said Alexander Johnson recover against the said Robert McElroy and S.S. McElroy the said sum of $139.32 with 6% interest from Feb 16th 1885 together with his costs in and about this suit in this behalf expended taxed to $. 4677

4689 Ed Stidmore et al
vs
S. H. Rosette et al

Now comes the said Ed Stidmore and David Rayner and the said S. H. Rosette and Elijah Rosette having failed to demur or answer to the petition of the said Ed Stidmore and David Rayner, it is considered that the said Ed Stidmore and David Rayner ought to recover the said sum of $148.00 as demanded

in their petition together with the sum of $24.11 which the court finds due as the interest thereon computed at 8% p/a to Feb 16th 1885 as prayed for in said petition; it is therefore considered that the said Ed Bridmore and David Rymer recover against the said L H. Rosette and Elijah Rosette the said sum of $172.11 with 8% int from Feb 16th 1885 together with their costs herein & herein expended taxed to $

4695 Aultman & Taylor Co vs H.D. Gosnell et al

And now comes the said The Aultman & Taylor Company and the said H.D. Gosnell and W.H. McCanney having failed to demur or answer to the petition of the said The Aultman & Taylor Co, it is considered that the said Aultman & Taylor company ought to recover the said sum of $204.83 so demanded in plaintiffs petition together with the sum of $28.27 which the court finds due as the interest thereon computed at 8% p/a to Feb 16th 1885 as prayed for in said petition; it is therefore considered that the said The Aultman & Taylor company recover against the said H.D. Gosnell and W.H. McCanney the said sum of $233.12 with 8% int from Feb 16th 1885 together with his costs in and about his suit in this behalf expended taxed to $

4692 David Mumford vs Washington Davis

And now comes the said David Mumford and the said Washington Davis having failed to demur or answer to the petition of the said David Mumford, it is considered that the said David Mumford ought to recover the said sum of $135.00 so demanded in his petition together with the sum of $3.00 which the court finds due as the interest thereon computed at 8% p/a to Feb 16th 1885 as prayed for in said petition; it is therefore considered that the said David Mumford recover against the said Washington Davis the said sum of $138.00 with 8% int from Feby 16th 1885 together with his costs in and about his suit in this behalf expended taxed to $

4677 Stephen Davis vs Martha J. Davis

This cause coming on for hearing on the petition of the plaintiff alleging the insanity of the said Martha J Davis and no good cause being shown to the contrary the court appoint R.A Martin George Miller E.O. Richardson, John Gray Hiram Harrington and Lafayette Phillips six competent men as required by law a committee to inquire under oath into the fact of the insanity of the said Martha J Davis and to report in writing without unnecessary delay after hearing testimony in the cause the result of their investigations. And the said Martha J Davis having no legal guardian Leonidas Piper is hereby appointed guardian ad litum in this action to procure testimony to the above committee and otherwise protect the interest of his said Martha J Davis in the premises.

Tuesday Feby 17th A.D. 1885

4690 — J. A. J. Crispin vs David Sanderson et al

And now comes the said J. A. J. Crispen and the said David J. Sanderson and Manerva Sanderson having failed to demurr or answer to the petition of the said J. A. J. Crispen it is considered that the said J. A. J. Crispen ought to recover the said Sum of $99.75 so demanded in his petition together with the Sum of $9.00 which the Court finds due as the interest thereon computed at 6% p.a. from Feb 16th 1885 as prayed for in said petition; it is therefore considered that the said J. A. J. Crispen recover against the said David J. Sanderson and Manerva Sanderson the said Sum of $108.75 with 6% interest from Feb 16th 1885 together with his costs in and about his suit in this behalf expended taxed to $

4694 — The Aultman & Taylor Co vs Cort Gibson et als

And now comes the said The Aultman & Taylor Co and the said Cort Gibson F. D. Gosnell and Laura Gibson having failed to demur or answer to the petition of the said The Aultman & Taylor Co it is considered that the said Aultman & Taylor Co ought to recover the said Sum of $190.00 so demanded in their petition together with the sum of $38.59 which the court finds due as the interest thereon computed at 8% p.a. from Feb 16th 1885 as prayed for in said petition; it is therefore considered that the said Aultman & Taylor Co recover against the said Cort Gibson F. D. Gosnell and Laura Gibson the said Sum of $228.59 with 8% int from the 16th day of Feby 1885 together with their costs in and about this suit in this behalf expended taxed to $

4768. — Reed and Bulz vs Mill B. Slocum et al

This day came the plaintiffs by Cameron & Woodburn attorneys, and thereupon came Frank Hamilton one of the attorneys of Record of this Court, who by virtue of a warrant of attorney duly executed, and now presented in open Court and duly proven, waived the issueing and Service of process and Entered appearance of said defendants herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition the Sum of $134.00. It is therefore considered that the plaintiffs do recover of said Defendants the said the said Sum of $134.00 so as aforesaid confessed to be due, together with Costs of Suit herein to be taxed and with interest to be computed at the rate of 8% per annum. And by virtue of said warrant of attorney, all errors are released and all right to file a petition in Error are waived.

4769

4770

4771

4769

J. B. Hiett & Co
vs
F F Hoazen

This day came the plaintiff by Cameron & Woodburn Attorneys and thereupon came Frank Hamilton one of the Attorneys of Record of this court: who, by virtue of a warrant of Attorney duly executed, and now produced in open court and duly proven, waived the issueing and service of process, and entered appearance of said defendants herein and by virtue of the same warrant of attorney, confesses that there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition, the sum of $138.65- It is therefore considered that said plaintiffs do recover of said defendants the said sum of $138.65- So as aforesaid confessed to be due, together with costs of suit herein taxed and with interest to be computed at the rate of 8% per annum, and by virtue of said warrant of attorney, all errors are released, and all right to file a petition in error are waived,

4770

J. B. Hiett & Co
vs
F F Hazen

This day came the plaintiff by Cameron & Woodburn Attorneys and thereupon came Frank Hamilton one of the Attorneys of Record of this court: Who by virtue of a warrant of Attorney duly executed and now produced in open court and duly proven, waived the issueing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of attorney, confesses that there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition, the sum of $138.65: It is therefore considered that said plaintiff do recover of said defendants the said sum of $138.65 So as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of 8% per annum, And by virtue of said warrant of attorney all errors are released and all right of appeal & all right to file a petition in error are waived-

4771

John B Cross
vs
J W. Dawforth et al

This day came the plaintiff by Cameron & Benton Attorneys and thereupon came Frank Hamilton one of the attorneys of record of this court- Who by virtue of a warrant of attorney duly executed and now produced in open court- and duly proven, waived the issuing and service of process, and entered appearance of Defendants herein, and by virtue of the same warrant of attorney, confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the sum of $120.16. It is therefore considered that said plaintiff do recover said defendants the said sum of $120.16 So as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of 8% per annum. And by virtue of said warrant of attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived,

Thursday Feby 17th A.D. 1883-

4772 — E. B. Hitt & Co vs F. F. Hagen

This day came the plaintiff by Barnes Woodburn their attorneys. And thereupon came Frank Hamilton one of the attorneys of record of this Court- Who, by virtue of a warrant of attorney duly executed and now produced in open court and duly proven, waives the issueing and service of process, and enters a appearance of said defendant herein. And by virtue of the same warrant-attorney confesses that-there is due from said defendant- to said plaintiffs as is alleged in said Plaintiffs petition the sum of $158.65- It is therefore considered that- said plaintiffs do recover of said defendant- the said sum of $158.65- so as aforesaid confessed to be due together with costs of suit- herein to be taxed and with interest- to be computed at the rate of 8% per annum. And by virtue of said Warrant-of attorney all Errors are released, and all right of appeal and all right- to file a petition in Error are waived-

4571

4571

4526

4659

4454

Wednesday Feby 18th AD. 1885

4571

Court met this morning at 9 oclock, the same officers being present as on yesterday.

4571

Henry C. Hoskins et al
vs
Michigan Life Ins Co

This day came Philip M Dawson one of the defendants herein and moved the court here for leave to file answer and cross petition and the court on consideration being fully advised in the premises do grant such leave and grant time for thirty days from rising of court for that purpose.

4526

T. B. Benton
vs
Mell Lingell

On application of the defendant Mell Lingell and the court being fully advised in the premises does order that William Wells be substituted as defendant in the above entitled case upon giving security for cost in said case within 20 days from this date and it appearing to the court that said defendant Mell Lingell was not interested in the result of said suit he holding said property as a constable of Washington township of Union County Ohio.

4659

Farmers Bank
vs
Thomas Martin et al

Leave is given to plaintiff to Reply and Reply filed to answer of Thomas Martin.

4454

Harriett L. Foster admr
vs
John Warner et al

This day this cause came on to heard upon the petition of Plaintiff and the court finding that the defendant was in default for answer or demurrer and the court being fully advised in the premises do find that said plaintiff is entitled to her relief and order against said W. H. Justice. it is therefore ordered adjudged and decreed that the said W. H. Justice pay over into this court to apply to the payment of plaintiffs claim her judgment of $335.35 with interest thereon from 12th day of Sep 1883 and costs of this action taxed at $ and that in default thereof Execution issue therefor.

Wednesday Feb 18th A.D. 1885=

4686 John F. Frashee vs Daniel S. Ford et al

It appearing to the Court that Ada May Ford Mary Elizabeth Ford Lewis Asbery Ford. Florence Lena Ford and Richard H. Ford Minor defendants herein have been duly served with Summons and have not applied for the appointment of a guardian although more than 20 days have elapsed since return of said Summons on application of the plaintiff it is ordered that John L. Porter be appointed guardian ad Litum for said Minor defendants and thereupon said John L. Porter accept said appointment=

4686

4686 John F. Frahm vs Daniel S. Ford et al

This day came the plaintiff by Walter L. Weaver his attorney and the said Daniel S. Ford having failed to answer or demurr to the petition herein is adjudged in default And it further appearing to the court that the defendants Ada May Ford Mary Elizabeth Ford Lewis Asbery Ford Florence Lena Ford and Richard H. Ford Minor defendants herein, have by John L. Porter their guardian ad litum filed their answer herein, this cause came on to be heard upon the petition of the plaintiff the answer of the guardian ad litum. Exhibits and testimony. Upon consideration whereof. the Court find that the defendant Daniel S. Ford executed and delivered to the plaintiff the promissory note sued upon in the first cause of action herein. and that there is due and unpaid thereon the sum of Two Thousand Six Hundred and Fifty Five 41/100 Dollars ($2655.41) The court further find that to secure the payment of said note the said defendant Daniel S. Ford and his wife Amanda A. Ford and Rhoda O. Ford executed and delivered to the plaintiff on the 8th day of December A.D. 1874 their Mortgage deed for the premises described in the second cause of action herein: That said Mortgage was filed for record with the Recorder of this County on the 9th day of December A.D. 1879 and was duly recorded in Vol 16 page 134 of the Mortgage records of said County, and is the first and best lien on said premises therein described

4684

That said Rhoda O. Ford died after the execution and delivery of said Mortgage and before the commencement of this action and that the said defendants Ada May Ford Mary Elizabeth Ford. Lewis Asbery Ford Florence Lena Ford and Richard H. Ford are the heirs of said Rhoda O. Ford under and by virtue of her last will and testament which has been duly admitted to Probate in the Probate Court of this County; That the condition of defeasance in said Mortgage have been broken and that the said plaintiff is thereby entitled to have the defendants equity of redemption foreclosed.

It is therefore ordered adjudged and decreed by the court that the plaintiff recover from the said Daniel S. Ford the said sum

of Two thousand Six hundred fifty five 41/100 Dollars ($2655.41) and his costs herein expended taxed to $ and it is further ordered and decreed by the court that the defendants Equity of redemption be foreclosed and that unless the said defendants shall pay or cause to be paid to the Clerk of this court the costs in this case and to the said plaintiff the said sum of $2655.41 with eight per cent interest thereon from this date Feby 18th 1885 within thirty days from this date an order issue to the Sheriff of this County commanding him to sell said premises as upon Execution and bring the proceeds thereof into court for further order

4686 John F Frashee
vs
Dan'l S. Ford et al

This day come on this cause to be heard upon the motion of Joseph W. Cummings as Admr of the Estate of Robert Smith deceased for leave as said Administrator &c to file answer and Cross petition in above case for said Estate. the court being fully advised in the premises It is considered and ordered by the court here that such leave be granted and that said Joseph W. Cummings as admr be given thirty days from the rising of this court to file such answer and Cross petition

4664 William Dunn
vs
James Dunn et-als

This cause this day came on to be heard by the court. Whereupon the court being fully advised in the premises do find the allegations of said petition to be true and that the plaintiff is entitled to have partition of said land as prayed for in his petition. It is therefore considered ordered and decreed by the court that said plaintiff have one Seventh of said land in severality, that James Dunn have one Seventh to be held under the Trusteeship of John Dunn, George Dunn Wm Dunn and David Smart that Dan Williams have one 21st part, that Nevill Williams have one 21st part that Frances S. Williams have one 21st part. That Hellen Williams (formerly Dunn) have one Seventh part. That Jean Blackford have one Seventh part. That George Dunn have one Seventh part in severality, and the court order that the Sheriff of this county proceed according to law by the oaths of Andrew McCampbell, Anselm Depp and F. J. Sager three disinterested freeholders of said vicinity to set off and assign to the plaintiff Wm Dunn 1/7 of said land in said petition described in severality. Also set off and assign to the said James Dunn the 1/7 part thereof. also set off and assign to said Dan Williams Nevill Williams & Frances S. Williams Each one 21st part of said premises also set off and assign to Hellen Smart one 7th part thereof. Also set off an assign to Jean Blackford one Seventh of said premises. Also set off and assign to George Dunn one 7th part thereof. Also set off and assign to John Dunn one 7th part thereof. If said lands cannot in the opinion of said three Commissioners in partition be divided in said manner without manifest injury, they are ordered to return said finding together with their appraisement of value of said premises to this court at the present term of the court.

Court then adjourned to 9 Oclock AM on tommorrow.

Thursday Feby 19th A.D. 1885.

Court met this morning at 9 Oclock The same officers being present as on yesterday.

4461

Report of Grand Jury

This day appeared at the bar of this court the grand jury heretofore impaneled and Sworn in and for the body of the county aforesaid to

1 A.J. Blake Foreman
2 D.V. Shuler
3 John Cooder
4 J.F. McCollough
5 J.C. Thomas
6 J.S. Alexander
7 A.J. Whitney
8 W.L. Morse
9 William Emmert
10 Adam Blue
11 George Mader
12 David Wyeth
13 J.S. Nice
14 J.L. Dolliff 2nd
15 J.A. Henderson

and presented their certain bills of indictment against Harvey Wilson For Forgery. Freman Thompson for Forgery, John Mayo 2nd Jesse Mayo for Robbery. George Orr for Burglary and Petit Larceny. Julia A Galloway for assault & Battery Byron Jenkins for procuring Signature by false pretense. Nancy Clare for keeping House of Ill Fame, and Welcome Wells for Disturbing a meeting and each indorsed "a True Bill." and Signed A J. Blake Foreman of the Grand Jury.

4402

Also their further report as follows.

To the Honorable C.H. Norris

Judge of the court of Common pleas Union County, Ohio

The Grand Jury of the court of Common Pleas of said County, of the February Term 1885 beg leave to report that they have been Session 4 days and herewith return to the court the Indictments presented by said jury; We have carefully examined into all such Matters as have legitimately come to our notice, having examined Eighty Seven witnesses covering twenty two cases and presented Eight bills and ignored 14 cases considered by us. The business has been transacted in as expeditious a Manner as possible. During our session we have visited the County jail and made a Complete Examination thereof, and find that the rules prescribed by the Court for the care thereof and for the government of its inmates have been carried out and properly enforced In our judgment the Small heaters in the Lower Story could be better used if placed on the floor, also that the pipe from the heating Stove in the jail is unsafe and should be remedied. We recommend that the levers fastenings to the Hall Corridors and some of the cells be repaired as they are not in working order. This recommendation we would urge upon the notice of the commissioners for the Security of the prisoners and Safety of the Jailor. Water closets and ventilation bad, but would make no no recomendation as they are being repaired. Respectifully Submitted

Feby 19th 1885.

A.J. Blake. Forman

Thursday Feby 19th A.D. 1885.

4461 C. S. Chapman
vs
Ann Mary Warner et al

This day came E.E. Shedd & Co and moved the court for leave to file answer and cross petition in the above case which leave was granted by the court and this cause came on then to be heard upon the said answer and cross petition of the said E.E. Shedd & Co was argued by counsel and submitted to the court upon exhibits and testimony and the court being fully advised in the premises do find that there is due to the said E.E. Shedd & Co on claim as set forth in their answer and cross petition the Sum of One hundred Thirty two and 73/100 Dollars with intrest from the first day of this term of this court and the court further find that the sum is a valid and existing lien upon the premises in the petition described.

It is therefore considered adjudged and decreed that unless the defendants Ann Mary Warner and John Warner shall within ten 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 defendants herein E.E. Shedd & Co the Sum so found due as aforesaid with interest from the first day of this term of this court. that an order of Sale issue to the Sheriff of the said County of Union directing him to appraise advertise and sell said premises as upon execution and report his proceedings to this court for further order.

4402 C. Ullman & Co
vs
Elon Rogers et al

This cause coming on this day to be heard was submitted to the court upon the pleadings and the evidence and on consideration thereof the court find on the issue joined for the defendant Elon Rogers and Zora J Rogers. 1st that the Mortgage describing the land in the plaintiffs petition should not cover nor be given upon said 61 feet fronting on center Street and running with parallel lines 167 feet back. And it is ordered by the court that said 61 feet by 167 feet be stricken out of said Mortgage being the front lot on 5th Street formerly Center Street. The court further find that there is due D.W. Henderson on his answer and cross petition from the defendants Elon G. Rogers & Zora J Rogers on the promissory note last described in the petition set forth including intrest to the date of this decree the Sum of $335.71. The court further find that in order to secure the payment of said note the defendants Elon G Rogers and Zora J. Rogers his wife executed and delivered to said D.W. Henderson the defendant their certain Mortgage as in the petition described and on the premises therein described. Said Mortgage was duly recorded in Book 17 Page 541 of the record of Mortgages of Union County and is a good and valid lien on the premises described in the petition and that the conditions in said Mortgage have been broken. It is further considered by the court that the plaintiff recover of the defendants the said Sum of $335.71 and his costs herein expended. And it is further adjudged and decreed that unless the defendant Elon G. Rogers shall pay or cause to be paid to the said D.W. Henderson the Sum so found due with intrest from Feby 20th 1885 on or before April 1st 1885 in default thereof the defendants Equity of redemption be foreclosed and said premises be sold after April 1st 1885

an order of Sale therefore to the Sheriff of Union County directing him to appraise advertise and Sell said premises as upon Execution and report his proceedings to this Court for further order -

The Court further find that there is due the plaintiff C. Aultman & Co on his petition from the defendant Elon G. Rogers and Ozora J. Rogers on the first two notes Set forth in the petition past due and unpaid including interest to the date of this decree the Sum of $777.52.

The Court further find that in order to Secure the payment of said notes the defendant Elon G. Rogers and Ozora J. Rogers his wife Executed and delivered to said C. Aultman & Co their certain Mortgage as in the petition described Excepting the lot formerly on Center Street 61 feet by 167 feet which is hereby ordered by the Court to be Stricken from said Mortgage which is duly recorded in Book page of the records of Mortgages of Union County and a good and valid lien on the premises described in the petition Excepting lot ~~fronting~~ on Center Street 61 feet by 167 feet and that the conditions in said mortgage have been broken.

It is therefore considered by the Court that the plaintiff recover from the defendants Elon Rogers the said Sum of $777.32 and his costs herein Expended. And it is further adjudged and decreed that unless the defendant Elon G. Rogers Shall within ten days from the date of this decree pay or cause to be paid to the plaintiff herein the Sum So found due as aforesaid with interest from Feby 20th 1885 the defendant Equity of redemption be foreclosed and said premises Excepting that So Stricken out as aforesaid be Sold and that an order of Sale therefor to the Sheriff of Union County directing him to appraise advertise and Sell said premises as upon Execution and report his proceedings to this Court for further order and this Cause is Continued -

4533 Childs Groff & Co
vs
S. S. Gardner assignee

On Motion the Court grant Leave to the following parties to file Cross petition instanter. Viz Adams & Fox Isenbaum David & Co. Morgan Root & Co. Cross petitions heretofore filed by said parties to constitute said Cross petitions.

Delaware Co Nat'l Bank
vs
John Rogers & W B Blaney

This Cause came on to be heard upon the demurrer of the plaintiff to the answer & Cross petition of the defendant and upon Consideration thereof the Court do Sustain said demurrer So far as the Cross petition is concerned to which ruling and judgment the defendant did at the time Except and thereupon came the plaintiff and dismiss this action at his own cost without prejudice to a future action -

H648

H127

3642

H585

Tuesday Feb. 19. a. D. 1885

H648 James W. Robinson vs Isaac F. Sales et al

This day came Anderson Maxon & Co by their attorneys and this cause came on to be heard of said Anderson Maxon and Company for leave to file answer and Cross petition herein and was argued by Counsel and submitted to the court and the Court being fully advised in the premises do grant to said Maxon Anderson & Co to file such answer & Cross petition within thirty days from the rising of Court

H585 Israel Slade admr &c vs S. B. Woodburn

This day this cause come on to be heard upon the motion of plaintiff to order Stricken from the answer the Second ground of defense set up in the defendants answer on consideration whereof the court sustains said motion and order said second ground of defense Stricken from said answer. Thereupon the defendant asked and obtained leave to amend his answer by Friday Feb 27th 1885.

4127 Elias Johnson vs Richard White

This day this cause came on to be heard on the demurrer of the defendant to the amended petition of Plaintiff. In consideration whereof the court overrule said demurrer and thereupon the defendant asked and obtained leave to amend his answer instanter, and amended answer filed. To which ruling of the Court in overruling said demurrer the defendant excepts.

3642 R. D. Connell vs Village of Richwood

This day this cause came on to be heard upon Motion of plaintiff to require the defendant to make its answer more definite and Certain &c and was argued by Counsel and submitted to the Court. Whereupon the Court being fully advised in the premises does sustain said Motion in so far as to require defendant to State if said Case was dismissed and said costs paid before or after the commencement of the action and said Motion in all other respects is overruled On application leave is granted to defendant to file an amended answer instanter.

Cor

Thursday Feby 19th A.D. 1889.

4199 Cora Belle Corey }
vs }
Curtis Corey }

Now came the plaintiff and the defendant having been duly served with Summons and copy of the petition herein and having failed to appear, the Court find him in default for answer & demurrer to said petition and find that the allegations thereof are confessed by him to be true. HH9H

The court also find that the plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and was at that time a bona fide resident of this County of Union and that the parties hereto were married as in said petition set-forth. H775

The Court further find upon the evidence adduced that the defendant has been guilty of gross neglect of duty in providing for and maintaing plaintiff and habitual drunkeness for three years last-past and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therefore ordered and adjudged, by the Court that the Marriage contract heretofore existing between the said Cora Belle Corey and Curtis Corey be and the same hereby is dissolved and both parties are released from the obligations of the same. It is further ordered that the petitioner be and she hereby is restored to her Maiden Name of Cora Bell

It is further considered by the Court that the plaintiff pay the costs of this proceeding. HH9H

Thereupon Court adjourned untill 9 O'clock A.M. on Feby 20th 1889.

Friday Feby 20th A.D. 1885-

Court met this morning at 9 oclock the same Officers being present as on Yesterday-

4494 Helen M. Watkins Guardian }
vs }
Eva B. Kendall et als }

This day came on this cause and thereupon the court appoint R. L. Woodburn Esqr the guardian ad Litem of Eva B. Kendall the Minor defendant who has been served with process. Whereupon said Guardian appeared and filed his answer as such.

4775 Alvah Smith }
vs }
A. Jay Dyer }

This day came the plaintiff by A. S. Carpenter attorney and thereupon came L. Piper one of the attorneys of record of this court who, by virtue of a warrant of attorney duly executed, and now produced in open Court and duly proven, waived the issuing and Service of process and entered appearance of said defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition, the sum of $1369.15.

It is therefore considered that said Plaintiff do recover of said defendant the said Sum of $1369.15 so as aforesaid Confessed to be due, together with costs of Suit herein, to be taxed and with interest to be computed at the rate of Eight per centum per annum. And virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in Error are waived.

4494 Helen M Watkins Guardian &c }
vs }
Eva B. Kendall et als }

This day came on this cause to be heard by the court, was argued by Counsel and submitted to the court. Whereupon the Court being fully advised in the premises do find that said tax title mentioned in the answer of John W. Patterson is invalid so far as it effects the title to said land but that said Patterson by virtue thereof is entitled to the purchase money and taxes paid and interest thereon. And the court further find that Helen M. Watkins is the Widow of Joseph Kendall deceased, and further the court finds that Eva Kendall aforesaid is the heir at law of the said Joseph Kendall. And the court further find that the Conveyance made by Jeremiah Kendall to his wife is a good and valid conveyance in every respect and conveys a perfect title to the premises therein described and the court further find as that of W. Patterson is entitled to rents ~~and profits~~ of said premises from death of Mary Kendall to April 1st 1884 but not entitled to any pay for improvements or work done on premises.) The court further find that there is due to the said Rachel A Patterson the sum of two hundred forty Six & 40/100 Dollars on the first day of this term of this court and that there is due to Leroy C Loughmun and to said Martha E Bradley each the

Friday Feb. 20th A.D. 1885.

Sum of One Hundred Sixty one & 20/100 Dollars ($161.20) on the first day of this term of this Court by reason of the premises and which are a lien on the said Lands. The parties waiveing a jury submit this cause to the Court. Whereupon the court being fully advised in the premises do find for the plaintiff and that said land should be sold as prayed for in said petition. It is therefore considered ordered and decreed that the said guardian proceed by the oaths of Moses Laird Samuel Bonnet and F. J. Sager freeholders of the county not of kin to the petitioner whom the court appoint for that purpose and that they return their appraisement to this court without unnecessary delay and that said guardian then proceed to advertise and sell said premises according to law and that out of said Sale proceeds said tax lien and other claims be paid and this cause continued for the report of the Guardian.

4482

4508 S. B. Woodburn et al
vs
Wm Liggett et al

This day came on this cause to be heard on the demurrer to the plaintiffs petition. Whereupon the court being fully advised in the premises do overrule said demurrer to which ruling defendants except. Thereupon leave is given defendants to answer in 30 days from the rising of the court and this cause is continued.

4509 F. O. Johnson Guardian
vs
George W Bacon et al

4510 This day came on to be heard this cause on the motion of defendant to require the plaintiff to make his petition more specific and certain. Whereupon the court being fully advised in the premises do sustain said motion. To which ruling of the court plaintiff excepts. Thereupon leave is given to plaintiff to file his amended petition within days

4478

4486

4487

4502

Friday Feb. 20th A. D. 1885

#482	J. J. Finley vs Michael Tonguet et al.	Now comes the said J. J. Finley by R. R. Stewart his Attorney and the defendants by their attorneys, and thereupon this cause came on to be heard upon the petition answers and the evidence and was argued by Counsel, and the said defendants having withdrawn their said answers, the said petition is taken to be true. It is therefore considered that the said plaintiff ought to recover the amount due him by reason of the premises; on consideration whereof the Court finds that there is due to the plaintiff from the said Michael Tonguet on the note and mortgage in the petition mentioned and set forth, the sum of Thirty nine and 40/00 Dollars and that it is a lien on said premises. It is therefore considered by the Court here, that the said plaintiff recover of the said defendant the said sum of Thirty nine and 40/00 Dollars the sum found due as aforesaid and his costs taxed at $. And it is further ordered and adjudged that in case the said defendant fail for five days from this date to pay to the said plaintiff the said sum of $39.40 so as aforesaid found due with costs of suit, an order issue to Sheriff of said County of Union commanding him to cause the said lands and tenements in said petition described, to-wit= "On lot No. 365 in Beattys addition to the town of Richwood" to be appraised, advertised and sold, according to law, and apply the proceeds of said sale, first in payment of costs; second, in payment of the judgment so as aforesaid rendered; and the residue, if any, he bring into Court, to abide the further order of said Court.
#509	Watterman Hill vs C. C. C. & I. R. R. Co.	Reassigned for trial for Feb. 26th 1885—
4510	A. A. Woodworth vs C. C. C. & I. R. R. Co	Reassigned for trial for Feb. 26th 1885—
4478	M. W. Hill Assignee of S. M. & A. J. Blake vs David Miller	This cause is settled at costs of the defendant. It is therefore considered that the plaintiff recover of the defendant his costs herein taxed at $
4486	Wright Harriman vs Ella Argo et al	Continued on mo. & showing of defendant, and of defts costs. It is therefore considered that the plaintiff recover of the defendants his costs of this term taxed at $—
4487	Wright Harriman vs Ella Argo et al	Cont'd on mo. & showing of defts and of defts costs. It is therefore considered that the plaintiff recover of the defts his costs for this term herein taxed at $
4502	Harman Patch Sr. vs Harman Patch Jr. et al	Continued at pltffs costs. It is therefore considered that the plaintiff pay the costs of this term taxed at $—

Thereupon Court adjourned until 1.30 P. M. Monday Feb. 23rd 1885.

Monday

Feb. 23rd A. D. 1885

Court met at 1.30 P.M. pursuant to adjournment, the same Officers being present as heretofore.

4672 — S. J. Wooley vs E. L. Kilbury et al

Now come the parties hereto by their attorneys and the defendant E. L. Kilbury having admitted in his answer that he was indebted to the plaintiff in the sum of One hundred fifty seven 6/100 Dollars, it is therefore Considered by the Court here that the plaintiff S. J. Wooley recover from the defendant E. L. Kilbury the sum of One hundred and fifty seven and 6/100 Dollars ($157.06) so admitted to be due together with his costs in this behalf expended and this judgment to be without prejudice to balance of this claim and as to balance of plaintiffs claim this cause is continued.

4776

4538 — Childs Groff & Co. vs S. S. Gardiner assignee &c. } The plaintiff having made sufficient showing for a continuance the Court grant a continuance on the motion of Plaintiffs and at plaintiffs costs

4704

4667 — Jacob Priest by his next friend Charles A. Phelps vs W. S. Hays and Joannah Hays

This day came the plaintiff but defendants came not but made default whereupon the plaintiff waived trial by Jury and submitted the cause to the Court whereupon the Court finds there is due plaintiff from the defendants on the note mentioned in said petition described the sum of One hundred and fifty six dollars and twenty five cents.

Whereupon the Court consider, order and adjudge that the plaintiff recover of the defendants the said sum of One hundred and fifty six 25/100 Dollars and his costs herein expended taxed to $.

Court adjourned until tomorrow at 8.30 a.m.

Tuesday, Feb. 24th A. D. 1885.

Court met this morning at 8.30 pursuant to adjournment: the same officers present as heretofore.

#776 Plain City Bank. vs A. Jay Dyer.

This day came the plaintiff by A. T. Carpenter Attorney, and thereupon came T. B. Fulton one of the attorneys of record of this Court, who, by virtue of a Warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of attorney, confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition, the sum of $3.320.82

It is therefore considered that said plaintiff do recover of said defendant the said sum of $3.320.82 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of Eight per centum per annum. And by virtue of said Warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

John B. Miller vs Jacob Krauskop et al. 4704

Now comes the plaintiff by his Atty and the defendants J. B. Krauskop and Jacob Krauskop, the only defendants served with summons herein who are in default for answer and demurrer, the Court finds that the allegations of the petition are confessed by them to be true, and the Court further finds that the said defendants J. B. Krauskop and Jacob Krauskop are indebted to the plaintiff John B. Miller in the sum of $120.40

It is therefore considered by the Court that the said plaintiff recover from the said defendants J. B. Krauskop and Jacob Krauskop said sum of $120.40 and his costs herein taxed to $.

It further appearing to the Court that J. T. Krauskop and N. Hathaway have not been served with summons as to them this cause is continued.

Tuesday Feb. 24th A.D. 1885.

4524 Eli Orahood, v.s. John W. Lackwood,

This day came the parties by their Attorneys, and this cause came on to be tried, and thereupon came a Jury, to-wit: Wm Staley, Benton Cahill, W.L. James, Moses Laird, T.M. Brannon, Thomas Robinson, M.M. Benjamin, G.L. Robertson, W.L. Bowers, R.O. Montgomery, Asa Bates and Jolliff who, being duly empaneled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel, and charge of the Court, the said Jurors, retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit:

Verdict. The State of Ohio, Union County, ss. Feb. Term A.D. 1885. to-wit: Feb. 24th A.D. 1885. Eli Orahood Plaintiff vs. John W. Lackwood Defendant, We, the Jury in this case, being duly empaneled and sworn do find and say that we find for Plaintiff and assess his damages at $85.00 T.M. Brannon, Foreman.

4701

4397

4542 Lucinda Sprague, v.s. John Hines,

This day came the parties by their attorneys, and this cause came on to be tried: and thereupon came a Jury, to-wit: Samuel Dunbaron, Henry Eichmeyer, Calvin Felkner, C.A. Williams, Wm Longbrake, John R. Taylor, Levi Langstoff, Solomon James, J.A. Henderson, J.L. Alexander Jon. Lawrence and Eli Orahood who, being duly empaneled and sworn to well and truly try the issue, joined between the parties in this cause and a true verdict render according to the evidence, unless withdrawn by consent of parties or discharged by the Court, the said jurors, retired to their room to deliberate upon their Verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit: "State of Ohio Union County, ss." Feb. Term A.D. 1885 to-wit: Feb. 24th A.D. 1885 Lucinda Sprague vs John Hines. We, the Jury in this case, being duly empaneled and sworn do find and say that we find the defendant guilty. James A. Henderson, Foreman.

Thereupon Court adjourned to 9 a.m. tomorrow.

Wednesday.
Feb. 25th A.D. 1885:

Court met at 9 a.m. same officers present as on yesterday.

4401 Addie E. Ropp
v.s
N.D. DeGood et al.
Union County Banks.
v.s
4397 Geo. H. Argo et al.

} Leave granted plaintiff to amend verification and verification amended.

This cause now coming on for hearing on the answers and cross-petition of the defendant D. W. Ayers, was submitted to the Court on consideration whereof the Court find that there is due the defendant D. W. Ayers from the defendants Geo. H. Argo and Ella Argo, on the note set out in his cross-petition, including interest to the first day of this term the sum of $410.00 and that to secure the payment of said note, the defendants George H. Argo, and Ella Argo, his wife, executed and delivered to said D. W. Ayers their certain Mortgage, as in the cross petition described, bring the same premises in part, described in the petition; that said Mortgage was duly recorded in Vol. 19" page 119 of the records of Mortgages of Union County Ohio, and is a good and valid lien, after the lien of the plaintiff, on said premises, for the amount so found due to the said D. W. Ayers and that the conditions of said Mortgage have been broken, It is therefore considered, adjudged and decreed by the Court that the defendant D. W. Ayers recover from his Co-defendants George H. Argo, and Ella Argo, the said sum of Four hundred and ten dollars, including interest as heretofore found due him, and unless the said defendants shall, within one day from the entry of this decree, pay, or cause to be paid, to the Clerk of this Court the costs in this case, and to the defendant D. W. Ayers the sum so found due him, with interest from the first day of this term at 8 p.c, the said defendants equity of redemption be foreclosed, and said premises be sold, and that an Order of Sale issue therefor to the Sheriff of Union County, directing him to appraise, advertise and sell said premises as upon execution and report his proceedings to this Court for further Order.

Wednesday Feb. 25th A. D. 1885

Fleetwood Courtright.

4566 v.s.

Susan Robinson et al.

This day came on this cause to be heard by the Court, a jury being waived: Whereupon the Court find from the evidence that the parties settled this cause by Plaintiff agreeing to draw off thirty dollars from his mortgage & Sept. 13th 1884 and the defendants to pay balance and costs and that the defendants paid to the Clerk the said balance but not the costs. It is therefore considered ~~and adjudged~~ and adjudged by the Court that the plaintiff accept said balance as paid in without deduction for costs and that defendant pay costs herein within ten days and in default thereof that execution issue therefor.

No record to be made.

The State of Ohio }
v.s. } Indictment for Forgery.
Harvey Wilson }

This day came the Prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and upon being arraigned upon said indictment for plea thereto saith he is not guilty and puts himself upon the country and the Prosecuting Attorney doth the like: and it appearing that said defendant is in indigent circumstances and unable to employ Counsel the Court at his request appoints D. W. Ayers Esq. as Counsel to defend him, and upon application of said defendant the Court fix the amount of his recognizance herein in the sum of Two hundred and fifty dollars: and thereupon came said defendant with T. F. Wurtsbaugh and M. W. Hill as his sureties and entered into recognizance conditioned for his appearance at this term of Court on the 16th day of March at which time this cause is set for trial.

4624 A. Faris
v.s.
W. W. McMahan

This day this cause came on to be heard upon the petition of the plaintiff and the Court being fully advised in the premises find no error in the proceedings of the Justice of the Peace, before whom the case was tried. Wherefore it is ordered and adjudged by the Court that the judgment of the Court below be confirmed and that the defendant recover of the plaintiff his costs taxed at $-. To all of which the plaintiff excepts.

Thereupon Court adjourned until tomorrow at 9 A. M.

4618

4509

4510

Thursday Feb. 26th A.D. 1885

Court met pursuant to adjournment at 9 a.m. the same officers being present as on yesterday.

Herrick B. Seeley

4618 V.S.

G. W. South et al

This cause now coming on for hearing, was submitted to the Court on the petition of the plaintiff and the answer of the defendant G. W. South, On consideration whereof the Court find for the plaintiff on the issues joined, and that there is due the plaintiff from the defendants on the notes set forth in the petition, with interest to the first day of this term, the sum of Two hundred and twenty five and 33/100 Dollars.

The Court further find that in order to secure the payment of said notes, the defendants, George W. South and Mary South his wife executed and delivered to said plaintiff their certain Mortgage, as in the petition described, and on the premises therein described; said Mortgage was duly recorded in Vol. 20 page 50 of the records of Mortgages of Union County Ohio, and is a good and valid lien on the premises described in the petition, and that the conditions in said Mortgage have been broken.

It is therefore considered by the Court that the plaintiff recover from the defendants the said sum of $225.33 with interest from the first day of this term, and his costs herein expended. And it is further adjudged and decreed, that unless the defendant G. W. South shall, before the first day of May 1885, pay or cause to be paid to the Clerk of this Court the costs of this case, and to the plaintiff herein the sum so found due as aforesaid, with interest as aforesaid, the defendants equity of redemption be foreclosed, and said premises be sold, and that an order of sale issue therefor to the Sheriff of Union County directing him to appraise, advertise and sell said premises as upon execution and report his proceedings to this Court at its next term for further order, to which time this cause as to the notes in the petition described and not yet due, is continued.

Watterman Hill

4509 V.S

C. C. C. & I. R. R. Co.

On motion of defendant this cause is again reassigned for trial on March 4th and at defendants costs.

It is therefor considered that the plaintiff recover of the defendants his costs for delay herein taxed $.

A. A. Wentworth

4510 V.S

C. C. C. & I. R. R. Co.

On motion of defendant this cause is again reassigned for trial on March 4th and at defendants costs.

It is therefore considered that the plaintiff recover of the defendant his costs for delay herein taxed at $.

Thereupon Court adjourned until to morrow morning at 9 o'clock.

Friday Feb. 27th A. D. 1885

Court met at 9 o'clock A. M. same officers present as heretofore.

4595 Jesse L. Cameron
v.s
V. J. Case

This day came the parties by their Attorneys and this cause came on to be tried; and thereupon came a Jury, to wit: Wm Staley, B. Cahill, W. L. James, Moses Laing, T. M. Brannon, M. M. Benjamin, W. S. Bowers, R. W. Montgomery, Thomas Connor, Henry Eichmeyer, C. Tillmon, C. D. Williams who, being duly impannelled and sworn to well and truly try the issue joined between the parties in this cause and a true verdict render according to the evidence unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel and charge of the Court, the said Jurors retired to their room to deliberate upon their Verdict, and after due deliberation, returned into open Court and presented their verdict in the words and figures following to wit:

"The State of Ohio, Union County, ss. Feb. Term A. D. 1885. viz: Feb. 27th 1885."
"J. L. Cameron plaintiff v.s V. J. Case defendant. We, the Jury in this cause,"
"being duly impannelled and sworn do find and say that we find for the"
"plaintiff and assess his damages at $236.00 W. S. Bowers, Foreman."

4777 George B. Hamilton
v.s
George Biddle

This day came the plaintiff by Frank N. Hamilton his Attorney, and thereupon came J. R. Cole one of the Attorneys of record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendant herein, and by virtue of the same Warrant of Attorney, confessed that there is due from said defendant to said plaintiff as is alleged in said plaintiff's petition, the sum of $238.63

It is therefore considered that said plaintiff do recover of said defendant the said sum of $238.63 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8 % per annum.

And by virtue of said Warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4703

4697

4573

Friday Feb. 27th A. D. 1885.

4702 Norris B. Thompson et al. v. J. J. Miller et al.

This day this cause came on to be heard upon the motion of the defendants the bondsmen of said defendant J. J. Miller to require plaintiffs to make their petition more definite and certain and was argued by counsel and submitted to the Court. Whereupon the Court being fully advised in the premises does sustain said motion as to the first, second, third and fourth grounds of said motion and does over rule said motion as to the fifth ground of said motion. Whereupon plaintiffs asked and obtained leave to file an amended petition by the 7th day of March 1885.

4697 J. H. P. Bonic v. Margaret H. Bonic et al,

On motion to the Court by A. J. Carpenter counsel for said petitioner and upon producing the return of the Sheriff and report of the Commissioners heretofore appointed, the same having been examined by the Court here and found in all respects correct and in conformity to law. it is hereby ordered that the said proceedings and report be, and the same hereby is approved and confirmed.

And thereupon came the said J. H. P. Bonic and elected to take the said premises at the valuation: and it appearing to the Court that the said J. H. P. Bonic has paid to the said Margaret H. Bonic, Wm. H. Bonic, Isaac W. Bonic, Daniel W. Bonic, Margaret A. Bonic and Raymond B. Penn their respective shares of said valuation. it is ordered that the said premises be adjudged to the said J. H. P. Bonic, and the Sheriff is ordered to execute a deed in fee simple to the said J. H. P. Bonic for the premises aforesaid and it is further ordered that the costs of this action including a counsel fee of $10.00 to A. J. Carpenter, all taxed to $28.45 be paid to said parties in the following proportions to wit = the said J. H. P. Bonic one half part, and the said Wm. H. Bonic, Isaac W. Bonic, Daniel W. Bonic, Margaret A. Bonic and Raymond B. Penn each one tenth part thereof, and in default thereof that execution issue therefor.

4573 The State of Ohio for the use of Union County v. Cleveland, Columbus, Cincinnati & Indianapolis Ry Co.

This day this cause is settled at the costs of the defendants. It is therefore considered that the plaintiff recover of the defendant its costs taxed at $ no record.

Friday Feb. 27th A. D. 1885.

4510 A. A. Woodworth vs O. C. A. & S. Ry Co. } This case is fully settled by the parties hereto, and by agreement each party to pay his own costs and no record to be made, as part of the defendants costs the costs of continuance including the continuance of today is to be taxed to defts. Feb. 26. 1885.

4489 Robert W. Willison vs John D. Rhoades et al } This day this cause coming on to be heard upon the petition of the Plaintiff, the answer of John D. Rhoades and the evidence the defendants Thomas P. Cratty and Adoniram J. Blake failing to answer or demur, or otherwise object to Plaintiffs petition but made default. On consideration whereof and the Court being fully advised in the premises finds that John D. Rhoades is not a partner with Adoniram J. Blake, Thomas P. Cratty and S. M. Blake deceased at the time of the creation of the indebtedness set out in the petition. But the Court finds that Thomas P. Cratty, Adoniram J. Blake, S. M. Blake were partners when the deft in the petition was created and that the said Thomas P. Cratty and Adoniram J. Blake are the surviving partners of said firm that there is due to said plaintiff from said Thomas P. Cratty and Adoniram J. Blake the sum of Two thousand one hundred and sixty four and 44/100 Dollars ($2164 44/100).

It is therefor considered and adjudged that said plaintiff recover of the said defendants Thomas P. Cratty and Adoniram J. Blake the said sum of $2164 44/100 and that the said sum bear interest from the first day of this term of Court and that plaintiff recover his costs and defendants pay their own costs except John D. Rhoades whose costs plaintiff shall pay for all of which execution is awarded.

4509

4571

Feb. 27th 1885; Friday.

Watterman Hill
4509 vs
C. C. C. & I. R. R. Co.

This cause is fully settled by the parties hereto and by agreement of parties no record of the same is to be made, and each party is to pay his own costs, and defendants costs is to include costs of continuance taxed against it including continuance of Feb. 26th 1885

A. C. Hoskins et al Assignees
4571 vs
The Michigan Mutual Life Insurance Co. et al

This day this cause came on to be heard upon the petition of the plaintiff for an order to sell said premises described in the petition at private sale and for the adjustment of the liens upon said premises. On consideration whereof and the Court being fully advised in the premises finds that it will be to the interest of all parties that said premises be sold at private sale, but not in parcels, and that said sale be made on terms as follows; One third cash, one third in one year and one third in two years. It is therefore considered and adjudged that an order issue to the Sheriff of Union County, Ohio, to have the said premises appraised according to law and that said assignees be empowered to sell said premises at private sale for not less than two thirds of said appraisement and for one third cash, one third in one year and one third in two years, the deferred payments to be secured by Mortgage upon said premises and to draw interest at (6 o/o) six percent, and all questions as to liens is reserved for the future considerations of the Court.

Thereupon Court adjourned until tomorrow at 9 o'clock A. M.

Saturday, Feb. 28th A.D. 1885

4455 J. W. Dunn
vs
C. S. Rodgers

This cause is continued with leave to the plaintiff to file an amended petition within thirty days from the rising of the Court.

4415

4545

Court adjourned until Monday Mar. 2nd A.D. 1885 at 1.30 P. M.

Monday, March 2nd A.D. 1885.

Court met at 1.30 P.M. pursuant to adjournment. Same officers present as heretofore.

R. A. Glick
v.s
P.G. Wynegar

This cause is continued on motion and showing of the defendant and at his costs. It is therefore considered by the Court that the defendant pay the costs of this term of Court taxed to $.

D. T. Elliott
v.s
D. S. Ford et al.

4415

This cause is continued on motion and showing of the defendant Lucinda Ford and at her costs.
It is therefore adjudged by the Court that the defendant Lucinda Ford pay the costs of this term of Court taxed at $, and in default execution issue therefor.

Clara A. Lewellen
v.s
Nancy Clark, Jas Clark & Cyrus Moore

4545

This day came Cyrus Moore by his Attorney Ed the defendants Nancy Clark and James Clark bring in default for answer and demurrer to the Cross-petition of the said Cyrus Moore, the Court find that the allegations of the said answer and Cross-petition are confessed by them to be true, and the Court further find that Thomas Eakins executed the note set up in the said Cross-petition of the said Cyrus Moore and that the said defendant Nancy Clark, who was then Nancy Eakins & then the wife of said Thomas Eakins, and the said Thomas Eakins to secure the payment of said note executed and delivered to the said Cyrus Moore the Mortgage deed in the said Cross-petition described and on the premises therein described and that the said premises are part of the same as described in the petition of the plaintiff herein, and that said Mortgage was duly recorded in book 16, page 320 of the records of Mortgages of Union County Ohio and is the first and best lien on the premises described in said answer and Cross-petition of the said Cyrus Moore. The Court further find that the condition of defeasance in said Mortgage has been broken and that the said Cyrus Moore is thereby entitled to have the said defendants Nancy Clark's and James Clark's equity of redemption foreclosed.
It is therefore considered and decreed that unless the said defendants Nancy Clark and James Clark shall within two days from the entry of this decree pay or cause to be paid to the Clerk of this Court the costs in this case and to the said Cyrus Moore the sum of $196.27 with interest at 6% from the first day of this term, being the amount due upon said note and Mortgage, the defendants equity of redemption be foreclosed and said premises shall be sold, and an order of sale shall issue therefor to the Sheriff of Union County directing him to sell said premises or upon execution and bring the proceedings to this Court for further orders.

Court adjourned until tomorrow at 8.30 A.M.

Tuesday March 3rd A.D. 1885

Court met pursuant to adjournment at 8.30 a.m. the same officers being present as on yesterday.

No. 4648 James W. Robinson vs Isaac F. Gates et al.

This day came the said J.D. Ackerman & Bro. by their Attorney and the said D. F. Gates being in default for answer or demurrer to the Cross-petition of the said J. D. Ackerman & Bro. the Court find that the allegations therein are confessed by him to be true. The Court further find that the defendant D. F. Gates executed to the said J.D. Ackerman & Bro. the two promissory notes as set forth in the said answer and Cross-petition of the said J.D. Ackerman & Bro. that one of said notes was past due when said Cross-petition was filed and no part of the same has been paid and that the other note is not yet due. The Court further find that there is due to the said J. D. Ackerman & Bro. from the said D. F. Gates and Cyrus Moore on the note now past due the sum of $330.34 with 6 p.c. int. thereon from the first day of this term. The Court further find that to secure the payment of said notes the said D. F. Gates and Rachel Gates his wife executed & delivered to said J.D. Ackerman & Bro. their mortgage deed as in the cross-petition described and on the same premises as described in the petition, and that said Mortgage was duly recorded in Vol. 20. page 338 of the Records of Mortgages of Union County, Ohio. and is the best lien on said premises

It is therefore considered and adjudged that unless the defendants D. F. Gates and Cyrus Moore shall within two days from the entry of this decree pay or cause to be paid to the Clerk of this Court the costs in this case and to the said J. D. Ackerman & Bro. the sum so found due them as aforesaid with interest from the first day of this term according to the terms of said Mortgage the defendants equity of redemption be foreclosed and said premises shall be sold and an order of sale shall issue therefor to the Sheriff of Union County directing him to sell the said premises as upon execution and bring the proceeds into Court for further order

Court adjourned until tomorrow at 8.30 a.m.

Wednesday, March 4th A.D. 1885.

Court met pursuant to adjournment at 8.30 a.m. the same Officers being present as on yesterday.

4595 Jesse L. Cameron
vs
Velasco J. Case
} Judgment on Verdict.

The Jury in this case having on a former day of this term returned a verdict in favor of the Plaintiff and assessed his damages at the sum of Two hundred and thirty six dollars, and no motion for a new trial having been made (on motion of the plaintiff) it is therefore considered and adjudged by the Court that the plaintiff recover of the defendant said sum of $236.00 and his costs herein expended taxed to $ for all of which execution is awarded.

Mary Beeler
vs
William Beeler

Now came the parties herein and thereupon this cause came on for hearing on the petition of the plaintiff the answer and cross petition of the defendant, and the; court find that the plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same, and was at the time a bona fide resident of the county of Union and that the parties were married as stated in the petition

The court further find that the defendant has not been guilty of the neglect and his conduct as charged in the petition, but has in all respects conducted himself as a good and faithful husband, and the said petition is therefore dismissed.

The court further find upon the cross petition and the evidence, that the plaintiff has been guilty of wilful absence from the defendant for more than three years last past and refused to live with him though respectifully requested to do so, and has been guilty of gross neglect of duty as a wife for more than three years last past and that by reason thereof the defendant is entitled to a divorce as prayed for.

It is therefore ordered and adjudged by the court that the marriage contract heretofore existing between the said Mary Beeler and William Beeler be and the same hereby is dissolved and both parties are released from the obligations of the same.

It is further considered by the court that the defendant pay the costs of this proceedings, and Execution is awarded.

4668 Samuel W. Bonnett
vs
Lovina J. Bonnett

This day this cause came on to be heard upon the petition of plaintiff the defendant being in default for answer or demurrer and the court after hearing the testimony does find.
1st That said Samuel W. Bonnett is a resident of Union county and of the State for more than a year last past.
2d That said were married as stated in said petition.
3d That said Lovina J. Bonnett has been guilty of gross neglect of duty as charged in said petition.

It is thereupon ordered and adjudged that the Marriage relation heretofore existing between the parties hereto be and the same is dissolved and and that the plaintiff pay the costs of this prosecution.

A5-28

Amanda Flemming
vs
Samuel Flemming

Now came the plaintiff and the defendant having been legaly summoned by publication and having failed to appear, the court find the defendant in default for answer and demurrer to said petition, and find that the allegations thereof are confessed by him to be true. The court also find that the plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and was at that time a bona fide resident of this county of Union, and that the parties hereto were married as in said petition set forth. The court further find upon the evidence adduced that the defendant has been guilty of gross neglect of duty, and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the court that the Marriage contract heretofore existing between the said Amanda Flemming and Samuel Flemming be and the same hereby is dissolved and both parties are released from the obligation of the same. It is further ordered that the petitioner be and she hereby is restored to her maiden name of Amanda Carey.
It is further considered by the court that the plaintiff pay the cost of this proceedings.

4578

A5-85 Israel Slack admr &c
vs
S. B. Woodburn

This day this cause is continued with further leave to defendant to amend his answer by July 11th 1885.

James A. Veile et als
vs
David Monford et ae

4528

This day came the parties and submitted this cause to the court; Whereupon the court being fully advised in the premises and heard the evidence and arguments in the case find for the plaintiffs on the issues joined and and that the plaintiffs ought to be quieted in the possession and title to the lands in their possession respectively as alleged in their petition and that defendants ought to be enjoined from bringing any action at law to disturb the possession of the plaintiffs

Therefore it is considered, ordered and decreed by the court that the plaintiffs be and they are hereby quieted in their possession and title to said lands in said petition described and the defendants are enjoined hereby from bringing any action or proceeding against the plaintiffs or either of them for said lands and that Defendants pay the costs herein taxed to $. and in default of such payment for 30 days that Execution issue therefor, and thereupon the defendants give notice of their intention to appeal to the circuit court and thereupon the court fix the appeal bond at $200.00.

The Michigan Mutual Life Ins Co
vs
Jonathan Cheney et al

4578

This cause now coming on for hearing on the petition of the plaintiff and the evidence the court find that the defendants have all been served with summons in this case except Mrs P. E. Ballard and that they all are in default for answer and demurrer and that the allegations of the petition are thereby confessed by them to be true, and that there is due the plaintiff from the defendant Jonathan Cheney on the promissory note set forth in the petition with interest to the date of this decree March 3rd 1883 the sum of Ten Hundred & Thirty-seven & 50/100 Dollars. The court further find that in order to secure the payment of said note the defendants Jonathan Cheney & Almeda Cheney his wife executed & delivered to said Michigan Mutual Life insurance company their certain Mortgage as in the petition described and on the premises therein described; that said Mortgage was duly recorded in Vol 11 page 239 of the records of Mortgages of Union County and is a good and valid & first lien on the premises described in the petition and that the conditions in said Mortgage have been broken. It is therefore considered by the court that the plaintiff recover from the defendant Jonathan Cheney the said sum of $ and its costs herein expended, and it is further adjudged and decreed that unless the defendant Jonathan Cheney shall by May 1st 1885 from after 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 herein the sum aforesaid due as aforesaid with interest from March 2nd 1883 the defendants Equity of redemption be foreclosed and said premises be sold and that an order of sale issue therefor to the Sheriff of Union County directing him to appraise advertise & sell said premises as upon Execution and report his proceedings to this court for further order, and as to the defendants George B. Hamilton & Mrs P. E. Ballard this cause is continued with leave to answer within 30 days

Wednesday March 4th A.D. 1885.

J.W. Lewis
vs
Henry Wheeler

This day came the parties by their Attorneys and this cause was submitted to Hon. C.H. Norris Presiding Judge on Motion to continue which continuance was because Judge John A. Price having been a counsel for Plaintiff declined to sit as Judge in the trial. Whereupon Counsel for both parties agreed that if the case was continued until the next term and Judge Price declined to sit at the trial Hon. John L. Porter or, if he is unable Hon. J.W. Robinson may sit in the trial of the Case. Whereupon this cause is continued at the costs of the defendant upon his Motion and showing. It is therefore considered that the defendant pay the costs of this term taxed to #.

660 The State of Ohio vs Isaac White — Indictment for Murder in the Second Degree.

This day came the defendant by his Attorneys and demanded a Struck Jury herein. Thereupon J. D. Bruyner Clerk of the Court proceeded to the Office of the County Auditor and with the assistance of George M. McPeek Esq. Auditor of Union County Ohio and Wm. Jordan Esq. Recorder of Union County, Ohio. proceeded to select from the qualified Electors of said County of Union, the names of forty persons impartial between the parties and who, from their intelligence and sound judgment are believed to be well qualified to try said cause, 4666

Thereupon said J. D. Bruyner Clerk, proceeded without delay and served notice on the Prosecuting Attorney on behalf of the State of Ohio and on R. L. Woodburn one of the Attorneys of Record for said defendant of the time of Striking the Jury, and at the same time said J. D. Bruyner Clerk 4666
furnished said Prosecuting Attorney and said R. L. Woodburn as such defendants Attorney a duly certified copy of the list of such names as aforesaid selected.

4459 The Peoples Bank vs James A. Henderson et al — Plaintiff comes and dismisses this case at its own costs without prejudice to a future action.

4597 Richards Franklin vs W.P. Erwin et al — This cause is dismissed at defendant Erwins Costs. It is therefore considered by the Court that the plaintiff recover of the defendant Erwin his costs herein taxed at #.

4629 W.L. Hogue vs John Habrusack — This case is dismissed at pltffs costs. It is therefore considered that the deft recover of the pltff his costs herein taxed at $.

Court adjourned until tomorrow at 9. A. M.

3692

Thursday, March 5th A.D. 1885

Court met at 9. a.m. pursuant to adjournment: the same officers being present as heretofore.

R. D. Connell
v.s
3692 Village of Richwood

This day came the parties to this suit and the same came on to be heard by the Court upon the issues joined by the 2nd amended petition, answers of the defendants and reply of the plaintiff, and the Court having heard the allegations of the parties, the testimony of witnesses, records and other written evidence, and being fully advised in the premises do find the equities of the case to be with the plaintiff and therefore find for the plaintiff. And the Court on further examination find that the relief sought by the plaintiff, against the defendant has been substantially furnished by subsequent acts of the defendant by reason of which further injunction is rendered unnecessary. Wherefore it is ordered that the plaintiff recover of the defendant his costs herein expended taxed at $, except the witness fees of the following named witnesses examined on a former trial of this case at Jan. Term 1881, to wit, Jno. B. Hamilton, Joel D. Graham, George Holland, R. W. Connell, O. Beem, T. J. Williams, A. J. Blake, R. E. Gaines and it is adjudged by the Court that the plaintiff pay the fees of said witnesses taxed at $18.00 and this plaintiff pay the defendant the expense of putting down the brick walk in front of plaintiffs lot No. 738 taxed at $17.50 and for which amount last mentioned, Judgment is hereby rendered against plaintiff. No record is to be made in this case.

J. W. Robinson
v.s
4666 Thomas Martin et al

This day came the plaintiff by leave of the Court & consent of the defendants withdrew his prayer for Judgment at law on his first cause of action leaving this cause for hearing on the second cause of action.

J. W. Robinson
v.s
4666 Thomas Martin et al

This day came the parties & submitted to the Court this cause for decree for so much of the plaintiffs demand as is not put in issue by the defendants answer as provided by Section 5320 of the Revised Statutes, Whereupon the Court having heard the argument of counsel for plaintiff and Thomas Martin defendant do sustain said motion and thereupon the Court find that there is due plaintiff on said note as reclaimed of said demand in said answer the sum of $650.00 with 8 p/c int. from Oct. 22nd 1882 amounting this day to $773.50 And the Court find that the defendant claims in his answer as follows= $30.00 with 8 p/c int. from Dec. 20. 1875 to March 5, 1885, $30.00 with 8 p/c int. from June 20th 1876, $30.00 with 8 p/c int. from Dec. 20. 1876, $ $30.00 with 8 p/c int. from June 20th 1877, $30.00 with 8 p/c int. from Dec. 20. 1877, $30.00 with 8 p/c int. from June 20th 1878 $30.00 with 8 p/c int. from Dec. 20. 1878 $24.60 with 8 p/c int. from June 20. 1879 which amounts to $376.22 which sum being deducted from $773.50 leaves $397.28 not put in issue by the said answer. It is therefore considered ordered and decreed by the Court that the defendant Thomas Martin in ten days pay said sum of $397.28 and cost and interest at 8 p/c and in default thereof that said Mortgage be foreclosed and an order of sale issue to the Sheriff of this County commanding him to appraise, advertise and sell according to law the land in said petition described and bring the proceeds into Court for distribution

Court adjourned until tomorrow at 9. a.m.

Friday March 6th A.D. 1885.

Court met at 9 A.M. pursuant to adjournment, the same officers being present as heretofore.

Eli Orahood
v.s.
4524 John W. Lockwood

This day this cause came on to be heard on motion filed herein by Counsel for the defendant to set aside the verdict of the Jury for $85.00 heretofore rendered in this cause on the 24th day of Feb. A.D. 1885 and for a new trial of said cause, and was argued by Counsel & Submitted to the Court, on consideration whereof the Court sustains said motion on the grounds that the verdict is not sustained by the law and the evidence produced on the trial of said cause. It is therefore considered ordered & adjudged by the Court that the verdict of the Jury rendered in said cause be and the same is hereby set aside and held for naught, and a new trial is granted to the defendant.

4569

Farmers Bank
v.s.
4659 Thomas Martin et al,

This day came on this cause to be heard on the demurrer to interrogations Nos 3, 4, & 17 of defendants answer. Whereupon the Court overrule said demurrer, Whereupon leave is given plaintiff to answer said interrogations by Thursday of next week.

Harmon Patrick
v.s.
4572 Dra A Robbins & Mary S. Robbins

4560

On motion of the plaintiff and on his producing the return of the Sheriff of the Sale made under the former order of this Court, and the Court on due examination of the proceedings and return of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and the orders of this Court, it is ordered that the said proceedings and sale be, and they are hereby approved and confirmed. And it is further ordered that the said Sheriff convey to the purchaser Harmon Patrick by deed according to law, the property so sold as described in the petition of plaintiff, and the said purchaser is hereby subrogated to all the rights of the said lien holders in said premises so far as they may be paid herein for the protection of his title, and a writ of possession is awarded to put said purchaser in possession of said premises.

It is further ordered that the Clerk cause satisfaction of the mortgage herein sued on to be entered on the record thereof in the office of the recorder of Union County, And the Court coming to distribute the proceeds of said sale amounting to Two hundred and fifty seven dollars; it is ordered that the Sheriff out of the money in his hands pay,

4778

First-- The costs of this action taxed at $38.35

Second-- To the plaintiff Harmon Patrick the balance of the purchase money Two hundred and eighteen 65/100 Dollars to be applied as a credit upon his Judgment against the defendant.

And there still remaining due to said Harmon Patrick the sum of Seven and 7/100 Dollars it is considered that he recover the same from the defendant Dra S. Robbins Executrix is awarded therefor.

Friday March 6th A.D. 1885

Peleg Cranston Admr &
Newton Case deceased

4569 vs

V. J. Case

This day this cause came on for hearing and a jury having been waived was submitted to the Court upon the petition answer and reply Exhibits and testimony, Whereupon the Court being fully advised in the premises and on consideration thereof the Court find on the issues joined that plaintiff is entitled to an account of Money on his several causes of action except the ninth cause of action on which nothing is allowed to the plaintiff and that the amount due on said nine causes of action on the first day of this term of Court including interest at six per cent is Eleven hundred ten and 90/100 Dollars ($1,110.90) and the Court further find that the defendant is entitled to credit on the claims set forth in his answer in the sum of $529.34 and that there is a balance due the plaintiff of $581.56 on the first day of this term of Court.

It is therefore considered by the Court that the said Peleg Cranston as said Administrator recover from the said V. J. Case the said sum of Five hundred Eighty one 56/100 Dollars ($581.56) with interest from Feb. 16th 1885. together with the costs in his behalf expended taxed to $.

Lester Oliver et al.

4560 vs

Village of Magnetic Springs

Now came the parties herein by their attorneys & thereupon this cause came on for hearing on the pleadings and evidence and was submitted to the Court: On consideration whereof, the Court find, on the issue joined for the plaintiff and that the plaintiff is entitled to the relief prayed for in his petition.

It is therefor on motion of the plaintiff adjudged and decreed that the injunction heretofore granted in this action be, and the same hereby is made perpetual.

It is further considered that said plaintiff recover from the said defendant his costs herein expended taxed at $.

Emmet Buffington

4778 vs

Cleveland Columbus Cincinnati and Indianapolis Railway company

Thursday March 5th 1885.

This day this cause came on to be heard upon the petition and application of the plaintiff to restrain the said defendant - Making a Stone Structure across Darby Creek Union County Ohio and under a certain Rail Road bridge of the defendant.

Whereupon the Court being fully advised in the premises do grant a temporary injunction against said defendant restraining it from building a Structure across said Creek that will permanently interfere with the flow of the Volume of water under the Rail Road Bridge of defendant near Milford Center Ohio, upon the Execution of a bond by the plaintiff in the Sum of $300.00 to the Satisfaction of the Clerk. Injunction to remain in full force until the further order of this Court.

Friday, March 6th A.D. 1885.

Elias Johnson
vs
11127 Richard White

This day this cause came on to be heard upon the motion of plaintiff to favor the grounds of defense in defendants amended answer filed Feb. 19th 1885 and numbered as the Third, Fifth, Sixth & Seventh grounds of defense in the same stricken from said amended answer. 4309

In consideration whereof the Court do sustain said motion and order said grounds of defense stricken from said answer. To which decision and ruling of the Court the defendant excepted.

William Epps
vs
4529 R M. Henderson et al.

This day this cause came on to be heard upon the motion of defendant Mary Thomas to strike plaintiffs petition from the files and the Court being fully advised in the premises does overrule said motion, to which ruling of the Court the defendant Mary Thomas Excepts. The plaintiff took leave to file an amended petition instanter and this cause was passed for that purpose. 4547

Elizabeth Wells
vs
John Hobensack et al

This day came again the said parties by their attorneys and the jury heretofore impanneled & Sworn; and leave was granted plaintiff to reply instanter and reply filed. and thereupon the defendant being surprised by Reply, by consent of parties one of the said jurors was withdrawn from the panel and the Residue of said jury is discharged from further consideration of the case. and the cause is continued with leave to defendant to file amended answer and cross petition within thirty days from the rising of this court. 671

Nancy Eakin
vs
4310 L.L. Gardiner Assignee

Now came the plaintiff herein and the defendant being in default for answer and demur the court find that the allegations of the petition are confessed by him to be true, and that the claim of the plaintiff against the Estate of the said Charles Wright and John Lewis is just and that She is entitled to have the same allowed in the sum of Six Hundred twenty three & 1/100 dollars including interest at 8% computed up to Feby 16th 1885;

It is therefore considered and adjudged that the said defendant L.L. Gardiner as assignee of the said Charles Wright & John Lewis, partners under the firm name of Wright & Lewis) do allow the said claim of the plaintiff as above found in the settlement of his trust;

It is further considered that the said Nancy Eakin recover from the said L.L. Gardiner as assignee her costs herein expended taxed at $ - 4307

Friday. March 6th A.D. 1885

4309 — Isaac H. Graham vs S.S. Gardiner assigne

Now came the plaintiff herein and the defendant being in default for answer and demmer the court find that the allegations of the amended petition are confessed by him to be true and that the claim of the plaintiff against the estate of the said Charles Wright and John Lewis is just and that he is entitled to have the same allowed in the sum of Four hundred and forty five dollars including interest computed up to February 16th 1885; It is therfore considered and adjudged that the said S.S. Gardiner as assigne of the said Charles Wright and John Lewis (partners under the firm name of Wright & Lewis) do allow the said claim of the plaintiff as above found in the settlement of his trust.

It is further considered that the said Isaac Graham recover from said S.S. Gardiner as assigne his costs herein expended taxed at $

4547 — H. Rand Chapman. vs Ed. Berger.

This cause being heard on demurrer to the answer of Ed. Berger the Court on consideration sustains the same and leave is granted said defendant Berger to amend his answer by March 14th 1885.

671 — The State of Ohio vs Hugh J. Perry — Indictment for "Assault & Battery"

And now comes the prosecuting attorney on behalf of the State of Ohio, and the defendant being in Court in answer to his recognizance, waived arraignment, and for plea, there to says he is guilty as he stands charged in said indictment, and being inquired if he had anything to say why judgment should not be pronounced against him; and having nothing to say but what he had already said,

It is therefore adjudged by the court that the said defendant Hugh J. Perry, pay a fine of $10.00 and the costs of this prosecution and execution is awarded.

4307 — Charles Storer vs John R. Owen — This case is dismissed at cost of defendant. It is therefore considered by the Court that plaintiff recover of the defendant his costs herein taxed at $.

over

Friday, March 6th A.D. 1885.

4315

4666 J. M. Robinson vs Thomas Martin

This day this cause came on to be further heard by the court, And the court having heard the Evidence and the arguments of counsel do find for the plaintiff on the issues joined between the plaintiff and Thomas Martin and that there is yet due to the plaintiff on said Mortgage the sum of $376.22 besides the sum for which decree was rendered in this cause at the present term of this Court.

It is therfore considered ordered and decreed by the court that the defendant Thomas Martin within twenty days pay to the plaintiff the further sum of $376.22 with 8 per cent interest from March 5. 1885 and costs so found due plaintiff on said Mortgage and in default of such payment that an order of sale issue to the Sheriff of this County Commanding him to appraise advertise and sell said land and bring the proceeds thereof into court for distribution.

Thereupon the said Thomas Martin gave notice of his intention to appeal this cause to the Circuit Court and the court fix the bond for appeal at double the amount of this decree.

J. B. Cole vs A. A. Justus Robert Samler & C. Eickmier

This cause now coming on for hearing and a jury being waived was submitted to the court on the pleadings and evidence. And the court being fully advised in the premises on the request of Robert Samler & C Eickmier that its conclusions of fact be stated separately from its conclusions of law, finds as its conclusions of fact, "First" That the plaintiff had a bona fide assignment of said judgment as alleged in his petition and that Execution issued thereon and was returned as alleged unsatisfied. "Second" That said A. A. Justus had notice of said assignment before any order was made upon him, and before any judgment was rendered against him as garnishee in said proceedings in attachment and garnishment recited in Defendants answer and before he paid any of the money over in said proceedings. And as its conclusions of law upon the above facts, the court find that the plaintiff is Entitled to recover of said defendants Robert Samler & C. Eickmier the amount claimed in said petition described and that there is due thereon from said defendants to plaintiff the Sum of $149.74 debt and $18.98 costs.

It is therfore considered that the said plaintiff recover of the said defendants the said sum of $168.72 and his costs therein expended taxed at $ (Deft excpts)

The above Entry is approved the clerk will Enter the same

Caleb S. Norris. Judge

660

adj 8½ o'clock M

Friday. March 6th A.D. 1885

4315 Wm H Hall & Simon Hall vs. P B Cole Adms &c et al } This day Came on this Cause to be heard by the Court, Whereupon the Court having heard the Evidence and Arguments of Counsel find that said Lien was created as alleged in said petition and said Note Recited in Consideration thereof and that the Consideration of said Note Wholly failed by reason of the death of said Wm C. Dyas before possession taken thereunder, That said plaintiffs have arranged for the payment of the 1st & 2d & 4th of the Notes mentioned in said petition but has not made any arrangement as to the 3d of said Notes Claimed by said Seamond and find that the 5th of said Notes is still in the hands of said Administrator and a Jury being Waived by the parties hereto and this Cause having been submitted to the Court on the pleadings evidence and arguments of Counsel. Thereupon in Consideration thereof the Court do find for said defendant Jacob Seamond and against the Plaintiffs so far as the said Note set forth in said Seamonds Answer is concerned. Thereupon the plaintiffs asked leave of the Court to amend their petition and dismiss the same so far as it relates to said 3d note without prejudice to any of the rights of the plaintiffs in regard to said note and without any prejudice to any of the rights of said Seamond and said Higgins and thereupon the Court granted said leave and the plaintiffs dismissed this action as to said Seamond & said Higgins without prejudice to any of the rights of of plaintiffs and said Seamond & Higgins in every respect relative to said note and without prejudice to the plaintiffs rights to present the said Claim against said Administrator in case they shall hereafter have arranged in regard to said note so as to have any rights against said Estate in regard to said 3d note to all of which the said Seamond and Higgins Objected and now except whereupon the Court further find that said 5th note right in equity to be delivered up by said administrator & Cancled and that the plaintiffs by reason of said first & 4th Notes has a legal Claim against said Estate for the Sum of $1200 with interest on $400 from Dec 25th 1882 and with interest on $400 from Dec 25th 1883 and with interest on $400 from Dec 25th 1885 When said 4th note becomes due & payable It is therefore Considered ordered and adjudged by the Court that said Cause is dismissed without prejudice in every respect as to said Seamond and Higgins & said 3d note And that said Administrator deliver up & Cancel said 5th note & that said administrator allow said $1200 and interest as aforesaid which is hereby adjudged as a valid Claim against said estate and the Costs of this proceeding so far as same are the issues relating to said 3d note the plaintiffs are ordered to pay and as to the remaining Costs the said Administrator is ordered to pay out of said estate & as to said note not due if said administrator shall pay any dividend thereon such payment shall operate as a payment to the plaintiffs to the same extent. To all of which said Seamond and Higgins Excepts.

Thereupon Court adjourned until 8.30 A.M. Tuesday, March 10th 1885

Coe & Norris Judge

660 State of Ohio vs Isaac White } Indictment for Murder in the Second Degree.
Monday March 9th A.D. 1885

This day the Prosecuting Attorney on behalf of the State of Ohio and the defendant by his Attorneys and J. D. Benner the Clerk of this Court attended at the Clerks Office in said County of Union at Marysville, Ohio and proceeded to strike a Jury from the list selected heretofore herein, and thereupon the Clerk issued a Venire facias returnable forthwith morning for the following named persons to wit:

at 8½ o'clock

1 W. H. Sidle, 2. Solomon Walker, 3. John A. Phillipps, 4 W. S. Burgoon 5 John Blair, 6 F. W. Marriott, 7 Asbury Cheney, 8 Jonathan Hedges, 9 L. H. Bechtel, 10 J. D. Hart, 11 Elias Thomas, 12 S. W. McCloud, 13 F. B. Sprague, 14 D. W. Veach, 15 R. J. Wilson, 16 H. C. Innskeep.

Tuesday March 10th A.D. 1885.

Court met at 8.30 a.m. pursuant to adjournment.
Present,
John A. Price, Judge. John W. Brasuch Pros. Atty.
W. Hopkins Sheriff. A.H. Goodwin. Dyer Reed & D. S. Price Deputies.
Attest, J. D. Bruner. Clerk.

4779 — P. J. Taylor vs W. H. Buckley et al. — This day came on this cause to be heard on the plaintiffs motion for temporary injunction. Whereupon the Court being fully advised in the premises do sustain said motion and grant said temporary injunction as prayed for in plaintiffs petition.

It is therefore considered and ordered by the Court that said defendants be, and they are enjoined and restrained from selling or in any way disposing of either of the two promissory notes in petition described until further order of the Court on the plaintiffs giving an undertaking in the sum of One hundred Dollars with Surities Satisfactory to the Clerk of this Court.

677 — The State of Ohio vs Freeman Thompson — Indictment for Forgery.

This day came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff, and being arraigned upon the Indictment heretofore found against him saith he is "not guilty" and puts himself upon the Country and the Prosecuting Attorney doth the like.

679 — State of Ohio vs John Mayo & Jesse Mayo — Indictment for highway robbery.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the defendants being brought into Court in custody of the Sheriff and being arraigned upon the Indictment heretofore found against them, for plea thereto each says he is "not guilty" and puts himself upon the Country and the Prosecuting Attorney doth the like.

The Court finding that said prisoners are indigent hereby appoints E. E. Cole Esq. as counsel to defend them.

680 — State of Ohio vs George Orr — Indictment for burglary and petit larceny.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and being arraigned upon the indictment heretofore found against him for plea thereto saith he is "not guilty" and puts himself upon the Country and the Prosecuting Attorney doth the like. The Court finding that said prisoner is indigent hereby appoints T. B. Fulton Esq. as counsel to defend him.

660
1707
3909

Tuesday March 10th A.D. 1885.

660 The State of Ohio
v.s
Isaac White
} Indictment for Murder in the Second Degree.

C. L. Bogle Esq. was this day appointed and duly sworn as Stenographer for this case.

1707 James P. Carter
vs
Alban Wartham et al
}

This cause coming on for hearing on the petition and evidence, the court find that the defendant Alban Wartham has been duly served with process in this case and that he is in defaut for answer or demurrer, and that the allegations of the petition are thereby confessed by him to be true, and that the defendant executed to the plaintiff his two Several Notes as set forth in the plaintiffs petition that one has become due since that time, and that one of said notes was past due when the petition was filed.

The court further find that there is due the plaintiff from the defendant on said notes with interest from the date of this decree the sum of Eleven hundred & Sixty $^{57}/_{100}$ dollars with Eight per cent interest from March 7th 1885.

The court further find that in order to secure to plaintiff the payment of said Several notes the defendant Alban Wartham executed and delivered to said James P. Carter his certain Mortgage as in the petition described, and on the premises therein described, that said Mortgage was duly recorded in book 20 page 258 of the record of Mortgages of Union County and is a good and valid lien on the premises described in the petition and that the conditions of said Mortgage have been broken.

It is therefore considered by the court that the plaintiff recover from the defendant Alban Wartham the said Sum of $1160.50 and his costs herein expended, And it is further adjudged and decreed that unless the defendant Alban Wartham shall within ten 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 the Sum so found due as aforesaid with interest from March 7th 1885 at 8% the defendants Equity of redemption be foreclosed and said premises sold and that an order of Sale issue therefor to the Sheriff of Union County directing him to appraise advertise and Sell said premises as upon execution and report his proceedings to this court for further order. And this cause is continued as to Eli W. Fisher one of the defendants for Service.

3909 John E. Southard
vs
Jonas Figley
}

This day this cause was continued by agreement of the parties until the next term of this court, both parties agreeing to waive objections and try the case before Judge Price, or if he declines, then before J. M. Robinson Sitting as Judge. and both parties agreeing to try the case at the next term of this court unless good grounds Exist to continue the trial of said case.

A718 William Batchelor Executor
vs
Sylvester Bell et-als

And now comes the said William Batchelor Executor by his attorney and the defendant still failing to answer or demurre to said petition it is considered that the said plaintiff is entitled to an account of the money due him as Executor in the premises and the court after hearing the evidence do find that there is due the said plaintiff as Executor aforesaid on the note and mortgage in said petition described the sum of Six hundred & Eleven & 43/100 dollars ($611.43) including interest computed up to Feby 16th 1885;

It is therefore considered by the said court that the said plaintiff recover of the said defendant Sylvester Bell the said sum of $611.43 with interest at 7½% from Feby 16th 1885 and also his costs taxed to $

And it is further ordered and adjudged that in case said Sylvester Bell fails for 5 days from this 10th day of March 1885 to pay said plaintiff said sum of $611.43 @ 7½% int from February 16th 1885 so as aforesaid 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 subject to the dower estate therein of Julia Bell, and advertised and sold subject to said dower estate of said Julia Bell according to law and apply the proceeds of said sale in satisfaction of the said sum so found due with costs of suit. 660

A746 A. J. Davis
vs
Joseph F. Boggs et al

And now comes the said A J Davis and the said Joseph F Boggs and Cynthia M. Boggs having failed to demur or answer to the petition of the said A. J. Davis it is considered that the said A J Davis ought to recover the said sum of $115.00 so demanded in the petition together with the sum of $10.96 which the court finds due as the interest computed to Feby 16th 1885 as prayed for in said petition.

It is therefore considered that the said A. J. Davis recover against the said Joseph ~~F~~ Boggs and Cynthia M. Boggs the said sum of $125.96 with interest thereon at 8% from Feby 16th 1885 together with his costs in and about his suit in this behalf expended taxed to $

J. M. Robinson
vs
Thomas Martin et al

This day came on this cause to be heard on the demurrer of Thomas Martin to the cross petition of the Farmers Bank. Whereupon the court being fully advised in the premises do overrule said demurrer, to which ruling said Thomas Martin excepts and asked and obtained leave of the court to file answer to said cross petition in ten days.

Sheffs Return

Frunch vs. Lockwood }
vs }
Coote, Morse & Co }

This day came on this cause to be heard on the motion of the defendants to require the plaintiff to give Security for costs, and it being Shown to the court that the plaintiff has moved out of the County of Union Ohio and become nonresident of this County the Court Sustains said motion and orders the plaintiff to give Security for the costs as provided by law in Such cases within thirty days from March 10th 1885;

The Farmers Bank }
vs }
Thomas Martin et al }

This day came on this cause to be heard on the demmer of the plaintiffs to the interrogatories. Whereupon the court overrule Said demmer and the plaintiff obtained leave to file answer to said interrogatories by Thursday Evening March 12th

The State of Ohio }
660 vs } Indictment for Murder in the 2d degree.
Isaac White }

This day came the prosecuting attorney on behalf of the State of Ohio and the defendant coming into court in answer to his recognizance herein, and his counsel also coming, Thereupon came the Jury heretofore regularly Selected and Struck in answer to a venire facias heretofore issued by the Clerk of this court returnable this day which reads as follows; to-wit;

"Venire for Struck Jury"

The State of Ohio Union County Ss.

To M. Hopkins, Sheriff Greeting;

We command you, that without delay you Summon 1. W. Sidle 2 Thomas Walker 3. John A. Phillips 4 W. S. Burgoon 5 John Blair 6 F. M. Marriott 6 asbury Chenney 8 Jonathan Hordogs 9 Lo. H. Bechtel 10 J. L. Hood 11. Elias Thomas 12. S. N. McCloud 13. A. B. Sprague 14. Daniel W. March 15 H. J. Wilson 16 H. M. Hopkins to be and appear before our common pleas Court, within and for the county and State aforesaid, at the court house in the village of Marysville on the 10th day of March A.D. 1885 at 8 o'Clock A. M. and so from day to day until discharged, then and there to Serve as Struck jurors. Which Sixteen Names D. J. L. Burgner as Clerk of Said Court, do hereby certify to be a full and correct copy of the list of the jurors, Struck according to law, for the trial of the cause, pending in Said Court, No 660 wherein the State of Ohio is plaintiff and Isaac White is defendant, and I further certify that the order of the Names of the jurors as they now Stand upon Said panel is as that of the list at the time of Striking Said jury.

And how you Shall Execute this Writ, Make appear to our court, on the 9th day of March A.D. 1885, and have you then and there this writ

Witness My hand and Seal as Clerk of our Said Common pleas Court and Seal thereof this 9th day of March A.D. 1885.

Seal

J. L. Burgner Clerk

Sheriffs Return

Sheriffs Office Union County.

In obedience to the command of this writ, I Summoned the within named

jurors, as jurors by notice prescribed by law Served personally upon. W.H Sisk Solomon Walker, John A Phillips W.S. Burgoon John Blair F.M. Marriott Asbery Cheney Jonathan Hodges L.H. Bechtel J.L. Ford. Elias Thomas, S.N. McCloud F.B. Sprague Daniel W. March. R.J. Wilson H.M Piskeep cannot attend on account of Sickness in his family- 4673

M. Hopkins Sheriff. By A.H. Goodwin Deputy.

and upon the call of said Venire facias all the persons therein named appeared in answer thereto except- H.M. Piskeep who was prevented by Sickness in his family from attendance herein and Asbery Cheney John Blair, J.L. Ford and S.N. McCloud were excused by the court- for good cause Shown, and there not being ~~Sworn~~ to a 4467
Sufficient- Number of said jurors remaining in the panel. Thereupon on motion of the defendant- the court Selected the names of persons to fill the panel for whom the following Special Venire facias Was issued.

"Special Venire"

The State of Ohio Union County S.S.

To the Sheriff of said County Greeting;

We command you that without delay You Summon

1. D.H. Dean 2 Samuel Dolbear 3 John Wiley 4 Shannon Davis 5 Waterman Keile 6 John W. Robinson 7 Israel Slack 8 Ira Smith 9 W.M. Snodgrass 10 Theodore Mullen 11 William Cartmell 12 Samuel L. Church 13 J.B. Whelpley, to be and appear before the court of common Pleas within and for said County of Union 4558
at the court House in Marysville, in said County forthwith and so from day to day until discharged then and there to Serve as petit jurors in the case of the State of Ohio against- Isaac White on an indictment- for Murder in the 2d degree, and how you Shall Execute this writ- Make appear to our said Court- on this 10th day of March and have you then and there this writ.

Witness my Signature as Clerk of our Said Court- at Marysville this 10th day of March A.D. 1885.

Seal

J.L. Bruegger, Clerk

Sheriff's Return

The State of Ohio Union County S.S. Sheriff's Office Marysville 1885-

On the 10th day of March 1885- I Served this writ on the within named, Watterman Keile, Ira Smith Shannon Davis, John W. Robinson, Israel Slack, Not found D.H. Dean, W.M. Snodgrass John Wiley J.B. Whelpley W.m Cartmell Samuel L. Church, Saml Dolbear Theodore Mullen.

Marion Hopkins Sheriff

By A.H. Goodwin Deputy,

and upon the call of said Special Venire facias there appeared in answer thereto D.H. Dean, Samuel Dolbear, John Wiley Waterman Keile Theodore Mullen William Cartmell Samuel L. Church and J.B. Whelpley and the court Excused Samuel Dolbear, John Wiley, Theodore Mullen William Cartmell and J.B. Whelpley for good cause Shown and the State having challenged Daniel W. March peremptoriely, and there being now in the panel twelve good men having the qualifications of jurors and the panel being complete and the following named persons having qualified and having been tried and accepted, to-wit; W.H. Sisle Solomon Walker John A Phillips W.S. Burgoon F.M. Marriott, Jonathan Hodges, L.H. Bechtel F.B. Sprague R.J. Wilson D.H. Dean Watterman Keile and Samuel L. Church, were duly Empaneled and Sworn to well and truly try and true deliverance make between the State of Ohio and

Isaac White. The attorneys for the State and defense then proceeded to State the prosecution and defense to said jury and thereupon, after cautioning the jury under the Statute Court adjourned until tommorow Morning at 8½ Oclock

4673 O. Beem vs Village of Richwood } This case is dismissed at cost of defendant. It is therefore considered that the plaintiff recover of the defendant his costs herein taxed at $

4667 Elizabeth Wells vs John Hobensack }

This day the continuance in this case was opened up for the purpose Substituting other defendants and for no other purpose and the Court being fully advised in the premises does hereby find that said John Hobensack was only a nominal defendant herein and that the Ohio Farmers Insurance Company, J. J. Miller & W. M. Winget be made parties defendant herein in Substitution of said John Hobensack and that said case Stand continued under the former order of this court.

4555'8 Clara Moffitt vs James Saunders et al.

On motion to the Court it is ordered that Benjamin Rodgers be and he is hereby appointed Guardian Ad-li-tem for this suit on behalf of the minor defendants.

Wednesday March 11th A D 1885

Court met this Morning at 8h O'Clock the same officers being present as on Yesterday.

4260 Martin Thieman & Co
vs
S. S. Gardiner Assignee

Now comes the plaintiffs herein and the defendant being in default for answer and demurrer the court find the allegations of the of the petition are confessed by him to be true and that the claim of the plaintiff against the Estate of the said Charles Wright and John Lewis is just and that they are entitled to have the same allowed in the sum of Eight hundred & fourteen & 67/100 dollars (including interest computed up to Feby 16th 1885.

It is therefore considered and adjudged that the said S. S. Gardiner as assignee of the said Charles Wright and John Lewis (partners under the firm name of Wright & Lewis) do allow the said claim of the plaintiffs as above found in the Settlement of his trust.

It is further considered that the said Martin Thieman & Co recover from the said S. S. Gardiner as assignee their costs herein expended taxed to $

4542 Lucinda Sprague
vs
John Hines

The defendant John Hines having been found guilty as charged in this case he is therefore adjudged by the Court to be the reputed Father of said Child, and it is ordered and and adjudged he stand charged with the maintenance of said Child in the gross sum of Five hundred Dollars and for costs taxed at $. and that he pay said sum by April 1st 1885 for all of which execution is awarded.

It is further ordered that said Garnishee William A. Ballenger heretofore examined in this case pay into this Court to satisfy the above judgment the sum of Five hundred Dollars found to be in his hands with interest thereon from Feb. 24th A. D. 1885, to be paid when due, and in default thereof that attachment issue against him and that the same be applied to the payment of this judgment.

660

Wednesday March 11th A.D. 1885.

660 The State of Ohio } Indictment for Murder in the Second degree.
v.s.
Isaac White }

This day came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant appearing in Court in answer to his recognizance herein; together with his Counsel, also appeared the said jurors, to-wit- W.H. Sidle, Solomon Walker, John A. Phillips, W.S. Burgoon, F.W. Marriatt, Jonathan Hedges, L.H. Beckitel, F.B. Sprague, R.J. Wilson, I.N. Dean, Watterman Hill and Samuel L. Church who, having been duly empaneled and sworn herein on yesterday, thereupon the examination of witnesses on behalf of the State was commenced and after making progress Court adjourned until to-morrow morning at 8 1/2, o'clock.

March 12th A.D. 1885. Thursday-

Court met at 8.30 A.M. pursuant to adjournment. the same officers present as on yesterday.

Stephen Davis vs. Martha J. Davis et al } No 4677 Entry

This day this cause came on for hearing upon the report of the Commissioners heretofore appointed herein and the Court having found that Commissioners consisted of three physicians together with other competent men and that finding that said Commissioners had reported unanimously that said defendant Martha J Davis is in their opinion permanently insane do confirm said report. The Court further find that said land mentioned in the petition has been sold as therein set forth and that the Consideration therein set forth is the fair and reasonable value of said land It is therefore Considered ordered and decreed by the Court that the said defendant Rachael Sivey her heirs and assigns forever do have and hold the following premises free and discharged from any and all right title interest and claim of said Martha J Davis for dower or contingent right of dower therein as heretofore: Situated in the Township of Washington County of Union and State of Ohio. Part of Virginia Military Survey No 10445 Beginning at a stone in the center of the Cunningham road, and in the North line of said Survey No 10445; Thence S 8° E 82 56/100 poles with said Rachael Sivey's West line to a stone and brick; thence S 82½° W 78 72/100 poles to a stone and brick in the West line of Survey No 10445 thence with said West Survey line N 6° W 82 74/100 poles to a stone and brick in the Center of said Cunningham road and North West Corner of said Survey No 10445 thence with the North line of said Survey N 82½° E 76 40/100 poles to the beginning containing forty acres of land be the same more or less. It is further Considered ordered and decreed by said Court that in like manner the said Samuel G. Burnside his heirs and assigns forever do have and hold the following premises free and discharged from all right title interest and claim of dower or contingent right of dower of said defendant Martha J Davis to wit; Situate in the township of Washington County of Union and State of Ohio. Part of Virginia Military Surveys Nos 9918 And 10445 Beginning at a stone and brick South West Corner of Survey No 10445 (witness a pin oak bears N 2½° E 6 links); Thence with the West line of said Survey N 6° W 52 74/100 poles to a stone and brick in said Survey line and South West Corner of Rachael Sivey's forty acre tract; Thence with said Rachael Sivey's South line N 82½° E 78 73/100 poles to a stone and brick; Thence S 8° E 52 22/100 poles to a stone and brick in the South line of Survey No 10445; Thence S 82¼° W with said Survey line 74 35/100 poles; Thence S 6° E 92 74/100 poles to the center of the Rush Creek gravel road; Thence with the center of said gravel road S 63° W 1 30/100 poles; Thence N 6° W 93 24/100 poles to the beginning Containing Twenty Six and 15 5/160 acres of land more or less Being 26 83/160 acres in Survey No 10445 and 1 12/100 in Survey No 9918. It is further Considered ordered and decreed by the Court that in like manner the said defendant M. D. Davis his heirs and assigns forever do have and hold the following premises free and discharged from all right title interest and claim of dower or Contingent right of dower of the said defendant Martha J Davis to-wit; Situated in the Township of Washington County of Union and State of Ohio. Part of Virginia Military Survey No 9918 And bounded and described as follows viz: Commencing North West Corner to land owned by John Tilly, Thence South with Tillys line S 82 61/100 poles

660

March 12th A.D. 1885. Thursday.

to the center of the Rush Creek pike, thence West with said the center of said pike Ninety 60/100 poles to a stone thence North parallel with the east line 440 2/100 poles to a stake in the line of Survey No 10445; thence East with said Survey lines 28 32/100 poles to the beginning containing fifteen acres. The Court after being fully advised find the value of said premises to be Two thousand Nine hundred and fifty three 16/100 dollars. The Court further find the age of said defendant Martha J. Davis to be forty six years and that the value of her contingent right of dower in all of said premises is Six hundred and Ninety Six 84/100 Dollars. It is Considered ordered and decreed by the Court that the said value of said Contingent right of dower as above set forth be invested in the following described premises to wit: Situate in the Township of Washington County of Union and State of Ohio. Part of Virginia Military Survey No 9918 Beginning at an ash North East corner to Survey No 9877; Thence with the West line of Survey No 9918 S 10° W 184 4/100 poles to a stone Thence N 79½° E 78 poles to a stone in the West line of Lot No 2 of the Subdivision of said Survey No 9918; Thence with the said line S 10° E 194 4/100 poles to a stone and two Elms South West corner to said Sub No 2 in the North line of said Survey No 9918; Thence with said line of said Survey No 9918 Thence with said line S 79½° W 78 44/100 poles to the place of beginning Containing Nine and one half (9½) acres more or less. It is further Considered ordered and adjudged by the Court that the said Plaintiff pay the Costs of this action taxed to $36.45

The State of Ohio }
660 vs } Indictment for Murder in the Second Degree.
Isaac White }

This day came the Pros. Attorney on behalf of the State of Ohio and the defendant appearing in Court in answer to his recognizance herein together with his Counsel, also appeared the said jurors heretofore duly empannelled and sworn herein and the examination of witnesses on behalf of the State was resumed, The State closed and the examination of witnesses on behalf of the defendant was begun and after making progress Court adjourned until to morrow morning at 8, 30 o'clock.

Friday March 13th A.D. 1885

Court met at 8.30 a.m. pursuant to adjournment the same Officers being present as on yesterday.

4583 Eliza Burgoon
vs
C. W. Burgoon

Now comes the plaintiff by her Attorneys and the defendant being in default for answer and demurrer the Court find that the allegations of the petition are confessed by him to be true.

The Court further finds that since the filing of the petition herein the defendant has paid to the plaintiff on her claim the sum of $14.00 and that he is still indebted to her in the sum of Fifty one Dollars.

It is therefore considered by the Court that the plaintiff recover from the said defendant the said sum of $51.00 and her costs herein expended.

Friday March 13th A.D. 1868

4667 Henry Arye vs. Sarah Arye

This cause coming on for hearing was submitted to the Court upon the pleadings and evidence on consideration whereof the Court find, that the plaintiff at the time of filing his petition had been a resident of the State of Ohio for one year next preceding the same and was at that time a bona-fide resident of this County of Huron and that the parties hereto were married as in said petition set forth. The Court further find upon the evidence adduced, that the defendant has been guilty of wilful absence for more than three years past, without any cause or justification therefor and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Henry Arye and Sarah Arye be, and the same hereby is dissolved, and both parties are released from the obligations of the same. It is further considered by the Court that the plaintiff pay the costs of this proceeding and execution is awarded.

660 The State of Ohio vs Isaac White } Indictment for murder in the second degree.

This day came the Prosecuting attorney on behalf of the State of Ohio and the defendant appearing in Court in answer to his recognizance herein and his Counsel also coming, also came said jurors heretofore duly empannelled and sworn in this case and the examination of witnesses on behalf of the defendant was resumed and concluded. The State offered testimony in rebuttal, and the examination of witnesses on behalf of the State and on behalf of the defendant being closed the opening argument on behalf of the State was made and argument of the defendant was commenced. Thereupon Court adjourned until tomorrow morning at 8½ o'clock

March 14th 1885. Saturday.

Court met at 8.30 A.M. pursuant to adjournment. the same officers being present as heretofore.

4424	State Jason S. Chapman vs Sarah Whitley et al	This case is dismissed at pltffs costs. It is therefore considered that plaintiff pay the costs of this action taxed to $.

660

660

4353

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Saturday March 14th 1885.

660 The State of Ohio vs Isaac White } Indictment for Murder in the Second degree.

This day again came the Prosecuting Attorney on behalf of the State of Ohio and the defendant appearing in court in answer to his recognizance herein his counsel also appearing, the said jurors heretofore impannelled and sworn in this case. Thereupon argument on behalf of the defendant was resumed and concluded, and the argument of Counsel on behalf of the prosecution was resumed and continued until 12 o'clock or more of this day and before the argument was concluded on behalf of the prosecution, the court adjourned the further hearing of this case until next Monday at 10½ o'clock A.M. To which adjournment the defendant by his Counsel excepts, the said adjournment being against the wish and consent of the defendant.

~~The State of Ohio vs Isaac White~~ 660 Indictment for Murder in the Second degree.

Error

This day again came the prosecuting attorney on behalf of the State of Ohio and the defendant appearing in court in answer to his recognizance herein, and his Counsel, also appearing, the said jurors heretofore duly impannelled and sworn in this case. Thereupon argument on behalf of the defendant was resumed and concluded, and argument on behalf of the prosecution was resumed. Thereupon the further hearing of this case was adjourned until next Monday at 10½ o'clock A.M.

Elizabeth Wells vs John Henson } 1353 In

The plaintiff having failed to give the security for costs therefor required, by order of Court this action is now dismissed at plaintiffs cost. It is therefore adjudged that the defendant recover of the plaintiff Elizabeth Wells his costs herein expended

660 The State of Ohio vs Isaac White } Indictment for Murder in the Second Degree

This day the Court Allows and orders paid to C. L. Bagley Official Stenographer heretofore appointed herein

for five days attendance at $5.00 —	$40.00
" making partial trans. 72 folios at 8 cts	5.76
Total	$45.76

Saturday, March 14th A.D. 1885

4497 James B. Cole vs Ho. Ho. Justus et al

This cause came on for hearing on the pleadings and evidence, and a jury having been waived was submitted to the court. And the court being fully advised in the premises on the request of the defendants that its conclusions of fact be stated separately from its conclusions of law, find as its conclusions of fact. "First" That the plaintiff had a bona fide assignment of said judgment as alleged in his petition and that Execution issued thereon as alleged.

"Second" That said defendant Ho. Ho. Justice had notice of said assignment before any order was made upon him, and before any judgment was rendered against him as garnishee in said proceedings in attachment and garnishment recited in defendants answer and before he paid any of the money over in said proceedings.

And as its Statement of the conclusions of law in said case, the Court finds and considers that the said plaintiff J. B. Cole recover from said defendants Robert Sanders & C. Dickenson the amount claimed in said petition with interest as claimed, and upon said Conclusions of fact & Law judgment is rendered accordingly.

It is therefore considered by the Court that the said J B Cole plaintiff recover of the said Robert Sanders & C. Dickenson defendants the said Sum of $14.74 debt and the costs of said Warner and said J. B. Cole in and on said assigned judgment taxed to $ together with plaintiffs costs in this case, and judgment is rendered against said defendants for all the costs on said assigned judgment & in this case. 4785

4786

The defendants having filed a motion to set aside the findings of the Court both upon the questions of law and fact, and the same not having been yet heard and desired the cause continued for hearing upon said Motion and the defendants except to the rendition of judgment in this case before the said Motion is heard and decided and excepts to the action and decision of the court in this behalf.

4748 Andrew Smeltzer vs Caroline Smeltzer

This day this cause came on to be heard upon the application of the plaintiff herein to have a committee of Six persons appointed by the Court to investigate and report to the court upon the permanent insanity of the said defendant and for the appointment of Guardian ad litem for the said defendant. and the court being fully advised in the premises appoints such committee three Physicians to-wit: Drs James Butler, W. B. Dukes and C. S. White and John Bline Jacob Temple and C. W. Merritt. Whereupon John M. Broderick Esq was appointed Guardian Ad-litem for said defendant. The said Committee is to inquired to report forthwith to this court upon the permanent insanity of said defendant.

Court adjourned until 10.30 am. Monday next.

Monday, March 16th A. D. 1885

Court met pursuant to adjournment at 80. 20 A. M. the same Officers present as on Saturday.

Fleck and Chapman
vs
Ed. Berger et al.

This cause being heard on demurrer to amended answer of Ed. Berger the Court on consideration sustains the same and leave is granted said defendant Berger to amend instanter.

C. E. Fish
vs
4785 J. W. Moffitt Wm. Moffitt and J. T. Haines

This day came the plaintiffs by S. S. Gardiner their Attorneys and thereupon came L. Piper one of the Attorneys of Record of this Court, who, by virtue of a Warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendants herein, and by virtue of the same Warrant of Attorney, confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the sum of $108.35

It is therefore considered that said plaintiff do recover of said defendants the said sum of $108.35 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said Warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

M. W. Hill Assignee
of Union County Bank
vs
4786 E. G. Randall

This day came the plaintiff by S. S. Gardiner their Attorney and thereupon came L. Piper one of the Attorneys of Record of this Court, who, by virtue of a Warrant of Attorney duly executed and now produced in open Court and duly proven waived the issuing and service of process, and entered appearance of said defendants herein, and by virtue of the same Warrant of Attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the sum of $183.88

It is therefor considered that said plaintiff do recover of said defendants the said sum of $183.88 so as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of 8 % per annum. And by virtue of said Warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

Monday, March 16th A.D. 1885

4342 Jacob Hoarst and William Woodruff partners in the name & firm of Hoarst & Woodruff
against
The County Commissioners of Union County Ohio

On Motion of the plaintiffs and the court being satisfied that a fair and impartial trial of this cause cannot be had in this county, it is ordered that the place of trial be, and the same hereby is changed to the adjoining county of Delaware.

It is therfore directed that the Clerk of the court transmit to the Clerk of the Court of common pleas of said county of Delaware the pleadings and proceedings in this cause with a certified copy of this order, fifteen days before the next term of said court in said county of Delaware, To all of which ruling and decision the above defendants Excepts.

4344 Weidman Hoerr & Co
do
C W. Smith & Co

680

This day this cause came on to be heard upon the demurrer of the defendant Delasco to the second cause of action in plaintiffs petition and the court being fully advised in the premises do sustain said demurrer, to which ruling and decision the plaintiff Excepted and leave is granted plaintiff to amend his petition in 30 days from the rising of Court and cause Continued

4347 Johanna Minker
vs
Adam Minker

This case is dismissed at plaintiffs costs. It is therefore considered that the plaintiff pay the costs herein taxed by ~~t~~.

677

660 The State of Ohio
vs
Isaac White

Indictment for Murder in the second degree.

This day came the prosecuting attorney on behalf of the State of Ohio, and the defendant coming into Court in answer to his recognizance and his counsel also coming Thereupon also came the same jury as on Saturday, The argument of Counsel for the State was resumed and concluded and after being charged by the court the jury retired to their room in custody of the Sheriff for deliberation.

The State of Ohio
vs
Jesse Mayo & John Mayo
} Indictment for "Robbery"

This day came the prosecuting attorney on behalf of the State of Ohio, and the prisoners being brought into court in custody of the Sheriff. Thereupon a Nolle Prosequi is entered herein, by order of the court at request of the Pros. Atty on the charge of Robbery in said indictment and the defendants for plea thereto say they are guilty of Assault and Battery, which plea is accepted by the prosecuting attorney, and the court being fully advised in the premises, and the defendants being enquired of if they had anything to say why judgment should not be pronounced against them and showing no good and sufficient cause why judgment should not be pronounced

It is therefore considered and adjudged by the Court that the said Jesse Mayo and John Mayo each be imprisoned in the County Jail of Union county Ohio for the term of Ninety days and that they pay the cost of prosecution herein taxed.

680

The State of Ohio
vs
George Orr
} Indictment for Burglary & Petit Larceny"

This day came the prosecuting attorney on behalf of the State of Ohio and the prisoner being brought into Court in custody of the Sheriff retracted his plea of not guilty heretofore entered in this case, thereupon a nolle prosequi is entered herein by order of the court, at the request of the prosecuting attorney on the charge of Burglary and for plea thereto saith he is guilty of Petit Larceny, which Plea is accepted by the prosecuting attorney and the defendant being enquired of if he had anything to say why judgment should not be pronounced against him, and showing no good and sufficient cause why Judgement should not be pronounced,

It is therefore considered and adjudged by the court that the said George Orr be imprisoned in the Jail of Union County Ohio for the term of 30 days and that he pay the cost of prosecution, herein taxed,

677

The State of Ohio
vs
Freeman Thompson
} Indictment for "Forgery"

This day came the defendant, and with W. J. Thompson, as his surety, entered into recognizance before the court in the sum of two hundred dollars conditioned for his appearance on the first day of the next term of this Court to be holden and not depart without the leave of the Court, to which time this cause is continued on the Motion and showing of the defendant.

Tuesday March 17th A.D. 1885.

660 The State of Ohio } Indictment for Murder in the Second Degree. 4780
vs }
Isaac White }

This day came the prosecuting attorney on behalf of the State of Ohio and the defendant appearing in court in answer to his recognizance, his counsel also coming also. the same jury as on yesterday being still in deliberation in custody of the Sheriff, thereupon came the jury conducted into court by the Sheriff and returned the following verdict in writing signed by their foreman to-wit;

"Verdict" The State of Ohio } Indictment for Murder in the 2d degree.
vs }
Isaac White } Union Common Pleas. February Term A.D. 1885. 4679

We the jury, find the defendant, Isaac White, not-guilty of Murder in the Second degree, but we find him guilty of Man Slaughter, as he stands charged in the indictment.

Franklin B. Sprague, Foreman

And thereupon said defendant is ordered into the custody of the Sheriff to await Sentence. Hereupon the defendant by his Counsel gave notice of a motion for a new trial.

Afterward again came the prosecuting attorney on behalf of the State of Ohio, and the defendant being brought into court in custody of the Sheriff and his counsel also being present, Hereupon the court do fix the time for hearing said Motion for a new trial at Monday March 23d 1885. to which time this cause is adjourned. 4619

William Moodie }
vs }
4651 Uriah Cahill et al }

This day this cause came on to be heard on motion of the defendants to dissolve the injunction heretofore granted herein, and the same was submitted to the court on the pleadings and Evidence adduced by the parties and the same was argued by counsel and submitted to the court on Consideration whereof the court do Sustain said motion, dissolve the injunction and dismiss the plaintiffs petition and amended petition at the cost of said Plaintiff. 4726

It is therefore considered and adjudged by the court that the said plaintiff pay the costs herein taxed to $ and execution is awarded therefor. Thereupon the plaintiff gave notice of an appeal to the circuit court: and the court do fix the amount of the appeal bond herein at the sum of One Hundred dollars.

Bill C This day the court allowed and ordered to be paid to J.M. Alexander the sum of Six dollars for furnishing breakfast to the jury in the White case 4787½

W.A. Johnson Guardian }
vs }
Geo. W. Bacon } This day came the parties and agreed to a continuance with leave to plaintiff to file amended petition within 30 days

4780 Ashley Knightlinger vs Holmes A. Hutchison et al

On Motion and application to the satisfaction of the Court that Dolly B. Cole Has a levy on the property described in the petition and is a proper and necessary party defendant to this action. It is therefore ordered that the said Dolly B. Cole be made a party defendant hereto with leave to file pleading herein. Whereupon said Dolly B. Cole filed in this case an answer and cross petition.

4679 Geo B. Carpenter vs Fredrick Stuckey et al

This day this cause came on to be heard upon the Motion Dennmeister on of the defendants to set aside the sale heretofore made was argued by Counsel, and the Court being fully advised in the premises sustained said motion, and it is ordered by the Court that said sale be and the same is hereby set aside and said premises is hereby ordered to be reappraised advertised and sold by the Sheriff of said County, and cause continued.

4619 Wm M. Walton vs N. M. Hubbard

Motion to Strike from answer overruled, demmer to 2nd 3rd & 4th clauses of answer sustained, overruling of Motion to Strike Excepted to by plaintiff. Sustaining of demmer as to each defense Excepted to, leave granted to amend answer and amended answer filed.

4726 Albert Mayer & Bro vs E. E. Hazen

Now comes the plaintiff by their attorneys, and the defendant being in default for answer and Demmer the Court find that the allegations are confessed by him to be true, and that said defendant is indebted to plaintiffs in the sum of One hundred & one & 3/100 Dollars with interest thereon at the rate of six per cent from May 1st 1884.

It is therefore considered by the court that the said Plaintiffs recover from said defendant said sum & and interest thereon so as aforesaid found due, to-wit the sum of $106.22 with 6% from March 10th 1885 and their costs herein Expended.

4787½ The Directors of the Union County Farmers Assurance Company Application for Dissolution

March 17th 1885

Entry Continued on page 402.

March 17. 1885

A. Phillips
vs
4738 G.R. Haines and
G.R. Haines as admr

Now comes the plaintiff by his attorneys and the defendants being in default for answer and demurrer the court find that the allegation of the petition are confessed by them to be true, and that said defendants are indebted to plaintiff in the sum of One hundred and Seventy nine & 2/100 Dollars with interest thereon at the rate of Eight per cent from Jany 15th 1885.

It is therefore considered by the court that the said plaintiff recover from the said defendants the said sum with interest thereon as aforesaid. to-wit; the sum of One hundred and Eighty one and 2/100 Dollars with 8% from Jan 15th/85 and his costs herein expended.

H. A. Hamilton
vs
4744 R R Randall

And now comes the said H. A. Hamilton by R. R. Kerr his attorney and thereupon this cause came on to be heard upon the petition, and was argued by counsel and the said R R Randall still failing to demur or answer to the said petition, the said petition is taken to be true. It is therefore considered that the plaintiff ought to recover the amount due him by reason of the premises; on consideration whereof the court find that there is due to the plaintiff from the said R R. Randall on the note & mortgage in the petition mentioned and set forth the sum of Six hundred & Sixty five dollars and thirty three cents and that it is lien on said premises.

It is therefore considered by the court here that the said plaintiff recover of the said defendant the said sum of $665.33 the sum found due as aforesaid, and also his costs taxed at $

And it is further ordered and adjudged that in case the defendant R R Randall fail for 5 days from this date to pay to the said plaintiff the said sum of $665.33 so as aforesaid 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-wit; Beginning in the center of the Bush Creek Gravel Road and at the N. E. Corner of 63 acres of land owned by Wm Moore thence with said Moore's East line 9°E 18 poles to said Moores S. E. Corner and in the South line of Survey 4922. thence with said Survey line N 81°E 41 poles 22 links to a Stake in said Survey line. thence N 9°W 18 poles to the center of Bush Creek gravel road. thence with the center of said gravel road 41 poles 22 links to the place of beginning containing 37½ acres. to be appraised Advertised and sold according to law, and apply the proceeds of the sale, first in payment of costs; second, in payment of the judgment so as aforesaid rendered and the residue, if any, he bring into court to abide the order of said court.

4787

4760

#787 Hullington and Ellis vs Henry Powell et al

This day came the plaintiffs by Porter and Porter their attorneys and thereupon came D.W. Ayers one of the attorneys of record of this court, who by virtue of a warrant of attorney duly executed and now produced in open court and duly proven, waived the issuing and service of process, and entered appearance of said defendants herein and by virtue of the same warrant of attorney, confesses that there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition the sum of $138.38. It is therefore considered that said plaintiffs do recover of said defendants the said sum of $138.38 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8 per centum per annum. And by virtue of said warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

Charles A. Lee vs D. J. Case et al

Now comes the plaintiff by his attorney and the defendant being in default for answer and demurrer, the court find that the allegations of the petition are confessed by him to be true and find the defendants D.J. Case M.A. Case and J.V. Keller are indebted to the plaintiff Chas A Lee in the sum of one hundred five & 75/100 dollars.

It is therefore considered by the court that the said plaintiff recover from the said defendant the said sum of $105.75 and his costs herein expended taxed at $.

#760 Morris W. Hill Assignee vs Jason Case & Lavina Case his wife

This day came the plaintiff by his attorney and the defendants being in default for answer and demurrer to the petition of said plaintiff, the court find the allegations therein are confessed by them to be true. The court further find that the defendant Jason Case executed and delivered to the said plaintiff the four several notes as set forth in the Petition. That two of said notes was past due when the petition was filed and that the other note is not yet due. The court further find that there is due the plaintiff on the notes which are over due with interest thereon the sum of $ 852.00. It is therefore considered by the court that the said plaintiff M.W. Hill as assignee of S.M. Blake and D.J. Blake recover from the defendant Jason Case the said sum of $ 852.00 and his costs herein expended taxed at $ The court further find that the defendants Jason Case and Lavonia Case his wife executed and delivered to the said plaintiff W. W. Hill Assignee as aforesaid the Mortgage deed in the petition described and on the premises therein described. That said Mortgage was duly recorded in book 20 page 531 of the Records of Mortgages of Union County Ohio and is the first and best lien on the premises described in the Petition.

The court further find that the conditions of defeasance

March 1st 1885

in said mortgage has been broken and that said plaintiff is thereby Entitled to have the defendants Equity of redemption foreclosed.

It is therefor considered and decred that unless the said defendants shall within 5 days from the Entry of this decree pay or cause to be paid to the Clerk of this Court the costs in this case and to said plaintiff the Sum of $852.00 with interest from the date of this decree according to the terms of said Mortgage ded, the defendants Equity of Redemption be foreclosed and said premises shall be sold and an order of Sale shall issue therefor to the Sheriff of Union County Ohio directing him to Sell said premises as upon Execution and bring the proceeds into court for further order.

4761

M. W Hill
vs
Chas B. Houston et al

This day came the plaintiff by his attorney and the defendants being in default for answer or demmer to the petition of said plaintiff the Court find the allegations therein are confessed by them to be true. The court further find that the defendant Charles B. Huston Executed and delivered to said Jas W Huston the three Several notes as set forth in the petition, that one of the said notes was past due when the petition was filed and that the other notes are not yet due, excepting the interest on the last mentioned note and that the defendant Jas Wm Huston indorsed said notes as in the petition set forth. That the plaintiff is now the legal owner and holder of the same

The Court further find that there is due to the Plaintiff on the note which is now past due with interest thereon the Sum of $328.65 and there is due of interest on the last described note the Sum of $120.15. It is thereupon considered by the court that the said plaintiff M.W. Hill recover of the defendant Chas B Huston the said Sum of $448.18 and his costs therein expended taxed at $ -

The Court further find that the defendant Chas B. Houston Executed and delivered to Jas Wm Huston the mortgage ded in the petition described and on the premises therein described and that the same was for a valuable consideration assigned to plaintiff. That said Mortgage was duly recorded in Book No 20 page 34 of the records of Mortgages of Union County Ohio, and is the first and best lien on the premises described in the petition, and was given for the purchase Money of the same. The court further find that the condition of defeasance in said Mortgage has been broken and that the plaintiff is hereby Entitled to have the defendants Equity of redemption foreclosed. 4288

It is farther considered and decred that unless the said defendant shall within five days pay or cause to be paid to the Clerk of this Court the costs in this case and to the said plaintiff the Sum of $ 448.18, with interest from the date of this decree according to the terms of said Mortgage ded the defendant Equity of redemption be foreclosed and said premises shall be Sold and an order of Sale shall issue therefor to the Sheriff of Union County Ohio directing him to Sell said premises as upon Execution and bring the proceeds into Court for further order. And as to the defendant Jas Wm Huston this case Stands continued to the next term of this court.

4551

M F. Langstaff
vs
E. B. Mather et al

This day came the said Joseph Rodgers by his attorney and the said E.B. Mather and Elizabeth Mather and the plaintiff being in default for answer demur to the ~~petition~~ answer & Cross petition of the said Joseph Rodgers the court find the allegations therein are confessed by them to be true. The court further find that the said E.B. Mather and Elizabeth Mather Executed and delivered to M.W. Hill their two promissory notes as in the Cross petition described and that both of said notes were past due when said answer and cross petition was filed and that the same were for a valuable consideration transfered and assigned to said Joseph Rodgers and that he is now the legal owner and holder thereof that there is now due to said Joseph Rodgers thereon the sum of $337.65 - including interest to this date and that to secure the payment of said notes the defendants E.B. Mather and Elizabeth Mather his wife Executed and delivered to said M.W. Hill their mortgage deed as in the answer and cross petition of said Joseph Rodgers described and on the premises therein described, and the same as is described in the petition in this case and that the said Joseph Rodgers is now the legal owner and holder of said Mortgage deed. That the said Mortgage was recorded in Book No 18 page 81 of Winn County Records of deeds and is the first and best lien on the premises described in the defendants' petition. The court further find that the condition of defeasance in said mortgage has been broken and that said Joseph Rodgers is entitled to have the defendants E.B. Mather and Elizabeth Mathers Equity of redemption foreclosed.

It is therefore considered and decreed that unless the said E.B. Mather and Mather shall within five days from the entry of this decree pay or cause to be paid to the clerk of this court the costs in this case and to said Joseph Rodgers the sum of $337.65 with interest from the date of this decree at 8% per annum according to the terms of said Mortgage deed the defendants E. B. Mather and Elizabeth Mather's Equity of redemption be foreclosed, and said premises shall be sold, and an order of sale shall be issued to the Sheriff of Winn County this directing him to sell said premises as upon execution and bring the proceeds into Court for further order.

Shipley Downing & Co
vs
S.S. Gardiner Assignee

4288

This day this cause coming on to be heard, thereupon the defendant asked and obtained leave to withdraw his demurrer heretofore filed herein, and the defendant having failed to further demur or answer herein, It is considered and adjudged by the court that the said plaintiffs do recover of the said defendant as assignee of the said firm of Wright & Lewis the sum of One Hundred and twenty five & 12/100 dollars with interest from the 16th day of February A.D. 1885, and Execution is awarded for the same to be levied of the goods and chattles lands or tenements of the said assignors Wright & Lewis.

4263

Butterworth & Co
4283 vs
S. S. Gardiner Assignee

This day this cause came on to be heard, thereupon the defendant asked and obtained leave of court to withdraw his demurrer heretofore filed herein, and the defendant having failed to put the demurrer or answer herein it is considered and adjudged by the court that the plaintiff do recover of said defendant as assignee of the said firm of Wright & Lewis the sum of Two hundred and Seventy five and 79/100 dollars with interest thereon from the 16th day of February A D 1886, and execution is awarded for the same to be levied of the goods and chattles, lands and tenements of said Wright & Lewis assignee as aforesaid.

Clara Moffitt
4558 v.s
James D. Gamble et al

Now came the plaintiff by her attorneys and her petition thereupon coming on to be heard, the Court find that all the defendants have had due legal notice of the pendency and demands of the said petition, and that they are in default for answer and demurrer; and that the petition is thereby confessed by them to be true. 4748

Thereupon the Court find that the said plaintiff Clara Moffitt is siezed of and has a legal right to the undivided one forty ninth (1/49) part of the estate described in the petition, and is entitled to have partition made of said premises; that the defendants are tenants in common with the said plaintiff in the said premises in the following proportions to wit: The said Dora Rodgers is siezed of and has a legal right to the undivided one forty ninth part thereof. The said James Rodgers to the undivided one forty ninth part thereof. The said George Rodgers to the undivided one forty ninth part thereof. The said Ella Rodgers to the undivided one forty ninth part thereof. The said Aaron Rodgers to the undivided one forty ninth part thereof. also Delpha D'essa Rodgers to the undivided one forty ninth part thereof, also Clarinda Guy to the undivided one seventh part thereof. The said Sophia Boughman to the undivided one seventh part thereof. The said John Gamble to the undivided one seventh part thereof. 4679 The said Robert Gamble Jr. to the undivided one seventh part thereof. The said Calvin Gamble to the undivided one seventh part thereof. The said James D. Gamble to the undivided one seventh part thereof, and no reason appearing why partition should not be made. It is therefore ordered adjudged and decreed that partition of said estate be made; and that an order issue to the Sheriff of said County of Union commanding him that by the oaths of O. F. Sanders Andrew Taylor & Berry Hamawalt three judicious and disinterested freeholders of the vicinity, who are not of kin to either party who are hereby appointed commissioners for that purpose, they cause to be set off and divided to the said plaintiff and to each of the said defendants the part and proportion of the said estate to which they are herein before severally found entitled. And it is ordered that if, in the opinion of the said Commissioners said premises cannot be divided by meles and bounds without injury to the value thereof they appraise the same free from dower. And of his proceedings herein the said Sheriff is ordered to make due return without unnecessary delay.

Tuesday March 17th 1885.

4263 R. & J. Cummings & Co.
V.S
Seth S. Gardiner, Assignee.

Now came the plaintiff herein, and the defendant being in default for answer and demurrer, the Court finds that the allegations of the petition are confessed by him to be true, and that the claim of the plaintiffs against the estate of the said Charles Wright and John Lewis is just and that they are entitled to have the same allowed in the sum of One hundred and sixty two & 7/100 Dollars (including interest to the first day of the present term. Feb. 16th 1885).

It is therefore considered and adjudged that the said defendant, S. S. Gardiner, as assignee of Charles Wright and John Lewis, under the firm name of Wright and Lewis, do allow the said claim of the plaintiffs as above found in the settlement of his trusts.

It is further considered that the said R. & J. Cummings & Co. recover from the said S. S. Gardiner, Assignee, their costs herein expended, taxed to $.

Andrew Schmeltzer
4748 V.S
Caroline Schmeltzer

This cause coming on for hearing on the petition of the plaintiff alleging the insanity of the said Caroline Schmeltzer and no good cause being shown to the contrary the Court appoints James Cutler, W. B. Duke, C. A. White, John Blue, Jacob Tempel and George W. Merritt six competent men as required by law a committee to inquire under oath into the fact of the insanity of the said Caroline Schmeltzer and to report in writing without unnecessary delay after hearing testimony in the case, the result of their investigations. And the said Caroline Schmeltzer having no legal guardian John M. Brodrick Esq. is hereby appointed guardian ad litem in this action to produce testimony to the above named committee.

George B. Carpenter
4679 V.S
Fredrick Stukey et al.

This day came on this cause to be heard on the motion of Cyprus Jacobs and George B. Hamilton for the appointment of a Receiver in this action for the reasons assigned in said motion on file and the Court being fully advised in the premises do find that the condition of the Mortgage in said petition described has not been performed and the said lands are probably insufficient to discharge the Mortgage debt aforesaid and that said land cannot probably be sold at present. It is therefore considered and ordered by the Court that Henry C. Merritt be and he is hereby appointed Receiver in this action with authority and direction to take possession of said premises in said petition described and manage the same for the benefit of all parties concerned on his giving bond in the sum of Two hundred Dollars according to law to the approval of the Clerk of this Court and thereupon came said Merritt and entered into said undertaking and so duly swore to faithfully discharge his duty as said Receiver and it is further ordered that said Merritt proceed forthwith to take possession of said premises as such Receiver and safely keep the same under the order of this Court in this action to be made and the said Fredrick Stukey and all other persons having said property in their possession or under their control are hereby required and commanded to deliver the same to said Merritt as such Receiver on his demand and under the penalty of the law for a contempt in refusing so to deliver the same.

Court adjourned to Monday 7 P.M. March 23rd 1885.

Monday March 23rd A.D. 1885

Court met at 7 P.M. pursuant to adjournment, the same officers being present as yesterday.

4790 Fullington & Phelps
vs
Robert E. Boyd and Richard Boyd

This day came the plaintiff by Porter & Porter attorneys and thereupon came T. B. Fulton one of the attorneys of record of this court, who, by virtue of a warrant of attorney duly executed, and now produced in open court and duly proven, waived the issuing and service of process and entered appearance of said defendants herein and by virtue of the same warrant of attorney, confesses that there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition the sum of $523.69. It is therefore considered that said plaintiffs do recover of said defendants the said sum of $523.69 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8% per annum. And by virtue of said warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in Error are waived.

No 4787½ Entry Continued from Page 395.

This day came Uriah Cahill and others directors of the Union County Farmers Insurance Company a corporation duly incorporated under the laws of Ohio and filed their petition vouchers, inventories Statements and affidavits as required by the provisions of Title One Division 7 Chapter 8 of the Revised Statutes of Ohio praying for a dissolution of said Corporation, said petition and matter coming on for hearing and the court being fully advised in the premises do find that the plaintiffs constitute a majority of the duly Elected and qualified directors of said corporation and that they have taken the necessary Steps to entitle them to the order and reference provided for by Section 3637 of the revised Statutes of Ohio.

The court on application of the plaintiffs hereby appoints George Heistand a Referee in this case and all persons interested in ~~said Company~~ said Corporation are hereby ordered to appear before said Referee at the Auditors Office in Marysville Ohio, on the 20th day of June A.D. 1885 at 10 o'clock A.M. to Show Cause if any they have why the said Corporation Should not be dissolved.

And the said Referee is hereby authorized and required to attend at the time and place herein named and attend from day to day if occasion require and to take the Statements and allegations of any and all persons interested and who may desire to be heard, and to reduce to writing all such Statements allegations and Evidence as may be offered and presented before him, and to Examine any & all witnesses that may be produced by any party interested including the plaintiffs and to reduce to writing all testimony and report the same to the court without unnecessary delay and to report to this court at the same time a Statement of the property effects debts, credits and Enjoyments of said Corporation and all other matters and things pertaining to its office.

4768

4552

660

Monday March 23rd A.D. 1885-

4768 Elnora A. Sombard vs Edward B. Conklin

Now came the plaintiff herein by her attorney, and this cause coming on to be heard upon the petition of plaintiff, the Court find that all of said defendants, have had due and legal notice of the pendency and demand of the said petition, and that they are in default for answer and demurrer, and that the said petition is thereby confessed by them to be true.

That the said plaintiff Elnora A. Sombard, is seized of has a legal right to the undivided one sixth part of the estate described in the petition, and is entitled to have partition made of said premises; that the defendants are tenants in common with plaintiff, in the said premises in the following proportions to wit- that the said Edward B. Conklin, Mary E. Joyner, Galena Snow, Artisca Conklin, and William Conklin, are each seized of and have a legal right to the undivided one sixth part thereof. And, no reason appearing why partition should not be made, It is ordered, adjudged and decreed, that partition of said estate be made, and that an order issue to the Sheriff of said County of Union, commanding him that by the oaths of T. W. N. Pennington, N. J. Ferguson and Geo. C. Wilcox three judicious and disinterested freeholders of the vicinity, who are hereby appointed commissioners for that purpose, he cause to be set off and divided to the said plaintiff, and to each of the said defendants, the part and proportion of the said estate to which they are hereinbefore severally found entitled. And it is ordered that if, in the opinion of said commissioners, said premises cannot be divided by metes and bounds, without injury to the value thereof, they appraise the same, and of his proceedings herein, the said Sheriff is ordered to make due return without unnecessary delay.

4552 John Doree vs Charles Burnett et al

This case is dismissed at cost of plaintiff. It is therefore considered that the plaintiff pay the costs in this action taxed to $.

The State of Ohio vs Isaac White 660

Indictment for murder in the 2nd degree

This day came the Prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff, and his counsel also coming. Thereupon this cause came on to be heard upon the motion of said defendant for a new trial herein and the same was heard upon the affidavits of the said defendant and of the State adduced herein, and the same was argued by counsel and submitted to the Court.

Thereupon Court adjourned to meet tomorrow morning at 10 o'clock.

Court adjourned until tomorrow at 10. a.m.

Tuesday March 24th A.D. 1885.

Court met pursuant to adjournment at 10 A.M. the same officers being present as on yesterday.

660 The State of Ohio vs Isaac White } Indictment for Murder in the second degree.

4698 This day came the prosecuting Attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and his counsel also coming, thereupon this cause came on to be further heard upon the motion for a new trial by said defendant herein. On consideration whereof the Court do overrule said Motion, to which ruling of the Court the defendant then and there excepted; and the said defendant being informed by the Court of the Verdict of the jury heretofore rendered herein and inquired of if he had anything to say why judgment should not be pronounced against him, and having nothing but what he hath already: It is therefore considered and adjudged by the Court that the said defendant, Isaac White, be imprisoned and confined in the penitentiary of the said State of Ohio and kept at hard labor, but without any solitary confinement, for the period of Ten Years, and that he pay the costs of this prosecution for which execution is awarded. = This entry continued on page 407.

Hullington and Ellis vs James Mulvaine et al } This day came the plaintiffs by J.B. Cole their attorney and thereupon came F.J. Arthur one of the attorneys of record of this. Who by virtue of a warrant of attorney duly executed and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of Attorney confesses that there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition the sum of $181.36. It is therefore considered that said plaintiff do recover of said defendants the said sum of $181.36 so as aforesaid confessed to be due, together with costs of suit herein laid and with interest to be computed at the rate of 8% per annum. And by virtue of said warrant of attorney all errors are released, and all right of appeal and all right to file a petition in error are waived.

4664 William Dunn vs James Dunn et al } This day came on this cause to be further heard by the court: Whereupon the court find the proceedings of the Sheriff and Commissioners in partition regular & thereupon their report is confirmed and approved and it appearing that Wm Dunn as well as John Dunn both Elect to take the land at its appraised value of $30. an acre and not being able to agree, it is considered ordered and decreed that said lands be sold according to law & the proceeds divided between said parties & in order to carry the same to be done, it is ordered by the court that an order of sale issue to the Sheriff according to law commanding him to advertise and sell according to law the lands in said petition descri-

March 24th 1883.

ded and report his proceedings to this court at its next term. The sale to be made on the following terms, viz; 1/3 Cash in hand. 1/3 in one year & 1/3 in two years, with interest. Leave given to plaintiff to file reply to the answer of John Dun as to liens & cause continued.

4698 P. B. Cole Trustee &c
vs
Charles S. Landgram et al

This cause coming on for hearing on the petition of Plaintiff answer of defendant C. S. Landgram and the said Mattie E Landgram still failing to answer or demur and the other defendants not being served with process was submitted to the court and being fully advised in the premises find as follows;

"First" That Charles S. Landgram executed the eight notes in the petition described as therein alleged. That three of said notes were due when said petition was filed, and that the principal on the said other notes were not due but that the interest thereon was due.

"Second" The court further finds that there is due from the defendant to the plaintiff on said notes which are due for principal and interest the sum of $377.82. and that there is due on the said other notes for interest to this date the sum of $154.41 Making an aggregate so due of $532.23.

"Third" The court further find that the said defendant C. S. Landgram is entitled to a credit on said amount so found against him of $66.88 on account of three several payments made by him to Charles W Leyon while he was the owner and holder of the same.

"Fourth." And that said defendant is entitled to a further credit on said amount of $315.00 for cash this day paid by him to the plaintiff Making an aggregate of credits of $381.88 leaving a balance due and unpaid of $150.35.

The court further find that in order to secure said notes the defendants Charles S. Landgram & Mattie E Landgram his wife executed & delivered to Miller Warner their certain mortgage on the premises described in the petition that said Miller Warner transfered the same to Chas W. Leyon then in life and now deceased and that the administrator of said Leyons John M. Brodrick under the last will of said Leyon transfered the said mortgage to the plaintiff P. B. Cole as trustee of Amanda M. Beelman as alleged in his petition, That said mortgage was duly recorded in Book 16 page 247 in the Records of Mortgages of Union County and is the first best lien on said premises for the amount so found due.

It is therefor considered and adjudged that unless the said defendants Charles S. Landgram shall within ten days from the Entry of this decree pay or cause to be paid to the Clerk of this court the costs in this Case and to the plaintiff the sum of One hundred and fifty & 35/100 dollars ($150.35) and interest from the 20th day of March 1883 the sum so found due him as aforesaid with interest according to the terms of the said mortgage and the defendants Equity of redemption be foreclosed and said premises shall be sold and an order of Sale shall issue therefor to the Sheriff of Union County directing him to sell said premises as upon execution and bring the money into court for further order, and as to the notes not yet due this cause is continued

March 24th 1883

4218 Orlonus T. Hill
vs
Seth S. Gardiner assignee
of Lewis & Wright

4-5-9

This day this cause came on to be heard upon the motion filed herein by the plaintiff to Strike out and ~~Annul~~ Cancel the order heretofore made and entered on the journal of said court. Whereupon leave was given to plaintiff to withdraw said motion. And thereupon this cause was further heard on the motion filed herein by plaintiff for an order to Strike from the files of the court in this case the answer of said Charles Wright filed herein. On Consideration whereof the court doth sustain said motion; and it is thereupon ordered and adjudged by the court that said answer of said Charles Wright be Stricken from the files.

Thereupon this cause came on to be further heard upon the issues made by this petition of the plaintiff and the answer of said defendant Seth S. Gardiner as assignee of said John Lewis and Charles Wright partners as aforesaid.

Whereupon neither party requiring a jury and the same being ~~expressly~~ waived, this cause was submitted to the court on the pleadings & Evidence and thereupon the court being fully advised in the premises doth find for the plaintiff & that the allegations of the plaintiffs petition are true.

660

The Court finds that the claim of the plaintiff against the estate of said John Lewis & Charles Wright partners as aforesaid so assigned is just and that he is Entitled to have the same allowed in the Sum of One Hundred Sixty Eight dollars and Twenty three cents. being the amount of said claim & interest due plaintiff on said claim up to the 26th day of February 1883.

It is therfore ordered, considered and adjudged that the said defendant Seth S. Gardiner as assignee of said John Lewis & Charles Wright late partners under the firm name of Lewis & Wright allow the said claim of the plaintiff as above found in the Settlement of his trust as such assignee.

It is further considered that the said Orlonus T. Hill plaintiff recover from the defendant Seth S. Gardiner as assignee as aforesaid his Costs herein expended taxed $.

4701 Addie E. Ropp
vs.
N. D. Degood et al

4748

Leave granted to refile petition and cause continued.

March 24th 1885.

4-5-9 Hattie Boyd
v.s
Joseph Boyd

This cause came on this day to be heard on the petition, the answer of the defendant Joseph Boyd and the evidence, and on consideration thereof the Court find that the plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and was at the time a bona fide resident of this County of Union and that the parties hereto were married as in said petition set forth. The Court further find upon the evidence adduced that the defendant has been guilty of gross neglect of duty, and that by reason thereof the plaintiff is entitled to a divorce, as prayed for.

It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Hattie Boyd and Joseph Boyd be, and the same hereby is dissolved, and both parties are released from the obligations of the same.

It is further ordered the custody, care, education and control of the said Children be confided to the plaintiff, and the defendant is hereby enjoined from interfering in any manner with the plaintiffs control or care of said children, but it is hereby ordered that the defendant have the privilege of visiting said children at such reasonable times, and such hours in the day time, as courtesy may demand. It is further ordered and considered by the Court that the plaintiff pay the costs of this proceeding taxed at $.

The State of Ohio
v.s
660 Isaac White

Thisentry is continued from page 404

The defendant gave notice to the Court of his intention to file a petition in error in the Circuit Court, and made application to the Court to suspend the execution of the sentence and judgment against him until the next term of this Court or for such period as will give him reasonable time to prepare and file such petition in error, but the Court refused such application and refused to suspend sentence in the case to all of which rulings, judgments and orders of the Court the defendant then and there excepted.

And the defendant desiring time to prepare and file his bill of exceptions with the consent and upon the application of the defendant the Court order the journal and records of the Court to be kept open for that purpose for thirty days after the term=

Andrew Schmelzer.
v.s
4748 Caroline Schmelzer

And now this cause coming on for consideration on the report of the committee heretofore appointed herein and it appearing by said report that Caroline Schmelzer is permanently insane it is ordered that the said Andrew Schmelzer execute to the said Caroline Schmelzer a mortgage for the sum of $6408 78 (it being double the amount of the value of the dower in said lands) to be set off in money for the support and maintenance of the said Caroline Schmelzer after the death of her said husband.

It is therefore ordered that said petitioner secure the said sum of $6408 78 to the use of the said Caroline Schmelzer by good and sufficient mortgage on unincumbered real estate of double the value of said sum, and that thereupon the real estate in the petition described be released from the contingent dower interest of the said Caroline Schmelzer.

March 24th A.D 1885.

660 The State of Ohio } Indictment for murder in the second degree. 4727
v.s
Isaac White }

It appearing to the Court that D. W. Ayers Esq. has heretofore been allowed the sum of One hundred and seventy five dollars for assisting the prosecuting Attorney in this case and the Court finding that three hundred and fifty dollars would be a reasonable allowance for his services, the Court do therefore allow to said D. W. Ayers the sum of One hundred and seventy five dollars in addition to all that has heretofore been paid him in said case as full payment for his services herein.

4773 Thorbe Y. Crass }
v.s
George P. Crass et al, }

This day came the plaintiff and by leave of the Court filed her amended petition herein and this cause came on for hearing upon said amended petition together with the evidence. On consideration whereof the Court finds that said Daniel G. Crass was seized in fee of the lands described in the petition and that he died intestate, that the lands were leased as plaid in said petition and that the plaintiff was not a party to said lease, that said Daniel G. Crass died on the 7th day of Aug. A.D 1882 and that ever since that date, said plaintiff has been entitled to dower in said lands. 4758 4558
The Court finds it more to the interest of the heirs and next of kin of said estate that said plaintiffs dower in said land be not assigned by metes and bounds until after the expiration of said lease, and that she have in lieu thereof one third of the net proceeds of said lease,
It is therefore ordered by the Court that the said dower be not assigned by metes and bounds until after the expiration of said lease and that in lieu thereof the said George W. Conrt as such Administrator pay to said plaintiff one third of the net proceeds of said lease since Aug. 2nd 1883 and the costs of this proceeding be paid by the plaintiff.

Andrew Schmelzer }
v.s
Caroline Schmelzer } And now this cause coming on to be considered on the petition the former proceedings & the evidence, and it being shown to the Court that the former order for the execution of a mortgage for the sum of $640.78 on unincumbered real estate of double the value of said sum of $640.78 has been fully complied with by the petitioner Andrew Schmelzer it is ordered and decreed by the Court that the real estate described in the petition be, and it is hereby released and discharged from the incumbrance of the contingent right of dower of the said Caroline Schmelzer and that Andrew Schmelzer pay the costs herein taxed to $. and in default of such payment an execution issue therefor. 4663

4727 English and Gillmore v.s Wray T. Thompson

This day this cause came on to be heard upon the petition of plaintiff, the defendant though duly served with a summons herein having failed to answer, demur, or otherwise object to the petition of the plaintiff but made default. On consideration whereof and the Court being fully advised in the premises finds that there is due to the plaintiffs from the said defendant the sum of Two hundred and four and 55/100 Dollars, interest being computed to the first day of the present term of this Court.

It is therefore considered and adjudged by the Court that the said plaintiffs recover of the said defendant the said sum of $204.55 and their costs in this behalf expended and that said defendant pay his own costs taxed at $ for all of which execution is awarded.

4758 Elnora A. Lombard v.s Edwards B. Caulkins

This cause coming on to be heard upon the report of the Commissioners in partition, and the Court being fully advised therein do confirm said report, and order the sale of said premises in the petition described.

4558 Clara Moffitt v.s James D. Gamble et al.

This day this cause came on to be heard on the motion of George W. Gamble an infant defendant under the age of twenty one years by Porter & Porter to set aside and vacate the order of partition made in this cause at this term and all the subsequent proceedings had under said order including the order of sale, and was argued by counsel and the Court being fully advised in the premises do sustain said motion. It is therefore ordered and adjudged that said order and all the subsequent proceedings had under said order including said order of sale be, and the are hereby set aside, and thereupon the plaintiff asked and obtained leave to file an amended petition in 30 days from the rising of Court and cause continued.

4663 John M. Laughbrake et al. v.s Nathan Howard et al. } This day this cause came on to be heard upon the demurrer of the defendants to the plaintiffs petition herein filed and the same was argued by counsel and submitted to the Court. On consideration whereof the Court do sustain said demurrer and the plaintiff declining to amend his said petition. It is therefore considered and adjudged by the Court that the said petition be dismissed and that the said plaintiffs pay the costs herein taxed to be and execution is awarded therefor. Thereupon the plaintiffs gave notice of an appeal to the Circuit Court, and the Court do fix the amount of the appeal bond at $100.00

Tuesday March 24th 1885

4494 Helen M. Watkins Guardian &c. Plff.
vs
Eva B. Kendall and others Defts.

Now comes the plaintiff by her attorneys L. D. Harris Ed Robinson and Pipes and produces to the Court the report of a sale made by said plaintiff in pursuance of an order heretofore made, and it appearing upon examination that said sale has in all respects been legally made, the same is approved and confirmed and said plaintiff is ordered to execute and deliver to the purchaser at said sale a proper deed for the real estate so by her sold as aforesaid, and the Court now coming to the distribution of the proceeds of said sale to wit: Nineteen hundred eighteen and 55/100 Dollars ($1918.55) it is ordered by the Court here that out of the proceeds of said sale the said Guardian pay

1st The taxes on said premises including all the grader road assessments unpaid, amounting to fifty four dollars ($54.00) after payment falling due June 20th 1885 amount due June 20th 1885 being fifty four 00/100 Dollars ($54 00/100) making total amount of tax One hundred eight and 06/100 Dollars ($108 06/100)

2nd To John W. Patterson the sum of One hundred and seventeen and 36/100 Dollars ($117 36/100) the amount paid as taxes by said Patterson on June 15, 1884 with interest up to date of sale of said premises

3rd The costs taxed in and about this suit amounting to forty five and 50/100 Dollars ($45.50) 4621

4th To the widow of the late Joseph Kendall Helen M. Watkins plaintiff herein her dower interest in said proceeds amounting to the sum of ($479 40/100) four hundred and seventy nine and 40/100 Dollars

5th To the said Rachel J. Patterson the sum of two hundred and forty eight 65/100 Dollars ($248 65/100)

6th To the said Sarah W. Laughman the sum of One hundred sixty two and 43/100 Dollars ($162 43/100)

7th To the said Martha E. Bradley the sum of One hundred sixty two and 43/100 Dollars ($162 43/100)

8th And to Eva B. Kendall the balance amounting to the sum of five hundred and seventy five and 22/100 Dollars ($575 22/100)

Friday March 27th A. D. 1885

4793 Reuben Freshwater vs Joseph Easton et al

This day came the plaintiff by A. J. Carpenter his attorney and thereupon came John L. Porter one of the attorneys of record of this court who, by virtue of a warrant of attorney duly executed, and now produced in open court and duly proven, waived the issuing and service of process, and entered appearance of said defendants herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the sum of $499.55. It is therefore considered that said plaintiff do recover of said defendants the said sum of $499.55 so as aforesaid confessed to be due, together with costs of suit herein to be taxed, and with interest at the rate of 8% per annum. And by virtue of said warrant of attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4621 J. B. Morris Adms vs Le. B. Jolliff et als

This cause came on to be heard on the return of the Sheriff of the writ of Execution issued herein with his report of his proceedings and sale of lands and tenements under said writ; and the court having carefully Examined said proceedings, being satisfied that the said Sale has in all respects been made in conformity to the provisions of the Statute in such cases made and provided, finds the same to be legal and does therefore approve and confirm the same.

It is further ordered that the Sheriff make to the purchaser Isaac Jolliff a deed in fee simple for the lands and tenements so sold and the said purchaser is hereby subrogated to all the rights of any lien holder who shall be satisfied herein for the protection of his title, and the court coming now to the distribution of the purchase Money in the hands of the Sheriff orders that he pay. First the costs of this action taxed to $ Second, the balance to the plaintiff, to-wit; $

Saturday March 28th 1885

Court at 8.30 A.M. pursuant to adjournment, the same officers being present as on yesterday.

To the Honorable John A. Price, Judge.

Union County to Marion Hopkins. Sheriff Dr.

For serving 1 Venire for Petit Jury (20 names)	$7.50
" " 1 " " Grand Jury	4.50
" " 2 " in the case of the State of Ohio vs Isaac White	9.00
" " 60 Grand Jury Witnesses	6.00
" making 60 copies for Grand Jury Witnesses	6.00
" 433 Miles travel serving Grand Jury Witnesses	34.64
" Servic of Joseph Lawrence attending Grand Jury 4 days at $2.00	8.00
" " " M. Hopkins Sheriff attending Court 28 days at $2.00 per day	$56.00
" " " A.V. Goodwin Deputy " " 28 " " " " "	$56.00
Total =	$187.64

I hereby certify the above account to be correct. Marion Hopkins. Sheriff.

By A.V. Goodwin, Deputy.

March 28th 1885. The foregoing bill is approved and allowed. The Clerk will make proper entry of such allowance on the Journal.

John A. Price.

Judge.

4791 O. M. Scott vs Seeley La Due

This day came the plaintiff by A. H. Kollgrath attorney, and thereupon came J.M. Kennedy one of the attorneys of record of this court. Who, by virtue of a warrant of attorney duly executed, and now produced in open court and duly proved, waived the issueing and service of process, and Entered appearance of said defendant herein, and by virtue of the same warrant of attorney, confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition the sum of $103.54. It is therefore considered that said plaintiff do recover of said defendant the said sum of $103.54 so as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of 8 per centum per annum. And by virtue of said warrant of attorney, all errors are released, and all right of appeal, and all right to file a petition in Error are waived.

4662 Alice M. Buck vs Robert A. Buck

This day came the plaintiff and made proof of publication of legal notice to the defendant of the pendancy of this petition to the satisfaction of the court. Whereupon this cause came on to be heard on the evidence. Whereupon the Court being fully advised in the premises do find the allegations of the petition are true and that defendant is guilty of the charge of adultery with Edmina Norris made in said petition. It is therefore considered by the Court that said plaintiff be and she is divorced from her said husband the defendant and said marriage of said parties is set aside and decreed void. And the court further give to the plaintiff the custody care and education of the said two children of said parties, to-wit: Edna E. Buck and Norma B. Buck and further that she have reasonable alimony, to-wit: that-

4653-8

Bill C.

Said plaintiff recover of said defendant as her alimony the sum of two hundred dollars. And it appearing that defendant has an interest one and a half acres of land situate in said County of Union hereinafter described subject to the mortgage of James R. Mitchel thereon, it is therefore decreed that said $200. is made a lien on said premises subject to said mortgage Said land is described as follows: Part of Survey No 2991. Beginning at a Stone S west corner to the Holmes lot. Thence N 82¼ E 6 poles to a Stone thence S 8 E 15 poles to a stone, thence S 82¼ W 4 poles. Thence N 15 poles to the beginning containing one half acre. also in same Survey Beginning at the N.W corner of lot No 28 in the village of Frankfort. Thence S. 8 E 11 poles 14½ links to a Stone for the place of beginning. Thence S. 8 E 11 poles 14½ links to a stone. Thence S 82½ W. 15 poles to a stone, Thence N 8 W. 11 poles 14½ links to a stone, thence 82½ E 15 poles passing along the South Side of the Barn to the place of beginning. Containing one acre more or less.

And the court further ordered decree that in case said plaintiff shall pay off said mortgage lien of James R. Mitchel on said premises, that she hold said premises in fee simple as her own to have & to hold the title thereto together with said mortgage lien to her & her heirs in fee simple, but if she thus takes and holds said premises, that it shall be a satisfaction of said Judgment of $200. Alimony. And further in case said premises be sold at Sheriffs Sale under the foreclosure of said mortgage, it is ordered that whatever ballance that shall remain after paying said mortgage & costs & taxes shall be paid over to plaintiff as part of her alimony aforesaid.

45-5-8

Clara Moffitt
vs
Jas D. Gambert et al

This cause came on for hearing upon the return of the Sheriff and the report of the commissioners heretofore appointed herein, and on motion to confirm the same, and it appearing that said Estate cannot be divided by Metes and bounds without manifest injury to the value thereof and that said Commissioners have made and returned their appraisement of said premises, to-wit in the sum of $ The Court find that said return and proceedings in all respects correct and in conformity to law, do therefore approve and confirm the same, And thereupon neither of said parties electing to take the said premises at their appraised value, on motion of the plaintiff, it is ordered that said premises be sold at Public auction at the court house, and that an order issue to the Sheriff of Union county and that said Sheriff return his proceedings to this court without unnecessary delay.

Bill C.

This day the Court allowed and ordered to be paid to W. S. Smith the sum of $7.25 for furnishing meals to the jury in the case of the State vs Isaac White.

4743 Uriah Cahill et al
vs
George L. Bates et al

This cause now coming on for hearing on the petition of the plaintiffs the court find that the defendant George L. Bates & Alice L. Bates have been duly served with summons in this case and that he is in default for answer and demurrer and that the allegations of the petition are thereby confessed by them to be true, and that there is due the plaintiffs from the defendant George L. Bates on the promissory note set forth in the petition with interest to the 28th day of March 1885 the sum of $381.50. The court further find that in order to secure the payment of said note the defendants George L. Bates and Alice L. Bates his wife executed and delivered to said Uriah Cahill Nathan Howard and F. J. Sager the plaintiffs their certain mortgage as in the petition described and on the premises therein described. That said mortgage was duly recorded in bok 20 page 123 of the records of mortgages of Union County and it is a good and valid lien on the premises described in the petition and that the conditions in said mortgage have been broken.

It is therefore considered by the court that the plaintiffs recover of the defendants the said sum of $381.50 and his costs herein. And it is further adjudged and decreed that unless the defendant George L. Bates shall within thirty 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 plaintiffs herein the sum so found due as aforesaid with interest from the 28th day of March 1885. The defendants Equity of redemption be foreclosed and said premises be sold and that an order of sale issue to the Sheriff of Union county directing him to appraise advertise and sell said premises as upon execution and report his proceedings to this court for further order, all of which is excepted to by the said defendants.

3455 Lucy C. Funch et al
vs
Robert Hill et al
} Under occupying claimants Law

4659

This day came all the parties in this cause and submitted this cause to the court on the motion to confirm the report of the jury under the occupying claimants law, last reported in this cause so far as it relates to Robert Hill, Ray Hill James A Wells, J. Taylor T. J. Holmes, C. Long and George Wollam, and to set aside said report so far as it relates to the lands of Israel Wollam, Peter Wollam, John Wollam and Jacob Wollam.

Whereupon the court being fully advised in the premises do sustain said motion and confirm said report as to the said seven parties first named and set the same aside as to the four parties last mentioned.

Thereupon the plaintiffs Lucy C. Funch & others in open court elect to surrender their claim to said lands in the possession of said seven defendants in which said report is confirmed and convey their one fifth of said lands to said occupants and their assigns and receive the value thereof and the rents thereof as reported by said jury exclusive of the improvements thereon to which said defendants do not object and the court find that the amount of

said rents and of said land Exclusive of said improvements under said appraisement as follows to wit: Robert Hill 1/3 of 50 acres $161.50 Ray Hill 1/3 of 23 acres $104.70 James A Wells 1/3 of 41 acres $202.33 J. Carter 1/3 of 20 acres $64.31 J. T. Holmes 1/3 of 33 acres $117.23. Elizabeth Long 1/3 of 30 acres $97.03 George Wallam 1/3 of 42½ acres $165.38 all upon interest from May 3rd 1884, when said report was filed. And the court allow time from this date to each of said defendants to make payment of said several sums of money found due as aforesaid as follows to wit: Three months from this date for one fourth thereof, Six months for one fourth thereof, twelve months for one fourth thereof and fifteen months for the remaining fourth with the interest on each fourth from may 3rd 1884, till the same is paid. And three months time is given plaintiffs to deliver defendants each and their assigns a good warranty deed for the said several tracts of land covenanting against all claims of the plaintiffs & all persons holding under plaintiffs and said claims shall remain a lien on said lands until paid. And the court further ~~fixed~~ order that if said parties & their assigns or either of them fail to pay the said several sums as they become due then an order of Sale shall issue at the request of the plaintiffs for such of said lands as remain unredeemed under this order and the Sheriff shall proceed in such order of sale to make the sums so due by proceeding to appraise advertise and Sell said parcels of land respectively and report as required by law.

And the court further order and decree that the plaintiffs Lucy J Funch & others within three months pay the costs made by the proceedings under the occupying claimant laws. So far as they relate to said seven Lots which the Court find to be the 7/11 parts of all the costs made in said cause under the occupying claimant law leaving 4/11 parts to be disposed of when the remaining four parcels of land shall be disposed of under said proceedings and in default of payment Execution may issue therefor.

And as to said four defendants and said four parcels of land this cause is continued for further proceedings under the order for the benefit of the occupying claimants hereinbefore entered.

The Farmers Bank of Marysville }
vs }
4659 Thomas Martin et al }

This day came on this cause to be heard by the court on the plaintiffs motion to appoint a referee in this case to State an account between the parties on the issues joined and take the testimony which may be offered and report the same to this court with his findings of law and fact.

Whereupon the court being fully advised in the premises Sustains said Motion and orders the appointment of Such Referee to all of which the said Thomas Martin objects & Excepts. and thereupon the defendant without waiving any of his rights as to the appointment of a Referee agreed with plaintiff upon W. T. Hoops Esq as a Suitable person to be appointed referee. Whereupon this cause is referred by the court to said W. T. Hoops to take testimony and report his ~~proceedings~~ findings of fact and law upon the issues joined between said parties and report his proceedings and testimony & findings under oath to this court; to all of which said Martin Excepts and this cause is continued.

4666 J. W. Robinson vs Thomas Martin et al

This day came the parties in this case and the defendant-Thomas Martin having failed to file his answer to the cross petition of the defendant The Farmers Bank of Marysville in the above cause and said Thomas Martin asking further time to file answer the said request is granted and he has 30 days in which to file said answer to said cross petition. And thereupon this cause came on to be heard on the motion of said Farmers Bank to have the cause refered to a Refree to take testimony and report his findings of fact and law on the issues which shall be joined between said parties, said Martin & said Bank.

Whereupon the Court being fully advised in the premises do sustain said Motion and order that said cause be refered to a Refree for said purpose, to all of which said Thomas Martin objects and Excepts. And thereupon the said Martin without waiving any of his rights as to the appointment of a Refree agreed with said Bank upon W. Hoops as a suitable person to be appointed Refree.

Whereupon this cause is refered to said Hoops to take testimony and report his findings of law and fact in the premises at the next term of this court, To all of which said Martin Excepts and this cause is continued.

Black & Chapman vs Ed Berger et al

This cause comming on for hearing on the Answer & cross petition of the Home Building & Loan Association Co and the amended answer thereto of said Ed Berger and the Reply of said Home Building & Loan Association Company and the answer & cross petition of said Wm Freshwater Admr. & bonis non &c and the Evidence and was submitted to the court, on consideration whereof the court find on the issue joined for the Home Building & Loan association Co.

The court further find that the three several Mortgages refered to in the cross petition of said Home B & L A. Co Executed and delivered to it by said defendants Ed Berger and Mattie Berger his wife were intended by all parties thereto to convey & incumber the premises described in the petition, viz Lot No 379 in Freshwaters addition to the Village of Marysville Ohio, and that said Lot was by mistake and inadvertance described as Lot No 399 said addition & that said mortgage should properly show & designate the Lot No 397 so conveyed.

It is therefore ordered and adjudged by the court that the said three Mortgages refered to in said Cross petition of said Association recorded in Vol 18 page 485. Vol 18 page 512 & Vol 19 Page 70 of the mortgage records of Union County Ohio be and the same are hereby corrected and reformed so as to become a lien upon said Lot No 397, the same as if there had been no error in the description and that this decree shall have the force and effect of such reformation and correction.

The court further find that the defendant Ed Berger has failed to pay to the defendant The Home Building and Loan association Co the weekly installments of dues, interest and premiums upon its three notes as in the petition set forth and there is due to said Home Building and Loan association to the date 17th day of Dec 1884 the date of the Confirmation of the Sale of the premises described in the petition under a former order of this

court upon the first note set forth in the cross petition of said association the sum of $376.69. Upon the second note $179.56 and upon the third note $189.56 making in all the sum of $745.81.
The court further find that in order to secure the regular payment of said dues and other installments as well as those hereafter to become due the Ed Berger and Mattie Berger his wife executed and delivered to this plaintiff their three certain mortgages in his cross petition described and on the premises described in the petition and to secure the three notes above refered to respectively. That said mortgage described in the second cause of action in said cross petition was filed for record Sep 23rd 1882. and duly recorded in Vol 18 page 488 of the record of mortgages of Union County, that the mortgage described in the fourth cause of action in said cross petition was filed for record Nov 7th 1882 and duly recorded in Vol 18 page 512 said mortgage record and that the mortgage described in the Sixth cause of action was filed for record May 24th 1883 and duly recorded Vol 19 page 7 said Mortgage records and that the same are good and valid liens on the premises described in the petition.

It is therefore considered by the court that unless the said defendants Ed Berger shall within one day from the entry hereof pay or cause to be paid to the said Home Building and Loan Association Company the said sum of $745.81 so found due and to the Clerk of this court the costs herein taxed at $ the defendants Equity of redemption be foreclosed and the said premises described in the petition having been heretofore sold under a former order of this Court, it is considered by the court that said association is entitled by virtue of its said liens to its just part of the proceeds of said sale.

And the Court further find that there is due to the defendant Israel Slack administrator de bonis non in the Estate of Wm Freshwater dec'd from the defendant Harvey S. Wood on the note set up in the petition of Slack Admr &c including the interest to the first day of this term the sum of $ and that to secure the payment of said note the defendant Harvey S. Wood and Sarah P. Wood his wife executed and delivered to Wm Burns dec'd Executor of the Estate of Wm Freshwater dec'd their Mortgage as in the cross petition of said Slack Admr &c described and on the premises described in the petition. That said Harvey S. Wood & Wife afterwards conveyed said premises to said defendant Ed Berger subject to said Mortgage that said Mortgage was duly recorded in Vol 17 page 267 of the record of Mortgages of Union County and is a good and valid 1st first lien on said premises for the amount so found due to the said Israel Slack administrator de bonis non to Wm Freshwater dec'd and that the condition of said Mortgage has been broken.

It is therefore considered by the court that the said Israel Slack Admr &c recover of said Harvey S. Wood defendant the said sum of $ so found due him and it is further adjudged and decreed that unless the said defendant Harvey S. Wood shall within one day from the Entry of this decree pay or cause to be paid to the Clerk of this court the costs in this case and to the said Slack Admr &c the sum so found due him the said Ed Berger's Equity of redemption be foreclosed and said premises having been sold under a former order of this court it is considered and ordered by the court that said Slack Admr &c is entitled by virtue of said Mortgage to a just part of the proceeds of said sale.

On Motion of said Home Building and Loan Co and said Israel Slack Admr &c of Wm Freshwater dec'd, and on their producing the return of the Sheriff of the Sale made under the former order of this court and the court on careful examination of the proceedings of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and the order of this court, it is ordered that

Said proceedings & Sale be & they are hereby approved and confirmed.

And the said Sheriff having heretofore conveyed to the purchaser C.M. Ingman by deed according to law the property so sold under a former order of this court the said purchaser is hereby subrogated to all the rights of the said lien holders in said premises so far as they may be joined herein for the protection of his title

It is further ordered that the Clerk cause satisfaction of the mortgages & Mechanics liens herein sued on to be entered on the records thereof in the office of the Recorder of Union County

And a partial distribution of the proceeds of said Sale having been made by a former order of this court and the court coming now to distribute the balance thereof, it is ordered that the Sheriff out of the in his hands, pay,

First. To the Treasurer of this County the taxes penalty & interest against said property the sum of $26.41.

Second, the costs of this action taxed at $60.00

Third. To Israel Slack Adm de bonis non in the Estate of Wm Freshwater dec'd the amount heretofore found due him to-wit $148.75

Fourth. To Slack & Chapman or their Atty the amount heretofore found due them, to-wit; $12.56.

Fifth - To the Home Building & Loan Association 60 or its Atty the balance of the money remaining in his hands to-wit; $

4673 — O. Beem vs Village of Richwood, Mary McLean, John McLean, Wm A. Snyder, Sarah A. Snyder — This cause is dismissed at cost of deft. It is therefore considered that the deft pay the cost of this action herein taxed at $-

4686 — Clara Moffitt vs James D. Gamble et al — This cause is dismissed at cost of plaintiff. It is therefore considered that plaintiff pay the cost herein taxed to $-

4686 — Sarah A. Snyder — This cause is dismissed at cost of plaintiff. It is therefore considered and adjudged that the plaintiff pay the cost herein taxed at $-

4558 — Clara Moffitt vs James D. Gamble et al — On motion John L. Porter is this day appointed Guardian ad-litem for George W. Gamble an infant defendant in this action and he in open Court accepted said appointment.

4673

684

Saturday March 28th A.D. 1885.

Annie Hrusel
4623 vs
Frank Hrusel et al

This day this cause came on to be heard upon the motion of all the parties herein (the said minor defendants being represented by their legally appointed and qualified Guardian Benjamin W. Evans) to set aside the entry made at the last term of this Court and to sell said premises, and the Court finding that neither of said parties elected to take said premises and the said Martha Hrusel, Widow, having by her answer waived her dower by metes and bounds, and asked that in lieu thereof its value be paid her in money, and the said commissioners having appraised said premises at Two thousand dollars the Court do therefore set aside said entry of the last term dividing said premises and it is on Motion of the plaintiff, and by consent of all parties interested as aforesaid, ordered that said premises be sold at public auction free of the dower of the said Martha Hrusel, and that an order issue therefor to the Sheriff of Union County, Ohio, to sell the same in two lots, the house and two lots in one tract, and the 13 79/100 acres in the other tract. And the said Sheriff is ordered to return his proceedings to this Court without unnecessary delay.

The State of Ohio
684 vs
Julia A. Galloway

Same as of March 17th 1885.
Indictment for Assault and Battery.

This day came the Pros. Attorney on behalf of the State of Ohio and the defendant appearing in open Court, and being arraigned on said Indictment for plea thereto saith she is guilty and puts herself upon the country and the Prosecuting Attorney doth the like. It is therefore considered by the Court that said defendant pay a fine of $5.00 and costs of prosecution taxed at $.

Saturday March 28th 1885.

4740 William H. Yarrington
v.s
Marcenus C. Cole et al

This cause came on for hearing on the petition the answer of the defendant Marcenus C. Cole and the evidence and was submitted to the Court, on consideration whereof the Court find that said Marcenus C. Cole purchased said lot of plaintiff for said sum of $360.00 on the 19th day of January A.D. 1884 and that he then paid plaintiff $30.00 and that he has paid $10.00 for each of the months of April, May, June, July, August, September, October, November and December in 1884 and that since then he has failed and neglected to make any payments on said real estate and that there is due from defendant on said Contract of sale $10.00 for January 1885 - $10.00 for February 1885 and $10.00 for March 1885 with interest on each of said sums from January 19, 1884 computed to this 25th day of March 1885 making in all including interest due on this 24th day of March 1885 the sum of $31.98 and that there will be due from defendant to plaintiff $10.00 on the first day of each and every month hereafter with interest from January 19, 1884 until the whole consideration therefor is fully paid and that said plaintiff has a vendors lien for the amount now due and to become due on said premises which is the first and best lien thereon; and that he is entitled to have the same sold for payment and satisfaction of said liens.

It is therefore ordered adjudged and decreed that unless the said Marcenus C. Cole, or some one for his behalf, shall within ten days from this 24th day of March 1885 pay to the said plaintiff the said sum of $31.98 with 6% interest from this 24th day of March 1885 and to the Clerk of this Court the costs of these proceedings, said premises shall be sold as upon execution and an order shall issue therefor to the Sheriff of said County and that said Sheriff bring the proceeds of said sale into Court for further order.

Thereupon defendant gave notice of his intention to appeal this case to the Circuit Court and the Court fixed the appeal bond at ($100.00) One hundred dollars.

4518

4518 Joseph E. Fouke
vs.
George W. Soar et al

This cause now coming on for hearing (upon Elizabeth Fouke the administratrix of Joseph E. Fouke deceased having been made a party plaintiff) on the petition of the said plaintiff and the cross petition of James Soar defendant and the evidence the Court find that the defendant George W. Soar has been duly served with summons in this cause and the allegations of the petition and cross petition are thereby confessed by him to be true and that there is due the plaintiff from the defendant George W. Soar on the promissory note set forth in the petition with interest to the first day of this term the sum of $72 23/100 Dollars and that the plaintiff has the first mortgage upon the premises hereinafter described. The Court finds that there is due James Soar upon the note and mortgage described in his answer and cross petition with interest from the first day of this term the sum of $73.82. The Court further find that in order to secure the payment of said note described in the Plaintiffs petition and the note described in the said defendants answer & Cross petition the said George W Soar executed and delivered to the said Joseph E Fouke the plaintiff his certain mortgage as in the petition and on Lot-No 23 in the Village of Unionville Center Union County Ohio and also executed to said James Soar his certain mortgage to secure the note described in his answer and cross petition and on lot-Nos 24 and 25 in said Village That the plaintiffs mortgage was duly recorded in Book 17 Page 37 of the record of mortgages in Union County Ohio That the Plaintiff has the first valid lien on said lot-No 23 and the said James Soar has the second valid lien on said Lot-No 23 and the first valid lien on said Lot-No 25 and the condition in both of said mortgages has been broken. It is thereupon considered by the Court that the plaintiff recover from the defendant George W Soar the said sum of $72 23/100 and that said James Soar recover from said George W Soar the said sum of $73 82/100 Dollars and the costs herein expended and it is further adjudged and decreed that unless the said defendant George W Soar shall within three 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 and James Soar the sums so found to be due to them as aforesaid with interest from the ___ day of A D 1886 the defendants equity of redemption be foreclosed and said premises be sold and that an order of sale issue therefor to the Sheriff of Union County directing him to appraise advertise and sell said premises (Lots) as upon an execution and report his proceedings to this Court for further order.

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 until the next regular term thereof, And this Court is now adjourned without day.

Attest J. L. Burgner, Clerk.

660 The State of Ohio vs Isaac White } Indictment for Murder in the Second degree.

Now comes the defendant Isaac White 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 on Motion is hereby made part of the records of this case. Which bill of exceptions is numbered "One" 4799

660 The State of Ohio vs Isaac White } Indictment for Murder in the Second degree.

Now comes the defendant Isaac White & presents to the Court his certain bill of exception number two herein which being found by the Court to be true, is allowed, signed, sealed and on motion is hereby made part of the record of this case.
(April 24th 1885.)

In Vacation.
Union County Probate Court- April 8th 1885.

The State of Ohio vs Benjamin Ulmstain } Charge Grand Larceny.

The defendant having failed to give security heretofore ordered by the Examining Court for his release from Confinement it is ordered that the Amount of Such Recognizance for the release of said Benjamin Ulmstain At any time hereafter be fixed at the Sum of One hundred Dollars with Surety to be approved by the Judge releasing him and the Clerk of the Court of Common Pleas is ordered to Enter the Substance of this Order upon the Journal of said Court.

John B. Coats Probate Judge.

J. R. Taylor
4027 vs This cause remanded from Circuit Court to carry decree of said
Isaac Jolliff et al. } Circuit Court into execution. Apr. 30th A. D. 1886.
James Gormley et al.

2157 vs This cause remanded from Circuit Court to carry decree
Board of County Comrs et al } of said Circuit Court for costs into execution. Apr. 30 1886.
D. M. Stackstill & Co.

4155 vs This cause is remanded to carry judgment of Circuit Court
John W. Hayt surviving Partner of Dwight & Hayt } for costs into execution.

4138 George Coder vs Nancy McFadden et al. Remanded from Circuit Court to carry judgment for costs into execution.
4282 Isaac Staley " Nancy J. Conaree. Remanded from Circuit Court to carry judgment for costs into execution.
4386 I. F. Gates vs A. R. McCowan & Co. Remanded from Circuit Court to carry judgment for costs into execution.
4341 Lydia A. Morris " A. M. VanWinkle et al. Remanded from Circuit Court to carry judgment for costs into execution.
3786 Henry Fox " John Liggett. Remanded from Circuit Court to carry judgment for costs into execution.
4116 1st Nat. Bank of Del. " John Rodgers Remanded from Circuit Court to carry judgment for costs into execution.
3455 John H. Preston et al. " Lucy V. French et al. Remanded from Circuit Court to carry judgment for costs into execution.
4528 James A. Kile et al. vs D. Mulford et al Remanded from Circuit Court to carry judgment into execution.
3667 Wm. Smith " E. T. Reese et al Remanded from Circuit Court to carry judgment for costs into execution.
3666 Wm. Smith " Wm. Kertz et al. Remanded from Circuit Court to carry judgment for costs into execution.
4666 Jas. W. Robinson " Thos. Martin et al Remanded from Circuit Court to carry judgment & decree into execution
4433 Buckeye Mutual Ins. Co. vs Moses Thompson Remanded from Circuit Court for further proceedings.

In Vacation
In Union County Common Pleas.

4799

Leslie Oliver and Nancy H. Oliver Plaintiffs
vs.
Martin Mathews and the Bank of Richwood Defendants

Befor Probate Judge.
Temporary Injunction
Apr 4th 1885

This day came the plaintiffs by his Attorneys and on his motion and affidavits herein filed, and on good cause shown and it appearing to the Court that at this time there is no Supreme Judge or Common Pleas Judge in said County. It is ordered that an injunction be issued herein enjoining the defendants from selling Collecting or attempting to collect the note and mortgage described in plaintiffs petition as prayed for in said petition, until the further order of the Court of Common Pleas or a Judge thereof, or otherwise dissolved by due Course of law upon the plaintiff executing and undertaking in the sum of $200.00 Conditioned according to law with sureties to the approval of the Clerk of the Court of Common Pleas of Union County Ohio

Seal

John. B. Coats Probate Judge

In vacation May 8th 1885.

David McCampbell
vs.
James H. Turpin
William Turpin and
George T. Jones

Before the Probate Judge. Union County Ohio.
Motion for temporary Injunction in the
Court of Common Pleas Union County Ohio

And now on this 8th day of May 1885 Came the plaintiff by Cannon & Woodburn his Attorneys: And it being made to appear that there is at this time no Common Pleas Circuit or Supreme Judge within said County, the Motion of the Plaintiff for a temporary injunction came on and was heard upon the petition of the plaintiff and the Affidavits thereto annexed therein filed. And after hearing the Arguments of Counsel, and being fully advised in the premises, it is Considered and ordered that a temporary injunction be, and the same hereby is allowed in this case to restrain the said defendants from conveying or encumbering the said lands discribed in the petition as lying in Union County Ohio as prayed for in said petition of plaintiff. It is further ordered that the Clerk of the Court of Common Pleas issue Summons in this case Endorsed injunction allowed on said plaintiff giving an undertaking to the said defendant Conditioned according to law with Security to be Accepted by the said Clerk of the Court of Common Pleas, in the Sum of $200.00

John. B Coats
Probate Judge.

In Vacation. Mandate from Circuit Court Union County, Ohio.

The State of Ohio Union County, SS. At a term of the Circuit Court within and for the County of Union, in the State of Ohio began and held before Hon. Thomas Beer, Hon. John J. Moore & Hon. H. W. Seney presiding Judges, at Marysville, O. on the 30th day of April A.D. 1885 among other proceedings then and there had by and before said Court as appears by its Journal were the following, viz: No. 11 (4344) John Orr Plff in Error vs Village of Richwood Defdt 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 & 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 Comm. Pleas to the prejudice of the plaintiff in Error in this to wit: 1st. The finding of the Court of Comm. 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 on which the plaintiff in error was arrested, was in writing and on oath. It is therefore considered and adjudged that the judgment rendered in the Court of Comm. Pleas and by the Mayor of said Village of Richwood be reversed and that he recover of said Village his costs up to this time taxed at $ And thereupon the defendant in error excepts to the ruling, decision and judgment of this Court. Ordered that a Special Mandate be sent to the Court of Comm. 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 Comm. Pleas of said County for entry, etc.

J. D. Bergner Clerk of the Circuit Court of Ohio within and for Union County, do hereby certify that the foregoing entry is truly taken & correctly copied from the Journal of said Court. Witness my hand and seal of said Court this 8th day of May A.D. 1885. (Seal) J. D. Bergner, Clerk of Circuit Court.

The State of Ohio, Union County, SS. Circuit Court, Union County, Ohio. At a term of the Circuit Court within and for the County of Union, Ohio before Hon. Thos Beer, Hon. John J. Moore, Hon. Henry W. Seney Presiding Judges at Marysville, O. on the 1st day of May 1885 among other proceedings then and there had by and before said Court as appears by its Journal were the following viz:

David W. Taylor Plff in Error vs The Village of Richwood Deft 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 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. 2nd 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 Court of Common and by the Mayor of said Village of Richwood be reversed with costs and held for naught and that the Plff 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 and decision and judgment of this Court. Ordered that a special Mandate be sent to the Court of Com. 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 Com. Pleas of said County for entry, etc. I John D. Bergner Clerk of the Circuit Court of Ohio, within and for Union County, do hereby certify that the foregoing entry is truly taken & copied from the Journal of said Court. Witness my hand & the seal of said Court this 1st day of May A.D. 1885. J. D. Bergner, Clerk Circuit Court. (Seal)

4346 Michael Hannegan Plff in error. vs The Village of Richwood Deft in error.
4351 Peter Sells " " " " Same

The above last named cases are remanded from the Circuit Court by the same provision as the cases of John Orr and David W. Taylor Plff in error against said Village and to carry the judgment of said Circuit Court in execution.

Monday May 18th A. D. 1885

The State of Ohio Union County ss.

This Separate Session of the court of common pleas of the 10th judicial District of the State of Ohio within and for the County of Union for the term of May A. D. 1885 held in the court house in the Town of Marysville in the County and State aforesaid was begun on Monday the 18th day of May in the year aforesaid.

Present.

Hon Caleb H. Norris Judge of the 10th judicial District of Ohio.

Marion Hopkins. Sheriff

Attest; J. D. Burgner, Clerk.

The venire facias for a grand jury heretofore issued and returnable this day at 9 o'clock A. M. was duly returned by the Sheriff with his endorsement thereon as follows, to-wit;

The State of Ohio Union County ss.

Sheriffs Office May 18th 1885.

On the 20th day of April 1885, I received this venire and served the same on the several persons therein named, at the times and in the manner placed opposite their name endorsed hereon as follows;

1	H. C. Ford	April 20	By Copy
2	Isaac Cahill	" "	" "
3	John Longbery	" "	" "
4	C. D. Sidle	" "	" "
5	John Bell	" "	" "
6	Robert F Lee	" "	" "
7	Lewis. Carpenter	" "	" "
8	M. Thompson	" "	" "
9	H. S. Stamats	" "	" "
10	Dyer Reed	" "	" "
11	John Bower	" "	" "
12	J. F. Drake	" "	" "
13	James McCloud	" "	" "
14	William Figley	" "	" "
15	Edmund DiSaver	" "	" "

Marion Hopkins. Sheriff.

And upon calling the same in open court the panel was found incomplete. Thereupon the Sheriff Summoned Howard C. Bosbury as talesman to complete the same who appeared in answer thereto, and the panel being full, the court appointed Isaac Cahill foreman of the grand jury and he with his fellow jurors took the oaths in manner and form prescribed by law and the said jury being instructed by the court in relation to their duties were conducted to their room attended by the Sheriff. The following named persons compose the grand jury. to-wit; Isaac Cahill. Foreman. H. Ford, John Longbery, C. D. Sidle, John Bell, Robert F. Lee. Lewis Carpenter. M. Thompson, H. S. Stamats John Bower J. F. Drake, James McCloud William Figley. Edmund Disaver and Howard C. Bosbury.

Monday May 18th A. D. 1885.

4368 John Orr Pltff in Error
vs
Village of Richwood. Deft in Error

This day appeared the parties by their attorneys and thereupon this cause was submitted to the court upon the bill of exceptions, petition in error, the transcript of the proceedings had before the Mayor of the said Village of Richwood and was argued by Counsel, On consideration thereof, the court being fully advised in the premises do find error apparent upon the record of the said proceedings had before the said Mayor to the prejudice of the pleaintiff in error.

It is therefore considered, ordered and adjudged by the court that the said judgment of the said Mayor be & the same hereby is reversed set aside and held for naught and said defendant go hence without day.

It is further ordered & adjudged that the plaintiff in error recover of the said Village of Richwood all their costs herein taxed at $ -

4370

4367 Michael Kannegan, Pltff in Error
vs
The Village of Richwood, Deft in Error

4601.

This day appeared the parties by their attorneys and thereupon this cause was submitted to the court upon the Bill of Exceptions, petition in error the transcript of the proceedings had before the Mayor of said Village of Richwood and was argued by said Counsel On consideration whereof the court being fully advised in the premises do find Error apparent upon the record of the said proceedings had before the said Mayor to the prejudice of the plaintiff in Error.

It is therefor considered ordered & adjudged by the court that the said judgment of the said Mayor be and the same hereby is reversed set aside & held for naught, and said defendant go hence without day.

It is further considered and adjudged that the plaintiff in Error recover of the said Village of Richwood all their costs herein taxed at $ -

4701

4369 D. W. Taylor, Pltff in Error
vs
The Village of Richwood Def in Error

This day appeared the parties by their attorneys and thereupon this cause was submitted to the court upon the bill of exceptions, petition in Error, the transcript of the proceedings had before the Mayor of the said Village of Richwood, and was argued by counsel.

On consideration whereof the court being fully advised in the premises do find error apparent upon the record of the said proceedings had before the said Mayor to the prejudice of the plaintiff in error.

It is therefore considered ordered and adjudged by the court that the judgment of the said Mayor be & the same hereby is reversed set aside and held for naught and said defendant go hence without day.

It is further considered and adjudged that the plaintiff in error recover of the said Village of Richwood all their costs herein taxed at $.

Monday May 18th A.D. 1885.

A370 Peter Sells pltff in Error
vs
The Village of Richwood Deft in Error

This day appeared the parties by their attorneys and thereupon this cause was submitted to the court upon the Bill of Exceptions, petition in Error the Transcript of the proceedings had before the Mayor of the said Village of Richwood and was argued by counsel.

On consideration whereof the court being fully advised in the premises do find Error apparent upon the record of the proceedings had before the said mayor to the prejudice of the plaintiff in Error.

It is therefore considered ordered and adjudged by the court that the said judgment of the said Mayor be and the same hereby is reversed set aside and held for naught and said defendant go hence without day.

It is further considered & adjudged that the plaintiff in Error recover of the said Village of Richwood all their costs herein taxed at $.

A601. Drusilla Donley
vs
Susan Worline et al

It appearing to the court that the property described in the petition herein has been twice advertised and offered for sale and not sold for want of bidders. Now on motion the plaintiff it is ordered that a revaluation of said property be had; and the court appoint Levi Longbrake, James B. Whelpley and William H. Robb, three judicious, disinterested freeholders of the county to make the same and that upon the return thereof, an order for sale as hereinbefore directed, issue to the Sheriff of said County, commanding him to sell said property as heretofore ordered at not less than two-thirds of said revaluation.

A701 Addie E. Ropp
vs
N. D. Degood et al

Now come the plaintiff herein and the defendants being in default for answer and demurrer, the Court find that the allegations of the petition are confessed by them to be true and that the defendant N. D. De Good is indebted to plaintiff in the sum of Eleven hundred Seventy Seven 13/100 dollars ($1177.13)- It is therefore considered by the court that the said plaintiff recover from the said defendant N. D. DeGood the said sum of $1177.13 with 8% interest from this date, and her costs herein expended taxed at $

The court find that the defendants N. D. DeGood and Almeda J. DeGood his wife executed and delivered to the plaintiff Addie E. Ropp the Mortgage deed in the petition described, and on the premises therein described; that said Mortgage was duly recorded in Book 20. page 210 of the record of Mortgages of Union County Ohio, and is the first and best lien on the premises described in the petition. The court further find that the condition of defeasance in said Mortgage has been broken, and the said plaintiff is thereby entitled to have the defendants Equity of redemption foreclosed.

It is therefore considered and decreed that unless the said defendants shall within three days from the Entry of this decree, pay a cause to be paid

to the clerk of this court the costs in this case and to said plaintiff said sum of $1172.13 with 8% interest from May 1885 according to the terms of said Mortgage and the defendants Equity of redemption be foreclosed and said premises shall be sold, and an order of Sale shall issue therefor to the Sheriff of Union County directing him to sell said premises as upon Execution and bring the proceeds into court for further order,

4623.

Abram C. Doney
vs
4782 Lewis C. Harper Et al

This Cause now coming on for hearing on the petition of Abram C. Doney plaintiff and the evidence the court find that the defendants Lewis C Harper Emeline Harper and Nathan Howard have been duly served with Summons in this case and that they are in default for answer and demurrer and that the allegations of the petition are thereby confessed by them to be true, and that there is due the plaintiff from the defendant Lewis C. Harper on the promissory notes set forth in the petition with interest to the 18th day of May 1885; the first day of this term the sum of $1348.07 being the balance of unpaid purchase money upon the purchase money upon the premises described in the petition, to-wit;

Situate in the County of Union in the State of Ohio and in the township of Washington, and bounded and described as follows; Forty acres off the west end of the following described tract of land to-wit; Part of Survey No 10971. Beginning in the center of the Marysville and Kenton road where the South line of the Survey crosses the said road; thence South 78½ W 403 poles to the west line of the said Survey, Thence N 11½° W 55 poles to a Stake in said west line, Thence N 78½ E 377 poles to the center of said road; Thence S 36½ E 57 poles to the beginning Containing One hundred and thirty four acres More or less. 4782

And that said plaintiff has a vendors lien thereon for the same which is the first and best lien on said premises, and that he is entitled to have the same sold for the payment and satisfaction of said lien.

The Court further find that in order to secure the payment of said notes the defendants Lewis C Harper Executed and delivered to said Abram C Doney the plaintiff his certain Mortgage in the petition described, and on the premises therein described; that said Mortgage was duly recorded in Vol 44 page 36 of the records of Mortgages of Union County and is a good and valid lien on the premises described in the petition and that the conditions in said mortgage have been broken.

It is therefore considered by the court that the plaintiff recover from the defendant Lewis C. Harper the said sum of $1348.07 and his costs herein expended. And it is further adjudged & decreed that unless the defendant Lewis C. Harper shall within one day 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 herein, or his attorney the sum so found due as aforesaid with interest from May 19th 1885 the defendants Equity of redemption be foreclosed and said premises be sold and that an order of Sale issue therefor to the Sheriff of Union county directing him to appraise advertise and sell said premises as upon Execution and report his proceedings to this court for further order.

Monday May 18th A.D. 1885

1623. Annie Hornsel Plff
vs
Frank Hornsel et al Defts

On motion of the plaintiff and upon producing the return of the Sheriff of his proceedings and Sale under the former order of this court, and the court being fully satisfied on examination that the same have been had in all respects according to law, the said proceedings and Sale are hereby approved and confirmed, and the said Sheriff is ordered by deed duly executed to convey to said purchaser Enoch G. Ashbaugh free of dower of said Martha Hornsel, And the said Martha Hornsel having by her answer elected to receive in lieu of her dower its value in money, the court finds the just and reasonable value thereof to be $308.16.

It is further ordered that out of the proceeds of said Sale, The Sheriff pay
1st To the Treasurer of Union County, $7.08 being the taxes due on said premises.
2d To the Clerk of this court the costs of this action including a Counsel fee of $11.68 to Broderick & McCampbell for their services herein taxed at $97.63.
3d To the said Martha Hornsel the said sum of $308.16. as and for her full dower in the said premises.
4th And to the said Annie Hornsel, plaintiff one fifth of the notes given for the defered payments.
To the said Frank Hornsel, also one fifth of the notes given for the defered payments. And to the said Mary Hornsel, Mattie Hornsel and Forest Hornsel Each one fifth of the notes given given for the defered payments.

1758 Elmira A. Lombard
vs
Edward B. Conklin et al

On Motion of the plaintiff and upon producing the return of the Sheriff of his proceedings and Sale, under a former order of this court and the court being satisfied on examination that the same have been had in all respects according to law, the said proceedings and Sale are hereby approved and Confirmed, And said Sheriff is ordered, by deed duly executed to convey said premises to the purchaser.
It is further ordered that the Sheriff, out of the proceeds of Sale pay,
First; The Treasurer of Union County all taxes assessed against said premises and remaining unpaid amounting to $
Second, To the Clerk of this Court the costs of this action including a counsel fee of Twenty dollars to A.H. Leighter for his services herein taxed to $
Thirdly, To S.M. Dockum Administrator of the Estate of Catherine Conklin deceased the Sum of One Hundred and ten dollars ($110.00) for the payment of the debts of said deceased and the costs of Administration
Fourthly To the plaintiff Elmira A. Lombard the one fifth of the balance to wit $
To the said Edward B. Conklin One fifth of the balance
To the said Mary E. Joyner One fifth of the balance
To the said Salina Shaw One fifth of the balance
To the said Melissa Conklin One fifth of the balance
To William Conklin One fifth of the balance,

Monday May 18th A D 1885.

4538 James Mulvaine
vs
Wayne Agricultural Co

This cause is dismissed at costs of plaintiff.

It is therefore considered by the court that the defendant recover of the plaintiff his costs taxed to $ - Norcord.

Union Biblical Seminary
vs
4073 Stephen Cranston Admr

Leave to file amended petition instanter 2nd Leave to reply July 25th 1885 & cause cont'd.

Elias Johnson
vs
4118 R. H. White

This day this cause is continued on motion and showing of defendant and at his costs for this term.

It is therefore considered and adjudged by the court that the plaintiff recover of the defendant his costs herein expended taxed to $-

David R. Miller
vs
4151 Stephen Cranston Admr

Leave to file amended petition by July 11 - 1885 and cause continued.

Ann B. Oglesby
vs
4167 J. Smith Alexander

This cause is dismissed at plaintiffs costs under former order for want of security for costs.

It is therefore considered and adjudged by the Court that the plaintiff pay the costs herein taxed to $-

Thereupon Court adjourned until tomorrow morning at 8½ o'clock

Tuesday May 19th A.D. 1885

Court met this morning at 8½ Oclock, the same officers being present as on Yesterday.

Report of Grand Jury. This day appeard at the bar of this court the grand jury heretofore impaneled and Sworn in and for the body of the county aforsaid viz:

1 Isaac Cahill, Forman
2 H. C. Ford
3 John Loughery
4 C. D. Sidle
5 John Bell
6 Robert F. Lee
7 Lewis Carpenter
8 M. Thompson
9 H. S. Stamates
10 John Bower
11 J. H. Drake
12 James McCloud
13 William Tiger
14 Edmund Dilsaver Dec'd
15 Howard C. Rosbury

and presented this certain bill of indictment against Benjamine Moustaine for Burglary and Petit Larceny, Endorsed a True Bill and Signed, Isaac Cahill, Forman of grand jury

Also Ther farther report as follows

Jail

To The Honorable C. H. Norris,

Judge of the Court of Common Pleas of Wise County, and The Grand Jurors of the Court of Common Pleas of said County, of the May term 1885, beg leave to report that they have been in Session Five days, and have herewith returned to the court the Indictment presented by said jury; We have carefully examined into all such matters as have legitimately come to our notice, having examined over Seventeen witnesses covering Seven cases and presented on bill and ignored Six cases considered by us. The business has been transacted in as expeditious a manner as possible. During our session we have visited the County Jail and made a complete Examination thereof, and find that the rules prescribed by the court for the care thereof and for the government of the inmates have been carried out and properly enforced and we find the condition of the Jail to be excellent and make no recommendations in regard to the same,

Respectfully Submitted

Isaac Cahill, Forman

Wayerille C. May 19th 1885.

Tuesday May 19th A D 1885.

4837 C. B. Hamilton }
vs }
J. E. Tobey }

This day came the plaintiff by his attorney and thereupon came J. L. Cannon one of the Attorneys of record of this Court, who by virtue of a warrant of attorney duly executed and now produced in open court and duly proven waived the issuing and Service of process, and entered appearance of said defendant herein and by virtue of Same warrant of attorney confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition the Sum of $278.20. It is therefore considered that said plaintiff do recover of said defendant the said Sum of $278.20 &c as aforesaid confessed to be due, together with costs of Suit herein to be taxed and with interest to be computed at the rate of 8% per annum. And by virtue of said warrant of attorney all errors are released, and all right ~~to file a~~ of appeal and all right to file a petition in Error are waived.

4329

1838 Richwood Deposit Bank }
vs }
Jason N. Chapman }

This day came the plaintiff by R. B. Kerr its Attorney and thereupon came J. L. Cannon one of the attorneys of record of this Court, who by virtue of a warrant of attorney duly executed, and now produced in open court and duly proven, waived the issueing and Service of process, and Entered appearance of said defendant herein, and by virtue of the same warrant of attorney confesses that there is due from said defendant to said plaintiff, as is alleged in said plaintiffs petition the Sum of $ 121.66. It is therefore considered that said plaintiff do recover of said defendant the said Sum of $ 121.66 &c as aforesaid confessed to be due together with costs of Suit herein to be taxed and with interest to be computed at the rate of 8% per annum. And by virtue of said warrant of Attorney all Errors are release and all right of appeal, and all right to file a petition in Error are waived.

4325

4801

Wednesday May 20th 1885-

8.30 A.M. Court convened pursuant to adjournment.
Present as Judge of said Court
Hon. C.N. Norris.

Present as Officers of said Court
John M. Broderick Pros. Atty.
Marian Hopkins Sheriff
A.H. Goodwin Deputy and
John L. Burgner Clerk.

4329 Martha Jones et al. vs. T.W. Bridges }

This cause is dismissed at the cost of the plaintiff in compliance with the former order of this Court.

It is therefor adjudged by the Court that the said defendant recover of the plaintiff his cost herein taxed to $ No record

4425 W.A. Wilcox & Co vs J.L. Parmenter }

This cause coming on to be heard, was submitted to the court upon the pleadings and the evidence and on consideration thereof the court find that there is due to said plaintiff from the defendant on account of the Materials furnished as set forth in the petition the sum of $84.65 and that the same is a lien on the premises described in the petition by reason of the Mechanics lien therein described recorded in book 2 page 212 of the county record of liens; and that plaintiff is entitled to have said lien enforced.

It is therefore considered that the plaintiff recover from the defendant the said sum of $84.65 together with his costs herein expended. And that unless the said judgment is paid within ten days from the entry of this decree an order may issue to the Sheriff of Union County Ohio commanding him to sell said premises as upon execution, and of his proceedings to make due return to this court.

4801 R.W. Thompson & Co vs Solomon Fish }

This day this cause came on to be heard upon the petition and the evidence, the defendant, though duly served with a summons herein having failed to answer, demur or otherwise ~~object~~ to the petition of the plaintiff. On consideration whereof and the court being fully advised in the premises finds that there is due to plaintiffs from defendant upon the judgment mentioned in the petition interest being calculated to the first day of this term the sum of $323.32

It is therefore considered and adjudged by the court that the said plaintiffs recover of the said defendant the said sum of $323.32 and their costs herein taxed at $ for all of which Execution is awarded.

Wednesday May 20th 1885-

4237 — Hart. Hitchcock & Co vs J. M. Dunn et al

This day came the parties by their attorneys, and this cause came on to be tried, and thereupon came a jury, to-wit; S. G. Smith, James Obrien sen William Jordon Georg Harris, William Martin, J. B. Galloway, John Fisher, Isaac Wiett David Logan, D. H. Anthony J. W. Southard and W. H. Conkright - who being duly empanneled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the Evidence, unless withdrawn by consent of parties, or discharged by the court; and after hearing the Evidence, arguments of counsel, and charge of the court, the said jurors, retired to their room to deliberate upon their verdict, and after due deliberation returned into open court and presented their veraict - in writing in the words and figures following, to-wit; — 4810

The State of Ohio Union County ss May Term A.D. 1885: To wit - May 20th 1885;
Hart. Hitchcock & co plaintiff vs J. M. Dunn et al
We, the jury in this case, being duly impanneled and sworn do find for the defendants -
W. H. Conkright - Foreman

4252 — George A. Bonger vs J. M. Dunn

This cause is dismissed by plaintiff and at his cost. It is therefore considered and adjudged by the Court that the plaintiff pay the costs of this action herein taxed to $- and in default that execution issue therefor.

4253 — George A. Bonger vs Hart Hitchcock & Co.

This cause is dismissed at cost of the defendant. It is therefore considered and adjudged by the Court that the plaintiff recover of the defendant his costs herein expended taxed to $-

4237 — Hart Hitchcock & Co vs J. M. Dunn et al

The jury having brought in a verdict for the defendant - George Bonger in this case and the plaintiff waiving his right of motion for a new trial herein, it is therefore considered and adjudged by the court that the said defendant Geo. Bonger recover of the plaintiff his cost herein taxed to $ — 4537

4254 — David A. Wetherald et al vs Cyrus Noon

Settled at cost of plaintiff. It is therefore considered by the Court that the deft recover of plaintiff his costs taxed at $

4330 — Nancy Eakin vs Cyrus Noon

This cause is dismissed at cost of pltiff. It is therefore considered by the Court that the plaintiff pay the costs herein taxed $

Thursday. May 19th 1885.

Court met this morning at 8½ oclock the same officers being present as on Yesterday.

4700 Wm A. Ballinger vs Wm Turpie et al

And now come the defendants and moved the court for leave to file answer in this cause instanter and the court being fully advised do grant the leave and answer filed,

4810 C. S. Chapman vs Gotlieb Fuerst et al

And now comes the said C. S. Chapman by A. J. Carpenter his Attorney and the said defendants ~~being~~ all Stile failing to answer or demur to said petition It is considered that the said plaintiff is entitled to an account of the money due him in the premises, and the court after hearing the evidence do find that there is due to said plaintiff from the defendants Gotlieb Fuerst & Samuel Fox on the notes and Mortgage in said petition described the sum of Six hundred & Sixteen 03/100 (including interest computed to May 18, 1885.) and that there is due said plaintiff from the defendant Samuel Fox the sum of One Hundred & Seventeen & 84/100 dollars. (including interest to May 18th 1885).

It is therefore considered by the said court here that the said plaintiff recover of the said defendants Gotlieb Fuerst & Samuel Fox the said sum of $616 03 with Interest from May 1885 and that said plaintiff recover of the defendant Samuel Fox said sum of $117.84 with interest from May 18th 1885 the respective sums so found due as aforesaid, and also his costs taxed to $

And it is further ordered and adjudged that in case the said defendants Gotlieb Fuerst & Samuel Fox fail for Three days from the 20th day of May 1885 to pay to said plaintiff the said sum of $616.03 with interest from May 18 1885 so as aforesaid found due from them with Costs of Suit; or if said defendant Samuel Fox fails for 3 days from this 18th day of May to pay to plaintiff said sum of $117.84 with int from May 18th 1885. so as aforesaid found due with costs of Suit; an order issue to the Sheriff Commanding him to cause the said Lands and tenements in said petition described to be appraised, advertised and Sold according to law and apply the proceeds of said Sale in satisfaction of the said sums so found due with costs of Suit.

4537 John Carter vs John Harriman et al

This day this cause was continued by agreement of both parties.

Thursday May 21st 1885

4371 D. D. Cawdy vs S. Wardrop — This cause is continued on motion & showing of dft and at his cost. It is therefore considered that the dft pay the cost of this Term taxed at $-

4665

4496 C. M. Ayres vs J. M. Haskins et al

4669

This cause is dismissed without prejudice as to G. W. Regan and ordered left off docket and judgment against pltff for one half costs.

4704

4508 S. B. Woodburn et al vs Wm M. Siggett et al — Leave to file reply instanter.

4705

James Nicholson vs Wayne Agricultural Co.

4708

4538 This cause is ordered to be left off docket at plaintiffs cost. It is therefore considered by the Court that the plaintiff pay the costs herein as in this Court taxed at $-

4709

4710

4551 Clara Moffitt vs Jas D. Gamble et al — Leave to file amended petition instanter.

4710

4717

4561 Thomas Eakins vs Nancy Eakins et al — This cause is settled at cost of pltff. It is therefore considered & adjudged by the Court that the plaintiff pay the costs herein

4719

4720

4568 P. W. Gunkel & Co. vs John Heller et al

4721

This day this cause is dismissed without prejudice to a new action by the plaintiff & at its cost.

4722

It is therefore considered that the defendants recover of the pltff their costs herein made and that the pltff pay its own costs herein taxed at $.

4723

4728

4582 Walter Bemis vs N. Y. P. & O. R. R. Co. — Leave to file amended petition by May 30-1885 Court

4730

4731

4619 W. M. Watson vs N. M. Hubbard — Plaintiff ordered to give security for costs.

4732

4733

4646 Willard Langstaff vs Andrew Holbath et al — This cause is ordered left off docket at cost of plaintiff.

4734

It is therefore considered & adjudged by the Court that the pltff pay the cost herein taxed at $

4735

4665	James Weeks et al. vs C. W. Smith et al	Leave to file amended petition instanter.
4669	Geo. M. McPeek vs Merlin Benton	Leave to answer instanter
4704	John B. Miller vs Jacob Kranckofer et al	Dismissed.
4705	Charles Arthur vs Viola Arthur	This cause is dismissed at cost of pltff. It is therefore considered by the court that the plaintiff pay the costs herein taxed at $.
4708	Eliza M. Kerr vs Joseph Eaton.	Leave to answer instanter.
4709	Eliza M. Kerr vs James McAllister	same
4710	Eliza M. Kerr vs Adam Phillips	same
4711	Eliza M. Kerr vs Sylvanus Belleville et al	same
4717	Eliza M. Kerr vs Chas Parrott et al	same
4719	Eliza M. Kerr vs S. D. & S. E. Laird	same
4720	Eliza M. Kerr vs John Boomer	same
4721	Eliza M. Kerr vs John K. Brown	same
4722	Eliza M. Kerr vs Nicholas Belleville et al	same
4723	Eliza M. Kerr vs Noah Trout	same
4728	Eliza M. Kerr vs Adam C. Johnson	same
4730	Eliza M. Kerr vs Wm Black et al.	same
4731	Eliza M. Kerr vs Henry A. Perkins	same
4732	Eliza M. Kerr vs John D. McKelvey	same
4733	Eliza M. Kerr vs Rachael Black	same
4734	Eliza M. Kerr vs Jas H. Negus et al.	same
4735	Eliza M. Kerr vs Jas H. Perkins	same

Thursday May 21st 1885

4736 Eliza M. Kerr vs Priscilla Johnson et al. Leave to answer instanter.

4737 Eliza M. Kerr vs Christopher Black same

4741 Eliza M. Kerr vs Rachael Black same 4563

4717 S. A. Lee vs James A. Guy } Settled at costs of defendant. It is therefore considered that the plaintiff recover of the deft in this case herein costs &-

4779 Martin V. Wynkoop vs J. M. Saunders } Leave to answer instanter.

4789 Saunders Ed Bright vs A. C. Dr Goad et al } Plaintiff ordered to secure costs by July 11th 1885- and in default thereof case to stand dismissed.

4794 Geo. A. Hamilton vs Geo. W. Merritt } Leave to file petition by July 11. 1885- and cause continued.

4799 Peter Oliver vs Martin Wathen et al } Leave to file answer instanter.

4802 Maud R. Joseph vs Catherine Joseph et al } Leave granted S. D. Ellis et al & H. D. Kimball to ans. instanter.

4806 Morris Humphries vs Wm Cassiday et al } Leave for R. C. Jones to answer instanter.

4802 Maud R. Joseph vs Catherine Joseph et al } 4811

This day this cause was heard upon the demurrer of Olford Reed to the petition of Plaintiff, and the Court being fully advised in the premises do overrule said demurrer, and thereupon said Olford Reed was granted leave to file his answer to said petition instanter.

Court adjourned until tomorrow at 8.30 A. M.

Friday May 22nd 1885

Court convened at 9.30 a.m. pursuant to adjournment, the same officers being present as on yesterday

4563 Dora Rogers vs Leroy Bangham et.al

This day this cause came on to be heard and thereupon the plaintiff asked and obtained leave to ~~so answered~~ amend her petition instanter, so to make the issue that the deeds executed by Robert Gamble Sr on the 25th day of January 1884 to George Gamble, Emma Gamble and Annie Gamble were only gift deeds and were not delivered to them in the lifetime of said Robert Gamble Sr and consequently vested no title in either of them, And thereupon this cause came on for trial upon the petition so amended, the answer of defendants and the evidence and was argued by counsel, and the court being fully advised in the premises, do find the equities of the case to be with the defendants, and the court find that said deed executed by said Lucy Rogers and Benjamine Rogers her husband on the 16th day of April 1881 to said children and heirs at law of Annie Gamble was made upon a good and full consideration, and that the same is a valid deed and binding upon said Lucy and Benjamine Rogers; and the court further find that said deeds executed by said Robert Gamble Sr in his lifetime to said Emma Gamble, Annie Gamble and George Gamble respectively, and that said deeds fully conveyed to them all the title and interest which said Robert Gamble Sr then had in each of said tracts of land so conveyed, and the court find that the petition of plaintiff should be dismissed with costs.

It is therefore considered and adjudged that the said petition be dismissed; that the defendants go hence without day and recover of plaintiff their costs herein taxed at $ And thereupon the plaintiff moved the court to set aside said finding and judgment and grant a new trial herein, which motion the court overruled, to which decision and ruling plaintiff excepted. And thereupon the plaintiff gave notice of her intention to appeal this cause to the Circuit Court, and the court fix the Amount of the appeal bond at $300.00

4811 Alexander Owen vs The Board of Education of York township

On Motion of defendant the plaintiff is required to secure costs in this case according to law by the 24th Day of August 1885 & Cause continued.

Thereupon court adjourned until May 25th 1885 at 1 O'clock P.M.

Monday May 25th A.D. 1885

Court convened pursuant to adjournment at 10 o'clock P.M.
Present:
Hon- C. H. Norris Judge
Marion Hopkins Sheriff.
C.A. Goodwin Deputy. Attst. J. D. Bumgner Clerk.

James P. Carter
vs
Albon Walthew and Eli W. Fisher } This cause coming on for further hearing was submitted to the Court on the pleadings, the Court find that the defendants Albon Walthew and Eli W. Fisher have been duly served with a summons in this cause and that they are in default for answer and demurrer, and that the allegations of the petition are thereby confessed by them to be true. The Court further find that since the filing of the petition in the above case that the last note described in plaintiffs petition has become due, and that there is due upon said note the sum of four hundred and ninety and 45/100 Dollars.
It is therefore considered by the Court that the plaintiff recover from the defendants Albon Walthew and Eli W. Fisher the said sum of four hundred and ninety and 45/100 Dollars & their costs herein expended.

4779 Llewellen J. Taylor
vs
M. Buckley et al } This cause is dismissed by plaintiff and at his costs without prejudice and without liability on injunction bond as per written agreement.
It is therefore considered and adjudged by the Court that defendants recover of plaintiff their costs herein expended taxed at $- no record.

4747 Andrew J. Smith
vs
Benjamin Comrell } This cause is dismissed at the costs of Defendant. It is therefore considered and adjudged by the Court the pltff recover of the deft his costs herein taxed at $- no record

Tuesday May 26th A.D. 1885.

Court convened pursuant to adjournment at 8½ o'clock A.M. the same officers being present as on yesterday.

H402 C. Aultman & Co vs Elon S. Rogers et. al } This day this cause came on to be heard on the return of the Sheriff of the order of Sale issued herein with his report of his proceedings and Sale of Lands and Tenements under said writ; and the Court having carefully examined the said proceedings, and being satisfied that said Sale has in all respects been made in conformity to the provisions of the Statute in such cases made and provided finds the same to be legal and does therefore approve and confirm the same.

It is therefore ordered that the Sheriff make to the purchaser C. Aultman & Co a deed in fee simple for the lands and tenements so sold, and the said purchaser is hereby subrogated to all the rights of any lien holder who shall be satisfied herein for the protection of its title. And a writ of possession is hereby awarded to put said purchaser in possession of said premises.

And the Court coming now to the distribution of the purchase money in the hands of the Sheriff orders that he pay, First - to the Clerk of the Court the costs of this action taxed at $31.80.

Second, That he pay the balance of the money in his hands to plaintiff to apply on plaintiffs claim, to wit: the sum of $693.50.

4540 Geo. A. Roberts vs Robert A. Symmes et al } This cause is dismissed at Plaintiffs costs without prejudice to a new action. It is therefore considered and adjudged by the Court that the Plaintiff pay the costs herein taxed at $-

Wednesday May 27th 1885

Court convened pursuant to adjournment at 8½ O'Clock A. M. The same officers being present as on yesterday.

4693 V. H. Lee vs R. B. White et al

This day this came on to be heard on the return of the Sheriff of the order of Sale issued herein with his report of his proceedings and Sale of lands and tenements under said order, and the Court having carefully Examined the said proceedings, and being satisfied that said Sale has in all respects been made in conformity to the provisions of the Statute in such cases made and provided finds the same to be legal and does therefore approve and confirm the same.

And it is further ordered that the Sheriff make to the purchaser S. H. Lee a deed in fee Simple for the lands and tenements so sold, and the said purchaser is hereby subrogated to all the rights of any lien holder who may be satisfied herein for the protection of his title. And a writ of possession is awarded to put the said purchaser in possession of said premises. And the Court coming now to the distribution of the purchase money in the hands of the Sheriff orders that he pay,

First. To the Treasurer of this County the taxes and penalty due upon the property so sold, to-wit; $ 34.52.

Second. To the Clerk of this Court the costs of this action taxed to $42.35.

Third. To Plaintiff the amount due on his note & Mortgage to-wit $1085.73.

Fourth To the defendant Emma E. Lamb to apply on her two notes the balance of the money in said Sheriffs hands, to-wit: $1450.90.

Thursday May 28th AD 1885

Court Convened pursuant to adjournment at 8½ Oclock A.M. the same officers being present as on Yesterday.

William Batchelor et }
vs }
Sylvester Bell et als }

On Motion of the said plaintiff by A.T. Carpenter his Attorney and on producing the return of the Sheriff of this county of a sale of real estate made by him on the 9th day of May 1885, on an order of sale issued in this case and dated the 16 day of March 1885; and the Court on examination of said proceedings, being fully satisfied that said Sale has been made in all respects in conformity to law; it is ordered that said Sale and proceedings be and the same is hereby confirmed, And it is further ordered that the Sheriff make to the purchaser Daniel T. Lee a deed in fee Simple for the lands and tenements so Sold, and a writ of possession is awarded to put the said purchaser in possession of said premises. And the Court coming now to the distribution of the purchase money in the hands of the Sheriff, orders that he pay,

First, To the Treasurer of this County the taxes and penalty due upon the property so Sold to wit; $324.11

Second, To the Clerk of this Court the costs of this action taxed to $ 29.10

Third, To the plaintiff William Batchelor the amount of the judgment herein rendered with interest to this date, to wit $624.00

Fourth, To the plaintiff Wm Batchelor the balance owing on his Note and mortgage including interest @ 7% computed to date to $2633.41

Fifth, To the defendant Sylvester Bell the balance to wit $ 34.38.

Sixth, It is further ordered that plaintiff may reserve the amount of the taxes out of the purchase money and assume and pay the same himself at some future time

Friday May 29th A.D. 1885

Court convened pursuant to adjournment at 8½ Oclock A.M. the same officers being present as on yesterday.

4623 Annie Hensel vs Frank Hensel et al

This day this cause came on for hearing on motion of part of the defendants by their guardian to Set aside the Entry of the confirmation of the Sale herein made, and also to Set aside said Sale and for a new Sale herein and the same was argued by counsel and submitted to the court on affidavits & Evidence.

On consideration whereof the court do sustain said motion and said Entry and said Sale are hereby Set aside and held for naught and a new Sale is ordered herein to be Sold in Separate tracts and the appraisment to be equally divided between both tracts being the 3½ acres in one tract and the house and two lots in another tract. And on good cause Shown the said Sale is ordered by the Court to be held on the said premises.

Special Grand Jury

This day on good cause Shown the court deeming it necessary, do order the Sheriff to call together on next Tuesday at 8½ oclock A.M June 2nd 1885. a New grand jury from the bystanders or neighboring citizens of 15 good and lawful Men having the qualifications of a grand juror.

4707 James P. Carter vs Alben Wartham et al

On motion of the plaintiff and on his producing the return of the Sheriff of the Sale made under the former order of this court, and the court after Carful Examination of the proceedings of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and the orders of this court, it is ordered that the said proceedings and Sale be and they are hereby approved and confirmed. And it is further ordered that the said Sheriff convey to the purchaser Eli W. Fisher by deed according to law the property so sold, and the said purchaser is hereby subrogated to all rights of the lien holders in said premises so far as they may be joined herein for the protection of his title, and a writ of possession is awarded to put said purchaser in possession of said premises. It is further ordered that the clerk cause Satisfaction of the Mortgage herein sued on to be cancelled on the record thereof in the office of the Recorder of Union County.

And the court coming now to distribute the proceeds of said Sale amounting to $1034.10 It is ordered that the Sheriff out of the money in his hands pay

First, To the Treasurer of Union County the tax assessed against said propty amt $5.13

Second, The cost of this action taxed at $44.50

Third, To the plaintiff James P. Carter the balance of the money remaining in his hands amounting to $ to be applied as a credit upon his judgment against the said defendants as set forth in plaintiffs petition. And there still remaining due to the said James P. Carter the sum of $196.53 Execution is awarded against the said Alben Wartham and Eli W. Fisher therefor.

4758

4533

Elnora A. Loonbard
vs
4758 Edward B. Conklin et al

It is ordered by the court that a writ issue in this case to the Sheriff of this county commanding him to put the purchaser of the lands and tenements in the petition described A.W.B. Dunagan in possession of the same.

Childs Groff & Co.
vs
4533 S. S. Gardiner Assignee et al.

This day came the parties by their Attorneys & thereupon this cause came on to be heard upon the pleadings of the parties and the evidence and was argued by counsel.
On consideration whereof the Court being fully advised in the premises do find the facts and equity of the case to be in favor of the said Herman Sandrowitz, Benjamin Wisenberger and Lena Wisenberger and that the charges and allegations of fraud made in the plaintiffs petition are not sustained by the evidence. That the notes and Mortgages mentioned by the said Herman Sandrowitz in his cross petition are founded upon a good consideration, and that by mutual mistake the note first described in said cross petition was made to read that it was due and payable Oct. 1st 1883. when in fact the time agreed upon and intended by the parties for said note to be payable was December 1st 1883, and the said note is hereby ordered to be considered in that respect. The Court finds that the amount due said Herman Sandrowitz as claimed in his petition at the first day of this Term of Court was $2,015.00 and that he is entitled to interest on the same at the rate of 8 per cent. from May 18, 1885. That the amount due Lena Wisenberger upon the note set forth in her cross petition up to the first day of this Term of Court is $388.00 and that she is entitled to interest on the same from May 18, 1885. That the said claim is secured by Mortgage on the property assigned to said Gardiner. That the amount due said Benjamin Wisenberger upon the note and mortgage set up in his answer and cross petition at the first day of this term of Court was $1,747.00 and that he is entitled to 8 ps interest on the same from May 18, 1885. That said claim is secured by Mortgage on said property assigned to said Gardiner. The Court further find that all of said Mortgages are good and valid and were filed at the same time and are equal in priority. It is therefore adjudged by the Court that said assignee of the fund in his hands as such assignee after paying the costs of his trust pay to said Benjamin Wisenberger, Herman Sandrowitz and Lena Wisenberger the said amounts found them, and if the fund is not sufficient then that they be paid pro rata according to the amount of the separate claims. And it is further ordered that the said plaintiffs petition and the cross petitions of the other defendants be dismissed and that the plaintiff pay the costs of this action to be taxed &
The plaintiff and other defendants who filed cross petitions as creditors of David Wisenberger other than said Mortgagees gave notice of their intention to appeal to the Circuit Court and asked the Court to fix their appeal bond which is accordingly done and the bond is by the Court fixed at $300.00

Monday June 1st A.D 1885-

Court met at 10 oclock A.M. pursuant to adjournment-
Officers present-
Hon C.H. Norris Judge
M. Hopkins Sheriff
A.H. Goodwin Deputy

Attest J.L. Burgner. Clerk.

Joseph B. McCombs }
vs }
Peter G. Wynnegar et al }

This day came the plaintiff by his attorneys and the said Peter G. Wynnegar by his attorneys the said Orrin Beem being in default-came not. And thereupon this case being called the Court with the consent-of the plaintiff dismissed the cause as to the defendant Peter G. Wynnegar without prejudice as to any right said plaintiff may have as against said defendant Orrin Beem. It is therefore adjudged that said Peter G. Wynnegar be dismissed and that he recover of the plaintiff his cost herein expended.

4620 A.L. Wall et al }
vs }
N.M. Hubbard et als }

And now come the parties hereto by their attys and Settled this cause as follows, that is to say, plaintiff agrees to pay all the costs in the case and in consideration of such payment of said costs the defendants agree that there shall be no prosecution of any suit for damages on the bond given by the plaintiff herein for the injunction, or suit for any other purpose connected with this case by reason of any action upon part of plaintiff, and this cause dismissed.

Thereupon court adjourned until 8/2 Oclock on tommorrow morning

4816

Tuesday June 2d A.D. 1885-

Court convened this morning pursuant adjournment at 8½ Oclock the Same

it being deemed necessary, the court having heretofore ordered the Sheriff to call together a new grand jury by summoning from among the bystanders or neighboring citizens fifteen good and lawful men having the qualifications of grand jurors;

Whereupon, the following named persons were called, and appeared in answer thereto, to-wit;

1 J. B. Whelpley
2 J. W. Alexander
3 W. H. Robb
4 H. W. Money
5 William Goff
6 John Wiley
7 John Hobensack
8 J. Vanpearse
9 David Clemment-
10 Leonidas Turner
11 Theodore Mullen
12 Samuel McCampbell
13 Dwight- Webb
14 W. C. Malin and
15 Henry Wheeler and the court appointed James B. Whelpley foreman of the said Grand Jury, and he with his fellow jurors took the oaths, in manner and form as prescribed by law; and the said jury being instructed by the court in relation to their duties were conducted to their room, attended by the Sheriff.

This day appeared at the bar of this Court the special grand jury heretofore impaneled and sworn in, and for the body of the county aforesaid viz; J. B. Whelpley, J. W. Alexander W. H. Robb. H. W. Money, William Goff John Wiley, John Hobensack, J. Vanpearse, David Clement- Leonidas Turner, Theodore Mullen Samuel McCampbell Dwight- Webb, W. C. Malin and Henry Wheeler and presented to the court, through their foreman, James B. Whelpley their certain bill of indictment- against- J. E. Powers and Isaac Raymond for Horse-Stealing and Grand Larceny, indorsed "A True Bill" James B. Whelpley, Foreman of the grand jury And their being no further business for the said jury, they were discharged finally.

Lewis Robinson }
vs }
H816 W. C. Carter et al }

This day this cause is dismissed by the plaintiff without prejudice to a new action at the cost of defendant. Costs paid.

No Record

Tuesday June 2d 1886

4778 — Samuel Buffington vs G.G.G.& D Ry Co

4619

This day on Motion of plaintiff this cause is dismissed at the costs of the plaintiff. It is therfore considered that the defendant recover of the plaintiff its costs herein taxed at $.

4802 — Maud R. Joseph vs Catherine Joseph et al

4619

This day this cause came on to be heard upon the petition of plaintiff and the evidence (neither of the defendants demying the right of plaintiff to foreclose her said Mortgage as prayed for by her) and the Court being fuerly advised in the premises do find that there is due to said Maud R. Joseph from said Catherine Joseph the Sum of Six Hundred and thirty Six dollars ($636) as the plaintiff hath claimed in her petition, and the court find that said debt is a Mortgage lien on the premises described in plaintiffs petition and as therein set forth.

It is therefore ordered and adjudged that unless the said Catherine Joseph shall within ten days from the Entry of this decree pay or cause to be paid to plaintiff said Sum of $636. with interest from the first day of June 1886. and pay to the Clerk of this court the costs of this case taxed at $ - that an order shall issue by the Clerk requiring the Sheriff of this County to appraise advertise and Sell the real estate described in plaintiffs petition according to law and bring the proceeds into court - pr further order.

4644 — Weideman Kent & Co vs Velasco J. Case et al

This day came the parties by their attorneys and it appearing to the court that the Statements and allegations of the plaintiffs first Cause of action does not put is issue by the pleadings and that there is no dispute as to the note in said first cause of action set up and the court finds that there is due to the plaintiff from said defendant Velasco J. Case upon said first cause of action the Sum of Seventy & 76/100 Dollars.

It is therefore considered and adjudged by the court that the said plaintiff recover of the defendant Velasco J. Case the Sum of Seventy & 76/100 So found due upon said first cause of action, and that as to said Second Cause of action the Cause is continued with leave to the plaintiff to amend his petition as to said Second Cause of action by Juey 11th 1883.

Tuesday June 2d A.D. 1885

W. M. Watson
vs
#619 N. M. Hubbard

This day this cause came on to be heard upon the demurrer to 3d defense in defendants answer, and the court being fully advised in the premises Sustained said demurrer. To which ruling of the court the defendant excepted

W. M. Watson
vs
#619 N. M. Hubbard

This day came the parties herein by their attorneys; also came the following named persons as jurors to-wit;

1	J. R. Henderson	7	William Jordon
2	David Logan	8	George Harris
3	J. W. Southard	9	H. N. Amine
4	W. H. Conkright	10	William Martin
5	S. S. Smith	11	John Flesher and
6	James OBrian	12	Isaac Willett

Who were duly impaneled and Sworn according to law; and thereupon the case came on for hearing on the pleadings and Evidence.

And after hearing the Evidence, argument of counsel, and charge of the court, the jury retired to their Room in charge of the Sheriff, for deliberation.

And now comes said jury into open court with their verdict in writing, Signed by their Foreman and Say; We the jury, in this case, being duly impaneled and Sworn do find for the plaintiff and assess his damages at One dollars.

(Signed) W. H. Conkright. Foreman.

Thereupon the defendant filed his Motion for a new trial, which was argued by counsel and Submitted and the court being fully advised in the premises overruled said Motion, and this cause came on to be heard upon the verdict of the jury.

It is therefore considered by the court that the plaintiff W. M Watson recover from the defendant N. M. Hubbard the said Sum of One dollar damages with his Costs herein Expended taxed to $

To all of which Judgment & orders the defendant by his attorneys then and there Excepted,

Court adjourned until 8½ oclock on tommorow morning

Wednesday June 3d A.D. 1885-

Court convened pursuant to adjournment at 8½ Oclock this Morning the same officers being present as on yesterday.

4526

4808 David Mumford
vs
C. W. Leesper

This day come the plaintiff by his attorneys, the said defendant failing to answer, demurre or plead to the plaintiffs petition, and the court being fully advised in the premises do find that there is due from the defendant to the plaintiff on the note set forth in plaintiffs petition the sum of One Hundred and Two & 66/100 dollars, as the plaintiff hath claimed in his petition.

It is therefore considered and adjudged that the plaintiff recover of defendant said sum of $102.66 with 8% interest from the 17th day of May 1885 and the costs of this action herein taxed at $.

4488

4535 Lovina Spain
vs
Abraham Spain et al

This day came the parties by their attorneys also came the following named persons as jurors to wit:

1	C. M Bropman	7	J. W. Southard
2	Samuel Gamble	8	W. H. Bonknight
3	J. H. Thompson	9	S. G. Smith
4	J. B. Galloway	10	James Obrian
5	J. A. Henderson	11	Geo. Harris and
6	David Logan	12	H. N. Amrine

Who were duly impaneled and sworn according to law; and thereupon said case came on for hearing on the pleadings and Evidence. And after hearing the evidence, arguments and Charge of the court, said jurors retired to their room in charge of the Sheriff for deliberation.

And now comes said jury into open court with their verdict in writing signed by their foreman and say; We the jury in this case, being duly impaneled and Sworn do find and say we find for the plaintiff and assess her damages at One hundred thirty five & 15/100 dollars (135.15)

(Signed) C. M. Bropman. Foreman.

4526 Thomas B. Benton }
vs }
William Wells }

This day came the parties by their attorneys, the above named defendant having by a former order of this court been substituted for Mel Scruggs Constable, and waived a jury and submitted this cause to the court on the pleadings and evidence and arguments; on consideration whereof the court find on the issues joined for the plaintiff and assess his damages at five cents= no record

It is therefore considered that the said plaintiff recover of the defendant William Wells his damages so assessed and his cost herein expended taxed to $ -

4488 Isaac Sloupe }
vs }
A. B. Mather et al }

This cause came on for hearing was submitted to the court on the pleadings and evidence; on consideration whereof the court find the equity of the case is with defendant Ed Mather and that plaintiff should account to him for one half of the Stallion horse Black Prince, subject to a credit of $90.00 paid Dilsavee, and the court from the evidence find that the value of said horse on Nov 30th 1883 was $450.00 and of defendants half interest $225.00 and deducting said credit of $90.00 the balance due said Ed Mather on account of said half interest in the horse is $135.00 with interest thereon from Nov 30th 1883, and the court further find that by mutual agreement of the plaintiff & defendant the accounts for the services of said horse have been placed in the hands of B.L. Talmage for collection and division between them, all but $100.00 which he is to reserve to met the costs and expenses of collection and of this case, and the court find from the evidence that there is $8.75 due plaintiff as a further balance out of said fund in the hands of said Talmage. It is therefore ordered adjudged & decreed by the court that the funds in the hands of B.L. Talmage be disposed of as follows. 1st To the further fees and expenses of said Talmage $ 2d. The costs in this case. 3d (If sufficient remain) $8.75 balance found due to defendant from funds in the hands of said Talmage,

It is further ordered, adjudged & decreed that any balance in the hands of Talmage after making the foregoing payments be divided Equaly between plaintiff & Ed Mather, and that the plaintiff pay to Ed Mather defendant within ten days from the entry hereof said Sum of $135.00 & interest found due him by; $147.45 and in default of such payment that Execution issue therefor as upon judgment at law,

Thereupon the plaintiff moved the court for a new trial which was overruled by the court and to which the plaintiff excepted, and the plaintiff gave notice of his intention to appeal to the circuit court, and the court fixed the bond for appeal at $300.00.

Thursday June 4th A.D. 1885-

Court convened pursuant to adjournment at 10 Oclock A.M. Officers present-thro.

Hon John A. Rice Judge

Marion Hopkins Sheriff
A. H. Goodwin Deputy

Attest- J. L. Bergner Clerk
By W. M. Winget- Deputy

4702

4502

No 685- The State of Ohio vs J. E. Powers et Isaac Raymond } Indictment-for Horse Stealing and Grand Larceny

Now comes the prosecuting attorney, on behalf of the State of Ohio, and the defendant- J. E. Powers being brought into court- in custody of the Sheriff, and arraigned upon said indictment, for plea thereto, saith, "his guilty," and is remanded to the custody of the Sheriff until Sentence.

685- The State of Ohio vs J. E. Powers and Isaac Raymond } Indictment-for Horse Stealing and Grand Larceny.

Now comes the prosecuting attorney on behalf of the State of Ohio, and the defendant- Isaac Raymond being brought into court- in custody of the Sheriff and arraigned upon said indictment for plea thereto, saith he is "not guilty" and puts himself on the country and the prosecuting attorney doth the like. And it appearing that said defendant is in indigent- circumstances, and unable to employ counsel the court, at his request- assign P. B. Kerr as counsel to defend him.

4809

4529 William Epps vs N. M. Henderson et al }

This day this cause came on to be heard upon the demurrer to the answer of defendant Mary Thomas, and the court being advised in the premises, does sustain said demurrer. Thereupon the defendant- not desiring further to contest- said action does hereby allow the plaintiff to take judgment- against said defendants for the sum of Fifty dollars. Said sum to include the judgment- heretofore rendered in the Error case of Mary Thomas vs William Epps, Court of Common Pleas of Union County Ohio, and the defendants to pay costs-

It is therefore ordered and adjudged that- the plaintiff recover of the defendants- said sum of Fifty dollars debt- and costs herein expended at $ And it- is ordered that- there be no record in this case.

Thusday June 4th A.D. 1885.

4702 John Struble
vs
Fred Wise et al

This day this cause came on to be heard upon the motion of plaintiff to Strike out 2d paragraph of answer, and the court being fully advised in the premises overruled said motion to which ruling the plaintiff Excepts.

4502 Harmon Patch Sr
vs
Harmon Patch Jr et al

This day this cause come on to be heard upon the demmer of plaintiff to the first ground of defense in the answer of defendant Harmon Patch Jr to the amendment to plaintiffs petition, and also upon the motion of plaintiff to require the said defendant Harmon Patch Jr to so reform the 2d 3d 4th grounds of defense in his answer to said amendment to plaintiffs petition. that said grounds of defense shall state definitely whether he does or does not deny the Execution of said notes or either of them - and also upon the motion of Plaintiff to order Stricken from the answer of said defendant to said amendment to plaintiffs petition the 6th ground of defense therein contained.

In consideration whereof the court sustains said demmer, and said Motion to reform as asked for by plaintiff does overrule said Motion to Strike out said 6th ground of defense. Thereupon the court granted leave to defendant Patch Jr to amend said answer by July 11th next and plaintiff also has leave to plead to the Substituted answer of said defendant to the originae petition of plaintiff by July 11th next. and this cause is continued

4804 W. L. & L. C. Davis
vs
Joseph F & Cynthia Boggs

And now came W. L. & L. C. Davis by A. J. Carpenter their attorney and the said defendants Still failing to answer or demur to said petition, it is considered that the said plaintiffs are entitled to an account of the Money due them in the premises and the court after hearing the Evidence do find that there is due to the said plaintiffs on the Notes & Mortgage in said petition described including interest computed to May 18th 1885 the Sum of Three Thousand Four hundred Seventeen & 49/100 dollars. It is therefore considered by the said court here that the said plaintiffs recover of the said defendants the said Sum of Three thousand Four hundred and Seventeen & 49/100 dollars. With interest from May 18th 1885. the Sum so found due as aforesaid and also their costs taxed to $
And it is further ordered and adjudged that in the case the said defendants fail for three days from this 4th day of June 1885 to pay to said plaintiffs the said Sum of $3417.49. With interest from May 18th 1885 so as aforesaid found due with costs of Suit. an order issue to the Sheriff of Union county commanding him to cause

the said Lands and tenements in said petition described to be appraised advertised and sold according to law and apply the proceeds of said Sale in Satisfaction of the Sum as found due with costs of suit.

H467

3792 D.M. Lewis vs Henry Wheeler

This day came the parties to this action and Settled this case as per agreement on file each party to pay his own costs. No Record

It is therefore ordered that said D.M. Lewis pay the costs made by him in this action and that Henry Wheeler pay the costs made by him; said costs to be paid within 30 days from the rising of the court or in default thereof that Execution issue therefor

4676 G.J. Miller & Son vs Alf Scott et al

This day came the parties herein, by their attorneys also came the following named persons as jurors, to-wit:

1	William Martin	7	G.B. Galloway
2	J.A. Henderson	8	David Logan
3	S.L. Smith	9	J.W. Southard
4	James Obrian	10	W.F. Conkright
5	George Harris	11	John Nicely
6	Samuel Lamble	12	Joseph Hawn

Said jurors

" "

who were duly impaneled and Sworn according to law; and thereupon the case came on for hearing on the pleadings and evidence. It being proper, in the opinion of the court for the jury to have a view of the well in controversy, it is ordered that the said jury be conducted in a body, under the charge of the Sheriff to the said place; and that the same be shown to them by the Sheriff and that they return forthwith. Who after a view of said well, and returned to the court-room and the said jury having heard the testimony adduced in part. Said cause was continued until to-morrow Morning at 8½ Oclock.

H487

Thereupon court adjourned until 8½ Oclock A M tommorrow morn

H486

Friday June 5th A.D. 1885-

Court convened this morning at 8½ pursuant to adjournment-

4467 Elizabeth Wells vs Ohio Farmers Ins Co et al

This day came the parties plaintiff and defendant by their attorneys the above named defendants having by a former order of this court been substituted for the Sheriff John Hobensack, and thereupon this cause came on for hearing and both parties waiving a jury and orally consenting in open court to such submission to the court without the intervention of a jury, both to try the rights of property and possession and for assessment of damages. Said cause was submitted to the court on the pleadings & evidence and arguments of counsel; On consideration whereof the court do find on the issues joined for the plaintiff and that at the commencement of this action the right of property and right of possession of the property described in the petition was in the plaintiff and that the defendants unlawfully with held the same by the levys of executions in their favor by said Sheriff thereon as the property of Orlando Wells. And the court do assess her damages in the premises at One cent. It is therefore considered that the said plaintiff recover from the defendants her damages so assessed together with her costs herein expended taxed to $

Thereupon said defendants moved the court to set aside said findings and judgment and for a new trial, which motion being heard was by the court overruled & defendant excepts-

4487 Winget-Haverman vs Ella Argo et al

This cause was this day dismissed by the plaintiff without prejudice to a new action, at the costs of plaintiff

No Record. It is therefore ordered that plaintiff pay the costs of this action within 30 days or in default thereof that execution issue therefor.

4486 Winget Haverman vs Ella Argo et als

This cause coming on for hearing and a jury being waived, was submitted to the court upon the pleadings and evidence; On consideration whereof the court find that the defendants Ella Argo & George H. Argo both signed the note described in plaintiffs petition and that there is due from said Ella Argo & Geo Argo to plaintiff on said note the sum of One hundred & Twenty five dollars ($125.00) and that said Ella Argo when she signed said note intended to and did bind her separate property for the payment thereof

It is therefore ordered adjudged and decreed by the court that said Ella Argo pay to the plaintiff within ten days from the 1st day of June 1885. Said sum of $125.00 & as aforesaid found due with

interest-from this 1st day of June 1885-and costs of Suit-or in default-thereof that-the Sheriff of Union County to cause the Lands and tenements in plaintiffs petition described to be appraised advertised and sold according to Law and the proceeds applied in satisfaction of plaintiffs Claim.

685 The State of Ohio vs J. E. Powers et-al } Indictment-for Horse Stealing and Grand Larceny.

The defendant-herein J. E. Powers having on a former day of this term Entered a plea of Guilty to the charge of the indictment in this case, was this day brought into Court in Custody of the Sheriff: and being inquired of if he had anything to Say why judgment Should not be pronounced against him; and having nothing but what he hath already Said; It is therefore adjudged by the Court that the Said defendant J. E. Powers., be imprisoned and confined in the penitentiary of this State and kept at-hard labor, but without any Solitary confinement for the period of Two years; and that he pay the costs of this prosecution for which Execution is awarded.

4740 W. H. Garrington vs Marcenus L. Colestalo } On Motion of plaintiff and on his producing the return of the Sheriff of the Sale made under the former order of this Court and the Court on Careful Examination of the proceedings of the Said Sheriff being Satisfied that the Same have been had in all respects in Conformity to Law and the orders of this Court it is ordered that the Said proceedings and Sale be and they are hereby approved and confirmed. And it is further ordered that-the Said Sheriff convey to the purchaser William H. Garrington by deed in fee Simple the Lands and tenements So Sold, and a writ of possession is awarded to put-the Said purchaser in possession of Said premises.

And the Court coming now to distribute the proceeds of the Sale amounting to One Hundred & Seventy five dollars it-is ordered that the Sheriff out-of the Money in his hands pay- First-The costs of this action. taxed at- $26.40 Second-To the plaintiff to apply on his claim the balance, to wit:-$148.60-

4676 J. J. Miller & Son vs Alf Scott et-al } This day again came the Said parties. by their attorneys and also came the jury heretofore impaneled and Sworn. and the trial proceeded. And the Said jury having heard the remaining testimony and the argument in part. And the hour having arrived the court-discharged the Said jury until tommorow Morning at-8½ Oclock. Thereupon Court-adjourned until 8½ Oclock on tommorow Morning-

4676

4820

Saturday June 6th A.D. 1885-

Court convened pursuant to adjournment at 8½ Oclock this morning. the same Officers being present as on yesterday.

4676 J. J. Miller & Son
vs
Alf Scott et al

This day again came the parties by their attorneys and also came the jury heretofore impaneled and sworn. And the said jury having heard the remaining arguments and charge of the court retired to their room in charge of the Sheriff for deliberation.

And now comes said jury into open court with their verdict in writing signed by their foreman, and say; We the jury in this case, being duly impaneled and sworn do find and say that we find for the Plaintiffs in the sum of Ninety Three and 48/100 dollars ($93.48)

(Signed) J. A. Henderson. Foreman

4820 Cornelia A. Taylor
vs
Robert B. Smith et al

This cause came on for hearing on the petition the answer of the defendant Robert B. Smith and the evidence all of the other defendants being in default for answer and demurrer and was submitted to the Court without the intervention of a Jury On consideration whereof the Court find on the issue joined between the plaintiff and the defendant Robert B. Smith that there is usury in the note described in plaintiffs petition as alleged, and that after deducting the usury there is still due from the defendant Robert B. Smith to the plaintiff on the note and Mortgage in said petition described, including interest computed at 6 ps ups to June 9, 1885 - the sum of Three hundred and thirty seven and 65/100 Dollars.

It is therefore considered by the Court here that said plaintiff recover of the said defendant Robert B. Smith the said sum of Three hundred and thirty seven and 65/100 Dollars with 6 ps int. from June 9, 1885 the sum so found due as aforesaid and also his costs taxed to $.

And it is further ordered and adjudged that in case the said defendant Robert B. Smith fails for three days from this 6th day of June 1885 to pay to said plaintiff the said sum of Three hundred and thirty seven and 65/100 Dollars with 6 ps int. from this 9 day of June so as aforesaid 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, advertised and sold according to law and apply the proceeds of said sale in satisfaction of the said sum so found due in the order of plaintiffs priority with the liens of the several parties hereto, with costs of suit.

Court adjourned until Monday at 8½ o'clock A. M.

Monday June 8th 1885

Court convened at 8½ A.M. pursuant to adjournment.
Present
Hon. John A. Price. Marion Hopkins Sheriff.
A.H. Goodwin Deputy
John M. Brodrick Pros. Atty.
Attest J. Q. Bergner Clerk

4524 Eli Orahood vs John W. Lockwood }

This day came the parties in this cause by their Attorneys and settled the same.
Defendant is to pay all cost except the costs belonging to the family of plaintiff. Defendant claims he did not speak the words alleged in the petition and does not now charge the plaintiff as alleged therein, and no record.

684 The State of Ohio vs Benjamin Mustain } Indictment for Burglary and petit larceny.

And now comes the prosecuting attorney on behalf of the State of Ohio, and presents to the Court the recognizance of said defendant, taken before John B. Coats Probate Judge, in and for Union County Ohio, on the 14th day of April A.D. 1885, in the sum of One hundred Dollars with Jackson Debolt and Andrew J. Smith as sureties. Thereupon, the said defendant being three times solemnly called to appear and answer said charge as he agreed to do, and failing so to do, and said Jackson Debolt and Andrew J. Smith being each three times solemnly called to produce the body of said defendant as they agreed to do, and failing so to do, the Court order that the said recognizance be, and the same hereby is, forfeited absolutely.

678 The State of Ohio vs Harvey Wilson } Indictment for Forgery.

This day came the prosecuting attorney on behalf of the State of Ohio and thereupon came the said defendant Harvey Wilson in custody of the Sheriff and his counsel also coming, thereupon came the following jury to wit: S.G. Smith, James O'brianson, Wm. Jordan, Geo. Harris, H.N. Arwine, Wm. Martin, C.M. Dugman, David Logan, J.W. Southards, Samuel Gamble, J.H. Thompson and John Nicely who were duly sworn to well and truly try and true deliverance make between the State of Ohio and the prisoner at the bar Harvey Wilson, and the said jury having heard the testimony adduced by the parties, the arguments of counsel, and the charge of the court, after deliberation thereon, returned the following verdict to wit: "We the jury in this case, find the defendant Harvey Wilson, "Guilty, in manner and form as he stands charged in the indictment"
"George Harris Foreman"
And thereupon said defendant is ordered into the custody of the Sheriff to await sentence.

Thereupon Court adjourned until tomorrow at 8½ O'clock A.M.

Tuesday June 9th A.D. 1885

Court convened pursuant to adjournment at 8½ o'clock A. M. same officers present as heretofore.

The State of Ohio
vs
Harvey Wilson
6768 — Indictment for Forgery.

The defendant having been heretofore convicted of forgery was this day brought into Court in custody of the Sheriff and informed by the Court of the verdict of the jury and inquired of if he had anything to say why judgment should not be pronounced against him, and shewing no good and sufficient reason why judgment should not be pronounced. It is therefore considered, ordered and adjudged by the Court that the said defendant Harvey Wilson be imprisoned in the penitentiary of this State and kept at hard labor for the period of fifteen months, and that he pay the cost of this prosecution taxed at $ for which execution is awarded.

William Dun
vs
4664 James Dun et al.

This day this cause came on to be heard upon the answer and cross-petition of James Dun and the evidence, the plaintiff having with the consent of the Court withdrawn his reply and the Court being fully advised in the premises doth find that there is due from the plaintiff and the others of said defendants to the said John Dun the sum of $95.20 with interest thereon from the 24th day of January A.D. 1885 amounting at this date June 9, 1885 to the sum of $604.20 and which sum is a lien upon the real estate in the petition described. And thereupon this cause came on further to be heard upon the motion of the plaintiff and upon producing the return of the Sheriff of his proceedings and sale under the former order of this Court and the Court being satisfied upon examination that the same have been had in all respects according to law the said proceedings and sale are hereby approved and confirmed, and the said Sheriff is ordered by deed duly executed to convey said premises to John Dun, James Dun, George Dun, Helen Smart, Jean Blackford, Dun Williams, Neville Williams and Francis Williams the purchasers in the following proportions to wit: To the said James Dun, John Dun, George Dun, Helen Smart and Jean Blackford each the undivided one sixth part thereof and to the said Dun Williams, Neville Williams and Francis S. Williams each the undivided one eighteenth part thereof: It is further ordered that the Sheriff out of the proceeds of said sale pay to the clerk of this Court the costs of this action (including a counsel fee of $85.00 to Robinson and Piper for their services herein) taxed at $

And it appearing to the Court that the purchasers hereinabove named are parties in this action and tenants in Common with the plaintiff and each other, they are by the Court hereby relieved from paying to the Sheriff all of the purchase money in excess of the costs.

The State of Ohio
vs
Isaac Raymond
6855 — Indictment for Horse stealing.

Nolle prosequi entered.

The State of Ohio
vs
Isaac Raymond
6855 — The Court this day doth allow and order to be paid to P. R. Kerr for his services herein as counsel for defendant the sum of Twenty Dollars

Tuesday June 9th A.D. 1885

4825 Joseph Rodgers
vs
Mary C. Fadely et al

This day came the plaintiff by his Attorney and the defendant bring in default for answer and demurrer the Court find that the allegations of the petition are confessed by them to be true and that there is due plaintiff from defendants upon the notes marked "A" & "B" as set forth in the petition the sum of $182.74 and interest thereon at 6 p/c from this date and that the notes marked "C" & "D" are not yet due. It is therefor considered by the Court that the said plaintiff recover of the said defendants Mary C. Fadely and Thomas G. Fadely the said sum of $182.74 and 6 p/c int. from this date and his costs herein taxed at $.
The Court further find that in order to secure the payment of said notes the defendants Mary C. Fadely and Thomas G. Faddy executed and delivered to said plaintiff their mortgage as in the petition described and on the premises therein described. Being all of lot numbered (367) three hundred and sixty-seven in Beatty's addition to said Village of Richwood in Union County, O. and that said Mortgage was duly recorded in book no. 20. page 30 of the records of Mortgages of Union County, Ohio. and is the first and best lien on the said premises. It is therefore considered and adjudged that unless the defendants Mary C. Fadely and Thomas G. Fadely shall within two 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 herein the sum so found due as aforesaid with interest from the date of this entry according to the terms of said Mortgage that the defendants equity of redemption be foreclosed and said premises shall be sold and an order of sale shall issue therefor to the Sheriff of Union County, Ohio commanding him to appraise and sell said premises as upon execution and bring the proceeds into Court for further order.

4706

4423

4555

Cornelia A. Taylor
vs
4822 Robert B. Smith et al

This cause came on for hearing on the petition, the answer of the defendant Robert B. Smith and the raidence, the defendant Josiah Wrelake being in default for answer and demurrer and was submitted to the Court without the intervention of a Jury: On consideration whereof the Court find on the issue joined between the plaintiff and the defendant Robert B. Smith, that there is usury in the note described in plaintiffs petition as alleged and that after deducting the usury there is still due from the defendants Robert B. Smith and Josiah Wrelake to the plaintiff on said note including interest @ 6 p/c computed up to June 6. 1885 the sum of Two hundred and forty three and 8/100 Dollars.
It is therfore considered by the Court that the said plaintiff recover of the said defendants the said sum of Two hundred and forty three and 8/100 Dollars with 6 p/c interest from June 6. 1885 together with her cost herein expended taxed at $.

4803

Emma Walters

4706 vs

Wm Schmelzer et al

This day came the parties by their Attorneys and this cause came on to be heard upon the motion of the defendants for an order reforming plaintiffs petition as in said motion stated.
On consideration whereof the Court sustains that part of said motion asking to have the words "and her children" whenever the occur, stricken out of said petition and the Court overrules said motion in all other matters, to which ruling of the Court in overruling said motion as to the other matters the defendants excepts. It is therefor ordered by the Court that the words "and her children" whenever they occur be stricken out of said petition, and leave is given to defendants to answer by July 15th 1885 and cause continued.

W. Thompsson

4433 vs

The Buckeye Mutual Fire Insurance Co.

This day came the parties and settled this cause by defendants giving draft for amount agreed on and each party to pay his own cost in this Court and plaintiff the costs in the Circuit Court. No record.
It is considered therefore and adjudged by the Court that each party pay his own costs herein taxed to $, and in default thereof after thirty days that execution issue therefor. Leave is given defendant to withdraw its answer in the case, premium note cancelled and no assessments to be made

Lavina Spain

4555 vs

Abraham Spain as Executor & S. A. Spain as Executrix of the last Will of Abraham Spain deceased

The Jury at a former day of of this term having returned their verdict in favor of the plaintiff in the sum of One hundred and thirty five dollars and fifteen cents and no motion for a new trial having been made. It is therefor considered ordered and adjudged by the Court that the said plaintiff recover of the said defendants as Executor of the last Will of Abraham Spain dec'd, the said sum of One hundred and thirty five and 15/100 Dollars and their costs herein expended taxed at $ and it is ordered by the Court that said Executors allow said sum as a valid claim against said estate of Abraham Spain deceased and that the same together with the costs of this suit be paid out of the assets of said estate.

Capitola Hunt

4803 vs

Edevin Leonard

This day this cause came on to be heard upon the motion and application of the defendant for a continuance herein, and was upon his showing granted.

Thereupon Court adjourned until Tuesday June 16. 1885 at 9. o'clock A.M.

Tuesday.

June 16th A. D. 1885.

Court convened this day at 9. a.m. pursuant to adjournment.

Present Hon. John K. Price Judge.

Marion Hopkins. Sheriff.

A. A. Goodwin Deputy

Attest. John D. Bruner. Clerk.

4579 George B. Carpenter
v.s
Fredrick Stukey et al.

This day came the parties and submitted the motion to require the Sheriff to arrest Fredrick Stukey and have him before the Court to show cause why he should not be dealt with as in contempt for interference with the Receiver. And it appearing that the lands have been twice offered without sale the Court order that said Sheriff again reappraise the same according to law.

4415 J. T. Elliott Admr & C.
v.s
D. S. Ford et. al.

This day came the parties to this cause and thereupon it appearing that this is a proper case to refer, and neither party objecting, and having each agreed upon Thomas B. Fulton as Referee, the Court order and decree that said Thomas B. Fulton be and he is hereby appointed Referee in this case and ordered to take testimony on the issues joined and report the same in writing after due notice to be served by either party of the time and place of hearing the case and after full hearing of the parties report his findings upon the facts and upon the law in the premises, and file with his report all the evidence submitted to him by the first day of Sept. next. and this cause is continued for that purpose.

4633 Sarah E. Graham
v.s
William Graham et al
E. P. Haughton Admr

This day this cause was continued with leave to defendants to answer by Jany 1st 1885.

4850 John Strubel & Lewis Streng Jr.

This day came the plaintiff by his Attorneys and thereupon came A. H. Brighton one of the Attorneys of record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issueing and service of process, confessed that there is due from said defendants to said plaintiffs as is alleged in said plaintiffs petition, the sum of $1859.28

It is therefore considered that said plaintiff do recover of said defendants the said sum of $1859.28 so as aforesaid confessed to be due together with costs of suit herein, to be taxed and with interest to be computed at the rate of 8 ps per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4392 Union County Bank
v.s
Ella Argo et al,

This day came D. W. Ayers and asked and obtained leave to file ans. & cross. petition herein and the same filed.

4832

4806

June 16. 1886

Fullington and Phelps

4832 vs

Robert W. Thompson et.al.

This day this cause came on to be heard upon the petition of plaintiff and the evidence and exhibits, the said Robert W. Thompson and Josephine W. Thompson his Wife both failing to answer or demur to the petition of plaintiff - and the Court being fully advised in the premises do find that there is now due to the plaintiff from said Robert W. Thompson on the first note set forth in plaintiffs petition the sum of One Thousand and six & 66⅔/100 Dollars ($1,006.66⅔) with interest from the 26th day of May A.D. 1885 at the ratte of eight per centum per annum, as the plaintiff have claimed and that there will be due to plaintiff from said Robert W. Thompson on the 26th day of April 1886 the further sum of ($2.800.00) Twenty eight hundred dollars with six per cent interest after one year, and eight per cent interest after due until paid as plaintiffs have claimed in their petition. It is therefore considered and adjudged that plaintiff recover of said Robert W. Thompson said sum of $1006.66⅔ due on the filing of plaintiffs petition with eight per cent interest from May 26th 1885 and also their costs in this behalf taxed at $.

And the Court further find that in order to secure said notes that the Mortgage was executed by said Robert W. Thompson and his wife Josephine W. Thompson upon the lands described in plaintiffs petition and that the same is a Mortgage lien on said premises as plaintiffs have asked.

It is therefor considered and adjudged that unless the defendant Robert W. Thompson shall within three days from the entry of this decree pay or cause to be paid said sum of One Thousand and six and 66⅔/100 Dollars with the interest aforesaid to the plaintiffs, and pay to the Clerk of this Court the costs of this case that said defendants equity of redemption be foreclosed and said premises shall be sold, and an order of sale shall issue therefor to the Sheriff of this County directing him to sell said premises according to law and bring the proceeds into Court subject to its further order, and to the priority of liens and all other questions this cause is continued.

Morris Humphreys

4806 vs

Wm. McCassidy & Ross C. Jones

This day came the plaintiff herein and the defendant Wm. McCassidy being in default for answer or demurrer, the defendant Ross C. Jones having filed his answer. The Court after full consideration find that the allegations of the petition are confessed to be true, and that the defendants are indebted to the plaintiff in the sum of $600.00 as principal and also the sum of $154.00 as interest on the same as the plaintiff have in his petition prayed making a total of $754.00 which sum bears interest from this date at 8 ps until paid. It is therefor considered ordered and adjudged by the Court that the said plaintiff recover from the said defendants the said sum of $754.00 with interest at 8 ps until paid and also the costs of suit taxed at $- The Court further find that the defendant Ross C. Jones is surety on said promissory note and order execution to issue accordingly.

June 16th 1885

660 The State of Ohio vs Isaac White

Union County O. To C. L. Bayle Dr.

To making a complete transcript in the above entitled case
992 folios @ 8¢ per folio $77.76
June 16, 1885

The foregoing bill is approved and allowed; and the auditor of Union County is hereby directed to draw his warrant on the Treasurer of said County in favor of said C. L. Bayle for said sum of $77.76 The Clerk of the Court of Common Pleas of said County will make an entry of this order and certify the same to the Auditor.

John A. Price Judge of Court of Common Pleas.

675 The State of Ohio vs William Harris } Indictment for disturbing a singing school. Continued off Docket.

676 The State of Ohio vs John Harris } Indictment for disturbing a singing school. Continued off docket.

4797 Emma J. Randall vs Jay Randall

Now came the plaintiff, and the defendant having been duly served with Summons and a copy of the petition herein, and having failed to appear, the court find him in default for answer and demmer to said petition, and find that the allegations of the petition are confessed by him to be true. The court also find that the plaintiff at the time of filing her petition, had been a resident of the State of Ohio for one year next preceding the same, and was at that time a bona fide resident of the County of Union and that the parties hereto were married as in said petition set forth.

The court further find, upon the evidence addduced that the defendant has been guilty of gross neglect of duty & Wilful absence towards the plaintiff and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therefore ordered and adjudged by the court that the marriage contract heretofore existing between the said Emma J. Randall and Jay Randall be and the same hereby is, dissolved and both parties are released from the obligation of the same.

It is further considered by the court that the said plaintiff recover from the said dependant herein expended.

4570 Israel Slack, Phillip Kliver & Phillip Ruperight vs John M. Longbrake

Injunction.

This day the injunction heretofore granted herein was dissolved and the petition dismissed at the cost of plaintiffs. It is therefor considered & adjudged by the court that the plaintiffs pay the cost of this proceeding taxed at $— & no cost

Thereupon Court adjourned until tomorrow at 8 O'clock A M.

Wednesday. June 17th 1885

Court convened at 8.30 A.M. pursuant to adjournment, the same officers being present as on yesterday.

345-5 Lucy V. French et.al. vs Robert Hill et.al.

This day came the plaintiffs and also the defendants Israel Wollam, Peter Wollam, Jacob Wollam and John Wollam and thereupon on motion of all of said parties the Court does open up and set aside so much of the order made in this cause at the last term of this Court as relates to the lands claimed by and occupied by Israel Wollam 50 acres, Peter Wollam 101 acres, John Wollam 80¾ acres and Jacob Wollam 81 acres.

And thereupon the plaintiffs withdrew their motion to set aside the valuation made by the last Jury under the proceedings under occupying claimant laws and thereupon the said parties mutually agreed between themselves that said valuations of said Jury shall be modified and reduced so as to make the entire rents of the one fifth of the 50 acres of Israel Wollam together with the value of said land without the improvements thereon amount to the sum of $25.65 on said 3rd day of May 1884 when said Jurys report was made and that the rents and value of the ⅕ of the 101 acres of Peter Wollam without improvements should be reduced to $5.06 31/100 and that the rents and value of the one fifth of 80¾ acres of John Wollam without improvements should be reduced to $4.04 80/100 and that the rents and value of the one fifth of the 81 acres of Jacob Wollam without improvements should be reduced to $4.06 05/100 and thereupon at the request of all of said parties the Court confirm said valuation as modified as aforesaid.

And thereupon the plaintiffs Lucy V. French et al, elect to surrender their titles to said lands and recover the rents and value of said lands without improvements as aforesaid agreed upon and the defendants not objecting it is considered ordered and decreed by the Court, by consent of said parties, that the plaintiffs convey to said Israel Wollam in fee simple by good special Warranty deed as conveying against the plaintiffs their heirs and assigns, the said one fifth of said 50 acres claimed by him on his complying with the terms hereinafter mentioned and that the plaintiffs convey by like deed to Peter Wollam the said one fifth of the lands claimed by him, and that by a like deed the plaintiffs convey to Jacob Wollam the one fifth of 81 acres claimed by him, and that by like deed they convey to John Wollam the one fifth of 80¾ acres claimed by said John Wollam. And it is further ordered and decreed by the Court, by like consent of said parties, that said Israel Wollam pay to said plaintiffs and their assigns the said sum of $25.65/100 with interest from May 3rd 1884 payable in the following installment one fourth in three months from the first day of this term, one fourth in six months, one fourth in nine months and one fourth in twelve months each installment to bear six per cent interest from May 3rd 1884 and the plaintiffs have three months from said first day of this term in which to execute and deliver said deeds. And by like consent that Peter Wollam pay said plaintiffs and their assigns the sum of $5.06 31/100 in like installments with like interest as that of Israel Wollam, and by like consent that Jacob Wollam pay plaintiffs and their assigns $4.06.05 in like installments with like interest as that of Israel Wollam, and by like consent that John Wollam pay to said plaintiffs and their assigns $4.04.80 in like installments with like interest as that of Israel Wollam, and if either of said parties Israel Wollam, Peter Wollam, Jacob Wollam or John Wollam should fail for ten days after either of said installments

Wednesday, June 17th A.D. 1885

became due to pay such installments, then it is ordered and decreed by the Court that an order of sale issue for the sale of the lands aforesaid of such person in default, and the Sheriff is authorized and ordered to sell such lands according to law as upon execution and said installments are made a lien on said lands respectively until paid. And the plaintiffs are ordered by the Court to pay the remaining (7/11) four elevenths of the costs made under the order of the Court for the benefit of the occupying claimants to wit= that out of the proceeds of said lands he pay all the costs made in these proceedings since Judgment for the lands was given for the plaintiffs, but such payment of costs is ordered in installments the same as said parties are herein ordered to pay for said lands and rents and if plaintiffs fail for ten days after same become due that execution issue therefor as upon Judgments at law. No record to be made of the several reports of the Juries under the occupying claimant law, but a full record of the Journal entries ordered to be made.

4659

4686 John F. Fraker vs D. S. Ford et al.

And now came J. W. Cummings as Admr of The estate of Robert Smith by his Attorneys and moved the Court for leave to file his Answer and Cross-petition in the foregoing case and the Court being fully advised in the premises do grant such leave and answer filed.

4834 The McCormick Harvesting Machine Co. vs S. C. Loveland

Now comes the plaintiff by its attorneys and the defendant being in default for answer and demurrer the Court find that the allegations of the petition are by him confessed to be true and that he is indebted to the plaintiff in the sum of $432.^{58}/$_{100}$ with interest at 10 % from June 17th 1885. It is therefore considered by the Court that the said plaintiff the McCormick Harvesting Machine Company recover from the said defendant S. C. Loveland the said sum of $432.^{58}/$_{100}$ and its costs herein expended taxed to $

4752 Barnes and Hawe vs George Smith

This day this cause came on to be heard upon the demurrer of defendant to the petition, was argued by counsel and the Court being fully advised in the premises do overrule said demurrer, and thereupon the defendant asked and obtained leave to file answer in Thirty days and cause continued. overruling of demurrer excepted to by defendant.

4565 August Warner & Jno. H. Beers vs E. E. Hogue

This case is settled & cost paid.

The State of Ohio vs Harvey Wilson

The Court this day allows and orders paid to D. C. Myers Esq. the sum of Twenty five Dollars for his herein in defending the defendant under appointment by the Court heretofore made.

Wednesday June 17th A.D. 1885

The Farmers Bank
vs
4659 Thomas Martin & L. Martin

This day this cause came on to be heard and both parties having mutually agreed upon a settlement hereof in terms as follows, to wit: That said defendants Thomas Martin and L. Martin consent that judgment be rendered against them for the amount of said claim on the first day of May 1885 less One thousand dollars which said sum of one thousand dollars is allowed by said plaintiff to said Thomas Martin in full payment for usurious interest claimed by said defendant to be in said note or any note or account of said plaintiff against said Thomas Martin and also in full payment by said plaintiff to said Thomas Martin for all the interest, legal and equitable in, and to the property of every description as well as all claims, notes, accounts, demands, and rights of action due or to become due to said Martin as a partner in the Farmers Bank at Marysville, This and it is hereby mutually agreed that said Thomas Martin shall by quit claim deeds duly executed convey all his interest in the real estate of said Bank and all his property notes, claims, demands and rights of action are by said Thomas Martin hereby turned over to J. M. Southard, Edward Weller, Levi Langbrake and Charles M. Southard as partners under the firm name and style of The Farmers Bank. Said deeds to be executed and delivered to said J. M. Southard, Edward Weller, Levi Langbrake and Charles M. Southard. The residue of said claim herein named, to wit: the sum of seven hundred and seventy two 93/100 Dollars said defendants both agree shall be by this Court reduced to Judgment which judgment shall bear interest at the rate of eight per cent. per annum from May 1st 1885 until paid and execution thereon shall be stayed for the period of one year from said May 1st 1885. Thereupon it is considered ordered and adjudged by the Court that said agreement above mentioned be fully and completely carried out and executed by both parties hereto, and that said plaintiff do recover from said defendants the said sum of Seven hundred and seventy two and 93/100 Dollars with interest thereon at the rate of eight per centum per annum from May 1st 1885 and execution thereon is stayed for the period of one year from May 1st 1885.

Isabel Calender
vs
Joseph H. Steiner

This day came the parties by their Attorneys and this cause came on to be tried; and thereupon came a jury, to wit: J. W. Southard, N. N. Anning, John Hobensack, Isaac Willett, David Logan, C. M. Ingman, J. H. Henderson, Wm Jordan, James O'Brian, Wm Martin, Moses Thompson, W. H. Robb who being duly empanneled and sworn to well and truly try the issue joined between the parties in this cause, and a true verdict render according to the evidence unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, argument of counsel, and charge of the Court, the said jurors retired to their rooms to deliberate upon their verdict, and after due deliberation returned into open Court and presented their Verdict in writing in the words and figures following, to wit:

We the jury in this case being duly empanneled and sworn do find and say that we find for the plaintiff in the sum of $400.00 in addition to property already received by plaintiff.

John Hobensack, Foreman.

Wednesday June 17th 1885

4666 J. C. Robinson
vs
Thomas Martin et al

This day came the Farmers Bank of Maysville Ohio and Thomas Martin and his wife Lucy F. Martin and settled this cause in conjunction with cause No. 4659 wherein the Farmers Bank is plaintiff and said Martin is defendant, to-wit: the said Thomas Martin having released all his interest in and to the property, real and personal of said Bank and gone out of partnerships with J. M. Southard Edward Weller, Levi Laughlin and Charles M. Southard and having adjusted all claims of usury and all claims of errors and mistakes in calculations and credits in every respect in said two causes Nos. 4659 and 4666 and the said Thomas Martin in after said release of his interest in said company and of all claims of usury &c as aforesaid, to remain indebted in case No. 4659 for the sum of $777 43/100 for which with costs and interest at 8 per cent judgment is entered up and stay of execution for one year also entered with the consent of Lawrence Martin, and said Martin and his wife aforesaid remain indebted on said Mortgage to said Farmers Bank in the sum named in said Mortgage in the petition described, to-wit: Two Thousand Dollars with 8 pc interest payable semiannually from April 1st 1884 as claimed in said cross-petition of said Bank.

Therefore it is considered, ordered and adjudged by the Court by the consent and agreement of all of said parties that said Mortgage be foreclosed and said Bank recover of said Thomas Martin said sum of Two Thousand Dollars with 8 pc int. thereon payable semiannually from April 1st 1884 together with the costs herein expended taxed to $ And further it is agreed by said parties that no execution or order of sale issue until the 1st of May 1886 and if said Martin and his wife fail to pay said sum of money with the interest aforesaid and costs on or before the said 1st day of May 1886 then that an order of sale issue to the Sheriff of this County commanding him to appraise, advertise and sell said premises according to law to satisfy said Mortgage lien, and all errors are by said parties hereby waived and it is also found that the lien of J. C. Robinson for the six hundred dollars decreed in this cause is prior to and better than the said Mortgage lien of said Farmers Bank and for further proceedings this cause is continued, but for convenience left off the docket to be redocketed at the pleasure of either party.

4789

4397

4851 Andrew McLaughlin, Plaintiff in Error,
vs
Leander Gaswell & Hester Gaswell Defendant in Error

This day this cause came on to be heard upon the application of the plaintiff in error to file his petition in error to reverse the judgment and order of M. O. Hill J. P. of Calhoun Tp. Lucas County Ohio made in the case of Hester Gaswell and L. Gaswell against said plaintiff in error on the 11th day of June 1885 and the Court find that due and legal notice of the application to file said petition had been served upon said defendants in error and do grant leave to file said petition in error and it is ordered that said plaintiff in error enter into an undertaking for stay of execution in the sum of $150.00 as provided by statute,

4579

Sander Ed Bright
4789 vs
A. C. DeGoodstal

This day this cause came on to be heard on motion for leave to file answer and cross-petition for B. DeGaud and John Landon and upon consideration whereof the Court sustained said motion and leave granted to B. DeGaud to file answer and Cross-petition and also leave was granted to John Landon to file answer and cross petition, pleadings to be filed instanter.

Union County Bank
4392 vs
Geo. A. Argo Ella Argo et al

This cause now coming on for hearing on the answer and cross-petition of the defendant D. W. Ayers and the evidence, the Court find that the defendant Ella Argo has been duly served with summons in this case, and that she is in default for answer and demurrer and that the allegations in the cross-petition of the said D. W. Ayers are thereby confessed by her to be true and that there is due to D. W. Ayers from Ella Argo on the promissory note set forth in his cross-petition with interest to the first day of this term the sum of Seven Hundred and Seventy Dollars ($770.00) The Court further find that in order to secure the payment of said note the defendant Ella Argo Executed and delivered to D. W. Ayers her certain mortgage in the cross-petition described and on the premises therein described (they being the same lands described in plaintiffs petition) that said mortgage was duly recorded in Book 21 Page 172 of the records of mortgages of Union County, Ohio. and is a good and valid lien on the premises described in the Cross-petition and is the third lien thereon.

It is therefore considered by the Court that the defendant D. W. Ayers recover from his co defendant Ella Argo, the said sum of $770.00 as herefore found due him. And it is further adjudged and decreed that unless the said defendant Ella Argo shall within ten days from the entry of this decree pay or cause to be paid to the Clerk of this Court the costs in this case and to the said defendant D. W. Ayers the said sum of $770.00 so found due him as aforesaid, with interest from the 18th day of May 1885 the said defendants equity of redemption be foreclosed and said premises be sold and that an order of sale issue to the Sheriff of Union County, Ohio directing him to appraise, advertise and sell said premises as upon execution and report his proceedings to this Court for further order.

George B. Carpenter,
4579 vs
Fredrick Stukey et al.

The Sheriff having brought Fredrick Stukey into Court to show cause why he should not be dealt with for contempt. Whereupon said defendant in person and by his Attorney, having promised not in any way to interfere with the receiver in this case or his tenants, and there not being sufficient time for the Court to hear the case this day the defendant aforesaid asked delay and the Court ordered him to enter into his own recognizance in the sum of $200.00 for his appearance before the Court July 7th 1885 to answer said charge. Thereupon came said Fredrick Stukey and entered into such recognizance as aforesaid ordered.

Wednesday June 17th 1885

4848 James N. Kile et.al. vs Nathan Howard et.al. Commissioners of Miami County, Ohio.

This day came on this cause to be heard by the Court on the application of the plaintiff for temporary injunction. Whereupon the Court being fully advised in the premises do sustain said motion and allow said injunction as prayed for until the further order of the Court on the plaintiffs giving a lawful undertaking with security satisfactory to the Clerk of this Court in the sum of $1,000.00 said temporary injunction not to prevent said Commissioners from making any preliminary surveys if they wish prior to July 4th 1885

4708

4604 The Trustees of Otterbein University, vs J. J. Miller et.al.

On motion of the plaintiff and on his producing the return of the Sheriff of the Sale made under the former order of this Court; and the Court on a full examination of the proceedings of the said Sheriff, being satisfied that the same have been had in all respects in conformity to law, and the orders of this Court, it is ordered that the said proceedings and sale be and they are hereby approved and confirmed.

And it is ordered that said Sheriff convey to the purchaser Evaline Miller, by deed in fee simple, the land and tenements so sold, and the said purchaser is hereby subrogated to all the rights of the said plaintiffs, in said premises, for the protection of her title thereto, and the Court coming now to distribute the proceeds of said sale amounting to fourteen hundred Dollars ($1400.00) it is ordered that the Sheriff out of the money in his hands pay: First, the costs of this action taxed at $- Daully. To the plaintiffs the Trustees of Otterbein University, the amount heretofore found due them, with interest, to wit= The sum of Thirteen hundred and fifty five and 43/100 Dollars ($1,355.43)

4712

C The Court this day doth allow and order to be paid to W. S. Smith the sum of $6.50 for furnishing meals to jury May 23rd 1885. Also to J. E. Tegrall for furnishing lunch to
C jury May 22nd 1885 the sum of $3.00

Attest J. Q. Ringwer Clerk

4073 Union Biblical Seminary vs Stephen Cranston Admr & C.

Plaintiff asked and obtained leave of the Court to file an amended petition by July 11th & defendant to file answer thereto in rule day by the code thereafter and cause is continued.

Daniel R. Miller, for the use of & C. vs Stephen Cranston Admr & C.

The plaintiff asked and obtained leave of the Court to file an amended petitions by July 11th and defendant to file answer thereto in rule day by the code thereafter and cause continued.

Wednesday June 17th 1885.

4708 Eliza M. Kerr
vs
Joseph Easton et als

This day this cause came on for hearing and was Submitted to the Court upon the pleadings and the evidence; On consideration whereof the Court find that the said Robert M. Kerr was in his lifetime Seized in fee Simple of the real estate and premises described in the petition and that the plaintiff is the widow of said Robert M Kerr deceased and that She is entitled to have her dower in said premises assigned and set off to her as prayed for in said petition.

It is therefore ordered adjudged and decreed by the Court that the said plaintiff be endowed of one full equal third part of the premises described in the petition. the value thereof to be estimated exclusive of any improvements made on said tract of land since said Robert M. Kerr ceased to be the owner thereof, but including Such increased value as said tract of land may derive from Surrounding improvements And that a writ issue to the Sheriff of Union County Commanding him, that by the oaths of A.S. Mowry. James A. Henderson and George Baldwin three judicious disinterested men of the vicinity in the said County who are not of kin to either of the parties and who are hereby appointed Commissioners for that purpose, he set off and assign Such dower to said plaintiff according to law. And that of Such proceedings together with Said Commissioners appraisement of the yearly Net Value of said real estate estimated from the 28th day of January 1885 (excluding all permanent and valuable improvements made thereon after Robert M. Kerr ceased to be the owner thereof) to the day of Such assignment of dower. the said Commissioners and the said Sheriff Make return without unnecessary delay.

4712 Eliza M. Kerr
vs
Charles Parrott et al

This day this cause came on for hearing and was Submitted to the Court upon the pleadings and the evidence; On consideration whereof the court find that the said Robert M Kerr was in his lifetime Seized in fee Simple of the real estate and premises described in the petition and that the plaintiff is the widow of said Robert M Kerr deceased, and that She is entitled to have dower in said premises assigned and set off as prayed for in said petition. It is therefore ordered adjudged & decreed by the Court that the said plaintiff be endowed of one full equal third part of the premises described in the petition. the value thereof to be estimated Exclusive of any improvements made on said tract of land since said Robert M. Kerr ceased to be the owner thereof, but including Such increased value as said tract of land may derive from Surrounding improvements, and that a writ issue to the Sheriff of Union County commanding him that by the oaths of A.S. Mowry. James A. Henderson & George Baldwin three judicious disinterested men of the vicinity in the said County, who are not of kin to either of the parties and who are hereby appointed Commissioners for that purpose, he set off and assign Such dower to said plaintiff according to law. And that of Such proceedings together with said Commissioners appraisement of the yearly net value of said real estate estimated from the 28th day of January 1885 (excluding all permanent and valuable improvements made thereon after Robert M Kerr ceased to be the owner thereof to the of Such assignment of dower. the said Commissioners and the said Sheriff Make return without unnecessary delay.

Wednesday June 17th 1885.

4720

Eliza M Kerr }
vs }
John Bown }

This day this cause came on for hearing and was Submitted to the court upon the pleadings and the evidence; On consideration whereof the court find that the said Robert M Kerr, was in his lifetime, Seized in fee Simple of the real estate and premises described in the petition, and that the plaintiff is the Widow of said Robert M Kerr deceased and that She is entitled to have her dower in said premises assigned and set off to her as prayed for in her said petition. It is therefore ordered, adjudged and decreed by the court that the said plaintiff be endowed of one equal third part of the premises described in the petition the value thereof to be estimated exclusive of any improvements made on said tract of land Since Robert M Kerr ceased to be the owner thereof, but including Such increased value as said tract of land may derive from Surrounding improvements, and that a writ issue to the Sheriff of Union County Commanding him that by the oaths of A.S. Mowry, James A. Henderson and George Baldwin three judicious, disinterested men of the vicinity in the said County, Who are not of kin to either of the parties, and who are hereby appointed commissioners for that purpose, he Set off and assign such dower to said plaintiff according to law, and that of Such proceedings, together with said Commissioners appraisement of the yearly net value of said real estate Estimated from the 31st day of January 1885 (excluding all permanent and valuable improvements made thereon after Robert M Kerr ceased to be the owner thereof) to the day of Such assignment of dower, the said commissioners and the said Sheriff make return without unnecessary delay.

4721

Eliza M. Kerr }
vs }
John Fo & Wm M. Brown et al }

This day this cause came on for hearing and was Submitted to the court upon the pleadings and evidence; on consideration whereof the court find that the said Robert M Kerr in his lifetime was Seized in fee Simple of the estate and premises described in the petition, and that the plaintiff is the Widow of said Robert M. Kerr deceased, and that She is entitled to have her dower in said premises assigned and Set off to her as prayed for in her said petition. It is therefore ordered, adjudged and decreed by the court: that the said plaintiff be endowed of one full equal third part of the premises described in the petition, the value thereof to be Estimated Exclusive of any improvements made on said tract of land Since Robert M. Kerr ceased to be the owner thereof, but including Such increased value as said tract of land may derive from Surrounding improvements, and that a writ issue to the Sheriff of Union County commanding him that by the oaths of A.S. Mowry, James A Henderson and George Baldwin three judicious disinterested Men of the Vicinity in the said County, Who are not of kin to either of the parties, and who are hereby appointed Commissioners for that purpose, he Set off and assign Such dower to said plaintiff according to law, and that of Such proceedings together with said Commissioners appraisement of the yearly net value of said real estate Estimated from the 31st day of January 1885) excluding all permanent and valuable improvements made thereon after Robert M. Kerr ceased to be the owner thereof) to the day of Such assignment of dower.

The said Commissioners and the said Sheriff make Return without unnecessary delay.

4723

4728

Wednesday June 17th 1885

4723 Eliza M. Kerr vs Noah Trout et al

This day this cause came on for hearing and was submitted to the court upon the pleadings and evidence: on consideration whereof, the court find that the said Robert M. Kerr was in his life time Seized in fee Simple of the real estate and premises described in the petition. and that the plaintiff is the widow of said Robert M Kerr deceased and that She is entitled to have her dower in said premises assigned and set off to her as prayed for in her said petition. It is therefore ordered, adjudged and decreed by the court that the said plaintiff be endowed of One Equal third part of the premises described in the petition, the value thereof to be estimated exclusive of any improvements made on said tract land since Robert M Kerr ceased to be the owner thereof, but including such increased value as said tract of land may derive from Surrounding improvements, and that a writ issue to the Sheriff of Union County Commanding that by the oaths of A.S. Mowry, James A. Henderson and George Baldwin three judicious disinterested men of the vicinity in the said county, who are not of kin to either of the parties and who are hereby appointed Commissioners for that purpose, he Set off and assign such dower to said plaintiff according to law, and that of such proceedings, together with said Commissioners appraisement of the yearly net value of said real estate Estimated from the 31st day of January 1885 (excluding all permanent and valuable improvements made thereon after Robert M. Kerr ceased to be the owner thereof) to the day of such assignment of dower. the said Commissioners and the said Sheriff make return without unnecessary delay.

4728 Eliza M Kerr vs A. C. Johnson

This day this cause came on for hearing and was submitted to the court upon the pleadings and the evidence; on consideration whereof the court find that the said Robert M. Kerr was in his lifetime Seized in fee Simple of the real estate and premises described in the petition and that the plaintiff is the widow of said Robert M. Kerr deceased and that She is entitled to have her dower in said premises assigned and set off to her as prayed for in her said petition.

It is therefore ordered, adjudged and decreed by the court that the said plaintiff be endowed of One full Equal third part of the premises described in the petition the value thereof to be estimated exclusive of any improvements made on said tract of land since Robert M. Kerr ceased to be the owner thereof, but including such increased value as said tract of land may derive from surrounding improvements and that a writ issue to the Sheriff of Union County commanding him that by the oaths of A.S. Mowry, James A. Henderson and George Baldwin three judicious disinterested men of the vicinity in said county, who are not of kin to either of the parties and who are hereby appointed commissioners for that purpose, he set off and assign such dower to said plaintiff according to law, and that of such proceedings, together with said Commissioners appraisement of the yearly net value of said real estate Estimated from the 4th day of February 1885 (excluding all permanent and valuable improvements made thereon after Robert M. Kerr ceased to be the owner thereof) to the day of such assignment of dower. the said Commissioners and the said Sheriff make return without unnecessary delay.

Wednesday June 17th 1885.

4730

Eliza M. Kerr
vs
William Black et al

This day this cause came on for hearing and was submitted to the court upon the pleadings and the evidence; on consideration whereof the court find that the said Robert M Kerr was in his lifetime seized in fee simple of the real estate and premises described in the petition and that the plaintiff is the widow of said Robert M Kerr deceased and that she is entitled to have her dower in said premises assigned and set off to her as prayed for in her said petition. It is therefore ordered, adjudged and decreed by the court that the said plaintiff be endowed of one full equal third part of the premises described in the petition, the value thereof to be estimated exclusive of any improvements made on said tract of land since said Robert M Kerr ceased to be the owner thereof, but including such increased value as said tract of land may derive from surrounding improvements; and that a writ issue to the Sheriff of Union County commanding him that by the oaths of A.S. Mowry James A Henderson and George Baldwin three judicious, disinterested men of the vicinity in said county, who are not of kin to either of the parties, who are hereby appointed commissioners for that purpose, to set off and assign such dower to said plaintiff according to law. And that of such proceedings together with said commissioners appraisement of the yearly net value of said real related from the 4th day of February 1885 (excluding all permanent and valuable improvements made thereon after Robert M Kerr ceased to be the owner thereof to the day of the assignment of dower. The said commissioners and the said Sheriff make return without unnecessary delay.

4731

Eliza M. Kerr
vs
Henry A. Perkins

This day this cause came on for hearing and was submitted to the court upon the pleadings and the evidence; on consideration whereof the court find that the said Robert M Kerr was in his life time seized in fee simple of the real estate and premises described in the petition and that the plaintiff is the widow of said Robert M Kerr deceased and that she is entitled to have her dower in said premises assigned and set off to her as prayed for in her said petition. It is therefore ordered, adjudged and decreed by the court that the said plaintiff be endowed of one full equal third part of the premises described in the petition, the value thereof to be estimated exclusive of any improvements made on said tract of land since said Robert M Kerr ceased to be the owner thereof, but including such increased value as said tract of land may derive from surrounding improvements And that a writ issue to the Sheriff of Union County commanding him that by the oaths of A.S. Mowry, James A Henderson and George Baldwin three judicious disinterested men of the vicinity in the said county, who are not of kin to either of the parties, who are hereby appointed commissioners for that purpose, to set off and assign such dower to said plaintiff according to law. And that of such proceedings, together with said commissioners appraisement of the yearly net value of said real estimated from the 4th day of February 1885 (excluding all permanent and valuable improvements made thereon after Robert M Kerr ceased to be the owner thereof) to the day of such assignment of dower, the said commissioners and the said Sheriff make return without unnecessary delay.

4733

4734

Wednesday June 17th 1885

4733 Eliza M. Black (Kerr) }
vs }
Rachel Black }

This day this cause came on for hearing and was Submitted to the court upon the pleadings and the evidence; on consideration whereof the Court find that the said Robert M. Kerr was in his lifetime, Seized in fee Simple of the real estate and premises described in the petition and that the plaintiff is the Widow of said Robert M Kerr deceased and that She is entitled to have her dower in said premises assigned and Set off to her as prayed for in her petition. It is therefore ordered, adjudged, and decreed by the Court that the said plaintiff be endowed of one full equal third part of the premises described in the petition, the value thereof to be estimated exclusive of any improvements made on said tract of land Since said Robert M. Kerr ceased to be the owner thereof but including such increased value as said tract of land may derive from Surrounded improvements and that a writ issue to the Sheriff of Union County commanding him that by the oaths of A S. Mowry. James A. Henderson & George Baldwin three judicious, disinterested men of the Vicinity in the said County, who is not of kin to either of the parties, and who are hereby appointed Commissioners for that purpose, to Set off and assign Such dower to said plaintiff according to law. and that of Such proceedings together with said Commissioners appraisement of the Yearly net value of said real estate Estimated from the 4th day of February 1885 (excluding all permanent and valuable improvements made thereon after Robert M Kerr ceased to be the owner thereof) to the day of Such assignment of dower, the said Commissioners and the said Sheriff Shall return without unnecessary delay.

4734 Eliza M. Kerr }
vs }
James H. Myers et al }

This day this cause came on to be heard and was Submitted to the Court upon the pleadings and the evidence; on consideration Whereof the court find that the said Robert M Kerr was in his lifetime Seized in fee Simple of the real estate and premises described in the petition and that the plaintiff is the Widow of said Robert M Kerr deceased and that She is Entitled to have her dower in said premises assigned and Set off to her as prayed for in her said petition. It is therefore ordered, adjudged and decreed by the court that the said plaintiff be endowed of one full equal third part of the premises described in the petition, the value thereof to be estimated exclusive of any improvements made on said tract of land Since said Robert M Kerr ceased to be the owner thereof, but including Such increased value as said tract of land may derive from Surrounding improvements, and that a writ issue to the Sheriff of Union County Commanding him that by the oaths of A S. Mowry, James A. Henderson & George Baldwin three judicious, disinterested Men of the Vicinity in the said County, who are hereby appointed Commissioners for that purpose, to Set off and assign Such Dower to said plaintiff according to law. And that of Such proceedings together with said commissioners appraisement of the yearly net value of said real estate estimated from the 4th day of February 1885; (excluding all permanent and valuable improvements made thereon after Robert M Kerr ceased to be the owner thereof) to the day of the assignment of dower, the said Commissioners and the said Sheriff Make return without unnecessary delay.

Wednesday June 17th 1885.

4737 Eliza M. Kerr vs Christopher Black et al

This day this cause came on for hearing and was submitted to the court upon the pleadings and the evidence; on consideration whereof the court find that the said Robert M Kerr was in his lifetime seized in fee simple of the real estate and premises described in the petition and that the plaintiff is the widow of said Robert M Kerr deceased and that she is entitled to have her dower in said premises assigned and set off to her as prayed for in her said petition. It is therefore considered ordered and adjudged by the court that the said plaintiff be endowed of one equal third part of the premises described in the petition, the value thereof to be estimated exclusive of any improvements made on said tract of land since said Robert M. Kerr ceased to be the owner thereof, but including such increased value as said tract of land may derive from surrounding improvements, and that a writ issue to the Sheriff of Union County commanding him that by the oaths of A.S. Mowry, James A. Henderson & Geo. Baldwin three judicious, disinterested men of the vicinity in the said County, who are not of kin to either of the parties and who are hereby appointed Commissioners for that purpose, he set off and assign such dower to said plaintiff according to law, and that of such proceedings together with said commissioners appraisement of the yearly net value of said real estate estimated from the 4th day of February 1885 (excluding all permanent and valuable improvements made thereon after Robert M. Kerr ceased to be the owner thereof) to the day of such assignment of dower, the said commissioners and the said Sheriff make return with unnecessary delay. 3442.

4742 Eliza M Kerr vs Rachel Black et al

This day this cause came on for hearing and was submitted to the court upon the evidence & pleadings; on consideration whereof the court find that the said Robert M. Kerr in his lifetime, seized in fee simple of the real estate and premises described in the petition and that the plaintiff is the widow of the said Robert M Kerr deceased, and that she is entitled to have her in said premises assigned and set off to her as prayed for in her said petition. It is therefore ordered, adjudged and decreed by the court that the said plaintiff be endowed of one full third part of the premises described in the petition, the value thereof to be estimated exclusive of any improvements made on said tract of land since said Robert M Kerr ceased to be the owner thereof, but including such increased value as said tract of land may derive from surrounding improvements, and that a writ issue to the Sheriff of Union County commanding him that by the oaths of A.S. Mowry, James A. Henderson and George Baldwin three judicious, disinterested men of the vicinity in the said county, who are hereby appointed commissioners for that purpose, and are not of kin to either of the parties, he set off and assign such dower to said plaintiff according to law, and that of such proceedings, together with said commissioners appraisement of the yearly net value of said real estate estimated from the 6th day of February 1885 (excluding all permanent and valuable improvements made thereon after Robert M. Kerr ceased to be the owner thereof) to the day of such assignment of dower, the said commissioners and the said Sheriff, make return without unnecessary delay.

Wednesday June 17th 1885

4676 J. J. Miller & Son vs Alf Scott 3rd J. H. Roney

This cause coming on for hearing on the motion of the defendants to set aside the verdict, and for a new trial herein the court on consideration thereof overruled the same. It is therefore considered by the court that the said plaintiffs recover from the said defendants the said sum of ninety three and 48/100 dollars as heretofore by the verdict of the jury found due them together with their costs herein expended. To all of which the defendants excepted and asked the court to allow sign and seal their bill of exceptions. And thereupon the court allow said defendants 30 days time in which to prepare their bill of exceptions and the journal is ordered to remain open for that time for the purpose of having said bill of exceptions allowed, signed, sealed and filed. No record

3442. S. S. McCracken vs. J. W. McCracken

This day this cause came on to be heard upon the application of the defendants Godman Thornhill & Co for a nunc pro tunc order herein finding the amount due them on their mortgages as set up in their answer and cross petition herein filed and the court do find that there was an omission to enter the same upon the journals of this court at the September 1883 term thereof. The court do therefore find that at said term of said court to-wit: October 3d 1883 there was due from said defendant J. W. McCracken to said defendants Godman Thornhill & Co on their said mortgages the sum of Seven hundred and thirteen and 12/100 Dollars And the court do find that said mortgages of said defendants Godman Thornhill & Co. was a valid and subsisting lien on the premises mentioned in said answer and cross petition of said Godman Thornhill & Co. It is ordered and adjudged by the court that this finding and decree take effect and date from said September 1883 of this court to-wit: October 3d 1883.

Wednesday June 17th 1885.

4685. Mary Kuran vs. Wm A. Kuran

This cause coming on for hearing was submitted to the Court upon the pleadings and evidence on Consideration Whereof the Court do find that the plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and was at the time a bona fide resident of this County of Union and that the parties hereto were Married as in the petition set forth. The Court further find upon the evidence to addmend that the defendant has been guilty of Wilfull absence from the plaintiff for more than three years last past without any cause or justification therefor and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the Court that the Marriage Contract heretofore Exhisting Between the said Mary Kuran and William A Kuran be and the same hereby is dissolved And both parties are Released from the Obligations of the same. It is further ordered that the Custody, Care, Education and Control of the said Children of the parties hereto be until further order confided to the said Mary Kuran exclusively, But it is hereby ordered that the defendant William A Kuran have the privilege of visiting said Children at Reasonable times as may be proper. It is further ordered by the Court that the said plaintiff pay the costs in this proceeding.

4826

4533

4798

4652 J. R. Mitchell vs. Robert Buck

This day Came on this Cause to be heard on motion to Confirm sale and distribute proceeds. Whereupon the Court being fully advised in the premises do find said sale and proceedings regular and do confirm the same And order the Sheriff of this County to Execute to James R. Mitchell the purchaser a deed in fee for the lands in said petition described. And the Court order all taxes on said premises and costs to be first paid & Record the Amount due plaintiff on the decree of this Court third that the balance be paid to A.M. Buck to apply on her decree for Alimony against her husband rendered in this Court.

4830 Marion County Bank vs. Mary E. Wetherbee and Agnes Moore

This day Came the plaintiff by its Attorneys and the defendants being in default for Answer or demurrer to the petition the Court find the allegations of the petition are to confessed by them to be true And that the said defendants are indebted to the plaintiff in the sum of $150.00 principal and $10.70 which the Court find due as interest thereon to the 17th day of June 1885. It is therefor Considered and adjudged by the Court that the plaintiff recover of the defendants the sum of $160.70 and their costs herein taxed at $

Wednesday June 17th 1885.

4826 Emma H. Hollingsworth vs Allen Shirk and Wife. Crary

This day came the plaintiff by her Attorney and the defendant being in default for answer or demurrer the Court find the Allegations of the petition are Confessed by the said defendants to be true and that said defendants are indebted to the plaintiff in the sum of $133 60/100 principal and $1.07 which the Court finds due as interest thereon to the 17th day of June 1885.

It is therefore Considered and Adjudged by the Court that the Plaintiff recover of the defendants the sum of $134.67 with 8% int from June 17th 1885 and their Costs herein taxed at $. Childs Groff & Co.

4533 vs S. S. Gardiner Assignee et. al. } Third = Error. See page 445

4798 Ruth A. Myers vs Oliver S. Myers

Now came the plaintiff, and the defendant having been duly served with Summons and a copy of the petition herein, and having failed to appear, the Court find him in default for answer and demurrer to said petition, and find that the allegations thereof are confessed by him to be true. The Court also find that the plaintiff, at the time of filing her petition had been a resident of the State of Ohio for One year next preceding the same and was at the time a bona fide resident of this County of Union, and that the parties hereto were married, as in said petition set forth.

The Court further find, upon the evidence adduced, that the defendant has been guilty of gross neglect of duty and habitual drunkeness for more than three years last past; and that by reason thereof the plaintiff is entitled to a divorce as prayed for.

It is therfor ordered and adjudged by the Court that the marriage contract heretofore existing between the said Ruth A. Myers and Oliver S. Myers be, and the same hereby is dissolved, and both parties are released from the obligation of the same. It is further ordered that the custody, care, education and control of the said children of the parties hereto be until further ordered confided to the said Ruth A. Myers Exclusively.

It is further considered by the Court that the said plaintiff recover from the said defendant her costs herein, expended.

Thereupon Court adjourned until Tuesday July 7. 1885 at 9. o'clock. A. M.

4619

Wm M. Watson Pltff.
vs
N. M. Hubbard Deft.

Entry on bill of exceptions.

Now comes the defendant and presents to the Court his certain bill of exceptions herein which being found by the Court to be true, is allowed signed and sealed and on motion is hereby made part of the record of this case. July 2nd 1885

As proved. C. H. Harris. Judge.

1686

4835-

4618

Tuesday. July 7th A. D. 1885

Court convened this morning pursuant to adjournment

1686 John T. Frashee vs Daniel S. Ford et al

This day came the plaintiff by Walter L. Weaver his attorney and this cause came on to be further heard upon the motion of the plaintiff to set aside the sale of the lands and tenements in the petition described, and for the reasons therein stated which motion was heard upon evidence argued by counsel and submitted to the court; Upon consideration whereof the said motion is sustained; and it is ordered by the court that said sale be and the same is set-aside. and it is further ordered by the court that an alias execution and order of sale be issued herein at the request of the plaintiff.

4835 Abner Said Executor vs John H. Stewart et al

This day came the plaintiff and asked leave of the court to amend the verification of his petition in this case, so as to show the county and State in which David S. Gratty was a justice of the peace said verification having been sworn to before said Gratty as such justice of the peace and it not appearing therein in what county or State said Gratty was a justice of the peace which leave to so amend was granted by the court.

4618 Herrick B. Seely vs S. W. South et al

On motion of the plaintiff and on his producing the return of the Sheriff of the sale made under the former order of this court, and the court; on careful examination of the proceedings of the said Sheriff, and being satisfied that the same have been had in all respects in conformity to law and the order of this court; it is ordered that the said sale be and is hereby approved and conformed. And it is further ordered that the said Sheriff convey to the purchaser Herrick B Seely, by deed in fee simple the lands and tenements so sold and that a writ of Execution issue, if need be, to put said purchaser into possession of said premises.

And the court coming now to distribute the proceeds of said sale amounting to Four hundred dollars ($400,) it is ordered that the Sheriff out of the money in his hands pay. First. the costs of this action including taxes due on said property taxed at $

Secondly. the Court find that since the judgments herein the 3d one of the notes set forth in the petition has become due and is unpaid, and that there is due the plaintiff thereon including interest to the first day of the present term May 18th 1885 the sum of $114.00. The court further find that the fourth one of said notes in the petition described is not yet due and that there is owing thereon to said plaintiff the sum of $114.33. Which the court find the plaintiff is entitled to receive out of the proceeds of said sale, by virtue of its lien on the property sold

It is therefore ordered that the Sheriff pay the plaintiff Herrick B Seely

the amount herein, and in the former decree found due and owing him with interest; to wit; the Sum of $458.12.

4831 Thomas Bell vs Amos B. Cobright

This day this cause came on to be heard upon the petition of the plaintiff and the evidence, the defendant though duly served with a Summons herein having failed to answer, demur or otherwise object to plaintiffs petition but made default; On consideration whereof and the Court being fully advised in the premises finds that there is due to the plaintiff from the defendant on the account mentioned in the petition the Sum of $102.77.

It is therfore considered and adjudged that the plaintiff recover of the defendant the said Sum of $102.77 and that the same bear interest from the 5th day of this term and that plaintiff recover his cost herein taxed at $ and the defendant pay his own costs taxed at $ for which execution is awarded.

4818 James Hoile et al vs Nathan Howard et als

This day came the parties to this cause and submitted to the court on the pleadings and evidence, Whereupon being fully advised in the premises find for the plaintiffs on the issues joined.

Whereupon it is considered, ordered and decreed that the injunction prayed for in the petition be granted and be made perpetual, and that plaintiffs recover from the defendants their costs herein expended taxed to $. 4815

4841 J. F. Reif vs Anna Haynie et al

And now comes J. F. Reif by A. S. Carpenter his attorney and the said defendants still failing to demur or answer to said petition, it is considered that the said plaintiff is entitled to an account of the money due him in the premises, and the court after hearing the evidence do find that there is due to the plaintiff on the note & mortgage in said petition described including interest @ 8% computed to this 7th day of July 1886, the Sum of Five Hundred Thirty three & 50/100 dollars.

It is therfore considered by the court here that the said plaintiff recover of the said defendants the said Sum of $533.50 with interest @ 8% from this 7th day of July 1886 the Sum so found due as aforesaid and also his costs taxed to $

And it is further ordered and adjudged that in case the said defendants fail for five days from this 7th day of July 1886 to pay to said plaintiff the said Sum of $533.50 so as aforesaid found due with 8% interest thereon from this 7th day of July 1886 and 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 advertised & sold according to law and apply the proceeds of said Sale in satisfaction of the said Sum so found due with costs of Suit; 4601

4483

J. J. Finley
vs
Michael Tonguet et al

On motion of the plaintiff and upon his producing the return of the Sheriff of the Sale made under the former order of this court and the court on careful examination of the proceedings of the said Sheriff being satisfied that the same have been in all respects in conformity to law and the orders of the court; It is ordered that the said proceedings and Sale be and the same is hereby approved and confirmed, and it is further ordered that said Sheriff convey to the purchaser P. R. Kerr or his assigns by deed according to law the property so Sold upon the payment of the purchase money to the Satisfaction of said Sheriff and said purchaser is hereby subrogated to all the rights of the said lien holders in said premises, and a writ of possession is awarded to put said purchaser in possession of said premises, and it it is further ordered that the clerk cause Satisfaction of the Mortgage herein sued on to be cancelled on the record thereof in the office of the Recorder of said county.

The court coming now to the distribution of the proceeds of the Sale of said premises, it is ordered that the Sheriff out of the Money in his hands pay.
1st To the Treasurer the taxes & penalty & interest against said property $
2nd The cost of this action taxed at $
3rd To the plaintiff J. J. Finley the Sum of $3240 the amount heretofore found due him with interest thereon from date of said decree, As to balance it is ordered that the Sheriff bring the same into court to await the order of the court in an action now pending in this court to subject the same to the payment of certain judgments, to wit: the case of Souder & Bright against A. G. Osgood et al

4484

Martin & Wynkoop
vs
Thos W. Tewksbery

This day this cause came on to be heard on the application for the appointment of a Receiver, Whereupon the court being fully advised in the premises do sustain said motion and the parties agreeing on A. C. Smart as a Suitable person to act as such Receiver and thereupon the Court appoint said A. C. Smart as such Receiver to take charge of said property & to take care of same until further order of the court, and it is ordered that said Receiver Shall not interfere with the Excelsior Machinery & Materials in & about said Mill without further order of the court or the Judge thereof in Chambers and as to all other matters this cause is continued. No Bond required of Receiver until further order of the court by agreement of the parties.

4601

Drusilla Donnely
vs
Susan Worline et al

This day this cause came on for hearing upon the motion of the plaintiff to confirm the Sale heretofore made in this case and also upon the motion of Levi Donnely to Set aside the said Sale, and the court being fully advised in the premises overruled the motion to confirm said Sale, and sustained the motion to Set aside the same,

4787½ Union County Farmers Insurance Co } (Ex parte)

This day came the said Uriah Cahill and others directors of the Union County Farmers Insurance company a corporation duly incorporated under the laws of this State, and this cause came on for hearing upon the report of the Referee heretofore appointed by the court and upon application for dissolution of said Corporation, and the court being fully advised in the premises do find, that notice of the former order of this court for all persons interested to appear before said Referee at the Auditors office in Marysville Union County Ohio on the 20th day of June 1885: and Show Cause if any they had why said Corporation Should not be dissolved, Was duly published for three Consecutive weeks in the Marysville Tribune a Newspaper printed and of general circulation in said County Commencing April 1st 1885, and that said Referee duly attended at the time and place in said notice and order Stated and that no person or persons appeared or made objections to the prayer of said petition being granted, and the court do approve and Confirm said report of said Referee, and the Court further finds that due and legal notice has been given to all parties interested and that no objections have been made to the dissolution of said Corporation, and it appearing to the court that the objects of said Corporation have Wholly failed and have been Entirely abandoned and that it is impractible to accomplish Such objects

It is therefore considered adjudged and decreed by the Court that the said Corporation be and the Same is hereby dissolved and the court further order that Levi H. Bechtel and Isaac Cahill be and they are hereby appointed Receivers in this action, and as Such are authorized to take immediate possession of all the estate and effects of said Corporation and to collect all debts due to it, and to fully wind up its affairs, and it is further ordered that the said Levi H. Bechtel and Isaac Cahill Receivers as aforesaid Shall before entering upon their duties as Such, Enter into a Bond with Sureties to be approved by the clerk of this court in the Sum of Three Thousand dollars conditioned for the faithful discharge of the duties of their appointment and for the accounting for all monies received by them.

and it is further ordered that the costs of this proceeding be paid out of the assetts of said Corporation.

4755

4800 Noah Poling } vs D. M. Bates } Error

This day came the parties and this cause being Submitted to the court, the court ~~affirm~~ the judgment below on remmittur by defendant in Error of $37.84 therefrom found by the court to be illegal interest included therein and upon payment of costs of this proceeding in Error by defendant in Error, Thereupon came defendant in Error and remitted Said illegal interest, and confessed a judgment for costs taxed to $

Plaintiff in error excepts to the affirmance of the judgment.

4820

4820

Cornelia B. Taylor
vs
Robert B. Smith et als

This cause now coming on for hearing on the cross petition of the defendant the Union Central Life Insurance Company and the evidence, the Court find that the defendants Robert B. Smith and Margaret Smith have been duly served with Summons in this case and that they are in default for answer and demurr and that the allegations of the cross petition of the said Union Central Life Insurance Company are thereby confessed by him to be true and that there is due the defendant the Union Central Life Insurance Company on the promissory note set forth in the said Cross petition with interest to the 19th day of May 1885 the sum of Seventeen hundred forty nine & 87/100 Dollars ($1749.87).

The Court further finds that in order to secure the payment of said note the defendants Robert B. Smith and Margaret Smith his wife Executed and delivered to the said Union Central Life Insurance company defendant herein their certain Mortgage as in the answer and Cross petition of said Union Central Life Insurance company set forth and on the premises therein described, that said Mortgage was duly recorded in Book 11 on page 611 of record of Mortgages of Union County Ohio and is a good and valid lien on the premises in the petition described, and that the conditions in said Mortgage have been broken.

It is therefore adjudged and decreed that unless the defendants Robert B. Smith and Margaret Smith or either of them shall within ten days from this date pay or cause to be paid to the Clerk of this Court the costs of this case and to the defendant, the said Union Central Life Insurance Company, herein the sum so found due as aforesaid with interest from 19th day of May A.D. 1888 at 8% per annum payable Semiannually the defendants Equity of redemption be foreclosed and said premises be sold and that an order of sale issue therefor to the Sheriff of said Union County directing him to appraise advertise and sell said premises as upon Execution and report his proceedings to this Court for further order.

4758

The State of Ohio for the use of Samuel Bonnett
vs
Edmund Turner

This day this cause came on to be heard upon an agreed Statement ~~of facts~~ by counsel on both sides containing the facts upon which the controversy depends in the above Entitled cause, and submitted the same to the court; and the court being satisfied that said controversy is real, and the proceedings had in good faith for the purpose of determining the rights of the parties hereto do proceed to hear and determine said cause, and the court being fully advised in the premises, doth find for the defendant Edmund Turner upon said agreed Statement of facts, and the court find that the defendant is not liable upon said undertaking for costs Executed before said H. J. King a justice of the peace.

It is therefore considered by the court that the defendant go hence without day and recover from said Samuel W. Bonnett his costs herein Expended taxed to $

To which decision and judgment of the court said Samuel W. Bonnett excepted, and the said Samuel W. Bonnett is allowed 30 days from the rising of this court to prepare his bill of exceptions to which time, and for which purpose the court remains open.

A708

Eliza M. Kerr
vs
Joseph Easton et als

A720

This day this cause came on for hearing upon the return of the Sheriff and of the commissioners herein of their proceedings in the assignment of dower under the former order of this Court and on the motion to confirm the same, and the court being fully advised in the premises find said proceedings and assignment in all respects in conformity to law and do hereby approve and confirm the same. It is therfore ordered and decreed that the said Eliza M Kerr have and possess the lands so assigned, to wit; Part of Survey No 3497. in Dover township Union county Ohio: Beginning at a Stone South West corner of lands of Charles Parrott and in the center of a road; Thence with said Parrotts South line N 84½ W 38.44 Poles to a Stake; Thence S 5° E 84.88 Poles to a Stake in the South line of Josephs Eastons 100 Acres tract, Thence with said Eastons South line S 84½ W 5.8 44 poles to the center of a road; Thence with the center of said road N. 5° W 84 88 Poles to the beginning containing 31 acres as and for her reasonable dower in said premises, and a writ of possession is awarded to put her in possession of said premises. It is further decreed that the said defendants pay to said plaintiff the sum of Fifteen dollars being the sum returned by said commissioners as the net value of one third of said premises from the filing of this petition to the assignment of dower. It is further ordered that the plaintiff pay one third of the costs of this action and that the defendant Joseph Easton pay two thirds of the costs of this action and that said costs be paid within 30 days from the rising of this court and in default thereof that Execution issue therefor.

A728

A712

Eliza M. Kerr
vs
Charles Parrott et al

This day this cause came on for hearing upon the return of the Sheriff and of the commissioners herein of their proceedings in the assignment of dower under the the former order of this court, and on the motion to confirm the same, and the court being fully advised in the premises find said proceedings and assignment in all respects in conformity to law and do hereby approve and confirm the same It is therfore ordered and decreed that the said Eliza M Kerr have and possess the lands so assigned, to wit; Part of U. M. Survey 3497. Dover township Union county, Ohio. Beginning at a Stone in the center of a county road & north west corner to the lands of Joseph Easton, Thence with Eastons N. 14½ & 58.83 poles to a Stake. Thence N 5. W 40.80 poles to a Stake in the north line of Chas Parrotts land, thence with said Parrotts north line S 84½ W. 38.83 poles to a Stake in said road thence with the center of said road S. 5. E. 40.80 poles to the beginning containing 15 acres, for her reasonable dower in said premises, and a writ of possession is awarded to put her in possession of said premises. It is futher ordered and decreed that the said defendants pay to said plaintiff the sum of Six dollars the sum returned by said commissioners as the net value of one third of said premises from the filing of this petition to the assignment of dower. It is further ordered that plaintiff pay one third of the costs of this action and that defendant Charles Parrott et al pay two thirds of the cost of this action, that said costs be paid within 30 days from the rising of this court and in default thereof that Execution issue therefor

4720

Eliza M. Keer
vs
John Bown

This day this cause came on for hearing upon the return of the Sheriff and of the Commissioners herein, of their proceedings in the assignment of dower under the former order of this court and on the motion to confirm the same and the court being fully advised in the premises find said proceedings and assignment in all respects in conformity to law and do hereby approve and confirm the same. It is therefore ordered and decreed that the said Eliza M. Keer have and possess the lands so assigned, to-Wit; Part of U. M. S. No 5497 Dover township Union County Ohio.

Beginning at a Stone in the South East corner of the lands of John Bown Thence with his east line N.3. W. 28.90 poles to a Stake Thence S 84 3/4 W. 83.08 poles to a Stake in the center of the Mill road Thence with the center of said road S 6 1/4 E 28.90 poles to the South west corner of said John Bown land thence with his South line N 84 3/4 E. 83.08 poles to the beginning, containing 15 acres, as and for her reasonable dower in said premises, and a writ of possession is awarded to put her in possession of said premises. It is further decreed that the said defendant pay to said plaintiff the Sum of Twelve dollars being the sum returned by said Commissioners as the net value of One third of said premises from the filing of this petition to the assignment of dower. It is further ordered that plaintiff pay one third of the cost of this action and that the defendant John Boron pay two thirds of the costs of this action and that said costs be paid within 30 days from the rising of this court and in default thereof that Execution issue therefor.

4728

Eliza M. Keer
vs
A. B. Johnson

This day this cause came on to be heard upon the return of the Sheriff and of the commissioners herein of their proceedings in the assignment of dower under the former order of this court and on the motion to confirm the same, and the court being fully advised in the premises find said proceedings and assignment in all respects in conformity to law, and do hereby approve and confirm the same, It is therefore ordered and decreed that the said Eliza M Keer have and possess the lands so assigned. To-Wit; Part of U. M. Survey No 5498. Dover Township Union County Ohio.

Beginning at a Stone in the South East corner of the lands of Henry Perkins Thence with said Perkins South line S 84 1/2 W. 81.40 poles to Henry a Perkins South East corner and in the East line of the lands owned by Schuyler Perkins, Thence with Schuyler Perkins East line S. 5. E. 12 poles to a Stake, Thence N 84 1/2 E 81.40 poles to a Stake in A. B. Johnsons East line. Thence N. 5. W. 12 poles to the beginning containing 6 3/10 acres, as and for her reasonable dower in said premises, and a writ of possession is awarded to put her in possession of said premises. It is further decreed that the said defendant pay to said plaintiff the sum of one dollar being the sum returned by said commissioners as the net value of one third of said premises from the filing of this petition to the assignment of Dower. It is further ordered that plaintiff pay one third of the costs of this action and that the defendant A. B. Johnson pay two-thirds of this action and that said costs be paid within 30 days from the rising of this court and in default thereof that Execution issue therefor.

4723 Eliza M. Kerr
vs
Noah Hartstae

This day this cause came on for hearing on the report of the Sheriff and of the commissioners herein of their proceedings in the assignment of dower under the former order of this court; and on the motion to confirm the same and the court being fully advised in the premises find said proceedings and assignment in all respects in conformity to law and do hereby approve and confirm the same. It is therefore ordered and decreed that the said Eliza M Kerr have and possess the lands so assigned, to-wit; Part of U. M. Survey 5498 Dover Township Union County Ohio, Beginning at a stone in the center of a road and in the North west corner of Charles Parrotts: Thence N 5 W 12.5 poles to a Stake in the north line of the lands of N. Hartstae & C. Cole. Thence with their line S 84½ W 32 poles to a Stone, Thence S. 5. E. 12.5 poles to the beginning containing 25 acres, as and for her reasonable dower in said premises, and a writ of possession is awarded to put her in possession

It is further decreed that said defendants pay to said plaintiff the sum of Ten dollars being the sum returned by said commissioners as the net value of one third of said premises from the filing of this petition to the assignment of dower. It is further ordered that plaintiff pay one third of the costs of this action and that the defendant Noah Hartstae pay two-thirds of the costs of this action and that said costs be paid within 30 days of the rising of this court and in default thereof that Execution issue therefor.

4730 Eliza M. Kerr
vs
Wm Black et al

This day this cause came on for hearing upon the the return of the Sheriff and of the commissioners herein of their proceedings in the assignment of Dower under the former order of this court and on the motion to confirm the same, and the court being fully advised in the premises find said proceedings and assignment in all respects in conformity to law and do hereby approve and confirm the same. It is therefore ordered and decreed that the said Eliza M. Kerr have and possess the lands so assigned, to-wit;
Part of U. M. Survey No 5498 Dover township Union County Ohio.
Beginning at a stone in the north east corner of the lands of W. M & L. M. Black. Thence with their East line S 7¼ E 19.60 poles to a stone in the north margin of a county road. Thence with the north margin of said road S 84½ W 23.10 poles to a Stake. thence N 7¼ W 19.60 poles to a stake in the north line of Wm M & L. M. Black's land. Thence with their north line N 84½ E 23.10 poles to the beginning containing 2 83/100 acres as and for her reasonable dower in said premises, and a writ of possession is awarded to put her in possession of said premises. It is further decreed that the said defendants pay to said plaintiff the sum of One dollar being the sum returned by said commissioners as the net value of one third of said premises from the filing of this petition to the assignment of dower. It is further ordered that the plaintiff pay one third of the costs of this action and that the defendants pay two thirds of the costs of this action, and that said costs be paid in 30 days from the rising of this court and in default thereof execution issue therefor

4731

4733

4731 Eliza Kerr
vs
Henry A. Perkins

This day this cause came on for hearing upon the return of the Sheriff and of the commissioners herein, of their proceedings in the assignment of dower under the former order of this court; and on the motion to confirm the same, and the court being fully advised in the premises find said proceedings and assignment in all respects in conformity to law and do hereby approve and confirm the same. It is therefore ordered and decreed that the said Eliza M. Kerr have and possess the lands so assigned to wit; Part of U. M. Survey No 3498 in Dover township Union County Ohio; Beginning at a Stone in the North East corner of the lands of A. C. Johnson, thence with Johnsons north line S 84½ W. 81.40 poles to said Johnsons North west corner thence N. 5. W 22 poles to a Stake, thence N 84½ E 81.40 poles to a Stake in the East line of Henry A. Perkins land, thence with said Perkins East line S. 5. E. 22 poles to the beginning containing 11 3/10 acres as and for her reasonable dower in said premises, and a writ of possession is awarded to put her in possession of said premises. It is further decreed that the said defendant pay to said plaintiff the sum of Eight dollars being the sum returned by said Commissioners as the net value of one third of said premises from the filing of this petition to the assignment of dower. It is further ordered that plaintiff pay one third of the cost of this action and that the defendant pay two thirds of the costs of this action and that said costs be paid within 30 days of the rising of this court and in default thereof that Execution issue therefor.

4733 Eliza M. Kerr
vs
Rachel Black

This day this cause came on for hearing on the report of the Sheriff and of the commissioners herein of their proceedings in the assignment of dower under the former order of this court; and on the Motion to confirm the same, and the court being fully advised in the premises find said proceedings and assignment in all respects in conformity to law and do hereby approve and confirm the same. It is therefore ordered and decreed by the court that the said Eliza M. Kerr have and possess the lands so assigned, to-wit; Part of U M Survey No 3498. Beginning in the South line of Survey No 3498 and South East corner of lands ~~owned by~~ of James A. Myers. Thence with the Survey line N 84½ E 33.08 poles to a Stake. Thence N. 5. W. 40.25 poles to a Stake Thence N. 5. W. 40.25 poles to a Stake. Thence S. 84½ W. 33.08 poles to a Stake in the East line of Jas A. Myers Thence with Myers line S. 5° E. 40.25 poles to the beginning containing 8/3 acres as and for her reasonable dower in said premises, and a writ of possession is awarded to put her in possession of said premises. It is further decreed that the said defendant pay to said plaintiff the sum of Six dollars being the sum returned by said Commissioners as the net value of One third of said premises from the filing of this petition to the assignment of dower. It is further ordered that plaintiff pay one third of the costs of this action and that the defendant Rachel Black pay two thirds of the costs of this action and that said costs be paid within 30 days from the rising of this Court and in default thereof that Execution issue therefor.

4734 Eliza M. Keer
vs
James H. Myers et al

This day this cause came on for hearing on the return of the Sheriff and of the commissioners herein, of the proceedings in the assignment of dower under the former order of this court and on the motion to confirm the same, and the court being fully advised in the premises find said proceedings and assignment in all respects in conformity to law and do hereby approve and confirm the same. It is therefore ordered and decreed that the said Eliza M. Keer have and possess the lands so assigned, to-wit; Part of Survey No 3498 in Dover township Union county Ohio. Beginning at a Stone in the center of the Dover and Perkins gravel road and in the South west corner of Rachel Blacks land N 84½ E 100 poles to a Stone. Thence N 6° W 40 poles to a Stone. Thence 84½ E 99 poles to a Stone in the N. E corner of James H. Myers 120 acre tract. Thence S 5° E 48.24 poles to a Stake (witness an Elm 4 inches in diameter bears N 75¼ W 7 links) Thence S 84½ W 199 poles to the center of the Dover & Perkins gravel road. Witness a Stake on the west side of said Gravel road. Thence with the center of said gravel road N 5. W 8.24 poles to the beginning containing 35 acres as and for her reasonable dower in said premises and a writ of possession is awarded to put her in possession of said premises.

It is further decreed that the said defendants pay to said plaintiff the sum of Eighteen dollars being the sum returned by said commissioners as the net value of one third of said premises from the filing of this petition to the assignment of dower. It is further ordered that the plaintiff pay one third of the costs of this action and that the defendants pay two thirds of the costs of this action, and that said costs be paid within 30 days of the rising of this court and in default thereof that Execution issue therefor.

4337 Eliza M. Keer
vs
Christopher Black

This day this cause came on for hearing on the return of the Sheriff and of the commissioners herein, of their proceedings in the assignment of dower under the former order of this Court, and on the Motion to Confirm the Same. and the court being fully advised in the premises find said proceedings & assignment in all respects in conformity to law and do hereby approve and confirm the same, It is therefore ordered and decreed that the said Eliza M. Keer have and possess the lands so assigned to-wit; Part of Survey No 3498 in Dover township Union county, Beginning at a stone in the east line of Rachel Blacks land and S. W corner of Christopher Blacks land. Thence with said Christopher Blacks South line N 84½ E 79 poles to a Stake. Thence N 8½ W 14 poles to a Stake. Thence S 84½ W 79 poles to a Stake in the East line of Rachel Blacks land. Thence with her line S. 6 E 14 poles to the beginning containing 6⅞ acres. as and for her reasonable dower in said premises, and a writ of possession is awarded to put her in possession of said premises. It is further decreed that the said defendants pay to said plaintiff the sum of Seven dollars being the sum returned by said commissioners as the net value of one third of said premises from the filing of this petition to the assignment of dower. It is further ordered that the plaintiff pay one third of the costs of this action and that the defendant James H Myers pay two thirds of the costs of this action and that said costs be paid within 30 days of the rising of this Court and in default thereof Execution issue therefor.

4742 Eliza M. Kerr vs Rachel Black et al

This day this cause came on for hearing on the return of the Sheriff and of the commissioners herein of their proceedings in the assignment of dower under the former order of this court, and on the motion to confirm the same, and the court being fully advised in the premises find said proceedings and assignment in all respects in conformity to law and do hereby approve and confirm the same.

It is therefore ordered and decreed that the said Eliza M. Kerr have and possess the lands so assigned, to-wit; Part of U.M. Survey No 5498 in Dover township Union County Ohio Beginning at a Stone in the North East corner of the lands of W.M & S.M. Blacks. Thence N 8 1/2 E 24 poles to a stone in the N.E. corner of Rachel Blacks land. Thence with her East line S.6.E. 80 poles to a stone a corner to James & Myers land, Thence with said Myers line S 84 1/2 W 27 poles to a Stake, Thence N 6 W 60.40 poles to a Stake in the north margin of a county road. Thence with the north margin of said road S 84 1/2 W 2 poles to a Stone ~~in~~ the South west corner of W.M & S.M Blacks land thence with their East line N 7 1/4 W 19.60 poles to the beginning containing 13 3/4 acres and for her reasonable dower in said premises, and a writ of possession is awarded to put her in possession of said premises,

It is further ordered that the said defendants pay to said plaintiff the Sum of Ten dollars being the sum returned by said commissioners as the net value of one third of said premises from the filing of this petition to the assignment of dower, It is further ordered that plaintiff pay one third of the cost of this action and that defendant Rachel Black et al pay two-thirds of the costs of this action, and that said costs be paid within 30 days of the rising of this court, and in default thereof that Execution issue therefor.

Thereupon Court adjourned until 8 O'clock tommorow Morning

Wednesday July 8th A.D. 1885

Court met at 8 oclock A.M. pursuant to adjournment.

To the Hon John A. Price Judge
Union County To
Marion Hopkins Sheriff Dr

For Serving	18 Grand Jury Witnesses		1.80
" Making	18 Copies		1.80
" Miles travel	197	8c	16.74
" Serving	Grand Jury		4.50
" Special	Grand Jury		4.50
" Serving	Petit Jury		7.50
" Service	attending Court- M Hopkins 22 days		44.00
" "	" " W Woodwin Sepn " "		44.00
	Total		$ 124.84

Approved and allowed, The clerk will make proper Entry.
John A. Price. Judge.

3909 John E. Southard vs Jonas Figley

This day this cause came to be heard upon the petition of plaintiff, the answer of defendant- and the reply of the plaintiff thereto- and the Evidence offered by both parties; and the court being fully advised in the premises do find the Equities of the case to be with the defendant- Jonas Figley, and the court- find that the said plaintiff was fully indemnified by the said Calvin Figley to the full amount of said Judgments- including the interest- and costs thereof, and that- therefore the said Jonas Figley was not bound to make contribution to the said John E. Southard as prayed for by him or any part- thereof.
It is therefore considered by the court- that the defendant- go hence without day and recover of the plaintiff his costs herein taxed to $ —

4303 James Hoover vs O. Holmes et al

On Motion of plaintiff, and it appearing to the Satisfaction of the court that a judgment- and decree was rendered by the court in this case on the 26 of September 1884 in favor of the defendants and against the plaintiff. that the plaintiff did then give notice of his intention to appeal from said decision, and that the court did fix the amount of the appeal bond at $100.00 The court further finds that on the Mutual Mistake of both parties No entry was made of said judgment and decree on the journal of this court and that such entry should have been made.
It is now therefore ordered and adjudged that such entry be now placed upon the journal of this court as of the 26th of September 1884 Nunc Pro tunc and in substance as follows, to-wit: This 26th day of September 1884, this cause came on to be heard on the petition of the plaintiff answer of the defendants & Reply thereto of plaintiff and was argued by counsel, on consideration Whereof the court finds the Equity of the case with the defendants- and also found for the defendants on the question of Res adjudicat
It is therefore ordered and adjudged by the court that the petition of the plaintiff be & the same is hereby dismissed and the ~~Defendant~~ recover of the plaintiff his costs herein expended

#638
#716
#719
#1750

taxed at -$ Thereupon the plaintiff gave notice of his intention to appeal and the court fixed the appeal bond at- $100.00

#638 Robert Samter & Co vs W.H. Crary Trea'r

This day this cause came on to be heard upon the demurrer of the defendant -to the petition of the plaintiff herein filed, and the same was argued by counsel and submitted to the court.- On consideration whereof the court do sustain said demurrer. And thereupon the plaintiff not desiring to plead further. It is considered and adjudged by the court- that the defendant- go hence without-day and recover from the said plaintiff his costs herein Expended. To which ruling and judgment of the court the plaintiff Excepts.

#716 Chas D. Watts vs W.H. Crary Treas

This day this cause came on to be heard upon the demurrer of the defendant -to the petition of the plaintiff herein filed, and the same was argued by counsel and submitted to the court;- On consideration whereof the court do sustain said demurrer, and thereupon the plaintiff not desiring to plead further It is considered and adjudged by the court that the said defendant go hence without-day and recover from said plaintiff his costs herein Expended. To which ruling and judgment of the court the plaintiff Excepts.

#749 Mike Hannegan vs W.H. Crary Treas'r

This day this cause came on to be heard upon the demurrer of the defendant- to the petition of the plaintiff herein filed, and the same was argued by counsel and submitted to the court,- on consideration whereof the court- do sustain said demurrer. And thereupon the plaintiff not desiring to plead further. It is considered and adjudged by the court that- the defendant go hence without-day and recover from the plaintiff his cost herein Expended, To which ruling and judgment the plaintiff Excepts

#750 John Orr vs W.H. Crary Treas'r

This day this cause came on to be heard upon the demurrer of the defendant- to the petition of the plaintiff herein filed, and the same was argued by Counsel and submitted to the court- on consideration whereof the court- do sustain said demurrer, and thereupon the plaintiff not desiring to plead further It is considered and adjudged by the court- that- the defendant- go hence without-day and recover of the plaintiff his costs herein Expended. To which ruling and judgment- the plaintiff Excepts.

No 1875

David W. Taylor
vs
W. H. Crary Exec

This day this cause came on to be heard upon the demurrer of the defendant to the petition of the plaintiff filed herein, and the same was argued by counsel and submitted to the court, on consideration whereof the court do sustain said demurrer, and thereupon the plaintiff not desiring to plead further, it is considered and adjudged by the court that the said defendant go hence without day and recover from the said plaintiff his cost herein expended. To which ruling and judgment the plaintiff excepts.

4756 — 4642

W. S. Alden
vs
W. H. Crary Exec

This day this cause came on to be heard upon the demurrer of the defendant to the petition of the plaintiff herein filed, and the same was argued by counsel and submitted to the court, on consideration whereof the court do sustain said demurrer. And thereupon the plaintiff not desiring to plead further, it is considered and adjudged that the defendant go hence without day and recover from the plaintiff his costs herein expended. To which ruling and judgment the plaintiff excepts. — 4797

4813 — 4329

G. L. McFarland et al
vs
A. B. Butler et al

This day this cause came on to be heard upon the evidence and pleading, and said defendants being in default for demurrer or answer and the court being fully advised in the premises find that the defendants A. B. Butler and Susan Butler his wife executed and delivered to the plaintiffs G. L. McFarland and E. J. Roberts the mortgage deed in the petition described, that said mortgage was duly recorded in Book No 22 page 21 of the records of Mortgages of Union County and is the first and best lien on the premises described in the petition.

The court further find the condition of defeasance in said mortgage have been broken and that the said defendants are thereby entitled to have the defendants Equity of redemption foreclosed.

It is therefore considered and decreed that unless the said defendants shall forthwith from the entry of this decree pay or cause to be paid to the clerk of this court the costs in this case and to the plaintiffs the sum of Two hundred Eighty 45/100 dollars with 8% interest from May 1st 1886 according to the terms of said mortgage deed the defendants Equity of redemption be foreclosed and said premises shall be sold, and an order of Sale issue to the Sheriff of Union County directing him to sell said premises as upon Execution and bring the proceeds into court for further order.

No 1875 — Franklin W. Marriott Exect &c
vs
Joshua P. Marriott & Others

This cause came now coming on to be heard on the return of Franklin W. Marriott Executor of his proceedings and sale under the order of this court, - The court after hearing carefully examined said return being satisfied that such sale has in all respects been legally made does hereby approve and confirm the same and order that said Franklin W. Marriott as such Executor make execute and deliver to the purchaser Henry W. Marriott a good and sufficient deed for the premises so sold, and as to all of said premises now remaining unsold and all other matters herein this cause is continued.

No 4642 William Black
vs
James W. Smith et al

Leave is given by the court to J. W. Robinson to file a supplemental cross petition in this case which is consolidated with case No 4698 wherein J. W. Robinson was plaintiff and Isaac F. Sales & others are defendants, said cross petition to be filed in 20 days making further parties.

No 4797 Emma A. Randall
vs
Jay Randall

No 4329 John Smith
vs
William Murphy

The jury at a former day of this court having returned a verdict for the plaintiff in the sum of one hundred and twelve & 53/100 dollars and a motion for new trial having been made and continued said motion came on this day for hearing and the court being fully advised in the premises do overrule said motion, and on application of the plaintiff judgment is awarded on said judgment.

It is therefore considered and adjudged by the court that the plaintiff recover of the defendant the said sum of one hundred & twelve & 53/100 dollars the sum so as aforesaid found due with interest to be computed from the date of said verdict "Sept 15th 1884 together with his costherein Expended taxed 15$ - To which ruling of the court in overruling said motion the defendant excepted and prayed the court to sign and seal his bill of Exceptions which is done accordingly and ordered to be made a part of the record of this cause.

4623 Annie Hensel vs Frank Hensel et al

On motion of the plaintiff and upon procuring the return of the Sheriff of his proceedings and sale of the first tract described in said order of sale, under the former order of this court, and the court being satisfied on examination that the same have been had in all respects according to law, the said proceedings and sale of said first tract are hereby approved and confirmed, and the Sheriff is ordered by deed duly Executed to convey said premises to the purchaser E. J. Bose free of dower of the said Martha Hensel.

And the said Martha Hensel having by her answer elected to receive in lieu of her dower, its value in money, the court find the and reasonable value thereof to be $171.53.

It is further ordered that out of the proceeds of said sale the Sheriff pay,
1st To the Treasurer of Union County Ohio the taxes $
2d. To the clerk of this court the costs of this action, including of counsel fee 5 $2486, to Brodrick & McCampbell for their services herein taxed at $
3d To the said Martha Hensie the residue of said proceeds $135.03 leaving under $ $36.50
4th The Sheriff is ordered out of the proceeds of the first note for the defered payment to pay the remainder due said Martha Hensee $36.50 and to each of the said Annie Hensel, Frank Hensel, Mary Hensee Mattie Hensel and Forest Hensee One fifth part of the residue of said Note and
5th Out of the 2d note for defered payment to pay each of said last named parties one fifth thereof.

4746 Isabel Collumber vs Joseph A. Stiner

This day this cause came on to be heard upon the motion of the defendant for a new trial and to set aside the verdict herein and the same was argued by counsel and submitted to the court. On consideration whereof the court do overrule said Motion.

It is therefore considered & adjudged by the court that the said plaintiff do recover from said defendant the sum of Four Hundred dollars, as heretofore by the verdict of the jury found due her with interest from May 18th 1885 together with the Costs herein taxed to $ and unless said judgment and costs are paid on or before December 1st 1885 then an execution Shall issue herein for the collection thereof.

4642

457

William Black
vs
J. M. Smith et ux

1642

This cause now came on for hearing on the supplemental petition of plaintiff filed herein asking for judgment and order of Sale on said note Marked "B" in the original petition filed herein, and the same being submitted to the court, on consideration whereof the court find the allegations of said supplemental petition are confessed by the defendants to be true, and that there is due the plaintiffs on said note marked "B" the sum of $32875 with interest from July 1st 1885.

It is therefore considered that the plaintiff William Black recover from said defendants the said sum of $32875 with interest from July 1st 1885 and his costs in this behalf expended.

The court further find that in order to secure the payment of said note the defendants J. M. Smith & Lillian Smith his wife executed the mortgage as set forth in the petition herein and that the same is a good and valid lien on the premises described in said petition and that the conditions in said mortgage have been broken.

It is further adjudged and decreed that unless the defendants 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 case, and to the plaintiff herein the sum so found due as aforesaid, with interest from July 1st 1885. the defendants Equity of redemption be foreclosed, and said premises be sold and that an order issue therefor to the Sheriff of Union County directing him to appraise, advertise and sell said premises as upon Execution and report his proceedings to this court for further order.

A. C. Hoskins et al assignees
vs
The Michigan Mutual Life Insurance Co et al

457

This day this cause came on to be heard upon upon the report made herein of a sale of the premises to E.K. Kootsenpiller for the sum of Fifty one & 50/100 dollars per acre, and said report was examined by the court, and the Court being fully advised in the premises finds that said Sale has been made in all respects in conformity to law and the order of this court.

It is thereon considered and adjudged that the said assignee convey to the purchaser E.K. Kootsenpillar the premises described in the petition by a good and sufficient deed and that they take from said Kootsenpiller a mortgage to secure the defered payments. And coming now to the distribution of the proceeds. The Court orders 1st That costs of this action be paid.

2d The taxes that are a lien on said land amounting to the sum of $ 12.29 be paid

3d That the Michigan Mutual Life Insurance Company be paid in full the amount of their claim secured by mortgage which is the first and best lien on said lands amounting to the sum of $ 86.13.

That as to the balance of the proceeds and the priority of liens this cause is continued, and leave is given A. C. Hoskins to file his answer and cross petition within 40 days, and leave is given Jane E. Hoskins to file her answer within 30 days.

Wednesday July 8th A.D. 1885.

4392 Union County Bank vs Geo. N. Argo et. al — Court of Common Pleas, Union County, Ohio.

On motion of the plaintiff, and on his procuring the return of the Sheriff, of the sale made under the former order of this Court, and the Court on careful examination of the proceedings of the proceedings of the Sheriff, and being satisfied that the same have been had in all respects in conformity to law and the orders of this Court it is ordered that said sale be and is hereby approved and confirmed. And it is further ordered that the said Sheriff convey to the purchaser D. W. Ayres or his assigns by deed in fee simple, the lands and tenements so sold. And the Court coming now to distribute the proceeds of said sale, amounting to two thousand, seven hundred, eighty seven 92/100 Dollars ($2,787 92/100), it is ordered that the said Sheriff, out of the money in his hands pay; First, the costs of this action (including all taxes on public assessments due on said premises) taxed to $.

Secondly, To the plaintiff "The Union County Bank" the amount heretofore found due it, with interest to wit: the sum of three hundred and twenty seven 25/100 dollars ($327 25/100) Thirdly to the defendant D. W. Ayres the sum heretofore found due him, to wit: the sum of sixteen hundred fifty five and 80/100 dollars ($1655 80/100) which amount includes the note of three hundred and seventy five, at eight percent interest, described in said D. W. Ayres answer and cross-petition filed herein January 29th 1885 and due August 1st 1885 amounting with its interest to August 24th 1885 to four hundred and thirty seven dollars ($437 00).

Fourthly to Godman & Shanahill the sum of Ninety four and 98/100 dollars with interest at 8 % from April 14th 1883 amounting to One hundred and Eleven & 65/100 Dollars and costs of suit, taxed at $7.90 Fifthly to Wright Sharriman the sum of One hundred and twenty five dollars, with 8 % interest from June 1st 1885 amounting to One hundred, twenty seven and 50/100 Dollars and cost taxed at $9.45

Sixthly, the residue of said purchase money, if any to be paid to the said defendant Ella Argo.

In the matter of the application of the clerk of the Court of Common Pleas of Union County, Ohio, to make new Judgment Indexes.

To the Honorable Court of Common Pleas of Union County Ohio. Your petitioners respectfully represents that the Clerks Office of Union County Ohio is not provided with a sufficient general index of judgments, to-wit:- no index that gives the names of all the parties against & in favor of whom judgments and decrees have been taken, that no such index has ever heretofore been made. We therefore request that such an index covering all judgments and decrees rendered in said Court previous to the year 1878, may be prepared in accordance with the application of the Clerk now on file.

Brodrick and McCampbell.
A. T. Carpenter.
Edward E. Cole.
John L. Porter.
T. B. Fulton.
P. B. Cole & Son.
C. W. Brightler.
J. W. Robinson.
L. Piper.
W. T. Hoopes.
D. W. Ayres.
F. T. Arthur.
E. W. Porter.
J. M. Kennedy.
A. N. Kellogroth.
W. B. Hamilton.
S. S. Gardiner.
P. R. Kerr.
J. N. Kinkade.
J. L. Cameron.
R. L. Woodburn.
T. B. Benton.
N. J. King.

In the matter of the application of the Clerk of the Court of Common Pleas of Union County Ohio to make new judgment indexes.

This day came J. D. Brugner Clerk of the Courts of Union County Ohio who represents that no judgment index exists in his Office as is required by law prior to the year 1878 (See Revised Statutes Sec. 5339), and asks the Court to make an order that such index shall be prepared according to law, covering the time previous to 1878.

Whereupon it is ordered by the Court that such indexes be prepared by J. D. Brugner the Clerk of said Court as applied for in conformity to the act supplemental to Sec. 5339 of Revised Statutes as amended in 1883.

July 7th 1885. John A. Price, Judge of Court of Common Pleas.

It is ordered that all causes not otherwise disposed of be and they are hereby disposed of, and thereupon this Term of Court is adjourned without day.

Attest: J. D. Brugner, Clerk.

4902

In Union County Common Pleas

John P. Bailey Plaintiff
vs
F. D. Bowlby C. A. Ferguson
and Eliza Hickey Defendants

Before Probate Judge Temporary Injunction

August-24th 1885-

This day came the plaintiff by his attorney and on his Motion and affidavits herein filed, and on good cause shown and it appearing to me that at this time there is no Supreme or common pleas Judge in said county; It is ordered that an injunction be issued hereon enjoining the defendants from taking any further steps in collecting a judgment in favor of F. D. Bowlby and against John P. Bailey and from making a levy or selling any goods & chattles of said John P. Bailey on any execution issued on said judgment rendered by Joseph D. Fowler a justice of the peace of Darby township Union County Ohio, about Feb 1st 1884 as prayed for in said petition, until the further order of the Court of Common pleas or a Judge thereof or otherwise dissolved by due course of law upon the plaintiff executing an undertaking in the sum of $5000 conditioned according to law, with Sureties to the approval of the Clerk of the Court of Common Pleas-

Seal

John B. Coats Probate Judge

Order of Injunction

Viola Brokaw
vs
William Brokaw

Before the Probate Judge
Motion for temporary injunction in the Court of
Common Pleas Union County, Ohio.

4902

And now, on this 19th day of September 1885- came the plaintiff by S. S. Gardiner her attorney; and it being made to appear that there is at this time no common Pleas, Circuit or Supreme judge within said County, the Motion of the plaintiff for a temporary injunction came on and was heard on the petition of the plaintiff therein filed, and after hearing the argument of Counsel, and being fully advised in the premises, it is considered and ordered that a temporary injunction be, and the same hereby is allowed in this case to restrain the said defendant from disposing of or interfering with the property described in the petition until the final hearing of this case as prayed for in said petition of plaintiff - It is further ordered that the Clerk of the court of Common pleas issue Summons in this case endorsed injunction allowed without said plaintiff giving an undertaking to the said defendant-

John B. Coats- Probate judge

Order of Injunction

4915

Martha J. Finley }
vs } Before the Probate Court
John J Finley } Motion for Temporary injunction in
The Court of Common Pleas - Vinton County Ohio.

And now on this 23rd day of September 1885 - came the plaintiff by S.S. Gardiner & D. W Ayers her attorneys and it being made to appear that there is at this time no common pleas. Circuit or Supreme Judge within said County the Motion of the plaintiff for a temporary injunction came on and was heard upon the petition of the plaintiff and the petition therein filed. and after hearing the argument of counsel. and being fully advised in the premises it is considered and ordered that a temporary injunction be. and the same hereby is allowed in this case to restrain the said defendant from conveying or incumbering the Real Estate described in the said plaintiffs petition herein. and selling or disposing of any of the promissory notes or personal property named in said petition. as prayed for in said petition of plaintiff.

It is further ordered that the clerk of the Court of Common Pleas issue Summons in this Case Endorsed injunction Allowed without bond.

John B. Coats.
Probate Judge.

Times Fixed for Holding Court.

Be it remembered that at a meeting of the Judges of the Court of Common Pleas of the Tenth Judicial District of the State of Ohio, at the Court House, in the town of Lima, in the County of Allen, and State of Ohio, on the 12th day of October 1885, for the purpose of Fixing the Times of holding the Terms of the Court of Common Pleas, and the District Courts for the year A. D. 1886.

It is ordered, That a Term of Court of Common Pleas, be commenced at 8 o'clock A. M.

In Crawford county, on January 4, April 19, September 13.
" Hardin " " " 18, " 8, " 20.
" Hancock " " February 23, May 17, November 1.
" Logan " " January 18, April 12, September 13.
" Marion " " February 23, May 17, October 18.
" Seneca " " January 18, April 8, September 20.
" Union " " February 22, May 24, October 25.
" Wood " " " 23, " 17, November 1.
" Wyandot " " March 22, June 7, " 15.

John A. Price
Henry H. Dodge
Geo. F. Pendleton
Caleb H. Norris
} Judges

To the Clerk of the Court of Common Pleas, of Union County, Ohio
You are hereby directed to have the foregoing order published for three consecitive weeks in three newspapers published in said County.
John A. Price Judge

The State of Ohio }
Union County, ss. }

I hereby certify that I have this day appointed Anna R. Burgner Deputy Clerk of the Court of Common Pleas and of the Circuit Court within and for said County of Union
Witness my hand and official seal this 19th day of Oct. A. D. 1885.
J. Q. Burgner, Clerk of Courts, Union Co. O

I do hereby approve the above appointment this 19th day of Oct. A. D. 1885.
John A. Price, Judge of Court of Common Pleas.

Thereupon said Anna R. Burgner appeared and took the oath of office required by law before me this 19th day of Oct. A. D. 1885.
J. Q. Burgner, Clerk of Courts
Union County, Ohio

The State of Ohio, } ss.
Union County, }

This separate session of the Court of Common Pleas of the Tenth judicial district of the State of Ohio within and for the county of Union, for the term of October, in the year of our Lord one thousand eight hundred and eighty-five, in the court-house in the town of Marysville, county and state aforesaid, was begun on the 19th day of October in the year aforesaid.

Present:

Hon. John A. Price, Judge of the Court of Common Pleas of the Tenth Judicial District of Ohio. 4794

Marion Hopkins, Sheriff of Union County, Ohio 4836

John M. Brodrick, Pros. Atty. of Union County, Ohio 4869

Attest:-

Clerk of the Court of Common Pleas of Union County, Ohio.

The Venire facias for a Grand Jury heretofore issued returnable this day at 9 o'clock A.M. was duly returned by the said Sheriff with his endorsements thereon as follows, to-wit:-

The State of Ohio, Union County, ss.

Sheriff's Office, Sept. 21st 1885-

On the 21st day of Sept. 1885, I received this Venire and served the same on the several persons therein named, at the times and in the manner placed opposite their names endorsed hereon as follows:-

1. Saml Brightler Sept. 22nd 1885- By Copy
2. James S. Baldwin " " " " "
3. Samuel Willis " " " " "
4. Joseph Maskill " " " " "
5. D. H. Smith " " " " " 4854
6. Emanuel Jarvis " " " " "
7. Asa Smart " " " " "
8. R. H. Bault " " " " "
9. William Howard " " " " "
10. Luther Winget " " " " "
11. W. M. Cartmell " " " " "
12. William Hamilton " " " " "
13 A. R. Showalter " " " " "
14. Harry Dague " " " " "
15. S. G. Gilcrist " " " " "

M. Hopkins Sheriff.

And upon calling the same in open Court, the panel being found complete by each Juror answering thereto, the Court appointed W. M. Cartmell Foreman of the Grand Jury, who with his fellow jurors took the oath in manner and form prescribed by law and the said jury being instructed by the Court were

Monday, October 19th, 1885.

conducted to their room attended by the Sheriff.

The following named persons compose the Grand Jury; to-wit:- Saml. Brighter, James S. Baldwin, Samuel Willis, Joseph Maskell, P. H. Smith, Emanuel Jarvis, Asa Smart, R. N. Bault, William Howard, Luther Winget, William Hamilton, A. R. Showalter, Harry Dague, S. G. Gilcrist and Wm. M. Cantwell, Foreman.

4633 Sarah E. Graham vs. William Graham et. al. — Leave to Frost Graham to plead by Saturday first week

4794 Geo. B. Hamilton vs. Geo. Merritt. Leave to file petition instanter

4836 Calvin Lesley vs Allen Lesley. Leave to file a petition instanter

4869 Eliza Bancroft vs. Theodore Poling et. al.

This day J. S. McCampbell is by the Court appointed Guardian Ad Litem of all the infant defendants. Whereupon he appeared and pled the Answer according to law. Whereupon the Court being fully advised in the premises do find all the allegations of the petition are true and all of the defendants have been duly made defendants. Whereupon the Court find that there is due plaintiff One Hundred Dollars as alleged, which is a lien on said land in the petition described and that said land ought to be sold to pay the same. The Court therefore order and decree that an Order of Sale issue to the Sheriff of this County commanding him to appraise, advertise and sell according to law the 7½ acres off of the South side of the 57½ acres in said petition described by taking off a strip of even width along the said South side and report to this term of Court.

4854 Eliza J. Dort Plaintiff vs. Mary Anderson, Emanuel C. Magill and Edgar G. Magill, Defendants — Court of Common Pleas, Union Co. O.

And now this cause coming on to be heard on the petition, the Answer of Joseph Norris Administrator of the estate of William Magill, dec'd. and the evidence, the Court find that all of the defendants have had due legal notice of the pendency and demand of the said petition and that with the exception of the Administrator above named they are in default for answer thereto. Thereupon the Court further find that the plaintiff and the defendants hereinafter named are tenants in common in the estate described in the petition: That the plaintiff Eliza J. Dort has a legal right to the One Fourth of said Estate: That Mary Anderson has a legal right to the One Fourth of said estate: That Emanuel C. Magill has a legal right to the One Fourth of said estate; That Edgar G. Magill has a legal right to the One Fourth of said estate. It is therefore ordered, adjudged

Monday, October 19th 1885

and decreed that partition of said estate be made and that George Leisure, Corey Harriott and John Enright three judicious and disinterested freeholders of the vicinity are hereby appointed commissioners to make the same. And it is ordered that if said estate is entire and can not be divided by metes and bounds, without manifest injury that the same be appraised. And it is ordered that a writ issue to the Sheriff of Union County commanding him that by the oaths of the three commissioners above named he cause to be divided to each of the above named parties the part and proportion of said estate to which they are herein-before severally found entitled if the same can be done without injury as aforesaid. And of his proceedings herein the said sheriff is ordered to make due return. 4835

Martha J. Middleton & Timothy Middleton Plaintiffs

4853 vs.

Eliza Hildreth, James Hildreth, Michael Martin, Rachel Phifer, Jacob Phifer, Ella Simpson and Thomas Simpson, Mary H. Wood, George W. Martin, Louis N. Martin, William D. Martin, Benjamin F Martin, Margaret J Oysinger and Sylvestus Taylor, Defendants.

Court of Common Pleas
Union County
Ohio

Entry

And now this cause coming on to be heard upon the petition of the plaintiff herein, the Court find that all the defendants have had due legal notice of the pendency and demand of the said petition and that they are all in default for answer thereto. - Thereupon the Court further find that the plaintiff and defendants hereafter named are tenants in common in the estate described in the petition: that the plaintiff Martha J Middleton has a legal right to the One Sixth thereof:- the defendant Eliza Hildreth one sixth thereof, the defendant Michael Martin one sixth thereof - the defendant Rachel Phifer one sixth thereof:- the defendant Ella Simpson (who is the only legal representative of Enos Martin deceased) one sixth thereof - the defendants Mary H. Wood, George W. Martin, Louis N. Martin, William D. Martin, Benjamin F. Martin, Margaret J Oysinger (the only heirs of William Martin deceased) one Sixth part thereof. And that the plaintiff is entitled to have partition of said estate as prayed for in her petition. It is therefore ordered, adjudged and decreed that partition of said estate be made in favor of all parties in interest: and William T Fulton, Samuel McAdow J. W. Darling three judicious and disinterested freeholders of the vicinity are hereby appointed Commissioners to make the same. And it is ordered that a writ of partition issue to the Sheriff of Union County Ohio, commanding him that by the oaths of the Commissioners above named he cause to be set off and divided to each of the above named parties the part and proportion of said estate to which they are severally above found entitled. And it is ordered that if said estate is entire and can not be divided by metes and bounds without manifest injury - then that said 4824 4073 4151 4490 4752 4703

Monday, October 19th, 1885.

estate be appraised - And of his proceedings herein the said Sheriff is ordered to make due return.

4835 Abner Said Executor of the last will and testament of Presley Said dec'd Plaintiff
against
John H. Stuart, David Shuler and Edward Robinson, Defendants

This day this cause came on for hearing on the demurrer filed herein by John H. Stuart defendant to the petition of the plaintiff; and upon the demurrer filed by Edwin Robinson defendant to the petition of the plaintiff; and was argued by Counsel. On consideration whereof the Court doth sustain said demurrer. Thereupon leave was granted to the plaintiff to file an Amended petition in this case by the 30th day of October 1885; and leave is given to Defendant John H. Stuart to file demurrer or motion within ten days thereafter, or to file Answer within 30 days thereafter and leave is given to said defendant Edward Robinson to demurrer to said plaintiffs amended petition within 10 days after the said 30th day of October 1885; or to file Answer thereto in 30 days after said October 30th 1885.

4824 David McCampbell
vs.
James H. Turpie et. al.

This day came the defendants James H. Turpie and Wm Turpie and waived all questions of service of process on them and moved the Court to order the plaintiff to make Emily Potter and Christopher Potter defendants. Thereupon the Court find that said Emily Potter and Christopher Potter should be parties before the cause is heard and thereupon order that they be made defendants and thereupon said Emily Potter and Christopher Potter by their Attorneys Carper and Vandeman enter their appearance in this case as defendants and upon their motion leave is given them to answer in thirty days and by leave of the Court said James H. Turpie and Wm Turpie have leave to file Answer by Saturday of this week.

4073 Union Biblical Seminary
vs
Stephen Cranston Adm'r. et. al. — Leave to Defendants to plead by Thursday of first week.

4151 Daniel R. Miller
vs.
Stephen Cranston Adm'r. et. al. — Defendants have leave to plead by Thursday of first week.

4490 Geo T. Dilsaver
v.
T. P. Beatty et. al. — Leave to file to file supplemental petition instanter.

4752 Bowers & Howe vs. Geo. Seimth. - Leave to file Answer and same filed.

4703 N. B. Thompson et. al. vs. J. J. Miller - Leave to answer by Oct. 20th

Thereupon Court adjourned until tomorrow morning at 8-30 o'clock.

Tuesday, October 20th, 1885.

Court convened this morning pursuant to adjournment. The same officers being present as on yisterday.

4874 J. B. Norris, Plaintiff vs. Elizabeth C. Norris et als. Defendants } Court of Common Pleas Union County, Ohio.

It appearing to the Court that the defendants Jeremiah Norris (who is over 14 years of age) and Ina Norris and Charles Norris (both of whom are under 14 years of age) are minors and have all been duly and legally notified of the pendency and object of this action and have neglected to apply for a guardian ad litem on motion of the plaintiff, L. Piper Esq. is hereby appointed guardian for the suit for said minor defendants. And now comes the said L. Piper Esq. and in open Court accepts said appointment.

4877 J. B. Norris Plaintiff vs. Elizabeth C. Norris et. al. Defendants } Court of Common Pleas, Union County, O. Answer of Guardian ad Litem

Now come Jeremiah Norris, Ina Norris and Charles Norris infant defendants by L. Piper their guardian ad litem and for answer say: That they know nothing of the facts alleged in plaintiffs petition and neither affirm or deny the same and ask that their interests in the matter may be protected by the Court.

Oct. 20th 1885. L. Piper Guardian Ad Litem

4874 J. B. Norris, Pltff. vs. Elizabeth C. Norris et. al. Defendants }

And now came the said J. B. Norris by A. T. Carpenter his attorney, and thereupon this cause came on to be heard upon the petition and answer of the infant defendants by their guardian ad litem and the evidence and was argued by counsel: On consideration whereof the Court do find that due and legal notice of the pendency of this action has been given to all of the defendants: And the Court do further find that the said J. B. Norris has a legal right to and is seized in fee simple of one fifth part of the said premises: And the Court do further find that the said Sarah A. Jolliff, Jeremiah Norris, Ina Norris and Charles Norris are tenants in common in said premises with said J. B. Norris & are each seized in fee simple of one fifth part of said premises and that the said Elizabeth C. Norris is entitled to dower therein. - It is therefore ordered that a writ of partition issue to the sheriff of said county commanding him that by the oaths of A. S. Mowry, Hugh McAdow and John Hudson one full equal third part of said premises in said petition described, be set off and assigned to the said Elizabeth C. Norris as her dower estate and that by the like oaths of the said A. S. Mowry Hugh McAdow and John Hudson partition be made of said lands subject to the said dower estate in the

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following proportions, to-wit:- To the plaintiff J. B. Norris one fifth part. To the said Sarah Jolliff one fifth part: To the said Jeremiah Norris one fifth part: To the said Asa Norris one fifth part and to the said Charles Norris one fifth part. And it is further ordered that the Sheriff return his proceedings in the premises forthwith.

This day appeared at the bar of this Court the Grand Jury heretofore impaneled and sworn in and for the body of the county aforesaid, viz:-
Wm M Cartmell Foreman
Samuel Beightler
James S. Baldwin
Samuel Willis
Joseph Maskill
D. H. Smith
Emanuel Jarvis
Asa Smart
R. W. Bault
William Howard
Luther Winget
William Hamilton
A. R. Showalter
Harry Dague
S. S. Gilcrist and presented their certain Bills of Indictment against Richard Clifton for "Breaking into dwelling house in day time and Petit-Larceny; John Thompson for "Breaking into dwelling house in day time and Grand Larceny; Robert Bernhardt for Breaking into dwelling-house in day-time and Petit-Larceny; Robert Bernhardt for "Breaking into dwelling-house in day-time and Grand larceny; William Severe for Assault and Battery and Newton Dingrel for Assault and Battery" each endorsed a True Bill and signed

W. M. Cartmell, Foreman of Grand Jury

Also their further report as follows:-

To the Honorable John A. Price,
Judge of the Court of Common Pleas,
Union County, Ohio.

The Grand Jury of the Court of Common Pleas of said County, of the October Term, 1885, beg leave to report that they have been in session two days, and herewith return to the Court the Indictments presented by said jury:- We have carefully examined into all such matters as have legitimately come to our notice, having examined over fifty witnesses, covering twelve cases and presented six bills and ignored six cases considered by us. The business has been transacted in as expeditious a manner as possible.

During our session we have visited the County Jail and made a complete examination thereof, and find that the rules prescribed by the Court for the care thereof and for the government of its inmates have been carried out and properly enforced. Respectfully submitted

W. M. Cartmell, Foreman

October 20th 1885.

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4946

Alvah Smith
vs.
H. Harper and J. T. Black

This day came the plaintiff by A. T. Carpenter attorney and thereupon came Jas. S. McCampbell one of the attorneys of Record of this Court who by virtue of a warrant of attorney duly executed and now produced in open Court and duly proven, waived the issuing and service of process and entered appearance of said defendants herein and by virtue of the same warrant of attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition the sum of $320.93/100. It is therefore considered that said plaintiff do recover of said defendants the said sum of $320.93/100 so as aforesaid confessed to be due together with costs of suit herein to be taxed and with interest to be computed at the rate of eight per centum per annum - And by virtue of said warrant of attorney all errors are released and all right of appeal and and all right to file a petition in error are waived

4935

4947

Alvah Smith
vs.
James C. Ward and Samuel Cheney

This day came the plaintiff by A. T. Carpenter Attorney and thereupon came James S. McCampbell one of the attorneys of record of this Court who by virtue of a warrant of attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process and entered appearance of said defendants herein and by virtue of the same warrant of attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition the sum of $209.03/100. It is therefore considered that said plaintiff do recover of said defendants the said sum of $209.03 so as aforesaid confessed to be due together with costs of suit herein to be taxed and with interest to be computed at the rate of eight per centum per annum and by virtue of said warrant of attorney all errors are released and all right of appeal and all right to file a petition in error are waived.

4887

4891

William Parmer
vs.
David Green and Benjamin F. Bowdre

And now comes the said William Parmer; and the said David Green and Benjamin F. Bowdre having failed to demurrer or answer to the petition of the said William Parmer it is considered that the said William Parmer ought to recover the said sum of $130.00 so demanded in his petition together with the sum of $8.05 which the court finds due as the interest thereon (computed up to the 19th day of October 1885) as prayed for in said petition: It is therefore considered that the said William Parmer recover against the said David Green and Benjamin F. Bowdre, the said sum of $138.05 together with his costs in and about his said in this behalf expended, taxed to $

4831

Tuesday, October 20th 1885.

4935 — Morris W. Hill vs. Unknown heirs of Calvin Hill et. al. — Entry of an Order of Publication

On motion of said plaintiff by his Atty. and it appearing from the Affidavit of the said plaintiff that the names and residences of the heirs and late wife of Calvin Hill deceased are unknown to the said plaintiff. it is ordered that as to them service be made by publication for six consecutive weeks in the manner prescribed by statute.

4903 — J. B. Van Wagener vs. Thomas Grindell

This day came the plaintiff by his Atty. and the Defendant being in default for answer or demurrer the Court find that the allegations of the petition are confessed by him to be true and that the defendant is indebted to said plaintiff upon said promissory note in the sum of $ 359.00 with 6 per cent interest thereon from this date. - It is therefore considered by the Court that the said plaintiff recover from the said defendant the said sum of $ 359.00 and his costs herein expended taxed at $

4887 — Julia T. Bell, Pltff. against Daniel Lee, Deft.

This day came the plaintiff herein and the defendant being in default for answer and demurrer, the court find that the allegations of the petition are true: that the said Julius A. Bell was in his life-time and during coverture with plaintiff seized in fee simple of the real estate and premises described in the petition: And that the plaintiff is the widow of the said Julius A Bell deceased: and that she is entitled to have her dower in the said premises assigned and set-off to her, as prayed in her said petition. It is therefore ordered, adjudged and decreed by the Court that the said plaintiff be endowed of one full equal third part of the premises described in the petition; and that a writ issue to the Sheriff of Union County commanding him that by the oaths of A. S. Mowry Hugh McAdow and A. B. Stricker, three judicious, disinterested men of the vicinity, in the said county, who are not of kin to either of the parties, and who are hereby appointed commissioners for that purpose, he set-off and assign such dower to said plaintiff according to law And that by such proceedings the said commissioners and the said Sheriff make return of their proceedings in the premises forthwith.

4831 — William H. Hickman et. al. vs. William Kightlinger et. al.

This cause coming on for hearing was submitted to the Court on the pleadings. And the answer and cross-petition of the defendant W. L. Curry, and the evidence, and on

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consideration thereof the Court find - that there is due to the defendant W. L. Curry, from the defendant William Kightlinger on the notes set up in the Cross petition of the said W. L. Curry including interest to the first day of this term the sum of One Hundred Thirty-Eight and 22/100 Dollars with eight per cent interest and that to secure the payment of said note, the defendant William Kightlinger and Henrietta Kightlinger his wife executed and delivered to said W. L. Curry their certain mortgage, as in the Cross-petition described and on the premises therein described, being the same premises as described in the petition, that said mortgage was duly recorded in book page of the Record of Mortgages of Union County, and is a good and valid lien, on said premises for the amount so found due to the said W. L. Curry - and that the conditions of said mortgage have been broken. It is therefore considered by the Court that the said W. L. Curry recovers from the defendant William Kightlinger the sum of One hundred and thirty-eight and 22/100 dollars as heretofore respectfully found due. And it is further adjudged and decreed that unless said defendant William Kightlinger shall within ten days from the entry of this decree pay or cause to be paid to the Clerk of this Court the costs in this case and to the defendant W. L. Curry the sum so found due as aforesaid with interest at eight per cent from Oct. 19th 1885 the defendants equity of redemption be foreclosed and said premises be sold and that an Order of Sale issue therefor to the Sheriff of Union County directing him to appraise, advertise and sell said premises as upon execution, and report his proceedings to this Court for further orders. 4892

4906 Alice Gibson Plaintiff
vs.
Albertus Longnecker et. al. Defendants.

Appointment of Guardian ad litem
In Court of Common Pleas
Union County, Ohio

It appearing to the Court that the Defendant Jennie Longnecker is a minor over the age of fourteen years and has been duly and legally served with summons herein, and has neglected for twenty days from the return of the summons served upon her, to apply for a guardian ad litem, on motion of the plaintiff, Thomas B. Fulton is hereby appointed guardian for the suit for said minor defendant. And now comes the said Thomas B. Fulton, and in open Court accepts said appointment.

4906 Alice Gibson Plaintiff
vs.
Albertus Longnecker et. al. Defendants

In Union Common Pleas, Ohio

And now this cause coming on to be heard on the petition, the answer Jennie Longnecker, a minor defendant by T. B. Fulton her guardian ad litem and the evidence, the said Albertus Longnecker and Eliza D. Longnecker being in default for answer or demurrer herein, the Court find that all the defendants have had due legal notice of the pendency and demand of the said petition, and that (with the exception of the one above named) they are in default for answer thereto. Thereupon the Court further find that the plaintiff and the defendants hereinafter named are tenants

in common in the estate described in the petition: that the plaintiff Alice Gibson has the legal right to the one-fourth part thereof, the defendants Albertus Longnecker, Jennie Longnecker and Eliza D. Longnecker each a legal right to a one fourth part thereof; and that plaintiff is entitled to have partition made of said premises, as prayed in her petition. It is therefore ordered, adjudged and decreed that partition of said estate be made, and Lester W. Cline, Joshua Norvil and Eli Norvil, three judicious and disinterested freeholders of the vicinity are hereby appointed commissioners to make said partition.

And it is ordered that a writ issue to the Sheriff of Union County Ohio, commanding him that by the oaths of the commissioners above named he cause to be set off and divided to each of the above named parties, the part and proportions of said estate to which they are herein before severally found entitled. And of his proceedings herein, the said sheriff is ordered to make due return.

4892 C. Houston et al. vs. Allen Sharp, et al.

And now come the said C. Houston and A. J. Whitney by A. T. Carpenter their attorney and the said defendants still failing to answer or demurrer to said petition it is considered that the said plaintiffs are entitled to an account of the money due them in the premises, and the Court after hearing the evidence do find that there is due now to said plaintiffs on the notes and mortgage in said petition described the sum of Four Hundred and Thirty four and 29/100 Dollars ($434.29) including interest computed up to this 19th day of October 1885. It is therefore considered by the said Court here that the said plaintiffs recover of the said defendant Allen Sharp the said sum of Four Hundred and Thirty four and 29/100 Dollars ($434.29) so as aforesaid found due, with 8% interest from this 19th day of October 1885 and also their costs taxed to $.

The Court further find from the evidence that the defendant Wm. A. Ballinger sold and conveyed the premises in plaintiffs petition to the defendant Allen Sharp and that said Allen Sharp is now the owner thereof in fee, although he has not as yet caused his deed to be recorded. And that said Wm. A. Ballinger has no interest therein. And it is further ordered and adjudged that in case the said defendant Allen Sharp fails for one day from this 19th day of October 1885 to pay to the said plaintiffs the said sum of Four Hundred and Thirty four and 29/100 Dollars ($434.29/100) with 8% interest thereon from this 19th day of October 1885, so as aforesaid found due with costs of suit an order issue to the Sheriff of Union County Ohio commanding him to cause the said lands and tenements in said petition described to be appraised, advertised 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.

Tuesday, October 20th 1885.

The Commissioners of Union County, Ohio, having filed herein their report as required by law, the Court appoint O. M. Denton and W. O. Shearer as a committee to examine the same according to the statute in such case made and provided.

3140 Jane Carter vs. Bank of North Lewisburg. Continued by agreement.

3364 Finley D. Davis vs. Elija Lister et.a. Continued by agreement.

3617 M. L. Stewart vs. Jo. A. Stevenson. Continued by agreement.

3853 Lucinda Ford vs. Rhoda Ford. Continued by Agreement.

3922 E. O. Stevenson vs. Matthew Longwell. Continued by Agreement.

4313 R. A. Slick vs. P. H. Zysinger. This day this cause was continued per motion and showing of defendant and at his costs. It is therefore considered by the Court that the plaintiff recover of the defendant his costs. Taxed $

4502 Harmon Patch Sew. vs. Harmon Patch for. - Leave to defendant J. B. Wolfley to file supplemental answer and cross petition

4670 Chas. W. Newcomer vs Saml. Bonnett. Dismissed without prejudice to new action at plaintiffs Costs. It is therefore considered by the Court that the plaintiff pay the costs taxed at $

4783 Sarah Moses vs. Wm Stubbs et.al. Defendant has leave to plead by Saturday.

4796 Andrew J. Smith vs. Geo. W. Longbrake et.al. Leave to file Amd. Pet. by Saturday.

4799 Lester Oliver et al. vs Martin Swallow. Leave to answer by Saturday

4857 H. L. Sec'y Faulkner vs. S. D. Evans. Leave to file petition by Oct. 28th

4864 Joseph H. Baughman vs. Geo. Pritchard. Defendant has leave to file Ans. by Oct. 31st

4872 Jacob M. Fisher vs Jennie E. Fisher } This cause dismissed at cost of Plaintiff. It is therefore considered and adjudged by the Court that the defendant recover of the plaintiff her costs herein taxed to $ and that the plaintiff pay his own costs herein taxed to $

4655 Thompson James vs Robt. W. Thompson et.al. Dismissed at Plaintiffs Costs It is therefore considered, ordered and adjudged by the Court that the Defendant recover of plaintiff his costs, taxed to $ and in default thereof for three days that execution issue therefor

Thereupon Court adjourned until tomorrow morning at 8-30 o'clock

4702

4702

4854

Wednesday, October 21st 1885.

Court convened this A. M. pursuant to adjournment the same Officers being present as on yesterday.

4702 John Stemble Plaintiff
vs.
Fred Weis and Rosina Weis Defts.

This cause coming on for hearing and a jury being waived, was submitted to the Court upon the pleadings and the evidence and was argued by counsel on consideration whereof the court find on the issue joined for the plaintiff and that the defendants Fred Weis and Rosina Weis are justly indebted to the plaintiff on the note described in plaintiffs petition in the sum of Four Hundred and Eighty Dollars with 8% interest thereon from the 30th day of October 1873

4702 John Stemble Plaintiff
vs.
Fred Weis and Rosina Weis Defendants

This cause came on for hearing on the motion of the defendant Rosina Weis to set aside the judgment and finding of the Court and for a new trial herein, which motion was argued by counsel and submitted to the Court. Afterwards the defendant asked leave to submit additional affidavits in support of said motion on the ground of newly discovered evidence, which was refused by the Court. Whereupon the Court being fully advised in the premises does overrule said motion for a new trial (to all of which rulings of the Court defendants by their attorneys there and there excepted) It is therefore considered by the Court that the said John Stemble recover from the said Fred Weis and Rosina Weis the said sum of Nine Hundred and Thirty-nine and 62/100 Dollars ($939.62) the same as heretofore by the judgment and finding of the Court found due him with interest at 8% from the 19th day of October 1883, together with the costs herein expended.

4854 Eliza J. Dort
vs.
Mary Anderson et al

This cause came on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein, and on the motion to confirm the same. And it appearing that said estate can not be divided by metes and bounds without injury to the value thereof and that said Commissioners have made and returned their appraisement thereof in the sum of $860.00, the Court find the said return and proceedings in all respects correct and in conformity to law and therefore approve and confirm the same. And thereupon neither of said parties electing to take the said estate at its appraised value on motion of the plaintiff it is ordered that said premises be sold at public auction, and that an order issue therefor to the

Wednesday, October 21st, 1885.

Sheriff of Union County. It is further ordered that same be sold upon the following terms- One third cash: one third in one year and and one third in two years from the date of the sale of the same deferred payment to bear interest. And the matter of distribution and as to the Answer of Ajoris Admr. of the estate of Wm Magill deceased is reserved for the future action of this Court.

4880

4851 Andrew Mc Laughlin, Plff. vs. Leander Gosnell et al. Defts. | In Court of Common Pleas, Union County, Ohio.

4928.

This cause came on for hearing upon the petition in error, the transcript and the original papers and pleadings from the Court of W. W. Hill a Justice of the Peace of Union County, Ohio and was argued by counsel; And, on consideration thereof, the Court find that there is error in the commencement of said proceedings in that said Justice had neither jurisdiction of the plaintiff in error, nor of the subject matter of this action, to the prejudice of the plaintiff in error, And the said judgment is therefore reversed and held for naught; at the cost up to the present time of the defendants in error, and execution is awarded therefor.

4881

4623

4879 J. L. Lewis, Plff. vs. Mary E. Thomas, et al. | In Union County Common Pleas, Ohio.

Upon comes the plaintiff herein, and the defendants being in default for answer and demurrer, the Court find that the allegations of the petition are confessed by them to be true; and find that defendants are indebted to plaintiff in the sum of $735.74/11 with interest thereon at the rate of 6% from Oct. 19th 1885.

It is therefore considered by the Court that the said plaintiff recover from the said defendants the said sum of $735.74/11 with interest thereon as aforesaid and his costs herein expended, taxed at $.

The Court further find that in order to secure the payment of the notes set forth in said plaintiffs petition the said defendants, Mary E Thomas and Griffith Thomas her husband, executed and delivered to one W. E. Benton the mortgage deed in the petition described, and on the premises therein described: That said W. E. Benton indorsed said notes in said petition set forth, and assigned said mortgage in said petition described, to the plaintiff herein, and that said plaintiff is now the legal and bona fide holder of the notes and mortgage aforesaid. The Court further find that the condition of the Jeasance in said mortgage has been broken and that the said plaintiff is thereby entitled to have the defendants equity of redemption foreclosed. It is therefore considered and decreed that unless the said defendants 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 the sum of $735.74/11 with 6% interest thereon from Oct. 19th 1885 according to the terms of said mortgage deed, the defendants equity of redemption be foreclosed and said premises

Wednesday October 21st, 1885.

shall be sold, and an order of sale shall issue therefor to the Sheriff of Union County directing him to sell said premises as upon execution and bring the proceeds of such sale into Court for further order.

4880 Isaac Broderick Sr. Guar. vs. J. J. Miller et. al. — Consolidated with 4928. Frederick S. Giddings et al. vs. J. J. Miller et al. — under No. 4880

4928. Frederick S. Giddings et. al. vs J. J. Miller et. al. — Consolidated with 4880 and under No. 4880

State of Ohio vs. Jennie E. Fisher 4881 — Cause dismissed at costs of Jacob Ln. Fisher the prosecuting witness. It is therefore considered and adjudged that the said Jacob Ln. Fisher pay the costs herein taxed to $

Annie Hensel vs. Frank Henson et. al 4623

On motion of the plaintiff and upon proof of the return of the Sheriff of his proceedings and sale, of the second tract in the original order of sale herein, under the former order of this Court, and the Court being satisfied on examination that the same have been had in all respects according to law, the said proceedings and sale of said second tract are hereby approved and confirmed, and the said Sheriff is ordered by deed duly executed to convey said premises to the purchaser E. J. Rose, free of the dower of the said Martha Hensel. And the said Martha Hensel having by her answer elected to receive in lieu of her dower, its value in money, the Court find the just and reasonable value thereof to be $154.02 It is further ordered that out of the proceeds of said sale the Sheriff pay:- 1st To the Clerk of this Court the costs of this action including a counsel fee of $13.33 to Broderick & Mc Campbell for their services herein, taxed at $36.23 2nd To the said Martha Hensel the residue of the cash proceeds of said sale of $185.89 leaving $4.23 due her as payment in full the amount of $36.50 found due her by former order being included and paid herein 3rd. The Sheriff is ordered out of the proceeds of the first note for the deferred payment to pay the remainder due said Martha Hensel $4.23 and to each of the said Annie Hensel, Frank Hensel, Mary Hensel, Mattie Hensel and Frank Hensel one fifth of the residue of said note and 4th Out of the 2nd deferred payment to pay each of said last named parties one fifth thereof.

Thereupon Court adjourned until tomorrow A. M. at 8-30 o'clock.

Thursday October 22nd, 1885.

Court convened this A.M. pursuant to adjournment, the same officers being present as on yesterday.

To the Hon. John A. Price
Judge of the Court of Comm. Pleas of Union Co. O.
Union County, Ohio

To John Hobensack ex sheriff of said County, Fees from Sept. 1st 1884 to Jany. 1st 1885 under section 1231 of the Revised Statutes, $100.00.
Marion Hopkins Sheriff, Fees from January 1st 1885 to Sept. 1st 1885 under the above section $200.00 Total $300.00

John Hobensack, Ex Sheriff.
Marion Hopkins, Sheriff.

Oct. 22nd 1885. The foregoing bill is approved and allowed. The Clerk of this Court will certify the same to the Auditor of Union County, who is directed to draw his warrants on the Treasurer of said County as follows; in favor of said John Hobensack for said sum of $100.00, and in favor of said Marion Hopkins for said sum of $200.00

John A. Price, Judge of Court of Common Pleas.

4825

The State of Ohio
vs.
Newton Bingrell

This day came the Pros. Attorney on behalf of the State of Ohio and the defendant appearing in Court to answer said charge and being arraigned on said indictment for thereto saith he is guilty. It is therefore considered by the Court that said defendant pay a fine of $10.00 and the Cost of prosecution

4871

Thereupon Court adjourned until tomorrow morning at 8-30 o'clock

Friday, October 23rd, 1885.

Court convened this A. M. pursuant to adjournment, the same officers being present as on yesterday.

4825. Joseph Rodgers vs. Mary C. Fadely et. al.

On motion of the plaintiff and on his producing the return of the Sheriff of the sale made under the former order of this Court and the Court on careful examination of the proceedings of the said Sheriff being satisfied that the same have been in all respects in conformity to law and the orders of this Court it is ordered that the said proceedings and sale be and they are hereby approved and confirmed and it is further ordered that the said Sheriff convey to the purchaser Joseph Rodgers or his assigns by deed in fee simple the lands and tenements so sold and a writ of possession is awarded to put said purchaser in possession of said premises. And the Court now coming to distribute the proceeds of said sale amounting to $375.00 it is ordered that the Sheriff out of the money in his hands pay - First the costs of this action taxed at $ Secondly, the Court find that two of the notes in the petition discribed are not yet due and that there is owing thereon to said plaintiff $250.00 with 6 per cent interest thereon from Nov. 18th 1882, which the Court find the plaintiff is entitled to receive out of the proceeds of said sale by virtue of the lien on the property sold - It is therefore ordered that the Sheriff pay to the plaintiff Joseph Rodgers the balance remaining in his hands on the amount herein and in the former decree found due and owing with interest to wit the sum of $484.94

7871 Dora Ann Morris and Dowling Morris vs. Hannah J. Huffman et. al. } Ptn Partition

And now came on this cause to be heard upon the petition and the evidence, the Court find that all the defendants have had due legal notice of the pendency and demand of the said petition and that they are in default for answer thereto. Whereupon the Court further find that the plaintiff Dora Ann Morris and the defendants hereafter named are tenants in common in the estate described in the petition: that the plaintiff Dora Ann. Morris has a legal right to the one fifth part thereof, the defendant Hannah J Huffman has legal right to the one fifth part thereof, the defendant Bertis Huffman has legal right to the one fifth part thereof, the defendant Eldon Huffman has legal right to the one fifth part thereof, and Mary Ann Huffman has legal right to the one fifth part thereof and that said Almira Huffman is entitled to Dower in said premises as the widow of said John Huffman and which said dower the Court finds has been assigned heretofore by proceedings had for that purpose in this Court. And the Court further find

Friday, October 23rd 1885

that the plaintiff is entitled to have partition of said estate made as prayed in her petition. It is therefore ordered, adjudged and decreed that partition of said estate be made in favor of all parties in interest and Amos P. Harvey, W. H. Southard and William H. Stoner three judicious and disinterested freeholders of the vicinity are hereby appointed Commissioners to make said partition. And it is ordered that a Writ of Partition issue to the Sheriff of Union County commanding him that by the oaths of the commissioners above named he 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, subject to the dower interest of said Almira Heffernan (and that said Commissioners appraise the value of said land). And of his proceedings herein said Sheriff is ordered to make return of this Writ during this Term of this court.

4127

4845 Martin & Wynkoop vs. Thomas Jenksberry

This day came the parties and settled this cause at cost of the plaintiff. It is therefore considered and adjudged by the Court that the plaintiff pay the costs herein taxed at $ and in default thereof that execution issue therefor.

4823 Thomas Jenksberry et. al. vs. T. A. Martin et. al.

This day came the parties and settled this cause at the costs of the defendants. It is therefore considered, ordered and adjudged by the Court that the defendants pay the costs of this action herein taxed to $ and in default execution issue therefor.

Thereupon Court adjourned until tomorrow at 8-30 A. Lee.

Saturday, October 24th 1885

Court convened this A.M. pursuant to adjournment, the same officers being present as on yesterday.

4127 Elias Johnson Plaintiff
vs.
R. H. White, Defendant.

Jury Trial.

This day came the parties by their attorneys and this cause came on to be tried; and thereupon came a jury to wit: Jacob Hutchinson, John R. Taylor, John Moore, J. W. Kyle, R. Mayfield S. B. Childs, John C. Price, Oliver Shaw, R. M. Evans, J. L. Ward, A. K. Vanilleau, Phillips Mann, who being duly empannelled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel, and charge of the Court, the said jurors retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing in the words and figures following, to wit:

Civil Action, Verdict

The State of Ohio, Union County ss. October Term, A.D. 1885.

To-wit: October 24th 1885.

Elias Johnson et al. Plaintiffs vs. Richard H. White Defendant.

We, the jury in this case, being duly empaneled and sworn do find and say that we find for the plaintiff and asses his damages at $15.40 including interest.

John C. Price, Foreman.

Thereupon Court adjourned until Oct. 26th at 1:30 o'clock P.M.

Monday, October 26th 1885.

Court convened this P. M. pursuant to adjournment, the same officers being present as on Saturday Oct. 24th.

4886 W. B. Ballinger vs. L. E. Bates et. al.

This cause now coming on for hearing, was submitted to the Court on the pleadings and evidence, and on consideration thereof the Court find on the issue joined for the plaintiff. And that there is due to the plaintiff from the defendant L. E. Bates on the promissory notes set-fourth in the petition, the sum of Thirteen hundred and ninety-five & 68/100 dollars with 6 per cent interest from October 26th 1885.

The Court further find that, in order to secure the payment of said note the defendant L. E. Bates and M. E. Bates his wife executed and delivered to said W. B. Ballinger their certain mortgage as in the petition described, and on the premises therein described; that said mortgage was duly recorded in book 20 page 462 of the Records of Mortgages of Union County, Ohio, and is a good and valid —— on the premises described in the petition, and the conditions of said mortgage have been broken. 4907

It is therefore considered by the Court that the plaintiff recover from the defendant L. E. Bates the sum of Thirteen hundred and ninety-five & 68/100 dollars, and the costs herein expended. And it is further adjudged and decreed that unless the defendant L. E. Bates shall within three 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 herein the sum so found due as afore said, with interest from October 26th 1885, at 6 per cent the defendants equity of redemption be foreclosed and said premises be sold, and that an order of sale issue therefor to the Sheriff of Union County directing him to appraise, advertise and sell said premises as upon execution and report the proceedings to this Court for further order. 4908

4911 Amos Glover, Plaintiff vs. Washington Davis, et. al. Defendants

And now comes the said Amos Glover by A. T. Carpenter his Attorney and the said defendants all still failing to answer or demurrer to said petition it is considered that the said plaintiff is entitled to an account of the money due him in the premises and the Court after hearing the evidence do find that there is due to the said plaintiff on the notes and mortgage in said petition described, including the interest computed to October 19th 1885 the sum of Nineteen Hundred and Eighty two & 4/100 Dollars ($1982 4/100) and that there will be due April 1st 1886 the further sum of Three Hundred Dollars with interest from March 16th 1876 and that there will be due April 1st 1887 the further sum of Three Hundred and Sixty-five & 4/100 Dollars with interest from March 16th 1876 on which said sums are also secured by mortgage. It is therefore considered by the Court here that the said plaintiff recover of the defendant Washington Davis the said sum of Nineteen Hundred and Eighty-two & 4/100 Dollars the sum so found due as aforesaid, with 4858

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6% interest thereon from October 19th 1885, and also his costs taxed to $
And it is further ordered and adjudged that in case the said defendant Washington Davis fails for three days from this 26th day of October 1885 to pay to the said plaintiff the said sum of Nineteen Hundred & Eighty two & 4/100 Dollars so as aforesaid found due, with 6% interest from October 19th 1885 with costs of suit, an order issue to the Sheriff of Union County, Ohio, commanding him to cause the said lands and tenements in said petition described to be appraised, advertised and sold according to law and apply the proceeds of said sale in satisfaction of the said sum found due with costs of suit.

4907 John B. Miller, Plaintiff
vs.
Jacob Kronskof and
J. F. Kronskof, Defendants

In Union Common Pleas, Ohio.

Now comes the plaintiff by his Attorneys and the defendants being in default for answer and demurrer, the Court find that the allegations of the petition are confessed by them to be true; and that said defendants are indebted to plaintiff in the sum of $280.9/100 with 6% from Oct. 19th 1885 thereon. It is therefore considered by the Court that the said plaintiff John B. Miller, recover from the said defendant Jacob Kronskof and J. F. Kronskof the said sum of $280.9/100 with interest thereon at the rate of 6% from Oct. 19th 1885 and his costs herein expended, taxed at $

4908 John B. Miller, Plaintiff
vs.
Jacob Kronskof and
J. F. Kronskof, Defendants

In Union Common Pleas, Ohio.

Now comes the plaintiff by his Attorneys and the defendants being in default for answer and demurrer, the Court find that the allegations of the petition are confessed by them to be true, and that said defendants are indebted to plaintiff in the sum of $160 25/100 with 8% thereon from October 19th 1885.
It is therefore considered by the Court that the said plaintiff, John B. Miller recover from the said defendants Jacob Kronskof and J. F. Kronskof the said sum of $160 25/100 with interest at 8% thereon from October 19th 1885, and his costs herein expended, taxed at $

7858 Joseph H. Myers and
Samuel B. Myers, Plaintiffs
vs.
Elizabeth Price et. al. Defendants

Court of Common Pleas of Union County, Ohio
Entry of Partition.

Now comes the plaintiffs by their attorney J. M. Kennedy and their petition thereupon coming on to be heard the Court finds that all of the defendants have been duly notified of the pendency and demands of said petition and that they are in default for answer and demurrer and that the said petition is thereby confessed by them to be true. Thereupon the Court finds that the said Joseph H. Myers and Samuel B. Myers are seized of and have a

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legal right to the undivided one fifth part each of the estate described in the petition and are entitled to have partition made of said premises; that the defendants are tenants in common with the said plaintiffs in the said premises in the following proportions, to-wit:- That the said Elizabeth Price is seized of and has a legal right to the undivided one tenth part thereof, 4633
The said Catharine Bonic to the undivided one tenth part thereof.
The said Margaret Orego to the undivided one tenth part thereof.
The said Mary Stockton to the undivided one tenth part thereof.
The said Almira Hays the undivided one tenth part thereof.
The said William Webb the undivided one twentieth part thereof.
To Catharine T. Allen the undivided one twentieth part thereof. And no reason appearing why partition should not be made it is therefore ordered, adjudged and decreed that partition of said estate be made; and that an order issue to the Sheriff of said County of Union Commanding him by the oaths of Andrew Anderson, Stephen Long and Mathias Haggert three judicious and disinterested freeholders of the vicinity (who are not of kin to either party and who are hereby appointed Commissioners for that purpose he cause to be set off and divided to the plaintiffs and to each of the said defendants the part and proportion of said estate to which they are herein before severally found entitled. And of his proceedings herein the said Sheriff is ordered to make due return thereof forthwith

3767 Cyrus Moore Plaintiff
vs.
Wright Harriman, Defendant.

This day came this cause on to be heard upon the motion of the defendant for a postponement on consideration whereof the case is postponed indefinitely at the cost of the defendants. It is therefore adjudged by the Court that the defendants pay all cost allowed by the said postponement

4686 John F. Frahm, Plaintiff
vs
Daniel S. Ford Defendant.

Union County, Ohio Common Pleas Court.

Upon motion of the plaintiff and upon good cause shown, it is ordered by the Court that Lucinda Ford be made a party defendant to this action, and that summons be issued to her as such defendant.

4910 Martha Finley Plaintiff
vs.
John J. Finley, Defendant.

Court of Common Pleas, Union County, Ohio.

On motion of the plaintiffs herein by her Attorney and good cause being shown it is hereby ordered that she be allowed the sum of $75.00 as for her expenses in conducting this action. It is therefore ordered that the said John J. Finley pay to the said plaintiff or her attorneys, S. S. Gardiner & D. W. Ayers the sum of $75.00 one half of which shall be paid within ten days

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and one half within thirty days from this date - And in default of any of such payments for three days, execution shall issue therefor.

4633 Sarah E. Graham vs. Wm Graham } Leave to Answer by the 27th inst.

Thereupon Court adjourned until tomorrow morning at 8-30 o'clock.

Tuesday, October 27th 1885.

Court convened this A.M. pursuant to adjournment, the same officers being present as on yesterday.

4855 Joseph H. Myers and Samuel B. Myers, Plaintiff
vs.
Elizabetta Price, et. al. Defendants

Union County
Court of Common Pleas.
Oct. 28th 1885.

4669

This cause came on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein and on the motion to confirm the same: And it appearing that said estate can not be divided by metes and bounds without manifest injury to the value thereof, and that said Commissioners have made and returned their appraisement of said premises, to-wit: in the sum of $ the Court find the said return and proceedings in all respects correct and in conformity to law and do therefore approve and confirm the same, and thereupon neither of said parties electing to take the said premises at their appraised value, on motion of the plaintiffs it is ordered that said premises be sold at public auction, and that an order issue therefor to the Sheriff of Union County, Ohio. And the Sheriff is ordered to return his proceedings to this Court without unnecessary delay.

4752

4843

Thereupon Court adjourned until tomorrow A. M. at 8-30 o'clock.

Wednesday, October 28th 1885.

Court convened this A.M. pursuant to adjournment, the same officers being present as on yesterday.

4669 — George M. McPeck, Plaintiff vs. Merlin Benton et.al. Defendants. — Jury Trial

This day came the parties by their attorneys, and this cause came on to be tried; and thereupon came a jury, to-wit:- John R. Taylor, John Moore, Joseph Hutchinson, J. W. Kyle, R. Mayfield, S.B. Childs, Oliver Shaw, R.W. Evans, J.L. Herd, A.K. Minthorn, Phillip Mann and John Hendrix who, being duly empannled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel, and charge of the Court, the said jurors, retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit:-

Civil Action. Verdict

The State of Ohio, Union County, ss. October Term, A.D. 1885.

To-wit: October 28th 1885.

Geo. M. McPeck, Plaintiff vs. Merlin Benton et.al. Defendants.

We, the jury in this case, being duly impaneled and sworn and affirmed, do find and say that we find for the plaintiff and assess his damages at twenty five cents ($.25/100)

J. R. Taylor Foreman.

4752 — Bowers & Howe, Plaintiffs vs. George Smith, Defendant.

This day came on this cause to be heard on the motion of plaintiffs to reform the defendant's answer. Whereupon the Court sustains the motion as to the first and second grounds and overrule the same as to the 3rd ground. Whereupon the defendant amended the first defence by striking out "nothing" and inserting in lieu "anything".

4843 — H. L. McFarland et.al. Plaintiffs vs. A. B. Butler, et.al. Defendants. — Court of Common Pleas, Union County, Ohio.

On motion of the plaintiff and on their producing the return of the Sheriff of the sale made under the former order of this Court, and the Court on careful examination of the proceedings of the said sheriff being satisfied that the same have been had in all respects in conformity to law and the orders of this Court it is ordered that the said proceedings and sale be and they are hereby approved and confirmed and it is further ordered that the Sheriff convey to the purchasers H. L. McFarland and E.J. Roberts by deed in fee simple the lands and tenements so sold and the said purchasers

Wednesday, October 28th, 1885.

are hereby subrogated to all the rights of the said lien holders in said premises so far as they may be paid herein for the protection of their title, and a writ of possession is awarded to put said purchasers in possession of said premises. And the Court coming now to distribute the proceeds of said sale amounting to ($335.00) Three hundred and thirty five dollars 4784
It is ordered that the Sheriff out of the money in his hands first pay the costs of this action taxed at $ Second to John L. Brugner Clerk $7.25/100 balance of costs due in the case of M. Jacoby vs. A. B. Butler & wife No. 4639 Ex. Doc. P. page 64 which the court finds a prior lien on said premises. Third to the plaintiffs H. L. Dr. Harland & E. J. Roberts the amount heretofore found due them with interest at 8% to-wit: the sum of $287 70/100 and to the defendants the balance, if any, remains.

687 State of Ohio vs. John Thompson — Indicted for Breaking into dwelling house in day time and Grand Larceny. 4802

This day came the Prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and arraigned upon said indictment for plea thereto saith he is "not guilty" and puts himself upon the Country and the Prosecuting Attorney doth the like.

690 State of Ohio vs. Robert Bernhardt — Indicted for breaking into dwelling house in day time and Grand Larceny.

This day came the Prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and arraigned upon said indictment for plea thereto saith he is "not guilty" and puts himself upon the country and the Prosecuting Attorney doth the like.

691 State of Ohio vs. Robert Bernhardt — Indicted for breaking into dwelling house in daytime & petit Larceny

This day came the Prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and arraigned upon said indictment for plea thereto saith he is "not guilty" and puts himself upon the country and the Prosecuting Attorney doth the like.

688 State of Ohio vs. Richard Clifton — Indicted for breaking into dwelling house in day time & petit Larceny

This day came the Prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and arraigned upon said indictment for plea thereto saith he is "Guilty". And thereupon it was considered, ordered and adjudged by the Court that said defendant pay a fine of $5.00 and be imprisoned in the jail of said County for 30 days and pay costs of this prosecution for all of which execution is awarded. 4926

Thereupon Court adjourned until tomorrow A. M. at 8-30 o'clock.

Thursday, October 29th, 1885.

Court convened this A. M. pursuant to adjournment the same officers being present as on yesterday.

4784 — William S. Cartwell, Plaintiff vs. Gratia B. Irwin, Defendant. — Money Only.

This day this cause came on to be heard upon the demurrer of defendant to the petition of the plaintiff, was argued by counsel and submitted to the Court. Whereupon the Court being fully advised in the premises do over rule said demurrer; and defendant asking, the Court do grant leave to the defendant to file answer on or before December first next, and this cause continued.

4802 — Maud R. Joseph, Plaintiff vs. Catherine Joseph et al, Defendants.

This day came the plaintiff, and produced the return of the Sheriff herein, of the sale made under the former order of this Court. And the Court, on the examination of the proceedings of said Sheriff, being satisfied that said sale has been in all respects in conformity to law, and the orders of this Court, it is ordered that said proceedings and sale be, and the same are hereby approved and confirmed. And it is further ordered that said Sheriff convey to the said purchasers, Hiram D. Kimbal and Simon D. Elliott by deed according to law the property so sold, and the said purchasers are hereby subrogated to all the rights of said lein holders in said premises, so far as they may be paid herein for the protection of his title. And it is ordered, that a writ of possession issue to put said purchasers in possession of said premises. It is further ordered that the proceeds of said sale amounting to $700.00 be destributed as follows:-

First: To the payment of the costs of this action, taxed at $43.30

Second: That the said lien of S. D. Elliott be paid, to-wit: the sum of $15.90

Third: That the balance be paid to the plaintiff upon her decree.

The answer and cross petition of Hiram Kimbal filed May 25th 1885; the answer and cross petition of William M. Snodgrass filed May 16th 1885; and the reply of William M. Snodgrass, are hereby withdrawn from the files and to be left out of the record for the reason that there is nothing left for contribution after paying plaintiff and nothing to be distributed to either said Kimbal or said Snodgrass. It is further ordered that execution be awarded for the balance remaining due the plaintiff, from said Catherine Joseph, on plaintiff's decree.

4926 — Robert Bernhardt vs. Martin Eiuck et al.

This day on motion of defendants the plaintiff is ordered to give security for costs herein by Nov. 14th 1885 or case to stand dismissed.

Thereupon Court adjourned until to-morrow A. M. at 8:30 o'clock.

Friday, October 30th 1885.

Court convened this A M pursuant to adjournment the same officers being present as on yesterday.

4883.

4686 John F. Frahn vs. S. O. Ford, et. al.

Leave is hereby given this day to plaintiff to file a supplemental petition instanter and same filed.

4819 The State of Ohio vs. O'Connor Randall

This day this cause came on for hearing upon the Demurrer of the plaintiff and the defendant's plea in Bar filed herein and was argued by counsel and submitted to the Court; for consideration whereof the Court sustain said demurrer. To which ruling of the Court in sustaining said demurrer the defendant then and there excepted.

4796 Andrew J. Smith vs. George W. Longbrake, et. al.

This day came on this cause to be heard, on the demurrer of the plaintiff to the defendants answer, Whereupon the Court being fully advised in the premises over rules said demurrer to which ruling and judgment of the Court the plaintiff excepts. Whereupon the plaintiff obtained leave to file reply to the defendants answer, instanter. 4853

4752 Bowers and Howe Plaintiffs vs. Geo. Smith, Defendant

Jury Trial

This day came the parties by their attorneys and this cause came on to be tried; and thereupon came a jury, to-wit:- Jacob Hutchinson, Joseph Hutchinson, John Moore, J. W. Kyle, R. Mayfield, S. B. Childs, Oliver Shaw, R. W. Evans, J. D. Ford, A. K. Minthorn, Phillip Howe, John Hendrix who, being duly empannelled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court; and after hearing the testimony, arguments of counsel and charge of the Court, the said jurors, retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit: 4873

Civil Action. Verdict

The State of Ohio, Union County, ss. October Term A. D. 1885

To-wit: Oct. 30th 1885

Bowers & Howe Plaintiffs vs. George Smith, Defendant.

We, the jury in this case, being duly impanelled and sworn do find and say that we find for the plaintiffs and assess their damages at $47.$^{25}_{100}$

A. K. Minthorn, Foreman

Friday, October 30th, 1885

4883. Henry W. Adams, By his next Friend. vs. George Metzger

This day this cause came on to be heard on motion of the plaintiff for judgment on the petition filed herein and for an order of Sale of premises described in said petition. And the Court being fully advised in the premises, and it appearing that said defendant is still in default for answer or demurrer to said petition the Court find there is due and unpaid, to the plaintiff on his said note and mortgage, as alleged in his said petition the sum of $86.$\frac{33}{100}$ including interest to this date and that the conditions of said mortgage have become absolute. It is therefore adjudged by the Court that the plaintiff recover of the defendant said sum of $86.$\frac{33}{}$ and his costs and that unless the same be paid within five days; then that an order of sale issue to the Sheriff of said County, commanding him to advertise, appraise and sell said premises described in the petition as upon execution, and out of the proceeds of said sale he pay said judgment after paying the costs in this case, and the taxes due upon said premises and bring the residue in to Court for the further order of the Court.

4853 Martha J. Middleton Plaintiff vs. Eliza Hildreth et. al. Defendants.

This cause came on for hearing upon the return of the Sheriff and the report of the commissioners heretofore appointed herein, and on the motion to confirm the same.

And it appearing that said estate can not be divided by metes and bounds without injury to the value thereof, and that said commissioners have made and returned their appraisement thereof in the sum of $35.^{00} per acre. The Court find the said return and proceedings in all respects correct and in conformity to law, and do therefore approve and confirm the same. And thereupon neither of said parties electing to take the said estate at its appraised value and on motion of the plaintiff, it is ordered that said premises be sold at public auction and that an order issue therefor to the Sheriff of Union County and that he sell the same upon the following terms:- One third cash, one third in one year and one third in two years.

4873 William Whitley vs. John J. Finley et. al.

This day this cause came on to be heard upon the motion of the plaintiff to strike out of the answer and cross petition of the defendant P.R. Kerr asking to have stricken from said answer and cross petition all the matter commencing with the words "And by way of cross petition defendant says that on or about the day of March 1885" and all the balance of said answer and cross petition including the words "wherefore plaintiff prays judgment

Friday, October 30th, 1885.

against the said William Whitley for the sum of $2000 00 his damages so as aforesaid sustained" inclusive, was argued by counsel and submitted to the Court; On consideration whereof the Court sustain said motion and it is ordered that said matters be stricken from said answer and cross petition as asked for in said motion. 4906

4873 William Whitley Plaintiff
vs.
John J. Finley et al. Defendants

This day this cause came on to be heard upon motion of defendant R. R. Beer for leave to file an amended answer which motion was sustained by the Court and said leave was granted 4436
to said defendant to file an amended answer instanter.

4779 Martin & Wyckoff
vs
J. M. Sanders

This cause is settled by agreement of parties. Defendant is to pay all costs made before J. P. and in this Court. It is therefore considered & adjudged by the Court that said defendant J. M. Sanders pay all of said costs taxed to $

4783 Sarah Moses
vs.
Wm Grubb et al.

This day this cause came on for hearing upon the demurrer 4876
of the defendant R. H. White to plaintiffs petition and was argued by counsel and submitted to the Court. Whereupon the Court being fully advised in the premises does overrule said demurrer. And leave is given defendant to 4867
answer instanter and same filed.

Thereupon Court adjourned until tomorrow morning at 8-30 o'clock

Saturday, October 31st, 1885.

Court convened this A.M. pursuant to adjournment the same Officers being present as on yesterday.

4906 Alice Gibson et. al. vs. Albertus Longnecker et. al.

On motion leave is given to Daniel A. Longnecker to file an answer in thirty days setting away his life which he may have on this land.

4436 Powell & Fulton vs. Dennis Parsons

October Term 1885
Judgment on Default.

And now comes the said Powell and Fulton and the said Dennis Parsons having failed to demur or answer to the petition of the said Powell & Fulton the same is therefore taken to be true; and it is considered that the said Powell & Fulton, plaintiffs, ought to recover the said sum of $175.00 so demanded in their petition together with the sum of $33.03 which the Court find due as the interest thereon to the first day of this term of Court as prayed for in said petition; it is therefore considered that the said plaintiffs recover against the said defendant the said sum of $208.03 together with their costs in and about this suit expended, taxed to $

4876 Lanna Cole vs. Joshua Cole.

Divorce & Sec. P. 536.

4867 Lenora McCafferty Plaintiff
against
James McCafferty, Defendant

Now came the plaintiff and the defendant having had due and legal notice of the pendency of this petition by publication in the Marysville Times and having failed to appear the Court find him in default for answer or demurrer to said petition, and find that the allegations thereof are confessed by him to be true. The Court also find that plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and was at that time a bona fide resident of this County of Union, and that the parties hereto were married as in said petition set forth. The Court further find upon the evidence adduced, that the defendant has been guilty of gross neglect of duty as charged by the plaintiff in her petition and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Lenora McCafferty and James McCafferty be, and the same hereby is dissolved and both parties are released from the obligations of the same.

It is further ordered that the petitioner be and she hereby is restored to her maiden name of Nora Brooks. It is also ordered that the plaintiff pay the costs herein taxed at $

Saturday, October 31st, 1885.

4887 — Julia T. Bell, Plaintiff vs. Daniel Lee, Defendant — In Dower. — 4713

This day this cause came on for hearing upon the return of the sheriff and of the Commissioners herein, of their proceedings in the assignment of dower under the former order of this Court and on motion to confirm the same and the Court being fully advised in the premises find said proceedings and assignment of dower in all respects in conformity to law and hereby approve and confirm the same. It is therefore ordered and decreed that the said Julia T. Bell have, hold and possess the lands so assigned, to-wit:- Beginning at a stake in the centre of the Delaware and Bellefontaine Road and south east corner of lands owned by George Hill, thence with the east line of said lands N. 9° E. 56 7/100 poles to a stake, thence S 81° E 78 poles to a stake, thence S 9° W. 57 poles to a stake in the center of said Delaware and Bellefontaine Road, thence with the centre of the same N. 81° W. 38 poles to a stake, thence continuing with the center of the same N. 80½ W. 40 poles to the beginning, Containing 27 acres and 120 poles - the rails in the fence on and near the North line are to be used for a line fence as far as they will go for that purpose as and for her reasonable dower in the premises. And the Court further find that no resistance was made to the petition of plaintiff. It is therefore ordered and adjudged that the said Julia T. Bell pay one third of the costs herein made and that the said Daniel Lee pay two thirds thereof and in default of said payments that execution issue therefor. — 4379

4796 — Andrew J. Smith Plaintiff vs. George W. Longbrake, Defendant — Jury Trial

This day came the parties by their attorneys, and this cause came on to be tried; and thereupon came a jury to-wit:- James W. Hoyle, R. Mayfield, S. B. Childs, Oliver Shaw, R. W. Evans, J. O. Herd, A. H. Minthorn, John Hendrix, John Nicely, J. R. Taylor, Jacob Hutchinson and Joseph Hutchinson who, being duly impannelled and sworn to well and truly try the issue, joined between the parties in this cause and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court; and after hearing the testimony arguments of counsel, and charge of the Court, the said jurors, retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit:-

State of Ohio, Union County, ss. — October Term A.D. 1885. To-wit Oct. 31st, 1885.

A. J. Smith Plaintiff vs. Geo. W. Longbrake, Defendant — Civil Action — Verdict.

We the Jury in this case, being duly impanelled and sworn do find and say that we find for the plaintiff and assess his damages in the sum of $ 80. 62/100 — 4958

J. R. Taylor, Foreman.

Saturday, October 31st 1885.

4715 — Merlin Benton, Plaintiff vs. Wm. M. Haines, Defendant.

This day came the parties and submitted this case to the Court and waived a trial by Jury, whereupon neither party submitted any testimony but both admitted that nominal damages should be given the defendant if the Court find for the defendant. Whereupon the Court find for the defendant that he hath the right of the possession of said property and assess his damages at one cent. Whereupon it is considered, ordered and adjudged by the Court that defendant recover of the plaintiff one cent his damages and the costs of this action taxed at $. No. Record

4579 — George B. Carpenter vs. Fred Stukey et. al.

This day came on this cause to be heard on the motion to confirm sale and the Court being fully advised in the premises do find all the proceedings in respect to said sale regular and lawful and the Court order and adjudge that the same be approved and confirmed and that the Sheriff of this County execute to said purchaser George B. Hamilton a deed in fee simple for said 100 acres of land so sold him. And the Court further order that Henry W. Marriott Receiver proceed to sell at public sale on such time as he thinks best all his share of the crop on said farm and return to this Court his proceedings as Receiver as soon as possible. And the Court order that the sheriff out of the proceeds of said sale first pay all the costs in this cause except $28 50/100 costs made on the order of sale dated Oct. 23rd 1884 and that he also pay the taxes due on said land amounting to $207 53/100 and third that out of said money he pay the claim of the plaintiffs as heretofore decreed amounting to $ And that the further desterbution of said proceeds be postponed until the report of the Receiver be filed. And it appearing that Henry Newcomerster the holder of the junior mortgage on said land caused the sale to be set aside which was made on said order dated Oct. 23rd 1884 on the ground that the land sold to sell for more money, and it appearing that said land sold for less money instead of more the Court find that said Henry Newcomerster should pay the $28 50/100 costs made on said order of sale. It is therefore considered, ordered and adjudged by the Court that said Henry Newcomerster within ten days pay said $28. 50/100 costs and in default thereof that execution issue therefor as upon judgment at law and as to the matter of attachment against Fred Stuky and for further desterbution this case is postponed for further action

7958 — Elizabeth Lee Plaintiff vs. Jacob C. Lee, Defendant

In Union Common Pleas
Injunction Allowed.

Oct. 31st 1885. An injunction is allowed as prayed for in the petition in the above entitled case, until the further order of Court. And the plaintiff is not required to give bond.

(signed) John A. Price, Common Pleas Judge

Saturday, October 31st, 1885.

4876 Launa Cole vs. Joshua Cole

This day this cause came on to be heard upon the petition of plaintiff and the evidence, and the Court being fully advised in the premises do find that the defendant was duly served with process & legally made a party defendant herein, and that the plaintiff at the time of filing her petition had been a resident of the State of Ohio for more than one year next preceding said filing, and was at that time a bona fide resident of said County of Huron and that the parties hereto were married as in said petition set forth, to-wit, on the 11th day of January 1869.

And the Court further find upon the evidence adduced that at the time of said marriage between the parties hereto, that the said Joshua Cole had a former wife then living and from whom he had not been divorced and who was then his legal wife. It is therefore considered, adjudged and decreed that said marriage contract between the said parties hereto be and the same is hereby declared ab initio null and void, and of no force and effect to bind either of said parties, and the same is hereby dissolved, set aside and held for nought and the parties hereto released from the obligations of the same and that the plaintiff be restored to her former name of Launa Gibson. And it is further ordered and adjudged that the plaintiff pay the costs herein taxed at $ and in default of payment that execution issue therefore.

4885

4633 Sarah E. Graham vs. Wm Graham et al } Leave to Reply instanter

Thereupon Court adjourned until Monday P. M. at one thirty o'clock.

Monday, November 2nd 1885.

Court convened this P.M. pursuant to adjournment Judge Norris, Sheriff Hopkins & J.M. Broderick Pros. Atty. being present.

Attest J. Q. Burgner Clerk

Margaret A. Widner Plaintiff

vs.

1885 Eliza J. Daugherty et. al. Defendants

This day this cause came on for hearing and the defendants being in default for answer or demurrer and the Court being fully advised in the premises the Court find that the said Hiram Daugherty was in his lifetime seized in fee simple of the real estate and premises described in the petition and that the plaintiff is the widow of the said Hiram Daugherty deceased, and that she is entitled to have her dower in said premises assigned and set off to her as prayed in her said petition. It is therefore ordered adjudged and decreed by the Court that the said plaintiff be endowed of one full equal third part of the premises described in the petition and that a writ issue to the Sheriff of Union County commanding him that by the oaths of A. S. Mowrey, Samuel Scott and three judicious disinterested men of the vicinity in the said County who are not of kin to either of the parties and who are hereby appointed Commissioners for that purpose he set off and assign such dower to said plaintiff according to law And that of such proceedings together with the said Commissioners appraisement of the yearly net value of said real estate estimated from the 1st day of November 1884 to the day of such assignment of dower the said Commissioners and the said Sheriff make return without necessary delay. Also for said Sheriff and said Commissioners to make and return a brief description of said premises.

Thereupon Court adjourned until tomorrow morning at 8.30 o'clock

Tuesday, November 3rd 1885.

Court convened this A.M. pursuant to adjournment the same officers being present as on yesterday.

4958 Elizabeth Lee, Plaintiff
vs.
Jacob C. Lee, Defendant

Court of Common Pleas, Union County, Ohio
Order of Attachment

4958

On motion of the said Elizabeth Lee by her attorneys founded upon an affidavit produced, and it appearing to the Court that the said Jacob C. Lee has been guilty of a breach of the injunction of this Court heretofore granted in this cause, it is ordered that an attachment issue in this action against the said Jacob C. Lee to the Sheriff of this County commanding him to attach the said Jacob C. Lee for his contempt and to have him forthwith before this Court to answer for the said contempt.

4855 Olive B. Funston, Plaintiff
Against
Thomas J. Funston, Defendant

4782

Now came the plaintiff and the defendant having been duly served with Summons and a copy of the petition herein and having failed to appear the Court find Thomas J Funston in default for answer and demurrer to said petition and find that the allegations thereof are confessed by him to be true. The Court also find that the plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and was at that time a bona fide resident of this County of Union and that the said parties hereto were married as in said petition set forth.

The Court further find upon the evidence adduced that the defendant has been guilty of gross neglect of duty in failing to provide plaintiff with the common necessaries of life and has abandoned her and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Olive B. Funston and Thomas J. Funston be and the same hereby is dissolved and both parties are released from the obligations of the same. It is further ordered that the plaintiff pay the costs of this proceeding.

Thereupon Court adjourned until Tomorrow morning at 8:30 o'clock

Wednesday, November 4th, 1885.

Court convened this A.M. pursuant to adjournment the same officers being present as on yesterday.

4958 Elizabeth Lee, Plaintiff vs. Jacob C. Lee, Defendant. } Divorce and Injunction on attachment for Contempt of Court.

Now comes the said Jacob C. Lee in custody of the Sheriff, and admitted that he had disobeyed the Injunction of the Court, But claimed that he did not at the time understand clearly what he was injoined from doing, and did not intend to disobey. Whereupon the Court find that he was guilty of a Contempt of Court as charged. It is therefore adjudged by the Court that the said Jacob C. Lee pay the costs of this prosecution, and execution is awarded therefor.

4783 Sarah Moses et. al. vs. Wm Gubbs et. als }

This day this cause came on to be heard upon the demurrer of the defendant R. H. White to plaintiffs reply to said Whites second and third ground of defense and was argued by Counsel and submitted to the Court. Whereupon the Court being fully advised in the premises does sustain said demurrer to all of which rulings and decisions of the Court the plaintiff then and there excepted leave was granted to plaintiff to amend within thirty days from the close of this term of Court.

Thereupon Court adjourned until tomorrow morning at 8-30 o'clock.

Thursday, November 5th, 1885.

Court convened this A.M. pursuant to adjournment the same officers being present as on yesterday.

W. A. Ballinger, Plaintiff
vs.
W. H. Turpie et al. Defendant.

Jury Trial.

This day came the parties by their attorneys and this cause came on to be tried; and thereupon came a Jury, to-wit:- Jacob Hutchinson, Joseph Hutchinson, John R. Taylor, James W. Kyle, John S. Price, John Moore, R. W. Evans, S. B. Childs, R. Mayfield, Oliver Shaw, John Hendrix, A. M. Merithom who, being duly empannelled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel, and charge of the Court the said jurors retired to their room to deliberate upon their verdict, and after due deliberations returned into open Court and presented their verdict in writing, in the words and figures following, to-wit: 45-90

Civil Action. Verdict.

The State of Ohio, Union County, ss. October Term A. D. 1885.

To-wit: November 5th 1885.

Wm. A Ballinger Plaintiff vs. Wm. H. Turpie et al. Defendants

We, the jury in this case, being duly impanneled and sworn do find for the plaintiff in the sum of $93.$^{10}/_{100}$

John Moore Foreman

4916

Thereupon Court adjourned until tomorrow morning at 8-30 o'clock.

Friday, November 6th 1885

Court convened this A. M. pursuant to adjournment the same officers being present as on yesterday.

Peleg Cranston } Motion to appoint Auctioneer

This day came Peleg Cranston by his attorneys Robinson & Piper and move the Court for an appointment of himself to exercise the occupation of Auctioneer in the said County of Union. And the Court being fully advised in the premises do appoint said Peleg Cranston as such Auctioneer for the term of one years from this date and the Court direct the Clerk of this Court to issue to said Peleg Cranston a proper license for such occupation upon the compliance of the said Peleg Cranston with the Statutes in such case made and provided.

45-90 Florence A. Smith, Plaintiff vs. Wm O. Smith, Defendant. } Court of Common Pleas, Union County, Ohio.

This day came the plaintiff and the defendant having been duly served with summons and a copy of the petition herein and having failed to appear the Court find him in default for answer and demurrer to said petition and find that the allegations thereof are confessed by him to be true. The Court also find that the plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and was at that time a bona-fide resident of this County of Union and that the parties hereto were married as in said petition set forth. the Court further find from the evidence adduced that the defendant has been guilty of extreme cruelty towards plaintiff and has also been guilty of gross neglect of duty towards her and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Florence A. Smith and William O. Smith be and the same hereby is dissolved and both parties are released from the obligations of the same. It is further ordered that the custody care and education and control of the said child Elisa of the parties hereto, be until further order confided to the said plaintiff exclusively and the defendant is hereby enjoined from interfering in any manner with said child or with the custody of said child or from visiting it until further order of Court and it is further considered by the Court that the said Plaintiff pay the costs of this proceeding and execution is awarded.

4916 The Farmers Bank, Plaintiff vs. James A. Henderson, Defendant. } Court of Common Pleas, Union County, Ohio.

This day this cause came on to be heard, and thereupon came the plaintiff by its attorney and the defendant being in default for answer and demurrer, the Court find that the allegations of the petition are confessed by him to be true and that he is

Friday, November 6th 1885.

indebted to the plaintiff in the sum of One hundred and ninety dollars and seventy cents with eight per cent interest from October 19th 1885.

It is therefore considered and adjudged by the Court that the said plaintiff recover from the said defendant the said sum of One Hundred and Ninety Dollars and Seventy Cents ($190 70) with interest thereon at the rate of eight per cent from October 19th 1885 and his costs herein expended, taxed at $

4932

4932

4932

Monday November 9th 1885

Court convened this P. M. pursuant to adjournment the same officers being present as on Friday.

4932 E. C. Williams Plaintiff vs. Charles Eugene Lemay et al. Defendants } Court of Common Pleas Union County, Ohio.

It appearing to the Court that the defendants Lewis Addison Lemay and Charles Eugene Lemay are both minors under the age of fourteen years, and together with their guardian, have had legal notice of this action and have entered their appearance herein, on motion of plaintiff Jno. M. Brodrick is hereby appointed guardian for the said for said minor defendants. And now comes the said Jno. M. Brodrick and in open court accepts said appointment

4932 E. C. Williams Plaintiff vs. Chas. Eugene Lemay et al. Defendants } Court of Common Pleas Union County Ohio.

Answer of Guardian ad litem

And now come Lewis Addison Lemay and Charles Eugene Lemay by Jno. M. Brodrick their guardian ad litem and for answer to plaintiffs petition say they know nothing of the allegations of plaintiffs petition and demand proof of same, and ask that their rights in the premises be protected by the Court.

John M. Brodrick Guardian ad Litem &c

4932 E. C. Williams, Plaintiff vs. Chas. Eugene Lemay et. als Defendants }

And now came the said E. C. Williams by A. T. Carpenter his attorney and thereupon this cause came on to be heard upon the petition, answer of the infant defendants by their guardian ad litem, and the evidence and was argued by Counsel, on consideration whereof the Court do find that due and legal notice of the pendency of this action has been given to all the parties herein and that all of said parties have duly waived service of summons and entered their appearance herein and the Court do further find that the said E. C. Williams has a legal right to and is seized in fee simple of one undivided one half of the said premises; and the Court do further find that the said Charles Eugene Lemay and Lewis Addison Lemay are tenants in common in said premises with the said E. C. Williams and are each entitled to one undivided one fourth part thereof.

It is therefore ordered that a writ of partition issue to the sheriff of said County of Union commanding him that by the oaths of Jas. M. Tillon, John Mitchell and A. D. Doolittle partition be made of said lands in the following proportions, to-wit:

To the said E. C. Williams one half part; To the said Chas. Eugene Lemay one fourth part and to the said Lewis Addison Lemay one fourth part.

Monday November 9th 1885

And it is further ordered that the Sheriff return this proceedings in the premises forthwith.

S. J. Wooley Plaintiffs
vs.
E. L. Kilbury et. al Defendants

7682

Money Only.

4508

And now came the parties hereto by their attorneys and the said P. P. Kilbury now admitting that he is indebted to the plaintiff in the sum of one hundred and seventy-five dollars with interest from this date:- It is considered by the Court that the plaintiff S. J. Wooley recover from the defendant P. P. Kilbury the sum of one hundred and seventy five dollars so admitted to be due with interest from this date (this amount includes the judgement rendered against E. L. Kilbury at last May term of this Court) together with his costs in this behalf expended taxed to $

4932

4933

Thereupon Court adjourned until to morrow morning at 8 1/2 o'clock.

Tuesday, November 10th 1885

Court convened this A. M. pursuant to adjournment the same officers being present as on yesterday.

45-08

S. B. Woodburn et. al. Plaintiff
vs.
W. M. Liggett et. als Defendants

Court of Common Pleas, Union County, Ohio.

This day came the parties and agreed to a settlement of this cause as follows:- The treasurer is to pay the sum of $36.$^{3-3}_{100}$ on the order of refund described in the petition and the plaintiffs agree to pay the costs and this to be a complete settlement of the matters arising on said claim for refund by George Beecher. No record to be made. It is ordered by the Court and by consent of parties that said injunction be dissolved and that treasurer pay said Beecher said sum of $36.$^{4-3}_{100}$ and that plaintiffs pay the costs herein taxed to $ and in default of payment execution issue therefor.

This day on good cause shown the Court deeming it necessary do order the Sheriff to call together on next Wednesday at 8-30 o'clock A. M. November 11th 1885, a new Grand Jury from the bystanders or neighboring citizens of fifteen good and lawful men having the qualifications of a Grand Juror.

4932

E. C. Williams, Plaintiff
vs.
Chas. E. Lemay et. al. Defendants

Sheriffs Return and Com. Report approved and confirmed
Decree for Order of Sale.

On motion to the Court by A. T. Carpenter counsel for petitioner, and upon producing the return of the Sheriff and the report of said Commissioners heretofore appointed and the same having been examined by the Court here, and found in all respects correct and in conformity to law; it is hereby ordered that the said proceedings and report be and the same is, hereby approved and confirmed; and thereupon neither of said parties electing to take said premises at the said valuation, it is ordered that the said premises be sold at public sale by the sheriff of said County of Union according to law and that he return his doings in the premises as soon as said sale is made to which time this action is continued.

4933

Bank of Richwood Plaintiff
vs.
Jacob Schurch et. al. Defendants

Entry
Judgment vs. Jacob Schurch for $513.$^{27}_{100}$ and Costs

This cause now coming on for hearing on the Petition and the evidence the Court find that the defendant Jacob Schurch and Elizabeth Schurch his wife have been duly served with summons in this case and that they are in default for answer and demurrer and that the allegations of the petition are thereby confessed by them to be true- and that there is due the plaintiff from the defendant Jacob Schurch on the promissory notes set forth in the petition with

Tuesday, November 10th, 1885.

interest to the date of this decree the sum of $5-13.29. The Court further find that in order to secure the payment of said notes the defendants Jacob Schench and Elizabeth Schench his wife executed and delivered to said John Moore their certain mortgage as in the petition described and on the premises therein described, that said mortgage was duly recorded in Book No. 18. Page 12 of the Records of Mortgages of Union County, Ohio and is the first and best and a valid lien on the premises described in said petition and that the conditions in said mortgage have been broken and that the plaintiffs herein are the legal owners and holders of said notes and mortgage and entitled to have said mortgage foreclosed. It is therefore considered by the Court that the plaintiff recover from the defendants Jacob Schench the said sum of $5-13.29 and their costs herein expended and it is further adjudged and decreed that unless the defendant Jacob Schench 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 plaintiffs herein the sum so found due as aforesaid with interest from the date of this decree the Defendants equity of redemption be foreclosed and said premises be sold and that an order of sale issue therefor to the Sheriff of Union County, directing him to appraise, advertise and sell said premises as upon execution and report his proceedings to this Court for further order

4490 George T. Dilsaver Plaintiff vs. Thomas P. Gratty et.al. Defendants } Judgment vs. T. P. Gratty and A. J. Blake for $230.00 & Costs

This day this cause came on to be heard upon the supplemental petition filed herein and upon motion of the Plaintiff for judgment, the Court being fully advised in the premises and the defendants still failing to answer or demurrer to the petition and supplemental petition, the Court finds there is due the plaintiff on the Bank certificate set out in said petition - after deducting the amount alleged to have been paid thereon, in the supplemental petition the sum of $230.00 with interest from October 19th 1885. Whereupon it is ordered and adjudged by the Court that the plaintiff recover of the defendants, T. P. Gratty and A. J. Blake said sum of $230.00 the same to bear interest from October 19th 1885 and costs - taxed to $

4700 Wm. A. Ballenger vs. Wm. Turpie et. al. } See Page 548

4700 Wm. A. Ballenger vs. Wm. Turpie et. al. } See Page 566

4803

Thereupon Court adjourned until tomorrow P. M. at 1-30 o'clock.

Wednesday November 11th 1885.

Court convened this P.M. pursuant to agreement Judge Price, Sheriff Hopkins, Pros. Atty Broderick being present. 1.30 o'clock

Attest J. Q. Burgner Clerk.

It being deemed necessary the Court having heretofore ordered the Sheriff to call together a new Grand Jury by summoning from among the bystanders or neighboring citizens fifteen good and lawful men having the qualifications of grand jurors:- Whereupon the following named persons were called and appeared in answer thereto, to-wit:-

1. John Wiley
2. Wm H. Robb
3. John Habensack
4. Byron Robinson
5. William S. Smith
6. J. H. Deane
7. Mc Donald Thompson
8. A Muelenbrach
9. W. H. Miller
10. Dwight Webb
11. John Thompson
12. O. F. Mc Kitrick
13. A. D. Doolittle
14. John A. Phillips
15. John H. Shearer

And the Court appointed John H. Shearer Foreman of the Grand Jury and he with his fellow jurors took the oaths in manner and form as prescribed by law and the said jury being instructed by the Court in relation to their duties were conducted to their room attended by the Sheriff.

This day appeared at the bar of this Court the Special Grand Jury heretofore impaneled and sworn in and for the body of the County aforesaid, viz:- John Wiley, Wm H. Robb, John Habensack, Byron Robinson, William S. Smith, J. H. Deane, Mc Donald Thompson, A. Muelenbrach W. H. Miller, Dwight Webb, John Thompson, O. F. Mc Kitrick, A. D. Doolittle John A. Phillips, John H. Shearer and presented their certain Bills of Indictment against Lizzie Smith for Petit Larceny, Jesse Mayo, for Assault and Battery, and Edward Madden for House breaking and Grand Larceny; Each indorsed:- "A True Bill" "John H. Shearer Foreman of the G. J."

And there being no further business for the said jury they were discharged finally.

4803 Capitola Hunt vs. Edward Leonard

This day this cause came on to be heard upon the motion of the defendant to continue the same - same submitted to the court for consideration whereof the said motion by consent is sustained and the case continued. Motion by defendant to require the plaintiff to secure the costs herein by consent is overruled.-

Wednesday, November 11th 1885

costs of the term to be taxed to defendant at $. It is therefore considered and ordered that the plaintiff recover her costs herein taxed $

4967 The Peoples Bank (of Marysville, O.
vs.
Isaiah Cartmell, John T. Cartmell and Eliot Cartmell

This day came the Plaintiff by A. T. Carpenter Attorney, and thereupon came John W. Brodrick one of the Attorneys of Record of this Court who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered a appearance of said Defendant herein, and by virtue of the same warrant of Attorney confesses that there is due from said Defendant to said plaintiff as is alleged in said plaintiffs petition, the sum of $113.35. It is therefore considered that said Plaintiff do recover of said Defendant the said sum of $113.35 as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived. 4878

4700 Wm. A. Ballenger
vs.
Wm. Turpin et. al.

November 10th 1885.
Continued from Page 546.

This day came on this cause to be heard on the motion of the plaintiff filed after the rendition of the verdict to strike out the word "payment" (which was by agreement inserted after the evidence was all in instead of counter claim or set off) from the defendants second defence of their answer and the Court sustains said motion on the ground that it is inconsistent with the first defence of said answer in that the said second defence alleged part payment but said that the plaintiff had consented to the amendment of said answer being made without a new verification of the same, and thereupon the defendants to remove the claim of inconsistency between the two defences asked leave of the Court to amend the first defence by admitting the contract but denying that the stable built put the contract or was worth $100. &c as claimed but the Court overruled said application on the ground that said amendment would substantially change said defence, and sustained the said motion to strike out the word payment to all of which rulings and judgments of the Court the defendants excepted and pray a bill of exceptions which is allowed. 4558

Geo. Rodgers

Thereupon Court adjourned until tomorrow A. M. at 8-30 o'clock.

Thursday, November 12th 1885.

Court convened this A.M. pursuant to adjournment, the same officers being present as on yesterday.

The Directors of the Union County Farmers Insurance Company Ex-Parte

4787½

On motion to the Court by Lo. H. Bechtel and Isaac Cahill Receivers in this case. They are hereby allowed one year further time to collect the claims in favor of the said company and settle up its affairs and their report is hereby confirmed.

Ross Townsend, Plaintiff
vs.
Sarah Blue and David Blue Defendants

4878

This day this cause came on to be heard upon the petition and the evidence (the defendants failing to demur or answer,) and was argued by counsel and submitted to the Court. Whereupon the Court being fully advised in the premises do find from the evidence that said Sarah Blue signed sealed and acknowledged the deed described in plaintiffs petition and she thereby released her dower in the said premises described in plaintiffs petition as therein alleged and that she has now no interest in or or right or title to, said lands, and the Court finds from the evidence that the allegations in plaintiffs petition are true. It is therefore ordered adjudged and decreed by the Court that the title of the plaintiff be quieted as to the dower right therein of said Sarah Blue and that said Sarah Blue be perpetually enjoined from asserting or attempting to assert any claim thereto. It is further ordered that the plaintiff pay the costs of this action taxed to $ within 10 days or that execution issue therefor.

Clara Moffitt Plaintiff
vs.
James O. Gamble et al Defendants

43-5-8

This day came the parties by their Attorneys and submitted this cause to the Court upon the pleadings and evidence. On consideration whereof the Court finds that the lease mentioned in the Answer of James Imy and the claim for dower mentioned in the Answer of Carrie Gamble (now intermarried with Parmeter) in no wise effect the portions of the heirs of Lucy Rodgers in said lands. But that the said plaintiff Clara Moffitt, Dora Rodgers Hen. Rodgers, Ella Rodgers, Delpha O Rodgers, James Rodgers, and Aaron Rodgers are each seized in fee simple clear of all claims of the one undivided Forty eight part of said lands in the petition described. The Court further find that the said Robert Gamble Sr. after executing the lease mentioned in the answer of James Imy conveyed the remaining portion of said lands to George Gamble who is seized in fee simple of the six sevenths of said lands. The Court find that the facts stated in the answer of James Imy are true and that the term of his lease as to

Thursday, November 12th 1885.

quiet enjoyment have been broken and that upon surrendering up said lease and his claim to the $200.00 already paid he is entitled to have the said notes executed by him and now in the hands of said Edward M. Porter Administrator, delivered up to him and cancelled.

The Court further finds that said Carrie Hamble has filed her answer claiming dower but waiving the right to have it set off by metes and bounds and asking that if said lands are sold they be sold free of dower and her rights whatever they may be asserted in the distribution. Therefore the Court at this time makes no finding as to said dower claim but leaves the same open for settlement on distribution. It is therefore ordered and adjudged by the Court that the lease of said James Guy be and the same is hereby cancelled and the said Edward M. Porter Administrator is ordered to deliver up to said James Guy the said notes executed in consideration of said lease, and that when said wheat that is now growing upon the said land is harvested said Guy have the usual tenants share. It is further ordered and adjudged that partition of said lands be made, to the said children of Lucy A. Rodgers each 1/9 part thereof and to said George Hamble 2/9 parts thereof (that the part set off to said George Hamble if said lands are divided be subject to whatever claim of dower if any the said Carrie Hamble may hereafter make appear) And that an order issue to the Sheriff of said County commanding him that by the votes of Benj. Hammarlt, W. L. Howey and E. G. Sexton three judicious disinterested free holders of the vicinity who are hereby appointed commissioners for that purpose he cause to be set off and divided to the plaintiff and the other children of said Lucy A. Rodgers and the said George Hamble the parts and proportions of the said lands to which they are hereinbefore severally found entitled

And it is further ordered that if in the opinion of said commissioners said premises can not be divided by metes and bounds without injury to the value thereof they appraise the same free of the claim of dower of said Carrie Hamble. And of his proceedings herein the said sheriff is ordered to make due return without unnecessary delay. Nov. 11th 188

4874

Isaac Brodrick Jr. et al.
vs.
J. J. Miller et. al.
And
F. S. Giddings et. al.
vs.
J. J. Miller et. al.

4880

4928

Consolidated.

For Foreclosure.

This cause now coming on for hearing on the petition of the plaintiffs F. S. Giddings and others and the evidence, the Court find that the defendants J. J. Miller and Nancy J. Miller have been duly served with summons in this case and that they are in default for answer and demurrer and that the allegations of the petition of F. S. Giddings et. al. are by the said defendants confessed to be true and that there is due the plaintiff F. S. Giddings et al. from the defendant J. J. Miller on the three first notes in the petition described as principal the sum of four thousand and twenty-six dollars ($4026.00) and as interest on the five notes in the petition

Thursday, November 12th, 1885.

described upon to Oct. 1st 1885, three years 6% payable annually the sum of three hundred sixty-two and 28/100 dollars ($362.28/100) making sum due October 1st 1885, Thirteen hundred eighty-eight and 28/100 dollars ($1388.28/100) The Court further find that in order to secure the payment of said notes the defendants J. J. Miller and Nancy J. Miller his wife executed and delivered to said plaintiff as Smith Giddings & Co. their certain mortgage as in the petition described and on the premises therein described that said mortgage was duly recorded in Book No. 18 on page 528 of the record of mortgages of said Union County, and is a good and valid lien on the premises in the petition described, and that the conditions in said mortgage have been broken. It is therefore considered by the Court that the said plaintiffs Smith Giddings and Co. recover from the defendant J. J. Miller the said sum of Thirteen hundred Eighty Eight and 28/100 dollars ($1388 28/100) with interest from October 1st 1885, and their costs herein expended taxed to $ And it is further adjudged and decreed that unless the defendant J. J. Miller shall within ten days from the entry of this decree pay or cause to be paid to the Clerk of this Court the costs in this case and to the plaintiffs herein the sum so found due as aforesaid with interest from October 1st 1885 the defendants equity of redemption be foreclosed and said premises be sold and that an order of sale issue therefor to the Sheriff of Union County directing him to appraise advertise and sell said premises as upon execution and report his proceedings to this Court further order.

Nov. 11th 1885

J. B. Norris Plaintiff
vs.
Elizabeth C. Norris, et al. Defendants.
4874

On motion to the Court by the plaintiff and upon producing the return of the sheriff and the report of the Commissioners heretofore appointed herein and the same having been examined by the Court and found in all respects correct and in conformity to law and the former order of this Court, the said proceedings and report are hereby approved and confirmed. It is therefore ordered and decreed that the said Elizabeth C. Norris have and possess the lands so assigned to her as and for her reasonable dower in said premises, and that the other said parties hold in severalty the parts and premises so set off and assigned to each respectively. And it is further ordered that the costs of the action, including a counsel fee of $50.00 to A. T. Barpeler Attorney for services herein taxed at $ be paid by the said parties in the following proportions to-wit:- 1st One third thereof by said Elizabeth C. Norris. 2nd The said J. B. Norris, Sarah A. Jolliff, Jeremiah Norris, Ira Norris and Charles Norris the remaining two thirds thereof, each one fifth part thereof.

And the Clerk is hereby directed to have so much of this decree, as will show the transfer of title to the several parties, put upon record in the office of the Recorder of this County.

Thursday, November 12th 1885

691

Nov 11th 1885.

4688

F. O. Johnson Guardian
vs.
George W. Bacon, et. al.

Court of Common Pleas, Union County, Ohio

This day came the parties and submitted this cause to the Court on the evidence and pleadings and being fully advised in the premises the Court find that there should be no forfeiture of the life estate of George W. Bacon but there should be a just adjustment of the pike assessments on said land between the life tenant and the remainder men and that the defendant Bacon should pay to plaintiff the ordinary tax and interest and penalty and the ditch tax and pay the $43.36 which he received for timber sold since the death of Elizabeth Bacon. In order to so adjust said assessments the Court find that the ordinary tax, interest and penalty on said 29 3/4 acres and the ditch tax and interest and penalty to which said Johnson is entitled to refund (including amounts paid since the sale, to-wit on the 22nd of Dec. 1884) amounts to $51.09 and the timber sold amounts to $43.36 — Total Amount $94.45 — That Geo. W. Bacon has paid pike assessments to the amount of $105.78 for which he should have a refund of 60 per cent, amounting to $63.50 leaving a balance owing by him of $30.95 to plaintiff. That plaintiff paid pike tax Jany. 15" 1884 $27.44 and has paid pike tax Dec. 22" 1884 $6.90 for which said Bacon should refund 40 per cent or $13.73 making a total of $44 68/100 which Bacon should pay plaintiff on full settlement of the taxes paid and the assessments paid and the timber sold. It is therefore ordered and decreed by the Court that the Clerk out of the money deposited in his hands by defendant Geo. W. Bacon pay said plaintiff said sum of $44.68/100 in full satisfaction of his claim as Guardian upon said land for said tax claim and the Court order and decree that said plaintiff deliver to defendant his tax certificate so the land may be transferred to said Bacon and the Court order that of all pike assessments and delinquent pike assessments on said land yet remaining unpaid 40 per cent are to be paid by said Bacon and 60 per cent by the remainder men and the ordinary tax on said land and the penalties thereon are to be paid by said Bacon. And the Court further order that plaintiffs petition so far as it asks for a forfeiture of the said life estate be and the same is dismissed and that the defendant George W. Bacon pay the costs of this cause taxed to $ and in default of such payment for ten days that execution issue therefor as upon judgment at law.

4371

Dennis Cowdy, Plaintiff
vs.
Sardius Ward, Defendant

This day came the parties above named and settled the above entitled case as follows:- The defendant to pay to the plaintiff $212.50, the receipt whereof is hereby acknowledged and to pay the costs herein. It is therefore considered and adjudged that the plaintiff recover of the defendant the costs herein taxed to $

Thursday, November 12th 1885

691 | The State of Ohio vs. Robert Bernhardt. | Indictment for breaking into dwelling house in daytime & Petit Larceny

This day came the prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the sheriff, and his counsel also coming; also came the following named persons as jurors, to-wit:- Jacob Hutchinson, Joseph Hutchinson John R. Taylor, John O. Price, A. K. Swinthorne, R. W. Evans, S. B. Child R. Mayfield, Oliver Shaw, J. D. Reed, John Moore, Moses Thompson, who were duly impanelled and sworn according to law, and the said jury having heard the testimony adduced by the parties, the arguments of counsel and the charge of the Court, retired to their room in charge of the sheriff for deliberation. And afterward came the jury conducted into Court by the sheriff, and returned the following verdict in writing, signed by their foreman to-wit:-

The State of Ohio vs. Robert Bernhardt.

Common Pleas Union County, Ohio. No. 691. October Term A.D. 1885.

Indictment for breaking into a dwelling house in daytime & petit larceny

We, the Jury in this case, find the Defendant Robert Bernhardt Guilty in manner and form as he stands charged in the Indictment and we assess the value of the property stolen at $ 17.25.

And thereupon said defendant is ordered into the custody of the Sheriff to await sentence.

692 | State of Ohio vs. Edward Madden | Indictment for House-breaking and Grand Larceny

This day came the prosecuting Attorney on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and being arraigned upon said indictment for plea thereto saith he is guilty, whereupon said defendant was remanded to jail to await sentence.

Thursday November 12th 1885.

O. W. Dewitt
vs.
Louisa V. Dewitt

This day this cause came on to be heard upon the Answer and Cross Petition of the Defendant-Louisa V. Dewitt, she having been duly served with summons and copy of the petition of the plaintiff herein And upon the evidence the Court find that the plaintiff and said defendant have been residents of the State of Ohio for one year next preceding the filing of the petition herein, and that they are both bona fide residents of Seneca County Ohio, and that the said parties were married as in the petition alleged.

The Court further find upon the evidence adduced that the plaintiff has been guilty of gross neglect of duty towards the said defendant and that by reason thereof the defendant is entitled to a divorce as prayed for in her answer and cross petition. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said O. W. Dewitt and Louisa V. Dewitt be and the same hereby is dissolved and both parties are released from the obligations of the same. It is further ordered that the custody, care, education and control of the said child of the parties hereto be, until further order confided to the said defendant exclusively but it is ordered that the plaintiff have the privilege of visiting said child once each week on Tuesdays between the hours of three to five o'clock P. M. and any violation of this privilege by either party may be reported to the Court; and it is further ordered and adjudged that the plaintiff pay the costs he has made herein taxed to $

And it is further ordered and adjudged that the defendant pay what costs she has made herein taxed to $ And that in default thereof for ten days from the entry of this decree that execution issue therefor.

4859

4968

4701

4889

Friday, November 13th 1885.

Court convened this A.M. pursuant to adjournment the same officers being present as on yesterday.

4859 George A. Fox et. al. vs. George Schneideer

This day this cause came on to be heard on the demurrer of the defendant to the first and second causes of action set forth in plaintiffs petition and the same was argued by counsel and submitted to the Court, on consideration whereof the Court do overrule said demurrer. Thereupon the said plaintiffs by their attorneys asked and obtained leave of the Court to amend their said petition by December 15th 1885 and the defendant to answer thereto by January 15th 1886, and this cause is continued.

4968 The Peoples Bank. Plaintiff vs. J. S. Baldwin, Jesse Daugherty & J. S. Baldwin Jr. Defendants

This day came the plaintiff by A. T. Carpenter Attorney, and thereupon came F. T. Arthur one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said Defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said Defendant to said Plaintiff as is alleged in said Plaintiffs petition, the sum of $174.21. It is therefore considered that said plaintiff do recover of said Defendant the said sum of $174.21 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4701 Addie E. Roffe. vs. N. D. De Good

Court of Common Pleas, Union County, Ohio.

This cause coming on to be heard on the motion of Plaintiff for a re-appraisement of the lands described in the petition and being submitted to the Court said motion is sustained, and a re-appraisement of the said premises is ordered and an order of sale granted.

4889 Eliza Pinney vs. James Pinney

This cause coming on for hearing was submitted to the Court upon the pleadings and evidence: on consideration whereof the Court find that the plaintiff, at the time of filing her petition had been a resident of the State of Ohio for one year next preceding

Friday, November 13th 1885

the same and was at the time a bona fide resident of this County of Union and that the parties hereto were married as in said petition set forth. The Court further find upon the evidence adduced, that the defendant James Pinney has been guilty of gross neglect of duty and cruelty. And that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore 4811
ordered and adjudged by the Court that the marriage contract heretofore existing between the said Eliza Pinney and James Pinney be and the same hereby is dissolved and both parties are released from the obligations of the same. It is further ordered that the custody, care, education and control of the said children of the parties hereto be, until further order, confided to the said Eliza Pinney exclusively. And that James Pinney is hereby enjoined from interfering in any manner with either of said children, or with the said Eliza Pinney in the care education and control of them. It is further concluded by the Court that the said plaintiff pay the costs of this proceeding and execution is awarded.

W. L. Hagen, Plaintiff
vs.
W. Hopkins, Defendant. 4752

This day came the plaintiff herein and filed a transcript of the proceedings and judgment of W. M. Winget a Justice of the Peace in and for Union County in a certain action between the above named parties from which it appears that on the day of 1885 a judgment was rendered by said justice in favor of this plaintiff and against this defendant for the sum of $ the costs of suit and that the right of property and possession of the property replevined was in said plaintiff; from which judgment the said W. Hopkins defendant appealed. And it appearing to the Court that the appelant has failed to deliver a transcript of the proceedings and judgment aforesaid to the Clerk of this Court and cause his appeal to be docketed within the time required by law and the said W. L. Hagen now here electing to have his judgment entered in this Court. It is therefore considered by the Court that the said W. L. Hagen recover from the said W Hopkins the said sum of $ the costs of suit aforesaid together with his costs herein in this Court expended taxed at $ and execution is awarded therefore 4873

35-14
Francis G. Lockwood
vs.
Cook, Morse & Co.

This day this cause came on to be heard on the defendants motion to dismiss this cause for the reason that plaintiff hath not complied with the order of the Court requiring plaintiff to give security for costs. Whereupon it appearing to the Court that plaintiff hath removed from the State of Ohio and hath become non-resident of this County since the action was brought and that the plaintiff hath refused and still refuses to comply with the order of the Court to give security for costs herein and therefore it is considered ordered and adjudged by the Court that this cause be and the same is dismissed at plaintiffs costs, and it is considered and adjudged by the Court that defendants recover 4974

of the plaintiff their costs herein expended taxed to $ To all of which orders, rulings and judgment of the Court the plaintiff excepts

Alexander Owen
vs. 4811
Board of Education of York Township

This day again came said parties by their attorneys and the jury heretofore impaneled and sworn; and by consent of parties one of the said jurors is withdrawn from the panel, and the residue of the said jury is discharged from further consideration of the case, and the same is continued at the costs of the defendant. It is therefore considered and adjudged by the Court that the defendant pay the costs of this term of Court taxed to $131.29.

Bowers & Howe
vs. 4752
Geo. Smith

This day this cause came on further to be heard upon the motion of defendant to set aside the verdict, and grant a new trial, was argued by counsel and submitted to the Court. And upon consideration thereof the Court overruled said motion wherefore it is ordered and adjudged by the Court that the plaintiffs recover of the defendant the sum of forty seven and 78/100 dollars with interest from date of verdict and recover his costs herein expended taxed to $ To all of which ruling & judgment defendant excepts and prayed the Court to sign and seal his Bill of Exceptions and make the same a part of the Record which is accordingly done

William Whitley
vs. 4873
John J. Finley et. al.

This day this cause came on to be heard upon the motion of plaintiff to strike out of Defendant Howe's Amended Answer and Cross Petition all the matter commencing with the words "Defendant, that on the 30th day of July he filed with" and ending with the words, "over the claim of plaintiff against this defendant" on consideration whereof the Court sustains said motion and order said matter stricken from said Amended Answer and leave is granted to said defendant Howe to answer in 20 days. to which order of the Court the said defendant excepts.

Edwin Wilber
vs. 4948
James Fullington et. al.

This day came on this cause on the motion of defendants whereupon the Court being fully advised in the premises do sustain said motion to strike out and so much of the motion to make the petition more certain by stating the diverse with which

Friday, November 13th, 1885.

said horse is afflicted and the disease he communicates to process or state a sufficient reason for not so stating the same, to which ruling the plaintiff excepts and thereupon plaintiff obtained leave to file amended petition.

4535-8 | Clara Moffitt vs. James D. Gamble et.al

This cause came on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein and on motion to confirm the same and it appearing from said report that said estate could not be divided by metes and bounds without injury to the value thereof and that said commissioners have made their appraisement of the same free of Dower at Fifty two Dollars and Fifty Cents per acre making a total of $3307.50 The Court finds the said reference and proceedings in all respects correct and in conformity to law and do therefore approve and confirm the same. And thereupon neither of the said parties electing to take the said estate at its appraised value on motion of the plaintiff it is ordered that said estate be sold at public auction free of Dower, and that an order issue therefor to the Sheriff of Union County. And the said Sheriff is ordered to return his proceedings to this Court without unnecessary delay.

4871

693 | The State of Ohio vs. Liggie South | Indictment for Petit Larceny

This day came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant appearing in answer to her recognizance and it appearing that there is not sufficient time at the present term hereof to try said cause; It is therefore considered, ordered and adjudged by the Court that said defendant enter into a recognizance in the sum of one hundred dollars, with sufficient security for his appearance to answer to said indictment at the next term of this Court. Thereupon came the said defendant with Samuel South and entered into recognizance as above set forth.

4879 | J. L. Lewis vs. Mary E. Lewis | Court of Common Pleas, Union County Ohio.

This day this cause came on to be heard upon the motion of the defendants to open up and set aside the decree and judgment heretofore rendered in this action at this the October Term A.D. 1885 thereof and the Court being fully advised in the premises does open up and set aside the decree and judgment as aforesaid To which ruling of the the Court the plaintiff excepts. And the defendants were given until Dec. 1st 1885 to answer to said petition

4601 | Drusilla Opdyke vs. Susan Worline et.al. | This day this cause came on for hearing upon the

4670

Friday, November 13th 1885

evidence to confirm the sale heretofore made in this case and also upon an agreed statement of facts as to distribution of proceeds and the same being submitted to the Court upon the petition of the plaintiff and the answer and amendment thereto of Lewis Dooley, all of the other defendants being in default for answer or demurrer and the Court being fully advised in the premises does find as follows, to-wit:-
First: That said Lewis Dooley had not forfeited his curtesy in said real estate.
Second: That confirmation of said sale may be had subject to the payment of the debts, taxes and costs of this suit and the payment of the claim of W. H. Morey & Co.
Third: That A. H. Beiglatter attorney for the plaintiff to be paid an attorney fee which shall be taxed as part of the costs in this case of $ 28.75/100
Fourth: That after paying all costs, taxes, liens and debts due from the estate of said Mary J. Dooley dec'd. that the residue of said money arising from said sale of said real estate be paid to Lewis Dooley in lieu of his curtesy therein, the same being found due him under the Carlisle Tables, according to the rules thereof as directed by the Court and that a deed thereof be made to purchaser by the Sheriff of Auglaize County, Ohio, in pursuance of the law and the finding of the Court herein.

4871 — Dora Ann Morris Ex'd Dowling Morris vs. Hannah A. Huffman and others. — For Partition

Confirmation of Sheriffs Report

On motion to the Court by the plaintiff and upon producing the return of the Sheriff and the report of the Commissioners heretofore appointed herein and the same having been examined by the Court and found in all respects correct and in conformity to law and the former orders of this Court the said proceedings and report are hereby approved and confirmed. It is therefore ordered and decreed that the said Dora Ann Morris, Hannah A Huffman, Bertis Huffman, Eldon Huffman and Mary Lucy Huffman hold in severalty the parts and premises so set off and assigned to each respectively (the dower of the widow Almira Huffman having been set off to her heretofore by proceedings in this Court) And the Clerk is hereby directed to leave so much of this decree as will show the transfer of title to the several parties first upon record in the office of the Recorder of this County and it is further ordered that the costs of this action including a counsel fee of Eighty-four Dollars ($84.00) to Robinson & Piper for services herein, taxed to $ be paid by the said parties in the following proportions to-wit: Dora Ann Morris one fifth part; Hannah A Huffman one fifth part; Bertis Huffman one fifth part; Mary Lucy Huffman one fifth part; and Eldon Huffman one fifth part.

4670 — Charles Summers vs. Samuel W. Bonnet

This day this cause came on to be heard on motion

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to dismiss for want of security for costs and the Court being fully advised in the premises sustains said motion. It is therefore considered and adjudged that the defendant go hence without day and recover his costs taxed at $

4925

692 | State of Ohio vs. Edward Maddem | Indictment for House Breaking and Grand Larceny

This day came the prosecuting Attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff, the said defendant having heretofore returned a plea of guilty to said Indictment and upon being inquired of if he had any thing to say why sentence should not be pronounced against him and having no good and sufficient reason, it is therefore considered and adjudged by the Court that said defendant be imprisoned in the Ohio Penitentiary and kept at hard labor (but no part of the time in solitary confinement) for the period of Eighteen months and pay the costs of prosecution herein taxed at $ for which execution is awarded.

4931 | J. M. Coleman vs. Geo. W. Fox et al.

This day this cause came on to be heard, and the defendants still failing to answer or demurrer to the petition of plaintiff herein filed the Court find the allegations therein contained are confessed by them to be true, and that said defendants are indebted to said plaintiff in the sum of Two hundred and twenty two and 4/100 dollars with interest thereon at the rate of seven per centum per annum from October 19th 1885. It is therefore considered and adjudged that said plaintiff do recover from said defendants said sum of two hundred and twenty two and 4/100 dollars with seven per cent interest thereon from October 19th 1885 and his costs herein expended taxed at $ and execution is awarded therefor.

4907

4880 | Isaac Broderick Guardian &c. vs. J. J. Miller et al.

This day this cause came on to be heard upon the petition of the said plaintiff and the evidence and the said defendants J. J. Miller and Nancy J. Miller still failing to answer or demurrer to said petition the Court find that the allegations therein are confessed by them to be true, and that there is still due and owing from said defendant J. J. Miller to said plaintiff the sum of Eighty-six and 35/100 dollars with six per cent interest thereon from October 19th 1885. The Court further find that said plaintiff has a valid lien on the premises in said petition described by virtue of the judgment therein set forth. It is therefore considered ordered and decreed by the Court that an order issue to the Sheriff of Huron County Ohio, Commanding him to appraise, advertise and sell said premises as upon execution.

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and bring the proceeds into Court for further order herein.

4925 A. S. Morgridge vs. D. B. Patch et. al.

This day this cause came on for hearing and the defendant D. B. Patch being in default for answer and demurrer the Court find that the allegations of the petition are confessed by him to be true and there is due from him to the plaintiff on the promissory note set forth in said petition the sum of Four hundred and eighty five and 78/100 dollars with eight per cent interest thereon from October 19th 1885;

It is therefore considered and adjudged by the Court that the said plaintiff do recover from the said defendant D. B. Patch said sum of $485.78/100 with eight per cent interest from October 19th 1885. The Court further find that in order to secure the prompt payment of said note the defendant D. B. Patch and Harriet L. Patch, his wife executed and delivered to said plaintiff their certain mortgage as in the petition described, and on the premises therein described; that said mortgage was duly recorded in book 18 page 486 of the Records of Mortgages of Union County Ohio, and is the first and best lien on the premises described in the petition. It is therefore considered and adjudged that unless the defendant D. B. Patch, shall within ten 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 herein the sum so found as aforesaid, with interest from the 19th day of October 1885; according to the terms of said Mortgage deed, the defendants equity of redemption be foreclosed and said premises shall be sold and an order of sale shall issue therefor to the Sheriff of Union County Ohio, directing him to sell said premises as upon execution and bring the proceeds into Court for further order.

Cynthia Evans vs. Alonzo D. Evans 4907

Upon came the plaintiff and the defendant having been duly served with summons and a copy of the petition herein and having failed to appear the Court find him in default for answer and demurrer to said petition and that the allegations thereof are confessed by him to be true. The Court also find that the plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and was at that time a bona fide resident of this County of Union and that the parties hereto were married as in said petition set forth. The Court further find upon the evidence addduced that the defendant has been guilty of habitual drunkenness and gross neglect of duty towards plaintiff for more than three years next preceding the filing of the petition and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the Court that the marriage contract

Friday November 13th 1885

heretofore existing between the said Cyntha Evans and Alonzo D. Evans be and the same hereby is dissolved and both parties are released from the obligations of the same. It is further ordered that the custody, care, education and control of the said children of the parties hereto be, until further order, confided to the said plaintiff exclusively - but it is hereby ordered that the defendant have the privilege of visiting said children once each week on Tuesdays between the hours of 3 to 5 o'clock P. M. and any violation of this privilege by either party may be reported to this Court. And it is further ordered that the plaintiff pay the costs of this proceeding.

4902 Viola Brokaw vs. Wm. Brokaw

Now came the plaintiff and the defendant having been duly served with summons and a copy of the petition herein and having failed to appear the Court find him in default for answer and demurrer to said petition and that the allegations thereof are confessed by him to be true the Court also find that the plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and at that time a bona-fide resident of this County of Huron and that the parties hereto were married as in said petition set forth. The Court further find upon the evidence adduced that the defendant has been guilty of habitual drunkenness and gross neglect of duty towards plaintiff for more than three years next preceding the filing of the petition and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Viola Brokaw and William Brokaw be and the same hereby is dissolved and both parties are released from the obligations of the same. It is further ordered that the custody, care, education and control of the said children of the parties hereto be, until further order confided to the said plaintiff exclusively - but it is hereby ordered that the defendant have the privilege of visiting said children once each week on Tuesdays between the hours of three and five o'clock P. M. and any violation of this privilege by either party may be reported to this Court. And it is further ordered and decreed that the defendant be and he hereby is enjoined from interfering in any manner with plaintiffs rights or setting up any claims of interest in or to any property real or personal of the said plaintiff and that the plaintiff pay the costs of this proceeding. 4478 2 4455

4923 Jennie Tracy vs. Lucy M. Winters et al John F. Winters

This cause coming on for hearing was submitted to the Court upon the pleadings and evidence; on

Friday, November 13th 1885.

consideration whereof the Court find on the issue joined that there is due to the plaintiff from the defendants Lucy M. Winters and John F. Winters on the promissory note set forth in the petition with interest to the 12th day of November 1885, the sum of Two hundred and six and 26/100 dollars. The Court further find that in order to secure the payment of said note the defendants Lucy M. Winters and John F. Winters her husband executed and delivered to said Jennie Tracy the plaintiff their certain mortgage as in the petition described and on the premises therein described. that said mortgage was duly recorded in Book 20 Page 256 of the Records of Mortgages of Union County and is the first and best lien on the premises described in the petition. It is therefore considered and adjudged that unless the defendants Lucy M. Winters and John F Winters shall within ten days from the Entry of this decd pay or cause to be paid to the Clerk of this Court, the costs of this case, and to the plaintiff herein the sum so found due as aforesaid with interest from the 12th day of November 1885. the defendants equity of redemption be foreclosed and said premises shall be sold, and an order of sale shall issue therefor to the sheriff of Union County directing him to sell said premises as upon execution, and bring the proceeds into Court for further orders.

4782 Abram C. Dorey vs. Lewis C. Harper et al.

This cause coming on to be heard this day upon motion of Henry C. Goff to strike the plaintiffs Supplemental petition from the files and upon consideration the same was by the Court overruled. The cause was further heard upon the application of plaintiff for an order nunc pro tunc making Henry C. Goff a party defendant herein and it appearing to the Court that leave was given to make said Henry C. Goff a defendant at the May Term 1885 of this Court and that no entry thereof was made upon the Journal the Court now orders that an entry of said order be made and Henry C. Goff have leave to answer by Nov. 20th 1885.

4455 J. M. Dunn vs. E. G. Rogers

This day this cause came on to be heard on motion to strike name of Rhoads from Amended Petition. Whereupon the Court being fully advised in the premises sustains said motion. Leave given plaintiff to file Amended Petition within thirty days

Friday, November 13th 1885.

Harmon Patch Sr.
vs.
Harmon Patch Jr. et al.

45-42

4669

This day this cause came on to be heard upon the issues joined between the parties, and the evidence and was argued by counsel - Upon consideration whereof the Court find that there is due from the said Harmon Patch Jr. to the said Harmon Patch Sr. on the mortgage described in plaintiffs petition the sum of $853.22. The Court further find that said sum of $853.22 should be reduced by an offset in favor of said Harmon Patch Jr. on his said army money account the sum of $489.28 leaving a balance due to said Harmon Patch Sr. of $363.94 and that this last-named sum is a mortgage lien upon said premises described in plaintiffs petition.

4880

And the Court find that it is a lien on said premises, prior and preferred to the mortgage lien of said J. B. Whelpley - And the Court find that said $363.94 should draw interest from the 4th day of November A. D. 1885. It is therefore ordered, adjudged and decreed that unless the said Harmon Patch Jr. pay said $363.94 within ten days from and after said 4th day of November 1885, to the said Harmon Patch Sr. together with the interest and costs of this action, that an order issue to the Sheriff of this County commanding him to cause said lands and tenements in said petition described, to be appraised advertised and sold according to law and that the proceeds thereof he pay 1st the costs in the foreclosure of plaintiffs mortgage and the costs in the foreclosure of the mortgage of said J. B. Whelpley. 2nd to the satisfaction of plaintiffs mortgage lien $363.94 3rd to the satisfaction of mortgage lien of said Whelpley. 4th If any balance remain that he bring such balance into Court subject to its further order in the premises and that plaintiff have execution for the balance.

And the Court further find that there is due to the said Harmon Patch Sr. from said Harmon Patch Jr. the further sum of $523.46 as the plaintiff hath in his petition and his amendument thereto claimed.

It is therefore considered and adjudged that said Harmon Patch Sr. recover of said Harmon Patch Jr. said sum of $523.46 with interest from November 4th 1884 together with his costs herein taxed to $ And the Court further find that there is due from said Harmon Patch Jr. to the said J. B. Whelpley upon the note and mortgage of said J. B. Whelpley as the said J. B. Whelpley hath in his answer and cross-petition and the amendement thereto claimed, the sum of $300.00 with interest at eight per cent from October 14th 1885 and that said sum and interest is also a mortgage lien upon said premises but postponed to said mortgage lien of said Harmon Patch Sr.

It is therefore ordered and adjudge and decreed that unless said Harmon Patch Jr. within ten days from the 4th day of November 1885 pay to said J. B. Whelpley the said sum of $300.00 with the interest found due as aforesaid, together with his costs of this action —that an order issue to the Sheriff of this County commanding him to cause said lands and tenements in said petition described to be appraised, advertised and sold according to law and the proceeds applied as herein before ordered and that said J. B. Whelpley have execution for the balance due to him.

Friday, November 13th 1885

George M. McBeck.
vs.
4669 Merlin Buxton

The jury in this case having on a former day of this Term brought in a verdict of 25 cts damages in favor of plaintiff and no motion for a new trial having been made it is therefore considered and adjudged by the Court that the plaintiff recover of the defendant said sum of $18 24/100 so found due by the jury together with his costs herein expended taxed to $.

Isaac Broderick Guardian etc.
vs.
4880 J. J. Miller, et al.

This day this cause came on to be heard upon the petition of plaintiff and upon the Answer and Cross petition of the Farmers Bank of Marion, Ohio, and the evidence: And the defendants J. J. Miller and wife still failing to Answer or demurr to the Answer and Cross petition of the Farmers Bank of Marion, Ohio, the Court find that the allegations therein are confessed by them to be true and that there is still due and owing from the defendant J. J. Miller to said Farmers Bank of Marion Ohio upon the judgment in said Answer and Cross petition set forth the sum of Six Hundred and Twenty-one and 67/100 Dollars with interest @ 8% upon Three Hundred and Fifty-five and 47/100 dollars from the 10th day of October 1883, and interest @ 6% upon Two Hundred and Sixty-Seven and 27/100 from the 10th day of October 1883 together with costs of suit.

The Court further find that said Farmers Bank of Marion, Ohio, has a valid lien upon the premises in said petition described, which lien dates from the 9th day of July 1883, by order of said judgment and by victure of a levy upon said premises made on said 9th day of July 1883. It is therefore considered, ordered and adjudged by the Court that an order issue to the Sheriff of Marion County Ohio, commanding him to cause said lands to be appraised advertised and sold according to law and that he bring the proceeds of said Sale into Court subject to the further order of this Court as to the distribution thereof

Friday, November 13th 1885.

1875 — Franklin W. Marriott Executor etc. vs. Joshua P. Marriott and others — Entry Confirming Report of Sale of Lands.

This cause now coming on to be heard on the return of Franklin W. Marriott as the Executor of the estate of said Henry P. Marriott deceased of his proceedings and sale under former order of this Court of lots numbers two hundred and seventy seven (277) and two hundred and eighty (280) made to Jefferson W. Severe and sale of balance of said real property as in said report set forth, the Court after having carefully examined said return and being fully satisfied that such sale has been legally made does hereby approve and confirm the same and order that the said Franklin W. Marriott as said executor make to the several purchasers good and sufficient deeds for the several lots by each purchase.

And the Court coming now to the distribution of the proceeds of the Sale of said lands and lots, do order that said executor pay:-

First the costs of this action taxed to $

That as to balance of proceeds of said Sale the Court direct that the same be reported to the Probate Court of Union County Ohio: and there be distributed under direction of said Probate Court after the payment of costs in said Probate Court.

4700 — Wm A. Ballinger vs. Wm Turpie et. al. — November 10th 1885 — Continued from Page No. 546

This day this cause came on for hearing, on the motion of the defendants to set aside the verdict, and for a new trial herein, and the Court on consideration thereof, does overrule the same, To which ruling and decision of the Court the defendants by their attorneys then and there except. It is therefore considered by the Court that the said plaintiff recover from the said defendants the said sum of ninety three and 4%00 dollars, as heretofore, by the verdict of the jury, found due him with interest from November 5th 1885, together with his costs herein expended taxed to $. To which judgment the said defendants by their attorneys then and there except and especially to the judgment for costs.

And on motion of the said plaintiff, it is ordered that the Sheriff proceed as upon execution, to advertise and sell the real estate heretofore attached in this action, and now in his hands remaining, or so much thereof as will satisfy the judgment and costs aforesaid and that he report his proceedings to this court for confirmation. And the defendants pray the Court to allow, sign and seal their Bill of Exceptions which is accordingly done and the same are ordered to be made a part of the Record.

3847
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Friday November 13th 1885

The State of Ohio vs. Robert Bernhart — And for breaking into dwelling house in day time and Petit Larceny

This day came the Pros. Atty. on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and upon being inquired of if he had anything to say why sentence should not be pronounced upon him, and having nothing, it is therefore considered ordered and adjudged by the Court that said defendant be imprisoned in the jail of said County for 90 days, pay a fine of $10.00 & costs of prosecution for which execution is awarded.

Thereupon Court adjourned until Dec. 21st 1885.

Mandates from Circuit Court

3847 Lucinda Ford vs D. S. Ford et al. Remanded from Circuit Court to carry judg't for costs into execution

4303 James Hoover vs O. Haines et al. Remanded " " " " " " " " " "

3442 S. S. McCracken " J. W. McCracken et al. Remanded " " " " " " " " " "

4162 L. J. Webster et al " R. Mayfield et al. Remanded " " " " " " " " " "

4049 Jacob Johnson " Cyprus Staunton. Remanded " " " " " " " " " "

4624 A. Faris " W. W. McMahan. Remanded " " " " " " " " " "

4178 P. R. Kerr " T. P. Crally et al. Remanded " " " " " " " " " "

3706 R. L. Woodburn et al vs A. C. Pierson et al. Remanded " " " " " " " " " "

4072 Stephen Cranston (Pltff in error) vs Otterbein University (Deft in error) Remanded " " " " " " " " " "

4031 Geo. M. Richard " Jas B. Whelpley et al. Remanded " " " " " " " " " "

4651 Wm Moodie " Ulrich Cahill et al. Remanded " " " " " " " " " "

4031 Geo. M. Richard " James B. Whelpley et al. Remanded " " " " " " " " " "

4033 Chiles Groff & Co. " S. S. Gardiner et al. Remanded " " " " " " " " " "

4230 H. A. Wills " W. H. Robinson. Remanded " " " " " " " " " "

4239 John Smith " Wm Murphy Remanded from Circuit Court for further proceedings and to carry judgment for costs into execution.

4619 W. M. Watson vs F. M. Hubbard Remanded from Circuit Court for further proceedings.

Thereupon Court adjourned until Dec. 21st 1885, at 10 o'clock P. M.

Monday, December 21st 1885.

Court convened Mrs P. M. pursuant to adjournment the same officers being present as on Nov. 13th.

Eliza M. McCurr.

4709 vs.

James McAllister et. al.

This cause coming on for hearing was submitted to the Court upon the pleadings and evidence on consideration whereof the Court finds that the said Robert M. Kerr was in his life time seized in fee simple of the real estate and premises described in the petition and that the said plaintiff is the widow of the said Robert M Kerr deceased and that she is entitled to have her dower in said premises assigned and set off to her as prayed in her said petition.

It is therefore ordered adjudged and decreed by the Court that the said plaintiff be endowed of one full third part of the premises described in the petition: and that a writ issue to the Sheriff of Union County commanding him that by the oaths of Chas. S. Lee, Jas. A. Henderson and Geo. S. Baldwin three judicious disinterested men of the vicinity in said County who are not of kin to either of the parties and who are hereby appointed commissioners for that purpose, he set off and assign such dower to said plaintiff according to law - and that of such proceedings together with the said commissioners appraisement of the yearly net value of said real estate estimated from the 28th day of January 1885 to the day of such assignment of dower, the said commissioners and the said Sheriff make return without unnecessary delay.

Martha J. Middleton

4853 vs.

Eliza Hildreth et. als.

On motion of the plaintiff and upon producing the return of the Sheriff of his proceedings and sale under the former order of this Court and the Court being satisfied on examination that the same have been had in all respects according to law the said proceeding and the sale are hereby approved and confirmed and the said Sheriff is ordered by deed duly executed to convey said premises to Timothy Middleton. It is further ordered that the Sheriff out of the proceeds of Sale pay -

First. To the Treasurer of Union County, Ohio Dollars, being the taxes and penalty due on said premises.

Second. To the Clerk of this Court the costs of this action including a counsel fee of $70. 2/3/100 to D. W. Ayers for his services herein, taxed to $

Thirdly to the plaintiff one sixth of the balance of the cash payment - To Eliza Hildreth one sixth, To Michael Martin one sixth, To Rachel Phifer one sixth, to Ella Simpson one sixth - To Mary H. Wood, Geo. W. Martin Louis N. Martin, William D. Martin, Benjamin F. Martin, Margaret J. Hyeringer one sixth thereof.

Fourthly - The balance of Two Thousand and Ten Dollars to be paid to said parties in the following amounts:

To Eliza Hildreth Two notes of One Hundred and Sixty Seven and 5/7/100 Dol.

To Michael Martin two notes of One Hundred and Sixty Seven and 5/7/100 Dollars each

To Rachel Phifer two notes of One Hundred and Sixty Seven and 5/7/100 Dollars each.

4796

4840

4847

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To Ella Simpson two notes of One Hundred and Sixty Seven and 50/100 Dollars each. To Mary H. Wood, Geo. W. Martin, Louis N. Martin William D. Martin, Benjamin T. Martin, Margaret J. Hysinger two notes of One Hundred & Sixty Seven & 50/100 Dollars each. All of said notes to become due in one and two years from date and to bear 6 per cent interest and secured by mortgage on the premises described in the petition - said mortgage and notes to be executed to D. N. Agnew in trust for said parties. The said notes of $167 50/100 each to Mary H. Wood, George W. Martin Louis N. Martin, William D. Martin, Benjamin T. Martin, Margaret J. Hysinger to be made in special notes to each $27.71. The Court also awards a Writ of possession to place the said purchaser Timothy Middleton in possession of said premises

4796 Andrew J. Smith vs. George W. Longbrake et. al.

This day this cause came on to be heard upon the motion of plaintiff for a judgment on the verdict heretofore rendered herein and on motion of defendant to have the Court to order each party to pay his costs herein, on consideration whereof and the Court being fully advised in the premises over rules the motion of the defendant to which ruling of the Court the defendant excepts and thereupon the Court orders that judgment be rendered upon the verdict of the jury heretofore rendered herein and that the defendant pay the costs of this action taxed at $ for all of which execution is awarded, to which judgment defendant excepted.

4840 James W. Thompson et. al. vs. John Crawford.

This day came the parties and by agreement this case is dismissed at the costs of defendant taxed at $ No Record.

4847 Adeline Poling, Plaintiff vs. John Brann, Defendant.

On motion plaintiff was granted Leave to amend his petition herein by Jany. 2nd 1886

On motion leave was granted plaintiff to amend her petition herein by January 2nd 1886.

Eliza M. Dort vs. Mary Anderson et. al.

This day came Edgar G. Magill and suggest to the Court that since the beginning of this action the defendant Emanuel C. Magill has departed this life testate and by his will made the defendant Edgar G. Magill his sole executor and thereupon leave was given to said Edgar G. Magill to be made party defendant as executor of said Emanuel C. Magill and leave was given him to file answer instanter And thereupon this cause came on to be heard upon said answer, whereupon the Court being duly advised in the premises finds that said Emanuel C. Magill departed this life November 5th 1885 that by his

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last will he made Edgar H. Magill his sole executor: that said will was duly probated on the 9th day of November 1885 in the County Court of Livingston County Illinois and that said Edgar H. Magill had duly qualified as such executor, and that by the terms of said will all the interest of the said Emanuel C. Magill in the property described in the petition was bequeathed to the said Edgar H. Magill. It is therefore ordered that in the distribution of the proceeds of the sale of the real estate herein, that all the interest of the late Emanuel C. Magill therein be paid to the said Edgar H. Magill as sole executor and devisee.

4573 Upmore Biblical Seminary Plaintiff
vs.
Stephen Granston, Administrator of Phoebe Benton, Defendant.

This cause being heard on demurrer to the petition the Court on consideration thereof sustains said demurrer. And therefore the plaintiff not desiring to plead further it is considered by the Court that said defendant go hence without day and recover from said plaintiff her costs herein expended. To all which ruling and decision of the Court the plaintiff excepts.

4978. J. G. Coleman Plaintiff
vs.
John Vandecar, Defendant.

This cause coming on for hearing on the motions of Defendants filed herein, to quash the service in this cause, the Court find, on consideration thereof, said service sufficient, and do overrule said motion. On motions of Plaintiff leave is granted to file an amended petition herein by Saturday December 26th 1885. 4663

4941 John Gibson Administrator
vs.
William B. Smith et. al.

And now came the Defendant the Enterprise Building and Loan Association and moved the Court for leave to file its answer and Cross petition by 10th day of January next. And the Court on consideration of same do sustain motion and grant such leave. 4415

Clara Moffit
vs.
James D. Gamble et. al.

This day this cause came on to be heard upon the motion of George Gamble to set aside the appraisement & sale made of said real estate in this case. And the Court being fully advised in the premises do find that the sale ought to be set aside. It is therefore ordered and adjudged that said sale be set aside and that another order of Sale be issued in the case returnable according to law, under the present appraisement, and this cause is continued.

Monday, December, 21st 1885.

4579 George B. Carpenter vs. Frederick Stuckey et al

Now comes on this cause to be further heard on the motion to confirm the report of the Receiver and further distribution of the proceeds of the sale, Whereupon the Court being fully advised in the premises confirms said report and order said Referee to pay into Court said balance in his hands $37.85 which is accordingly done, and therefore the Court order that after payment of costs, taxes and the plaintiffs mortgage lien as before ordered the ballance of said proceeds of said sale and said money paid by such Receiver be paid to George B. Hamilton on the notes as they become due and it appearing that there will by such application be applied in payment on the note becoming due the 4th day of 1886 the sum of $827.75 as of the day of said confirmation, the Court order the Clerk of this Court to make the endorsement of that sum on said note as the balance of said purchase money and as to the balance of said note and said other notes to become due the said holders thereof retain their legal rights against the makers and endorsers thereof the same as if this cause had not been prosecuted.

Wm M. Warren et. al. Ex. vs. Robert B. Smith & Lemuel James 4917

On motion leave is given plaintiffs to file reply in thirty days and cause continued.

James Woods et. al. vs. C. W. Smith et. als. 4665

This day came the parties and settled this cause at plaintiffs costs. No. Record. It is therefore considered by the Court that defendants recover of the plaintiffs their costs herein taxed to $

D. T. Elliott Admr. vs. D. S. Ford et. als. 4415

On motion, leave is given the plaintiff ten days to file Reply to the defendants answer and the cause is continued under former order of reference

Wm H. Crary Treas etc. vs. Turpie Wm et. al.

This day this cause came on to be heard upon the demurrer of defendant Turpie to plaintiffs petition and the same was argued by counsel and submitted to the Court. On consideration whereof the Court do overrule said demurrer. To which ruling the said defendant Wm Turpie excepts. Thereupon said defend asked and obtained leave to Answer by February 1st 1886.

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4781 Abram C. Dorey vs Lewis C. Harper et al. } This cause now coming on for hearing on the motion of the plaintiff for leave to dismiss this action as to Henry C. Gough defendant, the Court on consideration grants the same and this action is dismissed as to said Henry C. Gough without prejudice to a future action, to which said Henry C. Gough excepts. Thereupon the said Henry C. Gough by his counsel gave notice of his intention to appeal this case to the Circuit Court, and the Court fix the bond for appeal at Two hundred dollars.

John F. Frahm vs David S. Ford et al } Entry of confirmation of sale & partial distribution of proceeds.

This day came the plaintiff by Walter L. Weaver his attorney and thereupon this cause came on to be heard upon the motion of the plaintiff to confirm the sale heretofore made by the Sheriff of this County of the real estate described in the petition herein under the former order of the Court, and the Court on examination of the proceedings of the said Sheriff being satisfied that the said sale has been had in all respects in conformity to Law and the order of this Court, it is therefore ordered that the said proceedings and sale be, and they are hereby approved and confirmed and it is further ordered that the said Sheriff convey to the purchaser John F. Frahm by deed according to law the real estate so sold and a writ of possession is hereby awarded to put the said purchaser in possession of the said premises. It is further ordered that the Clerk cause satisfaction of the Mortgage herein sued upon to be entered upon the record thereof, in the office of the Recorder of this County. 4303

and the Court coming now to distribute the proceeds of said sale amounting to $4592.09 It is ordered that the Sheriff out of said money in his hands pay:

First, To the Treasurer of this County the taxes, penalty and interest against said real estate, to-wit: $

Secondly, The costs of this action taxed at $

Thirdly, To the plaintiff John F. Frahm the sum due him on his note and mortgage sued on herein with interest to this date $4303.50

Fourthly, To the Clerk of this Court the residue of the proceeds of said sale amounting to $ to be held by him until the further order of this Court

David Thomas vs W. M. Skidmore Ed T. Skidmore } This day this cause came on for hearing on the pleadings and evidence & the Court being fully advised finds that each of said defendants are in default for answer, and that there is due from the said defendants to plaintiff on the note set up in the petition the sum of $512.90 The Court further find that said E. Skidmore signed said note as surety merely.

It further considered by the Court that the plaintiff recover of said defts W. M. Skidmore as principal and said deft T. Skidmore as surety as surety the said sum of $512.90 with 8% int. from this date and his costs herein to-wit $

A. F. Carpenter
4977 vs
George W. Sudduth et al

And now comes the said A. F. Carpenter and the said defendants still failing to answer or demur to said petition, it is considered that the said plaintiff is entitled to an account of the money due him in the premises, and the Court after hearing the evidence do find that there is due to said plaintiff on the note and mortgage in said petition described the sum of ($1634 63/100) One thousand six hundred and thirty four and 63/100 Dollars (including interest computed to the 21st day of Dec. 1885.

It is therefore considered by the Court here that the said plaintiff recover of the defendant George Sudduth the said sum of $1634. 63 with 8 p. c. interest from the 21st day of Dec. 1885 the sum so found due as aforesaid and also his costs taxed to $ And it is further ordered and adjudged that in case the said defendant George Sudduth fails for three days from this 21st day of Dec. 1885 to pay to the said plaintiff the said sum of $1634.63 with 8 p. c. int. thereon from this 21st day of Dec. 1885 so as aforesaid found due with costs of suit, an order issue to the Sheriff of said County of Union commanding him to cause the said lands and tenements in said petition described to be appraised advertised 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.

James Hoover
4303 vs
Obediah Holmes

On motion to the Court by the plaintiff and it appearing to the satisfaction of the Court that previous to the trial had in said Court of said case a motion was made by the plaintiff and sustained by the Court granting the plaintiff leave to amend his petition by striking out the prayer for judgment on the note described in the petition and leaving the only relief prayed for by the plaintiff the equitable relief asked for on the mortgage described for in said petition, and the Court further find that order was not entered upon the Journal at the time it was made and that the same was omitted by mistake and should have been then made, It is further ordered that said entry be now this 21st day of Dec. A.D. 1885 placed upon the Journal of this Court as of the 17th of Sept. 1884 nunc pro tunc, in substance and form as follows "On motion to the Court by the plaintiff it is ordered that the plaintiff have leave to amend his petition by striking out the prayer for judgment on the note, leaving the only relief asked by the plaintiff the equitable relief prayed for on the mortgage which amendment is made accordingly.

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4945 John A. Barber Receiver Plaintiff vs. Mary Hastings Admx. Defendant. } Union Co. Common Pleas Court, Ohio

Leave granted plaintiff to file his petition within 30 days from Dec. 21st 1885.

4943 John A. Barber, Receiver &c. Plaintiff vs. Camp & Randal Mfg. Co. Defendants } Union Co. Common Pleas Court, Ohio

Leave granted plaintiff to file his petition within 30 days from Dec. 21st 1885.

4944 John A. Barber Receiver, Plaintiff vs. Camp & Randall Mfg. Co. Defendant. } Union Common Pleas Court, Ohio.

Leave is hereby given plaintiff to file his petition within 30 days from December 21st 1885.

4490 Geo. T. Dilsaver vs. T. P. Gratty et. al. } Money Only. 4151

This day came the defendant T. P. Gratty and moved the Court to open up judgment rendered in this case on a former day of this term of Court and to grant leave to the said Gratty to file his answer herein. On consideration whereof and the Court being fully advised in the premises do sustain said motion and grant leave to said Gratty until Jany. 10th next to file his answer and it is further ordered by the Court that the execution now in hands of Sheriff in this case be returned without further proceedings or same by Sheriff and cause continued

4879 J. L. Lewis vs. Mary E. Thomas et. al. } 4987

This day the plaintiff was granted leave of Court to plead to defendants answer by the 15th day of January A.D. 1885 and cause continued.

4940. A. S. Morgridge vs. Joshua J. Turner et. al. }

And now comes the said A. S. Morgridge by A. T. Carpenter his attorney and the said defendants still failing to answer or demurrer to said petition it is considered that the said plaintiff is entitled to an account of the money due him in the premises, and the Court after hearing the evidence do find that there is due to said plaintiff on the note and mortgage in said petition described the sum of Two Hundred and Eighty Eight and 83/100 Dollars (including interest up to this 21st day of December, 1885)

Monday, December 21st A.D. 1885.

It is therefore considered by the said Court here that the said plaintiff recover of the defendant Joshua Turner the said sum of Two Hundred and Eighty eight and 83/100 Dollars the sum so found due as aforesaid and also his costs taxed to $. And it is further ordered and adjudged that in case the said defendant Joshua J. Turner fails for three days from this 21st day of December 1884 to pay to the said plaintiff the said sum of Two Hundred and Eighty Eight and 83/100 Dollars so as aforesaid found due with interest from this 21st day of December 1885, and costs of suit an order issue to the Sheriff of said County of Union commanding him to cause the said lands and tenements in said petition described to be appraised and advertised 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

D. R. Miller for the use of the Sandusky Conference Branch Society of the home frontier and foreign Missionary Society of the Church of the United Brethren in Christ.

4151 vs.

Stephen Bronson Admr of the estate of Phoebe Benton Deceased.

This cause being heard on the demurrer to the petition the Court on consideration thereof sustains the said demurrer and thereupon the plaintiff not desiring to plead further it is considered by the Court that the defendant go hence without day and recover of the plaintiff his costs herein expended taxed at $ To which judgment and decision of the Court the plaintiff excepts.

J. G. Coleman

4987 vs.

A. N. Woodruff

This day came the Plaintiff by his Attorneys and thereupon came A. H. Brighton one of the Attorneys of Record of this Court, who by virtue of a warrant of Attorney duly executed and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said Defendant herein and by virtue of the same warrant of Attorney, confesses that there is due from said Defendant to said Plaintiff as is alleged in said Plaintiffs petition, the sum of $237.02. It is therefore considered that said Plaintiff do recover of said Defendant the said sum of $237.02 so as aforesaid confessed to be due, together with costs of suit herein to be taxed, and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

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4988

L. F. Kelsey Plaintiff

vs.

Chas. S. Kelsey & Catharine Smart.

This day came the Plaintiff by Robinson and Pope Attorneys, and thereupon came Jas. S. McCampbell one of the Attorneys of Record of this Court, who by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven waived the issuing and service of process, and entered appearance of said Defendants herein, and by virtue of the same warrant of Attorney confesses that there is due from said Defendant to said Plaintiff as is alleged in said Plaintiffs petition the sum of $600.00. It is therefore considered that said Plaintiff do recover of said Defendant the said sum of $600.00 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4942

4989

Goodnow & Thornhill

vs.

Isaac Jolliff

This day came the Plaintiff by S. S. Gardiner Attorney, and thereupon came O. W. Ayers one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney, duly executed and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said Defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said Defendant to said Plaintiff as is alleged in said Plaintiffs petition, the sum of $146.3/100. It is therefore considered that said Plaintiff do recover of said Defendant the said sum of $146.3/100 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney all errors are released and all right of appeal, and all right to file a petition in error are waived.

4883

Goodnow & Thornhill

vs.

J. E. Tobey & J. F. Tilton

This day came the Plaintiff by S. S. Gardiner Attorney, and thereupon came O. W. Ayers one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said Defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said Defendant to said Plaintiff as is alleged in said Plaintiffs petition the sum of $236.24/100. It is therefore considered that said Plaintiff do recover of said Defendant the said sum of $236.24/100 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed

and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney all errors are released and all right of appeal, and all right to file a petition in error are waived.

David Cooper
vs. 4942
John Buskeck and William Williams } Court of Common Pleas, Ottawa Co. Ohio.

This day came the plaintiff by S.S. Gardiner his attorney and the defendants John Buskeck and William Williams being in default for answer and demurrer to the petition of the said plaintiff the Court find the allegations therein are confessed by them to be true and that there is due plaintiff from said defendants John Buskeck and Wm Williams the sum of $167 75 and interest thereon from this date at 8 per cent. It is therefore considered by the Court that the plaintiff recover of the defendants John Buskeck and Wm Williams the said sum of $167.75 and interest thereon at 8 per cent from this date and his costs herein taxed to $.

Henry H. Adams by Simeon Adams
his next friend, Plaintiff.
vs. 4883
George Metzger, Defendant.

This day came the plaintiff and upon his producing the return of the Sheriff of the Sale by him made and upon motion to confirm the same and the Court after careful examination of the proceedings had and the sale made by said Sheriff do find the same correct and in conformity to law and do therefore approve and confirm the same and the Sheriff is ordered to convey said premises to the purchaser by a good and sufficient deed. And the Court coming now to distribute the proceeds of said sale amounting to the sum of $266.67, it is ordered that the Sheriff out of the funds in his hand pay:

1st Taxes due on said premises Amounting to $.
2nd To the Clerk of this Court the Costs of this action taxed to $
3rd. To the plaintiff the amount heretofore found due him with the interest, to-wit:

And the Court finding the sum of $ still remaining in the hands of the Sheriff the same is hereby ordered paid over to the said defendant George Metzger.

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4637 Mary E. Randall, Guardian
vs.
Fredrick Stukey et. al.

This day this cause came on to be heard on the return of the Sheriff of the order of sale issued herein with his report of his proceedings and sale of lands and tenements under said order of sale. And the Court having carefully examined the said proceedings being satisfied that said sale has in all respects been made in conformity to the provisions of the statute in such cases made and provided finds the same to be legal and does therefore approve and confirm the same. It is further ordered that the Sheriff make to the purchaser Thos Parish a deed in fee simple for the lands and tenements so sold - And the said purchaser is hereby subrogated to all the rights of any lien holder who shall be satisfied herein for the protection of his title and a Writ of possession is hereby awarded to put said purchaser in possession of said premises. And the Court coming now to distribute the proceeds of said sale, amounting to Sixteen Hundred Dollars it is ordered that the Sheriff out of the money in his hands pay: First the costs of this action taxed to $57.$^{25}/_{100}$
2nd That he pay to plaintiff to apply on her notes and mortgage the balance to wit $1542.75.

4709

4984 Amanda J. Kightlinger et al
Ashley Kightlinger
vs
B. C. Bates et al Milley E. Kightlinger

(Dec. 22nd 1885)

Now comes Milley E. Kightlinger who is a minor over the age of 14 years and having been served with process herein makes application for a guardian ad litem and thereupon it is ordered that J. M. Kennedy be and he hereby is appointed guardian for the suit for said minor defendant.
And now comes the said J. M. Kennedy and in open Court accepts said appointment.

4901

4941
(2nd Entry)

4941
(1st Entry)

Tuesday, December 22nd. 1885.

Court convened this A.M. pursuant to adjournment the same officers being present as on yesterday

Eliza M. McKee

vs.

4709 James Mc. Allister

This cause came on for hearing upon the return of the Sheriff and of the Commissioners therein, of their proceedings in the assignment of dower under the former order of this Court and on the motion to confirm the same, and the Court being fully advised in the premises finds said proceedings and assignment in all respects in conformity to law and do hereby approve and confirm the same. It is therefore ordered and decreed that the said Eliza M. Kee have and possess the lands as assigned to wit:- Beginning at a stone in the South West corner of the said James A. Mc. Allisters lands and in the West line of Survey No. 4497, thence with said Survey line N. 7° W. 28.25 poles to a stake, thence N. 84° E. 164.12 poles to a stake, thence S. 6¼° E. 28.25 poles to a stake in the South East corner of said James A. Mc. Allister's land, thence S. 84° W. 164.72 poles to the beginning, Containing 29. Acres. as and for her reasonable dower in said premises.

Defendant objecting to amount allowed plaintiff as the net value of the rents of the premises from the filing of this petition to the assignment of dower, said sum is entirely remitted and waived by the plaintiff

It is further ordered that plaintiff pay one third of the costs of this proceeding and defendants two thirds thereof within 30 days or that in default thereof execution issue therefor.

Edward Chavous

vs.

4901 Sarah Chavous

This day this cause came on to be heard upon the motion of the defendant for alimony pending lite. and the Court being fully advised in the premises does sustain said motion. It is hereby ordered that the defendant be allowed the sum of fifty dollars as alimony pending said suit. It is therefore ordered that said Plaintiff pay to the said defendant Sarah Chavous or to her Attorney J. M. McKennedy the sum of fifty dollars within ten days from this date and in default thereof execution issue therefor, and that said suit stand continued until this order is complied with.

John Gibson Admr. Plaintiff

4941 vs.

(Re 2nd Entry) Wm B. Smith et. al. Defendants

On motion leave was granted plaintiff to amend his petition in ten days from the rising of this Court.

John Gibson Admr of the Estate of Robt B. Smith dec'd Plaintiff

vs

4941 Wm B. Smith, Eva J. Smith, Josie Smith, Margaret Smith, Union

(Re 1st Entry) Central Life Insurance Company, Enterprise Building & Loan. Assoc. Cornelia Taylor, Sarah Evans, Indiana Yearly Meeting of the Religious Society of Friends, Defts. On

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motion, and the said Margaret Smith defendant having by her answer waived her Dower by metes and bounds, and asked that in lieu thereof its value be paid her in money; and it being made to appear to the Court that it will be more for the interest of said estate to sell such real estate at private sale, It is ordered that Hugh McAdow, Wm Bonnet, Elias Thomas Three judicious disinterested men freeholders of the vicinity, being first duly sworn do upon actual view of the premises in the petition described make a just valuation of the same in money; and said plaintiff thereupon proceed to sell said real estate at private sale according to law; selling each tract, viz:- the tract containing 119 acres included in the last two descriptions in the petition, and the tract containing 82½ acres included in the first description in the petition, separately, and at not less than the appraised value thereof, upon the following terms: ⅓ cash in hand; ⅓ in one year, and ⅓ in two years from date of sale. The deferred payments to bear interest from said date. 4782

4853 Joseph H. Myers et al. vs. Elizabeth Price et al. } Entry of Confirmation of Sale

On motion of the plaintiff and upon producing the return of the Sheriff of his proceedings and Sale, under the former order of this Court, and the Court being satisfied on examination that the same have been in all respects according to law, the said proceedings and Sale are hereby approved and confirmed. And the Sheriff is ordered by deed duly executed, to convey the 150 acres of said premises to the purchaser Wm R. Cox in fee simple and to convey to J. H. P. Bowie by deed duly executed the 15 acre tract described in said petition. It is further ordered that out of the proceeds of said sale the Sheriff pay:-

First, To the Treasurer of Union County Ohio $ being the taxes and penalties due on said premises.

Secondly, To the Clerk of this Court the costs of this action including a counsel fee $45.75 to J. W. Kennedy for his services herein taxed to $163.65

Thirdly. And of the residue of the proceeds of said sale to the plaintiffs Joseph H. Myers and Samuel P. Myers one equal one fifth part each, to-wit, the sum of $ and also one fifth of the notes for the deferred payments To Elizabeth Price, Catherine Bowie, Margaret Cryer, Mary Stockton and Almira Hays one equal one tenth part each of the residue of the money arising from said Sale to-wit $ and one equal tenth part each of the notes for the deferred payments. To Wm Webb & Catherine J. Allen one equal one twentieth each of the residue of money arising from said sale to-wit $ and one equal one twentieth of the notes for the deferred payments.

4804

4127 Elias Johnson vs. R. H. White }

This day this cause came on to be heard on motion of plaintiff to set aside the verdict and for a new trial herein

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and the Court being fully advised in the premises overrules said motion It is therefore considered and adjudged by the Court that the plaintiff recover from the defendant the said sum of $12.40 and as to the question on the taxation of the costs herein made this cause is continued

Abram C. Dorey
vs.
4782 Lewis C. Harper et. al.

On motion of the plaintiff, and on his producing the return of the Sheriff of the sale made under the former order of this Court; and the Court on careful examination of the proceedings of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and the orders of this Court: it is ordered that the said proceedings and sale be, and they are hereby approved and confirmed. And it is further ordered that the said Sheriff convey to the purchaser William Wellwood, by deed according to law the property so sold; and the said purchaser is hereby subrogated to all the rights of the said lien holders in said premises, so far as they may be paid herein, for the protection of his title; and a Writ of possession is awarded to put said purchaser in possession of said premises

It is further ordered that the clerk cause satisfaction of the mortgage herein sued on to be entered on the record thereof in the office of the Recorder of Union County Ohio.

And the Court coming now to distribute the proceeds of said sale, amounting to four hundred and fifty dollars ($450.00) it is ordered that the Sheriff out of the money in his hands pay First To the Treasurer of this County the taxes against said property for the year A.D. 1885, the sum of $32 46/100 Also to the defendant Nathan Howard, the taxes for the years A.D. 1884, 1883, 1882 and 1881 upon said premises, together with interest at six per cent upon the several amounts so paid by him, from their respective dates of payment to-wit: the sum of $142. 97/100

Secondly - The costs of this action, taxed at $7.40

Thirdly - To the plaintiff herein Abram C. Dorey, the balance of the said money remaining in his hands, to-wit: the sum of $ to be applied as a credit upon his judgment against the defendant Lewis C. Harper. And there still remaining due to the said Abram C Dorey the sum of $ it is considered by the Court that he recover the same from the defendant Lewis C. Harper; and execution is awarded therefor.

W. W. Hill Assignee
vs.
4804 Alex. Read et. al.

Now comes the plaintiff and moves the Court to order the defendant Lucinda Read to make her Answer more definite and certain: And thereupon the Court being fully advised in the premises do overrule said motion

December 22nd A.D. 1885.

4906 Alice Gibson et.al. vs. Albertus Longnecker et.al.

This day this cause came on for hearing upon the return of the Sheriff and the report of of the Commissioners heretofore appointed herein, and on motion to confirm the same; And it appearing that said estate can not be divided by metes and bounds, without manifest injury to the value thereof, and that said commissioners have made and returned their appraisement of said premises, to-wit:- in the sum of $37.00 per acre, the Court find the said return and proceedings in all respects correct and in conformity to law, and do therefore approve and confirm the same. And thereupon neither of said parties electing to take the said premises at their appraised value, on motion of the plaintiff it is ordered that said premises be sold at public auction, and that an order issue therefor to the Sheriff of Vernon County, Ohio, and that said Sheriff return his proceedings to this Court without unnecessary delay.

4935

4869 Eliza Bancroft vs. Theodore Poling et.al.

This day came on this cause to be further heard by the Court whereupon the Court find the sale by the Sheriff to John Reaver for the 7½ acres of land in the petition described, and the Court therefore order and decree that said sale be confirmed and the Sheriff make a deed therefor to said purchaser - And the Court order that said land be run off by A.S. Mowry Surveyor and the expense be taxed in the costs - And it appearing that a mistake was made in the amount of the decree and that plaintiff was and is entitled to interest on her legacy for three years, to-wit:- eighteen dollars and therefore the Court order and decree that the sum of One hundred and eighteen dollars be paid her out of said purchase money and it is ordered that the tax due on said 7½ acres be paid and the costs of this proceeding. And it appearing that M. Thompson holds a claim for $9.20/100 for materials furnished Theodore Poling to go into a house on said 5 7½ acres; and J.A. Bump holds a claim for $9.35/100 for labor on said house; and Vanderaw & Woodruff hold a claim for $3.00 for lime used on said house; and that Fleck and Chapman hold a claim for $71.63 for lumber which went into said house, And the Court finding that said claims are a lien on said 5 7½ acres of land and should be paid and are equal in their equities - Therefore it is considered, ordered and adjudged by the Court that after paying said decree and interest and costs and tax, that the balance of said purchase money be paid to said claimants in the amounts above mentioned and if any balance remain that it be held for further order of the Court.

4702

4854

Wm H. Hickman Exr vs Wm Oglethorpe et.al. Leave given Geo. M. Wilbee to file Answer and Cross Petition by Feby 1st 1886

December, Tuesday the 22nd, A. D. 1885.

Morris W. Hill
4935 vs.
The Heirs of Calvin Hill, Deceased

Now came the plaintiff and made proof of publication of notice according to law to the defendants to the satisfaction of the Court of the pendency of this cause and thereupon the Court having heard the evidence offered and examined the exhibits &c. and finding the defendants have been duly notified and that all the allegations of said petition are proven to be true, the Court find for the plaintiff against the defendants. Wherefore it is considered, ordered and decreed by the Court that the defendants convey the land described in said petition to the plaintiff by deed of quit claim in five days and in default of such conveyance it is decreed by the Court that this decree shall operate as such conveyance and the said defendants be and they are forever enjoined from ever claiming or in any manner interfering with the possession or title of said land.

And the Court order the plaintiff to pay the costs of this proceeding in ten days and in default thereof that execution issue therefor.

John Struble Plaintiff
4702 vs.
Fredrick Weis et. al. Defendants.

Union County, Ohio.
Court of Common Pleas.

Now comes the defendants Rosina Weis and moves the Court here to grant her 20 days after the rising of this Court to prepare her Bill of Exceptions in the above entitled case: and the Court being fully advised in the premises does grant said leave to said defendant and the Clerk of said Court is required to keep records of said Court open for the purpose of said Bill of Exceptions and the record thereof.

Eliza M. Dort-
4854 vs.
Mary Anderson et. al.

On motion of the plaintiff and upon his producing the return of the Sheriff of his proceedings and sale under the former order of this Court, and the Court being satisfied on examination that the same have been had in all respects according to law, the said proceedings and sale are hereby approved and confirmed. And the said Sheriff is ordered by deed duly executed to convey said premises to William Fry the purchaser. It is further ordered that the Sheriff out of the proceeds pay:-

First: To the Treasurer of Union County Ohio $ being the amount of the taxes and penalty due on said premises.

Secondly. To the Clerk of this Court the costs of this action including a counsel fee of $91.50 to D. M. Ayres for his services herein, taxed to $.

Thirdly. To Joseph Norris as Administrator of the estate of William McGill deceased, the sum of $600.00. To the plaintiff one fourth of the money remaining - To Mary Anderson one fourth of the same. To Edgar G. McGill one half of the same.

Fourthly. And it appearing by evidence to the Court that since the

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the commencement of this action the defendant Emanuel C. McGill has died testate and by his last will and testament the defendant Edgar G. McGill is entitled to the share of Emanuel C. McGill in the premises described in the petition. It is ordered and adjudged that the said Clerk pay to the said Edgar G. McGill the share of the proceeds in said premises heretofore ascertained by the Court to belong to Emanuel C. McGill now deceased

Fifthly: To Edgar G. McGill one half of the balance in two notes $739.$^{50}/_{100}$ each - due in one and two years from the date of this entry, int. at 6 per cent. To Eliza J. Dort one fourth of the balance in notes for $369.$^{75}/_{100}$ each due in one and two years from the date of this entry at 6%. To Mary Anderson one fourth of the balance in two notes for $369.$^{75}/_{100}$ each - due in one and two years from the date of this entry at 6%. 4975

4991 Fullington & Phillis Plaintiffs
vs.
George W. Fox and George A. Fox Defendants

This day came the plaintiffs by Porter & Porter their Attorneys, and thereupon came John M. Brodrick one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven waived the issuing and service of process, and entered appearance of said Defendants herein, and by virtue of the same warrant of Attorney confesses that there is due from said Defendants to said Plaintiffs as is alleged in said Plaintiffs petition, the sum of $710.$^{75}/_{100}$. It is therefore considered that said Plaintiffs do recover of said Defendants, the said sum of $710.$^{75}/_{100}$ so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney all errors are released and all right of appeal, and all right to file a petition in error are waived.

4886 W. B. Ballinger
vs.
L. O. Bates et. al.

On motion of the plaintiff and on his producing the return of the Sheriff of the Sale made by him under the former order of this Court and the Court on careful examination of the proceedings of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and the orders of this Court, it is ordered that the said proceedings and sale be and they are hereby approved and confirmed and it is further ordered that the said Sheriff convey to the purchaser J. H. Wilgus by deed in fee simple the lands and tenements so sold and the said purchaser is hereby subrogated to all the rights of the said lien holders in said premises so far as they may be paid herein for the protection of his title and a writ of possession is awarded to put said purchaser in possession of said premises. And the Court coming now to distribute the proceeds of said sale amounting to $1532.$^{17}/_{100}$ it is ordered that Sheriff out of the money in his hands pay:- 4976

1st To the Treasurer of said County the taxes and penalty that may

be due on said premises amounting to $48.64
2nd " To the Clerk of this Court the costs of this action taxed to $58.83.
3rd " To O.S. Chapman the sum of $305.00 being the sum which the Court finds to be due to him upon the note and mortgage set forth in his answer and cross petition and which is the prior lien upon said premises.
4th " That the balance of the said purchase money amounting to $1116.69 be pay to the said plaintiff. And there still remaining due to the said plaintiff the sum of Two hundred and ninety two 94/100 dollars ($292.94/100) It is considered that he recover the same from the said defendant L. C. Bates and execution is awarded therefor.

The Ohio Farmers Insurance Co.
vs.
4975- John C. Ramsey et. al.

This day came the said plaintiff by its attorney and the defendants being in default for answer and demurrer the Court find that the allegations of the petition are confessed by them to be true, and that there is due to plaintiff from the defendant John C. Ramsey on the promissory note set forth in the petition with interest to the first day of this term of Court the sum of Eleven Hundred and Ten 83/100 Dollars ($1110.83)
The Court further find that in order to secure the payment of said note the defendants John C. Ramsey and Eliza Jane Ramsey his wife executed and delivered to said plaintiff their certain mortgage as in the petition described and on the premises therein described that said mortgage was duly recorded in book No. 18 - Page 339 of the records of mortgages of Ottawa County at one o'clock P.M. March 29th 1882. That said mortgage has become absolute and that the plaintiff is a corporation duly incorporated under the laws of Ohio and is entitled to a judgment upon said note and a foreclosure of said mortgage. It is therefore considered and adjudged by the Court that the said plaintiff recover of the said defendant John C. Ramsey the said sum of Eleven Hundred and Ten and 83/100 Dollars being the sum so found due and also interest from the first day of this term of Court at 7 per cent per annum together with his costs herein expended. And that unless said John C. Ramsey pay said sum, interest and cost within five days from this date that the said defendants equity of redemption be foreclosed and said premises shall be sold and an order of sale shall issue therefor to the Sheriff of Ottawa County directing him to sell said premises as upon execution and bring the proceeds into Court for further orders.

Sarah A. Clevenger
vs.
4976 John S. Fleck et. al

Now came the plaintiff herein by her attorney and her petition thereupon coming on to be heard the Court find that all of the defendants have had due legal notice of the pendency and demand of the said petition and that they are in default for answer and demurrer and that the said petition is hereby confessed by them to be true. Thereupon the Court find that said plaintiff Sarah A. Clevenger is seized of and has a legal right to the undivided one fifth part of the estate

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described in the petition and is entitled to have partition made of said premises That the said defendants are tenants in common with the said plaintiff in the said premises in the following parts and proportions, to-wit:- That the said John L. Fleck, Frederick A. Fleck, William H. H. Fleck are each seized of one fifth part thereof. That said James P. Fleck and Martha J. Fleck are each seized in fee of one tenth (1/10) part thereof. And no reason appearing why partition should not be made it is therefore ordered, adjudged and decreed that partition of said estate be made and that an order issue to the Sheriff of the said County of Union Commanding him that by the oath of Thomas J. Channington, Eli Conrad and William L. Beagle, three judicious and disinterested free holders of the vicinity who are hereby appointed commissioners for that purpose he cause to be set off and divided to the said plaintiff and to each of the said defendants the part and proportion of the said estate to which they are hereinbefore found entitled. And of his proceedings herein the said Sheriff is ordered to make due return without unnecessary delay. 4832

4883 Margaret A. Widner vs. Eliza J. Widner

This cause came on for hearing upon the return of the Sheriff and of the Commissioners herein of the proceedings in the assignment of dower under the former order of this Court, and on the motion to confirm the same, And the Court being fully advised in the premises find said proceedings and assignment in all respects in conformity to law and do hereby approve and confirm the same. It is therefore ordered and decreed that the said Margaret A Widner have and possess the lands so assigned to-wit:- Being part of Survey No. 5507, Beginning at a stone in the center of the Shimmans and Macklin Road and South East corner to the lands of D. Shimmans, Thence with the East line of said lands N. 8° W. 74 poles to a stake; Thence N. 82° E 74 poles to a stake, Thence S. 6° E 74 poles to a stake in the center of said road, Thence with the center of the same S. 82° W. 73 poles to the place of Beginning containing 34 acres more or less as and for her reasonable dower in said premises. It is further ordered by the Court that the said Samuel Mc Adow, Guardian for said children pay one half of the costs and one half the Attorneys fee and that the said Margaret A. Widner pay one half of the costs and one half the attorney fees. Said Costs being $23.68
" Attorney fees being 25.00
$48.68
It is therefore ordered and adjudged that said expenses be paid as above and execution awarded for the same.

4894 The State of Ohio vs. B. Denton

This day it being made to appear to the Court that the prosecuting witness herein is unable to attend Court at the present term this cause is continued to the next term of this Court together with the recognizance herein in accordance with the Statute in such case made and provided.

Tuesday, December 22nd A.D. 1885.

4832 Tullington + Phillis
vs.
Robert W. Thompson et. al.

This day this cause came on to be heard upon the answer and cross petition of Benjamin H. Warder and was argued by counsel. On consideration whereof and the Court being fully advised in the premises finds that said Robert W. Thompson executed and delivered to said Benjamin H. Warder the promissory notes as mentioned and described in his answer and cross petition; that to secure the payment of the said notes the said Robert W. Thompson and wife executed and delivered to said Benjamin H. Warder their mortgage deed as described in said answer and cross petition and upon the said premises described in Plaintiffs petition that said mortgage contained the conditions and provisions as mentioned and described in the said answer and cross petition of said Warder and was recorded in Huron County Ohio as in said answer and cross petition set forth and is the first lien upon the premises described in plaintiffs petition. The Court further finds that the note of $700. falling due January 1st 1885 is still unpaid and that by the provisions of said mortgage on failure to pay any one of said notes as they became due the whole amount secured by said mortgage should there become due at the option of said Benjamin H. Warder and the Court find that said Warder has declared his intention to avail himself of said option and insist that the whole debt secured by said mortgage to-wit the note of $10.000 with interest thereon from January 1st 1885, is now due and payable by reason of said failure to pay said note due January 1st 1885, and for that reason the conditions of the said mortgage have been broken and the whole amount secured by said mortgage is now due and payable. That the whole amount due to said Benjamine H. Warder upon and by reason of the said notes and mortgage including interest to the first day of this term of Court, to-wit October 19th 1885, is Eleven Thousand Three Hundred and Fifty-two Dollars and thirty cents ($11352.30) and that the same should bear interest from said 19th day of October 1885, at the rate eight per cent per annum payable annually and that said notes due January 1st 1886 and January 1st 1887 as they were given for interest not yet accrued should be surrendered by said Benjamin H. Warder to said Robert W. Thompson. It is therefore considered and adjudged by the Court that the said Robert W. Thompson pay or cause to be paid to the said Benjamin H. Warder the said sum of $11352.30 with eight per cent interest thereon from the 1st day of this term of Court together with the costs of this suit within ten days from the rising of this Court and that in default of such payment an order of sale issue to the Sheriff of Huron County, Ohio commanding him to cause said premises to be appraised, advertised and sold according to law and that he have the proceeds thereof in Court to await its further order

Tuesday, December 22nd A. D. 1885-

John Cadle

4537 vs.

John Harriman et al.

This day this cause came on for hearing on motion of the defendants to strike out certain parts of the petition in said motion set forth and the same was argued by counsel and submitted to the Court, On consideration whereof the Court do sustain said motion as to the first ground therein stated and do overrule the same as to the second ground therein set forth. Therefore the defendants asked and obtained leave to plead

Amanda J. Kightlinger & Ashley Kightlinger

4984 vs

B. C. Bales and Willey E. Kightlinger

This cause came on this day to be heard & was submitted to the Court upon the petition of Amanda J. & Ashley Kightlinger and the separate answers of B. C. Bales and Willey E. Kightlinger by his guardian ad litem J. M. Kennedy and the evidence and on consideration thereof the Court find that it was the intention of the parties to the deed referred to in the petition to convey to said Amanda J. Kightlinger a fee simple estate in the land described and that the limitation of inheritance contained in said deed as follows: "the said Amanda J. Kightlinger is to use occupy and control said premises so long as she lives and at her death the same is then to pass to her legal heirs" was inserted without knowledge as to its legal effects and was a mistake and that the said Amanda J. Kightlinger is entitled to the relief asked for in the petition.

It is therefore ordered adjudged and decreed that the title and possession of said Amanda J. Kightlinger to all and singular the premises in the petition described, to wit: "On half acre in the South West corner of out lot No. 4 in Mathiotts Addition to said Village of Marysville the same lot bought by James E. Harriell at the sale made in 1865 by Mathiotts Administrators, said land extends 6 rods easterly and 16 rods northerly from said out No. 4 being the property owned by S. D. Baldwin and Hayes Speakman" be quieted as against the defendants and all persons claiming under them or any of them and that her estate therein be decreed a fee and complete estate in fee simple and the costs of suit be paid by plaintiff.

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 regular term thereof. And this Court is now adjourned without day.

Attest- John D. Borgner, Clerk.

In Vacation, February 4th 1886.

In Court of Common Pleas.

Martha Finley
vs.
John J. Finley

Plaintiff is allowed further Alimony pendente lite to the amount of $75.00, to be paid as follows; One half (½) in ten (10) days; and the balance in thirty (30) days
Feby 4. 1886. John A. Price, Judge.

John Struble Plaintiff
vs.
Frederick Weis & Rosina Weis Defendants

This day this cause came on before the Hon. John A. Price Judge of the 3rd Sub-division of the 10th Judicial District of Ohio upon the motion of defendant Rosina Weis for the allowance of the Bill of Exception of the defendant Rosina Weis, and the Court being fully advised in the premises does hereby allow the same. And the Clerk of the Court of Common Pleas is ordered by said Court to file the same as of the 2nd day of January 1886. and said Bill of Exceptions is ordered to be made a part of the record in this case

Monday, February 22nd A.D. 1886

The State of Ohio }
Union County, ss. }

This separate session of the Court of Common Pleas of the Tenth Judicial District of the State of Ohio within and for the County of Union for the Term of February in the year of our Lord one thousand eight hundred and eighty six in the Court-House in the Town of Marysville, County and State aforesaid, was begun on the 22nd day of February in the year aforesaid

Present:-

Hon. John A. Price Judge of the
Court of Common Pleas of the
Tenth Judicial District of the
State of Ohio.

Marion Hopkins, Sheriff of Union County, Ohio. 5002

John M. Brodrick, Pros. Atty of Union County, Ohio.

Attest:-

John L. Bunger
Clerk of the Court of Common Pleas of Union County, Ohio.

The Venire Facias for a Grand Jury heretofore issued returnable this day at 9 o'clock A.M. was duly returned by the said Sheriff with his endorsements thereon as follows, to-wit:-

The State of Ohio, Union County, ss.

Sheriffs Office, Feby 22nd 1886

On the 25th day of January 1886 I received this Venire and served the same on the several persons therein named, at the times and in the manner placed opposite their names endorsed hereon as follows:

No.	Names	When Served	How Served	No. of Miles
1	H. M. Warner	Janry. 25th 1886	By Copy	12
2	George B. Hamilton	" " "	" " Foreman	17
3	Phil. Snider	" " "	" "	00
4	Thomas Martin	" " "	" "	3
5	J. M. McElroy	" " "	" "	13
6	Wm Cargl	" " "	" "	8
7	John Thompson	" " "	" "	00
8	Ira Smith	" " "	" "	6
9	J. C. Robinson	" " "	" "	8
10	B. W. Munson	" " "	" "	18
11	W. W. McMahon	" " "	" "	14
12	Jackson Knight	" " "	" "	00
13	J. C. Isamble	" " "	" "	5
14	M. L. Harvey	" " "	" "	6
15	Warren Harris	Not found		
16	John Weidman			

M. Hopkins, Sheriff.

Monday, February 22nd A.D. 1886

And upon calling the same six men Grand-the panel was found in-complete thereupon the Sheriff summoned John Weidman as talesman to complete the same, who appeared in Answer thereto and the panel being full the Court appointed George B. Hamilton foreman of the Grand Jury and he with his fellow-Jurors took the oath in manner and form prescribed by law: And the said Jury being instructed by the Court in relation to their duties were conducted to their room attended by the Sheriff.

The following named persons compose the Grand Jury, to-wit:-
H. W. Warner, Phil. Snider, Thomas Martin, J. M. McElroy, Wm Carpl
John Thompson, Ira Smith, J. C. Robinson, B. W. Munson, W. W. McMahon
Jackson Wright, J. C. Stamble, M. D. Howey, John Weidman, Geo. B. Hamilton
Foreman.

Frank A. Bellus
vs. 5002
Robert H. Cross et. al.

Upon came the plaintiff by his Attorneys, and his petition thereupon coming on to be heard, the Court find that all of the defendants have had due legal notice of the pendency and demand of the said petition and that they are in default for answer and demurrer, and that the said petition is thereby confessed by them to be true, thereupon the Court find that the said plaintiff Frank A. Bellus is seized of and has a legal right to the undivided one twenty-eighth part of the estate described in the petition, and is entitled to have partition made of said premises; that the defendants are tenants in common with the said plaintiff in the said premises in the following proportions, to-wit:-

The said Robert H. Cross is seized of and has a legal right to the undivided one seventh part the said George P. Cross to the undivided one seventh part thereof,
Marietta Park the undivided one seventh part thereof,
Rosa L. Cross Assignee of John R. Cross the undivided one seventh part thereof,
Harriett H. Cross the undivided one seventh part thereof,
Charles E. Bellus the undivided one twenty-eighth part thereof,
Mabel Bellus to the undivided one twenty-eighth part thereof,
Harriett O. Bellus to the undivided one twenty-eighth part thereof,
Elizabeth Nash the undivided one seventh part thereof, And no reason appearing why partition should not be made: It is therefore ordered, adjudged and decreed that partition of said estate be made, and that an order issue to the Sheriff of the said County of Huron commanding him that by the oaths of Robert Robinson, Albert S. Chapman and
three judicious and disinterested free holders of the vicinity who are not of kin to either party and who are hereby appointed Commissioners for that purpose, he cause to be set off and divided to the said plaintiff and to each of the said defendants the part and proportions of the said estate to which they are herein before severally found entitled. The Court further find that the said Rhoda Y. Cross is entitled to dower in said premises, described in plaintiffs petition, and that she has filed an Answer waiving the assignment of dower to her by meles and bounds and that the same may be sold free of dower, reserving her right out of the purchase money Also that if said estate is partitioned that the same within named

	Sec.	Twp.	Rge.	Acres
				12
				17
				00
				3
				13
				8
				00
				6
				8
				18
				14
				00
				6
				6

Sheriff.

Monday, February 22nd A.D. 1886.

Commissioners by their like oaths set off and assign such dower to the said Phoebe Y. Cross according to law the full one third. And it is ordered that if in the opinion of the said Commissioners said premises can not be divided by metes and bounds without injury to the value thereof, they appraise the same both subject to and also free from the dower of the said Phoebe Y. Cross.

And of his proceeding herein, the said Sheriff is ordered to make due return without unnecessary delay.

4937

4938

4410 R. L. Woodburn et. als vs. W. F. Wilcox et. al. } Dismissed without prejudice at plaintiffs costs without record. It is therefore considered and adjudged by the Court that defendants recover of plaintiffs the costs herein taxed to $

3558 Stephen Cranstone vs. Orson Benton et. al. } This case is ordered to be left off the Docket.

4939

4920 Martha W. Watkins vs. Jacob Smeltzer } Dower.

Now comes the defendant and moves the Court for an order requiring plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union; it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5-th day of March Prox.

4950

4921 Martha W. Watkins vs. Andrew Smeltzer } Dower.

Now comes the defendant and moves the Court for an order requiring plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5-th day of March Prox.

4951

4922 Martha W. Watkins vs. John M. Blue } Dower.

Now comes the defendant and moves the Court for an order requiring plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of the Court by the 5-th day of March Prox.

4952

Monday, February 22nd A.D. 1886.

4937 Martha W. Watkins vs. John Moore — Dower.

Now comes the defendant and moves the Court for an order requiring the plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein, to the acceptance of the Clerk of this Court by the 5th day of March Prox.

4938 Martha W. Watkins vs. Joseph Temple — Dower.

Now comes the defendant and moves the Court for an order requiring the plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March Prox.

4939 Martha W. Watkins vs. Jacob Temple — Dower.

Now comes the defendant and moves the Court for an order requiring the plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non resident of the County of Union. It is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March Prox.

4940 Martha W. Watkins vs. O. A. Temple. — Dower

Now comes the defendant and moves the Court for an order requiring the plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March, Prox.

4951 Martha W. Watkins vs. Robert Fields — Dower.

Now comes the defendant and moves the Court for an order requiring the plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March prox.

4952 Martha W. Watkins vs. Thomas J. Fields — Dower

Now comes the defendant and moves the Court for an order requiring the plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March prox.

Monday, February 22nd A.D. 1886.

4953 — Martha W. Watkins vs. Priscilla Saunders — Dower.

Now comes the defendant and moves the Court for an order requiring plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March Prox.

4954 — Martha W. Watkins vs. Richard Longberry — Dower. — 4961

Now comes the defendant and moves the Court for an order requiring plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March Prox.

4955 — Martha W. Watkins vs. F. G. Debolt — Dower. — 4962

Now comes the defendant and moves the Court for an order requiring plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March Prox.

4956 — Martha W. Watkins vs. Wm H. Moore et. al. — Dower. — 4963

Now come the defendants and move the Court for an order requiring plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March Prox.

4957 — Martha W. Watkins vs. Florence F. C. Temple — Dower. — 4964

Now comes the defendant and moves the Court for an order requiring plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union; it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March Prox.

4959 — Martha W. Watkins vs. Magdalene Engle et. al — Dower. — 5005

Now come the defendants and move the Court for an order requiring plaintiff to give security for cost. It appearing to the Court that the plaintiff is a non-resident of the County of Union; it is therefor ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March Prox.

Monday, February 22nd A.D. 1886.

4960 Martha W. Watkins vs. Wm H. Moore et. al. — Dower.

Now come the defendants and move the Court for an order requiring the plaintiff to give security for costs, It appearing to the Court that the plaintiff is a non-resident of the County of Union; it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March Prox.

4961 Martha W. Watkins vs. John H. Moore et. al. — Dower

Now come the defendants and moves the Court for an order requiring the plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March Prox.

4962 Martha W. Watkins vs. Thomas O. Moore — Dower.

Now comes the defendant and moves the Court for an order requiring the plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March prox.

4963 Martha W. Watkins vs. C L. Fields — Dower.

Now comes the defendant and moves the Court for an order requiring the plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union, it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March prox.

4967 Martha W. Watkins vs. George W. Stahl — Dower.

Now comes the defendant and moves the Court for an order requiring the plaintiff to give security for costs. It appearing to the Court that the plaintiff is a non-resident of the County of Union; it is therefore ordered that the plaintiff give security for costs herein to the acceptance of the Clerk of this Court by the 5th day of March prox.

5005 Moses Laird vs. Thomas Polen & Annis Carpenter

And now comes the said Moses Laird and the said Thomas Polen and Annis Carpenter having failed to answer or demurr to the petition of the said Moses Laird it is considered that the said Moses Laird ought to recover the said sum of $132.50 demanded in his petition together with the sum of $2.50 which the Court finds due as the interest thereon computed to this the 22nd day of February 1886, as prayed for in said petition. It is therefore considered that the said Moses Laird recover against the said Thos. Polen & Annis Carpenter the said sum of $134.50 with 8% int. from the 22nd day of Feby 1886, together with his costs in this behalf expended taxed to $

Monday, February 22nd A.D. 1886.

4150	Stephen Cranston Admr vs. C.J. Mercer et al	Continued for Service
4784	Wm S. Cartmell vs. Gratia B. Arwine	Leave to answer within 20 days from rising of Court.
4794	Geo B. Hamilton vs Js. W. Merriott	Leave to file answer instanter
4857	Js. A. Fox et al Trustees &c. vs. George Schneider	Settled and costs paid. See record.
4875	Carrie Gamble vs Emma Gamble	Leave to file amended petition instanter.
4913	E. H. Fry vs A. Dickson et al	Leave to file petition and same filed.
4917	Matthew Lingrell vs. J. T. Haines	Leave to file petition by February 23rd.
4586	Clive B. Mahaffey vs. Curtis Mahaffey	Leave granted plaintiff to file Amended Petition instanter. Petition filed.
4857	J. L. McFarland vs. J. G. Evans	Leave to file petition instanter.
	I. B. Fulton vs. C. L. Kelsey et al	This day this cause came on to be heard upon the petition, the defendants Isabella Hawkins and J. W. Jones although duly served with a Summons herein having failed to answer, demurrer or otherwise object to plaintiffs petition, but made default. Our consideration whereof, the Court being fully advised in the premises finds that there is due to the plaintiff interest being computed to the 1st day of this term the sum of $164.54 and the same should bear interest at eight per cent. It is therefore considered ordered and adjudged by the Court that the plaintiff recover of the defendants Isabella Hawkins and J. W. Jones said sum of $164.54 and his costs herein taxed at $ and defendants pay their own costs taxed at $ for all of which execution is awarded. Thereupon Court adjourned until tomorrow morning at 8-30 o'clock.

4042

4013

5012

Tuesday, February 23rd A. D. 1886.

Court convened this A.M. pursuant to adjournment, the same officers being present as on yesterday.

5042 The Bellefontaine National Bank vs. L. Fouts & Co. and Peter Power

This day came the plaintiff, by McLaughlins & Dow, attorneys, and thereupon came L. Fouts & Co. and Peter Power by P. B. Cole one of the attorneys of Record of this Court, who by virtue of a warrant of attorney duly executed, and now produced in open Court and duly proven waived the issuing and service of process, and entered appearance of said Defendant herein, and by virtue of the same warrant of attorney, confesses that there is due from said Defendants to said plaintiffs as is alleged in said plaintiffs petition, the sum of $584.66 It is therefore considered that said plaintiff do recover of said Defendant the said sum of $584.66 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of attorney all errors are released, and all right of appeal and all right to file a petition in error are waived.

* 5013 S. S. Drake vs. William Russell et. al. *(Monday, February 22nd 1886)*

And now comes the said S. S. Drake by A. V. Carpenter his attorney and the said defendants still failing to answer or demur to said petition it is considered that the said plaintiff is entitled to an account of the money due him in the premises and the Court after hearing the evidence, do find that there is due to the said plaintiff on the note and mortgage in said petition described the sum of Two Hundred and Thirty Seven Dollars ($237.00) including interest computed thereon up to the 22nd day of February 1886. It is therefore considered by the said Court here that the said plaintiff recover of the said defendant William Russell the said sum of Two Hundred and Thirty Seven Dollars (with interest thereon @ 6% from February 22nd, 1886) the sum so found due as aforesaid and also his costs taxed to $

Petitions

And it is further ordered and adjudged that in case the said defendants fail for three days from this 22nd day of February 1886, to pay to the said plaintiff the said sum of Two Hundred & Thirty-Seven Dollars with 6% interest from this 22nd day of February 1886, so as aforesaid found due with costs of suit, an order issue to the Sheriff of Union County, Ohio commanding him to cause the said lands and tenements in said petition described to be appraised, advertised 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.

5012 C. Aultman & Co. vs Joseph C. Rogers } Settled and costs paid See Appearance Docket

Tuesday, February 23rd A.D. 1886

5002 Frank A. Bellus vs. Robert F. Cross, et al.

This cause came on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein, and on the motion to confirm the same. And it appearing that said estate can not be divided by meles and bounds without injury to the value thereof, and that said Commissioners have made and returned their appraisement of said premises free from the dower of the said Phoebe J. Cross in the sum of Eighty Dollars per acre, the Court find the said return and proceedings in all respects correct and in conformity to law and do therefore approve and confirm the same. And thereupon neither of said parties electing to take the said premises at their appraised value, and the said Phoebe J. Cross having by her answer waived her dower by meles and bounds, and asked that in lieu thereof its value be paid in money on motion of the plaintiff it is ordered that said premises be sold at public auction according to law free of the dower of the said Phoebe J. Cross and that an order issue therefor to the Sheriff of Union County. And the said Sheriff is ordered to return his proceedings to this Court without unnecessary delay. 4729

4976 Sarah A. Clevenger vs. John L. Fleck et al.

This cause came on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein, and on the motion to confirm the same: And it appearing that said estate can not be divided by meles and bounds without injury to the value thereof and that said Commissioners have made and returned their appraisement of said premises in the sum of $1100.00 The Court find the said return and proceedings in all respects correct and in conformity to law, and do therefore approve and confirm the same. And thereupon neither of said parties electing to take the said premises at their appraised value on motion of the plaintiff it is ordered that said premises be sold at public auction according to law and that an order issue therefor to the Sheriff of Union County. And the said Sheriff is ordered to return his proceedings to the Court without unnecessary delay. Verdict 6041

4940 A. S. Mongridge vs. Joshua J. Turner

On motion of the plaintiff and on his producing the return of the sheriff of the sale made under the former order of this Court - on careful examination of the proceedings of the said Sheriff being satisfied that the same have been had in all respects in conformity to law and the order of this Court - it is ordered that the said proceedings and sale be and they are hereby approved and confirmed - And it is further ordered that the said Sheriff convey to the purchaser A. S. Mongridge by deed in fee simple the lands and

tenements so sold and the said purchaser is hereby subrogated to all the rights of the said lien holders in said premises so far as they may be paid herein for the protection of his title: and a writ of possession is awarded to put said purchaser in possession of said premises.

And the Court coming now to distribute the proceeds of said sale amounting to $333.37 it is ordered that the Sheriff out of the money in his hands pay:-

1st The costs of this action taxed to ~~~~~~~~~~~~~~~~~~~~ $28.63

2nd The taxes now due on said premises ~~~~~~~~~~~~~~~~ 16.01

3rd The balance to plaintiff on his claim, to-wit: - - - - - 288.70

Leaving $3.02 still due plaintiff.

47 29 Allen Haines vs. Merlin Benton — Jury Trial

This day came the parties by their attorneys, and this cause came on to be tried and thereupon came a jury, to-wit: S. P. Kimball John Bonham, G. P. Mitchell, Preston Jolley Madison Baughman Wm Hurd John Gibson, H. A. Williams, A. S. Turner, J. E. Davis, Hosea Finch & O. A. Milliken who, being duly impannelled and sworn to well and truly try the issue, joined between the parties in this cause, and a true verdict render according to the evidence, under withdrawn by consent of parties, or discharged by the Court and after hearing the testimony, arguments of counsel, and charge of the Court, the said jurors, retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing in the words and figures following, to-wit:-

Verdict

Civil Action

The State of Ohio } February Term, A.D. 1886.
Huron County, ss. } To-wit: February 23rd 1886.

Allen Haines Plaintiff vs. Merlin Benton Defendant

We, the jury in this case, being duly impanneled and sworn do find and say that we find for the plaintiff and assess his damages at One Dollar ($1.00)

A. S. Turner Foreman.

Russell & Co. vs. Abraham Wolford & Valorie Wolford 60 41

This day came the Plaintiff by A. D. Dunbar Attorney, and thereupon came P. B. Cole one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process and entered appearance of said defendants herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the sum of $116.00 It is therefore considered that said plaintiff do recover of said defendants the said sum of $116.00 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of six per centum per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

Tuesday, February 23rd A.D. 1886.

Plain City Bank

5-039 vs.

Jacob Wilcox & James Wilcox

This day came the plaintiff by A. T. Carpenter Attorney, and thereupon came J. B. Cole one of the Attorneys of Record of this Court, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process and entered appearance of said defendants herein, and by virtue of the same warrant of Attorney confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiff's petition, the sum of $323.00 It is therefore considered that said plaintiff do recover of said defendants the said sum of $323.00 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

W. S. Rogers.

5-040 vs.

D. J. Case & Mary A. Case

This day came the Plaintiff by A. T. Carpenter Attorney, and thereupon came J. B. Cole one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendants to said plaintiff as is alleged in said plaintiffs petition, the sum of $489.35. It is therefore considered that said plaintiff do recover of said defendants the said sum of $489.35 so as aforesaid confessed to be due, together with costs of suit herein to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal and all right to file a petition in error are waived.

4890

Tuesday, February 23rd A.D. 1886.

4890	Geo. Wm Ballow vs. Wm Hoover & Geo. DeLaunder	This cause is dismissed at Defendants costs. It is therefore considered and adjudged by the Court that Plaintiff recover of Defendants his costs taxed to $

Thereupon Court adjourned until to-morrow morning at 8-30 o'clock.

Wednesday, February 24th A.D. 1886.

Court convened this A.M. pursuant to adjournment the same officers being present as on yesterday.

This day appeared at the Bar of this Court, the Grand Jurry heretofore impaneled and sworn in and for the body of the County aforesaid, viz:-

H. M. Warner	Ira Smith
Phil. Snider	J. C. Robinson
Thomas Martin	B. N. Munson
J. M. McElroy	W. W. McMahan
Wm Boyd	Jackson Wright
John Thompson	J. C. Gamble
M. L. Harvey	John Weidman

George B. Hamilton, Foreman. 4978

and presented their certain Bills of Indictment against William Schmelzer for Unlawfully Selling and Furnishing Intoxicating Liquor to Minors;

695- for Unlawfully Selling and Furnishing Intoxicating Liquor to Minors;
696. William Schmelzer for Unlawfully Selling and Furnishing Intoxicating Liquor to Minors;
697. William Schmelzer for Unlawfully Selling and Furnishing Intoxicating Liquor to Minors;
698. William Schmelzer for Unlawfully Selling and Furnishing Intoxicating Liquor to Minors;
699 William Schmelzer for Unlawfully Selling and Furnishing Intoxicating Liquor to Minors;
700 William Schmelzer for Unlawfully Selling and Furnishing Intoxicating Liquor to Minors;
701 Frank Hopkins for Unlawfully Selling and Furnishing Intoxicating Liquor to Minors;
702 Frank Hopkins for Unlawfully Selling and Furnishing Intoxicating Liquor to Minors;
703 Frank Hopkins for Unlawfully Selling and Furnishing Intoxicating Liquor to Minors;
704 Frank Hopkins for Unlawfully Selling and Furnishing Intoxicating Liquor to Minors;
705- Benjamin Davis for Selling Intoxicating Liquors on Sunday;
706 Benjamin Davis for Selling Intoxicating Liquors on Sunday;-
707 Lincoln Davis for Selling Intoxicating Liquors on Sunday;
708 Lincoln Davis for Selling Intoxicating Liquors on Sunday;
709 Lincoln Davis for Selling Intoxicating Liquors on Sunday;
710 Lincoln Davis for Selling Intoxicating Liquors on Sunday;
711 Lincoln Davis for Selling Intoxicating Liquors on Sunday;
× 712 Lincoln Davis for Gambling;
713. Benjamin Davis for Unlawfully Selling & Furnishing Intoxicating Liquor to persons in the habit of getting intoxicated
714 Benjamin Davis for Gambling
715- Benjamin Davis for Selling Intoxicating Liquor to person intoxicated;
716 Benjamin Davis and Lincoln Davis for Suffering Game to be played in Defendants House;
717 Samuel Benton for Arson; 4626
718 Charles Ellis for Horse Stealing and Grand Larceny;- Each endorsed: "A True Bill" and signed by George B. Hamilton, Foreman of Grand Jury.

Also their further report as follows, to-wit:-

Report of Grand Jury.

To the Honorable John A. Price, Judge of the Court of Common Pleas, Union County, Ohio
The Grand Jury of the Court of Common Pleas of said County, of the February Term 1886, beg leave to report that they have been in session three days, and herewith return to the Court the Indictments presented by said jury: We have carefully examined into all such matters as have legitimately come to our notice, having examined over fifty six witnesses, covering twenty-six cases and presented twenty-four bills and ignored two cases considered by us. The business has been transacted in as expeditious a manner as possible. 4925

During our session we have visited the County Jail and made a complete examination thereof, and find that the rules prescribed by the Court for the care thereof and for the government of its inmates, have been carried out and properly enforced.

We herewith present a resolution to provide for the performance of labor by prisoners confined in the County Jail which we recommend for adoption and enforcement by the County Commissioners, and recommend that the Clerk transmit said Resolution to said County Commissioners.

Respectfully submitted

George B. Hamilton Foreman.

February 24th 1886

4778 John G Coleman, Plaintiff vs. John Vanderau et al. Defendants } In Union Common Pleas, Ohio.

Now comes the plaintiff herein, and the defendant being in default for answer and demurrer, the Court find that the allegations of the petition are confessed by them to be true, the Court therefore find that defendant John Vanderau is indebted to plaintiff in the sum of $1746.27/100 with interest thereon at 7 per cent from Feby 22nd 1886. It is therefore considered by the Court that said plaintiff recover from the said defendant John Vanderau the said sum of $1746 27/100, and his costs herein expended, taxed at $.

The Court further find that to secure the payment of the notes described in said petition the defendants John Vanderau and Susan B. Vanderau, his wife executed and delivered to said John George Coleman the plaintiff, their certain mortgage in the petition described, and on the premises therein described; that said mortgage was duly recorded in Vol. 20 page 214 of the Mortgage Record of Union County, Ohio. It is therefore considered and adjudged that unless the defendant John Vanderau 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 herein the sum so found due as aforesaid, with interest from the 22nd day of February 1886, the defendants equity of redemption be foreclosed, and said premises shall be sold and an order of sale shall issue therefor to the Sheriff of Union County, directing him to sell said premises as upon execution, and bring the proceeds into Court for further order.

Martha Moore vs. George Boyer } 4626

This day came on this cause to be heard on the demurrer of the defendant to the petition of the plaintiff, was argued by counsel and the Court being fully advised in the premises overrule said demurrer and defendant has leave to answer by March 1st 1886. To the overruling of demurrer defendant excepts.

A. S. Morgridge Plaintiff vs. Daniel B. Patch et. al. Defendants } 4925 In Union Common Pleas, Ohio

On motion of the plaintiff, and on his showing the return of the Sheriff, of the sale made under the former order of this Court; and the Court on careful examination of the proceedings of

Wednesday, February 24th A.D. 1886.

the said Sheriff, being satisfied that the same have been had in all respects in conformity to law and the orders of this Court, it is ordered that the said proceedings and sale be and they are hereby approved and confirmed.

And it is further ordered that the said Sheriff convey to the purchaser, Adam Kreekbaum by deed in fee simple, the lands and tenements so sold and a writ of possession is awarded to put said purchaser in possession of said premises. And the Court coming now to distribute the proceeds of said sale amounting to $300 7/100, it is ordered that the Sheriff, out of the money in his hands pay: First, the costs of this action, taxed at $33.70

Secondly, The taxes due on said premises $18.50

Thirdly: To the plaintiff A. L. Morrison the balance of the said money remaining in his hands, to-wit the sum of $445.80 to be applied as a credit upon his judgment against the said defendant.

4824

Thereupon Court adjourned until tomorrow morning at 8-30 o'clock

Thursday, February 25th A.D. 1886.

Court convened this A.M. pursuant to adjournment the same officers being present as on yesterday.

David Mc. Campbell Plaintiff
vs.
4824 James H. Tuttle, William Tuttle and George T. Jones, Original Defendants, and Emily Ann Potter and her husband Christopher Potter, made Defendants by the order of this Court Defendants

This day this cause came on to be heard upon the petition and supplemental petition of the plaintiff, the answer of defendants James H. Tuttle, William Tuttle and George T. Jones, and the answer of defendant Christopher Potter, and the Answer and Cross petition of Emily Ann Potter defendant; and were submitted to the Court: And thereupon came the plaintiff in person & by his attorneys and dismissed his said action as against said defendants James H. Tuttle, William Tuttle and George T. Jones without prejudice. Whereupon it is ordered and adjudged that said plaintiffs said action as against said James H. Tuttle, William Tuttle and George T. Jones be dismissed without prejudice to another action against them: and thereupon this cause being heard on the issues joined between the said David Mc. Campbell plaintiff and said Emily Ann. Potter and Christopher Potter on the petition and supplemental petition of the plaintiff and the answer of said Christopher Potter and the answer and cross petition of said Emily Ann Potter doth find for said Christopher Potter and for said Emily Ann. Potter, and doth find that at the time of bringing of this action and at all times since then the full and complete legal title in fee simple in and to the said premises in the petition and in the answer and cross petition of said Emily Ann. Potter mentioned and described in this Union County and the State of Ohio and hereinafter described, was and is in the said Emily Ann. Potter by virtue of the conveyance and deed therefor to her from said James H. Tuttle, William Tuttle and George T. Jones and their wives and recorded in Vol 58 Page 27 of record of deeds of Union County Ohio as set forth and alleged in her said answer and cross petition, and that she is and was at the commencement of this action legally entitled to the full and absolute possession of the same, and that said plaintiff David Mc. Campbell fully and completely conveyed the same to the said James H. Tuttle, William Tuttle and George T. Jones in fee simple as set forth in said Emily Ann. Potter's answer and cross petition and that they and their wives conveyed the same to said Emily Ann. Potter in fee simple as aforesaid. And that said David Mc. Campbell ever since said conveyance of said premises in said Union County Ohio, to said Emily Ann. Potter has been in possession thereof as tenant to said Emily Ann. Potter, and holding said possession under and by virtue of her said title to said premises: and that neither said plaintiff nor said defendants James H. Tuttle, William Tuttle or George T. Jones nor any of them have or ought to have any estate in said ~~real~~ real estate and premises or any part thereof nor are they or any of them entitled to the possession thereof or any part thereof - excepting only that said plaintiff David Mc. Campbell is lawfully in possession thereof as tenant of the said Emily Ann. Potter and as tenant to her said title:

o'clock

Thursday, February 25th A.D. 1886.

And the Court finds that said plaintiff hath no right of action against said Christopher Potter or said Emily M. Potter by reason of any of the matters set forth by him in his said petition and Supplemental petition; and that said Emily M. Potter ought to have her title to said real estate and premises quieted as against said plaintiff and as against said James H. Turpie William Turpie and George T. Jones as prayed for in her said answer and cross petition. It is therefore ordered adjudged and decreed that the title and possession of the said Emily M. Potter to all and singular the premises in the plaintiffs petition described and now herein described to-wit: Bounded and described as follows; situated in Jerome Township, Union County Ohio. Beginning at a stone in the line of Survey No. 5134 in the name John Pride thence East 204 3/4 poles to a stake in the line of David Sherwood, thence N. 10° W. 194 poles to a stone in the line of Survey No 6310 in the name of William Pellham, Thence with his line S 80° W. 282 poles to a sugar tree in the line of said Pride Survey Thence with his line S. 37° E 183 poles to the beginning containing 275 acres excepting the following tracts contained in the above description. 1st Forty acres described as follows: Beginning at a stone in the line of land sold by L. N. Lowhead to Wingly Wood and North West corner to a tract of forty acres conveyed by William Liggett and wife to Andrew M. Campbell, Thence with said Woods line N. 35 1/2° W. 29 1/2 poles to a stone in said line, Thence East 15 1/2 poles to a stake witness a beech S. 85 1/2° E 1 1/2 poles, Thence North 8 1/2° W. 22 poles to a stake, Thence East 60 2/4 poles to a beech and large hickory in the line of David Sherwood land, Thence with said line S. 8 1/2° E. 47 poles to a stake witness an Ash and beech, one of the corners of said tract of forty four acres - Thence with one of its lines West 204 1/4 poles to the beginning. 2nd Forty-four and one fourth acres described as follows:- Beginning at a white oak hickory and sugar (gone) northerly corner to Survey No. 5134, Thence with the easterly line of said Survey S 35 3/4° E. 146 1/2 poles to a stake corner to Wingly Wood and Samuel R. Woodburn Thence N. 1° E 2 poles to a stone, Thence S. 80° E. 48 poles to a stone, Thence N. 1 1/2 E 104 3/4 poles to a stone in the Southerly line of Survey No 6310 and South easterly corner to a 60 acre lot of land sold by Charles Fox to Henry Fox, Thence with the easterly line of said lot N. 12 1/2° W. 106 poles to a stake in the Frankfort road, Thence with said road and with easterly line of Survey No. 5611 S. 5° W. 104 1/2 poles to the beginning containing 103 1/4 acres being 58 acres in Survey No 6310 and 45 1/4 acres in Survey 6581 — be and the same is hereby quieted as against the said plaintiff and as against all persons claiming by, through or under him, and quieted as against the said defendants James H. Turpie, William Turpie and George T. Jones and each of them and against all persons claiming by, through or under them or either of them, And said plaintiff and all persons claiming by, through or under him are hereby forever and perpetually enjoined from setting up any claim to said premises or any part thereof adverse to the title and possession of said Emily M. Potter thereunto or done in any manner interfering with her use and enjoyment of the same. And it is considered that said Christopher Potter go hence without day. It is further considered and ordered that the said plaintiff David M. Campbell pay the costs of this action and proceeding and that in default thereof execution issue therefor and it is ordered that there be no Complete Record made in this case, to all which finding and decree the said parties consent.

4686

4811

5015

Thursday, February 25th A.D. 1886.

4686 John T. Trahn vs. D. S. Ford et. al.

This day this cause came on to be heard upon the answer and cross petition of the said D. S. Ford and the answer of John Lo. Porter Guardian ad litem of the minor defendants herein filed and the Court having heard the evidence finds that the facts therein set forth are true and that there is due to said defendant D. S. Ford on the notes set forth in said Answer and Cross petition the sum of Three Thousand Two Hundred and Forty-one 83/100 Dollars and that said defendant D. S. Ford has a valid vendors lien on the premises described in the petition in this case to secure said notes and the said premises having heretofore been sold and a partial distribution of the proceeds thereof having been made by this court at the last term thereof, the Court find that all the remainder of said proceeds, to-wit: the sum of $1206.82 shall be paid to said defendant D. S. Ford to be applied on said indebtedness so found due him and that there is nothing left for distribution to said minor defendants. And the Clerk of this Court is hereby ordered to pay over to said D. S. Ford said sum of $1206.82

4811 Alexander Owen Plaintiff vs The Board of Education of York Township, Union County Ohio Defendant

The parties appeared and thereupon came the following jury to-wit:- Preston Jolly, S. P. Kimball, Benj Hammond, Madison Baughman, William Heed, John Gibson, H. A. Williams, A. S. Turner, W. P. Guy, George Long, Moses Thompson, John H. Thompson. who were duly impanneled and sworn to well and truly try the issue joined between the parties and a true verdict to render, unless withdrawn or dismissed and thereupon the plaintiff by his attorney stated his claim and the defendant by his attorney stated his defense thereto and thereupon, on motion of the plaintiff and the Court being of opinion it is proper for the jurors to have a view of the School building, situate in York Township of this County, which property is the subject of litigation herein, it is ordered that the jury be conducted in a body under the charge of the Sheriff to said place and by agreement of parties it is further ordered that the Sheriff of this County be and he hereby is appointed by the Court as the person to show the jury said place aforesaid and by order of the Court this cause is continued until tomorrow morning for said jury to obey said order aforesaid.

5-0 15 Thomas Skidmore vs. William M. Skidmore et. al.

This day this cause came on to be heard and the defendants still failing to answer or demur to plaintiffs petition herein filed the same was submitted to the Court upon the pleadings and the evidence, on consideration whereof the Court finds the allegations of said petition to be true and that there is due from said defendant William M. Skidmore to this plaintiff the said sum of $5-15/100

Thursday, February 25th A.D. 1886

with eight per cent interest from December 21st 1885; amounting in all to the sum of $86.19.85 with eight per cent interest from February 22nd 1886 - the Court finding that said plaintiff has paid off said original judgment mentioned in his petition since filing the same in this Court. And the Court further find that the said defendants James Hamilton and Fremont Hamilton are indebted to said defendant William M. Skidmore in more than the said amount due this plaintiff, and the Court further find that according to the terms of said original contract between said defendants Wm. M. Skidmore and said defendants James Hamilton and Fremont Hamilton the said James and Fremont Hamilton were to pay said William M. Skidmore the money due him on notes on responsible parties and the said plaintiff and said defendants James and Fremont Hamilton have agreed to carry out said original contract under this decree. It is therefore considered ordered and adjudged by the Court that said defendants James Hamilton and Fremont Hamilton pay to said plaintiff said sum of Five Hundred and Nineteen and 85/100 Dollars with eight per cent interest from February 22nd 1886, and to the Clerk of this Court the amount of costs in said original case No. 4971 as set forth in said plaintiffs petition taxed to $16.70 and the costs of this action taxed to $ 12.95 and execution is awarded for the same. It is further ordered and decreed by the Court that the said defendants James Hamilton and Fremont Hamilton are hereby released from their obligations to account to said defendant William M. Skidmore for any part of the amount herein ordered to be paid to said plaintiff or the Clerk of this Court. 45-5-8

4842 — O. Autrevan & Co. vs. E. A. O. Brevard et. al.

This day this cause was continued upon the showing of the defendant at his costs this term. 4783

4914 — Millie O. Kline vs. Daniel L. Kline 4359

This day this cause came on for hearing upon the petition of the plaintiff the defendant being in default for answer or demurrer and the Court being fully advised in the premises finds -

First: that due notice of the pendency of the petition was served on the defendant 4856

Second:- That at the time of said Marriage of the plaintiff to the defendant the plaintiffs first husband was living, to-wit: Van Rennsealer P. Ruggles.

It is therefore ordered and adjudged that said marriage relation between said parties be cancelled and held for naught and that the plaintiff be restored to her former name of Millie O. Ruggles.

4999 — D. R. White vs. Jason N. Chapman et. al. } Consolidated with and under No 5000 — Wm. Black vs. Jason N. Chapman et. al. 4894

Thereupon, Court adjourned until tomorrow morning at 8-30 A. M.

Friday February 26th A. D. 1886.

Court convened this A. M. pursuant to adjournment the same officers being present as on yesterday.

4535-8	Clara Moffitt vs James D. Gamble et al.	In Partition

On motion to the Court by the plaintiff and upon producing the return of the Sheriff of his proceeding and sale under the former order of this Court and the Court being satisfied on examination that the same have been had in all respects according to law the said proceedings and sale are hereby approved and confirmed And the said Sheriff is ordered by deed duly executed to convey said premises to the purchaser in fee simple free of Dower.

It is further ordered that out of the proceeds of said sale the Sheriff pay:-

1st To the Treasurer of Ottawa County $253.22 being the taxes and penalty due on said premises.

2nd To the Clerk of this Court the costs of this action, including a counsel fee of $62.25 to Cameron and Woodburn being for their services, herein taxed at $132.23

3rd And of the residue of the proceeds of said Sale he pay to the plaintiff Clara Moffit and to Delphia Rodgers - Aaron Rodgers - Ella Rodgers, George Rodgers, James Rodgers and Dora Rodgers each the sum of $8.63 and also to each 1/9 part of the notes for deferred payments. And as to the residue of the proceeds of said sale and the rights of the widow of Robert Gamble this case is passed for future consideration.

4783	Sarah Moses vs. Wm Grubbs et al	Defendants have 30 days from rising of Court to Plead.

4359	Nancy E. Lyon vs Elias O. Lyon	

This cause is dismissed without prejudice at plffs costs. It is therefore considered and adjudged by the Court that the plaintiff pay the costs herein taxed at $

4856	Sophia Seamans vs. Wm H. Seamans	

This cause is dismissed without prejudice at plaintiffs costs. It is therefore considered and adjudged by the Court that the plaintiff pay the costs herein taxed at $.

4894	The State of Ohio vs. B. Denlow	

Continued by agreement and by showing of defendant and at his costs for the term. It is therefore considered and adjudged by the Court that the defendant pay the costs of this case made at this term of Court taxed $

Friday, February 26th A.D. 1886.

4811 — Alexander Owens Plaintiff vs. The Board of Education of York Township, Union County, Ohio — Civil Action

This day came the parties by their attorneys and the jury herein before impaneled herein and thereupon the plaintiff proceeded to the examination of witnesses and the same not being concluded at the adjournment, the Court adjourned said case until tomorrow morning.

5000 — William Black vs. Jason N. Chapman et. al

This day this cause came on to be heard upon the petition filed herein, the defendant although duly notified of the pendency of this action failed to answer or demurrer, or otherwise object to the petition of said plaintiff. On consideration whereof and the Court being fully advised in the premises finds that the defendants Jason N. Chapman and Mary A. Chapman executed and delivered to plaintiff the note and mortgage as in said petition described and that all the allegations of said petition are true, that there is due to plaintiff as interest upon the note described in the petition upon the first day of the present term the sum of Three Hundred and Thirty-Nine and 27/100 Dollars and the condition of defeasance in said mortgage has been broken and that the said plaintiff is entitled to have the defendants equity of redemption foreclosed. It is therefore considered and decreed that unless the defendants Jason N. Chapman and Mary A. Chapman or either of them within one day from the entry of this decree pay to the Clerk of this Court the costs of this case, and to the plaintiff the said sum of $339.27 with interest thereon from the first day of this term that an order issue to the Sheriff of Union County, Ohio, commanding him to cause said premises to be appraised advertised and sold according to law and that he bring the proceeds of said sale into Court to await its further order. 5.0 10

5000 + 4999 — Wm Black vs. Jason N. Chapman et al (Consolidated with No 4999) — O. R. White vs. Jason N. Chapman et. al. 5.0 05

This day came on this cause No. 5000 and it appearing to the Court that cause No. 4999 by O. R. White plaintiff against Jason N. Chapman et others defendants relates to the same subject-matter, the said causes are by the Court ordered to be consolidated under the title of Wm Black against Jason N. Chapman and others. Whereupon the cause came on to be heard on the petition of O. R. White and was submitted to the Court. Whereupon the Court find that there is due said O. R. White from said Jason N. Chapman the sum of $437.60 with interest from January 6th 1886 by virtue of the assignment to him of said judgment mentioned in said petition which the Court find is a lien on the land in the plaintiffs petition described from the 15th of December 1883 and the Court order and decree that unless defendant within one day pay said sum of $437.60 with 8 per cent interest from January 6th 1886 that an order of sale issue to the Sheriff of this County, commanding him to appraise, advertise and sell said lands to satisfy said judgment and

costs and the Court further find there is due to Margaret Staymates from Jason N. Chapman on the said judgment rendered against him as principal and J.A. White and Jonathan Chaney his sureties, the sum of $370.$^{34}/_{100}$ debt and $ costs with interest from February 16th 1885, and which is a lien on said land from said 16th day of February 1886; and the Court further find that there is due to plaintiff Wm Black from said Jason N. Chapman and his wife Mary A. Chapman as accrued interest on said mortgage mentioned in his petition the following sums to-wit:

$ 12.—— with interest from May 1st 1883,
Sixty Dollars with interest from November 1st 1883,
Sixty Dollars with interest from May 1st 1884,
Sixty Dollars with interest from November 1st 1884,
Sixty Dollars with interest from May 1st 1885,
Sixty Dollars with interest from November 1st 1886, and 8 per cent interest on $15-00 from November 1st 1885 to the first day of this term all amounting to the sum of $341.$^{26}/_{100}$ and the principal of said mortgage will also become due the 1st of May 1886 with 8 per cent from the 1st day of this Term all of which is a lien on said land in said Wm Blacks petition described from the 9th day of June 1881— It is therefore ordered and decreed that unless the said defendants pay said sum of three hundred and forty one dollars and ninety six cents found due plaintiff William Black as accrued interest within five days that an order of sale issue to the Sheriff commanding him to appraise advertise and sell the land in said petition described according to law to satisfy said plaintiffs said claim with interest and costs and as to the liens and claims of other defendants this cause is first passed for report of said Sheriff

D. Mulford
vs.
5-0 10 T. Bishop et. al.

This day this cause is dismissed at plaintiffs costs— No Record— Therefore it is ordered that plaintiff pay the costs herein in ten days and in default thereof that execution issue therefor.

David Mulford
vs
5-0 08 Beverly Depfe, et. al.

This day came on this cause to be heard by the Court Whereupon the Court being fully advised in the premises do find that the parties have been duly notified of the pendency of this petition and that plaintiff is entitled to have partition of the lands in said petition described and therefor it is ordered and decreed by the Court that a writ of partition issue to the Sheriff of this County commanding him by the oaths of Wm Smith, J.A. Henderson and Christopher Houston three disinterested freeholders of the vicinity not of kin to either of said parties that he assign and set off to the plaintiff one twentieth part of said premises to Beverly Depfe defendant four fifths part thereof, to Hubbard P. Mulford one twentieth part of said premises and to Helen R. Mulford one twentieth part thereof and to Julia Pope one twentieth part thereof and that if said lands will not bear partition without manifest injury that they return their appraisement thereof.

Friday February 26th A.D. 1886.

5009 David Mulford vs Henry Hudson et al.

This day this cause came on to be heard by the Court Whereupon the Court being fully advised in the premises do find that the parties have been duly notified of the pendency of this petition and that plaintiff is entitled to have partition of the lands in said petition described and therefore it is ordered and decreed by the Court that a Writ of partition issue to the Sheriff of this County commanding him by the oaths of Wm Swartz, J. A. Henderson and Christopher Kantner, three disinterested freeholders of the vicinity not of kin to either of said parties that he assign and set off to the plaintiff one twentieth part of said premises: To Henry Hudson defendant four fifths part thereof,

To Shobel P. Mulford one twentieth part of said premises and

To Helen B. Mulford one twentieth part thereof and

To Julia Pope one twentieth part thereof and that if said lands will not bear partition without manifest injury that they return their appraisement thereof.

4729

5007 David Mulford vs John H. Preston

This day came on this cause to be heard by the Court Whereupon the Court being fully advised in the premises do find that the parties have been duly notified of the pendency of this petition and that plaintiff is entitled to have partition of the lands in said petition described and therefore it is ordered and decreed by the Court that a Writ of Partition issue to the Sheriff of this County commanding him by the oaths of Wm Swartz J. A. Henderson and Christopher Kantner three disinterested freeholders of the vicinity not of kin to either of said parties that he assign and set off:—

to the plaintiff one twentieth part of said premises,

to John H. Preston defendant four-fifths part thereof,

to Shobel P. Mulford one twentieth part of said premises and

to Helen B. Mulford one twentieth part thereof and

to Julia Pope one twentieth part thereof and that if said lands will not bear partition without manifest injury that they return their appraisement thereof.

4812 Julia A. Chapman + others vs Sarah Whitley + others

This day came on this cause to be heard by the Court; Whereupon A. V. Carpenter was made a party defendant and entered his appearance and filed his answer herein, Whereupon the Court heard the evidence of Sarah Whitley as to her claim of dower and the Court being fully advised in the premises do find that Sarah Whitley has released her right of dower to the ½ now held by Wm Whitley but that for the ½ which Jason A. Chapman owned as his share of said estate and which was included in her deed to him for the ½ which she bought from John H. Chapman she rec'd no consideration and that it was the mutual mistake of the parties thereto in including in said deed that share and the same is hereby set aside

and held for naught so far as it purports to release her dower in that share of said land, Therefore the Court order and decree that a writ of Dower and Partition issue to the Sheriff of this County commanding him by the oaths of J. A. White, John M. Harriman and John H. Sterling he set off to said Sarah Whitley her full one third part of the four fifths of said farm as her dower therein and that by like oaths he cause to be set off to Mrs. Whitley the two fifths of said tract of land subject to the dower of said Sarah Whitley to the one third of the one half of said two fifths and that by like oaths he cause to be set off to Julia A. Chapman, Raymond H. Chapman and Mary J. Chapman under the Guardianship of Jason N. Chapman the said 3/4 to be set off to them in one parcel and in doing so that said Dower shall be duly apportioned to said two parcels so set off.

Allen A Haines
vs. 4729
Merlin Benton

This day this cause came on for hearing on the motion of the defendant for a new trial in this case and the Court being fully advised in the premises does over rule said motion to which ruling of the Court the defendant excepts and asks and obtains leave to file his Bill of exceptions herein within 20 days from the rising of the Court

It is therefore considered ordered and adjudged by the Court that the plaintiff recover of the defendant his judgment of $1.00 + cost herein taxed at $

Thereupon Court adjourned until tomorrow morning at 8-30 o'clock.

Saturday, February 27th A. D. 1886.

Court convened this A. M. pursuant to adjournment this same officers being present as on yesterday.

Alexander Owen Plaintiff

4811 vs. Civil Action. 4811

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

The parties appeared and thereupon came the jury heretofore empaneled herein, and thereupon the defendant proceeded to the examination of its witnesses and the same not being concluded at the adjournment, thereupon the Court adjourned until Monday afternoon at 1 o'clock. P. M.

Wm. M. Watson, Plaintiff

4619 vs. Appeal Cr. Common Pleas Court- 4724

M. M. Hubbard, Defendant Finding & Judgment.

This day came the parties by their attorneys, and a jury being waived and both parties orally consenting in open Court that the damages in the case be assessed by the Court without the intervention of a jury and the Court assenting to the same, this cause was submitted to the Court on the pleadings and evidence. On consideration whereof the Court find that at the commencement of this action the said plaintiff had not the right of property in and was not entitled to the possession of the property, goods & chattels in his petition described and claimed. And the Court find that the defendant then had the right of property in, and was entitled to the possession of the said property, Goods and chattels. And the Court assess the damages of the defendant by reason of the premises to $88.^{13} Eighty eight and $^{13}/_{100}$ Dollars viz:- $57.^{68} on account of the 1st execution, and $30.^{45} on account of the 2nd execution in defendants amended answer stated. Thereupon plaintiff moved the Court to set aside findings and assessments and for a new trial and said motion being submitted was by the Court overruled, to which overruling the plaintiff then excepted, asked and was allowed 30 days after the rising of the Court in which to file bill of exceptions

It is therefore considered by the Court that defendant recover of the plaintiff M. M. Watson the said sum of $88.^{13} Eighty Eight and $^{13}/_{100}$ Dollars his damages so assessed together with his costs herein expended taxed at $

Thereupon Court adjourned until Monday at one o'clock P. M. March 1st

Monday, March 1st A. D. 1886.

Court convened this P. M. pursuant to adjournment the same officers being present as on Saturday.

4811 Alexander Queen, Plaintiff
vs.
The Board of Education of York Township, Union County, Ohio, Defendant.

The parties appeared and thereupon came the jury heretofore empaneled herein, and the defendant proceeded to introduce testimony herein and the same not being concluded, thereupon the Court adjourned until tomorrow morning at half past eight o'clock.

4724 Wm Penn
vs
J. C. Ramey. On motion consolidated with 45-13, which case is ordered to be reinstated on the Docket.

Court from Court adjourned until tomorrow at 8-30 o'clock A. M.

Tuesday, March 2nd A.D. 1886.

Court convened this A.M. pursuant to adjournment the same officers being present as on yesterday

5-047 Bank of Richwood, Plaintiff
vs.
Mary J. Mc. Millon John H. Mc. Millon
Mary E. Mc. Millon, Defendant

This day came the plaintiff by S.S. Saudmire Attorney, and thereupon came John M. Broderick one of the attorneys of Record of this Court, who by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, upon the issuing and service of process, and entered appearance of said Defendant herein and by virtue of same warrant of Attorney, confesses that there is due from said Defendant to said plaintiff as is alleged in said Plaintiff's petition the sum of $324.03/100 It is therefore considered that said Plaintiff do recover of said Defendant the said sum of $324.03/100 so as aforesaid confessed to be due together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of the said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived.

5-008

5-022 The Farmers Bank &c. Plaintiff
vs.
David Crider, Adam Wolford.
Wm Wolford and J. M. Sanders, Defendants

Action on Promissory Note.

Now comes the plaintiff, and the defendants David Crider, Adam Wolford and J. M. Sanders being in default for answer and demurrer, the Court find that the allegations of the petition are confessed by them to be true. It is therefore considered by the Court that the said plaintiff recover from the said defendants the said sum of $128.62/100 with interest thereon at the rate of six per cent from the 22nd day of February 1886 and the costs herein expended taxed at $

5-00?

At the same time the plaintiff having suggested to the Court the death of Wm Wolford one of the parties defendant herein, and asked that the representatives of said Wm Wolford dec'd be made parties defendant herein It is ordered by the Court that the representatives of said Wm Wolford dec'd be made parties defendant to this action, and as to them, this cause is continued.

5-007 David Wolford, Plaintiff
vs.
John H Preston et. al. Defendants.

Entry Confirming Report of Commissioners.

This cause came on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein and on motion to confirm the the same, and it appearing that said estate can not be divided by metes and bounds without manifest injury to the value thereof, and that said Commissioners have made and returned their appraisement of said premises, to-wit: the sum of Seventy Dollars ($70.00) per acre. The Court find the said return and proceedings in all respects correct and in conformity to law and do

481

therefore approve and confirm the same. And thereupon neither of said parties electing to take the said premises at their appraised value on motion of the plaintiff it is ordered that said premises be sold at public auction, and that an order issue therefor to the Sheriff of said Union County. And that said Sheriff return his proceedings to this Court without unnecessary delay.

5008 David Mulford Plaintiff
vs.
Beverly Defft et. als. Defendant
Entry Confirming Report of Commissioners.

This cause came on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein, and on motion to confirm the same, and it appearing that said estate cannot be divided by metes and bounds without manifest injury to the value thereof, and that said Commissioners have made and returned their appraisement of said premises to-wit, in the sum of Sixty-six and 2/3 Dollars ($66 2/3) per acre. The Court find the said return and proceedings in all respects correct and in conformity to law and do therefore approve and confirm the same. And thereupon neither of said parties electing to take the said premises at their appraised value on motion of the Plaintiff it is ordered that said premises be sold at public auction and that an order issue therefor to the Sheriff of said Union County. And that said Sheriff return his proceedings to this Court without unnecessary delay.

5009 David Mulford, Plaintiff
vs.
Henry Henderson et. al. Defendants.
Entry Confirming Report of Commissioners

This cause came on for hearing upon the return of the Sheriff and the report of the Commissioners heretofore appointed herein, and on motion to confirm the same, and it appearing that said estate cannot be divided by metes and bounds without manifest injury to the value thereof, and that said Commissioners have made and returned their appraisement of said premises to-wit in the sum of fifty-five dollars ($55.00) per acre, the Court find the said return and proceedings in all respects correct and in conformity to law and do therefore approve and confirm the same. And thereupon neither of said parties electing to take the said premises at their appraised value, on motion of the plaintiff it is ordered that said premises be sold at public auction and that an order issue therefor to the Sheriff of said County of Union. And that said Sheriff return his proceedings to this Court without unnecessary delay.

4811 Alexander Owen Plaintiff
vs.
The Board of Education of York Township, Union County, Ohio Defendant

The parties appeared and thereupon came the jury heretofore impaneled herein, and the parties conducted the introduction of evidence herein, and thereupon the Court adjourned until tomorrow morning at half past eight o'clock.

Wednesday, March 3rd A. D. 1886.

Court convened this A. M. pursuant to adjournment the same officers being present as yesterday.

4811 Alexander Owen Plaintiff
vs.
The Board of Education of York Township, Union County, Ohio, Defendant

The parties appeared and thereupon came the jury heretofore impaneled herein and the Counsel proceeded to the argument of the case and the cause not being concluded thereupon the Court adjourned until half past eight o'clock tomorrow morning.

4811

4919

Thereupon Court adjourned until tomorrow A M at half past eight o'clock.

Thursday, March 4th A.D. 1886.

Court convened this A.M. pursuant to adjournment the same officers being present as on yesterday.

4811 Alexander Owen Plaintiff
vs.
The Board of Education of York Township, Union County, Ohio

Civil Action.

The parties appeared and thereupon came the jury heretofore empaneled herein and the arguments of Counsel being concluded thereupon the Court charged the jury and the jury retired for deliberation in charge of the Sheriff.

4919 John H. Warren and others Executors etc,
vs.
Robert A. Smith and Lemuel James.

Money Only.

This cause came on for hearing this day upon the petition, answer of defendant Lemuel James, reply of plaintiff and the evidence, and a jury being waived was submitted to the Court: On consideration whereof the Court find on the issue joined for the plaintiff and that the defendant Lemuel James is indebted to this plaintiff in the sum of four hundred and 93/100 dollars ($400.93) with interest at rate of eight per cent per annum. It is therefore considered by this Court here that said plaintiff recover from said defendant Lemuel James the said sum of Four Hundred and 93/100 Dollars ($400.93/100) with interest at rate of eight per cent per annum together with his costs herein expended taxed to $

Thereupon Court adjourned until tomorrow A.M. at half past eight o'clock.

Friday, March 5th A.D. 1886.

Court convened this A.M. pursuant to adjournment the same officers being present as on yesterday.

4917 Mathew Leingrel vs. J.V. Haines

This day this cause came on to be heard upon the motion of plaintiff for leave to file his petition herein. Motion granted and petition filed with leave to said defendant to answer in 30 days from this date of March 5th 1886. Cause continued

4985 Nancy Sawyer vs. J.A. Sawyer

This cause coming on for hearing, was submitted to the Court upon the pleadings and evidence, on consideration whereof the Court find that the plaintiff at the time of filing her petition had been a resident of the State of Ohio for one year next preceding the same and was at that time a bona fide resident of the County of Union and that the parties hereto were married as in said petition set forth. The Court further find upon the evidence adduced that the defendant has been guilty of disregard of his marital duties for more than three years last past been willfully absent from the plaintiff - and that by reason thereof the plaintiff is entitled to a divorce as prayed for. It is therefore ordered and adjudged by the Court that the marriage contract heretofore existing between the said Nancy Sawyer and J.A. Sawyer be and the same hereby is dissolved and both parties are released from the obligations of the same. It is further ordered by the Court that the plaintiff pay the costs of this proceeding.

4811 Alexander Owen Plaintiff vs. The Board of Education of York Township, Union County, Ohio, Defendant

This day the jury heretofore empaneled and sworn herein returned into open Court their verdict in writing whereby said jury upon their oaths do say that they find there is due to the plaintiff Alexander Owen from the defendant, The Board of Education of York Township, Union County Ohio upon the issues joined the sum of Nine Hundred and Twenty-one and 27/100 ($921. 27/100) Dollars.

Thereupon Court adjourned until tomorrow A.M. at half past eight o'clock.

Saturday, March 6th A.D. 1886.

Court convened this A.M. pursuant to adjournment the same Officers being present as on yesterday.

5030 O. E. Lincoln & Co. vs. E. P. Houghton, Admr. et al. } This day this cause came on for hearing on motion of the defendant to require the plaintiff to secure the costs herein and the same was submitted to the Court. On consideration whereof the Court do sustain said motion. Thereupon the costs were secured this day by indorsement on the petition of said plaintiff signed by Thomas Stillings which indorsement and surety was approved by the Clerk of this Court.

4847 Adaline Poling vs. John Beaun } Jury failed to agree and were discharged. Cause continued.

4972 Wm A. Penhorwood vs. A. O. Toby } Leave to file petition in 30 days from rising of Court

Thereupon Court adjourned until Monday A.M. at nine o'clock

Monday, March 8th A. D. 1886.

Court convened this A. M. pursuant to adjournment the same officers being present as on Saturday

O. T. Elliott Admr.
vs.
O. S. Ford et. als.

4/4/15-

This day came on this cause to be heard on the Report of the Referee. Whereupon the said Lucinda Ford by consent of the plaintiff and the approval of the Court withdrew her claim to said land in said petition described and in lieu thereof filed her claim for services against the said estate of Liberal Ford for Four Hundred Dollars which is allowed as a valid claim against said estate to receive its due share pro rata of said estate. The Court therefore find said Report in all respects lawful and confirm the same and order said plaintiff as said Administeator by the oaths of William Jordan, Ezra Tallman and Saml Waddel to appraise advertise and sell according to law said lands on the terms following viz.; 1/3 in hand and 1/3 in one year and 1/3 in two years with interest. An allowance of $25.00 is made to said Referee as compensation to be paid as part of the costs in this case

705-

John A. Beeber Receiver, Plaintiff
vs.
Mary Hastings, Adm. Defendant.

4943-

Court of Common Pleas, Union County, Ohio.

706

On application leave is granted to plaintiff to file a petition herein and petition filed. Leave is also granted to defendants to plead by May 1st 1886, and this cause continued.

707

John A Beeber Receiver, Plaintiff
vs.
Camph & Randall Manft Co. Defendants

4943

Court of Common Pleas, Union County, Ohio.

On application leave is granted to plaintiff to file petition herein and petition filed with leave to defendant to plead by May 1st 1886, and this cause continued.

708

John A. Beeber, Receiver, Plaintiff
vs.
Camph & Randall Manft Co. Defendants

4944

Court of Common Pleas, Union County Ohio.

On application leave is granted to plaintiff to file petition herein and petition filed with leave to defendants to plead by May 1st 1886 and this cause is continued.

709

John P. Bailey
vs.
F. D. Prouty et. al

4870

This day came Cyrus Zimmerman and suggests to the Court that the plaintiff herein has died since the commencement of this action, and that he the said Cyrus Zimmerman has been duly appointed and qualified as administrator of the said plaintiff. And the Court being fully satisfied thereof, it is now, on motion of the said Cyrus

710

Zimmerman ordered that this action be revived in his name as such administrator, unless sufficient cause be shown against said revivor within the time allowed by law, after the service of this order upon said defendant.

705 The State of Ohio vs. Benjamin Davis } Indicted for Selling Intoxicating Liquors on Sunday

This day came the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is guilty, and thereupon said defendant was remanded to the custody of the Sheriff to await sentence.

706 The State of Ohio vs. Benjamin Davis } Indictment for Selling Intoxicating Liquors on Sunday.

This day came the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is guilty. And thereupon said defendant was remanded to jail to await sentence.

707 The State of Ohio vs. Lincoln Davis } Indictment for Selling Intoxicating Liquors on Sunday.

This day came the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is guilty. And thereupon said defendant is remanded to jail to await sentence.

708 The State of Ohio vs. Lincoln Davis } Indictment for Selling Intoxicating Liquors on Sunday.

This day came the Prosecuting Attorney, on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is guilty. And thereupon said defendant was remanded to jail to await sentence.

709 The State of Ohio vs. Lincoln Davis } Indictment for Selling Intoxicating Liquors on Sunday.

This day came the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is guilty. And thereupon said defendant is remanded to the jail of said County to await sentence.

710 The State of Ohio vs. Lincoln Davis } Indictment for Selling Intoxicating Liquors on Sunday.

This day came the Prosecuting Attorney on behalf of the State

Monday, March 8th A.D. 1886.

of Ohio, and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is guilty And thereupon said defendant was remanded to jail to await sentence.

711 The State of Ohio vs. Lincoln Davis } Indictment for Selling Intoxicating Liquors on Sunday. 718

This day came the Prosecuting Attorney, on behalf of the State of Ohio and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is guilty. And thereupon said defendant was remanded to the Jail of said County to await sentence.

712 The State of Ohio vs. Lincoln Davis } Indictment for Gambling

This day came the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is guilty And thereupon said defendant is remanded to the jail of said County to await sentence. 697

713 The State of Ohio vs. Benjamin Davis. } Indictment for unlawfully Selling and Furnishing Intoxicating Liquor to persons in the habit of getting intoxicated.

This day came the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is guilty. And thereupon said defendant is remanded to jail to await sentence 4803

714 The State of Ohio vs. Benjamin Davis } Indictment for Gambling

This day came the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is guilty. And thereupon said defendant is remanded to jail to await sentence.

715 The State of Ohio vs. Benjamin Davis } Indictment for Selling Intoxicating Liquor to Person Intoxicated 717

This day came the Prosecuting Attorney on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is guilty And thereupon said defendant was remanded to the custody of the Sheriff of said County to await sentence.

716 The State of Ohio vs. Benjamin Davis & Lincoln Davis. } Indictment for suffering game to be played in Defts house

This day came the Prosecuting Attorney, on behalf

Monday, March 8th A.D. 1886.

of the State of Ohio, and the defendants being brought into Court in custody of the Sheriff, and arraigned on said indictment for plea thereto each saith he is guilty. And thereupon said defendants were each remanded to the jail of said County to await sentence.

7 18 — The State of Ohio vs. Charles Ellis — Indictment for Horse Stealing and Grand Larceny.

This day came the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is not guilty and puts himself upon the country and the Prosecuting Attorney doth the like, and it appearing to the Court that said defendant is in indigent circumstances and and unable to employ counsel The Court appoints E. E. Cole Esq. as counsel to defend him.

694 — The State of Ohio vs. Jesse Mayo — Indictment for Assault and Battery.

This day came the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff and arraigned on said indictment for plea thereto saith he is not guilty and puts himself upon the Country and the Prosecuting Attorney doth the like.

4803 — Capatolia Hunt vs. Edwin Leonard

This day came the parties and settled this cause at the defendants cost. It is therefore adjudged by the Court that the plaintiff recover of the defendant her costs herein expended. And it is ordered upon the agreement of the parties that after the cost bill is made up the plaintiff has leave to withdraw all papers and depositions from the files and there is to be no further record.

The State of Ohio vs. Samuel Benton — Indictment for Arson

717 — This day came the Prosecuting Attorney, on behalf of the State of Ohio, and the defendant being brought into Court in custody of the Sheriff (on coming into Court in answer to his recognizance herein) and arraigned on said indictment for plea thereto saith he is not guilty and puts himself upon the Country and the Prosecuting Attorney doth the like.

Thereupon Court adjourned until tomorrow A.M. at eight thirty o'clock.

Tuesday, March 9th A.D. 1886

Court convened this A.M. pursuant to adjournment the same officers being present as on yesterday.

5018 John Robinson vs. James E. Ward et al. } C

This day this cause came on to be heard on the motion and showing of the defendants for a continuance of the same. On consideration whereof the Court granted and ordered said continuance at the costs of the defendants of the term, with leave to James E. Ward to answer in 10 days from the rising of the Court.

5050 Merchants & Manufacturers Bank of Columbus, Ohio vs. Thomas Lane & David Logan } C

This day came the plaintiff by A.W. Carpenter Attorney and thereupon came L. Piper one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process and entered a appearance of said Defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition, the sum of $132.06. It is therefore considered that said plaintiff do recover of said defendant the said sum of $132.06 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight per centum per annum. And by virtue of said warrant of Attorney, all errors are released, and all right of appeal, and all right to file a petition in error are waived

4586 Olive B. Mahaffey vs. Curtis Mahaffey } Union Common Pleas.

Decree.

This cause came on for hearing, was submitted to the Court upon the pleadings and evidence; on consideration whereof the Court find that the plaintiff at the time of filing her petition, had been a resident of the State of Ohio, for one year next preceding the same and was, at that time a bona-fide resident of this County of Union and that the parties hereto were married as in said petition set forth. The Court further find upon the evidence adduced, that the defendant has been guilty of gross neglect of duty and willful absence from said plaintiff for more than three years last past and that by reason thereof she is entitled to a divorce as prayed for.

It is therefore ordered and adjudged by the Court, that the marriage contract heretofore existing between the said Olive B. Mahaffey and Curtis Mahaffey, be and the same hereby is dissolved and both parties are released from the obligations of the same. It is further ordered that the custody, care and control of the said child, Elmer Mahaffey, be confided to said plaintiff exclusively but said defendant shall be permitted to visit said child at reasonable times. It is further ordered and adjudged that the defendant pay to the plaintiff as her reasonable alimony in

Tuesday March 9th A.D. 1886.

money, the sum of four Hundred Dollars for which amount judgment is awarded.

4979 — Oliver Gibson vs. Anna Gibson — Decree for Divorce

This day this cause came on for hearing upon the petition of plaintiff, the defendant being in default for answer or demurrer and the Court being fully advised in the premises doth find as follows, to-wit:- First:- That the defendant had legal notice of the pendency of this petition. Second:- That said parties were married as in said petition stated. Third:- That the said defendant has been guilty of gross neglect of duty and misconduct toward said plaintiff and guilty as otherwise charged in said petition. It is therefore considered that the marriage relation heretofore existing between the said parties be dissolved and that they be divorced and that plaintiff pay the costs herein.

Joseph B Mc Combs & Wm A Rizor vs. P. G. Wynegar et al — Dismissed for want of prosecution at Plaintiffs costs. It is therefore considered and adjudged that Defendants recover of Plaintiffs their costs herein taxed to $

4577 — P. G. Wynegar vs. Bank of Richmond — Continued on application of plaintiff and at his costs for the term. It is therefore considered that plaintiff pay costs herein taxed to $

4626 — Martha Moore vs. George Boyer — Continued on motion & showing of plaintiff and at her costs for the term. It is therefore considered and adjudged by the Court that plaintiff pay the costs of this term taxed to $

4820 — Cornelia A. Taylor vs. Robt B. Smith — On motion consolidated with No. 4941 and under that number

4996 — Lottie O Wells vs. Henry G. Wells — Continued by order of Court. Leave to file Amended petition in thirty days.

Thereupon Court adjourned until tomorrow A.M. at half past 8 o'clock

Wednesday, March 10th A.D. 1886

Court convened this A.M. pursuant to adjournment the same officers being present as on yesterday.

5-05-2 John H. Kauke vs. Eli Long, Joseph E Long and Abraham Long.

This day came the plaintiff by S. S. Gardiner and therefore came John M. Broderick one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said Defendant to said plaintiff as is alleged in said plaintiff's petition, the sum of $164.33 It is therefore considered that said plaintiff do recover of said defendant the said sum of $164.55 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of six per centum per annum. And by virtue of said warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

5000 Wm Black vs. Jason N. Chapman

Leave granted T. P. Gratty to be made party defendant and to file Cross Petition in above case during this term.

5029 Thomas P. Gratty vs. Jason N. Chapman

Now comes the plaintiff by his attorney and the defendant being in default for answer and demurrer the Court find that the allegations of the petition are confessed by him to be true and that he is indebted to the plaintiff in the sum of $136.79 and interest at 8 per cent from the first day of this term. It is therefore considered by the Court that the said plaintiff recover of the said defendant the said sum of $136.79 and interest thereon at 8 per cent from the first day of this term and his costs taxed at $.

5023 W. W. Hill vs. John Green et. al.

Now comes the plaintiff by his attorney and the defendants being in default for answer and demurrer the Court find that the allegations of the petition are confessed by them to be true and that they are indebted to the plaintiff in the sum of $436.56 with 8 per cent int. thereon from the first day of this term. It is therefore considered by the Court that the plaintiff recover from the said defendants John Green, J. H Green and David Green the said sum of $436.56 and 8 per cent interest

thereon from the first day of this term and his costs taxed at $.

5-024 Morris M. Hill vs. Amos R. Lee et. al.

Now come the plaintiff by his Attorney and the defendant being in default for answer and demurrer. The Court find that the allegations of the petition are confessed by them to be true and that they are indebted to the plaintiff in the sum of $221 84 with 6% int thereon from the first day of this term. It is therefore considered by the Court that the said plaintiff recover of the said defendant Amos R. Lee, the said sum of $221 84 and 6 per cent int thereon from the first day of this term and costs taxed at $. The Court further find that to secure the prompt payment of said promissory note the Defendants Amos R. Lee and Amanda A. Lee his wife executed and delivered to R. E. Games their mortgage deed in the petition described and on the premises therein described and that said mortgage was duly recorded in Book No. 22 Page 39 of the records of mortgages of Union County and is the first and best lien on the premises described in the petition and that the said Amanda A. Lee wife of Amos R. Lee released her right and expectancy of Dower in said premises and that the plaintiff is the legal owner and holder of said note and mortgage. The court further find that the conditions of defeasance in said mortgage has been broken and that plaintiff is thereby entitled to have defendants Equity of redemption foreclosed. It is therefore considered and decreed that unless the said defendants shall within 5 days from the entry of this decree pay or cause to be paid to the Clerk of this Court the costs in this case and to the said plaintiff the sum of $221 84 with interest at 6 per cent from the first day of this term according to the terms of said mortgage and the defendants equity of redemption be foreclosed and said premises shall be sold and an order of sale issue therefor to the Sheriff of Union County directing him to sell said premises as upon execution and bring the proceeds into Court for further order.

5-027 G. L. Dickinson vs. Eliza Swallwood

Now came the plaintiff by his attorney and the defendant being in default for answer and demurrer the Court find that the allegations of the petition are confessed by her to be true, and that defendant is indebted to plaintiff in the sum of $175. 92 and 8 per cent interest from the first day of this term. It is therefore considered by the Court that the said plaintiff recover from the said defendant the said sum of $175. 92 and 8 per cent interest thereon from the first day of this term and costs taxed at $.

The Court further find that the defendant to secure the prompt payment of said note executed and delivered to J. C. Carr her mortgage deed in the petition described and on the premises therein described and that said mortgage was duly recorded in Vol. 19 Page 619 of the Records of Mortgages of Union County and is the first and best lien on the premises described in the petition - And that the plaintiff is now the legal owner and holder thereof and entitled to the benefits of the same. The Court

Wednesday, March 10th A.D. 1886.

further find that the conditions of defeasance in said mortgage has been broken and that the said plaintiff is thereby entitled to have defendants equity of redemption foreclosed. It is therefore considered and decreed that unless the said defendant shall within 5 days from the entry of this decree pay or cause to be paid to the Clerk of this Court the costs in this case, and to the plaintiff the said sum of $175.92 and 8 per cent interest from the first day of this term according to the terms of said mortgage deed the defendants equity of redemption be foreclosed and said premises shall be sold and an order of sale shall issue therefor to the Sheriff of Union County directing him to sell the said premises as upon execution and bring the proceeds into Court for further order.

463

Robinson & Co.

3026 vs.

Mary J. Larcom et al

Now comes the plaintiff by their atty. and the defendants Mary J. Larcom and C. J. Larcom being in default for answer and demurrer the Court find that the allegations of the petition are confessed by said Mary J. Larcom and C. J. Larcom to be true and that they are indebted to the plaintiff upon the promissory note marked A. in the sum of $251.88 and 6 per cent interest thereon from the first day of this term. It is therefore considered by the Court that the plaintiff recover of the defendants Mary J. Larcom and C. J. Larcom the said sum of $251.88 and 6 per cent interest thereon from the first day of this term and costs taxed at $

The Court further find that the defendants Mary J. Larcom and C. J. Larcom her husband to secure the payment of said notes mentioned in the petition executed and delivered to M. L. Layer their mortgage deed in the petition described and upon the premises therein described and that said mortgage was duly recorded in book No. 19 Page 295 of Union County Records of Mortgages and is the second and best lien on the premises described in the petition And that the plaintiffs are the legal owners and holders of said notes and mortgages mentioned in the petition

The Court also find that the defendants Mary J. Larcom and C. J. Larcom to secure the payment of their promissory notes executed and delivered to A. B. Robinson their mortgage deed upon the said premises described in the petition and also described in the Answer and cross petition of said A. B. Robinson filed herein and that said mortgage of said A. B. Robinson was duly recorded in the Records of Mortgages of Union County and is the first and best lien upon said premises. The Court further find that the condition of defeasance in said plaintiffs mortgage has been broken and that the said plaintiffs are entitled to have the said Mary J. Larcom and C. J. Larcom's equity of redemption foreclosed. It is therefore considered and decreed that unless the said defendant Mary J. Larcom and C. J. Larcom shall within 5 days from the entry of this decree pay or cause to be paid to the Clerk of this Court the costs in this case and to the plaintiff the sum of $251.88 and interest as aforesaid and to A. B. Robinson the amount due him on his mortgage, to-wit: the sum of $ according to the terms of said mortgages that the defendants equity of redemption be foreclosed and said premises shall be sold and an order of sale shall issue therefor

Wednesday, March 10th A.D. 1886.

to the Sheriff of Union County directing him to sell said premises as upon execution and bring the proceeds into Court for further order.

And the Court therefore order and decree that unless said defendants Mary J. Lawson and O.J. Lawson within ten days pay said A.B. Robinson the said sum of One Hundred Dollars with interest from April 1st 1883 and One Hundred Dollars with interest from April 1st 1883 on the notes due April 1st 1885 and 1886 there that an order of sale issue for the sale of said premises according to law, and as to the two notes not due to A.B. Robinson this cause is continued.

4633 Sarah E. Graham vs. William Graham et. al.

This day this cause came on for hearing and the same was submitted to the Court on the pleadings and evidence. On consideration whereof the Court do find the equities of the case to be with the plaintiff and that there is due to said plaintiff from said defendant William Graham as set forth in plaintiffs petition the sum of Seven Hundred and Ninety-five and 40/100 Dollars which is the first and best lien on the land in the petition described - the first tract therein set forth, and said lien is superior to any interest or claim of said defendant Horace Graham therein. And the said plaintiff and defendant William Graham having agreed in open Court that said defendant William Graham would pay to said plaintiff the said sum of $795. 43/100 as follows: One-half ($397. 72) in one year from the entry of this decree and the remainder ($397. 72) in two years from the entry of this decree (to-wit: March 10th 1886) with interest thereon from February 22nd 1886, at the rate of seven per centum per annum, payable annually and the costs of this action taxed at $ It is therefore considered ordered, adjudged and decreed by the Court that unless the said defendant William Graham shall pay to the Clerk of this Court the said costs herein taxed to $ within thirty days from the entry of this decree and to said plaintiff the sum of $397. 72 on or before March 10th 1887 with seven per cent. interest on $795. 43 from February 22nd 1886. and to said plaintiff the sum of $397. 72 on or before March 10th 1888, with interest thereon at seven per centum per annum from March 10th 1887 payable annually, then an order shall issue to the Sheriff of Union County Ohio, commanding him to sell the premises described in said plaintiffs petition (to-wit the said first mentioned tract therein described) as upon execution and bring the proceeds into Court for distribution.

Thereupon Court adjourned until to-morrow A.M. at eight and a half o'clock

Thursday March 11th A. D. 1886.

Court convened this A. M. pursuant to adjournment the same officers being present as on yesterday.

Samuel McAllister Plaintiff
vs.
The Western Union Telegraph Co. Defendant.

This cause coming on to be heard on motion of defendant to strike from the files depositions taken by the plaintiff January 19th 1886, the Court on consideration overrules the same, to which ruling of the Court the defendant by its counsel excepts.

4894 The State of Ohio
vs.
B. Kenton

This day came the defendant and moves the Court for a continuance of this action until the next term of this Court and filed his affidavit in support of his said motion. On consideration whereof and the Court being fully advised in the premises doth continue this cause until the next term of this Court together with the bond herein according to the Statute in such case made and provided

4994

5057 Plain City Bank
vs.
A. J. Greenbaum

This day came the Plaintiff by A. T. Carpenter Attorney, and thereupon came S. S. Gardiner one of the Attorneys of Record of this Court, who, by virtue of a warrant of Attorney duly executed, and now produced in open Court and duly proven, waived the issuing and service of process, and entered appearance of said defendant herein, and by virtue of the same warrant of Attorney, confesses that there is due from said defendant to said plaintiff as is alleged in said plaintiffs petition, the sum of $125.47. It is therefore considered that said plaintiff do recover of said defendant the said sum of $125.47/100 so as aforesaid confessed to be due, together with costs of suit herein, to be taxed and with interest to be computed at the rate of eight percentum per annum. And by virtue of said warrant of Attorney all errors are released, and all right of appeal, and all right to file a petition in error are waived.

4995 Timothy Kelley
vs
John Price et. al.

This day came the plaintiff and obtained leave of the Court to file an amendment to the petition in this case and make Charlotte Bence now Charlotte Price wife of said John Price a party defendant to this action and this cause is continued for service by publication.

Thursday, March 11th A.D. 1886.

4313 R. A. Glick, Plaintiff
vs.
P. G. Wynegar, Defendant

This day came the parties by their attorneys, and thereupon came a Jury, to-wit:- S. P. Kimball, John Denham, G. P. Mitchell, W. P. Guy, Preston Jolley, Madison Baughman, William Herd, James Wright, H. A. Williams A. S. Runner, J. E. Davis, & O. Ashbaugh, who, being duly empaneled and sworn to well and truly try the issues joined between the parties in this cause, and a true verdict render according to the evidence, unless withdrawn by consent of parties, or discharged by the Court, and after hearing the testimony, arguments of counsel and charge of the Court, the said jurors, retired to their room to deliberate upon their verdict, and after due deliberation returned into open Court and presented their verdict in writing, in the words and figures following, to-wit:-

Civil Action, Verdict.

The State of Ohio, Union County, ss. Feb. Term A.D. 1886, To-wit: March 11th 1886.

R. A. Glick, Plaintiff vs. P. G. Wynegar, Defendant.

We, the jury in this case, being impaneled and sworn do find and say that we find for the plaintiff and assess his damages at $15.00

S. P. Kimball, Foreman.

4994 Timothy Fahey
Against
Delilah Price and Simpson Price
Civil Action - — Foreclosure —

This day this cause came on to be heard upon the petition of the plaintiff, (the said defendants Delilah Price and Simpson Price being in default for answer or demurrer) and the evidence and was argued by counsel; on consideration whereof, and being duly advised in the premises, the Court do find that there is due from the said defendants Delilah Price and Simpson Price to the said plaintiff, upon the promissory note mentioned and referred to in plaintiff's petition, the sum of $ together with interest thereon at the rate of eight per cent per annum from this date, payable semi-annually. And the Court do further find that said promissory note is not yet due, but that a further sum of $20.00 interest will become due thereon June 21st 1886, and the principal sum of $500.00 will become due December 21st 1886. And the Court do further find that in order to secure the payment of said promissory note and of the interest to become due upon the same the said defendants Delilah Price and Simpson Price executed and delivered to the said plaintiff Timothy Fahey their certain mortgage deed upon the premises described in the petition; that said mortgage was duly filed for record with the Recorder of Union County, Ohio, on the 26th day of December A.D. 1881, and by him duly entered of record in Records of Mortgages of said County, Vol. 18 P. 267: that said mortgage is the first and best lien on said premises and that the condition of said mortgage has been broken, and that by reason thereof the defendants equity of redemption in said premises ought to be foreclosed. It is therefore considered, adjudged and decreed by the Court that unless the said defendants Delilah Price and Simpson Price within five days from this date pay or cause to be paid to the Clerk of this Court the costs in this case and to the said plaintiff the amount herein before found due him an order or orders issue to the Sheriff of Union County Ohio, commanding him to appraise, advertise and sell the premises described in the petition as upon execution, and that he bring the proceeds of such sale into this Court to abide its further order thereon

Thursday, March 11th A.D. 1886.

Therefore it is ordered that this cause stand continued to the next term of this Court

4924 Margaret Black vs William Black

On motion of the plaintiff and cause being shown it is hereby ordered and adjudged that she be allowed the sum of $25.00 for her alimony pending this suit. It is therefore ordered that the said William Black pay to the said Margaret Black or her Atty. the sum of $25.00. $12.50 by the 11th day of March 1886 and $12.50 by the 11th day of June 1886 and in default of such payment execution to issue.

Fee March 9th 1886.

Oliver Gibson vs. Anna Gibson

Decree, March 9th 1886.

This day this cause came on for hearing upon the petition of plaintiff the defendant being in default for answer or demurrer and the Court being fully advised in the premises doth find as follows, to-wit:-
First: That the defendant had legal notice of the pendency of this petition.
Second: That said parties were married as in said petition stated.
Third: That the said defendant has been guilty of gross neglect of duty and misconduct toward said plaintiff and guilty as otherwise charged in said petition. It is therefore considered that the marriage relations heretofore existing between the said parties be dissolved and that they be divorced and that plaintiff pay the costs herein.

Thereupon Court adjourned until Tomorrow at 9 o'clock A.M. See fol 14 Pages

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